

Proposed amendments to Protocol No 3 on the Statute of the Court of Justice of the European Union



Consideration of draft opinion

Consideration of amendments

Rapporteur for the opinion: Morten Messerschmidt (ECR)

By letter of 26 March 2018, the President of the Court of Justice, acting in accordance with Article 281(2) TFEU and 106a(1) Euratom, submitted a request to the European Parliament and the Council to amend Protocol 3 on the Statute of the Court of Justice of the European Union. By letter of 13 July 2018, the President of the Court of Justice, following the opinion of the Commission, submitted a revised proposal.

In addition to harmonising terminology, the proposal aims at the following: (i) the conferral on the Court of Justice of responsibility to deal with actions for annulment linked to the failure properly to comply with a judgment delivered by the Court under Article 260 TFEU and (ii) the introduction, for certain categories of appeals, of a procedure whereby the Court of Justice will first determine whether certain appeals are allowed to proceed.

On 20 June 2018, AFCO decided to draft an opinion on such proposal and appointed Morten Messerschmidt as rapporteur. Among other things, in his draft opinion the rapporteur considers the possibility for the judges to publish separate opinions, including dissenting ones, and proposes amendments to the relevant articles of the Statute of the Court.

By the deadline set for this purpose, 2 amendments have been tabled. At this meeting the vote on the opinion will take place.

[Subject File](#)

INTRODUCTORY WORDS BY THE CHAIR



Dear Readers,

I am very happy to present the 63rd issue of the AFCO Newsletter, a tool prepared by the Secretariat to keep you informed of AFCO activities and to increase awareness of the current institutional challenges facing the European Union.

At our next Committee meeting on 21 November, we should also be voting the draft report on Amendments to the Rules of Procedure affecting Chapters 1 and 4 of Title I; Chapter 3 of Title V; Chapters 4 and 5 of Title VII, Chapter 1 of Title VIII; Title XII; Title XIV and Annex II as well as a draft report on Differentiated integration.

We will also consider a draft opinion on Protocol No 3 on the Statute of the Court of Justice of the European Union. We will then discuss Implementation of the Treaty provisions on Parliament's power of political control over the Commission.

A discussion on draft report on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework will be held.

Implementation of the Treaty provisions on Parliament's power of political control over the Commission



Consideration of draft report

Rapporteur: Mercedes Bresso (S&D)

Parliamentary oversight is a precondition for democratic legitimacy. Recent changes in the law-making process and the increased legislative role of the executive have created the need for a reinforcement of parliamentary scrutiny procedures. This phenomenon is not foreign to the institutional structure of the Union, with the Commission gaining law-making powers through delegated acts, its increasing 'politicisation' and the stronger need for law reinforcement to complement the efficiency of legislation. Therefore, in her draft report, the Rapporteur Mercedes Bresso aims to reassess Parliament's scrutiny role over the Commission and bring it up to date with these new institutional developments.

The Rapporteur has identified several challenges to efficient parliamentary scrutiny among which are the lack of clear definition of the executive in the Treaties, the very high threshold that needs to be reached to trigger the motion of censure, the lack of continuous evaluation of the work of individual Commissioners and the lack of mechanism to hold individual Commissioners to account. In her the draft report, the Rapporteur proposes responses to overcome these existing challenges and provide better parliamentary scrutiny over the Commission.

[Subject File](#)

Protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, Establishing the Rights and Values programme and Strengthening fiscal responsibility and the medium-term budgetary orientation in the Member States will also be discussed during the meeting.

There will be then the exchange of views on Proposal for amending Parliament's Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties and on The withdrawal of the United Kingdom from the European Union.

On Thursday 22 morning, during a Joint Committee meeting with the Committee on Petitions we will adopt a draft report on Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU.

Prof. Dr. Danuta Maria HÜBNER,
Chair

The implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework



Consideration of a draft report
Rapporteur: Barbara Spinelli (GUE/NGL)

AFCO Committee will hold an exchange on the draft report of Barbara Spinelli on the Implementation of the Charter of Fundamental Rights in the EU institutional framework.

This report is an outcome of over a year of investigations on the role that the Charter plays within the EU institutions, agencies and bodies. Its explanatory statement details all the activities carried in preparation of the report and draws the main conclusions of this process.

The draft resolution focuses on assessment current state of play with regard to the Charter and lays down several recommendations in particular with the view to enhance the mainstreaming of the Charter into EU policies, to step up role of the EU agencies, strengthen the support provided to the Member States while implementing the Charter at the national level as well as in order to encourage the consistent interpretation of the Charter.

Besides a hearing in AFCO in October 2017 with the Council and the Commission, in 2018 there have been series of technical meetings organised as a part of the analysis of the process of implementation of the Charter: with the European Commission, the Fundamental Rights Agency, the European Ombudsman and the Council of Europe.

Subject File

Amendments to the Rules of Procedure affecting Chapters 1 and 4 of Title I; Chapter 3 of Title V; Chapters 4 and 5 of Title VII, Chapter 1 of Title VIII; Title XII; Title XIV and Annex II



Adoption of draft report
Rapporteur: Richard Corbett (S&D)

AFCO should vote on the report of Richard Corbett proposing some further amendments to the Rules of Procedure complementary to the great reform of those Rules that entered into force in 2017. 45 amendments were submitted on top of the 64 amendments contained in the draft report, and 4 compromise amendments are now proposed by the rapporteur.

Subject File

MEETING LANGUAGES AVAILABLE

FR, DE, IT, NL, EN, DA, EL, ES, PT, SV, CS, PL, RO

MEETING DOCUMENTS

In light of the European Parliament's paperless project, please bear in mind that only a very limited number of paper dossiers will be available in the meeting room. Instead, meeting documents will be made available on the following **public** and **EP internal** websites.

MEETING DATE AND VENUE

21 November 2018, Brussels
9.00-12.30 and 15.00-18.30

Room: Altiero Spinelli (3E-2)

Here is the **[link to the latest committee draft agenda.](#)**

NEXT MEETINGS

- 27 November 2018, Brussels
9.00 – 12.30 and 14.30 – 18.30

FURTHER INFORMATION



[AFCO website](#)



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Differentiated integration



Adoption of a draft report

Rapporteur for the opinion: Pascal Durand (Verts/ALE)

AFCO will vote on the draft report of Pascal Durand on Differentiated integration.

91 amendments were tabled to the draft report, of which the Rapporteur in cooperation with the Shadow Rapporteurs managed to prepare 12 compromise amendments on a number of contentious issues, such as the elimination of opt-outs in a future revision of the Treaties, the possibility to open up differentiated integration to sub-state entities if national constitutional provisions allow for it, and to non-member states in the case of enhanced cooperation, the establishment of clear rules for distinction between Members of the Union that respect Union primary law fully and states that do not wish to do so and are therefore offered partnership with the Union.

[Subject File](#)

Protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States



Adoption of draft opinion

Rapporteur for the opinion: Helmut Scholz (GUE/NGL)

The respect for the rule of law must be ensured throughout all Union policies. This includes the EU budget, where this is an essential precondition for sound financial management and effective EU funding. The proposal from the Commission lists the type of measures that could be taken, such, as in particular the suspension of payments or the implementation of legal commitments, etc.

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In his draft opinion for the BUDG and CONT committees (acting jointly under Rule 55), the rapporteur, Helmut Scholz, focused on the conditions and the criteria that the Commission should meet in order to apply the proposed measures and on the procedure established for this purpose. By the relevant deadline, 94 amendments have been tabled mostly focusing on the nature and the scope of the possible measures and on the procedure that should be followed to apply them, with particular regard to the role of the European Parliament.

At the time of writing, the rapporteur proposed 13 compromise amendments. At this meeting AFCD will vote on the draft opinion and the relevant amendments.

[Subject File](#)

Strengthening fiscal responsibility and the medium-term budgetary orientation in the Member States



Adoption of draft opinion

Rapporteur for the opinion: Claudia Tapardel (S&D)

AFCD will vote on the draft opinion to the ECON report on the Commission proposal for a directive on "Strengthening fiscal responsibility and the medium-term budgetary orientation in the Member States". The integration of the substance of the Treaty on Stability, Coordination and Governance in the EMU (TSCG), aim of the directive, has been a long-standing request of the EP, notably also in the AFCD resolutions on the future of Europe.

The opinion was presented in AFCD on 10 October. By the deadline of 16 October, 11 amendments were tabled in addition to the single amendment of the rapporteur herself.

[Subject File](#)

Establishing the Rights and Values programme



Adoption of draft opinion

Rapporteur: Joseph-Maria Terricabras (Verts/ALE)

The new “Rights and Values” programme replaces the existing “Rights Equality and Citizenship” and “Europe for Citizens” programmes. Together with the justice programme the proposed “Rights and Values” programme will be the part of a new justice, rights and values fund of the EU budget. Its overall budget is set at EUR 641.7 million for the period 2021-2027.

In his draft opinion to the LIBE committee, the rapporteur, Joseph-Maria Terricabras, proposes the addition of a fourth strand focusing on actions promoting democracy, fundamental rights and the rule of law (the Union values strand) and a conditionality mechanism whereby, in case of generalised deficiencies as regards the values enshrined in Article 2 TEU in the recipient Member State, the Commission may resort to direct management. He furthermore proposes that the relevant work programmes be adopted by means of delegated acts and reinstates elements of the predecessor programmes left out of the new one.

By the deadline set for this purpose, 81 amendments have been tabled. They mostly focus on the scope of the Union values strand, the type of actions which are eligible for funding and the link with the respect for the rule of law and fundamental rights.

At this meeting AFCO will vote on the draft opinion and the relevant amendments, including compromise amendments, where available.

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Proposal for amending Parliament's Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties



Presentation of publication from EPRS (European Parliamentary Research Service)

Exchange of views

Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties was lastly amended in 2008. With the entry into force of the Treaty of Lisbon on 1 December 2009, a completely new legal framework has been established for the European Union. In particular, Article 228(4) TFEU, enables the European Parliament acting by means of regulations on its own initiative in accordance with a special legislative procedure, after seeking an opinion from the Commission and with the consent of the Council, to adopt regulations laying down the regulations and general conditions governing the performance of the Ombudsman's duties. It is therefore desirable to repeal Decision 94/262/ECSC, EC, Euratom and replace it by a regulation in accordance with the legal basis currently applicable.

This is all the more desirable since Article 41 of the Charter of the Fundamental Rights of the European Union recognises the right to good administration as a fundamental right of European citizens. In its turn, Article 43 of the Charter recognises the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices and agencies of the Union. In order for these rights to be effective and to enhance his capacity to conduct thorough and impartial inquiries, the Ombudsman should be provided with all the tools that are necessary to perform his duties successfully.

At this meeting AFCO will hold an exchange of views on the reform of the Statute of the European Ombudsman, namely on a proposal amending Parliament's Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties. Then exchange of views will be preceded by the presentation of a publication from DG EPRS on the same issue.

Subject File

The withdrawal of the United Kingdom from the European Union **(Article 50 TEU)**



Exchange of views

The Committee will hold its first exchange of views on the withdrawal agreement, as agreed at negotiators on 14th November 2018 level and published the same day

Subject File

Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU



Consideration of draft report

Rapporteurs: Jo Leinen (S&D), Yana Toom (ALDE)

On 22nd of November the joint committee meeting AFCO/PETI will vote on the Jo Leinen (AFCO) and Yana Toom (PETI) Draft report on Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU: 105 amendments has been presented and 15 Compromises have been reached;

The mentioned Draft report is endorsing the European Ombudsman's recommendations requesting Council to take all measures necessary to implement for:

- systematically record the identity of Member State governments when they express positions in Council preparatory bodies;
- developing clear and publicly available criteria for how it designates documents as 'LIMITE' and
- reviewing the 'LIMITE' status of documents at an early including informal negotiations in trilogues.

In particular, a request for an high level of Transparency of the legislative process for both components of the EU legislature (EP and Council) is marked as an essential tool to respect the Treaty provisions and a safeguard against the spread of speculation/fake news/conspiracy theories/

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