

Procedure file

Basic information	
ACI - Interinstitutional agreement procedure	2005/2125(ACI)
Procedure completed	
Joint declaration on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)	
Subject	
8.40.01 European Parliament	
8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure	
8.40.02 Council of the Union	
8.40.03 European Commission	
8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs	PSE LEINEN Jo	06/06/2005
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2791	22/03/2007
European Commission	Commission DG	Commissioner	
	Secretariat-General	WALLSTRÖM Margot	

Key events			
10/04/2007	Vote in committee		Summary
16/04/2007	Committee report tabled for plenary	A6-0142/2007	
22/05/2007	Results of vote in Parliament		
22/05/2007	Decision by Parliament	T6-0194/2007	Summary
22/05/2007	End of procedure in Parliament		
30/06/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2005/2125(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed

Documentation gateway

Committee draft report	PE386.300	13/03/2007	EP	
Amendments tabled in committee	PE386.652	27/03/2007	EP	
Committee report tabled for plenary, single reading	A6-0142/2007	16/04/2007	EP	
Text adopted by Parliament, single reading	T6-0194/2007	22/05/2007	EP	Summary
Commission response to text adopted in plenary	SP(2007)3179	14/06/2007	EC	

Final act

Declaration 2007/630

[OJ C 145 30.06.2007, p. 0005](#) Summary

Joint declaration on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)

The Committee on Constitutional Affairs adopted a report drafted by Mr. Jo LEINEN (PES, DE) concerning the approval of an interinstitutional agreement (IIA) between the European Parliament, the Council and the Commission with a view to the revision of the 1999 joint declaration on practical arrangements for the codecision procedure.

This joint declaration followed the entry into force of the Amsterdam Treaty and seeks to lay down the practical working methods between the three most important institutions of the Union for the adoption of texts under the codecision procedure. However, in view of various developments since 1999 in regard to its application, it was considered appropriate to revise certain provisions of the IIA in order to improve certain aspects of the procedure.

Overall, the proposed revised Declaration will improve the functioning of codecision and help to facilitate future interinstitutional cooperation in a constructive and flexible way. The text of the Declaration has been adapted to take into account the practical evolution of the codecision procedure and is in line with the attempts of Parliament, Council and the Commission to make EU law-making more transparent, coordinated, efficient and democratic. The revised declaration presented to the Parliament for approval represents a considerable improvement on the 1999 declaration by adding several important provisions that align the text with existing best practices and strengthen the cooperation between the three institutions to improve the effectiveness and quality of the European Union's legislation.

Main provisions that have been revised:

General principles: the declaration emphasizes:

- the importance of reconciling the positions of the three institutions at an early stage of the procedure with a view to improving the efficiency of the decision-making process;
- the establishment of an indicative timetable for the various stages of the procedure;
- the organisation of trilogues (tripartite meetings) in order to confirm their practical value in finding agreement during the early stages of codecision and to encourage their further use;
- the attendance of parliamentary committee meetings by the Council Presidency to improve the dialogue between the two legislative branches.

1st reading: the revised declaration provides for two types of agreement: i) agreement at the stage of first reading in the European Parliament; ii) agreement at the stage of Council common position at first reading (these 2 options are explicitly provided for in Article 251 TEC for an early conclusion of the codecision procedure). The revised Declaration recognises the practice of informal negotiations between the institutions and the finalisation, through an exchange of letters, of agreements reached during such negotiations.

2nd reading: only one form of agreement is provided for in this case: agreement at the stage of second reading in the European Parliament. A new paragraph makes provision for the possibility of the agreement on a date that would be mutually convenient to the parties for the transmission of the common position to accelerate the decision-making process as much as possible.

Before transmitting the common position, the Council shall endeavour to consider in consultation with the European Parliament and the Commission the date for its transmission in order to ensure the maximum efficiency of the legislative procedure at second reading.

A paragraph is also included that officially recognises the role of exchanges of letters to conclude the agreements that are reached on an informal basis.

Conciliation: it is proposed to meet in trilogue once it is clear that no agreement can be reached in 2nd reading. Trilogues shall take place throughout the conciliation procedure with the aim of resolving outstanding issues and preparing the ground for an agreement to be reached. Other more technical provisions are introduced to facilitate the negotiation process (deadlines for the receipt of documents, improved transparency, etc.).

Further general provisions underpin the equal nature of the 2 legislative branches with regard to the adopted text (in particular, planning of

joint press releases in order to announce the positive outcome of work or the signature of important texts at ceremonies that are jointly organised in the presence of the media) and to agree on technical aspects of the finalisation of texts and their publication in the Official Journal.

In its draft resolution, the Committee on Constitutional Affairs emphasises the importance that the Parliament attaches to the simplification of the Union's legislative process and welcomes the new, symbolic provisions of the IIA which include:

- the participation of representatives of the Council presidency at meetings of Parliament's committees;
- the formalisation of the practice of the exchange of letters to finalise agreements reached on an informal basis;
- the confirmation of the fact that the European Parliament and the Council have to cooperate on an equal footing in regard to the legal-linguistic revision of texts;
- the principle of signing important texts at a joint ceremony and the holding of joint press conferences to announce the positive outcome of work.

Joint declaration on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)

The European Parliament adopted a resolution drafted by Jo LEINEN (PES, DE) concerning the approval of an interinstitutional agreement (IIA) between the European Parliament, the Council and the Commission with a view to the revision of the 1999 joint declaration on practical arrangements for the codecision procedure. (please see the summary of 10/04/2007).

Joint declaration on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)

PURPOSE: to provide a series of practical arrangements for the codecision procedure between the European Parliament, the Council and the Commission in order to facilitate future interinstitutional cooperation in a constructive and flexible way.

ACT: Joint Declaration on the practical arrangements for the codecision procedure (Article 251 of the EC Treaty).

CONTENT: the European Parliament, the Council and the Commission, note that current practice involving informal talks between the Council Presidency, the Commission and the chairs of the relevant committees and/or rapporteurs of the European Parliament and between the co-chairs of the Conciliation Committee has proved its worth. The institutions confirm that this practice, which has developed at all stages of the codecision procedure, must continue to be encouraged.

This Joint Declaration clarifies these working methods, and the practical arrangements for pursuing them. It complements the Interinstitutional Agreement on [Better Lawmaking](#) and notably its provisions relating to the co-decision procedure.

Among the general principles to be implemented throughout the codecision procedure by the European Parliament and the Council with a view to reaching an agreement, one notes:

- cooperation in good faith throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure;
- cooperation through appropriate interinstitutional contacts to monitor the progress of the work and analyse the degree of convergence at all stages of the codecision procedure;
- regular exchange of information on the progress of codecision files;
- coordination of the institutions respective calendars of work are coordinated as far as possible in order to enable proceedings to be conducted in a coherent and convergent fashion.

Specific measures are set out for each stage of the procedure to reconcile the contacts between the institutions:

1) as regards first reading: the Joint Declaration sets out several cases:

- agreement at the stage of first reading in the European Parliament: appropriate contacts shall be established to facilitate the conduct of proceedings at first reading. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward details of the substance of the agreement, in the form of amendments to the Commission proposal. That letter shall indicate the Council's willingness to accept that outcome, subject to legal linguistic verification, should it be confirmed by the vote in plenary. In this context, where conclusion of a dossier at first reading is imminent, information on the intention to conclude an agreement should be made readily available as early as possible;
- agreement at the stage of Council common position: where no agreement is reached at the European Parliament's first reading, contacts may be continued with a view to concluding an agreement at the common position stage.

2) as regards second reading: in its statement of reasons, the Council shall explain as clearly as possible the reasons that led it to adopt its common position. During its second reading, the European Parliament shall take the greatest possible account of those reasons and of the Commission's position. Appropriate contacts will continue as soon as the Council common position is forwarded to the European Parliament, with a view to achieving a better understanding of the respective positions and thus to bringing the legislative procedure to a conclusion as quickly as possible. The Commission shall facilitate such contacts and give its opinion with a view to reconciling the positions of the European Parliament and the Council.

3) as regards conciliation: if it becomes clear that the Council will not be in a position to accept all the amendments of the European Parliament at second reading and when the Council is ready to present its position, a first trilogue will be organised. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting and define its mandate for the negotiations. The Commission will indicate to both delegations at the earliest possible stage its intentions with regard to its opinion on the European Parliament's second reading amendments.

The results of the trilogues shall be discussed and possibly approved at the meetings of the respective institutions. The Commission shall take part in the conciliation proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, draft compromise texts having regard to the positions of the European Parliament and of the Council.

On an organisational level, the dates and the agendas for the Conciliation Committee's meetings shall be set jointly by the co-chairs with a view to the effective functioning of the Conciliation Committee throughout the conciliation procedure.

Agreement on a joint text shall be established at a meeting of the Conciliation Committee or, subsequently, by an exchange of letters between the co-chairs. The co-chairs shall forward the approved joint text to the Presidents of the European Parliament and of the Council by means of a jointly signed letter. Where the Conciliation Committee is unable to agree on a joint text, the co-chairs shall notify the Presidents of the European Parliament and of the Council thereof in a jointly signed letter. The working documents used during the conciliation procedure will be accessible in the Register of each institution once the procedure has been concluded.

General provisions: where an agreement is reached at first or second reading, or during conciliation, the agreed text shall be finalised by the legal-linguistic services of the European Parliament and of the Council acting in close cooperation and by mutual agreement. No changes shall be made to any agreed texts without the explicit agreement, at the appropriate level, of both the European Parliament and the Council.

The institutions will endeavour to hold a joint press conference to announce the successful outcome of the legislative process at first or second reading or during conciliation. They will also endeavour to issue joint press releases.

Following adoption of a legislative act under the codecision procedure, the text shall be submitted, for signature, to the President of the European Parliament and the President of the Council and to the Secretaries-General of those institutions. The jointly signed text shall be forwarded for publication in the Official Journal of the European Union. Publication shall normally follow within two months of the adoption of the legislative act by the European Parliament and the Council.