


Procedure file

Basic information		
INI - Own-initiative procedure	2003/2085(INI)	Procedure completed
European governance		
Subject	8 State and evolution of the Union 8.10 Revision of the Treaties, intergovernmental conferences	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		23/04/2003
		PSE VAN DEN BERG Margrietus	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs and Internal Market		07/07/2003
	PSE MEDINA ORTEGA Manuel		
	EMPL Employment and Social Affairs		15/01/2003
		V/ALE EVANS Jill	
	CULT Culture, Youth, Education, Media and Sport	The committee decided not to give an opinion.	
European Commission	Commission DG Secretariat-General	Commissioner	

Key events			
11/12/2002	Non-legislative basic document published	COM(2002)0705	Summary
15/05/2003	Committee referral announced in Parliament		
06/11/2003	Vote in committee		Summary
06/11/2003	Committee report tabled for plenary	A5-0402/2003	
03/12/2003	Debate in Parliament		
04/12/2003	Decision by Parliament	T5-0540/2003	Summary
04/12/2003	End of procedure in Parliament		

Technical information

Procedure reference	2003/2085(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/19519

Documentation gateway

Non-legislative basic document	COM(2002)0705	11/12/2002	EC	Summary
Supplementary non-legislative basic document	COM(2002)0704	11/12/2002	EC	Summary
Supplementary non-legislative basic document	COM(2002)0713	11/12/2002	EC	
Committee of the Regions: opinion	CDR0019/2003 OJ C 256 24.10.2003, p. 0024-0029	02/07/2003	CofR	
Committee report tabled for plenary, single reading	A5-0402/2003	06/11/2003	EP	
Text adopted by Parliament, single reading	T5-0540/2003 OJ C 089 14.04.2004, p. 0031-0103 E	04/12/2003	EP	Summary

European governance

PURPOSE : to offer improved general principles and minimum standards for the consultation of interested parties. **CONTENT** : in its Communication on consultation and dialogue the Commission notes that it has a long tradition of open and transparent consultations with interested parties. However, this is based on a variety of methods and traditions. Currently, there is no one unifying set of procedures in place governing aspects of consultation and/or dialogue. In its White Paper on European Governance published in July 2001 the Commission identified improved guidelines for consultation as an area requiring further improvements. This Communication is a response to that observation. Indeed the large reaction the Commission received to the White Paper on Governance confirms that consultation is indeed a matter of interest to many. The overall rationale of this document is to ensure that all relevant parties are properly consulted. The principle aims of the approach can be summarised as follows: - to ensure more involvement of interested parties through a more transparent consultation process, which will enhance the Commission's accountability; - to provide general principles and standards for consultation that help the Commission to rationalise its consultation procedures and to carry them out in a meaningful and systematic way; - to build a framework for consultation that is coherent, yet flexible enough to take account of the specific requirements of all the diverse interests and of the need to design appropriate consultation strategies for each policy proposal; - to promote mutual learning and exchange of good practices within the Commission. The consultation relationship between the Commission and interested parties should be underpinned by certain fundamental principles. The principles are - participation, openness, accountability, effectiveness and coherence. When consulting on major policy initiatives the Commission will be guided by the general principles and minimum standards set out in this document. However, neither the general principles nor the minimum standards will be legally binding. In the Communication the Commission defines "consultation" as a process through which the Commission wishes to trigger input from outside interested parties for the shaping of policy prior to a decision by the Commission. Under this definition specific consultation frameworks already provided for in the Treaties will be excluded. As will consultation requirements under international agreements and decisions taken in a formal process of consulting Member States (comitology procedure). In terms of the minimum standards which are to apply to the consultation procedure, the Commission requires a clear content of the consultation process including, for example, a summary of the context, scope and objectives of consultation details of any hearing, contact details and deadlines and informing participants of what feed-back to expect. The Commission should ensure wide coverage of policy issues so that all target groups affected by the policy, those who will be involved in implementation or bodies that have stated objectives giving them a direct interest in the policy are informed. The Commission further suggests that the web portal "Your-Voice-in-Europe" should be used to publicise any forthcoming policy initiatives as well as relying on other means such as press briefings and mailings. Time limits for participation will be set allowing enough time for interested parties to prepare their responses and lastly, the Commission will offer a receipt of contributions. The results of open public consultations should be displayed on websites linked to a single access point on the Internet. ?

European governance

PURPOSE : to present an examination of improved procedures and guidelines enhancing the use of experts for the establishment of Community policies. **CONTENT** : this Communication is a direct result of the White Paper on European Governance adopted in July 2001. It seeks to examine ways in which the Commission can make better use of those experts at its disposal when formulating policies. Specifically this would include scientific expertise. All things being equal experts are currently requested to perform "classical" scientific assessments, rooted in the natural or social sciences. In most cases this is fairly straightforward in which questions are addressed and the evidence

considered based on uncontroversial, well-established, facts. On other occasion the evidence is not nearly so clear or evident. Take, for example, BSE and GMO's. In these cases policies have to be adopted in the face of significant uncertainty. As the Communication notes, scientific expertise is, in such cases, as much about stating what is unknown, or uncertain with differing degrees of probability, as about setting out commonly agreed and accepted views. Other examples include policy decisions relating to air quality, authorising cosmetic products, establishing automobile safety standards, determining sustainable fish catches, developing strategies to tackle unemployment and designing European research programmes. When considering such matters, the interplay between policy-makers, experts, interested parties and the public at large is a crucial part of policy-making and attention has to be focused not just on policy outcome but also on the process followed. These matters are made all the more problematic given that the Union is required to apply the precautionary principle and acknowledge the role of risk assessment and risk management when deciding policy outcomes. This Communication therefore sets out a number of objectives aimed at establishing sound principles for the gathering of expert opinion. The first objective is to help the Commission departments mobilise and exploit the most appropriate expertise with a view to establishing a sound knowledge base for better policies. The second objective is to uphold the Commission's determination that the process of collecting and using expert advice should be credible. Under the measures to be outlined the Commission is not advocating a "one-size-fits-all" approach. Rather, it aims to set out principles, guidelines and practical questions that encapsulate and promote good practices. Three core principles are thus proposed. Firstly, seeking advice of an appropriately high quality. Secondly, seeking and acting on advice from experts in an open manner and thirdly, ensuring that its methods for collecting and using expert advice is effective and proportionate. Underpinning these three core principles are a series of guidelines which include inter alia, maintaining an adequate level of in-house expertise, involving other interested departments, requiring departments to cast their nets as widely as possible in seeking appropriate expertise, assessing both mainstream and divergent views (to be supported by plausible evidence), requiring experts to declare immediately any direct or indirect interest in the issues at stake and maintaining a culture of openness vis-à-vis the public. In terms of implementation, the Communication foresees an evolutionary and organic process based on on-going assessments. Initial implementation measures should include inter-departmental collaboration, requesting the directorate-generals to establish procedures to assess the experience gained in implementing the guidelines, requiring directorate-generals to report on their experiences and lastly, organising in 2005, a Commission led independent evaluation of the application of the present guidelines.?

European governance

The committee adopted the own-initiative report drawn up by Max van den BERG (PES, NL) in response to the Commission paper on European Governance. It looked at four aspects of this issue: improving legislation, greater involvement, the use of experts and, lastly, global governance. The committee reiterated its view that, while the aim of improving the quality of legislation, transparency and opening up the institutions to "organised civil society" (i.e. professional, trade union and business sectors) and to citizens as a whole was a worthwhile exercise, it could not be a substitute for citizens' access to public power by means of open and increasingly democratic electoral processes. The bond between citizens and the EU institutions should therefore be improved primarily by increasing the European Parliament's legislative powers and by means of genuine transparency in the work, sessions and proceedings of the Council relating to its legislative function. The report was critical of the fact that there was still no single uniform on-line contact point for all EU institutions where members of the public could monitor the formulation of policy proposals throughout the decision-making process. It therefore called on all the institutions to combine the various internet sites to create a single portal. MEPs welcomed the Commission's proposals for minimum standards for the consultation of third parties and said that such consultation should take place "in a transparent and efficient manner" so as not to slow down the legislative process and in order to guarantee openness. They also wanted to see an Interinstitutional Agreement laying down uniform minimum rules for consultation for all institutions. At the same time, the committee repeated its warning that such consultation must not become a substitute for parliamentary democracy, which is based on the role of Parliament and the Council as co-legislator and on proper control by national and regional parliaments. The report added that there was a need for greater institutionalisation of the social dialogue and consultation of the two sides of industry. While recognising the added value of experts as a source of information during the legislative process, the committee expressed a "decided preference for parliamentary democracy over a democracy of experts". The Commission was therefore urged to publish the evidence and the way it was used in the legislative process so that Parliament could be informed about how fundamental policy choices were made. MEPs also reiterated their previous calls for the Commission to attach to each legislative proposal or policy paper a list of all committees, experts, associations, organisations, institutions and other parties consulted for the purpose of drafting those documents. They further recommended that the Commission should maintain constant dialogue with representatives of local and regional authorities during the preparatory stage, as this would increase the practicability and acceptance of legislation at an early stage by those who had direct experience of the ultimate implementation and handling of EU policies and rules. Moreover, it should become a standard requirement for the Commission to consult representatives of the relevant European organisations at an early stage when it submits initiatives. Lastly, the committee said that the EU's international representation should be so revised that in the near future the Union could be represented by a seat of its own in international organisations. It also expressed the hope that, as proposed in the draft constitution, a reinforced EU would also be able in future, through a common European diplomatic service headed by its foreign minister, to represent the principles of better global governance on the international stage. ?

European governance

The European Parliament adopted a resolution based on the own-initiative report drafted by Max VAN DEN BERG (PES, NL) on European Governance. (Please see the summary dated 06/11/03.) On the question of global governance, Parliament also felt that the recent failure of the WTO Conference in Cancun demonstrated the need to reform the rules, procedures and decision-making mechanisms of the WTO. Such reform would create a more efficient, transparent and democratic organisation in which a parliamentary dimension must comprise an important element. The Commission is asked to make proposals to this end.?