

Brussels,

Ms Roberta METSOLA
President of the European Parliament
Rue Wiertz, 60
1047 BRUSSELS

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 recent developments with a view to the upcoming revision of the 2010 Framework Agreement, in particular the Joint Statement on this matter issued by the Presidents of the European Parliament and of the European Commission on 21 October 2024.

As you recall, the Council has stated on several occasions in the past its strong reservations to certain provisions of the Framework Agreement, on the grounds of them altering the institutional balance provided for by the Treaties, a balance which cannot be undermined by any institution of the EU, whether acting alone or jointly with another institution. In a similar vein, I would like to also recall the letter addressed to you on 10 June 2024 by the Presidency of the Council of the EU concerning some of the amendments of the European Parliament's Rules of Procedure, which raised similar concerns in terms of respect for the principle of institutional balance and in particular to the interests of the Council and the prerogatives conferred upon it by the Treaties.

Against this background, it is regrettable to note that the recent Joint Statement reiterates many of the principles and issues that the Council has in the past found problematic, in so far as they affect the boundaries set by the Treaties for each institution's action. Since the Joint Statement is intended "to form the basis of a revision of the 2010 Framework Agreement", the Council would like at this stage to recall the following points.

Firstly, the principle of 'equal treatment' of the Parliament and the Council is not provided for by the Treaties. What the Treaties establish however is the principle of institutional balance, entailing that institutions must act only within the limits of the powers conferred on them in the Treaties and with due regard to the powers of the other institutions (see Article 13(2) TEU).

Secondly, concerning the framing of Article 122 TFEU and, in particular the commitment by the Commission to provide detailed comprehensive justification to the European Parliament for each proposal based on that Article, the Council wishes to point out that such a requirement is not provided for by the Treaties and appears to interfere with the Commission's right of initiative and the Council's decision-making autonomy. The Council would also like to recall that this legal basis exists in the Treaties specifically for addressing severe difficulties or crises similar to the Covid-19 crisis or the energy crisis the Union had to face recently, and therefore the requirement for the Commission to justify to the European Parliament the use of this legal basis risks hampering the speed and effectiveness of the Union's responses to such events, beyond altering the institutional balance set out by the Treaties.

Thirdly, when it comes to exploring ways of improving the information flow on international agreements, the Council would like to recall that the division of powers under the Treaties in particular Articles 15-18 TEU should be respected. Along these lines, the Council highlights that Article 218 TFEU already provides for specifically defined roles for each EU institution concerned, in particular its paragraph 6 providing that the European Parliament must, in specified cases, give its consent or, in other cases, be consulted before the Council decides to conclude international agreements of the Union (other than those relating exclusively to the CFSP) and its paragraph 10 according to which "the European Parliament shall be immediately and fully informed at all stages of the procedure".

Fourthly, as regards the so-called Parliament's "right of initiative under Article 225 TFEU", the Council would like to recall that the Treaties confer a right of initiative neither on the European Parliament nor on the Council. Under Article 225 TFEU, the European Parliament, like the Council under Article 241 TFEU, can only invite the Commission to exercise its own right of initiative and to submit to it any appropriate proposals. Political principle 8 of the Joint Statement therefore constitutes an attempt to erode the right of initiative which the Treaties confer on the Commission.

Fifthly, in connection with the commitment to further strengthening interinstitutional cooperation on budgetary matters and in particular to the reference to the MFF, such cooperation should be in line with the Treaties and should respect the prerogatives of the Council at all stages of the process.

While the Council shares the objective to improve relations between institutions, it would like to call against any provision, in the context of the possible revision of the 2010 Framework Agreement, that would result in upsetting the institutional balance provided for by the Treaties and be contrary to the procedures contained therein. In that context, I take this opportunity to reiterate that the Treaties define exhaustively the respective powers conferred on the institutions which may not be modified or supplemented by the institutions themselves, either unilaterally or by agreement between them.

In line with the principle of sincere cooperation, the Council requests to be fully informed at all the stages of the possible negotiations on a revision of the Framework Agreement and to receive a copy of the draft revised text which is being considered as soon as it becomes available and in due time before its signature. In any event, a revision of the Framework Agreement should not prejudice discussions regarding the revision of existing Interinstitutional Agreements to be carried out with the involvement of the Council. The Council will closely monitor any development regarding the revision of the 2010 Framework Agreement and take any appropriate actions to defend its prerogatives as clearly stated in the letter of the Council of 10 June 2024.

Yours sincerely,



ÓDOR Bálint
Chairman of the
Permanent Representatives Committee