

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



*Consideration of draft report
Rapporteur: Paulo Rangel (PPE)*

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 the rapporteur will present his draft report on the reform of the Statute of the European Ombudsman. Among other things, the proposed legal framework covers access to information and confidentiality; own-initiative and follow-up inquiries; testimony of Union staff members; action in case of facts potentially amounting to criminal offences; appearance before the European Parliament and submission of annual reports; cooperation with the European Union Agency for Fundamental Rights; the minimum content of the Statute's implementing provisions. The proposed deadline for tabling amendments is 13 December.

Subject File

INTRODUCTORY WORDS BY THE CHAIR



Dear Readers,

I am very happy to present the 65th 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 6 December, a vote will be held on the report on Amendments to Parliament's Rules of Procedure and on the report on the Protection of personal data in the context of elections to the European Parliament.

Additionally, during this meeting several implementation reports will be discussed including: the implementation of the Treaty provisions on Parliament's power of political control over the Commission; the implementation of the Treaty provisions related to EU citizenship; the implementation of the legal provisions and the Joint Statement ensuring parliamentary scrutiny over decentralised agencies; and the Implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework.

**Prof. Dr. Danuta Maria HÜBNER,
Chair**

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



Consideration of amendments
Rapporteur: Mercedes Bresso (S&D)

AFCO members will discuss the 86 amendments tabled to the draft report of Mercedes Bresso on the implementation of the Treaty provisions on Parliament's powers of political control over the Commission, for which the deadline for amendments lapsed on 28 November 2018.

Some of the amendments raise concerns with the powers of the Commission over implementing and delegated acts and put a stronger emphasis on the importance of the Spitzenkandidaten process. Others go against the proposal of the rapporteur to lower the threshold for the motion of censure and to strengthened the transparency of the selection procedure for the position of Secretary General of the Commission. Regarding a potential treaty revision some express their support for such in view of strengthening Parliament's scrutiny powers and equipping Parliament with the right of proper legislative initiative, while others are against it but would like to see Parliament's prerogatives under Article 225 TFEU reinforced.

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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

6 December 2018, Brussels
9.00-12.30 and 14:00-15.30

Room: Paul-Henri Spaak (4B001)

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

NEXT MEETINGS

- 22 January 2019, Brussels
9.00 – 12.30 and 14.30 – 18.30
- 29 January 2019, Brussels
9.00 – 12.30

Implementation of the Treaty provisions related to EU Citizenship



Consideration of draft report

Rapporteur: Maite Pagazaurtundúa Ruiz (ALDE)

This will be the first debate about draft Report on the implementation of Treaty provisions related to EU citizenship (Rapporteur: Maite Pagazaurtundúa (ALDE, ES). Her draft report deems that the implementation of the EU citizenship and related rights have been only partially successful. It sets this assessment against the backdrop of raising Euroscepticism, increasing challenge to the EU values, prospect of Brexit. Some of the lacunae for the implementation of the treaty provisions related to EU citizenship have been addressed by the EU courts. Nevertheless in particular with the free movement, the EU citizens continue to suffer from improper, partial and uneven implementation of the Citizenship directive 2004/38/EU which is the cornerstone of the citizens' rights. Citizens continue to suffer from discrimination in access to certain services, finding employment as well as in the field of education and taxation.

The report sets series of recommendations for the EU institutions: it calls on the Commission to make full use of its prerogative to launch infringement procedure for improper implementation of the EU law related to the EU citizenship, and to trigger the procedure under Article 25 TFEU to address the disenfranchisement of the mobile EU citizens in the national elections. It also proposes the creation of the EU citizens' offices to actively inform them about their rights and obligations, as well as to revamp the EU guidance for applying and interpreting legislation affecting EU citizens.

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**Implementation of the legal provisions and the Joint Statement
ensuring parliamentary scrutiny over decentralised agencies**



*Presentation of the draft report
Rapporteur: György Schöpflin (PPE)*

The draft report examines and evaluates how the institutional mechanisms ensuring democratic control over decentralised agencies have been implemented and contains recommendations in order to reach a more coherent, efficient and transparent institutional set up for the parliamentary scrutiny over the activity of the agencies.

In preparation of this implementation report, the Rapporteur has collected information and has relied on several sources of information, in particular technical meetings with the Commission and the EU Agencies Network, a study by Prof. Ellen Vos, entitled 'EU agencies, Common Approach and Parliamentary Scrutiny', presented in the Committee on Constitutional Affairs on 27 November 2018, replies to a questionnaire sent to committees' secretariats for the purpose of drafting this report, an exchange of views with the Commission and three committees for opinion (BUDG, ECON, ENVI) during the meeting of the Committee on Constitutional Affairs of 22 October, a fact-finding mission to the Fundamental Rights Agency (FRA) in Vienna, and a fact-finding mission to the European Agency for Law Enforcement Training (CEPOL) in Budapest and to the European GNSS Agency (GSA) in Prague

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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 will 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 3 compromise amendments are now proposed by the rapporteur.

The suggested changes to the Rules deal with the standards of conduct of Members, rules on intergroups, parliamentary questions and interpellations, the treatment of confidential information, increase of transparency of parliamentary work and of support provided to Members and the procedure according to which citizens can lodge a request aiming at verifying the respect of EU fundamental values by European political parties and foundations.

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Protection of personal data in the context of elections to the European Parliament



Adoption of draft report

Rapporteur: Mercedes Bresso (S&D) and Rainer Wieland (PPE)

AFCO will vote on amendments to the Commission proposal aiming at amending Regulation 1141/2014 on the statute and funding of European political parties and foundations. The goal of the proposal is to protect the European Parliament electoral process from online disinformation campaigns based on misuse of voters' personal data and to allow financial sanctions on European political parties or foundations that use infringements of data protection rules to deliberately influence or attempt to influence the outcome of the elections.

15 amendments were tabled, as well as 6 others submitted by the LIBE Committee in its opinion. AFCO will subsequently vote on a proposal to enter into interinstitutional negotiations with the Council and the Commission.

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Amendment of the EIB Statute



Vote on the application of the simplified procedure to the draft report
Rapporteur: Danuta Maria Hübner (EPP), Chair

By letter of 15 October 2018 the Secretary General of the European Investment Bank, acting in accordance with Article 308 TFEU, submitted a request to the Council to amend the Statute of the European Investment Bank. On 25 October 2018 the Council forwarded the EIB request to the European Parliament for consultation.

The statute of the EIB is contained in the Protocol 5 to the Treaties which, according to Article 308 TFEU, may be modified through a special legislative procedure in which - upon request from the EIB - the Council decides by unanimity after consulting the European Parliament and the Commission.

The main aim of the EIB proposal is to take into account the consequences of the withdrawal of the UK from the Union. The proposal contains the following amendments:

- adapting the number of directors composing the Board of Directors;
- adapting the capital of the Bank to loss of the quota of the UK on it;
- increasing the number of alternate directors of the EIB;
- extending qualified majority voting in the Board of Directors and the Board of Governors to three areas: the decision on the EIB's Operational Plan, the appointment of members of the Management Committee and the approval of the Rules of Procedure.

The proposal made by the EIB will enable to adjust the governance of the EIB to the withdrawal of the United Kingdom from the Union and enhance its efficiency and effectiveness.

Swift agreement on the amendments to the EIB statute is needed, so that adjustments can enter into force on time for the withdrawal of the United Kingdom from the Union. The rapporteur suggests the approval of the proposal by simplified procedure.

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



Consideration of amendments

Rapporteur: Barbara Spinelli (GUE/NGL)

At its afternoon meeting of 6th December AFCO MEPs will have the opportunity to discuss the 100 amendments submitted to the Implementation Report drafted by Barbara Spinelli (GUE/NGL, IT) on the role of the Charter of the Fundamental Rights in the EU institutional framework. In this report, she makes an assessment of the implementation of the Charter by the EU institutions, agencies and bodies and provides series of recommendations how to streamline its improved use, its more robust defence and enhanced promotion in the future.

The report looks both at the pre-legislative phase driven mainly by the European Commission and its impact assessment to the process of implementation of the EU law by the Member States, where the Charter also is to apply. The report advocates a better guidance for the EU institutions how to deal with the Charter more effectively, but also highlights the potential of the EU agencies to support Member States in the implementation phase.

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Establishment of the European Monetary Fund



Presentation of the draft report

Rapporteur: Danuta Maria Hübner (PPE)

The AFCO committee will provide an opinion to the Committee on Economic and Monetary Affairs and the Committee on Budgets (associated under Rule 55) to the Interim report on the Establishment of the European Monetary Fund (pursuant to Rule 99(5)). The Commission proposal is part of the Commission's roadmap for deepening Europe's Economic and Monetary Union, presented one year ago. The Commission proposal aims inter alia to integrate the ESM within the EU legal framework, which has been a long standing request of this committee, provided that appropriate democratic accountability is ensured.

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