



The power of the European Parliament

Examples of EP
impact during the
2014-19
legislative term



IN-DEPTH ANALYSIS

EPRS | European Parliamentary Research Service

Members' Research Service
PE 637.942 – April 2019

EN

This publication provides an overview of the powers of the European Parliament, giving examples of how and where it has made a difference during the most recent legislative term (July 2014 to June 2019).

It has been drawn up by the Members' Research Service of the Directorate-General for Parliamentary Research Services (EPRS) within the secretariat of the European Parliament. It has been compiled and edited by Laurence Amand-Eeckhout, with contributions from the following policy analysts within the Members' Research Service: Laura Tilindyte, Naja Bentzen, Denise Chircop, Gregor Erbach, Beatrix Immenkamp, Patrick Kelly, Tambiama Madiaga, Shara Monteleone, Magdalena Sapala, Marcin Szczepanski, Jana Titievskaia, Sofija Voronova and Alex Wilson. The graphics were prepared by Samy Chahri.

To contact the authors, please email: eprs@ep.europa.eu.

LINGUISTIC VERSIONS

Original: EN

Translations: DE, FR

Manuscript completed in April 2019.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

Brussels © European Union, 2019.

Photo credits: © European Union 2019 - Source: EP – Daina Le Lardic.

PE 637.942
ISBN: 978-92-846-4798-9
DOI:10.2861/122246
QA-01-19-421-EN-N

eprs@ep.europa.eu

<http://www.eprs.ep.parl.union.eu> (intranet)

<http://www.europarl.europa.eu/thinktank> (internet)

<http://epthinktank.eu> (blog)

Overview

As the only European Union (EU) institution elected directly, the European Parliament (EP) is at the heart of representative democracy, the foundation upon which the EU is built. Since its creation, the Parliament's power and influence have evolved significantly, transforming it into a full-fledged legislative body and forum of discussion and engagement, whose influence is felt in virtually all areas of EU activity.

First of all, the Parliament does what most parliaments do – it adopts **legislation**, mostly together with the representatives of the national governments of the Member States (the Council). The number of areas in which the Parliament co-legislates with the Council has expanded greatly over time, and now includes policies concerning the EU internal market, environment, consumer protection, food safety, justice and home affairs, cohesion policy, transport, energy and many others. Law-making is also about international action. When the EU enters into an international agreement with a third country, for example, the Parliament must give its **consent**.

Next, the Parliament has power over the **EU budget**. This power is also shared with the Council, and its extent varies according to the different aspects of the EU financial system. Its role is less developed when deciding about the revenue side of the budget (own resources system), stronger in shaping the EU's long-term spending priorities included in the multiannual financial framework, and stronger still in the context of the procedure for approving the implementation of the budget, known as the discharge procedure. The Parliament decides on the EU's annual budget on equal terms with the Council.

Another important set of EP prerogatives concerns the **scrutiny and control of the executive**, namely the European Commission. The latter regularly reports to and informs the Parliament of its activities and responds to parliamentary questions. Moreover, the Parliament plays a crucial role in the **appointment and dismissal process of the Commission**. The most recent prominent illustration in this regard is the *Spitzenkandidaten* process, which led to the election of Jean-Claude Juncker as Commission President in 2014. The Parliament remains firmly committed to repeating and consolidating the process in 2019, and many European political parties have selected their lead candidates for the position of the next Commission President. After the election of the Commission President, and following parliamentary hearings with individual Commissioners-designate, the college of Commissioners as a whole must be approved by the Parliament before it can take office. The next Commission investiture process, which will take place not long after the 2019 European elections, will offer a major opportunity for the Parliament to **shape the agenda** of the Commission over the coming five years (2019-24). Besides its role in the Commission's appointment, the Parliament may also force the resignation of the Commission (by a motion of censure), which is one of its oldest prerogatives.

In addition to adopting laws and overseeing the executive, the Parliament also has powers relating to the very nature of the EU and its **institutional/constitutional foundations**. Parliament's consent is required before any new country joins the EU, and its consent to the withdrawal treaty is required should a country choose to leave the EU. The Parliament may initiate a Treaty revision process and must give its consent before it is decided that an EU Member State is breaching (or is about to breach) the values of the EU.

Finally, besides its formal legislative and scrutiny powers, the Parliament functions as a **forum for debate and engagement**, putting matters on the political agenda, debating and raising awareness. For example, since January 2018, the Parliament has hosted a number of national leaders invited to debate and share their visions on the 'Future of Europe'.

A MAPPING OF EP POWERS

This mapping seeks to represent the main clusters of EP power: law-making, budgetary, oversight and scrutiny, and external action. It deliberately considers the powers in terms of their purpose, rather than in terms of the actors involved. It also incorporates more recent features, such as powers related to agenda-setting and constitutional affairs.

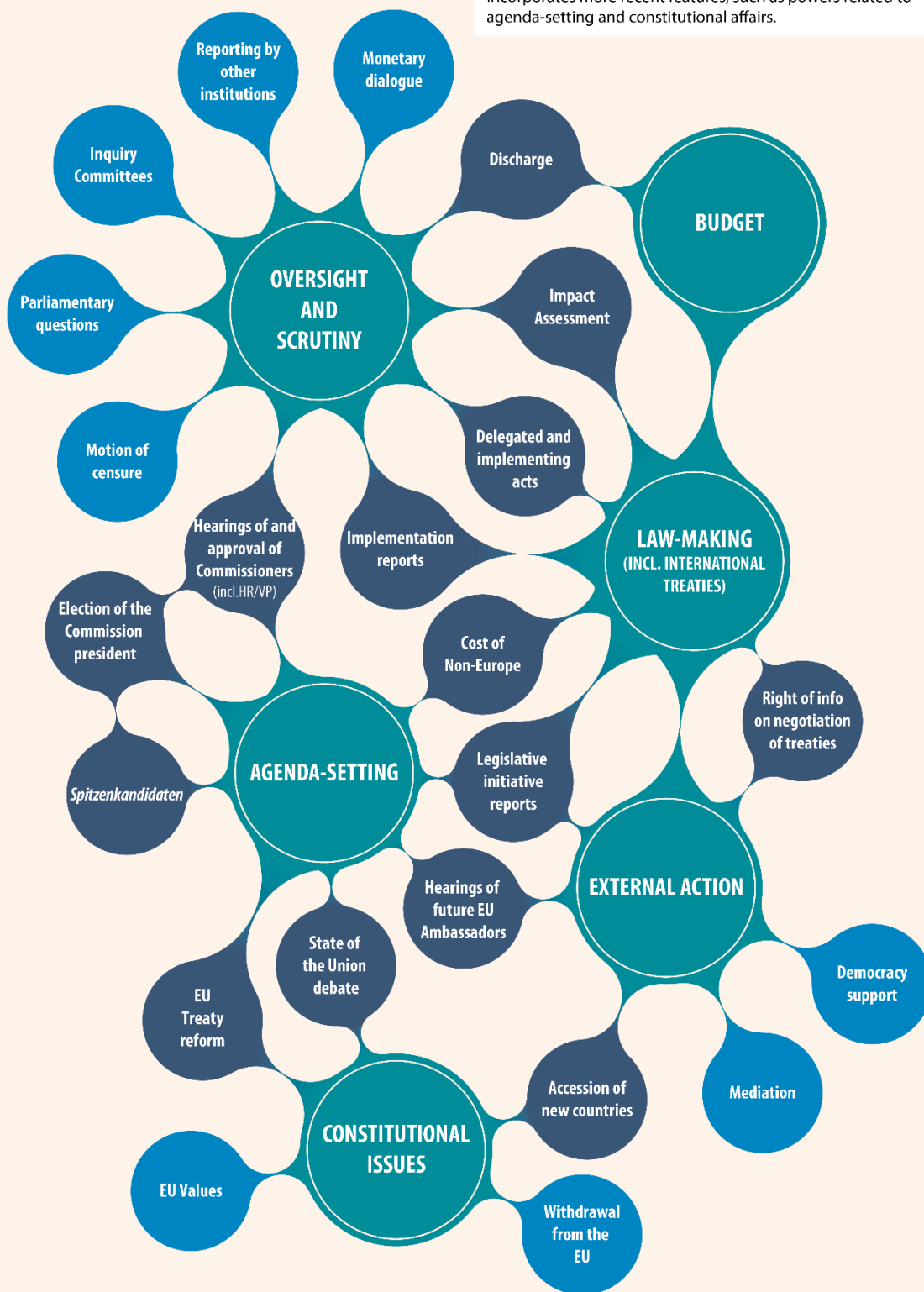


Table of contents

Examples of how the European Parliament makes a difference _____	
Stricter CO ₂ emission standards for new cars and vans _____	1
Erasmus+: more open for people from disadvantaged backgrounds as well as smaller organisations _____	3
Protection of small producers against unfair trading practices in the food supply chain _____	4
Online shopping: banning unjustified geo-blocking and discrimination practices _____	5
Promotion of renewable energy in the EU after 2020 _____	6
Telecoms reform: a new European Electronic Communications Code _____	7
Comprehensive Economic and Trade Agreement (CETA) between EU and Canada _____	8
Passenger name records (PNR) for the prevention of terrorist offences and serious crime _____	10
Promoting peace and stability in the world: the Instrument contributing to Stability and Peace (IcSP) _____	11
More EU funding to fight unemployment: Youth Employment Initiative _____	13
An EU budget focused on results _____	14
Review and revision of the 2014-2020 multiannual financial framework _____	16
Democracy support for Ukraine _____	18
Pushing for an adequate response to online disinformation _____	20
Parliamentary hearings of the Commissioners-designate and approval of the College of Commissioners (investiture) _____	22
Privacy and personal data protection _____	23
State of the Union _____	25

Examples of how the European Parliament makes a difference

Law-making powers

Together with the Council, the Parliament participates in the shaping of European laws in what may be seen as a bicameral legislature at EU level. The nature of the Parliament's involvement depends on the area in question and may mean Parliament being consulted (consultation procedure), giving its consent (consent procedure), or legislating on an equal footing with the Council (the ordinary legislative procedure, or co-decision).

The latter procedure consists of the joint adoption of an act by the European Parliament and the Council on the basis of a proposal by the Commission. Here, both legislators need to agree on an identical text before it becomes law, which may take up to three readings in each of the two institutions. On average, it takes about 22 months for legislators to agree on a legislative file, starting from the Commission proposal until the signature of the final act.

The number of areas in which the Parliament co-legislates has expanded greatly over time and now includes the EU internal market, environment, consumer protection, food safety, regional development, agriculture, transport, energy and many others. Indeed, most legislative acts are now adopted following the ordinary legislative procedure.

Besides the power of consent with regard to legislative acts, the Parliament's consent is required in many other instances not related to legislative acts in the strict sense. For example, it is needed before any new country joins the EU (Article 49, Treaty on European Union, TEU), but also before any withdrawal treaty can be concluded when a country decides to leave it (Article 50 TEU). The Parliament's consent is also required before concluding agreements with third countries, for example association agreements, as well as before the Council determines that an EU Member State is breaching – or is about to breach – EU values (Article 7 TEU).

Stricter CO₂ emission standards for new cars and vans



Road transport is responsible for around 20% of the EU's total greenhouse gas emissions. **Transport is the only sector in the EU that did not record any significant decline in greenhouse gas emissions since 1990.** In 2016, EU transport emissions were 26% above 1990 levels.

The European Parliament has played an important role in shaping EU legislation to respond to this challenge and in pushing for ambitious but realistic targets. Mandatory **CO₂ standards for new passenger cars** in the EU were introduced in 2009 and strengthened in 2014.

Similarly, **CO₂ standards for vans** were introduced in 2011 and reinforced in 2014. Since September 2018, new cars sold in the EU must pass more reliable emissions tests in real driving conditions and an improved laboratory test (WLTP).

In November 2017, the European Commission¹ proposed that average **CO₂ emissions from new passenger cars and vans registered in the EU would have to be 15 % lower in 2025, and 30 % lower in 2030**, compared to their respective limits in 2021.

Parliament put forward a number of amendments to the proposal, which were then the subject of trilogue negotiations with the Council and Commission. Thanks to Parliament's insistence, the text finally agreed in trilogue negotiations in December 2018² sets a **37.5 % target for reducing EU fleet-wide emissions for new cars by 2030**. This is far above the 30 % initially proposed by the Commission and close to the 40 % demanded by the Parliament. For new vans, the 2030 target is raised to 31 %, compared to the 30 % level proposed by the Commission and supported by the Council.

In order to encourage the sale of more zero- and low-emission vehicles, a **manufacturer that meets a benchmark of 35 % for cars by 2030 will be rewarded with less strict CO₂ targets**. This benchmark corresponds to the Parliament's position and, again, is well above the 30 % benchmark originally proposed by the Commission. With respect to the benchmarks for 2025 and incentives for zero- and low-emission vans, the Commission proposal remained unchanged.

As advocated by the Parliament, there are now specific provisions on **in-service conformity testing** and on detecting strategies that would artificially improve the CO₂ performance of cars and vans.

The agreed text requires the Commission to analyse the measures suggested by Parliament concerning the introduction of real-world CO₂ emissions tests using portable equipment, like the one recently introduced for NO_x, and to put forward legislative proposals, if appropriate. Parliament's suggestion that this be done in conjunction with a **review of the effectiveness of the regulation in 2023**, rather than 2024 as proposed by the Commission, was also taken on board.

The agreed text also includes a requirement for car-makers to report the lifecycle CO₂ emissions of new cars put on the market from 2025, and allows for the use of excess emissions premiums³ for the qualification and reallocation of workers affected by changes in the automotive sector.

As proposed by Parliament, by 2020 the Commission will have to **review Directive 1999/94/EC on 'car labelling'** in order to improve information to consumers, and evaluate options for introducing a fuel economy and CO₂ emission label for vans.

Also in line with the Parliament's position, the Commission must identify a **pathway for further CO₂ emission reductions** after 2030, possibly revise the emission targets for 2030, and introduce new targets for 2035 and 2040 onwards.

The final act – Regulation (EU) 2019/631 of the European Parliament and the Council setting emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles – was signed on 17 April 2019.⁴

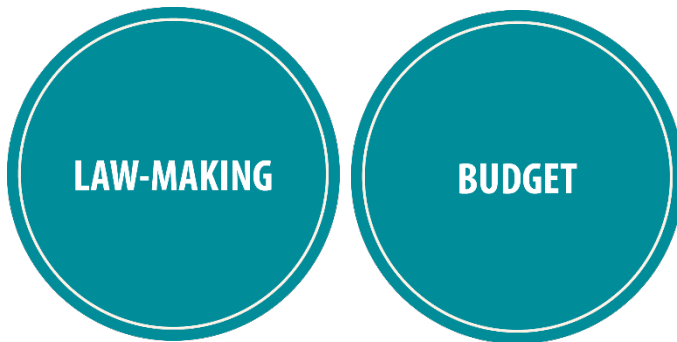
¹ [Proposal](#) for a regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles and amending Regulation (EC) No 715/2007 (recast).

² G. Erbach, [CO₂ standards for new cars and vans](#), EU legislation in Progress, EPRS, European Parliament, February 2019.

³ Fees paid by manufacturers that fail to meet their emission targets.

⁴ [OJL 111, 25.4.2019](#).

Erasmus+: more open for people from disadvantaged backgrounds as well as smaller organisations



Erasmus+ is the European Union's programme dedicated to education, training, youth and sport. It is one of the best-known EU initiatives, but many think Erasmus+ is only for **university students** who go to study for a few months in another European university. In fact, other learners and educators participate as well. It is also open to **vocational**

education students, teachers, professors, entrepreneurs, apprentices and grassroots sports people, for example.⁵

One of its special features is that Erasmus+ equips young people with **soft skills** that they do not necessarily develop in a classroom. These skills, such as adjusting to a different way of life and using a foreign language in day-to-day conversations, can make it easier for them to find a job, start their own business and take an active interest in society later on.

Erasmus+ also creates **networks** of education institutions, businesses and local authorities.

The European Parliament has **monitored** how Erasmus+ is put into action on the ground. In its October 2017 mid-term implementation resolution it recommended making the programme **more accessible**, especially to **small organisations**, by reducing bureaucratic obstacles' and reintroducing **school exchanges**. It also called on the European Commission to recognise that mobility involving **people with special needs** and people from **disadvantaged backgrounds** needs additional facilitation.⁶

A bigger budget is necessary given the benefits of this programme. When the Commission published its mid-term evaluation of the programme (2014-2020) in January 2018, it clearly **reflected comments made by Parliament**.⁷ Most notably, it identified simplification as an area that needed continued efforts. It also proposed stepping up mobility among school pupils, vocational education and training participants and young people. It also acknowledged that the programme needed to reach out to more vulnerable learners and smaller organisations with a view to making it more inclusive.

Crucially, the European Parliament secured an extra €240 million for the Erasmus+ budget in 2019, meaning that the programme can be made available to more people and make a bigger difference in helping young people to get an improved start in life.⁸

⁵ European Commission, [Erasmus+](#) website.

⁶ European Parliament [resolution](#) of 2 February 2017 on the implementation of Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport.

⁷ Report from the Commission '[Mid-term evaluation of the Erasmus+ programme \(2014-2020\)](#)', COM(2018) 50, 31 January 2018.

⁸ European Parliament, [press release](#) 'New Erasmus: more opportunities for disadvantaged youth', 20 February 2019; [Erasmus 2021-2027 The Union programme for education, training, youth and sport](#), EU Legislation in Progress, November 2018.

In its May 2018 **proposal for the new Erasmus programme (2021-2027)**, the European Commission **incorporated the recommendations of the European Parliament** to reach out more to people with fewer opportunities, including people with disabilities.⁹ It intends to become more inclusive, tripling the number of participants and making mobility for school pupils and vocational learners more mainstream. It will also simplify procedures further in order to be accessible to small organisations such as those active in grassroots sports. In its position adopted at first reading on 28 March 2019, the European Parliament proposes that the Commission draws up a strategy with guidelines, measures and indicators to ensure that inclusion is practised. The amendments adopted also seek to promote the excellence of the projects, to make sure that other EU programmes work with Erasmus and to introduce a way to help Parliament systematically monitor the implementation of the programme. While the European Commission had proposed a budget of just €30 billion in current prices for the whole period, the European Parliament proposes an increased envelope of €46.758 billion in current prices to ensure better inclusion. It allocates 83 % to education and training, 10.3 % to youth actions, and 2 % to sport.

Protection of small producers against unfair trading practices in the food supply chain



The food supply chain ensures that food and drink products are delivered to the public. It affects all consumers in the EU. The final price paid by the consumer is impacted by the number of participants in the food supply chain. While the **single market** has brought benefits to operators in the supply chain, through more market opportunities and a larger customer base, it has also brought **challenges**. Structural changes have occurred, leading to different levels of bargaining power and imbalances between actors in the chain. The abuse of such differences may lead to unfair trading practices (UTPs).¹⁰

Over recent years, the **European Parliament has actively highlighted imbalances in the food supply chain**.¹¹ It has also made the case very strongly that there is a **need to ensure adequate incomes for farmers**.

To **strengthen the position of smaller producers** (such as farmers) in the food supply chain, in April 2018 the European Commission presented a proposal for a directive on unfair trading practices.¹² The proposal focuses on the **protection of smaller actors in the food supply chain**, and aims to protect them from trading practices imposed unilaterally.

The Parliament's Committee on Agriculture and Rural Development (AGRI) welcomed the proposal as a long-expected legislative instrument to defend the position of agricultural producers in the food supply chain. Following AGRI's consideration, the European Parliament priorities were to have a clear definition of what constituted an **unfair trading practice**, extending the scope of suppliers and buyers in the food supply chain and the scope of products to **all agricultural products** (i.e. not

⁹ [Proposal](#) for a regulation of the European Parliament and of the Council establishing 'Erasmus': the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013, COM(2018) 367, 30 May 2018.

¹⁰ European Commission, [Unfair trading practices in the food chain](#).

¹¹ P. Kelly, [Unfair trading practices in the food supply chain](#), EU Legislation in Progress, EPRS, European Parliament, September 2018.

¹² [Proposal](#) for a directive of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food supply chain, COM(2018) 173.

only food products). The Parliament also sought to deliver an increased list of prohibited unfair trading practices. In trilogue negotiations, Parliament and Council negotiators reached an agreement on 19 December 2018, after six meetings. Parliament's negotiating team achieved important modifications to the legislative text, especially on **widening the scope to agri-food businesses bigger than SMEs** (up to a certain threshold) and an **extension to the list of prohibited unfair trading practices** from 8 to 15.

Directive (EU) 2019/633 of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food supply chain was signed on 17 April 2019.¹³

Thanks in part to Parliament's efforts, the new legislation will ensure **fairness** in the market and the food supply chain and will remove the 'fear factor' experienced by small-scale operators in the food chain and/or those with less bargaining power. It will lead to a **more balanced distribution of consumer spending along the food supply chain** and, finally, it will provide for a designated authority to **enforce the new rules and sanctions** where infringements are proven.

Online shopping: banning unjustified geo-blocking and discrimination practices



At the beginning of 2016, two in three cross-border shopping attempts in the European Union were still failing because of unlawful geo-blocking practices¹⁴ preventing online customers from accessing and purchasing a product or a service from a website based in another Member State, or automatically re-routing them to a local site with different conditions applicable.¹⁵ In November 2017, the EU institutions agreed a **new regulation banning unjustified geo-blocking and discrimination practices to foster e-commerce and cross-border access to goods and services in the EU**.¹⁶

The European Parliament has been instrumental in forging the comprehensive and balanced legislation that is applicable since December 2018. Online traders are today **prohibited from blocking or limiting access to online interfaces** and from re-routing online customers to a different website without their consent for reasons related to the nationality, place of residence or place of establishment of the customer. Furthermore, geo-blocking practices are banned (i) when customers buy tangible goods (e.g. clothes) online to be delivered or collected at a specific location, (ii) when they receive electronically supplied services (e.g. cloud services, web hosting), or (iii) when they receive a service outside their place of residence (e.g. hotel booking, car rental). In these situations, **online sellers cannot discriminate between customers on the basis of their nationality or place of residence**, for instance by blocking some customers on the basis of their IP addresses or charging additional fees to customers from different Member States.

¹³ [Directive \(EU\) 2019/633](#) of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain, OJ L 111, 25.4. 2019.

¹⁴ T. Madiaga, [Digital Single Market and geo-blocking](#), EPRS, European Parliament, May 2015.

¹⁵ Commission staff working document. [Geo-blocking practices in e-commerce](#). Issues paper presenting initial findings of the e-commerce sector inquiry conducted by the Directorate-General for Competition, 18 March 2016.

¹⁶ [Regulation \(EU\) 2018/302](#) of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC.

At the insistence of the European Parliament, the regulation clarifies that the regulation is **not a one-size-fits all law**, and that, in objective circumstances, online traders remain free to differentiate between customers on a specific territory within a Member State or to specific groups of customers on a non-discriminatory basis.

Parliament also had considerable influence on **setting the conditions of revision of the regulation**. As proposed by the European Commission, the regulation excludes from its scope services provided in various sectors including financial, transport, electronic communication and healthcare. Furthermore, in line with the traditional territorial protection of copyright, the new regulation does not apply to audio-visual services. Less stringent rules are also imposed on non-audiovisual electronically supplied services protected by copyright (such as ebooks, online games and online music) for the time being. However, after lengthy negotiations, Parliament's negotiators achieved the inclusion in the regulation of **a more stringent review clause** requiring the Commission to assess (within two years of the entry into force of the regulation and then every five years) whether to extend the new rules to all services, including digital content and audiovisual services subject to copyright protection.

The review clause enhances the Parliament's **oversight of the implementation of the new rules**, with the Commission being required to report on the evaluation of the regulation and to amend the geoblocking rules in light of legal, technical and economic developments – especially the increasing expectations of consumers for accessing copyright-protected services. Importantly, at the express request of the Parliament, a very detailed 'Statement by the Commission'¹⁷ committing it to perform **a substantive and reasoned analysis** of the feasibility of amending the regulation already by March 2020, was annexed to the published legislation. This could give the Parliament leverage to push for banning unjustified geoblocking and discrimination practices arising in the field of copyright-protected services including audiovisual services.

Promotion of renewable energy in the EU after 2020



In June 2018, the EU institutions reached agreement on a substantial **revision of the Renewables Directive (RED)**, which sets an ambitious framework for the promotion of renewable energy sources in the EU over the 2021-2030 period. This includes a 32 % binding headline target for the share of renewables in EU energy consumption, as well as more stringent criteria for the environmental sustainability and greenhouse gas emissions savings of biofuels. After formal approval in December 2018, the revised RED entered into force on 24 December 2018.¹⁸ Member States are required to transpose all of its provisions into national law by 30 June 2021.

During the negotiations, the European Parliament pushed for **greater ambition** in the RED and succeeded in achieving many of its key objectives.¹⁹ As a result, the RED includes: a binding EU headline target of a minimum **32 % share of renewables in EU final energy consumption by 2030**

¹⁷ [Statement by the Commission](#), annexed to Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018.

¹⁸ [Directive](#) (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, OJ L 328, 21.12.2018.

¹⁹ A.B. Wilson, [Promoting renewable energy sources in the EU after 2020](#), EU Legislation in Progress, EPRS, European Parliament, January 2019. Also discussed at the EPRS [policy roundtable](#) on the role and impact of the European Parliament in the 2014-19 legislative term: Stock-taking in the final stretch, 23 January 2019.

(this is well above the 27 % target set in October 2014 by the European Council, and reiterated in the 2016 European Commission's original proposal); a **14% target for the share of renewables in the transport sector** (a target which the Commission had proposed to remove entirely from the directive). Furthermore, Parliament introduced a **review clause** in the RED that would allow the Commission to submit a new legislative proposal in 2023 with more ambitious and binding targets. These could be justified on three likely grounds: i) in order to meet global climate change goals, ii) if renewable technologies generate significant cost reductions, or iii) if greater efficiency leads to a substantial decline in energy use.

Parliament also had considerable influence in shaping the details of the revised RED, particularly in: **encouraging the decentralised production of** electricity from renewable sources; pushing for a detailed enabling framework that would allow the principles of **renewable self-consumption and renewable energy communities** to be effectively realised; shortening to just one year the permit-granting period for **small scale electricity installations**, and exempting them from certain market requirements. EU Member States are now required to draw up long-term schedules of their renewable support schemes, and provide information about their contributions on an EU Renewable Development Platform.

Parliament also pushed to **phase out the use of certain biofuels** such as palm oil that are environmentally unsustainable and lead to natural habitat destruction. It succeeded in obliging the Commission to rapidly develop a **certification scheme for biofuels**, and phase out entirely the use of biofuels from crops that are damaging for the natural environment.

Telecoms reform: a new European Electronic Communications Code



The last overhaul of EU telecommunications rules took place in 2009, which is a very long time ago in a modern digital world that is increasingly reliant on rapid technological development. Given the urgent need to meaningfully adapt the framework so that European businesses can compete globally and citizens have stronger rights and are better protected in the virtual world, in September 2016 the European Commission proposed the directive establishing the new European Electronic Communications Code (EECC). The aim was **to boost the infrastructure investment, increase connectivity** and

bring telecom rules up to date with technological developments and **changing consumer demands and habits**. This proposal represented a profound overhaul of the telecom framework. The negotiations between the European Parliament and the Council were complex, with the part on spectrum management agreed in March 2018 and the consensus on the rest reached in June 2018. The directive was formally adopted in December 2018.²⁰

The European Parliament was successful in achieving important modifications in key areas of the proposed legislation.²¹ The overview of the main ones starts with those regarding **investment**: Parliament has been a long-standing **supporter of coordinated spectrum management at the EU level** and its ideas were reflected in the EECC proposal. Before the Code, there was no EU

²⁰ [Directive \(EU\) 2018/1972](#) of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

²¹ M. Szczepański, [The new European electronic communications code](#), EU Legislation in progress, EPRS, European Parliament, January 2019.

harmonisation, but now the Member States must provide operators with regulatory predictability over a period of at least 20 years on spectrum licensing and will release spectrum bands in a timely and coordinated manner. Parliament strengthened the role of **national competition authorities** and **reinforced competition safeguards** in the new co-investment model, which encourages agreements between operators based on risk- and cost-sharing, as well as increased use of civil engineering infrastructure such as towers and wiring.²²

Important amendments to bring the **5G networks** to Europe and **improve connectivity** include the obligation of the EU Member States to make spectrum available for the 5G by 2020.²³ Small cell deployment will become easier by being subject to uniform national level legislation rather than as presently decided on different government levels. The cells will also be deployed on public infrastructure such as on street lamps and traffic lights.

The European Parliament also secured many advantages for **European consumers**. From May 2019, contacting another Member State will be much cheaper: **intra-EU fees have been capped** at 19 cents for phone calls and 6 cents for text messages. All consumers are to have **guaranteed access to affordable broadband internet**. Stronger protection and specific measures are provided for **users with disabilities**. Providers are obliged to ensure **network security** and deploy advanced methods, such as encryption, as well as inform users of significant threats. New measures increase **transparency of tariffs** and available offers, as well as facilitating their comparison. **Switching operators and terminating contracts** are made easier and, in the case of the former, there will be compensation if problems arise. The EU Member States are obliged to introduce by June 2022 a '**reverse 112 system**', based on improved geo-localisation tools, which will alert citizens on their mobile phones in case of imminent or ongoing serious emergencies or disasters.

Comprehensive Economic and Trade Agreement (CETA) between EU and Canada



The Comprehensive Economic and Trade Agreement²⁴ (CETA) between the EU and Canada entered into force on a provisional basis on 21 September 2017, and most of the agreement now applies. The ratification process is still ongoing at the Member State level.

CETA aims to increase **trade in goods and services, as well as investment between the EU and Canada**.²⁵ Among other things, it improves EU companies' public tendering opportunities in Canada, provides a framework for the mutual recognition of qualifications in certain professions in the EU and Canada (for example architects or crane operators) and removes customs duties on 98 % of tariff lines of products traded with Canada, except for certain sensitive agricultural products such as poultry and eggs. Statistics

²² T. Madiega, [EU electronic communications code and co-investment Taking stock of the policy discussion](#), EPRS, European Parliament, February 2018.

²³ R. Davies, [5G network technology Putting Europe at the leading edge](#), EPRS, European Parliament, January 2016.

²⁴ Comprehensive Economic and Trade Agreement [CETA](#) between Canada of the one part, and the European Union and its Member States, of the other part, [OJ L 11, 14.1.2017](#).

²⁵ Infographic '[Canada: Economic indicators and trade with EU](#)', EPRS, European Parliament, October 2018.

from the first period of provisional application of CETA (October 2017 to June 2018) showed that EU exports to Canada were up by over 7 % compared to the previous year.²⁶

The CETA negotiations started in May 2009, shortly before the Treaty of Lisbon extended the European Parliament's competences in trade to require its approval of trade agreements. CETA became one of the early negotiations where the **Parliament exercised its stronger monitoring function, tracking the talks actively and voicing its concerns throughout the process.**²⁷

In June 2011, the European Parliament adopted a resolution setting out its position on key chapters of the CETA negotiations, including investment disputes, the right to regulate, regulatory differences and agriculture.²⁸ The Parliament was particularly concerned about the **investment protection provisions** under CETA. With mounting opposition to the **investor-state-dispute-settlement (ISDS) system**, the Parliament maintained in its resolution that 'a state-to-state dispute settlement mechanism and the use of local judicial remedies are the most appropriate tools to address investment disputes', given the highly developed legal systems on both sides. In its resolution of July 2015, in the context of the negotiations for the Transatlantic Trade and Investment Partnership (TTIP), the European Parliament went a step further and asked for the **replacement of the ISDS system** with a new system that would be more transparent, with independent judges, and respecting the jurisdiction of EU courts.²⁹ In a letter to European Commissioner for Trade, Cecilia Malmström, in November 2015, Parliament's International Trade Committee Chair, Bernd Lange (Germany, S&D), welcomed the fact that the Parliament's concerns were taken on board in the Commission's **new Investment Court System (ICS)** proposal, while suggesting some further changes to the system.³⁰ In part thanks to the European Parliament's demands, even after the conclusion of the CETA negotiations, the controversial ISDS system was replaced with a permanent, transparent and institutionalised ICS.³¹ The Parliament went on to approve CETA in February 2017.³²

In its resolution of July 2016, the European Parliament also reiterated the need for a multilateral solution to investment disputes and considered CETA's ICS as a stepping-stone to this end.³³ Today, this process has been taken even further and active negotiations for the establishment of a **Multilateral Investment Court (MIC)** are ongoing.³⁴ CETA also contains a commitment of both the EU and Canada to work towards the creation of the MIC.

²⁶ European Commission, press release '[One year on EU-Canada trade agreement delivers positive results](#)', 20 September 2018.

²⁷ EU-Canada Comprehensive Economic and Trade Agreement, [legislative train](#), March 2019.

²⁸ European Parliament [resolution](#) of 8 June 2011 on EU-Canada trade relations.

²⁹ European Parliament [resolution](#) of 8 July 2015 containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

³⁰ [Letter](#) to the European Commissioner for Trade, Cecilia Malmström, 11 November 2015.

³¹ European Commission, press release '[CETA: EU and Canada agree on new approach on investment in trade agreement](#)', 29 February 2016.

³² European Parliament, press release '[CETA: MEPs back EU-Canada trade agreement](#)', 15 February 2017.

³³ European Parliament [resolution](#) of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment.

³⁴ R. Harte, [Prospects for a Multilateral Investment Court](#), EPRS, European Parliament, June 2017.

Passenger name records (PNR) for the prevention of terrorist offences and serious crime



In April 2016, after five years of legislative work and lengthy negotiations, the co-legislators adopted the Directive on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.³⁵ The adoption took place on the same day as that of the General Data Protection Regulation and the Data Protection Police Directive, as insisted on by the European Parliament in order to ensure that data protection safeguards included in the PNR Directive were in line with the new data protection rules.³⁶

'Passenger name record' (PNR) is **information on passengers collected by air carriers** for operational purposes.³⁷ It can include data related to the identity of a person (name, surname, date of birth, nationality, gender, contact details, etc.) and to their travel (itinerary, date of travel/reservation, number of passengers in the same reservation, payment details), but may also contain more sensitive information such as type of meal ordered on board or medical information.

PNR data is considered a **valuable tool for combating terrorism and other forms of serious crime**, as it allows law enforcement authorities to conduct analysis in order to identify possible high-risk individuals. However, the processing of PNR data for law enforcement purposes interferes with a number of rights, especially those regarding **privacy** and **data protection**, enshrined in the EU Charter of Fundamental Rights, and must thus respect the principle of proportionality, i.e. to 'genuinely meet objectives of general interest'.³⁸

The EU PNR Directive was proposed by the European Commission in 2011, with the aim of establishing EU-wide rules for the use of PNR data for security purposes.³⁹ Under the Commission proposal, airlines should transfer PNR data of passengers of extra-EU flights to the competent authorities of the Member State in which the flight will land or from which it will depart. Member States should create dedicated 'Passenger Information Units' to store and analyse data. In 2013, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) voted to reject the draft directive, on the basis of privacy and proportionality concerns. However, a few months later, Parliament decided in plenary to refer the file back to committee in order to find a compromise.

³⁵ [Directive](#) (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, OJ L 119, 4.5.2016.

³⁶ [Regulation](#) (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016; [Directive](#) (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016.

³⁷ European Commission, [PNR](#).

³⁸ [EU Charter of Fundamental Rights](#).

³⁹ P. Bąkowski and S. Voronova, [briefing](#) 'The proposed EU passenger name records (PNR) directive', EPRS, European Parliament, April 2015.

In 2015, in the context of a growing terrorist threat, the LIBE Committee adopted its second report. The interinstitutional trilogue negotiations were concluded in the same year.⁴⁰

Throughout the legislative process, the European Parliament sought to ensure that the future directive would comply with the **proportionality principle** and contain **strong data protection safeguards**. The majority of its proposals were taken on board. The Parliament managed to strike a compromise on the **data retention period** – data will be stored for a period of six months (instead of two years proposed by the Council) and then up to five years in 'masked-out' form.

Several data protection safeguards have been added at the insistence of the Parliament: prohibition to use sensitive data; obligation to appoint a data protection officer in each Passenger Information Unit; obligation to inform passengers about collection of their personal data as well as on their rights; stricter conditions for data transfer to third countries.

The Parliament also insisted on including a **stronger review clause**: the Commission should review the directive two years after its transposition into national laws and could propose to amend it if appropriate.

Moreover, the Parliament succeeded in ensuring that PNR data would be used only in relation to a **fixed list of serious crimes** (such as terrorism, drug, weapons or human trafficking, child sexual exploitation, cybercrime, etc.) and that mechanisms are in place for **sharing data between Member States and with Europol**.

The EU PNR Directive had to be transposed into national laws by 25 May 2018. However, as of December 2018, several Member States still had to notify transposition to the Commission.⁴¹

Promoting peace and stability in the world: the Instrument contributing to Stability and Peace (IcSP)



Development cooperation has been a cornerstone of the EU's relations with the outside world, contributing to the objectives of EU external action, alongside foreign, security and trade policies. The European Parliament is at the forefront of steering these efforts, especially through its role as the budgetary authority. The EU also

recognises that a country's security is a prerequisite for development.

Consequently, **capacity building** – including institution building, security sector reform and human capability development – has become a key element in the support the EU offers to non-EU countries. The European Parliament has insisted, however, that capacity building, especially for the military of non-EU countries, should not come at the expense of development assistance in the traditional sense.

⁴⁰ Procedure file on PNR, [2011/0023\(COD\)](#).

⁴¹ [Communication](#) from the Commission, 'Seventeenth Progress Report towards an effective and genuine Security Union', COM(2018) 845, 11 December 2018.

The **Instrument contributing to Stability and Peace** (IcSP) was established in 2014 to make funding available for crisis response, conflict prevention, peace-building and crisis preparedness, and to address global and trans-regional threats.⁴² Funding for the IcSP comes from the EU budget. In accordance with the Multiannual Financial Framework 2014-2020 (MFF), €2.3 billion was allocated to the IcSP, under Heading IV of the MFF (Global Europe). Under the same Heading IV, €19.6 billion was allocated to the Instrument for Development Cooperation (DCI).

In July 2016, the European Commission presented a **proposal for a regulation amending the IcSP**, to be endowed with an **additional budget** of €100 million. The proposal aimed to adapt the IcSP, mainly to strengthen the EU's role as a security provider, by introducing new funding opportunities for military capacity-building in third countries, in the form of training, infrastructure and equipment. Funding for these new measures was to come from redeployment of funds under Heading IV of the MFF 2014-2020.

The file was assigned to the European Parliament's Committee on Foreign Affairs (AFET), with an opinion from the Committee on Development (DEVE). The latter insisted in particular that the proposed assistance to build the capacity of military actors in partner countries should not come from funds allocated to development assistance. An amendment to this effect, together with one on monitoring of the use of the instrument and reporting to the European Parliament, was subsequently endorsed by Parliament and successfully defended in trilogue negotiations. As a result, the Council and the Commission agreed **not to use appropriations allocated to the DCI to finance the capacity building in support of development and security for development** foreseen under Regulation 2017/2306. An interinstitutional declaration to that effect also appears in the annex to Regulation 2017/2306.⁴³ Another Parliament amendment, concerning monitoring of the use of the instrument and reporting to the European Parliament, was also successfully included in the final act.

The adoption of an instrument providing **funding opportunities for military capacity-building in third countries** marked an important step for the EU in general, and for the European Parliament in particular, especially given its calls for more efficient and effective EU external action in the context of addressing conflict, and for enhanced capacities in the security sector as a vital contribution to the goal of sustainable development.⁴⁴ EU law prohibits the EU budget from being used to provide direct (lethal) military assistance. But the provision of assistance in the form of military capacity-building already marks a first step in the EU's evolving security policy.

⁴² [Regulation](#) (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, OJ L 77, 15.3.2014.

⁴³ [Regulation \(EU\) 2017/2306](#) of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 230/2014 establishing an instrument contributing to stability and peace, OJ L 335, 15.12.2017.

⁴⁴ See European Parliament [resolution](#) of 18 April 2018 on the implementation of the EU external financing instruments: mid-term review 2017 and the future post-2020 architecture.

Budgetary powers

The European Parliament and the Council of the European Union are the two arms of the EU budgetary authority. However, their powers differ in the various pieces of legislation underpinning the EU finances system. The legislative powers of the Parliament with regard to the EU budget vary depending on whether it is acting in the context of the annual budgetary procedure, the decision on the design of the EU own resources system or the establishment of a multiannual financial framework (MFF). The Parliament also has powers of scrutiny of the implementation of the budget and is discharge authority.

For the annual budgetary procedure, the European Parliament acts on an equal footing with the Council. The decision on the design of the own resources system requires the unanimity of the Member States in the Council after obtaining the opinion of the European Parliament. In order to adopt the regulation on the MFF, the Council must obtain the European Parliament's consent beforehand, while the Parliament gives discharge on the implementation of the annual budget after obtaining the recommendation of the Council. Finally, the European Parliament, together with the Council, and in accordance with the ordinary legislative procedure, decides about the principles and rules governing the establishment, implementation and control of the EU budget. These are included in a regulation known as the financial regulation applicable to the general budget of the Union.

More EU funding to fight unemployment: Youth Employment Initiative



The European Parliament has traditionally been very supportive of EU funding for employment-related programmes. On different occasions, it has expressed concerns about the level of unemployment among young people, calling for the European youth strategy and concrete actions, endowed with adequate financial resources. This

view was reiterated in its negotiating positions for each annual budget in the current multiannual financial framework (MFF, 2014-2020). **Every year since 2014, the fight against youth unemployment has been one of the top budgetary priorities for the European Parliament.** This priority was translated each time into concrete actions and expressed in the Parliament's financial demands for adequate resources for the purpose.

One of the most important examples of this is the **Youth Employment Initiative (YEI)**. Launched in 2014 as part of the agreement on the 2014-2020 MFF, the initiative supports young people living in areas with youth unemployment rates higher than 25 %. It finances the provision of apprenticeships, traineeships, job placements and further education leading to qualifications. Initially planned for the period 2014-2016, its financing was prolonged until 2020.

The **Parliament closely followed the implementation and achievements** of the initiative. In its position on the **2016** budget, it decided to propose **new commitments** in 2016 for the continuation of the YEI, whose entire financial envelope was frontloaded in the years 2014-2015. It acknowledged the significant contribution of the YEI to the fight against unemployment and recalled its determination to ensure that the necessary appropriations are made available in order to prevent a

funding gap in its implementation.⁴⁵ In its resolution on the **2017** budget, it insisted on the need to provide an effective response to youth unemployment across the Union and proposed to increase the YEI by an additional €1 500 million in commitment appropriations to enable its continuation.⁴⁶ In the position on the **2018** budget, it decided **to reinforce the YEI beyond the level proposed by the Commission**.⁴⁷ The commitment appropriations totalled €350 million, in line with the Parliament's reading of the budget and up from the €233.3 million initially proposed by the Commission. Finally, in the negotiations on the EU annual budget for **2019**, Parliament stressed that young people are the most at risk of poverty and social and economic exclusion and **decided again to reinforce the YEI beyond the level proposed by the Commission**.⁴⁸ As a result of the Parliament's efforts, the Commission's proposed allocation, confirmed in the Council's position and amounting to €233.3 million, was significantly increased to €580 million.

On the basis of YEI results (around **1.6 million young people included in supported measures** by the end of 2016) and in view of the persisting challenges, the **mid-term revision of the MFF endowed the YEI with a specific allocation of €1.2 billion** (and a corresponding amount from the ESF) for the 2017-2020 period. The continuation of YEI was strongly supported by the Parliament and agreed in the framework of the mid-term revision of the MFF in 2017.⁴⁹

An EU budget focused on results



The principles of sound financial management, regularity and legality of budget implementation have been present in the EU legal and financial system since the earliest days of the European Communities. Considering EU spending in terms of the European added value, performance, results achieved and impact, on the other hand,

has become prominent only comparatively recently. A radical turn towards performance-oriented EU finances was triggered by the financial crisis that hit Europe in 2008. In the context of shrinking public finances and austerity measures applied in many EU Member States, increased attention had to be paid to the **added value and impact of EU spending**. Since then, much has been done to make the EU financial system more **performance-oriented**, to **measure the results** and **communicate** them to the public and the decision-makers.

The **European Parliament has been actively promoting these concepts** and on many occasions called for a more consistent and coordinated approach to results-based planning, spending, evaluating and reporting. Its engagement in the promotion of European added value and performance-based budgeting has been particularly visible in the works of the Parliament's

⁴⁵ European Parliament [resolution](#) of 28 October 2015 on the Council position on the draft general budget of the European Union for the financial year 2016.

⁴⁶ European Parliament [resolution](#) of 26 October 2016 on the Council position on the draft general budget of the European Union for the financial year 2017.

⁴⁷ European Parliament [resolution](#) of 25 October 2017 on the Council position on the draft general budget of the European Union for the financial year 2018.

⁴⁸ European Parliament [resolution](#) of 24 October 2018 on the Council position on the draft general budget of the European Union for the financial year 2019.

⁴⁹ European Parliament non-legislative [resolution](#) of 5 April 2017 on the draft Council regulation amending Regulation No 1311/2013 laying down the multiannual financial framework for the years 2014-2020.

Budgetary Control Committee (CONT) and instrumental in the procedure of the annual decision on budgetary discharge.

In the context of the procedure, the European Parliament has often insisted that the implementation of the EU budget should focus on results and achieving broader positive outcomes and that the structure of the EU budget should be modified to provide for measuring progress and performance.⁵⁰ The Parliament cooperated with the European Commission and the Court of Auditors to introduce different measures to **strengthen the result-based EU budget**. Consequently, while maintaining high standards of scrutiny of the regularity and legality of budget implementation, the **discharge procedure** has clearly shifted towards **performance culture**, analysing information on budgetary performance and the objectives achieved. This is reflected in a number of discharge-related documents.

The European Parliament's strong position on the matter has triggered many changes and initiatives. It was at the request of the Parliament that the **Interinstitutional Working Group on Performance-Based Budgeting** was established in 2015 and launched its work in 2016.⁵¹ The Group was composed of representatives of the institutions involved in the budgetary process (the European Commission, the European Parliament, the Council and the European Court of Auditors) and focused on identifying possible improvements in the performance budgeting approach already applied in the EU financial system.

The Parliament supported the European Commission's initiative '**Budget Focused on Results**'.⁵² Introduced in 2015, the initiative forms a set of actions in areas where the Commission is determined to increase the focus on results. It aims at introducing performance budgeting in the EU budget in a more regular and coordinated manner.

The Parliament, along with the European Court of Auditors, called for **improved quality of reporting documents produced by the Commission in the budgetary cycle**. The changes introduced as a result have helped to develop a comprehensive financial reporting package on performance and results from the Commission to the budgetary authority.⁵³

An important opportunity to strengthen the result-based approach to EU spending was the **revision of the financial rules** applicable to the EU budget, known as the Financial Regulation.⁵⁴ The new regulation, approved by the European Parliament and the Council in July 2018, includes a series of measures aimed at focusing the budget more clearly on results, improving the performance framework, enhancing transparency and streamlining reporting.

The Parliament continues to promote principles aimed at **sound financial management** and performance of the EU budget. In its position on the **2021-2027 MFF**, it underlines that increased performance-based budgeting, the focus of future spending on results, based on ambitious and relevant performance targets and a comprehensive and shared definition of European added value, must underpin the next MFF.⁵⁵

⁵⁰ European Parliament decision of 26 March 2019 on [discharge](#) in respect of the implementation of the general budget of the European Union for the financial year 2017, Section III – Commission and executive agencies.

⁵¹ European Parliament [resolution](#) of 26 February 2014 on the evaluation of the Union's finances based on the results achieved: a new tool for the European Commission's improved discharge procedure.

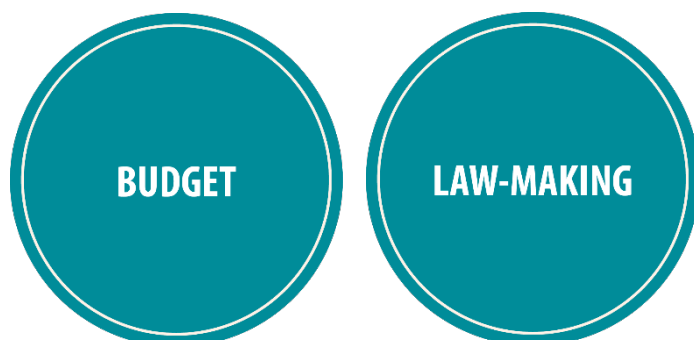
⁵² European Commission, [EU budget for results](#).

⁵³ European Commission, [Integrated Financial Reporting Package 2017](#).

⁵⁴ [Regulation](#) (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012. OJ L 193, 30.7.2018.

⁵⁵ European Parliament [resolution](#) of 14 November 2018 on the Multiannual Financial Framework 2021-2027 – Parliament's position with a view to an agreement.

Review and revision of the 2014-2020 multiannual financial framework



The 2014-2020 Multiannual Financial Framework (MFF) was agreed in 2013, during the previous terms of office of the European Parliament and European Commission. Negotiated against a background of economic downturn and fiscal constraints in the Member States, the 2014-2020 MFF was the first to have lower resources than the previous

framework (2007-2013). **The Parliament, therefore, made its consent to the MFF Regulation conditional on the inclusion of an obligatory mid-term review and revision**, so as to enable the new institutions elected in 2014 to assess the implementation of the programmes and adjust the spending priorities to the new challenges. Moreover, the **Parliament demanded increased flexibility of the MFF** in order to encourage full use of available funds, and improve the EU budget's ability to react to unforeseen crises and needs. As a result of intensive negotiations, additional provisions making the MFF more flexible were introduced and the compulsory review/revision was stipulated in the legislation. The Parliament gave its consent to the MFF Regulation, but expressed concern that the overall ceilings set by the European Council were low and might not be sufficient to endow the EU with the necessary means to achieve its objectives.⁵⁶

Very early on, the **Parliament's concerns proved to be right**. Already in the first two years of the implementation of the 2014-2020 MFF, the **need for funding increased dramatically**.⁵⁷ The EU had to tackle a number of unforeseen challenges, such as the migration and refugee crisis, internal security threats, persistently low level of investment, high youth unemployment, crisis in agriculture, as well as growing pressure on neighbourhood policies and actions in the field of environment policy. In addition, the EU budget had to absorb the abnormal backlog of payments that had built up since 2011.⁵⁸ As a consequence, the expenditure ceilings for several headings were pushed to their limits and special 'last-resort' flexibility instruments had to be mobilised.⁵⁹ The scale of the challenges and their budgetary consequences raised questions about the smooth functioning of the MFF through to 2020.

Given the exceptionally difficult circumstances, the European Parliament was **determined to use its power of consent in the legislative procedure** and ensure that the opportunity to adjust the MFF, created by the provisions on the mid-term review/revision, was not missed. In an own-initiative resolution adopted ahead of the Commission's proposal, the Parliament assessed the first years of functioning of the MFF and **concluded that a genuine revision of the 2014-2020 MFF was absolutely indispensable**.⁶⁰ In particular, Parliament's requests for the second half of the MFF

⁵⁶ European Parliament [resolution](#) of 3 July 2013 on the political agreement on the Multiannual Financial Framework 2014-2020.

⁵⁷ M. Sapala, [Mid-term review/revision of the MFF. Key issues at the outset of the debate](#), EPRS, European Parliament, January 2016.

⁵⁸ A. D'Alfonso and M. Sapala, [Payments backlog in recent EU budgets](#), EPRS, European Parliament, November 2015.

⁵⁹ Annex 5 in: A. D'Alfonso, A. Delivorias, M. Sapala, A. Stuchlik, [Economic and Budgetary outlook for the EU 2017](#), EPRS, European Parliament, January 2017.

⁶⁰ European Parliament [resolution](#) of 6 July 2016 on the preparation of the post-electoral revision of the MFF 2014-2020: Parliament's input ahead of the Commission's proposal.

included the provision of **additional resources** in key areas of concern, such as competitiveness for growth and jobs, research, internal security and migration; and the **strengthening of flexibility provisions and special instruments** in order to enable full use of available MFF resources and increase the EU capacity to react to unforeseen challenges.

Subsequently, the **Parliament's assessment of the situation and the changes it demanded were to a large extent reflected** in the European Commission's MFF review and in the subsequent package of legislative and budgetary proposals, including the proposal for the MFF revision.⁶¹ The compromise on the package, reached after the interinstitutional negotiations in early spring 2017, was approved on 5 April 2017. The Council formally adopted the mid-term revision on 20 June 2017.⁶²

As a result, a series of changes were introduced to **strengthen the capacity of the MFF to react to unforeseen events and to further orient the EU budget towards growth and jobs, and address the migration crisis**. The revised MFF increased the resources in the EU priority areas by some €6 billion for the years 2017-2020 without modifying the MFF ceilings. The top-ups would finance the EU actions aimed at **job creation and growth** (€2.7 billion) and the actions addressing **migration, security and external border control** (€3.93 billion). The additional resources would stimulate such programmes as Horizon 2020, the Connecting Europe Facility, the Youth Employment Initiative, Erasmus+, the COSME programme for small and medium-sized enterprises, Wifi4EU and the European Fund for Strategic Investments (EFSI).

As emphasised by Jan Olbrycht (EPP, Poland), co-rapporteur for the procedure, the European Parliament 'rightly advocated a revision of the multiannual financial framework to meet new challenges the European Union is facing.' According to him, the revised MFF would guarantee a better budgetary system for the remaining years of the framework, more room for manoeuvre to respond to new challenges, and extra resources for some EU programmes. The other co-rapporteur on the file, Isabelle Thomas (S&D, France), also welcomed the revision as a step in the right direction but stressed that 'it should have gone even further, which we will endeavour to do in the future budget negotiations', insisting that efforts would be made to go even further in future budget negotiations.⁶³

⁶¹ [Communication](#) from the Commission to the European Parliament and the Council 'Mid-term review/revision of the multiannual financial framework 2014-2020 An EU budget focused on results', COM(2016) 603, 14 September 2016; [Mid-term Review/Revision of the Multiannual Financial Framework 2014-2020](#).

⁶² A. D'Alfonso, [2014-2020 Multiannual Financial Framework \(MFF\): Mid-term revision](#), EU Legislation in Progress, EPRS, European Parliament, July 2017.

⁶³ European Parliament, [press release](#) 'MEPs back budget flexibility: €6bn more for jobs, growth and tackling migration', European Parliament, 5 April 2017.

Growing soft power – EU foreign policy

Ever since 1979, Members of the European Parliament have aimed to boost the role of the institution in the EU's foreign policy. These efforts have continued to increase since the creation of the Common Foreign and Security Policy (CFSP) in 1993. The EP is seen internationally as a 'capable moral force with strong focus on strengthening human rights, supporting democracy and enhancing the rule of law worldwide' (P. Bajtaj). The Sakharov Prize for freedom of thought is one specific example of this: set up in 1988, it is awarded each year to honour individuals and organisations defending human rights and fundamental freedoms.

The EP's comprehensive approach to democracy support is also part of this 'soft-power' approach to international relations. Launched in 2014, it includes election monitoring, mediation, as well as training of staff and members of non-EU parliaments. In addition to this, Parliament can convey messages in ways and through channels that are different from those employed by the EU's traditional diplomatic players, for example, through its parliamentary networks.

The European Parliament has become a public forum both for representatives of partner countries and international organisations, as well as influential non-state actors. Parliamentarians proactively engage in inter-parliamentary delegations and missions to third countries, and are members of various joint parliamentary assemblies. Moreover, parties in different countries often share strong links by virtue of the fact that they belong to the same political family.

Parliament also enjoys treaty-based information and consultation rights, which allow its members to shape the EU's external policies. The High Representative is invited regularly to consult Parliament on the main aspects and basic choices of the CFSP and the Common Security and Defence Policy (CSDP). MEPs can also address questions and make recommendations to the Council and the HR/VP. A major innovation in the EP's powers to shape and control EU foreign policy has been MEPs' exchanges of views with Heads of EU delegations after their appointment by the HR/VP, but prior to taking up their post in a third country. EU ambassadors inform Members about the country concerned and the EU priorities and objectives to be pursued in relations with the partner country. MEPs may use these opportunities to question the ambassadors, and provide advice and suggestions on the conduct of relations.

Democracy support for Ukraine



Ukraine is a key example of how the **European Parliament has increased its 'soft', diplomatic power**. As explained below, before and after the Maidan revolution in 2013-2014, which was sparked by the decision by the then President, Viktor Yanukovich, not to sign an Association Agreement with the European Union, the European Parliament has played an increasingly visible role in relation to democracy support.⁶⁴ In February 2014, the Verkhovna Rada (Ukrainian parliament) voted to impeach Yanukovich, who fled Kyiv.

The conflict in Ukraine represents a struggle for respect for international law, which Russia violated through its illegal annexation of Crimea in March 2014 and its hybrid war against Ukraine. The European Parliament, whose diplomatic role has steadily expanded, is now leading internal reform and capacity-building efforts for the Verkhovna Rada.

⁶⁴ B. Immenkamp and N. Bentzen, [Parliamentary Diplomacy: Democracy Support at the European Parliament: Dynamics and Transformations](#), In *The European Parliament in Times of EU Crisis*, pp. 413-437.

The European Parliament's evolution to becoming an agenda-setter in Kyiv has also boosted its visibility in Brussels. While initially limited to monitoring the trial against former Ukrainian Prime Minister Yulia Tymoshenko, a European Parliament-initiated mission led by former Polish President Aleksander Kwasniewski and former European Parliament President Pat Cox, later expanded its function.⁶⁵ Cox and Kwasniewski helped pave the way for the negotiation of the Association Agreement. Thus, the function of the **mission evolved from monitoring to mediation**; in Cox's own words, it became a 'point of exchange between not only Brussels and Kiev, but also between the Ukrainian government and the opposition'.

The simultaneous ratification of the EU-Ukraine Association Agreement by the European Parliament and the Verkhovna Rada on 16 September 2014 was a historic demonstration of the commitment of both parties to develop solid **inter-parliamentary ties**, laying the ground for the continued mutual **commitment to democracy support activities**.⁶⁶ The European Parliament and the Verkhovna Rada signed a Memorandum of Understanding (MoU) in Kyiv on 3 July 2015 with the stated purpose of establishing a joint framework for parliamentary support and capacity-building of the Verkhovna Rada. In line with the MoU, a **Needs Assessment Mission** (NAM) led by Pat Cox, was conducted in Ukraine to identify the key needs of the Verkhovna Rada in this respect.⁶⁷ The European Parliament's NAM prepared the ground for the EU/UNDP project 'Rada for Europe: driving reforms across Ukraine',⁶⁸ with 52 recommendations recognised in the March 2016 Verkhovna Rada resolution 1035-VIII.⁶⁹

Launched within the framework of the **European Parliament's democracy support activities** for Ukraine in 2016, the concept of using the Jean Monnet House in Bazoches (France) for mediation and dialogue activities is expanding, as the Parliament is demonstrating the added value of **parliamentary mediation as a soft power tool to complement overall EU approaches**.⁷⁰ Building on the experience with its Jean Monnet Dialogues with Ukraine, the first **Jean Monnet Dialogue** with the Sobranie of the Former Yugoslav Republic of Macedonia took place on 18-19 May 2018 in Ohrid.⁷¹

The 2018 **Sakharov Prize** was awarded to Ukrainian filmmaker Oleg Sentsov – a prominent civil society activist during the Maidan, who was arrested by the Russian Federal Security Service in Crimea in May 2014 and is currently detained in Siberia. The European Parliament thus increased the pressure on Russia to release Sentsov, drawing attention also to other Ukrainian political prisoners in Russia.⁷²

⁶⁵ M. Olchawa, [A delayed success: The result of the Kwaśniewski-Cox mission in Ukraine](#), 30 October 2017.

⁶⁶ European Parliament, [press release](#) 'European Parliament ratifies EU-Ukraine Association Agreement', 16 September 2014.

⁶⁷ [Report and roadmap](#) on internal reform and capacity-building for the Verkhovna Rada of Ukraine, European Parliament's Needs Assessment Mission to the Verkhovna Rada of Ukraine led by Pat Cox, President of the European Parliament 2002-2004, September 2015–February 2016.

⁶⁸ EU/United Nations Development Programme (UNDP), [Rada for Europe' helps turn Verkhovna Rada into a modern European parliament](#), 17 October 2016.

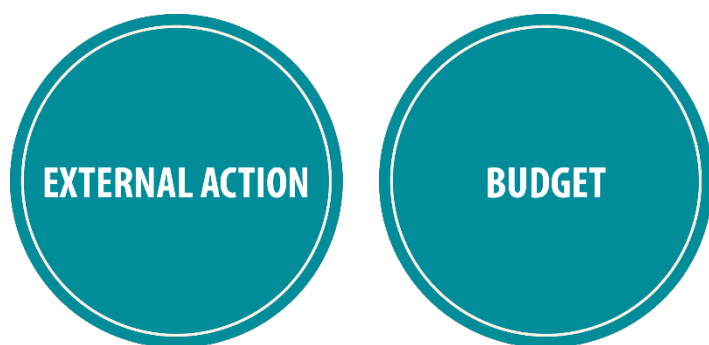
⁶⁹ Verkhovna Rada [resolution](#) 1035-VIII, 17 March 2016.

⁷⁰ European Parliament, [Jean Monnet Dialogues for peace and democracy](#).

⁷¹ European Parliament, [press release](#) 'Parliamentary leaders united to ensure Sobranie leads on Euro-Atlantic integration', 21 May 2018.

⁷² N. Bentzen and I. Zamfir, [The 2018 Sakharov Prize](#), EPRS, European Parliament, December 2018.

Pushing for an adequate response to online disinformation



The visibility of disinformation as a tool to undermine democracies increased in the context of Russia's hybrid war against Ukraine.⁷³ It gained notoriety as a global challenge during the the United States presidential election campaign in 2016, and in the context of the UK referendum on EU membership the same year. The EU has made active

efforts to curb pro-Kremlin disinformation since 2015, when High Representative/Vice President Federica Mogherini set up a 'StratCom Task Force' to counter pro-Kremlin disinformation in the EU's Eastern Neighbourhood in response to the March 2015 European Council, which stressed the need to counter 'Russia's ongoing disinformation campaigns'.⁷⁴

The **European Parliament has consistently and with broad political consensus been pushing the issue of a European response to disinformation to the top of the agenda**, urging the EU to provide sufficient tools and resources with a view to responding adequately to the pressure on the information ecosystem in its Member States and its Neighbourhood. In its consistent push for a **coordinated European response to disinformation and third-party propaganda**, Parliament has used a mix of tools: non-legislative resolutions, hearings and its budgetary power. The latter was used particularly visibly in its support for the **East StratCom Task Force**. In its November 2016 resolution on strategic communication to counteract anti-EU propaganda by third parties, Parliament called for the StratCom Task Force to be turned into 'a fully fledged unit within the EEAS [...] with **proper staffing and adequate budgetary resources**, possibly by means of an additional dedicated budget line'.⁷⁵ The European Parliament's amendments to the EU budget for 2018 included the pilot project 'StratCom Plus', aiming to **increase capacity to fact-check disinformation in and beyond the EU**. Thanks to the Parliament's proposal, the East StratCom TaskForce was allocated its first real budget of €1.1 million. In addition, €800 000 was allocated to the EEAS for strategic communication.⁷⁶

After a Parliament resolution of June 2017 **called on the European Commission to look into the problem of fake news** and to verify the possibility of **legislative intervention**, the Commission published a communication on online disinformation in April 2018.⁷⁷ As proposed by the European Council in June 2018 – against the backdrop of an expected increase in disinformation campaigns in the context of the May 2019 European elections – the Commission and the EEAS published an action plan on 5 December 2018, which foresees an increase of resources allocated to counter-disinformation efforts, notably the StratCom Task Forces and the Hybrid Fusion Cell in the EEAS.⁷⁸ The EEAS's strategic communication budget to address disinformation and raise awareness is set to

⁷³ N. Bentzen, [Online disinformation and the EU's response](#), EPRS, European Parliament, February 2019.

⁷⁴ EEAS, [Questions and Answers about the East StratCom Task Force](#).

⁷⁵ European Parliament [resolution](#) of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties.

⁷⁶ EEAS, [Questions and Answers – The EU steps up action against disinformation](#), 5 December 2018.

⁷⁷ Communication from the Commission '[Tackling online disinformation: a European Approach](#)', COM(2018) 236, 26 April 2018.

⁷⁸ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, [Action Plan against Disinformation](#), 5 December 2018.

increase from €1.9 million in 2018 to €5 million in 2019. This budget is to be accompanied by a reinforcement of staff, with an expected increase of 50-55 staff member planned until 2020.

In its March 2019 recommendation to the Council and the VP/HR, the **European Parliament urged all the Member States to second national experts to the StratCom teams.**⁷⁹ It called for strategic communication to become a matter of high priority in the EU, and for a greater focus on fighting propaganda aiming to 'undermine the foundations and principles of European democracy, as well as the sovereignty of all Eastern Partnership countries'. Highlighting data misuse in the 2016 UK referendum, it **called for legislation to safeguard future election campaigns from 'undue influence'**.

Scrutiny

Like most national parliaments, the European Parliament exercises scrutiny over the EU executive – the European Commission – but also other institutions. Parliamentary scrutiny involves several important powers. According to the EU Treaties, the Commission as a body is responsible to the European Parliament and it has to resign if a motion of censure, also known as a vote of no confidence, is adopted by Parliament. While the latter has never happened, the imminent likelihood of such a vote led to the collective resignation of the Santer Commission in 1999.

Further, while the Treaties speak of collective responsibility of the Commission and are silent on withdrawing confidence in individual Commissioners, the Parliament may – in case of conflict of interest – request the President of the Commission to do so (Parliament Rules of Procedure, Rule 118(10)). The 2010 Framework Agreement between the Parliament and Commission commits the Commission President to 'seriously consider' such a request by Parliament. These provisions have so far not been applied. Parliamentary scrutiny also involves the right to question the executive (the Commission) by means of parliamentary questions, and the corresponding duty of the Commission to provide an answer (Article 230 TFEU).

Further powers of scrutiny include inquiry committees set up to investigate 'alleged contraventions or maladministration in the implementation of Union law' (Article 226 TFEU), as well as special parliamentary committees.

Another long-fought for prerogative of Parliament is the scrutiny of 'delegated' and 'implementing acts', adopted by the Commission, including a right to veto delegated acts or revoke the delegation of power.

Such formal scrutiny powers are complemented by various tools used by the Parliament at the practical level when conducting its business, for example in the context of impact assessment of proposed legislation or evaluation of the implementation of existing laws.

⁷⁹ European Parliament [recommendation](#) of 13 March 2019 to the Council and the VP/HR of the Union for Foreign Affairs and Security Policy concerning taking stock of the follow-up taken by the EEAS two years after the EP report on EU strategic communication to counteract propaganda against it by third parties.

Parliamentary hearings of the Commissioners-designate and approval of the College of Commissioners (investiture)



The European Parliament's power to dismiss the Commission by means of a motion of censure goes back to its very inception (1951). However, it was not until the Maastricht Treaty (1992) that the Parliament acquired a role in the investiture procedure too, by gaining the power to approve (and, therefore, also to reject) the College of

Commissioners before it took office. The Treaties now provide that, after the election of the Commission President, the Commission as a body is subject to a vote of consent by the Parliament (Article 17(7) TEU).

The Commissioners-designate are proposed by national governments and are allocated portfolios by the President-elect of the Commission. In 1995, to inform its decision before giving consent, the Parliament started holding parliamentary hearings of Commissioners-designate.⁸⁰ Such hearings aim to evaluate the candidates' 'general competence, European commitment and personal independence', as well as their 'knowledge of their prospective portfolio and their communication skills' (Annex VI of the Parliament's Rules of Procedure).⁸¹ While the Parliament has no power to reject individual Commissioners-designate, it may, in the run-up to the consent vote, exercise political pressure regarding individual candidates or the portfolios assigned to them. It has done so in the past,⁸² and Parliament's objections (for example on grounds of lack of specialist knowledge or expressions of highly controversial views) have occasionally resulted in the withdrawal of certain candidates or changes in their portfolios.⁸³ Such hearings have become one of the Parliament's central tools to seek accountability and to play a greater role in setting the agenda at EU level.⁸⁴

⁸⁰ E.M. Poptcheva, briefing ['Parliamentary Hearings of the Commissioners-designate: A decisive step in the investiture process'](#), EPRS, European Parliament, September 2014.

⁸¹ [Annex VI](#) of the Parliament's Rules of Procedure.

⁸² ['MEPs reject Bratušek and force Juncker rethink'](#), Politico, 10 August 2014, updated 10 September 2014.

⁸³ M. Remáč, [Parliamentary scrutiny of the European Commission: implementation of the Treaty provisions](#), European Implementation Assessment, EPRS, European Parliament, October 2018.

⁸⁴ E M Poptcheva, briefing [Parliamentary Hearings of the Commissioners-designate: A decisive step in the investiture process](#), EPRS, European Parliament, September 2014.

Privacy and personal data protection



Personal data is processed – often automatically – for many purposes to the benefit of society and individuals; at the same time, its use (or the risk of its misuse) raises concerns for individual’s rights, including privacy and data protection, which are enshrined in both primary and secondary EU law.⁸⁵

The data protection field is a meaningful example to use to illustrate the various ways in which the European Parliament can exercise its different powers. Besides its legislative power,⁸⁶ particularly relevant in the adoption of the data protection reform package,⁸⁷ as well as the power to give consent to EU legal acts (for example, the EU-US Umbrella agreement⁸⁸ and the Protocol to the CoE Convention 108),⁸⁹ the Parliament has exercised its varied power of **political control over the Commission** on several occasions in the area of privacy and data protection. Moreover, it has used its powers of enquiry to **question and launch investigations on specific issues related to the lawfulness of data processing** and other subjects.

In light of the Snowden revelations about the US National Security Agency’s data collection programme and about the risk that US law and practice did not offer adequate protection to EU citizens’ data transferred to the US, the **Parliament repeatedly called for the suspension of the EU-US Safe Harbour data transfer agreement**. As part of the Parliament’s **inquiry into mass surveillance** of EU citizens, MEPs looked into alleged spying activities by the US and some EU countries, adopting ad hoc resolutions and providing recommendations on preventing further breaches and on redress mechanisms.⁹⁰

Having called for the **annulment of the Safe Harbour agreement** (later withdrawn, following the CJEU’s ruling),⁹¹ the Parliament continued to scrutinise the Commission’s activities leading to the new Privacy Shield data-transfers framework in 2016.⁹² Although recognising the improvements of

⁸⁵ See Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the EU (TFEU), which constitutes a specific legal basis for adopting legislative acts on data protection.

⁸⁶ The [General Data Protection Regulation](#) fully applies since [May 2018](#). Aimed at strengthening individuals’ rights while reducing burdens for companies and public entities, the new framework seeks to foster trust in [the digital age](#). The [Parliament](#) fought to include guarantees and safeguards for individuals’ rights, achieving important [amendments](#) in key areas, aimed at effectively allowing data subjects to exercise their rights via adequate redress mechanisms.

⁸⁷ See also the Regulation on [data protection in the EU institutions](#) (where the EP obtained to include more guarantees for data-subjects’ rights and a special chapter for law enforcement operational data) and the [on-going e-Privacy reform](#).

⁸⁸ Council Decision (EU) 2016/2220 on the conclusion, on behalf of the EU, of the Agreement between the USA and the EU on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences. The [European Parliament](#) voted on giving consent to the Council decision in November 2016.

⁸⁹ European Parliament [resolution](#) of 12 March 2019 on the draft Council decision authorising Member States to ratify the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

⁹⁰ EP [resolution](#) of 29 October 2015 on the follow-up to the EP resolution of 12 March 2014 on the electronic mass surveillance of EU citizens. For the active role of the Parliament in inquiring on previous data interception scandals, namely the Echelon system, see the 2014 EPRS study [‘The Echelon Affair’](#).

⁹¹ S. Monteleone and L. Puccio, [The CJEU’s Schrems ruling on the Safe Harbour Decision](#), EPRS, European Parliament, October 2015.

⁹² European Commission, [Privacy Shield](#), 2016; [EU-US privacy shield framework for data transfer - Second joint EU-US annual review followed by a joint statement](#).

the new arrangement, the Parliament has repeatedly voiced its concerns, especially in its resolutions on transatlantic data flow (2016) and on the adequacy of the 'Shield' (2018).⁹³

Although the Parliament is not formally involved in the related negotiations, it assesses (and **may request to amend or withdraw**) the Commission's **adequacy decisions on third countries' level of data protection**. Also to this end, ad hoc delegations of the Committee on Civil Liberties (LIBE) have visited the US, Canada, Japan⁹⁴ and recently South Korea.⁹⁵

The instrument of **parliamentary questions for oral or written answers** addressed to the European Commission has been used several times on specific issues of data protection and privacy.⁹⁶

As part of its scrutiny powers, the Parliament requested, for the first time in November 2018 and according to Article 218(11) TFEU, the **opinion of the Court of Justice of the EU** (CJEU) on the EU-Canada PNR transfer agreement on its compatibility with privacy and data protection rights.⁹⁷

European advisory bodies on data protection (the **European Data Protection Supervisor** and **European Data Protection Board**) have to regularly report to Parliament on their activities.

Moreover, the Parliament has been active in questioning and **investigating the Facebook/Cambridge Analytica scandal** (companies certified under the Privacy Shield and accused of misuse of data, including that of European citizens). During the April 2018 plenary session, MEPs called for a strong European position and insisted that Facebook's CEO, Mark Zuckerberg, appear in the European Parliament to give clarifications.⁹⁸ Several **hearings** were organised on the issue by the LIBE Committee, and a resolution was adopted by the Parliament to wind up the debate on the use of Facebook users' data by Cambridge Analytica and the impact on data protection in October 2018.⁹⁹ Unusually, this was explicitly addressed, not only to the Council, the Commission and the governments and parliaments of the Member States, but also to the US, the Council of Europe and the CEO of Facebook.

Finally, the Parliament has provided a forum for **public debate** on privacy and data protection matters, not just within its formal meeting rooms, but also by organising several conferences, which contributed to triggering the debate on critical issues such as new technologies vs rights protection, and to increasing awareness that the underlying values of data protection legislation are essential for democracy.¹⁰⁰

⁹³ European Parliament [resolution](#) of 26 May 2016 on transatlantic data flows; European Parliament [resolution](#) of 5 July 2018 on the adequacy of the protection afforded by the EU-US Privacy Shield.

⁹⁴ European Parliament [resolution](#) of 13 December 2018 on the adequacy of the protection of personal data afforded by Japan.

⁹⁵ European Parliament, Committee on Civil Liberties, Justice and Home Affairs, [Mission report](#) following the following the ad-hoc delegation to Seoul (South Korea) 29 October –2 November 2018.

⁹⁶ See Articles 230 TEU, 230 TFEU and Article 218-230 ROP. Example: [question](#) for written answer E-004130-15 to the Commission, Rule 130, Kathleen Van Brempt (S&D) Infringement of data protection regulations, 12 March 2015.

⁹⁷ S. Monteleone, [CJEU Opinion on EU-Canada PNR agreement](#), EPRS, European Parliament, September 2017. Further to an EP request, the CJEU issued its [opinion](#) in July 2017, stating that the agreement could not be concluded in its current form.

⁹⁸ European Parliament, plenary session 18 April 2018, [debate](#) on Cambridge Analytica and Facebook: Data protection and citizen's privacy as a line of defence against election manipulation; [statement](#) by Antonio Tajani, European Parliament President on the Facebook data crisis, 21 March 2018.

⁹⁹ European Parliament, press release ['Third Facebook-Cambridge Analytica hearing: solutions and remedies'](#), 29 June 2018; European Parliament [resolution](#) of 25 October 2018 on the use of Facebook users' data by Cambridge Analytica and the impact on data protection. For further information on data protection achievements see: Policy Department for Citizens' Rights and Constitutional Affairs, [Personal data protection achievements during the legislative term 2014-2019: the role of the European Parliament](#), European Parliament, April 2019.

¹⁰⁰ Data protection issues are tackled upon in other Parliament's resolutions, including [on fundamental rights implications of Big Data](#) (2017) and on the [European industrial policy on artificial intelligence and robotics](#) (2019).

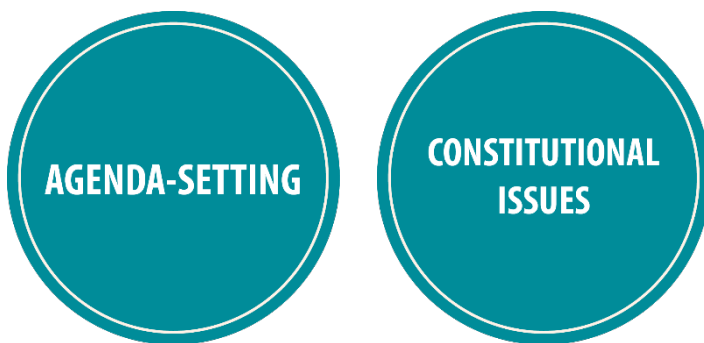
Agenda-setting

Unlike many national parliaments, the European Parliament does not have a full right of initiative – with the exception of a handful of cases provided for in the EU Treaties, it cannot independently propose new laws but needs to rely on the Commission to do so. The EU Treaties do, however, allow the Parliament to 'request' the European Commission to submit proposals, but the Commission maintains broad discretion as to how to respond to such requests. Existing interinstitutional agreements nevertheless commit the Commission to reply within three months and to justify its decision where it does not submit a proposal in response to the request.

Despite the lack of formal right of initiative, the Parliament successfully uses other avenues to exercise influence in setting the agenda for the European Union. For example, before its vote on the election of the President of the Commission, the latter presents his or her political guidelines to the Parliament, followed by an active debate in plenary. Indeed, the four months following the constitution of the Parliament are a major opportunity for it to shape the political agenda of the Union for the following years.

The 2016 Interinstitutional Agreement on Better Law-Making further provides for a continuous process of interinstitutional consultation and cooperation between the Commission, the Parliament and the Council with regard to multiannual and annual programming of the EU. Upon the appointment of a new Commission, these institutions are to 'exchange views on the principal policy objectives and priorities of the three institutions for the new term', and to conduct dialogue both before and after the adoption of the Commission work programme (CWP).

State of the Union



The State of the Union addresses of the President of the European Commission are not prescribed by the EU Treaties. Rather, they were instigated with the 2010 Framework Agreement between the European Parliament and the European Commission as part of the annual political and legislative programming of the Union.¹⁰¹ The

agreement provides that 'each year in the first part-session of September, a State of the Union debate will be held in which the President of the Commission shall deliver an address, **taking stock** of the current year and **looking ahead to priorities** for the following years'.

Following the conclusion of the 2010 Framework Agreement, the then President of the Commission, José Manuel Durão Barroso, delivered his first State of the Union speech to the European Parliament on 7 September 2010, stating that, 'From now on the State of the Union address will be the occasion when we will chart our work for the next 12 months'.¹⁰²

¹⁰¹ [2010 Framework Agreement between the European Parliament and the European Commission](#).

¹⁰² José Manuel Durão Barroso, President of the European Commission, [speech](#) 'State of the Union 2010', 7 September 2010.

The agreement also established **regular consultations between the Parliament and Commission**, as part of their 'special relationship', including regular meetings between the Presidents of the two institutions, as well as between the President of the Commission, the Vice-President for interinstitutional relations or the Commission College on the one side, and Parliament's Conference of Presidents and Conference of Committee Chairs on the other (Chapter III of the Framework Agreement).

Whilst State of the Union speeches by the President of the European Commission in plenary started officially in 2010, Parliament had held State of the Union debates previously, in the 1990s.

The State of the Union debate is fixed in the timetable for the adoption of the annual Commission work programme (CWP), which is set out in Annex 4 to the EP-EC Framework Agreement.¹⁰³ It envisages a **structured dialogue** between the Commission and the corresponding parliamentary committees during the first half of a given year on the implementation of the CWP for that year and on the preparation of the future CWP. On the basis of that dialogue, the parliamentary committees report on the outcome thereof to the Conference of Committee Chairs. In parallel, the Conference of Committee Chairs holds a regular exchange of views with the Vice-President of the Commission responsible for interinstitutional relations (currently Vice-President Frans Timmermans).

The Interinstitutional Agreement on Better Law-Making adopted in April 2016 contains further commitments on **dialogue between Commission, Parliament and Council**, both before and after the adoption of the annual work programme.¹⁰⁴ This dialogue includes the early exchanges of views described above and the 'letter of intent' from the President of the Commission and its First Vice-President on issues of major political importance for the following year and on intended withdrawals of Commission proposals. Furthermore, following the debate on the State of the Union, and before the adoption of the CWP, Parliament and Council are to have an exchange of views with the Commission on the basis of the letter of intent. The Commission has committed **to take due account of the views expressed** by the Parliament and the Council at each stage of the dialogue, including their **requests for initiatives**.

Based on the CWP, Parliament, the Commission and Council exchange views on initiatives for the coming year and agree on a **joint declaration on annual interinstitutional programming**. This includes items of major political importance that should receive priority treatment in the legislative process, and thus provides the Parliament with a practical means of influencing the agenda and indicating its priorities.

Finally, the State of the Union address by the President of the European Commission serves not only transparency and communication goals, but also represents an exercise of **political accountability to Parliament**. Moreover, the debates on the State of the Union provide an opportunity for Parliament to help shape, together with the Commission and the Council, the Union's political and legislative agenda, reinforcing the sense of the accountability of the executive for its future actions.

¹⁰³ [Annex 4](#) to the EP-EC Framework Agreement.

¹⁰⁴ [Interinstitutional Agreement between the European Parliament, the Council of the EU and the European Commission on Better Law-Making](#), OJ L 123, 12.5.2016.

References

Bassot E., [The Juncker Commission's ten priorities: An end-of-term assessment](#), EPRS, European Parliament, April 2019.

Bajtay P., '[Democratic and efficient foreign policy? Parliamentary diplomacy and oversight in the 21st century and the post-Lisbon role of the European Parliament in shaping and controlling EU foreign policy](#)', EUI Working Paper RSCAS 2015/11, European University Institute, Robert Schuman Centre for Advanced Studies, November 2015, 35 p.

Corbett R. et al., *The European Parliament*, John Harper Publishing, 9th edition, 2016.

Dinan D., [Historiography of the European Parliament. Changing perceptions of the institution from the 1950s to today](#), EPRS, European Parliament, November 2018.

Remáč M., [Parliamentary scrutiny of the European Commission: implementation of the Treaty provisions](#), European Implementation Assessment, EPRS, European Parliament, October 2018.

Ripoll Servent A., *The European Parliament*, Red Globe Press, 2017.

Sabbato G., [European Parliament: Facts and Figures](#), EPRS, European Parliament, April 2019.

[The European Parliament as a driving force of constitutionalisation](#), study, Policy Department for Citizen's Rights and Constitutional Affairs, European Parliament, 2015.

For further examples of the European Parliament's achievements in specific policy areas, please see the series of EPRS briefings 'EU policies – Delivering for Citizens' in the In Focus section of the [What Europe does for Me](#) website, European Parliament.

As the only European Union institution elected directly, the European Parliament is at the heart of representative democracy, the foundation upon which the EU is built.

Since its creation, the Parliament's powers have evolved significantly, transforming it into a full-fledged legislative body and forum of discussion and engagement, whose influence is felt in virtually all areas of EU activity.

This paper provides an overview of the European Parliament's main powers, demonstrating how they interact, and illustrating through practical examples from the most recent parliamentary term (2014-2019) the various ways in which the Parliament uses those powers in its daily work.

This is a publication of the Members' Research Service
EPRS | European Parliamentary Research Service

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.



PDF ISBN 978-92-846-4798-9 | doi:10.2861/122246 | QA-01-19-421-EN-N