Il-Ħamis, 26 ta' Mejju 2005

TEXT PROPOSED BY THE COMMISSION	AMENDMENTS BY PARLIAMENT
Amendment 4 *Article 31, paragraph 4, point (b)*	
(b) expenditure on multiannual measures falling within the scope of Article 3(1) where the final obligation on the recipient occurs more than ***36*** months before the Commission notifies the Member State in writing of its inspection findings;	(b) expenditure on multiannual measures falling within the scope of Article 3(1) where the final obligation on the recipient occurs more than ***24*** months before the Commission notifies the Member State in writing of its inspection findings;
Amendment 5 *Article 31, paragraph 4, point (c)*	
(c) expenditure on programmes, as indicated in Article 4, payment of the balance of which is made more than ***36*** months before the Commission notifies the Member State in writing of its inspection findings.	(c) expenditure on programmes, as indicated in Article 4, payment of the balance of which is made more than ***24*** months before the Commission notifies the Member State in writing of its inspection findings.
Amendment 6 *Article 32, paragraph 5, subparagraph 1*	
5. If recovery has not taken place within four years of the primary administrative ***or judicial*** finding, or within six ***years where recovery action is taken in the national courts,*** 50 % of the financial consequences of non-recovery shall be borne by the Member State concerned and 50 % by the Community budget, after application of the deduction provided for in paragraph 2.	5. If recovery has not taken place within four years of the primary administrative finding, or within six ***months after the issue of the final judicial decision,*** 50 % of the financial consequences of non-recovery shall be borne by the Member State concerned and 50 % by the Community budget, after application of the deduction provided for in paragraph 2.
Amendment 7 *Article 43*	
By 1 September of each year following the budget year, the Commission shall ***draw up*** a financial report on the administration of the EAGF and the EAFRD during the previous financial year.	By 1 September of each year following the budget year, the Commission shall ***submit to the European Parliament and to the Council*** a financial report on the administration of the EAGF and the EAFRD during the previous financial year.

P6_TA(2005)0194

Framework agreement on EP-Commission relations

European Parliament decision on the revision of the framework agreement on relations between the European Parliament and the Commission (2005/2076(ACI))

The European Parliament,

— having regard to Article 10 of the Treaty establishing the European Community and Declaration No 3 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Nice,

— having regard to Article III-397 of the Treaty establishing a Constitution for Europe,

— having regard to the framework agreement on relations between the European Parliament and the Commission of 5 July 2000 [1],

— having regard to its resolution of 18 November 2004 on the election of the new Commission [2],

— having regard to the decision of the Conference of Presidents of 14 April 2005,

[1] OJ C 121, 24.4.2001, p. 122.
[2] *Texts Adopted,* 5 July 2000, P6_TA(2004)0063.

Il-Ħamis, 26 ta' Mejju 2005

— having regard to the draft framework agreement on relations between the European Parliament and the Commission (hereinafter referred to as "the agreement"),

— having regard to Rules 24(3) and 120 of its Rules of Procedure and to point XVIII(4) of Annex VI to those Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A6-0147/2005),

A. whereas the deepening of democracy in the European Union, to which, for example, the signing of the Treaty establishing a Constitution for Europe bears witness, calls for a strengthening of relations between the European Parliament and the Commission and for more effective parliamentary scrutiny of the work of the executive,

B. whereas the process of approving the current Commission strengthened the democratic legitimacy of the Union's institutional system and highlighted the political dimension of relations between the two institutions,

C. whereas the new agreement which has been submitted to it reflects these developments,

D. whereas the agreement requires the clarifications set out below,

E. whereas, in the light of the negotiating process which culminated in the conclusion of a political agreement, it is essential that in the future the conduct of negotiations should be entrusted to holders of a political mandate,

F. whereas interinstitutional agreements and framework agreements have significant consequences, and it is therefore essential to collect all existing agreements and to publish them as an annex to Parliament's Rules of Procedure in order to facilitate access to them and ensure transparency,

1. Welcomes, in addition to those changes which strengthen the agreement's coherence and simplify its structure, the following improvements contained in the new draft agreement:

(a) the new provisions concerning potential conflicts of interest (Point 2);

(b) the arrangements concerning the replacement of a Member of the Commission during that body's term of office (Point 4);

(c) the assurance that all relevant information will be provided by Commissioners-designate during the procedure for the approval of the Commission (Point 7);

(d) the establishment of regular dialogue at the highest level between the President of the Commission and the Conference of Presidents (Point 10);

(e) the joint identification of particularly significant proposals and initiatives, on the basis of the Commission's legislative and work programme and of multiannual interinstitutional planning, and the guarantee that Parliament will be informed, on a par with the Council, of all Commission actions (Points 8 and 12);

(f) improvements to the information provided by the Commission concerning follow-up to and the account table of Parliament's resolutions (Points 14 and 31);

(g) publication of all relevant information concerning the Commission's expert groups (Point 16), subject to due consideration being given to paragraph 2 of this decision;

(h) confirmation of the rules concerning Parliament's participation in international conferences and the new specific references to donors' conferences and election observation (Points 19 to 25), subject to the request made in paragraph 4 of this decision;

Il-Ħamis, 26 ta' Mejju 2005

(i) incorporation into the agreement (Point 35) of the undertakings given by the Commission regarding the implementing measures relating to the securities, banking and insurance sector ("the Lamfalussy procedure") and the agreement between Parliament and the Commission on the procedures for implementing the "comitology" decision [1], subject to the remarks made in paragraph 3 of this decision;

(j) the undertakings given concerning the Commission's participation in parliamentary proceedings (Points 37 to 39);

(k) the insertion of a clause providing for a review of the agreement (Point 43) following the entry into force of the Treaty establishing a Constitution for Europe;

2. Emphasises the importance it attaches to complete transparency as regards the composition and activities of the Commission's expert groups (Point 16) and calls on the Commission to apply the agreement in that spirit;

3. Calls on the Commission, in the light of its proposal of 11 December 2002, to take account of the political guidelines which Parliament adopts in the exercise of its right to consider documents under the comitology procedure;

4. Regards it as important that when its Members participate in delegations to conferences and other international negotiations they can be present at internal Union coordination meetings, on the understanding that Parliament undertakes to abide by the confidentiality rules intrinsic to such meetings, and requests the Commission, therefore, to support vis-à-vis the Council the requests Parliament makes to that effect;

5. Insists that the Commission, when presenting the Integrated Economic and Employment Guidelines, allow a period of at least two months for appropriate consultation to be held with the European Parliament;

6. Approves the agreement annexed to this decision;

7. Decides to annex the agreement to its Rules of Procedure, replacing Annexes XIII and XIV thereto;

8. Instructs its President to forward this decision and its annex to the Commission, the Council and the parliaments of the Member States.

[1] Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

ANNEX

FRAMEWORK AGREEMENT ON RELATIONS
BETWEEN THE EUROPEAN PARLIAMENT AND THE COMMISSION

The European Parliament and the Commission of the European Communities (hereinafter referred to as "the two Institutions"),

— having regard to the Treaty on European Union, the Treaty establishing the European Community, and the Treaty establishing the European Atomic Energy Community, (hereinafter referred to as "the Treaties"),

— having regard to the Inter-institutional Agreements and texts governing relations between the two Institutions,

— having regard to Parliament's Rules of Procedure [1], and in particular Rules 98, 99 and 120 as well as Annex VII,

A. whereas the Treaties strengthen the democratic legitimacy of the European Union's decision-making process,

B. whereas the two Institutions attach the utmost importance to the effective transposition and implementation of Community law,

C. whereas this framework agreement does not affect the powers and prerogatives of Parliament, the Commission or any other institution or organ of the European Union but seeks to ensure that those powers and prerogatives are exercised as effectively as possible,

D. whereas it is appropriate to update the framework agreement concluded in July 2000 [2] and to replace it by the following text,

[1] OJ L 44, 15.2.2005, p. 1.
[2] OJ C 121, 24.4.2001, p. 122.