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from:	General Secretariat
to:	Permanent Representatives' Committee (Part I)/Council
Subject:	Joint Declaration on practical arrangements for the codecision procedure - Final revised version of the Joint Declaration

Delegations will find attached the final revised version of the above-mentioned Declaration. The text is the result of the negotiations which was examined by Coreper on 18 December 2006 on the basis of document 16880/06 and which, in the meanwhile, has undergone a legal-linguistic verification.

JOINT DECLARATION
ON PRACTICAL ARRANGEMENTS
FOR THE CODECISION PROCEDURE
(ARTICLE 251 OF THE EC TREATY)

EUROPEAN PARLIAMENT
COUNCIL
COMMISSION

**JOINT DECLARATION ON PRACTICAL ARRANGEMENTS FOR THE CODECISION
PROCEDURE (ARTICLE 251 OF THE EC TREATY)**

GENERAL PRINCIPLES

1. The European Parliament, the Council and the Commission, hereinafter referred to collectively as 'the institutions', note that current practice involving talks between the Council Presidency, the Commission and the chairs of the relevant committees and/or rapporteurs of the European Parliament and between the co-chairs of the Conciliation Committee has proved its worth.

2. The institutions confirm that this practice, which has developed at all stages of the codecision procedure, must continue to be encouraged. The institutions undertake to examine their working methods with a view to making even more effective use of the full scope of the codecision procedure as established by the EC Treaty.

3. This Joint Declaration clarifies these working methods, and the practical arrangements for pursuing them. It complements the Interinstitutional Agreement on Better Lawmaking¹ and notably its provisions relating to the co-decision procedure. The institutions undertake fully to respect such commitments in line with the principles of transparency, accountability and efficiency. In this respect, the institutions should pay particular attention to making progress on simplification proposals while respecting the *acquis communautaire*.

¹ OJ C 321, 31.12.2003, p. 1.

4. The institutions shall cooperate in good faith throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure.

5. With that aim in view, they shall cooperate through appropriate interinstitutional contacts to monitor the progress of the work and analyse the degree of convergence at all stages of the codecision procedure.

6. The institutions, in accordance with their internal rules of procedure, undertake to exchange information regularly on the progress of codecision files. They shall ensure that their respective calendars of work are coordinated as far as possible in order to enable proceedings to be conducted in a coherent and convergent fashion. They will therefore seek to establish an indicative timetable for the various stages leading to the final adoption of different legislative proposals, while fully respecting the political nature of the decision-making process.

7. Cooperation between the institutions in the context of codecision often takes the form of tripartite meetings (“trilogues”). This trilogue system has demonstrated its vitality and flexibility in increasing significantly the possibilities for agreement at first and second reading stages, as well as contributing to the preparation of the work of the Conciliation Committee.

8. Such trilogues are usually conducted in an informal framework. They may be held at all stages of the procedure and at different levels of representation, depending on the nature of the expected discussion. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting, define its mandate for the negotiations and inform the other institutions of arrangements for the meetings in good time.

9. As far as possible, any draft compromise texts submitted for discussion at a forthcoming meeting shall be circulated in advance to all participants. In order to enhance transparency, trilogues taking place within the European Parliament and Council shall be announced, where practicable.

10. The Council Presidency will endeavour to attend the meetings of the parliamentary committees. It will carefully consider any request it receives to provide information related to the Council position, as appropriate.

FIRST READING

11. The institutions shall cooperate in good faith with a view to reconciling their positions as far as possible so that, wherever possible, acts can be adopted at first reading.

Agreement at the stage of first reading in the European Parliament

12. Appropriate contacts shall be established to facilitate the conduct of proceedings at first reading.

13. The Commission shall facilitate such contacts and shall 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.

14. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward, in a letter to the chair of the relevant parliamentary committee, details of the substance of the agreement, in the form of amendments to the Commission proposal. That letter shall indicate the Council's willingness to accept that outcome, subject to legal-linguistic verification, should it be confirmed by the vote in plenary. A copy of that letter shall be forwarded to the Commission.

15. In this context, where conclusion of a dossier at first reading is imminent, information on the intention to conclude an agreement should be made readily available as early as possible.

Agreement at the stage of Council common position

16. Where no agreement is reached at the European Parliament's first reading, contacts may be continued with a view to concluding an agreement at the common position stage.

17. The Commission shall facilitate such contacts and shall 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.

18. Where an agreement is reached at this stage, the chair of the relevant parliamentary committee shall indicate, in a letter to the chair of Coreper, his recommendation to the plenary to accept the Council common position without amendment, subject to confirmation of the common position by the Council and to legal-linguistic verification. A copy of the letter shall be forwarded to the Commission.

SECOND READING

19. In its statement of reasons, the Council shall explain as clearly as possible the reasons that led it to adopt its common position. During its second reading, the European Parliament shall take the greatest possible account of those reasons and of the Commission's position.

20. Before transmitting the common position, the Council shall endeavour to consider in consultation with the European Parliament and the Commission the date for its transmission in order to ensure the maximum efficiency of the legislative procedure at second reading.

Agreement at the stage of second reading in the European Parliament

21. Appropriate contacts will continue as soon as the Council common position is forwarded to the European Parliament, with a view to achieving a better understanding of the respective positions and thus to bringing the legislative procedure to a conclusion as quickly as possible.

22. The Commission shall facilitate such contacts and give its opinion 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.

23. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward, in a letter to the chair of the relevant parliamentary committee, details of the substance of the agreement, in the form of amendments to the Council common position. That letter shall indicate the Council's willingness to accept that outcome, subject to legal-linguistic verification, should it be confirmed by the vote in plenary. A copy of that letter shall be forwarded to the Commission.

CONCILIATION

24. If it becomes clear that the Council will not be in a position to accept all the amendments of the European Parliament at second reading and when the Council is ready to present its position, a first trilogue will be organised. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting and define its mandate for the negotiations. The Commission will indicate to both delegations at the earliest possible stage its intentions with regard to its opinion on the European Parliament's second reading amendments.

25. Trilogues shall take place throughout the conciliation procedure with the aim of resolving outstanding issues and preparing the ground for an agreement to be reached in the Conciliation Committee. The results of the trilogues shall be discussed and possibly approved at the meetings of the respective institutions.

26. The Conciliation Committee shall be convened by the President of the Council, with the agreement of the President of the European Parliament and with due regard to the provisions of the Treaty.

27. The Commission shall take part in the conciliation proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, draft compromise texts having regard to the positions of the European Parliament and of the Council and with due regard for the role conferred upon the Commission by the Treaty.

28. The Conciliation Committee shall be chaired jointly by the President of the European Parliament and the President of the Council. Committee meetings shall be chaired alternately by each co-chair.

29. The dates and the agendas for the Conciliation Committee's meetings shall be set jointly by the co-chairs with a view to the effective functioning of the Conciliation Committee throughout the conciliation procedure. The Commission shall be consulted on the dates envisaged. The European Parliament and the Council shall set aside, for guidance, appropriate dates for conciliation proceedings and shall notify the Commission thereof.

30. The co-chairs may put several dossiers on the agenda of any one meeting of the Conciliation Committee. As well as the principal topic ("B-item"), where agreement has not yet been reached, conciliation procedures on other topics may be opened and/or closed without discussion on these items ("A-item").

31. While respecting the Treaty provisions regarding time-limits, the European Parliament and the Council shall, as far as possible, take account of scheduling requirements, in particular those resulting from breaks in the institutions' activities and from the European Parliament's elections. At all events, the break in activities shall be as short as possible.

32. The Conciliation Committee shall meet alternately at the premises of the European Parliament and the Council, with a view to an equal sharing of facilities, including interpretation facilities.

33. The Conciliation Committee shall have available to it the Commission proposal, the Council common position and the Commission's opinion thereon, the amendments proposed by the European Parliament and the Commission's opinion thereon, and a joint working document by the European Parliament and Council delegations. This working document should enable users to identify the issues at stake easily and to refer to them efficiently. The Commission shall, as a general rule, submit its opinion within three weeks of official receipt of the outcome of the European Parliament's vote and at the latest by the commencement of conciliation proceedings.

34. The co-chairs may submit texts for the Conciliation Committee's approval.

35. Agreement on a joint text shall be established at a meeting of the Conciliation Committee or, subsequently, by an exchange of letters between the co-chairs. Copies of such letters shall be forwarded to the Commission.

36. If the Conciliation Committee reaches agreement on a joint text, the text shall, after legal-linguistic finalisation, be submitted to the co-chairs for formal approval. However, in exceptional cases in order to respect the deadlines, a draft joint text may be submitted to the co-chairs for approval.

37. The co-chairs shall forward the approved joint text to the Presidents of the European Parliament and of the Council by means of a jointly signed letter. Where the Conciliation Committee is unable to agree on a joint text, the co-chairs shall notify the Presidents of the European Parliament and of the Council thereof in a jointly signed letter. Such letters shall serve as an official record. Copies of such letters shall be forwarded to the Commission for information. The working documents used during the conciliation procedure will be accessible in the Register of each institution once the procedure has been concluded.

38. The Secretariat of the European Parliament and the General- Secretariat of the Council shall act jointly as the Conciliation Committee's secretariat, in association with the Secretariat-General of the Commission.

GENERAL PROVISIONS

39. Should the European Parliament or the Council deem it essential to extend the time-limits referred to in Article 251 of the Treaty, they shall notify the President of the other institution and the Commission accordingly.

40. Where an agreement is reached at first or second reading, or during conciliation, the agreed text shall be finalised by the legal-linguistic services of the European Parliament and of the Council acting in close cooperation and by mutual agreement.

41. No changes shall be made to any agreed texts without the explicit agreement, at the appropriate level, of both the European Parliament and the Council.

42. Finalisation shall be carried out with due regard to the different procedures of the European Parliament and the Council, in particular with respect to deadlines for conclusion of internal procedures. The institutions undertake not to use the time-limits laid down for the legal-linguistic finalisation of acts to reopen discussions on substantive issues.

43. The European Parliament and the Council shall agree on a common presentation of the texts prepared jointly by those institutions.

44. As far as possible, the institutions undertake to use mutually acceptable standard clauses to be incorporated in the acts adopted under codecision in particular as regards provisions concerning the exercise of implementing powers (in accordance with the ‘comitology’ decision ²), entry into force, transposition and the application of acts and respect for the Commission’s right of initiative.

45. The institutions will endeavour to hold a joint press conference to announce the successful outcome of the legislative process at first or second reading or during conciliation. They will also endeavour to issue joint press releases.

46. Following adoption of a legislative act under the codecision procedure by the European Parliament and the Council, the text shall be submitted, for signature, to the President of the European Parliament and the President of the Council and to the Secretaries-General of those institutions.

47. The Presidents of the European Parliament and the Council shall receive the text for signature in their respective languages and shall, as far as possible, sign the text together at a joint ceremony to be organised on a monthly basis with a view to signing important acts in the presence of the media.

48. The jointly signed text shall be forwarded for publication in the Official Journal of the European Union. Publication shall normally follow within two months of the adoption of the legislative act by the European Parliament and the Council.

49. If one of the institutions identifies a clerical or obvious error in a text (or in one of the language versions thereof), it shall immediately notify the other institutions. If the error concerns an act that has not yet been adopted by either the European Parliament or the Council, the legal-linguistic services of the European Parliament and the Council shall prepare the necessary corrigendum in close cooperation. Where this error concerns an act that has already been adopted by one or both of those institutions, whether published or not, the European Parliament and the Council shall adopt, by common agreement, a corrigendum drawn up under their respective procedures.

² Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23). Decision as amended by Decision 2006/512/EC (OJ L 200, 27.7.2006, p. 11).