


# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">2011/2090(INI)</a>	Procedure completed
Unilateral statements in the minutes of the Council		
Subject		
8.40.02 Council of the Union		
8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology		
8.50 EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<span style="background-color: #e67e22; color: white; padding: 2px;">AFCO</span> Constitutional Affairs		22/02/2010
		PPE <a href="#">TRZASKOWSKI Rafał</a>	
		Shadow rapporteur	
		ECR <a href="#">FOX Ashley</a>	
		EFD <a href="#">MESSERSCHMIDT Morten</a>	
European Commission	Commission DG	Commissioner	
	<a href="#">Legal Service</a>	ŠEFČOVIČ Maroš	

Key events			
12/05/2011	Committee referral announced in Parliament		
12/07/2011	Vote in committee		Summary
14/07/2011	Committee report tabled for plenary	<a href="#">A7-0269/2011</a>	
27/09/2011	Results of vote in Parliament		
27/09/2011	Decision by Parliament	<a href="#">T7-0411/2011</a>	Summary
27/09/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2011/2090(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/7/02283

Documentation gateway					
Committee draft report		<a href="#">PE460.608</a>	17/05/2011	EP	
Amendments tabled in committee		<a href="#">PE467.211</a>	21/06/2011	EP	
Committee report tabled for plenary, single reading		<a href="#">A7-0269/2011</a>	14/07/2011	EP	
Text adopted by Parliament, single reading		<a href="#">T7-0411/2011</a>	27/09/2011	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2011)8719</a>	01/02/2012	EC	

## Unilateral statements in the minutes of the Council

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The Committee on Constitutional Affairs adopted the own-initiative report by Rafał TRZASKOWSKI (EPP, PL) on unilateral statements entered in the minutes of Council meetings.

This report originates in a request by the Conference of Committee Chairs addressed to the Constitutional Affairs Committee in order to clarify the position of Parliament as regards the meaning and legal status of unilateral statements entered in the minutes of Council meetings.

Several committee chairs expressed their concerns about the proliferation of such statements, in particular in the framework of the codecision procedure where they could weaken the legal force and scope of the adopted acts, and so possibly affect Parliament's will as a co-legislator.

Members reaffirm that statements and declarations which are not incorporated into a legal text but which concern it, regardless of whether they are issued by one or more Member States, have no legal force and may undermine the coherence of Union law and its clear interpretation.

Members call for all statements to be notified to Parliament, and call on the Council to forward the minutes of the legislative part of its meetings to Parliament at the same time as to the national parliaments and Member State governments. They reserve the right to use any lawful means at its disposal should unilateral statements have been deliberately intended to produce legal effects.

Accordingly, the Council and Commission are asked to enter into negotiations with Parliament, on the basis of Article 295 TFEU, with a view to updating the Joint Declaration on practical arrangements for the codecision procedure (now ordinary legislative procedure) in order to take account of the entry into force of the Treaty of Lisbon and to clearly delimit the scope of unilateral statements.

## Unilateral statements in the minutes of the Council

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The European Parliament adopted a resolution on the unilateral statements entered in the minutes of Council meetings.

Parliament recalls that the Court of Justice has repeatedly confirmed that declarations are not legally binding. Stressing that the Council has the duty to inform Parliament fully of its position in the context of legislative procedures, Members consider that unilateral statements by Member States or the Council might adversely affect Parliament's legislative powers, are damaging to the quality of Union legislation and undermine the principle of legal certainty.

Parliament reaffirms that statements and declarations which are not incorporated into a legal text but which concern it, regardless of whether they are issued by one or more Member States, have no legal force and may undermine the coherence of Union law and its clear interpretation.

Members call for all statements to be notified to Parliament, and call on the Council to forward the minutes of the legislative part of its meetings to Parliament at the same time as to the national parliaments and Member State governments. They reserve the right to use any lawful means at its disposal should unilateral statements have been deliberately intended to produce legal effects.

Accordingly, the Council and Commission are asked to enter into negotiations with Parliament, on the basis of Article 295 TFEU, with a view to updating the Joint Declaration on practical arrangements for the codecision procedure (now ordinary legislative procedure) in order to take account of the entry into force of the Treaty of Lisbon and to clearly delimit the scope of unilateral statements.