

Procedure file

Basic information		
INI - Own-initiative procedure	2013/2130(INI)	Procedure completed
Implementation of the Treaty of Lisbon with respect to the European Parliament		
Subject 8.30 Treaties in general 8.40.01 European Parliament		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		04/09/2013
		PPE RANGEL Paulo	
		Shadow rapporteur	
		S&D LEINEN Jo	
		ALDE DUFF Andrew	
		Verts/ALE HÄFNER Gerald	
		ECR FOX Ashley	
		EFD MESSERSCHMIDT Morten	
	Committee for opinion	Rapporteur for opinion	Appointed
	INTA International Trade		14/10/2013
		S&D MOREIRA Vital	
	JURI Legal Affairs		19/06/2013
		Verts/ALE LICHTENBERGER Eva	
	LIBE Civil Liberties, Justice and Home Affairs		08/07/2013
		PPE MELO Nuno	
European Commission	Commission DG Secretariat-General	Commissioner BARROSO José Manuel	

Key events			
04/07/2013	Committee referral announced in Parliament		
11/02/2014	Vote in committee		
17/02/2014	Committee report tabled for plenary	A7-0120/2014	Summary

13/03/2014	Results of vote in Parliament		
13/03/2014	Decision by Parliament	T7-0249/2014	Summary
13/03/2014	End of procedure in Parliament		

Technical information

Procedure reference	2013/2130(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/7/13182

Documentation gateway

Committee draft report		PE526.057	16/12/2013	EP	
Committee opinion	INTA	PE521.695	21/01/2014	EP	
Committee opinion	JURI	PE524.682	23/01/2014	EP	
Amendments tabled in committee		PE527.972	24/01/2014	EP	
Committee opinion	LIBE	PE524.605	31/01/2014	EP	
Committee report tabled for plenary, single reading		A7-0120/2014	17/02/2014	EP	Summary
Text adopted by Parliament, single reading		T7-0249/2014	13/03/2014	EP	Summary
Commission response to text adopted in plenary		SP(2014)457	11/08/2014	EC	

Implementation of the Treaty of Lisbon with respect to the European Parliament

The Committee on Constitutional Affairs adopted the own-initiative report by Paulo RANGEL (EPP, PT) on the implementation of the Treaty of Lisbon with respect to the European Parliament.

Legitimacy and political accountability of the Commission: Members stressed that the potentialities for the strengthening of the European Union's democratic legitimacy provided by the Treaty of Lisbon should be fully implemented, inter alia through the designation of candidates for the office of Commission President by the European political parties, thus further connecting the citizens vote to the election of the Commission President by the European Parliament.

All European political parties should appoint their candidates for President of the Commission sufficiently in advance of the scheduled date for the European elections.

Furthermore, the way in which the Commission was formed should be re-considered with a view to reinforcing the Commission's democratic legitimacy. Members were of the opinion that the President-elect of the Commission should act more autonomously in the process of selecting the other Members of the Commission. They requested that as many Members of the next Commission as possible be chosen from among elected Members of the European Parliament.

The European Council was asked to clarify, before the elections, how it will take account of the elections to the European Parliament and honour the citizens choice when putting forward a candidate for President of the Commission.

Legislative initiative and activity: Members emphasised that the Lisbon Treaty should ensure that decision-making procedures were more transparent and democratic, by strengthening the role of the European Parliament and of the national parliaments. Furthermore, the drive for efficiency must not mean poorer quality of legislation or giving up Parliament's own objectives.

The committee was concerned about the problems that still existed in applying the ordinary legislative procedure, especially in the framework of the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP) and the Area of Freedom. It underlined the importance of the Council's working methods being adapted so as to make it possible for Parliament representatives to participate in some of its meetings when this was duly justified under the principle of mutual sincere cooperation between the institutions.

The committee warned against circumventing Parliament's right to legislate by including provisions which should be subject to the ordinary

legislative procedure in proposals for Council acts, by using mere Commission guidelines or non-applicable implementing or delegated acts or by failing to propose the legislation necessary for the implementation of the Common Commercial Policy (CCP) or international trade and investment agreements.

Whilst understanding that delegated acts could be a flexible and effective tool, Members stressed the importance of the choice between delegated acts and implementing acts from the point of view of the respect of the Treaty requirements while safeguarding the rule-making prerogatives of Parliament. They reiterated the request to the Commission and the Council to agree with Parliament on the application of criteria for the use of Articles 290 and 291 TFEU, so that implementing acts were not used as a substitute for delegated acts. They urged the Commission to involve Parliament adequately in the preparatory phase of the delegated acts.

International relations: the report recalled that the Lisbon Treaty increased the role and powers of the European Parliament in the field of international agreements, which fell within the scope of ordinary legislative procedures.

It stressed the need to:

- ensure that Parliament is informed in advance by the Commission of its intention to launch an international negotiation, that it had a genuine opportunity to express an informed opinion on the negotiating mandates, and that its opinion was taken into account;
- consider the participation of Members of the European Parliament as observers in negotiations on international agreements;
- see that Parliament was immediately, fully and accurately informed at all stages of the procedures for concluding international agreements, including agreements concluded in the area of CFSP, and be given access to the Unions negotiation texts.

The report called for the adoption of a Quadripartite Memorandum of Understanding between the European Parliament, the Council, the Commission and the EEAS on the coherent and effective provision of information in the area of external relations.

Constitutional dynamic: Members considered that one of the major challenges to the Lisbon Treaty's constitutional framework was the risk of intergovernmentalism jeopardising the community method, thus weakening the role of Parliament and the Commission to the benefit of the institutions representing the Member States governments.

They drew attention to the need to involve at an earlier stage not only Parliament but also the Council in the preparation of the Commissions annual work programme, and stressed the importance of ensuring there is realistic and reliable programming that could be effectively implemented and provide the basis for interinstitutional planning.

In order to increase the political accountability of the Commission to Parliament, a mid-term review to assess the overall fulfilment by the Commission of the announced mandate could be envisaged.

Implementation of the Treaty of Lisbon with respect to the European Parliament

The European Parliament adopted, by 288 votes to 102 with 25 abstentions, a resolution on the implementation of the Treaty of Lisbon with respect to the European Parliament.

Legitimacy and political accountability of the Commission: the resolution stressed the need to strengthen the Commissions democratic legitimacy, independence and political role; whereby the Commission President will be elected by the European Parliament.

Members stressed that the potential for the strengthening of the European Unions democratic legitimacy provided by the Treaty of Lisbon should be fully implemented, inter alia through the designation of candidates for the office of Commission President by the European political parties. This would further connect the citizens vote to the election of the Commission President by the European Parliament.

In this context, all European political parties should appoint their candidates for President of the Commission sufficiently in advance of the scheduled date for the European elections.

In addition, the way in which the Commission is formed should be considered with a view to reinforcing the democratic legitimacy of this institution. The President-elect of the Commission should act more autonomously in the process of selecting the other Members of the Commission. Members requested that as many Members of the next Commission as possible be chosen from among elected Members of the European Parliament.

The European Council was called on to clarify, in a timely manner and before the elections, how it will take account of the elections to the European Parliament and honour the citizens choice when putting forward a candidate for President of the Commission.

Legislative initiative and activity: Members are of the opinion that the Lisbon Treaty was intended as a step forward in ensuring that decision-making procedures were more transparent and democratic by strengthening the role of the European Parliament and of the national parliaments. The drive for efficiency must not mean poorer quality of legislation or giving up Parliaments own objectives.

Members remain concerned about the problems that still exist in applying the ordinary legislative procedure, especially in the framework of the Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP) and the Area of Freedom, Security and Justice (Stockholm Programme). They underlined the importance of adapting the Councils working methods so as to make it possible for Parliament representatives to participate in some of its meetings when this is duly justified under the principle of mutual sincere cooperation between the institutions.

Moreover, Members warned against circumventing Parliament's right to legislate by including provisions which should be subject to the ordinary legislative procedure in proposals for Council acts, by using mere Commission guidelines or non-applicable implementing or delegated acts or by failing to propose the legislation necessary for the implementation of the Common Commercial Policy (CCP) or international trade and investment agreements.

The resolution invited the Commission to make better use of the pre-legislative phase (in particular of the valuable input collected on the basis of Green and White Papers) and to routinely inform the European Parliament of preparatory work carried out by its services. Parliament, for its part, ought: to develop its autonomous structure for assessing the impact of any substantial changes to the original proposal submitted by the Commission; ii) strengthen its autonomous assessment of the impact on fundamental rights of legislative proposals.

Parliament requested that, at the next revision of the Treaties, Parliaments right of legislative initiative be fully recognised by making it mandatory for the Commission to follow up all requests submitted by Parliament under Article 225 TFEU by presenting a legislative proposal within an appropriate time limit.

While understanding that delegated acts can be a flexible and effective tool; Members stressed the importance of the choice between delegated acts and implementing acts from the point of view of the respect of the Treaty requirements while safeguarding the rule-making prerogatives of Parliament. They requested that the Commission and the Council agree with Parliament on the application of criteria so that implementing acts are not used as a substitute for delegated acts. They urged the Commission to involve Parliament in the preparatory phase of the delegated acts.

International relations: Members recalled that the Lisbon Treaty increased the role and powers of the European Parliament in the field of international agreements which now increasingly fall within the scope of the ordinary legislative procedure.

Parliament emphasised the need:

- to ensure that Parliament is informed in advance by the Commission of its intention to launch an international negotiation, that it has a genuine opportunity to express an informed opinion on the negotiating mandates, and that its opinion is taken into account;
- to consider the participation of Members as observers in the negotiation of international agreements;
- that Parliament be immediately, fully and accurately informed at all stages of the procedures for concluding international agreements, including agreements concluded in the area of CFSP, and be given access to the Unions negotiation texts.

The resolution called for the adoption of a Quadripartite Memorandum of Understanding between the European Parliament, the Council, the Commission and the EEAS on the coherent and effective provision of information in the area of external relations.

Constitutional dynamic: Members consider that one of the major challenges to the Lisbon Treatys constitutional framework is the risk of intergovernmentalism jeopardising the community method, thus weakening the role of Parliament and the Commission to the benefit of the institutions representing the Member States governments.

The resolution drew attention to the need to involve at an earlier stage not only Parliament but also the Council in the preparation of the Commissions annual work programme, and stressed the importance of ensuring there is realistic and reliable programming that can be effectively implemented and provide the basis for interinstitutional planning.

Finally, Parliament pointed out that a proper legislative and institutional system should be established in order to protect the values of the Union such as those listed in Article 2 TEU.