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16 March 2004

REPORT

on requests to European Agencies
2004/2008(REG))

Committee on Constitutional Affairs

Rapporteur: Richard Corbett

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PROCEDURAL PAGE

By letter of 21 November 2003 the President of Parliament referred the matter concerning requests to European Agencies to the Committee on Constitutional Affairs under Rule 180(1) of the Rules of Procedure (2004/2008(REG)).

At its meeting of 17 February 2004 the committee decided to draw up a report and appointed Richard Corbett rapporteur.

It considered the draft report at its meetings of 16 February 2004 and 16 March 2004.

At the last meeting it adopted the proposal for a decision unanimously.

The following were present for the vote: Giorgio Napolitano (chairman), Jo Leinen (vice-chairman), Richard Corbett (rapporteur), Jean-Pierre Bebear (for Cees Bremmer pursuant to Rule 153(2)), Georges Berthu, Giorgio Calò, Jean-Maurice Dehousse, Gianfranco Dell'Alba (for Olivier Dupuis), Giorgos Dimitrakopoulos, Andrew Nicholas Duff, José María Gil-Robles Gil-Delgado, Anne-Karin Glase (for Luigi Ciriaco De Mita pursuant to Rule 153(2)), Sylvia-Yvonne Kaufmann, Sir Neil MacCormick (for Monica Frassoni), Hans-Peter Martin, Iñigo Méndez de Vigo, Ana Miranda de Lage (for Carlos Carnero González), Camilo Nogueira Román (for Gérard Onesta), Reinhard Rack (for Teresa Almeida Garrett), José Ignacio Salafranca Sánchez-Neyra (for Daniel J. Hannan pursuant to Rule 153(2)), Helle Thorning-Schmidt (for Enrique Barón Crespo), Françoise Veyrinas (for Jean-Louis Bourlanges) and Johannes Voggenhuber.

The report was tabled on 16 March 2004.

PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on requests to European Agencies 2004/2008(REG))

The European Parliament,

- having regard to the letter from its President dated 21 November 2003,
 - having regard to Rules 180 and 181 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A5-0152/2004),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendments will enter into force on the first day of the next part-session;
 3. Instructs its President to forward this resolution to the Council and Commission, for information.

Present text

Amendments

Amendment 1
Chapter VI, title

RELATIONS WITH OTHER
INSTITUTIONS

RELATIONS WITH OTHER **BODIES**

Amendment 2
Article 54 a (new)

Article 54 a

Requests to Agencies

1. Where Parliament has a right to submit a request to a European Agency, any Member may submit such a request in writing to the President. The requests shall be on matters falling within the respective Agency's mission and shall be

accompanied by background information explaining the issue and the Community interest.

2. The President shall, after consulting the responsible committee, either forward the request to the Agency, or take any other appropriate course of action. The member putting the request shall be immediately informed. Any request sent by the President to an Agency shall include a time limit for response.

3. If the Agency says that it is unable to respond to the request as formulated, or seeks to have it modified, it shall inform the President forthwith, who will take appropriate action, after having consulted the responsible committee as necessary.

Justification

European Parliament/Council Regulation 178/2002 establishing a European Food Safety Authority provides, in its Article 29, that the European Parliament may request the Authority to issue a scientific opinion on matters falling within its mission. The European Parliament committee on the Environment, Public Health and Consumer Policy has recommended in this context that any Member will have the right to submit such requests. In order to incorporate this new Right of Members and the procedure to be applied, the constitutional affairs committee was asked to submit a proposal for an amendment of the Rules of Procedure.

Although this report initially started as a procedure for requests to the European Food Safety Authority, it has now changed into a procedure for all requests to Agencies from the European Parliament. A so-called horizontal approach is to be preferred. Rules of Procedure need to be flexible and limited. It would therefore not be a good idea to have separate articles on separate Agencies providing a right to submit requests to the European Parliament (for example, art. 2 (c) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, instructs EUMC to carry out scientific research and surveys, preparatory studies and feasibility studies, where appropriate, at the request of the European Parliament [...]).

All such requests shall be in written and accompanied by background information on the subject explaining the issue to be addressed as well as the Community interest. The proposed rule provides for all requests to be sent through the President, who will transmit them to the Agency, after first having consulted the responsible committee. The committees will keep track of such requests, discuss possible problems with the author of the request and the staff of the Agency concerned. The responsible committee will also establish appropriate procedures for handling this task, with a response to the President within a maximum period of time.

After having received this response, the President will decide on the most appropriate form of action, transmission of the request in its initial form or modified, grouping it together with other requests or informing its author that it cannot be submitted in its present form.

Finally, if an Agency says that it is unable to respond to the request as formulated, or seeks to have it modified, the proposed rule provides the President with discretion as to how to handle such problems, where appropriate after consultation of the responsible committee.