

## II

(Information)

## INTERINSTITUTIONAL AGREEMENTS

## EUROPEAN PARLIAMENT

## COMMISSION

**Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC**

(2008/C 143/01)

**Information to the European Parliament**

1. Pursuant to Article 7(3) of Decision 1999/468/EC <sup>(1)</sup>, the European Parliament is to be informed by the Commission on a regular basis of proceedings of committees <sup>(2)</sup> in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified. To that end, it is to receive, at the same time as the members of the committees and on the same terms, the draft agendas for committee meetings, the draft implementing measures submitted to those committees pursuant to basic instruments adopted in accordance with the procedure provided for by Article 251 of the Treaty, the results of voting, summary records of the meetings and lists of the authorities to which the persons designated by the Member States to represent them belong.

**Register**

2. The Commission will establish a register containing all documents forwarded to the European Parliament <sup>(3)</sup>. The European Parliament will have direct access to this register. In accordance with Article 7(5) of Decision 1999/468/EC, references of all documents transmitted to the European Parliament will be made public.
3. In accordance with the undertakings given by the Commission in its statement on Article 7(3) of Decision 1999/468/EC <sup>(4)</sup>, and once the appropriate technical arrangements have been made, the register provided for in paragraph 2 will enable, in particular:
  - a clear identification of the documents covered by the same procedure and of any changes to the implementing measure at each stage of the procedure,
  - an indication of the stage of the procedure and the timetable,
  - a clear distinction between the draft measures received by the European Parliament at the same time as the committee members in accordance with the right to information and the final draft following the committee's opinion that is forwarded to the European Parliament,

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>(2)</sup> Throughout this Agreement, the word 'committee' shall be taken to refer to committees established in accordance with Decision 1999/468/EC, except where it is specified that another committee is referred to.

<sup>(3)</sup> The target date for the establishment of the register is 31 March 2008.

<sup>(4)</sup> OJ C 171, 22.7.2006, p. 21.

- a clear identification of any modification in comparison to documents already forwarded to the European Parliament.
4. When, after a transitional period starting from the entry into force of this Agreement, the European Parliament and the Commission conclude that the system is operational and satisfactory, the transmission of documents to the European Parliament shall be made by electronic notification with a link to the register provided for in paragraph 2. This decision shall be taken through an exchange of letters between the presidents of both institutions. During the transitional period, the documents will be forwarded to the European Parliament as an attachment to an electronic mail.
  5. Furthermore, the Commission agrees to forward to the European Parliament, for information and at the request of the parliamentary committee responsible, specific draft measures implementing basic instruments which, although not adopted in accordance with the procedure provided for by Article 251 of the Treaty, are of particular importance to the European Parliament. These measures shall be entered in the register provided for in paragraph 2 with a notification thereof to the European Parliament.
  6. In addition to the summary records referred to in paragraph 1, the European Parliament may request access to minutes of committee meetings <sup>(1)</sup>. The Commission will examine each request, on a case by case basis, under the confidentiality rules set out in Annex 1 to the Framework Agreement on relations between the European Parliament and the Commission <sup>(2)</sup>.

#### Confidential documents

7. Confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.

#### European Parliament resolutions under Article 8 of Decision 1999/468/EC

8. Pursuant to Article 8 of Decision 1999/468/EC, the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures implementing a basic instrument adopted in accordance with the procedure provided for by Article 251 of the Treaty would exceed the implementing powers provided for in that basic instrument.
9. The European Parliament is to adopt such resolutions in accordance with its Rules of Procedure; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the members of the committee concerned.
10. The European Parliament and the Commission agree that it is appropriate to establish a shorter time limit on a permanent basis for some types of urgent implementing measures on which a decision must be taken within a shorter period of time in the interests of sound management. This applies in particular to some types of measure relating to external action, including humanitarian and emergency aid, to health and safety protection, to transport security and safety and to exemptions from public procurement rules. An agreement between the Member of the Commission and the Chair of the parliamentary committee responsible will lay down the types of measure concerned and the applicable time limits. Such an agreement may be revoked at any time by either side.
11. Without prejudice to the cases referred to in paragraph 10, the time limit will be shorter in urgent cases and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity. That time limit may be very short in extremely urgent cases, in particular on public health grounds. The Member of the Commission responsible is to set the appropriate time limit and to state the reason for that time limit. The European Parliament may in such cases use a procedure whereby application of Article 8 of Decision 1999/468/EC is delegated to the parliamentary committee responsible, which may send a response to the Commission within the relevant time limit.

<sup>(1)</sup> See the judgment of the Court of First Instance of the European Communities of 19 July 1999 in Case T-188/97, *Rothmans v Commission* [1999] ECR II-2463.

<sup>(2)</sup> OJ C 121, 24.4.2001, p. 122.

12. As soon as the Commission's services foresee that draft measures covered by paragraphs 10 and 11 might have to be submitted to a committee, they will informally warn the secretariat of the parliamentary committee or committees responsible thereof. As soon as initial draft measures have been submitted to the members of the committee, the Commission's services will notify the secretariat of the parliamentary committee or committees of their urgency and of the time limits that will apply once the final draft has been submitted.
13. Following the adoption by the European Parliament of a resolution as referred to in paragraph 8 or a response as referred to in paragraph 11, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible of the action the Commission intends to take thereon.
14. Data pursuant to paragraphs 10 to 13 will be entered in the register.

### **Regulatory procedure with scrutiny**

15. Where the regulatory procedure with scrutiny applies, and following the vote in the committee, the Commission will inform the European Parliament of the applicable time limits. Subject to paragraph 16, these time limits will start to run only once the European Parliament has received all language versions.
16. Where shorter time limits apply (Article 5a(5)(b) of Decision 1999/468/EC) and in cases of urgency (Article 5a(6) of Decision 1999/468/EC), the time limits shall start to run from the date of receipt by the European Parliament of the final draft implementing measures in the language versions submitted to the members of the committee, unless the Chair of the parliamentary committee objects. In any event, the Commission will endeavour to forward all language versions to the European Parliament as soon as possible. As soon as the Commission's services foresee that draft measures covered by Article 5a(5)(b) or (6) might have to be submitted to a committee, they will informally warn the secretariat of the parliamentary committee or committees responsible thereof.

### **Financial services**

17. In accordance with its statement on Article 7(3) of Decision 1999/468/EC, in respect of financial services the Commission undertakes to:
  - ensure that the Commission official chairing a committee meeting informs the European Parliament, at its request, after each meeting, of any discussions concerning draft implementing measures that have been submitted to that committee,
  - give an oral or written reply to any questions regarding discussions concerning draft implementing measures submitted to a committee.

Finally, the Commission will ensure that the undertakings made at Parliament's plenary sitting of 5 February 2002 <sup>(1)</sup> and restated at its plenary sitting of 31 March 2004 <sup>(2)</sup> and those referred to in points 1 to 7 of the letter of 2 October 2001 <sup>(3)</sup> from Commissioner Bolkestein to the Chair of the European Parliament's Committee on Economic and Monetary Affairs are honoured in respect of the entire financial services sector (including securities, banks, insurance, pensions and accounting).

### **Calendar of parliamentary work**

18. Except where shorter time limits apply or in cases of urgency, the Commission will take into account, when transmitting draft implementing measures under this Agreement, the European Parliament's periods of recess (winter, summer and European elections) in order to ensure that Parliament is able to exercise its prerogatives within the time limits laid down in Decision 1999/468/EC and this Agreement.

<sup>(1)</sup> OJ C 284 E, 21.11.2002, p. 19.

<sup>(2)</sup> OJ C 103 E, 29.4.2004, p. 446 and Verbatim Report of Proceedings (CRE) for Parliament's plenary sitting of 31 March 2004, under 'Vote'.

<sup>(3)</sup> OJ C 284 E, 21.11.2002, p. 83.

**Cooperation between the European Parliament and the Commission**

19. The two institutions express their readiness to assist each other in order to ensure full cooperation when dealing with specific implementing measures. To this effect, appropriate contacts at administrative level will be established.


**Preceding agreements**

20. The 2000 Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC <sup>(1)</sup> is hereby replaced. The European Parliament and the Commission consider the following agreements superseded and thus of no effect in so far as they are concerned: the 1988 Plumb/Delors Agreement, the 1996 Samland/Williamson Agreement and the 1994 *modus vivendi* <sup>(2)</sup>.

Done at Brussels, 3 June 2008.

*For the European Parliament*

*The President*



Hans-Gert PÖTTERING

*For the Commission of the European Communities*

*The President*



José Manuel DURÃO BARROSO

<sup>(1)</sup> OJ L 256, 10.10.2000, p. 19.

<sup>(2)</sup> OJ C 102, 4.4.1996, p. 1.