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Committee on Agriculture and Rural Development

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NOTICE TO MEMBERS

Subject: **Codecision procedure**

Introduction:

This note is intended to supplement the guidance given in the relevant parts of the Rules of Procedure (especially Rules 53 ff and 70 ff as well as Annex 20), and the corresponding documents published by other units, and to outline some practical aspects of the codecision procedure.

Under Article 37 of the TEC, agricultural legislation is adopted by the Council after consultation of the European Parliament. To date, the Committee on Agriculture and Rural Development (COMAGRI) has worked with the codecision procedure only when it has been dealing with proposals concerning food safety or statistics. But if the Treaty of Lisbon enters into force, all legislative procedures regarding the Common Agricultural Policy will be dealt with under the "ordinary legislative procedure" (Article 294 TFEU), which corresponds to the codecision procedure currently laid down in Article 251 (TEC).

Codecision in practice:

As a general rule, "Parliament shall make use of all possibilities offered at all three stages of the codecision procedure"¹. At the same time, "the institutions shall cooperate in good faith throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure". They "shall cooperate through appropriate interinstitutional contacts to monitor the progress of the work and analyse the degree of convergence at all stages of the codecision procedure"². In the past legislative term, 69 % of all codecision procedures have

been concluded in 1st reading (i.e. agreement has been reached between the vote in Committee and in plenary) and 12 % as "early 2nd reading" agreements (i.e. agreement has been reached after the vote in plenary but before the Council has adopted its common position).

In practice, informal contacts between Council presidency and Parliament are undertaken at an early stage of the first reading, both at administrative and at political level. These informal exchanges must be clearly distinguished from negotiations on the dossier: Annex XX of the Rules underlines that negotiations shall be opened only after a decision taken by the Committee "either by broad consensus or, if necessary, by a vote". The Committee is also required to establish a clear mandate for the negotiation, generally by adopting amendments to the legislative proposal in a report or recommendation, and to appoint a "negotiating team", including all political groups at least at staff level. In practice, the Committee's rapporteur has been the spokesperson of the negotiating team, chairing the trilogues with the Council. Given the fact that a vast majority of procedures were concluded in negotiated first or second reading agreements, the Committee's negotiating team plays a decisive role.

In trilogues as well as during informal discussions, the Council is represented by its presidency, speaking "with one voice" on behalf of the Member States. Possible conflicts within the Council are resolved behind closed doors. Parliament, on the other hand, is represented by Members from different political groups, often with different positions on the issue being discussed and with a tendency to debate these differences in public. In order to negotiate as successfully as possible, the EP negotiation team should endeavour to "speak with one voice" and to resolve any possible differences within its delegation in internal meetings beforehand, and if necessary interrupt the negotiation for internal consultations.

The rapporteur and the negotiating team are required to ensure full transparency by regular reports to the Committee on progress and on the outcome of the negotiations.

If an agreement is reached, it should be presented to the Committee for consideration. If the agreement is endorsed, it can be submitted to plenary, either as a "consolidated amendment" or as a series of amendments. The corresponding plenary amendments are usually tabled by the rapporteur and co-signed by the shadow rapporteurs on behalf of their political groups. Following formal adoption of the amendments by COMAGRI, they can also be tabled to plenary by the Committee.

Especially for first reading agreements, where no time limits are imposed on the institutions by the Treaty, sufficient time must be made available between the end of the negotiations and the vote in plenary to allow the political groups to prepare their final position. In plenary, all texts negotiated and agreed with Council in first or second reading, are usually presented as "consolidated amendments". The political groups are free to table amendments in plenary, aiming at modifying or challenging the agreement negotiated: if these are adopted, a second reading or conciliation is likely to follow.

It is also important to note that, in first reading negotiations, the Council has discussed the whole text of the legislative proposal several times (in its working groups and in COREPER), while the EP negotiating team has only recently voted on its amendments at committee stage and generally has less in-depth knowledge of the text discussed.

Support:

The rapporteur and the negotiating team must be provided with all resources necessary to conduct their work properly. This includes administrative support by the Committee secretariat, the codecision secretariat, the legal service and the political advisor of the rapporteur. According to Annex XX, "interpretation facilities should be provided to the negotiating team if necessary" for the organisation of trilogues. Members can also apply for "Interpretation ad Personam" (in the framework of the decision taken by the Bureau on 10 December 2007)

References:

- Article 251 TEC and Article 294 TFEU
- Joint Declaration on Practical arrangements for the Codecision Procedure (OJ C145 of 30.06.2007)
- Conciliations and Codecision guide

Guidelines for best practice

¹ Rules of Procedure, Annex XX

² Joint Declaration on Practical arrangements for the Codecision Procedure