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Basic information		
INI - Own-initiative procedure	2018/2113(INI)	Procedure completed
Implementation of the Treaty provisions on Parliament's power of political control over the Commission		
Subject		
8.30 Treaties in general		
8.40.01 European Parliament		
8.40.03 European Commission		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Constitutional Affairs	 BRESSO Mercedes	11/06/2018
		Shadow rapporteur	
		 BROK Elmar	
		 MESSERSCHMIDT Morten	
		 SELIMOVIC Jasenko	
		 DURAND Pascal	
		 CASTALDO Fabio Massimo	
		 ANNEMANS Gerolf	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Budgetary Control	 ZDECHOVSKÝ Tomáš	03/07/2018
	 Legal Affairs	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	Secretariat-General	TIMMERMANS Frans	

Key events			
14/06/2018	Committee referral announced in Parliament		
22/01/2019	Vote in committee		
28/01/2019	Committee report tabled for plenary	A8-0033/2019	Summary

11/02/2019	Debate in Parliament		
12/02/2019	Results of vote in Parliament		
12/02/2019	Decision by Parliament	T8-0078/2019	Summary
12/02/2019	End of procedure in Parliament		

Technical information

Procedure reference	2018/2113(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/8/13388

Documentation gateway

Committee draft report		PE629.657	30/10/2018	EP	
Amendments tabled in committee		PE630.761	28/11/2018	EP	
Committee opinion	CONT	PE628.699	08/01/2019	EP	
Committee report tabled for plenary, single reading		A8-0033/2019	28/01/2019	EP	Summary
Text adopted by Parliament, single reading		T8-0078/2019	12/02/2019	EP	Summary
Commission response to text adopted in plenary		SP(2019)327	17/07/2019	EC	

Implementation of the Treaty provisions on Parliament's power of political control over the Commission

The Committee on Constitutional Affairs adopted the own-initiative report by Mercedes BRESSO (S&D, IT) on the implementation of the Treaty provisions on Parliaments power of political control over the Commission.

Parliamentary oversight is a precondition for democratic legitimacy. Recent changes in the law-making process and the increased legislative role of the executive have created the need for a reinforcement of parliamentary scrutiny procedures.

Parliament has at its disposal a set of instruments to call the Commission to account, such as the motion of censure, the ability to ask the President of the Commission to withdraw his or her confidence in an individual member of the Commission, the right of inquiry, the competence of scrutiny over delegated and implementing acts, the right to ask oral and written questions, and the right to institute legal proceedings against the Commission on an issue of legality or in case of failure to act by the Commission.

Main conclusions and recommendations

All in all, it seems that Parliament has powerful instruments of political control over the Commission at its disposal. However, it appears necessary to improve their implementability and to better adjust them to the challenges specific to the EU institutional structure.

Parliament is not making full use of all its instruments of political control over the executive, owing to a variety of reasons, some being inherent to the institutional structure of the Union and others being, for example, the results of the changing interinstitutional dynamics, which have made some of the instruments difficult to apply or not sufficiently effective.

Members acknowledged the potential and successful implementation of the Spitzenkandidaten process, whereby all European citizens have a direct say in the choice of the president of the Commission by means of a vote for a list headed by their preferred candidate. They support continuing this practice for future European elections and encouraged all political forces to participate in this process.

They are convinced that the Spitzenkandidaten should head the lists of the European political parties in the elections to the European Parliament.

The report considered it necessary to establish a genuinely bicameral legislative system involving the Council and Parliament, with the Commission acting as the executive.

Members expressed concern that in recent years the European Council has, against the spirit and the letter of the Treaties, taken a number of important political decisions outside of the Treaty framework, thereby de facto excluding those decisions from the oversight of Parliament and undermining the democratic accountability which is essential with regard to such European policies.

The report suggested, with a view to extending Parliaments power of budgetary control to the whole of the Union budget, that negotiations be launched between the Council, the Commission and Parliament so as to ensure Parliament has the right to access information on how the Council is implementing its budget, either directly or via the Commission, and that the Council answers written questions from Parliament and attends hearings and debates on the implementation of its budget.

Members recommended:

- the Commission to take more serious account of the legislative initiatives launched by Parliament under Article 225 TFEU;
- Parliament to reinforce its capacity for scrutinising the preparation and implementation of delegated and implementing acts;
- the Conference of Presidents to put question time back on the plenary agenda.

Members considered that even though Parliament does not have a formal right of legislative initiative under the current Treaties, the possibility to be given the right of legislative initiative in the context of a future Treaty change should be given serious consideration.

They encouraged the exchange of best practices in parliamentary scrutiny among national parliaments, such as the holding of regular debates between the respective ministers and the specialised committees in national parliaments before and after Council meetings, and with Commissioners in an appropriate setting and timeframe, as well as meetings between the European Parliament and national parliaments.

Members also considered that the establishment of an annual European week would allow Members and Commissioners, notably Vice-Presidents in charge of clusters, to stand before all national parliamentary assemblies to discuss and explain the European agenda alongside MPs and representatives from civil society. This initiative could reinforce the democratic accountability of the Commission required by the Treaty of Lisbon.

Implementation of the Treaty provisions on Parliament's power of political control over the Commission

The European Parliament adopted by 494 votes to 92, with 85 abstentions, the resolution on the implementation of the Treaty provisions on Parliaments power of political control over the Commission.

Parliament has at its disposal a set of instruments to call the Commission to account, such as the motion of censure, the ability to ask the President of the Commission to withdraw his or her confidence in an individual member of the Commission, the right of inquiry, the competence of scrutiny over delegated and implementing acts, the right to ask oral and written questions, and the right to institute legal proceedings against the Commission on an issue of legality or in case of failure to act by the Commission.

Main conclusions

Members recalled that scrutiny over the EU bodies is one of the main roles of the European Parliament and that the accountability of the Commission to Parliament is an underpinning principle of the functioning of the EU and of internal democratic control.

Parliament considered that it is not making full use of all its instruments of political control over the executive, owing to a variety of reasons, some being inherent to the institutional structure of the Union and others being, for example, the results of the changing interinstitutional dynamics, which have made some of the instruments difficult to apply or not sufficiently effective.

Whilst acknowledging the potential and successful implementation of the Spitzenkandidaten process, Members stated that the stronger political link created between Parliament and the Commission as a result of the Spitzenkandidaten process should not make the Commission subject to less stringent parliamentary oversight.

Parliament recalled that the Treaties do not confer any legislative functions or right of legislative initiative on the European Council. It expressed concern that in recent years the European Council has, against the spirit and the letter of the Treaties, taken a number of important political decisions outside of the Treaty framework, thereby de facto excluding those decisions from the oversight of Parliament and undermining the democratic accountability which is essential with regard to such European policies.

Members regretted the fact that in the absence of sincere cooperation by the Council, it is not possible to scrutinise the Councils budget through the institutional practice of budgetary discharge by Parliament, and that this situation constitutes a serious failure to comply with the Treaty obligations stipulating that Parliament shall scrutinise the whole of the Unions budget. They suggested that negotiations be launched between the Council, the Commission and Parliament so as to ensure Parliament has the right to access information on how the Council is implementing its budget, either directly or via the Commission, and that the Council answers written questions from Parliament and attends hearings and debates on the implementation of its budget.

Recommendations

Parliament suggested the following:

- the Commission to take more serious account of the legislative initiatives launched by Parliament under Article 225 TFEU, and the possibility for Parliament to be given the right of legislative initiative in the context of a future Treaty change should be given serious consideration;
- Parliament to reinforce its capacity for scrutinising the preparation and implementation of delegated and implementing acts;
- the Conference of Presidents to put question time back on the plenary agenda.

The resolution encouraged the exchange of best practices in parliamentary scrutiny among national parliaments, such as the holding of regular debates between the respective ministers and the specialised committees in national parliaments before and after Council meetings, and with

Commissioners in an appropriate setting and timeframe, as well as meetings between the European Parliament and national parliaments.

Members also considered that the establishment of an annual European week would allow Members and Commissioners, notably Vice-Presidents in charge of clusters, to stand before all national parliamentary assemblies to discuss and explain the European agenda alongside MPs and representatives from civil society.

Parliament considered it necessary in a future Treaty change to improve the instruments for holding individual commissioners accountable to Parliament throughout their term of office, building on the somewhat limited existing provisions in the Framework Agreement on relations between the European Parliament and the European Commission.

Lastly, the resolution affirmed that the conditions under which negotiations took place with the United Kingdom on its withdrawal from the European Union were exemplary in terms of their transparency and the involvement of Parliament.