Brussels, 29 July 2010

COUNCIL OF
THE EUROPEAN UNION

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INST 291
POLGEN 126

COVER NOTE

from:	Mr Klaus-Heiner LEHNE, Member of the European Parliament, and Mr Maros ŠEFČOVIČ, Vice-President of the European Commission
dated:	27 July 2010
No. prev. doc.:	11666/10 PE-L 94 INST 244 POLGEN 105
Subject:	Draft Framework Agreement on relations between the European Parliament and the Commission - Reply to the letter of 30 June 2010 of the President of the Coreper

Delegations will find attached a copy of the above letter.

Encl.:

EUROPEAN PARLIAMENT

Chair of the Working Party
Member of Parliament

EUROPEAN COMMISSION

Vice-President
Inter-institutional relations and administration

Brussels, 26 July 2010
DC/gvt D (2010) 278

Dear Ambassador De Ruyt

Thank you very much for the letter of 30th June, concerning the Framework Agreement between the European Parliament and the Commission, which follows up on a series of formal and informal contacts between our institutions on this matter. As you probably know, the negotiations on the revision of the Framework Agreement have recently been concluded by the Parliament and the Commission.

On the Parliament side, on 1st July 2010, the Conference of Presidents unanimously endorsed the proposed text and submitted it to the Committee on Constitutional Affairs for the preparation of a report according to the provisions of Rule 127 of Parliament's Rules of Procedure, for consideration in plenary. The Commission has already authorised President Barroso to sign the agreement, once formally endorsed by the Parliament. We enclose a copy of the agreed text, which will however be subject to a final legal-linguistic revision.

As we discussed in the Coreper lunch on 23rd June, one of the main purposes of this exercise was to adapt the existing Framework Agreement on the relations between the European Parliament and the Commission to the Lisbon Treaty. The new Treaty introduces many institutional changes, and the revision of the Framework Agreement should be seen as a means to build on these changes and, at the same time, to promote efficient and productive collaboration between the institutions, whilst staying within the new legal framework defined by the Treaties, and the institutional balance of the Union.

Finally, we would like to stress the importance of a future close collaboration between our Institutions on matters of common concern. We therefore welcome your suggestion of informal contacts between the three institutions. It must be noted that on specific issues of interest for the Council, the revised Framework Agreement does not affect the Council's institutional position and does not introduce arrangements that would require the agreement of all three institutions. The issues of common concern can now be taken forward in a joint manner by the three institutions, so as to complement the bilateral agreement between the Parliament and the Commission.

Klaus-Heiner LEHNE

Maros ŠEFČOVIČ

cc.: Members of COREPER
Annex: Draft framework agreement

Ambassador De Ruyt
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SECRETARIAT DU CONSEIL
DE L'UNION EUROPÉENNE
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Revised Framework Agreement on relations between the European Parliament and the Commission

Agreed text after closure of negotiations on 29 June 2010

REVISED PROVISIONAL VERSION

The European Parliament and the European Commission (hereinafter referred to as "the two Institutions"),

- having regard to the Treaty on European Union (TUE), the Treaty on the Functioning of the European Union (TFEU) and in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community, (hereinafter referred to as "the Treaties"),

- having regard to the Inter-institutional Agreements and texts governing relations between the two Institutions,

- having regard to Parliament's Rules of Procedure[1], and in particular Rules 105, 106 and 127 as well as Annex VIII and XIV,

- having regard to the political guidelines and relevant statements made by President-elect of the Commission on 15 September 2009 and on 9 February 2010 and the statements made by each of the candidate Commissioners in the course of their hearings by the European Parliament's committees,

A. whereas the Lisbon Treaty strengthens the democratic legitimacy of the European Union's decision-making process,

B. whereas the two Institutions attach the utmost importance to the effective transposition and implementation of Union law,

C. whereas this Framework Agreement does not affect the powers and prerogatives of Parliament, the Commission or any other institution or organ of the European Union but seeks to ensure that those powers and prerogatives are exercised as effectively and transparently as possible,

D. whereas this Framework Agreement should be interpreted in conformity with the institutional framework as organized by the treaties,

E. whereas the Commission will take due account of the respective roles conferred by the treaties on the Parliament and the Council, in particular with reference to the basic principle of equal treatment laid down under point 8,

F. whereas it is appropriate to update the Framework Agreement concluded in May 2005[2] and to replace it by the following text,

[1] OJ xx xx, reference to be updated.
[2] OJ C 117, 18.5.2006, p.123.

agree as follows:

I. SCOPE

1. To better reflect the new "special partnership" between the Parliament and the Commission, the two Institutions agree on the following measures to strengthen the political responsibility and legitimacy of the Commission, extend constructive dialogue, improve the flow of information between the two Institutions and improve the cooperation on procedures and planning.

They also agree on specific provisions:

- on Commission meetings with national experts, as set on in Annex 1;
- on the forwarding of confidential documents to the Parliament, as set out in Annex 2;
- on negotiation and conclusion of international agreements, as set out in Annex 3;
- and on the timetable for the Commission's Work Programme, as set out in Annex 4.

II. POLITICAL RESPONSIBILITY

2 (a new). The President-designate of the Commission will submit to the Parliament after his nomination by the European Council political guidelines for his term of office in order to enable an informed exchange of views with Parliament before its vote of approval.

2 (b new). In conformity with Rule 106 of its Rules of Procedure, Parliament shall communicate with the President-designate of the Commission in good time before the opening of the procedures relating to giving its consent to the new Commission. Parliament shall take into account the remarks expressed by the President-designate.

The designated Members of the Commission shall ensure full disclosure of all relevant information, in conformity with the obligation of independence laid down in Article 245 TFEU.

The procedures shall be designed in such a way as to ensure that the whole Commission designate is assessed in an open, fair and consistent manner.

2. Each Member of the Commission shall take political responsibility for action in the field of which he or she is in charge, without prejudice to the principle of Commission collegiality.

The President of the Commission shall be fully responsible for identifying any conflict of interest which renders a Member of the Commission unable to perform his or her duties.

The President of the Commission shall likewise be responsible for any subsequent action taken in such circumstances and shall inform the President of Parliament thereof immediately and in writing.

The participation of Members of the Commission in electoral campaigns is governed by the Code of Conduct for Commissioners.

Members of the Commission participating actively in electoral campaigns as candidates for European elections should take unpaid electoral leave as of the end of the last part-session before the elections.

The President of the Commission shall inform the Parliament in due time of his decision to grant this leave and which Member of the Commission will take over the relevant responsibilities for that period of leave.

3. If Parliament asks the President of the Commission to withdraw confidence in an individual Member of the Commission, he will seriously consider whether he should request that Member to resign, in accordance with Article 17(6) TEU; the President shall either require the resignation of that Member or explain his refusal to do so before Parliament in the following part-session.

4. Where it becomes necessary to arrange for the replacement of a Member of the Commission during his or her term of office pursuant to the second paragraph of Article 246 TFEU, the President of the Commission will consider seriously the result of Parliament's consultation before giving his accord to the decision of the Council. Parliament shall ensure that its procedures are conducted with the utmost dispatch, in order to enable the President of the Commission to seriously consider Parliament's opinion before the Member is appointed. Similarly, pursuant to the third paragraph of Article 246 TFEU, when the remainder of the Commission's term of office is short, the President of the Commission will seriously consider Parliament's position.

5. If the President of the Commission intends to reshuffle the allocation of responsibilities amongst the Members of the Commission during its term of office pursuant to Article 248 TFEU, he shall inform Parliament in due time for the relevant parliamentary consultation with regard to those changes; the President's decision to reshuffle the portfolios can take effect immediately.

6. When the Commission comes forward with a revision of the Code of Conduct for Commissioners relating to conflict of interest or ethical behaviour, it will seek Parliament's opinion.

III. CONSTRUCTIVE DIALOGUE AND FLOW OF INFORMATION

(i) General provisions

8. The Commission guarantees that it will apply the basic principle of equal treatment for Parliament and the Council, especially as regards access to meetings and the provision of contributions or other information, in particular on legislative and budgetary matters.

9. Within its competences, the Commission shall take measures to better involve Parliament in such a way as to take Parliament's views into account as far as possible in the area of the Common Foreign and Security Policy.

10. A number of arrangements are made to implement the "special partnership" between Parliament and the Commission:

- The President of the Commission will meet the Conference of Presidents at Parliament's request, at least twice a year to discuss issues of common interest.

- The President of the Commission will have a regular dialogue with the President of the European Parliament on key horizontal issues and major legislative proposals. This dialogue

should also include invitations to the President of Parliament to attend meetings of the College of Commissioners;

- The President of the Commission or the Vice-President responsible for inter-institutional relations is to be invited to attend meetings of the Conference of Presidents and the Conference of Committee Chairs when specific issues related to plenary agenda-setting, interinstitutional relations between Parliament and the Commission and legislative and budgetary matters are discussed;

- Meetings shall take place on an annual basis between the Conference of Presidents and the Conference of Committee Chairs and the College of Commissioners, to discuss relevant issues including the preparation and implementation of the Commission Work Programme.

- The Conference of Presidents and the Conference of Committee Chairs shall inform the Commission in due time on the results of their discussions having an inter-institutional dimension. The Parliament shall also keep the Commission fully and regularly informed on the outcome of its meetings dealing with the preparation of the plenary part-sessions, taking into account the Commission's views. This is without prejudice to point 37.

- To ensure a regular flow of relevant information between the two Institutions, the secretaries-general of Parliament and the Commission shall meet on a regular basis.

11. Each Member of the Commission shall make sure that there is a regular and direct flow of information between the Member of the Commission and the chairperson of the relevant parliamentary committee.

12. The Commission shall not make public any legislative proposal or any significant initiative or decision before notifying Parliament thereof in writing.

    On the basis of the Commission's Work Programme, the two Institutions shall identify in advance, by common agreement, key initiatives to be presented in plenary. In principle, the Commission will present these initiatives first in plenary and then only afterwards to the public.

    Similarly, they shall identify those proposals and initiatives for which information is to be provided before the Conference of Presidents or conveyed, in an appropriate manner, to the relevant parliamentary committee or its chairperson.

    These decisions shall be taken in the framework of the regular dialogue between the two Institutions, as provided for in point 10, and shall be updated on a regular basis, taking due account of any political developments.

13. If an internal Commission document - of which Parliament has not been informed pursuant to this Framework Agreement - is circulated outside the Institutions, the President of Parliament may request that the document concerned be forwarded to Parliament without delay, in order to communicate it to any Member of Parliament who may request it.

13 (a new). The Commission will provide full information and documentation on its meetings with national experts in the framework of its work on the preparation and implementation of EU legislation, including soft law and delegated acts. If requested by Parliament, the Commission may also invite Parliament's experts to these meetings.

The relevant provisions are defined in Annex 1.

14. Within three months after the adoption of a parliamentary resolution, the Commission shall provide information to Parliament in writing on action taken in response to specific requests addressed to it in Parliament's resolutions, including in cases where it has not been able to follow Parliament's views. That period may be shortened where a request is urgent. It may be extended by one month where a request calls for more exhaustive work and this is duly substantiated.

    Parliament will make sure that this information is widely distributed within the institution.

    Parliament will endeavour to avoid asking oral or written question concerning issues for which the Commission has already informed Parliament of its position through a written follow-up communication.

    The Commission shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU (legislative initiative report) within three months following adoption. The Commission shall come forward with a legislative proposal at the latest after one year or shall include the proposal in the next year's Commission Work Programme. If the Commission does not submit a proposal, it shall give Parliament detailed explanations of the reasons.

    The Commission shall also commit itself to a close and early cooperation between Parliament and the Commission on any legislative initiative requests emanating from citizens' initiatives.

    As regards the discharge procedure, the specific provisions laid down in point 26 shall apply.

15. Where initiatives, recommendations or requests for legislative acts are made pursuant to Article 289(4) TFEU, the Commission shall inform Parliament, if so requested, of its position on these proposals before the relevant parliamentary committee.

15 (a new) The two Institutions agree to cooperate in the area of relations with national Parliaments.

    The Parliament and the Commission shall cooperate on the implementation of Protocol N° 2 TFEU on the application of the principles of subsidiarity and proportionality. Such cooperation shall include arrangements related to any necessary translation of reasoned opinions presented by national Parliaments.

    When the thresholds mentioned in Article 7 of Protocol N° 2 TFEU are met, the Commission shall provide the translations of all the reasoned opinions presented by national Parliaments together with its position thereon.

16. The Commission shall inform Parliament of the list of its expert groups set up in order to assist the Commission in the exercise of its right of initiative. That list shall be updated on a regular basis and made public.

    Within this framework, the Commission shall, in an appropriate manner, inform the competent parliamentary committee, at the specific and reasoned request of its chairperson, on the activities and composition of such groups.

17. The two Institutions shall hold, through the appropriate mechanisms, a constructive dialogue on questions concerning important administrative matters, notably on issues having direct implications for Parliament's own administration.

17 (new) The Parliament will seek the opinion of the Commission, when it comes forward with a revision of its Rules of Procedures concerning relations with the Commission.

18. Where confidentiality is invoked as regards any of the information forwarded pursuant to this Framework Agreement, the provisions laid down in Annex 2 shall be applied.

(ii) International agreements and enlargement

19. The Parliament shall be immediately and fully informed at all stages of the negotiation and conclusion of international agreements, including the definition of negotiating directives. The Commission shall act in a manner to give full effect to its obligations under Article 218 TFEU, while respecting each Institution's role in accordance with Article 13(2) TEU. The Commission shall apply the arrangements laid out in Annex 3.

20. The information referred to in point 19 shall be provided to Parliament in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament's views as far as possible into account. This information shall, as a general rule, be provided to Parliament through the responsible parliamentary committees and, where appropriate, at a plenary sitting. In duly justified cases, this information shall be provided to more than one parliamentary committee.

    The Parliament and Commission undertake to establish appropriate procedures and safeguards for the forwarding of confidential documents from the Commission to Parliament, in accordance with the provisions of Annex 2.

21. The Institutions agree that due to their different institutional roles, the Commission represents the European Union in international negotiations with the exception of the common foreign security policy and other cases provided for in the Treaties.

    Where the Commission represents the Union in international conferences, it shall, at Parliament's request, facilitate the inclusion of a delegation of Members of Parliament as observers in EU delegations, so as to be immediately and fully informed about the conference proceedings. The Commission undertakes, where applicable, to systematically inform the EP delegation about the outcome of negotiations.

    Members of Parliament may not participate directly in these negotiations. Subject to the legal, technical and diplomatic possibilities, they may be granted observer status by the Commission. In case of refusal, the Commission will inform the EP of the reasons thereof.

    In addition, the Commission shall facilitate the participation of Members of Parliament as observers in all relevant meetings under its responsibility before and after negotiation sessions.

21 a (new). Under the same conditions, the Commission shall keep Parliament systematically informed about and facilitate access as observers as part of EU delegations to meetings of bodies set up by multilateral international agreements involving the EU, whenever such bodies are called upon to take decisions which require the consent of the European Parliament or the

implementation of which may require legal acts to be adopted according to the ordinary legislative procedure.

21 (b new) The Commission shall also give Parliament's delegation included in EU-delegations to international conferences access to use all EU facilities at these occasions, in line with the general principle of good cooperation between the Institutions and taking into account the available logistics.

The President of Parliament shall send to the President of the Commission a proposal concerning the inclusion of an EP delegation in the Union delegation no later than 4 weeks before the start of the conference, indicating the Head of the EP delegation and the number of Members of the Parliament to be included. In duly justified cases, this deadline can exceptionally be shortened.

The number of Members of the Parliament included in the EP delegation and of supporting staff shall be proportionate to the overall size of the EU-delegation.

24. The Commission shall keep Parliament fully informed of the progress of accession negotiations and in particular on major aspects and developments, so as to enable it to express its views in good time through the appropriate parliamentary procedures.

25. When Parliament adopts a recommendation on matters referred to in point 24, pursuant to Rule 89 of its Rules of Procedure, and when, for important reasons, the Commission decides that it cannot support such a recommendation, it shall explain the reasons before Parliament, at a plenary sitting or at the next meeting of the relevant parliamentary committee.

(iii) Budgetary implementation

25 a new. Before making, at donors' conferences, financial pledges which imply new financial undertakings and require the agreement of the budgetary authority, the Commission shall inform the budgetary authority and examine its remarks.

26. In connection with the annual discharge governed by Article 319 TFEU, the Commission shall forward all information necessary for supervising the implementation of the budget for the year in question, which the chairperson of the parliamentary committee responsible for the discharge procedure pursuant to Annex VII of the Parliament's Rules of Procedure requests from it for that purpose.

If new aspects come to light concerning previous years for which discharge has already been given, the Commission shall forward all the necessary information on the matter with a view to arriving at a solution which is acceptable to both sides.

(iv) Relationship with Regulatory Agencies

26 (new). Nominees for the post of Executive Director of regulatory agencies should come to parliamentary committee hearings.

In addition, in the context of the discussions of the inter-institutional Working Group on Agencies put in place in March 2009, the Commission and the Parliament will aim at a common approach on the role and position of decentralised agencies in the EU's institutional

landscape, accompanied by common guidelines for the creation, structure and operation of these agencies, together with funding, budgetary, supervision and management issues.

IV. COOPERATION AS REGARDS LEGISLATIVE PROCEDURES AND PLANNING

(i) Commission *Work Programme* and the European Union's programming

27. The Commission shall initiate the Union's annual and multi-annual programming, with a view to achieving inter-institutional agreements.

28. Every year, the Commission shall present its Work Programme.

29. The two Institutions shall cooperate in accordance with the timetable set out in Annex 4.

    The Commission shall take into account the priorities expressed by Parliament.

    The Commission shall provide sufficient detail as to what is envisaged under each point in the Commission's Work Programme.

30. The Commission shall explain when it cannot deliver individual proposals foreseen in its Work Programme for the year in question or when it departs from it.

    The Vice-President of the Commission responsible for inter-institutional relations undertakes to report to the Conference of Committee Chairs regularly, outlining the political implementation of the Commission Work Programme for the year in question.

(ii) Procedures for the adoption of acts

31. The Commission undertakes to carefully examine amendments to its legislative proposals adopted by Parliament, with a view to taking them into account in any amended proposal.

    When delivering its opinion on Parliament's amendments under Article 294 TFEU, the Commission undertakes to take the utmost account of amendments adopted at second reading; should it decide, for important reasons and after consideration by the College, not to adopt or support such amendments, it shall explain its decision before Parliament, and in any event in its opinion on Parliament's amendments by virtue of paragraph 7 point (c) of Article 294 TFEU.

31 new. When dealing with an initiative submitted by at least a quarter of Member States, in conformity with Article 76 TFEU, the Parliament undertakes not to adopt any report in the relevant committee before receiving the Commission's opinion on the initiative.

    The Commission undertakes to issue its opinion on such an initiative of Member States no later than 10 weeks after it has been submitted.

32. The Commission shall provide detailed explanation in due time before withdrawing its any proposals on which Parliament has already expressed a position at first reading.

    The Commission shall proceed with a review of all pending proposals at the beginning of the new Commission's term of office, in order to politically confirm or withdraw them, taking due account of the views expressed by the Parliament.

33. For special legislative procedures, for which the Parliament is to be consulted including other procedures, such as the one laid down in Article 148 TFEU, the Commission:

(i new) shall take measures to better involve Parliament in such a way as to take Parliament's views into account as far as possible, in particular to ensure that Parliament has the necessary time to consider the Commission's proposal;

(i) shall ensure that Council bodies are reminded in good time not to reach a political agreement on its proposals before Parliament has adopted its opinion. It shall ask for discussion to be concluded at ministerial level after a reasonable period has been given to the members of the Council to examine Parliament's opinion;

(ii) shall ensure that the Council adheres to the rules developed by the Court of Justice of the European Union requiring Parliament to be re-consulted if the Council substantially amends a Commission proposal. The Commission shall inform Parliament of any reminder to the Council of the need for re-consultation;

(iii) undertakes, if appropriate, to withdraw a legislative proposal that Parliament has rejected. If, for important reasons and after consideration by the College, the Commission decides to maintain its proposal, it shall explain the reasons for that decision in a statement before Parliament.

34. For its part, in order to improve legislative planning, Parliament undertakes:

(i) to plan the legislative sections of its agendas, bringing them into line with the current Commission's Work Programme and with the resolutions it has adopted on that programme in particular in view of the improved planning of the priority debates;

(ii) to meet reasonable deadlines, in so far as is useful for the procedure, when adopting its opinion at first reading under the ordinary legislative procedures and under the consultation procedure;

(iii) as far as possible to appoint rapporteurs on future proposals as soon as the Commission's Work Programme is adopted;

(iv) to consider requests for reconsultation as a matter of absolute priority provided that all the necessary information has been forwarded to it.

(iii) Issues linked to Better Law-Making

36 (a new). The Commission shall ensure that its impact assessments are conducted under its responsibility following a transparent procedure which guarantees an independent assessment. Impact assessments shall be published in due time, taking into consideration a number of different scenarios, including a 'doing-nothing' option, and shall in principle be presented to the relevant parliamentary committee during the phase of information of national Parliaments under Protocols N° 1 and 2 TFEU.

36 (b new). In areas where Parliament is usually involved in the legislative process, the Commission shall use soft law, where appropriate and on a duly justified basis after having given Parliament the opportunity to express its views. The Commission shall provide detailed

explanation to Parliament on how its views have been taken into account when it adopts its proposal.

36 (c new). In order to ensure better monitoring of the transposition and application of Union law, the Commission and Parliament shall endeavour to include compulsory correlation tables and a binding time limit for transposition, which in directives should not normally exceed a period of two years.

In addition to specific reports and the annual report on the application of Union law, the Commission shall make available summary information to the Parliament about all infringement procedures from the letter of formal notice, included, if so requested by Parliament, on a case-by-case basis and respecting the confidentiality rules, in particular those acknowledged by the Court of Justice of the European Union, on the issues concerned by the infringement procedure.

V. COMMISSION'S PARTICIPATION IN PARLIAMENTARY PROCEEDINGS

37. The Commission shall give priority to its presence, if requested, at the plenary sittings or meetings of other bodies of the Parliament, as compared to other competing events or invitations. In particular the Commission shall ensure that, as a general rule, Members of the Commission are present at plenary sittings for agenda items falling under their responsibility, whenever Parliament so requests. This is applicable to the preliminary draft agendas approved by the Conference of Presidents during the previous part-session

Parliament shall seek to ensure that, as a general rule, agenda items of the part-sessions falling under the responsibility of a Member of the Commission are grouped together.

37 (a new) At the request of Parliament, a regular Question Hour with the President of the Commission will be foreseen. This Question Hour will comprise two parts: the first with political group leaders or their representatives, conducted on an entirely spontaneous basis; the second devoted to a policy theme agreed upon in advance, at the latest on Thursday before the relevant part-session, but without prepared questions.

Furthermore, a Question Hour with Members of the Commission, including the Vice-President for External Relations / High Representative of the Union for Foreign Affairs and Security Policy shall be introduced, following the model of the Question Hour with the President of the Commission with the aim of reforming the existing Question Time. This Question Hour shall relate to the portfolio of the respective Members of the Commission.

Members of the Commission shall be heard at their request.

Without prejudice to Article 230 TFEU, the two Institutions shall agree on general rules relating to the allocation of speaking time between the Institutions.

The Institutions agree that their indicative allocation of speaking time should be respected.

38. With a view to ensuring the presence of Members of the Commission, Parliament undertakes to do its best to maintain its final draft agendas.

Where Parliament amends its final draft agenda, or where it moves items within the agenda within a part-session, Parliament shall immediately inform the Commission. The Commission

shall use its best endeavours to ensure the presence of the Member of the Commission responsible.

39. The Commission may propose the inclusion of items on the agenda not later than the meeting of the Conference of Presidents that decides on the final draft agenda of a part-session. Parliament shall take the fullest account of such proposals.

Parliamentary committees shall seek to maintain their draft agendas and agendas.

Whenever a parliamentary committee amends its draft agenda or its agenda, the Commission shall be immediately informed thereof. In particular, the parliamentary committees shall endeavour to respect a reasonable deadline to foresee the presence of Members of the Commission.

Where the presence of a Member of the Commission is not explicitly required at a parliamentary committee meeting, the Commission shall ensure that it is represented by a competent official at an appropriate level.

Parliamentary committees will endeavour to coordinate their work, including avoiding parallel meetings on the same issue and they will endeavour not to deviate from the draft agenda so that the Commission can ensure an appropriate level of representation.

If the presence of a high-level official (Director-General or Director) has been requested at a committee meeting dealing with a Commission proposal, the representative of the Commission shall be allowed to intervene.

VI. FINAL PROVISIONS

(41 a new) The Commission confirms its commitment to examine as soon as possible the legislative acts which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess if those instruments need to be adapted to the regime of delegated acts introduced by Article 290 TFEU.

As a final goal, a coherent system of delegated and implementing acts, fully consistent with the new Treaty, should be achieved through a progressive assessment of the nature and contents of measures currently subject to the regulatory procedure with scrutiny, in order to adapt them in due course to the regime of Article 290 TFEU.

41 (b new) The provisions of the present Framework Agreement complement the Interinstitutional Agreement on Better Law-Making3 without affecting it and do not prejudice any further revision thereof.

Without prejudice to forthcoming negotiations between the Parliament, the Commission and the Council, the two Institutions commit to agree on key changes in preparation of future negotiations on an adaptation of the Better Law-Making Agreement to the new provisions of the Lisbon Treaty, taking into account current practices and the updated Framework Agreement.

[3] OJ C 321, 31.12.2003

They also agree on the need to reinforce the existing inter-institutional contact mechanism, at political and at technical level, in relation to Better Law-Making to ensure effective inter-institutional cooperation between the Parliament, the Commission and the Council.

41 (c new). The Commission commits to initiate rapidly the Union's annual and multiannual programming with a view to achieving inter-institutional agreements, in accordance with Article 17 TEU.

The Commission's Work Programme is the Commission's contribution to the Union's annual and multiannual programming. Following its adoption by the Commission, a trialogue between the Parliament, the Council and the Commission should take place in view to reach an agreement on the Union's programming.

In this context and as soon as the Parliament, the Council and the Commission have reached a common understanding on the Union's programming, the two Institutions shall review the provisions of the current Framework Agreement related to programming.

The Parliament and the Commission call on the Council to engage in discussions on the Union's programming as foreseen in Article 17 TEU as soon as possible.

42. The practical implementation of this Framework Agreement and its Annexes shall be assessed periodically by the two Institutions. A review shall be performed by the end of 2011, in the light of practical experience.

Done at ...,

For the Parliament
The President

For the Commission
The President

Annex 1 - Commission meetings with national experts

The present Annex defines the modalities of point 13a of the Framework Agreement.

1. Scope

The provisions of point 13a of the Framework Agreement concern the following meetings:

1) Commission meetings taking place in the framework of expert groups established by the Commission and inviting national authorities from all EU Member States, as long as they concern the preparation and implementation of EU legislation, including soft law and delegated acts;

2) *Ad hoc* Commission meetings inviting national experts from all EU Member States, as long as they concern the preparation and implementation of EU legislation, including soft law and delegated acts.

Meetings of comitology committees are excluded, without prejudice to existing and future specific arrangements concerning the information of the European Parliament on the exercise of the Commission's implementing powers[4].

2. Information to be transmitted to Parliament

The Commission commits to send the Parliament the same documentation that it sends to national authorities in relation to the above-mentioned meetings. The Commission will transmit these documents, including agendas, to a functional mailbox of the Parliament at the same time as they are sent to the national experts.

3. Invitation of Parliament's experts

Upon request of the Parliament, the Commission may decide to invite Parliament to send EP experts to attend Commission meetings with national experts as identified in point 1.

[4] The information provided to the EP on the work of comitology committees and the prerogatives of the EP in the operation of comitology procedures are clearly defined in other instruments: (1) Comitology Decision 1999/468/EC of 1999, amended in 2006, (2) inter-institutional agreement between the EP and the Commission on the comitology procedures concluded on 3 June 2008 and (3) instruments necessary for the implementation of Article 291 TFEU.

Annex 2 - Forwarding of confidential information to the European Parliament

1. Scope

1.1. This Annex shall govern the forwarding to Parliament and the handling of confidential information, as defined in Paragraph 1.2., from the Commission in connection with the exercise of Parliament's prerogatives and competences. The two Institutions shall act in accordance with their mutual duties of sincere cooperation, in a spirit of complete mutual trust and in the strictest conformity with the relevant Treaty provisions.

1.2 'Information' shall mean any written or oral information, whatever the medium and whoever the author may be.

1.2.1 'Confidential information' shall mean 'EU Classified information' (EUCI) and non-classified 'other confidential information'.

1.2.2 'EU Classified information' (EUCI) shall mean any information and material, classified as 'TRES SECRET / TOP SECRET EU', 'SECRET UE', 'CONFIDENTIEL UE' or 'RESTREINT UE' or bearing equivalent national or international classification markings, an unauthorised disclosure of which could cause varying degrees of prejudice to EU interests, or to one or more of its Member States, whether such information originates within the EU or is received from Member States, third States or international organisations.

a) TRES SECRET / TOP SECRET EU: This classification shall be applied only to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the European Union or of one or more of its Member States.

b) SECRET UE: This classification shall be applied only to information and material the unauthorised disclosure of which could seriously harm the essential interests of the European Union or of one or more of its Member States.

c) CONFIDENTIEL UE: This classification shall be applied to information and material the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of its Member States.

d) RESTREINT UE: This classification shall be applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of its Member States.

1.2.3 'Other confidential information' shall mean any other confidential information, including information covered by the obligation of professional secrecy, requested by the European Parliament and/or forwarded by the European Commission.

1.3. The Commission shall ensure that Parliament is given access to confidential information, in accordance with the provisions of this Annex, whenever it receives from one of the parliamentary bodies or office holders set out in point 1.4. a request relating to the forwarding of confidential information. Moreover, the Commission may forward any confidential information on its own initiative to Parliament in accordance with the provisions of this Annex.

1.4. In the context of this Annex, the following may request confidential information from the Commission:

- the President of Parliament,
- the chairpersons of the parliamentary committees,
- the Bureau and the Conference of Presidents,
- and the Head of Parliament's delegation included in the EU's delegation at an international conference.

1.5. Information on infringement procedures and procedures relating to competition, in so far as they are not covered by a final Commission decision or by a judgement of the Court of Justice of the European Union on the date when the request from one of the parliamentary bodies / office holders mentioned in point 1.4 is received, or relating to the protection of financial interest of the EU shall be excluded from the scope of this Annex. This is without prejudice to point 36 of the Framework Agreement and to the budgetary control rights of Parliament.

1.6. These provisions shall apply without prejudice to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry[5] and the relevant provisions of Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF)[6].

2. General rules

2.1. At the request of one of the parliamentary bodies / office holders referred to in point 1.4., the Commission shall forward to that parliamentary body / office holder with all due despatch any confidential information required for the exercise of Parliament's prerogatives and competences. In accordance with their respective powers and responsibilities, the two Institutions shall respect:

- fundamental human rights, including the right to a fair trial and the right to protection of privacy;
- provisions governing judicial and disciplinary procedures;
- protection of business secrecy and commercial relations;
- protection of the interests of the Union, in particular those relating to public safety, defence, international relations, monetary stability and financial interests.

In the event of a disagreement, the matter shall be referred to the Presidents of the two Institutions so that they may resolve the dispute.

Confidential information from a State, an institution or an international organisation shall be forwarded only with its consent.

2.2. EUCI shall be forwarded to, and handled and protected by the Parliament in compliance with the common minimum standards of security, as applied by other EU Institutions, in particular the Commission.

When classifying information for which it is the originator, the Commission will make sure that it applies appropriate levels of classification in line with the international standards and

[5] OJ L 113, 19.5.1995, p.2.
[6] OJ L 136, 31.5.1999, p.20.

definitions and its internal rules, whilst taking due account of the need for Parliament to be able to access classified documents for the effective exercise of its competences and prerogatives.

2.3 In the event of any doubt as to the confidential nature of an item of information or to its appropriate level of classification, or where it is necessary to lay down the appropriate arrangements for it to be forwarded in accordance with the one of the options set out in point 3.2., the two Institutions shall consult each other without delay and before transmission of the document. In these consultations, the European Parliament shall be represented by the chairperson of the parliamentary body, accompanied, where necessary, by the rapporteur or the office holder who submitted the request. The Commission shall be represented by the Member of Commission with responsibility for that area, after consultation of the Member of the Commission responsible for security matters. In the event of a disagreement, the matter shall be referred to the Presidents of the two Institutions so that they may resolve the dispute.

2.4. If, at the end of the procedure referred to in point 2.3., no agreement has been reached, the President of Parliament, in response to a reasoned request from the parliamentary body / office holder who submitted the request, shall call on the Commission to forward, within the appropriate deadline duly indicated, the confidential information in question, selecting the arrangements from among the options laid down in section 3.2 of this Annex. Before the expiry of that deadline, the Commission shall inform Parliament in writing of its final position, in respect of which Parliament reserves the right, if appropriate, to exercise its right to seek redress.

2.5. Access to EUCI information shall be granted in accordance with applicable rules for personal security clearance.

2.5.1. Access to information classified as "EU TOP SECRET", "SECRET EU" and "CONFIDENTIAL EU" may only be granted to officials of the European Parliament and those employees of the European Parliament working for political groups to whom it is strictly necessary, who have been designated in advance by the parliamentary body / office holder to have a need-to-know, and who dispose of an appropriate security clearance.

2.5.2 In light of Parliament's prerogatives and competences, those Members who do not dispose of a personal security clearance shall be granted access to "CONFIDENTIAL EU" documents under practical arrangements defined in common accord, including signature of a solemn declaration that they will not disclose the contents of those documents to any third person.

Access to "SECRET UE" documents shall be granted to Members disposing of a personal security clearance.

2.5.3. Arrangements shall be found with the support of the Commission to make sure that the necessary contribution of national authorities in the framework of the clearance procedure can be obtained by Parliament as quickly as possible.

The category or categories of the persons to have access to the confidential information shall be communicated simultaneously with the request.

Prior to being granted access to such information, each person shall be briefed on its confidentiality level and the resulting security obligations.

In the context of the review of this Annex and future security arrangement, referred to in points 4.1 and 4.2, the issue of security clearances will be re-examined.

3. Arrangements for access to and the handling of confidential information

3.1. Confidential information forwarded in accordance with the procedures set out in point 2.3. and, where appropriate, point 2.4. shall be made available, on the responsibility of the President or of a Member of the Commission, to the parliamentary body / office holder who submitted the request under following conditions:

The EP and the Commission will ensure the registration and the traceability of confidential information.

More specifically, EUCI at the level "CONFIDENTIEL UE" and "SECRET UE" shall be forwarded from the Commission's SG central registry to the equivalent competent EP service who will be in charge of making it available under the agreed arrangements to the parliamentary body / office holder who submitted the request.

The forwarding of EUCI at the level of "TRES SECRET UE / EU TOP SECRET" shall be subject to further arrangements agreed between the Commission and the parliamentary body / office holder who submitted the request aimed at ensuring a level of protection commensurate with that classification.

3.2. Without prejudice to the provisions of point 2.2. and 2.4. and the future security arrangements referred to in section 4.2, access and the arrangements designed to preserve the confidentiality of the information shall be laid down by common accord before forwarding the information. This accord between the Member of the Commission with responsibility for the policy area involved and the parliamentary body (represented by its chairperson) / office holder who submitted the request shall foresee the selection of one of the following options in order to ensure the appropriate level of confidentiality.

3.2.1. Regarding the addressees of the confidential information one of the following options should be foreseen:

- information intended for the President of Parliament alone, in instances justified on absolutely exceptional grounds;
- the Bureau and/or the Conference of President ;
- the chairperson of and the rapporteur for the relevant parliamentary committee;
- all members (full and substitute) of the relevant parliamentary committee;
- all members of the European Parliament.

The confidential information in question may not be published or forwarded to any other addressee without the consent of the Commission.

3.2.2. Regarding the arrangements for the handling of confidential information, the following options should be foreseen:

a) Examination of documents in a secure reading room if the information is classified "CONFIDENTIAL UE" and above.

b) Holding the meeting in camera, attended only by the members of the Bureau, the members of the Conference of Presidents or full members and substitute members

of the competent committee as well as by officials of the European Parliament and those employees of the European Parliament working for political groups who have been designated in advance by the chair, as having a need-to-know and whose presence is strictly necessary and provided they dispose of the required level of security clearance, taking into account the following conditions;

- any documents may be numbered, be distributed at the beginning of the meeting and collected again at the end. No notes of these and no photocopies may be taken;

- the minutes of the meeting shall make no mention of the discussion of the item taken under the confidential procedure.

Before transmission, all personal data may be expunged from the documents.

Confidential information provided orally to recipients in Parliament shall be submitted to the equivalent level of protection of confidential information provided in written form. This may include a solemn declaration by the recipients of that information not to divulge its contents to any third person.

3.2.3 When written information is to be examined in a secure reading room, Parliament shall ensure that the following arrangements are actually put in place:

- a secure storage system for confidential information;
- a secure reading room without photocopying machines, telephones, fax facilities, scanners or any other technical equipment for the reproduction and transmission of documents, etc.;
- security provisions governing access to the reading room, including the requirements of signature in an access register and a solemn declaration not to disseminate the confidential information examined.

3.2.4. This does not preclude other equivalent arrangements agreed between the Institutions.

3.3. In the event of non-compliance with these arrangements, the provisions relating to sanctions of Members set out in Annex VIII to Parliament's Rules of Procedure and in respect of officials and other employees of the European Parliament, the applicable provisions of Article 86 of the Staff Regulations or Article 49 of the Conditions of Employment of Other Servants of the European Communities shall apply.

4. Final provisions

4.1 The Commission and the European Parliament shall take all the measures required for the implementation of the provisions of this Annex.

For this purpose, the competent services of the Commission and the Parliament shall closely coordinate the implementation of this Annex. This shall include the verification of traceability of confidential information and periodic joint monitoring of security arrangements and standards applied.

Parliament undertakes to adapt, where necessary, its internal provisions to implement the security rules for confidential information laid down in this Annex.

Parliament undertakes to adopt as soon as possible its future security arrangements and to verify these arrangements in common accord with the Commission, with a view to establishing equivalence of security standards. This will give effect to this Annex with regard to:

- Technical security provisions and standards regarding the handling and storage of confidential information, including security measures in the field of physical, personnel, document and IT security.

- The establishment of a specially established oversight committee, composed of appropriately cleared Members for the handling of EUCI of the level of "TRES SECRET UE / EU TOP SECRET".

4.2 Parliament and the Commission will review the present Annex and, where necessary, adapt it, no later than at the time of the review referred to in point 42 of the Framework Agreement, in light of developments concerning:

- Provisions of future security arrangements involving Parliament and the Commission;

- Other agreements or legal acts relevant for the forwarding of information between the Institutions.

Annex 3 - Negotiation and conclusion of international agreements

This Annex lays down detailed arrangements for the information of Parliament about negotiations and conclusion of international agreements referred to in points 19-21:

1. The Commission shall inform the Parliament about its intention to propose the start of negotiations at the same time as it informs the Council.

2. In line with the provisions of point 20, when the Commission proposes draft negotiating directives with a view to their adoption by the Council, the Commission shall at the same time present them to Parliament.

3. The Commission shall take due account of Parliament's comments in the entire process of negotiations.

4. In line with the provisions of point 19, the Commission shall inform Parliament regularly and promptly about the conduct of negotiations until the agreement is initialled and explain whether and how Parliament's comments were incorporated in the texts under negotiation and if not why.

5. In case of international agreements whose conclusion will require Parliament's consent, the Commission shall provide to Parliament during the negotiation process all relevant information that it also provides to the Council (or to the special committee appointed by the Council). This shall include draft amendments to adopted negotiating directives, draft negotiating texts, agreed articles, the agreed date for initialling the agreement and the text of the agreement to be initialled. The Commission shall also transmit to Parliament, as to Council (or the special committee appointed by the Council) any relevant documents received from third parties, subject to the originator's consent. The Commission shall keep the responsible parliamentary committee informed about the evolution of the negotiations and, in particular, explain how Parliament's views were taken into account.

5a. In case of international agreements whose conclusion does not require Parliament's consent, the Commission shall make sure that Parliament is immediately and fully informed, by providing information covering at least the draft negotiating directives, the adopted negotiating directives, the subsequent conduct of negotiations and the conclusion of the negotiations.

6. In line with the provisions of point 20, the Commission shall give thorough information to Parliament in due time when an agreement is initialled, and it shall inform Parliament as early as possible when it intends to propose its provisional application to the Council and of the reasons thereof, unless reasons of urgency would not allow the Commission to do so.

7. The Commission shall inform Council and Parliament simultaneously and in due time of its intention to propose to the Council the suspension of an international agreement and of the reasons thereof.

8. For agreements which would fall under the consent procedure under the TFEU, the Commission shall also keep Parliament fully informed before approving modifications to an agreement, authorised by the Council, by way of derogation, in accordance with Article 218 (7) of TFEU.

Annex 4 - Timetable for the Commission Work Programme

The Commission Work Programme shall be accompanied by a list of legislative and non-legislative proposals for the following years. The Work Programme covers the next year in question, and provides detailed indication of the Commission's priorities for the subsequent years. The Commission's Work Programme can thus be the basis for a structured dialogue with the Parliament, with a view to seeking a common understanding.

The Work Programme shall also include planned initiatives on soft law, withdrawals and simplification.

1. In the first semester of a given year, Members of the Commission shall undertake an on-going regular dialogue with the corresponding parliamentary committees on the implementation of the Commission Work Programme for that year and on the preparation of the Commission's future Work Programme. On the basis of the dialogue each parliamentary committee shall report on the outcome of this regular dialogue to the Conference of Committee Chairs.

2. In parallel the Conference of Committee Chairs shall hold a regular exchange of views with the Vice-President of the Commission responsible for inter-institutional relations, in order to assess the state of implementation of the current Commission Work Programme, discuss the preparation of the future programme, and take stock of the results of the on-going bilateral dialogue between the parliamentary committees concerned and relevant Members of the Commission.

3. In June, the Conference of Committees Chairs shall submit a summary report to the Conference of Presidents, which should include results of the screening of the implementation of the Work Programme as well as Parliament's priorities for the forthcoming Work Programme, which shall inform the Commission thereof.

4. On the basis of this summary report, Parliament shall adopt a resolution at the July part-session, outlining its position in particular including requests based on legislative initiative reports.

5. Each year in the first part-session of September, a State of the Union debate will be held in which the President of the Commission shall deliver an address, taking stock of the current year and looking ahead to future priorities for the following years. To this effect, the President will in parallel set out in writing to the Parliament the main elements guiding the preparation of the Work Programme for the following year.

6. From the start of September, the competent parliamentary committees and the relevant Members of the Commission may meet for a more detailed exchange of views on future priorities in each policy area. These meetings shall be rounded up by a meeting between the Conference of Committee Chairs and the College of Commissioners and by a meeting between the Conference of Presidents and the President of the Commission, as appropriate.

7. In October, the Commission shall adopt its Work Programme for the following year. Subsequently, the President of the Commission shall present this Work Programme to Parliament at an appropriate level.

8. Parliament may hold a debate and adopt a resolution at the December part-session.

9. This timetable shall be applied to each regular programming cycle, except for Parliament election years coinciding with the end of the Commission's term of office.

10. This timetable shall not prejudice any future agreement on inter-institutional programming.