THE EUROPEAN PARLIAMENT’S SCRUTINY TOOLS FOR THE IMPLEMENTATION OF EU LAW

by Irmgard Anglmayer, European Parliament
The powers of the European Parliament

Legislative power

Budgetary authority

Scrutiny over Executive
EU law-making: the main actors

European Commission
- Draft legislation

European Parliament
- Co-legislators

Council of the EU

28 EU Member States
- Transposition & implementation of EU law

Political control & scrutiny over the executive
Areas of European Parliamentary Oversight

- Legislative programming / agenda setting
- Legislative preparation / consultation
- Accountability of the Executive
- Implementation of the budget
- Implementation of EU legislation
Legal basis for EP scrutiny

Article 14

1. The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Treaties. It shall elect the President of the Commission.

INTERINSTITUTIONAL AGREEMENTS


INTERINSTITUTIONAL AGREEMENT

of 15 April 2016

on Better Law Making

RULES OF PROCEDURE
The European Parliament’s ‘SCRUTINY TOOLBOX’

- political tools
  - at Committee & Plenary level

- research support tools
  - provided by Parliament’s Research Service
Scrutiny tools

At Committee & Plenary level

- Committees of inquiry
- Annual activity and monitoring reports
- Oral questions to the European Commission
- Inclusion of oversight tools into legislative acts (amendments)
- Committee implementation sessions
- Hearings, workshops, stakeholder consultation, research expertise
- Petitions
- Partnership with national parliaments

- Implementation reports: the most important tool
  separate presentation
Temporary committees of inquiry

„to investigate alleged contraventions or maladministration in the implementation of Union law“ (Art. 226 TFEU)

— EP’s strongest tool (‘heavy weapon in the EP’s armoury’)
— Rarely used: so far 5 x since its codification in the Treaties (1992)
— At present 2 ongoing
  › Panama papers
  › Car emissions measurement (final report issued on 28/02/2017)

— European Parliament’s powers are rather weak
  › other parliaments have quasi-judicial rights
  › Parliament aims at reform
Annual activity and monitoring reports

— Currently 28 such reports authorised

— Some on Parliament’s own performance and activities
  › Report of Petitions Committee

— Most drawn up in response to Commission reporting
  › Report on monitoring and application of EU law
  › Annual reports on the implementation of policies (human rights, foreign and security policy, common commercial policy etc.)

— Adopted resolutions = Parliament’s position
Oral questions to the Commission

— 2 purposes:
  › To hold the executive to account
  › To request information from the executive

— Parliamentary questions may address any policy issue, incl. transposition and implementation of EU law

— The Commission is required to reply in writing or orally

— Questions for oral answer with debate figure on the plenary agenda; they may be followed by a resolution
Inclusion of oversight tools into legislative acts

- Inclusion of
  - reporting, monitoring and evaluation requirements
  - data collection specifications (‘measureable indicators’)
- ... facilitates future evaluation of a legislative act

- emphasised in the IIA on Better Law-Making (2016)

- Parliament attaches great importance to such clauses (amendments)
Petitions

— Petitions can serve as indicator of potential flaws in Member States’ compliance with EU law

— Parliament deals with 1,000 to 2,000 per year

— Most petitions lodged in the areas of environment, justice and fundamental rights, and internal market

— Standard committee tools: debates, hearings, background studies, fact-finding missions

— May trigger infringement procedures
Scrubtine tools by EP Research Service

— **European Implementation Assessments**
  ‣ comprehensive background analysis drawn up for committees in support of ‘implementation reports’
  ‣ separate presentation

— **Implementation Appraisals**
  ‣ succinct briefings summarising the state of implementation of legislative acts the European Commission has put for revision in its Annual Work Programme
Scrubtny tools by EP Research Service

— Rolling check-lists

- Review clauses in EU legislation
- Evaluation planning of the Commission
- Performance audits by the European Court of Auditors
- Review/monitoring clauses in international agreements
- Delivery of European Council commitments