



Conference of Committee Chairs
The Chair

D 304494 20.04.2023

Mr Salvatore DE MEO
Chair of the Committee on Constitutional Affairs

GEDA Ref.: D (2023) 14725

Dear Chair,
Dear colleague,

I would like to thank you for the follow-up of the recommendations made by the Conference of Committee Chairs (CCC) in June 2022 to make the procedure of solving conflicts of competence more efficient and less time consuming.

The relevant text proposal of the Working Group on Rules to modify the Rules 48 and 211 will be on the agenda of the Committee on Constitutional Affairs (AFCCO) already next week and I am, together with all the other committee Chairs, looking forward to have our Rules improved in that context through a plenary vote coming June.

Compared to the recommendations made by the CCC, endorsed by the Conference of Presidents (CoP) on 15 September 2022 and forwarded to your committee for implementation, the current version of the text goes beyond what had been requested in as far as it introduces a strict deadline for the CCC or its Chair to issue a recommendation.

Being a member of the CCC yourself, you are aware of the procedural improvements I have already put in place, with the support of the committee Chairs, to speed up the process wherever we can. It is indeed in my own interest as Chair of the CCC and in the interest of all committee Chairs that committees can start working on contested files as quickly as possible.

As you are aware, conflicts of competence can sometimes be complex and can often involve a large number of committees. Their solution does not only require a thorough analysis of the Commission proposal in relation to Annex VI of our Rules of Procedure describing the committees' competences, but also intense contacts with and between the committees involved as well as the organisation of at least one meeting with all respective committee Chairs to try to find a solution. The aim of these efforts is first and foremost to reach an agreement between committees and, failing that, issue a recommendation. Such a process leading to consensual positions requires the necessary time and flexibility, which is a prerequisite for its success and the avoidance of further lengthy discussions at the level of the CoP. Indeed, introducing a deadline could risk to lead us to the adverse result of what we are aiming to achieve: less cooperation between committees and to an increase in the number of recommendations, as committees may no longer have the time necessary to reach agreements amongst themselves.

I would, therefore, strongly plea for allowing this process at CCC level to take place without formal time constraints. The introduction of a deadline such as suggested by the Working Group reduces the time available for analysis and brokering a possible agreement to only two weeks after the deadline for committees to raise a conflict in the most tight scenario (e.g. referral 18 September 2023, the two weeks deadline ending on 2 October, first CCC meeting on 3 October and deadline for CCC recommendation 17 October). Such an extremely short deadline does not leave any margin for reflection or consultation of Coordinators at committee level, nor does it allow for thorough analysis and discussion. Furthermore, I am concerned that the proposed text does not explicitly spell out the consequences, should the CCC not be in a position to deliver the recommendation within the deadline prescribed, which will result in procedural uncertainty and appears to go against our shared intention to enhance the clarity of our Rules.

I would be grateful if the AFCO Committee could consider to adopt the proposal of the Working Group in the version annexed to this letter, thereby allowing for an appropriate, time-efficient and legally sound procedure to solve conflicts of competence. This version is identical to the one proposed by the Working Group, except for the passage in Rule 211 §2, first sentence.

Many thanks in advance for taking these remarks into consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bernd Lange', with a stylized, cursive script.

Bernd LANGE

Annex: Proposed text

cc:

- Ms Gabriele BISCHOFF
- Mr Rainer WIELAND

Annex:

Rule 48

Consideration of legally binding acts

1. The President shall refer proposals for legally binding acts received from other institutions or Member States to the committee responsible, for consideration. *The other committees shall be informed of the referral at the same time.*
2. In cases of doubt, the President may, before the announcement in Parliament of a referral to the committee responsible, submit a question concerning competence to the Conference of Presidents. The Conference of Presidents shall adopt its decision on the basis of a recommendation from the Conference of Committee Chairs, or the chair of the Conference of Committee Chairs, in accordance with Rule 211(2).
2 a. The President shall make the announcement of the referral in Parliament after receiving the proposal in all official languages of the European Union and, where relevant, after any conflict of competence between committees has been settled in accordance with Rule 211(2). The referral, as announced in Parliament, shall be made public on Parliament's website.
3. The committee responsible may, at any time, decide to appoint a rapporteur to follow the preparatory phase of a proposal. It shall give particular consideration to doing so where the proposal is listed in the Commission Work Programme.
4. In the event of a conflict between a provision of the Rules of Procedure relating to the second and third readings and any other provision of the Rules, the provision relating to the second and third readings shall take precedence.

Rule 211

Questions of competence

1. If a standing committee declares itself not to be competent to consider an item, or if a conflict arises over the competence of two or more standing committees, the question of competence shall be submitted to the Conference of Committee Chairs within *two weeks of the announcement in Parliament of the referral to committee, as provided for in Rule 48(1). Weeks without parliamentary activities and weeks set aside for external parliamentary activities shall not be taken into account for this deadline.*
2. *Should no agreement be reached, the Conference of Committee Chairs or its Chair shall issue a recommendation.* The Conference of Presidents shall take a decision ~~within six weeks after the submission of the question on the basis of this recommendation from the Conference of Committee Chairs, or, if no such recommendation is forthcoming, from the latter's Chair,~~ *within six weeks after its issuance.* If the Conference of Presidents fails to take a decision within that period, the recommendation shall be deemed to have been approved.
3. The committee Chairs may enter into agreements with other committee Chairs concerning the allocation of an item to a particular committee, subject, where necessary, to the authorisation of an associated committee procedure under Rule 57.