

**EUROPEAN PARLIAMENT
DIRECTORATE-GENERAL FOR COMMITTEES
AND DELEGATIONS
Committee on Institutional Affairs
THE EUROPEAN PARLIAMENT
AS IT WOULD BE AFFECTED BY
THE DRAFT TREATY OF AMSTERDAM
OF 19 JUNE 1997**

1. Legislative procedures would be streamlined, in that the cooperation procedure would be replaced by co-decision in all areas other than 4 within the field of Economic and Monetary Union.

(i) Co-decision would be extended to the following:

- Existing Treaty provisions

(The procedure currently applicable is indicated between brackets after the content of each Article)

Article 6	Rules to prohibit discrimination on grounds of nationality (cooperation)
Article 8a(2)	Provisions for facilitating the exercise of citizens' right to move and reside freely within the territory of the Member States (assent) (combined with unanimity in Council)
Article 51	Internal market (consultation) - rules on social security for Community immigrant workers (combined with unanimity in Council)
Article 56(2) [As simplified see (CONF/4152/97)]	Coordination of provisions laid down by law, regulation or administrative action for special treatment for foreign nationals (right of establishment). Coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking up and pursuit of activities as self-employed persons (consultation)
Article 57	Amendment of existing principles laid down by law governing the

	professions with respect to training and conditions of access for natural persons (consultation) (combined with unanimity in Council)
Article 75 (1)	Transport policy (cooperation) -Common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States; - the conditions under which non-resident carriers may operate transport services within a Member State; - measures to improve transport safety.
Article 84	Transport policy (cooperation) - Sea and air transport
Social policy	Articles resulting from the transposition into the Treaty of the agreement on social policy (Article 2(2), except for aspects of that Agreement which are currently subject to unanimity (Article 2(3)) (cooperation)
Article 125	Implementing decisions relating to the European Social Fund (cooperation)
Article 127 (4)	Vocational training (cooperation) - Measures to contribute to the achievement of the objectives of Article 127
Article 129d	
3rd subpara. ,	Other measures (TENs) (cooperation)
Article 130e	ERDF implementing decisions (cooperation)
Article 130o	Adoption of measures referred in Articles 130k and I-research
2nd subpara.	(cooperation)
Article 130s (1)	Environment (cooperation) - Action by the Community in order to achieve the objectives of Article 130r
Article 130w	Development cooperation (cooperation)
- New Treaty provisions	
Article (5)	Employment-Incentive measures
Article 119	Social policy - Equal opportunities and treatment
Article 129	Public health (former basis Article 43 - consultation) - minimum requirements regarding quality and safety of organs - veterinary and phytosanitary measures with the direct objective the protection of public health
Article 191a	General principles for transparency
Article 209a	Countering fraud affecting the financial interests of the Community
New Article	Customs cooperation

Article 213a Statistics

Article 213b Establishment of independent advisory authority on data protection

In 5 years time co-decision would also be automatically extended to measures on the crossing of the external borders of the Member States, which would establish the procedures and conditions for issuing visas by Member States [B2(b)(ii)] as well as rules on a uniform visa [B2(b)(iv)].

With the exception of measures establishing rules on the list of third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement [B2(b)(i)] and rules on a uniform format for visas [B2(b)(iii)] which would remain subject to consultation, other measures taken pursuant to the new Title in the TEC on the free movement of persons, asylum and immigration would be reviewed after five years (following the entry into force of the Treaty) to see whether all or part of them might be transferred to co-decision. A Council decision in this sense would have to be taken unanimously.

Finally, it should be specifically noted that there are now 3 new cases where co-decision is to be combined with unanimity in the Council (Article 8a2, Article 51 and Article 57). Of the two articles where this has been the case until the present that of culture (Article 128) remains subject to unanimity, whereas that of the Research Framework Programme has now been transferred to QMV.

2. Co-decision would also be simplified by:

Providing for adoption of a text at first reading phase if the European Parliament does not propose any amendment at first reading or if the Council agrees with all of the European Parliament's first reading amendments:

Dropping the phase of intent to reject; the European Parliament could thus go straight to a vote of rejection;

Dropping the so-called third reading whereby the Council could seek to impose the common position after a breakdown of conciliation, unless the European parliament could overrule it by an absolute majority of its members; the new text would provide for the proposal to have failed in the absence of agreement in conciliation;

The new text also tries to provide stricter time limits that at present (one the Council does not approve all of the European Parliament's amendments in second reading a meeting of the Conciliation Committee would have to be convened within 6 weeks, extendable to 8 weeks if necessary). Moreover an accompanying non-binding declaration states that «in no case should the actual period between the second reading by the European Parliament and the outcome of the Conciliation Committee exceed 9 months». Finally, the text seeks to prevent too much flexibility in the consideration of European Parliament amendments in conciliation by stating «in fulfilling this task, the Conciliation Committee should address the common position on the basis of the amendments proposed by the European Parliament».

3. The cooperation procedure would now only remain in the following 4 areas of Economic and Monetary Union (EMU):

Article 103.5	Adoption of detailed rules for the multilateral surveillance procedure
Article 104(a).2	Adoption of definitions for the application of the prohibition of any measure, not based on prudential considerations, establishing privileged access by Community institutions or bodies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States to financial institutions.
Article 104(b).2	Adoption of definitions for the application of the prohibitions in Article 104 and Article 104(b)
Article 105(a).2	Adoption of measures to harmonize the denominations and technical specifications of all coins intended for circulation to the extent necessary to permit their smooth circulation within the Community.

4. The assent procedure would now apply to the following cases only:

(I) New Treaty provisions

Article Fa	Sanctions in the event of a serious and persistent breach of fundamental rights by a Member State (the European Parliament must act by a two-thirds majority of the votes cast, representing a majority of its members).
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(II) Existing Treaty provisions

Article O	Accession
Article 130d	Structural and cohesion funds (<i>This had been envisaged for co-decision but at the last moment of the negotiations was put back to assent</i>)
Article 138(3)	Uniform electoral procedure
Article 228 (3)	
2nd subpara.	Conclusion of certain international agreements.

5. There would be the following new consultations of the European Parliament:
New Article 6A on non-discrimination.

All measures under communitarized third pillar (Article G) (for 5 years only, after which date the situation would be reviewed; see **section on co-decision** above).

On framework decisions, decisions and conventions taken pursuant to Article K6 of the remaining third pillar (new Article K11; this is a much more precise reference to consultation of the European Parliament than in the present text. One constraining factor, however, is that the European Parliament would have to give its opinion within a time limit of no less than 3 months).

On the so-called «passerelle clause» (new Article K14), permitting certain areas under the remaining third pillar to be transferred to the first pillar: consultation of the

European Parliament was not foreseen in the Maastricht Treaty version of the passerelle.

Article 4 of the new Title on Employment (the drawing-up of guidelines which the Member States shall take into account in their employment policies).

Article 6 of the new Title on Employment: establishment of the new Employment Committee.

Annual document established by the Council on the main aspects and basic choices of the CFSP, including the financial implications for the Community budget (new obligation pursuant to the inter-institutional agreement on CFSP financing).

Article 113-5 of the Treaty (proposals to extend scope of Article 113 to international negotiations and agreements on services and intellectual property).

«Flexibility» arrangements under the first pillar.

6. The European Parliament's involvement in budgetary matters would be modified as follows:

(i) third pillar operational expenditure would now be charged to the Community budget, unless the Council unanimously decided otherwise;

(ii) second pillar operational expenditure (except for operations with military or defence implications, or where the Council unanimously decides otherwise) would now be charged to the Community budget, but subject to the terms of an inter-institutional agreement (without this latter CFSP expenditure would have been classified as compulsory);

(iii) the European Parliament would now be involved (through co-decision) in the adoption of Community measures in the fields of the prevention of and fight against fraud affecting the financial interests of the Community (in this field there would also be a new annual report to the European Parliament).

7. Besides that contained in the Amsterdam text on CFSP, the European Parliament is asked to negotiate a new inter-institutional agreement in the field of quality of Community legislation (Chapter 11).

8. New information to the European Parliament would be provided in the field of external trade policy (pursuant to amended Article 228(2) «the European Parliament shall be immediately and fully informed on any decision under this paragraph concerning the provisional application or the suspension of agreements, or the establishment of a Community position in a body set up by an agreement».

9. As regards «flexibility» arrangements the European Parliament would be consulted on any such proposals under the first pillar (Article 5a TEC). Such a request is only forwarded to the European Parliament on third pillar issues (new Article K12 of the TEU). In both the first and third pillars, however, the European Parliament would be regularly informed by Council and Commission of the development of closer cooperation established on the basis of this title.

10. The only change in the European Parliament's involvement in nominations (besides being consulted on the establishment of the Employment Committee - is this on the principle of establishment or on the names proposed?) is as regards the

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European Parliament's involvement in the choice of the President of the Commission. The present version of Article 158(2) calls for consultation of the European Parliament, but the new version calls for the nomination to be «approved» by the European Parliament.

11. Finally, as regards the European Parliament's own organization and composition:

(i) It is confirmed that the number of members of the European Parliament should not exceed 700, and that «the number of representatives elected in each Member State must ensure appropriate representation of the peoples of the states brought together in the Community» (amended Articles 137 and 138(2)).

(ii) Adoption of a uniform electoral procedure for the European Parliament is simplified by permitting such a system not necessarily to be «uniform» but to be «in accordance with principles common to all Member States» (amended Article 138(3)).

(iii) The European Parliament is authorized to make proposals as regards its statute («the regulations and general conditions governing the performance of the duties of its members») (new Article 138(4)).

(iv) The Edinburgh agreement on the seat of the European Parliament is included as part of a new protocol on the location of the seats institutions and of certain bodies and departments of the European Community.

(v) Membership of the Committee of the Regions is now incompatible with membership of the European Parliament (modified Article 198a).

12. Consultation of the Economic and Social Committee and of the Committee of the Regions: the European Parliament is now authorized to consult either Committee when it so desires (modified Articles 198 and 198c).

13. The European Parliament's involvement in subsidiarity matters is formalized and made more detailed in the new protocol on the application of the principle of subsidiarity and proportionality.

14. Besides being involved through co-decision in the drawing-up of general Community rules on transparency, the European Parliament would also have to «elaborate in its own rules of procedure specific provisions regarding access to its documents» (Article 191A). The principle of right of access to any European Parliament document is guaranteed in the first paragraph of Article 191A.