

Mr Jerzy BUZEK
President

EUROPEAN PARLIAMENT

301201 28.01.2010

Dear President,

The Conference of Presidents appointed on 26 November 2010 the EP Working Party for the revision of the Framework Agreement between the Parliament and the Commission. The Working Party whose Members are Mr Swoboda, Mrs Roth-Behrendt, Mrs Wallis and Mrs Rebecca Harms and which I have the honour to chair has met four times to prepare negotiations with the Commission on a renewed Framework Agreement. At its meeting on 14 January the Conference of Presidents endorsed a proposal from the Working Party on the timing of the envisaged negotiations and on six key principles to be addressed during the first negotiation phase until the vote of approval of the new Commission.

I am happy to inform you that, after the third and last meeting of the EP Working Party with the President-elect of the European Commission, Mr Barroso, on 27 January 2010, a common understanding could be found on these principles which are fleshed out in the attached draft Parliament's resolution. Mr Barroso has indicated that he is prepared to make a statement in plenary endorsing Parliament's demands before the vote of approval of the new Commission by the Parliament on Tuesday 9 February 2010.

Discussions between the Working Party and Mr Barroso were intense and sometimes quite difficult over the last weeks. They have shown the value of an in-depth political discussion on our future relationship. The result of this dialogue is a very positive one and I consider the draft resolution as an important step forward for the relationship between our two institutions, reflecting adequately the new position of Parliament under the Lisbon Treaty.

I would like to outline some key aspects of the draft text:

As this was one of the key demands of Parliament, M. Barroso has recognised the *principle of equal treatment by the Commission for Parliament and the Council of Ministers* and has agreed to take a number of concrete measures to implement this principle, such as the provision of full documentation on the Commission's meetings with national experts on the preparation and implementation of EU legislation.

The President-elect of the Commission has also agreed to strengthen the way the Commission deals with *legislative initiative requests* by Parliament by imposing clear deadlines with a three months delay for the reaction of the Commission on the concrete follow-up of a legislative initiative report and, as a rule, one year for the submission of a proposal to Parliament. He made commitments for the *future negotiations on the IIA on Better Law-Making*, including a consultation of Parliament on future soft law initiatives and enhanced information rights on infringement procedures.

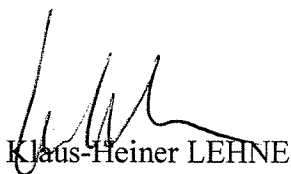
The draft resolution also includes a number of measures to *improve the accountability of the Executive*, which Mr Barroso supports, including the commitment by the Commission to support Parliament in the future negotiations on the European External Action Service with a view to guaranteeing its full accountability, including a transparent procedure for the nomination of Special Representatives and ambassadors.

The Commission has also recognised the enhanced role of Parliament in *international negotiations* under the Lisbon Treaty and committed itself to a "reinforced association" with Parliament through immediate and full information at all stages of the negotiations, and of facilitating the granting of an observer status to the chair of the EP delegation at international conferences. Last but not least, improved *arrangements for the programming* were agreed, in particular that the Commission and the Parliament should seek a common understanding before the adoption of the Annual Work Programme.

The Parliament was able to successfully use a window of opportunity. I consider this text as a good starting point to flesh out the "Special Partnership between the European Parliament and the Commission" suggested by Mr Barroso in his "Political Guidelines" and I am looking forward to the second stage of the negotiations, which should lead to an ambitious Framework Agreement text by May-June 2010.

The EP Working Party would therefore recommend the Conference of Presidents to consider and to endorse the attached draft resolution and to submit it to plenary.

Yours sincerely,



Klaus-Heiner LEHNE

cc: Members of the Conference of Presidents
Members of the Conference of Committee Chairs

Annex: Draft European Parliament resolution on a renewed Framework Agreement between the Parliament and the Commission for the next legislative term

DRAFT-Resolution
for the consideration of the Conference of Presidents
submitted by the European Parliament Working Party on the revision of the
Framework Agreement after its common understanding with the President-elect of the
European Commission on 27 January 2010

**European Parliament resolution on a renewed Framework Agreement between
the Parliament and the Commission for the next legislative term**

The European Parliament,

- having regard to the vote on 16 September 2009 electing Mr Barroso as President of the Commission,
- having regard to the "Political Guidelines for the next Commission" presented by the President-elect of the Commission on 3 September 2009;
- having regard to the statements made by the President-elect of the Commission to the European Parliament on 15 September 2009, and to the Conference of Presidents on 19 November 2009,
- having regard to the current Framework Agreement on relations between the European Parliament and the Commission, which was approved by the Conference of Presidents on 26 May 2005,
- having regard to the current practice of implementation by the Commission and Parliament of the interinstitutional agreement on Better Law-Making of 31 December 2003,
- having regard to experiences from the last legislature, to the new provisions of the Lisbon Treaty, which entered into force as of 1st December 2009 and which establishes a new institutional balance and to the common understanding between the European Parliament Working Party on the revision of the Framework Agreement and the President-elect of the European Commission on 27 January 2010,
- having regard to Article 17 TEU and Articles 244 to 248 TFEU,
- having regard to Rules 106 and 107 of its Rules of Procedure,

A. Whereas the European Parliament and the Commission need to work closely together for a successful and efficient use of the Community method with a particular responsibility to ensure that the Union is more than the sum of its parts;

1. Welcomes the new proposal by the President-elect of the Commission to establish a "Special Partnership between the European Parliament and the Commission", as suggested in his "Political Guidelines for the next Commission", with a view to define

and implement the distinct European interest and set up the first cornerstone of a renewed European Union in the post-Lisbon era;

2. Calls for the revision of the Framework Agreement between the European Parliament and the Commission which governs bilateral relations between those two institutions as soon as possible taking the commitments by its President-elect, Mr Barroso as a starting point;

3. Calls, in the light of those commitments, in particular for the following points to be included in that agreement:

(a) the guarantee that the Commission applies the basic principle of an equal treatment for Parliament and the Council of Ministers, especially with regard to access to meetings and provision of contributions or other information, in particular on legislative and budgetary matters;

(b) Furthermore, the implementation of the special partnership between the European Parliament and the Commission through the following arrangements:

- the President of the Commission will have a regular dialogue with the President of the European Parliament on key horizontal issues and major legislative proposals. This dialogue will also include invitations to the Parliament's President to attend meetings of the College of Commissioners;
- the President of the Commission or a Vice-President shall be invited to attend the meetings of the Conference of Presidents and the Conference of Committee Chairs, when specific issues related to plenary agenda-setting, legislative and budgetary matters are discussed;
- there should be meetings on an annual basis of the Conference of Presidents and the Conference of Committee Chairman with the College of Commissioners, to discuss relevant issues, including the preparation and implementation of the Annual Work Programme;
- In the framework of its work on the preparation and implementation of EU legislation, including soft law, the Commission will provide full information and documentation on its meetings with national experts; it may also invite EP experts to these meetings;

(c) a commitment by the Commission to report on the concrete follow-up of any legislative initiative requests following the adoption of a legislative initiative report pursuant to Article 225 TFEU, within three months following adoption; the Commission shall come forward with a legislative proposal at the latest after one year or include the proposal in the next year's annual legislative and work programme; if the Commission does not submit a proposal, it shall give detailed explanations of the reasons to the European Parliament;

(d) a commitment for a close and early cooperation between the Parliament and the Commission on any legislative initiative requests emanating from citizens' initiatives;

(e) a commitment by Parliament and Commission to agree on key changes in preparation of future negotiations with the Council of Ministers on an adaptation of the Better Law-Making Agreement to the new provisions of the Lisbon Treaty and changing the practice of implementation of the current agreement, among others:

- impact assessments shall be conducted under the responsibility of the Commission following a transparent procedure which guarantees an independent assessment; impact assessments shall be published in due time, considering several scenarios, including a 'doing-nothing' option, and in principle be presented to the relevant parliamentary committee during the consultation phase of national parliaments under the Lisbon Treaty;
- in areas where the Parliament is usually involved in the legislative process, soft law shall be used where appropriate and on a duly justified basis after consultation of the Parliament;
- to promote simplification of EU law, the use of recasting as a standard procedure shall be guaranteed, where possible and relevant, or replaced by a codification of the legal act within six months after its final adoption;
- for a better monitoring of the transposition and application of Union law, the Commission and the Parliament shall endeavour to include compulsory correlation tables and a binding time limit for transposition, which should normally not exceed two years in directives;
- the Commission shall make available to the Parliament summary information about all infringement procedures from the letter of formal notice, including, if requested by Parliament, on a case-by-case basis and in respect of confidentiality rules, on the issues concerned by the infringement procedure;

(f) to agree to the following demands improving the accountability of the executive:

- when the Commission will come forward with a revision of the Code of conduct for Commissioners, it will seek the opinion of the European Parliament;
- when the Parliament will come forward with a revision of its Rules of Procedures concerning relations with the Commission, it will seek the opinion of the Commission;
- if Parliament asks the Commission President to withdraw confidence in an individual Member of the Commission, he will seriously consider whether he should request that Member to resign, in accordance with Article 17 (6) TEU; the President shall either require the resignation of that Member or explain his refusal to do so before Parliament in the following part-session;
- if the Commission President intends to reshuffle the portfolios in the Commission during its term of office pursuant to Article 248 TFEU he shall inform the Parliament in due time in order to start the procedure for the

relevant parliamentary consultation with regard to those changes. The President's decision to reshuffle the portfolios can take effect immediately;

- for the replacement of a Commissioner, the Commission President will consider seriously the result of Parliament's consultation before giving his consent to the decision of the Council of Ministers pursuant to Article 246 TFEU;
- the Commission will support the European Parliament in the forthcoming negotiations on the European External Action Service (EEAS) with a view to guaranteeing its full accountability, including a transparent procedure for the nomination of Special Representatives and ambassadors;
- the Commission will support the European Parliament in the forthcoming negotiations on the European External Action Service (EEAS) with a view to continuing and reinforcing the Community approach in development policy, including the programming of development aid instruments, in particular the EDF, which should remain within the remit of the Commission and be fully accountable to the European Parliament;
- a Question Hour with Commissioners, including the Vice-President for External Relations / High-Representative for Foreign Affairs and Security Policy and following the model of the existing Question Hour with the Commission President, shall be introduced with the aim of reforming the existing Question Time;

(g) Executive Directors nominees of regulatory agencies should come to parliamentary committee hearings;

(h) the Commission is committed to a reinforced association with Parliament through immediate and full information of the Parliament at every stage of negotiations on international agreements (including the definition of the negotiation directives), in particular on trade matters and other negotiations involving the consent procedure, to give full effect to Article 218 TFEU of Parliament, while respecting each institution's role and safe compliance with new procedures and rules for the respect of the necessary confidentiality;

(i) at international conferences, the Commission shall, in view of the extended powers of the European Parliament under the Lisbon Treaty and to guarantee an efficient flow of information, at Parliament's request, facilitate the chair of the EP delegation to be granted an observer status in relevant meetings and for this purpose guarantee access to EU facilities for Parliament's delegations;

(j) a commitment to improve current arrangements related to programming, by a number of measures, including:

- in principle, the presentation of selected key initiatives from the Commission, first in plenary, and only afterwards to the public;

- a commitment of the Commission to initiate quickly, according to Article 17 TEU, the "Union's annual and multiannual programming with a view to achieving interinstitutional agreements";
 - the College shall meet on an annual basis with the Conference of Presidents and the Conference of Committee Chairs prior to adopting the Annual Work Programme, including forthcoming proposals for simplification, major soft law initiatives and withdrawals in order to prepare the debate and seek a common understanding between the Commission and the Parliament;
 - the principle that the Commission should explain when it cannot deliver individual proposals foreseen in the annual programme or when it departs from it;
4. calls for the Parliament and the Commission to perform a review of the functioning of the future Framework Agreement by the end of 2011;
5. instructs its President to forward this resolution to the new Commission.

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