

European Parliament Resolution on questions of commitology (16 December 1993)

Caption: European Parliament Resolution of 16 December 1993 on questions of commitology relating to the entry into force of the Treaty on European Union.

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A3-0417/93

The European Parliament,

- having regard to Articles 145, 155, 189, 189b and 191 of the EC Treaty,
- having regard to Council Decision 87/373/EEC of 13 July 1987 ⁽¹⁾,
- having regard to Rule 148 of its Rules of Procedure,
- having regard to the report of the Committee on Institutional Affairs and the opinion of the Committee on Budgets (A3-0417/93),

A. whereas, pursuant to Article 145 of the EC Treaty, the provisions of the abovementioned Decision of 13 July 1987 apply solely to acts of the Council and do not apply to acts of the Council and Parliament, in particular decisions taken pursuant to Article 189b,

B. whereas, in the absence of provisions on the hierarchy of legislation, as requested by Parliament, full responsibility for legislative acts concerning matters covered by the provisions of Article 189b lies with the Council and Parliament,

C. having regard to the need for the Commission to be given the broadest possible delegation in respect of implementing legislation, while allowing the legislative institutions to retain powers of political supervision,

D. whereas this delegation should not comprise substitution clauses, in particular in respect of substitution of the Council alone,

E. whereas the Commission should exercise its own implementing powers in close contact with the authorities of the Member States, in particular by consulting them with a view to bringing its Decisions into line with the different situations in the Member States,

F. whereas prime responsibility for the implementation of Community legislation lies with the Member States, under the supervision of the Commission and, in the event of a violation of Community law, the Court of Justice,

G. whereas, however, the implementation of a Community act by the institutions of the Union must preserve its Community character in all such aspects, including those concerning the procedures for its implementation,

H. whereas in the case of acts with financial implications the amount of costs relating to the participation on the programme committees by representatives of the Member States is repaid to the Community,

1. Calls on the Council and Commission immediately to open negotiations in order to establish a line of conduct for drawing up implementing legislation in areas governed by the provisions of Article 189b; confirms that the drawing up of resulting provisions is an obligation on the institutions arising out of the Treaty, which therefore requires the Member States, *inter alia* within the Council, fully to comply with their obligation to cooperate, as set out in Article 5 of the EC Treaty;

2. Proposes in particular that, on a proposal from the Commission, and in accordance with the procedure laid down in Article 189b of the EC Treaty, the Council and Parliament adopt a general decision for the delegation of implementing powers to the Commission, containing the following points:

(a) implementing powers should be delegated to the Commission where they are not the responsibility of the Member States under the supervision of the Commission;

(b) acts of Parliament and the Council may contain binding instructions in respect of specific implementing acts of the Commission, without undermining the powers delegated to it;

(c) the Council and Parliament shall exercise powers of political supervision over implementing acts; in particular, the Council may appoint, wherever it deems appropriate, a consultative committee made up of experts from the Member States with responsibility for advising the Commission specifically on the impact of decisions in the various national or local systems; Parliament should be informed by the Commission whenever a procedure for the definition of implementing legislation is initiated; each proposal should be made available to each Member of Parliament, in accordance with Parliament's Rules of Procedure; the European Parliament may discuss the matter within the committee responsible; the Commission may set a deadline by which the committee and the parliamentary committee may express their views if they so wish;

(d) the Council, by a qualified majority, or Parliament, by a majority of the votes of its component Members, may ask the other institution to cancel an implementing legislative decision of the Commission; if the other institution, by the abovementioned majority, agrees to the proposal, the implementing legislative decision should be cancelled and the Commission should be required to formulate a new decision, taking account of any guidelines approved by the two arms of the legislative authority; the cancelling proposal should not have a suspensive effect on the Commission's decision;

3. Decides that, before defining a decision on the matter, the principles laid down in paragraph 2 should be complied with in respect of matters covered by the procedure under Article 189b;

4. Considers that it has become necessary, in the case of acts other than those adopted pursuant to Article 189b, to revise Decision 87/373/EEC mentioned above laying down the procedures for the exercise of implementing powers conferred on the Commission, as agreed in the Declaration on comitology in the Interinstitutional Agreement 1993 to 1999 on budgetary discipline and improving the budgetary procedure; calls accordingly on the Commission to put forward a proposal for revision of the Decision;

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

(¹) OJ No L 197, 18.7.1987, p. 33.