

## European Parliament Resolution on the implementing powers of the Commission (8 July 1987)

**Caption:** European Parliament Resolution of 8 July 1987 on the Council Decision of 22 June 1987 on the implementing powers of the Commission.

**Source:** Official Journal of the European Communities (OJEC). 14.09.1987, n° C 246. [s.l.]. "Resolution on the Council Decision of 22 June 1987 on the implementing powers of the Commission (8 July 1987)", auteur:European Parliament , p. 42.

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## European Parliament Resolution on the Council Decision of 22 June 1987 on the implementing powers of the Commission (8 July 1987)

B2-724/87

*The European Parliament,*

— having regard to the Council Decision of 22 June 1987,

— having regard to its resolution of 23 October 1986 on the relevant Commission proposal <sup>(1)</sup>,

1. Deeply regrets the Council Decision which takes no account of its demands for improvements in the current practice with regard to the implementation of Community law, but instead:

— formally lays down seven different committee procedures instead of the two procedures which Parliament requested and, accordingly, in no way meets the objective set out in the Single European Act of limiting the number of committee procedures,

— even subjects ‘procedure 1’ (Advisory Committee procedure), which encroaches least on the powers of the Commission, to more stringent rules and manifestly further restricts the Commission’s latitude in the decision-making process, if not legally then at least politically,

— lays down variants both in ‘procedure 3’ (Regulatory Committee procedure) and in ‘procedure 4’ (Safeguard Clause Committee procedure) which obstruct the implementation of Community law if the Council cannot secure a majority for a decision and even gives priority to this variant in ‘procedure 4’ in the case of trade policy so that the main thrust of the SEA — which is to increase the Community’s decision-making efficiency — is vitiated,

— does not give practical effect to the priority requested at the Intergovernmental Conference for ‘procedure 1’ in the field of the internal market but on the contrary, gives each individual Member State the right, in particular for decisions taken pursuant to Article 100 A, to have each issue dealt with in the Council itself,

— calls into question the general binding nature of Commission decisions in implementation of the environment policy, since the exemption clause of the Member States pursuant to Article 100 A(4) will also apply at the level of committee procedures,

— excludes certain committees from its decision from the outset,

— accepts no obligation upon itself to deal with ‘the cost of the past’ in future amendments to legal acts for which committee procedures are laid down but reserves the right to retain procedures which are no longer permissible under the terms of this Decision;

2. Regrets that the Council did not open a conciliation procedure with Parliament with regard to this Decision;

3. Reserves its position on its right to be re-consulted by the Council where a Council decision contains one or more major points not covered in the Commission proposal submitted to Parliament for opinion;

4. Can see in the Council Decision no improvement on current practice in the delegation of implementing powers to the Commission;

5. Considers the Council Decision on the eve of the entry into force of the SEA as an alarm bell demonstrating the manifest lack of political will on the part of the Member States to give practical effect to the objectives of the SEA, which each of them supported by signing and ratifying the Act;

6. Regrets that the Commission did not withdraw the proposal in good time, thereby preventing the Council from taking the decision;

7. Stresses its determination to do its utmost to cooperate constructively in implementing the SEA in letter and spirit and urges the Council to show proof of a similar determination in its application of its Decision and the provisions of the SEA;

8. Takes note of the agreement of the President of the Commission to submit a report to Parliament during the September 1988 part-session on the Council decision of 22 June 1987; decides to give its final opinion on the Council decision of 22 June 1987 after consideration of this Commission report;

9. Instructs its President to forward this resolution to the Council and Commission.

(1) OJ No C 297, 24.11.1986, p. 94.