

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 816 final

Brussels, 4 January 1982.

Commission Communication to the Council and the European Parliament
on the Conciliation Procedure

COM(81) 816 final

Commission Communication to the Council and the European
Parliament on the Conciliation Procedure

I. By their joint declaration of 4 March 1975¹ the European Parliament, the Council and the Commission established a procedure for conciliation among the three Institutions aimed at involving Parliament more effectively in the adoption of certain important Community acts with major financial implications.

Although the procedure has sometimes made it possible to bring the Parliament's and the Council's positions closer together, it is generally agreed that in most cases it has not operated satisfactorily. In their Report on the European institutions in October 1979 the Three Wise Men analysed admirably the procedure's drawbacks and made a number of suggestions for improving it².

At the meeting in Strasbourg on 17 November 1981 between Foreign Ministers, the enlarged Bureau of Parliament and the Commission, the then President of the Council had the following to say about the unsatisfactory nature of the procedure: "it can prove difficult to reconcile the two Institutions' conflicting positions; the procedure is quite lengthy and the steps involved have not been defined in detail".

More generally, the procedure has not come up to parliamentary expectations, in that it "has not given it the feeling that it is taking part in a real dialogue with the members of the Council, which, in the eyes of the Commission, was what it was set up for"³.

¹ OJ No C 89, 22 April 1975, p. 1

² p. 80 and Annex 3 of the Report

³ Commission Communication on relations between the Community Institutions (COM(81) 581 final, 7 October 1981)

Lastly, the directly elected Parliament has called for an extension of the procedure to cover all important Community acts, whether they have major financial implications or not, and has criticized the present arrangements under which, in practice, the procedure is initiated only if both the two parties agree that it is applicable.

- II. This is why in its abovementioned communication of 7 November 1981 the Commission proposed to the European Parliament and the Council "that the procedure should be reviewed in order to adapt it in such a way as to make it really effective".

The draft second joint declaration, attached, has been drawn up with this end in view.

It aims, firstly, at extending the procedure to cover all important Community acts, as desired by Parliament.

Secondly, it provides for the procedure to be initiated at the request of any one of the three Institutions.

It describes the normal, two-stage, procedure, to which exceptions can be made in special cases by the Presidents of the three Institutions, and to which they can add special provisions.

It is intended that the first meeting of the Conciliation Committee should be held after work has progressed as far as possible, as soon as the members of the Council have studied a Commission proposal sufficiently to be able to discuss it to some purpose with parliamentary and Commission representatives. Even at the second and last meeting of the Conciliation Committee (if such a meeting is needed) the joint approach established by the Council should leave room for a number of options and thus enable discussion to be profitable and fruitful.

After the last meeting Parliament will have a certain time in which to deliver a new opinion, after which the Council will be entitled to take definitive action.

The Commission considers that these improvements should enable the Parliament's institutional role to be strengthened, without this making the process of Community decision-taking more cumbersome.

III. As stated by the President of the Commission and the Member of the Commission with responsibility for Relations with the European Parliament at the meeting in Strasbourg on 17 November, the Commission feels that a special procedure should be used for considering its draft new joint declaration. The three Institutions could agree to nominate high-level representatives to consider the Commission draft, to try to reach agreement on proposed amendments and to report back to them. Naturally, the creation of this ad hoc working party holds no implications for future decisions, each Institution remaining free to define its position on the basis of the working party's report.

The Commission thinks that this suggested procedure should permit satisfactory agreement to be reached rapidly on the improvements that, in the view of three Institutions, need to be made to the conciliation procedure.

D r a f t

SECOND JOINT DECLARATION

of the European Parliament, the Council and the
Commission on the Conciliation Procedure

THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION,

Whereas by their joint declaration of 4 March 1975¹ the three Institutions established a conciliation procedure to ensure that the European Parliament was effectively involved in the preparation and adoption of decisions giving rise to major expenditure out of or revenue accruing to the budget of the European Communities;

Whereas following the direct election of Members of the European Parliament the part played by that Institution in the Community's legislative process should be heightened; whereas to this end the conciliation procedure should be extended to cover further important decisions other than those for which it was originally intended;

Whereas advantage should be taken of past experience to improve the way in which the procedure operates,

¹ OJ No C 89, 22 April 1975, p. 1

HAVE AGREED AS FOLLOWS:

1. The conciliation procedure shall be used for Community legislative acts which are of general application and of considerable importance for the Community and whose adoption is not required by acts already existing.
2. The procedure shall be initiated at the request of the European Parliament, the Council or the Commission.
3. The purpose of the procedure shall be to seek agreement between the European Parliament and the Council.
4. Conciliation shall be effected within a Conciliation Committee composed of representatives of the European Parliament, the Council and the Commission.
5. Unless the Presidents of the three Institutions concerned decide otherwise, laying down schedules and special arrangements for the conciliation procedure in particular cases, the conciliation procedure shall be as follows.
 - (a) A first meeting of the Conciliation Committee may be held as soon as, after receiving an opinion from the European Parliament, the Council has determined what the main problems posed by a Commission proposal are and how they might be settled;
 - (b) On the basis of the work of the Conciliation Committee, the Council may either take definitive action on or may establish a joint approach, possibly including various options, to the proposal under discussion;
 - (c) This joint approach shall be submitted to the Conciliation Committee;
 - (d) The European Parliament shall, within a maximum period of three months following the second meeting of the Conciliation Committee, deliver a new opinion on the Commission proposal;
 - (e) On expiry of this period or as soon as it has received a new opinion from Parliament, the Council shall be entitled to act definitively.

- 6. During the course of the conciliation procedure the Presidents of the three Institutions concerned shall take all requisite steps to facilitate proceedings and to enable it to fulfil the purpose specified in paragraph 3. They may, in particular, convene additional meetings of the Conciliation Committee.
- 7. This joint declaration replaces the joint declaration of 4 March 1975.

Done at ,

For the European Parliament For the Council For the Commission