

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 69b to 69f 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 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 69f. 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-

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.

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 54 on associated committee procedure or Rule 55 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 69f.

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.

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

The provisional agreement shall be subject to legal-linguistic finalisation, in accordance with Rule 193. 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' 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.