



LE SECRÉTAIRE GÉNÉRAL

Bruxelles, le 7 juillet 1998
98-0842

Note à l'attention de M. José María Gil-Robles, Président du Parlement européen
(Aux bons soins de M. Enrique López Veiga, Chef de Cabinet du Président)

La Conférence des Présidents, lors de sa réunion du 2 avril 1998, m'a chargé de préparer un rapport sur les conséquences pour le Parlement européen et son organisation interne de l'entrée en vigueur du Traité d'Amsterdam.

Séparément, le Parlement européen, dans sa résolution sur l'état prévisionnel pour l'exercice 1999, m'a invité à présenter un rapport avant la fin de la procédure budgétaire 1999 portant sur les mesures effectivement prises en matière de restructuration du travail des commissions parlementaires, compte tenu des implications du traité d'Amsterdam et de l'élargissement, de coopération systématique et structurée entre la DG II et la DG IV, de programme d'échanges de fonctionnaires avec les administrations ou les parlements nationaux, de formation professionnelle.

Je vous prie de trouver ci-joint le rapport que j'ai établi pour répondre à l'instruction qui m'a été donnée par la Conférence des Présidents, mais qui peut aussi servir de base au moins en partie pour le deuxième mandat décidé en séance plénière.

Pour établir ce rapport, j'ai demandé des contributions du Secrétaire général adjoint, du Jurisconsulte et de tous les Directeurs généraux. Nous avons examiné le projet ensemble et j'ai pu tenir compte des commentaires des uns et des autres. Ce rapport reflète donc un consensus au niveau des services.

La distinction est faite entre des changements immédiats qui sont nécessaires pour la mise en oeuvre du Traité et ceux qui concernent plus particulièrement l'organisation du travail législatif au niveau des commissions parlementaires et de la séance.

La deuxième partie de la note évoque des questions (structure des organes, priorisation du travail, questions de calendrier, etc.) pour lesquelles l'autorité politique devrait donner des orientations avant que le Secrétariat général ne puisse faire des propositions. C'est la raison pour laquelle je me permets de suggérer que le rapport soit distribué aux Présidents de groupe au cours de la session de juillet mais que la Conférence des Présidents n'en délibère qu'à partir de la session de septembre.

J'attends vos instructions sur cette question et reste à votre entière disposition pour tout complément d'information que vous jugerez utile.


Julian PRIESTLEY

REFLECTION NOTE ON CONSEQUENCES

FOR THE EUROPEAN PARLIAMENT AND ITS INTERNAL ORGANISATION,

OF THE COMING INTO FORCE OF THE AMSTERDAM TREATY

JULIAN PRIESTLEY

INTRODUCTION

1. It is expected that, in the light of the ratification procedures currently under way, the Amsterdam Treaty will come into force in the first few months of 1999 and, in any case, in good time before the opening of the fifth legislature.

If Parliament shared the disappointment of many observers that the new Treaty has left some business unfinished, and has not sufficiently enhanced the efficiency of Union decision-making to prepare it for the challenge of the next wave of enlargement, it is clear that, in terms of its own role, Parliament emerges strengthened from the new Treaty provisions.

2. To summarise, the Amsterdam Treaty reinforces Parliament's legislative role significantly:

- it extends co-decision from 15 to 38, and later, 40 domains, which will apply therefore to the majority of legislative proposals;
- it puts Parliament and Council on an equal footing as colegislators, abolishing the so-called 'third reading' by Council (art. 251 § 6 [ex art. 189b § 6]);
- it permits an accelerated form of co-decision after Parliament's first reading, should Parliament not amend the text or should Council be in a position to accept its amendments (art. 251 § 3 [ex art. 189b § 3]);
- the Treaty also communitarises the free movement of persons, the migration policy and judicial cooperation in civil matters, parts of the Third Pillar (art. 61-69 [ex 1-3c-73a]), with parliamentary intervention, either through consultation or, to a limited degree, co-decision (art. 67 § 2 and 4); it confirms Parliament's role, albeit limited, in external relations (art. 21 [ex J-11]) and confirms, equally, a parliamentary role for new areas of competence (eg. the employment provisions etc.) (art. 128 [ex art. 109g] and art. 130 [ex 109 s]).

3. Other provisions of Amsterdam also affect Parliament:

- its vote on the President-designate of the Commission now becomes, formally, a binding one (art. 214 [ex 158]);
- its size, post-enlargement, is limited to 700 Members (although no mechanism is devised to reach this figure) (art. 189 [ex 137]);
- a common statute for its Members is envisaged (art. 190 [ex 138]);
- the provisions for its election by a common system are modified, making this objective more achievable (art. 190 [ex 138]);
- cooperation with national Parliaments is further strengthened (Protocol n°9 annexed to the Treaty);

- general principles for public access to documents to be adopted by Parliament and Council are envisaged (art. 255 [ex art. 191a]).
 - the quality of legislation will be affected by the putting into effect of the new protocol on subsidiarity.
4. The Amsterdam Treaty is of course only one of a number of developments which will have a considerable impact on Parliament in the months ahead. The introduction of a single currency on 1 January 1999 does not bring to an end Parliament's role in matters relating to Monetary Union. Parliament is seeking to exert its influence on the broad economic guidelines which will underpin future monetary decisions (art. 99 [ex art. 103]). In any case, it has a recognised, albeit limited, role in the decision-making process of economic and monetary policy (inter alia art. 99, 104, 105, 111, 113 and 114). The Conference of Presidents has instructed the Secretary-General to produce a separate report on the organisation of Parliament's work in this area.
 5. As the enlargement negotiations get under way, the scrutiny and democratic control of these negotiations, the maintenance of a parliamentary dialogue with the Parliaments of the applicant countries, the full participation of Parliament in the decisions on the Agenda 2000 package of reform proposals, and support for new institutional reform initiatives prior to the next enlargement, constitute a full work programme for the Institution. If, and when, an Intergovernmental Conference is convened, it will fall to the Parliament to devise means of associating public opinion with the reform process.
 6. Finally, Parliament will shortly be consulted on a new proposal from the Commission on comitology provisions, which will once again pose the question as to the effective monitoring of 'comitology' decisions.
 7. The accession of up to eleven new Member States in the course of the next decade would, of course, have the most immense consequences for the Institution, requiring it to assess its functioning in every aspect. The Bureau has already set up a working group under the chairmanship of Mr Cot, to look at one vital aspect of this question: the preserving of the multilingual regime in a process which could add many new official languages to the work of the Union. However, given that the timetable and scale of the next enlargement is not yet a known factor, this paper limits consideration on this point, while recognising that its significance will, in the fullness of time, outstrip other factors.
 8. The significance of these developments for the European Parliament is that they will lead to a change of emphasis in the tasks, priorities and style of the institution, towards the more traditional role of a Parliament: scrutinising, improving and deciding legislation, and holding the Executive to account. This does not mean that Parliament would, or should, neglect its role as a supranational forum, taking public position on world events, or acting as a focus for

European public opinion, which its unique place as the only directly-elected institution gives to it.

It does, or should, at any rate, mean that the new priority for its legislative work, now that it will be co-decider for the majority of legislative proposals, must be reflected in the way that it plans and organises its work, and allocates resources in accordance with this priority.

*
* *
*

PRIMARY EFFECTS

9. It is probable that, of all these changes, the most immediate and visible in terms of their consequences will be on co-decision and on legislative planning.

In short :

- co-decision will now be a procedure applying to the work in many more committees for a significant part of their activities;
- the new procedure imposes new deadlines on Parliament, and therefore on committee work. Article 251 sets time limits for the conciliation procedure; articles 39 § 1 of the TUE and 300 § 3 of the TCE allow Council to impose time limits for consultation procedure;
- the possibility of reaching agreement after first reading means that institutions will have an incentive to enter into a dialogue at an earlier stage, and that Parliament would have to prioritise the changes to proposals sought, if this, more rapid, conclusion of deliberations is to be achieved;
- Parliament will bear full responsibility for the formal quality of the texts it adopts, within the context of the required joint interinstitutional agreements on drafting quality referred to in Declaration 39 of the Treaty; these questions of quality should not be held over until after Parliament has, in plenary session, voted on texts;
- because of the new deadlines imposed and because of the greater importance of its legislative work, a reinforced programming of its work in committee and in plenary is necessary. Both committees and political groups will have an important role to play in this process.

FIRST STEPS TO BE TAKEN

10. Following from these changes, a certain number of measures should be taken rapidly:

- (a) All officials called to work now, and in the future, for parliamentary committees should be rapidly and comprehensively trained for legislative work, under the co-decision

procedure; special emphasis should be placed on negotiating techniques, and on monitoring interinstitutional negotiations.

- (b) The institution will have to draw up with the other institutions, and implement rules, and an internal manual, for all staff, on legislative drafting.
- (c) The Conference of Presidents, responsible for the timetabling of Parliament's work, should take the necessary steps to achieve a transparent system of legislative programming, which, after committees have been consulted, all the relevant Parliamentary bodies should respect.
- (d) Interinstitutional planning, taking into account the constraints facing all institutions, should be modernised, as should the communication of all texts, electronically, between the institutions, on compatible systems; closer links with incoming Presidencies should be fostered so that, inter alia, the work programmes of Presidencies may reflect what is practically achievable; effective tracking of legislative procedures should be ensured; a common informatic workspace should facilitate improved cooperation between the institutions; specialised networks for the greffes, desk officers, translators and lawyer-linguists will need to be created.
- (e) Full-texts should also be made available electronically to all Members as and when different language versions become available; as soon as possible, paper dossiers for each meeting of committees and groups should become redundant; information on the state of play of procedures should similarly be adapted, constantly updated and made more comprehensive.
- (f) The technical and legal quality of legislative texts (particularly amendments) to be examined in committee needs to be assessed, prior to committee vote. The same yardsticks have to be applied to such checking procedures as to those prior to votes in plenary and, subsequently, in the linguistic consolidation of texts voted. If problems are not ironed out at an early stage, they will haunt the whole procedure. Once internal guidelines have been drawn up, all services involved should conform with them through strengthened interservice cooperation.

Amendments to texts, when tabled with committee secretariats, should be assessed, as regards their admissibility and technical quality, by intense cooperation between the committee secretariat itself, Legal Service, and the minutes division of the sessional services so that committee Chairs may receive the quality of advice they require. This will need to be organised in such a way as to avoid lengthening the timelag between the tabling of amendments, and their translation and distribution. A new time limit of five working days for translation, plus two working days for the subsequent printing and distribution of legislative amendments is possible, provided that the full priority for translation of legislative texts be accorded. A more detailed note on the organisation of the tabling, checking and distribution of amendments at the committee stage is being prepared by the services.

As Parliament assumes fully its legislative role, the need for lengthy explanatory statements for inclusion in committee reports on legislative items is reduced. These

statements could usefully be replaced by allowing a short written justification to be added to each amendment tabled.

- (g) Examination of legislative texts should have priority in agendas of committees and of plenaries. The possibility of first readings leading to an accelerated conclusion of co-decision procedures should be fully exploited, although the institution should always reserve the right to assess the political advantages of any chosen timetable; it will mean that for both committee and plenary deliberations, the Commission and Council will have to make commitments at the political level, prior to votes. This will have consequences for the level of representation of the other institutions at both committee and plenary stages.
- (h) Work in committees on new proposals should begin promptly; recurring disputes on committee competences should be avoided by careful redrafting of Annex VI of the Rules of Procedure on committee attributions to take account of the legal bases in the Treaties, as one element, but also of the corresponding organisation of responsibilities within the Council and Commission. Committees consulted for opinions should produce them at an early stage in the procedure according to a firm timetable to be strictly adhered to. Opinions should preferably be in the form of draft amendments to legislative texts, rather than explanatory statements or letters. The referral of texts to committees for opinion should reflect more accurately their competences. New forms of dialogue between committees responsible and committees asked for an opinion should be envisaged. A recent proliferation of consultations of committees for opinion has been noted, without these opinions being taken fully into account by the committees responsible.
- (i) In order to mirror practice in Council, and to underline the equality between the two branches of the legislative authority, full-text versions of proposals should be published by committee, before vote in plenary; and by Parliament after first-reading; and subsequently throughout the procedure.
- (j) After the final vote in plenary, at the outcome of the procedure, a mechanism for verification of texts needs to be established before signature by Parliament's president, so that the President may sign legislation confident in the knowledge that the will of Parliament has been respected, irrespective of any drafting or linguistic problems which may have been identified under the legal/linguistic checks in Parliament or Council. This mechanism could involve referral to, for example, the Legal Affairs committee of any corrigenda, so that the prerogatives of the political authorities may be respected.
- (k) Parliament's responsibility for informing national parliaments at all stages of the legislative process is reinforced as its powers increase in this area. Cooperation on this - particularly by making available on-line to national parliaments all relevant information about legislative proposal and programming - should be given a greater priority.

THE LONGER TERM

11. Priority for legislative work should be reflected in Parliament's programming, its structures, its resources and the publicising of its work.
- (i) A review of committee structures, as more committees have legislative functions, in time for the constitutive session of the fifth legislature, would be appropriate. Larger, and thus more representative legislative committees, with smaller "neutralised" non-legislative committees may be the way forward.
- (ii) The resources available for legislative work should match the new priority. Before Parliament assumed its legislative powers, the Directorate-General for Research (DG IV) was able to deal evenhandedly with documentation and research requests from committees, groups and individual Members. Now its work will need to be prioritised. Measures already taken to achieve "synergies", particularly between officials in DG II and DG IV, should be strengthened; for each legislative proposal, DG II should nominate a "chargé de dossier", for the full procedure. DG IV, in collaboration with the "chargé de dossier" in DG II, is now providing direct or indirect assistance to the rapporteur(s) concerned or providing basic documentation ("fiches thématiques"/"briefings").
By improved coordination, DG IV officials should assist directly rapporteurs for certain subjects corresponding to their areas of expertise. A better defined annual research programme of DG IV should ensure a scientific and intellectual back-up for Parliament's legislative work. Resources available for non-legislative work, in a prolonged era of stability in Parliament's establishment plan, will be necessarily limited. Decisions on the staff allocation within the support services (DG II and DG IV) as between committees should reflect the priority given to legislative work.
- (iii) As Parliament's legislative role is extended, explaining and informing public opinion of this work becomes ever more important. Recent examples (the Hautala Report on petrol and diesel fuels, the Cabrol report on tobacco advertising, and the Rothley report on biotechnology) demonstrate a potential for public interest in legislative activity which is very considerable. Parliament's information services must reflect this new priority:
- first, through emphasising the new, stronger role of Parliament in decision-making in the Union;
 - through being able to describe accurately and succinctly, and in accessible language, Parliament's priorities and achievements in the legislative process;
 - through assigning qualified information officers, to follow committee work, and who become a point of reference to journalists and interested members of the public, through the quality of the information they can provide on sometimes complex issues.

The responsibility given to Parliament at Amsterdam to approve the President designate of the Commission is one which should provide an urgent priority focus for the information services at the beginning of the 1999 legislature.

*
* *
*

CONCLUDING REMARKS

12. In assessing how it can make the new procedures work, and how it can optimise the institutional opportunities it now has, Parliament will have to make choices, including on the allocation of resources. The Secretary-General does not believe that the Treaty of Amsterdam requires a substantial increase in Parliament's establishment plan, and prefers to deal with extra work for certain services through redeployment, provided the necessary qualifications exist in house. A limited increase in the establishment plan to supplement support for Parliament's legislative work may prove necessary.

Increasingly Parliament will be judged by the quality of its legislative work; how its actions have contributed to meeting the concerns of Europe's citizens and, indeed, whether it has made known its views, positions and decisions. In a period of limited resources, this also implies a degree of selectivity for its activities, which has not always been a necessity in the past. This selectivity can only enhance the visibility of Parliament's priority activities in the media.

Should the new priorities not have a greater reflection in the distribution of linguistic resources (e.g. for discussions on compromise texts for amendments, is not the assistance of expert language staff sometimes more useful than the provision of interpreters for other kinds of meeting)?

Is not a more flexible timetable for meetings between the part-sessions now necessary? The current system of two weeks for committees and committees alone, and one week for groups and groups alone, no longer corresponds to the needs of the Institution or, indeed, to reality. A new pattern for working weeks of preparatory and full committee meetings, conciliation meetings, groups and, perhaps, more frequent, short plenaries in Brussels (essentially for topical Commission statements and legislative business) may well correspond better to Parliament's needs; could such a more flexible timetable also increase the amount of time available for Members to spend in their constituencies, thus contributing to a "reconnection" between European citizens and their institutions ?

Is the system of permanent interparliamentary delegations with up to 30 permanent delegations not now more difficult to justify when the legislative work in the working places will involve far more Members of Parliament bearing in mind that the Joint Parliamentary Committees, now 13 in number, have a legal basis, and, indeed, an increased relevance during the enlargement process?

If permanent interparliamentary delegations are to be maintained, should not ways be found of ensuring, more than at present, that membership includes experts in the priority fields of interest for the dialogue between the Union and third countries (e.g. trade issues, sectoral economic cooperation, research questions)?

Is the system of parliamentary committee delegations visiting regions of the Member States, outside the legislative framework or, indeed, outside the context of cooperation with national parliaments, any longer an appropriate one, as the committees come to grips with new responsibilities?

These questions, of a fundamentally political nature, could be looked at by the political groups as decisions are prepared for the constitutive session in July 1999.

Should the political groups wish to pursue longer-term issues, the Secretary-General and his colleagues are at their disposal for providing advice on the basis of acquired experience. In any case, as regards the delimitation of committee competences, and possible modifications to Annex VI of the Rules of Procedure, the Secretary-General would propose a preparatory meeting in the autumn with representatives of the group secretariats and the competent services of the general secretariat.