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THE SECRETARY GENERAL

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Note for the attention of the members of the Conference of Presidents

First and second reading agreements under codecision

As the five year activity report of the three Vice Presidents responsible for conciliation indicates, the overall trend since the coming into force of the Amsterdam Treaty demonstrates a clear increase in the conclusion of codecision procedures before third reading.

Over the past five years, 28% of codecision dossiers have been concluded at first reading, 50% at second reading and 22% following conciliation. Under Maastricht, on the other hand, 40% of dossiers required conciliation.

While the exceptionally high number of early agreements reached in the final months of this legislature was undoubtedly due in part to the particular circumstances of the end of the parliamentary term and enlargement, the general trend seems set to continue.

The procedures to be followed at the conciliation stage are clearly set out in Article 251 of the Treaty and in Parliament's Rules (Rules 81-83). The procedures to be followed when seeking agreement at first and second reading, however, are less clear.

Increasing concerns have been expressed, within Parliament and beyond, about the potential lack of transparency inherent in first and second reading negotiations and the lack of clarity and coordination as to the procedures to be applied.

In order to ensure maximum transparency, credibility, consistency and effectiveness of the procedure, the attached draft guidelines have therefore been drawn up on the basis of the best practices identified to date across the various committees.

The Conference of Presidents is invited to consider these guidelines at the earliest opportunity with a view to enabling the new Parliament to begin its legislative work within a clearly defined framework.


Julian Priestley

Annex

PE 346.278/CPG

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First and second reading agreements: guidelines for best practice within Parliament

Preliminary considerations

1. Committees should make full use of the possibilities provided by the Treaties that allow for up to three readings. The decision to seek to achieve a first or second reading agreement should take due account of the very different situations existing at the first and second reading stages respectively. This concerns in particular the extent to which Parliament and Council have already reached a formal position; the majorities required at plenary stage and the deadlines imposed by the Treaties.
2. The decision should receive broad political support and should be taken in a transparent manner and announced in committee. It should be justified in terms of political priorities, deadlines, risk of legal uncertainty, or the uncontroversial nature of the proposal.

Meetings with Council and Commission

3. Informal contacts should be possible at all stages, provided that the committee, coordinators or shadow rapporteurs are kept informed of their existence and content. Concrete negotiations should not usually take place until the committee has adopted its first or second reading amendments. This position can then provide the mandate on the basis of which the committee's representatives can negotiate with Council and Commission.
4. EP participation should be decided by the coordinators. It should permit the fullest possible information to be provided to all political groups within the committee, either through direct participation of the Committee Chair and/or shadow rapporteurs or coordinators, or through prompt and sufficiently detailed information from the rapporteur to the Chair and shadow rapporteurs or coordinators. The coordinators may decide to invite the opinion committee draftsman to participate.
5. Interpretation should be provided, if requested, in particular during the concrete negotiation phase after the vote in committee.
6. Draft compromise texts submitted by any institution, and which are to be the basis of discussion at a forthcoming meeting, should as far as possible be circulated in advance to all negotiators.

Follow-up to meetings

7. The rapporteur should report back regularly on the state of negotiations, if necessary to the whole committee. Any significant change in the negotiating position should have broad political support.
8. The Council Presidency should be encouraged to participate in committee meetings to present the Council position.
9. If an agreement is reached, the Council Presidency should be invited to send a letter to the Committee Chair confirming Council's agreement in principle, and annexing the text.
10. Any compromise amendments required as a result of the agreement reached should be the subject of written information to all committee members. If they can not be approved by the committee for submission to plenary, they should be co-signed by the rapporteur and shadow rapporteurs or coordinators on behalf of their political groups to demonstrate that the amendments enjoy broad support.