



TEXTS ADOPTED

P8_TA(2018)0030

Revision of the Framework Agreement on relations between the European Parliament and the European Commission

European Parliament decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission (2017/2233(ACI))

The European Parliament,

- having regard to the decision of the Conference of Presidents of 5 October 2017,
- having regard to the exchange of letters between its President and the President of the Commission, in particular the letter dated 2 October 2017 from the latter, which agrees to the drafting proposals submitted by its President on 7 September 2017,
- having regard to the Framework Agreement on relations between the European Parliament and the European Commission¹ and to the draft amendments thereto,
- having regard to Article 10(1) and (4) and Article 17(3) and (7) of the Treaty on European Union (TEU) and Article 245 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 41 of the Charter of Fundamental Rights of the European Union,
- having regard to Article 295 TFEU,
- having regard to the Commission Work Programme for 2017²,
- having regard to its resolution of 11 November 2015 on the reform of the electoral law of the European Union³,
- having regard to its resolution of 1 December 2016 on Commissioners' declarations of interests – guidelines⁴,

¹ OJ L 304, 20.11.2010, p. 47.

² Communication of the Commission of 25 October 2016 entitled “Commission Work Programme 2017 - Delivering a Europe that protects, empowers and defends” (COM(2016)0710).

³ OJ C 366, 27.10.2017, p. 7.

⁴ Texts adopted, P8_TA(2016)0477.

- having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty¹,
 - having regard to its resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions²,
 - having regard to the draft Commission decision of 12 September 2017 on a Code of Conduct for the Members of the European Commission, in particular Article 10 thereof on participation in European politics during the term of office,
 - having regard to the update of the study by its Directorate-General for Internal Policies entitled “The Code of Conduct for Commissioners – improving effectiveness and efficiency”,
 - having regard to Rule 140(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A8-0006/2018),
- A. whereas Article 10(1) TEU states that the functioning of the Union is founded on representative democracy, and whereas the Commission, as the Union’s executive, plays a decisive role in the functioning of the Union;
 - B. whereas Article 10(3) and Article 11 TEU confer on the citizens of the Union the right to participate in the democratic life of the Union;
 - C. whereas Article 17(3) TEU states that, in carrying out its responsibilities, the Commission shall be completely independent, that the members of the Commission are to be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt and that they are neither to seek nor take instructions from any Government or other institution, body, office or entity;
 - D. whereas the aim of the draft amendments is to implement democratic principles when electing the President of the Commission, in accordance with Article 17(7) TEU;
 - E. whereas the draft amendments enable Members of the Commission to stand in European elections without having to resign;
 - F. whereas it is common practice in the Member States for members of the Government to run in national parliamentary elections without having to resign;
 - G. whereas the draft amendments also allow Members of the Commission to be designated by European political parties as lead candidates (‘Spitzenkandidaten’) for the position of President of the Commission;
 - H. whereas Parliament has already expressed support for the ‘Spitzenkandidaten’ process, as clearly laid down in the Treaty, in its proposal for the revision of the Act concerning

¹ Texts adopted, P8_TA(2017)0049.

² Texts adopted, P8_TA(2017)0358.

the election of the members of the European Parliament by direct universal suffrage¹;

- I. whereas, in accordance with Article 10(4) TEU, political parties at European level contribute to forming European political awareness, and whereas Articles 10(3) and 11(1) TEU extend this to citizens and representative associations;
- J. whereas the draft amendments also provide for the necessary safeguards to protect transparency, impartiality, confidentiality and collegiality, all of which continue to apply to campaigning Members of the Commission;
- K. whereas the draft amendments oblige the President of the Commission to inform Parliament of the measures taken to ensure the respect of the principles of independence, integrity and discretion enshrined in Article 245 TFEU and the Code of Conduct for the Members of the European Commission when Commissioners stand as candidates in electoral campaigns for European elections;
- L. whereas the draft amendments stipulate that Members of the Commission are not to use the human or material resources of the Commission for activities linked to an electoral campaign;
 - 1. Recalls that the President of the Commission will be elected by the European Parliament on a proposal by the European Council, taking into account the outcome of the European elections and after appropriate consultations have been held, and that therefore, as was the case in 2014, European political parties shall come up with lead candidates ('Spitzenkandidaten'), in order to give the European citizens the choice whom to elect as President of the Commission in the European elections;
 - 2. Recalls that the 'Spitzenkandidaten' process reflects the interinstitutional balance between the Parliament and the European Council as provided for in the Treaties; furthermore emphasises that this further step in strengthening the Union's parliamentary dimension is a principle that cannot be overturned;
 - 3. Stresses that, by not adhering to the 'Spitzenkandidaten' process, the European Council would also risk submitting for Parliament's approval a candidate for President of the Commission who will not have a sufficient parliamentary majority;
 - 4. Warns that the European Parliament will be ready to reject any candidate in the investiture procedure of the President of the Commission who was not appointed as a 'Spitzenkandidat' in the run-up to the European elections;
 - 5. Considers that the 'Spitzenkandidaten' process is also a contribution to transparency, as candidates for President of the Commission are made known prior to the European elections, rather than after them as was previously the case;
 - 6. Underlines that the 'Spitzenkandidaten' process fosters the political awareness of European citizens in the run-up to the European elections and reinforces the political legitimacy of both Parliament and the Commission by connecting their respective

¹ Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to the Council decision 76/787/ECSC, EEC, Euratom (OJ L 278, 8.10.1976, p. 1) as amended by Council Decision 93/81/Euratom, ECSC, EEC (OJ L 33, 9.2.1993, p. 15) and by Council Decision 2002/772/EC, Euratom (OJ L 283, 21.10.2002, p. 1).

elections more directly to the choice of the voters; acknowledges therefore the important added value of the ‘Spitzenkandidat’ principle in the goal of a strengthening of the political nature of the Commission;

7. Is of the opinion that the political legitimacy of the Commission would be strengthened further if more elected Members of the European Parliament were nominated as Members of the Commission;
8. Recalls that in the run-up to the 2014 European elections all major European political parties embraced the ‘Spitzenkandidaten’ process, indicating their candidate for President of the Commission, and that public debates among the candidates were held, bringing about a constitutional and political practice that reflects the interinstitutional balance provided for in the Treaties;
9. Considers that in 2014 the ‘Spitzenkandidaten’ process proved to be a success, and stresses that the 2019 European elections will be the occasion to cement the use of that practice;
10. Encourages the European political parties to nominate their ‘Spitzenkandidaten’ through an open, transparent and democratic competition;
11. Considers that the draft amendments are in accordance with Article 10(1) and Article 17(7) TEU, and welcomes them as an improvement which consolidates the democratic election process of the President of the Commission;
12. Notes the entry into force of the revised Code of Conduct for the Members of the European Commission, which aims to clarify the obligations applicable to Members of the Commission in and out of office; recalls the views already expressed by the European Parliament in terms of, inter alia, a cooling off period applicable to former Members of the Commission after ceasing to hold office, transparency, appointment of the Independent Ethical Committee and participation in European electoral campaigns;
13. Considers it important to provide, in the Code of Conduct for the Members of the Commission, for strong standards of transparency, impartiality and safeguards in order to avoid any possible conflict of interest of the campaigning Members of the Commission;
14. Recalls in particular its request for a three year ‘cooling-off period’ applicable to former Members of the Commission after ceasing to hold office;
15. Approves the amendments to the Framework Agreement on relations between the European Parliament and the European Commission, annexed to this decision;
16. Instructs its President to sign the amendments with the President of the Commission and arrange for their publication in the *Official Journal of the European Union*;
17. Instructs its President to forward this decision and its annex to the Commission and, for information, to the Council and the parliaments of the Member States.

ANNEX

Agreement between the European Parliament and the European Commission amending point 4 of the Framework Agreement on relations between the European Parliament and the European Commission

(The text of this annex is not reproduced here since it corresponds to the agreement as published in OJ L 45 of 17 February 2018, p. 46.)