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# **DRAFT REPORT**

on the implementation of the Treaty provisions on Parliament's power of political control over the Commission  
(2018/2113(INI))

Committee on Constitutional Affairs

Rapporteur: Mercedes Bresso

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## EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

### Procedure and sources

On 31 May 2018, the rapporteur was entrusted with the task of preparing a report on the implementation of the Treaty provisions on parliamentary scrutiny over the Commission.

Since her appointment, the rapporteur has collected information and has relied on the following sources, among others:

- a hearing held in the Committee on Constitutional Affairs on 10 October 2018;
- an Ex-Post Impact Assessment by Parliament's EPRS, entitled 'Parliamentary scrutiny over the European Commission: implementation of the Treaty provisions';

### Findings of the research

Parliamentary oversight is a precondition for democratic legitimacy. Recent changes in the law-making process and the increased legislative role of the executive have created the need for a reinforcement of parliamentary scrutiny procedures. This phenomenon is not foreign to the institutional structure of the Union, with the Commission gaining law-making powers through delegated acts, its increasing 'politicisation' and the stronger need for law reinforcement to complement the efficiency of legislation. Therefore, this report will aim to reassess Parliament's scrutiny role over the Commission and bring it up to date with these new institutional developments.

### *Existing instruments for parliamentary scrutiny over the Commission*

The Commission, as a body, is responsible to the European Parliament (Article 17 TEU). The Parliament derives its powers of oversight over the Commission from the Treaties but also from sources of secondary legislation or from Interinstitutional Agreements such as the Framework Agreement on relations between the European Parliament and the European Commission and the Interinstitutional Agreement on better law-making.

The instruments for parliamentary scrutiny can be grouped into one of the following categories:

- **Election of president and investiture of the Commission**

#### Election of Commission President (Articles 14 and 17 TEU)

According to the Treaty, EU heads of state propose a candidate for Commission President, taking into account the results of European elections (Article 17 TEU). The candidate is elected by the Parliament (Article 14 TEU).

The Spitzenkandidaten process, which was launched by Parliament for the first time in 2014, established a stronger link between Parliament and Commission, which together with the well established practice of commissioner-designate hearings created a form of parliamentary steering oversight. The Spitzenkandidaten process is not a formal requirement of the Treaty but a political process established by Parliament in 2014, which led to the appointment of President Juncker, who was the EPP lead candidate, as president of the Commission.

It remains to be seen how the lead candidate process will be shaped in the context of the 2019 elections, taking into account the recommendations made in the European Parliament decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission. This process is a major step in strengthening the link between Parliament and the Commission and should even be reinforced by laying out more detailed terms for its application.

#### Investiture of the Commission (Articles 14 and 17 TEU)

Since 1995, commissioner-designates have been required to appear before Parliament for a public hearing with the relevant committees, a practice developed by Parliament and formalised in its Rules of Procedure, although this is not a procedure stipulated in the Treaties. The Commission as a body is then subject to the Parliament's vote of consent. There have been three cases of commissioner-designates withdrawing their candidatures after a negative result of the Parliamentary hearing (Rocco Buttiglione in 2004, Rumiana Jeleva in 2009 and Alenka Bratušek in 2014).

In case a Commissioner changes significantly his or her portfolio in the course of the term of office of the Commission or there is a significant change in the composition of the Commission, the Commissioners concerned are invited once again to a public hearing in Parliament. Between 2010 and 2018 there were five additional hearings of commissioner-designates.

#### **- Instruments for calling the Commission to account**

##### Motion for censure (Article 17 TEU and Article 234 TFEU)

Parliament's power of censure of the Commission could be seen as a vote of no-confidence in the executive. The Parliament has the right to censure the Commission by a two thirds majority of the votes cast, representing a majority of the component Members of Parliament. According to Parliament's Rules of procedure (Rule 119), such motion can be submitted by one-tenth of the MEPs.

So far, none of the eight motions of censure brought before Parliament has been adopted, mostly due to the very high threshold required (2/3 majority). In 1999, the Santer Commission stepped down before Parliament forced its resignation. This happened after Parliament refused to give discharge to the Commission for the year 1996.

##### Withdrawal of confidence in an individual Member of the Commission

The Treaties do not provide for individual responsibility of Commissioners but consider the Commission as a body responsible to Parliament. However, according to the Framework Agreement on relations between the European Parliament and the European Commission, the Parliament can ask the Commission President to withdraw confidence in an individual Member of the Commission. The Commission President has to explain his refusal to do so before Parliament. This provision has never been applied to this date.

## Right of inquiry (Article 226 TFEU)

According to Article 226 TFEU, Parliament has the right to set up a temporary Committee of Inquiry to investigate alleged contraventions and maladministration in the implementation of Union Law. The same article confers on Parliament the right of initiative to propose a Regulation detailing the provisions governing its right of inquiry, which should be adopted after obtaining the consent of the Council and the Commission.

All investigations conducted to date by Parliament through committees of inquiry, have shown that the existing legal framework<sup>1</sup> is far too restrictive in terms of the ability to summon individual witnesses, to request access to documents and to impose sanctions in order to assert Parliament's investigative powers. Parliament's proposal for a Regulation on the Right of Inquiry<sup>2</sup>, which is still under negotiations with the Council and the Commission, aims at increasing Parliament's powers in these fields.

Since 2009, the Parliament has set up two committees of inquiry - on emission measurements in the automotive sector (EMIS) and on money laundering, tax avoidance and tax evasion (PANA).

Although the current legal provisions do not allow for binding recommendations, it appears that the Commission is taking them seriously as was the case with the work of the EMIS Committee. This is for sure due to the stronger political link between Parliament and Commission, in particular since the 2014 elections.

## Parliamentary scrutiny of delegated and implementing acts

While delegated acts allow the Commission to adopt norms of general application, implementing acts are non-legislative in nature and aim to ensure the uniform application of the law across the EU Member States. Due to this different nature, Parliament has different scrutiny possibilities for the delegated and implementing acts.

For delegated acts, Parliament has the right to veto and revocation, while for implementing acts it has no power to block them. For implementing acts, the scrutiny power is shifted towards the national level, where the Member States through 'advisory and examination procedures' have the possibility to shape the content of the implementing act. However, the Member States are represented by their governments in these bodies, and depending on institutional structure set in place in the Member States, these measures might lack parliamentary oversight in some Member States. It is therefore essential that parliamentary oversight is also in place at national level to control the action of the executive in this field.

Until June 2018, Parliament has never revoked a delegation and has only objected eight times to a delegated act, adopted by the Commission. In addition to empowering the Commission to adopt delegated acts, the basic legislative act determines the time period for which this power is delegated to the Commission. The duration of empowerment can be given for (1) an indefinite period, (2) determinate period with tacit extension and (3) a determinate period with no extension possible. Based on the statistics, indeterminate period was given only in 13

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<sup>1</sup> Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry (OJ L 113, 19.5.1995, p.1).

<sup>2</sup> P7\_TA(2014)0429 and P7\_TA(2012)0219

cases, while determinate period with tacit extension in 158 cases and determinate duration in 41 cases.

As the number of implementing acts has been growing over the last years and because it is the member states' executives controlling the Commission in the exercise of implementing acts, the involvement of the Parliament should be strengthened in terms of parliamentary scrutiny and clear criteria for the delineation of implementing and delegated acts should be put in force.

#### Oral and written questions (Article 230 (2) TFEU)

According to Article 230 (2) TFEU questions for oral and written answer are available to Parliament but can only be directed towards the Commission and not the Council, even though both the Council and the president of the European Council have agreed to answer questions from Parliament on voluntary basis. This can therefore be considered a rather soft instrument, to highlight problems or request more information. Nevertheless, statistics show that the Commission answers all of Parliament's written questions, even though it might not always respect the given deadlines. The same does not apply for questions for oral answer, as the Conference of Presidents decides whether to put these questions on the draft agenda.

Parliament's Rules of Procedure (Rule 129) allow for the organisation of question time with the Commission, which is a common scrutiny tool in parliamentary democracies. However, this is not anymore put in practice, potentially because it might be considered overlapping with the plenary sessions for Commission answers to oral questions.

#### Legal proceedings

The Treaty gives Parliament the right to institute legal proceedings against the Commission and ask the Court to review the legality of an act of the Commission (Article 263 TFEU). Article 265 TFEU gives Parliament the right to institute legal proceedings against the Commission for failure to act. Even though the legal proceedings instituted by Parliament against the Commission are rather limited (10 applications since 2009, 5 actions granted), it seems that Parliament uses its powers as a last resort measure when all other possible actions fail.

#### **- Instruments for steering oversight**

In addition to the instruments for calling the Commission to account, the instruments of steering oversight allow Parliament to proactively and effectively shape the EU political and legislative agenda.

#### Reporting obligations of the Commission

Article 249 TFEU obliges the Commission to publish a general report on the activities of the Union, which according to Article 233 TFEU the Parliament shall discuss in an open session the annual general report submitted to it by the Commission.

The Commission has to report, in three year intervals, to Parliament with regard to non-discrimination and citizenship of the Union while taking into account the development of the EU (Article 25 TFEU).

Additionally, Parliament should be presented a report on the results of multilateral surveillance in economic policy (Article 121 (5) TFEU).

Another report that has to be forwarded to Parliament is an annual report on progress in achieving the objectives of Article 151 i.e. article on social policy (Article 159 TFEU), as well as an annual report on social developments within the Union (Article 161 TFEU).

Article 175 TFEU requires the Commission to submit a report on the progress made towards achieving economic, social and territorial cohesion and on the manner in which the various means provided for in this article have contributed to it. This report has to be submitted every three years.

The report that should be sent by the Commission in accordance with Article 190 TFEU should include information on research and technological development activities and the dissemination of results during the previous year.

When conducting negotiations with third countries or international organisations the Commission is obliged by Article 207 TFEU to regularly report to Parliament on the progress of these negotiations.

Another annual report that the Commission needs to submit to Parliament is pursuant to Article 325 (2) TFEU with regard to protection of the EU's financial interests and fight against fraud.

#### Proactive agenda-shaping

At the beginning of each year, the Commission has to send to Parliament a report that includes its work programme (CWP) for the current year (Article 190 TFEU). The Framework Agreement provides detailed calendar for this procedure.

In the first semester of each year regular dialogue between Commissioners and the corresponding parliamentary committees, followed by a report to the Conference of Committee Chairs (CCC) on the outcome of this dialogue and regular exchange of views between the CCC and the Commission's Vice-Presidents takes place. In this platform, Parliament expresses its priorities for the Commission Work Programme, which the Commission is then obliged to take into consideration, according to the Framework Agreement on relations between the European Parliament and the European Commission.

In June each year a summary report is submitted by the CCC to the Conference of Presidents (CoP), containing the results of the screening of implementation of the CWP, Parliament's priorities for the upcoming CWP and taking stock of results of ongoing bilateral dialogue with the Commission. At the July part-session a resolution is adopted outlining Parliament's position on legislative priorities.

The State of the Union debate takes place at the September Plenary Session in Strasbourg. This makes Union's political priorities more transparent and subject to ex-ante parliamentary scrutiny.

During the month of September, parliamentary committees hold exchange of views on future priorities in each policy area with the respective Commissioners, which is followed by a

subsequent meeting between the CCC and the College of Commissioners and if appropriate between the CoP and the President of the Commission.

The CWP for the following year is adopted in October and is presented to Parliament by the Commission's President. Parliament holds a debate and votes a resolution at the December part-session.

### Legislative initiative

In addition to the legislative agenda setting, the Treaty gives Parliament a right to quasi-legislative initiative. According to Article 225 TFEU the Parliament may request the Commission to submit a proposal on matters which it considers that a Union action is required or for the purpose of implementation of the Treaties. The Commission is not obliged to pursue such proposal, but in case it does not follow-up on Parliament's initiative, it has to inform Parliament of its reasons. Since 2009, Parliament has resorted to Article 225 on 24 occasions, of which 7 were at least partially successful and resulted in a legislative proposal by the Commission or another appropriate action.

### Monitoring and implementation of political priorities and legislative programming:

Article 6, Annex VI of Parliament's Rules of Procedure details the procedure according to which Parliament reviews the commitments and priorities expressed by the commissioner-designates during their hearings of appointment.

### Budgetary procedure and discharge for the budget

The fact that Parliament is a co-legislator in the budgetary field gives it leverage to control the Commission to some extent, as the non-adoption of the budget at the beginning of the financial year limits the monthly budgetary spending to provisional twelfths, which could impact the ability of the Commission to implement the multiannual programmes. Since the entry into force of the Treaty of Lisbon, Parliament has not made use of this possibility, while this had happened back in 1979 and in 1984.

With regard to the spending of the budget, Parliament has control over its implementation as according to Article 319 TFEU it can grant discharge to the Commission, thereby expressing its assessment on the way the Commission implements the Union budget. Since 2009, Parliament has never postponed or refused to grant discharge, possibly due to the fact the Commission often takes into account Parliament's recommendations expressed during the discharge procedure.

### Foreign policy

The Commission and the European External Action Service (EEAS) have mostly consulting and reporting obligations towards Parliament (Article 36 TEU, and Articles 218 and 328 TFEU). However, with the introduction of the Parliamentary consent requirement for the conclusion of international agreements (Article 218 TFEU), Parliament has gained a more prominent role in external relations and the Commission is obliged to keep it fully and timely informed of developments in the negotiation of such agreements.

### Implementation reports and evaluation

Implementation reports are another new tool of parliamentary scrutiny over the executive, as they provide recommendations and shape future policy based on analysis of the implementation so far.

### **Main conclusions and recommendations**

All in all, it seems that Parliament has powerful instruments of political control over the Commission at its disposal. However, it appears necessary to improve their implementability and to better adjust them to the challenges specific to the EU institutional structure.

#### Main challenges to parliamentary oversight over the executive in the EU:

1. There is a lack of clear definition of the ‘executive’ in the Treaties. In the EU context the ‘executive’ is organised differently for the different policy areas, as there is no exhaustive list of policy areas for which the Commission has executive power. This therefore raises some important challenges for parliamentary oversight.
2. The executive is multi-layered, spread across the European, national and sometimes regional levels, which requires that true democratic control be exercised by elected bodies at each of these different levels.
3. It could involve different institutions for the different policies - the Commission (for exclusive competences), the Commission with the Member States (shared management policies), the Council and European Council (in the case of CFSP).
4. When the European Council is stepping over the functions prescribed to it by the Treaties and is acting as a legislator, it is de facto leaving Parliament and national Parliaments with no control over the executive, as for instance in the case of the European Stability Mechanism (ESM) and the Fiscal Compact.
5. The very high threshold that needs to be reached for some control mechanisms to be triggered, such as for example the motion of censure, is another challenge to effective parliamentary oversight.
6. There is a lack of continuous evaluation of the work of individual Commissioners.
7. There is only collective responsibility of the Commission and no mechanism to hold individual Commissioners to account.
8. There is an absence of any mechanism of parliamentary scrutiny over Commission’s administrative procedures for the appointment, of Commission Secretary General and Director Generals.
9. The European Council is dominating the shaping of the EU political agenda, which restrains Parliament’s steering oversight.
10. Even though legislative trilogues are an important tool of parliamentary democracy, they pose a challenge to the effective exercise of Parliament’s scrutiny functions. The consensual nature of EU decision-making makes it more difficult for Parliament to exercise political control effectively.

11. The tendency of the Commission to depoliticise issues, through the creation of agencies and by providing seemingly technical solutions to political problems, makes it more unlikely for Parliament to efficiently exercise its powers of control over such issues.

Possible responses to the existing challenges:

1. Due to the multi-layered EU executive, there is a need for national parliaments to scrutinise national governments in EU affairs in the same way as Parliament is scrutinising the Commission at the Union level.
2. The EU executive should be streamlined and defined with the Commission transformed into the principal executive.
3. Since the executive is multi-layered inside the EU, ‘political dialogue between national parliaments and the European Parliament should be intensified and made more meaningful and substantial, without overstepping the limits of their respective constitutional competences in order to cover as well the European Council and the Council of the European Union when acting as executives.
4. Parliament’s legislative powers and oversight rights must be guaranteed, consolidated and strengthened. In the same vein, Parliament could consider to reform its working methods in order to strengthening the exercise of its functions of political control over the Commission.
5. This would also imply strengthened executive capacity of the Commission in economic and monetary policies.
6. Implementation of the oversight instruments, but mostly the ones used for calling the Commission to account, should be accompanied by thorough analysis as to what went wrong and why.
7. A combination of various oversight instruments: both in terms of accountability and steering, could yield better results in parliamentary oversight in the EU context.
8. There are instruments that are not applied in practice (such as the motion of censure). Because of the stronger link between Parliament and Commission created by the Spitzenkandidaten process and because Commissioners identify themselves with the political groups in Parliament it might become even more difficult to use them in the future.
9. The Commission should give more serious consideration to the legislative initiatives launched by Parliament under Article 225 TFEU.
10. The exchange of best practices in parliamentary scrutiny among national parliaments, such as the holding of regular debates between the respective ministers and the specialised committees in national parliaments before and after Council meetings, and with Commissioners in an appropriate setting and timeframe, as well as meetings with national parliaments for exchanges with MEPs should be strengthened.

11. In a future Treaty change, it would be necessary to amend the provisions regarding the motion of censure in order to lower the required threshold and to introduce procedures for holding individual Commissioners accountable to Parliament throughout their term of office.
12. Parliament's proposal for a Regulation on the Right of Inquiry should be swiftly adopted in order to entrust Parliament with effective powers allowing it to exercise this basic parliamentary instrument to hold the executive to account.
13. Clear rules for the delineation between implementing and delegated acts are necessary in order to ensure proper parliamentary scrutiny.
14. The Commission should review its administrative procedures for the appointment of its Secretary General, Director Generals and Directors; in the context of a further parliamentarisation of the institutional structure of the Union parliamentary hearings of senior officials of the Union's executive could also be envisaged.

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the implementation of the Treaty provisions on Parliament's power of political control over the Commission (2018/2113(INI))

*The European Parliament,*

- having regard to the Treaty provisions concerning the political oversight of the European Parliament over the European Commission and in particular Articles 14, 17 and 25 of the Treaty on the European Union and Articles 121, 159, 161, 175, 190, 225, 226, 230, 233, 234, 249, 290, 291, 319 and 325 of the Treaty on the Functioning of the European Union,
- having regard to the Framework Agreement on relations between the European Parliament and the European Commission,
- having regard to the interinstitutional agreement (IIA) on better law-making of 2016 and the interinstitutional agreement on budgetary discipline, on cooperation in budgetary matters and on sound financial management of 2013,
- having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty<sup>1</sup>,
- having regard to its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union<sup>2</sup>,
- having regard to its decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission, and especially its paragraph 1, which further reaffirms the validity of the *Spitzenkandidaten* process<sup>3</sup>,
- having regard to its resolution of XXXX on the state of the debate on the future of Europe<sup>4</sup>,
- having regard to its legislative resolution of 16 April 2014 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 replacing the decision of the European Parliament, the Council and the Commission of 19 April 1995 (95/167/EC, Euratom, ECSC)<sup>5</sup>, and to the ongoing interinstitutional negotiations<sup>6</sup>,
- having regard to the recommendation of the European Ombudsman in joint cases 488/2018/KR and 514/2018/KR on the Commission's appointment of a new

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<sup>1</sup> OJ C 252, 18.7.2018, p. 215.

<sup>2</sup> OJ C 252, 18.7.2018, p. 201.

<sup>3</sup> Texts adopted, P8\_TA(2018)0030.

<sup>4</sup> Texts adopted, P8\_TA(0000)0000.

<sup>5</sup> OJ C 443, 22.12.2017, p. 39.

<sup>6</sup> P8\_TA(0000)0000.

Secretary-General,

- having regard to its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
  - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Budgetary Control (A8-0000/2018),
- A. whereas the institutional framework of the Union as enshrined in the Treaties confers on Parliament, as a legislative body of the Union, the responsibility of political oversight over the Commission;
- B. whereas the Parliament has at its disposal a set of instruments to call the Commission to account, such as the motion of censure (Articles 17 TEU and 234 TFEU), the ability to ask the President of the Commission to withdraw his or her confidence in an individual member of the Commission (Rule 118(10) of Parliament’s Rules of Procedure), the right of inquiry (Article 226 TFEU), the competence of scrutiny over delegated and implementing acts (Articles 290 and 291 TFEU), the right to ask oral and written questions (Article 230(2) TFEU), and the right of Parliament to institute legal proceedings against the Commission on an issue of legality (Article 263 TFEU) or in case of failure to act by the Commission;
- C. whereas, in addition to these instruments, Parliament has an array of tools for steering oversight, thanks to which it can proactively shape the European political agenda;
- D. whereas the *Spitzenkandidaten* process has substantially changed the relationship between Parliament and the Commission and has strengthened the link between the two institutions, thus leading to a greater politicisation of the Commission which should result in increased parliamentary scrutiny of its executive functions;
- E. whereas the President of the Commission is elected by Parliament on a proposal by the EU heads of state and government and taking into account the results of the European elections;
- F. whereas all commissioners-designate are subject to a hearing before the investiture of the College of Commissioners, and whereas over its mandate Parliament can review the commitments and priorities expressed by the commissioners-designate during their appointment hearings;
- G. whereas the Treaties give Parliament the right to vote on a motion of censure against the Commission as a whole but not to withdraw its confidence in an individual Commissioner;
- H. whereas despite the collective responsibility of the College of Commissioners, Parliament should ensure effective political oversight of the individual work of each Commissioner;
- I. whereas the recent appointment of the new Secretary-General of the Commission has raised serious concerns over the role and political influence exercised by senior

Commission officials;

- J. whereas the Commission has a legal obligation to report regularly to Parliament as follows: yearly on the general activities of the Union (Article 249 TFEU); every three years on the application of the provisions on non-discrimination and citizenship of the Union (Article 25 TFEU); on the results of multilateral surveillance in economic policy (Article 121(5) TFEU); every three years on the progress made on social policy (Articles 159 and 161 TFEU); every three years on the progress made towards achieving economic, social and territorial cohesion (Article 175 TFEU); yearly on research activities in the Union (Article 190 TFEU); yearly on the fight against fraud (Article 325 TFEU); and when conducting negotiations with third countries or international organisations (Article 207 TFEU);
- K. whereas with the adoption of the Framework agreement on relations between the European Parliament and the European Commission, Parliament has gained additional leverage in the shaping of the legislative agenda as proposed by the Commission every year in the Commission Work Programme (CWP);
- L. whereas since the adoption of the Lisbon Treaty Parliament has become a true co-legislator in the budgetary field and has the responsibility to give discharge to the Commission for the implementation of the Union budget;
- M. whereas following the entry into force of the Lisbon Treaty Parliament has expanded its influence over the scrutiny of EU external policies, by obtaining the power of consent over the conclusion of international agreements and, therefore, the right to be immediately and fully informed by the Commission at all stages of the negotiation of such agreements (Article 218 TFEU, Article 50 TEU);
- N. whereas the extent of Parliament's scrutiny rights varies greatly between delegated acts and implementing acts; whereas Parliament has the right to veto a delegated act and/or to revoke the delegation, but in the case of implementing acts its involvement is much less far-reaching;
- O. whereas the current institutional structure of the Union and the lack of precise definition of the executive in the Treaties make the concept of EU executive complex and scattered across the European, national and regional levels;
- P. whereas stronger cooperation between the European Parliament and national and regional parliaments, in line with their respective constitutional competences, is necessary to address the issue of multi-layered executive functions when it comes to the implementation of European legislation;

## *Main conclusions*

1. Believes that Parliament is not making full use of all its instruments of political control over the executive, owing to a variety of reasons, some being inherent to the institutional structure of the Union and others being the result of the changing interinstitutional dynamics, which have made some of the instruments difficult to apply or not sufficiently effective;
2. Acknowledges the fact that the strong politicisation of the Commission since the first successful implementation of the *Spitzenkandidaten* process has narrowed the democratic gap, by allowing European citizens a direct say in the choice of the president of the Commission; therefore strongly supports the pursuit of this practice for the 2019 European elections;
3. Recalls that the stronger political link created between Parliament and the Commission as a result of the *Spitzenkandidaten* process should not make the Commission subject to less stringent parliamentary oversight;
4. Considers the threshold enshrined in the Treaties for a motion of censure to be too high to allow the effective use of this instrument, and deplores the lack of possibilities to hold individual commissioners to account;
5. Regrets the fact that the politicisation of the Commission has not been followed by a subsequent Treaty change, which would have enabled the consolidation of Commission's role as the European executive branch through the adoption of provisions that would allow holding individual commissioners to account and would lower the threshold required for a motion of censure;
6. Points out that the Treaties do not provide a clear definition of the EU executive and that the institutions responsible differ across the various policy areas, depending on whether they are considered to belong to the shared or to the exclusive competences of the Union;
7. Considers it necessary to establish a genuinely bicameral legislative system involving the Council and Parliament, with the Commission acting as the executive;
8. Points out that Parliament's role of oversight towards the executive should be mirrored by similar competences of the national parliaments over their own executives when dealing with European affairs;
9. Considers that the exercise of control by Parliament over the executive pursuant to Article 14 TEU has been made difficult, if not sometimes impossible, by the lack of a clear catalogue of Union competences and policies and by the multilayered attribution of competences between European, national and regional executives;
10. Recalls that the Treaties do not confer any legislative functions or right of legislative initiative on the European Council; is concerned that in recent years the European Council has, against the spirit of the Treaties, taken a number of important political decisions outside of the Treaty framework, thereby de facto excluding those decisions from the oversight of Parliament and undermining the democratic accountability which

is essential with regard to such European policies;

11. Recalls that the Treaty provides Parliament with significant powers of political control through the annual budgetary and discharge procedures;
12. Recalls that the institutions have not yet delivered on their commitment to establish criteria for the delineation of the use of delegated and implementing acts, even though the IIA on better law-making has improved the transparency of the delegated acts procedure;

### ***Recommendations***

13. Considers it necessary to simplify the distribution of executive competences in the European Union, in order to streamline and render more effective the political oversight of the executive body by the European Parliament; calls, therefore, for the integration into Union law of the European Stability Mechanism (ESM), as well as of the relevant provisions of the Fiscal Compact in line with the Treaty on Stability, Coordination and Governance (TSCG), since this would strengthen the executive capacity of the Commission in the field of economic and monetary policy and would ensure appropriate democratic oversight of those instruments;
14. Suggests that the instruments for calling the Commission to account and those for steering scrutiny should be combined in order to maximise the effectiveness of both;
15. Insists that Parliament's legislative powers and rights of oversight must be guaranteed, consolidated and strengthened, including through interinstitutional agreements and through the use of the corresponding legal basis by the Commission;
16. Considers it necessary for Parliament to reform its working methods in order to strengthen the exercise of its functions of political control over the Commission;
17. Calls on the Commission to take more serious account of the legislative initiatives launched by Parliament under Article 225 TFEU, and wishes to see more initiatives result in legislative proposals; at the same time, commends the Commission for its positive follow-up to Parliament's recommendations expressed in its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty;
18. Proposes that, in line with common constitutional practice as existing in all parliamentary democracies, the European Parliament, as the only institution directly elected by the citizens, should be given the right of legislative initiative, without prejudice to the legislative prerogatives of the Commission;
19. Encourages the exchange of best practices in parliamentary scrutiny among national parliaments, such as the holding of regular debates between the respective ministers and the specialised committees in national parliaments before and after Council meetings, and with Commissioners in an appropriate setting and timeframe, as well as meetings between the European Parliament and national parliaments; encourages the establishment of regular exchanges of officials of institutions and political group staff between the administrations of the European Parliament and national parliaments, the

European Committee of the Regions and the Member State regions having legislative competences;

20. Calls on Parliament to reinforce its capacity for assessment of the implementation of delegated and implementing acts;
21. Encourages national parliaments, as well as regional parliaments where appropriate, to increase their capacity to scrutinise their executives when taking decisions or proposing regulations in order to implement or delegate European legislation;
22. Considers it necessary in a future Treaty change to amend the provisions regarding the motion of censure, in order to lower the required threshold, as well as to reinforce the procedures for holding individual commissioners accountable to Parliament throughout their term of office, which to a limited extent already exist in the Framework Agreement on relations between the European Parliament and the European Commission;
23. Calls on the Commission and the Council to swiftly proceed to an agreement on Parliament's proposal for a regulation on the right of inquiry, in order to entrust Parliament with effective powers allowing it to exercise this basic parliamentary instrument for holding the executive to account;
24. Is convinced of the usefulness of parliamentary questions as an oversight tool; considers it necessary, therefore, to undertake an in-depth assessment of the quality of the answers provided by the Commission to Members' questions;
25. Considers question time to be an important element of parliamentary scrutiny over the executive; requests the Conference of Presidents to put question time back on the plenary agenda, in line with Rule 129 of the Rules of Procedure;
26. Calls once again on the Commission to review its administrative procedures for the appointment of its Secretary-General, Directors-General and Directors, with the objective of fully ensuring that the best candidates are selected within a framework of maximum transparency and equal opportunities; suggests that in the context of a further parliamentarisation of the institutional structure of the Union, parliamentary hearings of senior officials of the Union executive should be envisaged;
27. Instructs its President to forward this resolution to the Council and the Commission, the national parliaments of the Member States, the European Committee of the Regions and the regional parliaments.