

# Procedure file

Basic information	
ACI - Interinstitutional agreement procedure	2008/2002(ACI)
Procedure completed	
Agreement between the European Parliament and the Commission on the exercise of implementing powers conferred on the Commission, comitology	
See also Decision 1999/468/EC <a href="#">1998/0219(CNS)</a>	
See also Decision 2006/512/EC <a href="#">2002/0298(CNS)</a>	
Subject	
8.40.01 European Parliament	
8.40.03 European Commission	
8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFCO</b> Constitutional Affairs		19/12/2007
		Vers/ALE <a href="#">FRASSONI Monica</a>	
Council of the European Union	Commission DG	Commissioner	
European Commission	<a href="#">Secretariat-General</a>	BARROSO José Manuel	

Key events			
12/12/2007	Non-legislative basic document published	N6-0001/2008	Summary
15/01/2008	Committee referral announced in Parliament		
01/04/2008	Vote in committee		Summary
03/04/2008	Committee report tabled for plenary	<a href="#">A6-0107/2008</a>	
08/05/2008	Results of vote in Parliament		
08/05/2008	Decision by Parliament	<a href="#">T6-0189/2008</a>	Summary
08/05/2008	End of procedure in Parliament		
10/06/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2008/2002(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement

	See also Decision 1999/468/EC <a href="#">1998/0219(CNS)</a> See also Decision 2006/512/EC <a href="#">2002/0298(CNS)</a>
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/6/58015

### Documentation gateway

Non-legislative basic document	<a href="#">N6-0001/2008</a>	12/12/2007	EC	Summary
Committee draft report	<a href="#">PE400.629</a>	06/03/2008	EP	
Amendments tabled in committee	<a href="#">PE402.866</a>	06/03/2008	EP	
Committee report tabled for plenary, single reading	<a href="#">A6-0107/2008</a>	03/04/2008	EP	
Text adopted by Parliament, single reading	<a href="#">T6-0189/2008</a>	08/05/2008	EP	Summary
Commission response to text adopted in plenary	SP(2008)3593/2	12/06/2008	EC	
Commission response to text adopted in plenary	<a href="#">SP(2008)3956</a>	07/07/2008	EC	

### Final act

Interinstitutional agreement 2008/610  
[OJ C 143 10.06.2008, p. 0001](#) Summary  
[Corrigendum to final act 32008Q0610\(01\)R\(01\)](#)  
[OJ C 154 19.06.2008, p. 0024](#)

## Agreement between the European Parliament and the Commission on the exercise of implementing powers conferred on the Commission, comitology

**PURPOSE:** conclusion of an agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC (comitology).

**CONTENT:** the agreement between the European Parliament and the Commission follows on from Council Decision 2006/512/EC of 17 July 2006 which amended Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. The main aspects of the agreement are as follows:

**Information to the European Parliament:** the European Parliament is to be informed by the Commission on a regular basis of proceedings of committees in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified.

**Register:** the Commission will establish a register containing all documents forwarded to the European Parliament. The European Parliament will have direct access to this register. The register will enable, in particular: i) a clear identification of the documents covered by the same procedure and of any changes to the implementing measure at each stage of the procedure; ii) an indication of the stage of the procedure and the timetable; iii) a clear distinction between the draft measures received by the European Parliament at the same time as the committee members in accordance with the right to information and the final draft following the committee's opinion that is forwarded to the European Parliament; iv) a clear identification of any modification in comparison to documents already forwarded to the European Parliament.

Furthermore, the Commission agrees to forward to the European Parliament, for information and at the request of the parliamentary committee responsible, specific draft measures implementing basic instruments which, although not adopted in accordance with the codecision procedure are of particular importance to the European Parliament. These measures shall be entered in the register provided for in paragraph 2 with a notification thereof to the European Parliament.

**Confidential documents:** confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.

**European Parliament resolutions under Article 8 of Decision 1999/468/EC:** the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures implementing a basic instrument adopted in accordance with the procedure provided for by Article 251 of the Treaty (codecision) would exceed the implementing powers provided for in that basic instrument. The European Parliament is to adopt such resolutions in accordance with its Rules of Procedure; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the members of the committee concerned. It is agreed to establish a shorter time limit on a permanent basis for some types of urgent implementing measures on

which a decision must be taken within a shorter period of time in the interests of sound management. Following the adoption by the European Parliament of a resolution, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible of the action the Commission intends to take thereon.

Regulatory procedure with scrutiny: where the regulatory procedure with scrutiny applies, and following the vote in the committee, the Commission will inform the European Parliament of the applicable time limits. These time limits will start to run only once the European Parliament has received all language versions. Where shorter time limits apply, the time limits shall start to run from the date of receipt by the European Parliament of the final draft implementing measures in the language versions submitted to the members of the committee, unless the Chair of the parliamentary committee objects.

Financial services: the Commission undertakes to: i) ensure that the Commission official chairing a committee meeting informs the European Parliament, at its request, after each meeting, of any discussions concerning draft implementing measures that have been submitted to that committee; ii) give an oral or written reply to any questions regarding discussions concerning draft implementing measures submitted to a committee.

Cooperation between the European Parliament and the Commission: the two institutions express their readiness to assist each other in order to ensure full cooperation when dealing with specific implementing measures. To this effect, appropriate contacts at administrative level will be established.

## Agreement between the European Parliament and the Commission on the exercise of implementing powers conferred on the Commission, comitology

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The Committee on Constitutional Affairs adopted a report drafted by Monica FRASSONI (Greens/EFA, I) on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC. The Committee approves conclusion of the new Agreement and expects its full implementation without delay after its approval. It expects that the Commission will fully adhere to all provisions of the new Agreement, which is unfortunately not the case as regards the 2000 Agreement. Members recall that certain provisions on procedures for implementing Council Decision 1999/468/EEC ("the 2000 Agreement") have unfortunately been disregarded by the Commission. These include the provision that Parliament is to receive, at the same time as the members of the committee and on the same terms, the various comitology documents. Those documents are almost always sent to Parliament too late and, in any case, not at the same time as to the members of the committee. Procedures for implementing Council Decision 1999/468/EEC were highly unsatisfactory and, with the exception of the procedures for the new regulatory procedure with scrutiny, still are, due inter alia to the way in which the comitology database has operated. Documents are often sent in bits and pieces and without a clear explanation of their status, and sometimes under misleading headings, e.g. draft implementing measures that have not yet been voted on in committee are sent under the heading "right to scrutiny", when they should be sent under the heading "right to information", which makes it unclear which deadlines apply. Members feel that this problem reduces still further Parliament's already very limited control over comitology matters,

In the draft accompanying resolution, the Committee emphasises that, when applicable, reference to the regulatory procedure with scrutiny is obligatory for all three institutions and is not subject to bargaining or negotiation. It calls on the Council, the Commission and all parliamentary committees to take this circumstance duly into account in all relevant legislative procedures. The Committee calls on the Council and the Commission, in the case of grey areas where it may be unclear whether the new regulatory procedure with scrutiny, or another comitology procedure, is to apply, to apply the new regulatory procedure with scrutiny. It stresses that the sole purpose of the new regulatory procedure with scrutiny is to strengthen Parliament's right of control, and that it in no way changes the scope of implementing powers that can be conferred on the Commission.

Members point out that effective operation of the new register will be the decisive element with regard to satisfactory implementation of the new Agreement. After the transitional period, Parliament and the Commission should correct any practical difficulties and faults which may emerge. The Commission is asked to change its internal procedures to ensure that a distinction is made between, on the one hand, draft measures which must be sent to Parliament under its right to information at the same time as to the relevant committee and, on the other hand, draft measures which must be sent to Parliament so as to enable it to exercise its right of scrutiny.

The Committee welcomes the introduction of an "early warning system" whereby Parliament is informed as soon as becomes apparent that urgent draft implementing measures are going to be submitted to a committee, but insists that this must not be used to turn non-urgent matters into urgent ones, as curtailed time-limits may apply only in duly substantiated, exceptional cases. The Commission is asked to submit to Parliament, upon request, any background document that relates to the draft implementing measure.

Lastly, the report states that the Committee does not share the Commission's view that draft implementing measures submitted to it are not to be made public until the vote in the committee, and insists on its right to consult whomsoever it may wish in relation to any draft measures. The Commission is asked to reconsider its view.

## Agreement between the European Parliament and the Commission on the exercise of implementing powers conferred on the Commission, comitology

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The European Parliament adopted, by 589 votes to 7 with 11 abstentions, a decision on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC (comitology). The report was tabled for consideration in plenary by Monica FRASSONI (Greens/ALE, IT) on behalf of the Constitutional Affairs Committee.

Parliament approves conclusion of the new Agreement and expects its full implementation without delay after its approval. It decides to annex the Agreement to its Rules of Procedure, replacing Annex XII thereof.

It expects that the Commission will fully adhere to all provisions of the new Agreement, which is unfortunately not the case as regards the 2000

Agreement. Members recall that certain provisions on procedures for implementing Council Decision 1999/468/EEC ("the 2000 Agreement") had unfortunately been disregarded by the Commission. Parliament emphasises that, when applicable, reference to the regulatory procedure with scrutiny is obligatory for all three institutions and is not subject to bargaining or negotiation. It calls on the Council, the Commission and all parliamentary committees to take this circumstance duly into account in all relevant legislative procedures. Parliament stresses that the sole purpose of the new regulatory procedure with scrutiny is to strengthen Parliament's right of control, and that it in no way changes the scope of implementing powers that can be conferred on the Commission.

It calls on the Council and the Commission, in the case of grey areas where it may be unclear whether the new regulatory procedure with scrutiny, or another comitology procedure, is to apply, to apply the new regulatory procedure with scrutiny.

Members welcome the fact that the Agreement defines more precisely the Commission's obligation to inform Parliament under Article 7(3) of Decision 1999/468/EC by stipulating that Parliament is to be informed of the proceedings of the committees in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified.

Members point out that effective operation of the new register will be the decisive element with regard to satisfactory implementation of the new Agreement. After the transitional period, Parliament and the Commission should correct any practical difficulties and faults which may emerge.

Parliament welcomes the introduction of an "early warning system" whereby Parliament is informed as soon as becomes apparent that urgent draft implementing measures are going to be submitted to a committee, but insists that this must not be used to turn non-urgent matters into urgent ones, as curtailed time-limits may apply only in duly substantiated, exceptional cases. It points out that, in order to exercise its right of scrutiny on the basis of adequate information, Parliament needs to be regularly provided with all the background documentation explaining why the Commission is proposing certain measures. It therefore calls on the Commission to submit to Parliament, upon request, any background document that relates to the draft implementing measure.

Lastly, Parliament states that it does not share the Commission's view that draft implementing measures submitted to it are not to be made public until the vote in the committee, and insists on its right to consult whomsoever it may wish in relation to any draft measures. The Commission is asked to reconsider its view and to make all draft implementing measures public as soon as they are formally proposed.

## Agreement between the European Parliament and the Commission on the exercise of implementing powers conferred on the Commission, comitology

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**PURPOSE:** to reach the conclusion of an agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC (comitology).

**LEGISLATIVE ACT:** agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC.

**CONTENT:** the agreement between the European Parliament and the Commission follows on from Council Decision 2006/512/EC of 17 July 2006 which amended Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. The main aspects of the agreement are as follows:

**Information to the European Parliament:** the European Parliament is to be informed by the Commission on a regular basis of proceedings of committees, in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified. To that end, it is to receive, at the same time as the members of the committees and on the same terms, all the relevant information.

**Register:** the Commission will establish a register containing all documents forwarded to the European Parliament. The European Parliament will have direct access to this register. The register will enable, in particular: i) a clear identification of the documents covered by the same procedure and of any changes to the implementing measure at each stage of the procedure; ii) an indication of the stage of the procedure and the timetable; iii) a clear distinction between the draft measures received by the European Parliament at the same time as the committee members in accordance with the right to information and the final draft following the committee's opinion that is forwarded to the European Parliament; iv) a clear identification of any modification in comparison to documents already forwarded to the European Parliament.

When, after a transitional period starting from the entry into force of this Agreement, the European Parliament and the Commission conclude that the system is operational and satisfactory, the transmission of documents to the European Parliament shall be made by electronic notification with a link to the register. During the transitional period, the documents will be forwarded to the European Parliament as an attachment to an electronic mail.

Furthermore, the Commission agrees to forward to the European Parliament, for information and at the request of the parliamentary committee responsible, specific draft measures implementing basic instruments which, although not adopted in accordance with the codecision procedure are of particular importance to the European Parliament. These measures shall be entered in the register provided for in paragraph 2 with a notification thereof to the European Parliament. In addition, the European Parliament may request access to minutes of committee meetings.

**Confidential documents:** confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.

**European Parliament resolutions under Article 8 of Decision 1999/468/EC:** the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures implementing a basic instrument adopted in accordance with the procedure provided for by Article 251 of the Treaty (codecision) would exceed the implementing powers provided for in that basic instrument. The European Parliament is to adopt such resolutions in accordance with its Rules of Procedure; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the members of the committee concerned. It is agreed to establish a shorter time limit on a permanent basis for some types of urgent implementing measures on which a decision must be taken within a shorter period of time in the interests of sound management. Following the adoption by the European

Parliament of a resolution, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible of the action the Commission intends to take thereon.

Regulatory procedure with scrutiny: where the regulatory procedure with scrutiny applies, and following the vote in the committee, the Commission will inform the European Parliament of the applicable time limits. These time limits will start to run only once the European Parliament has received all language versions. Where shorter time limits apply and in cases of urgency, the time limits shall start to run from the date of receipt by the European Parliament of the final draft implementing measures in the language versions submitted to the members of the committee, unless the Chair of the parliamentary committee objects.

Financial services: the Commission undertakes to: i) ensure that the Commission official chairing a committee meeting informs the European Parliament, at its request, after each meeting, of any discussions concerning draft implementing measures that have been submitted to that committee; ii) give an oral or written reply to any questions regarding discussions concerning draft implementing measures submitted to a committee.

Calendar of parliamentary work: except where shorter time limits apply or in cases of urgency, the Commission will take into account, when transmitting draft implementing measures under this Agreement, the European Parliament's periods of recess (winter, summer and European elections) in order to ensure that Parliament is able to exercise its prerogatives within the time limits laid down in Decision 1999/468/EC and this Agreement.

Cooperation between the European Parliament and the Commission: the two institutions express their readiness to assist each other in order to ensure full cooperation when dealing with specific implementing measures. To this effect, appropriate contacts at administrative level will be established.

Preceding agreements: the Agreement replaces the 2000 Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC.