

HANDBOOK

ON THE

ORDINARY LEGISLATIVE PROCEDURE



A guide to how the European Parliament co-legislates

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Directorate for Legislative and Committee Coordination
Legislative Affairs Unit (LEGI)

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FOREWORD

As Vice-Presidents responsible for conciliation in the European Parliament and as Chair of the Conference of Committee Chairs, we are pleased to present this *updated Handbook on the Ordinary Legislative Procedure*, prepared by the Legislative Affairs Unit. The aim of this Handbook is to provide practical information on how the Parliament organises its work under the ordinary legislative procedure.

During the eighth parliamentary term, a number of important developments took place, including the conclusion of the Interinstitutional Agreement on Better Law-Making, which entered into force in April 2016, and the general revision of Parliament's Rules of Procedure, which entered into force in January 2017.

It is essential that all relevant actors in the Parliament are acquainted with the procedures, in order to further strengthen Parliament's role as co-legislator in the adoption of EU legislation and to enhance democratic legitimacy.

We would therefore recommend this Handbook to all Members, staff and those interested in the Parliament's legislative work.



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1. INTRODUCTION

With the Treaty of Lisbon, codecision¹ officially became the 'ordinary legislative procedure' (Article 294 TFEU²) and the general rule for adopting legislation at European Union level, covering the vast majority of areas of Union action (see Box 1).

The ordinary legislative procedure (OLP) 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. Neither of them can adopt legislation without the agreement of the other, and both co-legislators have to approve an identical text. Such an agreement can be reached in each of the three possible readings under the ordinary legislative procedure. If a legislative proposal is rejected at any stage of the procedure, or the Parliament and Council cannot reach a compromise, the proposal is not adopted and the procedure ends.

This Handbook seeks to give a practical overview of the ordinary legislative procedure as the main legislative procedure for the adoption of Union legislation. The Handbook starts with two general chapters, which provide an introduction to the different actors and their role in the procedure (Chapter 2) and to the various stages of the procedure (Chapter 3). Chapter 4 addresses in more detail the conduct of interinstitutional negotiations (how the Parliament gets its mandate and what happens in trilogues) followed by information on the conciliation procedure (Chapter 5) and finally the signing and publication of the adopted text (Chapter 6).

Chapter 8 provides more background on the revised Interinstitutional Agreement on Better Law-Making, which entered into force on 13 April 2016 and has had an important impact on the way Parliament, Council and Commission work together by setting out a number of initiatives and procedures to pursue Better Law-Making.

Finally, the guide is completed by a short overview of other relevant procedures in which Parliament plays a role (Chapter 7), a chapter providing relevant statistics on the ordinary legislative procedure (Chapter 9) and a glossary of terms, abbreviations and acronyms (Chapter 10). In the annexes you can find *inter alia* the most relevant rules related to the ordinary legislative procedure, as well as the post-Brexit decision-making majorities and thresholds relevant for the ordinary legislative procedure.

¹ In practice instead of the official term 'ordinary legislative procedure' the term 'codecision' is still frequently used.

² Treaty on European Union (hereafter 'TEU') and Treaty on the Functioning of the European Union (hereafter 'TFEU'). See Annex I for Article 294 TFEU.

Box 1 - Key milestones: from codecision to the ordinary legislative procedure

Treaties:

- **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).

Interinstitutional Agreements:

- **Joint Declaration on practical arrangements for the codecision procedure, 2007¹:** lays down practical arrangements on the operation of the codecision procedure. The declaration as adopted in 1999 was revised in 2007, explicitly recognising the importance of the 'trilogue system' throughout the codecision procedure.
- **Framework Agreement on relations between the European Parliament and the European Commission, 2010²:** sets out measures to extend the dialogue between the Parliament and Commission, improve the flow of information and the cooperation on procedures and planning; contains provisions on Commission meetings with experts, the forwarding of confidential information to Parliament, the negotiations and conclusion of international agreements and the timetable for the Commission Work Programme.
- **Interinstitutional Agreement on Better Law-Making, 2016³:** agreement between the Parliament, Council and Commission entered into force in April 2016 and replaced the earlier 2003 Agreement. It sets out a series of initiatives and procedures agreed upon by the three institutions in order to pursue better law-making, addressing programming, better law-making tools, including impact assessments and public and stakeholder consultation, choice of legal basis, delegated and implementing acts, transparency, implementation and simplification.

¹ Joint Declaration of the European Parliament, the Council and the Commission of 30 June 2007 on practical arrangements for the codecision procedure. [OJ C 145 of 30.06.2007, p 5](#).

² Framework Agreement on relations between the European Parliament and the European Commission. [OJ L 304 of 20.11.2010, p 47](#)

³ Interinstitutional Agreement of 13 April 2016 between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making. OJ L 123 of 12.05.2016, p 1

2. KEY ACTORS AND THEIR ROLES IN THE ORDINARY LEGISLATIVE PROCEDURE

2.1. The Parliament

Parliament's day-to-day functioning, including with regard to its internal organisation and decision making procedures, is regulated by its **Rules of Procedure**. In Parliament, the legislative work is carried out by the responsible¹ parliamentary committee(s)². 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 may appoint '**shadow rapporteurs**' to coordinate their position on the issue within the committee.

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.

At the start of the legislative term, each political group may designate one member to act as its **coordinator** in the committee. The coordinators meet in closed session ('in camera') often 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.

In interinstitutional negotiations during the first and second readings, Parliament is represented by a **negotiating team** which is led by the rapporteur, presided over by the Chair of the committee(s) responsible or by a Vice-Chair designated by the Chair. The negotiating team shall comprise at least the shadow rapporteurs from each political group that wishes to participate (Rule 74 RoP). For more information on the interinstitutional negotiations see Chapter 4.

The parliamentary committees and their Members are assisted in their legislative work at administrative level by the committee secretariats (which organise the committee meetings and planning and provide support and advice on committee business), political group advisors (which provide support and advice to their group coordinator and individual Members), Members' assistants, and other parliamentary services, including the Legislative Affairs Unit (LEGI), the legal service, the directorate for legislative acts, the Policy Departments, the European Parliamentary Research Service (EPRS), the EP press service and the Directorates-General for Translation and

¹ Sometimes also called 'lead' committee, see Box 6 in Chapter 3.2.1.

² 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).

Interpretation, respectively. At third reading, LEGI coordinates the administrative assistance to the Parliament's delegation to the conciliation committee.

Box 2 - Political bodies of the Parliament

The Conference of Presidents (CoP; Rule 26 / 27 RoP) 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. Its meetings normally take place in the week before and during Strasbourg sessions (commonly on Thursday morning).

The Bureau (Rule 24 / 25 RoP) 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. Its meetings normally take place on Monday evening during Strasbourg sessions.

The Conference of Committee Chairs (CCC; Rule 29 RoP): 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. Its meetings normally take place on Tuesdays of the Strasbourg sessions. The Chair is elected from among its members for a two and a half year mandate.

2.2. The Council

The Council represents the Member States' governments. It is composed of national ministers from each EU country, and meets in a series of topic-related configurations, to adopt laws and coordinate policies. The Council exercises legislative functions jointly with the Parliament (Article 16(1) TEU). It works on three levels: **working parties** prepare the work of the 'Committee of Permanent Representatives' of the Governments of the Member States to the European Union (**Coreper**), which *inter alia* prepares the work of the various **Council** configurations.

Meetings taking place at all these three levels are chaired by the Member State that holds the rotating six-month **Presidency of the Council**¹.

The agendas for Council meetings reflect the work done by 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.

¹ Except for the Foreign Affairs Council, normally chaired by the High Representative, the Presidency of the Council rotates among the EU Member States every six months (from 1 January until 30 June or from 1 July until 31 December). The Presidency 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 (see list in Annex IV).

Coreper meets in two configurations:

Coreper II: composed of the permanent representatives to the European Union and chaired by the permanent representative of the country holding the Presidency. It prepares 4 Council configurations: economic and financial affairs; foreign affairs; general affairs; justice and home affairs. Its work is prepared by the so-called '**Antici Group**'.

Coreper I: composed of the deputy permanent representatives to the European Union and chaired by the deputy permanent representative of the country holding the Presidency. It prepares 6 Council configurations: agriculture and fisheries¹; competitiveness; education, youth, culture and sport; employment, social policy, health and consumer affairs; environment; transport, telecommunications and energy. Its work is prepared by the so-called '**Mertens Group**'.

As indicated, Coreper's work is in turn prepared by more than 150 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 support².

The framework and principles of the Council's decision making procedures are laid down in its **Rules of Procedure**³. 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.

2.3. The Commission

The Commission represents the general interest of the European Union as a whole (as opposed to the interests of individual Member States) 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

¹ Veterinary and phytosanitary issues, as well as all files relating to the Common Fisheries Policy, are prepared by Coreper I. Part of the work of the Agriculture and Fisheries Council, notably all files relating to the Common Agriculture Policy, are however prepared by the **Special Committee on Agriculture (SCA)**.

² 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.

³ Council decision of 1 December 2009 adopting the Council's Rules of Procedure, 2009/937/EU, [OJ L 325, 11.12.2009, p. 35](#)

member from each Member State¹. 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. The framework and principles of the Commission's decision making procedures are laid down in its **Rules of Procedure**.

In November 2014 President Juncker decided to organise the Commission differently from its predecessors, by appointing seven Vice-Presidents acting on behalf of the President, in their areas of responsibility. The Vice-Presidents are entrusted with well-defined priority projects and steer and coordinate work across the Commission in the key areas of the President's political guidelines².

The Treaty provides the Commission with a quasi-monopoly of legislative initiative (Article 17(2) TEU)³. The Commission is therefore responsible for preparing almost all proposed legislative acts, in particular those under the ordinary legislative procedure. To prepare a legislative proposal, the Commission carries out extensive consultations with stakeholders and the public, takes into account reports by experts, and can adopt **Green and White Papers**⁴ (though it does not do so systematically), etc. Moreover, it carries out an impact assessment to analyse the direct and indirect implications of a proposed measure⁵.

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).

The proposal is submitted simultaneously to the Parliament and the Council, at which point the ordinary legislative procedure starts⁶. As explained in more detail in Box 3 the Commission can alter or withdraw its proposal at any time, but under certain

¹ 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 for the time being the Commission shall continue to consist of a number of members equal to the number of Member States.

² See Communication C(2014) 9004 on the Working Methods of the European Commission 2014-2019.

³ See Box 5 in Chapter 3.1 on the Right of initiative to propose Union legislation.

⁴ Green Papers are Commission documents to stimulate discussion on given topics at European level. They invite the relevant bodies or individuals to participate in a consultation process. Green Papers may result in legislative developments outlined in White Papers. White Papers contain proposals for EU action in a specific area, sometimes following on from a Green Paper. The purpose is to launch a debate with the public, stakeholders, the Parliament and the Council in order to facilitate a political consensus.

⁵ According to the Communication [C\(2014\)9004](#) on The Working Methods of the European Commission 2014-2019 'All initiatives likely to have significant direct economic, social or environmental impacts should be accompanied by an impact assessment and a positive opinion from the Impact Assessment Board. This principle applies also to delegated and implementing acts expected to have significant impacts.' In reality, however, at the moment of publication of this handbook many legislative proposals were not accompanied by impact assessments ([see Parliament's Activity Report on the Ordinary Legislative Procedure 2014-2016](#)).

⁶ 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, which may issue reasoned opinions on the compliance of the draft legislative act with the principle of subsidiarity, within an eight week deadline. See Chapter 2.4 for more information.

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

Throughout the legislative procedure, the Commission supports the co-legislators by providing technical explanations and playing the role of an honest broker and facilitator during the interinstitutional negotiations.

Box 3 - Withdrawals

The case-law of the Court of Justice has confirmed the Commission's right to withdraw its legislative proposals, under specific conditions. In its judgment of 14 April 2015 (case C-409/13) the Court of Justice analysed, and thereby clarified the scope of, the Commission's right to withdraw its legislative proposals, pursuant to Article 293(2) TFEU.

The Court recalled that the Commission's right to withdraw a proposal at any time during the legislative procedure as long as the Council has not acted (i.e. before Council's first reading position) stemmed directly from the Commission's right of initiative. However, it specified that this was not a 'right of veto', and was necessarily circumscribed by the prerogatives of the other institutions.

The Court stated that a withdrawal by the Commission has to be appropriately justified to the co-legislators and, if necessary, supported by cogent evidence or arguments.

The Court added that the Commission is entitled to withdraw a legislative proposal if a planned amendment by Parliament and Council distorts it in a manner which prevents the proposal's original objectives from being achieved, depriving it thus of its *raison d'être*, with due regard to the spirit of sincere cooperation between institutions.

Paragraph 9 of the 2016 Interinstitutional Agreement on Better Law-Making (see Chapter 8) stipulates that the Commission will need to give the reasons for a withdrawal, and, if applicable, an indication of the intended subsequent steps with a precise timetable. It will need to conduct proper interinstitutional consultations and take due account of, and respond to, the co-legislators' positions.

In accordance with Rule 38 para 4 RoP the competent Commissioner shall be invited by the Committee responsible if the Commission intends to withdraw a proposal, in order to discuss that intention (the Presidency of the Council may also be invited). If the committee responsible disagrees with the intended withdrawal, it may request the Commission to make a statement to the plenary.

2.4. Other institutional actors linked to the ordinary legislative procedure

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. Except where the Treaties provide otherwise, decisions of the European Council are taken by consensus and result in European Council conclusions. Article 15 TEU clearly sets out that the European Council shall not exercise legislative functions. Nevertheless, its conclusions

which aim at giving impulses to the Union's development and at defining general political directions and priorities, often impact on files under the ordinary legislative procedure. In the past Parliament complained about European Council conclusions touching upon the specific content of legislative files as such conclusions risked to deprive the legislators of their freedom to legislate as they deem appropriate.

National Parliaments: Article 12 TEU defines the role of national Parliaments, which are to '*contribute actively to the good functioning of the Union*'. Other numerous provisions of the Treaties grant national Parliaments specific rights, in particular with regard to the check of compliance of a draft legislative act with the principle of subsidiarity. Protocols No 1 and 2 annexed to the Treaties further describe this role.

In accordance with 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-week deadline issue a **reasoned opinion** stating why it considers that a draft legislative act¹ does not comply with the principle of subsidiarity. To respect this deadline the committee responsible in the European Parliament cannot proceed to its final vote before the end of these eight weeks².

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 one-third 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 one-fourth 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 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.

¹ 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'.

² Except in the cases of urgency referred to in Article 4 of Protocol No 1, see Rule 43 RoP.

The Court of Justice of the European Union (CJEU; composed of the Court of Justice and of the General Court; based in Luxembourg): interprets primary and secondary EU law and decides on the validity of secondary law. EU legislation can be challenged by Member States, Parliament, Council, Commission or individuals, companies or organisations within two months from publication in the Official Journal, or at any time through a preliminary question referred by a national court or tribunal. The Court also ensures that Member States comply with their obligations under the Treaties (infringement procedures) and reviews the lawfulness of the failure of the institutions, bodies, offices or agencies of the European Union to act.

The Parliament participates in proceedings before the Court (Court of Justice and General Court) in order to defend the interests, rights and prerogatives of the institution, in particular where a legislative act adopted by Parliament (alone or jointly with the Council) is at stake. Parliament can challenge a legislative act, for instance because it has not been correctly adopted under the ordinary legislative procedure, or defend an act adopted under that procedure, in case its validity has been challenged by individuals.

The CJEU may, in specific cases provided for in the Treaties, request a proposal for a legislative act under the ordinary legislative procedure (Article 294(15) TFEU). The CJEU can do this in relation to matters such as the statute of the Court of Justice and the establishment of specialised courts attached to the General Court (see also Box 5 in Chapter 3.1).

European Central Bank (ECB; based in Frankfurt, Germany): is the central bank of the Eurozone countries, and its main objective is to maintain price stability in the euro area. Within the Single Supervisory Mechanism, the ECB is now also responsible for the supervision of banks located in the Euro area or in Member States participating in the Banking Union. The ECB may, in specific cases provided for in the Treaties, recommend a proposal for a legislative act under the ordinary legislative procedure (Article 294(15) TFEU). The ECB can do this for legislation related to certain articles of the Statute of the European System of Central Banks and of the European Central Bank.

European Economic and Social Committee and the Committee of the Regions (EESC and CoR; both based in Brussels): 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). Where the consultation of the committee(s) 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 may set the Committee(s) 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 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

301-304 TFEU). The CoR is a consultative body of the Union composed of regional and local representatives (Articles 300 and 305 to 307 TFEU). Furthermore, the CoR is entitled to bring action before the Court of Justice for annulment of a legislative act on grounds of infringement of the principle of subsidiarity¹.

¹ At the moment of publication of this handbook this possibility has not yet occurred in practice.

3. THE ORDINARY LEGISLATIVE PROCEDURE

Since the entry into force of the Treaty of Lisbon two types of procedures can lead to the adoption of legislative acts (i.e. regulations, directives or decisions), namely the ordinary legislative procedure (addressed in this Chapter) and the special legislative procedure in specific cases provided for in the Treaties (addressed in Chapter 7).

3.1. Submission of a legislative proposal

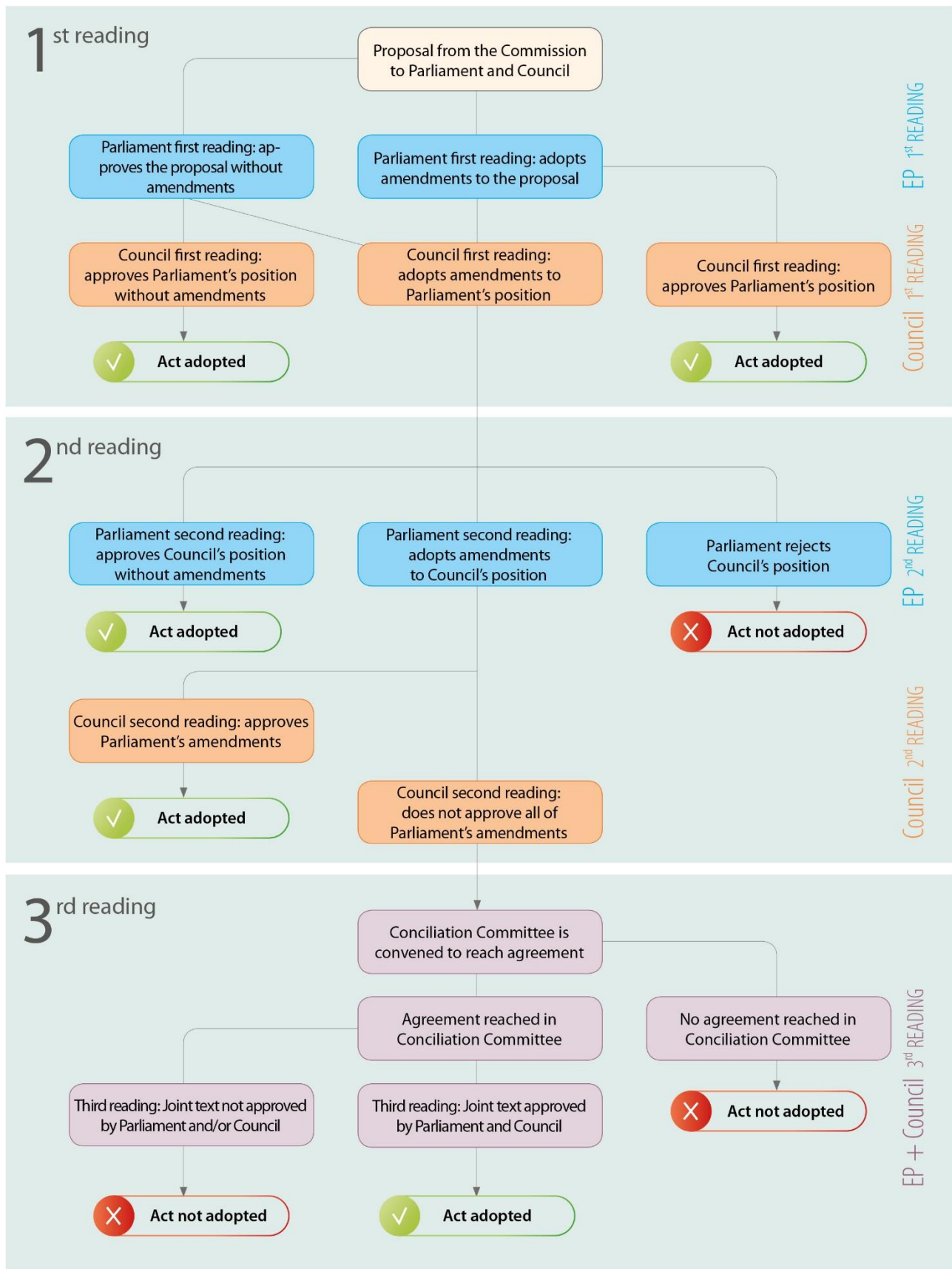
The Commission holds the right of initiative (see Box 5 in Chapter 3.1). The ordinary legislative procedure starts therefore with the submission by the Commission of a proposal for a legislative act to the Parliament and the Council. The submission of the proposal is preceded by its adoption, by the College of Commissioners on the basis of a written or an oral procedure.

The Commission's proposal is simultaneously forwarded to the national Parliaments and, where foreseen by the Treaty, to the Economic and Social Committee and the Committee of the Regions (see Chapter 2.4).

Box 4 - Legislative acts

Legislative acts (Article 288 TFEU)	Adopted by a legislative procedure (ordinary or special legislative procedure), Article 289 TFEU.
Regulation	Legislative act that has general application and is binding in its entirety. It is directly applicable in all Member States.
Directive	Legislative act that is binding, as to the result to be achieved, upon each Member State to which it is addressed. It leaves however to the national authorities the choice of form and methods.
Decision	Legislative act that 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.

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



Box 5 - Right of initiative to propose Union legislation

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 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)¹.

Parliament and Council, under Articles 225 and 241 TFEU, respectively, may request the Commission to submit appropriate proposals for legislative acts. This request for legislative action, is, however, not binding on the Commission – the Commission can choose not to submit the legislative proposal, but must give reasons for doing so. In para 10 of the Interinstitutional Agreement on Better Law-Making (see Chapter 8) it is agreed that the Commission will reply to such requests within three months, stating the follow-up it intends to give to them by adopting a special communication. If the Commission decides not to submit a proposal, it will provide detailed reasons and, where appropriate, an analysis of possible alternatives (see also Rule 47 RoP).

Similarly, a citizens' initiative can invite the Commission to submit appropriate proposals to implement the Treaties in accordance with Articles 11 TEU², i.e. proposals for legislation in any area where the Commission has the power to propose legislation. Citizens' initiatives must be backed by at least one million EU citizens coming from at least 7 different Member States. Citizens' initiatives obtaining these one million signatures³ have to subsequently undergo a specific procedure that may end up in concrete proposals for Union legislation.

3.2. First reading stage

At 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 approving the Commission's proposal without amendments, amending it or rejecting it. After the Parliament has adopted its position, the Council may decide to approve that 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 amending the Commission proposal is agreed between the Parliament and Council before Parliament's first reading vote) or

¹ 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).

² Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, *OJ L 65*, 11.3.2011, p. 1.

³ Citizens' initiatives that have successfully reached the required number of signatures at the moment of publication of this handbook are: 1. 'Ban glyphosate and protect people and the environment from toxic pesticides', 2. 'Stop vivisection', 3. 'One of Us' (on '*juridical protection of the dignity, the right to life and of the integrity of every human being from conception in the areas of EU competence in which such protection is of particular importance*') and 4 'Water and sanitation are a human right! Water is a public good, not a commodity!'. For more information see the website: <http://ec.europa.eu/citizens-initiative/public/welcome>

an early second reading agreement (if such a compromise text is agreed before the Council's first reading vote).

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.

3.2.1. Parliament first reading

Committee stage

Within the Parliament the proposal is referred by the President to the committee responsible for its consideration¹. The examination of a Commission proposal during the committee stage can also involve several committees, under the procedure of opinion-giving committees (Rule 56 RoP), the associated committee procedure (Rule 57 RoP) or the joint committee procedure (Rule 58 RoP). If a conflict arises over the competence of two or more standing committees, this question of competence has to be submitted to the Conference of Committee Chairs within four weeks of the announcement in plenary. The Conference of Committee Chairs will then submit a recommendation to the Conference of Presidents. If the Conference of Presidents does not decide on that recommendation within six weeks after it has received it, it is deemed to have been approved (Rule 211 RoP).

Box 6 - Involvement of various committees during the ordinary legislative procedure	
Responsible committee (also called lead committee)	The committee in charge of the preparatory work for plenary by drawing up a legislative report (see also the role of committees in deciding on starting negotiations, Chapter 4.3).
Opinion-giving committee (Rule 56 RoP) ²	If the responsible committee wants the opinion of another committee or if another committee on its own initiative wants to provide its opinion to the responsible committee, they may ask the President for authorisation in accordance with Rule 210(2). It may appoint a rapporteur for opinion .

¹ Proposals are attributed on the basis of the committees' respective competences, which are laid down in Annex VI of Parliament's Rules of Procedure. In case of doubt, the President may, before the announcement in Parliament of a referral to the committee responsible, submit a question concerning competence to the Conference of Presidents, which adopts its decision on the basis of a recommendation from the Conference of Committee Chairs (Rule 48 RoP). This has previously been applied in certain consent procedures, where the formal Council referral arrived quite some time after the Commission's proposal (for example the EU-Central America Association Agreement and the EU-Ukraine Association Agreement).

² Committees sometimes also use the informal **Rule 56+ procedure**, which entails an informal arrangement between the committees and which is approved by the CCC. Under such an arrangement, the responsible committee agrees to one or more of the following elements of cooperation with an opinion-giving committee:

- systematic invitation of the rapporteur for opinion to all exchanges of views, workshops and hearings in the responsible committee;
- invitation of the rapporteur for opinion to meetings with the responsible committee's shadow rapporteurs;
- participation of the rapporteur of opinion in trilogues;
- bilateral meetings between the lead committee's rapporteur and the rapporteur for opinion regarding their specific interests and concerns.

	<p>It may, within the deadline set by the responsible committee, provide its opinion to that committee, consisting of amendments to the Commission proposal, on those matters that fall within its area of competence.</p> <p>Alternatively, the opinion-giving committee may decide to present its position in the form of amendments to be tabled directly in the committee responsible by the Chair or the rapporteur, on behalf of the opinion-giving committee.</p> <p>It cannot table amendments in plenary.</p>
Associated committee (Rule 57 RoP)	<p>When the Conference of Presidents, based on a proposal by the CCC or its Chair, 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'.</p> <p>It cooperates with the committee responsible under specific rules, such as a joint timetable and cooperation between the rapporteurs.</p> <p>The committee responsible shall accept without a vote amendments from an associated committee if they concern matters that fall within the exclusive competence of that committee.</p> <p>It can table amendments within shared competence directly in plenary if they are not adopted in the committee responsible.</p>
Joint committee (Rule 58 RoP)	<p>When the matter falls indissociably within the competences of several committees and it is of major importance, the Conference of Presidents, based on a proposal by the CCC or its Chair, may decide that these committees will work as joint committees.</p> <p>This entails joint committee meetings and a joint vote on a single draft report. The committees are jointly responsible for interinstitutional negotiations¹.</p>

The responsible committee appoints the rapporteur whose main task is to lead the proposal through the various stages of the procedure including the negotiations with the Council and the Commission, if appropriate. The committee responsible may in fact also decide to already appoint a rapporteur to follow the preparatory phase before the Commission adopts its proposal, in particular where the proposal is listed in the Commission Work Programme (Rule 48 RoP).

¹ An important example is the proposal for a regulation on the European Fund for Sustainable Development (EFSD; 2016/0281(COD)), for which it was decided, given the transversal nature and the importance of the issue covered by the proposal, that the Development, Foreign Affairs and Budget Committees should work under Rule 58, on equal footing. This is the first time that three rapporteurs jointly drew up a single draft report, three committees voted jointly, under the joint chairmanship of the their committee chairs and negotiated jointly with the other institutions.

During the phase of interinstitutional negotiations the rapporteur and the shadow rapporteurs are assisted by a project team coordinated by the responsible committee secretariat, and including at least the LEGI unit, the legal service, the directorate for legislative acts, the EP press service, and other relevant services to be decided on a case-by-case basis (see the Code of Conduct for negotiating in the context of the ordinary legislative procedure; Annex III). In addition the rapporteur and shadow rapporteurs are assisted by their parliamentary assistant and the staff of the political groups they belong to.

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. In some cases the rapporteur chooses to first come with a working document to launch discussions with other Members and stakeholders in order to prepare the draft report.

The other political groups may appoint 'shadow rapporteurs' to represent their position on the proposal. Following the presentation by the Rapporteur of the draft report in a committee meeting, amendments can be tabled by any Member of Parliament as long as the amendment is co-signed by at least one full or substitute Member of the responsible committee (Rule 218 RoP). A **deadline for tabling amendments** is set by the Chair of the Committee (upon a proposal by the rapporteur). After that deadline amendments can only be tabled if they are compromise amendments or if there are technical problems (Rule 181 RoP). **Oral amendments** are possible during the vote, unless a certain amount of Members object¹.

During the committee stage, it can be decided to organise hearings with experts or to commission studies or **impact assessments** additional to the Commission impact assessment (including on substantial amendments).

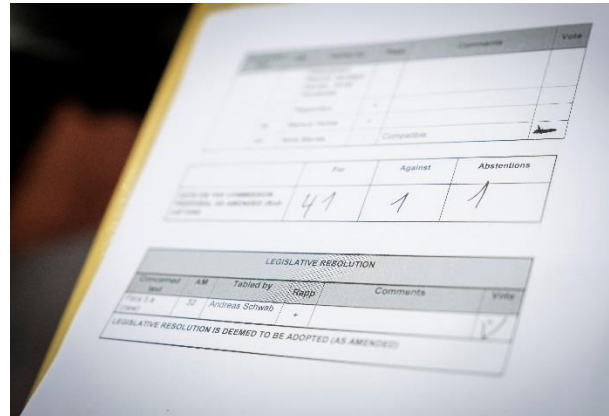
The draft report and the amendments are subsequently discussed in committee, during one or several committee meetings. Very often, before the committee proceeds to the vote, informal discussions between the rapporteur and the shadow rapporteurs take place, in an effort to reconcile the positions of the different political groups as much as possible. These discussions are often held during the so-called '**shadows meetings**'. The result of such informal discussions can be the presentation of '**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 committee responsible adopts its report, which takes the form of amendments to the Commission proposal, by a **simple majority**. The final vote on a report or opinion has to be taken by **roll call vote** (Rule 218 RoP). The Commission is usually present during committee debates and it may be invited to express its position on the

¹ The number of Members necessary within the committee concerned is determined proportionally to that applicable in plenary, rounded up where necessary; see Rule 180 RoP, which defines that in plenary at least 40 Members are required.

proposed amendments. The Council Presidency may also be present and be invited to comment.

On the basis of its report the committee may decide to enter into informal **negotiations** with the other institutions ahead of Parliament's first reading. Such a decision requires a **qualified majority** of the committee members and an endorsement by plenary (see Rule 71 RoP and Chapter 4.3.1). Any agreement reached between the co-legislators as a result of those negotiations is considered provisional and must be submitted to the committee for its consideration and approval before it can be presented in plenary.



Vote in committee: show of hands and voting list © European Parliament (2017)



Vote in committee: electronic vote © European Parliament (2017)

Box 7 - Possible steps in first reading during the committee stage

- Announcement in plenary referring a legislative file to the responsible committee
- Coordinators' decision on which political group can appoint the rapporteur
- Political groups appoint their rapporteur or shadow rapporteurs
- Exchange of views without draft report (sometimes on the basis of a working document)
- Studies, hearings or workshops (optional)
- Consideration of draft report
- Deadline for amendments
- Consideration of amendments

- Attempts to agree on compromise amendments (meetings between the rapporteur and shadow rapporteurs) and possible consideration in committee
- Vote in committee
- Decision on whether to start interinstitutional negotiations
- If negotiations take place : reporting back by the Chair and Rapporteur after each trilogue
- Vote on provisional agreement (after interinstitutional negotiations)

Plenary stage

When the responsible committee has adopted its report in the form of amendments to the Commission's proposal, the report is tabled for vote in plenary (Rule 59 RoP). If first reading negotiations have led to a provisional agreement that has been approved by the committee responsible, it will be tabled for consideration by plenary in the form of a consolidated text (Rule 74 RoP).

Most commonly, the vote on important legislative files in plenary is preceded by a debate in plenary. In such debate, and before the vote, the President of the Parliament may ask the Commission and the Council to indicate their position on the proposed amendments. Additional amendments may be tabled at plenary stage, but only by the responsible committee, by a political group or a group of individual Members reaching at least one-twentieth of Parliament's component Members (low threshold; i.e. at least 38 Members).

The Parliament, acting by a **simple majority** (i.e. a majority of the Members voting), then adopts its first reading on the Commission proposal: it may reject the proposal as a whole¹, approve it without amendments or, most commonly, adopt amendments to the proposal. Rule 59 RoP defines the order of the votes in plenary.

Alternatively, the Chair, the rapporteur, a political group or at least 38 Members (the low threshold) can request after the adoption of the whole legislative act as amended, a decision on referring the matter back to the committee responsible, for interinstitutional negotiations (Rule 59.4 RoP).

If Parliament's position at first reading reflects a provisional agreement reached in interinstitutional negotiations, the first reading position is subsequently forwarded to the Council, which adopts it without amendments as its first reading position. The legislative procedure is thus concluded at this stage.

¹The 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 2011/0146(COD) and the proposal on the possibility for Member States to restrict or prohibit the use of genetically modified food and feed on their territory (2015/0093 (COD))). However, rejection of a Commission proposal remains rather exceptional.

Box 8 - Majorities used for the ordinary legislative procedure	
In the Parliament	
Simple majority:	Majority of the votes cast
Qualified majority:	Majority of the component members (for a plenary vote, 376 out of 751 votes)
In the Council	
Simple majority:	Majority of its Members States (15 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 ¹
Unanimity:	All Member States that vote are in favour (abstention does not prevent adoption by unanimity)



Plenary session in Strasbourg © European Parliament (2017)

¹ This 'double majority' rule applies from 1 November 2014 onwards. Until then a qualified majority corresponded to 255 votes in favour (out of a total of 352) cast by at least 15 Member States. A Member State could invoke an additional criterion of 62% of the population that Member States in favour needed to represent.

Box 9 - Possible steps in first reading during the plenary stage	
Without committee decision to enter into negotiations	With committee decision to enter into negotiations
<ul style="list-style-type: none"> • Tabling of committee report • Deadline for amendments • Debate (Conference of Presidents / Plenary can however choose not to have a debate) • Vote on: <ul style="list-style-type: none"> ○ rejection of draft legislative act ○ amendments to draft legislative act ○ whole draft legislative act as amended or otherwise • Possibly referral back to committee for entering into negotiations (or reconsideration in case the draft legislative act has been rejected) 	<ul style="list-style-type: none"> • Tabling of committee report (mandate) • Announcement of committee decision to enter into negotiations in Plenary • Possibly request (by medium threshold, 1/10th of the MEPs made up of one or more political groups and / or individual MEPs, i.e. 76 Members) for a vote on a committee decision to enter into negotiations and in case of such a request a single vote during the same session or in case of mini-plenaries at the next session • If no request or no rejection of the decision, interinstitutional negotiations can start • If the decision is rejected, the file will in principle be voted at the next part-session • Deadline for amendments • Debate (Conference of Presidents / Plenary can however choose not to have a debate) • Vote on: <ul style="list-style-type: none"> ○ rejection of draft legislative act ○ amendments to draft legislative act ○ whole draft legislative act as amended or otherwise • Possibly referral back to Committee for entering into negotiations on basis of plenary mandate (or reconsideration in case the draft legislative act has been rejected)

3.2.2. Council first reading

Similarly to the Parliament, after receiving a Commission proposal, the Council starts its preparatory works. The two institutions can work simultaneously, but the Council's first reading position cannot be adopted until the Parliament has transmitted its first reading position. The Council may sometimes adopt a political agreement, pending the first reading position of the Parliament, also known as a '**General Approach**'.

As explained in Chapter 2.2 the proposal passes through three levels at the Council:

- Working party;

- Coreper;
- Council.

The proposal is referred to the relevant working party for discussion. The examination of the proposal in the relevant **working party** may time-wise coincide with the examination of the same proposal by the responsible committee in 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.

Most proposals feature on the agenda of **Coreper** several times, as they try to resolve differences that the working party has not overcome. Coreper can decide to refer the proposal back to the working party, possibly with suggestions for a compromise and it can pass the matter up to the Council. In first reading Coreper can also adopt a negotiating mandate in view of forthcoming inter-institutional negotiations, though increasingly the **General Approach** as adopted by the Council functions as the Council mandate.

Formally votes only take place at **Council** level. At working party or Coreper level the Presidency of the Council will try to get the broadest possible agreement on most of the issues flagged by the Member States, always assessing whether compromises will have the required majority in Council. The aim is to end with just a few or no outstanding political issues in the Council meeting, having resolved most of the political and technical issues at Coreper and working party level. The Presidency of the Council can also choose to have discussions in Coreper or in Council on the basis of **progress reports**, describing the progress made and the main outstanding issues.

Council can decide to refer proposals back to Coreper or the working party and can give guidance or suggest compromises. If Coreper has been able to finalise discussions on a proposal, it becomes an 'A' item on the Council agenda, meaning that agreement is expected without debate. Discussion on these items can nevertheless be re-opened if one or more Member States so request. Any of its configurations can adopt a Council act that falls under the remit of another configuration.

If the Council, acting by a **qualified majority**, or by **unanimity** if the Commission opposes, approves the Parliament's position at first reading (i.e. approves all of Parliament's amendments as, for instance, in the event of a first reading agreement) the act concerned is adopted in the wording corresponding to the Parliament's position. 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 reading¹. The Commission informs the Parliament fully of its position.

¹ 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 would just decide to not start or continue work on a certain Commission proposal so the proposal in practice is blocked.

If the Parliament has adopted its first reading position without an agreement with Council, it is also possible to reach an agreement before Parliament's second reading: it is the so-called '**early second reading agreement**' (Rule 72 RoP, this procedure is explained in more detail in Chapter 4.3).



Meeting in Council © European Union

3.3. Second reading stage

Once the Parliament formally receives Council's position at first reading¹, the phase of the second reading starts. 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 which for the Parliament starts running as of the announcement of the Council's position at first reading in plenary². In second reading, the Parliament can approve, reject or amend the Council's position at first reading³.

¹ As laid down in para 20 of the Joint Declaration on practical arrangements for the codecision procedure ([OJ C 145 of 30.06.2007, p 5](#)) the Council normally consults the Parliament on the moment of transmitting Council's position in order to ensure maximum efficiency. It is important to ensure the full use of the three or four months available and to take into account for example recess periods.

² Pursuant to Article 294(14), the three month deadline, as foreseen in paragraph 7, can be extended by a maximum of one month. In general Parliament uses this possible extension, as three months normally proves to be a too short period.

³ If the Parliament takes no decision by the expiry of the deadline, the act is deemed to have been adopted in accordance with the Council's position at first reading. This however never happened in practice.

3.3.1. 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 which is to be submitted by the responsible committee (the same committee that was responsible at first reading) to plenary, proposing the approval, amendment or rejection of the Council position at first reading.

The draft recommendation will include the amendments proposed by the rapporteur. Only full or substitute Members of the responsible committee may table proposals for rejection and additional amendments. However, in second reading, certain further restrictions apply to the admissibility of amendments. In particular, under Rule 68(2) RoP, amendments to the Council's position are only admissible if they seek to:

- restore wholly or partly the position adopted by Parliament at first reading, or
- reach a compromise between the Parliament and the Council, or
- amend a part of the text of the Council's position at first reading which was not included in or differs in content from the initial Commission proposal, or
- take account of a new fact or legal situation which has arisen since the adoption of Parliament's position at first reading.

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 68 RoP). If new elections have taken place since the first reading, and Parliament did not ask the Commission to refer its proposal again to Parliament¹, they may decide to waive these restrictions on admissibility.

In second reading there is no role for opinion-giving committees. However, associated committees under Rule 57 RoP are involved in the negotiation process².

As at first reading, the draft recommendation and additional amendments 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.

In second reading the committee responsible may decide to enter into negotiations with the Council at any time after the Council position at first reading has been transferred to them, with Parliament's first reading position as its mandate. Where the Council position contains elements not covered by the Commission proposal or Parliaments' first reading position, the committee can adopt guidelines for the negotiation team (see Rule 73 RoP and Chapter 4.3.1).

¹ Rule 68(2) RoP in conjunction with Rule 61 RoP.

² See the interpretation to Rule 57 RoP by the AFCO committee: 'A decision by the Conference of Presidents to apply the associated committee procedure applies at all stages of the procedure in question.'

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.

Plenary stage

The recommendation for second reading, as adopted in committee, and in the event of a second reading agreement the text of the provisional agreement, 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 38 Members (the low threshold).

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). If no amendments or proposal for rejection are tabled or adopted by the majority of Parliament's component Members (i.e. at least 376 votes in favour out of a possible total of 751), the President merely announces that the proposed act has been finally adopted. In such cases there is no formal vote.

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.

3.3.2. 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, see beginning of paragraph 3.3) to conclude its second reading.

At second reading, the Council may approve 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.

3.4. 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' (see also Chapter 5 for a more detailed description).

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 and chaired by one of the **three Vice-Presidents responsible for conciliation**.

Thus, the Conciliation Committee currently 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 another six weeks (or eight weeks, if an extension has been agreed) to reach an overall agreement in the form of a '**joint text**', which still needs to be formally approved by the Parliament and by the Council. In practice, given the relatively short time frames to reach an agreement, informal interinstitutional negotiations generally start before the Conciliation Committee is formally convened.

If the Conciliation Committee does not reach an agreement, or if Parliament (acting by simple majority) or the Council (acting by qualified majority) 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.

4. INTERINSTITUTIONAL NEGOTIATIONS

4.1. Introduction

Since the Amsterdam Treaty, which introduced the possibility for the co-legislators to reach agreement at first reading, it is possible to facilitate the conclusion of the ordinary legislative procedure at all stages of the procedure (see Box 10 after paragraph 4.4.3)¹. The ensuing practice was codified in the Joint Declaration on Practical Arrangements for the Codecision Procedure (see Box 1), 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 meetings in the form of trilogue meetings.

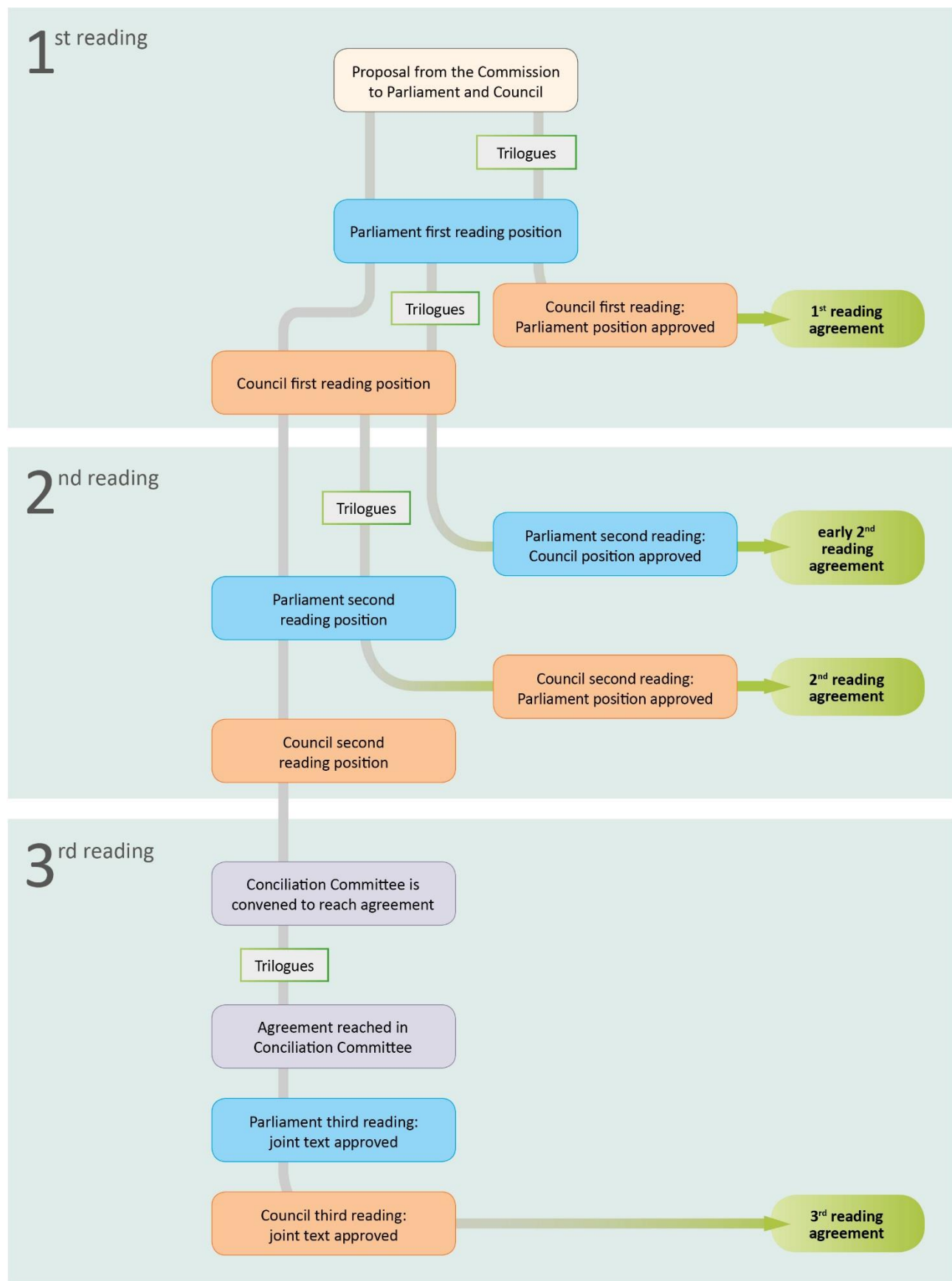


Trilogue meeting © European Parliament (2017)

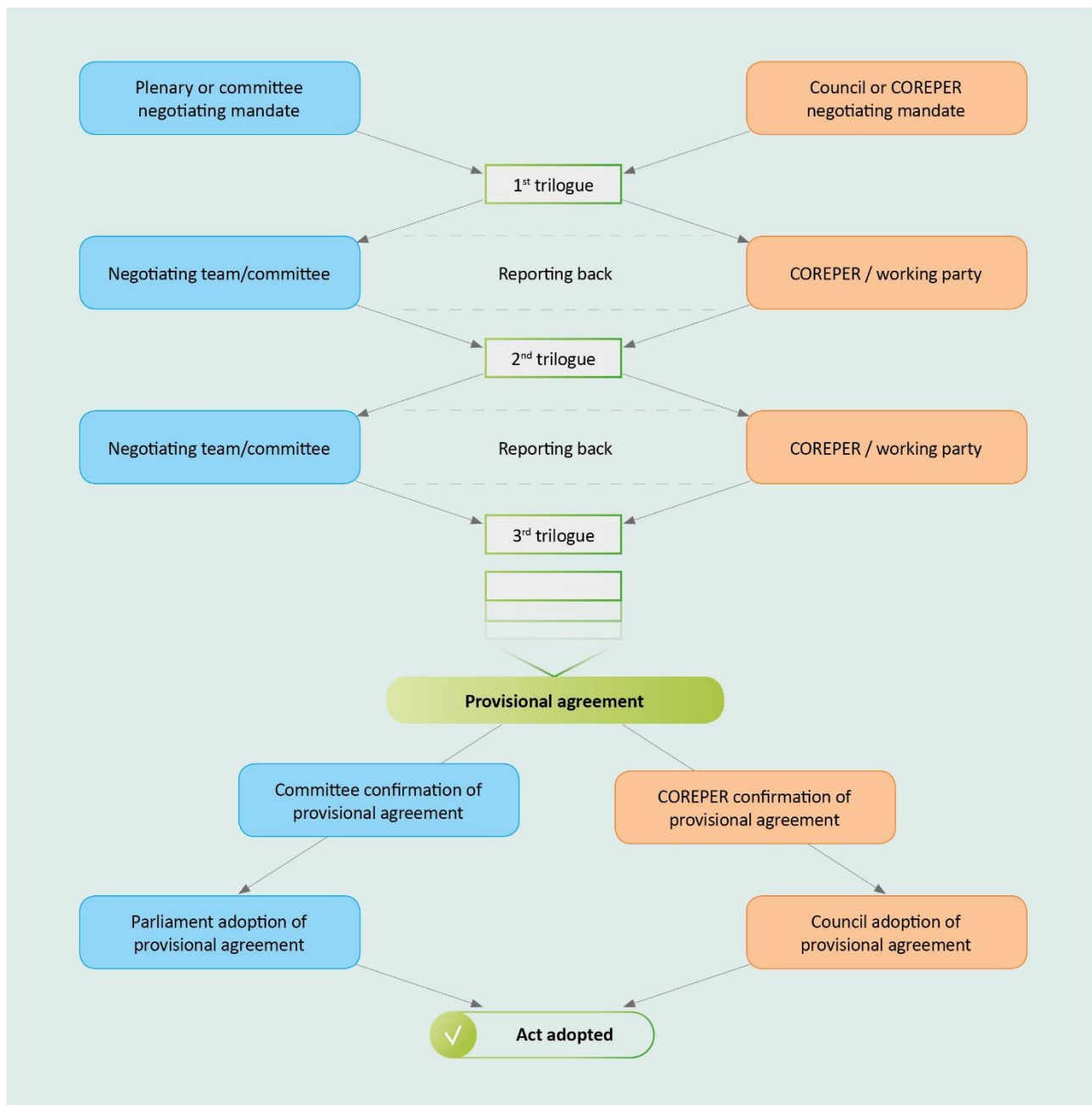
The revision of Parliament's Rules of Procedure, which entered into force on 16 January 2017, provided an opportunity to reinforce the transparency of interinstitutional legislative negotiations (see also para 4.5). This reform builds on the provisions introduced at the end of 2012, concerning the adoption of Parliament's mandate for negotiations and the conduct of negotiations. The Rules were entirely reshaped to further strengthen parliamentary accountability and scrutiny of the legislative negotiations, in particular by enhancing the role of plenary in deciding on the start of the negotiations and on the mandate.

¹ For an historical overview, see the report of the Conference on ['20 years of codecision'](#) of 5 November 2013

Different steps for agreeing under the Ordinary Legislative Procedure



Process of interinstitutional negotiations



4.2. Trilogues

For an act to be adopted under the ordinary legislative procedure, the co-legislators must at some point during the procedure agree on a common text acceptable to both the Parliament and the Council. This requires that the institutions talk to each other, which takes place in the form of trilogues: informal tripartite meetings on legislative proposals between representatives of the Parliament, Council and Commission. Trilogues 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 trilogues may be preceded by preparatory technical meetings (attended by the three institutions' experts). The main tool of work is the four-column document: the first three columns present each of the three institutions' respective positions and the last one is reserved for compromise proposals¹. 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 discussion in view of finding a compromise develops.

The Commission acts as a mediator with a view to facilitating an agreement between the co-legislators. The participants in trilogues operate on the basis of negotiating mandates given to them by their respective institutions. The three delegations explore possible avenues of compromise in an informal manner and report back or seek new instructions 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 above).

Any agreement in trilogues is provisional and has to be approved by the formal procedures applicable within each institution (for Parliament see Rule 74 RoP).

The frequency as well as the number of trilogues depend on the nature of the file at hand and on specific political circumstances (for example, end of parliamentary term). Owing to the rotating nature of the Presidency of the Council, there is usually an impetus on each Presidency of the Council to conclude certain files before the end of their Presidency.

One could say that compared to the early days of the codecision procedure, the more institutionalised use of trilogues has strengthened the transparency and accountability within the Parliament (as all political groups have access to all information and meetings) and the quality of interinstitutional negotiations.

4.3. Procedure for entering into interinstitutional negotiations

Before entering into interinstitutional negotiations, each institution will need to give the green light to its negotiators (see para 4.4) to start such negotiations on the basis of a negotiating mandate, within which they will need to operate. The procedures for entering negotiations differ per institution.

4.3.1. Parliament

Negotiations ahead of Parliament's first reading

In Parliament it is ultimately the plenary which decides whether to conclude Parliament's first reading or to allow the committee to enter into negotiations. The intention to enter into negotiations is a decision which can be taken at committee level with the committee report as mandate, after which that decision needs to be endorsed in plenary (Rule 71 RoP). If not endorsed or in the absence of such a committee decision,

¹ In some negotiations the document may contain a different number of columns.

the plenary can also decide to refer back a file to allow the committee responsible to enter into negotiations on the basis of the amendments adopted by plenary (Rule 59(4) RoP).

- *Committee decision to enter into first reading negotiations*

If the committee responsible decides to enter into first reading negotiations, with the Committee report as mandate, this decision requires a qualified majority at committee level.

Subsequently the decision needs to be announced at the beginning of the part-session following the adoption in committee (normally on Monday evening 17.00 in a Strasbourg session and on Wednesday afternoon 15.00 in a Brussels mini-session). By the end of the day following the announcement, political groups or Members reaching at least the medium threshold (i.e. 76 MEPs) may request a single vote on the committee decision (in case of a Strasbourg session such a vote will take place during the same part session). In the absence of such requests within the deadline, the committee can start negotiations.

If a vote is requested, the plenary can by simple majority endorse the committee decision - and the committee may start negotiations immediately after.

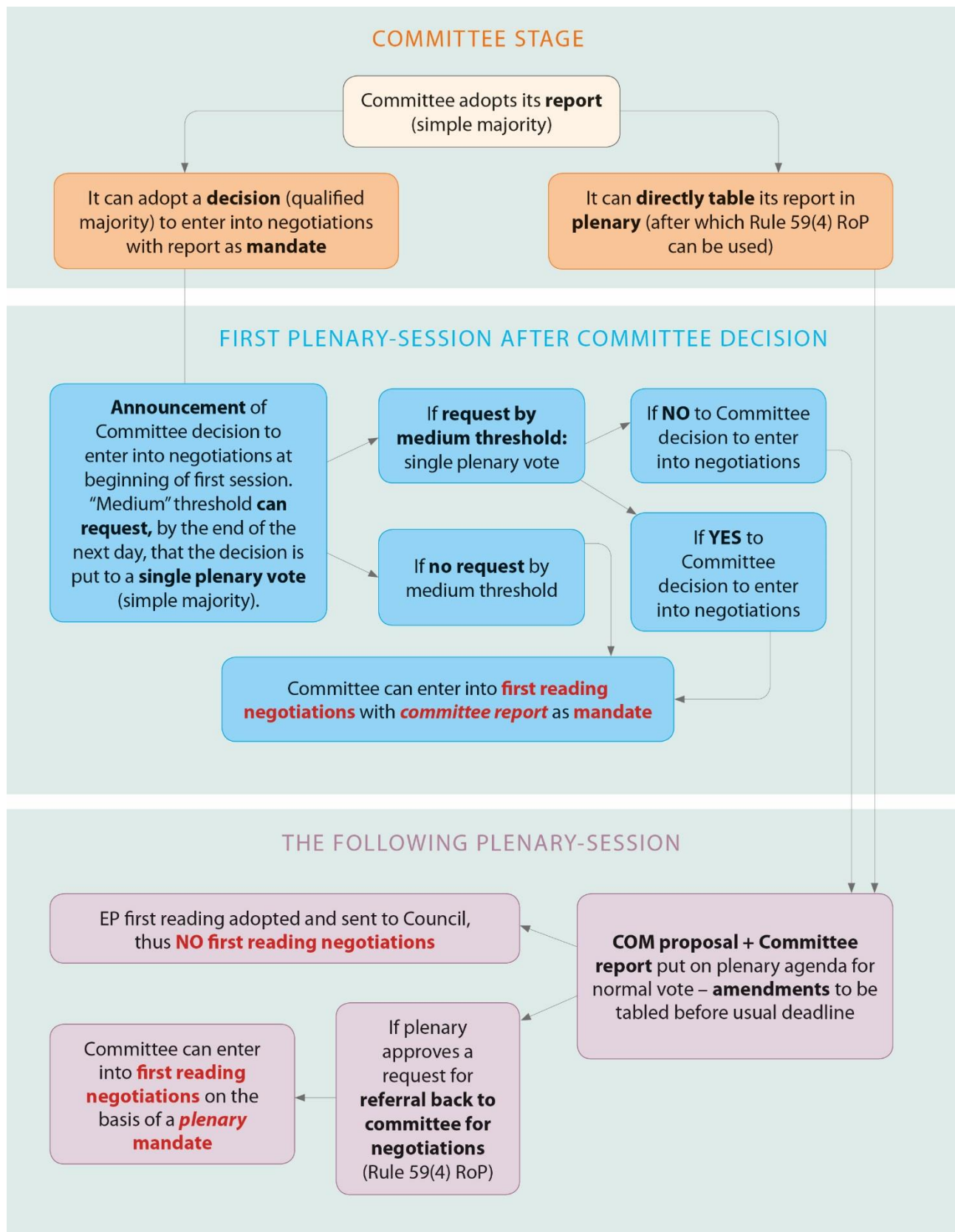
If plenary rejects the committee decision to enter negotiations, the report will be placed on the agenda of the following part-session in accordance with Rule 59 RoP for a normal plenary vote and a deadline for amendments will be set.

- *Plenary decision to enter negotiations (with or without preceding committee decision)*

After a rejection of the committee decision or in the absence of such a decision, the draft legislative act, the committee amendments which constitute its report and amendments tabled by political groups or at least 38 Members are put to a plenary vote in order to conclude Parliament's first reading.

However, just before the conclusion of the first reading, the Chair, the rapporteur of the responsible committee, a political group or 38 Members of the European Parliament (low threshold) may ask the plenary to refer the file back to the committee for interinstitutional negotiations in accordance with Rule 60 RoP, a request which is then put to the vote.

Adoption of negotiating mandates in Parliament in view of first reading negotiations



Negotiations ahead of Council's first reading (Rule 72 RoP):

If the committee responsible wants to start interinstitutional negotiations after Parliament has adopted its first reading position in plenary and before the Council finalises its first reading (**early second reading negotiations**), it has to decide so by qualified majority; an announcement of that decision in plenary is required, but only for information purposes.

Parliament's first reading position constitutes the mandate for the negotiations. This is why, contrary to first reading negotiations, the committee's decision cannot be challenged by plenary. Negotiations can immediately start after the committee decision.

Negotiations ahead of Parliament's second reading (Rule 73 RoP):

To decide to enter into negotiations ahead of Parliament's second reading the committee responsible only needs a simple majority. It can decide to start negotiations any time after Council's first reading position has been referred to it. Parliament's first reading position constitutes its mandate, but the committee may adopt additional guidelines for the negotiation team, including in the form of amendments to the Council position, if that position contains elements not covered in the Commission's proposal or in Parliament's first reading.

4.3.2. Council

There is no formal requirement for the level at which first reading negotiating mandates must be obtained (i.e. Coreper or Council level). The Council tends to adopt more and more of them at Council level in the form of a **General Approach** (by qualified majority, although, in practice, there is no vote), which is a public document. In second readings the Council first reading position constitutes the mandate.

4.3.3. Commission

The Commission's proposal for a draft legislative act constitutes its negotiating mandate. At all stages of the legislative procedure, changes to the Commission positions in interinstitutional negotiations are prepared by the Groupe des Relations Interinstitutionnelles (**GRI**)¹. 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. Commission representatives taking part in trilogue meetings can normally 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.

¹ Body within the Commission with the task of coordinating political, legislative and administrative relations with the other institutions and in particular with the Parliament and the Council. The GRI brings together the Deputy Heads of all the Commissioner's cabinets, as they are tasked with monitoring inter-institutional affairs. It meets, in principle, once a week. It handles, more specifically, dossiers dealt with by Parliament and Council which are sensitive from an institutional point of view, some of which come under the ordinary legislative procedure.

4.4. Actors in the interinstitutional negotiations

4.4.1. Parliament

Parliament's 2017 revision of the Rules of Procedure did not change as to the composition of Parliament's negotiating team as already laid down in the Rules of Procedure in 2012. Parliament's team is led by the rapporteur and is presided over by the Chair of the committee responsible, who can also designate a Vice-Chair of the committee as replacement. In trilogues this often means that the Chair (or Vice-Chair) or the Council Presidency chairs the meetings (depending on whether the meeting takes place on the Parliament's or Council's premises). In addition the Chair may focus on the more horizontal issues, while the rapporteur defends Parliament's position on a specific file. As explicitly laid down in Parliament's Rules the negotiating team also comprises at least the shadow rapporteurs from each political group that wants to participate.

In the trilogues the negotiating team is assisted by a **project team** coordinated by the responsible committee secretariat (see paragraph 3.2.1).

4.4.2. Council

The Council is usually represented by the Presidency at the level of Chair of Coreper II or 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 practice of the Member State holding the rotating Council Presidency, trilogues can also be conducted by the relevant Chairs of working parties. Useful additional contacts for the Parliament during the negotiation phase are also the **Antici** and **Mertens** of each Presidency¹. The Council negotiating team is normally assisted by the service in charge of the dossier in the Council secretariat and the Legal Service.

4.4.3. Commission

The Commission is represented by the lead Directorate-General (usually at the level of the Head of Unit or Director) or for politically important files by the responsible Commissioner or Director-General, assisted by the Secretariat-General and sometimes by the Commission Legal Service and the Commissioner's cabinet.

Throughout the legislative procedure, the Commission supports the co-legislators by providing technical explanations and playing the role of facilitator during the interinstitutional negotiations. It may be invited to propose compromise texts or to provide more detailed or 'technical' information. The Commission should act as 'honest broker' when defending or negotiating its legislative proposals during all stages of the

¹ The Antici and Mertens groups prepare the work of Coreper II and I, respectively (see Chapter 2.2).

legislative process, in conformity with its right of initiative and in line with the principle of equal treatment of Parliament and the Council¹.

Box 10 - Agreements under the OLP: Main features from Parliament's perspective	
<p>First reading agreement (Rules 59, 62, 71 RoP)</p>	<p>Amendments: to the Commission proposal; can be tabled at committee and at plenary stage; broad admissibility criteria.</p> <p>Mandate: (1) Committee report: if plenary endorses the committee decision to enter into negotiations the committee report constitutes the mandate; (2) Plenary position: if plenary does not endorse the committee decision and a normal plenary vote takes place or if there is no committee decision to enter into negotiations, plenary can refer back the result of the plenary vote to committee for interinstitutional negotiations.</p> <p>Decision to enter into negotiations: (1) by committee (qualified majority) but to be announced in plenary, after which plenary can decide to put that decision to a single vote; (2) if plenary does not endorse the decision, or if there is no committee decision, plenary can still decide (simple majority) to refer the matter back to the committee responsible for interinstitutional negotiations.</p> <p>Time limits: no.</p> <p>Confirmation of provisional agreement: by a letter from the Coreper Chair to the Committee Chair, before Parliament adopts its first reading position (preceded by a single vote by a simple majority in the committee responsible)</p> <p>Required majority in plenary: the Commission proposal can be approved, rejected or amended by a simple majority (i.e. majority of Members voting).</p>
<p>Early second reading agreement (Rules 69, 72 RoP)</p>	<p>Amendments: no amendments to the Council's position at first reading, as it reflects the negotiated provisional agreement with the Parliament.</p> <p>Mandate: Parliament's first reading position.</p> <p>Decision to start negotiations: by committee (qualified majority) any time after adoption of Parliament's position at first reading; announced in plenary but no endorsement required.</p> <p>Time limits: no.</p> <p>Confirmation of the provisional agreement: vote by a simple majority, confirming the provisional agreement and endorsing a letter from the Committee Chair to the Coreper Chair, indicating that the Chair will recommend to plenary that the Council's first reading position corresponding to the text of the provisional agreement be adopted without amendments at Parliament's second reading.</p> <p>Required majority in plenary: in second reading Parliament approves Council's first reading position (simple majority) which corresponds to the provisional early second reading agreement. If no amendments or proposal for rejection are</p>

¹ See the Framework Agreement ([\(OJ L 304/47 20.11.2010\)](#)) 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'.

	tabled or adopted (qualified majority) the President announces that the proposed act, as negotiated with the Council, has been adopted (no formal vote).
Second reading agreement (Rules 67, 69, 73 RoP)	<p>Amendments: to Council's position at first reading, can be tabled at committee (no longer by opinion giving committees) and at plenary stage; strict admissibility criteria.</p> <p>Mandate: Parliament's first reading position. If the Council position contains elements not covered by the Commission proposal or Parliament's first reading position, the committee may adopt guidelines supplementing the first reading mandate, including in the form of amendments.</p> <p>Decision to start negotiations: by the committee responsible any time after the Council position has been referred to it (by simple majority); no announcement in plenary.</p> <p>Time limits: max. 3+1 months for Parliament to adopt its second reading position (and another max. 3+1 months for the Council).</p> <p>Confirmation of the provisional agreement: the provisional agreement is confirmed by a letter from the Coreper Chair to the Committee Chair, before Parliament adopts its second reading position (preceded by a single vote in the committee responsible).</p> <p>Required majority in plenary: amendments to the Council's position, or a rejection, require a qualified majority.</p>
Conciliation and third reading (Rules 75, 76, 77, 78 RoP)	<p>Amendments: No amendments allowed at third reading: Parliament approves or rejects the 'joint text' as a whole by simple majority in a single vote.</p> <p>Mandate: Parliament's second reading position.</p> <p>Decision to start negotiations: not applicable.</p> <p>Time limits: max. 24 weeks (3 x 8 weeks), of which max. 8 weeks devoted to conciliation as such.</p> <p>Confirmation of the provisional agreement: transmission letter of the joint text by the two delegation Chairs.</p> <p>Required majority in plenary: simple majority.</p>

4.5. Transparency of Parliament's proceedings and ways to ensure accountability

Parliament attaches great importance to ensuring that its legislative procedures are transparent and take place as openly as possible, in accordance with Article 15 TFEU.

As a general rule all meetings in committee and plenary are public. All plenary meetings, and in most of the cases also committee meetings, are web streamed. All debates and votes on legislative files both in committee and plenary take place in public. In addition all official documents are publicly available, as a rule, in all official

languages. Parliament's legislative observatory¹ provides a large amount of relevant information linked to each legislative file, including the names of the rapporteur and shadow rapporteurs, the opinion giving and associated committees, the steps in the procedures and the relevant documents (see Chapter 11).

With respect to interinstitutional negotiations on legislative files the Parliament equally seeks to ensure the openness of the process, together with the Council and the Commission. Concerns about the openness of interinstitutional negotiations have surfaced over the past years², also from within the institutions. As a response Parliament already significantly revised its Rules of Procedure in 2012. The general revision of Parliament's Rules of Procedure that entered into force in January 2017 builds on those improvements and further strengthens parliamentary accountability and scrutiny of legislative negotiations. Through Parliament's Rules it is ensured that:

- Parliament negotiates on the basis of a mandate that is public and that always has the support of plenary;
- Parliaments' negotiating team has a standard composition, in which all political groups have the right to be represented, thereby ensuring that they have access to all information and can closely monitor and influence all negotiation steps;
- The Chairman and rapporteur report back to the committee after each negotiation round;
- Provisional agreements reached in trilogues are voted in committee and made public, before being tabled in plenary.

¹ See Parliament's Legislative Observatory: <http://www.europarl.europa.eu/oeil/home/home.do>.

² See also the own-initiative inquiry by the Ombudsman on 'Disclosure, by the European Parliament, Council of the EU and European Commission, of documents relating to trilogues and transparency of trilogues in general', Case: OI/8/2015/JAS, opened on 26 May 2015 - Decision on 12 Jul 2016: <https://www.ombudsman.europa.eu/en>.

5. THE CONCILIATION PROCEDURE IN DETAIL

Introduction

As indicated in Chapter 9 the vast majority of legislative files are concluded at the first reading stage and, to a much lesser extent, at the second reading stage. The number of conciliations has decreased steadily over the years, and during the eight legislative term, for the first time, there have been no conciliations at all.

The conciliation procedure has significantly influenced the way first and second reading negotiations are currently conducted. Many of the procedures and practices have their origin in the conciliation procedure (such as the use of trilogues, four-column documents). The need to have orderly and well-structured negotiations is particularly important for the conciliation procedure, as that procedure is the last possibility for the institutions to find an agreement. If the two institutions fail to reach an agreement at this last stage, the whole proposal fails.

This Chapter explains the procedure in more detail, focusing on those features that differ from the first and second reading.

The preliminary stage

As soon as it becomes clear that the Council cannot accept all of Parliament's second reading amendments, it informs the Parliament thereof and informal contacts between the three institutions are initiated to start the preparation for convening the Conciliation Committee as soon as possible, within the time limits set out in the Treaty. The Legislative Affairs Unit (LEGI) assists **Parliament's 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 officers and other relevant EP services.

Composition and appointment of the Parliament delegation

The Parliament delegation to the **Conciliation Committee** always has the same number of Members as the number of Member States in Council. For each conciliation a new Parliament delegation has to be set up. The Parliament delegation is always chaired by one of the **three Vice-Presidents** of the Parliament **responsible for conciliation**; by definition the rapporteur(s) and the Chair(s) of the parliamentary committee(s) responsible are also part of the delegation.

The remaining members of the delegation are appointed by each political group for each particular conciliation procedure¹. Most of them are from the committee responsible or from the opinion-giving or associated committees. An equal number of

¹ 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 for each political group.

substitute Members is appointed, who can attend all meetings of the delegation and the conciliation committee, but can vote only if they replace a full Member.

Constituent meeting of the Parliament delegation

The main purpose of the constituent meeting¹ 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. In addition, there is a short exchange of views on the substance of the issues at stake. Contrary to the first and second reading the Commission is usually 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.

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 feedback on the negotiations, to assess possible compromise texts and to give instructions to the negotiating team on how to pursue negotiations. At the end of the procedure, the delegation formally approves or rejects the provisional agreement reached in conciliation. Approval of an agreement requires the support of a qualified 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 Presidents of the Parliament and the 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.

Parliament and Council take turns to act as host. 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.

¹ 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').

Normally, conciliation consists in practice 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 trilogue negotiations to clarify the state of play or to find compromises for issues that remain controversial. Separate internal 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 see whether new instructions should be given to the negotiating team.

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 fails¹.

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 to further amend it.

In Parliament a simple majority 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 reading².

Like is the case for the first and second reading a text can only become law, if both Parliament and Council approve the text. If either institution fails to do so, the legislative procedure comes to an end and it can only be re-started by a new proposal from the Commission.

¹ 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').

² So far, the Council has never rejected an agreement reached in conciliation. Parliament has very rarely rejected agreements reached in conciliation; two examples concern 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.

6. FINALISATION, SIGNING AND PUBLICATION OF THE ADOPTED TEXT

6.1. Legal-linguistic finalisation

When a provisional agreement has been reached between the institutions at first, second or third reading, the text of the agreement is subject to legal-linguistic verification before it is officially adopted in plenary. This is important in order, *inter alia*, to ensure legal certainty and consistency between the different language versions for the purpose of uniform implementation, and to avoid the need for a corrigendum at a later stage (in principle, no changes are made to the text after the plenary vote)¹.

In Parliament, the legal-linguistic finalisation is conducted and coordinated by lawyer-linguists from the Directorate for Legislative Acts (DLA), in close cooperation with Council's Directorate for Legislative Quality (DQL). The committee secretariat and Council's responsible service are fully involved in the procedure and informed regularly about progress. Other services in both institutions, as well as in the Commission, are consulted as necessary.

The main stages of the legal-linguistic finalisation procedure are:

- The coordinating lawyer-linguists from the Parliament or Council compile a consolidated version of the text in the original language of the provisional agreement, incorporating the politically agreed amendments into the Commission proposal and ensuring that the text reflects the agreement, in close cooperation with the lawyer-linguists responsible in the other institution, the relevant Parliament committee secretariat and the Council's responsible service;
- The coordinating lawyer-linguists send the consolidated text to translation services;
- The coordinating lawyer-linguists from both institutions revise the original language version of the consolidated text, in accordance with the established legal drafting rules and practices and in close cooperation with the relevant Parliament committee secretariat and the Council's responsible service;
- Where appropriate, Parliament's negotiating team is consulted with regard to the proposed legal-linguistic changes and a Council national experts' meeting takes place;
- The lawyer-linguists in Parliament and Council finalise the texts in all languages on the basis of the original language version with a view to adoption by Parliament and the Council.

The usual duration of the legal-linguistic finalisation procedure is **eight weeks** from the date on which the political agreement is confirmed by letter transmitted from Coreper to the relevant Committee Chair.

¹ Legal-linguistic finalisation of legislative acts after the plenary vote remains possible, but only in exceptional circumstances, and normally takes significantly longer than the standard finalisation procedure, *inter alia* because of the need for a corrigendum procedure (Rule 241 RoP).

6.2. Signing

After the Parliament and Council have concluded the formal adoption of an agreement at first, second or third reading the President of Parliament together with a representative of the rotating Presidency of the Council sign the act, in accordance with Article 297(1) TFEU.

Since 2003, on an initiative from the Parliament, the President of the Parliament and the Presidency of the Council sign the texts jointly in the margins of Parliament's plenary sessions, often in presence of the Chair of the committee responsible and the rapporteur. The purpose of the joint 'LEX' signing ceremony is to demonstrate that the two co-legislators, acting on an equal footing, have formally adopted the legislative acts.



Signing ceremony in the protocol room during the October 2019 Plenary session in Strasbourg with Ms Tytti Tuppurainen, Finnish Minister for European Affairs and the President of the European Parliament, Mr David Maria Sassoli © European Parliament (2019)

6.3. Publication

After their signature, the legislative acts are published in the Official Journal of the European Union (OJ), along with possible jointly agreed declarations. Publication in the OJ is a condition of the applicability of the acts¹. Unless otherwise agreed by the co-legislators the acts enter into force on the twentieth day following their publication.

¹ The Official Journal of the European Union (OJ) is published in the official EU languages. There are 2 series: L (legislation); C (information and notices).

7. OTHER PROCEDURES IN WHICH PARLIAMENT IS INVOLVED

7.1. Special legislative procedures

As indicated in Chapter 3, the Treaty of Lisbon refers to the ordinary legislative procedure and to special legislative procedures (Article 289(2) TFEU¹). Special legislative procedures replace the former consultative, cooperation and assent procedures in order to simplify the EU's decision making process. As their name indicates, these procedures derogate from the ordinary legislative procedure and therefore constitute exceptions. The Treaties do not give a precise description of special legislative procedures. The rules are defined *ad hoc*, on the basis of the relevant treaty articles which include the term 'special legislative procedure' and describe its steps. Two special legislative procedures can be distinguished:

- **Consultation (paragraph 7.1.1.):** the Parliament may approve, reject or propose amendments to a legislative proposal Council is not legally obliged to take account of Parliament's opinion, but it can only take a decision after it has received that opinion;
- **Consent (paragraph 7.1.2.):** the Parliament has the power to accept or reject a legislative proposal, but cannot amend it. The Council has no power to overrule the Parliament's opinion. In some specific cases a proposal by Parliament requires consent by Council².

7.1.1. Consultation

Until the entry into force of the Treaty of Lisbon, the consultation procedure was the most used procedure. This procedure enables the Parliament to give its opinion on a proposed legislative act. It can approve, reject or propose amendments to the proposal (simple majority). 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 of the EU, 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 still 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).

¹ Article 289(2) TFEU: 'In the specific cases provided for by the Treaties, the adoption of a regulation, directive or decision by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, shall constitute a special legislative procedure.'

² See Article 223(2) TFEU which entails that Parliament in accordance with a special legislative procedure after seeking an opinion from the Commission and with the consent of Council, has to lay down the regulations and general conditions governing the performance of the duties of its Members (statute of Members) and Article 226 third subparagraph TFEU which empowers the Parliament to determine the detailed provisions as regards Parliament's right of enquiry after obtaining consent of the Council and Commission.

The Parliament's consultation is also required in a non-legislative procedure when international agreements are adopted under common foreign and security policy.

7.1.2. Consent

When a special legislative procedure requires the Parliament or the Council to obtain their respective consent on a draft legislative act, the institution in question may approve or reject the proposal (qualified majority) but cannot amend it. The consent or lack thereof cannot be overruled. Examples where this special legislative procedure is used are the establishment of a Public Prosecutor's Office (Article 86(1) TFEU), the adoption of the multiannual financial framework (Article 312 TFEU) or legislation adopted under the 'subsidiarity' legal basis (Article 352 TFEU).

The Parliament's consent is also required in important **non-legislative procedures** (simple majority), when:

- Council adopts certain international agreements negotiated by the EU, other than those relating exclusively to common foreign and security policy. The consent procedure is used for agreements covering the fields to which the ordinary legislative procedure applies, but also for, amongst others, association agreements and agreements with important budgetary implications for the Union (Article 218 TFEU);
- in cases of a serious breach of fundamental rights (Article 7 TEU);
- for the accession of new EU members (Article 49 TEU);
- arrangements for withdrawal from the EU (Article 50 TEU).

7.2. Delegated and implementing acts

Most EU legislation contains provisions enabling the Commission to adopt delegated or implementing acts. Empowering the Commission to take decisions under one of these two procedures might for example be necessary in case technical updates are needed, substances or products need to be authorised or forbidden, or when uniform application is needed in the Member States. Where these decisions require speed, flexibility and / or further technical work, the ordinary legislative procedure could be too heavy as a procedure. Such decisions taken under these procedures, albeit often of a detailed and technical nature, can be politically important and can have significant impacts on health, the environment and the economy and can directly impact citizens, enterprises and complete economic sectors.

The introduction of **delegated acts** by the Treaty of Lisbon (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 whether to delegate to the Commission delegated or implementing powers, as well as the choice between these powers, is therefore very important and defines the subsequent

scrutiny role of the Parliament. That decision has to be made in the basic act by the co-legislators during the legislative procedure.

Differing interpretations by the institutions of Articles 290 and 291 TFEU have led to recurrent problems in the negotiations with regard to that choice. For this reason the agreements reached in legislative negotiations are since 2012 monitored by the Conference of Presidents¹, in order to ensure that Articles 290 and 291 TFEU as well as Parliament's corresponding institutional rights are respected, based on a regular assessment by the CCC. The issue of delegated acts was one of the main issues addressed in the 2016 Interinstitutional Agreement on Better Law-making (see Box 11 in Chapter 8).

¹ See decision of the Conference of Presidents of 19 April 2012. In case the Conference of Presidents considers that an agreement does not safeguard Parliament's institutional rights, it will not put the file on the plenary for a vote leading to a first reading agreement.

8. THE INTERINSTITUTIONAL AGREEMENT ON BETTER LAW-MAKING

On 13 April 2016 the Interinstitutional Agreement on Better Law-Making¹ entered into force, replacing the 2003 Interinstitutional Agreement, and building upon and complementing several earlier agreements and declarations aimed at institutionalising good practices. It sets out a number of initiatives and procedures to pursue better law-making (see box below), recalling the importance of the Community method and the general principles of Union law, such as democratic legitimacy, subsidiarity, proportionality and legal certainty. It promotes transparency and stresses that Union legislation should allow citizens, administrations and businesses to easily understand their rights and obligations, avoid overregulation and administrative burdens and be practical to implement.

For the Parliament it was important that the agreement would complement, but not replace, the 2010 Framework Agreement with the Commission. A statement by the Parliament and Commission was therefore published, clarifying that the agreement is without prejudice to the 2010 Framework Agreement².

Box 11 - Summary of the 2016 Interinstitutional Agreement on Better Law-Making

The new agreement between the Parliament, Council and Commission addresses *inter alia*:

- **Multiannual and annual programming** (paragraph 4 to 11): Parliament, Council and the Commission will engage together in annual and multiannual legislative programming, thus implementing Article 17 of the Treaty on European Union. The three institutions will draw up joint conclusions on the principal policy objectives and priorities at the beginning of a new legislative term and a joint declaration on annual interinstitutional programming, identifying files which should receive priority treatment, without prejudice to the co-legislators' powers under the Treaties. It needs to be noted that in December 2016, the Presidents of Parliament, the Council and the Commission did sign together, the first Joint Declaration on annual interinstitutional programming, which identified legislative items of major political importance to be dealt with as legislative priorities for the year 2017. A second such document was signed in December 2017, and included the legislative priorities until the end of the 8th parliamentary term (2018-2019). In addition the interinstitutional agreement aims to improve the procedure for withdrawals³ and for

¹ The Better Law-Making Agreement has been reflected in the revision of Parliament's Rules of Procedure, *inter alia* in Rule 38 on the joint declaration on annual interinstitutional programming and on withdrawals, Rule 40(4) on the exchange of views with the Council and Commission as regards a dispute on the validity or appropriateness of the legal basis, Rule 47 on EP requests for submission of legislative proposals, Rule 49 on the acceleration of the legislative process, Rule 61 on interinstitutional exchanges of view in case of modifications of the legal basis and Rule 126 on joint conclusions on multi-annual interinstitutional programming.

² Statement of the European Parliament and the Commission on the occasion of the adoption of the Interinstitutional Agreement on Better Law-making of 13 April 2016, [OJ L 124 of 13.5.2016, p 1](#)

³ See also Box 3 in Chapter 2.3.

proposals for Union acts made by the Parliament or the Council pursuant to Article 225 or Article 241 TFEU¹.

- **Better Law-Making Tools (paragraph 12 to 24):** the agreement recognises the positive contribution of impact assessments in helping the three institutions reach well-informed decisions, while stating that these assessments should not be a substitute for political decisions and should not lead to undue delays or prevent the co-legislators from tabling amendments. The Commission will carry out impact assessments of all its legislative and non-legislative initiatives, delegated acts and implementing measures which are expected to have significant economic, environmental or social impacts. These impact assessments need to meet several requirements laid down in the agreement. Initiatives included in the Commission Work Programme or in the joint declaration will, as a general rule, be accompanied by an impact assessment. Parliament and Council will perform impact assessments on their own substantial amendments, where they consider this appropriate and necessary. In addition the agreement aims at improving public and stakeholder consultation, encouraging in particular the participation of SMEs and at improving the ex-post evaluation of existing legislation.
- **The choice of legal basis (paragraph 25):** the agreement implies that if a change to the legal basis is envisaged from the ordinary legislative procedure to a special legislative or a non-legislative procedure, the three institutions will exchange views thereon. It is stressed that the Commission shall continue to fully play its role to ensure that the Treaties and the case-law of the Court of Justice are respected.
- **Delegated and implementing acts (paragraph 26 to 31 and annex):** In order to address the recurrent problems in the interinstitutional negotiations with regard to the choice between delegated and implementing acts, the Common Understanding on Delegated Acts was revised and attached to the agreement, *inter alia* addressing Council's concerns with regard to the way Member States experts are consulted. According to Council this would facilitate future negotiations on that choice. The revised Common Understanding clarifies how this consultation should take place, while at the same time ensuring equal access to all information for the Parliament and Council. It also ensures access by Parliament and Council experts to the Commission expert groups on delegated acts. In addition the agreement confirmed the need to enter into negotiations on non-binding delineation criteria and following two years of negotiations an agreement was reached and subsequently endorsed in spring 2019². These non-binding criteria can now be used by the co-legislators as a form of guidance when deciding whether or not to delegate the powers and if so, which instrument to choose. The need for the alignment of all existing legislation to the legal framework introduced by the Lisbon Treaty was partly achieved during the 8th term and the remainder still needs to be negotiated. In order to enhance transparency and enhance traceability of all the different stages in the lifecycle of a delegated act, a joint functional register of delegated acts was established at the end of 2017.
- **Transparency and coordination of the legislative process (paragraph 32 to 39):** the agreement stresses that the Parliament and Council, as the co-legislators, are to exercise their powers on an equal footing and that the Commission shall carry out its role as facilitator by treating Parliament and Council equally, in full respect of the roles assigned by the Treaties. The agreement aims at ensuring that the institutions keep each other informed throughout the procedure, better coordinating timetables and where

¹ See also Box 5 in Chapter 3.1

² [OJC 223 of 03.07.2019](#)

appropriate accelerating the legislative process, while ensuring that the prerogatives of the co-legislators are respected. Communication during the whole legislative cycle should be improved and agreements reached should be announced jointly, for example through joint press conferences. In order to facilitate transparency a dedicated joint database on the state of play of legislative files will be developed.

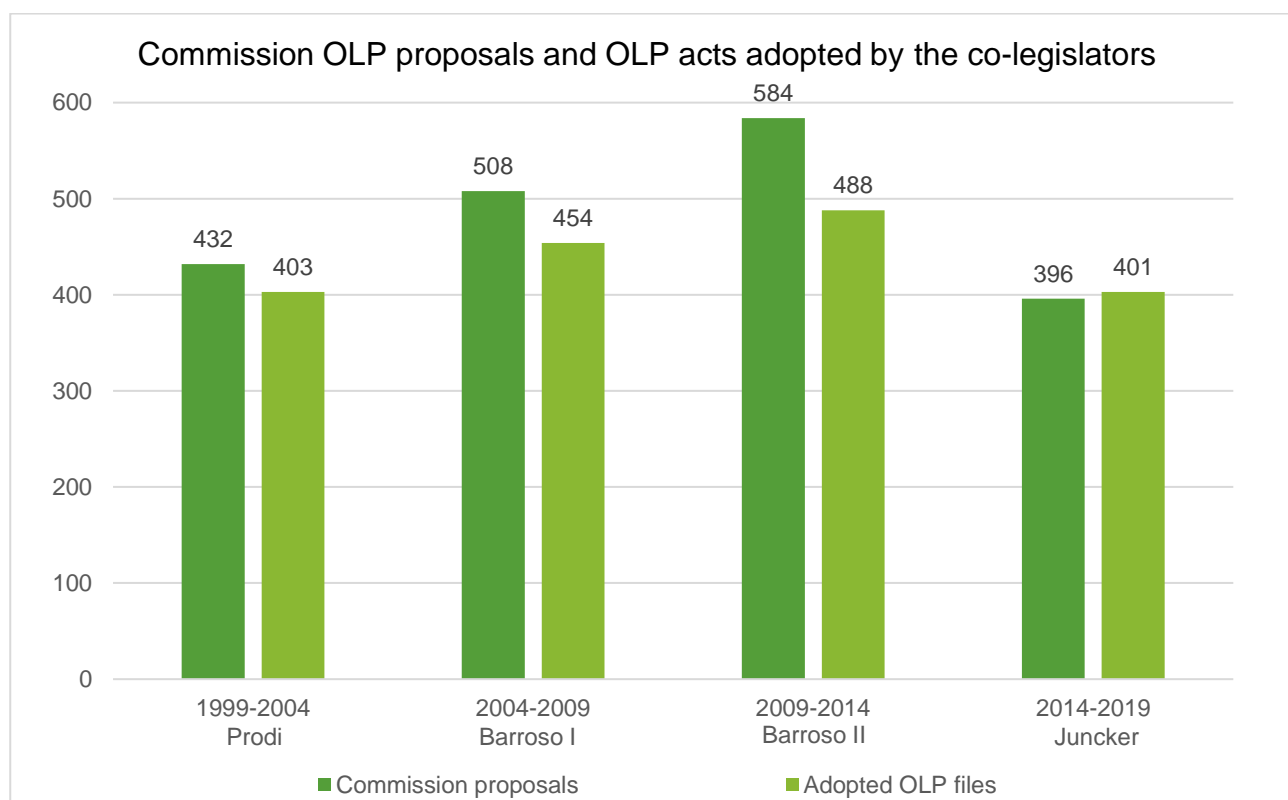
- **International agreements (paragraph 40):** a 'rendezvous clause' was agreed, which committed the institutions to start negotiations on improved practical arrangements for cooperation and information-sharing regarding the negotiation and conclusion of international agreements, thereby *inter alia* addressing the implementation of Article 218(10) TFEU on Parliament's right to be immediately and fully informed at all stages of the procedure. Negotiations began during the 8th term and have not yet been concluded.
- **Implementation and application of Union legislation (paragraph 41 to 45):** the agreement calls upon Member States (who as such are not a party to the agreement) to communicate clearly to the public measures that transpose or implement Union legislation. When Member States choose to add elements that are in no way related to the Union legislation that they are transposing, they should identify these additions in the transposing act or in an associated document. In its annual report to the Parliament and Council on the application of Union legislation, the Commission will include reference to these additions, where relevant¹.
- **Simplification (paragraph 46 to 48):** the agreement commits to using recasting more frequently, to promoting harmonisation and mutual recognition, to cooperating in order to update and simplify legislation and to avoid overregulation and administrative burdens for citizens, administrations and businesses, including SMEs, while ensuring that the objectives of the legislation are met. In addition to its existing Regulatory fitness and performance programme (REFIT), the Commission will present an annual burden survey of the results of the Union's simplification efforts. The Commission will, wherever possible, quantify the regulatory burden reduction or savings potential of individual proposals or legal acts and will also assess the feasibility of establishing, in REFIT, objectives for the reduction of burdens in specific sectors.
- **Implementation and monitoring of the agreement (paragraph 49 and 50):** the agreement commits the three institutions to ensure that they have the means and resources required for the implementation of the agreement. They will monitor that implementation jointly and regularly, at both the political level through annual discussions and at technical level in the Interinstitutional Coordination Group.

¹ In addition the BLM Agreement states that the three institutions remain fully committed to the Joint Political Declaration of 27 October 2011 on explanatory documents (OJ C 369, 17.12.2011, p.15), in which the institutions agreed that where the need for explanatory documents is justified, it will be specified in a recital that '*Member States have undertaken to accompany [...] the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments*'.

9. THE ORDINARY LEGISLATIVE PROCEDURE THROUGH FIGURES

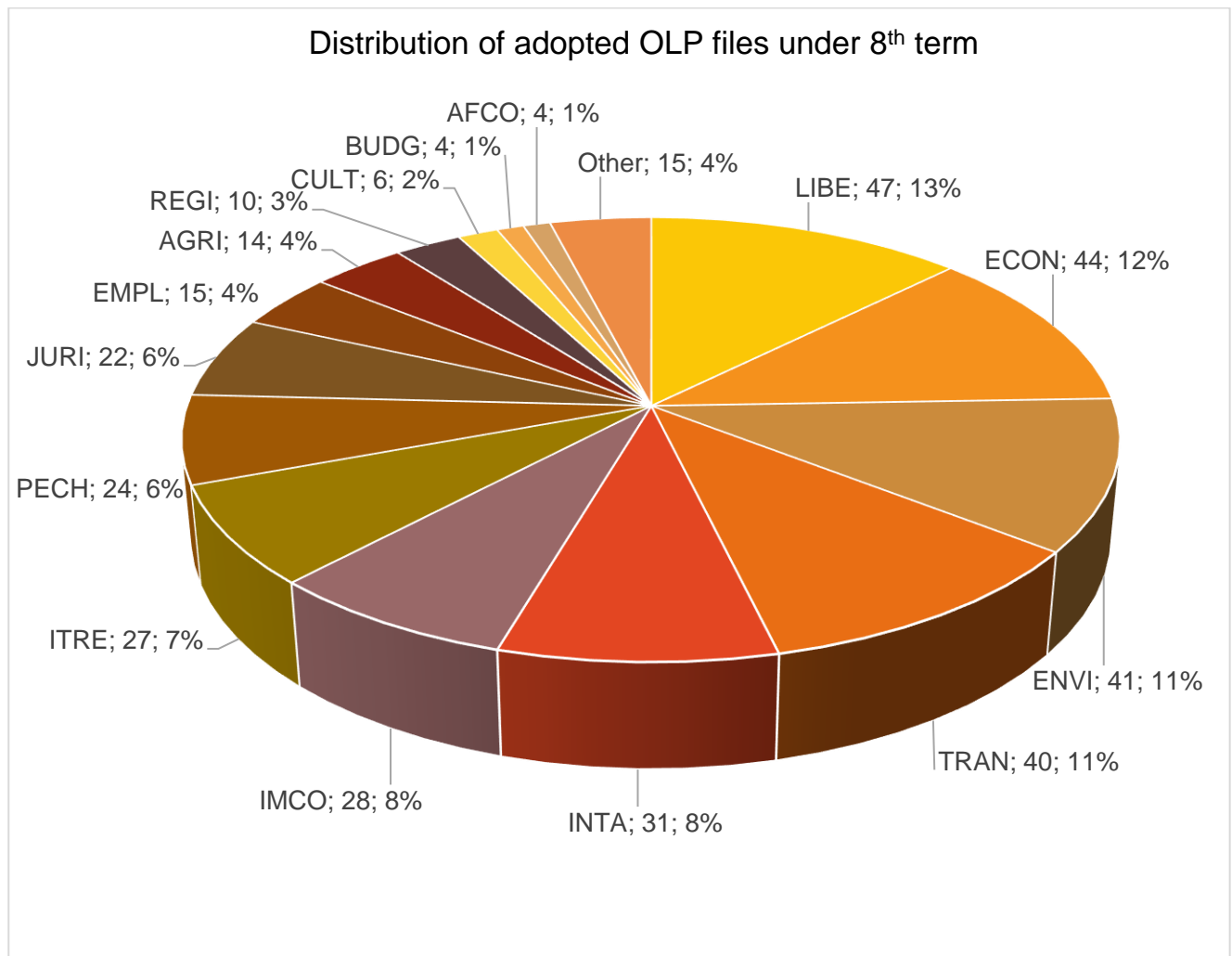
Since the introduction of the codecision procedure under the Treaty of Maastricht in 1993, its relative importance compared to the consultation procedure has increased with each legislature. This has largely reflected the progressive extension of the scope of the now 'ordinary legislative procedure' 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.

Over the course of the 8th parliamentary term, the co-legislators adopted 401 acts under the ordinary legislative procedure (OLP). The slight drop (20%) compared to the previous term can be readily explained: the start of the previous Parliament (7th term) coincided with the entry into force of the Lisbon Treaty (December 2009), the large number of proposals for MFF sectoral programmes for the period 2014-2020 – tabled by the Commission during the second half of 2011 – were concluded before the 2014 elections, and the Juncker Commission consciously proposed less legislation.

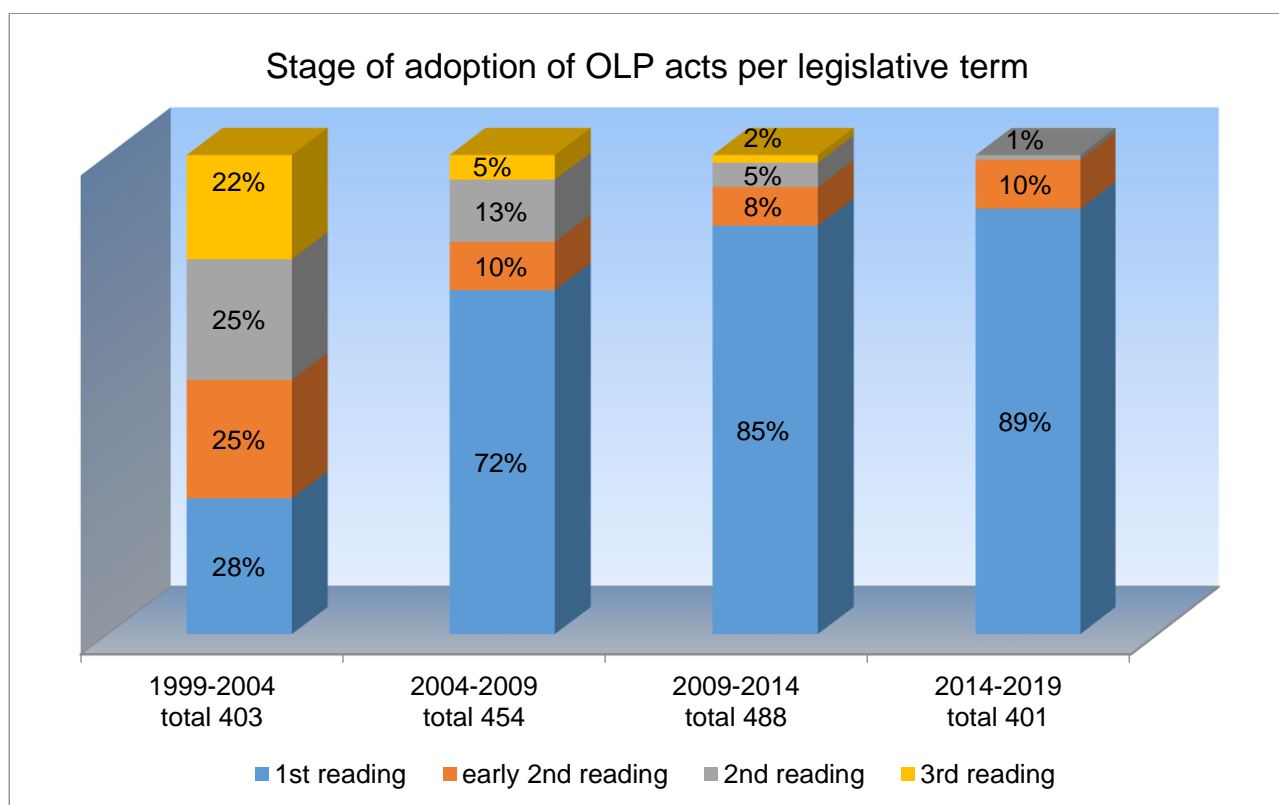


The distribution of adopted (and signed) OLP files (not including codifications) among Parliament's committees confirms the priority policy areas of recent years (justice and home affairs, economic affairs, the environment). As in previous terms, a large majority

of proposals under the ordinary legislative procedure were dealt with by a handful of committees: more than 50% by five committees; and 75% by eight committees.



With 99 % of the OLP files adopted either at first or early second reading - an increase on the combined figure of 93% under the previous Parliament - the trend towards agreements at early stages of the legislative procedure was very much confirmed during the 8th term.



A logical consequence of more first or early second reading agreements is that less files reach second reading or the conciliation procedure, which is the very last possible step to find an agreement. In the last legislative term (2014-2019), for the first time since the introduction of the codecision procedure under the Maastricht Treaty (1993), there were no conciliations. There were only 4 full second reading procedures (i.e. 1%), and none since the end of 2015. The share of early second readings increased. This is almost exclusively due to the high number of EP first reading positions (82) carried over from the 7th term.

In the last legislative term, the average procedure length of the acts adopted at first reading was just below 18 months (compared to 17 months under the previous Parliament). Acts adopted at early second reading took 39 months on average; those adopted at second reading took 40 months.

It is worth pointing out that, in exceptional cases, the co-legislators can act very quickly, such as for the European Fund for Strategic Investments (EFSI), which took 6 months from start to finish (some Brexit-related proposals were even faster). However, generally speaking, the Parliament (and the Council) recognise that negotiating and adopting (often complex) legislation takes time (also taking the requirements of multilingualism into account).

	1999-2004	2004-2009	2009-2014	2014-2019
1st reading	11 months	16 months	17 months	18 months
2nd reading	24 months	29 months	32 months	39 months
3rd reading	31 months	43 months	29 months	/
Total average length	22 months	21 months	19 months	20 months

10. TERMINOLOGY

A. Union institutions

- **European Parliament:** see Chapter 2.1
- **Council:** see Chapter 2.2
- **European Commission:** see Chapter 2.3
- **European Council:** see Chapter 2.4
- **Court of Justice of the European Union (CJEU):** see Chapter 2.4
- **European Central Bank (ECB):** see Chapter 2.4

B. Union bodies

- **Committee of the Regions (CoR):** see Chapter 2.4
- **European Economic and Social Committee (EESC):** see Chapter 2.4

C. National Parliaments

- **Protocol No 1 and 2:** see Chapter 2.4
- **Yellow card:** see Chapter 2.4
- **Orange card:** see Chapter 2.4
- **Reasoned opinion:** see Chapter 2.4

D. Treaties and procedures

- **Lisbon Treaty, Nice Treaty, Amsterdam Treaty, Maastricht Treaty:** see Chapter 1 and Box 1
- **The Treaty on European Union (TEU):** see Chapter 1
- **The Treaty on the Functioning of the European Union (TFEU):** see Chapter 1 and Annex I for the relevant articles for the ordinary legislative procedure
- **Ordinary legislative procedure (OLP):** see *inter alia* Chapter 1 and Annex I
 - **First reading:** see Chapter 3.2, 4.3 and Box 10 in Chapter 4
 - **Early second reading agreement:** see Chapter 3.2.2, 4.3.1 and Box 10 in Chapter 4
 - **Second reading:** see Chapter 3.3, 4.3 and Box 10 in Chapter 4
 - **Conciliation and third reading:** see Chapter 3.4, 5 and Box 10 in Chapter 4
- **Special legislative procedures:** see Chapter 7
 - **Consultation:** see Chapter 7.1.1
 - **Consent:** see Chapter 7.1.2
- **Delegated and implementing acts (DIAs):** see Chapter 7.2

E. Bodies, actors, decision making within the institutions

European Parliament:

Bodies and actors

- **Conference of Presidents (CoP):** see Box 2 in Chapter 2.1
- **Bureau:** see Box 2 in Chapter 2.1
- **Conference of Committee Chairs (CCC):** see Box 2 in Chapter 2.1
- **Chair (and Vice-Chairs):** see Chapter 2.1
- **Coordinators:** see Chapter 2.1
- **Rapporteur and shadow rapporteurs:** see Chapter 2.1
- **Rapporteur for opinion:** see Box 6 in Chapter 3.2.1
- **Shadows meetings:** see Chapter 3.2.1

Involvement of various committees during the ordinary legislative procedure

- **Responsible committee or lead committee:** see Box 6 in Chapter 3.2.1
- **Opinion-giving committee:** see Box 6 in Chapter 3.2.1
- **Associated committee:** see Box 6 in Chapter 3.2.1
- **Joint committee:** see Box 6 in Chapter 3.2.1
- **Rule 56+ procedure:** see footnote to Box 6 in Chapter 3.2.1

Decision making

- **Rules of Procedure (RoP):** see Chapter 4.3, Box 12 in Chapter 8, Chapter 11 and Annex II
- **Code of Conduct:** see Annex III
- **Thresholds:** see Box 12 in Chapter 8
- **Exclusive competence:** see Box 6 in Chapter 3.2.1
- **Shared competence:** see Box 6 in Chapter 3.2.1
- **Simple majority:** see Box 8 in Chapter 3.2.1
- **Qualified majority:** see Box 8 in Chapter 3.2.1
- **Oral amendment:** see Chapter 3.2.1
- **Roll call vote (RCV):** see Chapter 3.2.1

Council:

Bodies

- **Council Presidency:** see Chapter 2.2 and Annex IV
- **Coreper I and II:** see Chapter 2.2
- **Special Committee on Agriculture (SCA):** see footnote in Chapter 2.2
- **Antici Group:** see Chapter 2.2 and 4.4.2
- **Mertens Group:** see Chapter 2.2 and 4.4.2
- **Working party:** see Chapter 2.2 and 4.4.2.

Decision making

- **Rules of Procedure (RoP):** see Chapter 2.2 and Chapter 11
- **General Approach:** see Chapter 3.2.2 and 3.4.2
- **Progress report:** see Chapter 3.2.2
- **Simple majority:** see Box 8 in Chapter 3.2.1
- **Qualified majority:** see Box 8 in Chapter 3.2.1
- **A and B items:** see Chapter 2.2

Commission

Bodies and actors

- **College of Commissioners:** see Chapter 2.3 and 4.4.3
- **President and Vice-Presidents:** see Chapter 2.3
- **Groupe des Relations Interinstitutionnelles (GRI):** see Chapter 2.3

Decision making

- **Rules of Procedure (RoP):** see Chapter 2.3 and Chapter 11
- **Withdrawals:** see Box 3 in Chapter 2.3
- **Green Papers / White Papers:** see Chapter 2.3

F. Services within the Secretariat of the European Parliament

- **LEGI: Legislative Affairs Unit (formerly called the Conciliations and Codecision Unit - CODE)** (Directorate-General for Internal Policies of the Union, Directorate for Legislative and Committee Coordination) provides support, advice and coordination on legislative, procedural and institutional issues. It has an overview of all ongoing files under the ordinary legislative procedure, and helps to resolve procedural, horizontal and specific issues, particularly during inter-institutional legislative negotiations, when it assists Members, groups and committee secretariats. The Unit promotes coherence between the parliamentary committees in their legislative work, including through the exchange of best practice, the organisation of informal networks and of trainings. It also has specific expertise on aspects related to delegated and implementing acts, and keeps contact with the other institutions on inter-institutional issues related to the ordinary legislative procedure. In addition, it acts as the secretariat during the third reading of the ordinary legislative procedure (OLP) (i.e. during conciliation procedures). The LEGI Unit also helps to organise the signings by Parliament and the Council of the final legislative texts.
- **COORDLEG: Committee Coordination and Legislative Programming Unit** (Directorate-General for Internal Policies of the Union, Directorate for Legislative and Committee Coordination) organises the meetings of the Conference of

Committee Chairs and assists its Chair, prepares the CCC recommendations for the agendas of future part-sessions, deals with issues concerning the committees' respective competences and mutual cooperation, monitors the Commission's Work Programme, ensures the coordination of all kind of committee activities (constituent meetings, hearings of commissioners designate, own initiative reports, programmes of hearings, missions and activities with national parliaments) and advises committee secretariats on procedural/organisational issues, etc. notably through exchanges of best practice.

- **DLA:** The Directorate for Legislative Acts (Directorate General for the Presidency) comprises Parliament's lawyer-linguists. Working in all 24 languages, among other tasks, the lawyer-linguists provide legislative drafting assistance to Members, groups and committee secretariats throughout the legislative process and, together with Council, are responsible for the legal-linguistic finalisation of all acts adopted under the ordinary legislative procedure. In the context of the project teams, the lawyer-linguist following a given legislative file also provides procedural and planning assistance for the later stages of the legislative process and acts as a point of contact between the committee secretariat and other services in the Directorate General for the Presidency.
- **LS:** The Legal Service's tasks are twofold: it advises Parliament on legal issues and represents it in legal proceedings. In its advisory role, the Legal Service assists Parliament's political bodies (the President, the Bureau, the Conference of Presidents, the Quaestors and the parliamentary committees) and its Secretariat during the whole legislative cycle. It delivers independent legal opinions and offers continuous assistance to parliamentary committees. At the same time, the members of the Legal Service as Parliament's agents, represent the institution before the Court of Justice and the General Court when legislation decided jointly by Parliament and Council is contested.

11. USEFUL LINKS

Parliament	www.europarl.europa.eu
Rules of Procedure	http://www.europarl.europa.eu/sides/getLastRules.do?language=EN&reference=TOC
Website on the Ordinary Legislative Procedure (including statistics)	http://www.europarl.europa.eu/ordinary-legislative-procedure/en/home.html
Legislative Observatory (database on interinstitutional decision making)	<p>http://www.europarl.europa.eu/oel/home/home.do</p> <p>In relation to the ordinary legislative procedure, <i>inter alia</i> the following documents are available:</p> <p><i>Parliament's first reading:</i></p> <ul style="list-style-type: none"> • Draft and final report drawn up by a rapporteur and adopted by the responsible committee (the same goes for opinions which are prepared by other committees) • Amendments to the Commission proposal tabled in committee • Amendments tabled in plenary • First reading position adopted by Parliament <p><i>Parliament's second reading:</i></p> <ul style="list-style-type: none"> • Draft and final recommendation for second reading drawn up by a rapporteur and adopted by the lead committee • Amendments to the Council's position at first reading tabled in committee • Amendments tabled in plenary • Second reading position adopted by Parliament <p><i>Conciliation and third reading:</i></p> <ul style="list-style-type: none"> • Joint text agreed by the conciliation committee • Third reading adopted by Parliament <p><i>Interinstitutional negotiations:</i></p> <ul style="list-style-type: none"> • Parliament's negotiating mandate • Provisional agreement
Council	http://www.consilium.europa.eu/en/
Rules of Procedure	http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009D0937&from=EN
Public register of Council documents	http://www.consilium.europa.eu/en/documents-publications/public-register/

Commission	https://ec.europa.eu/commission/index_en
Rules of Procedure	http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010D0138&from=EN
Track law-making	https://ec.europa.eu/info/law/track-law-making_en
Refit Platform	https://ec.europa.eu/info/law/law-making-process/overview-law-making-process/evaluating-and-improving-existing-laws/reducing-burdens-and-simplifying-law/refit-platform_en
Consultations	http://ec.europa.eu/info/consultations_en
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
List of legal bases providing for the ordinary legislative procedure in the Treaty of Lisbon ¹	http://www.epgencms.europarl.europa.eu/cmsdata/upload/89445f93-5ccc-405a-b0dd-d37f09c4a9e9/List_of_legal_bases.pdf
Interinstitutional Agreements	
Interinstitutional Agreement on Better Law-Making (2016)	http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016Q0512(01)&from=EN
Framework Agreement on relations between the European Parliament and the European Commission (2010)	http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010Q1120(01)&from=EN
Joint Declaration on practical arrangements for the codecision procedure (2007)	http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007C0630(01)&from=EN

¹ Reproduced from A6-0013/2008, Report on the Treaty of Lisbon 2007/2286 (INI).

Other (search tools)	
EUR-Lex	http://eur-lex.europa.eu/homepage.html
The Publications Office of the EU (Publications Office)	https://publications.europa.eu/en/home
DIA register	https://webgate.ec.europa.eu/regdel/#/home
Delineation criterias	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2019.223.01.0001.01.ENG&toc=OJ:C:2019:223:TOC

ANNEXES

ANNEX I - 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.

ANNEX II - Relevant rules for the ordinary legislative procedure

Section 1- First reading	
Rule 59	(vote in plenary)
Rule 60	(referral back)
Rule 62	(agreement)
Section 2- Second reading	
Rule 63	(Council position)
Rule 64	(time limits)
Rule 65	(committee)
Rule 66	(plenary)
Rule 67	(vote)
Rule 68	(admissibility)
Rule 69	(agreement)
Section 3 - Interinstitutional negotiations	
Rule 70	(general)
Rule 71	(EP first reading)
Rule 72	(early second reading)
Rule 73	(second reading)
Rule 74	(conduct of negotiations)
Section 4 - Conciliation and third reading rules	
Rules 75	(time limits)
Rule 76	(convening conciliation committee)
Rule 77	(delegation)
Rule 78	(joint text)

Rule 59 : Vote in Parliament – first reading

1. Parliament may approve, amend or reject the draft legislative act.
2. Parliament shall first vote on any proposal for the immediate rejection of the draft legislative act that has been tabled in writing by the committee responsible, a political group or Members reaching at least the low threshold.

If that proposal for rejection is adopted, the President shall ask the originating institution to withdraw the draft legislative act.

If the originating institution does so, the President shall declare the procedure closed.

If the originating institution does not withdraw the draft legislative act, the President shall announce that the first reading of Parliament is concluded, unless, on a proposal of the Chair or rapporteur of the committee responsible or of a political group or Members reaching at least the low threshold, Parliament decides to refer the matter back to the committee responsible for reconsideration.

If that proposal for rejection is not adopted, Parliament shall then proceed in accordance with paragraphs 3, 4 and 5.

3. Any provisional agreement tabled by the committee responsible under Rule 74(4) shall be given priority in voting and shall be put to a single vote, unless, at the request of a political group or Members reaching at least the low threshold, Parliament decides instead to proceed with the vote on amendments in accordance with paragraph 4. In that case, Parliament shall also decide whether to hold the vote on the amendments immediately. If not, Parliament shall set a new deadline for amendments and the vote shall take place at a subsequent sitting.

If, in that single vote, the provisional agreement is adopted, the President shall announce that the first reading of Parliament has been concluded.

If, in that single vote, the provisional agreement fails to secure the majority of the votes cast, the President shall set a new deadline for amendments to the draft legislative act. Such amendments shall then be put to the vote at a subsequent sitting in order for Parliament to conclude its first reading.

4. Save where a proposal for rejection has been adopted in accordance with paragraph 2 or a provisional agreement has been adopted in accordance with paragraph 3, any amendments to the draft legislative act shall then be put to the vote, including, where applicable, individual parts of the provisional agreement where requests have been made for split or separate votes, or competing amendments have been tabled.

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

After it has voted on those amendments, Parliament shall vote on the whole draft legislative act, amended or otherwise.

If the whole draft legislative act, amended or otherwise, is adopted, the President shall announce that the first reading has been concluded, unless, on a proposal of the Chair or the rapporteur of the committee responsible or of a political group or Members reaching at least the low threshold, Parliament decides to refer the matter back to the committee responsible, for interinstitutional negotiations in accordance with Rules 60 and 74.

If the whole draft legislative act, as amended or otherwise, fails to secure a majority of the votes cast, the President shall announce that the first reading has been concluded, unless, on a proposal of the Chair or rapporteur of the committee responsible or of a political group or Members reaching at least the low threshold, Parliament decides to refer the matter back to the committee responsible for reconsideration.

5. After the votes taken under paragraphs 2, 3 and 4, and the votes subsequently taken on amendments to the draft legislative resolution relating to procedural requests, if any, the legislative resolution shall be deemed to have been adopted. If necessary, the legislative resolution shall be modified pursuant to Rule 203(2), in order to reflect the outcome of the votes taken under paragraphs 2, 3 and 4.

The text of the legislative resolution and of Parliament's position shall be forwarded, by the President, to the Council and the Commission, as well as, where the draft legislative act originates from them, to the originating group of Member States, the Court of Justice or the European Central Bank.

Rule 60 : Referral back to the committee responsible

If, in accordance with Rule 59, a matter is referred back to the committee responsible for reconsideration or for interinstitutional negotiations in accordance with Rule 74, the committee responsible shall, orally or in writing, report to Parliament within four months. That period may be extended by the Conference of Presidents.

Following a referral back to committee, the lead committee must, before taking a decision on the procedure to be followed, allow an associated committee, as Rule 57 provides, to make choices as to the amendments which fall within its exclusive competence, and in particular to choose which amendments are to be resubmitted in plenary.

Nothing prevents Parliament from deciding to hold, if appropriate, a concluding debate following the report by the committee responsible, to which the matter was referred back.

Rule 62 : First-reading agreement

Where, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union, the Council has informed Parliament that it has approved Parliament's position, the President, following finalisation in accordance with Rule 203,

shall announce in Parliament that the legislative act has been adopted in the wording which corresponds to the position of Parliament.

Rule 63 : Communication of the Council's position

1. Communication of the Council's position pursuant to Article 294 of the Treaty on the Functioning of the European Union takes place when it is announced by the President in Parliament. The President shall make the announcement after receiving the documents which contain the position itself, all declarations made in the Council minutes when it adopted the position, the reasons which led the Council to adopt its position, and the Commission's position, duly translated into the official languages of the European Union. The President's announcement shall be made during the part-session following the receipt of those documents.

Before making the announcement, the President establishes, after consulting the Chair of the committee responsible, or the rapporteur, or both of them, that the text received is indeed Council's first reading position and that the circumstances described in Rule 61 do not apply. Failing this, the President, together with the committee responsible and, where possible, in agreement with the Council, seeks an appropriate solution.

2. On the day of its announcement in Parliament, the Council's position shall be deemed to have been referred automatically to the committee responsible at first reading.

3. A list of such communications shall be published in the minutes of the sitting together with the names of the committees responsible.

Rule 64 : Extension of time limits

1. The President shall, at the request of the Chair of the committee responsible, extend the time-limits for second reading in accordance with Article 294(14) of the Treaty on the Functioning of the European Union.

2. The President shall notify Parliament of any extension of time limits under Article 294(14) of the Treaty on the Functioning of the European Union, whether such extensions occur at the initiative of Parliament or of the Council.

Rule 65 : Procedure in the committee responsible

1. The Council's position shall be entered as a priority item on the agenda of the first meeting of the committee responsible to take place after its communication. The Council may be invited to present its position.

2. Unless the committee responsible decides otherwise, the rapporteur at second reading shall be the same as the rapporteur at first reading.

3. The provisions of Rule 68(2) and (3) that concern the admissibility of the amendments to the Council's position shall apply to the proceedings in the committee

responsible; only members or permanent substitutes of that committee may table proposals for rejection and amendments. The committee shall decide by a majority of the votes cast.

4. The committee responsible shall submit a recommendation for second reading, proposing the approval, amendment or rejection of the position adopted by the Council. The recommendation shall include a short justification for the decision proposed.

5. Rules 51, 52, 56 and 198 shall not apply during second reading.

Rule 66 : Submission to Parliament

The Council's position and, where available, the committee responsible recommendation for second reading shall be automatically placed on the draft agenda for the part-session the Wednesday of which falls before and closest to the day that the three month period or, if extended in accordance with Rule 64, the four month period, expires, unless the matter has been dealt with at an earlier part-session.

Rule 67 : Vote in Parliament – second reading

1. Parliament shall first vote on any proposal for the immediate rejection of Council's position that has been tabled in writing by the committee responsible, a political group or Members reaching at least the low threshold. For it to be adopted, such a proposal for rejection shall require the votes of a majority of the component Members of Parliament.

If that proposal for rejection is adopted, the Council's position is rejected and the President shall announce in Parliament that the legislative procedure is closed.

If that proposal for rejection is not adopted, Parliament shall then proceed in accordance with paragraphs 2 to 5.

2. Any provisional agreement tabled under Rule 74(4) by the committee responsible shall be given priority in voting and put to a single vote, unless, at the request of a political group or Members reaching at least the low threshold, Parliament decides to proceed immediately with the vote on amendments in accordance with paragraph 3.

If, in a single vote, the provisional agreement secures the votes of a majority of the component Members of Parliament, the President shall announce in Parliament that the second reading of Parliament has been concluded.

If, in a single vote, the provisional agreement fails to secure the majority of the component Members of Parliament, Parliament shall then proceed in accordance with paragraphs 3, 4 and 5.

3. Except where a proposal for rejection has been adopted in accordance with paragraph 1 or a provisional agreement has been adopted in accordance with

paragraph 2, any amendments to the Council's position, including those contained in the provisional agreement tabled in accordance with Rule 74(4) by the committee responsible, shall then be put to the vote. Any amendment to the Council's position shall be adopted only if it secures the votes of a majority of the component Members of Parliament.

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

4. Notwithstanding a vote by Parliament against the initial proposal to reject the Council's position under paragraph 1, Parliament may, on the proposal of the Chair or the rapporteur of the committee responsible or of a political group or Members reaching at least the low threshold, consider a further proposal for rejection after voting on the amendments under paragraphs 2 or 3. For it to be adopted, such a proposal shall require the votes of a majority of the component Members of Parliament.

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

5. After the votes taken under paragraphs 1 to 4 and the votes subsequently taken on amendments to the draft legislative resolution relating to procedural requests, the President shall announce that the second reading of Parliament has been concluded and the legislative resolution shall be deemed to have been adopted. If necessary, the legislative resolution shall be modified, pursuant to Rule 203(2), in order to reflect the outcome of the votes taken under paragraphs 1 to 4 or the application of Rule 69.

The text of the legislative resolution and of Parliament's position, if any, shall be forwarded by the President to the Council and to the Commission.

Where no proposal to reject or amend the Council's position has been tabled, it shall be deemed to have been approved.

Rule 68 : Admissibility of amendments to the Council's position

1. The committee responsible, a political group or Members reaching at least the low threshold 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 180 and 181 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 position which was not included in - or differs in content from - the proposal submitted at first reading; or
- (d) to take account of a new fact or legal situation which has arisen since the adoption of Parliament's position at 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 61 has not been invoked, the President may decide to waive the restrictions on admissibility laid down in paragraph 2.

Rule 69 : Second-reading agreement

Where no proposal to reject the Council's position and no amendments to that position have been tabled under Rules 67 and 68 within the time limits set for tabling and voting on amendments or on proposals to reject, the President shall announce in Parliament that the proposed act has been adopted.

Rule 70 : General provisions

Negotiations with the other institutions aimed at reaching an agreement in the course of a legislative procedure may only be entered into following a decision taken in accordance with the Rules 71 to 73 or following a referral back by Parliament for interinstitutional negotiations. Such negotiations shall be conducted having regard to the Code of Conduct laid down by the Conference of Presidents ⁽¹⁾.

⁽¹⁾ Code of Conduct for negotiating in the context of the ordinary legislative procedures ([see Compendium - Part C.2.](#))

Rule 71 : Negotiations ahead of Parliament's first reading

1. Where a committee has adopted a legislative report pursuant to Rule 51, it may decide, by a majority of its members, to enter into negotiations on the basis of that report.

2. Decisions to enter into negotiations shall be announced at the beginning of the part-session following their adoption in committee. By the end of the day following the announcement in Parliament, Members or a political group or groups reaching at least the medium threshold may request in writing that a committee decision to enter into negotiations be put to the vote. Parliament shall then proceed to that vote during the same part-session.

If no such request is received by the expiry of the deadline laid down in the first subparagraph, the President shall inform Parliament that this is the case. If a request is made, the President may, immediately prior to the vote, give the floor to one speaker in favour of the committee's decision to enter into negotiations and to one speaker

against that decision. Each speaker may make a statement lasting no more than two minutes.

3. If Parliament rejects the committee's decision to enter into negotiations, the draft legislative act and the report of the committee responsible shall be placed on the agenda of the following part-session, and the President shall set a deadline for amendments. Rule 59(4) shall apply.

4. Negotiations may start at any time after the deadline laid down in the first subparagraph of paragraph 2 has expired without a request for a vote in Parliament on the decision to enter into negotiations having been made. If such a request has been made, negotiations may start at any time after the committee decision to enter into negotiations has been approved in Parliament.

Rule 72 : Negotiations ahead of Council's first reading

Where Parliament has adopted its position at first reading, that position shall constitute the mandate for any negotiations with other institutions. The committee responsible may decide, by a majority of its members, to enter into negotiations at any time thereafter. Such decisions shall be announced in Parliament during the part-session following the vote in committee and a reference to them shall be included in the minutes.

Rule 73 : Negotiations ahead of Parliament's second reading

Where the Council position at first reading has been referred to the committee responsible, Parliament's position at first reading shall, subject to Rule 68, constitute the mandate for any negotiations with other institutions. The committee responsible may decide to enter into negotiations at any time thereafter.

Where the Council position at first reading contains elements not covered by the draft legislative act or by Parliament's position at first reading, the committee may adopt guidelines, including in the form of amendments to the Council position, for the negotiating team.

Rule 74 : Conduct of negotiations

1. Parliament's negotiating team shall be led by the rapporteur and shall be presided over by the Chair of the committee responsible or by a Vice-Chair designated by the Chair. It shall at least consist of the shadow rapporteurs from each political group that wishes to participate.

2. Any document intended to be discussed at a meeting with the Council and the Commission ('trilogue') shall be circulated to the negotiating team at least 48 hours or, in cases of urgency, at least 24 hours in advance of that trilogue.

3. After each trilogue, the Chair of the negotiating team and the rapporteur shall, on behalf of the negotiating team, report back to the next meeting of the committee responsible.

Where it is not feasible to convene a meeting of the committee in a timely manner, the Chair of the negotiating team and the rapporteur shall, on behalf of the negotiating team, report back to a meeting of the committee coordinators.

4. If negotiations lead to a provisional agreement, the committee responsible shall be informed without delay. Documents reflecting the outcome of the concluding trilogue shall be made available to the committee responsible and shall be published. The provisional agreement shall be submitted to the committee responsible, which shall decide, by way of a single vote by a majority of the votes cast, whether to approve it. If approved, it shall be tabled for consideration by Parliament, in a presentation which clearly indicates the modifications to the draft legislative act.

5. In the event of a disagreement between the committees concerned under Rules 57 and 58, the detailed rules 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 75 : Extension of time limits

1. The President shall, at the request of Parliament's delegation to the conciliation committee, extend the time limits for third reading in accordance with Article 294(14) of the Treaty on the Functioning of the European Union.

2. The President shall notify Parliament of any extension of time limits under Article 294(14) of the Treaty on the Functioning of the European Union, whether such extensions occur on the initiative of Parliament or of the Council.

Rule 76 : Convening of the Conciliation Committee

Where the Council informs Parliament that it is unable to approve all of Parliament's amendments to the Council's position, the President shall, together with the Council, agree on 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 77 : 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 that are to serve as members of Parliament's delegation.

3. The members of the delegation shall be appointed by the political groups for each conciliation case, preferably from among the members of the committee responsible, 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 in second reading of the committee responsible as well as the rapporteur of any associated committee shall in each case be members of the delegation.

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

5. Political groups not represented on the delegation may each send one representative to any internal preparatory meeting of the delegation. If the delegation does not include any non-attached Members, one non-attached Member may attend any internal preparatory meetings 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 delegation shall report back the results of the conciliation to Parliament.

Rule 78 : 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. That statement shall be followed by a debate.
6. During the conciliation procedure between Parliament and the Council following the second reading, no referral back to committee shall take place.
7. Rules 51, 52 and 56 shall not apply during third reading.

ANNEX III - Code of Conduct for negotiating in the context of the ordinary legislative procedure¹

1. Introduction

This Code of Conduct provides guidance within Parliament on how to conduct negotiations during all stages of the ordinary legislative procedure, including at third reading, and should be read in conjunction with Rules 70 to 74 of the Rules of Procedure.

It is complementary to the relevant provisions of the Interinstitutional Agreement of 13 April 2016 on Better Law-making², which concern the transparency and coordination of the legislative process, and to the Joint Declaration on practical arrangements for the codecision procedure³ agreed between Parliament, the Council and the Commission on 13 June 2007.

2. General principles and preparation for negotiations

Interinstitutional negotiations in the context of the ordinary legislative procedure shall be based on the principles of transparency, accountability and efficiency, in order to ensure that the decision-making process is reliable, traceable and open, both within Parliament and as regards the public.

As a general rule, Parliament should make use of all possibilities offered at all stages of the ordinary legislative procedure. The decision to enter into negotiations, particularly with a view to reaching an agreement at first reading, shall be considered on a case-by-case basis, taking account of the distinctive characteristics of each individual file.

The possibility of entering into negotiations with the Council shall be presented by the rapporteur to the full committee, which shall decide in accordance with the relevant Rule. The mandate shall be the committee legislative report or the amendments adopted in plenary for first reading negotiations, Parliament's position at first reading for early second or second reading negotiations, and Parliament's position at second reading for third reading negotiations.

Parliament shall be informed of, and shall scrutinise, decisions to enter into negotiations. In order to achieve the greatest degree of transparency in the legislative process, the Chair of the Conference of Committee Chairs shall keep the Conference of Presidents informed on a regular basis, by providing it with systematic and timely information about all committee decisions to enter into negotiations and about the

¹ As approved by the Conference of Presidents on 28 September 2017.

² OJ L 123, 12.5.2016, p. 1.

³ OJ C 145, 30.6.2007, p. 5.

progress of files under the ordinary legislative procedure. Any agreement reached during negotiations shall be deemed to be provisional until it has been adopted by Parliament.

For first, early second and second reading negotiations, the main body responsible for the conduct of negotiations shall be the committee responsible, represented by the negotiating team in accordance with Rule 74. At third reading, Parliament shall be represented in negotiations by its delegation to the conciliation committee, which shall be presided over by one of the Vice-Presidents responsible for conciliation. Throughout the negotiations, the political balance shall be respected and all political groups shall be entitled to be represented at least at staff level.

This Code of Conduct shall apply *mutatis mutandis* where the conditions set out in Rule 57 on associated committee procedure or Rule 58 on joint committee procedure are met, particularly as regards the composition of the negotiating team and the conduct of the negotiations. The Chairs of the committees concerned should agree in advance the arrangements for their cooperation throughout the interinstitutional negotiations.

3. Conduct of negotiations and finalisation of the agreement

As a matter of principle and in order to enhance transparency, Parliament shall provide the means necessary for the public to be well-informed throughout the legislative cycle, working in close cooperation with the other institutions, to facilitate the traceability of the legislative process. This shall include the joint announcement of successful outcomes of legislative procedures, including through joint press conferences, or any other means considered appropriate.

Negotiations in trilogues shall be based on one joint document (usually in the form of a multi-column document), indicating the position of the respective institutions with regard to each other's amendments and also including any provisionally agreed compromise texts. That joint document shall be a shared document between the institutions, and any version circulated for a trilogue should, in principle, be agreed by the co-legislators. After each trilogue, the Chair of the negotiating team and the rapporteur shall report back to the committee responsible or its coordinators on the progress of the negotiations.

When a provisional agreement is reached with the Council, the Chair of the negotiating team and the rapporteur shall fully inform the committee responsible of the outcome of the negotiations, which shall be published. The committee responsible shall receive the text of any provisional agreement reached for consideration in a presentation which clearly indicates the modifications to the draft legislative act. The committee responsible shall decide in accordance with Rule 74.

The provisional agreement reached during the negotiations shall be confirmed in writing by means of an official letter. In the case of first and second reading agreements, the Chair of Coreper confirms the provisional agreement in writing to the

Chair of the committee responsible, whereas for an early second reading agreement, the Chair of the committee responsible informs the Council that he or she will recommend to plenary that the Council's first reading position corresponding to the text of the provisional agreement be adopted without amendments at Parliament's second reading.¹

There shall be sufficient time between the endorsement of the provisional agreement by the Committee and the vote in Parliament in order to allow political groups to prepare their final position.

The provisional agreement shall be subject to legal-linguistic finalisation, in accordance with Rule 203. No changes shall be made to any provisional agreement without the explicit agreement, at the appropriate level, of both Parliament and the Council.

4. Assistance to the negotiating team

The negotiating team shall be provided with all the resources necessary for it to conduct its work properly. It shall be assisted by an 'administrative project team' which is coordinated by the secretariat of the committee responsible, and should include at least the Legislative Affairs Unit, the legal service, the directorate for legislative acts, Parliament's press service, as well as other relevant services to be decided on a case-by-case basis. Political group advisors shall be invited to meetings preparing or following up trilogue meetings. The Legislative Affairs Unit shall coordinate the provision of administrative assistance to Parliament's delegation to the conciliation committee.

¹ See point 18 of the Joint Declaration on practical arrangements for the codecision procedure.

ANNEX IV - Order of Council Presidencies¹

*Division of order of Presidencies into groups of three Member States
(Trio Presidencies)*

Romania	January - June	2019
Finland	July - December	2019
Croatia	January - June	2020
Germany	July - December	2020
Portugal	January - June	2021
Slovenia	July - December	2021
France	January - June	2022
Czech Republic	July - December	2022
Sweden	January - June	2023
Spain	July - December	2023
Belgium	January - June	2024
Hungary	July - December	2024
Poland	January - June	2025
Denmark	July - December	2025
Cyprus	January - June	2026
Ireland	July - December	2026
Lithuania	January - June	2027
Greece	July - December	2027
Italy	January - June	2028
Latvia	July - December	2028
Luxembourg	January - June	2029
Netherlands	July - December	2029
Slovakia	January - June	2030
Malta	July - December	2030

¹ [OJ L 208 of 2.8.2016, p. 42](#)

ANNEX V - Impact of the withdrawal of the United Kingdom from the European Union on majorities and thresholds used for the ordinary legislative procedure

Majorities used for the ordinary legislative procedure	
In the Parliament	
Simple majority:	Majority of the votes cast
Qualified majority:	Majority of the component members (for a plenary vote, i.e. 353 out of 705 votes)
In the Council	
Simple majority:	Majority of its Member States (14 Member States in favour)
Qualified majority:	55% of Member States in favour (i.e. 15 Member States) representing at least 65% of the EU population
Unanimity:	All Member States that vote are in favour (abstention does not prevent adoption by unanimity)

Thresholds for procedural requests used in the Parliament	
Low threshold	One-twentieth of Parliament's component Members or a political group (36 MEPs)
Medium threshold	One-tenth of Parliament's component Members, made up of one or more political groups or individual Members, or a combination of the two (71 MEPs)
High threshold	One-fifth of Parliament's component Members made up of one or more political groups or individual Members, or a combination of the two (141 MEPs)