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on the implementation of the Treaty of Lisbon with respect to the European
Parliament
(2013/2130(INI))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of the Treaty of Lisbon with respect to the European Parliament (2013/2130(INI))

The European Parliament,

- having regard to the Treaty on European Union and the Treaty on the Functioning of the European Union,
 - having regard to its decision of 20 October 2010 on the revision of the framework agreement on relations between the European Parliament and the European Commission,
 - having regard to its resolutions of 22 November 2012 on the elections to the European Parliament in 2014, and of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014,
 - having regard to the Framework Agreement on relations between the European Parliament and the European Commission,
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on International Trade, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Legal Affairs (A7-0000/2013),
- A. Whereas the full use should be made of the deepening of the European Union's democratic legitimacy as provided by the Treaty of Lisbon, through the procedure leading to the election of the President of the European Commission and to the investiture of the European Commission, thus conferring a new political dimension to the European elections through the designation of candidates for that office by the European Political Parties and reconnecting citizens by enabling them to cast their votes also in view of the personality of their choice;
- B. Whereas the elected President of the new Commission should make full use of the prerogatives conferred to him by the Treaty of Lisbon and take all appropriate steps to ensure an efficient functioning of the next Commission despite its size, which, due to the decisions of the European Council, will not diminish as envisaged in the Treaty of Lisbon;
- C. Whereas the Commission's accountability to Parliament should be strengthened through the Union's annual and multiannual programming as well as through symmetry between the majorities required for the election of the President of the Commission and for the motion of censure;
- D. Whereas Parliament's role as an agenda setter in legislative matters needs to be strengthened and the principle that in legislative matters Parliament and Council act on an equal footing, which is enshrined in the Treaty of Lisbon, has to be fully implemented;
- E. Whereas, at the occasion of the investiture of the new Commission, the existing interinstitutional agreements should be reviewed and improved;

Legitimacy and political accountability of the Commission

(Commission's investiture and removal)

1. Stresses the need to strengthen the European Commission's democratic legitimacy, independence and political role, by linking more directly the voters' choice to the election of the Commission's President;
2. Urges the next Convention to rethink the way of electing the Commission's President in order to reinforce its democratic legitimacy, not without considering the possibility of its direct election;
3. Reaffirms that all European political parties should appoint their candidates to the Commission's presidency sufficiently in advance in relation to the scheduled date for the European elections;
4. Expects that the candidates to the Commission's presidency play a significant role in the campaign for the European elections, by diffusing and promoting in all member-states the political program of their European Political Party;
5. Reiterates its invitation to the European Council to clarify, in a timely manner and before the elections, how it intends to honour the Europeans citizens' choice in the appointment of the President of the Commission, in the framework of consultations to be conducted between the Parliament and the European Council under Declaration 11 annexed to the Treaty of Lisbon;
6. Requests that some members of the next Commission are chosen from among newly-elected Members of the European Parliament; invites the governments of the Member-States to duly consider the vote of their fellow citizens when they propose personalities for appointment as members of the European Commission;
7. Is of the opinion that the elected President of the Commission should act more autonomously in the process of the selection of the other members of the Commission; calls upon the governments of the Member-States to propose, each of them, a list of at least three candidates for the office of European Commissioner, allowing the elected President of the Commission to choose from that list one of the candidates; urges the newly elected President of the Commission to insist with the governments of the Member States that the list of candidates for the office of Commissioner must enable him to ensure a gender balanced composition of the European Commission;
8. Further to the political understanding reached at the meeting of the European Council on the 11 and 12 December 2013 and following the decision of the European Council on the 22 May 2013 concerning the number of members of the European Commission, is of the opinion that additional measures should be envisaged for a more effective functioning of the Commission, without prejudice to the right of appointing one Commissioner per Member State;
9. Considers that, under the Treaties in force, the solution to be adopted may involve the establishment of a rotation system of Commissioners with portfolio and Commissioners

without portfolio, thus ensuring a relative stability in the number and in the content of portfolios and guaranteeing at the same time that the representation of specificities and interests of all Member states is well balanced in the Commission's decision-making process; believes that, within this framework, Commissioners without portfolio should fully participate in the decision-making process and could undertake the Commission representative duties at European level;

10. Stresses that, as mentioned in paragraph 2 of the Framework Agreement on relations between the European Parliament and the Commission, the candidate for President of the Commission should be requested to present, after his designation by the European Council, the political guidelines for his mandate to the European Parliament, followed by a comprehensive exchange of views, before Parliament proceeds to the election of the proposed candidate for the Presidency of the Commission;
11. Urges the future President-designate of the Commission to take due account of the proposals and recommendations for European Union legislation which were previously made by Parliament on the basis of initiative reports or resolutions that had found the support by a wide majority of the members of the European Parliament and on which the former Commission had not given a satisfactory follow up until the end of its mandate;
12. Considers that, in a future revision of the Treaties, the majority currently required under Article 234 TFEU for a motion of censure against the Commission should be simplified so as to require only the majority of the component Members of the European Parliament;

Legislative initiative and activity

(parliamentary competence and parliamentary scrutiny)

13. Takes the view that, while the overall assessment of the interinstitutional relations between the Parliament and the Commission is positive, there are still a number of issues and shortcomings, which call for closer attention and action;
14. Reminds that the thrive for efficiency shall not mean poorer quality of legislation or giving up Parliament's own objectives;
15. Stresses that the challenge of transparency is ever-present and common to all institutions also in the case of first-reading agreements; notes that Parliament has tried to answer this challenge by adopting new Rules 70 and 70a of its Rules of Procedure;
16. Is concerned about the problems that still exist in applying the ordinary legislative procedure, especially in the framework of the Common Agricultural Policy (CAP) and the Common Fisheries Policy (CFP) as well as in aligning the acts of the former third pillar to the hierarchy of norms of the Lisbon Treaty and in general with regard to the continuing "asymmetry" regarding the transparency of the Commission's involvement in the preparatory work of the two branches of the legislative authority; in this regard, underlines the importance of the Council's working methods to be adapted so as to make it possible for Parliament representatives to participate in some of its meetings when duly justified under the principle of mutual sincere cooperation between the institutions;

17. Asks 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 books and systematically inform the European Parliament of preparatory work carried out by its services, on a par with the Council;
18. Takes the view that the Parliament ought to further develop and make full use of its autonomous structure for assessing the impact of any substantial changes or modifications to the original proposal submitted by the Commission;
19. Deplores the fact that while the Commission is formally fulfilling its responsibilities by replying within 3 months to Parliament's requests for legislative initiatives, it has not always been proposing a concrete follow-up of real substance;
20. Requests that, at the next revision of the Treaties, Parliament's right of legislative initiative is fully recognised by making it mandatory for the Commission to give follow up to all requests for legislative proposals submitted by Parliament under Article 225 TFEU;
21. Considers that, at the next revision of the Treaties, the Commission's power to withdraw legislative proposals should be limited to those cases where, after the adoption of Parliament's position in the first reading, Parliament agrees that the proposal is no longer justified due to the evolution of circumstances;
22. Draws attention to the need to properly distinguish between the essential elements of a legislative act, which need to be determined by the legislative authority in the legislative act itself and the respective non-essential elements in connection with a legislative instrument, mainly of a technical nature, which should be settled by means of delegated acts;
23. Stresses the importance of the choice between delegated acts and implementing acts from the point of view of safeguarding the prerogatives of Parliament and reiterates its request to the Commission and the Council to agree with the Parliament on the definition of criteria for the application of Articles 290 and 291 of TFEU;
24. Exhorts the Commission to adequately involve Parliament in the preparatory phase of the delegated acts and to provide its members with all relevant information, pursuant to paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission;
25. Asks the Commission to respect the Framework Agreement concerning the Parliament's experts' access to Commission's expert meetings by preventing that they are merged with meetings of comitology committees;

International relations

(parliamentary competence and parliamentary scrutiny)

26. Notes that the rejection of the SWIFT agreement was the first demonstration of Parliament using its newly acquired prerogatives;

27. Demands that Parliament shall be fully and accurately informed at all stages of the procedures for concluding international agreements so as to secure that Parliament can take its final decision with an exhaustive knowledge of the subject matter;
28. Emphasises the need to secure an effective opportunity for the Parliament to express an informed opinion on the negotiating mandates;
29. Reaffirms the need for the Parliament to adopt the necessary measures in order to monitor the implementation of international agreements;

Constitutional dynamic

(interinstitutional relations and interinstitutional agreements)

30. Stresses that, under article 17 (1) of TUE, the Commission is due to take initiatives with a view to achieving interinstitutional agreements on the Union's annual and multiannual programming; draws attention to the need to involve the Parliament and the Council in the preparation of the Commission's annual work program and stresses the importance of ensuring a realistic and reliable programming that can be effectively implemented and provide the basis for inter-institutional planning;
31. Considers that the Framework agreement concluded between the Parliament and the Commission, and its regular up-dates, are essential for strengthening and developing the structured cooperation between the two institutions;
32. Welcomes that the Framework agreement adopted in 2010 considerably strengthened the political accountability of the Commission *vis-à-vis* the Parliament;
33. Underlines that the rules on dialogue and access to information allow for a more comprehensive parliamentary scrutiny of the activities of the Commission, ensuring that Parliament is treated on an equal footing with the Council of Ministers by the Commission;
34. Notes that certain provisions of the current Framework Agreement could be improved; suggests that the outgoing Parliament adopts the general line and the negotiation priorities for the further negotiation of the Framework agreement so that such proposals can be pondered by the incoming Parliament;
35. Takes the view that this mandate should fully explore the possibilities under the current Treaties to strengthen political accountability of the executive and to streamline the existing provisions on legislative and political cooperation;
36. Recalls that a number of technical questions, such as delegated acts, implementing measures, impact assessment, treatment of legislative initiatives and parliamentary questions, needs an update in the light of the experience of this legislative term;
37. Regrets that its repeated calls for the 2003 Interinstitutional Agreement on Better Lawmaking to be renegotiated in order to take account of the new legislative environment created by the Treaty of Lisbon, consolidate current best practice and bring the agreement

up to date in line with the smart regulation agenda, remain unanswered;

38. Invites the Council of Ministers to express its position on a possibility to participate in a trilateral agreement with the Parliament and the Commission with the aim to further develop the technical issues, laid down in so far in the Interinstitutional Agreement on Better Lawmaking, in the bilateral arrangement between the Parliament and the Council of Ministers and partially in the Framework agreement;
39. Considers that, without prejudice to the conclusion of a tripartite agreement involving the Parliament, the Commission and the Council, the matters solely connected to the relations between the Parliament and the Commission should continue to be the subject of a bilateral framework agreement; recalls that the Parliament will not step back behind the achievements which could be made under the existing Framework agreement;
40. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

The scope of this report is to make an assessment of the implementation of the Treaty of Lisbon, analyzing in particular the implications of the main changes it introduced on the interinstitutional relations between the European Parliament and the European Commission since its entry into force.

In this regard and taking into account that the Treaty of Lisbon seeks to reinforce the EU democratic credentials, the rapporteur begins to stress the need to link more directly the voters' choice to the election of the Commission's President. In fact, although the Commission's role as the 'engine' driving forward European activity has not been put into question by the Treaty of Lisbon, over the past four years, the Commission has, in practice, lost some of its political influence within the EU institutional architecture. Such erosion of the Commission's power is, to a large extent, related with the economic and financial crisis that works to the advantage of the European Council's intervention and authority and favours the intergovernmentalism to the detriment of the Community method.

In this context and forasmuch as the deepening of European integration and the safeguarding of the Community method require a stronger Commission, playing a key role in the European institutional framework, it is of the utmost importance to consider all possible solutions in order to strengthen its democratic legitimacy, its political influence and its efficiency, either under existing Treaties or in the context of a future revision of such Treaties.

Under the current Treaties and with a view to the 2014 elections to the European Parliament, the rapporteur supports the proposal for the designation of candidates for the Commission Presidency by the European Political Parties. Nevertheless, the rapporteur considers that this question of the legitimacy of the Commission should be thoroughly analyzed in a future revision of the Treaties. In this respect and notwithstanding the preference for a parliamentary model or a presidential approach with the direct election of the Commission President, the rapporteur believes that, without prejudice to the reinforcement of the Parliament's scrutiny powers, an excessive parliamentarization of the system should be avoided and the principle of the separation of powers should be kept in mind. To that extent and in order to reinforce the Parliament's scrutiny powers, the report proposes the reduction of the majority currently required under Article 234 TFEU for a motion of censure against the Commission, calls on the candidate for President of the Commission to present his political program to the European Parliament and draws attention to the importance of the Union's annual and multiannual programming. On the other hand and in order to avoid the excessive parliamentarization of the system, the rapporteur defends that, under the principle of the separation of powers, more autonomy should be granted to the President of the Commission to choose the members of his team and that he should not be forced to request the resignation of the commissioners. Therefore, the report makes no reference to the vote of non confidence against individual commissioners.

In what concerns the efficiency of the Commission and since the envisaged reduction of the Commission's size under the article 17 (5) TUE will no longer take effect in 2014, due to the decision taken by the European Council upon request of the Irish Government, the rapporteur

proposes the establishment of a system of strictly equal rotation between Commissioners with portfolio and Commissioners without portfolio, reflecting the demographic and geographical range of all the Member States. This system would improve the Commission functioning by ensuring a relative stability in the number and in the content of portfolios and facilitating the internal coordination procedures, guaranteeing at the same time that the representation of specificities and interests of all Member states would be considered in the decisions taken by the Commission. To that end, all commissioners should remain of equal legal status and the right of the Commissioners without portfolio to participate in the decision-making process should be fully recognised.

Furthermore and taking into account that the Treaty of Lisbon has considerably strengthened the role of the European Parliament, providing it with important new powers regarding EU legislation and international agreements, the rapporteur makes also an assessment of the Parliament's and the Commission's performance and their interaction in these domains. In this regard, the rapporteur comes to the conclusion that, while the Parliament has succeeded in having its new powers and its role as a responsible co-legislator recognised and while important progresses were achieved in its relations with the Commission, there are still a number of issues and shortcomings, namely in what regards the information-sharing, the delegated and the implementing acts, the impact assessment, the treatment of legislative initiatives and the parliamentary questions, which call for closer attention and action.

Finally and bearing in mind the principle of mutual sincere cooperation between the institutions, the report makes some recommendations on the revision of the Framework agreement on relations between the European Parliament and the European Commission and invites the Council to participate in a separate trilateral agreement with the Parliament and the Commission with the aim to further develop some technical issues, laid down in so far in the Interinstitutional Agreement on Better Lawmaking, in the bilateral arrangement between the Parliament and the Council of Ministers and partially in the Framework agreement.