

CODECISION AND CONCILIATION



A guide to how the European Parliament co-legislates
under the ordinary legislative procedure

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**Directorate-General for Internal Policies of the Union
Directorate for Legislative Coordination and Conciliations
Conciliations and Codecision Unit**

FOREWORD

We welcome the *Guide to Codecision and Conciliation*, prepared by the Conciliations and Codecision (CODE) Unit for the eighth parliamentary term. The aim of this Guide is to explain the way in which the Parliament organises its work in codecision, including at the conciliation phase, by providing practical information on this key legislative procedure, where the Parliament and the Council act jointly and on an equal footing to adopt European legislation on a proposal from and with the Commission.

With the entry into force of the Treaty of Lisbon, codecision entered a new era. Not only is it officially called the 'ordinary legislative procedure' but it has also become the general rule for adopting legislation at European Union level. In parallel, the frequency of informal trilogue negotiations has risen considerably in recent years. It is therefore of primary importance to the Parliament that its Members are well-acquainted with the way the codecision procedure and interinstitutional negotiations work and know how they can most effectively maximise their input to the adoption of EU legislation.

This Guide seeks to reply to these needs by providing practical information and the necessary background material to help Members prepare their participation in all stages of the codecision procedure, describing and clarifying the role of interinstitutional 'trilogue' negotiations throughout the legislative process, and of the key institutional actors therein. It also provides an overview of other important procedures in which Parliament plays a role and of the most relevant codecision-related statistics.

We would recommend it to all those who are involved or take an interest in the Parliament's work as a co-legislator.



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1. INTRODUCTION: FROM CODECISION TO THE ORDINARY LEGISLATIVE PROCEDURE

With the Treaty of Lisbon, codecision officially became the 'ordinary legislative procedure' (Article 294 TFEU¹) and the general rule for adopting legislation at European Union level, covering the vast majority of areas of Union action.²

Codecision is based on the principle of parity between the directly-elected European Parliament, representing the people of the Union, and the Council, representing the governments of Member States. On the basis of a proposal by the Commission, the two co-legislators adopt legislation jointly, having equal rights and obligations - neither of them can adopt legislation without the agreement of the other, and both co-legislators have to approve an identical text.

The present guide seeks to give a practical overview of the codecision procedure as the main legislative procedure for the adoption of Union legislation.³ In the first part, the various stages of the procedure are described, as laid down in the Lisbon Treaty: first reading, second reading and third reading (conciliation). A separate part is devoted to interinstitutional negotiations. The third part is devoted to the various actors in the codecision procedure. Finally, the guide is completed by a short overview of other relevant procedures in which Parliament plays a role.

Key milestones: from codecision to the ordinary legislative procedure

Maastricht Treaty, November 1993: Introduction of the codecision procedure which covered a limited number of legislative areas (mainly internal market).

Amsterdam Treaty, May 1999: Simplification of the codecision procedure making it possible to conclude agreements at first reading. Extension of its scope to more than 40 legal bases (including transport, environment, justice and home affairs, employment and social affairs).

Nice Treaty, February 2003: Extension of the scope of the codecision procedure to further areas.

Lisbon Treaty, December 2009: Codecision officially becomes the 'ordinary legislative procedure', covering 85 areas of Union action (including agriculture, fisheries and common commercial policy).

Joint Declaration, 1999/2007: adopted in 1999, laying down practical arrangements on the operation of the codecision procedure. Revised in 2007,⁴ explicitly recognising the importance of the "trilogue system" throughout the codecision procedure.

¹ Treaty on European Union (hereafter "TEU") and Treaty on the Functioning of the European Union (hereafter "TFEU"). See Annex 7.1 for Article 294 TFEU.

² A full list of the 85 legal bases subject to the ordinary legislative procedure can be found in Annex 7.2.

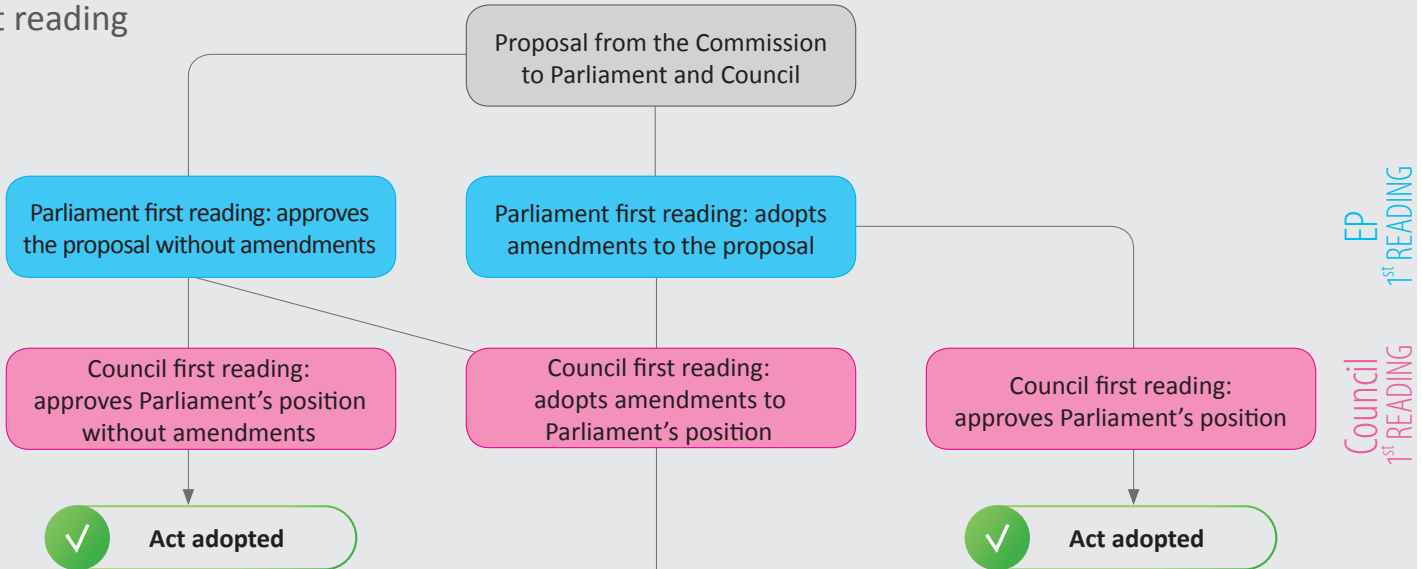
³ For ease of reference, the term codecision will be used throughout this guide.

⁴ Joint Declaration of the European Parliament, the Council and the Commission of 13 June 2007 on practical arrangements for the codecision procedure – the full text can be found in Annex 7.3.

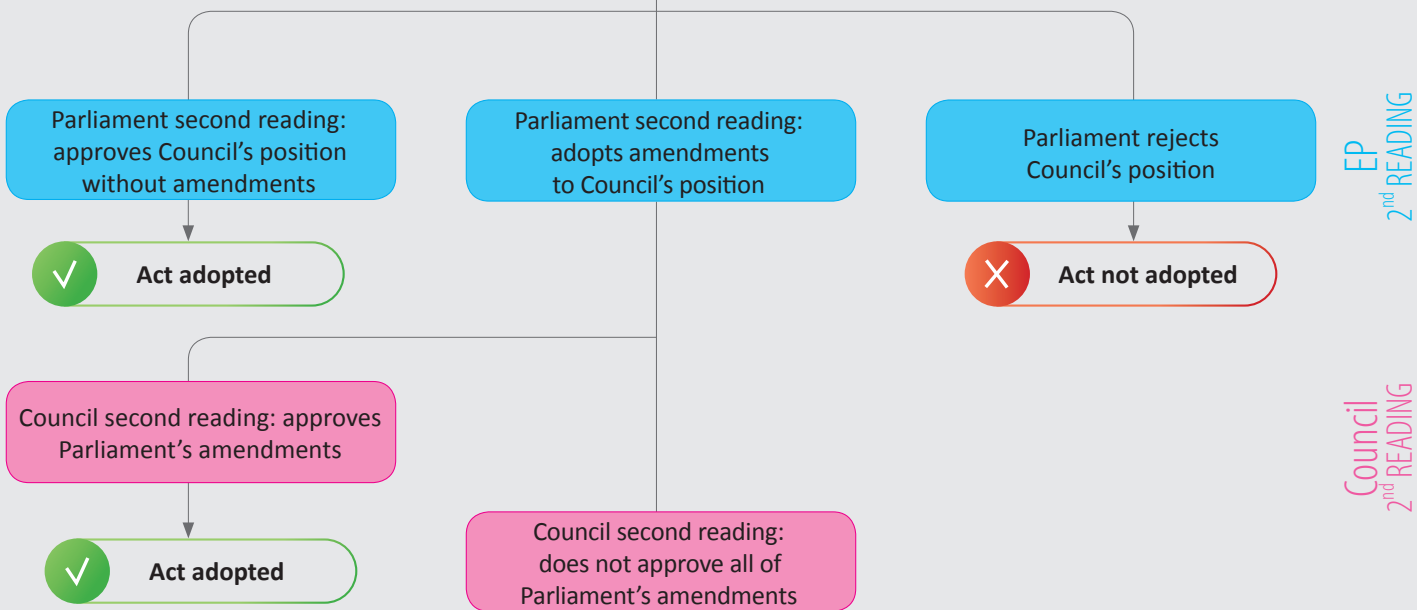
2. THE LEGISLATIVE PROCEDURE

The ordinary legislative procedure (Article 294 TFEU) step by step

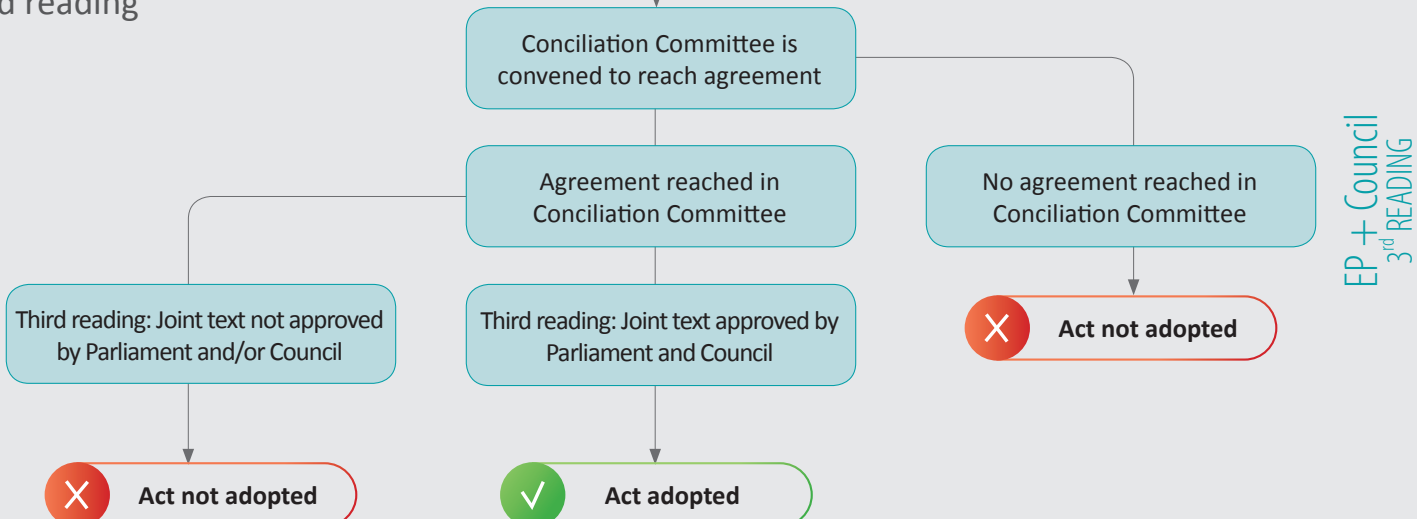
1st reading



2nd reading



3rd reading



Main Parliament and Council actors during the codecision procedure	
Parliament	
Rapporteur	<ul style="list-style-type: none"> • Prepares the draft report of the responsible committee and leads the file through the various stages of the procedure, including interinstitutional negotiations • Appointed by the political group to which the file was attributed following a decision of the coordinators endorsed by the responsible committee
Shadow Rapporteurs	<ul style="list-style-type: none"> • Coordinate amendments expressing the views of political groups other than that of the rapporteur • Appointed by each of the remaining political groups
Committee Chair	<ul style="list-style-type: none"> • Chairs and, together with the rapporteur, leads interinstitutional negotiations • Elected by the committee
Vice-President responsible for conciliation	<ul style="list-style-type: none"> • Leads interinstitutional negotiations during the conciliation phase, together with the rapporteur • Three out of 14 Vice-Presidents are responsible for conciliation and are appointed for renewable two-and-a-half year mandates
Council	
Working Party Chair	<ul style="list-style-type: none"> • Leads the proposal through the various stages of the procedure, including interinstitutional negotiations on behalf of the Council Presidency • Working Parties are composed of representatives of Member States responsible for a specific field and are usually chaired by representative of the Member State holding the Council Presidency
COREPER I and II	<ul style="list-style-type: none"> • Discusses important aspects of the proposal and adopts mandate for interinstitutional negotiations. Its Chair, the (Deputy) Permanent Representative of the Member State holding the Council Presidency, can represent Council in negotiations • Composed of the Permanent Representatives (COREPER II) or their Deputies (COREPER I) and chaired by the (Deputy) Permanent Representative of the Member State holding the Council Presidency
Council / Minister	<ul style="list-style-type: none"> • Exceptionally discusses important aspects of ongoing legislative procedures. Minister represents Council in conciliation and, exceptionally, in first or second reading negotiations • Council meets in various formations, according to the subject-matter. It is composed of the Ministers of Member States responsible for the specific subject-matter and is chaired by the Minister of the Member State holding the Council Presidency

2.1. Submission of a legislative proposal

The codecision procedure starts with a Commission proposal for a legislative act, adopted by the College of Commissioners on the basis of a written or an oral procedure.

The Commission holds the 'right of initiative', i.e. the prerogative to propose legislation at Union level (Article 17 TEU). It should be noted, however, that in specific cases provided for in the Treaties a proposal for a legislative act may also be submitted to the ordinary legislative procedure on the initiative of a group of Member States, on a recommendation by the European Central Bank, or at the request of the Court of Justice (Article 294(15) TFEU).⁵

Parliament and Council, under Articles 225 and 241 TFEU, respectively, may request the Commission to submit appropriate proposals in order to attain the objectives of the Treaties. Similarly, a citizens' initiative can invite the Commission to submit appropriate proposals to implement the Treaties, in accordance with Articles 11 TEU and 24 TFEU.⁶

The Commission's legislative proposal (for a regulation, a directive or a decision) is simultaneously transmitted to the Parliament and the Council and, if relevant, forwarded to the national Parliaments and to the Economic and Social Committee and the Committee of the Regions.⁷

LEGISLATIVE ACTS	
Legislative Acts (Article 288 TFEU)	Adopted by a legislative procedure (codecision, consent or consultation), Article 289 TFEU.
Directive	A "directive" is a legislative act that sets out a goal that all EU Member States must achieve. However, it is up to the individual Member States to decide how to transpose the directive into their national legislation.
Regulation	A "regulation" is a legislative act that has general application and is binding in its entirety. It is directly applicable across the EU.
Decision	A "decision" is binding in its entirety on those to whom it is addressed (e.g. one, several or all Member States or an individual company) and is directly applicable.

⁵ For example: a quarter of the Member States can initiate a legislative procedure in the field of police and judicial cooperation in criminal matters (Article 76 TFEU); the statute and complementary legislation regarding the statute of the European system of central banks and of the European Central Bank can be amended via the ordinary legislative procedure on a recommendation by the European Central Bank (Article 40 of Protocol 4); specialised courts attached to the General Court may be established via the ordinary legislative procedure at the request of the Court of Justice (Article 257(1) TFEU).

⁶ The Commission is not obliged to propose legislation as a result of a citizens' initiative. It must, however, set out in a communication its political and legal conclusions and explain the actions it intends to take (if any) and its reasons.

⁷ See point 3.4 for a description of the role of national parliaments, the Economic and Social Committee and the Committee of the Regions.

2.2. First reading stage

At the first reading, the Parliament and the Council examine in parallel the Commission's proposal. It is, however, the Parliament that has to act first, by adopting the Commission's proposal without amendments, amending it, including as a result of a first reading agreement, or rejecting it. After the Parliament has adopted its position, the Council may decide to accept Parliament's position, in which case the legislative act is adopted, or it may amend Parliament's position and communicate its position at first reading to Parliament for a second reading. The Parliament and the Council may reach an informal agreement at any point, leading to a first reading agreement (if a compromise text is agreed before Parliament's first reading vote) or an early second reading agreement (if a compromise text is agreed before the Council's first reading vote).⁸

During the whole first reading stage, neither the Parliament nor the Council is subject to any time limit by which they must conclude their first reading.

Parliament first reading

Committee stage

Within the Parliament the proposal is referred by the President to the committee responsible for its consideration (lead committee).⁹ The examination of a Commission proposal during the committee stage can also involve several committees, under the procedure of opinion-giving committees (Rule 53 of Parliament's Rules of Procedure (RoP)), associated committees (Rule 54 RoP) or joint committee meetings and vote (Rule 55 RoP).

⁸ For further details on first and second reading agreements see point 2.5.

⁹ Proposals are attributed on the basis of the committees' respective competences, which are laid down in Annex VI of Parliament's Rules of Procedure. Other parliamentary committees can challenge the attribution of a proposal to the responsible committee: in such a case the conflict of competence is settled by a decision of the Conference of Presidents on the basis of a recommendation by the Conference of Committee Chairs.

Involvement of various committees during codecision	
Responsible committee (or 'lead committee')	It is the committee in charge of the preparatory work for plenary by drawing up legislative and own-initiative reports, resolutions or written questions.
Committee for opinion (Rule 53 RoP)	Any committee can be asked by the responsible committee or on its own-initiative ask to give its opinion on those matters that fall within its areas of responsibility.
Associated committee (Rule 54 RoP)	When the Conference of Presidents (CoP) considers that a given matter falls almost equally within the competence of two or more committees, or that different parts of the matter fall within the competence of two or more committees, then those committees shall be "associated" and cooperate under specific rules.
Joint committee (Rule 55 RoP)	When the matter falls almost equally within the competence of two or more committees and it is of major importance, the CoP may decide that two or more committees will work as joint committees. In that case they hold joint committee meetings and a joint vote on a single draft report.

The responsible committee appoints a 'rapporteur' whose main task is to lead the proposal through the various stages of the procedure and lead negotiations with the Council and the Commission, if appropriate. The rapporteur advises the committee (during consideration at committee level) and the Parliament in general (at plenary stage) on the general approach to be taken towards the Commission proposal. The rapporteur is responsible for preparing the committee's 'draft report' and, as such, is the first Member to propose amendments to the Commission proposal. The other political groups appoint 'shadow rapporteurs' to represent their position on the proposal, although amendments can be tabled by any Member of Parliament.

The rapporteur and the shadow rapporteurs are assisted by the relevant committee secretariat, the staff of political groups, their parliamentary assistants, the Legal Service, the CODE unit, the responsible lawyer-linguists and other relevant services.

During the committee stage, it is not unusual to organise hearings with experts or to commission studies or impact assessments.

The draft report and the amendments are subsequently discussed in committee, during one or several committee meetings. Very often, before the committee proceeds to the vote, informal discussions between the rapporteur and the shadow rapporteurs take place, in an effort to reconcile the positions of the different political

groups as much as possible. These discussions are often held during so-called 'shadows meetings'. The result of such informal discussions can be the presentation of so-called 'compromise amendments' that are subsequently put to the vote and aim at regrouping a certain number of amendments or serve as an alternative to conflicting amendments.

The lead committee adopts its report, which takes the form of amendments to the Commission proposal, by a simple majority. The Commission is usually present during committee debates, and, at one of the meetings where the report is discussed or prior to the vote, it may be invited to express its position on the proposed amendments. The Council is also present and may also be invited to comment.

If there is a common intention of the co-legislators to conclude a certain file in first reading, informal negotiations with the Council and the Commission may start after the vote of the report by the committee. In such cases, the report constitutes most commonly the negotiating mandate of the Parliament, and any agreement reached between the co-legislators must thereafter be submitted to the committee for its consideration and approval.¹⁰



Vote in committee: show of hands (left) and roll call vote (right).

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Plenary stage

When the responsible committee has adopted its report in the form of amendments to the Commission's proposal and the accompanying legislative resolution (including, where relevant, a set of amendments that reflect negotiated first reading agreements with the Council), the report is tabled for vote in plenary (Rule 169 RoP). Most commonly, the vote on important legislative files in plenary is preceded by a discussion also at plenary stage. In such a discussion, and before the vote, the President of the Parliament may ask the Commission and the Council to indicate their

¹⁰ For the rules regarding the adoption of negotiating mandates in the Parliament, see point 2.6.

position on the proposed amendments.¹¹ Additional amendments may be tabled at plenary stage, but only by the responsible committee, by a political group or by at least 40 individual Members.

The Parliament, acting by a *simple* majority (i.e. a majority of the Members voting), then adopts its *first* reading of the Commission proposal in the form of a legislative resolution: it may reject the proposal as a whole¹², approve it without amendments or, most commonly, adopt amendments to the proposal.

Once the Parliament has concluded its first reading, the Commission may adopt an 'amended proposal' incorporating the amendments by Parliament that it can accept, in line with the position expressed by the Commission in plenary before Parliament's first reading vote.

If Parliament's position at first reading reflects an agreement reached in inter-institutional negotiations, the first reading position (and agreement) is subsequently forwarded to the Council which adopts it without amendments as its first reading position. The legislative procedure is thus closed at this stage.

Majorities:	
In the Parliament	
Simple majority:	Majority of the votes cast
Absolute majority:	Majority of the component members (for a plenary vote, currently 376 out of 751 votes)
In the Council	
Simple majority:	Fifteen Member States in favour
Qualified majority:	55% of Member States in favour (i.e. 16 Member States) representing at least 65% of the EU population ¹³
Unanimity:	All Member States that vote are in favour (abstention does not prevent adoption by unanimity)

¹¹ After the adoption of amendments, the rapporteur or the chair of the lead committee can ask to postpone the vote on the legislative resolution and that the matter be referred back to the committee responsible for reconsideration.

¹² The Treaty does not explicitly foresee the possibility for the Parliament to reject the proposal at the first reading stage, as it does at second reading (Article 294(7)(b) TFEU). The Parliament has considered that rejection of a Commission proposal in first reading is possible. Parliament has thus rejected proposals in first reading (for example, the proposal on European statistics on safety from crime). However, rejection of a Commission proposal remains rather exceptional.

¹³ This 'double majority' rule applies from 1 November 2014 onwards. Until then, and since 1 July 2013, a qualified majority corresponded to 260 votes in favour (out of a total of 352) cast by at least 15 Member States.



Plenary session in Strasbourg - © European Union 2014 - European Parliament

Council first reading

Similarly to the Parliament, after receiving a Commission proposal, the Council starts its preparatory works. The proposal is referred to the relevant working party for discussion.¹⁴ The examination of the proposal in the relevant working party may time-wise coincide with the examination of the same proposal by Parliament. When discussions are sufficiently mature in the working party and, depending on the sensitivity or the importance of the file at hand, discussions might start or continue at COREPER and more rarely at Council level. COREPER also adopts the negotiating mandate in view of forthcoming inter-institutional negotiations.¹⁵

If the Council, acting by a qualified majority, approves all of Parliament's amendments (as is the case in the event of a first reading agreement¹⁶), or if the Parliament has approved the proposal without amendment, the Council may adopt the act at first reading. If the Council is unable to fully accept the outcome of the Parliament's first reading, it adopts its position at first reading (formerly known as the Council's 'common position') and communicates it to the Parliament in order to proceed to the second reading. The Council gives the Parliament a full account of the reasons which led to the adoption of its position. The Commission informs the Parliament fully of its position.

¹⁴ Working parties are frequently also referred to as working groups; the two terms designate the same Council bodies.

¹⁵ For more details on interinstitutional negotiations see point 2.5.

¹⁶ See point 2.5.

During the first and second reading the Council can, in principle, only amend the Commission proposal by unanimity. In practice, however, in order to facilitate an agreement in the Council by qualified majority, the Commission often amends its proposal just before the adoption of the Council's position.¹⁷



Meeting in Council. © Council of the European Union

2.3. Second reading stage

Once the Parliament formally receives Council's position at first reading, the phase of the second reading starts. In second reading, the Parliament can approve, reject or amend the Council's position at first reading, generally within four months of its announcement in plenary. If the Parliament takes no decision by the expiry of this deadline, the act is deemed to have been adopted in accordance with the Council's position at first reading.

If the Parliament has adopted its first reading position without an agreement with Council, a possibility of reaching an agreement before Parliament's second reading still exists: it is the so-called "early second reading agreement". In this case, inter-institutional negotiations take place after the vote at first reading in plenary. The Council then formally adopts the result of these negotiations as its position at first reading and transmits it to Parliament. Parliament then finalises the procedures by

¹⁷ While not explicitly laid down in the Treaty, it is widely accepted that acting by a qualified majority the Council may reject the Commission proposal as a whole. However, in practice the Council usually does not formally reject Commission proposals. Instead, and unlike the Parliament, it does not start or continue work on the relevant Commission proposals so that those files actually remained blocked. On the other hand, the Commission may decide at any time during the first reading either to withdraw or to alter its proposal (Article 293(2) TFEU).

adopting, as its second reading position, the Council's position at first reading without amendments. The legislative procedure is thus closed at this stage.

In second reading the two co-legislators are bound by strict time limits laid down in the Treaty: each of the co-legislators has three months extendable by one month.

Parliament second reading

Committee stage

The rapporteur (normally the same Member who drew up the report for the first reading) draws up a draft 'recommendation' for the responsible committee (the same committee that was responsible at first reading).

The draft recommendation will include the amendments proposed by the rapporteur. Any full or substitute Member of the responsible committee may table additional amendments. However, in second reading, certain restrictions apply to the admissibility of amendments. In particular, under Rule 69 RoP, amendments are only admissible if they seek:

- to restore wholly or partly Parliament's first reading position, or
- to reach a compromise between the Parliament's and the Council's positions, or
- to amend a part of the Council's position at first reading which was not included in or differs in content from the initial proposal, or
- to take account of a new fact or legal situation which has arisen since the first reading (such as a change of political orientation after European Parliament elections).

The Chair of the responsible committee and the President of the Parliament rule on the admissibility of amendments at committee and plenary stage respectively: their decision is final (Rule 69 RoP).

In second reading there is no role for opinion-giving or associated committees. However, the procedure for joint committee meetings continues to apply.

As at first reading, the draft recommendation and the amendments presented by Members other than the rapporteur can become the subject of informal discussions among the rapporteur and the shadow rapporteurs in order to reconcile positions as much as possible and can lead to compromise amendments that are subsequently put to the vote.

The responsible committee decides by a simple majority of its Members (i.e. a majority of the votes cast). After the vote in the responsible committee, the recommendation is tabled for vote in plenary (where absolute majority is needed for rejection or adoption of amendments - see below).

If there is a common intention of the co-legislators to conclude a certain file in second reading, informal negotiations with the Council and the Commission start after the vote of the draft recommendation for second reading by the committee. In view of the deadlines of second reading, informal contacts usually start before the vote in committee.

Plenary stage

The recommendation for second reading, as adopted in committee, or, in the event of a second reading agreement, the text of the agreement in the form of amendments, is tabled for vote in plenary. Additional amendments may be tabled at plenary stage, but only by the responsible committee, by a political group or by at least 40 individual Members.

Before the vote in plenary, the President of the Parliament may ask the Commission to state its position and the Council to comment.

The Parliament can approve the Council's position at first reading without amendment (either as a result of an early second reading agreement or because the proposed amendments are not adopted in plenary). This requires the support of a simple majority of the Parliament's Members (i.e. a majority of the Members voting).

The Parliament may also adopt amendments to the Council's position at first reading: each such amendment must be supported by an absolute majority of Members.

Finally, the Parliament can reject the Council's position at first reading by an absolute majority of the Parliament's Members (i.e. at least 376 votes in favour out of a possible total of 751).

If Parliament approves or rejects the Council's first reading position, the legislative procedure is closed. In the case of a rejection, it can only be re-launched by a new Commission proposal.

Council second reading

Once the Parliament has concluded its second reading and has referred its position to the Council, the latter has a further three months (or four, if an extension has been requested) to conclude its second reading.

At second reading, the Council may approve the Parliament's amendments by a qualified majority, or by unanimity if the Commission opposes a Parliament amendment. In this case, the act is adopted.

If the Council does not accept all of Parliament's amendments, the Conciliation Committee is convened, in accordance with the Treaty.

2.4. Conciliation and third reading stage

Conciliation consists of negotiations between the Parliament and the Council in the framework of the Conciliation Committee, with a view to reaching agreement in the form of a 'joint text'.

The Conciliation Committee consists of two delegations:

- the Council delegation, composed of one representative of each Member State (Ministers or their representatives), and
- the Parliament delegation, composed of an equal number of Members.

Thus, the Conciliation Committee consists of 56 (28+28) members. The Commission is represented by the Commissioner responsible for the file, and is tasked with taking all necessary initiatives in order to reconcile the positions of the Parliament and of the Council.

The Conciliation Committee must be convened within six weeks (or eight weeks, if an extension has been agreed) of the Council concluding its second reading and officially notifying Parliament that it is not in a position to accept all the Parliament's second reading amendments. It is constituted separately for each legislative proposal requiring conciliation and has six weeks (or eight weeks, if an extension has been agreed) to reach an overall agreement in the form of a 'joint text'. In practice, given the relatively short time frames to reach an agreement, informal negotiations generally start before the Conciliation Committee is formally convened.¹⁸

If the Conciliation Committee does not reach an agreement, or if Parliament or the Council does not approve the 'joint text' at third reading within six weeks (or eight weeks if an extension has been agreed), the act is deemed not to have been adopted.

¹⁸ See point 2.5 for more details on informal negotiations.

Main differences between readings from EP perspective	
1st reading	<p>No time limits</p> <p>Responsibility lies primarily with the parliamentary lead committee(s), possibility of involvement of associated and opinion-giving committees</p> <p>Amendments to the Commission proposal can be tabled at committee and at the plenary stage; broad admissibility criteria for amendments</p> <p>Parliament decides (to approve, reject or amend the Commission proposal) by a simple majority (i.e. majority of Members voting)</p>
2nd reading	<p>Time limits: max. 3+1 months for the Parliament and another max. 3+1 months for the Council</p> <p>Responsibility lies exclusively with the lead committee(s)</p> <p>Amendments to the Council's position can be tabled at committee and at plenary stage; strict admissibility criteria for amendments</p> <p>Parliament approves the Council's position at first reading by a simple majority, but rejects or amends it by an absolute majority</p>
Conciliation and 3rd reading	<p>Time limits: max. 24 weeks (3 x 8 weeks), of which max. 8 weeks devoted to conciliation as such</p> <p>Primary responsibility lies with the Parliament Delegation to the Conciliation Committee</p> <p>No amendments allowed at third reading: Parliament approves or rejects the 'joint text' as a whole by simple majority in a single vote</p>

Conciliation

The preliminary stage

As soon as it becomes clear that the Council cannot accept Parliament's amendments, it informs the Parliament thereof and informal contacts between the three institutions are initiated. The Conciliations and Codecision Secretariat ('CODE'), i.e. the Parliament's administrative unit responsible for, amongst other things, conciliation, starts preparations for the appointment of the EP delegation to the Conciliation Committee, in order to convene the Conciliation Committee as soon as possible, within the time limits set out in the Treaty. The CODE secretariat assists the EP delegation throughout the conciliation procedure, working in close cooperation with the secretariat of the relevant parliamentary committee and with Parliament's Legal Service, lawyer-linguists, Press Service and other relevant EP services.

Composition and appointment of the Parliament delegation

Each EP delegation to the Conciliation Committee is chaired by one of the three Vice-Presidents of the Parliament responsible for conciliation: they decide among themselves who will be responsible for which conciliation procedure. The rapporteur and the Chair of the parliamentary committee(s) responsible are also members *ex officio* of the delegation.

The remaining members of the delegation (normally 25)¹⁹ are appointed by each political group for each particular conciliation procedure.²⁰ Most of them are from the committee responsible or from the opinion-giving or associated committees.

The political groups must also appoint an equal number of substitute members, who can be present at all meetings of the delegation and the conciliation committee. As in parliamentary committees, they can take part in the discussions, but can vote only if they replace a full Member.

Constituent meeting of the Parliament delegation

The Parliament delegation usually holds its constituent meeting in Strasbourg during the plenary session. In exceptional cases, there is a possibility to replace the constituent meeting by a letter from the chair of the delegation to its Members ('constitution by written procedure').

The main purpose of the constituent meeting of the Parliament delegation is to give a mandate to its negotiating team - normally the Vice-President as Chair of the delegation, the Chair of the responsible committee and the rapporteur(s) - to start negotiations with the Council in 'trilogue' meetings. At constituent meetings, there is often also a short exchange of views on the substance of the issues at stake.

The Commission is present at all meetings of the Parliament delegation in order to give its opinion on possible ways to reconcile the positions of the Parliament and Council or to respond to requests for more detailed or 'technical' information.

Negotiations during the conciliation phase

According to the schedule of trilogues agreed between Parliament and Council at the beginning of conciliation on a given file, a series of trilogues takes place throughout the conciliation procedure with the aim of reaching an overall agreement in the Conciliation Committee. Trilogues during the conciliation procedure follow the usual scheme of trilogues as described in point 2.5.

After each trilogue meeting, the negotiating team of each institution reports back to its corresponding delegation. The main aim of the delegation meetings is to give

¹⁹ The number of remaining members of the delegation will be fewer if, for example, the conciliation procedure involves a package of files.

²⁰ Similarly to the appointment of rapporteurs in committees, members of the Conciliation Committee are nominated by political groups on the basis of the D'Hondt formula, after the Conference of Presidents has decided the exact number of members of the Conciliation Committee by each political group.

feedback on the negotiations, update the mandate of the negotiating team and, if appropriate, to discuss any compromise texts. The delegation gives instructions to the negotiating team on how to pursue negotiations. At the end of the procedure, the delegation formally approves or rejects the agreement reached in conciliation. Approval of an agreement requires the support of an absolute majority of Members of the delegation (at least 15 votes in favour out of a possible 28).

The Conciliation Committee

The Conciliation Committee, consisting of the representatives of the 28 Member States and 28 Members of Parliament, is convened by the President of the Parliament together with Council. The Committee is often convened when the positions of the Parliament and the Council are close enough that it can be anticipated that the outstanding questions can be solved. In any case, the Committee must be convened no later than six weeks (or eight, if an extension has been agreed) after the conclusion of the Council's second reading in order to formally open the conciliation procedure. The Committee has then another six weeks (or eight, if an extension has been agreed) to reach an overall agreement in the form of a joint text.

Conciliation Committee meetings are normally held in Brussels. Parliament and Council take turns to act as host. The meetings are normally scheduled to start in the late afternoon or early evening and may continue until midnight or beyond. The Vice-President chairing the EP delegation and the Minister of the Member State holding the Council Presidency co-chair the Conciliation Committee meeting. The relevant Commissioner represents the Commission. The main working tool is the joint four-column working document prepared by the Parliament and Council conciliation secretariats.

Normally, conciliation evenings consist of several trilogue meetings and meetings of the respective delegations, before the meeting of the Conciliation Committee takes place. Sometimes the Conciliation Committee meeting itself is interrupted for negotiations in trilogue to clarify the state of play or to find compromises for issues that remain controversial. Internal separate meetings of the Parliament and Council delegation also take place between the trilogue meetings and the official meetings of the Conciliation Committee. Such meetings are necessary in order to inform each delegation of the progress reached at each stage of the negotiation and to update the negotiating mandate.

The Commission may be invited to propose compromise texts in order to facilitate agreement. Sometimes declarations by one or more of the institutions or reports and studies to be prepared by the Commission are used as a tool to reach an agreement.

If it is unlikely that agreement will be reached at the first meeting, further meetings, including trilogue meetings, can be convened within the 6 - 8 week time limit set by the Treaty for reaching an agreement. The conciliation can be concluded by written procedure, if appropriate.

If the two institutions fail to reach an agreement in the Conciliation Committee, the whole proposal falls.²¹



Conciliation committee meeting - © European Parliament

Third reading (after the Conciliation Committee)

An agreement reached in the Conciliation Committee has to be confirmed by both Parliament and the Council within six weeks (or eight weeks if an extension has been agreed) from the approval of a joint text. The two institutions vote separately on the joint text as it stands, without any possibility of further amending it.

The vote in plenary on the joint text is preceded by a debate. The plenary then votes on the joint text. A simple majority of the votes cast is required for approval; otherwise the joint text is rejected.

The joint text has also to be approved by qualified majority by the Council, which generally votes after Parliament's third reading.²²

Thus, the joint text must be approved by both Parliament and Council before it can become law. If either institution fails to approve the joint text, the legislative procedure comes to an end: it can only be re-started by a new proposal from the Commission.

²¹ Since 1999, there have been two cases where the delegations of Parliament and Council did not succeed to reach an agreement on a joint text in the Conciliation Committee ('Working Time Directive' and 'Novel Food Regulation').

²² So far, the Council has never rejected an agreement reached in conciliation. Parliament has very rarely rejected agreements reached in conciliation; examples include the agreement reached on the proposal for a Directive on 'Take-over Bids' in 2001 and the agreement reached on the proposal on market access to port services in 2003.

2.5. Interinstitutional negotiations

Since the Amsterdam Treaty, which introduced the possibility for the co-legislators to reach agreement at first reading, it is possible to conclude a codecision procedure at any reading.²³ This practice was codified in the Joint Declaration on Practical Arrangements for the Codecision Procedure, according to which 'the institutions shall cooperate throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure'. The reconciliation of positions is reached through informal interinstitutional negotiations called trilogues.



Trilogue meeting - © European Parliament

²³ For an historical overview, see the report of the Conference on "20 years of codecision" of 5 November 2013: <http://www.europarl.europa.eu/code/events/20131105/report.pdf>.

Trilogues explained

Trilogues are informal tripartite meetings on legislative proposals between representatives of the Parliament, the Council and the Commission. The purpose of these contacts is to reach agreement on a package of amendments acceptable to both the Council and the Parliament. They may be organised at any stage of the legislative procedure and can lead to what are known as 'first reading', 'early second reading' or 'second reading' agreements, or to a 'joint text' during conciliation.

Trilogues consist of political negotiations, although they may be preceded by preparatory technical meetings (attended by the three institutions' experts). They may address issues of planning and timetable or go into detail on specific issues of substance, often on the basis of compromise texts.

The main tool of work is the so-called four-column document: the first three columns present each of the three institutions' respective positions and the last one is reserved for compromise proposals. During trilogue meetings, which are chaired by the co-legislator hosting the meeting (i.e. either Parliament or the Council), each institution explains its position and a debate develops. The Commission acts as a mediator with a view to facilitating an agreement between the co-legislators. The participants in the trilogues operate on the basis of negotiating mandates given to them by their respective institutions: by the responsible committee or plenary in Parliament, usually by COREPER in the Council, by the College (via the GRI²⁴) in the Commission. The three delegations explore possible avenues of compromise in an informal manner and report back or seek updates of their mandates on a regular basis according to their respective institutions' internal rules, i.e. via the negotiating team and/or in committee for Parliament, in COREPER or the responsible working party for Council (see the flowchart below).

Trilogue negotiations involve, on the Council side, representatives of the Presidency, in particular the Chairs of COREPER I and II but also the Chairs of working parties and sometimes Ministers, and, on the EP side, a negotiating team consisting of the Chair of the responsible committee, the rapporteur and the shadow rapporteurs (in accordance with Rule 73 RoP²⁵). The Commission is represented by the responsible Head of Unit or Director, and sometimes by the Director-General or Commissioner. While the level of representation of the Parliament in political negotiations is relatively uniform, that of the Council and the Commission often depends on the stage of the procedure and the importance of the file under negotiation.

In conciliation, the Parliament negotiating team consists of the Chair of the conciliation delegation (one of the Vice-Presidents for Conciliation), the Chair of the parliamentary committee and the rapporteur, the Council is represented by the Chair of COREPER I or II or the responsible Minister, and the Commission is represented by the responsible Director-General or Commissioner.

Any agreement in trilogues is informal and "*ad referendum*" and has to be approved by the formal procedures applicable within each of the three institutions. In particular in the Parliament, the agreement has to be approved by a vote in committee approving the result of negotiations (see Rule 73 RoP). The frequency as well as the number of trilogues depends on the nature of the file at hand and on specific political circumstances (for example, upcoming European Parliament elections). Due to the rotating nature of the Presidency of the Council, there is usually an impetus on the Council side to conclude a certain number of files during each Presidency.

²⁴ See point 3.1.

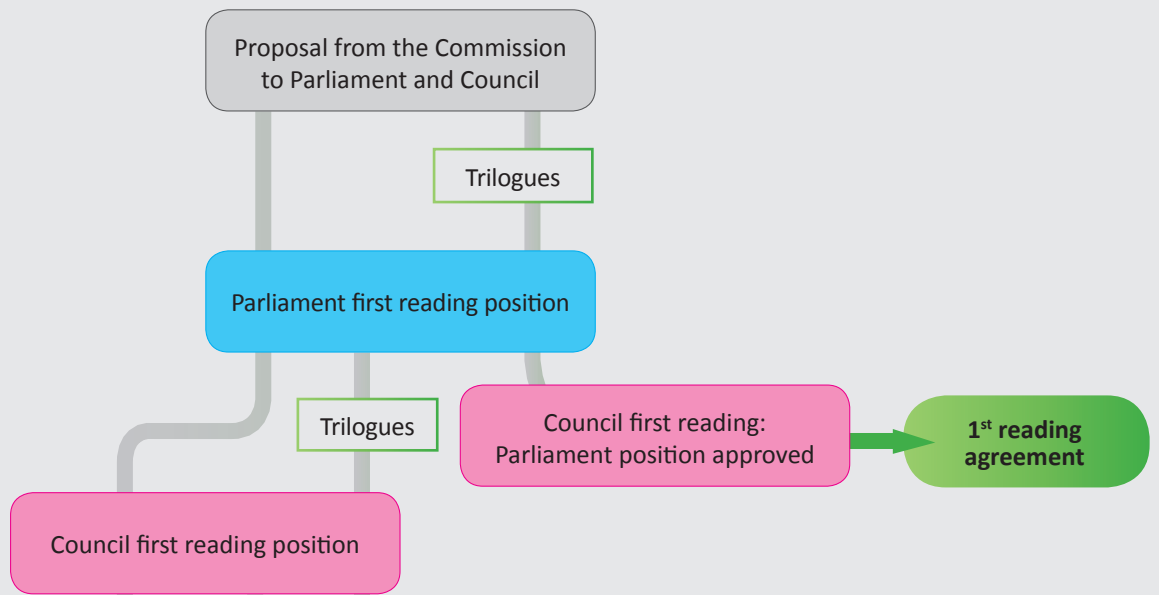
²⁵ See point 2.6 and Annex 7.5.

While codecision involves three possible readings, there are four stages at which, following trilogue negotiations, the co-legislators can reach agreement and conclude the legislative procedure (see also the flowchart below):

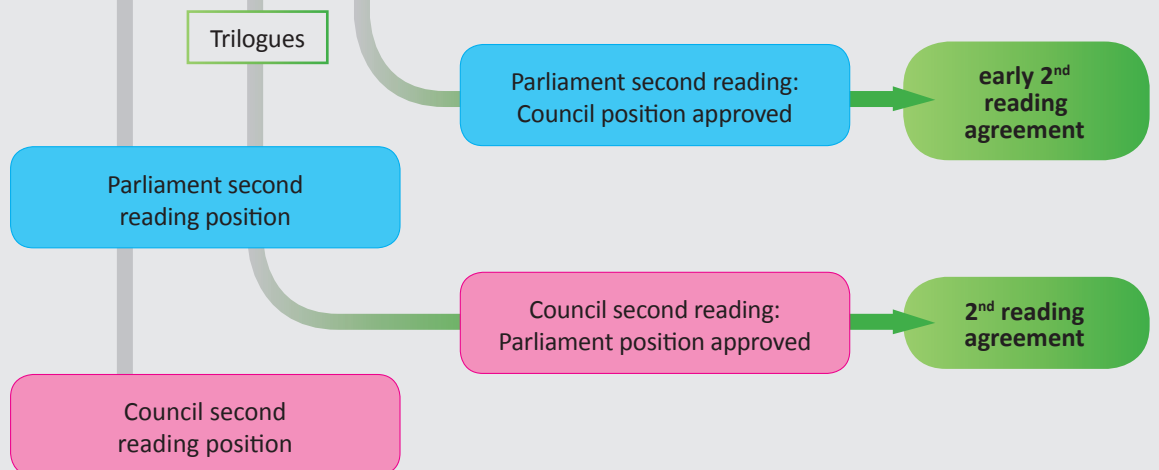
1. **First reading agreement.** The co-legislators agree on a compromise text prior to Parliament's first reading vote. The agreement reached is adopted by the plenary (Parliament's first reading position) and then by the Council (Council's first reading position).
2. **Early second reading agreement.** The co-legislators agree on a compromise text after Parliament's first reading position but before the Council's first reading position. The agreement reached is then adopted by the Council (Council's first reading position) and then by the plenary (as Parliament's second reading position).
3. **Second reading agreement.** The co-legislators agree on a compromise text prior to Parliament's second reading vote. The agreement reached is adopted by the plenary (Parliament's second reading position) and then by the Council (Council's second reading position).
4. **Conciliation.** If the Council does not approve all of Parliament's second reading amendments, the co-legislators can agree on a 'joint text' within the Conciliation Committee. The joint text must be approved at third reading by both the Parliament and the Council.

Possible interinstitutional negotiations during codecision

1st reading



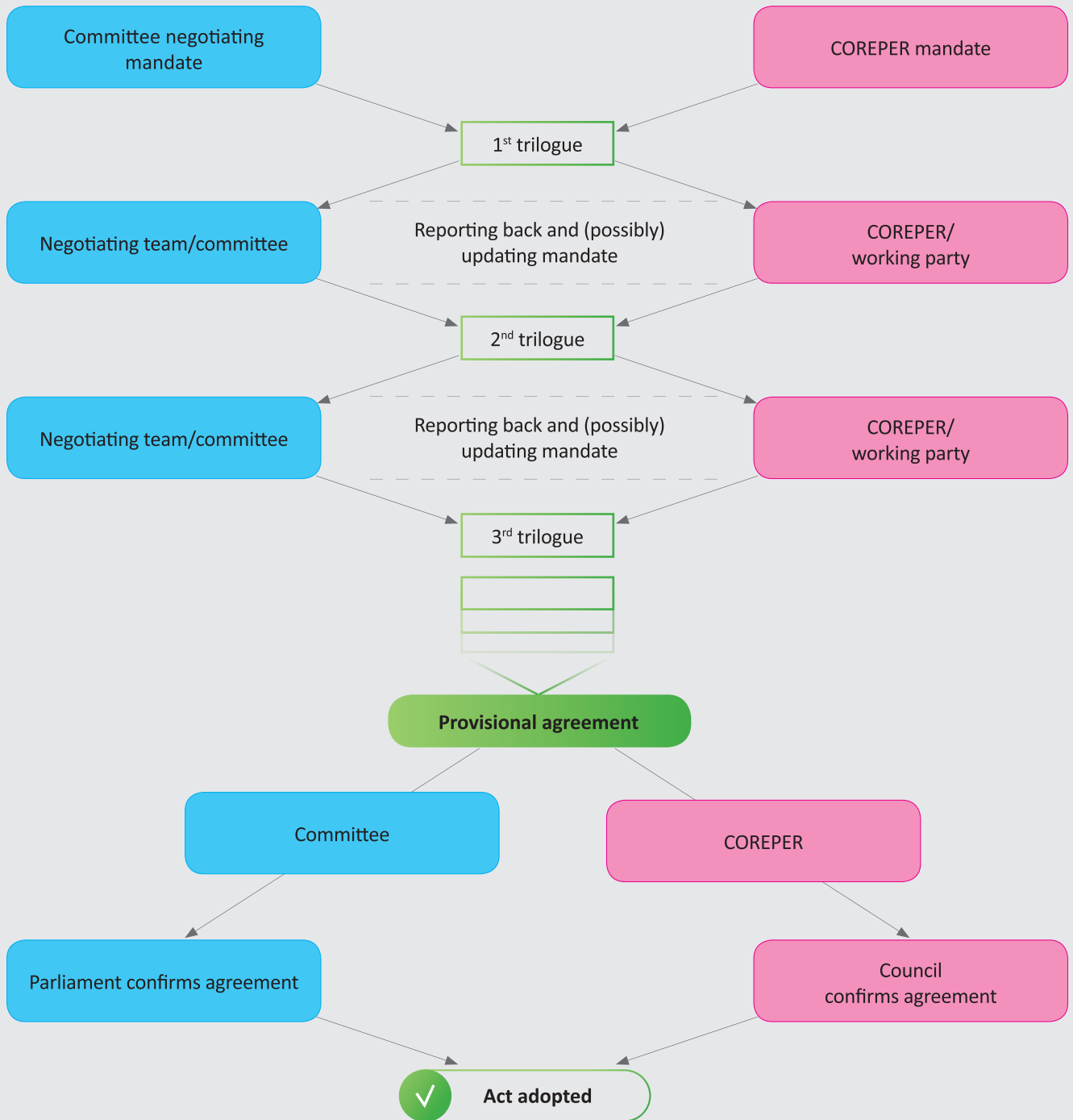
2nd reading



3rd reading



Negotiation process under the codecision procedure



2.6. Parliament rules for negotiations

In order to harmonise internal working methods and enhance the transparency of the legislative procedure, the Parliament amended its existing Rules of procedure regarding interinstitutional negotiations, codifying to a large extent existing practices in committees. Since 10 December 2012, a formal committee decision to open informal negotiations is required. There is a standard procedure (Rule 73 RoP), under which negotiations can start immediately on the basis of the report adopted in committee, and an exceptional procedure (Rule 73 and Rule 74 RoP), which applies to negotiations that start prior to the adoption of a report in committee, and involves the plenary. Both procedures, which apply to all legislative procedures for which negotiations are planned, include important elements:

- the decision to enter into negotiations requires an absolute majority of committee members, and must define the mandate and composition of the negotiating team;
- documentation (in the form of a four-column document) indicating the respective positions of the institutions involved and possible compromise solutions must be circulated to the negotiating team in advance;
- the negotiating team must report back to the committee after each trilogue;
- the committee must be informed of the final compromise, and the agreed text must be formally voted on in committee and, if approved, tabled for consideration in plenary.

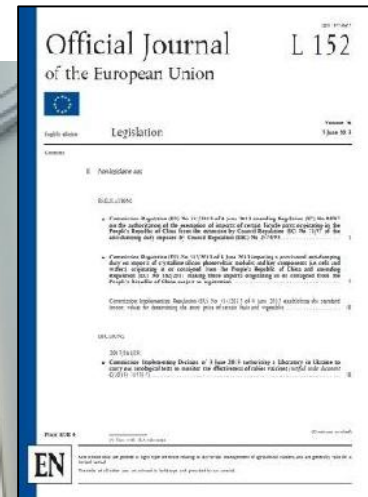
The revised rules have contributed to a more uniform application across committees of internal working methods on legislative files, enhancing the visibility of negotiating mandate and the transparency of proceedings in committee and of the negotiation process in trilogues.

Since the entry into force of these rules, the large majority of decisions to enter into negotiations on codecision files were adopted under the standard procedure (Rule 73 RoP).

2.7. Signing and publication of the adopted text

After an agreement has been reached during the codecision process (1st, 2nd or 3rd reading), and following legal-linguistic verification, the Presidents of Parliament and the Council have to sign the approved joint text known as "LEX".

The President of the Parliament and the Presidency of the Council sign the LEX texts jointly, usually in the margins of the Strasbourg plenary sessions.



Mr Vytautas Leškevičius, Lithuanian Vice-Minister for European Affairs and Mr Schulz, President of the Parliament, signing the new legislation - © European Union 2014 - European Parliament

After their signature, LEX texts are published in the Official Journal, along with any jointly agreed declarations.

3. KEY ACTORS AND THEIR ROLES IN THE CODECISION PROCEDURE

3.1. The Commission

The Commission represents the general interest of the European Union as a whole (as opposed to the interests of individual member states or citizens) and is responsible for, *inter alia*, proposing legislation, implementing decisions, overseeing the application of Union law, and ensuring respect of the Union's Treaties. The Commission is made up of the College of Commissioners consisting of a President and 27 Commissioners, i.e. one member from each Member State.²⁶ Collegiality, according to which all Commission members are jointly responsible for decisions and actions taken, is the key principle underlying all decision making procedures within the Commission, be it during the preparation of legislative proposals (e.g. inter-service consultations or meetings of the Cabinets of Commissioners) or during the interinstitutional negotiations (e.g. meetings of the *Groupe des Relations Interinstitutionnelles* (GRI)). The framework and principles of the Commission's decision making procedures are laid down in the Commission's Rules of Procedure.²⁷

The Treaty provides the Commission with a quasi-monopoly of legislative initiative (Article 17(1) TEU).²⁸ The Commission is therefore responsible for preparing almost all proposed legislative acts, in particular those under the codecision procedure. To prepare a legislative proposal, the Commission carries out extensive consultations with stakeholders and the public, takes into account reports by experts, and adopts Green and White Papers, etc. Moreover, for all legislative proposals (and some non-legislative proposals) it carries out an impact assessment to analyse the direct and indirect implications of a proposed measure.

The Commission's proposal is adopted by the College of Commissioners on the basis of either a written procedure (no discussion among Commissioners) or an oral procedure (the dossier is discussed by the College of Commissioners), and is published in the Official Journal of the European Union ("C" Series).

The proposal is forwarded simultaneously to the Parliament and the Council, at which point the codecision procedure starts, and it can alter or withdraw its proposal at any

²⁶ According to the Treaties, from 1 November 2014 onwards the Commission should consist of a number of members corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number (Article 17(5) TEU). In May 2013, the European Council decided that the Commission shall continue to consist of a number of members equal to the number of Member States; the European Council will review this decision in advance of the appointment of the first Commission following the date of accession of the 30th Member State or the appointment of the Commission succeeding that due to take up its duties on 1 November 2014, whichever is earlier.

²⁷ Commission decision of 24 February 2010 amending its Rules of Procedure, 2010/138/EU, Euratom, OJ L 55, 5.3.2010, p. 60–67.

²⁸ The Parliament and the Council, in accordance with Articles 225 and 241 TFEU respectively, may request the Commission to submit appropriate proposals for the purpose of implementing the Treaties.

time as long as the Council has not acted (i.e. before the Council adopts its first reading position).²⁹

Throughout the legislative procedure, the Commission supports the co-legislators by providing technical explanations, amending its proposal and playing the role of facilitator during the interinstitutional negotiations. The Commission acts as 'honest broker' when defending or negotiating its legislative proposals during all stages of the legislative process, in conformity with its right of initiative and in line with the principle of equal treatment for Parliament and the Council.³⁰

At all stages of the legislative procedure, Commission positions in interinstitutional negotiations are approved collegially via the GRI.³¹ The GRI meets on an almost weekly basis and, *inter alia*, discusses and agrees the line that the Commission should take in forthcoming trilogue meetings on all files under negotiation. In principle, therefore, Commission representatives taking part in trilogue meetings can only agree 'ad referendum' to important changes to Commission legislative proposals agreed by the co-legislators, unless or until revised Commission positions have been formally endorsed by the College of Commissioners.

In trilogues during the first and second readings, the Commission is represented by the lead Directorate-General (usually by the Head of Unit or Director) or for politically important files by the responsible Director-General or Commissioner, assisted by the Secretariat-General and sometimes by the Commission Legal Service.

3.2. The Council

The Council of the EU represents the Member States' governments. It is where national ministers from each EU country meet, in a series of configurations according to subject area, to adopt laws and coordinate policies. The Council exercises legislative functions jointly with the Parliament (Article 16(1) TEU). It works on three inter-linked levels: working parties prepare the work of the Committee of Permanent Representatives (COREPER), which prepares the work of the various Council configurations. Meetings taking place in the framework of all three levels are chaired by the Member State that holds the rotating six-month Presidency of the Council.³²

²⁹ In accordance with Protocol No 2 of the Treaty of Lisbon, the Commission must forward a draft legislative act to national parliaments at the same time as to the co-legislators. The national parliaments may, within an eight week deadline, issue reasoned opinions on the compliance of the draft legislative act with the principle of subsidiarity. See point 3.4 for more information.

³⁰ See the Framework Agreement on relations between Parliament and the Commission, according to which the Commission must "take due account of the respective roles conferred by the Treaties on Parliament and the Council, in particular with reference to the basic principle of equal treatment".

³¹ The GRI is composed of the respective Member of each Commissioner's Cabinet responsible for interinstitutional relations. It is chaired by the Commission President's Cabinet, assisted by the Secretariat-General and the Legal Service.

³² The Presidency of the Council rotates among the EU Member States every six months. During this six-month period (from 1 January until 30 June or from 1 July until 31 December) the Member State is the President-in-office of the Council and, as such, Chairs meetings of the Council and its preparatory bodies and represents the Council in relations with the other EU institutions. The order of the 'rotating' Presidency is established by the Council, and

The agendas for Council meetings reflect the progress made in COREPER and in the corresponding working parties and committees. They consist of A items, to be approved without discussion following agreement within COREPER, and B items, for discussion.

COREPER works in two configurations: COREPER I, consisting of the deputy permanent representatives, deals with more technical matters, and COREPER II, consisting of the permanent representatives, deals with political, commercial, economic or institutional matters.³³

COREPER's work is in turn supported by a series of working parties and committees, known as the 'Council preparatory bodies'. These bodies have a similar role as parliamentary committees in the Parliament: they meet regularly to examine legislative proposals and carry out other preparatory work which prepares the ground for Council decisions.

Most working parties and committees, which are composed of experts from each Member State, are set up by COREPER and are established according to subject-matter, depending on the subject area of the Council configuration that they support.³⁴

Although there is no formal requirement for the level at which negotiating mandates must be obtained (i.e. at working party, COREPER or Council level), they are generally adopted by the COREPER (by a qualified majority, although, in practice, there is no vote), at the very least for the initial mandate. Ultimately, it is the Presidency, which represents the Council during inter-institutional negotiations, that decides how to handle the revision of mandates (which can, if appropriate, be done in the working party) and trilogue debriefings (which are always oral).

During the negotiation phase on legislative files, contacts usually take place between the co-legislators. In trilogues during the first and the second reading, the Council is usually represented by the Ambassador chair of COREPER II or Deputy Ambassador chair of COREPER I, according to the subject matter, and exceptionally by the relevant Minister for politically important files. However, given the large number of trilogues, and depending on the nature of the file and the Member State holding the rotating Council Presidency, trilogues are often conducted by the relevant chairs of working

regularly updated: its most recent decision (OJ L 1 of 4.1.2007, p. 11), of 1 January 2007, determines the order of the Presidencies until the first half of 2020 (see list in Annex 2.6).

³³ COREPER II prepares the work of Council configurations dealing with Economic and Financial Affairs, Foreign Affairs, General Affairs and Justice and Home Affairs. COREPER I prepares the work of Council configurations dealing with Competitiveness, Education, Youth, Culture and Sport, Employment, Social Policy, Health and Consumers, Environment, Transport, Telecommunications and Energy and Agriculture and Fisheries (only financial issues or technical measures on veterinary, phytosanitary or food legislation).

³⁴ Some committees such as the Economic and Financial Committee, the Trade Policy Committee and the Political and Security Committee are set up directly by the Treaties, intergovernmental decisions or by Council decisions. These committees are mostly permanent and often have an appointed or elected chairperson. In addition, ad hoc committees can be created for a specific purpose and cease to exist when their task is fulfilled.

parties. Useful contacts for the Parliament during the negotiation phase are also the Mertens and Antici of each Presidency.³⁵

In conciliation, the delegation of the Council is composed of the representatives of the Member States, i.e. the Permanent Representatives (COREPER II) or their Deputies (COREPER I), depending on the subject-matter of the file. At the meetings of the Conciliation Committee, a Minister represents the Member State holding the Presidency. That person co-chairs the committee, together with the Vice-President of the Parliament chairing that particular delegation.

Council's day-to-day functioning is regulated by its Rules of Procedure.³⁶ In a similar manner to Parliament's Secretariat, the Council General Secretariat ensures the coordination of the Council's decision-making process. It plays an important role as a legal advisor (via its Legal Service) and as a logistics provider, record keeper (institutional memory) and mediator. It has a key support function to Presidencies, particularly following the accessions of new Member States which lack experience in the Presidency role.

3.3. The Parliament

In Parliament, the legislative work is carried out by the responsible (or 'lead') parliamentary committee(s).³⁷ Each legislative proposal that is attributed to a committee is allocated (usually following a decision of the committee coordinators) to a political group, which nominates a '**rapporteur**' to draw up the report on the committee's behalf. Other political groups appoint '**shadow rapporteurs**' to coordinate their position on the issue.

The **chair** is responsible for chairing meetings of the committee and of its coordinators. The chair has authority over voting procedures and rules on the admissibility of amendments. The chair also presides over interinstitutional negotiations and represents the committee both within and outside Parliament.

At the start of the legislative term, each political group designates one member to act as its **coordinator** in the committee. The coordinators meet in closed session ('in camera') in the margins of the committee meetings. The committee may delegate to them the power to decide on the allocation of reports and opinions to the groups, the holding of hearings in the committee, the commissioning of studies, committee delegations and other matters of substance or related to the organisation of the committee's work.

³⁵ The Mertens and Antici groups prepare the work of COREPER I and II, respectively.

³⁶ Council decision of 1 December 2009 adopting the Council's Rules of Procedure, 2009/937/EU, OJ L 325, 11.12.2009, p. 35, as amended.

³⁷ Annex VI of Parliament's Rules of Procedure describes the respective powers and responsibilities of each of Parliament's standing committees (of which there are 20 at the beginning of the 8th parliamentary term).

In interinstitutional negotiations during the first and second readings, Parliament is represented by a negotiating team led by the rapporteur responsible for the file, often presided over by the Chair of the lead committee(s) (or by a Vice-Chair designated by the Chair), and comprising also the shadow rapporteurs from each political group (see Rule 73 RoP).³⁸

The parliamentary committees and their Members are assisted in their legislative work by the committee secretariats (which organise the committee meetings and work schedule and provide support and advice on committee business and reports/opinions), political group advisors (which provide support and advice to their group coordinator and individual Members), MEP assistants, and other parliamentary services, including the Conciliations and Codecision Unit, the Legal Service, the Directorate for Legislative Acts, the Directorates-General for Translation and Interpretation respectively and the Press Unit. At third reading, the Conciliations and Codecision Unit assists the EP delegation throughout the conciliation procedure.

Parliament's day-to-day functioning, including with regard to its internal organisation and decision making procedures, is regulated by its detailed Rules of Procedure.³⁹

Political bodies of the Parliament

The Conference of Presidents (CoP) is composed of the President of the Parliament and the Chairs of the political groups. It is responsible for the general political management of the Parliament and the political aspects of its activities, including the organisation of Parliament's work, relations with the other institutions and bodies of the European Union, and relations with non-member countries.

The Bureau is composed of the President of the Parliament, the 14 Vice-Presidents (three of whom are responsible for Conciliation), and the 5 Quaestors in an advisory capacity. It deals with administrative and financial matters concerning the running of the institution.

The Conference of Committee Chairs (CCC) consists of the Chairs of all standing and special parliamentary committees. It monitors the progress of work in committees, and ensures cooperation and coordination between them. It also submits recommendations to the CoP regarding, inter alia, the draft agenda of forthcoming plenary sessions.

3.4. Other institutional actors

National Parliaments: The Treaty of Lisbon is the first EU Treaty with a specific article (Article 12 TEU) on the role of national Parliaments, which are to "contribute actively to the good functioning of the Union". In fact, the Treaty contains numerous provisions on national Parliaments, granting them additional rights, including the

³⁸ For a detailed description of the codecision procedure, see points 2.1 and 2.2.

³⁹ <http://www.europarl.europa.eu/sides/getLastRules.do?language=EN&reference=TOC>.

right to express objections to draft legislation which they believe does not comply with the principle of subsidiarity. Protocols 1 and 2 of the Treaty of Lisbon further describe this role.

According to Protocol No 1 on the role of national Parliaments and Protocol No 2 on the principles of subsidiarity and proportionality each national Parliament may within an eight weeks deadline issue a reasoned opinion stating why it considers that a draft legislative act⁴⁰ does not comply with the principle of subsidiarity.

Each national Parliament has two votes. In the case of a bicameral parliamentary system, each of the two chambers has one vote.

If at least $\frac{1}{3}$ of national Parliaments are of the opinion that the draft does not comply with the subsidiarity principle, then the draft must be reviewed by the Commission (or whichever other institution from which the proposal originated) ('yellow card'). This threshold falls to $\frac{1}{4}$ for a draft legislative proposal submitted on the basis of Article 76 TFEU (judicial cooperation in criminal matters and police cooperation). After such review, the authorising institution may decide to maintain, amend or withdraw it.

Furthermore, if a simple majority of national parliaments consider that a draft legislative proposal submitted under the ordinary legislative procedure does not comply with the principle of subsidiarity, the draft must be reviewed by the Commission ('orange card'). After such review the Commission may decide to maintain, amend or withdraw the proposal. If the Commission decides to maintain the proposal, then the two branches of the legislator must consider before concluding the first reading whether the proposal is compatible with the principle of subsidiarity. If Parliament by a simple majority of its Members and the Council by a majority of 55% of its members consider that the proposal does not comply with the principle of subsidiarity then the proposal will not be given further consideration.

European Council: The European Council provides the Union with the necessary impetus for its development and defines the general political directions and priorities thereof. According to Article 15 TEU, it does not exercise legislative functions. Nevertheless, the European Council conclusions in a given policy field determine the general political priorities in that field.

The European Council consists of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy takes part in its work. The European Council meets normally twice every six months, but can be convened at extraordinary meetings, when the situation so requires.

⁴⁰ Pursuant to Article 3 of Protocol 2, a draft legislative act refers to “proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank and requests from the European Investment Bank for the adoption of a legislative act”.

The European Central Bank (ECB, based in Frankfurt, Germany) manages the euro – the EU's single currency – and safeguards price stability in the EU. The ECB is also responsible for framing and implementing the EU's economic and monetary policy. In specific cases provided for in the Treaties, the ECB may recommend a proposal for a legislative act under the ordinary legislative procedure (Article 294(15) TFEU).

The European Economic and Social Committee (EESC) is a consultative body of the Union composed of representatives of organisations of employers, of the employed, and of other parties representative of civil society (notably in socio- economic, civic, professional and cultural areas) (Articles 300 and 301-304 TFEU) .

The Committee of the Regions (CoR) is a consultative body of the Union composed of regional and local representatives (Articles 300 and 305-307 TFEU).

The EESC and CoR must be consulted by the Commission, the Parliament and the Council where the Treaty so provides (generally for policies related to their respective spheres of interest), or in cases in which the latter consider it appropriate for instance on topical political issues. Where the consultation of the Committees is mandatory under the ordinary legislative procedure, the Parliament cannot adopt its first reading position before having received the Committees' opinions. The Parliament, the Council or the Commission often set the Committee a time limit for the submission of its opinion (Articles 304 and 307 TFEU). Upon expiry of the time limit, the absence of an opinion shall not prevent further action. The two committees may, in addition, also adopt opinions on their own initiative.

The Court of Justice (CoJ, based in Luxembourg) interprets EU law to make sure it is applied in the same way in all EU countries. Its mission is to ensure that the law is observed in the interpretation and application of the Treaties. By so doing, it settles legal disputes between EU governments and EU institutions. Individuals, companies or organisations can also bring cases before the Court if their rights have been infringed by an EU institution. The Parliament participates in proceedings before the Court of Justice in order to defend the interests, rights and prerogatives of the institution, in particular where the validity of an act adopted by Parliament alone or jointly with the Council is challenged.

In specific cases provided for in the Treaties, the Court of Justice may request a proposal for a legislative act under the ordinary legislative procedure (Article 294(15) TFEU).

4. OTHER PROCEDURES IN WHICH PARLIAMENT PLAYS A ROLE

4.1. Delegated and implementing acts

Most EU legislation, mainly legislation adopted under codecision, has provisions enabling the Commission to adopt delegated or implementing acts. Decisions taken under these procedures, albeit often of a detailed and technical nature, can be politically important and can have significant impacts.

The introduction of delegated acts by the Lisbon Treaty (Article 290 TFEU) (measures of general application to amend or supplement certain non-essential elements of the basic act) reinforces the prerogatives of the Parliament: its veto power is unrestricted, and it can at any moment revoke the power of the Commission to adopt delegated acts under a given basic act. For implementing acts (Article 291 TFEU), the power of Parliament is limited and there is no possibility to veto.

The decision to delegate to the Commission delegated or implementing powers, as well as the choice between delegated and implementing acts, has to be made in the basic act by the legislator during the codecision procedure.

4.2. Consent procedure

The consent procedure requires the Council to obtain the consent of the Parliament on a draft act. Parliament may approve or reject but cannot amend it. The procedure applies a) as a special legislative procedure, for example, for the establishment of a Public Prosecutor's Office (Article 86(1) TFEU), the adoption of a system of own resources and of the multiannual financial framework (Articles 311 and 312 TFEU) or to legislation adopted under the "subsidiary" legal basis (Article 352 TFEU), and b) as a non-legislative procedure in very specific cases, for example, to establish serious breaches of fundamental values (Article 7 TEU) or to ratify international agreements in fields to which the codecision procedure applies (Article 218(6)(a)(v) TFEU).

4.3. Consultation procedure

The consultation procedure enables the Parliament to give its opinion on a proposed legislative act. The Council is not legally obliged to take account of Parliament's opinion but, in line with the case-law of the Court of Justice, when the Treaty provides for mandatory consultation of the Parliament it must not take a decision without having received it. Consultation as a special legislative procedure applies to certain measures in a limited number of policy areas (such as competition, monetary policy, employment and social policy, and certain measures of fiscal nature in the areas of environment and energy). Parliament's consultation is also required, as a non-legislative procedure, where international agreements are being adopted under the Common Foreign and Security Policy (CFSP).⁴¹

⁴¹ For an overview of legal bases for the consultation procedure, see the Conciliations and Codecision unit's website.

5. CODECISION THROUGH FIGURES

Since the introduction of the codecision procedure under the Treaty of Maastricht in 1993, its relative importance compared to the consultation procedure has increased with each legislature. This has largely reflected the progressive extension of the scope of the now 'ordinary legislative procedure' over the years: while the change was gradual to begin with under the Treaties of Amsterdam and then Nice, the Treaty of Lisbon, which entered into force in December 2009, represented a veritable transformation of the EU legislative framework and marked the beginning of a new era.

During the 7th legislative term, with the entry into force of the Treaty of Lisbon, **almost 90% of legislative proposals adopted by the Commission were subject to the ordinary legislative procedure**. As illustrated in figure 1, this was a significant increase compared to the 4th (21%) 5th (42%) and 6th (49%) legislative terms. It is also worth noting the significant drop in the total number of legislative proposals adopted by the Commission under the 7th legislative term, decreasing approximately 40% to 658 compared to the three previous legislatures.

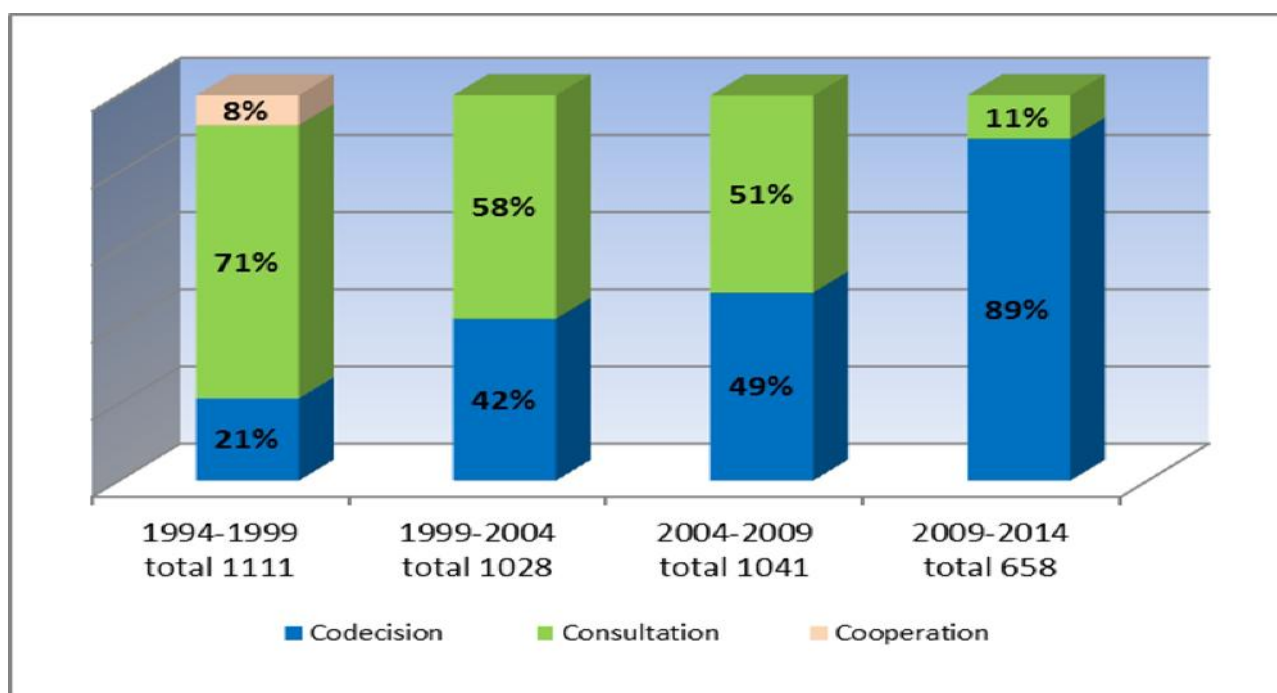


Figure 1: Distribution of legislative proposals under the cooperation, consultation and codecision procedures per legislative term⁴²

In a continuation of the trend already observed under the preceding legislatures, **the number and proportion of agreements at the early stage of the procedure ('early agreements', i.e. first or early second reading agreements) rose further in**

⁴² These statistics are based on the dates on which the legislative proposals were adopted by the Commission. See <http://eur-lex.europa.eu/>. The legislative terms for this and the following figures and tables are: 01/05/1994 - 30/04/1999, 01/05/1999 - 30/04/2004, 01/05/2004 - 13/07/2009 and 14/07/2009 - 30/06/2014.

2009-2014, while those concluded at conciliation (generally only the very difficult files) became very much the exception (see figure 2).

93% of all adopted codecision files were 'early agreements' during the 7th legislative term, compared to 54% and 82% during the 5th and 6th legislative terms, respectively. Correspondingly, the number of files adopted at the third reading stage has decreased significantly: dropping from 88 to 23 files between the 5th and the 6th legislative terms, while during the 7th legislative term only 9 files went to conciliation, of which 8 were concluded at the third reading stage.

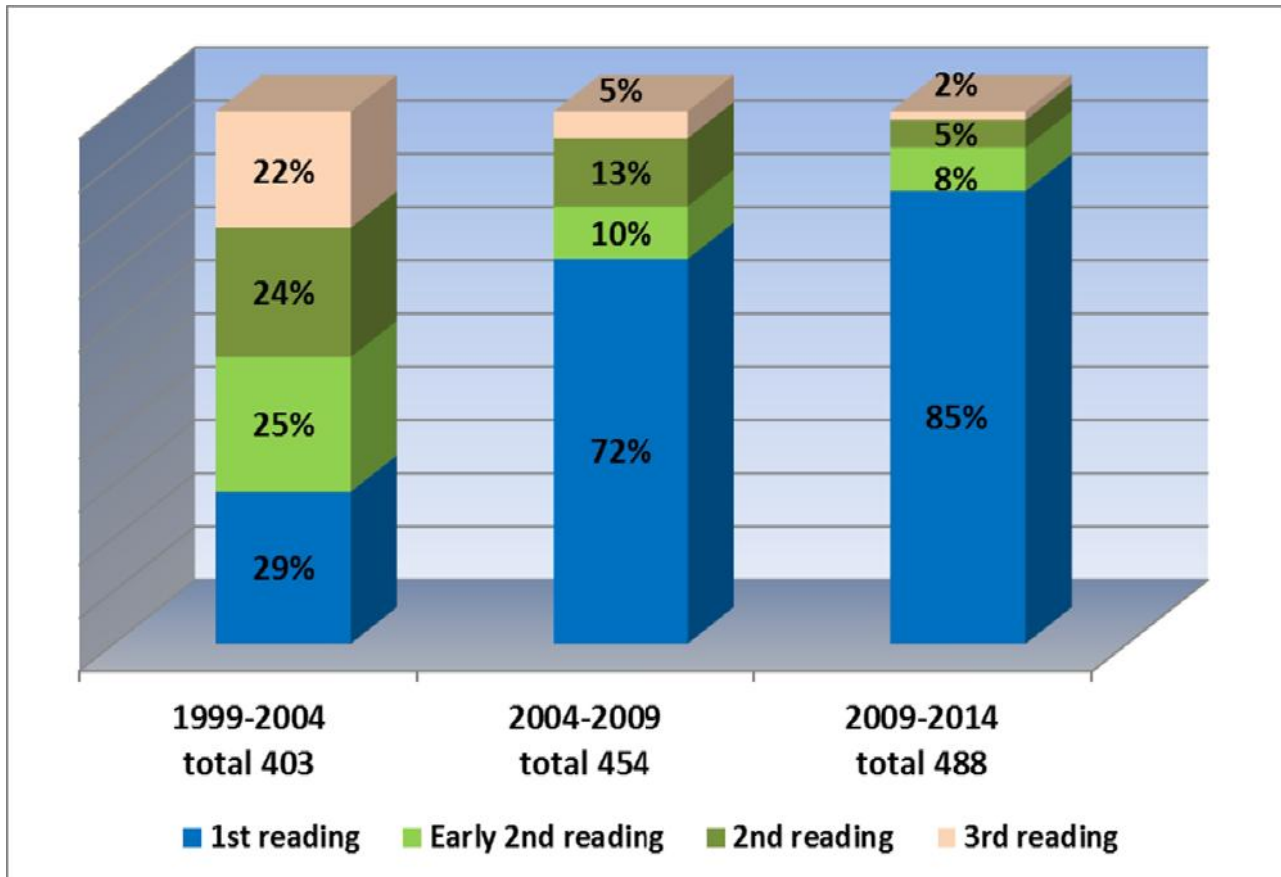


Figure 2: Percentage of codecision files adopted at 1st, early 2nd, 2nd or 3rd reading per legislature since 1999-2004

Figure 3 presents the number of adopted files per legislative year, and reveals a cyclical trend that coincides with parliamentary legislative cycles: the numbers rise almost constantly over the course of each legislative term, with a significant increase in the final legislative year.

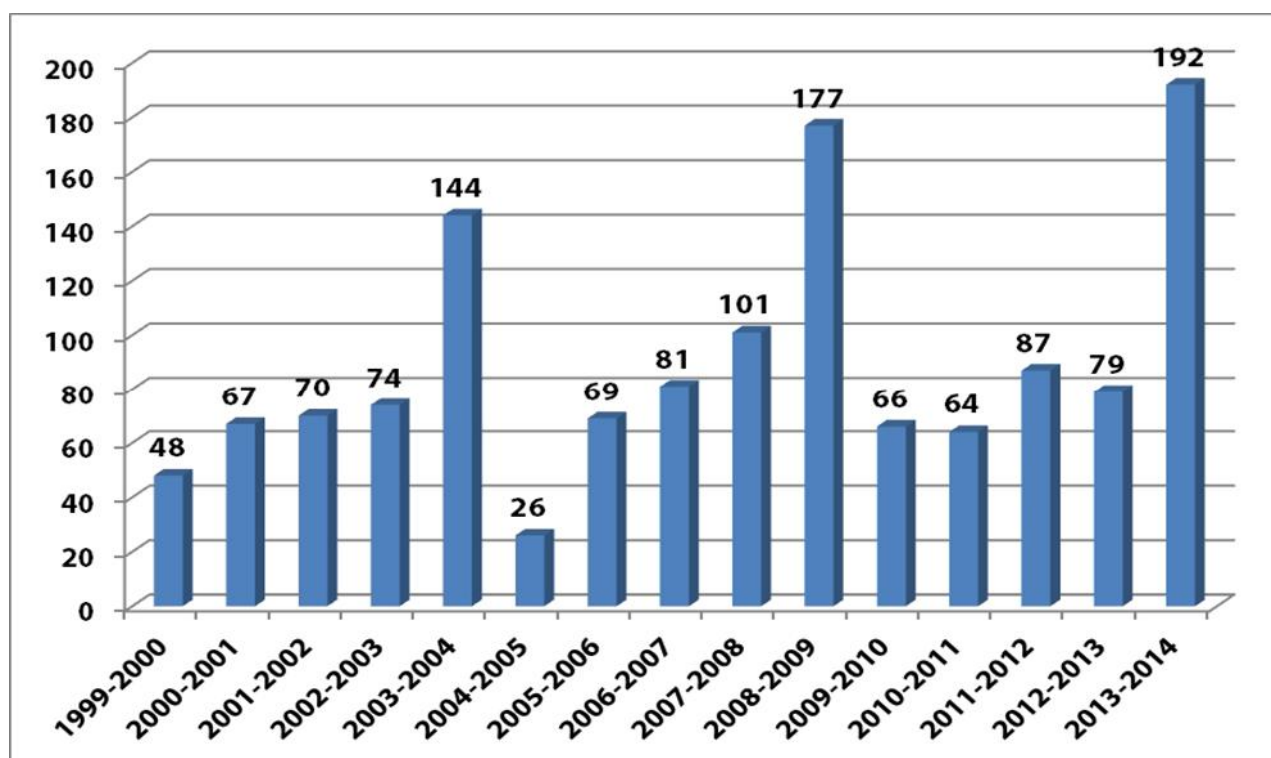


Figure 3: Number of codecision files adopted over the course of a legislative year in the period 1999-2014⁴³

Developments regarding the average length of the codecision procedure (see table 1) are inevitably linked to the evolution towards first reading agreements. Since the 5th legislative term (1999-2004), when the average total time to adopt codecision files was 22 months, **there has been a gradual decrease in the average total length of the codecision procedure**, to 21 months in 2004-2009 and further down to 19 months under the 7th legislative term. This reduction of the average length of the procedure is explained by the significant fall in the number of files adopted at the second and third readings. However, the average time has increased for first and second reading agreements between the 1999-2004 and 2009-2014 legislative terms: by six months for files concluded at the first reading stage and by eight months for those concluded at the second reading stage.

	1999-2004	2004-2009	2009-2014
1st reading	11 months	16 months	17 months
2nd reading	24 months	29 months	32 months
3rd reading	31 months	43 months	29 months
Total average length	22 months	21 months	19 months

Table 1: Average length of the codecision procedure for files adopted at 1st, 2nd and 3rd reading stage and total average length for all codecision files

⁴³ For the period 1999-2009: files adopted between 1 May of the first year and 30 April of the second year; for the period 2009-2014: files adopted between 14 July of the first year and 13 July of the second year, except for 2013-2014, which runs until 30 June 2014.

6. USEFUL DOCUMENTS AND LINKS

Most relevant documents governing the codecision procedure	
The Lisbon Treaty	Articles 293 and 294 TFEU describe the ordinary legislative procedure. Protocols 1 and 2 establish the role of national parliaments in the scrutiny of the subsidiarity principle.
Joint declaration on practical arrangements for the codecision procedure	Clarifies the working methods and the practical arrangements between the three institutions during the codecision procedure, including with regard to trilogues and early agreements.
Parliament's Rules of Procedure (not exhaustive list)	Rules 57-78 contain the internal rules for the ordinary legislature procedure, including the rules on adopting mandates for inter-institutional negotiations Rules 49, 55 and 56 describe the work at committee level. Rules 54-55 describe the procedure for work with associated and joint committees. Rules 168-184 establish the rules on the voting procedure. Annex VI sets out the powers and responsibilities of the respective standing committees. Annex XIX: Joint Declaration of the European Parliament, the Council and the Commission of 13 June 2007 on practical arrangements for the codecision procedure. Annex XX: Code of conduct for negotiating in the context of the ordinary legislative procedure.

Parliament (www.europarl.europa.eu)

Rules of Procedure:

<http://www.europarl.europa.eu/sides/getLastRules.do?language=EN&reference=TOC>

Legislative Observatory (database on interinstitutional decision making):

<http://www.europarl.europa.eu/oel/home/home.do>

Conciliations and Codecision (including statistics):

http://www.europarl.europa.eu/code/default_en.htm

Council (www.consilium.europa.eu)

Rules of Procedure:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2009.315.01.0051.01.ENG

Public register of Council documents:

<http://www.consilium.europa.eu/documents/access-to-council-documents-public-register?lang=en>

Guide to the ordinary legislative procedure:

http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC3212175ENrevGPO2012.pdf

Commission (www.ec.europa.eu)

Rules of Procedure:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2010.055.01.0060.01.ENG

PreLex:

<http://ec.europa.eu/prelex/apcnet.cfm?CL=en>

Commission public consultations (Your voice in Europe):

http://ec.europa.eu/yourvoice/consultations/index_en.htm

Impact Assessments and Roadmaps of planned legislative proposals:

http://ec.europa.eu/smart-regulation/impact/index_en.htm

Treaties

Consolidated versions of the Treaty on European Union (TEU) and of the Treaty on the Functioning of the European Union (TFEU):

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:FULL:EN:PDF>

Access to documents

Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32001R1049>

Other search tools

EUR-Lex:

<http://eur-lex.europa.eu/homepage.html>

7. ANNEXES

7.1. Article 294 of the Treaty on the Functioning of the European Union

1. Where reference is made in the Treaties to the ordinary legislative procedure for the adoption of an act, the following procedure shall apply.
2. The Commission shall submit a proposal to the European Parliament and the Council.

First reading

3. The European Parliament shall adopt its position at first reading and communicate it to the Council.
4. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording which corresponds to the position of the European Parliament.
5. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament.
6. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

7. If, within three months of such communication, the European Parliament:
 - (a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;
 - (b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;
 - (c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.
8. If, within three months of receiving the European Parliament's amendments, the Council, acting by a qualified majority:
 - (a) approves all those amendments, the act in question shall be deemed to have been adopted;

- (b) does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.
9. The Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion.

Conciliation

10. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament within six weeks of its being convened, on the basis of the positions of the European Parliament and the Council at second reading.
11. The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.
12. If, within six weeks of its being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.

Third reading

13. If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If they fail to do so, the proposed act shall be deemed not to have been adopted.
14. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Special provisions

15. Where, in the cases provided for in the Treaties, a legislative act is submitted to the ordinary legislative procedure on the initiative of a group of Member States, on a recommendation by the European Central Bank, or at the request of the Court of Justice, paragraph 2, the second sentence of paragraph 6, and paragraph 9 shall not apply.

In such cases, the European Parliament and the Council shall communicate the proposed act to the Commission with their positions at first and second readings. The European Parliament or the Council may request the opinion of the Commission throughout the procedure, which the Commission may also deliver

on its own initiative. It may also, if it deems it necessary, take part in the Conciliation Committee in accordance with paragraph 11.

7.2. List of legal bases providing for the ordinary legislative procedure in the Treaty of Lisbon⁴⁴

This annex lists the legal bases to which the ordinary legislative procedure established by the Treaty of Lisbon applies.

The subject areas underlined are those for which the legal basis is completely new under the Treaty of Lisbon, or where there has been a change in procedure so that the relevant measures are now subject to the "codecision"/ordinary legislative procedure.

The numbers of the articles in the TEU and TFEU are those in the consolidated version of the Treaties (in accordance with the table annexed to the Treaty of Lisbon).

The previous Treaty articles are indicated in italics and, in cases where the Treaty of Lisbon modified the procedure, an indication is also given of the procedure that applied.

1. Services of general economic interest (Article 14 TFEU) (*Article 16 TEC*)
2. Procedures for the right of access to documents (Article 15, paragraph 3, TFEU) (*Article 255, paragraph 2*)
3. Data protection (Article 16, paragraph 2, TFEU) (*Article 286, paragraph 2*)
4. Measures to combat discrimination on grounds of nationality (Article 18 TFEU) (*Article 12 TEC*)
5. Basic principles for anti-discrimination incentive measures (Article 19, paragraph 2, TFEU) (*Article 13.2 TEC*)
6. Measures to facilitate the exercise of the right of every citizen of the Union to move and reside freely in the territory of Member States (Article 21, paragraph 2, TFEU) (*Article 18, paragraph 2, TEC*)
7. Citizens' initiative (Article 24 TFEU)
8. Customs cooperation (Article 33 TFEU) (*Article 135 TEC*)
9. Application of competition rules to the common agricultural policy (Art. 42, which refers to Article 43, paragraph 2, TFEU) (*Article 36 TEC: qualified majority in Council and simple consultation of EP*)
10. Legislation concerning the common agricultural policy (Article 43, paragraph 2, TFEU) (*Article 37, paragraph 2: qualified majority in Council and simple consultation of EP*)
11. Free movement of workers (Article 46 TFEU) (*Article 40 TEC*)
12. Internal market – social security measures for Community migrant workers⁴⁵ (Article 48 TFEU) (*Article 42 TEC: codecision – unanimity in the Council*)

⁴⁴ Reproduced from A6-0013/2008, Report on the Treaty of Lisbon 2007/2286 (INI).

⁴⁵ With an 'emergency brake' mechanism: where a Member State considers that the measures concerned 'would affect fundamental aspects of its social security system, including its scope, cost or financial structure, or would

13. Right of establishment (Article 50, paragraph 1, TFEU) (*Article 44 TEC*)
14. Exclusion in a Member State of certain activities from the application of provisions on the right of establishment (Article 51, second paragraph, TFEU) (*Article 45, second paragraph, TEC: qualified majority in the Council without participation of EP*)
15. Coordination of the provisions laid down by law, regulation or administrative action in Member States providing for special treatment for foreign nationals with regard to the right of establishment (Article 52, paragraph 2, TFEU) (*Article 46, paragraph 2, TEC*)
16. Coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons and the mutual recognition of qualifications (Article 53, paragraph 1, TFEU) (*Article 47 TEC: codecision – unanimity in the Council when this involved a change in Member State legislation*)
17. Extending provisions on freedom to provide services to service providers who are nationals of a third State and who are established within the Union. (Article 56, second paragraph, TFEU) (*Article 49, second paragraph, TEC: qualified majority in the Council without participation of EP*)
18. Liberalisation of services in specific sectors (Article 59, paragraph 1, TFEU) (*Article 52, paragraph 1, TEC: qualified majority in Council and simple consultation of EP*)
19. Services (Article 62 TFEU) (*Article 55 TEC*)
20. Adoption of other measures on the movement of capital to and from third countries (Article 64, paragraph 2, TFEU) (*Article 57, paragraph 2, first sentence, TEC: qualified majority in the Council without participation of EP*)
21. Administrative measures relating to capital movements in connection with preventing and combating crime and terrorism (Article 75 TFEU) (*Article 60 TEC*)
22. Visas, border checks, free movement of nationals of non-member countries, management of external frontiers, absence of controls at internal frontiers (Article 77, paragraph 2, TFEU) (*Article 62 TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP*)
23. Asylum, temporary protection or subsidiary protection for nationals of third countries (Article 78, paragraph 2, TFEU) (*Article 63, paragraphs 1 and 2, and Article 64, paragraph 2, TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP*)
24. Immigration and combating trafficking in persons (Article 79, paragraph 2, TFEU) (*Article 63, paragraphs 3 and 4, TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP*)

affect the financial balance of that system', it may request that the matter be referred to the European Council (thus automatically suspending the legislative procedure). The European Council must then within a period of four months either refer the matter back to the Council, thus enabling the procedure to continue, or ask the Commission to submit a new proposal.

25. Incentive measures for the integration of nationals of third countries (Article 79, paragraph 4, TFEU)
26. Judicial cooperation in civil matters (excluding family law)⁴⁶ (Article 81, paragraph 2, TFEU) (*Article 65 TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP*)
27. Judicial cooperation in criminal matters – procedures, cooperation, training, settlement of conflicts, minimum rules for recognition of judgments (Article 82, paragraphs 1 and 2, TFEU)⁴⁷ (*Article 31 TEU: unanimity in Council and simple consultation of EP*)
28. Minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension (Article 83, paragraphs 1 and, possibly, 2, TFEU)⁴⁸ (*Article 31 TEU: procedure laid down in Articles 34, paragraph 2, and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP*)
29. Measures to support crime prevention (Article 84 TFEU)
30. Eurojust (Article 85, paragraph 1, second subparagraph, TFEU) (*Article 31 TEU: procedure laid down in Articles 34, paragraph 2, and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP*)
31. Arrangements for involving the European Parliament and national parliaments in the evaluation of Eurojust's activities (Article 85, paragraph 1, third subparagraph, TFEU)
32. Police cooperation (certain aspects) (Article 87, paragraph 2 TFEU) (*Article 30 TEU: procedure laid down in Articles 34, paragraph 2 and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP*)
33. Europol (Article 88, paragraph 2, first subparagraph, TFEU) (*Article 30 TEU: procedure laid down in Articles 34, paragraph 2 and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP*)
34. Procedures for scrutiny of Europol's activities by EP and national parliaments (Article 88 paragraph 2, second subparagraph, TFEU)
35. Implementation of the common transport policy (Article 91, paragraph 1, TFEU) (*Article 71 TEC*)
36. Sea and air transport (Article 100, paragraph 2, TFEU) (*Article 80, paragraph 2, TEC*)
37. Measures for the approximation of national provisions which have as their object the establishment and functioning of the internal market to promote the

⁴⁶ Points (e), (g) and (h) of paragraph 2 of this article contain new legal bases; the other points were already covered by Article 65 TEC. Paragraph 3 of the same Article 81 TFEU also allows the Council to adopt a decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure.

⁴⁷ An 'emergency brake' mechanism is provided for in paragraph 3 of this article: if a Member State considers that the measures concerned would affect fundamental aspects of its criminal justice system, it may request that the matter be referred to the European Council. In that case, the legislative procedure is suspended. If consensus is reached after discussion in the European Council within four months, the draft is referred back to the Council and the suspension is terminated. In case no agreement is reached, at least nine Member States may request that enhanced cooperation be established on the basis of the draft proposal.

⁴⁸ An 'emergency break' mechanism is provided for in paragraph 3 of this article. See footnote 47.

objectives of Article 26 (Article 114, paragraph 1, TFEU) (*Article 95, paragraph 1, TEC*)

38. Measures to eliminate distortions in the internal market (Article 116 TFEU) (*Article 96 TEC: qualified majority in the Council without participation of EP*)
39. Intellectual property except language arrangements for the European intellectual property rights (Article 118, first paragraph, TFEU)⁴⁹
40. Multilateral surveillance (Article 121, paragraph 6, TFEU) (*Article 99, paragraph 5, TEC: cooperation procedure*)
41. Modification of the Protocol on the Statutes of the ESCB and ECB (Article 129 paragraph 3, TFEU) (*Article 107, paragraph 5, TEC: unanimity in the Council or, depending on the case, qualified majority after assent of EP*)
42. Measures necessary for the use of the euro (Article 133, TFEU) (*Article 123, paragraph 4, TEC*)
43. Incentive measures for employment (Article 149 TFEU) (*Article 129 TEC*)
44. Social policy (Article 153, paragraphs 1, except points (c), (d), (f) and (g), and 2⁵⁰, first, second and last subparagraphs, TFEU) (*Article 137, paragraphs 1 and 2 TEC*)
45. Social policy (equal opportunities, equal treatment and equal pay) (Article 157, paragraph 3, TFEU) (*Article 141, paragraph 3, TEC*)
46. European Social Fund (Article 164 TFEU) (*Article 148 TEC*)
47. Education (excluding recommendations) (Article 165, paragraph 4, point (a), TFEU) (*Article 149, paragraph 4, TEC*)
48. Sport (Article 165, paragraphs 2, point (g), and 4, TFEU)
49. Professional training (Article 166, paragraph 4, TFEU) (*Article 150, paragraph 4, TCE*)
50. Culture (excluding recommendations) (Article 167, paragraph 5, first indent, TFEU) (*Article 151 TEC: codecision – unanimity in the Council*)
51. Public health – measures to tackle common safety concerns in the health sphere⁵¹ (Article 168, paragraph 4, TFEU) (*Article 152, paragraph 4, TEC*)
52. Public health – incentive measures to protect human health and in particular to combat the major cross-border health scourges, and measures to tackle tobacco and alcohol abuse (Article 168, paragraph 5, TFEU⁵²)
53. Consumer protection (Article 169, paragraph 3, TFEU) (*Article 153, paragraph 4, TEC*)
54. Trans-European networks (Article 172 TFEU) (*Article 156 TEC*)
55. Industry (Article 173, paragraph 3, TFEU) (*Article 157, paragraph 3, TEC*)
56. Measures in the area of economic and social cohesion (Article 175, third paragraph, TFEU) (*Article 159 TEC*)

⁴⁹ In the absence of a specific legal basis, the Union previously took action in this area on the basis of Article 308 TEC (now Article 352 TFEU): *Unanimity in the Council and simple consultation of EP*.

⁵⁰ In the areas covered by these points, the legislation is adopted by the Council unanimously, after consulting the EP. However, the second subparagraph of paragraph 2 contains a bridging clause whereby the Council may decide, unanimously, that the ordinary legislative procedure will be applied to points (d), (f) and (g) of paragraph 1.

⁵¹ The measures provided for in points (a) and (b) of paragraph 4 of this article were already provided for in Article 152 TEC. The measures provided for in points (c) and (d) are new.

⁵² All the legal bases provided for in this paragraph are new, with the exception of that for incentive measures for the protection of human health, which was already covered by Article 152 TEC.

57. Structural Funds (Article 177, first paragraph, TFEU) (*Article 161 TEC: unanimity in the Council and assent of EP*)
58. Cohesion Fund (Article 177, second paragraph TFEU) (*Article 161 TEC: qualified majority in the Council and assent of EP*)
59. European Regional Development Fund (Article 178 TFEU) (*Article 162 TEC*)
60. Framework Programme for Research (Article 182, paragraph 1, TFEU) (*Article 166, paragraph 1, TEC*).
61. Implementation of European research area (Article 182, paragraph 5, TFEU)
62. Implementation of the Framework Programme for Research: rules for the participation of undertakings and dissemination of research results (Articles 183 and 188, second paragraph, TFEU) (*Article 167 TEC*)
63. Supplementary research programmes for some Member States (Articles 184 and 188, second paragraph, TFEU) (*Article 168 TEC*)
64. Participation in research programmes undertaken by several Member States (Articles 185 and 188, second paragraph, TFEU) (*Article 169 TEC*)
65. Space policy (Article 189 TFEU)
66. Environment (Community measures to achieve environmental objectives except measures of a fiscal nature) (Article 192, paragraph 1, TFEU) (*Article 175, paragraph 1, TEC*)
67. Environment Action Programme (Article 192, paragraph 3, TFEU) (*Article 175, paragraph 3, TEC*)
68. Energy, excluding measures of a fiscal nature (Article 194, second paragraph, TFEU)⁵³
69. Tourism - measures to complement the action of the Member States in the tourism sector (Article 195, second paragraph, TFEU)
70. Civil protection against natural and man-made disasters⁵⁴ (Article 196, second paragraph, TFEU)
71. Administrative cooperation in implementing Union law by Member States (Article 197, second paragraph, TFEU)
72. Commercial policy - implementing measures (Article 207, second paragraph, TFEU) (*Article 133 TEC: qualified majority in the Council without consultation of EP*)
73. Development cooperation (Article 209, paragraph 1, TFEU) (*Article 179 TEC*)
74. Economic, financial and technical cooperation with third countries (Article 212, second paragraph, TFEU) (*Article 181 A TEC: qualified majority in the Council and simple consultation of EP*)
75. General framework for humanitarian operations (Article 214, paragraph 3, TFEU)
76. European Voluntary Humanitarian Aid Corps (Article 214, paragraph 5, TFEU)
77. Regulations governing political parties and their funding (Article 224 TFEU) (*Article 191 TEC*)
78. Creation of specialised courts (Article 257 TFEU) (*Article 225A TEC: unanimity in the Council and simple consultation of EP*)

⁵³ In the absence of a specific legal basis, the Union previously took action in this area on the basis of Article 308 TEC (now Article 352 TFEU): *unanimity in the Council and simple consultation of EP*.

⁵⁴ See footnote 53.

- 79. Modification of Statute of Court of Justice, except Title I and Article 64 (Article 281 TFEU) (*Article 245 TEC: unanimity in the Council and simple consultation of EP*)
- 80. Procedures for monitoring the exercise of implementing powers (Article 291, paragraph 3, TFEU) (*Article 202 TEC: unanimity in the Council and simple consultation of EP*)
- 81. European Administration (Article 298, second paragraph, TFEU)
- 82. Adoption of financial rules (Article 322, paragraph 1, TFEU) (*Article 279, paragraph 1, TEC: qualified majority in the Council*)
- 83. Fight against fraud affecting the Union's financial interests (Article 325, paragraph 4, TFEU) (*Article 280, paragraph 4, TEC*)
- 84. Staff Regulations of officials and Conditions of Employment of Other Servants of the Union (Article 336 TFEU) (*Article 283 TEC: qualified majority in the Council and simple consultation of EP*)
- 85. Statistics (Article 338, paragraph 1, TFEU) (*Article 285, paragraph 1, TEC*)

7.3. Joint declaration on practical arrangements for the codecision procedure of 13 June 2007 (Article 251 of the EC Treaty)

GENERAL PRINCIPLES

1. The European Parliament, the Council and the Commission, hereinafter referred to collectively as 'the institutions', note that current practice involving talks between the Council Presidency, the Commission and the chairs of the relevant committees and/or rapporteurs of the European Parliament and between the co-chairs of the Conciliation Committee has proved its worth.
2. The institutions confirm that this practice, which has developed at all stages of the codecision procedure, must continue to be encouraged. The institutions undertake to examine their working methods with a view to making even more effective use of the full scope of the codecision procedure as established by the EC Treaty.
3. This Joint Declaration clarifies these working methods, and the practical arrangements for pursuing them. It complements the Interinstitutional Agreement on Better Lawmaking⁵⁵ and notably its provisions relating to the co-decision procedure. The institutions undertake fully to respect such commitments in line with the principles of transparency, accountability and efficiency. In this respect, the institutions should pay particular attention to making progress on simplification proposals while respecting the *acquis communautaire*.

⁵⁵ OJ C 321, 31.12.2003, p. 1.

4. The institutions shall cooperate in good faith throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure.

5. With that aim in view, they shall cooperate through appropriate interinstitutional contacts to monitor the progress of the work and analyse the degree of convergence at all stages of the codecision procedure.

6. The institutions, in accordance with their internal rules of procedure, undertake to exchange information regularly on the progress of codecision files. They shall ensure that their respective calendars of work are coordinated as far as possible in order to enable proceedings to be conducted in a coherent and convergent fashion. They will therefore seek to establish an indicative timetable for the various stages leading to the final adoption of different legislative proposals, while fully respecting the political nature of the decision-making process.

7. Cooperation between the institutions in the context of codecision often takes the form of tripartite meetings ("trilogues"). This trilogue system has demonstrated its vitality and flexibility in increasing significantly the possibilities for agreement at first and second reading stages, as well as contributing to the preparation of the work of the Conciliation Committee.

8. Such trilogues are usually conducted in an informal framework. They may be held at all stages of the procedure and at different levels of representation, depending on the nature of the expected discussion. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting, define its mandate for the negotiations and inform the other institutions of arrangements for the meetings in good time.

9. As far as possible, any draft compromise texts submitted for discussion at a forthcoming meeting shall be circulated in advance to all participants. In order to enhance transparency, trilogues taking place within the European Parliament and Council shall be announced, where practicable.

10. The Council Presidency will endeavour to attend the meetings of the parliamentary committees. It will carefully consider any request it receives to provide information related to the Council position, as appropriate.

First reading

11. The institutions shall cooperate in good faith with a view to reconciling their positions as far as possible so that, wherever possible, acts can be adopted at first reading.

Agreement at the stage of first reading in the European Parliament

12. Appropriate contacts shall be established to facilitate the conduct of proceedings at first reading.

13. The Commission shall facilitate such contacts and shall exercise its right of initiative in a constructive manner with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.

14. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward, in a letter to the chair of the relevant parliamentary committee, details of the substance of the agreement, in the form of amendments to the Commission proposal. That letter shall indicate the Council's willingness to accept that outcome, subject to legal-linguistic verification, should it be confirmed by the vote in plenary. A copy of that letter shall be forwarded to the Commission.

15. In this context, where conclusion of a dossier at first reading is imminent, information on the intention to conclude an agreement should be made readily available as early as possible.

Agreement at the stage of Council common position

16. Where no agreement is reached at the European Parliament's first reading, contacts may be continued with a view to concluding an agreement at the common position stage.

17. The Commission shall facilitate such contacts and shall exercise its right of initiative in a constructive manner with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.

18. Where an agreement is reached at this stage, the chair of the relevant parliamentary committee shall indicate, in a letter to the chair of Coreper, his recommendation to the plenary to accept the Council common position without amendment, subject to confirmation of the common position by the Council and to legal-linguistic verification. A copy of the letter shall be forwarded to the Commission.

Second reading

19. In its statement of reasons, the Council shall explain as clearly as possible the reasons that led it to adopt its common position. During its second reading, the European Parliament shall take the greatest possible account of those reasons and of the Commission's position.

20. Before transmitting the common position, the Council shall endeavour to consider in consultation with the European Parliament and the Commission the date for its transmission in order to ensure the maximum efficiency of the legislative procedure at second reading.

Agreement at the stage of second reading in the European Parliament

21. Appropriate contacts will continue as soon as the Council common position is forwarded to the European Parliament, with a view to achieving a better understanding of the respective positions and thus to bringing the legislative procedure to a conclusion as quickly as possible.

22. The Commission shall facilitate such contacts and give its opinion with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.

23. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward, in a letter to the chair of the relevant parliamentary committee, details of the substance of the agreement, in the form of amendments to the Council common position. That letter shall indicate the Council's willingness to accept that outcome, subject to legal-linguistic verification, should it be confirmed by the vote in plenary. A copy of that letter shall be forwarded to the Commission.

CONCILIATION

24. If it becomes clear that the Council will not be in a position to accept all the amendments of the European Parliament at second reading and when the Council is ready to present its position, a first trilogue will be organised. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting and define its mandate for the negotiations. The Commission will indicate to both delegations at the earliest possible stage its intentions with regard to its opinion on the European Parliament's second reading amendments.

25. Trilogues shall take place throughout the conciliation procedure with the aim of resolving outstanding issues and preparing the ground for an agreement to be reached in the Conciliation Committee. The results of the trilogues shall be discussed and possibly approved at the meetings of the respective institutions.

26. The Conciliation Committee shall be convened by the President of the Council, with the agreement of the President of the European Parliament and with due regard to the provisions of the Treaty.

27. The Commission shall take part in the conciliation proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, draft compromise texts having regard to the positions of the European Parliament and of the Council and with due regard for the role conferred upon the Commission by the Treaty.

28. The Conciliation Committee shall be chaired jointly by the President of the European Parliament and the President of the Council. Committee meetings shall be chaired alternately by each co-chair.

29. The dates and the agendas for the Conciliation Committee's meetings shall be set jointly by the co-chairs with a view to the effective functioning of the Conciliation Committee throughout the conciliation procedure. The Commission shall be consulted on the dates envisaged. The European Parliament and the Council shall set aside, for guidance, appropriate dates for conciliation proceedings and shall notify the Commission thereof.

30. The co-chairs may put several dossiers on the agenda of any one meeting of the Conciliation Committee. As well as the principal topic ("B-item"), where agreement has not yet been reached, conciliation procedures on other topics may be opened and/or closed without discussion on these items ("A-item").

31. While respecting the Treaty provisions regarding time-limits, the European Parliament and the Council shall, as far as possible, take account of scheduling requirements, in particular those resulting from breaks in the institutions' activities and from the European Parliament's elections. At all events, the break in activities shall be as short as possible.

32. The Conciliation Committee shall meet alternately at the premises of the European Parliament and the Council, with a view to an equal sharing of facilities, including interpretation facilities.

33. The Conciliation Committee shall have available to it the Commission proposal, the Council common position and the Commission's opinion thereon, the amendments proposed by the European Parliament and the Commission's opinion thereon, and a joint working document by the European Parliament and Council delegations. This working document should enable users to identify the issues at stake easily and to refer to them efficiently. The Commission shall, as a general rule, submit its opinion within three weeks of official receipt of the outcome of the European Parliament's vote and at the latest by the commencement of conciliation proceedings.

34. The co-chairs may submit texts for the Conciliation Committee's approval.

35. Agreement on a joint text shall be established at a meeting of the Conciliation Committee or, subsequently, by an exchange of letters between the co-chairs. Copies of such letters shall be forwarded to the Commission.

36. If the Conciliation Committee reaches agreement on a joint text, the text shall, after legal-linguistic finalisation, be submitted to the co-chairs for formal approval. However, in exceptional cases in order to respect the deadlines, a draft joint text may be submitted to the co-chairs for approval.

37. The co-chairs shall forward the approved joint text to the Presidents of the European Parliament and of the Council by means of a jointly signed letter. Where the Conciliation Committee is unable to agree on a joint text, the co-chairs shall notify the Presidents of the European Parliament and of the Council thereof in a jointly signed letter. Such letters shall serve as an official record. Copies of such letters shall be forwarded to the Commission for information. The working documents used during the conciliation procedure will be accessible in the Register of each institution once the procedure has been concluded.

38. The Secretariat of the European Parliament and the General- Secretariat of the Council shall act jointly as the Conciliation Committee's secretariat, in association with the Secretariat-General of the Commission.

General provisions

39. Should the European Parliament or the Council deem it essential to extend the time-limits referred to in Article 251 of the Treaty, they shall notify the President of the other institution and the Commission accordingly.

40. Where an agreement is reached at first or second reading, or during conciliation, the agreed text shall be finalised by the legal-linguistic services of the European Parliament and of the Council acting in close cooperation and by mutual agreement.

41. No changes shall be made to any agreed texts without the explicit agreement, at the appropriate level, of both the European Parliament and the Council.

42. Finalisation shall be carried out with due regard to the different procedures of the European Parliament and the Council, in particular with respect to deadlines for conclusion of internal procedures. The institutions undertake not to use the time-limits laid down for the legal-linguistic finalisation of acts to reopen discussions on substantive issues.

43. The European Parliament and the Council shall agree on a common presentation of the texts prepared jointly by those institutions.

44. As far as possible, the institutions undertake to use mutually acceptable standard clauses to be incorporated in the acts adopted under codecision in particular as regards provisions concerning the exercise of implementing powers (in accordance with the 'comitology' decision⁵⁶), entry into force, transposition and the application of acts and respect for the Commission's right of initiative.

45. The institutions will endeavour to hold a joint press conference to announce the successful outcome of the legislative process at first or second reading or during conciliation. They will also endeavour to issue joint press releases.

46. Following adoption of a legislative act under the codecision procedure by the European Parliament and the Council, the text shall be submitted, for signature, to the President of the European Parliament and the President of the Council and to the Secretaries-General of those institutions.

47. The Presidents of the European Parliament and the Council shall receive the text for signature in their respective languages and shall, as far as possible, sign the text together at a joint ceremony to be organised on a monthly basis with a view to signing important acts in the presence of the media.

48. The jointly signed text shall be forwarded for publication in the Official Journal of the European Union. Publication shall normally follow within two months of the adoption of the legislative act by the European Parliament and the Council.

49. If one of the institutions identifies a clerical or obvious error in a text (or in one of the language versions thereof), it shall immediately notify the other institutions. If the error concerns an act that has not yet been adopted by either the European Parliament or the Council, the legal-linguistic services of the European Parliament and the Council shall prepare the necessary corrigendum in close cooperation. Where this error concerns an act that has already been adopted by one or both of those institutions, whether published or not, the European Parliament and the Council shall adopt, by common agreement, a corrigendum drawn up under their respective procedures.

⁵⁶ 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). Decision as amended by Decision 2006/512/EC (OJ L 200, 27.7.2006, p. 11).

7.4. Rules 67 to 72 on Conciliation

Plenary stage

Rule 67: Conclusion of second reading

1. The Council's position and, where available, the recommendation for second reading of the committee responsible shall automatically be placed on the draft agenda for the part-session whose Wednesday falls before and closest to the day of expiry of the period of three months or, if extended in accordance with Rule 65, of four months, unless the matter has been dealt with at an earlier part-session.

The recommendations for second reading submitted by parliamentary committees are equivalent to an explanatory statement in which the committee justifies its position in relation to the Council's position. There is no vote on these texts.

2. The second reading shall be concluded when Parliament approves, rejects or amends the Council's position within the time limits and in accordance with the conditions laid down by Article 294 of the Treaty on the Functioning of the European Union.

Rule 68: Rejection of the Council's position

1. The committee responsible, a political group or at least 40 Members may, in writing and before a deadline set by the President, table a proposal to reject the Council's position. Such a proposal shall require for adoption the votes of a majority of the component Members of Parliament. A proposal to reject the Council's position shall be voted on before voting on any amendments.

2. Notwithstanding a vote by Parliament against the initial proposal to reject the Council's position, Parliament may, on the recommendation of the rapporteur, consider a further proposal for rejection after voting on the amendments and hearing a statement from the Commission pursuant to Rule 69(5).

3. If the Council's position is rejected, the President shall announce in Parliament that the legislative procedure is closed.

Rule 69: Amendments to the Council's position

1. The committee responsible, a political group or at least 40 Members may table amendments to the Council's position for consideration in Parliament.

2. An amendment to the Council's position shall be admissible only if it complies with Rules 169 and 170 and seeks:

(a) to restore wholly or partly the position adopted by Parliament at its first reading; or

(b) to reach a compromise between the Council and Parliament; or

(c) to amend a part of the text of a Council's position which was not included in - or differs in content from - the proposal submitted at first reading and which does not amount to a substantial change within the meaning of Rule 63; or

(d) to take account of a new fact or legal situation which has arisen since the first reading.

The President's discretion to declare an amendment admissible or inadmissible may not be questioned.

3. If new elections have taken place since the first reading, but Rule 63 has not been invoked, the President may decide to waive the restrictions on admissibility laid down in paragraph 2.

4. An amendment shall be adopted only if it secures the votes of a majority of the component Members of Parliament.

5. Before voting on the amendments, the President may ask the Commission to state its position and the Council to comment.

Conciliation

Rule 70: Convening of the Conciliation Committee

Where the Council informs Parliament that it is unable to approve all Parliament's amendments to the Council's position, the President shall, together with the Council, agree to a time and place for a first meeting of the Conciliation Committee. The six-week or, if extended, eight-week deadline provided for in Article 294(10) of the Treaty on the Functioning of the European Union shall run from the day on which the Committee first meets.

Rule 71: Delegation to the Conciliation Committee

1. Parliament's delegation to the Conciliation Committee shall consist of a number of members equal to the number of members of the Council delegation.

2. The political composition of the delegation shall correspond to the composition of Parliament by political groups. The Conference of Presidents shall determine the exact number of Members from each political group.

3. The members of the delegation shall be appointed by the political groups for each conciliation case, preferably from among the members of the committees concerned, except for three members who shall be appointed as permanent members of successive delegations for a period of 12 months. The three permanent members shall be appointed by the political groups from among the Vice-Presidents and shall represent at least two different political groups. The chair and the rapporteur of the committee responsible in each case shall be members of the delegation.

4. The political groups represented on the delegation shall appoint substitutes.

5. Political groups and non-attached Members not represented on the delegation may each send one representative to any internal preparatory meeting of the delegation.

6. The delegation shall be led by the President or by one of the three permanent members.

7. The delegation shall decide by a majority of its members. Its deliberations shall not be public.

The Conference of Presidents shall lay down further procedural guidelines for the work of the delegation to the Conciliation Committee.

8. The results of the conciliation shall be reported by the delegation to Parliament.

Plenary stage

Rule 72: Joint text

1. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall be placed on the agenda of a sitting of Parliament to be held within six or, if extended, eight weeks of the date of approval of the joint text by the Conciliation Committee.

2. The Chair or another designated member of Parliament's delegation to the Conciliation Committee shall make a statement on the joint text, which shall be accompanied by a report.

3. No amendments may be tabled to the joint text.

4. The joint text as a whole shall be the subject of a single vote. The joint text shall be approved if it secures a majority of the votes cast.

5. If no agreement is reached on a joint text within the Conciliation Committee, the Chair or another designated member of Parliament's delegation to the Conciliation Committee shall make a statement. This statement shall be followed by a debate.

7.5. Rules 73 and 74 on interinstitutional negotiations in legislative procedures: decision on the opening of negotiations

Rule 73: Interinstitutional negotiations in legislative procedures

1. Negotiations with the other institutions aimed at reaching an agreement in the course of a legislative procedure shall be conducted having regard to the Code of Conduct laid down by the Conference of Presidents⁵⁷.

2. Such negotiations shall not be entered into prior to the adoption by the committee responsible, on a case-by-case basis for every legislative procedure concerned and by

a majority of its members, of a decision on the opening of negotiations. That decision shall determine the mandate and the composition of the negotiating team. Such decisions shall be notified to the President, who shall keep the Conference of Presidents informed on a regular basis.

The mandate shall consist of a report adopted in committee and tabled for later consideration by Parliament. By way of exception, where the committee responsible considers it duly justified to enter into negotiations prior to the adoption of a report in committee, the mandate may consist of a set of amendments or a set of clearly defined objectives, priorities or orientations.

3. The negotiating team shall be led by the rapporteur and presided over by the Chair of the committee responsible or by a Vice-Chair designated by the Chair. It shall comprise at least the shadow rapporteurs from each political group.

4. Any document intended to be discussed in a meeting with the Council and the Commission ("trilogue") shall take the form of a document indicating the respective positions of the institutions involved and possible compromise solutions and shall be circulated to the negotiating team at least 48 hours, or in cases of urgency at least 24 hours, in advance of the trilogue in question.

After each trilogue the negotiating team shall report back to the following meeting of the committee responsible. Documents reflecting the outcome of the last trilogue shall be made available to the committee.

Where it is not feasible to convene a meeting of the committee in a timely manner, the negotiating team shall report back to the Chair, the shadow rapporteurs and the coordinators of the committee, as appropriate.

The committee responsible may update the mandate in the light of the progress of the negotiations.

5. If the negotiations lead to a compromise, the committee responsible shall be informed without delay. The agreed text shall be submitted to the committee responsible for consideration. If approved by a vote in committee, the agreed text shall be tabled for consideration by Parliament in the appropriate form, including compromise amendments. It may be presented as a consolidated text provided that it clearly displays the modifications to the proposal for a legislative act under consideration.

⁵⁷ See Annex XX of the Rules of Procedure.

6. Where the procedure involves associated committees or joint committee meetings, Rules 54 and 55 shall apply to the decision on the opening of negotiations and to the conduct of such negotiations.

In the event of disagreement between the committees concerned, the modalities for the opening of negotiations and the conduct of such negotiations shall be determined by the Chair of the Conference of Committee Chairs in accordance with the principles set out in those Rules.

Rule 74: Approval of a decision on the opening of interinstitutional negotiations prior to the adoption of a report in committee

1. Any decision by a committee on the opening of negotiations prior to the adoption of a report in committee shall be translated into all the official languages, distributed to all Members of Parliament and submitted to the Conference of Presidents.

At the request of a political group, the Conference of Presidents may decide to include the item, for consideration with a debate and vote, in the draft agenda of the part-session following the distribution, in which case the President shall set a deadline for the tabling of amendments.

In the absence of a decision by the Conference of Presidents to include the item in the draft agenda of that part-session, the decision on the opening of negotiations shall be announced by the President at the opening of that part-session.

2. The item shall be included in the draft agenda of the part-session following the announcement, for consideration with a debate and vote, and the President shall set a deadline for the tabling of amendments where a political group or at least 40 Members so request within 48 hours after the announcement.

Otherwise, the decision on the opening of the negotiations shall be deemed to be approved.

7.6. Order in which the office of President of the Council shall be held⁵⁸

Germany	January - June	2007
Portugal	July - December	2007
Slovenia	January - June	2008
France	July - December	2008
Czech Republic	January - June	2009
Sweden	July - December	2009
Spain	January - June	2010
Belgium	July - December	2010
Hungary	January - June	2011
Poland	July - December	2011
Denmark	January - June	2012
Cyprus	July - December	2012
Ireland	January - June	2013
Lithuania	July - December	2013
Greece	January - June	2014
Italy	July - December	2014
Latvia	January - June	2015
Luxembourg	July - December	2015
Netherlands	January - June	2016
Slovakia	July - December	2016
Malta	January - June	2017
United Kingdom	July - December	2017
Estonia	January - June	2018
Bulgaria	July - December	2018
Austria	January - June	2019
Romania	July - December	2019
Finland	January - June	2020

⁵⁸ OJ L 1 of 4.1.2007, p. 11

