



2017/0326(COD)

27.2.2018

OPINION

of the Committee on Constitutional Affairs

for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority
(COM(2017)0734 – C8-0420/2017 – 2017/0326(COD))

Rapporteur: Fabio Massimo Castaldo

PA_Legam

AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Draft legislative resolution Paragraph 1 a (new)

Draft legislative resolution

Amendment

1a. Calls for an immediate review of the Common Approach annexed to the joint statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012 in order to take due account of the role of the European Parliament in the decision-making process on the location of agencies in view of its prerogatives as co-legislator under the ordinary legislative procedure and calls therefore for a close involvement of the European Parliament in that decision-making process;

Amendment 2

Draft legislative resolution Paragraph 1 b (new)

Draft legislative resolution

Amendment

1b. Approves its statement annexed to this resolution;

For information, the statement reads as follows:

‘The European Parliament regrets that its role of co-legislator has not been duly taken into account in the procedure leading to the selection of the new seat of the European Banking Authority (EBA).

The European Parliament wishes to recall its prerogatives as co-legislator and insists on the full respect of the ordinary legislative procedure in relation to the location of bodies and agencies.

As the only directly elected Union institution it is the first guarantor of the respect of the democratic principle in the Union.

The European Parliament condemns the procedure followed for the selection of the new location of the seat, which has de facto deprived the European Parliament of its prerogatives since it was not effectively involved in the process, but is now expected to simply confirm the selection made for the new location of the seat by means of the ordinary legislative procedure.

The European Parliament recalls that the Common Approach annexed to the Joint Statement of the European Parliament, Council and European Commission on decentralised agencies signed in 2012 is legally non-binding, as acknowledged in the Statement itself and that it was agreed without prejudice to the legislative powers of the institutions.

The European Parliament welcomes that the selection procedure of the new seat of the agency was based on selection criteria referred to in the Common Approach, but deplores that it was eventually concluded by drawing lots. The Parliament insists therefore that the procedure followed for the selection of the new location of the seat will be reformed in the future.

The European Parliament underlines that the procedure followed for the selection of the new location of the seat, which has its basis in the Common Approach, is of a pure inter-governmental nature and that asking for confirmation of the selection made by means of the ordinary legislative procedure reflects the friction between this intergovernmental process and the community method, bearing the risk to undermine the community method.

Finally, the European Parliament wishes to recall as well that in the Inter-institutional Agreement on Better Law-Making of 13 April 2016¹ the three institutions committed to sincere and transparent cooperation while recalling the equality of both co-legislators as enshrined in the Treaties.’

¹ OJ L 123, 12.5.2016, p. 1.

Amendment 3

Proposal for a regulation

Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the Treaty on European Union, and in particular Article 13(2) thereof,

Justification

Reference to the duty of mutual sincere cooperation amongst EU institutions

Amendment 4

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Article 13(2) of the Treaty on European Union requires relations among the institutions of the Union to be carried out in mutual sincere cooperation while each of them is acting within the limits of the powers conferred on it in the Treaties and in conformity with the procedures, conditions and objectives set out in them. The European Parliament is to be fully informed and involved throughout all steps of the ordinary legislative procedure.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Location of the seat of the European Banking Authority
References	COM(2017)0734 – C8-0420/2017 – 2017/0326(COD)
Committee responsible Date announced in plenary	ECON 11.12.2017
Opinion by Date announced in plenary	AFCO 11.12.2017
Rapporteur Date appointed	Fabio Massimo Castaldo 26.2.2018
Discussed in committee	26.2.2018
Date adopted	26.2.2018
Result of final vote	+: 18 –: 3 0: 1
Members present for the final vote	Mercedes Bresso, Richard Corbett, Pascal Durand, Danuta Maria Hübner, Diane James, Ramón Jáuregui Atondo, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Pedro Silva Pereira, Barbara Spinelli, Kazimierz Michał Ujazdowski
Substitutes present for the final vote	Max Andersson, Enrique Guerrero Salom, Sylvia-Yvonne Kaufmann, Jérôme Lavrilleux, Mairead McGuinness, Cristian Dan Preda, Jasenko Selimovic
Substitutes under Rule 200(2) present for the final vote	Eleonora Evi, Seán Kelly, Jeroen Lenaers, Ramón Luis Valcárcel Siso

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

18	+
ALDE	Maite Pagazaurtundúa Ruiz, Jasenko Selimovic
EFDD	Eleonora Evi
GUE/NGL	Barbara Spinelli
PPE	Danuta Maria Hübner, Seán Kelly, Jérôme Lavrilleux, Jeroen Lenaers, Mairead McGuinness, Cristian Dan Preda, Ramón Luis Valcárcel Siso
S&D	Mercedes Bresso, Richard Corbett, Enrique Guerrero Salom, Ramón Jáuregui Atondo, Sylvia-Yvonne Kaufmann
VERTS/ALE	Max Andersson, Pascal Durand

3	-
ECR	Morten Messerschmidt, Kazimierz Michał Ujazdowski
NI	Diane James

1	0
S&D	Pedro Silva Pereira

Key to symbols:

+ : in favour

- : against

0 : abstention