

**Question for oral answer O-000007/2024
to the Commission**

Rule 136

Salvatore De Meo, Domènec Ruiz Devesa, Rainer Wieland, Maite Pagazaurtundúa, Helmut Scholz, Damian Boeselager

on behalf of the Committee on Constitutional Affairs

Subject: European Parliament's right of inquiry

Following Parliament's adoption on 16 April 2014 of its position on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC¹, in line with Article 226 of the Treaty on the Functioning of the European Union (TFEU), the Council and the Commission have so far consistently refused to engage in interinstitutional negotiations with a view to agreeing on a new legal act.

In a non-paper of May 2018, the Committee on Constitutional Affairs (AFCO) suggested a new wording for the proposal adopted in 2014, taking on board some of the concerns expressed by the Council. However, the Council continued to raise what it described as 'serious legal and institutional concerns'.

During the legislative term 2019-2024, the AFCO Chair formally sent an updated version of the non-paper of May 2018 to the Council on 10 October 2023. It was also sent to the Commission for information on 13 December 2023 and officially transmitted on 29 February 2024. In this updated proposal, a majority of the AFCO negotiating team proposed to positively address nine of the eleven objections raised by Council. The two remaining issues were not tackled as to do so would constitute a clear regression compared to the provisions in force.

In its letter of reply of 18 January 2024, the Council failed to address in a meaningful way any of the improvements suggested by Parliament and refused to discuss the updated proposal and/or to give its consent, without further explanation, despite Parliament's clearly expressed openness to engage in interinstitutional negotiations. The Council also failed to address Parliament's proposal for a meeting between the institutions to deliberate on the outstanding issues and to achieve a conclusion of the file. The Commission has so far not accepted any of Parliament's formal or informal proposals.

According to the Treaties and the case-law of the Court of Justice of the EU, the Commission is the guardian of the Treaties. It is responsible for ensuring the application of the Treaties (Article 17(1) of the Treaty on European Union (TEU)), including Article 226 TFEU, the legal basis for committees of inquiry. The Commission carries out its activities under the political control of Parliament (Article 14(1) TEU) and is accountable, as a body, to Parliament (Article 17(8) TEU). In the light of this legally binding institutional context, why does the Commission continue to reject the opening of interinstitutional negotiations with Parliament with a view to reaching an agreement on an appropriate legal framework for implementing Parliament's right of inquiry or to provide consent, more than fourteen years after the entry into force of the Lisbon Treaty?

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Lapses: 22.6.2024

¹ OJ C 443, 22.12.2017, p. 39.