



Conference of Committee Chairs  
The Chair

Mr Martin SCHULZ  
President of the  
European Parliament

D 300716 14.01.2016

Geda ref.: D(2016) 1338

Dear President, *Dear Martin,*

At its meetings on 30 April 2015 and on 21 May 2015 the Conference of Presidents expressed the political will to increase the use of implementation reports during this parliamentary term. In your letter of 20 May 2015, the Conference of Committee Chairs was invited to put forward proposals on how to reach this objective.

The CCC shares the view of the Conference of Presidents according to which the scrutiny activity of Parliament towards the implementation of the EU legislation should be increased and improved and agrees on an enhanced use of implementation reports, which are as the main tool for this purpose.

The CCC held a number of exchanges of views on the matter and considered several aspects which could have an impact on the effectiveness and the attractiveness of implementation reports.

The committee Chairs agreed on a number of measures to improve the modalities and procedures of such reports, which you will find included in the attached proposal.

On the **allocation** of these reports, different options have been considered by the committee Chairs, such as the concept of standing rapporteurs or a separate budget of entitlements for implementation reports. However, the discussions made it clear that different needs and practices exist in committees, therefore the choice of the most appropriate means should be left to each committee. By contrast, committees will have to organise their allocation in a way that does not impair the allocation of other legislative or non-legislative reports.

Furthermore, the committee Chairs believe that implementation reports should remain outside the **quota** of own-initiative reports, as they are at present.

Committee Chairs adhere to the idea of **changing the very nature** of implementation report, being convinced that the scrutiny of how the EU legislation is implemented cannot be performed without having the necessary knowledge of factual data.

The CCC proposes, therefore, to turn implementation reports into more facts-based reports and to combine them with a number of scrutiny tools which are already at the committees' disposal. In this context, it further suggests splitting the report into two parts:

- a descriptive part on the factual elements and findings collected by the rapporteur. This part shall not be amendable (as one cannot amend facts) but might be voted "*en bloc*";
- a motion for a resolution, indicating the main conclusions and precise recommendations for actions to be taken. This part would be voted at committee and plenary level.

These proposals take the form of a new annex 3 to Annex XVII of the Rules of Procedure.

The CCC is of the opinion that this new structure of implementation reports, together with an optimised technical and analytical support, would allow for a meaningful and effective scrutiny of the implementation of the EU legislation. The new format would also give the rapporteur higher visibility, while ensuring a political balance throughout all stages of the report.

-o0o-

The CCC recommendation further considered it necessary to update the lists of **annual activity and monitoring reports** included in Annex XVII. A number of precise proposals form part of the recommendation.

I am pleased to send you the above mentioned recommendation as unanimously adopted by the Conference of Committee Chairs at its meeting of 15 December 2015 and I would be grateful if you could submit it to the Conference of Presidents for endorsement.

Yours sincerely,



Jerzy BUZEK

Annexes: CCC recommendation to the Conference of Presidents on implementation reports and annual activity and monitoring reports

**15 December 2015**

**Conference of Committee Chairs**

**Recommendation to the Conference of Presidents  
(Rule 29(2) of Parliament Rules of Procedure)**

## **Explanatory statement**

The Conference of Committee Chairs shares the view that Parliament should take better care of the implementation of legislation it has adopted and considers that this is part of its scrutiny and oversight duty vis-à-vis the Commission.

Implementation reports would be the main instrument for this purpose. Nevertheless, although they benefit from the best conditions (they are out of quota and subject to automatic authorisation), they are not used much.

Part of the problem lies with the allocation of these reports in committees. It has to be recalled that all committees include these reports in the system of entitlements used to allocate legislative and own-initiative reports (system of points).

Due to this practice, political groups are reluctant to "buy" such reports, as they prefer saving their points for legislative or "normal" own-initiative reports.

In order to solve this problem, the CCC considered several options, in particular:

- a) the appointment of a rapporteur for a legislative report should in principle entail that the same rapporteur be entitled to draft an implementation report on the same piece of legislation; in case the rapporteur responsible for a legislative report is no longer a Member of Parliament or in case of change of committee or political group, the rapporteurship for the implementation report should in principle be granted to the political group of the initial rapporteur;
- b) where committees use a system of entitlements for the allocation of reports, a separate budget of entitlements is established for implementation reports in order to ensure that their allocation does not impair other legislative and non-legislative activities in that committee;
- c) a combination of the two, applying the first option to future legislative proposals and the second to existing legislation.

However, the discussion made clear that different practices and needs exist in committees. Those who are used to appoint standing rapporteurs supported the first option, while others prefer the second.

Therefore, the Conference of Committee Chairs reached the conclusion that it would be preferable to leave to each committee the choice of the most appropriate means to solve this problem, while establishing only a general principle according to which, independently of the mechanism each committee will adopt for the allocation of implementation reports, this should not affect the system of entitlements (system of points) used to allocate legislative or "normal" own-initiative reports.

A more significant reason explaining the limited use of implementation reports is their very nature.

Indeed, they are not sufficiently defined in the rules and are considered *de jure* and *de facto* own-initiative reports.

This, coupled with the difficulty to get the necessary information, has a clear effect on their drafting, which can often be rather vague and of general political nature rather than based on concrete facts.

Moreover, being a category of own-initiative reports, they are subject to a wide range of amendments, which further weaken their specificity as implementation reports and divert them from their original purpose.

For these reasons, implementation reports in their current form do not always respond to the needs of a proper assessment on how the EU legislation is implemented and do not allow Parliament to take concrete actions. This can limit the political interest of Members, as well as the impact/weight of implementation reports as key scrutiny tools.

It appears therefore necessary to better define their nature and to ensure that:

- they focus on implementation;
- they remain mainly factual;
- they serve the purpose of providing the Parliament with precise information on how the EU legislation is implemented on the ground, underlining possible problems and allowing to acquire the necessary knowledge to assess the matter, draw political conclusions and propose concrete recommendations.

Under these conditions, implementation reports would represent the outcome of a comprehensive inquiry activity conducted by the rapporteur.

As such, they should be made up of two parts: one describing the factual findings, and the second consisting of political conclusions and concrete recommendations for action that the committee draws from them. The first part, being based on facts, should not be amendable, as is the case with explanatory statements of "normal" own-initiative reports.

The draft resolution should contain the committee's conclusions and, where needed, the proposal for precise actions. The report would be voted by Plenary with debate or short presentation.

Political groups may designate a shadow rapporteur for each implementation report, as provided by Rule 205 (4) of Rules of Procedure.

So as to allow the rapporteur to properly conduct his inquiry and to ensure that the report has a sound facts-based content, it is essential that the rapporteur benefits from all range of expertise available, both in-house and outside the European Parliament.

This can be ensured by the EP policy departments, DG EPRS (through the European Impact Assessments and other ex-post impact assessments work), committee hearings, fact-finding missions as well as through contacts with national parliaments, the Court of Auditors, the Committee of the Regions and the Economic and Social Committee. The Commission and the Member States remain of course the primary source of information.

In order to ensure that an implementation report on a piece of legislation is facts-based, committees should take into consideration that reliable data and evidence is normally not available before three years after implementation of the relevant legislation.

\*

In this context and pursuant to the requests made by several Committee Chairs, the Conference of Committee Chairs also considers it necessary and urgent to update the lists of annual activity and monitoring reports included in Annex XVII.

The present recommendation contains precise proposals to this aim, the explanations of which can be found in the respective paragraphs and in the relevant letters of the Committee Chairs concerned.

RECOMMENDATION of the CONFERENCE OF COMMITTEE CHAIRS  
to the CONFERENCE OF PRESIDENTS

The Conference of Committee Chairs:

- having regard to Rule 52 of the Rules of Procedure;
- having regard 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 deliberations of the Conference of Presidents on 30 April 2015;
- having regard to the deliberations of the Conference of Committee Chairs on 19 May, 7 July, 8 September, 6 October, 24 November and 15 December 2015;
- having regard to the letters of 20 May 2015 by President Schulz to Mr Buzek, Chair of the Conference of Committee Chairs, and from Mr Buzek to President Schulz;
- having regard to the letter of 8 May 2015 by Mr Brok, Chair of the AFET Committee;
- having regard to the letter of 30 April 2015 by Mr Lange, Chair of the INTA Committee;
- having regard to the letter of 17 July 2015 by Mr Arthuis, Chair of the BUDG Committee;
- having regard to the letter of 31 August 2015 by Mr Gualtieri, Chair of the ECON Committee;
- having regard to the letter of 8 September 2015 by Mr Brok, Ms Fotyga and Ms Valenciano, the Chairs of the AFET Committee and the SEDE and DROI Subcommittees respectively;
- having regard to the letter of 26 November 2015 by Mr Svoboda, Chair of the JURI Committee;
- having regard to the letter of 2 December 2015 by Ms Garcia-Pérez, Chair of the FEMM Committee;
- having regard to the joint letter of 17 December 2015 by Mr Arthuis, Chair of the BUDG Committee, Ms Grässle, Chair of the CONT Committee, and Mr Gualtieri, Chair of the ECON Committee;

acting in accordance with Rule 29(2) of the Rules of Procedure, hereby adopts the following Recommendation:

On implementation reports

1. fully shares the aim of the Conference of Presidents to increase the use of implementation reports;
2. believes that this objective could be achieved by modifying the current status and essence of implementation reports, so that such reports could be drafted in a more fact-based manner and could focus more on actual implementation;
3. proposes to amend the scope of implementation reports, laid down in Article 1(1)(e) of Annex XVII, to read as follows:

*"(e) Implementation reports on the transposition into national law, implementation and enforcement of the Treaties and other EU legislation, soft law instruments and international agreements in force or subject to provisional application;"*

4. proposes to add a new annex 3 to Annex XVII to the Rules of Procedure, as attached to this Recommendation;

#### On annual activity and monitoring reports

5. believes it appropriate, in the context of revisiting Annex XVII to the Rules of Procedure on own-initiative reports, to revise the lists of annual activity and monitoring reports, pursuant to the requests made by several Committee Chairs;

6. suggests that the following amendments be made to the list of annual activity and monitoring reports subject to automatic authorisation and to the quota of reports that may be drafted simultaneously, set out in Annex 1 to Annex XVII to the Rules:

(a) *"Annual report on the EIB - (Committee on Budgetary Control/Committee on Economic and Monetary Affairs - every 2nd year)"* to be replaced by the following:

- *"Annual report on the financial activities of the EIB - (Committee on Budgets/Committee on Economic and Monetary Affairs - every 2nd year, with the association of the other respective committee under Rule 54)"*;

- *"Annual report on the control of the financial activities of the EIB"- (Committee on Budgetary Control)"*;

(b) *"Annual Report on the internal market scoreboard"* to be replaced by the *"Annual Single Market Governance within the European Semester Report - (Committee on the Internal Market and Consumer Protection)"* which could be paired with the ECON and EMPL reports on the European Semester;

(c) *"Annual report on Solvit"* to be replaced by the *"Annual report on the Services and Goods in the Single Market - (Committee on the Internal Market and Consumer Protection)"*;

(d) *"Report on human rights in the world and the European Union's policy on the matter"* to be deleted;

(e) *"Public Finances in the EMU"* to be deleted;

(f) *"European economic situation: preparatory report on the integrated policy guidelines, concerning in particular the broad economic policy guidelines"* to be deleted;

7. suggests that annual progress reports on candidate countries be added to the list of annual activity and monitoring reports subject to automatic authorisation and not subject to the quota of reports that may be drafted simultaneously, in line with the request put forward by Mr Brok, Chair of the AFET Committee;



Proposed new addition to Annex 2 of Annex XVII:

"Annual progress reports on candidate countries, Rule 81(4) - (Committee on Foreign Affairs)";

8. suggests that certain annual reports on the implementation of the Common Foreign and Security Policy, including the Common Security and Defence Policy and the EU policy on Human Rights, as well as on the implementation of the Common Commercial Policy, be added to the list of annual activity and monitoring reports subject to automatic authorisation and not subject to the quota of reports that may be drafted simultaneously, in line with the requests put forward by Mr Brok, Mr Lange, Ms Fotyga and Ms Valenciano, the Chairs of the AFET and INTA Committees and the SEDE and DROI Subcommittees respectively;

Proposed new additions to Annex 2 of Annex XVII:

(a) "Annual report on the implementation of the Common Foreign and Security Policy" - (Committee on Foreign Affairs)" to be added;

(b) "Annual report on the implementation of the Common Security and Defence Policy" - (Committee on Foreign Affairs/Subcommittee on Security and Defence)" to be added;

(c) "Annual report on human rights and democracy in the world and the European Union's policy on the matter" - (Committee on Foreign Affairs/Subcommittee on Human Rights)" to be added;

(d) "Annual report on the implementation of the Common Commercial Policy" - (Committee on International Trade)" to be added;

9. suggests that certain annual reports of the ECON Committee be considered as annual activity and monitoring reports subject to automatic authorisation and not subject to the quota of reports that may be drafted simultaneously, in line with the request put forward by Mr Gualtieri, Chair of the ECON Committee;

Proposed new addition to Annex 2 of Annex XVII:

"Annual Report on the Banking Union - (Committee on Economic and Monetary Affairs)" to be added;

"Tax Report - (Committee on Economic and Monetary Affairs)" to be added;

10. suggests that the annual report of the ITRE Committee on the state of the Energy Union be considered as an annual activity and monitoring report subject to automatic authorisation and not subject to the quota of reports that may be drafted simultaneously, in line with the request put forward by the ITRE Committee;

Proposed new addition to Annex 2 of Annex XVII:

"Annual State of the Energy Union - (Committee on Industry, Research and Energy)";

\*\*\*

11. invites the Conference of Presidents to endorse this Recommendation and its Annex.

ANNEX TO THE RECOMMENDATION:

*"Annex 3 (new) to ANNEX XVII*

*Implementation reports*

1. *Implementation reports shall have the purpose of informing Parliament about the factual findings of the rapporteur on the implementation of a piece of EU legislation or other instrument referred to in Article 1(1)(e) of Annex XVII, so as to allow the plenary to draw conclusions and recommendations on concrete actions. As such they are made up of two parts:
  - *the description of facts and findings by the rapporteur on the state of implementation;*
  - *a motion for resolution indicating the main conclusions and concrete recommendations for actions to be taken;*The first part shall not be amendable. A committee may decide to put the first part to a single vote, if no consensus or large majority can be found on its content or scope.*
2. *When planning an implementation report, the committee shall take due account of the availability of reliable facts regarding the state of implementation of the relevant legislation;*
3. *The committee shall organise the allocation of implementation reports in a way that does not impair the allocation of other legislative and non-legislative reports;*
4. *An implementation report shall be voted in committee no later than 12 months after it has been notified at the Conference of Committee Chairs. This deadline can be extended by the coordinators upon motivated request by the rapporteur;*
5. *The rapporteur is assisted by an administrative project team, coordinated by a committee administrator. The rapporteur shall involve shadow rapporteurs at all stages of the report;*
6. *The rapporteur shall have at his/her disposal all necessary means in terms of expertise available, both in-house and outside the European Parliament, in particular:
  - *he/she shall be entitled to request the organisation of (at least) one committee hearing and propose the panel to the coordinators, who will take the final decision;*
  - *he/she shall receive analytical support from the relevant EP policy departments and the Ex-Post Impact Assessment Unit of DG EPRS (notably European Implementation Assessments);*
  - *he/she shall be entitled to request any necessary fact-finding journeys in accordance with Rule 25(9);*
  - *he/she shall receive an authorisation/mandate to take contact, on behalf of the committee, with national parliaments, the Court of Auditors, the Economic and Social**

*Committee and the Committee of the Regions, and all other relevant bodies in order to receive factual information;*

- *he/she shall be provided with a letter of credentials from the President authorising him/her to request the Commission to disclose all relevant information about the implementation of the EU legislation or other instruments referred to in Article 1(1)(e) of Annex XVII.*

*All these elements shall be defined and organised by the rapporteur into a "project" and submitted to the coordinators/committee for approval.*

7. *The rapporteur regularly informs the committee on the progress of his/her fact-finding activities.*