



**2020/2132(INI)**

11.11.2020

# **DRAFT OPINION**

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on Parliament's right of initiative  
(2020/2132(INI))

Rapporteur for opinion (\*): Pascal Durand

(\*) Associated committee – Rule 57 of the Rules of Procedure

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## SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Believes that the Commission's right of legislative initiative, as set out in the Treaties, has been neither constructive nor productive in recent years, with a decrease in the Commission's output over the past decade and Commission Presidents not assuming their political responsibilities; strongly recommends therefore that the Committee on Constitutional Affairs further exploit Parliament's powers assigned by the Treaties and consider a Treaty revision to give Parliament a direct right of legislative initiative;
2. Stresses that the European Council has a de-facto right of initiative within the area of freedom, security and justice in accordance with Article 68 TFEU, which does not reflect a level playing field between Parliament and Council; underlines moreover the early influence by the Member States via their participation in numerous Commission advisory bodies;
3. Believes that Parliament should have an enhanced direct right of legislative initiative, as it directly represents the European people and not just national interests, which need to be counter-balanced; deplors therefore that this possibility has been regularly deferred to a future Treaty revision;
4. Deeply regrets that only one-third of Parliament's legislative and non-legislative initiative procedures can be considered successful and that most legislative initiative (INL) reports adopted since 2011 did not result in a positive reply from the Commission<sup>1</sup>; regrets also that, to date, the three-month deadline for the Commission to react to a parliamentary resolution, as laid down in paragraph 16 of the Framework Agreement on relations between the European Parliament and the European Commission ('2010 FA')<sup>2</sup>, and the one-year deadline for the Commission to come forward with a legislative proposal in response to a legislative initiative report have consistently not been respected;
5. Is of the opinion that INL reports in the area of the ordinary legislative procedure, with only one addressee and workable proposals within realistic timeframes, will be more successful; recommends therefore that the Committee on Constitutional Affairs invites the Commission to the negotiating table in order to slightly extend the relevant deadlines and to accommodate alleged organisational difficulties with regard to the 2010 FA and thereby enhance the Commission's responsiveness to Parliament's resolutions; expects in return, however, that the Commission's response to and implementation of an INL report should be automatic;
6. Urges the Commission, as the guardian of the Treaties, to adhere to its responsibilities

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<sup>1</sup> Study '*The European Parliament's right of initiative*', Andreas Maurer, University of Innsbruck, Jean Monnet Chair for European Integration Studies and Michael C. Wolf, University of Innsbruck, July 2020, pages 55 and 57.

<sup>2</sup> OJ L 304, 20.11.2010, p. 47.

and to honour its own commitments;

7. Is of the opinion that, if the Commission fails to implement Parliament's call for a legislative act in the area of the ordinary legislative procedure, its resolution adopted by a majority of members shall form the basis for a legislative procedure to be initiated by Parliament itself;
8. Considers that, were the Commission not to submit a legislative proposal and fail to provide proper reasons as required by Article 225 TFEU, following Parliament's request, this would constitute a failure to act and Parliament would reserve its right to take action under Article 265 TFEU.