

# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	<a href="#">1997/2244(COS)</a>	Procedure completed
EC Treaty procedures under Article 189b, codecision: revision following the Amsterdam Treaty		
Subject 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>INST</b> Institutional Affairs		30/09/1997
		PSE <a href="#">MANZELLA Andrea</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
	<b>ENER</b> Research, Technological Development and Energy		17/03/1998
		PPE <a href="#">VAN VELZEN W.G.</a>	
Council of the European Union	<b>JURI</b> Legal Affairs, Citizens' Rights		25/02/1998
		PPE <a href="#">WIELAND Rainer</a>	
	<b>ENVI</b> Environment, Public Health and Consumer Protection		22/04/1998
		PSE <a href="#">COLLINS Kenneth D.</a>	
	<b>LIBE</b> Civil Liberties and Internal Affairs		05/02/1998
		PPE <a href="#">NASSAUER Hartmut</a>	

Key events			
02/10/1997	Non-legislative basic document published	AMSTERDAM	
05/11/1997	Committee referral announced in Parliament		
02/07/1998	Vote in committee		Summary
02/07/1998	Committee report tabled for plenary	<a href="#">A4-0271/1998</a>	
15/07/1998	Debate in Parliament		
16/07/1998	Decision by Parliament	T4-0436/1998	Summary
16/07/1998	End of procedure in Parliament		

Technical information	
Procedure reference	1997/2244(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	INST/4/09416

Documentation gateway					
Non-legislative basic document		AMSTERDAM	02/10/1997	EU	Summary
Committee report tabled for plenary, single reading		<a href="#">A4-0271/1998</a> <a href="#">OJ C 292 21.09.1998, p. 0004</a>	02/07/1998	EP	
Text adopted by Parliament, single reading		T4-0436/1998 <a href="#">OJ C 292 21.09.1998, p. 0105-0140</a>	16/07/1998	EP	Summary

## EC Treaty procedures under Article 189b, codecision: revision following the Amsterdam Treaty

The Committee adopted the report by Andrea MANZELLA (PES, I) on the new co-decision procedure following the Amsterdam Treaty. The report contains a range of measures designed to put into effect the new co-decision procedure, with the aim of speeding up and simplifying the EU's legislative process. The Amsterdam Treaty makes fundamental changes to the structure of the co-decision procedure. It now has a "telescopic" structure, which can be extended to three stages. Each stage is linked to the next, but also has an autonomy of its own. Each stage, even the first, can in fact be the final stage, i.e. it may result in a final decision. In order to maximise the potential of the provisions on the co-decision procedure contained in the Treaty, the Manzella report proposes changes in Parliament's internal procedures and in relations between the institutions. The measures proposed relate to the first reading, the second reading and the conciliation stage. In addition, the report calls for accompanying measures and a revision of the 1993 interinstitutional agreements on Article 189b (co-decision procedure). The Amsterdam Treaty provides for a potentially major change in the functioning of the co-decision procedure by permitting it to be concluded at the first reading stage if the Council approves a Commission proposal that has not been amended by Parliament or if the Council agrees with all Parliament's amendments. To make these new rules work efficiently, the Manzella report proposes establishing a structured dialogue, with a certain degree of flexibility, between Parliament, the Council and the Commission. The dialogue would consist of informal discussions between Parliament and Council with active input from the Commission. A Council representative would be asked to attend Parliament meetings when an issue was being debated and make comments. In addition, the exchange of documents between the institutions would be improved, the legal quality of texts verified jointly at an earlier stage in the legislative process and an interinstitutional database set up. The Institutional Affairs Committee's proposals for improvements to procedures within Parliament relate particularly to the legal quality of Parliament's texts, a requirement for all legislative amendments to be accompanied by a written justification, the holding of votes and the tabling of amendments. The removal of the stage of an "intention-to-reject" the common position and the abolition of the "third reading" by the Council in the event of a failure of conciliation are the main changes introduced by the Amsterdam Treaty to the later stages of the conciliation procedure. To improve EP-Council contacts over the final stages of the procedure, the Manzella report proposes the following measures: direct presentation by the Council to Parliament of its common position (at present it is submitted in writing); agreement between the institutions on interpretation of the new Amsterdam deadlines, so that premature conciliation meetings can be avoided; better forward planning in scheduling conciliations, to take account of the fact that the field of application of the co-decision procedure has been considerably widened. As to the EP's internal procedures, the report calls for all Parliament votes at second reading to be subject to a quorum requirement and for the introduction of a new obligation for Parliament's conciliation delegation to report back to plenary in cases where conciliation fails. As regards accompanying measures, the Manzella report calls for the annual legislative programme to be turned into a more complete document for the work of the committees and the plenary, in the interests of better interinstitutional legislative planning. It also calls for closer contacts with national parliaments. Lastly, the committee calls for any revision of the interinstitutional agreement to cover the following issues: the interpretation and application of the new deadlines for conciliation; the publication of any declarations attached to texts; procedures for the signing of agreed texts; the use of forms of written procedure; the legislative quality of texts; procedures in case of the failure of conciliation; additional provisions on the role of the Commission. ?

## EC Treaty procedures under Article 189b, codecision: revision following the Amsterdam Treaty

In adopting the report by Mr Andrea MANZELLA (PSE, I) Parliament proposed a certain number of measures for the new codecision procedure after Amsterdam. These measures relate to the first reading, the second reading and the conciliation phase. Parliament also proposed certain accompanying measures and called for revision of the 1993 interinstitutional agreements with regard to Article 189b of the EC Treaty (codecision). 1) First reading: the Treaty of Amsterdam contained a potential major change in the functioning of the codecision

procedure. It provided that it could be concluded at the first reading stage if the Council approved a Commission proposal which had not been modified by Parliament or if the Council accepted all the amendments tabled by Parliament. In order to implement these new arrangements in an effective manner Parliament proposed the establishment of a structured dialogue between Parliament, the Council and the Commission. This dialogue would involve: - authorising the rapporteur and chairman of the relevant Parliament committee to hold informal discussion with the Council in the active presence of the Commission (informal trialogue) with the obligation to report back to the relevant committee; - inviting a Council representative to attend the Parliament meeting when the file is to be dealt with; - stepping up the exchange of documents between the institutions and ensuring the joint verification of the legal quality of texts from the early stages of the legislative process; - setting up an interinstitutional databank. With regard to the improvement of procedures, they relate in particular to the legal quality of Parliament's texts, the requirement that all legislative amendments should have a written justification, the organisation of votes and the tabling of amendments. 2) Second reading and conciliation: the abolition of the phase involving Parliament's intended rejection of the common position and abolition of the third reading by the Council in the case of failure of conciliation are the most significant amendments made by the Treaty of Amsterdam with regard to the final co-decision stages. To improve Parliament/Council relations during these later stages of the procedure Parliament proposed the following provisions: - direct presentation by the Council to Parliament of its common position, to allow it to justify its refusal to accept amendments by Parliament at first reading; - agreement between the institutions on interpretation of the new Amsterdam deadlines so that premature conciliation meetings can be avoided; - better forward planning in scheduling conciliations to take account of the extension of co-decision to a large number of new areas. With regard to Parliament's internal procedures, it called for verification of the requisite majority for all Parliament votes in second reading and the new obligation on Parliament's conciliation delegation to report back to plenary in cases of failed conciliation. 3) For the accompanying measures, Parliament called for the annual legislative programme to become a more complete document for the work of the committees and the plenary in the interests of better interinstitutional legislative planning. It also hoped for intensified contacts with the national parliaments. Lastly, Parliament called for the revised interinstitutional agreement to cover: - the interpretation and application of the new deadlines for conciliation; - the publication of any declarations attached to texts; - procedures for the signing of agreed texts; - the use of forms of written procedure; - the legislative quality of texts; - procedures in the event of failure of conciliation; - additional provisions on the role of the Commission. ?