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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee II  
Subject: Revision of the 2010 Framework Agreement between the European  
Parliament and the European Commission  
- Approval of a letter

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1. On 21 October 2024, a Joint Statement was issued by the Presidents of the European Parliament and of the European Commission on the revision of the 2010 Framework Agreement, setting out a number of political principles to strengthen the cooperation between the two institutions and ensure greater transparency.
2. Since then, the subject of the revision of the Framework Agreement on relations between the European Parliament and the European Commission, and its potential implications for the institutional balance as enshrined in the Treaties, has been addressed several times in the Council at various levels.
3. On 20 November 2024 the Permanent Representatives Committee authorised the Presidency to address a letter to the two signatories of the Joint Statement, highlighting certain aspects of the document as particularly problematic from the Council's perspective.

4. On 9 September 2025, the Commission and the European Parliament reached a provisional political agreement on a revision of the Framework Agreement.
5. On 10 September 2025, the Commission presented in the Permanent Representatives Committee the results of this provisional agreement, without however sharing the text of the agreement with Member States. In this occasion, delegations expressed general concerns and stressed the need to respect the institutional balance enshrined in the Treaties, especially referring to Article 122 TFEU (proposals under exceptional and emergency situations), Article 225 TFEU (Commission follow-up on Parliament requests for legislative proposals) and international agreements.
6. On 28 November 2025, the Commission shared with the Council the text of the revised Framework Agreement (with the exception of the Annexes).
7. The Permanent Representatives Committee held an exchange of views on the text on 5 December 2025. Delegations reiterated the concerns previously expressed and the Permanent Representatives Committee tasked the Working Party on General Affairs (GAG) to continue the discussions at technical level.
8. GAG held discussions on the text of the Framework Agreement on 11 December 2025, 14 January 2026 and 6 February 2026. As part of the exchanges, the Commission and the Parliament gave presentations on the revised agreement and responded to questions from delegations.
9. On 27 January 2026, the Commission shared the Annexes of the revised Framework Agreement.
10. On 13 February 2026, GAG discussed Annex II of the agreement on forwarding of confidential information to Parliament. It also discussed the draft text of a letter presented by the Presidency to be addressed to the Parliament and Commission, setting out a number of concerns on certain aspects of the agreement that are deemed particularly problematic from the Council's perspective.

11. Taking into account delegations' comments in GAG, the Presidency prepared a revised draft of that letter with minor amendments, as set out in the Annex to this note. The changes compared to the version of the letter presented in GAG are the following:
- language has been introduced to stress that the Framework Agreement in its current form is in itself already problematic
  - the paragraph regarding concerns on the principle of equal treatment has been moved upfront; and
  - a reference has been added to concerns in relation to Annex II of the draft revised Framework Agreement on forwarding of confidential information to Parliament.
12. The Permanent Representatives Committee is therefore invited, pursuant to Article 19(7)(k) of the Council's Rules of Procedure:
- to approve the wording of the letter to the President of the European Parliament and to the President of the European Commission, as set out in the Annex to this note, and
  - to authorise the Chair of the Permanent Representatives Committee to send it on behalf of the Council.
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**Subject: Revision of the 2010 Framework Agreement between the European Parliament and the European Commission**

Dear President Metsola,

Dear President von der Leyen,

I am writing to you concerning the draft version of the revised Framework Agreement communicated to us on 28 November 2025. We understand that the vote in the European Parliament regarding this text is scheduled for the Plenary in March 2026 and that immediately thereafter the Parliament and the Commission intend to sign the revised Framework Agreement.

As you recall, the Council has repeatedly expressed its strong reservations concerning this bilateral Agreement, **both in its current and draft revised versions**, and its compatibility with the principles laid down in the Treaties, most recently in the letter addressed to you on 20 November 2024 by the Presidency of the Council of the EU.

It is regrettable to note that the latest version of the revised Framework Agreement does not respond to any of our concerns. On the contrary, it extends the list of issues that the Council finds problematic, in so far as they may affect the institutional balance and the boundaries set by the Treaties for each institution's action.

**The Council reiterates its strong opposition to all suggestions in the revised Framework Agreement that a principle of 'equal treatment' or 'equal footing' of the Parliament and the Council would horizontally apply under the Treaties. This is not the case, as clearly demonstrated by the different prerogatives conferred upon the Parliament and the Council by the Treaties, such as in the case of a special legislative procedure, in the field of international agreements or with regards to legal acts based on Article 122 TFEU.**

Before the vote in Plenary, the Council would like to draw your attention to the following three points which it considers as the most problematic, notwithstanding the fact that other problematic points, **including transmission of EU classified information to the Parliament**, remain in the revised Framework Agreement, ~~particularly those already raised in our previous letters on this subject~~. **It is in particular the understanding of the Council that Annex II will be interpreted, in light of the applicable Parliament Decision (2011/C 190/02) of 6 June 2011 concerning the rules governing the treatment of confidential information by the European Parliament (Parliament's internal security rules).**

Firstly, when it comes to international agreements, the Council has strong objections to the new provisions on provisional application, since they directly affect the prerogatives of the Council pursuant to Article 218(5) TFEU and grant powers to the Parliament which it does not enjoy under the Treaties. I urge you to reconsider those provisions before the vote in Plenary. As regards the presence of Parliament in international negotiations, the Council would like to recall that the Treaties do not grant the Parliament a right of consultation during the negotiations stage, but only a right of information which does not include, nor justify, the participation of members of Parliament in coordination meetings. Any provision of the revised Framework Agreement which would be interpreted and applied so as to allow such participation infringes the institutional balance and is not acceptable to the Council.

Secondly, concerning the arrangements regarding the use of Article 122 TFEU and in particular the commitment by the Commission to provide detailed comprehensive justification to the Parliament for each proposal based on that Article - beyond the obligation to state reasons based on Article 296 TFEU – as well as the obligation of the Commission to report to the Parliament on the implementation of legal acts adopted on the basis of Article 122 TFEU, the Council points out that such requirements are not provided for by the Treaties and as such interfere with the Council's prerogatives and therefore alter the institutional balance. Furthermore, a mandatory application of the budgetary scrutiny procedure for new proposals based on Article 122 TFEU with potential appreciable implications for the Union budget is not in line with paragraphs 2 and 3 of the Joint declaration of the three institutions on budgetary scrutiny<sup>1</sup>. In this regard, the Council will continue to consider, on the basis of that Joint declaration, that it 'may' request that the budgetary scrutiny procedure be initiated without being bound to apply it.

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<sup>1</sup> OJ C 444 I, 22.12.2020, p. 8.

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Thirdly, as regards Parliament's requests for new legislative initiatives under Article 225 TFEU, the Council considers that the additional rights conferred upon the Parliament which go beyond the 2016 Interinstitutional Agreement on Better Law Making<sup>2</sup> concluded between the three institutions, in particular the right to request the Commission to provide the Parliament with technical expertise and support in the design of pilot projects or preparatory actions, create an imbalance in the legislative process as well as with the comparable rights of the Council pursuant to Article 241 TFEU and the related arrangements agreed in the 2016 Interinstitutional Agreement.

The Council has serious concerns that the assistance on such preparatory actions is not compatible with the Commission's obligation under Joint Declaration of 13 June 2007 on practical arrangements for the codecision procedure<sup>3</sup> to "*exercise its right of initiative in a constructive manner with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.*"

In this context, it is, moreover, regrettable that the revised Framework Agreement will lead the Commission to grant the Parliament a more favorable position in relation to Article 225 TFEU compared to the Council under Article 241 TFEU, whereas the two procedures were granted the same treatment under the 2016 Interinstitutional Agreement.

~~**Last but not least, the Council reiterates its strong opposition to all suggestions in the revised Framework agreement that a principle of 'equal treatment' or 'equal footing' of the Parliament and the Council would horizontally apply under the Treaties. This is not the case, as clearly demonstrated by the different prerogatives conferred upon the Parliament and the Council by the Treaties, such as in the case of a special legislative procedure, in the field of international agreements or with regards to legal acts based on Article 122 TFEU.**~~

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<sup>2</sup> OJ L 123, 12.5.2016, p. 1.

<sup>3</sup> OJ C 145, 30.6.2007, p. 5.

In line with the principle of sincere cooperation, the Council requests that the above-mentioned comments be considered before the Parliament votes on the revised Framework Agreement and, in any case, before its signature by your respective institutions. In any event, the content of the revised Framework Agreement cannot prejudice discussions regarding the revision of existing interinstitutional Agreements to be carried out with the involvement of the Council. Should the revised Framework Agreement enter into force with the problematic provisions unchanged, the Council reserves its right to take any appropriate actions to defend its prerogatives, including by bringing the matter to the Court.

Yours sincerely,

Chair of the  
Permanent Representatives Committee

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