



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2013/2130(INI)

31.1.2014

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Constitutional Affairs

on implementation of the Treaty of Lisbon with respect to the European
Parliament
(2013/2130(INI))

Rapporteur: Nuno Melo

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Points out that the European Parliament's legislative powers have been enhanced by the increased use of the codecision procedure since the entry into force of the Treaty on the Functioning of the European Union (TFEU); points out that legal acts dealing with judicial cooperation in criminal matters and police cooperation are now, as a rule, adopted in accordance with the ordinary legislative procedure; considers it regrettable that, more than four years after the entry into force of the Treaty of Lisbon, procedures for the implementation of former third-pillar acts which often exclude the European Parliament or provide only for consultation continue to be used; calls on the Commission to include in its work programme proposals to align former third-pillar acts with the Treaty of Lisbon, i.e. to adapt them to the new normative hierarchy of basic, delegated and implementing acts;
2. Points out that Article 2 of the Treaty on European Union (TEU) contains a list of the common values on which the Union is founded; believes that respect for those values should be properly ensured by both the Union and the Member States; points out that a proper legislative and institutional system should be established in order to protect the values of the Union;
3. Recalls that the European Parliament is now a fully fledged institutional actor in the field of security policies, and is therefore entitled to participate actively in determining the features and priorities of those policies and in evaluating instruments in this field, a process to be conducted jointly by the European Parliament, national parliaments and the Council; believes that the European Parliament ought to play a crucial role in the evaluation and definition of internal security policies, as they have a profound impact on the fundamental rights of all those living in the EU; emphasises, therefore, the need to ensure that such policies fall within the remit of the only directly elected European institution as regards scrutiny and democratic oversight;
4. Emphasises the particular significance and consequence of the inclusion of the Charter of Fundamental Rights in the Lisbon Treaty; points out that the Charter has become legally binding on the EU institutions and on the Member States when implementing Union law, thereby transforming basic values into concrete rights;
5. Calls on all the EU institutions and on the Member States' governments and parliaments to build on the new institutional and legal framework created by the Treaty of Lisbon in such a way as to devise a comprehensive internal human rights policy for the Union which ensures effective accountability mechanisms at national and EU level for addressing human rights violations;
6. Recalls that the Treaty of Lisbon introduced the new right to launch a European Citizens' Initiative (ECI); stresses the need to remove all the technical and bureaucratic barriers still hindering the effective use of the ECI, and encourages active participation by citizens in

shaping EU policies;

7. Points out that under the Treaty a legislative act may delegate to the Commission the power to adopt non-legislative acts; calls on the Commission to make an adequate distinction between delegated and implementing acts when proposing legislation, so as to ensure that the appropriate type of act is applied; believes that measures implying urgent temporary deviation from the rules established by the basic act should be adopted by means of delegated acts, where the basic act is adopted according to the ordinary legislative procedure;
8. Notes the Commission's obligation to inform the European Parliament immediately and fully at all stages of ongoing negotiations for international agreements, especially where those agreements affect the fundamental rights of EU citizens (Article 218 TFEU);
9. Emphasises that the European Parliament should also strengthen its autonomous assessment of the impact on fundamental rights of legislative proposals and amendments under consideration as part of the legislative process and establish mechanisms to monitor human rights violations;
10. Reminds the Commission to act on Article 17(1) TEU, according to which the Commission initiates the Union's annual and multiannual programming with a view to achieving interinstitutional agreements;
11. Urges the Council, with a view to ensuring sincere cooperation and open and continuous dialogue between the institutions involved in the legislative process, to consider making it possible for European Parliament representatives to participate in certain of its meetings (such as those of working groups and COREPER), as is already the case for Commission representatives;
12. Welcomes the fact that under the Treaty of Lisbon greater democratisation is also linked to greater participation by national parliaments in the procedure for adopting legislative acts, particularly in relation to the principles of proportionality and subsidiarity;
13. Points out that Article 17(8) TEU expressly enshrines the principle that the Commission is politically accountable to the European Parliament, which is crucial to the proper functioning of the EU's political system;
14. Stresses the need for sincere cooperation between the institutions involved in the legislative procedure in relation to the exchange of documents, such as legal opinions, so as to allow a constructive, frank and legally valid dialogue between institutions.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	30.1.2014
Result of final vote	+: 45 -: 2 0: 0
Members present for the final vote	Jan Philipp Albrecht, Edit Bauer, Rita Borsellino, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claeys, Agustín Díaz de Mera García Consuegra, Ioan Enciu, Frank Engel, Cornelia Ernst, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Salvatore Iacolino, Sophia in 't Veld, Svetoslav Hristov Malinov, Nuno Melo, Claude Moraes, Georgios Papanikolaou, Judith Sargentini, Birgit Sippel, Renate Sommer, Axel Voss, Renate Weber, Josef Weidenholzer, Cecilia Wikström, Auke Zijlstra
Substitute(s) present for the final vote	Michael Cashman, Anna Maria Corazza Bildt, Cornelis de Jong, Mariya Gabriel, Stanimir Ilchev, Iliana Malinova Iotova, Ulrike Lunacek, Marian-Jean Marinescu, Jan Mulder, Hubert Pirker, Raül Romeva i Rueda, Carl Schlyter, Joanna Senyszyn
Substitute(s) under Rule 187(2) present for the final vote	Pablo Arias Echeverría, Zuzana Brzobohatá, Erik Bánki, Santiago Fisas Aynela, Jens Geier, María Irigoyen Pérez, Evelyn Regner, Bart Staes, Tadeusz Zwiefka