

Procedure file

Basic information		
INL - Legislative initiative procedure	2009/2212(INL)	Procedure completed
Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry Repealing Decision 95/167/EC, Euratom, ECSC 1995/2009(ACI)		
Subject 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		30/11/2009
		S&D MARTIN David	
		Shadow rapporteur	
		PPE TRZASKOWSKI Rafal	
		PPE WIELAND Rainer	
		S&D GUALTIERI Roberto	
		S&D GUERRERO SALOM Enrique	
		ALDE DUFF Andrew	
		ALDE JÄÄTTEENMÄKI Anneli	
		Verts/ALE HÄFNER Gerald	
		ECR FOX Ashley	
		ECR HANNAN Daniel	
		EFD AGNEW John Stuart	
		EFD MESSERSCHMIDT Morten	
European Commission	Commission DG Secretariat-General	Commissioner BARROSO José Manuel	

Key events			
17/12/2009	Committee referral announced in Parliament		
11/10/2011	Vote in committee		Summary
14/10/2011	Committee report tabled for plenary	A7-0352/2011	
23/05/2012	Results of vote in Parliament		

23/05/2012	Debate in Parliament		
23/05/2012	Decision by Parliament	T7-0219/2012	Summary
16/04/2014	Decision by Parliament	T7-0429/2014	Summary
16/04/2014	End of procedure in Parliament		

Technical information

Procedure reference	2009/2212(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Legislative initiative
	Repealing Decision 95/167/EC, Euratom, ECSC 1995/2009(ACI)
Legal basis	Rules of Procedure EP 46
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/01726

Documentation gateway

Committee draft report	PE464.928	11/05/2011	EP	
Amendments tabled in committee	PE472.232	15/09/2011	EP	
Committee report tabled for plenary, single reading	A7-0352/2011	14/10/2011	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading	T7-0219/2012	23/05/2012	EP	Summary
Amendments tabled in committee	PE523.038	12/11/2013	EP	
Text adopted by Parliament, single reading	T7-0429/2014	16/04/2014	EP	Summary

Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry

The Committee on Constitutional Affairs adopted the own-initiative report by David MARTIN (S&D, UK) on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission.

Given the new institutional balance established by the Lisbon Treaty and the experience gained in the European Parliament's committees of inquiry, Members propose the repeal of Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission and its replacement by a new Regulation. Members consider that the committees of inquiry should be reinforced and granted specific, genuine and clearly delimited powers which are more in line with Parliament's political stature and competences, while respecting the principle of proportionality as set out in Article 5 of the Treaty on European Union.

The proposed regulation defines the detailed provisions governing the exercise by the European Parliament, in the context of the fulfilment of its tasks, of the right to investigate alleged contraventions or maladministration in the implementation of Union law.

This proposal for a regulation offers a clearer and more logical structure compared to the one provided by the old decision. The most important improvements can be found in Section 3 (Investigation).

The right of inquiry: a committee of inquiry should be able to carry out, within the limits of its mandate, any investigation which it considers necessary in order to fulfil its task, in particular to conduct on-the-spot investigations, to request documents, to summon witnesses, to hear officials and other servants of the Union or of Member States and to request experts' reports.

On-the-spot inspections: the committee of inquiry may conduct on-the-spot investigations which shall be conducted, where appropriate, in cooperation with the national authorities, in conformity with the provisions of national law.

Requests for documents: the inquiries must obey the principle according to which all conclusions of an inquiry should be based solely on elements which have evidential value. To this end, a committee of inquiry should have access to all relevant documents and to any information

which may facilitate their work. They should be able to obtain such information both from Union and national bodies and from natural or legal persons.

Witnesses: committees of inquiry should be able to summon any person who is resident in the European Union, including officials and other servants of the Union's institutions or of Member States, as a witness who should be obliged to answer questions willingly, fully and truthfully.

Committees of inquiry should respect in full the rights of those called on by them to testify, in accordance with the European Convention for the protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union.

In line with the principle of loyal cooperation and with the commitment to contribute to the upholding of the legal order of the Union, the Union's institutions and bodies or the Member States should designate the officials or servants whom they authorise to appear before a committee of inquiry when the committee invites them to do so. Furthermore, it should be possible for a committee of inquiry to hear the Commissioners responsible for the matter under investigation if their testimony is considered to be of material importance and necessary for a thorough appraisal of the matter under investigation.

Committees of inquiry should also have the right to request witnesses to testify under oath. However, witnesses should not be obliged to take the oath. Formal note should be taken of every case where a witness declines to testify under oath, in order to allow for a fair comparative assessment of the evidential value of all testimonies.

Sanctions: in order to give effect to those provisions, to increase the efficiency of inquiries and to bring them more in line with national parliamentary practice, the proposed Regulation should provide for the possibility of effective, proportionate and dissuasive sanctions in well-defined cases; it should be up to Member States to ensure that certain infringements are subject to appropriate sanctions under their national law and that they bring appropriate proceedings against the perpetrators of such infringements.

Pre-litigation remedy: in order to ensure a wider range of effective remedies, a pre-litigation remedy within the European Parliament should be made available to natural or legal persons other than institutions and bodies of the Union and the Member States whereby such persons may contest decisions, taken in application of the provisions on investigation, which are addressed to them or of direct and individual concern to them. This remedy should be in addition to the judicial and extrajudicial remedies provided for by the treaties and the legal systems of the Member States.

Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry

The European Parliament adopted a proposal or a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission

Parliament decided to postpone the vote on the motion for a resolution, pursuant to the third paragraph of Rule 41.

Given the new institutional balance established by the Lisbon Treaty and the experience gained in the European Parliament's committees of inquiry, Members propose the repeal of Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission and its replacement by a new Regulation. Members consider that the committees of inquiry should be reinforced and granted specific, genuine and clearly delimited powers which are more in line with Parliament's political stature and competences, while respecting the principle of proportionality. The proposed regulation defines the detailed provisions governing the exercise by the European Parliament, in the context of the fulfilment of its tasks, of the right to investigate alleged contraventions or maladministration in the implementation of Union law.

The main points are as follows:

Setting-up and mandate of committees of inquiry: the European Parliament may set up such committees of inquiry at the request of one quarter of its component members. No committee of inquiry should be set up where the alleged facts are being examined before a court and while the case is still subject to legal proceedings. However, in order to avoid any conflict between inquiries of a political nature and those of a judicial nature, the European Parliament should be able to examine whether it is necessary to suspend the investigation of a committee of inquiry if, after it has been set up, legal proceedings bearing a relation to the alleged facts are initiated.

Principles of openness, good governance and democratic accountability: proceedings of committees of inquiry and in particular hearings should take place in public. Provision should also be made for the possibility of in-camera proceedings and appropriate rules on confidentiality in order to ensure the efficiency of the inquiries, the protection of the vital interests of Member States, the protection of privacy and the integrity of an individual, in particular in line with Union legislation on the protection of personal data, or the protection of commercial interests of a natural or legal person.

The right of inquiry: it is essential that a committee of inquiry be able to rely on factual evidence gathered in the course of its investigation. For this purpose, a committee of inquiry should be able to hear members of Union institutions and members of governments of Member States, obtain evidence from officials and other servants of the Union or of Member States, obtain evidence from any other individual residing in the Union, request experts reports, request documents and conduct on-the-spot investigations.

Human rights: investigations should be conducted with full respect for human rights and fundamental freedoms, in particular the principle of fairness, and for the right of persons involved to express their views on the facts concerning them.

Request for documents: investigations should also take into account the principle that the conclusions of an inquiry should be based solely on elements which have evidential value. To that end, a committee of inquiry should be able in particular to have access to any relevant documents in the possession of the Union's institutions or bodies, of Member States or, if the document is considered pertinent for the success of the inquiry, of any other natural or legal person.

Inspections: the committee of inquiry may conduct on-the-spot investigations which shall be conducted, where appropriate, in cooperation with the national authorities, in conformity with the provisions of national law.

Witnesses: committees of inquiry should be able to summon any person who is resident in the European Union, including officials and other servants of the Union's institutions or of Member States, as a witness who should be obliged to answer questions willingly, fully and truthfully.

Committees of inquiry should respect in full the rights of those called on by them to testify, in accordance with the European Convention for the protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union.

In line with the principle of loyal cooperation and with the commitment to contribute to the upholding of the legal order of the Union, the Union's institutions and bodies or the Member States should designate the officials or servants whom they authorise to appear before a committee of inquiry when the committee invites them to do so. Furthermore, it should be possible for a committee of inquiry to hear the Commissioners responsible for the matter under investigation if their testimony is considered to be of material importance and necessary for a thorough appraisal of the matter under investigation.

Committees of inquiry should also have the right to request witnesses to testify under oath. However, witnesses should not be obliged to take the oath. Formal note should be taken of every case where a witness declines to testify under oath, in order to allow for a fair comparative assessment of the evidential value of all testimonies.

Results of inquiries: the final report of the committee of inquiry shall be submitted to the European Parliament.

It may include minority conclusions provided that such conclusions are supported by at least one quarter of the committee's members. The European Parliament may forward to the institutions or bodies of the Union or to the Member States for transmission to the competent authorities any recommendations which it adopts on the basis of the final report.

Sanctions: in order to give effect to those provisions, to increase the efficiency of inquiries and to bring them more in line with national parliamentary practice, the proposed Regulation should provide for the possibility of effective, proportionate and dissuasive sanctions in well-defined cases; it should be up to Member States to ensure that certain infringements are subject to appropriate sanctions under their national law and that they bring appropriate proceedings against the perpetrators of such infringements.

Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry

The European Parliament adopted by 532 votes to 81, with 7 abstentions, a legislative resolution on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission.

The report was referred back to the committee during the 23 May 2012 plenary sitting.

Parliament adopted as its proposal for a regulation the text adopted on 23 May 2012 (please refer to the summary of the same date).

Given the new institutional balance established by the Lisbon Treaty and the experience gained in the European Parliament's committees of inquiry, the proposed Regulation defines the detailed provisions governing the exercise by the European Parliament, in the context of the fulfilment of its tasks, of the right to investigate alleged contraventions or maladministration in the implementation of Union law.