

The European Parliament's right of initiative



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Abstract

The European Parliament is the only democratically elected body in the EU. Yet, unlike most parliaments, it has no formal right of legislative initiative. Initiating legislation lies almost solely with the EU's executive bodies, the Commission, and – to a limited but increasing extend – the European Council and the Council. This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, reveals that Parliament's „own-initiative-reports“ form a widely underestimated and unrecognized tool to informally shape the EU's policy agenda. The study provides for a comprehensive analysis of non-legislative and legislative own-initiative reports. We argue that Parliament is able to create a cooperative environment in order to bring the Commission in line with its own legislative priorities and sometimes very specific legislative requests. Building on the empirical evidence of Parliament's practice since 1993, we finally discuss means and ways for pragmatic reform and Treaty revision.

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LIST OF ABBREVIATIONS

AFCO	Committee for Constitutional Affairs
AFET	Committee on Foreign Affairs
AGRI	Agriculture and Rural Development Committee
ALDE	Alliance of Liberals and Democrats for Europe
BLM	Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making
BUDG	Committee on Budgets
CAP	Common Agricultural Policy
CCC	Conference of Committee Chairs
CRIM	Special Committee on Organised Crime, Corruption and Money Laundering
CONT	Committee on Budgetary Control
CoR	Committee of the Regions
COSAC	Conférence des organes spécialisés dans les affaires communautaires et européennes des parlements de l'Union européenne / Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union
CRIS	Special Committee on the Financial, Economic and Social Crisis
CULT	Committee on Culture and Education
CWP	Commission Work Programme
DEVE	Committee on Development
ECON	Committee on Economic and Monetary Affairs
EESC	Economic and Social Committee
ECJ	European Court of Justice
ECR	European Conservatives and Reformists
ECSC	European Coal and Steel Community
E(E)C	European (Economic) Community
EMPL	Committee on Employment and Social Affairs
ENF	Europe of Nations and Freedom
ENVI	Committee on the Environment, Public Health and Food Safety
EPP	Group of the European People's Party (Christian Democrats)
EPRS	European Parliament Research Service
FA	Framework Agreement on relations between the European Parliament and the European Commission
FEMM	Committee on Women's Rights and Gender Equality
Greens/EFA	The Greens/European Free Alliance

GUE/NGL	European United Left - Nordic Green Left
HRCFSP	High Representative for the Common Foreign and Security Policy
IGC	Intergovernmental Conference
IIA	Interinstitutional Agreement
IMCO	Committee on the Internal Market and Consumer Protection
INI	Non-Legislative own-initiative report
INL	Legislative initiative report
INTA	Committee on International Trade
JURI	Committee on Legal Affairs
LIBE	Committee on Civil Liberties, Justice and Home Affairs
MEP	Member of the European Parliament
NGO	Non-Governmental Organisation
NLE	Non-legislative enactment
OEIL	Observatoire Législatif (Legislative Observatory of the European Parliament)
OLP	Ordinary Legislative Procedure
OSCE	Organisation for Security and Cooperation in Europe
PECH	Committee on Fisheries
PETI	Committee on Petitions
REGI	Committee on Regional Development
RoP	Rules of Procedure
S&D	Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
SURE	Special Committee on Policy Challenges and Budgetary Resources for a Sustainable European Union after 2013
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TRAN	Committee on Transport and Tourism

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EXECUTIVE SUMMARY

Background

Within the EU Member States, parliaments are empowered to propose legislation, alongside the national governments. At EU level, however, the right to initiate legislation is reserved almost entirely for the European Commission (Article 17(2) TFEU). Both the Council of the European Union (Article 241 TFEU) and the European Parliament (Art 225 TFEU) have an indirect right of initiative: they can request the Commission to come forward with a legislative proposal and the Commission needs to justify if it refuses to do so. In addition, Parliament has a pro-active role in pursuing political influence on overall legislative planning and agenda setting. Under the Framework Agreement on relations between the European Parliament and the European Commission, the Commission must take into account the priorities expressed by Parliament and justify any departure from the proposals set out in the Commission annual work programme. The agreement also envisages a structured dialogue between the Commission and the corresponding parliamentary committees. In addition, the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making contains further commitments on a dialogue between the Commission, Parliament and Council, both before and after the adoption of the Commission annual work programme.

Only in very specific cases, the Treaties grant Parliament the direct right of initiative. This right applies to the regulations concerning its own composition, the election of its Members and the general conditions governing the performance of the duties of its Member. It also applies to setting up a temporary committee on inquiry and the regulations and general conditions governing the performance of the Ombudsman.

Aim

The aim of this study is to analyse the implementation of Parliament's rights for direct and indirect initiative, and to examine if and what changes are necessary in order to provide the European Parliament with a full right of legislative initiative. Building on existing data and respective analysis of the European Parliament's Research Service, original data drawn from the EUR-Lex gateway to EU law, and the Legislative Observatory (OEIL) of Parliament, as well as the replies to a survey that the Policy Department for Citizens' Rights and Constitutional Affairs of the European Parliament sent to the Member States' parliaments in November 2019 with the help of the European Centre for Parliamentary Research and Documentation (ECPRD), we analyse how Parliament can fully exploit the potential of the current treaties, which treaty changes might be necessary and what best practices already exist.

Key findings

The development of EU policy will remain a complex process. Within the Union's fabric of multi-level and –actor governance, the policy-cycle can roughly be divided into five stages, namely (a) the deliberation on and definition of joint problems and setting the agenda, (b) the specification of the alternatives from which a choice is made, (c) the authoritative choice among alternatives, (d) the implementation of the decision, and (e) the political and judicial control of the decision's implementation. The ability to intervene in the first stages is of paramount importance. Agenda-makers determine the arenas of political discourse and establish the very contours of the legislative debate. Second, the possibility of defining and shaping the agenda constitutes an ultimate veto power, given

that the proposals which are not subject of the later decision-making process and are unlikely to be adopted. Finally, agenda-setters and –shapers can, through strategically targeted proposals, maximise their interests. Due to the virtual monopoly of the Commission's legislative initiative, Parliament does not have "direct" legislative initiative in most areas of EU policy-making.

Despite the gradual increase in its legislative powers, Parliament is still considered to have been excluded, at least formally, from the direct definition of the legislative agenda. Some observers perceive Parliament therefore as a “weak” institution which does not meet the definitions of an “ordinary” or a “real” parliament in the common sense of the term. The lack of direct legislative agenda-setting power of Parliament is thus considered to be an anomaly among legislative assemblies of democratic systems. The analogy with national parliaments seems to be obvious: the institution which most resembles a national parliament, namely a representative body elected directly by the citizens, is naturally the European Parliament. However, such simplistic, state-centered mirroring with national parliaments raises the question why to confer a power of direct legislative initiative to Parliament in an institutional system that is less characterised by the structural fusion of legislative and executive powers than by inter-institutional balance and a hybrid variation of separation of powers. On the other hand, today's fabric of supranational and intergovernmental governance has effectively led to an erosion of the Commission's monopoly for legislative initiative. It therefore seems appropriate to question the traditional – outdated - reasons for depriving Parliament with a power of legislative initiative.

The study provides a comprehensive account of Parliament's right for direct initiative and its implementation during the last 20 years, the inter- and intra-institutional framework and practice of its non-legislative (INI) and legislative initiative (INL) requests since the entry into force of the Maastricht Treaty in 1993, and a comparative overview and synthesis of different practices in the national parliaments of the Member States.

Overall, we provide evidence for arguing that the influence of Parliament regarding the political agenda-setting and agenda-shaping-process is much greater than its reputation. More specifically, the study addresses the following aspects: First, we take a closer look into and analyse the EU's constitutional, inter- and intra-institutional, legal and political frameworks with regard to Parliament's indirect and direct right of legislative initiative. We provide an in depth overview on Parliament's non-legislative and legislative initiative requests and analyse their intermediate (Commission responses and initiatives) and final outcome (EU measures finally responding to the respective EP legislative initiatives). Next, we synthesise the formal arrangements and political practice of legislative agenda-setting in the national parliaments of the Member States. Finally, we develop recommendations on how to fully exploit the potential of the current treaties, to allow Parliament to have the right of legislative initiative; as well as on the necessity for possible treaty changes.

The study shows that Parliament was quite successful in transposing the Treaty's legal provisions into a framework of inter-institutional arrangements, and in committing the Commission into a dense network of legislative programming and joint agenda-setting. On the other hand, we also point to the constant erosion of the Commission's power of legislative initiative, and the European Council's encroachment into the respective competencies of the Commission. Any further amendment to the EU's fabric of agenda-setting should take into account of this specific kind of hollowing out of the Commission's original “raison d'être”. Parliament might therefore not only consider how to reinforce its existing right for requesting legislative initiative. Given the background of the current distribution of agenda-setting power between Parliament, the European Council, the Council and the Commission, it is appropriate to think about a comprehensive rebalancing of the respective rights and obligations.

We point to Parliament's agenda-shaping potential and practice to negotiate the Commission's legislative work program in advance, to put political pressure on the Commission, and to initiate treaty interpretation and further reform by pushing other institutions into Interinstitutional agreements.

Regarding our findings on the direct right of initiative, the overall balance sheet is rather mixed. Successful cases are characterised by the fact that Parliament's proposals were subject to the Council's consent and did not lead to major disputes between the Institutions. On the other hand, we show that the implementation of Parliament's initiatives regarding provisions on the composition of Parliament, and European electoral legislation are subject to harsh conflict with the Council or the European Council. Building on a case-by-case analysis, we provide evidence to show that Parliament's success essentially depends on the decision-making modality of the Council (qualified majority versus unanimity).

Regarding our findings on the indirect right of initiative, we point to the following key findings: Whereas legislative initiatives (INL-reports) have only been constitutionalised with the Treaty of Maastricht, its non-legislative counterparts (INI-reports) have always been an available tool to express the concerns and ideas of Parliament's majority. INL reports have a legal basis in Article 225 TFEU, whereas INI reports are not explicitly mentioned in the Treaties.

Both types of indirect initiative are successful in being implemented by the Commission, at least to a certain extent. One of the key differences between INI and INL reports lies within the definition of their minimum content. While INI reports may contain legislative requests, the very nature of INL reports is characterised by the fact that they must contain legislative requests. In addition, INI reports are easier to get passed in Parliament's plenary than INL reports for two reasons: First, INI reports are adopted by a simple majority of the votes cast, while Article 225 TFEU requires a majority of Parliament's component Members. Secondly, Parliament's RoP make INL reports more difficult to draft, since their authors must attach a draft of the requested piece of secondary legislation.

The probably most salient and quantitatively measurable pattern weakening the efficiency of inter-institutional cooperation concerns the expected timeframe of INL reports. There was no single case for the last 20 years, in which the Commission followed the timetable of INL-resolutions by submitting legislative proposals right in time. A second observation concerns the tremendously growing sum of individual legislative requests, pooled in a single INL-report. During the last two parliamentary terms, INL-reports became more and more expansive a) with regard to the scope of issues addressed, and b) with regard to the range of addressees. The latter is even more surprising, given that Article 225 TFEU focuses on the Commission as the sole recipient for legislative requests.

In order to improve the process of handling INL-requests cooperatively, two possible paths could be explored. Either it is the „three-months-timeframe“ that needs to be reconsidered respectively extended. Or it is Parliament that needs to seriously consider the trend of filling more and more information and complexity in each single INL-report. A combination of both paths would make the process more time saving and focused. Hence, Parliament might consider whether the pooling of – sometimes dozens und not necessarily related – requests that it directs to various actors beyond the Commission is in its political interest to strategically gain visibility as „co-initiator“, and to strive for legislative partnership with other actors that are widely ignored by the European Council or the Council. If Parliament wants to strictly follow the opportunity structures provided for in the Treaties, it should look out for focused INL-reports that formulate legislative requests and address Parliament's ideas to the Commission only. If necessary, those demands for new or amending existing legislation could be accompanied by „normal“ i.e. (non-legislative) INI-reports. A clearer distinction between legislative INL-reports and non-legislative INI-reports would thus upgrade the significance and transparency of INL-resolutions as a whole. In addition, we propose that Parliament might invite the

Commission to link its draft initiatives more clearly to INL or INI reports. Providing a clear „legislative influence footprint“ for legislative proposals would enhance both, transparency and accountability.

The study concludes with a discussion of three ways and respective variants for reform: We provide some proposals for the straightforward possibility of Treaty revision of Article 225 TFEU, which would possibly impact on revising Articles 17 TEU, 241 TFEU, 289 TFEU, and 294 TFEU. A softer revision would focus adjusting the existing Framework Agreement to strengthen the constraining nature of Parliament's INL.

In a nutshell, we propose to study the following paths for reform:

If Article 225 TFEU would be subject to revision, Parliament should consider first, whether the Commission should remain the key addressee of parliamentary initiatives, fully in line with Article 17 TEU. Alternatively, Parliament might opt for a direct right of legislative initiative, competing with the Commission's role. A revised wording of Article 225 TFEU that would reinforce the compulsory character of INL requests would not conflict the Commission's role as key catalyst for legislative initiative.

If Parliament opts for such a treaty revision, it should also prepare a strategic argument by stressing today's extreme asymmetry between Parliament, the European Council and the Council, and the Commission with regard to legislative agenda-setting in the day-to-practice of the Union. In this regard, Parliament might also table a revision of the de-facto right of operational initiative of the European Council in Justice and Home affairs under Article 68 TFEU. The adoption of multiannual, operational programmes in this area by the European Council, with no obligation to consult Parliament or the Commission is an outdated, undemocratic instrument and procedure. Parliament might propose a more prominent role in the formulation policy in the field of internal security and EU criminal law by referring to Article 225 TFEU for the adoption of AFSJ programmes that are more coherent with the allocation of power under the OLP.

Overall, Parliament could argue for receiving a larger or weightier power of initiative to rebalance the institutional equilibrium in those areas where the Commission does not enjoy an exclusive right of initiative.

In practice, Parliament might reconsider its proposal forwarded during the IGC that concluded on the Maastricht treaty. Accordingly, Parliament could be given the right to initiate legislative proposals in cases where the Commission fails to respond within a specified deadline to a specific request adopted by a majority of Members of Parliament to introduce proposals. Implementing this amendment in today's treaty framework would be possible through an overhaul of Article 225 TFEU or Article 294 TFEU on the OLP. Such an amendment would put Parliament under full responsibility at the early, pre-legislative stage of Article 225-requests.

If the European Council will not agree on a Treaty revision under Article 48 TEU, Parliament might explore other ways for reform. Parliament could invite the Commission to negotiate on an update of the 2010 Framework Agreement on relations between the European Parliament and the European Commission. Such a revision would be the right place to agree on a more realistic timeframe for the response of the Commission that could improve the credibility of the entire process. The same applies in principle to the proposed schedules for the submission of legislative proposals as well. In this context, Parliament might also consider and limit the practice of pooling of – sometimes not necessarily related – requests that it directs to various actors beyond the Commission. We argue that Parliament should look out for more focused INL-reports that clearly formulate legislative requests, defend their necessity, and address Parliament's ideas to the Commission only. In addition, a revised Framework Agreement might oblige the Commission to link its draft initiatives more clearly to EP INL or INI reports.

Providing a clear „legislative influence footprint“ for legislative proposals would enhance both, transparency and accountability.

Finally, we propose to evaluate the concept of sponsorship for legislative action by third parties to strengthen Parliament's request for legislative initiative. Nothing would prevent Parliament to support agreements reached between management and labour under Article 155 TFEU. A similar procedure of “reinforcing” other actors' legitimate requests for legislative action could be foreseen in relation to the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR), whenever one of the consultative institutions adopts a request for legislative initiative. In such a case of legislative sponsorship and tri-institutional requests, a revised Framework Agreement could provide for a de-facto obligation for the Commission to forward a legislative proposal. The idea of inter-institutional co-sponsorship for legislative initiative could also be applied for the framework of cooperation between Parliament and national parliaments. Here, Parliament could provide for an autonomous mechanism to include national parliaments in its legislative initiative within the framework of Article 9 of Protocol 1 of the Lisbon Treaty.

The distorted image of Parliament as an “untrue” or “unreal” assembly is likely to remain, if observers continue to perceive own-initiative reports as some kind of a traditional instrument to compensate for missing legislative rights. Nothing prevents Parliament to change such out-dated views. Building on its established procedures for structuring and managing its activity, Parliament might examine how to increase the attention of INL reports and the awareness of its respective proceedings. Practically, NL reports could be featured on the Plenary's agenda more prominently, specifically “flagged” on Parliament's website, and become subject of specific PR activities. In this context, Parliament could also discuss on how to follow on the practice of nominating Vice-Presidents with specific portfolios. Building on these positions, two Vice-Presidents in charge of legislative initiative could facilitate Parliament's agenda-setting and help to increase Parliament's profile. They could be in charge of inter-institutional negotiations and arrangements for implementing the respective provisions of the bilateral Framework Agreement and the trilateral IIA on Better Law-Making, and for organising co-sponsorship of legislative initiatives by other actors.

« La loi est l'expression de la volonté générale; tous les citoyens ont le droit de concourir personnellement ou par leurs représentants à sa formation. »
(Article 6, Déclaration des Droits de l'Homme et du Citoyen de 1789)

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."
(Article I, Section 1, Constitution of the United States of America)

« Le Parlement peut prendre toute initiative politique qu'il juge appropriée en vue de provoquer l'adoption d'une norme communautaire. Il peut notamment demander à la Commission de présenter une proposition au Conseil. La Commission, tout en ayant à l'esprit sa responsabilité politique devant le Parlement, agira conformément aux compétences que lui donne le traité. »
(Answer by the Commission to the Written Question 149/71, tabled by Henk Vredeling MEP)

1. INTRODUCTION: AGENDA-SETTING, AGENDA-SHAPING AND POLICY-INITIATION POWERS IN THE EU

The European Parliament is the only directly elected EU institution. Therefore, allowing it to properly initiate legislation could be an important step towards further democratisation of the Union. In its report of 5 December 2018 on the state of the debate on the future of Europe,¹ Parliament's Committee on Constitutional Affairs (AFCO) recalled its proposal according to which, "in the event of a possible future revision of the Treaties, the right of legislative initiative could also be attributed to Parliament as the direct representative of EU citizens". In her political guidelines for the next European Commission 2019-2024, presented on 16 July 2019 to the European Parliament, Mrs. Ursula Von der Leyen, freshly elected President of the European Commission, made democracy a central theme of its future mandate.² To inject "a new impetus for European democracy", the President of the Commission intends to contribute to substantially strengthen the role of the European Parliament. In this perspective, Von der Leyen announced: "I believe we should give a stronger role to the voice of the people, the European Parliament, in initiating legislation. I support a right of initiative for the European Parliament. In the same vein, the new President of the Commission argued that: "when Parliament, acting by a majority of its members, adopts resolutions requesting that the Commission submit legislative proposals, I commit to responding with a legislative act, in full respect of the proportionality, subsidiarity and better law making principles." These commitments echo the demands expressed during the election campaign of 2019 by several political parties as well as by Parliament in recent resolutions. In its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union,³ Parliament proposed that the two chambers of the legislative branch

¹ European Parliament, Committee on Constitutional Affairs, Report of 5 December 2018 on the state of the debate on the future of Europe (2018/2094(INI)).

² Von der Leyen, Ursula (2019). A Union that strives for more. My agenda for Europe. Political Guidelines for the next European Commission 2019-2024. https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf.

³ European Parliament resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union (2014/2248(INI)).

of the Union, namely the Council and in particular the Parliament, as the only institution directly elected by the citizens, should obtain the right of legislative initiative. More recently, in its resolution of 13 February 2019 on the state of the debate on the future of Europe, Parliament forwarded the possibility of granting a direct right of legislative initiative to Parliament with a view to a future amendment of the treaties.⁴

Parliament's demands for a legislative right of initiative have been raised repeatedly since the direct elections in 1979. Appropriate drafts were usually worded unobtrusively, since the vast majority of Parliament did not want to fundamentally question the Commission's monopoly of legislative initiative. This basic attitude, which supported the prerogatives of the Commission, has been questioned in recent years. While Parliament was content with the right to request legislation under Article 225 TFEU, the right of initiative of the Commission and the resulting power of agenda-setting was continuously hollowed by the creation and effective use of initiative powers by the European Council.

1.1. The Commission's power of legislative initiative and its erosion

Who sets a topic, a problem to be solved, or any other political issue on the agenda of the European Union? Some attempts would directly correspond to the Treaties. As to the European Council, Article 15(1) of the Treaty on European Union (TEU) reads that it „shall provide the Union with the necessary impetus for its development.” However, according to the same paragraph, „it shall not exercise legislative functions.” Therefore, if one intends to initiate, amend or alter existing legislation, one should try the European Commission (Commission). Referring to the Treaties again, Article 17(1) TEU seems to perfectly support such a call: „The Commission shall promote the general interest of the Union and take appropriate initiatives to that end.” In addition, paragraph 2 seems to be definite, at least in a legal sense: „Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise.”

Overall thus, the Treaties provide for distinct roles of the European Council and the Commission in setting the EU's political agenda: more general, strategic, long-term, or macro-political demands seem to be dealt with by the European Council while more specific, truly legislative items must be subject of a Commission's kick-off. However, a closer look into the Treaties reveals a more complicated, less structured set-up: The effectiveness of the Commission's political agenda-setting roles is unclear, especially given the lack of its formal decision-making power (Kreppel/Oztas 2017). To date, the Commission faces various sources of political agenda-setting by other parties (House of Lords 2008; Ponzano/Hermanin/Corona 2012; Rasmussen 2007). At the earlier, pre-legislative stages of the EU's policy cycle, consultative bodies such as expert groups advise the Commission in relation to the preparation of legislative proposals and policy initiatives, or the preparation of implementing acts at an early stage, before they are submitted to the committee in accordance with Regulation (EU) No 182/2011 (Alter EU 2008; Gornitzka/Sverdrup, 2015; Vassalos 2013; Vikberg 2019).⁵ For April 2020, the Commission reports for 327 active expert groups that assist the Commission in the preparation of

⁴ European Parliament resolution of 13 February 2019 on the state of the debate on the future of Europe (2018/2094(INI)).

⁵ Thanks to the Framework Agreement on relations between the European Parliament and the Commission, the latter recently moved to formalize the network of experts under a specific decision C(2016)3301 of 30 May 2016 „establishing horizontal rules on the creation and operation of Commission expert groups”, and a related Communication C(2016)3300 for Expert groups: Horizontal rules and public register.

legislative proposals and policy initiatives, and an additional 109 expert groups that provide expertise to the Commission when preparing implementing measures. Moreover, the Commission relies on 402 additional expert groups to „coordinate with Member States” at any stage of the legislative cycle.⁶ All these groups provide a forum for discussion on a given subject and on the basis of a specific mandate involving high-level input from a wide range of sources and stakeholders that takes the form of opinions, recommendations and reports. This input is not binding on the Commission, which remains fully independent regarding the way it takes into account the expertise and views gathered. When proposing new policies and measures, the Commission always tries to find the best solution in the general interest of the EU and its Member States. Moreover, expert groups are not the Commission's only source of expert input. When gathering the full range of views on an issue, it also has recourse to studies, European agencies, green papers, public consultations, hearings, and so on. Overall stakeholder participation and representation should therefore always be seen in the light of all the initiatives the Commission takes. Of course, the recently introduced, annual „State of the EU” address by the Commission President has become a kind of summary outlook for defining key objectives and projects, while the more traditional Commission's Annual Work Programme provides a more detailed outline of the key policy priorities of the Commission. But, as Kreppel and Oztas (2017) convincingly showed, the policy objectives outlined in these public declarations of the Commission's priorities account for only about 40% of all EU legislation adopted. Despite the absence of a formal power of initiative that would fit the wording of Article 17 (2) TEU, other actors are able and willing to compete for shaping the EU's policy agenda.

The European Council provides general strategic, and – in the field of justice and home affairs – operational guidance through summit conclusions and programmes, and the Council also slicks into the Commission's preparatory works through Presidency Work Programmes.⁷ In addition, the Treaties provide for other institutions with the power to request policy initiation. We found more than 80 provisions in the Treaties and the two most important Interinstitutional Agreements (IIAs) in the area of policy-planning and agenda-setting – the bilateral Framework Agreement on relations between the European Parliament and the European Commission of 2010⁸ (FA), and the trilateral, Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 2016 (BLM)⁹, where institutions are called or invited to request action from another party. If there is a common feature, it is the vast majority (51 cases) of these agenda-setting attempts have a common addressee: the Commission, which the Treaties and IIAs set as the key filter or catalyst for any idea drawn with a view to change or update the status quo (Annex. Table 9).

As elaborated before (Maurer 2003; Maurer 2007; Maurer/Wessels 2003; Maurer/Mittag/Wessels 2003), the growing role of de-nationalised and supranational actors led to a more intensive and differentiated

⁶ See: Register of Commission expert groups and other similar entities.

<https://ec.europa.eu/transparency/regexpert/index.cfm?do=search.search&searchType=advanced&page=search&resetValues=1>.

⁷ See the oral evidence provided for the House of Lords' report on Initiation of EU Legislation (2008), by Jim Murphy, a Member of the House of Commons, Minister for Europe: "I think generally we are, but if I was to think back roughly a year ago when I became the Minister for Europe the concept that the Commission in some vacuum initiated legislative proposals, at that level you think, is this the right thing to have, but very quickly getting into the detail of the job you understand much more closely the fact that it is not in a vacuum and it is in the context of European Council conclusions, in the dynamics of Member States, interaction with the Presidency, interaction with pressure groups and others to set a framework inside which the Commission has that sole right of initiative." House of Lords (2008). 117.

⁸ OJ L 304, 20 November 2010, 47–62.

⁹ OJ L 123, 12 May 2016, 1–14.

incorporation of national and private actors in the whole EU process. In pursuing their strategies for access and influence, especially Member States have become intensively involved in those phases of the policy cycle where the Commission enjoys rather exclusive prerogatives, such as the right of initiative. As part of the Commission's internal procedure for using this monopoly, this „epistemic community“ (Haas, 1992, 3) draws on a variety of expert and other consultative groups. The involvement of national civil servants, interest groups, and NGOs is important for the Commission in its tasks of identifying problems, collecting first-hand information and examining options for possible legislative proposals. However, expert groups advise the Commission on the basis of the Member States' interest or perspectives. These groups fulfil forward-looking, rule-interpreting, approving, or rule-constraining functions. They therefore interfere as agenda-takers, agenda-shapers, and agenda-makers. The involvement of national civil servants in the early phases of the EU's policy cycle is not simply a watchdog exercise because for the Commission and the national institutions, the „engrenage“-like interlocking of actors is an important part of the joint management of the policy cycle. If any major element could be held responsible for the criticised bureaucratisation of „Brussels“, it is this network of multi-level, inter-administrative interpenetration. However, this bureaucracy is not an accidental product of personal mismanagement or just another example of Parkinson's law which assumes that expansion takes place simply for the personal advantage of the civil servants involved. This trend is an ultimately unavoidable result of the intensive propensity of national politicians and civil servants to comprehensively participate in the preparation, making and implementing of those EU decisions that affect them directly.

It is not only the European Council and the Commission that are equipped with agenda-setting tasks within the European Union's institutional system. Although both institutions are important gatekeepers, which third parties can hardly bypass, the Parliament too deploys important agenda-setting tasks. In this study, we therefore point on Parliament's capacities to set or (co-)shape the political agenda of the Union and its legislative policy-cycle.

The European Parliament is the only directly elected body of the EU and the only directly elected supranational assembly worldwide. It plays an integral part within the EU's legislative process. In fact, Parliament proved to be able to enhance its participation powers with every treaty amendment of the last decades, starting with the Single European Act (1986) (Earnshaw/Judge 1995; 1997) the Treaties of Maastricht (1992), Amsterdam (1997), Nice (2001) (Farrel/Héritier 2004; 2007; Hix/Noury/Roland 2007) and Lisbon (2007) (Shackleton 2017). Thanks to the Lisbon Treaty, Parliament not only gained access to additional areas of policy-making in formerly „de-parliamentarised“ areas such as trade policy.

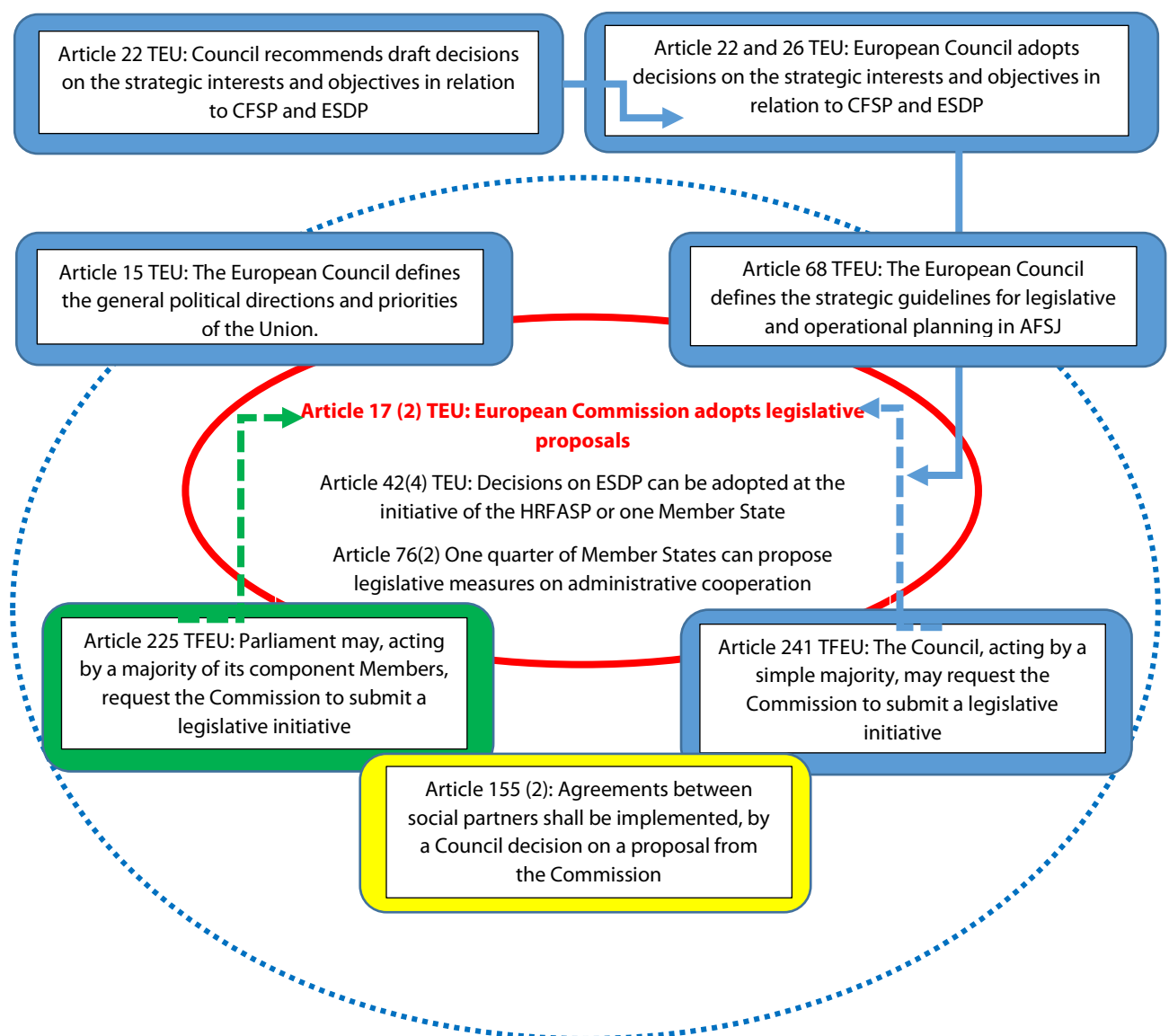
In addition, the Treaty also strengthened Parliament's legislative roles by rebranding the procedure of co-decision into the „ordinary legislative procedure“ (Article 294 TFEU). As a result, Parliament enjoys a strong voice in important areas linked to the functioning of the internal market, the room of freedom, justice and home affairs, and the EU's external economic policies. However, it is still widely perceived as a mere agent or recipient of legislative drafts, proposed by the Commission. Many observers continue to coin Parliament as an „untrue“ parliament, given to its assumed lack of agenda-setting-powers. For some, this perceived weakness also partly explains the relatively low turnout in EP elections, often referred as to be of „second order“.

In this study, we argue that the influence of Parliament regarding political agenda-setting and agenda-shaping-process is much greater than its reputation. Based on the formal channels of influence as outlined in the Treaties, we concentrate on indirect and informal mechanisms regarding the relationship between all legislative actors. Before narrowing down to the concrete question of interest, namely the indirect and informal ways of Parliament to set or co-shape the legislative agenda of the Commission, we will define and distinguish between what is meant by the terms of „direct“ and

„indirect” initiatives. We will then look into the empirical details and analyse the political significance of Parliament's rights for direct and indirect initiative. Here, we will concentrate on two specific kinds of those: non-legislative initiative reports (INI) and legislative initiative reports (INL). Both types of parliamentary reports are of considerable significance in day-to-day EU politics. Strangely enough, political observers and the scientific community widely ignored the relevance of these parliamentary motions in the past, while Parliament's administration carefully analysed these instruments and their potential for channeling influence.

As the Secretary General of Parliament highlighted in a strategic outline, „Own-initiative (INI) reports are an important working tool and political instrument for the European Parliament. INI reports often pave the way for new legislative proposals, exploring diverse topics of interest to Members, responding to Commission communications, and expressing Parliament's position on different aspects of European integration. They are thus important tools in the early phase of the legislative cycle trying to shape the agenda” (Welle 2015, 13).

Figure 1 The ring fence of the Commission's right for legislative initiative



Source: Author's own account based on the treaties of the European Union

Our initial, overarching question therefore is, how and under which institutional and procedural conditions can Parliament successfully influence the legislative agenda of the European Union? To narrow our question, we first look into conceptual, descriptive studies and provide empirical evidence. We assume that INI and INL reports are useful tools to (co-)set or (co-)shape the agenda of the EU, without straining the fragile balance of power between the institutions. In the next section, we briefly introduce and develop the conceptual framework on parliamentary agenda-setting within the EU. Section 2 will then address Parliament's direct right of initiative under the Treaty of Lisbon. Section 3 then reveals, why we chose INI and INL reports amongst a set of other instruments that would qualify for agenda-setting and -shaping. After summarizing the legal and political evolution of distinctive types of initiative reports in Section 3, we present and discuss our empirical data in Sections 4 and 5, which covers not only the impact of Parliament's non-legislative own-initiative reports (INI) and its legislative initiative reports (INL, to date based on Article 225 TFEU), but also 20 years of legislation starting from 1994. Section 6 provides for a comparative overview on the right of legislative initiative in the national parliaments of the Union. We draw our final conclusions in Section 7 and present some ideas and recommendations for further development and reform.

1.2. Agenda-setting, Agenda-shaping and Policy-initiation powers in the EU

In the introductory chapter of his „Handbook of Public Policy Agenda Setting“, Nikolaos Zahariadis (Zahariadis 2016, S. 3) provides five „good reasons“ for systematising agenda-setting: Accordingly, „studying the agenda as a list of priorities helps us understand [constantly changing] social values.“ Secondly, „specifying the agenda illuminates potential gaps between government and the public in democratic and non-democratic societies alike.“ Thirdly, „priorities create political winners and losers. Because there is no society-wide consensus on what government should address first [...], agendas reflect the priorities of some groups and not of others.“ Fourth, „agenda setting profoundly affects policy decisions“. Procedures for political agenda-setting prescribe how issues are defined. Finally, agenda setting reflects the political value that individuals or institutions assign to issues. It thus „structures voters' way of thinking about the world by selectively presenting, analyzing, and interpreting information.“ (Cohen, 1963, 13, cited in McCombs/Shaw, 1972, 177). Roger Cobb and Charles D. Elder define the term agenda as „a general set of political controversies that will be viewed as falling within the range of legitimate concerns meriting the attention of the polity“ (Cobb/Elder, 1971, 905). Communication studies define the term agenda as „a list of issues the public considers important“ (McCombs/Shaw, 1972).

Since we focus on parliamentary agenda-setting within the EU, our study relies on the works of George Tsebelis and Geoffrey Garrett, who identified channels for Parliament to influence the (legislative) agenda of the EU. In 1994, Tsebelis recognized unintended parliamentary agenda-setting powers related to the cooperation procedure (ex-Article 189c TEC), which the Single European Act (1986) created for passing legislation in the area of the internal market. Parliament could, under certain circumstances, outplay the Commission and the Council against each other and thereby exercise conditional „agenda-setting powers“ (Tsebelis, 1994, 131). Under the cooperation procedure, Parliament operationalised functions of an agenda-setter as „veto players that present 'take it or leave it' proposals to the other veto players [and] have significant control over the policies that replace the status quo.“ (Tsebelis 2002, 13). However, conditional agenda-setting by Parliament was itself dependent on the very fact of an initiative emanating from the Commission.

Building on Tsebelis' early definition, we offer to widen the perspective towards the earlier phases of the EU's policy cycle. In this regard, Hix (2002, 259) argued that Parliament could also exercise agenda-setting powers by amending its own rules of procedures in a way that was not foreseen by other institutional, treaty-authorizing actors. „The rules in the EU Treaty, as established at Maastricht, were incomplete contracts, and the EU governments had imperfect information about the precise operation of the Treaty. As a result, Parliament was able to re-interpret these rules to its advantage and threaten not to co-operate with the governments unless they accepted Parliament's interpretations.”

While Parliament has no formal power to initiate a legislative proposal, it may still be able to shape the EU policy arena by other, informal means. Such informal or indirect agenda-setting ability becomes traceable „when actors are able to raise the saliency of an issue and foster public and/or elite support for policy action” (Kreppel/Webb 2019). In theoretical terms, agenda-setting refers to the ability to steer public and political attention on a particular issue, with the goal of inspiring legislative or other political action (Kreppel/Webb 2019; Bachrach/Baratz 1963; Jones/Baumgartner/Talbert 1993; Schattschneider 1960). Consequently, parliamentary agenda-setting could be defined as the continuing process through which public issues are transformed into parliamentary debate, receive attention, and priority. In this sense, agenda-setting is an exercise of hierarchizing and prioritising potential conflict, perceptions and solutions (Maurer 2002; Baumgartner/Green-Pedersen/Jones 2006; Rasch/Tsebelis, 2011; Romer/Rosenthal 1978). In this regard, and despite its inability to formally initiate legislative proposals, Parliament does dispose of a possible tool of informal agenda-setting — its capacity to adopt 'own initiative' reports.

The idea of legislative agenda-setting should not be restricted to the Commission and to Article 17(2) TEU only. Given its ultimate veto-powers vis-à-vis the Commission, Parliament was and still is in a position to instrumentalize its controlling functions for the sake of legislative agenda-setting by various means. Text.

1.3. How Parliament enters the phase of initiating policy making

In 1983, the European Court of Justice confirmed the right for Parliament „to discuss any question concerning the communities, to adopt resolutions on such questions and to invite the governments to act”.¹⁰ Similarly, in 2005, the Statute of Members confirmed that „the right of initiative referred to in Article 5 is the key right of every Member.”¹¹ Article 5 continued the argument and clarified that „each Member shall be entitled to table proposals for Community acts in the context of Parliament's right of initiative”. Building on this legal framework, Parliament's rules of procedures¹² discerned five different types of Own-initiative reports (former Annex XVII):

- Legislative own-initiative reports, drawn up on the basis of Article 225 TFEU and Rule 46 of the Rules of Procedure (RoP);

¹⁰ https://www.cvce.eu/content/publication/2002/12/16/6c015994-288a-4332-a4d3-0294977aa067/publishable_en.pdf.

¹¹ OJ L 262 (28.09.2005): Decision of the European Parliament of 28. September 2005 adopting the Statute for Members of the European Parliament:
http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=uriserv:OJ.L_.2005.262.01.0001.01.DEU&toc=OJ:L:2005:262:TOC.

¹² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+RULES-EP+20150428+0+DOC+PDF+V0//EN&lan-guage=EN>

- Strategic reports, drawn up on the basis of non-legislative strategic and priority initiatives included in the Commission Work Programme;
- Non-legislative own-initiative reports, not drawn up on the basis of a document of another Institution or body of the European Union or drawn up on the basis of a document forwarded to Parliament for information, without prejudice to Article 2(3);
- Annual activity and monitoring reports, as listed in Annex 1 of the RoP;
- Implementation reports on the transposition of EU legislation into national law and the implementation and enforcement thereof in Member States.¹³

First introduced with the Treaty of Maastricht in 1993, the then Article 138b, paragraph 2 defined Parliament's right for indirect initiative as follows: „The European Parliament may, acting by a majority of its Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty.”¹⁴ This resulting agenda-setting power of Parliament was conveyed to the RoP in its 8th edition (October 1993). Rule 50 laid out the concrete provisions, entitled „legislation initiative”.¹⁵ Most of the technical provisions derived strictly from the existing treaty provision, and did not change at all for 25 years. Only paragraph 2 of the Rule 50 of the RoP was deleted by later amendments. It contained a guideline to avoid redundant or unnecessary proposals. Accordingly, the committee responsible ensured that no such proposal is in preparation for one of three reasons: the proposal is not included in the annual legislative program, preparations for such a proposal have not yet started or are unduly delayed, or the Commission has failed to respond positively to earlier requests addressed to it by the committee responsible.

The Treaties of Amsterdam (1997) and Nice (2001) moved the provision on the right to request legislative initiative from Article 138b(2) to Article 192(2), without changing the content. Then, building on Parliament's initiative during the European Constitutional Convention, the Treaty of Lisbon replaced

¹³ Regarding the organisation of these reports, see the Decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports, amended by the decision of the Conference of Presidents of 26 June 2003, consolidated on 3 May 2004, further amended as a result of decisions adopted in plenary on 15 June 2006 and 13 November 2007 and by decisions of the Conference of Presidents of 14 February 2008, 15 December 2011, 6 March 2014 and 7 April 2016, by corrigendum of 15 July 2016 and by decision of the Conference of Presidents of 3 April 2019. The consolidated version can be found in: European Parliament (2019), Compendium of the main legal acts related to the Rules of Procedure, Brussels, July 2019, http://www.epgencms.europarl.europa.eu/cmsdata/upload/8f5ae7e6-0e83-4e95-8a2e-91e3afad87ea/F1_EN.pdf.

¹⁴ At the time of its creation, today's Article 225 TFEU was a compromise solution based on Parliaments earlier drafts for establishing an indirect right of legislative initiative. Note Parliament's draft treaty for establishing a European Union of 1984, where Article 37 (2) read: "On a reasoned request from the Parliament or the Council, the Commission shall submit a draft law conforming to such request. If the Commission declines to do so, the Parliament or the Council may, in accordance with procedures laid down in their rules of procedure, introduce a draft law conforming to their original request. The Commission must express its opinion on the draft." Building on this draft, Parliament, in 1990, proposed a similar wording for consideration within the IGC on Political Union that read: "31. Calls for Parliament to be given the right to initiate legislative proposals in cases where the Commission fails to respond within a specified deadline to a specific request adopted by a majority of Members of Parliament to introduce proposals; in such cases a Parliament proposal adopted by a majority of Members would be the basis for initiating the legislative procedure". See: Bulletin of the European Communities. February 1984, No 2. Luxembourg: Office for official publications of the European Communities. "Draft Treaty establishing the European Union", 8-26; European Parliament (1990). Second Interim Report drawn up on behalf of the Committee on Institutional Affairs (Rapp. David Martin) on the Intergovernmental Conference in the context of Parliament's strategy for European Union. Session Documents 1990, Document A3-166/90, 25 June 1990.

¹⁵ In the German version Article 50 RoP (1993) was entitled „Gesetzgebungsinitiative”.

the article to 225 TFEU and added a substantial sentence: „If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons.” This provision formalised inter-institutional practice, given that the Commission informed Parliament on the follow-up („les suites données”) of own-initiative reports for about 10 years. Corbett et al. (2016, 313) illustrate this informal practice in a nutshell: „From March 1983, when it made a commitment to do so through an exchange of letters with Parliament’s President (Piet Dankert), the Commission submitted written reports every six months explaining how it has responded to Parliament’s initiatives and what action it has taken. In November 1994, it was agreed to replace this with a more regular report to be examined within the relevant committees.” The Commission described the procedure in a communication on „the institutional system of the Community. Restoring the balance” of 7 October 1981. Particularly its point 18 remained disputed until the Treaty of Lisbon came into force in 2009: „The Commission considers it quite legitimate for a directly elected Parliament to discuss initiatives to develop the Community and press for implementation of its findings. After the debates in the House the Commission takes a careful look at the suggestions but by Parliament with a view to seeing if and how it can act on them. It attaches the utmost importance to the ideas adopted by Parliament and incorporated into formal proposals and is more than willing to draw on them provided that there are no objections of substance. If there are, it will give Parliament a detailed and timely explanation of the reasons for its reservations.”¹⁶

Based on this far-reaching, self-binding concession towards Parliament some treaty commentators started to suggest a legal obligation for the Commission to draw up a legislative proposal on any formal request of Parliament (Buttlar 2003, 261). They argued that a formal request based on ex-Article 138b TEC (Maastricht) or ex-Article 192(2) TEC (Amsterdam and Nice) should be legally binding. Given that Parliament already had the opportunity to adopt INI resolutions a long time ago, the explicit provision on the INL procedures would otherwise be without meaning (Haag, von der Groeben, and Schwarze 2015).¹⁷

1.4. Framing the right for indirect initiative through IIAs

Parliament initiated four consecutive, Interinstitutional Agreements (IIAs) with the Commission to clarify, how the latter should handle parliamentary requests based on INLs. IIAs have been concluded between the Council, the Commission and Parliament ever since the founding of the EEC/EU. Despite the fact that they are an established part of the mass of informal and formal rules structuring EU decision-making and inter-institutional relations, there is as yet no common understanding of their role and functions in the institutional and legal system of the EU. IIAs form part of the grey area of the EU’s nomenclature of norms which has been referred to in both legal and political science literature with terms such as soft law or informal conventions etc. IIAs can therefore be seen as an integral element of

¹⁶ See Communication of the European Commission: The institutional system of the Community. Restoring the balance. 7 October 1981, COM(81) (581).

¹⁷ As to the Commission, see its initial interpretation of Parliament’s right to request a legislative initiative: « Droit d’initiative » parlementaire: Conformément à l’article 138B du traité, le Parlement européen peut demander à la Commission de soumettre toute proposition appropriée sur les questions qui lui paraissent nécessiter l’élaboration d’un acte communautaire. Malgré le libellé prudent dudit article, le Parlement estime que la Commission doit soumettre une telle proposition. Au cours du débat sur la révision du règlement lors de la session plénière de septembre, M. PINHEIRO a signalé que la Commission ne pouvait accepter aucune automaticité en ce qui concerne les initiatives législatives relevant de l’article 138B deuxième alinéa, tout en admettant que l’initiative législative adoptée à la majorité absolue du Parlement, comme l’exige le traité, constituerait un signal politique très fort que la Commission prendrait sérieusement en compte. » Commission européenne (1993): Mise en œuvre du Traité sur l’Union européenne – Relation avec le Parlement, Communication de M. PINHEIRO, en accord avec M. le Président, SEC(93)1768/2, 2 décembre 1993.

incremental EU Constitution-building that predetermine reform options in the valleys between Intergovernmental Conferences (IGCs) and the final endgame summits of the heads of state and government. Indeed, many treaty provisions refer to procedures formerly decided upon in IIAs. Despite their informal nature, arrangements like IIAs institutionalise, and are able to modify, the real institutional balance without formally changing the Treaties. Even if, in legal terms, IIAs cannot amend the Treaties, their substance can go far beyond what has been agreed under the Treaties. In line with MEPs' aspirations, IIAs have the capacity to induce Treaty reforms. Based on the assumption of path-dependency, IIAs perform as rules or procedures that, once introduced, shape the realm for further developments by narrowing the scope for possible change and by indirectly obliging Member States to think only of the incremental revision of existing arrangements. In other words, IIAs can create facts thanks to which Member State governments subsequently have limited options other than their formalisation.

According to Kietz and Maurer (2010, 190-1), IIAs such as the codes of conduct and the framework agreements laid down the general fabric for governing relations between the two institutions regarding all aspects of the decision-making process such as implementing measures, legislative planning, information management and much more. They all codify mostly information rights for Parliament and hammered out the Commission's obligations towards Parliament. In its efforts to expand its role in EU decision-making across all phases of the policy-cycle, Parliament disposes of three major bargaining chips: firstly, a say on the substance of the budget including the ultimate threat of rejecting the budget as a whole (a power transferred to it in the 1970s by the Member States); secondly, a vote of no-confidence towards the Commission as foreseen in the founding Treaties, and – coupled with this – a right to appoint the Commission, as introduced at Maastricht and extended at Amsterdam and Lisbon; and thirdly, with the introduction of today's ordinary legislative procedure (OLP) at Maastricht, also the possibility to delay, amend, block or reject legislation. Parliament has strategically used these bargaining chips to wrest competencies from the Council and Commission in areas such as the former comitology regime (transferred by Lisbon into the framework of delegated and implementing acts), or policy-planning and strategic forecasting. Having had no formal say at IGCs until the entry into force of the Lisbon treaty, Parliament took recourse to informal IIAs which would confer rights not foreseen in the Treaties – thus inducing institutional change at the sub-Constitutional level – in the hope that these would create facts that future treaty amendments would incorporate and build upon. When analysing how and if Parliament used these bargaining chips, the structural bargaining advantages of Parliament over the Council in particular should be kept in mind. Parliament has a much longer time-horizon regarding the adoption (or in this case delay) of measures than governments in the Council: whereas national governments are under pressure to come up with results because of the relatively strong structural link with the electorate, MEPs enjoy more latitude in this regard.

Ideas and proposals on Parliament's indirect right of initiative originate from the institution's demands to create a close relationship with the Commission.¹⁸ The founding Treaties foresaw the right of Parliament to censure the Commission, thereby making the Commission accountable to it. However, Parliament had no say over the appointment of the Commission. With the first direct elections of

¹⁸ See e.g. Parlement européen (1986), Résolution sur les relations entre le Parlement européen et la Commission dans le cadre institutionnel des traités (doc. A2-102/86), Parlement européen (1984), Projet de déclaration commune du Parlement européen et de la Commission des Communautés européennes sur leurs relations réciproques élaboré par le précédent Parlement avec le concours de la Commission (doc. 1-328/84/rév.) ; Parlement européen (1984), Proposition de résolution déposée par Lady Elles sur l'évolution des relations entre le Parlement et la Commission (doc. 2-1709/84) ; Parlement européen (1984), Proposition de résolution déposée par M. Van Miert sur le droit d'initiative du Parlement européen (doc. 2-1822/84).

Parliament in 1979, Parliament informally held a debate and organised a vote of confidence on every incoming Commission based on provisions it introduced to its Rules of Procedure. Over time this procedure was implicitly accepted by the Member States and every Commission waited for the vote before officially taking office. Since then the formalisation of the right to appoint the Commission and to bind the latter's agenda-setting activity to Parliament figured as a major demand of Parliament. From Parliament's perspective, it was the only logical complement to Parliament's right to hold a vote of no-confidence. The Maastricht Treaty formalised this practice and aligned the Commission's and Parliament's terms of office. The treaty also granted Parliament the right to be consulted on the Member States governments' choice of the President of the European Commission, and to approve the Commission's college. From this point on, Parliament openly talked of the Commission's „double legitimacy". While before then the Commission had formally been appointed by the Member States governments alone, it now gained its legitimacy also from the approval of Parliament. Appointments reflect a dynamic system of checks and balances or, in the language of the European Court of Justice, a system of loyal co-operation. Given the EU's hybrid structure of indirect interest representation through its institutions, appointments create a relationship of accountability and responsiveness between the appointing and the appointed institution. Consequently, the right of approval was not only perceived as a formal but highly political act: in combination with the aligned mandates of both institutions Parliament perceived its vote on the Commission as the establishment of a genuine legislative agreement between the two institutions. This „legislative contract"¹⁹ was explicitly based on the Commission's work programme for the legislative period which the designated candidate for the office for President of the Commission was to present before Parliament held its vote. Parliament made clear that it would not approve a Commission without a programme: »pas de programme, pas de vote! [...] Ce programme doit être un véritable contrat de législature«²⁰ which largely increased the Commission's accountability to Parliament.

To update the code of conduct adopted in 1990 and amended in 1995, the two institutions agreed in 2001 on some key measures to „strengthen the responsibility and legitimacy of the Commission, to extend constructive dialogue and political cooperation, to improve the flow of information and to consult and inform the European Parliament on Commission administrative reforms [...]".²¹ Whereas the Commission's Andriessen report (COM(81) 581) suggested a near automatism between an own-initiative-report and its implementation by the Commission, the IIAs acted far more wary. While the first code of conduct did not even mention INI reports at all in 1990,²² in 1995, its updated edition took into consideration the then new Article 138b.²³ However, the wording was used in a cautious manner: „Where, pursuant to Article 138b, Parliament requests the Commission to submit legislative proposals, the Commission shall take the utmost account thereof. The Commission decisions on such requests shall be duly reasoned on a case-by-case basis, if necessary even in a sitting of Parliament." The same modesty featured the provision within the first „Framework Agreement" in 2001: „The Commission shall take account of any requests made pursuant to Article 192 of the EC Treaty by the European

¹⁹ European Parliament, Proposition de Résolution sur l'investiture de la Commission (1994) (Rapporteur : Froment-Meurice), Partie A, 3, PE 208.503/A. Article 10 : « relève que la création d'une procédure d'investiture et l'alignement de la durée des mandats de la Commission et du Parlement conduisent à l'établissement d'un contrat de législature entre ces deux institutions; qu'il y a lieu dès lors à la fois d'approuver le choix des personnes et se prononcer sur les grandes lignes de l'action de la Commission pour les cinq ans de son mandat. »

²⁰ European Parliament, Proposition [op.cit., note 8 supra], Partie B.

²¹ See OJ C123, 24.04.2001, 122-6

²² See OJ C280, 28.10.1991, 165-6

²³ See OJ, C89, 10.04.1995, 69-72

Parliament to the Commission to submit legislative proposals, and undertakes to provide a prompt and sufficiently detailed reply to any such request within the relevant parliamentary committee and, if necessary, at a plenary sitting of the European Parliament.”²⁴ The rule remained still vague concerning the question, what „prompt” and „sufficiently” would mean in practice. However, it also invented these terms as a basis for further clarification.

Whereas the FA of 2005 did not generate substantial revision,²⁵ the most recent revision of 2010 was a breakthrough, at least to a certain extent. Hence, Parliament pushed the Commission to agree²⁶ (point 16) that it „shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU (legislative initiative report) within 3 months following adoption of the corresponding resolution in plenary.” In addition, the Commission shall either „come forward with a legislative proposal at the latest after 1 year” (preference A for Parliament), „include the proposal in its next year’s Work Programme” (preference B), or - if it does not submit a proposal - „shall give Parliament detailed explanations of the reasons” (preference C for Parliament). In case that the Commission does not submit the reasons for not meeting the requests of Parliament neither regarding their first, nor their second preference, the broad majority of legal experts argues that an action for „a failure to act” (Article 265) could be considered (e.g. Kotzur 2015, 831).

The 2010 FA not only establishes a clear timeframe for the Commission to respond to Parliaments own-initiative resolutions, but also highlights – for the first time – a new „special partnership” between the two Institutions. The commitment of the Commission for entering into a special partnership with Parliament could be understood as a provocation towards the Council. However, the IIA on better law-making of 2016 (BLM) indicates the legislative equality between Parliament and Council. All three Institutions commit²⁷ to sincere and transparent cooperation throughout the entire legislative cycle. In this context, „they recall the equality of both co-legislators as enshrined in the Treaties”, already in perambulatory clause 1. Based on four previous trilateral IIAs,²⁸ the 2016 agreement introduces and emphasizes two new concepts that engender an extraordinary impact on the practical cooperation with regard to Parliament’s INLs as well:

First, the three Institutions agree „that the analysis of the potential ‘European added value’ of any proposed Union action [...] should be fully taken into account when setting the legislative agenda.” (perambulatory clause 5, first part). Second, the three Institutions agree „[...] that an assessment of the ‘cost of non-Europe’ in the absence of action at Union level, should be fully taken into account when setting the legislative agenda.” (perambulatory clause 5, second part). Parliament’s interpretation of this concept was already drafted by an in-house Activity Report from 2014.²⁹ ParliamentRS paper on

²⁴ See Framework Agreement on relations between the European Parliament and the Commission, OJ C 121, 24.4.2001, 122–130.

²⁵ See OJ C117 E, 18.5.2006, 125–28; exact wording (127, point 14): „The Commission shall take account of any requests made, pursuant to Article 192 of the Treaty establishing the European Community, by Parliament to the Commission to submit legislative proposals, and shall provide a prompt and sufficiently detailed reply thereto. At the request of Parliament or the Commission, information on the follow-up to Parliament’s significant requests shall also be provided before the relevant parliamentary committee and, if necessary, at a plenary sitting of Parliament.”

²⁶ See OJ L304, 20.11.2010

²⁷ See OJ L12, 12.05.2016, 1–9.

²⁸ See: OJ C 102, 4.4.1996, 2; OJ C 73, 17.3.1999, 1.; OJ C 77, 28.3.2002, 1; OJ C 145, 30.6.2007, 5.; OJ C 369, 17.12.2011, 15.

²⁹ See Dunne, Joe (2014), European Parliament work in the fields of Ex-Ante Impact Assessment and European Added Value. Activity Report for the period June 2012 - June 2014, European Parliament Doc. No. PE: 536.372, https://www.europarl.europa.eu/EPRS/EVAL_Activity-Report_June2012-June2014.pdf.

Parliament's work in the fields of Ex-Ante Impact Assessment and European Added Value Activity Report for June 2012 - June 2014 describes the main features of the new concept as follows:

"The Parliament needs to be able to make serious and properly justified requests to the Commission about how the latter institution should use its right of initiative - a role strengthened by the Lisbon Treaty (Article 225 TFEU). So the European Added Value Unit in the directorate now assists the committees in substantiating their requests for legislative or other action from the Commission, through 'European Added Value Assessments' specifically for legislative own-initiative reports, and through 'Cost of Non-Europe Reports' which analyse policy areas where there may be economies of scale or collective 'public goods' that are simply not being realised because of inaction at European level" (Welle 2014, 5). To identify the areas „where the Union can add value to public policy through common action where none might otherwise be taken" (ibid, 4), Parliament therefore operates with a directorate for Impact Assessment and European Added Value to support the activities of the committees in this field. The directorate is an integral part of the European Parliament's Directorate-General for Parliamentary Research Service (EPRS). During the 2014-2019 legislative term, the directorate developed an administrative structure for impact assessment activities. Three units assume impact assessment related tasks: The Ex-ante Impact Assessment Unit (IMPA) evaluates all impact assessments of the Commission, and undertakes Parliament's own ex-ante impact assessments upon request by committees. The Ex-post Evaluation Unit (EVAL) supports Parliament's implementation reports with background studies and, carries out ex-post evaluations requested by Committees. The European Added Value Unit (EAVA) provides 'Cost of Non-Europe Reports and European Added Value Assessments to support Parliament's INL reports. During the eighth legislative period, these three units produced a total of 453 publications.³⁰

Point 10 of the 2016 BLM openly integrates these tools into the existing framework of cooperation. The first paragraph only repeats what was already agreed upon between Parliament and the Commission within the 2010 FA, and extends it to the right of indirect initiative of the Council.³¹ The second and third paragraph further apply the concepts of „European added value" and „cost of non-Europe" to legislative requests originating from both institutions:

The Commission will reply to such requests within three months, stating the follow-up it intends to give to them by adopting a specific communication. If the Commission decides not to submit a proposal in response to such a request, it will inform the Institution concerned of the detailed reasons,

³⁰ Hiller, Wolfgang (2019), Impact Assessment and European Added Value work during the eighth legislative term, 2014-2019, EPRS briefing No. PE 631.753, [http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631753/EPRS_BRI\(2019\)631753_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631753/EPRS_BRI(2019)631753_EN.pdf).

³¹ Parliament's indirect right of initiative has an equivalent for the Council as well, expressed in Article 241 TFEU. This article reads out as follows: „The Council, acting by a simple majority, may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals. If the Commission does not submit a proposal, it shall inform the Council of the reasons.". As with the provisions of Article 225 TFEU, the obligatory statement „of the reasons" was only incorporated with the Treaty of Lisbon into primary law. Although the exact wording differed, the procedure remained the same. Before Lisbon and by not mentioning any procedure within the TEC, Article 205(1) applied: „Save as otherwise provided in this Treaty, the Council shall act by a majority of its Members." Since Lisbon, the mentioning of the „simple majority" became important – otherwise Article 16(3) TFEU would apply in those cases as „The Council shall act by a qualified majority except where the Treaties provide otherwise." In practice, Article 241 TFEU is used to some extent, although quantitative as well as qualitative research is lacking. Most recently, this indirect right was invoked with „Council Decision Article 241 TFEU on the Aarhus Regulation" (Council Decision (EU) 2018/881 of 18 June 2018 requesting the Commission to submit a study on the Union's options for addressing the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32 and [...] a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006. (OJ L 155, 19.6.2018, p. 6). For more detailed information regarding the legal effects of the provision, see Kotzur (2015d, 831).

and will provide, where appropriate, an analysis of possible alternatives and respond to any issues raised by the co-legislators in relation to analyses concerning 'European added value' and concerning the „cost of non-Europe“. If so requested, the Commission will present its reply in the European Parliament or in the Council.

Although the commitment of the Commission to „respond to any issues raised“ by Parliament does not explicitly mention a clear timeframe – equally to the „3 months definition“ introduced with the 4th revision of the bilateral IIA (FA 2010) –, an undue and unreasoned delay would definitely collide with the principle of „mutual sincere cooperation“ (Article 13 TEU). On the other hand, neither the Treaties nor the FA and BLM IIAs contain an obligation for the Commission to translate legislative requests of Parliament into a legislative proposal. If such an automatism were intended, the associated interference in the autonomy of the Commission would probably have to be regulated through the instrument of a trilateral IIA.

2. PARLIAMENT'S RIGHT OF INITIATIVE UNDER THE TREATY OF LISBON

While the previous chapter underlined the importance of informal agreements that help to fill potential loopholes of Treaty provisions, we should not forget the more straightforward powers of Parliament in setting and (co-)shaping the institutional, as well as procedural design of the EU. Under the Treaties, Parliament enjoys a number of rights for direct initiative. Most of the respective provisions concern its organisation, the operationalisation of its scrutiny functions, and the European elections. These include the determination of the existence of a clear risk that a Member State breaches the Union values (Article 7 TEU), provisions establishing the composition of Parliament (Article 14 TEU), amendments of the Treaties (Article 48 (2) TEU), European electoral legislation (Article 223 TFEU), regulations and general conditions governing the performance of the duties of its Members (Article 223 (2) TFEU), provisions governing the right of inquiry (Article 226 TFEU), and rules concerning the duties of the European Mediator or Ombudsman (Article 228 (4) TFEU).

The Lisbon Treaty's Article 17(2) TEU clearly reinforced the Commission's (near) monopoly for legislative initiative. Accordingly, „Union legislative acts may only be adopted on the basis of a Commission proposal [...]". However, it is the second half-sentence of that provision, which opens the window of opportunity for other Institutions' initiatives. Instead of naming or listing specific policy areas, the Commission's quasi-monopoly for initiative generally applies „except where the Treaties provide otherwise." Article 289(4) TFEU complements: „In the specific cases provided for by the Treaties, legislative acts may be adopted on the initiative of a group of Member States or of the European Parliament [emphasise added], on a recommendation from the European Central Bank or at the request of the Court of Justice or the European Investment Bank." According to Kotzur (2015, 946-47), Article 289(4) TFEU should be understood as being „of a declaratory respective referencing nature only. It results from the relevant Treaty provision of the respective policy area whether the right of initiative in derogation of Article 289 paragraph 1 TFEU exists."

Turning to Parliament's implementation of direct initiatives, Rule 46 of its RoP provide for the procedural frame: „In cases where the Treaties confer a right of initiative on Parliament, the committee responsible may decide to draw up an own-initiative report in accordance with Rule 54. The report shall include: (a) a motion for a resolution, (b) a draft proposal, (c) an explanatory statement including, where appropriate, a financial statement."³² In addition, Rule 54(1) states that a „committee intending to draw up a non-legislative report or a report under Rule 46 or 47 [...] may do so only with the authorisation of the Conference of Presidents." The latter shall then take a decision on requests for authorisation to draw up reports, whereas in the case of Rule 46 „the Conference of Presidents may only decide to withhold such authorisation if the conditions set out in the Treaties are not met".

Regarding Parliament's „opportunity structure" in a purely legal sense, primary law only displays seven provisions that grant a direct right of parliamentary initiative that should be operationalised according to Rule 46.

³² European Parliament (2020), Rules of Procedure, 9th parliamentary term, February 2020.

2.1. Article 223(1) TFEU – Direct elections of the European Parliament

Regarding the procedure for direct elections, Article 223(1) TFEU provides for Parliament to „draw up a proposal to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.” For Huber (2012), this article empowers Parliament to draft a direct and coherent voting system in all Member States. After repeated attempts in 1982, 1985, 1993 and 1998, the EU electoral law has finally been adopted in 2018 (Maurer 2018, 2019).³³ The Resolution on a draft electoral procedure incorporating common principles for the election of Members of the European Parliament was adopted on 15 July 1998.³⁴ It included 11 recommendations, proposals and considerations for common principles and guidelines of European elections.³⁵ Based on the proposal, the Council adopted a decision under ex-Article 190(4) TEC (Amsterdam version),³⁶ which was then approved by Parliament on 12 June 2002 (OJ C 261 E, 306-7).³⁷ The recent proposal for a „Reform of the electoral law of the European Union” (2015/2035(INL)) referred explicitly to Parliament’s direct right of initiative, stating that „Article 223 of the TFEU gives the European Parliament the right to initiate a reform of European electoral law by formulating proposals, which the Council decides upon by unanimity.”³⁸ Referring to Article 223(2)³⁹ the Council adopted its decision after obtaining the proposal from the European Parliament [...] on 13 July 2018.

2.2. The Statute of Parliament’s Members

According to Article 223(2) TFEU, „the European Parliament, acting by means of regulations on its own initiative in accordance with a special legislative procedure after seeking an opinion from the Commission and with the consent of the Council, shall lay down the regulations and general conditions governing the performance of the duties of its Members. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.” This provision was not used since the Treaty of Lisbon entered into force. The Treaty of Amsterdam first introduced Article

³³ See Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the Members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, OJ L 178, 16.7.2018, 1–3.

³⁴ See European Parliament Resolution on a draft electoral procedure incorporating common principles (A4-0212/98), OJ C 292, 21.9.1998, 66.

³⁵ Further references are hereby made to its reports on a uniform electoral procedure, and its resolutions of 10 October 1991 (OJ C 280, 28.10.1991, 141) and 10 March 1993 (OJ C 115, 26.4.1993, 121.)

³⁶ Article 190(4) TEC read: „The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States. The Council shall, acting unanimously after obtaining the assent of the European Parliament, which shall act by a majority of its component Members, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective Constitutional requirements.”

³⁷ 2002/772/EC, Euratom: Council Decision of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom.

³⁸ See <https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1411469&t=e&l=en>.

³⁹ Article 223(1 subpar. 2): The Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, which shall act by a majority of its component Members, shall lay down the necessary provisions. These provisions shall enter into force following their approval by the Member States in accordance with their respective Constitutional requirements.

190(5) TEC,⁴⁰ which was the former legal basis for a uniform Member's Statute. Building on that provision, Parliament adopted a first draft regarding for a uniform Members' Statute (2003/2004(INL)) in 2003. The draft did not achieve the necessary majority in the Council's meeting on 26 January 2004. A compromise was finally agreed in summer 2005. The reform came into effect with the beginning of the 7th legislative period in 2009.

2.3. Parliament's temporary Committees of Inquiry

According to Article 226 TFEU, „the European Parliament may, at the request of a quarter of its component Members, set up a temporary Committee of Inquiry [...]. The detailed provisions governing the exercise of the right of inquiry shall be determined by the European Parliament, acting by means of regulations on its own initiative in accordance with a special legislative procedure, after obtaining the consent of the Council and the Commission.” The right of inquiry constitutes one of the core competences of parliaments to control government. At the EU level and „due to the enhanced competences and the hereby enhanced responsibility of Parliament, the setting up of an explicit right of inquiry for the democratically and directly legitimated representation of the peoples [...] had become an ever more urgent issue” (Kotzur 2015, 812). The Treaty of Maastricht (Article 193 TEC) introduced this right to primary law first, with the Lisbon Treaty taking over the wording of Article 193 TEC. Whereas the details of the exercise of the right of inquiry have been determined by an interinstitutional “decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry”,⁴¹ more recent developments altered the position of Parliament: In 2012 and based on the then Article 45 RoP, Parliament in a first attempt launched a „Proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry” (2009/2212(INL)).⁴² Despite an overwhelming majority within the plenary (votes for: 532; against: 81; abstentions: 7), national parliaments, as well as the Commission expressed concerns over the proposed far-reaching investigative powers which could “[...] turn the political tool into a legal one” (Poptcheva, 2016, 9). The topic remained on the agenda during the 8th parliamentary term. Parliament's Committee on Constitutional Affairs (AFCO) resumed negotiations with the Council and the Commission. After years of inter-institutional deadlock, the AFCO committee approved a fresh proposal to restart the talks in April 2018. The main aim was to have a new regulation ready by the end of the 8th parliamentary term, in order to have it implemented after Parliament elections in 2019. However, the Council was still not ready start negotiations. The newly elected Parliament is continuing the work on the pending legislative file.

⁴⁰ Article 190(5) TEC: 5. The European Parliament, after seeking an opinion from the Commission and with the approval of the Council acting by a qualified majority, shall lay down the regulations and general conditions governing the performance of the duties of its Members. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

⁴¹ See OJ 1995 L113/3.

⁴² See Proposal for a Regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission, OJ C 264E, 13.9.2013, 41–50.

2.4. The election of the Union's Mediator

According to Article 228(4), the European Parliament „acting by means of regulations on its own initiative in accordance with a special legislative procedure shall, after seeking an opinion from the Commission and with the consent of the Council, lay down the regulations and general conditions governing the performance of the Ombudsman's duties." The institution of an Ombudsman was set up by the Treaty of Maastricht. It is an independent body of the Union, housed within Parliament. The Ombudsman is to „receive complaints from any citizen of the Union or any natural or legal person [...] concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies [...]. He or she shall examine such complaints and report on them. Differing from its predecessor Article 195(4) TEC (Nice), Parliament is now in the position, to unambiguously act „on its own initiative". Parliament launched a „legislative initiative procedure" in 2006, based on the then Rule 45 RoP (2006/2223(INL)).⁴³ This proposal nearly unanimously agreed upon within the plenary (votes for: 576; against: 6; abstentions: 6) aimed at amending „Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties". On 18 June 2008, Parliament adopted its new Statute of the Ombudsman.⁴⁴

2.5. Initiation of a Rule of Law Procedure

According to Article 7(1) TEU, Parliament can submit a reasoned proposal to the Council for determining that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Article 7 was introduced by the Amsterdam Treaty. But it was the Treaty of Nice that amended the first paragraph in order to give Parliament a direct right of initiative.⁴⁵ This new „early warning system" in the first paragraph was – according to Geiger (2015, 59) installed on the basis of the experiences with the „sanctions" by 14 Member States against Austria in 2000. For an own-initiative proposal of Parliament and according to the first paragraph of Article 354 TFEU, a double majority is required.⁴⁶ The procedure was used with the proposal for a Council Decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law" (COM(2017) 835 final).⁴⁷ Parliament approved the proposal with an absolute majority (votes for: 438; against: 152; abstentions: 71) on 15.11.2017. On 12 September 2018, Parliament adopted its first initializing resolution based on Article 7(1) TEU on a proposal calling on the Council to determine the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2017/2131(INL)).⁴⁸

⁴³ See European Parliament resolution of 18 June 2008 on the adoption of a decision of the European Parliament amending its Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties (2006/2223(INI)), <https://www.europarl.europa.eu/sides/getDoc.do?reference=P6-TA-2008-0301&type=TA&language=EN&redirect>.

⁴⁴ See C286 E/173 (27.11.2009, Official Journal of the European Union)

⁴⁵ Ex-Article 7(1/Amsterdam) read: The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.

⁴⁶ "The European Parliament shall act by a two-thirds majority of the votes cast, representing the majority of its component Members."

⁴⁷ See European Commission, COM (2017) 835: Proposal for a COUNCIL DECISION on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52017PC0835>.

⁴⁸ See e.g. 2017/0360(NLE), where NLE is meaning „Non-legislative enactments"

2.6. The composition of the European Parliament

According to Article 14(2) TEU, Parliament initiates the European Council's decision establishing the composition of the European Parliament. The provision was used several times: Parliament's proposal to amend the Treaty provisions concerning the composition of the European Parliament (2007/2169(INL))⁴⁹ „recalled that [...] the European Council had asked the European Parliament to submit a draft initiative for a decision on the future composition of the European Parliament.”⁵⁰ Another proposal on establishing the composition of the European Parliament (2013/0900(NLE))⁵¹ approved the prior and corresponding decision of the European Council that was based on the initiative of the own-initiative of Parliament (2012/2309(INL)).⁵² The background was to reduce the number of seats by 15 to take account of the accession of Croatia. The European Council adopted its corresponding decision (2013/312/EU) on 28 June 2013.⁵³ Finally, the 2017 proposal on the composition of the European Parliament in view of the 2019-2024 parliamentary term (2017/0900(NLE)) initiated the re-ordering of the seats in the light of the UK withdrawal from the Union.⁵⁴

2.7. Parliament's right to initiate treaty revision

According to Article 48(2) TEU, Parliament may submit to the Council proposals for the amendment of the Treaties. Prior to the Lisbon treaty, Article 48(2) was used three times as the legal basis for INI reports of Parliament.⁵⁵ Since neither the Treaty of Amsterdam nor the Treaty of Nice conferred a formal right of initiative to Parliament in a way described by the Lisbon treaty,⁵⁶ the provision might have practical consequences for any ordinary treaty amendments in the future. Hence, Parliament's initiatives now stand on an equal footing with the governments of Member States and the Commission. If Parliament opts to base an INI report on Article 48(2) TEU, it automatically provokes the first step of a treaty revision procedure, since the European Council must consider Parliament's initiative and decide whether to

⁴⁹ See <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2018-0340>

⁵⁰ In legal terms, the resolution is based on Article I-20(2) of the Treaty of 29 October 2004 establishing a Constitution for Europe, which was never ratified, but contained the same provisions as Article 14(2) TFEU.

⁵¹ See European Parliament legislative resolution of 12 June 2013 on the draft European Council decision establishing the composition of the European Parliament (00110/2013 – C7-0166/2013 – 2013/0900(NLE)) (Consent), <https://www.europarl.europa.eu/sides/getDoc.do?reference=P7-TA-2013-0265&type=TA&language=EN&redirect>.

⁵² See European Parliament resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections (2012/2309(INL)), <https://www.europarl.europa.eu/sides/getDoc.do?reference=P7-TA-2013-0082&type=TA&language=EN&redirect>.

⁵³ See European Council Decision of 28 June 2013 establishing the composition of the European Parliament, OJ L 181, 29.6.2013, 57–58.

⁵⁴ See European Parliament legislative resolution of 13 June 2018 on the draft European Council decision establishing the composition of the European Parliament (00007/2018 – C8-0216/2018 – 2017/0900(NLE)), https://www.europarl.europa.eu/doceo/document/TA-8-2018-0249_EN.html, European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament, OJ L 165I, 2.7.2018, 1–3.

⁵⁵ References: 1999/0825(CNS); 2003/0902(CNS); 2007/0808(CNS).

⁵⁶ The wording of the Amsterdam Treaty read: Article 48 (ex. Article N): The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Treaties on which the Union is founded. If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to those Treaties. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area.” The Treaty of Nice only added the following paragraph: „The amendments shall enter into force after being ratified by all the Member States in accordance with their respective Constitutional requirements.”

engage into a fully-fledged, two-step treaty revision exercise through a Convention and an IGC, or to ask for Parliament's consent in order to skip the Convention and directly move into an IGC.

To conclude, Parliament enjoys some limited rights to directly initiate European law. Inside Parliament, Article 5 of the „Statute for Members of Parliament“⁵⁷ invites „each Member [...] to table proposals for Community acts in the context of Parliament's right of initiative.“ Furthermore, Parliament „shall lay down in its Rules of Procedure the conditions for the exercise of this right.“

In these, very few occasions, where Parliament is entitled with direct initiative rights – namely Article 223(1) and (2), Art 226 and Article 228(4) TFEU, as well as Article 7(1), Article 14(2) and Article 48(2) and (6) TEU – Rules 46 and 47 as well as Rule 54 of the RoP apply in the process of drafting a concrete proposal. In addition, Rule 85 forms the basis for Parliament's proceedings on the ordinary treaty revision, while Rules 89, 144 and Annex IV describe the procedure for the rule-of-law procedure, and Rule 90 refers to the procedure for initiating any amendment to the composition of Parliament.

Table 1 Direct legislative initiative reports 1999-2020

Short Title	Adoption in plenary	Voting result	Lead Committee
Reform of Statute of the European Ombudsman 2018/2080(INL)	12 February 2019	Yes 573; No 29; Abstained 66	AFCO
Proposal for a Council decision concerning Hungary 2017/2131(INL)	12 September 2018	Yes 448; No 197; Abstained 48	LIBE
Composition of the European Parliament 2017/2054(INL)	7 February 2018	Yes 400; No 183; Abstained 96	AFCO
Reform of the electoral law of the European Union 2015/2035(INL)	11 November 2015	Yes 315; No 234; Abstained 55	AFCO
Improving the practical arrangements for the holding of the European elections in 2014 2013/2102(INL)	4 July 2013	Yes 507; No 120; Abstained 18	AFCO
Composition of the European Parliament with a view to the 2014 elections 2012/2309(INL)	13 March 2013	Yes 536; No 111; Abstained 44	AFCO
Jurisdictional system for patent disputes 2011/2176(INL)	11 December 2012	Yes 483; No 161; Abstained 38	JURI

⁵⁷ See 2005/684/EC, Euratom: Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom), OJ L 262, 7.10.2005, 1–10.

European Parliament's right of inquiry 2009/2212(INL)	16 April 2014	Yes 532; No 81, Abstained 7	AFCO
Adoption of the statute of European Members 2003/2004(INL)	17 December 2003	Yes 323; No 167; Abstained 36	JURI
Revision of the electoral law of the European Union 2002/0807(AVC)	12 June 2002	Yes 399; No 111	AFCO
Ombudsman: regulations and general conditions of performance of duties	17 November 2000	Yes 131; No 0; Abstained 4	AFCO

Source: Author's own account based on EURLEX and OEIL

Parliament has launched 11 proposals for the last 20 years. The overall balance sheet is rather mixed. Parliament's initiatives regarding regulations and general conditions governing the performance of the duties of its Members (Article 223 (2) TFEU), provisions governing the right of inquiry (Article 226 TFEU), and the duties of the European Mediator or Ombudsman (Article 228 (4) TFEU) can be deemed as successful examples for the direct initiative powers of Parliament. In these cases, Parliament's proposals were subject to the Council's consent and did not lead to major disputes between the Institutions. On the other hand, the implementation of Parliament's initiatives regarding the rule-of-law-procedure (Article 7 TEU), the provisions on the composition of Parliament (Article 14 TEU), and European electoral legislation (Article 223 TFEU) were and still are subject to harsh conflict with the Council or the European Council. These cases are also characterized by the necessity of Council's consent. But whereas Articles 223 (2), 226 and 228 (4) TFEU allow the Council to give its consent by qualified majority, procedures under Articles 7 and 14 TEU as well as Article 223 TFEU require unanimous agreement within the Council. Parliament's success therefore essentially depends on the decision-making modality of the Council.

3. INDIRECT INITIATIVE RIGHTS OF PARLIAMENT

Building on our and others definition of (legislative) agenda-setting, we define the concept of indirect parliamentary initiatives as such initiatives that

- are intended to shift the status quo within a given policy area toward the preferences of the Parliament's majority (1.),
- can potentially be implemented by the other systemic veto players (usually the Commission and the Council) (2.), and
- are not suable, if not been considered or implemented by the other veto players (3.).

Own initiative reports are characterised by the specific form of identifying and addressing a major concern, idea, project, or intention towards other collective actors. Unlike legislative reports, where Parliament is called to choose among various options of proposed policy and related instruments, INI and INL reports offer the possibility to define an area of public policy. In this way, own-initiative reports allow MEPs to freely think and argue about an issue. Very often, the debate among MEPs regarding draft INI or INL reports concentrates on the 'degree of command' with which Parliament addresses the Commission or other institutions. On the basis of the verb(s) used, the 'degree of command' or 'compulsion' differs to some extent. After all, it makes a big difference whether Parliament asks the Commission to come up with a communication or repeatedly urges the Commission to present a legislative proposal. In fact, the recent study by Parliament's Research Service (EPRS) on the Commission's follow-up to European Parliament requests 2017-2019 also identifies a series of verbs that can be used to justify the compulsory nature of a request, a wish, or a proposal (Remáč/Weigl/Zana/Guzman/Pasik, 2020). For example, when Parliament 'asks' a Commission decision, the expression of its political position and request appears to be much weaker, as opposed to when applying verbs like 'urging', 'insisting' or 'obliging'. Figure 2 shows the overall utilisation of verbs used for addressing the Commission in own initiatives. We sorted the verbs on the basis of Searle's taxonomy of illocutionary act. According to Searle, directives "are attempts (of varying degrees, and hence, more precisely, they are determinates of the determinable which includes attempting) by the speaker to get the hearer to do something. They may be very modest "attempts" as when I invite you to do it or suggest that you do it, or they may be very fierce attempts as when I insist that you do it. [...] Verbs denoting members of this class are ask, order, command, request, beg, plead, pray, entreat, and also invite, permit, and advise" (Searle, 1979, 13). Building on Searle's concept and respective applications to parliamentary debate (Trosborg 1995, Fetzer 2008), we identified 19 verbs used in Parliament's own initiative reports and asked 120 students of Political Science, Sociology, European Law, and Geography to sort them according to the perceived 'degree of command'. The result of this experiment is that verbs like 'oblige', 'insist' or 'urge' appear to have a higher 'degree of command' than verbs like 'ask' or 'invite'. Overall, figure 2 reveals that Parliament uses the 'class' of more compulsory verbs more often than the less commanding ones. However, the choice of MEPs changed significantly. In this perspective, figure 3 shows that Parliament's INI and INL reports used more compulsory language – from 'stressing' to 'obliging' - during the 4th parliamentary term (1994-1999) than during the 8th term (2014-2019). Conversely, Parliament used verbs such as 'calls on' and 'expects' more frequently during the 8th parliamentary term.

Figure 2 Verbs used in INI and INL reports, absolute calculation 1989-2019

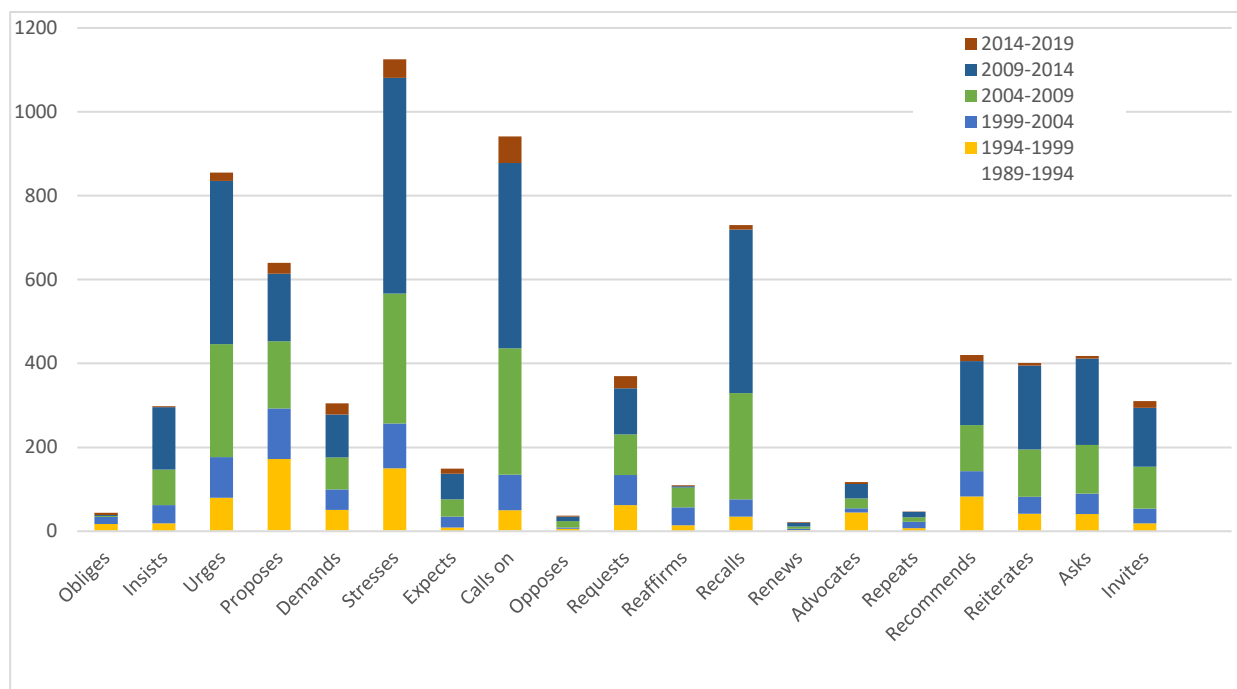
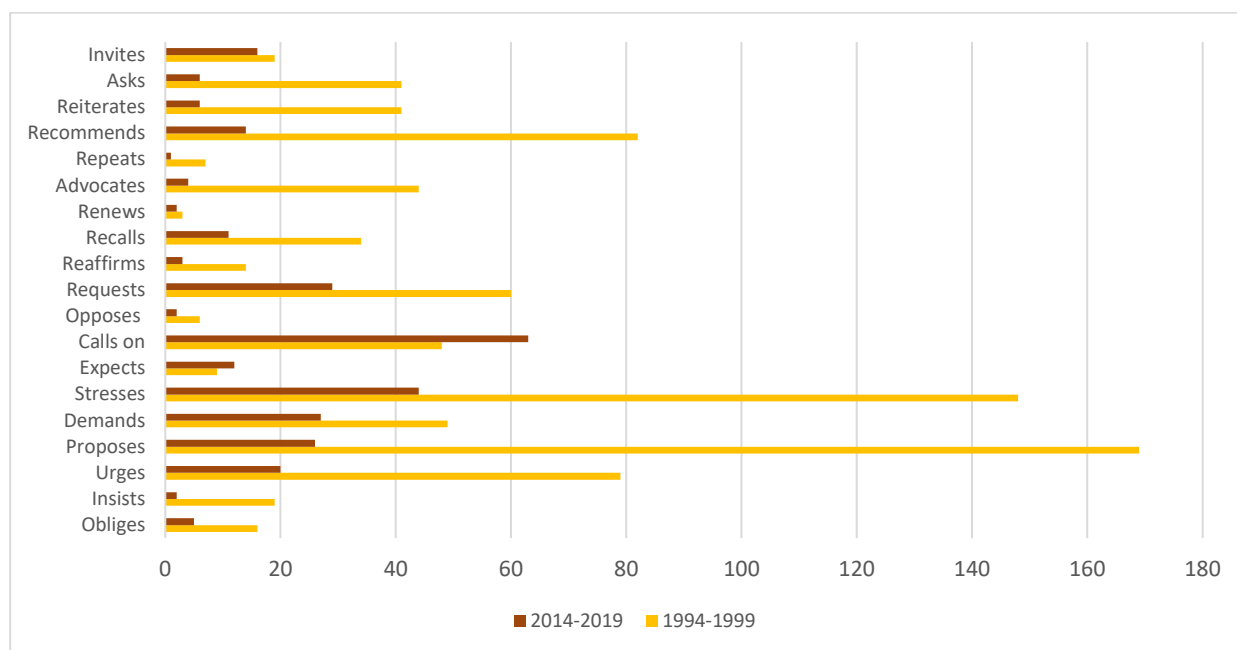


Figure 3 Verbs used in INI and INL reports, relative calculation 1994/1999 and 2014/2019



Source: Author's own calculation on the basis of the Legislative Observatory (OEIL)

Assuming that the following channels of parliamentary influence can hardly be weighed against each other in qualitative terms, the ranking among the presented approaches nevertheless reflects the frequency of occurrence in the process of policy-making.

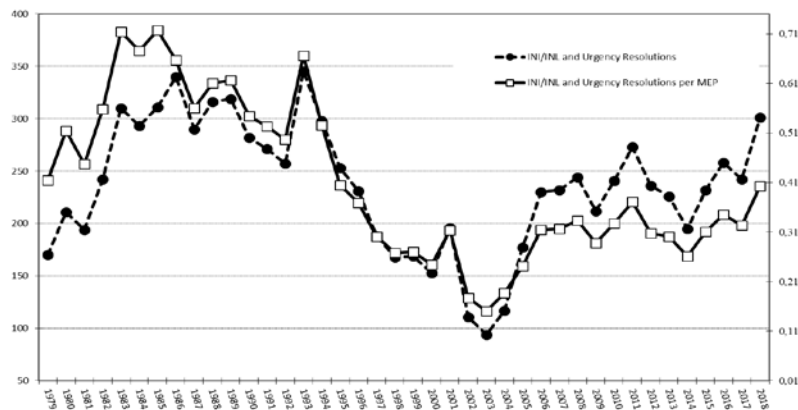
1. Non-legislative own-initiative reports (INI) (1994-2017: 2.051 cases);
2. Legislative own-initiative reports (INL) (1994-2020: 75 cases);
3. Parliament's proceedings on the Commission's annual and multiannual legislative programme (CWP);
4. Parliament's powers regarding the election of the President of the Commission (Article 17 (7) TEU);
5. Parliament's agenda-setting influence on treaty change (Article 48 TEU).

Our previous analysis already focused on Parliament's agenda-shaping potential and practice to negotiate the Commission's legislative work program in advance (ad 3.; Maurer 2002), to put political pressure on the nominated President of a new Commission (ad 4.; Maurer 1995) and to initiate treaty interpretation and further reform by pushing other institutions into IIAs (ad 5.; Kietz and Maurer 2007; Maurer 2014a). In what follows we will assess two distinct forms of own-initiative reports and their leverage with regard to the legislative planning of the Commission.

3.1. Non-legislative own-initiative reports (INI)

Own initiative and so-called urgency resolutions are an indicator for measuring the interest of MEP's in making an issue public to the outside world – towards the Union's citizenry but also towards the Council and the Commission. Given the historical lack of parliamentary power in relation to participation in binding EC/EU legislation, MEP's and political groups referred to the opportunity of own initiatives to give evidence of their general interests, their attention paid to a given issue or of their willingness to shape the policy agenda. For political groups, initiative resolutions are core instruments which allow them to present their original point of view on a given issue. Even if INI reports do not result in the adoption of new regulatory or redistributive legislation, they allow political groups to make prove of their collective – denationalised – interest and position in EU politics. Hence, in contrast to the OLP, where action against the Council after its first reading (amendments or rejection of the Council's draft) requires the approval of an absolute majority, INI resolutions other than those based on Article 225 TFEU pass with the simple majority of votes cast. Accordingly, whereas the OLP condemns the major political groups to reach agreement on parliamentary amendments which in consequence move the left-right cleavage apart from the agenda, INI reports and similar resolutions provide each political group the opportunity to present their original argument before the public. One major consequence of the shift towards EP legislative power and its effective execution was a strong decrease in the number of INI resolutions, INI reports, and resolutions after statements or urgencies. The number of these activities fell sharply from 2,41 per MEP in 1979 to 0,15 per MEP in 2003!

Figure 4 Initiative Reports and Urgency Resolutions 1979-2018



Source: Author's own calculation on the basis of the Annual reports of the European Commission and the EURLEX database.

Figure 4 shows the evolution of parliamentary initiative and urgency resolutions between 1979 and 2018. What becomes observable is that the evolution of the total number of INI, INL and urgencies correlate with the Constitutional setting and development of the Community/Union over time. In this regard, the growth from 1984 to 1986 reflects Parliament's activity in relation to European Political Co-operation and – more important – to its attempts for moving the then EEC into a European Union. The introduction of the co-operation and the assent procedure (Single European Act 1987) then resulted in a continuous decrease of own initiatives. Only the debates on the Maastricht Treaty reversed this trend. However, since the entry into force of Maastricht, the usage of initiatives fell again continuously and dramatically. Moreover, if we take into account the growth of Parliament due to the enlargement of the Union towards Spain, Portugal in 1985 and Finland, Sweden and Austria in 1995, we observe a significant decrease of INI resolutions per MEP from 1984 to 1985 and from 1994 to 1995 respectively. In other terms: The growth in number of MEP's did not result in an increase of non-legislative activity of Parliament. The trend only changed with the enlargements in 2004, 2007, and 2017 and seems to stabilise at the level reached after the entry into force of the Maastricht treaty.

Parliament's General Secretary's study „Strategic Planning for the Secretariat-General of the European Parliament“ (Welle 2015) already offers key insights into all stages of the legislative cycle from the perspective of Parliament. According to Welle, „own-initiative (INI) reports are an important working tool and political instrument for the European Parliament. INI reports often pave the way for new legislative proposals, exploring diverse topics of interest to Members, responding to Commission communications, and expressing Parliament's position on different aspects of European integration. They are thus important tools in the early phase of the legislative cycle trying to shape the agenda.“⁵⁸

After an INI resolution is voted upon successfully by a simple majority in Parliament plenary, it gets passed on to the Commission to consider the specific requests of Parliament, and to decide on how to proceed with legislative requests of the resolution.⁵⁹ Since the entry into force of the 2010 Framework

⁵⁸ See Welle, Klaus (2015). Strategic Planning for the Secretariat-General of the European Parliament, https://www.europarl.europa.eu/RegData/publications/2016/0003/P8_PUB%282016%290003_XL.pdf.

⁵⁹ Therefore, the name (Non-Legislative Own-Initiative Report) is misleading. These reports usually contain a whole set of legislative or non-legislative requests, which are rarely being prioritized.

Agreement on relations between the European Parliament and the European Commission" (FA),⁶⁰ the Commission is – politically and legally - obliged to follow a clear timetable with its response.

Article 16 of the FA provides for some further details of the demanded procedure by the Commission:

Within 3 months after the adoption of a parliamentary resolution, the Commission should provide information to Parliament in writing on action taken in response to specific requests addressed to it in Parliament's resolutions based on own-initiative reports, including in cases where it has not been able to follow Parliament's views. The Parliament keeps track of its requests contained in initiative reports in its Political Work Programme and the so-called "European Commission follow-up to European Parliament requests" of the EPRS⁶¹ and may document the cost of no delivery for the European citizens.

If the Commission is not willing to follow the requests of Parliament based on an INI report, the latter is not eligible to claim the delivery before the European Court of Justice. However, the Commission has the duty to provide Parliament with adequate information within the above-mentioned timeframe. This obligation derives from the fact that IIAs are considered legally binding since their formalisation with the Treaty of Lisbon (Eiselt/Slominski 2006; Kietz et al. 2010).⁶² This duty is further underlined by the principle of sincere cooperation between the institutions.⁶³

3.2. Legislative own-initiative reports (INL)

In contrast to INI reports, its more explicit legislative counterpart directly refers to the Treaties of the EU, namely to Article 225 TFEU. First introduced with Maastricht in 1993, the then Article 138b, paragraph 2 defined this indirect initiative right of Parliament as follows: „The European Parliament may, acting by a majority of its Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty." The Treaty of Lisbon supplemented just one, but quite meaningful additional sentence: „If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons." The proposal of Parliament may hereby refer to the adoption of a new legislative act or the amendment of an existing act. Parliament may, at the same time, set a deadline to the Commission for the submission of such a proposal. Legislative Own-initiative reports should furthermore contain a detailed draft of the text expected from the Commission.

The strategic study of Parliament⁶⁴ describes the technical requirements of INL reports as follows:

[...] A committee wishing to request authorisation for a legislative own-initiative report has to first notify the Conference of Committee Chairs (CCC) thereof. The CCC ascertains the conformity of the

⁶⁰ See OJ L 304, 20.11.2010, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010Q1120\(01\)&from=DE](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010Q1120(01)&from=DE).

⁶¹ See Osiac, Roxana/Zana, Gabriella/Malmersjo, Gertrud Malmersjo (2017). European Commission follow-up to European Parliament requests: A Rolling Check-List. European Parliament, EPRS, Brussels, PE 593.781, DOI: 10.2861/110620; Remáč, Milan/Weigl, Linda/Zana, Gabriella/Guzman, Agueda Perez/Pasik, Magdalena (2020). European Commission follow-up to European Parliament requests 2017-2019. European Parliament, EPRS, PE 642.838, DOI: 10.2861/386.

⁶² Article 295 TFEU reads: The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Treaties, conclude interinstitutional agreements which may be of a binding nature.

⁶³ Article 13(2) TEU reads: 2. Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions shall practice mutual sincere cooperation.

⁶⁴ See Welle, Klaus (2015). Strategic Planning for the Secretariat-General of the European Parliament, https://www.europarl.europa.eu/RegData/publications/2016/0003/P8_PUB%282016%290003_XL.pdf.

requests with the rules in force. Requests which are not objected and requests where objections are solved/settled are forwarded to the Conference of Presidents for final authorisation. Legislative own-initiative reports are exempted from the quota of simultaneous reports.

The main differences between INI and INL procedures can be summarised in three points:

- Whereas INL initiatives have only been constitutionalised with the Treaty of Maastricht, its INI counterparts have always been an available tool to express the concerns and ideas of Parliament's majority.
- INL reports have a legal basis in Article 225 TFEU, whereas INI reports are not explicitly mentioned in the Treaties.
- Parliament decided, within its Rules of Procedure, to make it much more difficult to submit an INL report to the Commission than an INI report.

Both types of reports may contain the same sort of requests for drafting new or amending existing legislation. The FA contains the blueprint for the Commission's workflow after the successful adoption of INL resolutions at both the committee-level and the plenary:

"The Commission shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU (legislative initiative report) within 3 months following adoption of the corresponding resolution in plenary. The Commission shall come forward with a legislative proposal at the latest after 1 year or shall include the proposal in its next year's Work Programme. If the Commission does not submit a proposal, it shall give Parliament detailed explanations of the reasons".⁶⁵

Before the Treaty of Lisbon clarified that the Commission shall inform Parliament of the reasons of abstaining from drafting a proposal, some experts suggested a possible legal obligation for the Commission to draw up a legislative proposal on a formal request of Parliament (Buttlar 2003, 261). Their main argument was that a formal request based on Article 225 TFEU should be binding, because the provision would otherwise be without meaning – given that Parliament already had the opportunity to adopt INI resolutions for requesting legislative initiative a long time ago (Haag, von der Groeben, and Schwarze 2015). After the introduction of the second paragraph to Article 225 TFEU and considering Article 16 of the FA, we tend to deny the legally binding quality of INL requests. Hence, the legal provision clarifies that the Commission can reject Parliament's request. On the other hand, an obligation of the Commission to implement Parliament's request would not necessitate an amendment of the treaty's reference to the Commission's power of initiative (Article 17(2) TEU) - „Union legislative acts may only be adopted on the basis of a Commission proposal [...]". Reading Article 225 TFEU and Article 17(2) TEU together could provide for a procedure, whereby the Commission remains the ultimate gateway for legislative initiative, but where the Commission would also be obliged to implement an INL request if the latter would be directly linked with Article 265 TFEU. Parliament could then evoke an action for „failure to act"⁶⁶ by the ECJ if the Commission did not fulfil its obligation to give adequate reasons for not following the requests of Parliament.

⁶⁵ Article 16 of the FA, OJ L 304, 20.11.2010.

⁶⁶ Article 265 TFEU: Should the European Parliament, the European Council, the Council, the Commission or the European Central Bank, in infringement of the Treaties, fail to act, the Member States and the other institutions of the Union may bring an action before the Court of Justice of the European Union to have the infringement established. This Article shall apply, under the same conditions, to bodies, offices and agencies of the Union which fail to act.

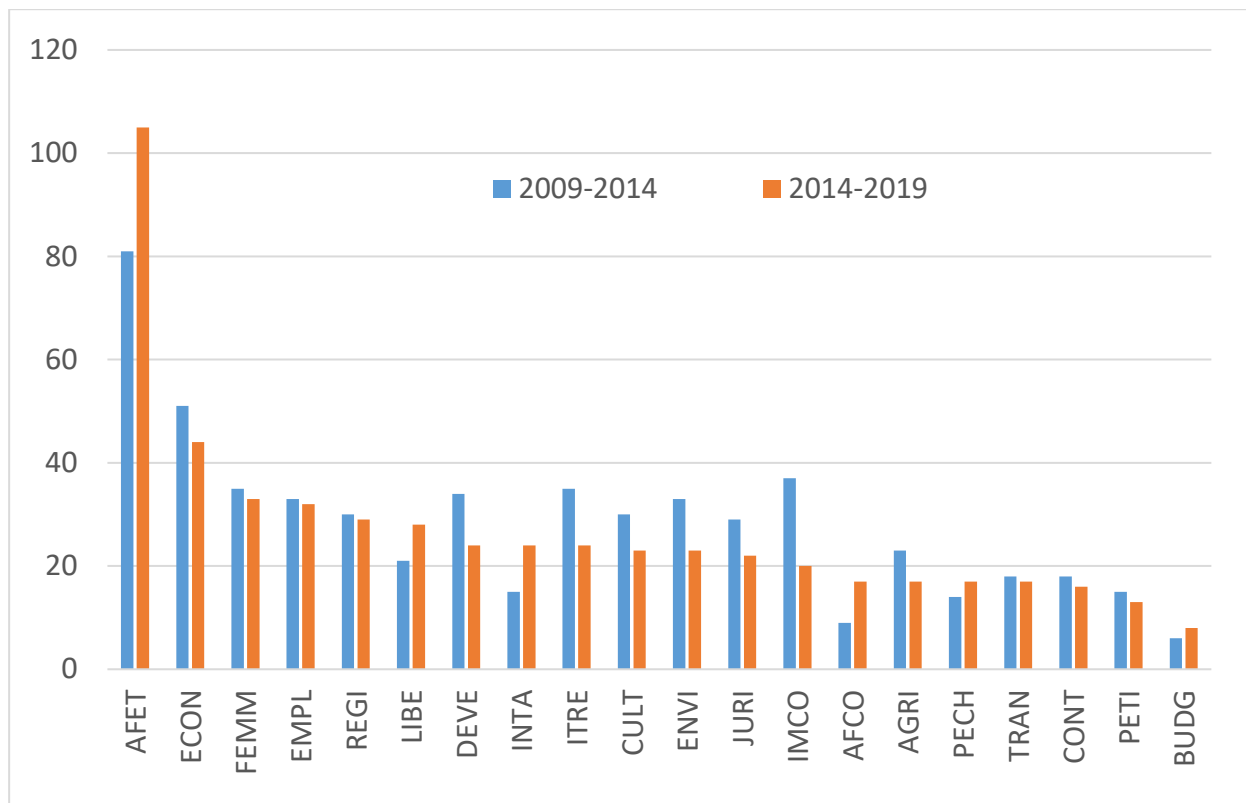
In the following, we will analyse the concrete, day-to-day reality of Parliament's efforts to shape the legislative agenda as well as the empirically tested follow-up by the Commission. Since there is no legally enforceable mechanism between a parliamentary request and the (legislative) response of the Commission and given a high degree of contradicting assumptions on the question of the impact of those initiatives, an empirical analysis is desperately needed. If we assume that the political reality would feature most requests of Parliament being always implemented by the Commission, Parliament could be regarded as an effective agenda-setter, without even having extensive formal initiative rights. If – on the other hand – the requests of Parliament have always been rejected by the Commission, Parliament can definitely not be seen as an agenda-setter.

It is quite surprising that the normative value of Parliament's own-initiative reports is being debated rather controversial, at least in parts of the political science and legal-scientific community, although the practical significance of this instrument has so far hardly been discussed. Apart from a few successful examples of implemented parliamentary proposals, there is even a lack of quantitative depictions of the use of parliamentary own-initiative reports, which could be used as starting points for qualitative research approaches. This obvious bias between theory and empirical validation in this field is relatively easy to explain, at least for INI report initiatives. According to Buttler (2003), the high degree of abstraction in the practical illustration of these initiatives is mainly due to the fact that the impact of INI reports on law-making is difficult to trace. Occasionally the parliamentary origins are mentioned in the Commission's proposals, or Parliament's plenary opinions refer to the preparatory work of their own committees. Sometimes preliminary work can also be identified by a comparison between resolutions and the final form of an act (Buttler 2003, 223).

Overall, however, inside-knowledge has always been enlightening in these cases. In view of the complicated tracking, the total number of 2.051 INI reports between 1994-2017 makes it difficult to keep an overview. The situation seems less complicated with regard to the INL initiatives. The Commission normally replies to INL initiatives, and – when forwarding its own legislative proposals – those generally contain a reference to Parliament's call for legislation (Poptcheva 2013, 5). With a total of 72 INL resolutions between the introduction of the corresponding legal basis with Maastricht (1993) and the last case of May 2020, detailed qualitative research is promising. The following section therefore examines both forms of parliamentary initiatives first in quantitative and then qualitative terms, further differentiated by each of the committees of Parliament.

4. QUANTITATIVE ANALYSIS OF INI AND INL REPORTS

Figure 5 Non-legislative own-initiative reports (INI) per committee (2009-2019)



Source: Own calculation based on Mooney (2014)⁶⁷ and Parliament's Legislative Observatory (OEIL)

When we first look at the quantitative frequency of INI reports, we detect each committee participating to a different degree. Out of a total of 1103 INI reports under review, the Committee on Foreign Affairs (AFET) accounted for about 16.86% and the Economic and Monetary Affairs Committee (ECON) 8.61%. In addition to these „big players“, INI reports are distributed more or less equally to all other 18 committees. Comparing the 8th with the 9th parliamentary terms, we identify some interesting developments: While the INI activity of the ITRE, CULT, ENVI, JURI, and IMCO committees declined, AFCE, AFET, INTA, and LIBE increased their INI report activity considerably. The respective activity of AFET, INTA and – to a lesser extent LIBE – reflect an increased use of INI reports as some kind of parliamentary “co-mandating” procedures with regard to negotiations for international agreements.

⁶⁷ The content of this figure is based on Mooney (2014). Unless stated otherwise, all the following figures are own calculations based on the data collection „European Parliament Legislative Observatory“ (OEIL/ <http://www.europarl.europa.eu/oeil/home/home.do>). In those cases where there is a reference to the 7th legislative term of Parliament, the used data stem from the following source: „StaR. Committee Statistical Report 7th Legislature 2009-2014“ by Mooney (2014).

Box 1 INI reports as Parliament's "co-mandate" for international agreements

INI reports are an effective instrument to shape the Commission's agenda for international agreements. Unlike the Council, Parliament is not allowed to mandate the Commission with negotiation directives for international agreements (Articles 207 and 218 TFEU). Prior to the Lisbon Treaty, the EC Treaty did not require the consultation of Parliament on the EU's Common Commercial Policy (CCP) measures and on the conclusion of the EC's bi-, pluri- or multilateral trade agreements (Rengeling 1981). And until December 2009 trade agreements did not require the consent of Parliament unless they fell into one of the conditions set out in ex-Article 300 ECT. The only instances when Parliament was involved in the conclusion of such agreements was when the proposal at stake was based on more than one legal basis or, in exceptional circumstances, when the Council consulted Parliament on a facultative basis. Overall, the views of Parliament were not sought after until the Commission had reached a deal with the respective third country and the Council had endorsed it. The options of Parliament to shape the substance of an agreement were almost non-existent.

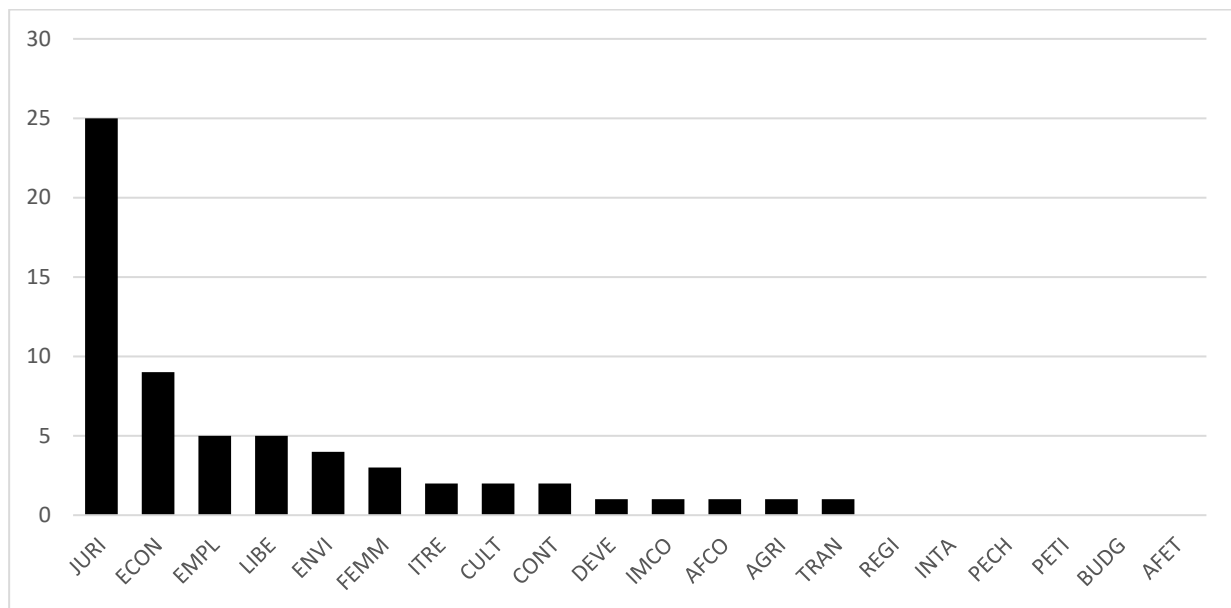
The Lisbon Treaty upgraded the EP's position in the area of the EU's trade policy considerably (Devuyst 2013; Maurer 2015). According to Article 207(2) TFEU, Parliament and Council now act as co-legislators on an equal footing when determining the framework for implementing the CCP. Parliament's consent is required for the conclusion of all trade agreements. The Treaty also establishes Parliament as a co-legislator in the field of economic, financial and technical cooperation measures, including assistance, in particular financial assistance, with third countries other than developing countries (Article 212 (1) TFEU). Most importantly, the Lisbon Treaty establishes a legally binding obligation for the Commission to keep Parliament regularly informed on on-going negotiations, with the same degree of information that it provides to the special committee appointed by the Council (Trade Policy Committee – TPC).

These changes substantially reinforced Parliament's profile as the EU's only directly elected institution that legitimises those parts of the EU's external policy, which are defined as an exclusive competence of the Union. MEPs of the INTA Committee therefore sought for a way to translate the new treaty provisions on ex-ante information and consultation into an instrument for "co-mandating" the EU's negotiator. Since 2009, the issue of Parliament's involvement in negotiations of trade agreements repeatedly came up in discussions both during the INTA Coordinators meetings and the Committee meetings, especially in relation to the earliest phases of opening the negotiations and adopting the negotiating directives where Articles 207 and 218 TFEU do not foresee a formally active role for Parliament. However, Article 218(10) TFEU stipulates that the Parliament "shall be immediately and fully informed at all stages of the procedure".

Based on its new role after Lisbon, the EP Parliament successfully negotiated the FA that clearly states that the Commission must inform Parliament of the negotiations and take the Parliament's views into account. Article 23 of the FA clarifies the above-referred Article 218(10) and states that "Parliament shall be immediately and fully informed at all stages of the negotiation and conclusion of international agreements, including the definition of negotiating directives". Article 24 of the FA stipulates that such information "shall be provided to Parliament in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament's views as far as possible into account" and point 2 of Annex III to the FA further clarifies that "when the Commission proposes draft negotiating directives with a view to their adaptation by the Council, it shall at the same time present them to the Parliament". Building on these commitments by the Commission, INTA decided to use INI reports on upcoming negotiations for bilateral and pluri-lateral trade agreements not only to articulate its concerns and ideas, but also to formulate Parliament's boundaries for the content of the proposed agreement. And given that INTA successfully negotiated an informal procedure with DG Trade for receiving and debating the Commission's draft mandates,

the use of INI reports for defining Parliament's minimum conditions to trade agreements became a successful instrument for altering the Commission's negotiation directives at an early stage.

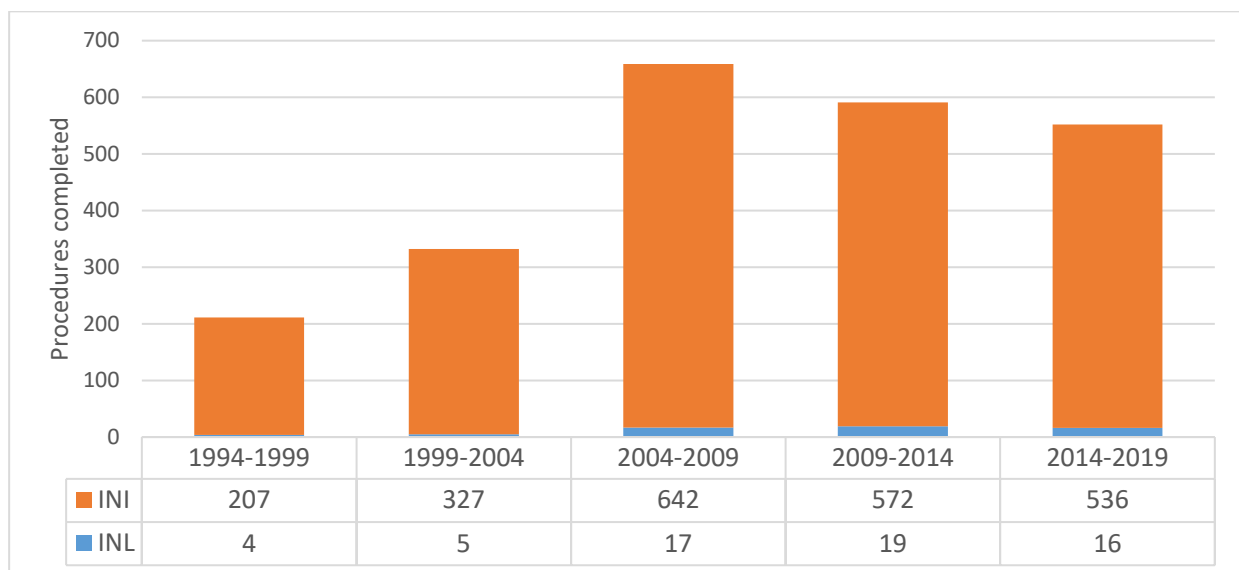
Figure 6: Legislative own-initiative reports (INL) per committee 1994-2019



Source: Own calculation based Parliament's Legislative Observatory (OEIL)

Switching to INL reports on the other hand, more than one-third (40.32%) originated from Parliament's Legal Affairs Committee (JURI). Another 14.5% were drafted by the Economic and Monetary Affairs Committee (ECON). The Committee on Employment and Social Affairs (EMPL), and the Committee on Civil Liberties, Justice and Home Affairs (LIBE) follow with 8%. Overall, 14 committees drafted and voted on at least one INL report since the legal basis came into force in 1993.

Figure 7 Comparison between INI- and INL- procedures



Source: Own calculation based on Parliament's Legislative Observatory

Regarding the reasons for referring to Article 225 TFEU, the literature suggests different conclusions. Corbett, Jacobs and Shackleton (2011, 265) argue that „in practice, Parliament uses this facility sparingly, to give extra weight to specific requests beyond the day-to-day exchanges with the Commission and ordinary requests made in resolutions.” In the same way, Haag, von der Groeben and Schwarze (2015) mention that an extensive usage of Article 225 TFEU would possibly undermine its effect. Moreover, the increasingly close cooperation between the Commission and Parliament in legislative planning allows Parliament to have a larger say on the Commission's legislative work program in advance and that Parliament's political priorities are increasingly taken into account in the Commission's legislative planning. Both assess the rare use of Article 225 TFEU as a prudent calculation of Parliament. Deviating from this explanation, Maurer (2002), as well as Streinz and Huber (2012) consider that the requirement of qualified majority voting curtails a more frequent usage of INL initiatives. Given that INI reports pass with a simple majority and that they may also contain substantive requests for legislative initiative, MEPs might find it easier to provide fresh political input by tabling INI and voting reports.

The MEPs deliberately exert a balancing act regarding quantity and quality of their usage of Article 225 TFEU. Some may assume that the number of legislative initiatives would negatively correlate with the chances of a successful implementation by the Commission. On the other hand, Streinz and Huber's structural analysis places special emphasis on the legal restrictions in the application of the INL reports. Building on Buttler (2003, 272) we tend to combine both views. The RoP's explicit distinction between INI and INL reports allows to conclude that the Parliament has imposed strict formal and substantive requirements to „prevent a depreciation of its formal requests by excessive use”. This conclusion will be subject of our qualitative analysis on the impact of INI- and INL- reports in the following paragraphs.

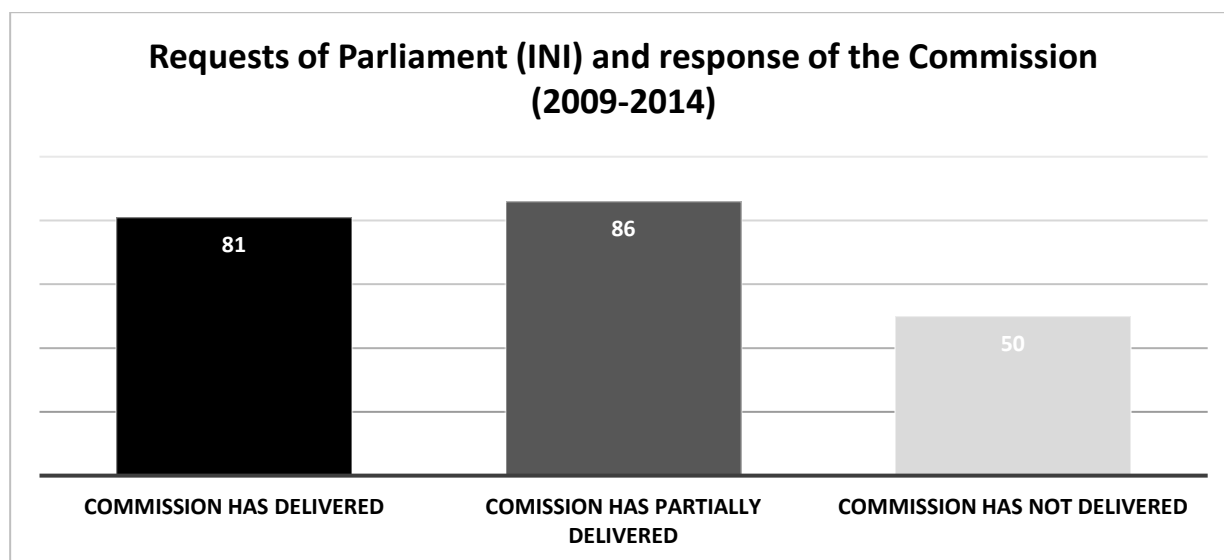
5. QUALITATIVE ANALYSIS OF INI AND INL REPORTS

5.1. The Impact of INI reports on the Commission's legislative agenda

After an INI report has been debated and adopted in the responsible committee and the plenary, the Commission has the duty to set the next move by deciding on how to answer to this specific resolution and the included legislative requests of Parliament. To keep it simple, the Commission's options are either to fully deliver (1.), to partially deliver (2.) or to fully disregard the requests of Parliament (3.).

We have run a systematic evaluation of 217 INI requests in the 7th legislative term (2009-2014) on the basis of Parliament's Political Work Programme.⁶⁸

Figure 8 Requests of Parliament (INI) and response of the Commission (2009-2014)

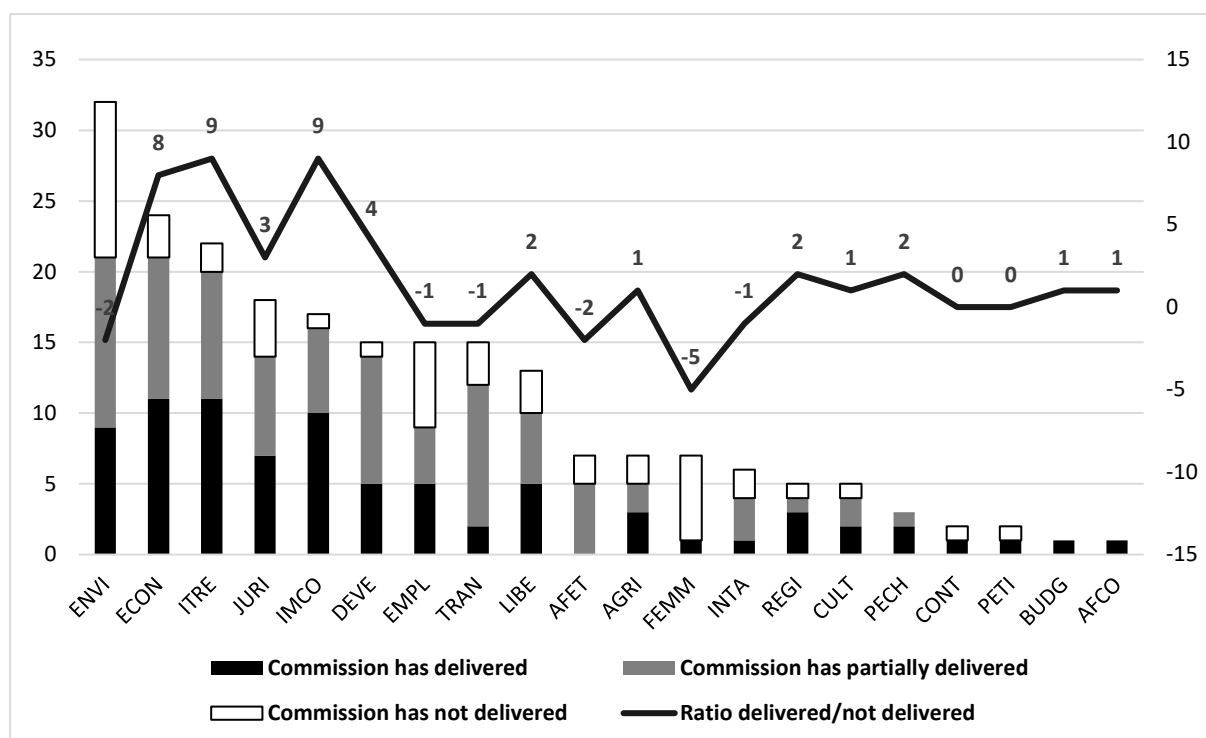


Source: Own calculation based on Parliament's Legislative Observatory and Mooney, Alison (2014)

In more than a third of the cases (37.3%), the Commission did fully implement the requests of Parliament. In 39.6% it partially followed the proposals of Parliament and in 23.0% Parliament's Legislative Coordination Unit claims that the „Commission seems unwilling to deliver“. Besides this overall picture it is also interesting to look at the individual committees and their success in convincing the Commission to follow their requests.

⁶⁸ „The Political Work Programme is a compilation of calls for legislative action that the European Parliament requested from the European Commission. At the request of the Secretary-General, the Legislative Coordination Unit of DG IPOL collects this information on a monthly basis and monitors further developments. At its core are calls for legislation contained in Parliament's resolutions, in particular in its legislative own-initiative reports, and in the Summary report adopted by the Conference of Committee Chairs. The document then indicates whether and in what way the European Commission has responded to Parliament's requests. This version of the document reflects the state of play in April 2014, at the end of the legislative activity of the Parliament's 7th legislature.“ (Welle 2015, 15)

Figure 9 Requests (INI) of the individual committees of Parliament and response of the Commission (2009-2014)



Source: Own calculation based on Parliament's Legislative Observatory and Mooney, Alison (2014).

Regarding the 7th parliamentary term, every committee of Parliament submitted at least one INI request to the Commission. The Committee on the Environment, Public Health and Food Safety (ENVI) handed over the highest number of INI reports to the Commission in our observed timeframe. All committees registered at least one successful report. The only exception is the Committee on Foreign Affairs (AFET). On the other hand, the Committee on Industry, Research and Energy (ITRE) and the Committee on the Internal Market and Consumer Protection (IMCO) report the highest success rates regarding their submissions – assessed as the ratio between the „delivering“ and „not delivering“ of the Commission. Overall, more than two-thirds of the committees feature a positive ratio of success and failure to convince the Commission.

The instrument of INI reports is used by all committees at different regularities and for different purposes. While AFET produced by far the largest number of INI reports in the 7th legislative term, only a fraction featured within the Political Work Program of Parliament. This is mainly due to the fact that AFET requests only rarely contain concrete legislative demands. The opposite can be traced regarding the ENVI committee. While its number of INI reports is within the average, ENVI resolutions usually contain a some precise legislative and non-legislative requests directed to the Commission. In some way, the INI activity can be explained by the legislative nature of most dossiers under consideration in ENVI, the Committee on Economic and Monetary Affairs (ECON) or ITRE play. Given the definition of its fields of competence, AFET has less opportunities for submitting concrete legislative proposals than other, „legislative“ committees, where MEPs at an early stage of the decision-making-process are invited to stress their preferences on a specific piece of Commission's green or white paper, staff document or draft legislation.

5.2. The Impact of INL reports on the Commission's legislative agenda

After an INL report has been debated and voted upon in the responsible committee and the plenary, it is again the Commission which decides on the resolution resp. the included legislative requests of Parliament. Although it is not obliged to follow on the (legislative) requests of Parliament, the 2010 FA sets some clear benchmarks for the Commission's reaction. The Commission shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU within three months following adoption of the corresponding resolution in plenary. The Commission shall come forward with a legislative proposal at the latest after one year, or shall include the proposal in its next year's Work Programme. If the Commission does not submit a proposal, it shall give Parliament detailed explanations of the reasons. In this regard, the „Implementing Guidelines for Commission Cabinets and Services“⁶⁹ provide a clear and consistent outline to fully respect the commitments made under the FA: „The implementation [...] requires strict observation of the „suites données“ procedures, established for the follow-up to legislative resolutions (Note SP (1994) 2760/2) and non-legislative resolutions (Note SP (2004) 1951), and completed by the operational guidelines described in the note SP(2007) 4487.“ Therefore, the Commission decides within the limits set by the 2010 FA on whether it is willing to take concrete legislative action or not.

Keeping in mind the option for the Commission not to deliver, the question on the effectiveness of Article 225 TFEU remains crucial. In case the Commission reacts positively towards a specific INL parliamentary request, it seems also worth to examine, how the Union's legislator acts upon those agreements between Commission and EP. To answer those two questions, the following chart gives an overview on all 71 INL report initiatives from 1994 to April 2020. Of these, 59 cases have been concluded by Parliament and another 12 are awaiting adoption at Committee stage.

Table 2 Case-by-case analysis of the request of Parliament (INL) and the follow-up by the Commission and the Council or Parliament and the Council (OLP)

	INL (Full title)	OEIL reference	Request(s) delivered by the Commission	Request(s) delivered by the Union's legislator
1	Resolution on the independent power of investigation and inquiry which the Union may exercise for the purposes of legal protection of its financial interests	A3-0074/94	yes	yes
2	Resolution on preventing and remedying environmental damage	A3-0232/94	yes	yes
3	Resolution on fire safety in hotels	A3-0310/94	no	no
4	General Community strategy for the forestry sector	1994/2195(INL)	yes	yes

⁶⁹ SEC(2010) 1568 Annex.

5	Regulation of claims resulting from traffic accidents occurring in another Member State	1995/2078(INL)	yes	yes
6	European health card	1995/2189(INL)	no	no
7	Electricity network access for renewable energies	1998/2101(INL)	yes	yes
8	Protection of the financial interests of the European Union using criminal law	1999/2184(INL)	yes	no
9	Car insurance: third part liability, better legal protection of accident victims, 5th directive	2000/2126(INL)	yes	yes
10	Cultural cooperation in European Union	2000/2323(INL)	no	no
11	Price system for books	2001/2061(INL)	no	no
12	Regional and less-used languages in Europe in the context of the enlargement and cultural diversity	2003/2057(INL)	no	no
13	Access to the institutions' texts	2004/2125(INL)	Partly (FA provisions on access to documents)	Partly (IIA on access to documents)
14	Heating and cooling from renewable energy sources	2005/2122(INL)	no	no
15	Succession and wills. Green Paper	2005/2148(INL)	partly	yes
16	The European private company statute	2006/2013(INL)	yes	no
17	The limitation periods in cross-border disputes involving injuries and fatal accidents	2006/2014(INL)	no	no
18	Protecting European healthcare workers from blood borne infections due to needle stick injuries	2006/2015(INL)	yes	yes
19	Hedge funds and private equity	2007/2238(INL)	yes	yes
20	Transparency of institutional investors	2007/2239(INL)	no	no
21	Recommendations on the application of the principle of equal pay for men and women	2008/2012(INL)	no	no
22	Alignment of legal acts to the new Comitology Decision	2008/2096(INL)	yes	yes

23	European initiative for the development of micro-credit in support of growth and employment	2008/2122(INL)	yes	yes
24	Legal protection of adults: cross-border implications	2008/2123(INL)	no	no
25	European Authentic Act	2008/2124(INL)	no	no
26	E-justice	2008/2125(INL)	yes	ambiguous
27	Lamfalussy follow up - Future structure of supervision	2008/2148(INL)	yes	yes
28	Guidelines for a proposal of a regulation of the European Parliament and the Council on the implementation of the citizens' initiative, pursuant to Article 11(4) of the Treaty on the European Union	2008/2169(INL)	yes	yes
29	Cross-borders transfers of company seats	2008/2196(INL)	no	no
30	Proposed interim measures for the freezing and disclosure of debtors' assets in cross-border cases	2009/2169(INL)	yes	yes
31	Amendment of Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II)	2009/2170(INL)	no	no
32	Cross-border crisis management in the banking sector	2010/2006(INL)	yes	yes
33	Improving the economic governance and stability framework of the Union, in particular in the euro area	2010/2099(INL)	yes	yes
34	Insolvency proceedings in the context of EU company law	2011/2006(INL)	yes	yes
35	14th company law directive on the cross-border transfer of company seats	2011/2046(INL)	no	no
36	Application of the principle of equal pay for male and female workers for equal work or work of equal value	2011/2285(INL)	no	no
37	Law of Administrative procedure of the European Union	2012/2024(INL)	no	no
38	Statute for a European mutual society	2012/2039(INL)	no	no
39	Access to basic banking services	2012/2055(INL)	yes	yes

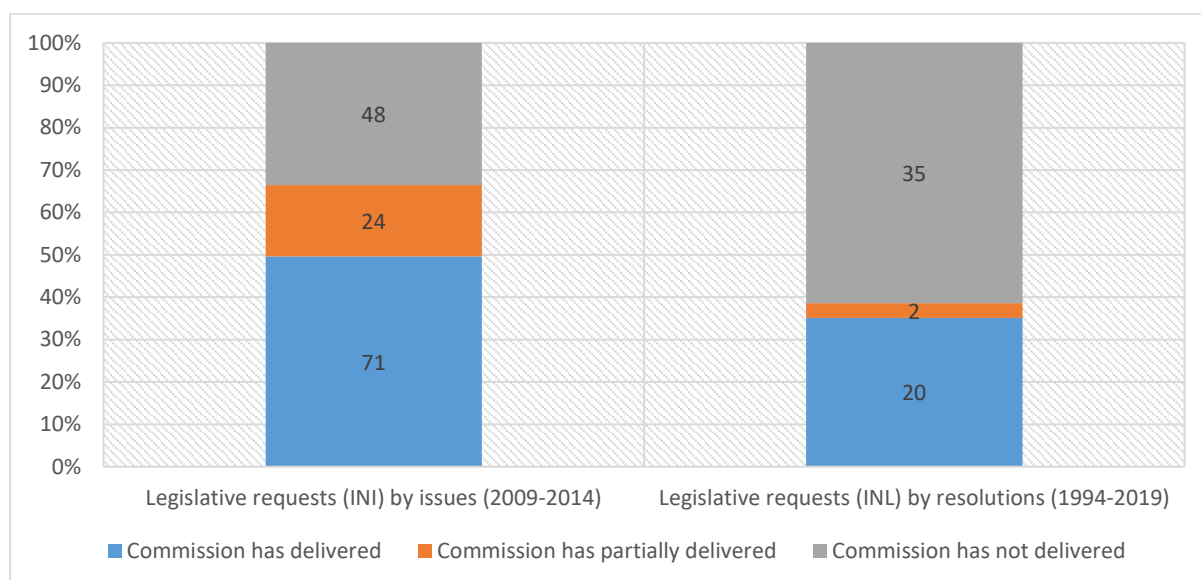
40	Information and consultation of workers, anticipation and management of restructuring	2012/2061(INL)	no	no
41	Towards a genuine Economic and Monetary Union	2012/2151(INL)	no	no
42	Better governance for the single market	2012/2260(INL)	no	no
43	Combating violence against women	2013/2004(INL)	no	no
44	EU donor coordination on development aid	2013/2057(INL)	no	no
45	Parliament's rights in the appointment procedure of future Executive Directors of the European Environment Agency - amendment of Article 9 of Regulation (EC) No 401/2009	2013/2089(INL)	no	no
46	Review of the European Arrest Warrant	2013/2109(INL)	no	no
47	European system of financial supervision (ESFS) review	2013/2166(INL)	no	no
48	Bringing transparency, coordination and convergence to corporate tax policies in the Union	2015/2010(INL)	partly	partly
49	Common minimum standards of civil procedures	2015/2084(INL)	no	no
50	Protection of vulnerable adults	2015/2085(INL)	no	no
51	Cross-border aspects of adoptions	2015/2086(INL)	no	no
52	Limitation periods for traffic accidents	2015/2087(INL)	no	no
53	Civil law rules on robotics	2015/2103(INL)	no	no
54	Establishment of an EU mechanism on democracy, the rule of law and fundamental rights	2015/2254(INL)	no	no
55	Statute for social and solidarity-based enterprises	2016/2237(INL)	no	no
56	Odometer manipulation in motor vehicles: revision of the EU legal framework	2017/2064(INL)	no	no
57	Expedited settlement of commercial disputes	2018/2079(INL)	no	no
58	Humanitarian visas	2018/2271(INL)	no	no

59	The right to disconnect	2019/2181(INL)	ongoing	N.A.
60	Protecting workers from asbestos	2019/2182(INL)	ongoing	N.A.
61	Revision of European Works Councils Directive	2019/2183(INL)	ongoing	N.A.
62	Quality traineeships in the EU	2020/2005(INL)	ongoing	N.A.
63	Digital Services Act: Improving the functioning of the Single Market	2020/2018(INL)	ongoing	N.A.
64	An EU legal framework to halt and reverse EU-driven global deforestation	2020/2006(INL)	ongoing	N.A.
65	Civil liability regime for artificial intelligence	2020/2014(INL)	ongoing	N.A.
66	Framework of ethical aspects of artificial intelligence, robotics and related technologies	2020/2012(INL)	ongoing	N.A.
67	Digital Services Act: adapting commercial and civil law rules for commercial entities operating online	2020/2019(INL)	ongoing	N.A.
68	A statute for European cross-border associations and non-profit organisation	2020/2026(INL)	ongoing	N.A.
69	A safety net to protect the beneficiaries of EU programmes: setting up an MFF contingency plan	2020/2051(INL)	no	no
70	Digital Finance: emerging risks in crypto-assets - regulatory and supervisory challenges in the area of financial services, institutions and markets	2020/2034(INL)	ongoing	N.A.
71	Combating Gender based Violence: Cyber Violence	2020/2035(INL)	ongoing	N.A.

Source: Own calculation based on Parliament's Legislative Observatory

The chart gives a first impression on the actual implementation of parliamentary legislative requests based on Article 225 TFEU. In 20 cases, which have passed through all relevant political levels and can be considered concluded, the Commission implemented one or more legislative proposals in line with Parliament requests. 12 cases were not yet finalised at the time of the qualitative evaluation (March/April 2020), which is why they cannot yet be finally assessed. Regarding the cases in which the Commission drafted a proposal based on an INL resolution of Parliament, 17 cases passed through the legislative process and were finally adopted.

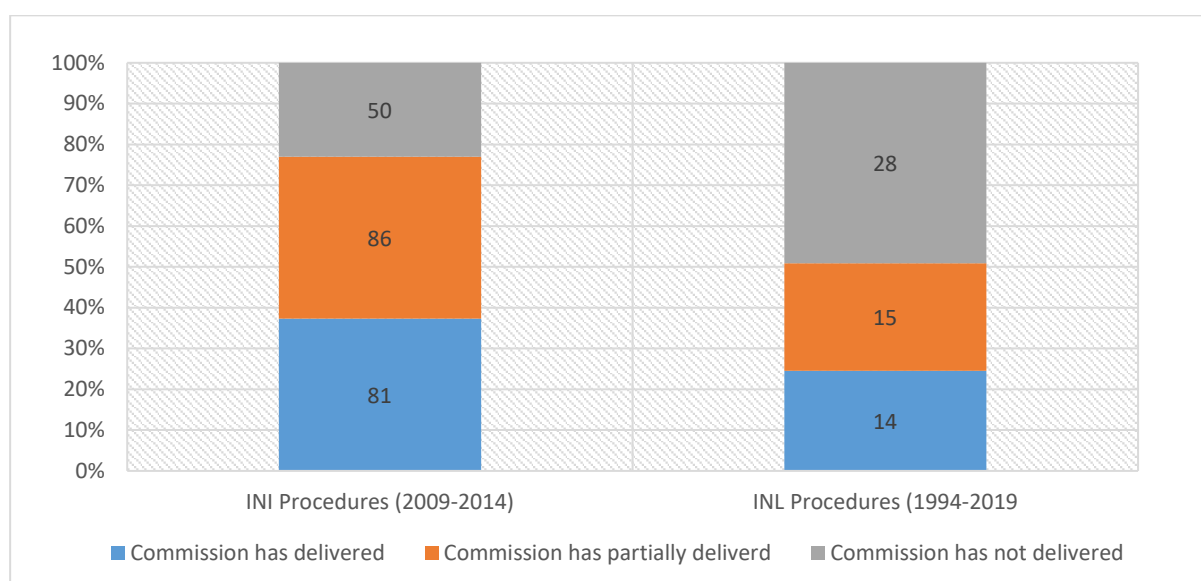
Figure 10 Legislative requests of Parliament (INI and INL) and follow-up by the Commission



Source: Own calculation based on Parliament's Legislative Observatory, Mooney, Alison (2014), Osiac/Huber (2017), Osiac/Zana/Malmersjo (2017), and Remáč/Weigl/Zana/Guzman/Pasik (2020).

The Commission apparently does not make its decision dependent on the type of Parliament initiative. Disregarding whether the legislative request originated from an INI or INL report, the Commission delivered on exactly 50% of the cases under review. If, in a next step, all INI and INL procedures are summarized in a single graph under the heading of a qualitative overall assessment, which not only focusses on the mere legislative impact, the results are quite similar.

Figure 11 Requests of Parliament (INI and INL) and follow-up by the Commission (overall assessment)



Source: Own calculation based on Parliament's Legislative Observatory, Mooney, Alison (2014), Osiac/Huber (2017), Osiac/Zana/Malmersjo (2017), and Remáč/Weigl/Zana/Guzman/Pasik (2020).

If one wants to further examine, whether the entire follow-up by the Commission is in line with the parliamentary request, figure 11 provides for some enlightening information. In both cases (INI and INL), one-third of all procedures can be considered successful for Parliament. While the assessment of the INI procedures is most frequently ambiguous, INL procedures can be assessed more frequently in „black vs. white“ categories. This could be linked to the fact that non-legislative resolutions often contain far more demands on the Commission that are less prioritized. That is why, in many cases, the actual impact of the initiative could be argued and assessed manifold, and the Commission follow-up analysts of Parliament have often made a middle step in their overall assessment. Since the majority of the INL procedures contain one clearly defined requests towards the Commission, the final evaluation can often be more precise.

Before drawing conclusions about the main patterns of the relationship between the Commission, Parliament and the Council concerning INL requests, we should recall that those reports are only a small piece of a much bigger puzzle that we are confronted with in order to explain the concept of political agenda-setting. Parliament became a stronger pace-setter and legislator with every treaty amendment. The resulting reorganisation of power can be detected at all stages of the „policy cycle“. Whereas Parliament was granted only with some consultation rights in the early days of the EU integration, it became involved more and more in what was called the cooperation procedure of the Single European Act in 1987, the co-decision procedure from Maastricht (1993) onwards and today's „Ordinary Legislative Procedure“. Moreover, Parliament is not only supposed to act as a co-legislator with the Council. Given Article 225 TFEU, Parliament also enjoys the right of a (co-)agenda-shaper in most areas of Union legislation. Of course, Parliament's initiative is always filtered by the Commission, which continues to hold a near formal monopoly on most legislative procedures. We also touched upon those few cases, where the Treaties provide for the direct right of Parliament's initiative. However, these provisions are limited to some specific areas of either parliamentary self-organisation or the opportunity for Parliament to table proposals for amending the Treaties.

The options for Parliament to indirectly (co-)shape the legislative agenda of the Commission are manifold. A key to understand its relative powers vis-à-vis the Commission can be found in Parliament's rights of investiture and its ultimate say on the election of the President of the Commission and the overall College.

MEPs may and do effectively table reports that contain clear requests for new legislation or legislation: From 1994 to 2018, Parliament produced more than 2,000 own-initiative reports, of which we picked the subtype of so called legislative own-initiative (INL) reports for closer review. Prior studies already linked different types of own-initiative reports (INIs) not only to each other, but also its case-specific content to a possibly upcoming legislative draft by the Commission (Maurer/Wolf 2018). The overall, inter-institutional framework for translating the indirect right of initiative has been established through a long way run from the formal introduction of the INL reports in 1993, its first appearing within the Rules of Procedure and through a set of IIAs ranging from the first Code of Conduct in 1990, its revision in 1995, the bilateral Framework Agreements in 2000, 2005 and 2010 and the most recent trilateral IIA on better law-making in 2016.

The Andriessen report in 1983 claimed that „the Commission considers it quite legitimate for a directly elected Parliament to discuss initiatives to develop the Community and press for implementation of its findings.“ Furthermore, the Commission claimed to attach „the utmost importance to the ideas

adopted by Parliament [...] and is more than willing to draw on them provided that there are no objections of substance [...]."⁷⁰

In a resolution in early 2000, Parliament revealed its dissatisfaction: It regretted that, „despite Parliament's right to ask the Commission to submit any appropriate proposals on matters on which it considers that a Community act is required for the purpose of implementing the Treaty, the Commission has so far shown very little diligence in following up Parliament's requests by presenting a legislative proposal".⁷¹ 15 years later, the Secretary General of Parliament, Klaus Welle, expresses the relationship in a more nuanced way: „First we have an instrument used already for decades to express our views on how it should be done – our so-called Own Initiative Reports. Very often our views are taken on board; very often they also are completely disregarded" (Welle 2015, 11) and – within the same report: „The delivery of actual legislative proposals by the Commission has regrettably been inadequate. In various cases the Commission has abstained from presenting a relevant legislative proposal, whereas in other instances where it has been submitted, not all the recommendations of Parliament have been implemented" (ibid., 17). Again, the „Commission claims that it has ‚in virtually all cases acted upon them in the manner sought by Parliament'" (cited after Corbett 2011, 266). Former Commission President Jean-Claude Juncker's more recent statement seems to fit best into the real practice of the relationship: „The President of the Commission is elected by your assembly. That does not mean he is at your beck and call; I'm not going to be the European Parliament's lackey. But do not doubt for one moment my willingness to remove a Commissioner who no longer benefits from your trust, or my willingness to take action, in principle by way of a legislative proposal, when you call on me to do so [emphasis added in both cases]."⁷²

Any recommendation on which way(s) forward Parliament could take to make most of its existing rights in (co-)setting and (co-)shaping the legislative agenda of the EU also depends on the success of Parliament's existing opportunities. Kreppel and Webb found that the influence of INI reports is greater when they were linked to their subsequent inclusion in the Annual Work Programs of the Commission. In addition, both kind of reports had more success with regard to their transposition into EU legislation, when they contained requests that clearly aimed at shaping the policy initiatives introduced by others. Hence, INI and INL reports with clear requests for legislative action that were included as legislative priorities within subsequent Commission Annual Work Programs were „nearly 2.3 times as likely to influence final legislative outcomes as those that are not picked up and actively supported by the Commission" (Kreppel/Webb 2019, 392). Kreppel and Webb also tested INI and INL reports with regard to the question whether Parliament's unity or majorities matter for impacting on the legislative agenda. Interestingly, Kreppel and Webb report that the level of unity in support of an INI/INL report „appears to have the opposite impact to that predicted. Indeed, for every increase in the number of MEPs opposing the [INI/INL], the likelihood of legislative influence increased by five percent." Further analysis showed that this result is „being driven by the activity of the Euroskeptic groups, whose opposition to an [INI/INL] is actually a positive indicator of eventual policy influence. [...]" (Kreppel/Webb 2019, 395). Overall, they conclude that „the surprising positive correlation between internal opposition and

⁷⁰ See Communication de la Commission des Communautés européennes – Les relations entre les institutions de la Communauté, COM (1981) 581 final, 7 octobre 1981, point 18, <https://ec.europa.eu/dorie/fileDownload.do?sessionId=JUDckSvZ2wfcE2lkAj4inh9kRXC5E821BQsSiEGwyD4CXh5FyIR5L-83065915?docId=7122&cardId=7122>.

⁷¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P5-RC-2000-0228+0+DOC+XML+V0//EN>

⁷² Jean-Claude Juncker (2014). A new start for Europe. Opening statement in the European Parliament plenary session, 15 July. https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_14_567.

[INI/INL] influence appears to be a trend driven by the increase in Eurosceptic MEPs and their opposition to potentially influential [INI/INL]" (Ibid.).

However, if we concentrate on the INL reports only, the measurable impact of Parliament's unity is much clearer. We observe that nearly all INL reports until 2014 passed with overwhelming majorities at both Committee and Plenary stage. Since 2009, eurosceptic No-Votes and abstentions become more evident. And as we can see in table 3, most INL reports that Parliament adopted since 2011 did not result in a Commission's positive reply. In conclusion, the relative unity of Parliament's INL activity seems to have an impact on the action taken by the Commission.

Table 3 Voting results for INL reports

INL title	Committee	Vote in Committee	Plenary Vote
Independent power of investigation and inquiry for the purposes of legal protection of its financial interests	CONT		approved
Preventing and remedying environmental damage	ENVI		approved
Fire safety in hotels	ENVI		approved
General Community strategy for the forestry sector	AGRI	unanimity	315 Yes, 23 No, 20 Abstention
Regulation of claims resulting from traffic accidents occurring in another Member State	JURI	unanimity	424 Yes, 0 No, 7 Abstention
European health card	ENVI	approved	approved
Electricity network access for renewable energies	ENER	13 Yes, 10 No, 0 Abstention	432 Yes, 86 No, 19 Abstention
Protection of the financial interests of the European Union using criminal law	CONT	15 Yes, 2 No, 1 Abstention	approved
Car insurance: third part liability, better legal protection of accident victims, 5th directive	JURI	unanimity	approved
Price system for books	JURI	23 Yes, 6 No, 0 Abstention	approved
Regional and less-used languages in Europe in the context of the enlargement and cultural diversity	CULT	27 Yes, 2 No, 0 Abstention	431 Yes, 30 No, 23 Abstention
Access to the institutions' texts	LIBE	47 Yes, 0-No, 0-Abstention	approved
Heating and cooling from renewable energy sources	ITRE	39 Yes, 0 No, 3 Abstention	approved
Succession and wills. Green Paper	JURI	15 Yes, 7 No, 0 Abstention	357 Yes, 51 No, 22 Abstention
The European private company statute	JURI	21 Yes, 0 No, 0 Abstention	approved
The limitation periods in cross-border disputes involving injuries and fatal accidents	JURI	20 Yes, 0 No, 0 Abstention	approved
Protecting European healthcare workers from blood borne infections due to needle stick injuries	EMPL	32 Yes, 1 No, 1 Abstention	465 Yes, 18 No, 13 Abstention
Hedge funds and private equity	ECON	39 Yes, 1 No, 1 Abstention	562 Yes, 86 No, 25 Abstention
Transparency of institutional investors	JURI	24 Yes, 0 No, 0 Abstention	513 Yes, 43 No, 117 Abstention
The application of the principle of equal pay for men and women	FEMM	17 Yes, 0 No, 11 Abstention	590 Yes, 23 No, 46 Abstention

Alignment of legal acts to the new Comitology Decision	JURI	24 Yes, 0 No, 0 Abstention	624 Yes, 25 No, 10 Abstention
European initiative for the development of micro-credit in support of growth and employment	ECON	40 Yes, 0 No, 1 Abstention	574 Yes, 23 No, 12 Abstention
Legal protection of adults: cross-border implications	JURI	19 Yes, 0 No, 0 Abstention	493 Yes, 6 No, 23 Abstention
European Authentic Act	JURI	20 Yes, 3 No, 0 Abstention	478 Yes, 26 No, 42 Abstention
E-justice	JURI	19 Yes, 0 No, 0 Abstention	469 Yes, 14 No, 32 Abstention
Lamfalussy follow up - Future structure of supervision	ECON	26 Yes, 1 No, 14 Abstention	565 Yes, 74 No, 18 Abstention
Guidelines for a proposal of a regulation of the European Parliament and the Council on the implementation of the citizens' initiative, pursuant to Article 11(4) of the Treaty on the European Union	AFCO	15 Yes, 4 No, 0 Abstention	380 Yes, 41 No, 29 Abstention
Cross-borders transfers of company seats	JURI	22 Yes, 0 No, 0 Abstention	608 Yes, 51 No, 13 Abstention
Proposed interim measures for the freezing and disclosure of debtors' assets in cross-border cases	JURI	20 Yes, 0 No, 1 Abstention	approved
Amendment of Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II)	JURI	24 Yes, 0 No, 0 Abstention	approved
Cross-border crisis management in the banking sector	ECON	40 Yes, 5 No, 1 Abstention	approved
Improving the economic governance and stability framework of the Union, in particular in the euro area	ECON	32 Yes, 6 No, 3 Abstention	468 Yes, 61 No, 45 Abstention
Insolvency proceedings in the context of EU company law	JURI	24 Yes, 0 No, 0 Abstention	approved
14th company law directive on the cross-border transfer of company seats	JURI	21 Yes, 0 No, 0 Abstention	approved
Application of the principle of equal pay for male and female workers for equal work or work of equal value	FEMM	28 Yes, 0 No, 1 Abstention	approved
Law of Administrative procedure of the European Union	JURI	24 Yes, 0 No, 0 Abstention	572 Yes, 16 No, 12 Abstention
Statute for a European mutual society	JURI	22 Yes, 0 No, 1 Abstention	approved
Access to basic banking services	ECON	37 Yes, 2 No, 0 Abstention	585 Yes, 68 No, 5 Abstention
Information and consultation of workers, anticipation and management of restructuring	EMPL	35 Yes, 2 No, 3 Abstention	503 Yes, 107 No, 72 Abstention
Towards a genuine Economic and Monetary Union	ECON	32 Yes, 8 No, 1 Abstention	482 Yes, 160 No, 35 Abstention
Better governance for the single market	IMCO	34 Yes, 1 No, 2 Abstention	527 Yes, 30 No, 31 Abstention
Combating violence against women	FEMM	18 Yes, 1 No, 7 Abstention	approved
EU donor coordination on development aid	DEVE	24 Yes, 1 No, 1 Abstention	approved
Parliament's rights in the appointment procedure of future Executive Directors of the EEA	ENVI	64 Yes, 0 No, 0 Abstention	approved
Review of the European Arrest Warrant	LIBE	46 Yes, 4 No, 0 Abstention	495 Yes, 51 No, 11 Abstention

European system of financial supervision (ESFS) review	ECON	33 Yes, 4 No, 0 Abstention	544 Yes, 110 No, 16 Abstention
Bringing transparency, coordination and convergence to corporate tax policies in the Union	ECON	49 Yes, 8 No, 4 Abstention	500 Yes, 122 No, 81 Abstention
Common minimum standards of civil procedures	JURI	20 Yes, 2 No, 0 Abstention	545 Yes, 79 No, 71 Abstention (Roll-call vote)
Protection of vulnerable adults	JURI	20 Yes, 0 No, 2 Abstention	539 Yes, 23 No, 72 Abstention
Cross-border aspects of adoptions	JURI	21 Yes, 2 No, 0 Abstention	533 Yes, 41 No, 72 Abstention
Limitation periods for traffic accidents	JURI	18 Yes, 0 No, 4 Abstention	558 Yes, 69 No, 73 Abstention
Civil law rules on robotics	JURI	17 Yes, 2 No, 2 Abstention	396 Yes, 123 No, 85 Abstention
Establishment of an EU mechanism on democracy, the rule of law and fundamental rights	LIBE	41 Yes, 11 No, 2 Abstention	405 Yes, 171 No, 39 Abstention
Statute for social and solidarity-based enterprises	JURI	19 Yes, 2 No, 2 Abstention	398 Yes, 78 No, 44 Abstention
Odometer manipulation in motor vehicles: revision of the EU legal framework	TRAN	46 Yes, 1 No, 1 Abstention	577 Yes, 32 No, 19 Abstention
Expedited settlement of commercial disputes	JURI	24 Yes, 0 No, 0 Abstention	521 Yes, 35 No, 14 Abstention
Humanitarian visas	LIBE	37 Yes, 10 No, 3 Abstention	429 Yes, 194 No, 41 Abstention

5.2.1. Best practice – INL case 17: Protecting European healthcare workers from blood borne infections due to needle stick injuries

Procedure reference	2006/2015(INL)
Procedure type	INL – Legislative initiative procedure
Case Nr. (INL – all [1993-2019])	17
Legal basis (RoP-EP)	46
Stage reached in procedure	Procedure completed
Committee responsible	Employment and Social Affairs (EMPL)
Rapporteur	Stephen Hughes (S&D)

Box 2 Key points of Parliament request

Central (legislative) request(s) by Parliament	„Requests the Commission to submit to Parliament within three months of the date of adoption of this resolution on the basis of Articles 137 and 251 of the Treaty, a legislative proposal for a directive amending Directive 2000/54/EC.” ⁷³
Further (requests)	„Calls on the Commission to develop common EU standards for reporting and recording needlestick injuries”

Box 3 Key points of the Commission's response to the INL request

General response	„In principle the Commission would be willing to launch a legislative initiative with a view to amending Directive 2000/54/EC in the way requested in Parliament's resolution.”
Further clarifications	<p>„Point (1) calls on the Commission „to submit to the Parliament, on the basis of Articles 137 and 251 of the Treaty, within three months of the adoption of this resolution, a legislative proposal for a directive amending Directive 2000/54/EC” („Biological agents at work”). The proposed three month deadline for adopting a legislative proposal is not realistic in view of the constraints of the legislative process, particularly consultation of management and labour under Article 138 of the Treaty, interdepartmental consultation, preparation of a thorough impact study and consultation of the Advisory Committee on Safety, Hygiene and Health Protection at Work.”</p> <p>„Exercising its right of initiative, the Commission, taking account of the reaction of management and labour in the consultation under Article 138 of the Treaty, will naturally decide whether a legislative proposal amending Directive 2000/54/EC is appropriate and what its content should be.” Source: Own prior recordings. Not publicly available anymore – The reproduced Commission's response in the OEIL procedure is the wrong document</p> <p>https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2006/2015%28INL%29&l=en#tab-0</p>

⁷³ PDF-version not available in EN at EUR-Lex (see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2006:303E:TOC>)

Box 4 Content of the Commission Proposal for a Council directive

General response	On 26 October 2009 the Commission drafted its official „Proposal for a Council Directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU“, explicitly referring to the corresponding resolution of Parliament.
Further details (regarding cooperation between Commission and EP)	<p>„On several occasions, the European Parliament has expressed concern at the life-threatening risks faced by healthcare workers from contaminated needles.“</p> <p>„On 6 July 2006 the European Parliament adopted a resolution on protecting European healthcare workers from blood-borne infections due to needle-stick injuries. The resolution called on the Commission to submit a legislative proposal on the basis of Articles 137 and 251 of the EC Treaty for a directive amending Directive 2000/54/EC4 on biological agents at work.“</p> <p>„7. Having regard to the resolution of the European Parliament of 6 July 2006 on protecting European healthcare workers from blood-borne infections due to needlestick injuries (2006/2015(INI))“</p>

Box 5 Content of the legislative outcome (Council directive)

General response	On 1 June 2010 the „Council Directive 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU“ was published in the Official Journal of the European Union (L34/2010, p. 66-72), explicitly referring (inter alia) to the corresponding resolution of Parliament.
Further details (regarding cooperation between Commission and EP)	<p>Perambulatory clause 7: „The European Parliament adopted on 11 February 2010 a resolution on the proposal.“</p> <p>General conclusion (as set out in the annex of the Directive): „7. Having regard to the resolution of the European Parliament of 6 July 2006 on protecting European healthcare workers from blood-borne infections due to needle-stick injuries (2006/2015(INI));“</p>

On 20 April 2006 the Employment and Social Affairs committee (EMPL) adopted the INL report by Stephen Hughes (PES/S&D, UK) on protecting European healthcare workers from blood-borne infections due to needlestick injuries with 27 votes in favour, four against and no abstentions.⁷⁴ The report pointed to studies providing evidence that the use of safer needles together with regular training and organisational measures could help reduce the number of injuries. According to EMPL, the existing European legislation protecting health workers from such injuries had „proved ineffective in practice.“ It therefore called on the Commission to introduce, within three months, a legislative proposal amending one of the relevant directives (Directive 2000/54/EC on the protection of workers from risks related to exposure to biological agents at work). The report set out the detailed provisions which should be inserted into the directive. At the plenary sitting of 13 June 2006, Parliament decided

⁷⁴ See Motion for a European Parliament Resolution with recommendations to the Commission on protecting European healthcare workers from blood borne infections due to needlestick injuries (2006/2015(INI)), <https://www.europarl.europa.eu/sides/getDoc.do?reference=A6-2006-0137&type=REPORT&language=EN&redirect>.

to refer the first draft report back to committee for further consideration.⁷⁵ The second report, tabled by EMPL committee on 21 June 2006, was almost identical to the first, apart from a slight modification in the wording of one of the specific provisions related to the annex of the report in which the committee makes detailed recommendations as to the expected contents of the proposals requested from the Commission. The new provision stated that „on the basis of risk-assessment, moves should be made towards ensuring that appliances with safety features, where they exist, are used efficiently and in a targeted manner in areas with a particularly high risk of accidents or infection, taking into account the cost/benefit ratio". In their final vote, MEPs adopted those changes to the originally version (20 April 2006) with 32 votes in favour, 1 against and 1 abstention. On 6 July 2006 Parliament finally adopted the INL resolution (Hughes A6-0218/2006 - resolution) by a roll-call-vote with 465 votes in favour, 18 against and 13 abstentions.⁷⁶

Table 4 Details of the Hughes INL vote

Case-Nr. (INL)	MEPs (overall)		In Favour	Percentage of votes („in favour”) of all MEPs			Against		Abstentions		
17	732		465	63,5%			18		13		
MEPs	Percentage of „in favour“-votes by EP party group										
732	GUE /NGL	Greens / EFA	PES / S&D	ELDR /ALDE	EPP-ED / EPP	UEN	EDD / [IND/DEM] / EFD / EFDD	NI			
	73,2%	50,0%	69,5%	71,6%	61,9%	74,1%	27,0%			55,2%	

Source: Author's own account on the basis of Parliament's Legislative Observatory

85 days after the resolution's vote, the European Commission handed over its reply to Parliament on 29 September 2006. The written answer can be regarded as the most detailed and 3rd fastest in the history of all INL-resolutions completed before. The Commission stated that „in principle the Commission would be willing to launch a legislative initiative with a view to amending Directive 2000/54/EC in the way requested in Parliament's resolution." Even though the Commission expressed criticism with regard to the considered timeframe for adopting the legislative proposal,⁷⁷ and underlined its own legal competency to decide whether a legislative proposal would be the right measure,⁷⁸ it put forward the requested proposal on 26 October 2009. The „Proposal for a Council Directive implementing the Framework Agreement on prevention from sharp injuries in the hospital

⁷⁵ For all procedural details see: MINUTES of the sitting of Thursday 1 June 2006; P6_PV(2006)06-01; item 7.19, p. 12; MINUTES of the sitting of Tuesday 13 June 2006; P6_PV(2006)06-13; item 7.11, p. 10.

⁷⁶ For further details to the specific roll-call-vote see: [https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+PV+20060706+RES-RCV+DOC+PDF+V0//EN&language=EN \(p. 4-5\)](https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+PV+20060706+RES-RCV+DOC+PDF+V0//EN&language=EN (p. 4-5))

⁷⁷ Written answer of the Commission (statement): „The proposed three month deadline for adopting a legislative proposal is not realistic in view of the constraints of the legislative process, particularly consultation of management and labour under Article 138 of the Treaty, interdepartmental consultation, preparation of a thorough impact study and consultation of the Advisory Committee on Safety, Hygiene and Health Protection at Work."

⁷⁸ Written answer of the Commission (statement): „Exercising its right of initiative, the Commission, taking account of the reaction of management and labour in the consultation under Article 138 of the Treaty, will naturally decide whether a legislative proposal amending Directive 2000/54/EC is appropriate and what its content should be."

and healthcare sector concluded by HOSPEEM and EPSU" explicitly refers to the active engagement of Parliament and its resolution.⁷⁹

Three months later Parliament commented on the proposal of the Commission in its INI „resolution of 11 February 2010 on the proposal for a Council directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by the European Hospital and Healthcare Employers' Association (HOSPEEM) and the European Federation of Public Services Unions (EPSU) (COM(2009)0577)(2010/C 341 E/13)". The efforts of the Commission were comprehensively welcomed. The only criticism pointed to the extensive timespan of the negotiations.⁸⁰ On 8 March 2010 the Council reached a political agreement on the draft directive,⁸¹ and on 1 June 2010 the directive was published in the Official Journal (L134/66-72). The resolution of Parliament was explicitly mentioned in recital 7.⁸²

The case can be regarded as an example of an (above-average), good intra- and inter-institutional cooperation under the framework for INL-resolutions. The INL-report was written in a concise and yet detailed manner. The European Commission's response to the corresponding resolution was timely, showing its will to follow the core points of the request. Whereas the proposed timeframe was deemed unrealistic due to the Commission's legal obligations and practical workflows, it finally delivered a proposal for a Council Directive. Although not being legally obliged, the Commission also forwarded the proposed directive to Parliament. In a second resolution, Parliament then welcomed all aspects of the present proposal. Finally, the Council did reach a political agreement timely and adopted the Directive, inter alia referring to the valuable initial impetus of Parliament. The case also features a good example of legislative co-sponsorship, since social partners took advantage of Parliament's initiative to negotiate the draft framework agreement on prevention from sharp injuries in the hospital and healthcare sector.

5.2.2. Bad practice – INL Case 42: Combating violence against women

Procedure reference	2013/2004(INL)
Procedure type	INL – Legislative initiative procedure
Case Nr. (INL – all [1993-2019])	42
Legal basis (RoP-EP)	46
Stage reached in procedure	Procedure completed
Committee responsible	Women's Rights and Gender Equality (FEMM)
Committee for opinion	Civil Liberties, Justice and Home Affairs (LIBE)
Rapporteur	Antonyia Parvanova (ALDE)

⁷⁹ Especially: „On several occasions, the European Parliament has expressed concern at the life-threatening risks faced by healthcare workers from contaminated needles." (p. 2), „ and perambulatory clause 7 „Having regard to the resolution of the European Parliament of 6 July 2006 on protecting European healthcare workers from blood-borne infections due to needlestick injuries (2006/2015(INI))"

⁸⁰ „5. Recommends that the measures defined in the proposed directive be urgently adopted and implemented, as the workers in question have already waited more than five years since this very serious matter was first brought to the Commission's attention; (ibid).

⁸¹ Source: <https://register.consilium.europa.eu/doc/srv?l=EN&f=ST%208491%202010%20INIT>

⁸² „7. Having regard to the resolution of the European Parliament of 6 July 2006 on protecting European healthcare workers from blood-borne infections due to needle-stick injuries (2006/2015(INI))."

Box 6 Key points (EP resolution)

Central (legislative) request(s) by Parliament	<p>„1. Requests the Commission to submit, by the end of 2014, on the basis of Article 84 TFEU, a proposal for an act establishing measures to promote and support the action of Member States in the field of prevention of violence against women and girls (VAWG), following the detailed recommendations set out in the Annex hereto;“</p> <p>„2. Calls on the Commission to submit a revised proposal for a Regulation on European statistics that would target violent crimes and include a coherent system for collecting statistics on gender-based violence in the Member States;“</p>
Further (requests)	<p>„3. Asks the Council to activate the passerelle clause, by adopting a unanimous decision identifying violence against women and girls (and other forms of gender based violence) as an area of crime listed in Article 83(1) TFEU;</p> <p>4. Calls on the Commission to promote national ratifications and launch the procedure for the accession of the EU to the Istanbul Convention on violence against women, once it has evaluated the impact and added value the latter would have;</p> <p>5. Requests the Commission to present an EU-wide Strategy and an Action Plan to combat all forms of violence against women and girls (VAWG), as foreseen in 2010 in the Action plan implementing the Stockholm programme, with the aim of protecting women's integrity, equality (Article 2 TEU), and well-being (Article 3(1) TEU) tangibly and effectively in an area of freedom, security and justice, focusing in particular on making women aware of their rights and men and boys (from an early age) of the need to respect women's physical and psychological integrity, in order to help prevent such violence, stressing the need for police and judicial services to be given proper training in dealing with the specific challenges of gender-based violence, and encouraging Member States to make arrangements to help victims rebuild their lives and recover their self-confidence, so as to guard against future vulnerability or dependence; considers that such strategy should devote particular attention to vulnerable groups such as older persons, people with disabilities, immigrants and LGBT (lesbian, gay, bisexual and transgender) persons and that it should also comprise measures to support children who have witnessed violence and recognise them as victims of crime;</p> <p>6. Calls on the Commission to promote the collaboration between Member States and women NGOs and organisations in order to prepare and implement an efficient strategy to eliminate violence against women;</p> <p>7. Encourages the Commission to adopt the first steps towards establishing a European Observatory on Violence Against Women and girls, building on existing institutional structures (European Institute for Gender Equality (EIGE)) and directed by a EU Coordinator on VAWG;</p> <p>8. Urges the Commission to establish in the next three years an EU Year to End Violence against Women and Girls with the aim of raising awareness among citizens and among all politicians of this widespread problem which affects all the Member States, with a view to presenting a clear plan of action to end violence against women;</p> <p>9. Calls on the Member States to combat honour killings by providing education and shelter for possible victims and to mobilise awareness campaigns of the extreme form of human rights abuses and the numbers of tragic deaths caused by honour killings;</p> <p>10. Calls on the Member States and stakeholders, working with the Commission, to help disseminate information about EU programmes and the funding available under them to combat violence against women;</p> <p>11. Confirms that the recommendations respect fundamental rights and the principles of subsidiarity and proportionality;</p>

	<p>12. Considers that the financial implications of the requested proposal should be covered by the Union budget, Section III (ensuring full complementarity with existing budget line relating to the subject of the proposal);</p> <p>13. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission and the Council, and to the parliaments and governments of the Member States, to the Council of Europe and to EIGE."</p>
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Box 7 Key points of the Commission's response to the resolution

General response	<p>With regard to the request to propose a new legal act on prevention measures (Article 225 TFEU) – 1. Legislative request:</p> <p>„[...] the Commission does not consider it appropriate to submit a legislative proposal on prevention measures.”</p> <p>On the request to submit a revised proposal for a Regulation on European statistics on gender based violence (Article 225 TFEU) – 2. Legislative request: „Taking into account the ongoing efforts to improve statistics on gender-based violence, the Commission will consider the opportunity to submit further proposals to improve statistics in this area.”</p>
Further clarifications	<p>1. Legislative request:</p> <p>„The EU has adopted legal measures in the field of criminal and civil justice which effectively ensure the rights of women victims of gender-based violence: [...]”</p> <p>„The Commission actively assists all Member States with guidance in implementing these recent measures and is also vigilant in ensuring that Member States transpose and apply the laws correctly.”</p> <p>„The Commission is putting in place a range of prevention measures: it is committed to continue supporting projects at grass-root level for combating violence against women. [...]”</p> <p>„The arsenal of legal support and operational measures at EU level already cover most of the actions needed to support Member States' activities in fighting violence against women. Attention should be focused on implementing existing legislation.”</p> <p>„Moreover, the suggestion for a new EU legislative instrument on prevention measures on VAW based on Article 84 TFEU requires a thorough legal analysis, since this Article contains clear restrictions for the EU to harmonise national criminal law in the context of crime prevention and the need to assess the added value.”</p> <p>„As a result of a preliminary legal analysis, the request for a new legislative instrument on prevention measures lacks clarity and consistency on a range of issues, such as: [listing three issues regarding „personal and material scopes”, „objective”, „type of legislative instrument”.</p> <p>As a result, the Commission does not consider it appropriate to submit a legislative proposal on prevention measures.</p> <p>2. Legislative request:</p> <p>„It is recalled that the Commission adopted in 2011 a proposal for a Regulation on European statistics on safety from crime. This would have provided statistics on the</p>

	<p>prevalence of different types of gender-based violence, including violence that was not reported to the police and the victims' reasons for not reporting the incident to the police. It would have also given information on aspects relating to citizens' perceptions of safety. Furthermore, it would have provided a valuable addition to crime figures from administrative sources. The proposal was rejected by the European Parliament in December 2012"</p> <p>„[...] The Commission is actively participating in the work of the Fundamental Rights Agency (FRA) and the ELGE, to improve EU data collection based on reliable national data. This work requires a strong involvement and close co-operation with the Member States."</p> <p>„[...] EUROSTAT is planning to collect more details on crimes recorded by the police, relating to intentional homicide, rape and other sexual assault, and including details of the victim's sex and where appropriate the victim's relationship to the perpetrator. The results are expected in 2015.</p> <p>„Taking into account the ongoing efforts to improve statistics on gender-based violence, the Commission will consider the opportunity to submit further proposals to improve statistics in this area."</p>
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On 15 November 2012 the Committee on Women's Rights and Gender Equality (FEMM) appointed Antonia Parvanova (ALDE) to draft an INL-report on „Combating violence against women”, which was adopted with 18 votes in favour, 1 against and 7 abstentions on 23 January 2014. The Committee requested the „Commission to submit, by the end of 2014, on the basis of Article 84 of the Treaty on the Functioning of the European Union, a proposal for an act establishing measures to promote and support the action of Member States in the field of prevention of violence against women and girls (VAWG), following the detailed recommendations set out in the report.”⁸³ The report was discussed at plenary stage on 24 February 2014. Following a short presentation by the rapporteur and six statements according to the „catch-the-eye”-procedure, Commissioner Kristalina Georgieva at a very early stage put forward the position of her institution: „We in the Commission have shown a dedication to making full use of the EU competences and supporting the Member States in preventing and combating all forms of violence against women within the EU, and also in our work with the rest of the world. [...] Together we have put in place a comprehensive legal framework at European level to protect women against all forms of violence. [...] This strong legislative framework is in place. The Commission is now guiding and monitoring Member States in the effective implementation of this legal framework at national level. In this context, an additional EU legislative instrument, as suggested by Parliament, on preventive measures on violence against women, would require a careful analysis of how exactly it would fit into what we currently do in terms of the division of responsibilities between the Member States and the Commission. Article 84 of the Lisbon Treaty contains clear restrictions on the EU harmonising national criminal law in the context of crime prevention. The possible added value of such an initiative would also need to be carefully assessed by the Commission, because we have already developed a range of preventive actions [...].”

⁸³ See: <https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1335345&t=e&l=en>

Despite the clear reservations, the INL resolution was adopted on 25 February 2014.⁸⁴ Interfering to the timetable commonly agreed on in Article 16 of the 2010 FA – leaving the Commission a period of three months to answer the request – MEP Raül Romeva i Rueda (Verts/ALE) put forward a written question referring to the resolution only two weeks later (6 March 2014).⁸⁵ The corresponding written answer of Commissioner Viviane Reding therefore started with a clear reference to the procedures in place: „The Commission will report on the follow-up of the European Parliament resolutions on violence against women in accordance with the framework Agreement between the European Parliament and the Commission”.

Although Parliament acted prematurely, the Commission responded only five months after the report was adopted. Thus, the Commission violated the 2010 FA. The response, transmitted to Parliament on 22 July 2014, contains several interesting findings regarding the inter-institutional cooperation in the area of combating violence against women: The Commission repeatedly claimed that sufficient legal measures are already in place to ensure the rights of women victims of gender-based violence⁸⁶ and with regard to the guidance of Member States in the process of implementing those measures. Furthermore, the Commission claimed that a new legislative instrument requires a thorough legal analysis, since the legal basis contains clear restrictions for the EU to harmonise national criminal law in the context of crime prevention and the need to assess the added value – a position taken by the Commission already before the adoption of the resolution. The Commission then considered that „the request for a new legislative instrument on prevention measures lacks clarity and consistency on a range of issues”, explicitly describing problems linked to the „personal and material scope”, the „objective” and the „type” of the proposed new EU initiative. Regarding the second legislative request of the INL-report – the request to submit a revised proposal for a Regulation on European statistics on gender-based violence – the Commission recalled that an appropriate proposal, matching many of the requested issues, was rejected by Parliament in 2012.⁸⁷ Despite this subliminal criticism the Commission concluded to „consider the opportunity to submit further proposals to improve statistics in this area.”

Overall, the Commission expressed its concerns prematurely, before the final vote on the INL-report. Whereas one MEP acted hasty (or uncoordinated) in order to get an early – written - answer of the Commission, it took the latter nearly five months to finally send it to Parliament. Whereas the authorised answer can be evaluated to be detailed and clear, the two main requests of Parliament for new legislative measures were not met at all. The Commission did not only maintain the position that the existing legislature already covered most of the claims made by Parliament. It also believed that an own proposal, covering many aspects of the demands put forward by Parliament, was recently rejected by Parliament. Furthermore, the Commission openly accused Parliament's initiative of lacking clarity and consistency in many substantial aspects. The disagreement between the Commission and Parliament on the question of the right handling to combat violence against women was additionally underlined in an internal document of Parliament's Legislative Coordination Unit. According to the

⁸⁴ <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20140224+ITEM-024+DOC+XML+V0//EN&language=EN>. The report was adopted by the „normal method” (show of hands).

⁸⁵ Question for written answer E-002581/14 to the Commission (Source: https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=OJ:JOC_2014_324_R_0001&qid=1456673862800&from=DE,p.265).

⁸⁶ Particularly naming: „Directive 2011/36/EU on trafficking in human beings, Directive 2011/93/EU on fighting against the sexual abuse and sexual exploitation of children and child pornography, the Directive on the European Protection Order applicable in criminal matters complemented by Regulation 606/2013 applicable in civil matters, and the Directive 2012/29/EU on the rights of crime victims.”

⁸⁷ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-494>

„Political Work Programme” of 2014, explicitly listing a package of six own-initiative efforts⁸⁸ to conclude a „Directive on violence against women”, the Commission’s response to those was officially marked as „seeming unwilling to deliver”. Besides the intensively described deviations in the positions of the Commission and Parliament, the latter also called on the Council and the Member States to take specific measures. Although it is a quite common practice to not only address the Commission with the instrument of INL reports, it still seems questionable whether the addressing of other institutions than the Commission is in line with the initially intended goal of Article 225 TFEU, especially when it comes to non-legislative issues.

5.3. Preliminary conclusions

We attempted to underline the significant relevance of the two most interesting forms of parliamentary initiative reports (INI and INL) in the light of existing agenda-setting concepts. We argued that there is no compulsory mechanism to guarantee the implementation of a requested piece of legislation by the Commission. Against this initial argument, we may conclude that both types of informal initiative are successful in being implemented by the Commission, at least to a certain extent. One of the key differences between INI and INL reports lies within the definition of their minimum content. While INI reports may contain legislative requests, the very nature of INL reports is characterised by the fact that they must contain legislative requests. In addition, INI reports are easier to get passed in Parliament’s plenary than INL reports for two reasons: First, INI reports are adopted by a simple majority of the votes cast, while Article 225 TFEU requires a majority of Parliament’s component Members. Secondly, Parliament’s RoP make INL reports more difficult to draft, since their authors must attach a draft of the requested piece of secondary legislation.

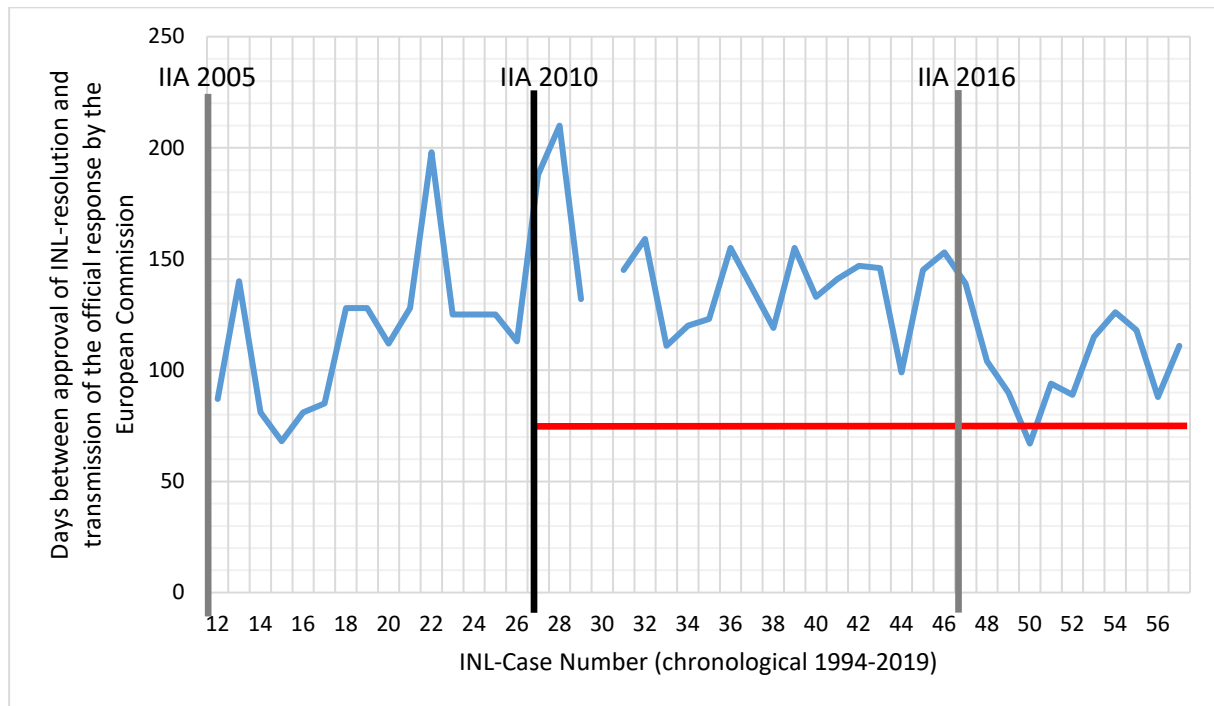
In this concluding part, we list common patterns that seemingly undermine the efficiency in the dealing with Parliament’s INL reports. The selection does not intend to criticize action or non-action taken by specific (institutional) actors. First and foremost, it is intended to consider some noticeable problems drawn from our qualitative analysis of all legislative own-initiative procedures from 1994 to 2019.

The probably most salient and quantitatively measurable pattern weakening the efficiency of inter-institutional cooperation concerns the expected timeframe of INL reports. Even before the adoption of the 2010 FA, the Commission was obliged to reply „prompt and sufficiently detailed”⁸⁹ to any requests expressed in an INL-report. With the FA in place, a concrete timeframe for answering the requests was established. According to our analysis conducted for all its written responses, the Commission answered the INL call in only three cases (10.3%) swiftly enough to be in line with the FA’s obligations. On average of all INL-reports adopted after the enforcement of the FA, Parliament had to await the response of the Commission for nearly 124 days (\approx 4 months).

⁸⁸ Precisely: 2010/2209(INI), 2011/2273(INI), 2011/2244(INI), 2013/2065(INI), 2014/2511(RSP), 2013/2004(INL).

⁸⁹ According to the rules adopted in the Framework Agreements of 2000 (C 121/2001, p. 122-126) and 2005 (C 117 E/2006, p. 125-131)

Figure 12 Timeframe for the Commission's response to INL

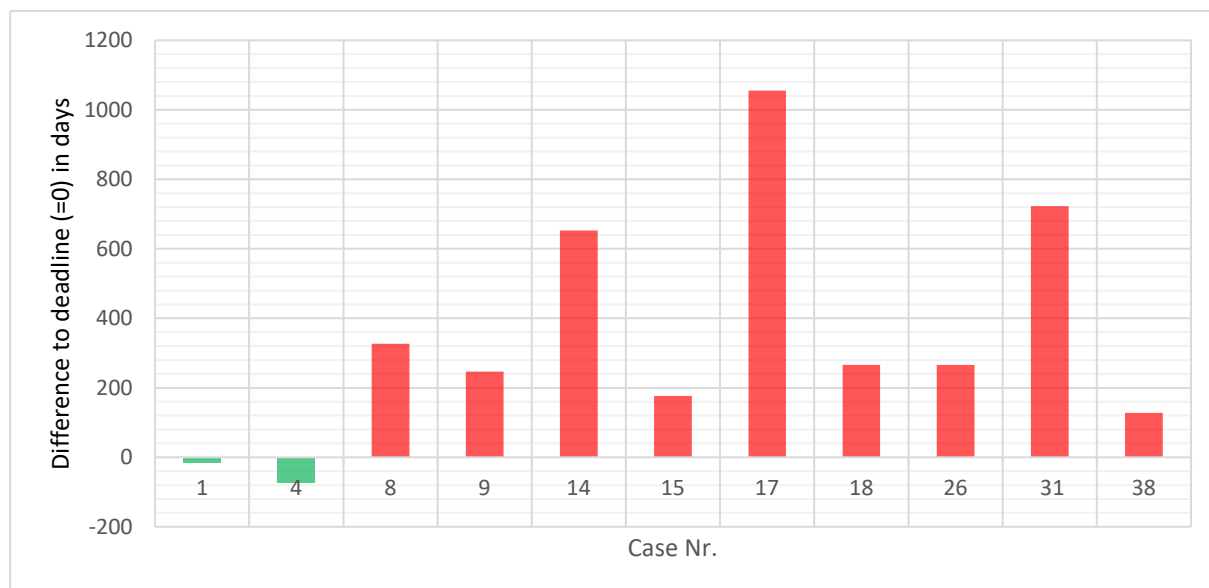


Source: Own calculation based on Parliament's Legislative Observatory

Even more interesting are, however, the evidenced deviations between the proposed deadlines for the submission of the requested legislative proposal(s) and the actual submission by the Commission. Although Parliament is not obliged to connect its request to specific timetables, it did set specific deadlines in 30 of 58 of the so far completed cases. Parliament's expectations regarding the submission of the requested proposals normally range from only a couple of weeks⁹⁰ to several, variously framed, deadlines. Figure 12 shows all cases in which Parliament proposed a specific deadline and the Commission followed the request and delivered a proposal. As the chart reveals, the Commission delivered only in two of 11 cases within Parliament's timeframe. To put it bluntly: There was no single case for the last 20 years, in which the Commission followed the timetable of INL-resolutions by submitting legislative proposals right in time. When there was a specific timetable incorporated in the resolution, Parliament had to wait 341 (arithmetic mean) or 266 days (median) days on average, starting only from the end of the deadline proposed in the INL-report.

⁹⁰ I.e. 83 days (case 26).

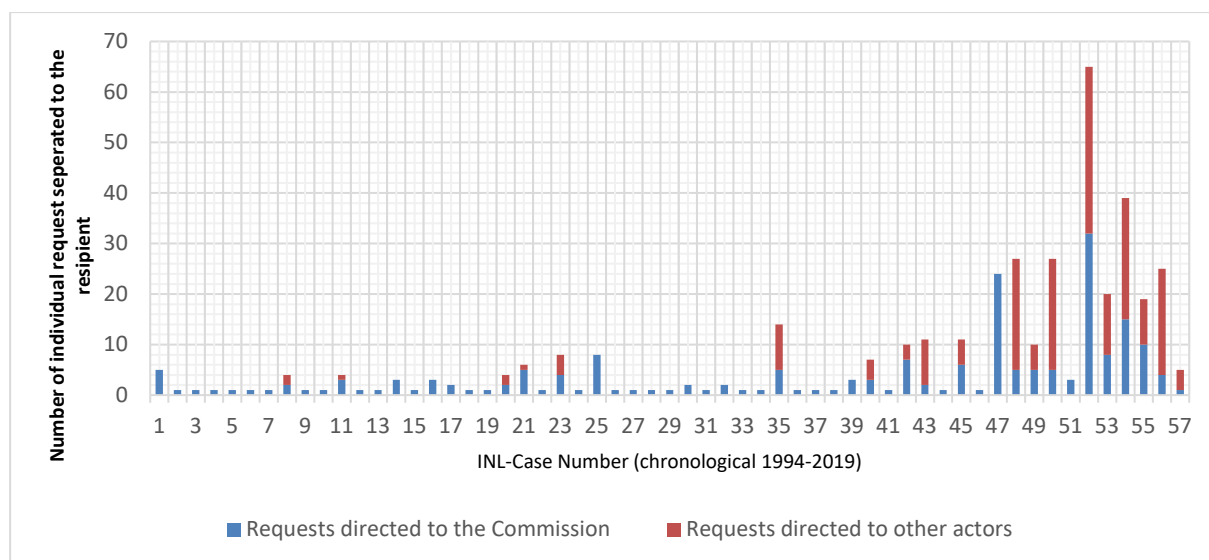
Figure 13 INL-legislative proposal: Submission of the proposal by the Commission according to the deadline of Parliament



Source: Own calculation based on Parliament's Legislative Observatory

A second observation concerns the tremendously growing sum of individual legislative requests, pooled in a single INL-report, to be evidenced over time.

Figure 14 Individual requests contained in INL reports

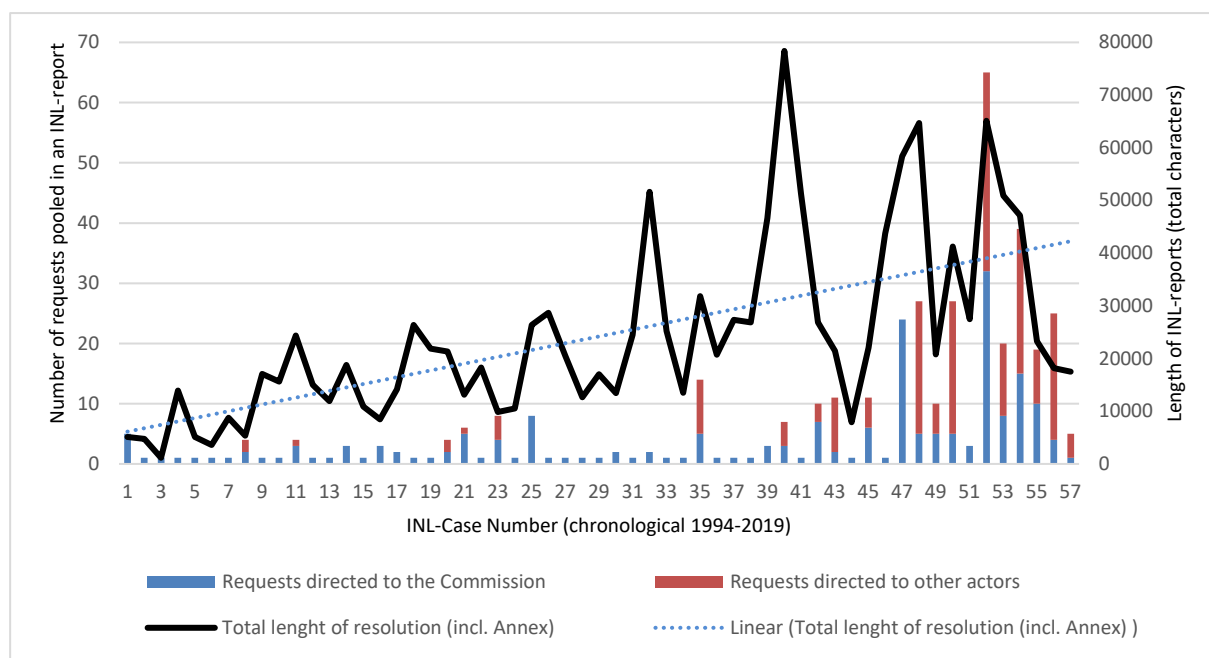


Source: Own calculation based on Parliament's Legislative Observatory

Most INL-reports in the 1990s and 2000s contained less than five individual requests that all addressed the Commission and its right for legislative initiative. This practice obviously changed within the last two parliamentary terms. Despite neither the Treaty of Lisbon nor Parliament's RoPs changed the framework for drafting INL-reports substantially, INL-reports became more and more expansive a)

with regard to the scope of issues addressed, and b) with regard to the range of addressees. The latter is even more surprising, given that Article 225 TFEU, Article 16 of the 2010 FA and Article 10 of the 2016 BLM focus on the Commission as the sole recipient for legislative requests. Corresponding to the observation that the requests pooled in one INL-report increased dramatically over time, the reports became more and more extensive. An illustration, simply counting the characters of each INL-report in the last 25 years, illustrates this trend most clearly.

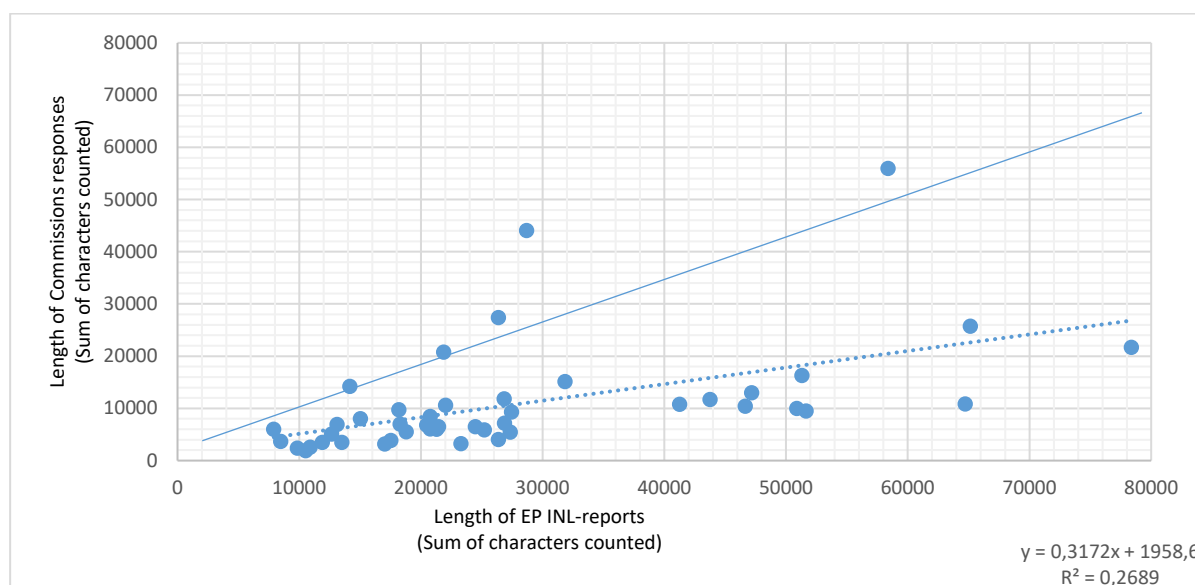
Figure 15 Development of length and number of individual requests in INL reports



Source: Own calculation based on Parliament's Legislative Observatory

Seen together, these two developments – the increasing number of specific requests asked for and the growing detail of INL-reports significantly increased the workload for the Commission. The following chart of a simple linear regression supports this assumption.

Figure 16 Correlation INL-reports vs. Commission replies



Source: Own calculation based on Parliament's Legislative Observatory

Although the responses of the Commission are usually shorter than the initial reports by Parliament (see blue guiding line), both are corresponding in terms of length, at least to some extent ($R^2 = 0,27$). Considering the narrowed timeframe for the Commission to answer to INL-requests on the one hand, and the proliferation of information, positions, and explicit legislative requests, that is pooled into a single report on the other side, we would draw the following interim recommendation:

In order to improve the process of handling INL-requests cooperatively, two possible paths could be explored. Either it is the „three-months-timeframe“ that needs to be reconsidered respectively extended. Or it is Parliament that needs to seriously consider the trend of filling more and more information and complexity in each single INL-report. A combination of both paths would make the process more time saving and focused. Hence, Parliament might consider whether the pooling of – sometimes dozens and not necessarily related – requests that it directs to various actors beyond the Commission is in its political interest to strategically gain visibility as „co-initiator“, and to strive for legislative partnership with other actors that are widely ignored by the European Council or the Council. If Parliament wants to strictly follow the opportunity structures provided for in the Treaties, it should look out for focused INL-reports that formulate legislative requests and address Parliament's ideas to the Commission only. If necessary, those demands for new or amending existing legislation could be accompanied by „normal“ i.e. (non-legislative) INI-reports. A clearer distinction between legislative INL-reports and non-legislative INI-reports would thus upgrade the significance and transparency of INL-resolutions as a whole.⁹¹

⁹¹ More structured INL-reports could avoid criticism like the following, stated in the official answer to the INL-report „Insolvency proceedings in the context of EU company law“ (case 33): „The Resolution covers several issues (including many issues where there is almost complete agreement, like providing for cooperation between Courts, or creating an insolvency database), but it does not prioritize the issues or distinguish between those issues which remain the subject of dispute and those which are already the subject of a broad consensus.“ (Source: European Commission, 2012, SP(2012)55, INL.

Given the growing fuzziness due to more and more mixing of („hard”) legislative requests with („soft”) non-legislative ones, the Commission is tempted to take the reports not always serious. In some cases, specific requests of Parliament are interpreted by the Commission as mere „reflection” or „contribution” and be thus answered with only soft means, such as studies or communications. In cases, where the Commission does respond with one or more legislative proposals, the role of Parliament is sometimes reduced to being either „advisory” or doesn't mentioned at all. More focused INL reports would make it harder for the Commission to downgrade their quality. In addition, Parliament might invite the Commission to link its draft initiatives more clearly to INL or INI reports. Providing a clear „legislative influence footprint” for legislative proposals would enhance both, transparency and accountability.

If we take a closer look into the Commission's reactions and expressed reasons for not following on Parliament's request, we identify some recurring arguments:

For the Commission, some INL resolutions are simply not implementable, because they neglect the existing hierarchy of norms, the differentiation of competencies of the Union and the Member States. Some of Parliament's resolutions are rejected by the Commission, because of a different perception of the corresponding legal framework. In some cases, Parliament seems not to fully consider all legal prescriptions in a specific issue area. The blurring of legal bases facilitates the Commission's possibility to advocate another legal opinion. Second, projected deadlines for the drafting of legislative initiatives are unrealistic (see e.g. the INL on „Protecting European healthcare workers from blood borne infections due to needle stick injuries). Third, when responding to INL calls, the Commission often argues with the general claim that the final right of initiative rests with the Commission and not with Parliament. Some EP requests neglect potential „side effects” of legislation in other areas and are therefore rejected or modified by the Commission. Fourth, Parliament's INL sometimes underestimate the financial impact of their its legislative proposal on the Union's and on Member States' budgets. Fifth, quite often, the Commission perceives and downgrades concrete INL requests as a mere „reflection” or „contribution”, to which it then responds with a study or staff paper. Sixth, we detected rare cases of a voluntary commitment by the Commission to react to INL by presenting a legislative act. More often, the Commission reacts to INL by communicating to Parliament that it first needs to exchange information with other bodies, committees, NGOs etc. in order to avoid a „premature”, ill-considered solution. In some cases, the Commission argues that Parliament did not sufficiently took into account proceedings or drafts from other institutions dealing with the respective topic of the INL (e.g. the INL on E-justice).

Some of the more recent INL are coined by the fact that Parliament packs a number of specific requests into one resolution. The Commission argues in these cases that it is hardly possible to digest these packages in order to identify concrete demands for legislative dossiers. The Commission sometimes complains that the evaluation of the extent to which Parliament's INL requests have been implemented or not will be difficult to organise, since the annexes attached to the respective resolutions sometimes contain up to a few dozen different recommendations. In addition, according to the Commission, some of Parliament's INL reports often consist of a mere smorgasbord of requests without prioritizing (see e.g. the INL on „Insolvency proceedings”, or „Towards a genuine Economic and Monetary Union”). On the other hand, the Commission holds that some or the INL requests are too minimal (e.g. Parliament's rights in the appointment procedure of future Executive Directors of the European Environment Agency) and do not justify a full legislative initiative.

To overcome the Commission's criticism, Parliament tends to deepen and substantialize its requests a specific resolution moves up on the agenda of the plenary. Yet, the establishment of the European

Parliamentary Research Service (EPRS) in 2013, with a specific Directorate for „Impact Assessment and European Added Value”, certainly helps to make parliamentary requests more reliable.

Whereas the Commission has never resigned from its clear commitment to take the role of the formal gatekeeper of European legislation, Parliament – generally and aside from occasional complaints – continues to build on its indirect agenda-setting power. This can best be exemplified by an own-initiative report⁹² of February 2017 where Parliament expressed the intention to make more use of legislative initiative reports under Article 225 TFEU, in order „to improving the functioning of the European Union”. The statement is not to be considered a threat towards the Commission, but a further stream of „respectful competition” for the best legislative ideas.

Given the empirical evidence regarding the implementation of Article 225 TFEU, the 2010 FA and the BLM IIA of 2016, Parliament could consider three ways and respective variants for revision: A straightforward possibility would consist in a treaty revision of Article 225 TFEU, which would possibly impact on revising Articles 17 TEU, 241 TFEU, 289 TFEU, and 294 TFEU. A softer revision would focus adjusting the existing FA to strengthen the constraining nature of Parliament’s INL. A more exotic way of reform would lean on the practice of delegating inter-institutional, para-constitutional, binding rules in a way similar to the procedures provided for in Articles 27(3) TEU (regarding the setting-up and functioning of the EEAS), 24(1) TFEU (regarding the functioning of the European Citizen Initiative), or Article 291(3) TFEU (regarding the organization of the EU’s implementing acts). However, before formulating possible ways for reform, we will look at the right for direct and indirect initiative in the national parliaments of the EU.

⁹² Entitled „Improving the functioning of the European Union building on the potential of the Lisbon Treaty (European Parliament resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty) (2014/2249(INI)), published in the OJ C252, 18.07.2018, 215-234

6. PARLIAMENTARY INITIATIVE IN NATIONAL PARLIAMENTS

In this section we briefly look at the right of legislative initiative of the parliaments of the EU Member States. We base our analysis on the replies to an ECPRD survey sent to Member States' parliaments in November 2019 by the Policy Department for Citizens' Rights and Constitutional Affairs of the European Parliament, the report „on legislative initiative" adopted by the Council of Europe Venice Commission at its 77th Plenary Session on 12-13 December 2008, on the Constitutions and parliamentary rules of procedure, and on scholarly contributions. As to the English versions of the Member States' Constitutions, we refer to the texts submitted to the legislative database by the OSCE. ParliamentCRD questionnaire was answered by 18 parliaments, of which three sent answers on behalf of both chambers (Germany, Poland and Slovenia). Answers to the questionnaire are referred to as „Country Code+Q(number)", meaning the answer to question (number) of the country (country code). References to Constitutions are shortened by „C(number)" meaning article (number) of the Constitution of the respective country. Rules of Procedure are referred to „RoP(number)", meaning article (number) of the Rules of Procedure of the respective country.

The „direct" right to initiate legislation means the right to directly propose a law to the legislative body, while the „indirect" right to initiate legislation is defined as a situation where „there is no right to initiate but only a right to propose that legislation be initiated by another Constitutional body, such as the government. In a case of a bicameral system, it might also be that one of the chambers has only an „indirect" right. (EU Questionnaire, p.2, fn3) We defined „limitations" as barriers to the right of initiative. These can be either „conditions" as formal requirements (e.g. explanation, length) or where the proposal needs an expected minimum number of signatures, or „restrictions", e.g. policy fields where the parliament cannot initiate legislation on.

6.1. Overview of the rights to initiate legislation of national parliaments

Concerning the legislative branch, almost every EU Member State (except Malta) provides for specific rights of initiative in the Constitution. Fourteen of these parliaments operate with a first and a second chamber. These countries usually grant initiative rights also to the second, directly elected chamber, though sometimes with further limitations (e.g. Austria, Ireland; see also Venice Commission 2008). However, some of them do not (e.g. the Netherlands does only grant any right to initiate legislation to the senate only in joint sessions; NL C82).

Table 5 Non-parliamentary holders of the right to initiate legislation

Member State	Government	Ref.	President / Monarch	Ref.	Citizens	Ref.	Other	Ref.
AT	Yes	C41	No		Yes	C41.2		
BE	No	BEQ 1	Yes	BEQ2	No			
BG	Yes	C87			Yes	C45		
CZ	Yes	C41/CZ Q1	No	CZQ1	No	CZ Q1		
CY								
DK	Yes	DK Q1	No	DK Q1	No	C41		
DE	Yes	C76	NO	DE BTQ1	No	DE BT Q2		
EE	Yes	EE Q1	No	EE Q1	No	C103		
EL	Yes	C73			No	C73		

ES	Yes	C87	No	C87	Yes	C87	Assemblies of Self-governing communities (indirect)	C87
FI	Yes	FI Q2			Yes	FI Q2		
FR	Yes	FR Q1	No	FR Q1	Yes	FR Q2		
HR	Yes	C85			No	C46		
HU	Yes	C6	Yes	C6	Yes	C19		
IE					No	C20		
IT	Yes	C71	No	C71	Yes	C71	CNEL, Regional Council	C71, C99, C123
LT	Yes	C68	Yes	C68	Yes	C68		
LU	Yes	⁹³	Yes	C47	Yes	C27		
LV	Yes	C65	Yes	C65	Yes	C65		
MT	Yes	⁹⁴			No	⁹⁵		
NL	Yes	C82	Yes	C82	Yes	⁹⁶		
PL	Yes	C118	Yes	C118	Yes	C118		
PT	Yes	C197			Yes	C167	Autonomous Regions, Ombudsman (indirect)	C227, C20
RO	Yes	C74	No	C74	Yes	C74		
SE	Yes	C4			No	⁹⁷		
SI	Yes	C88	No	C88	Yes	C88		
SK	Yes	C87	No	C87	Yes	C27		
UK	Yes	UK Q1			Yes	⁹⁸		

Source: Own account based on the answers given to the ECPRD questionnaire, the report „on legislative initiative” adopted by the Council of Europe Venice Commission at its 77th Plenary Session on 12-13 December 2008, and the Constitutions and parliamentary rules of procedure.

Table 5 provides for an overview regarding other actors besides parliament who may or may not have the right to initiate bills. We differentiated between the government, a monarch respectively a president and the citizens.

The composition of the executive branch differs within the European Union Member States. Monarchies (e.g. Denmark) often include their monarch into the executive, while in parliamentary republics the president is often excluded (e.g. Czech Republic, Estonia), only representing the formal head of state. Even though the President is not explicitly included in Estonia (Constitution of Estonia Art 86.), the President is vested with the right to introduce laws concerning the Constitution (Constitution of Estonia Article 103).

With the exception of Belgium, every executive institution in the EU enjoys the right to propose bills. It is important to differentiate between the government, President and Monarch, as the right to introduce laws to the parliament is differently distributed among them. Seven Presidents or Monarchs operate

⁹³ <https://gouvernement.lu/en/systeme-politique.html>

⁹⁴ Bestler & Waschkuhn, 2004.

⁹⁵ Qvortrup, 2012.

⁹⁶ Qvortrup, 2012

⁹⁷ Qvortrup 2012

⁹⁸ <https://petition.parliament.uk>

with a right to initiate legislation, in addition to the government. Some Constitutions allow single Ministers or Members of the Government to introduce bills, while others only allow the Cabinet as a whole (e.g. Constitution of Germany Article 76) to introduce laws. In France, only the Head of Government is also allowed to introduce laws (Parliament of France, Answer 2, 2020). Belgium is a special case, since the federal government has no right to introduce laws (Parliament of Belgium Answer 1, 2, 2020), while the King may initiate legislation. In some countries (e.g. Greece or Hungary), the government enjoys the exclusive right to propose the budget, while there are no special regulations for these executive to propose bills.

The judiciary in the EU countries is not a direct part of the legislative proposal process. However, the Courts, especially the Constitutional Courts have an impact on the process. While not being provided with the direct right to propose laws to any actor in the process, they do sometimes have the right to commission the government to review a law in a certain time frame. For example, the German Constitutional Court can judge a law as unconstitutional and request a revision.

About half of the EU Constitutions grant citizens direct or indirect rights of initiative. Most of them provide for a minimum number of signatures in the Constitution, which must in any case originate from citizens with voting rights. Some countries' Constitutions define (further) requirements or delegate respective rules towards laws or rules of procedure. Interestingly, some of the countries which do not explicitly refer to the right of initiative for the citizenry in the Constitution have introduced specific laws allowing citizens to participate directly or indirectly in legislation (e.g. the Netherlands; Qvortrup, 2012, 296). Another group of EU Member States grant further rights of initiative to subnational bodies. This is particularly the case in three federal states (Belgium, Germany, Austria) and in those countries that include regions with a special status (e.g. Finland, Portugal, Spain). In these cases, the federal or regional legislative and executive bodies have a limited right of initiative, i.e. within their fields of competences. In the United Kingdom, too, Scotland and Wales were granted some initiative rights, although these are not explicitly listed due to the absence of a Constitution. In Italy, the Constitution (Article 71) generally allows further bodies („those entities and bodies so empowered by Constitutional amendment law"). Based on this provision, the direct right of initiative was additionally granted to the auxiliary body „Consiglio nazionale dell'economia e del lavoro" (CNEL), i.e. the Council for Labour and Economy. In Portugal, the Constitution (Article 20) also calls on the Ombudsman to indirectly propose legislation.

6.2. Parliaments with the direct right to initiate legislation

In the following section, we examine the legal basis for legislative initiatives by parliaments. All national parliaments of the European Union are allowed to introduce legislative initiatives, but countries differ under which conditions and in which fields they could introduce initiatives.

In order to show the different legislative processes, we looked at which conditions have to be met for the submission of legislative proposals and in which policy fields restrictions do apply. Conditions should be understood as formal criteria, such as an attached justification or a certain form (Formal). Whether an application requires further support in addition to the applicant is listed under „Support", either in form of signatures or as a group (e.g. parliamentary group, committee). In the column 'Constitution', we checked whether there are special provisions for the submission of Constitutional amendments. Also in this case, restrictions are defined as mentioned above. A distinction is made as to whether there are restrictions to initiate the state budget, due to regional or federal peculiarities or other restrictions. On the other hand, we did not include general references to preambles and principles (democratic, social, etc.) nor to existing Treaties (e.g. EU Treaties).

Table 6 Conditions and Limitations of the parliamentary direct right to initiate legislation

Member State	Conditions				Restriction		
	formal	support	Constitutional	other	State-budget	Regional / Federal	other
AT		Yes				Yes, C15	
BE	Yes, BE Q5	No, BE Q5				Yes, BE Q3	
BG					Yes, C88		
CZ	Yes, CZ Q5				Yes, CZ Q3	Yes, CZ Q3	
DK		No, DK Q1			No, DK Q1	No, DK Q1	
DE	Yes, DE BT Q4	Yes, DE BT Q4			Yes, Venice Commission, P.5	Yes, DE Q3	
EE	Yes, EE Q4		Yes	EEQ1	No, EE Q3, but YES Venice Paper, p.5	No, EE Q3	
EL	Yes, C74		Yes, C110		Yes, C73		
ES	Yes, ES Q4	Yes, ES Q4			No, ES Q3 but YES Venice Commission, p5)	No, ES Q3	No, ES Q3
FI		No, FI Q4			No, FI Q3	No, FI Q3	
FR					No, FR Q3 But Yes, Venice Commission, p. 5	No, FR Q3	
HR	Yes, HR Q4				No, HR Q3, but Yes HR C110	No HR Q3	
HU	No, C5	No, C6			Yes, C36		
IE	Yes, C27		No, C46		Yes, C21		
IT						Yes, C117	
LV	Yes, LV Q4	Yes, LV Q5			No, LV Q3	No, LV Q3	No, LV Q3
MT	Yes	99					
NL							
PL	Yes, PL SEN Q5	Yes, PL SEN Q4,5			Yes PL SEJ Q2		Urgent bills, PL SEJ Q2
PT	Yes, PT Q4				Yes, C167	Yes, C227	Government organization and

⁹⁹ Bestler & Waschkuhn, 2004

							modus operandi, C198
RO	Yes, RO Q1,4	No, RO Q4	Yes, C150	No RO Q4			
SE	Yes, SE Q1						
SI	Yes, SI NA 4	No, SI NA 4		No, SI NA Q4			Resolutions on National Programmes, SI NA/NC Q3
UK	Yes, UK Q1			Only for Private Membe r Bills, UK Q4	Yes 100		

Source: Own account based on the answers given to the ECPRD questionnaire, the report „on legislative initiative” adopted by the Council of Europe Venice Commission at its 77th Plenary Session on 12-13 December 2008, and the Constitutions and parliamentary rules of procedure

It is apparent that in most cases formal criteria are prescribed as to how applications are to be submitted. In some cases, requirements for the submission of applications are provided for in the Constitution, while others specify these requirements in the corresponding rules of procedure. Formal requirements such as the attachment of an explanatory memorandum or statement of reasons (Greece, Constitution Article 74) or the observance of a certain formatting (Estonia, answer 4, 2020) are prescribed in most countries.

Only a few countries do accept proposals with a certain support (see also Venice Commission 2008). In some parliaments, the support is defined by a threshold of a minimum of Members. For instance, the Latvian Constitution prescribes in article 65 at least 5 Members supporting the proposal. In other cases, the proposal needs to be brought forward by a committee or parliamentary group. Germany grants the right to initiate to both 5% of the Members as well as a parliamentary group (DE BT Q5). Similarly, the Polish rules allow committees of the Sejm or a minimum of 15 deputies to submit a bill, while Senate requires 10 Senators or a Committee (PL SEN Q5). In the latter case, the draft law first needs to be approved by the Senate, who then „undertakes legislative initiative by resolution of the entire chamber” (PL SEN Q4). Special criteria for tabling Constitutional amendments are only laid down in the Greek (Article 110) and Romanian (Article 150) Constitutions.

A similarly heterogeneous field is evident with regard to the restriction on certain policy areas. As described above, a distinction has been made between legislative restrictions in the state budget, in regional or federal matters or other restrictions. Eight parliaments cannot introduce the state budget themselves. Instead, only the governments or finance ministers may introduce a proposal (e.g. Czech, Answer 3, 2020; Greece, Article 73; Hungary, Article 36). The rules of the Czech Republic (Czech, answer 3, 2020), Belgium (Belgium, answer 3), Germany (Germany, answer 3, 2020) and Austria (Constitution Article 15) contain restrictions for national parliaments due to regional particularities or federal conditions. The national parliaments of Poland (Poland Sejm, answer 2, 2020), the UK (United Kingdom, answer 4, 2020) and Portugal operate on additional restrictions in their legislative activities. According

¹⁰⁰ <https://www.parliament.scot/visitandlearn/12506.aspx>

to the Sejm (Q2), „the Constitution limits the right to introduce urgent bills (Article 123), as well as a draft budget, draft interim budget, amendments to the Budget, a bill on the contracting of public debt and a bill granting financial guarantees by the State (Article 221) to the Council of Ministers”. The Portuguese Constitution notes in article 198, that „the Government has the exclusive competence to legislate on matters that concern its own organisation and *modus operandi*”. In the UK, restrictions apply to non-government bills: Their main object cannot be to raise or spend money” (UK Q4). According to the report of the Venice Commission (2008, 5-6) national governments also „tend to have an exclusive right to propose for adoption by the Parliament bills related to the ratification of international Treaties signed by the executive or all regulations related to the implementation of the European Union (EU) directives or judgements of the European Court of Justice, for those countries Members of, or in the accession process to, the European Union”.

In summary, hardly any national parliament is confronted with democratic obstacles to the introduction of law proposals. However most of the parliaments operate with formal, restrictive rules, and two parliaments mention special rules for the introduction of Constitutional amendments. Regarding the restrictions in certain policy areas, almost one third of the parliaments are not allowed to introduce a budget, four are restricted due to regional or federal aspects and three countries have other restrictions.

6.3. Procedure of parliamentary direct initiatives

In this section we briefly present the thresholds that member of national parliaments must respect to approve ordinary laws and Constitutional amendments.

Table 7 Voting barriers for ordinary laws and Constitutional amendments

Member State	Voting threshold		Reference
AT	Bills	Simple Majority	NR RoP §82
	Constitution	NR Two Thirds of Members; If Federal 2/3 NR+ 2/3 BR; If introduced by 1/3 MP of BR or 1/3 MP of NR: 2/3 NR + 2/3 BR + referendum	C44
BE	Bills	Absolute majority	RoP §61
	Constitution		
BG	Bill	Simple majority	C82
	Constitution	2/3	C138
HR	Bill	Simple majority	C82
	Constitution	2/3	C138
CZ	Bill	Simple majority	C39
	Constitution	3/5	C39
DK	Bill	Simple majority	DK Q
	Constitution	Election + Simple majority + Referendum	C88
EE	Bill	Simple majority	RoP §78
	Constitution	2 votes with majority	C163
FI	Bill	Simple majority	RoP41
	Constitution	Simple majority + election + 2/3 majority	C73

FR	Bills		
	Constitution	3/5	C89
DE	Bills	Simple majority	C42
	Constitution	2/3	C79
GR	Bills	Simple majority	C67
	Constitution	3/5	C110
HU	Bills	Simple majority	C5
	Constitution	2/3	C5
IE	Bills		
	Constitution	Majority+ referendum	C46
LV	Bills	Absolute Majority	C24
	Constitution	Two Votes with 2/3 and at least 2/3 of MP present	C76
MT	Bills		
	Constitution	2/3 of Members	Bestler & Waschkuhn, 2004
NL	Bills	Majority	C67
	Constitution		
PL	Bills	Simple Majority with at least 1/2 of MP present	C120
	Constitution	Sejm 2/3 with at least 1/2 of MP present + Senate absolute majority with 1/2 present	C235
PT	Bills	Absolute majority	C168
	Constitution	2/3	C286
RO	Bills	Majority with majority present of both chambers	C76, C67
	Constitution	2/3 of both chambers	C151
SI	Bills	Majority with at least majority present	C86
	Constitution	3/5	C84

Source: Own account based on the answers given to the ECPRD questionnaire, the report „on legislative initiative“ adopted by the Council of Europe Venice Commission at its 77th Plenary Session on 12-13 December 2008, and the Constitutions and parliamentary rules of procedure

6.4. Parliaments with the indirect right to initiate legislation

In the following we provide for an overview of the indirect rights to initiate legislation. We have not considered ratifications of Treaties and the holding of referenda as indirect rights of initiative. Most parliaments can call on their governments to act and prepare legislative proposals. However, this does not always imply that the government is legally obliged to take action. Sometimes, however, national governments have to explain their inaction. Some countries explicitly negated this kind of indirect right of initiative and referred to the direct right of initiative. Agenda setting as an indirect form of the right of initiative was hardly mentioned, other forms not at all.

Table 8 Types of indirect rights to initiate legislation

Member State	Request Initiation by Government	Ref.	Specific Agenda Setting	Ref.
AT	Yes	101		
BE	No	BEQ1		
CZ	No	CZQ6		
DE	Yes	DEQ1		
EE	Yes	EEQ6		
ES	Yes	ES Q6		
FI	Yes	FIQ1		
FR	Yes	FR Q1		
HR	No	HRQ6		
MT			Yes	102
NL	Yes	NL Q1		
PL			Yes	PL SEN Q9
PT	No	PT Q6		
SE	Yes	SE Q1		
SI	Yes	SI NA/NC Q6		
UK	Yes (informal)	UK Q6	No	UK Q9

Source: Own account based on the answers given to the ECPRD questionnaire, the report „on legislative initiative” adopted by the Council of Europe Venice Commission at its 77th Plenary Session on 12-13 December 2008, and the Constitutions and parliamentary rules of procedure

6.5. Parliamentary use of right to initiate legislation

In this part we will analyse the parliamentary use of their rights to initiate legislation. First, we will summarise some information from the questionnaires and secondary literature, then present three case studies (Austria, Germany, Italy).

Concerning the effective use of parliamentary initiatives, the UK parliament answered that „all Members are able to introduce legislation. In practice it is easier to facilitate the passage of Government bills” (UK Q1). For Malta, a political system derived from the British tradition, Bestler & Waschkuhn (2004) note that the Maltese parliamentarians do not practice their right to initiate legislation at all. Instead all initiatives originate from the responsible minister. Voermans (2009, 4) notes for the Netherlands that „most proposals for acts of parliament are prepared by the government, typically within a ministerial department. Members of the House of representatives (Tweede Kamer) do have a right to initiate legislation as well, but they do not use it very extensively.”

Three case studies will examine the „living Constitution” of parliamentary initiative in more detail: Austria, Germany and Italy. Starting our analysis on the basis of the respective rules of procedure, further hurdles to the introduction and adoption of legislative initiatives are identified. We draw special

¹⁰¹ www.parlament.gv.at/PERK/KONTR/POL/2ENTSCHEIDUNGEN/index.shtml

¹⁰² Bestler & Waschkuhn (2004).

attention to the institutional actor that effectively uses the formal powers. The accessible data differed greatly within the countries, hence influencing the results of our case studies. For Austria, only the legislative proposals were analysed by the initiating actors, not showing if they were adopted or rejected. For Germany, we analysed both, the percentages of legislative proposals introduced by the different actors as well as how many of the proposals were adopted. For Italy, we only looked at the adopted primary laws, showing how many of them were sponsored by the government, by Members of parliament or by other actors.

6.5.1. Austria

Legislative initiatives in Austria can originate from four actors. The parliament of Austria consists of two chambers, the National Council (Nationalrat) and the Federal Council (Bundesrat). The latter represents the federal states. Both chambers enjoy the right to propose legislation. According to the Constitution, legislative proposals must be supported by at least one third of the Members of the Bundesrat, and there are no specific constitutional hurdles for the National Council (Austrian Constitution Article 41). However, the Rules of Procedure restrict the right of the National Council to initiate legislation by requiring the motion to be supported by five Members of Parliament (Parliament of Austria RoP 26). Furthermore, committees have the right to initiate legislation if the subject of the new motion falls into the field of competencies of the Committee (Parliament of Austria RoP 27). In addition to the parliament, the Austrian citizens can initiate laws with a concrete text or request by means of a referendum, for which 100,000 voters are required to support the request (Austrian Constitution Article 41). The fourth actor is the Federal Government, which can introduce bills to the National Council through government bills, which are usually drafted in the ministries (Austrian Constitution Article 41, Parliament of Austria RoP 21).

Since 1990 there have been nine legislative periods in Austria with three different government coalitions. The majority of the parliament was always formed by the SPÖ (Sozialdemokratische Partei Österreichs – Social Democrats; member of the Party of European Socialists and the S&D group in the European Parliament) and the ÖVP (Österreichische Volkspartei – People's Party; member of the European People's Party and the EPP group in the European Parliament). However, the 22nd, 23rd and 26th legislative periods were coined by coalition governments of the ÖVP and the FPÖ (Freiheitliche Partei Österreichs – Freedom Party; member of the Identity and Democracy Party and the ID group in the European Parliament). The frequency of initiatives of the National Council and the Federal Government does not show a uniform picture, whereas the Federal Council rarely makes use of its right. In some legislative periods the Federal Government submits more motions than the committees and the parliamentary groups of the National Council combined (in the 18th, 22nd and 24th legislative periods). In other legislative periods however, it is apparent that the National Council, through its committees and parliamentary groups, made more frequent use of the right of legislative initiative. For the analysis, the initiatives of the parliamentary groups and committees are added together, since a distinction is to be made primarily between the legislative and executive branches.

From 1990 to 2017, the Nationalrat and the Bundesrat voted on 3263 parliamentary initiatives and 2786 government initiatives. The frequencies are evenly distributed among all forms of coalition. It can therefore not be determined that governments from the two larger parties submit more applications than the National Council and a government formed by the ÖVP and FPÖ. It is apparent that the relationship between parliamentary initiative and government initiative is not sorted by party constellation. It should also be noted that in Austria the legislative and executive branches of

government made use of their right of initiative in a relatively balanced proportion during the period under review and no clear dominance could be established.

6.5.2. Germany

The German parliamentary system is divided into two chambers, the Bundesrat (Upper House) and the Bundestag (Lower House). The Bundesrat represents the federal states and has the right of initiative. Legislative powers are divided according to policy areas between the Länder and the federal government with its two chambers (German Constitution Article 72, 73, 74). Legislative initiatives can, according to the Constitution, Article 76, be brought about by the Federal Government, the Bundesrat as a body or from the Bundestag. For the Bundestag, the Rules of Procedure define distinct thresholds for initiating bills: They must originate from a parliamentary group or from at least 5% of the Members of Parliament (Rules of Procedure of the German Bundestag §76). Legislative initiatives of the Bundesrat can be introduced by one single Member State. To pass, the initiative needs to obtain an absolute majority (Rules of Procedure of the Bundesrat §30).

Overall, three institutional actors have the right to draft laws and put them to vote. In particular, the parliament in which the deliberation of laws takes place has precisely defined initiative procedures. If one looks at the practice of the legislative processes, it becomes clear that the actors make use of their legislative right in different frequencies. To examine the legislative practice in the Federal Republic of Germany, we took a closer look into the seven legislative periods between 1990 and 2017. We examined the number of draft bills by actor and the proportion of the adopted laws. This two-step approach allows not only to look at the agenda-setting activity of each actor, but also to examine the success rate. In order to obtain a differentiated view of the drafting activities and success rates, we also looked at the submitted drafts according to parliamentary groups.

In four out of seven legislative periods from 1990 to 2017, more than half of the draft laws were submitted by the Government. In the 13th and 14th legislative period, 48 and 49.8% respectively were allocated by the Government. The share of the Bundesrat fluctuates throughout the legislative periods between 7.8% (18th legislative period) and 17.4% (15th legislative period). Accordingly, the Bundestag sits in a middle position and initiates between 20.2% (18th legislative period) and 38% (14th legislative period) of the bills. A similar picture emerges with the adoption of the draft laws, where the effects increase. Between 68.2% and 87.9%, of the bills passed can be attributed to the Federal Government. Only a fraction can be attributed to the initiative of the Bundesrat (1.8 - 5.5%). The proportion of initiatives emanating from within the Bundestag fluctuated between 9.4% and 21.2% during the survey period.

A closer look at the legislative initiatives of the Bundestag reveals that the majority of the adopted proposals originate from groups that stay behind the coalition government. However, in this context it is to be emphasized that in all legislative periods, except for the 15th, the parliamentary opposition place the majority of the submitted drafts. Nevertheless, they never obtained a majority of votes. It is also noteworthy that, despite the joint submission by Government groups and thus the majority of votes in Parliament, a considerable number of them failed to reach a majority. This discrepancy was greatest in the 15th legislative period, when 105 motions were tabled by the two Government supporting parliamentary groups, none of which were passed. But apart from this special legislative period, all other periods are coined by the fact that not all proposals submitted by the majority are adopted. For example, only 59 of 101 drafts submitted by the majority groups were passed in the 12th legislative period (German Bundestag 2018). Almost 80% of the governing party bills get finally passed. The key to explain this relatively high share is that in Germany ministers have incentives to hand out

ministerial draft bills to MPs as the formal legislative procedure for private Members' bills is shorter than for government bills.

All the effects described above, the fact that the majority of draft initiatives emanate from the government, that the majority groups do not submit the majority of the drafts, and that some of the drafts of the governing coalition are not adopted despite the majority, are evident in any coalition combination. Whether a conservative-liberal majority, a social democratic-green majority or a conservative-social democratic majority prevailed, the government brought in and carried through most of the initiatives and Government parties stood behind most of the passed bills within Parliament. During the survey period (1990-2017), the Bundestag initiated 2550 draft laws, of which only 765 were adopted. The Government initiated all in all 3160 drafts, of which 2834 were adopted. Overall thus, it can safely be argued that despite broad legislative rights of parliament, agenda-setting and the legislative process are heavily dominated by the executive.

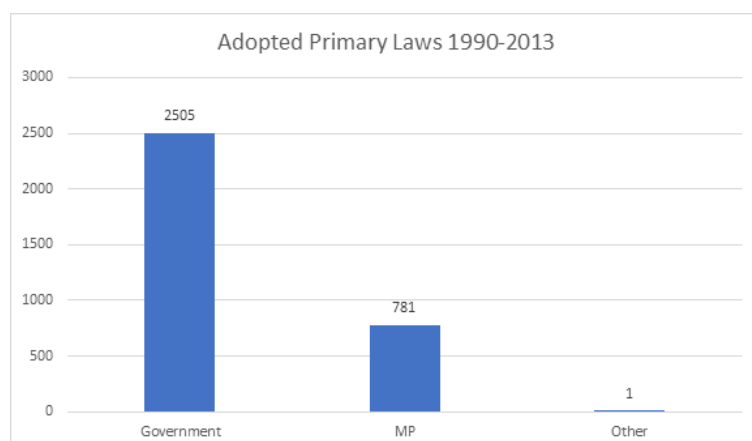
6.5.3. Italy

Italy is a bicameral, parliamentary republic, with both chambers having equal power. By Constitution, the right to initiate legislation is given to both of the chambers, the government, the citizens and „those entities and bodies so empowered by Constitutional amendment law” (Article 71). These other bodies are the National Council for Economics and Labour (CNEL; Article 99) and the Regional Councils (Article 123).

For the empirical study of the usage of the initiative rights, we used data from Carammia, Borghetto & Bevans (2018), covering the years 1983 to 2013. To start with the same year as the other case studies, we only included the years 1990 to 2013. The data only include adopted primary laws, while draft laws or bills, which were not adopted by parliament, remain out of scope. Moreover, the dataset does not differentiate between legislative periods.

The results show that most of the adopted primary laws were sponsored by the Government: There was a total of 3287 adopted primary laws, of which 2505 (76,2%) were initiated by the cabinet, whereas only 781 (23,8%) originated from Members of the Parliament. Only one law (<0,1%) was sponsored by other, meaning by regional councils, citizens or the Council for Labour and Economy (CNEL).

Figure 17 Adopted Laws in Italy 1990-2013



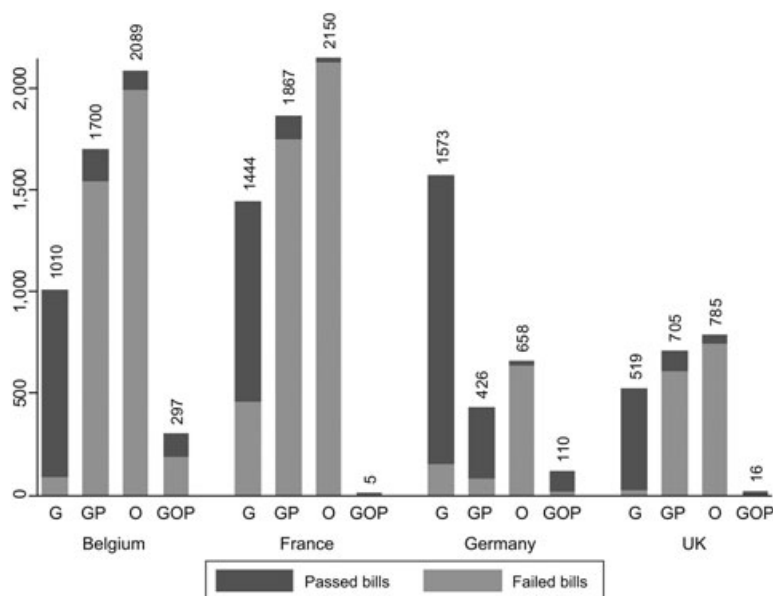
Source: Own calculation based on Camera dei deputati. Riepilogo dell'attività dell'Assemblea - Attività dell'Assemblea - Progetti di legge deliberati dall'Assemblea, 1991-2015; and: Carammia/Borghetto/Bevan (2018). Changing the transmission

belt: the programme-to-policy link in Italy between the First and Second Republic. *Italian Political Science Review / Rivista Italiana di Scienza Politica* 48(3), 275-288. DOI: 10.1017/ipo.2018.13.

6.6. Preliminary Conclusions

Analysing the number of bills introduced per year in the lower houses of 15 Western European countries between 1978 to 1982, Andeweg and Nijzink (1995, 171) already showed that private member bills make up about 39% of all bills introduced, but only 9% of all bills passed. The study by Bräuninger and Debus (2009) looked at legislative bills introduced into the lower chambers of parliament in Belgium, France, Germany and the United Kingdom between the mid-1980s and the early 2000s. Their findings show that in Germany and the United Kingdom, the total number of bills put forward is notably smaller than in Belgium or France, and that in Germany and Britain, the share of opposition bills is considerably lower (23.8 and 38.8%, respectively) whereas the share of government plus governing party bills is considerably higher (72.2 and 60.4%, respectively).

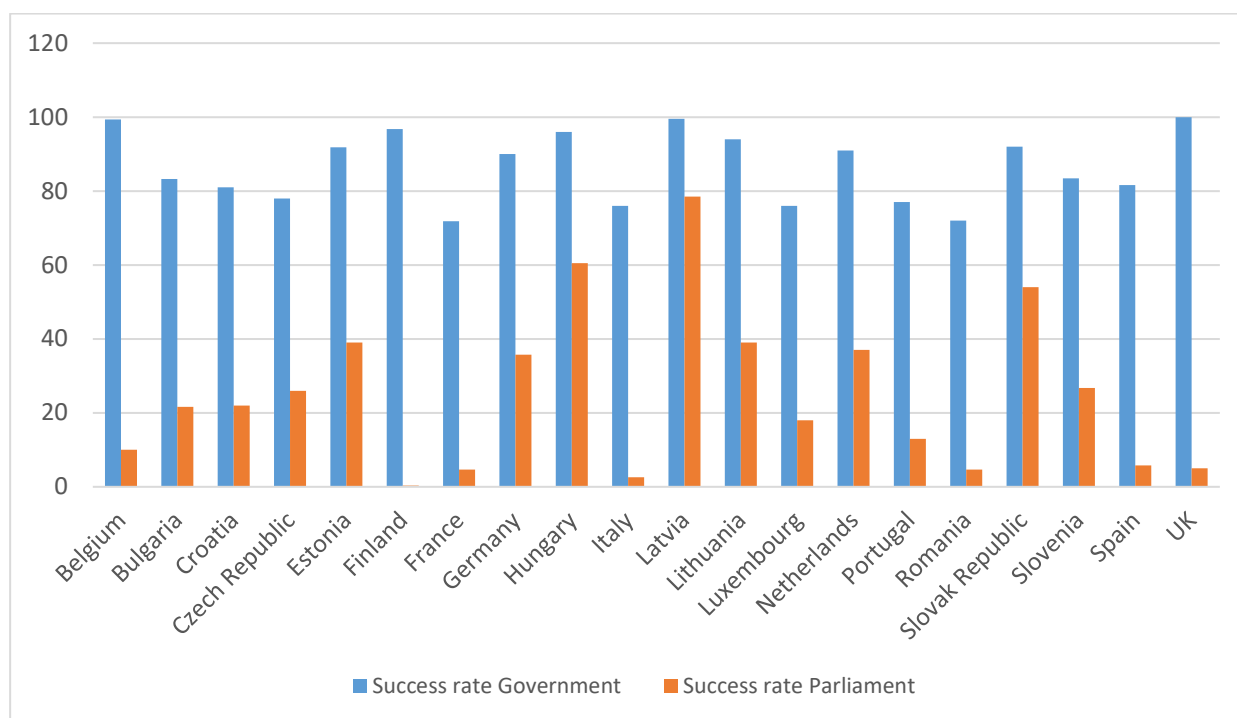
Figure 18 Number of passed and failed bills by country and type of initiator



Notes: G = Government, GP = Government parties, O = Opposition, GOP = Government and opposition parties. Source: Bräuninger/Debus (2009), 819.

The study by Vavrik (2017) confirms these findings and provides for some more nuanced analysis. Hence, Vavrik underlines that while in the BENELUX countries, the success rate of governmental proposals significantly prevails over those made by other actors, the success rate of proposals submitted by individual MPs, political groups or committees in a number of Member States which joined the EU in 2004 is relatively high.

Figure 19 Success rates of Government and Parliament draft bills



Source: Own calculation on the basis of Vavric (2017).

	Government	MP (individually, Committee, or political group)	Period	Success rate Gov.	Success rate Parliament
Belgium	712	2418	2010-2014	99,4	10
Bulgaria	515	425	2009-2013	83,3	21,6
Croatia	986	91	2011-2015	81	22
Czech Republic	347	248	2010-2013	78	26
Estonia	430	224	2012-2015	91,8	39
Finland	944	3191	2011-2014	96,8	0,3
France	320	1317	2012-2015	71,8	4,7
Germany	484	278	2009-2013	90	35,75
Hungary	596	923	2010-2014	96	60,5
Italy	422	3227	2008-2013	76	2,6
Latvia	859	384	2011-2014	99,5	78,5
Lithuania	990	2257	2012-2015	94	39
Luxembourg	228	16	2011-2013	76	18
Netherlands	1245	131	2005-2015	91	37
Portugal	345	1050	2011-2015	77	13
Romania	618	1081	2012-2015	72	4,7
Slovak Republic	269	671	2012-2015	92	54
Slovenia	386	81	2011-2014	83,4	26,7
Spain	147	292	2011-2015	81,6	5,8
UK	26	100	2013-2015	100	5

Source: Own calculation on the basis of Vavric (2017).

As a rule, the right of legislative initiative is conclusively regulated by the Constitution. A common feature to all EU Member State Constitutions is to be found in the precise enumeration by the Constitution of the various holders of the right to initiate laws. All 28 Member States under review grant their Parliament the right to bring forward legislative proposals. 27 Constitutions also allow the Government to forward draft bills, and some Member States grant other actors with the right to initiate and/or to co-sponsor legislation. Legislative proposals by parliaments need to meet certain formal requirements. In most European countries the right of legislative initiative belongs explicitly to each member of the Parliament, taken individually. Only very few Constitutions refer only to the Parliament considered as a whole, as in Article 73.1 of the Constitution of Greece: „The right to introduce Bills belongs to the Parliament and the Government“. Most Constitutions require a numerical support within the Parliament for legislative initiatives. For instance, Article 65 of the Latvian Constitution grants the right of legislative initiative only to committees of the Seima or to no less than five Members of the Seima. Most often there is a required minimum number of signatures, and/or legislative proposals can only be brought forward by parliamentary groups or committees. In some cases, there is also a limitation to policy fields, in which the parliament can initiate legislation. Most often, such restricted fields cover the state budget, where the Government enjoys an exclusive right to initiate legislation. In some cases, we find additional restrictions with regard to specific laws, or the content of the law. For instance, the Constitution of France in its Article 40 provides specifically that „Bills and amendments introduced by Members of Parliament shall not be admissible where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure“.

In practice, we analysed legislative proposals in Austria and Germany, as well as the adopted bills in Italy. The results of Germany (1990-2017) showed that both, the legislative (44,7% of initiatives) and the executive branch (55,3% of initiatives), extensively used the right to initiate legislation. However, proposals of the Government had a much higher chance of adoption with 89,7% (2834/3160), whereas only 30% (765/2550) of parliamentary proposals were accepted. In Austria (1990-2017) the Parliament, Nationalrat and Bundesrat, initiated all in all 3263 draft bills (53,9%), whereas the Government stood behind 2786 (46%) initiatives. In Italy (1990-2013), we found that 76.2% of adopted primary laws were sponsored by the Government and only 23.8% were sponsored by Members of Parliament.

7. CONCLUSIONS AND RECOMMENDATIONS

A key element of European democratic systems is that directly elected parliaments represent the citizens, aggregate their views and opinions and act on their behalf. In this regard, the EU's institutional design faces a multitude of questions as to how representative this system of multi-level governance is, in which way its quasi-executive branches – the European Council, the Council and the Commission – are accountable to the citizens via a directly legitimated body and how democratic the decision making procedures between the Union's legislative authorities are. To a greater extent than any other international organisation, the EU has crossed the boundary from horizontal and single issue based, interstate co-operation to both horizontal and vertical policy making in a dynamic multi-level structure, in which Member States are but one level of the polity.

We conceive the EU as a dynamic political system which exercises quasi-governmental power. However, the very process of European integration does not feature the establishment of government structures along the ideal lines of the nation state. In the contrary, the main idea of integration is the continuous search for problem-solving capacities in specific policy areas without explicitly considering the mode of appropriate government structures.

Parliaments are not structured to lead the political process. They lack the financial and bureaucratic resources to guide and manage the direction of policy in a way that executive bodies can. The role of parliaments as supervisors of governments does not suit them to assume the functions of those they seek to control. Their participation in law-making is shaped by competition between parties and by the composition of the Government. Parliaments do not have followers they can persuade to take the lead: voters are attracted to parties, not parliaments. In short, political leadership can be „displayed“ in parliaments but is not formed by them as institutions.

The European Parliament is no exception to these general observations. Its bureaucracy is, compared to the Commission, relatively small and its budget is devoted to administrative and not operational expenditure. It acts to control the various executive bodies of the European Union, without pretending to take their place. Its legislative role continues to be shared with the Council of the EU and is strongly conditioned by negotiations between the main political groups, with no group enjoying a dominant role and no structural coalition to back the Commission. Parliament has certainly become a more important player in European politics in the last thirty years, but it does not even appear in the peripheral vision of most commentators when they scrutinize the horizons of leadership in the EU (Judge/Earnshaw 2008, 245).

However, the position of Parliament is not the same as that of the EU's national parliaments. The latter exist within national systems of governance where the place of executive leadership is well established and accepted as legitimate, even if the holders of specific offices and the policies they adopt can be strongly contested. In the EU's system, it is much more difficult to determine who is leading, or who should set the political agenda. There is a constant rush between institutions, all defending their prerogatives and none ready to subordinate to the leadership claims of others. In such an environment of inter-institutional competition, Parliament has remarkably succeeded in influencing the nature of individual policies as well as shaping the system development agenda (Judge/Earnshaw 2008; Corbett et al. 2016; Shackleton 2017).

The EU's political system resembles more those national systems where political parties are rather weakly organised and less cohesive, and executives are drawn not from the legislature but directly elected with their own source of legitimacy. Unlike in Germany or France, but more like in the US or in

Switzerland, the EU system is characterised by bipartisan legislative activities as a normal feature of the policy-making process. When party political ideology and partisanship do not perfectly match, incentives for bipartisan activities prevail. Of course, Parliament's legislative behaviour along the lines of compromise, concordance and consensus appears strange for observers of parliamentary systems where the overall success of government usually depends on the systematic and structured support of a majority of votes in parliament (Maurer 2013). Usually then, parties or groups that form the government strongly organise their support. Due to the lack of a clearly hierarchical and party-politicised relationship between Parliament and the executive branch, Parliament is able to develop autonomous decision-making, agenda-setting, and agenda-shaping preferences. Parliament thus approximates the US Congress or the Swiss National Council. In these parliaments, too, the majority and opposition are not as clearly defined as in the EU Member States.

To assess the capability of Parliament in representing and articulating the Union's citizenry, we investigated the exploitation of the EU's constitutional offers with regard to the legislative procedures involving Parliament. We conceive the EU's primary law – the Treaties and similar, para-constitutional acts like inter-institutional agreements – as „subsequent offers” to the EU institutions and the Member States for joint decision making and for delegating powers from one level to another. Obviously, the Union's constitutional bases do not „dictate” a clear nomenclature of procedures, actors to be involved and policy fields to be applied. Instead, since the Single European Act (SEA) revision of 1987 the institutions have to choose – by the application of one or more legal bases – whether a proposed piece of legislation has to be decided by qualified majority or unanimity, whether the legislation should be adopted in the format of a regulation, a directive or another type, and whether referral should be made to the consultation, to the consent, to the ordinary legislative procedure or without any participation of Parliament. In other words, different procedural blueprints and inter-institutional rules compete for application.

Conventional wisdom holds, that one weakness of Parliament, is its inability to independently introduce new legislation (Westlake 1994). Hence, with a few exceptions in the area of parliamentary self-organisation, Parliament lacks the power to formally introduce bills itself. This is an anomaly among legislatures in democratic systems, which usually enjoy at least the formal right to try to set the policy agenda through the initiation of bills. We therefore asked whether the inability of Parliament to directly initiate legislative proposals calls into question the extent to which it is able to shape the EU policy agenda and foster EU legislative action in policy areas it deems important. Regardless of this complex fabric for multi-level and multi-actor governance, Parliament has always been able to develop, to discuss and to address policy proposals. In this specific regard, INI and INL reports and resolutions reflect MEP's free mandate. INI and INL reports are an indicator for measuring the interest of MEP's in using different, legislative and non-legislative, scrutiny instruments offered to Parliament. Initiative reports and resolutions are a key of Parliament's representation or interaction function. They effectively reflect awareness and interest of individual MEP's in making an issue public to the outside world – towards the Union's citizenry but also towards the Council and the Commission.

Findings by Kreppel and Webb (2019) regarding the relationship between INI/INL reports and legislative outcomes show that Parliament's reports are more influential on measures adopted under the ordinary legislative procedure than on policies decided under other procedures. Seen from the far end of legislative proceedings, Parliament is a „more effective agenda setter in those policy domains in which it has already been granted direct policy influence”. In addition, Kreppel and Webb also provide convincing evidence to suggest that Parliament performs effective agenda-(co)-setting via INI/INL reports when they aim at identifying relatively new policy arenas. Given that the Lisbon Treaty expanded the scope of application for OLP, we would expect more influence of INL reports in the

future. However, most of the policy areas subject to the OLP were already operationalised and consumed by the Council before. In addition, areas under stress and reform such as EMU or justice and home affairs are subject to strong and explicit contestation by many Member States, and the Commission shows little engagement in pushing into a supranational deepening of these areas.

Building on our findings, we can organise our recommendations for potential development of the instruments for parliamentary initiative into three categories: A straightforward possibility would consist in a Treaty revision of Article 225 TFEU, which would possibly impact on revising Articles 17 TEU, 241 TFEU, 289 TFEU, and 294 TFEU. A softer revision would focus on adjusting the existing framework agreements to strengthen the constraining nature of Parliament's initiatives. A more exotic way of reform would lean on the practice of delegating inter-institutional, para-constitutional, binding rules in a way similar to the procedures provided for in Articles 27(3) TEU (regarding the setting-up and functioning of the EEAS), 24(1) TFEU (regarding the functioning of the European Citizen Initiative), or Article 291(3) TFEU (regarding the organization of the EU's implementing acts).

7.1. Treaty revision

The AFCO report of 5 December 2018 on the state of the debate on the future of Europe¹⁰³ recalled its proposal according to which, „in the event of a possible future revision of the Treaties, the right of legislative initiative could also be attributed to Parliament as the direct representative of EU citizens“. Also Ursula von der Leyen, now Commission President, addressed the issue in her speech to Parliament on 16 July 2019, just before her election, declaring her full support for a right of initiative for the European Parliament.

If Article 225 TFEU would be subject to revision, Parliament should consider first, whether the Commission should remain the key addressee of parliamentary initiatives, fully in line with Article 17 TEU. Alternatively, Parliament might opt for a direct right of legislative initiative, competing with the Commission's role. If Parliament chooses to defend the Commission's quasi-monopoly for initiative, further consideration should be given to the wording of Article 225 TFEU. A revised wording of Article 225 TFEU that would reinforce the obligatory character of INL requests would not conflict the Commission's role as key catalyst for legislative initiative.

However, it is safe to assume strong criticism by Member States against such a move. They are likely to argue that obliging the Commission to forward a legislative proposal would impinge upon the Treaties' allocation of powers to the institutions or upon the institutional equilibrium they create. Parliament should therefore prepare for a strategic answer by stressing the extreme asymmetry between Parliament, the European Council and the Council, and the Commission with regard to legislative agenda-setting in the day-to-practice of today's Union. Hence, while the Treaties basically hold that Union legislative acts may only be adopted on the basis of a Commission proposal, the living Constitution of the Union is heavily coined by:

- an encirclement of the Commission by Member States' expert groups, and other „advisory“ bodies that execute a continuous watchdog exercise in the early phases of the EU's policy cycle,

¹⁰³ See European Parliament, Committee on Constitutional Affairs (2018). Report of 5 December 2018. A8-0427/2018 on the state of the debate on the future of Europe (2018/2094(INI)).

- a limitation of the Commission's right for initiative in the area of Economic and Monetary Union (recommendations instead of initiatives), and in the area of Common Foreign and Security Policy, where competences have been transferred from the Commission to the High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service (EEAS), and
- a de-facto right of operational initiative of the European Council in Justice and Home affairs. According to article 68 TFEU, the multiannual, operational programmes are to be formulated by the European Council, with no obligation to consult Parliament or the Commission. This provision is a remnant of the pre-Lisbon/Nice/Amsterdam era of the Maastricht treaty, where the former third (intergovernmental) pillar consisted of a simple framework for coordination and cooperation between ministries of home affairs and justice.

Given these interferences against the Commission's power of legislative initiative, Parliament could argue for receiving a larger or weightier power of indirect initiative:

- depending on other actors' activities striving for legislative initiative: If, for example, social partners would activate Article 155 (2) TFEU to conclude a draft agreement at Union level for matters covered by Article 153 TFEU, a revised Article 225 TFEU could provide for a specific link: If social partners submit a draft agreement, and Parliament would support such initiative under an INL procedure, the Commission would be obliged to translate both initiatives into a proper Commission proposal.
- to rebalance the institutional equilibrium in those areas where the Commission does not enjoy the exclusive right of initiative.
- to provide Parliament with a more prominent role in the formulation policy in the field of internal security and EU criminal law through by referring to Article 225 TFEU for the adoption of AFSJ programmes that are more coherent with the allocation of power under the OLP.

In practice, Parliament could reconsider its proposal forwarded during the IGC that concluded on the Maastricht treaty. Here, the second interim report called "for Parliament to be given the right to initiate legislative proposals in cases where the Commission fails to respond within a specified deadline to a specific request adopted by a majority of Members of Parliament to introduce proposals; in such cases a Parliament proposal adopted by a majority of Members would be the basis for initiating the legislative procedure".¹⁰⁴ Implementing this amendment in today's treaty framework would be possible through an overhaul of Article 225 TFEU or Article 294 TFEU on the OLP. Article 294 (2) TFEU could then read:

"2. The Commission shall submit a proposal to the European Parliament and the Council. Where the Commission fails to respond to a specific request to introduce a legislative proposal according to Article 225 TFEU, Parliament's request adopted by a majority of Members forms the basis for initiating the procedure."

Following such a revised kick-off phase, there would be no need to rewrite the first reading of Parliament. Hence, if a parliamentary request under Article 225 would mutate into a legislative proposal, Parliament should still have the first word to recast, fine-tune, and substantiate the original

¹⁰⁴ See European Parliament (1990). Second Interim Report drawn up on behalf of the Committee on Institutional Affairs (Rapp. David Martin) on the Intergovernmental Conference in the context of Parliament's strategy for European Union. Session Documents 1990, Document A3-166/90, 25 June 1990.

request. If parties would move to amend the following paragraphs in order to re-introduce the Commission within the first reading, the following paragraphs could be considered:

“3. The European Parliament shall adopt its position at first reading and communicate it to the Council and the Commission.

4. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording which corresponds to the position of the European Parliament.

5. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament and the Commission.

6. The Council shall inform the European Parliament and the Commission fully of the reasons which led it to adopt its position at first reading.

6a. The Commission shall inform the European Parliament and the Council fully of its position. If, within three months after the adoption of Parliament's first reading, the Commission does not approve the European Parliament's position, it shall adopt its position as legislative proposal. In such a case, the Commission shall base its proposal on the European Parliament's original request to introduce a legislative proposal.”

Such an amendment would make it harder for the European Commission not to respond to parliamentary INL requests. By the same token, the amendment would put Parliament under full responsibility at the early, pre-legislative stage of Article 225-requests. Moreover, the possibility for the Commission to react to Parliament's “mutated” proposal by introducing a proper proposal would prevent the hurrying into trilogues and first reading agreements. While this might be considered as an obstruction to “easy procedures” (where all institutions broadly agree on the content), protagonists calling for more transparency in OLP could be satisfied, since unpremeditated rushing into first reading negotiations could be prevented. Moreover, we should recall that Article 225 INL requests are likely to be of an unprecedented, original nature, where quick solutions – and hasty rush into trilogue – should be obviated.

7.2. Revision of the 2010 Framework Agreement

If the European Council will not agree on a Treaty revision under Article 48 TEU, Parliament might explore other ways for reform. Regardless of the possibility of Treaty revision, Parliament could consider to invite the Commission to negotiate on an update of the 2010 FA. The FA would be the right place to agree on a more realistic timeframe for the response of the Commission that could improve the credibility of the entire process. The same applies in principle to the proposed schedules for the submission of legislative proposals as well. Considering that the Commission did not or was not able to follow the schedule for more than 20 years, a new, more practicable arrangement should be negotiated between EP and Commission. Either it is the „three-months-timeframe” that needs to be reconsidered respectively extended. Or it is Parliament that needs to seriously consider the trend of filling more and more information and complexity in each single INL-report. A combination of both paths would make the process more time saving and focused.

In this context, Parliament might also consider whether the pooling of – sometimes dozens and not necessarily related – requests that it directs to various actors beyond the Commission is in its political interest to strategically gain visibility as „co-initiator”, and to strive for legislative partnership with other actors that are widely ignored by the European Council or the Council. If Parliament wants to strictly follow the opportunity structures provided for in the Treaties, it should look out for focused INL-reports

that formulate legislative requests and address Parliament's ideas to the Commission only. If necessary, those demands for new or amending existing legislation could be accompanied by „normal“ i.e. (non-legislative) INI-reports. Anyway, we would suggest for a clearer distinction between legislative INL-reports and non-legislative INI-reports to upgrade the significance and transparency of INL-resolutions as a whole.

More focused INL reports would make it harder for the Commission to downgrade their quality. In addition, a revised FA might invite or oblige the Commission to link its draft initiatives more clearly to EP INL or INI reports. Providing a clear „legislative influence footprint“ for legislative proposals would enhance both, transparency and accountability.

Finally, Parliament might consider the concept of sponsorship for legislative action by third parties to strengthen its request for legislative initiative. Nothing would prevent Parliament to seriously follow the negotiations between management and labour under Article 155 TFEU. If social partners reach agreement in matters covered by Article 153 TFEU, and the Commission is unwilling to translate the respective request into a legislative proposal (Dorsemont/Lörcher/Schmitt 2019; Tricart 2019), Parliament should undertake to react as the Union's legislator. In practice, a revised FA could take into account the procedure described in Article 155 TFEU in order to create an opportunity for Parliament to receive and reinforce social partners' joint positions. Given the serious doubt whether the Commission's recent decisions to refuse such agreements is contrary to the formal obligation enshrined in Article 155(2) TFEU, the duty to respect the autonomy of the social partners in Article 152 TFEU, and the recognition of the right to collective bargaining in Article 28 of the Charter of Fundamental Rights of the EU (Dorsemont/Lörcher/Schmitt 2019), Parliament should make an effort to stand alongside the social partners and frame a combination of Articles 155 and 225 TFEU.

A similar procedure of „reinforcing“ other actors' legitimate requests for legislative action could be foreseen in relation to the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR), whenever one of the consultative institutions adopts a request for legislative initiative. Building on Articles 304 (for the EESC) and 307 (for the CoR), a revised FA could provide for a procedure whereby Parliament would pay special attention to legislative requests issued by the EESC or CoR and consider their transposition into an Article 225 TFEU request. In such a case of legislative sponsorship and tri-institutional requests, the FA could provide for a de-facto obligation for the Commission to forward a legislative proposal.

Finally, the idea of inter-institutional co-sponsorship for legislative initiative could also be applied for the framework of cooperation between Parliament and national parliaments. One could build on the respective debate of the Plenary meeting of the 23rd COSAC from 31 May to 2 June 2015 and AFCO's written contribution “to consider further developments of the dialogue with national Parliaments in the framework of the right of initiative that the European Parliament already enjoys according to Article 225 TFEU” (Answer to question 44 of the questionnaire for the 23rd Bi-annual Report of COSAC, Annex to the 23rd Bi-annual Report of COSAC, 679-680). Accordingly, Parliament could provide for a mechanism to include national parliaments in its legislative initiative within the framework of Article 9 of Protocol 1 of the Lisbon Treaty. As developed by Borońska-Hryniewiecka (2015), the provision leaves it to the discretion of both Parliament and the national parliaments to “determine the organisation and promotion of their effective and regular cooperation within the EU. Since the provision does not preclude any options, it could be assumed that joint elaboration of legislative proposals, which the EP would later submit to the European Commission, would not require treaty changes” (Borońska-Hryniewiecka 2015, 3). Such kind of interparliamentary “green card” procedure could be formalised through an amendment of COSAC's Rules of Procedure, or an interparliamentary memorandum of understanding. To sum up, we would suggest the following draft for a revision of Article 16 of the FA:

- Within 3 months after the adoption of a parliamentary resolution, the Commission shall provide information to Parliament in writing on action taken in response to specific requests addressed to it in Parliament's resolutions, including in cases where it has not been able to follow Parliament's views. That period may be shortened where a request is urgent. It may be extended by 1 month where a request calls for more exhaustive work and this is duly substantiated. Parliament will make sure that this information is widely distributed within the institution. Parliament will endeavour to avoid asking oral or written questions concerning issues in respect of which the Commission has already informed Parliament of its position through a written follow-up communication.
- The Commission shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU (legislative initiative report) within 4 months following adoption of the corresponding resolution in plenary. The Commission shall come forward with a legislative proposal at the latest after 1 year or shall include the proposal in its next year's Work Programme. If the Commission does not submit a proposal, it shall give Parliament detailed explanations of the reasons.
- The Commission shall also commit itself to a close and early cooperation with Parliament on any legislative initiative requests emanating from citizens' initiatives
- A legislative initiative report pursuant to Article 225 TFEU contains at least one specific proposal for the elaboration of a concrete Union act. The report shall include factually substantiated information on the expected time frame with regard to the submission of a Commission proposal.
- Parliament undertakes to include a political analysis of „European added value“ and, where appropriate, the „costs of non-Europe“ with each legislative initiative report. Studies attached to the legislative initiative report may substantiate the legislative measures required in report on the basis of the already existing legal framework. The two institutions underline that requests under Article 225 TFEU are of a political nature and must not necessarily be subject to a comprehensive, technical and financial ex-ante assessment.
- Parliament undertakes to address its legislative requests towards the European Commission. In each legislative report under Article 225 TFEU, legislative requests are clearly prioritised and ranked before non-legislative ones as well as according to the urgency perceived by Parliament.
- Parliament shall detail its requests in the annex to the legislative own-initiative report.
- The Commission undertakes to justify its final answer to Parliament's request, taking into account the study attached by Parliament, within six months.
- The Commission undertakes to submit a legislative proposal whenever Parliament adopts a legislative initiative report under Article 225 TFEU that takes on legislative requests by the social partners (Article 155(2) TFEU), on a successful European Citizen Initiative, or on own initiative opinions by the European Economic and Social Committee (Article 304 TFEU), or the Committee of the Regions (Article 307 TFEU) that include detailed requests for legislative initiative.
- Requests by Parliament under Article 225 TFEU and the Commission's respective proceedings are featured by Parliament on a special online platform.

- In accordance with the principles of transparency and loyal cooperation, the Commission undertakes, in cases where it has at least partially complied with Parliament's request, to clearly indicate the corresponding INL report in its legislative proposal.

We assume that public and academic claims continue to point to Parliament's inability to independently introduce new legislation. We could show that such absolutely stated claims cannot be proven empirically. Against this background, the question remains why even the informed public sticks to a distorted image of Parliament. One reason might be found in the ignorance of Parliament's INI and INL report activities. The distorted image of Parliament as an "untrue" assembly is likely to remain, if observers continue to perceive own-initiatives as some kind of a traditional instrument to compensate for missing legislative rights. Nothing prevents Parliament to change such out-dated views. Building on its established procedures for structuring and managing its activity, Parliament might consider how to increase the attention of INL reports and the awareness of its respective proceedings. For example, INL reports could be featured on the Plenary's agenda, specifically "flagged" on Parliament's website, and become subject of specific PR activities. Finally, Parliament could examine to follow on the practice of nominating Vice-Presidents with specific portfolios: To date, there are two Vice-Presidents in charge of national parliaments and three Vice-Presidents responsible for conciliation. Building on these positions, two Vice-Presidents in charge of legislative initiative could facilitate Parliament's agenda-setting and help to increase Parliament's profile. They could be in charge of inter-institutional negotiations and arrangements for implementing the respective provisions of the bilateral Framework Agreement and the trilateral IIA on Better Law-Making, and for organising co-sponsorship of legislative initiatives by other actors.

8. REFERENCES

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ANNEX 1: REQUESTING RIGHTS UNDER THE TREATIES

Table 9 Requests and agenda-setting in the EU: The usage of requests in the Treaty of Lisbon and preselected IIA's

Treaty on European Union (TEU) (Lisbon) consolidated			
	Corresponding article (Article)	Sender of the request	Addressee of the request
	17 (6)	President of the Commission	Member of the Commission
	19 (2)	Courts or tribunals of Member States	Court of Justice of the EU
	30 (2)	A Member State	High Representative of the Union for Foreign Affairs and Security Policy (HRCFSP)
	31 (2) sub. 2	European Council	HRCFSP
	31 (2) sub. 5	Council	European Council
	34 (2)	Member States sitting in the UN Security Council	HRCFSP
	38	Council or HRCFSP	Political and Security Committee
	44	Member States	Member States
	50	A (former Member) State	All institutions according to Article 49 TEU
Treaty on the Functioning of the European Union (TFEU) (Lisbon) consolidated			
	48 I	A member of the Council	Council
	48 II	European Council	Commission
	65 (4)	A Member State concerned	Commission
	82 (3)	A member of the Council	Council
	83 (3)	A member of the Council	Council
	86 (1)	A group of at least nine Member States	Council
	87 (3)	A group of at least nine Member States	Council
	126 (9)	Council	a Member State concerned
	134 (2)	Council or Commission	Economic and Financial Committee
	135	Council or a Member State	Commission
	140	A Member State	Commission and the European Central Bank
	150	Council or Commission	Employment Committee
	153 (3)	Management and Labour	A Member State
	155	The signatory parties (Member States)	Council
	155 (2)	Management and Labour (social partners)	Commission
	160	Council or Commission	Social Protection Committee
	201	Any Member State	Commission
	222 (1a)	Member States' political authorities	The Union and its Member States
	222 (1b)	Member States' political authorities	The Union and its Member States
	222 (2)	Member States' political authorities	The other Member States

	225	European Parliament	Commission
	226	European Parliament	European Parliament
	228 (2)	European Parliament	Court of Justice of the EU
	229	European Parliament or Council or Commission	European Parliament
	230	Commission	European Parliament
	237	One of the Council Members or the Commission	Council
	241	Council	Commission
	252	Court of Justice of the EU	Council
	257	Court of Justice of the EU	The European Parliament and the Council
	267	Any Court or tribunal of a Member State	Court of Justice of the EU
	269	The Member State concerned	Court of Justice of the EU
	281	Court of Justice of the EU	European Parliament and the Council
	284 (3)	European Parliament	European Central Bank and the other Members of the Executive board
	286 (6)	Court of Auditors	Court of Justice of the EU
	287 (3)	Court of Auditors	The other institutions of the Union, any bodies, offices or agencies managing revenue or expenditure on behalf of the Union, any natural or legal person in receipt of payments from the budget, and the national audit bodies or, if these do not have the necessary powers, the competent national departments
	287 (4)	One of the other institutions of the Union	Court of Auditors
	289	Court of Justice of the EU or the European Investment Bank	unspecified
	294 (15) sub. 1	Court of Justice of the EU	unspecified
	294 (15) sub. 2	The European Parliament or the Council	Commission
	296	Unspecified	unspecified
	303	The European Parliament or the Council or the Commission	European Economic and Social Committee
	306	The European Parliament or the Council or the Commission	The Committee of the Regions
	307	The European Parliament or the Council or the Commission	European Economic and Social Committee
	308	European Investment Bank	Council
	319 (2)	European Parliament	Commission
	319 (3)	European Parliament or Council	Commission
	329 (1)	Member States	Commission
	329 (2)	Member States	Council and HRCFSP
	331 (1) I	The Member State concerned	Commission
	331 (1) II	The Member State concerned	Council
	331 (2)	The Member State concerned	Council

Protocols			
No. 1	2 I	Court of Justice of the EU	unspecified
No. 1	2 II	European Investment Bank	unspecified
No. 2	3 I	Court of Justice of the EU	unspecified
No. 2	3 II	European Investment Bank	unspecified
No. 3	13	Court of Justice of the EU	European Council and Council
No. 3	16	A Member State or an institution of the Union that is party to the proceedings	The Court of Justice of the EU
No. 3	21	Unspecified	unspecified
No. 3	64	Court of Justice of the EU	unspecified
No.3 I	2	Court of Justice of the EU	Council
No. 5	15	A Member State or the Commission	Board of Governors
No. 10	Preamble clause 8	United Nations Organisation	The (European) Union
No. 10	1	United Nations Organisation	The (European) Union
No. 15	9a	The United Kingdom	Council
No. 16	1	Denmark	unspecified
No. 19	4	Ireland and the United Kingdom of Great Britain and Northern Ireland	Council
No. 19	5 (4)	A Member State	European Council
No. 31	3 (1)	A Member State	Commission
No. 31	3 (2) I	A Member State	Commission
No. 31	3 (2) II	Any Member State	Council
No. 36	3 (2)	A member of the Council	Council
No. 36	3 (3)	A member of the European Council or the Council	European Council or Council
IIA on Better Law-Making (BLM) 2016			
	6	European Parliament and Council	Commission
	10	European Parliament and Council	Commission
	21	European Parliament and Council	Commission
IIA 2010 (Framework Agreement on relations between the European Parliament and the European Commission - FA)			
	11	European Parliament	President of the Commission
	14 I	President of the European Parliament	Commission
	14 II	Any Member of the European Parliament	President of the European Parliament
	15	European Parliament	Commission
	16 I	European Parliament	Commission
	16 II	European Parliament	Commission
	16 III	Citizens' Initiative	Commission
	17	European Parliament	Commission
	19	Chair of „the competent parliamentary committee“	Commission

	25	European Parliament	Commission
	31	Chair of the „parliamentary committee responsible for the discharge procedure“	Commission
	44	European Parliament	Commission
	45 I	European Parliament	Commission
	45 II	European Parliament	Commission
	46	European Parliament	Commission
	47	Members of the Commission	European Parliament
	50	European Parliament	Commission
A I	3	European Parliament	Commission
A II	1.2.3	European Parliament	unspecified
A II	1.3	European Parliament	Commission
A II	1.4	European Parliament	Commission
A II	1.5	European Parliament	Commission
A II	2.1	European Parliament	Commission
A II	2.3	European Parliament	Commission
A II	2.4	European Parliament	Commission
A II	2.5.3	European Parliament	Commission
A II	3.1 I	European Parliament	Commission
A II	3.1 II	European Parliament	Commission
A II	3.1	European Parliament	Commission
A IV	4	European Parliament	Commission

ANNEX 2: PROVISIONS ON LEGISLATIVE INITIATIVE IN CONSTITUTIONS OF THE EU MEMBER STATES

AUSTRIA

Source: Austria's Constitution of 1920, reinstated in 1945, with amendments through 2009.
https://www.constituteproject.org/constitution/Austria_2009.pdf

D. Federal Legislative Procedure

Article 41.

Legislative proposals are submitted to the National Council as motions by its Members, by the Federal Council or by one third of the Federal Council's Members, and as bills by the Federal Government.

Every motion by 100,000 voters or by one sixth each of the voters in three Laender (henceforth called „initiative“) shall be submitted by the Federal electoral board to the National Council for action. The right to vote, as to initiatives, appertains to those who on the day appointed for election possess National Council suffrage and have their principal domicile in a municipality in Federal territory. The initiative must concern a matter to be settled by Federal law and can be put forward in the form of a draft law.

Article 42.

Every enactment of the National Council shall without delay be conveyed by the President to the Federal Council.

Save as otherwise provided by Constitutional law, an enactment can be authenticated and published only if the Federal Council has not raised a reasoned objection to this enactment.

This objection must be conveyed to the National Council in writing by the Chairman of the Federal Council within eight weeks of the enactment's arrival; the Federal Chancellor shall be informed thereof.

If the National Council in the presence of at least half its Members once more carries its original resolution, this shall be authenticated and published. If the Federal Council resolves not to raise any objection or if no reasoned objection is raised within the deadline laid down in paragraph 3 above, the enactment shall be authenticated and published.

The Federal Council has no claim to participation in so far as National Council resolutions concern the National Council's Standing Orders, the dissolution of the National Council, a Federal finance law, a temporary provision consonant with Article 51 paragraph 5 or a disposal of Federal property, the assumption or conversion of a Federal liability, the contraction or the conversion of a Federal monetary debt, the sanction of a final Federal budget account.

Article 43.

If the National Council so resolves or if the majority of Members of the National Council so demands, every enactment of the National Council shall be submitted to a referendum upon conclusion of the procedure pursuant to Article 42 above but before its authentication by the Federal President.

Article 44.

Constitutional laws or Constitutional provisions contained in simple laws can be passed by the National Council only in the presence of at least half the Members and by a two thirds majority of the votes cast; they shall be explicitly specified as such („Constitutional law“, „Constitutional provision“).

Constitutional laws or Constitutional provisions contained in simple laws restricting the competence of the Laender in legislation or execution require furthermore the approval of the Federal Council which must be imparted in the presence of at least half the Members and by a two thirds majority of the votes cast.

Any total revision of the Federal Constitution shall upon conclusion of the procedure pursuant to Article 42 above but before its authentication by the Federal President be submitted to a referendum by the entire nation, whereas any partial revision requires this only if one third of the Members of the National Council or the Federal Council so demands.

Article 45.

For a referendum the absolute majority of the validly cast votes is decisive.

The result of a referendum shall be officially announced.

Article 46.

The procedure for an initiative and a referendum will be prescribed by Federal law.

Any Federal citizen with National Council suffrage has the right to vote.

A referendum takes place at the order of the Federal President.

Article 47

The Constitutional enactment of Federal laws is authenticated by the signature of the Federal President.

The submission for authentication is effected by the Federal Chancellor.

The authentication shall be countersigned by the Federal Chancellor.

Article 48

Federal laws and the Treaties specified in Article 50 will be published with reference to their adoption by the National Council, Federal laws based upon a referendum with reference to the result of that referendum.

Article 49

Federal laws and the Treaties specified in Article 50 shall be published by the Federal Chancellor in the Federal Law Gazette. Unless explicitly provided otherwise, their entry into force begins with expiry of the day on which the number of the Federal Law Gazette containing their publication is issued and distributed, and it extends, unless explicitly provided otherwise, to the entire Federal territory; this does

not however hold good for Treaties which are to be implemented by the issue of laws (Article 50 paragraph 2).

The National Council can on the occasion of giving its sanction to Treaties pursuant to Article 50 resolve that a treaty or individual explicitly specified parts of it shall be published not in the Federal Law Gazette but in another appropriate manner. Such a resolution by the National Council has to state the manner of publication, which must guarantee the accessibility of the treaty for the duration of its validity, and shall be notified by the Federal Chancellor in the Federal Law Gazette. Unless explicitly provided otherwise, the entry into force of such Treaties begins with expiry of the day on which the number of the Federal Law Gazette containing the notification of the resolution by the National Council is issued and distributed, and it extends, unless explicitly provided otherwise, to the entire Federal territory.

A special Federal law on the Federal Law Gazette will be promulgated.

Article 49a.

The Federal Chancellor is empowered jointly with the competent Federal Ministers to restate with binding effect Federal laws, with the exception of this Law, and Treaties published in the Federal Law Gazette in their valid version by publication in the Federal Law Gazette.

1. On the occasion of the publication
 - a) obsolete terminological expressions can be rectified and outdated spelling assimilated to the new manner of writing;
 - b) references to other regulations which no longer tally with current legislation as well as other inconsistencies can be rectified;
 - c) provisions which have been nullified by later regulations or otherwise rendered void can be declared no longer valid;
 - d) title abridgements and alphabetical abbreviations of titles can be laid down;
 - e) the designations of articles, sections, paragraphs, and the like can in case of elimination or insertion be correspondingly altered and in this connection references thereto within the text of the regulation be appropriately rectified;
 - f) interim provisions as well as earlier still applicable versions of the Federal law in question can by specification of their purview be recapitulated and simultaneously with the republication be separately issued.
2. From the day following issue of the republication all Courts and administrative authorities are bound by the restated text in respect of facts materializing thereafter.

Article 49b.

A plebiscite on a matter of fundamental and overall national importance for whose settlement the legislature is competent must take place if the National Council votes it by reason of a motion from its Members or from the Federal Government. Elections and matters subject to a decision by a Court or an administrative authority cannot be the topic of a plebiscite.

A motion pursuant to paragraph 1 above must include a proposal for the formulation of the question to be basically put in the plebiscite. This must consist either of a question to be answered with „Yes“ or „No“ or of two alternative solution proposals.

Plebiscites shall be implemented in a manner analogous to Arts. 45 and 46. The right to vote, as to plebiscites, appertains to those who on the day appointed for election possess National Council

suffrage and have their principal domicile in a municipality in Federal territory. The Federal electoral board must submit the result of a plebiscite to the National Council and the Federal Government.

BELGIUM

Source: The Belgian Constitution, as updated following the constitutional revision of 24 October 2017 (Belgian Official Gazette of 29 November 2017).

https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf

Article 36

The federal legislative power is exercised jointly by the King, the House of Representatives and the Senate.

Article 37

The federal executive power, as regulated by the Constitution, belongs to the King.

Article 38

Each Community has those powers which are recognised by the Constitution or by the laws passed by virtue of the Constitution.

Article 39

The law assigns to the regional bodies that it creates and that are composed of elected representatives the power to manage the matters that it determines, with the exception of those referred to in Articles 30 and 127 to 129, within the scope and according to the manner laid down by a law. This law must be passed by a majority as described in Article 4, last paragraph.

Article 39bis

Except for matters relating to finances or budget or matters that are regulated by a majority of two thirds of the votes cast, matters attributed exclusively to regional bodies can be the subject of a referendum in the Region concerned. The rule referred to in Article 134 determines the procedures and arrangements for the referendum, and is adopted by a majority of two thirds of the votes cast, under the condition that the majority of the members of the Parliament concerned is present. A law passed by a majority as described in Article 4, last paragraph lays down additional majority requirements with respect to the Brussels-Capital Region.

Article 42

The members of the two Houses represent the Nation, and not only those who elected them.

Article 53

All resolutions are passed by an absolute majority of the votes cast, except for what is established by the rules of procedure of the Houses with regard to elections and nominations. If the vote is tied, the proposal submitted for discussion is rejected. Neither of the two Houses can pass a resolution unless a majority of its members is present.

Article 54

Except for budgets and laws requiring a special majority, a reasoned motion signed by at least three-quarters of the members of one of the linguistic groups and tabled following the depositing of the report and prior to the final vote in a public sitting can declare that the provisions that it designates of a Government bill or private member's bill can gravely damage relations between the Communities. In this case, Parliamentary procedure is suspended and the motion is referred to the Council of Ministers, which within thirty days gives its reasoned opinion on the motion and invites the House involved to pronounce on this opinion or on the Government bill or private member's bill that, if need be, has been amended. This procedure can be applied only once by the members of a linguistic group with regard to the same Government bill or private member's bill.

Article 74

As a departure from Article 36, federal legislative power is jointly exercised by the King and the House of Representatives for other matters than those described in Articles 77 and 78.

Article 75

Each branch of the federal legislative power has the right to propose legislation. However, the Senate can only exercise this right with respect to the matters described in Article 77. With respect to the matters described in Article 78, draft bills submitted to the Houses on the King's initiative are tabled with the House of Representatives and then sent to the Senate.

Article 83

Each private member's bill and each Government bill mentions whether it concerns a matter described in Article 74, Article 77 or Article 78.

Article 132

The right to propose legislation belongs to the Community Government and to the members of the Community Parliament.

BULGARIA

Source: Constitution of the Republic of Bulgaria, Prom. SG 56/13 Jul 1991, amend. SG 85/26 Sep 2003, SG 18/25 Feb 2005, SG 27/31 Mar 2006, SG 78/26 Sep 2006 - Constitutional Court Judgment No.7/2006, SG 12/6 Feb 2007.

<http://www.unesco.org/education/edurights/media/docs/a19e069e000921be355541913cb8b7c8b9446efd.pdf>

Article 87

1. Member of the National Assembly or the Council of Ministers shall have the right to introduce a bill.
2. State Budget Bill shall be drawn up and presented by the Council of Ministers.

Article 88

1. Bills shall be read and voted upon twice, during different sessions. By way of exception, the National Assembly may resolve to hold both ballots during a single session.
2. All other acts of the National Assembly shall require a single ballot.
3. Each passed act shall be promulgated in Durzhaven Vestnik (The State Gazette) within 15 days from its passage.

CROATIA

Source: Consolidated text of the Constitution of the Republic of Croatia of 6 July 2010, encompassing the Constitution of the Republic of Croatia (as published in the official journal of the Republic of Croatia, Narodne novine, no. 56/90, 135/97, 8/98 – consolidated text, 113/2000, 124/2000 – consolidated text, 28/2001, 41/2001 – consolidated text, 55/2001 – correction) and the Amendments to the Constitution of the Republic of Croatia published in Narodne novine, no. 76/2010.

<https://www.wipo.int/edocs/lexdocs/laws/en/hr/hr060en.pdf>

Article 82

Unless otherwise specified by the Constitution, the Croatian Parliament shall make decisions by a majority vote, provided that a majority of representatives are present at the session. Representatives shall vote personally.

Article 83

Laws (organic laws) regulating the rights of national minorities shall be passed by the Croatian Parliament by a two-thirds majority vote of all representatives. Laws (organic laws) which elaborate the Constitutionally defined human rights and fundamental freedoms, the electoral system, the organization, competence and mode of work of state bodies and the organization and competence of local and regional self-government shall be passed by the Croatian Parliament by a majority vote of all

representatives. The Croatian Parliament shall pass the decision as per Article 7, Paragraph 2 and Article 8 of the Constitution by a two-thirds majority vote of all representatives.

Article 84

Sessions of the Croatian Parliament shall be public.

Article 85

All representatives, clubs of representatives and working bodies of the Croatian Parliament, as well as the Government of the Republic of Croatia shall have the right to propose laws.

CYPRUS

Source: Cyprus's Constitution of 1960 with Amendments through 2013.

https://www.constituteproject.org/constitution/Cyprus_2013.pdf?lang=en

Article 80

The right to introduce Bills belongs to the Representatives and to the Ministers.

No Bill relating to an increase in budgetary expenditure can be introduced by any Representative.

Article 81

The Budget is introduced to the House of Representatives at least three months before the day fixed by law for the commencement of the financial year and is voted by it not later than the day so fixed.

Within three months from the end of the financial year the final accounts shall be submitted to the House of Representatives for approval.

Article 82

A law or decision of the House of Representatives shall come into operation on its publication in the official Gazette of the Republic unless another date is provided by such law or decision.

CZECH REPUBLIC

Source: Czech Republic's Constitution of 1993 with Amendments through 2013

https://www.constituteproject.org/constitution/Czech_Republic_2013.pdf?lang=en

Article 39

1. One-third of the Members of each chamber constitutes a quorum.
2. Unless this Constitution provides otherwise, the consent of a simple majority of the Deputies or Senators present is required for the adoption of a resolution in either chamber.
3. The concurrence of an absolute majority of all Deputies and an absolute majority of all Senators is required for the adoption of a resolution declaring a state of war or a resolution granting assent to sending the armed forces of the Czech Republic outside the territory of the Czech Republic or the stationing of the armed forces of other states within the territory of the Czech Republic, as well as with the adoption of a resolution concerning the Czech Republic's participation in the defensive systems of an international organization of which the Czech Republic is a member.
4. The concurrence of three-fifths of all Deputies and three-fifths of all Senators present is required for the adoption of a Constitutional act or for giving assent to the ratification of Treaties referred to in Article 10a paragraph 1.

Article 40

In order to adopt an electoral law, a law concerning the principles of dealings and relations of both chambers, both between themselves and externally, or a law enacting the standing orders for the Senate, both the Assembly of Deputies and the Senate must approve it.

Article 41

1. Bills shall be introduced in the Assembly of Deputies.
2. Bills may be introduced by Deputies, groups of Deputies, the Senate, the government, or representative bodies of higher self-governing regions.

Article 42

1. Bills on the state budget and the final state accounting shall be introduced by the government.
2. These bills shall be debated at a public meeting, and only the Assembly of Deputies may adopt resolutions concerning them.

Article 43

Parliament decides on the declaration of a state of war, if the Czech Republic is attacked, or if such is necessary for the fulfilment of its international treaty obligations on collective self-defense against aggression.

The Parliament decides on the Czech Republic's participation in defensive systems of an international organization of which the Czech Republic is a member.

The Parliament gives its consent to a) the sending the armed forces of the Czech Republic outside the territory of the Czech Republic; b) the stationing of the armed forces of other states within the territory of the Czech Republic, unless such decisions are reserved to the government.

The government may decide to send the armed forces of the Czech Republic outside the territory of the Czech Republic and to allow the stationing of the armed forces of other states within the territory of the Czech Republic for a period not exceeding 60 days, in matters concerning the:

- a. the fulfillment of obligations pursuant to Treaties on collective self-defense against aggression,
- b. participation in peace-keeping operations pursuant to the decision of an international organization of which the Czech Republic is a member, if the receiving state consents;
- c. participation in rescue operations in cases of natural catastrophe, industrial or ecological accidents.

The government may also decide:

- d. on the transfer of the armed forces of other states across the territory of the Czech Republic and on their overflight over the territory of the Czech Republic.
- e. on the participation of the armed forces of the Czech Republic in military exercises outside the territory of the Czech Republic and on the participation of the armed forces of other states in military exercises within the territory of the Czech Republic.

Without delay the government shall inform both chambers of Parliament concerning any decisions it makes pursuant to paras. 4 and 5. The Parliament may annul the government's decisions; in order to annul such decisions of the government, the disapproving resolution of one of the chambers, adopted by an absolute majority of all its Members, shall suffice.

Article 44

1. The government has the right to express its views on all bills.
2. If the government does not express its views on a bill within thirty days of the of the delivery thereof, it shall be presumed to have positive views.
3. The government is entitled to require that the Assembly of Deputies conclude debate on a government-sponsored bill within three months of its submission, provided that the government joins with it a request for a vote of confidence.

Article 45

The Assembly of Deputies shall submit bills which it has approved to the Senate without undue delay.

Article 46

The Senate shall debate bills and take action on them within thirty days of their submission.

The Senate shall either adopt bills, reject them, return them to the Assembly of Deputies with proposed amendments, or declare its intention not to deal with them.

If the Senate does not declare its intention within the time period permitted by paragraph 1, it shall be deemed to have adopted a bill.

Article 47

If the Senate rejects a bill, the Assembly of Deputies shall vote on it again. The bill is adopted if it is approved by an absolute majority of all Deputies.

If the Senate returns a bill to the Assembly of Deputies with proposed amendments, the Assembly of Deputies shall vote on the version of the bill approved by the Senate. The bill is adopted by its resolution.

If the Assembly of Deputies does not approve the version of the bill adopted by the Senate, it shall vote again on the version it submitted to the Senate. The bill is adopted if it is approved by an absolute majority of all Deputies.

The Assembly of Deputies may not propose amendments in the course of debate on a bill that has been rejected or returned to it.

Article 48

If the Senate declares its intent not to deal with a bill, it shall be adopted by that declaration.

Article 49

The assent of both chambers of Parliament is required for the ratification of Treaties:

- a. affecting the rights or duties of persons;
- b. of alliance, peace, or other political nature;
- c. by which the Czech Republic becomes a member of an international organization;
- d. of a general economic nature;
- e. concerning additional matters, the regulation of which is reserved to statute.

Article 50

With the exception of Constitutional acts, the President of the Republic has the right to return adopted acts, with a statement of her reasons, within fifteen days of the day they were submitted to her.

The Assembly of Deputies shall vote again on returned acts. Proposed amendments are not permitted. If the Assembly of Deputies reaffirms its approval of the act by an absolute majority of all Deputies, the act shall be promulgated. Otherwise the act shall be deemed not to have been adopted.

Article 51

Statutes that have been adopted shall be signed by the Chairperson of the Assembly of Deputies, the President of the Republic, and the Prime Minister.

Article 52

In order for a statute to be valid, it must be promulgated.

The manner in which statutes and Treaties are to be promulgated shall be provided for by statute.

Article 53

Each Deputy has the right to interpellate the government or Members of it concerning matters within their competence. Interpellated Members of the government shall respond to an interpellation within thirty days of its submission.

DENMARK

Source: The Constitutional Act of Denmark, of 5 June 1953. https://www.stm.dk/p_10992.html

§41

1. Any member of the Folketing shall be entitled to introduce Bills and other measures.
2. No Bill shall be finally passed until it has been read three times in the Folketing.
3. Two-fifths of the Members of the Folketing may request of the President that the third reading of a Bill shall not take place until twelve weekdays after it has passed the second reading. The request shall be made in writing and signed by the Members making it. There shall be no such postponement in connection with Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Naturalization Bills, Expropriation Bills, Indirect Taxation Bills, and, in emergencies, Bills the enactment of which cannot be postponed because of the intent of the Act.
4. In the case of a new election, and at the end of the sessional year, all Bills and other measures which have not been finally passed shall be void.

§42

1. Where a Bill has been passed by the Folketing, one-third of the Members of the Folketing may, within three weekdays from the final passing of the Bill, request of the President that the Bill be submitted to a referendum. Such request shall be made in writing and signed by the Members making the request.
2. Except in the instance mentioned in sub-section 7, no Bill which may be submitted to a referendum (see sub-section (6)), shall receive the Royal Assent before the expiration of the time limit stated in sub-section (1), or before a referendum requested as aforesaid has taken place.
3. Where a referendum on a Bill has been requested the Folketing may, within a period of five weekdays from the final passing of the Bill, resolve that the Bill shall be withdrawn
4. Where the Folketing has made no resolution in accordance with sub-section (3), notice that the Bill is to be submitted to a referendum shall be given without delay to the Prime Minister, who shall then cause the Bill to be published together with a statement that a referendum is to be held. The referendum shall be held, in accordance with the decision of the Prime Minister, not less than twelve and not more than eighteen weekdays after the publication of the Bill.
5. At the referendum votes shall be cast for or against the Bill. For the Bill to be rejected, a majority of the electors who vote and not less than thirty per cent of all persons who are entitled to vote, shall have voted against the Bill.

6. Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Civil Servants (Amendment) Bills, Salaries and Pensions Bills, Naturalization Bills, Expropriation Bills, Taxation (Direct and Indirect) Bills, as well as Bills introduced for the purpose of discharging existing treaty obligations shall not be submitted to decision by referendum. This provision shall also apply to the Bills referred to in sections 9, 8, 10, and 11, and to such resolutions as are provided for in section 19, if existing in the form of a law, unless it has been prescribed by a special Act that such resolutions shall be submitted to referendum. Amendments to the Constitutional Act shall be governed by the rules laid down in section 88.
7. In an emergency a Bill which may be submitted to a referendum may receive the Royal Assent immediately after it has been passed, provided that the Bill contains a provision to this effect. Where, under the rules of sub-section (1), one-third of the Members of the Folketing request a referendum on the Bill or on the Act to which the Royal Assent has been given, such referendum shall be held in accordance with the above rules. Where the Act is rejected by the referendum an announcement to that effect shall be made by the Prime Minister without undue delay, and not later than fourteen days after the referendum was held. From the date of such announcement the Act shall become ineffective.
8. Rules for referenda, including the extent to which referenda shall be held in the Faroe Islands and in Greenland, shall be laid down by statute.

ESTONIA

Source: The Constitution of the Republic of Estonia, Passed 28.06.1992, RT 1992, 26, 349, Entry into force 03.07.1992, <https://www.riigiteataja.ee/en/eli/530102013003/consolide>

Article 103

The right to initiate laws shall rest with:

1. Members of the Riigikogu;
2. factions of the Riigikogu;
3. Riigikogu committees;
4. the Government of the Republic;
5. the President of the Republic for amendments to the Constitution.

The Riigikogu shall have the right, with a resolution adopted by a majority of its complement, to propose to the Government of the Republic that it initiate a draft desired by the Riigikogu.

Article 104

Procedures for the adoption of laws shall be determined by the Law On the Riigikogu By-Laws.

The following laws may be adopted or amended only by a majority of the Membership of the Riigikogu:

1. Law On Citizenship;
2. Law On the Riigikogu Elections;
3. Law On Electing the President of the Republic;

4. Law On Local Government Elections;
5. Referendum Law;
6. Law On the Riigikogu By-Laws and Law On the Riigikogu Procedures;
7. Law On the Salaries of the President of the Republic and the Members of the Riigikogu;
8. Law On the Government of the Republic;
9. Law On Court Procedures Against the President of the Republic and the Members of the Government;
10. Law On Cultural Autonomy For Ethnic Minorities;
11. Law On the National Budget;
12. Law On the Bank of Estonia;
13. Law On the State Audit Office;
14. Law On the Organization of the Courts and On Court Procedures;
15. Laws pertaining to external and internal loans, and state asset obligations;
16. Law on a State of Emergency;
17. Law on Peacetime National Defence and Wartime National Defence.

Article 105

The Riigikogu shall have the right to put draft legislation or other national issues to a referendum.

The decision of the people shall be determined by the majority of those participating in the referendum.

A law which has been adopted by referendum shall be immediately proclaimed by the President of the Republic. The referendum decision shall be binding on all state bodies.

Should the draft law which has been put to referendum not receive a majority of yes-votes, the President of the Republic shall declare early elections for the Riigikogu.

Article 106.

Issues related to the budget, taxes, the financial obligations of the state, the ratification of foreign Treaties, and the enactment and ending of a state of emergency may not be put to referendum. Procedures for referenda shall be determined by the Referendum Law.

Article 107.

Laws shall be proclaimed by the President of the Republic.

The President of the Republic shall have the right not to proclaim a law adopted by the Riigikogu, and to return the law to the Riigikogu, within fourteen days of receiving it, together with the reasons for its rejection. If the Riigikogu adopts a law which has been returned by the President of the Republic, without amendments, the President of the Republic shall proclaim the law, or propose to the National Court that it declare the law to be in conflict with the Constitution. If the National Court declares the law to be in accordance with the Constitution, the President of the Republic shall proclaim the law.

Article 108.

A law shall come into force on the tenth day after its publication in the „Riigi Teataja“, unless the law itself determines otherwise.

Article 109.

If the Riigikogu is prevented from convening, the President of the Republic shall have the right, in matters of national interest which cannot be postponed, to issue decrees which have the force of law, and which shall bear the countersignatures of the Speaker of the Riigikogu and the Prime Minister.

When the Riigikogu convenes, the President of the Republic shall present such decrees to the Riigikogu, which shall immediately adopt a law either confirming or repealing the decrees.

Article 110.

Neither the Constitution, the laws listed in Article 104 of the Constitution, nor laws determining state taxes or the national budget can be enacted, amended or repealed by decrees issued by the President of the Republic.

FINLAND

Source: Constitution of Finland, Consolidated translation. The Act, No. 94 of 17 July 1919, was promulgated in Helsinki on 17 July 1919. The latest amendment was Act No. 969 of 17 July 1995.

<https://www.refworld.org/docid/3ae6b53418.html>

Chapter 6 – Legislation

Section 70 - Legislative initiative

The proposal for the enactment of an Act is initiated in the Parliament through a government proposal submitted by the Government or through a legislative motion submitted by a Representative. Legislative motions can be submitted when the Parliament is in session.

A government proposal may be supplemented through a new complementary proposal or it may be withdrawn. A complementary proposal cannot be submitted once the Committee preparing the matter has issued its report.

Section 72 - Consideration of a legislative proposal in the Parliament

Once the relevant report of the Committee preparing the matter has been issued, a legislative proposal is considered in two readings in a plenary session of the Parliament.

In the first reading of the legislative proposal, the report of the Committee is presented and debated, and a decision on the contents of the legislative proposal is made. In the second reading, which at the earliest takes place on the third day after the conclusion of the first reading, the Parliament decides

whether the legislative proposal is accepted or rejected. While the first reading is in progress, the legislative proposal may be referred to the Grand Committee for consideration.

More detailed provisions on the consideration of a legislative proposal are laid down in the Parliament's Rules of Procedure.

Section 73 - Procedure for Constitutional enactment

A proposal on the enactment, amendment or repeal of the Constitution or on the enactment of a limited derogation of the Constitution shall in the second reading be left in abeyance, by a majority of the votes cast, until the first parliamentary session following parliamentary elections. The proposal shall then, once the Committee has issued its report, be adopted without material alterations in one reading in a plenary session by a decision supported by at least two thirds of the votes cast.

However, the proposal may be declared urgent by a decision that has been supported by at least five sixths of the votes cast. In this event, the proposal is not left in abeyance and it can be adopted by a decision supported by at least two thirds of the votes cast.

Section 74 - Supervision of Constitutionality
The Constitutional Law Committee shall issue statements on the Constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights Treaties.

Section 75 - Special legislation for the Åland Islands

The legislative procedure for the Act on the Autonomy of the Åland Islands and the Act on the Right to Acquire Real Estate in the Åland Islands is governed by the specific provisions in those Acts.

The right of the Legislative Assembly of the Åland Islands to submit proposals and the enactment of Acts passed by the Legislative Assembly of Åland are governed by the provisions in the Act on the Autonomy of the Åland Islands.

Section 76 - The Church Act

Provisions on the organisation and administration of the Evangelic Lutheran Church are laid down in the Church Act.

The legislative procedure for enactment of the Church Act and the right to submit legislative proposals relating to the Church Act are governed by the specific provisions in that Code.

Section 77 - Confirmation of Acts

An Act adopted by the Parliament shall be submitted to the President of the Republic for confirmation. The President shall decide on the confirmation within three months of the submission of the Act. The President may obtain a statement on the Act from the Supreme Court or the Supreme Administrative Court.

If the President does not confirm the Act, it is returned for the consideration of the Parliament. If the Parliament readopts the Act without material alterations, it enters into force without confirmation. If the Parliament does not readopt the Act, it shall be deemed to have lapsed.

Section 78 - Consideration of an unconfirmed Act

If the President of the Republic has not confirmed an Act within the time provided, it shall without delay be taken up for reconsideration in the Parliament. Once the pertinent report of the Committee has been issued, the Act shall be adopted without material alterations or rejected.

The decision is made in plenary session in one reading with the majority of the votes cast. Section 79 - Publication and entry into force of Acts

If an Act has been enacted in accordance with the procedure for Constitutional enactment, this is indicated in the Act.

An Act which has been confirmed or which enters into force without confirmation shall be signed by the President of the Republic and countersigned by the appropriate Minister. The Government shall thereafter without delay publish the Act in the Statute Book of Finland.

The Act shall indicate the date when it enters into force. For a special reason, it may be stated in an Act that it is to enter into force by means of a Decree. If the Act has not been published by the date provided for its entry into force, it shall enter into force on the date of its publication. Acts are enacted and published in Finnish and Swedish.

Section 80 - Issuance of Decrees and delegation of legislative powers

The President of the Republic, the Government and a Ministry may issue Decrees on the basis of authorisation given to them in this Constitution or in another Act. However, the principles governing the rights and obligations of private individuals and the other matters that under this Constitution are of a legislative nature shall be governed by Acts. If there is no specific provision on who shall issue a Decree, it is issued by the Government.

Moreover, other authorities may be authorised by an Act to lay down legal rules on given matters, if there is a special reason pertinent to the subject matter and if the material significance of the rules does not require that they be laid down by an Act or a Decree. The scope of such an authorisation shall be precisely circumscribed.

General provisions on the publication and entry into force of Decrees and other legal norms are laid down by an Act.

FRANCE

Source: Constitution of October 4, 1958, last amendment by Constitutional Act no. 2008-724 of July 23, 2008. http://www2.assemblee-nationale.fr/langues/welcome-to-the-english-website-of-the-french-national-assembly#onglet_9441

Article 39

The Prime Minister and Members of Parliament alike shall have the right to initiate statutes.

Government bills shall be discussed in the Council of Ministers after consultation with the Conseil d'Etat and shall be introduced in one of the two assemblies. Finance bills and social security finance bills shall be presented first to the National Assembly. Without prejudice to the first paragraph of article 44, bills

having the primary purpose of organising territorial units and bills relating to bodies representing French nationals settled outside France shall be presented first to the Senate.

Article 40

Bills and amendments introduced by Members of Parliament shall not be admissible where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure.

Article 41

Should it be found in the course of the legislative process that a Member's bill or amendment is not a matter for statute or is contrary to a delegation granted by virtue of article 38, the Government may object that it is inadmissible.

In the event of disagreement between the Government and the President of the assembly concerned, the Constitutional Council, at the request of one or the other, shall rule within eight days.

Article 42

The discussion of government bills shall pertain, in the assembly which first has the bill before it, to the text introduced by the Government.

An assembly which has before it a text passed by the other assembly shall deliberate upon that text.

Article 43

Government and Members' bills shall, at the request of the Government or of the assembly having the bill before it, be referred for consideration to committees specially set up for this purpose.

Government and Members' bills concerning which such a request has not been made shall be referred to one of the standing committees, the number of which shall be limited to six in each assembly.

Article 44

Members of Parliament and the Government shall have the right of amendment.

Once the debate has begun, the Government may object to the consideration of any amendment which has not previously been referred to committee.

If the Government so requests, the assembly having the bill before it shall decide by a single vote on all or part of the text under discussion, on the sole basis of the amendments proposed or accepted by the Government.

Article 45

Every government or Member's bill shall be considered successively in the two assemblies of Parliament with a view to the adoption of an identical text.

If, as a result of a disagreement between the two assemblies, it has proved impossible to adopt a government or Member's bill after two readings by each assembly or, if the Government has declared the matter urgent, after a single reading by each of them, the Prime Minister may convene a joint committee, composed of an equal number of Members from each assembly, to propose a text on the provisions still under discussion.

The text drafted by the joint committee may be submitted by the Government to both assemblies for approval. No amendment shall be admissible without the consent of the Government.

If the joint committee does not succeed in adopting a common text, or if the text is not adopted as provided in the preceding paragraph, the Government may, after a further reading by the National Assembly and by the Senate, ask the National Assembly to make a final decision. In that event, the National Assembly may reconsider either the text drafted by the joint committee, or the last text passed by itself, as modified, if such is the case, by any amendment or amendments adopted by the Senate.

Article 46

Acts of Parliament that the Constitution characterizes as institutional shall be passed and amended as provided in this article.

A government or Member's bill shall not be debated and put to the vote in the assembly in which it was first introduced until fifteen days have elapsed since its introduction.

The procedure set out in article 45 shall apply. Nevertheless, in the absence of agreement between the two assemblies, the text may be adopted by the National Assembly on final reading only by an absolute majority of its Members.

Institutional Acts relating to the Senate must be passed in identical terms by the two assemblies. Institutional Acts shall not be promulgated until the Constitutional Council has declared their conformity with the Constitution.

Article 47

Parliament shall pass finance bills in the manner provided by an institutional Act.

Should the National Assembly fail to reach a decision on first reading within forty days following the introduction of a bill, the Government shall refer the bill to the Senate, which must rule within fifteen days. The procedure set out in article 45 shall then apply.

Should Parliament fail to reach a decision within seventy days, the provisions of the bill may be brought into force by ordinance.

Should the finance bill establishing the resources and expenditures for a financial year not be introduced in time for promulgation before the beginning of that year, the Government shall as a matter of urgency ask Parliament for authorization to collect taxes and shall make available by decree the funds needed to meet the commitments already voted for.

The time limits set by this article shall be suspended when Parliament is not in session.

The Audit Court shall assist Parliament and the Government in monitoring the implementation of finance Acts.

Article 47-1

Parliament shall pass social security finance bills in the manner provided by an institutional Act. Should the National Assembly fail to reach a decision on first reading within twenty days following the introduction of a bill, the Government shall refer the bill to the Senate, which must rule within fifteen days. The procedure set out in article 45 shall then apply.

Should Parliament fail to reach a decision within fifty days, the provisions of the bill may be implemented by ordinance.

The time limits set by this article shall be suspended when Parliament is not in session and, as regards each assembly, during the weeks when it has decided not to sit in accordance with the second paragraph of article 28.

The Audit Court shall assist Parliament and the Government in monitoring the implementation of social security finance Acts.

Article 48

Without prejudice to the application of the last three paragraphs of article 28, precedence shall be given on the agendas of the assemblies, and in the order determined by the Government, to the discussion of government bills and of Members' bills accepted by the Government.

At one sitting a week at least precedence shall be given to questions from Members of Parliament and to answers by the Government.

At one sitting a month precedence shall be given to the agenda determined by each assembly.

Article 49

The Prime Minister, after deliberation by the Council of Ministers, may make the Government's programme or possibly a statement of its general policy an issue of its responsibility before the National Assembly.

The National Assembly may raise an issue of the Government's responsibility by passing a motion of censure. Such a motion shall not be admissible unless it is signed by at least one tenth of the Members of the National Assembly. Voting may not take place within forty-eight hours after the motion has been introduced. Only the votes in favour of the motion of censure shall be counted; the motion of censure shall not be adopted unless it is voted for by the majority of the Members of the Assembly. Except as provided in the following paragraph, a deputy shall not sign more than three motions of censure during a single ordinary session and more than one during a single extraordinary session.

The Prime Minister may, after deliberation by the Council of Ministers, make the passing of a bill an issue of the Government's responsibility before the National Assembly. In that event, the bill shall be considered adopted unless a motion of censure, introduced within the subsequent twenty-four hours, is carried as provided in the preceding paragraph.

The Prime Minister may ask the Senate to approve a statement of general policy.

Article 50

Where the National Assembly carries a motion of censure, or where it fails to endorse the programme or a statement of general policy of the Government, the Prime Minister must tender the resignation of the Government to the President of the Republic.

Article 51

The closing of ordinary or extraordinary sessions shall be postponed by right in order to permit the application of article 49, if the case arises. Additional sittings shall be held by right for the same purpose.

GERMANY

Source: Basic Law for the Federal Republic of Germany of 23 May 1949, last amended on 28 March 2019.
<https://www.btg-bestellservice.de/pdf/80201000.pdf>

Article 76 - Bills

Bills shall be presented in the Bundestag by the Federal Government, Members of the Bundestag or the Bundesrat.

Bills of the Federal Government shall first be submitted to the Bundesrat. The Bundesrat is entitled to comment upon them within six weeks. Where on important grounds, especially the size of the bill, it demands an extension the time-limit shall be increased to nine weeks. Should in exceptional cases the Federal Government, on presenting a bill to the Bundesrat, declare it to be particularly urgent it may refer it to the Bundestag three weeks or, if the Bundesrat has demanded an extension pursuant to the third sentence of this paragraph, six weeks after its submission to the Bundesrat even though it may not yet have received the latter's comments; upon receiving such comments it shall transmit them to the Bundestag without delay. In the case of bills amending this Basic Law and transferring sovereign powers pursuant to Article 23 or Article 24 the time-limit for comments shall be nine weeks; the fourth sentence of this paragraph shall not apply.

Bills of the Bundesrat shall be submitted to the Bundestag by the Federal Government within six weeks. The Federal Government shall state its opinion on them. Where on important grounds, especially the size of the bill, it demands an extension the time-limit shall be increased to nine weeks. Should in exceptional cases the Bundesrat declare a bill to be particularly urgent the time-limit shall be three weeks or, if the Federal Government has demanded an extension pursuant to the third sentence of this paragraph, six weeks. In the case of bills amending this Basic Law and transferring sovereign powers pursuant to Article 23 or Article 24 the time-limit shall be nine weeks; the fourth sentence of this paragraph shall not apply. The Bundestag shall debate and vote on bills within a reasonable period of time.

Article 77 - The legislative process

1. Bills shall be adopted by the Bundestag. After their adoption they shall be transmitted to the Bundesrat by the President of the Bundestag without delay.
2. The Bundesrat may within three weeks of receiving the adopted bill demand that it be referred to a committee composed of Members of the Bundestag and the Bundesrat. The composition and proceedings of this committee shall be governed by rules of procedure drawn up by the Bundestag and requiring the consent of the Bundesrat. The Members of the Bundesrat on this committee shall not be bound by instructions. Where the consent of the Bundesrat is required for a bill to become law the Bundestag and the Federal Government may likewise demand that it be referred to such a committee. Should the committee propose an amendment to the bill the Bundestag shall vote on it a second time.
3. In so far as its consent is required for a bill to become law the Bundesrat shall take a vote within a reasonable period of time if no demand for referral has been made pursuant to the first sentence of paragraph (2) of this Article or the mediation procedure has been completed without any amendment being proposed.
4. In so far as its consent is not required for a bill to become law the Bundesrat may, when the procedure described in paragraph (2) of this Article is completed, object within two weeks to a bill adopted by the Bundestag. The period for objection shall begin, in the case of the last sentence of paragraph (2) of this Article, on receipt of the bill as passed again by the Bundestag and in all other cases on receipt of a communication from the chairman of the committee provided for in paragraph (2) of this Article to the effect that the committee's proceedings have been concluded.
5. If the objection was adopted with a majority of the votes of the Bundesrat it may be rejected by a decision of the majority of the Members of the Bundestag. If the Bundesrat adopted the objection with a majority of at least two thirds of its votes its rejection by the Bundestag shall require a majority of two thirds of the votes or at least the majority of the Members of the Bundestag.

Article 78 - Passage of federal laws

A bill adopted by the Bundestag shall become law if the Bundesrat consents, does not request a referral as provided for in paragraph (2) of Article 77, does not enter an objection within the period stipulated in paragraph (3) of Article 77 or withdraws its objection, or if the objection is overridden by the Bundestag.

Article 79 - Amendments to the Basic Law

1. This Basic Law may be amended only by a law expressly modifying or supplementing its text. In respect of international Treaties concerning a peace settlement, the preparation of a peace settlement, or the phasing out of an occupation regime, or serving the defence of the Federal Republic, it shall be sufficient, in order to make clear that the provisions of this Basic Law do not preclude the conclusion and entry into force of such Treaties, to supplement the text of this Basic Law and to confine the supplement to such clarification.
2. Such law must be carried by two thirds of the Members of the Bundestag and two thirds of the votes of the Bundesrat.
3. Amendments to this Basic Law affecting the division of the Federation into Länder, their participation in the legislative process, or the principles laid down in Articles 1 and 20 shall be prohibited.

Article 80 - Delegated legislation

1. The Federal Government, a Federal Minister or the Land governments may be empowered by law to issue statutory orders. The content, purpose and scope of that power shall be specified in the law. Statutory orders shall contain a reference to their legal basis. Where the law provides that the power to issue statutory orders may be further delegated another statutory order shall be required to that effect.
2. Unless otherwise provided for by federal legislation the consent of the Bundesrat shall be required for statutory orders issued by the Federal Government or a Federal Minister concerning rules and rates governing the use of postal services and telecommunications, rules governing rates for the use of federal railways or concerning the construction and operation of railways, as well as for statutory orders issued pursuant to federal legislation requiring the consent of the Bundesrat or implemented by the Länder as agents of the Federation or in their own right.
3. The Bundesrat may submit bills for the issue of statutory orders requiring its consent to the Federal Government.
4. In so far as Land governments are empowered by federal law or on the basis of existing federal legislation to issue statutory orders the Länder shall also be entitled to legislate on the matter.

Article 80a - Application of legal provisions where a state of tension exists

1. Where this Basic Law or a federal law on defence including protection of the civilian population stipulates that legal provisions may only be applied in accordance with this Article their application shall, except where the country is in a state of defence, be admissible only after the Bundestag has confirmed that a state of tension exists or where it has specifically approved such application. Confirmation of a state of tension and specific approval in the cases mentioned in the first sentence of paragraph (5) and the second sentence of paragraph (6) of Article 12a shall require a two-thirds majority of the votes cast.
2. Any measures taken by virtue of legal provisions pursuant to paragraph (1) of this Article shall be revoked should the Bundestag so require.
3. In derogation of paragraph (1) of this Article the application of such legal provisions shall also be admissible by virtue of and in accordance with a decision taken by an international organization within the framework of a treaty of alliance with the approval of the Federal Government. Any measures taken pursuant to this paragraph shall be revoked should the Bundestag with the majority of its Members so require.

Article 81 - Legislative emergency

1. Should in the circumstances provided for in Article 68 the Bundestag not be dissolved the Federal President may at the request of the Federal Government and with the consent of the Bundesrat declare a state of legislative emergency with respect to a bill which is rejected by the Bundestag although declared urgent by the Federal Government. The same shall apply where a bill has been rejected despite the Federal Chancellor having combined it with a motion under Article 68.
2. Where after a state of legislative emergency has been declared the Bundestag again rejects the bill or adopts a version unacceptable to the Federal Government it shall be deemed to have become law if it receives the consent of the Bundesrat. The same shall apply where the bill is not passed by the Bundestag within four weeks of its reintroduction.
3. During the term of office of a Federal Chancellor any other bill rejected by the Bundestag may become law in accordance with paragraphs (1) and (2) of this Article within a period of six months

after the first declaration of a state of legislative emergency. After the expiration of this period no further declaration of a state of legislative emergency may be made during the term of office of the same Federal Chancellor.

4. The Basic Law may not be amended nor repealed nor suspended in whole or in part by a law pursuant to paragraph (2) of this Article.

Article 82 - Signing, promulgation and entry into force

1. Laws enacted in accordance with the provisions of this Basic Law shall, after countersignature, be signed by the Federal President and promulgated in the Federal Law Gazette. Statutory orders shall be signed by the authority which issues them and, unless otherwise provided by law, promulgated in the Federal Law Gazette.
2. Every law and statutory order should specify the day on which it enters into force. In the absence of such a provision it shall take effect on the fourteenth day after the day on which the Federal Law Gazette containing it was published.

GREECE

Source: Greece's Constitution of 1975 with Amendments through 2008.

https://www.constituteproject.org/constitution/Greece_2008.pdf?lang=en

Chapter V - The legislative function of Parliament Article 73

1. The right to introduce Bills belongs to the Parliament and the Government.
2. Bills pertaining in any way to the granting of a pension and the prerequisites thereof shall be introduced only by the Minister of Finance after an opinion of the Court of Auditors; in the case of pensions burdening on the budget of local government agencies or other public law legal persons, Bills shall be submitted by the competent Minister and the Minister of Finance. Pensions must be proposed by means of special Bills; the insertion of provisions pertaining to pensions, in Bills introduced in order to regulate other matters, is not permitted under penalty of nullity.
3. No Bill or amendment or addition which originated in Parliament shall be introduced for debate if it results in an expenditure or a reduction of revenues or assets for the State or local government agencies or other public law legal persons, for the purpose of paying a salary or pension or otherwise benefiting a person. However, an amendment or addition introduced by a party leader or a spokesman of a parliamentary group as specified in article 74 paragraph 3 shall be acceptable in the case of Bills concerning the organization of public services and agencies of public interest, the status of public servants in general, military and security corps officers, employees of local government agencies or other public law legal persons and public enterprises in general.
4. Bills introducing local or special taxes or charges of any nature on behalf of agencies or public or private law legal persons must be countersigned by the Minister of Coordination and the Minister of Finance.

Article 74

1. Every Bill must be accompanied by an explanatory report; before it is introduced to the Plenum or to a Section of Parliament, it may be referred, for legislative elaboration, to the service defined in article 65 paragraph 5 as soon as this service is established, as specified by the Standing Orders.
2. Bills tabled in Parliament shall be referred to the appropriate Parliamentary Committee. When the report has been submitted or when the time-limit for its submittal has elapsed inactively, the Bill shall be introduced for debate to Parliament after three days, unless it has been designated as urgent by the competent Minister. The debate shall begin following an oral introduction by the competent Minister and the rapporteurs of the committee.
3. Amendments submitted by Members of Parliament, to Bills for which the Plenum or the Sections of Parliament are competent, shall not be introduced for debate if they have not been submitted up to and including the day prior to the commencement of the debate, unless the Government consents to such a debate.
4. A Bill for the amendment of a provision of a statute shall not be introduced for debate if the accompanying explanatory report does not contain the full text of the provision to be amended and if the text of the Bill does not contain the full text of the new provision as amended.*
5. The provisions of paragraph 1 also apply for Bills or law proposals introduced for debate and vote in the competent standing parliamentary committee, as specified by the Standing Orders of Parliament. Bill or law proposal containing provisions not related to its main subject matter shall not be introduced for debate. o addition or amendment shall be introduced for debate if it is not related to the main subject matter of the Bill or law proposal.

Additions or amendments by Ministers are debated only if they have been submitted at least three days prior to the commencement of the debate in the Plenum, to the Section pursuant to article 71 or to the competent standing parliamentary committee, as specified by the Standing Orders. The provisions of the two preceding sections shall also apply for additions or amendments by Members of Parliament. Parliament shall resolve in case of contestation. Members of Parliament not participating in the competent standing parliamentary committee or to the Section pursuant to article 71, are entitled to take the floor during the debate in principle in order to support law proposals and additions or amendments that they have submitted, as specified by the Standing Orders. Once every month, on a day designated by the Standing Orders, pending private Members' Bills shall be entered by priority in the order of the day and debated.

Article 75

Any Bill which results in burdening the Budget, if submitted by Ministers, shall not be introduced for debate unless it is accompanied by a report of the General Accounting Office specifying the amount of the expenditure involved; if submitted by Members of Parliament, prior to any debate thereon it shall be forwarded to the General Accounting Office which shall be bound to submit a report within fifteen days. Should this time-limit elapse without action, the private Member's Bill shall be introduced for debate without it. The same shall apply for amendments, if so requested by the competent Ministers. In this case, the General Accounting Office shall be bound to submit its report to Parliament within three days; only if the report shall not be forthcoming within this time-limit may the amendment be debated without it. A Government's Bill resulting in an expenditure or a reduction of revenues shall not be introduced for debate unless it is accompanied by a special report specifying the manner in which they will be covered, signed by the competent Minister and the Minister of Finance.

Article 76

1. Every Bill and every law proposal shall be debated and voted on once in principle, by article and as a whole, with the exception of the cases provided under paragraph 4 of article 72.
2. Voted Bills or law proposals that are referred pursuant to article 42 shall be debated and voted on by the Plenum of Parliament twice and in two distinct sittings, at least two days apart, in principle and by article during the first debate, and by article and as a whole during the second.
3. If in the course of the debate, additions or amendments have been accepted, voting on the Bill as a whole shall be postponed for twenty-four hours from the time the amended Bill or law proposal was distributed, with the exception of the cases provided under paragraph 4 of article 72.
4. A Bill or law proposal designated by the Government as very urgent shall be introduced for voting after a limited debate in one sitting, by the Plenum or by the Section pursuant to article 71, as specified by the Standing Orders of Parliament.
5. The Government may request that a Bill or law proposal of an urgent nature be debated in a specific number of sittings, as specified by the Standing Orders of Parliament. . Judicial or administrative codes drafted by special committees established under special statutes may be voted through in the Plenum of the Parliament by a special statute ratifying the code as a whole. likewise, legislative provisions in force may be codified by simple classification, or repealed statutes may be re-enacted as a whole, with the exception of statutes concerning taxation.

Article 77

1. The authentic interpretation of the statutes shall rest with the legislative power.
2. A statute which is not truly interpretative shall enter into force only as of its publication.

HUNGARY

Source: The Fundamental Law of Hungary (as in force on 29 June 2018).

https://www.kormany.hu/download/f/3e/61000/TheFundamentalLawofHungary_20180629_FIN.pdf

Article 25

1. Legislation may be initiated by the President of the Republic, the Government, all Parliamentary Committees, and any Member of Parliament.
2. The authority to pass legislation is vested in the Parliament.
3. The Speaker of Parliament shall sign statutes passed by the Parliament and subsequently forward them to the President of the Republic.

Article 26.

1. The President of the Republic shall see to the promulgation of the statutes within a period of fifteen days following its receipt, or within a period of five days if the Speaker of Parliament

requests that the issue be accorded urgency. The President of the Republic shall sign the statutes sent for promulgation. The statutes shall be promulgated in the Hungarian Official Gazette.

2. Should the President of the Republic disagree with a statute or with any provision thereof, prior to signing it, he may return such statute, along with his comments, to the Parliament for reconsideration within the period specified in paragraph (1).
3. The Parliament shall debate the statute again and hold another vote on its passage. Following this, the President of the Republic is required to sign the statute forwarded to him by the Speaker of Parliament, and to promulgate it within a period of five days.
4. Should the President of the Republic consider any provision of a statute to be unConstitutional, he may, prior to signing it, refer it to the Constitutional Court for appraisal within the period specified in paragraph. (1).
5. Should the Constitutional Court - in extraordinary proceedings - determine the statute to be unConstitutional, the President of the Republic shall return the statute to the Parliament; otherwise he is required to sign the statute and promulgate it within a period of five days.
6. The President of the Republic shall only sign a statute submitted to referendum if it was confirmed by the referendum.

Article 27

Members of Parliament may direct a question to the Parliamentary Commissioner for Civil Rights and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, to the President of the State Audit Office and the Chairman of the National Bank of Hungary, and an interpellation to the Government or any of the Members of the Government, as well as to the Chief Public Prosecutor on any matter which falls within their respective sphere of authority.

IRELAND

Source: Constitution of Ireland, January 2020. Enacted by the People 1st July, 1937; In operation as from 29th December, 1937. <http://www.irishstatutebook.ie/eli/cons/en/html>

Article 13.

The President shall, on the nomination of Dáil Éireann, appoint the Taoiseach, that is, the head of the Government or Prime Minister.

The President shall, on the nomination of the Taoiseach with the previous approval of Dáil Éireann, appoint the other Members of the Government.

The President shall, on the advice of the Taoiseach, accept the resignation or terminate the appointment of any member of the Government.

Dáil Éireann shall be summoned and dissolved by the President on the advice of the Taoiseach.

The President may in his absolute discretion refuse to dissolve Dáil Éireann on the advice of a Taoiseach who has ceased to retain the support of a majority in Dáil Éireann.

The President may at any time, after consultation with the Council of State, convene a meeting of either or both of the 3.

Every Bill passed or deemed to have been passed by both Houses of the Oireachtas shall require the signature of the President for its enactment into law.

The President shall promulgate every law made by the Oireachtas.

The supreme command of the Defence Forces is hereby vested in the President.

The exercise of the supreme command of the Defence Forces shall be regulated by law.

All commissioned officers of the Defence Forces shall hold their commissions from the President.

The right of pardon and the power to commute or remit punishment imposed by any Court exercising criminal jurisdiction are hereby vested in the President, but such power of commutation or remission may, except in capital cases, also be conferred by law on other authorities.

The President may, after consultation with the Council of State, communicate with the Houses of the Oireachtas by message or address on any matter of national or public importance.

The President may, after consultation with the Council of State, address a message to the Nation at any time on any such matter.

Every such message or address must, however, have received the approval of the Government.

The President shall not be answerable to either House of the Oireachtas or to any Court for the exercise and performance of the powers and functions of his office or for any act done or purporting to be done by him in the exercise and performance of these powers and functions.

The behaviour of the President may, however, be brought under review in either of the Houses of the Oireachtas for the purposes of section 10 of Article 12 of this Constitution, or by any Court, tribunal or body appointed or designated by either of the Houses of the Oireachtas for the investigation of a charge under section 10 of the said Article.

The powers and functions conferred on the President by this Constitution shall be exercisable and performable by him only on the advice of the Government, save where it is provided by this Constitution that he shall act in his absolute discretion or after consultation with or in relation to the Council of State, or on the advice or nomination of, or on receipt of any other communication from, any other person or body.

Subject to this Constitution, additional powers and functions may be conferred on the President by law.

No power or function conferred on the President by law shall be exercisable or performable by him save only on the advice of the Government.

Legislation Article 20

1. Every Bill initiated in and passed by Dáil Éireann shall be sent to Seanad Éireann and may, unless it be a Money Bill, be amended in Seanad Éireann and Dáil Éireann shall consider any such amendment.
2. A Bill other than a Money Bill may be initiated in Seanad Éireann, and if passed by Seanad Éireann, shall be introduced in Dáil Éireann.
3. A Bill initiated in Seanad Éireann if amended in Dáil Éireann shall be considered as a Bill initiated in Dáil Éireann.

4. A Bill passed by either House and accepted by the other House shall be deemed to have been passed by both Houses.

Money Bills.

Article 21.

1. Money Bills shall be initiated in Dáil Éireann only.
2. Every Money Bill passed by Dáil Éireann shall be sent to Seanad Éireann for its recommendations.

Every Money Bill sent to Seanad Éireann for its recommendations shall, at the expiration of a period not longer than twenty-one days after it shall have been sent to Seanad Éireann, be returned to Dáil Éireann, which may accept or reject all or any of the recommendations of Seanad Éireann.

If such Money Bill is not returned by Seanad Éireann to Dáil Éireann within such twenty-one days or is returned within such twenty-one days with recommendations which Dáil Éireann does not accept, it shall be deemed to have been passed by both Houses at the expiration of the said twenty-one days.

Article 22.1

1. A Money Bill means a Bill which contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; matters subordinate and incidental to these matters or any of them.
2. In this definition the expressions „taxation“, „public money“ and „loan“ respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.
3. The Chairman of Dáil Éireann shall certify any Bill which, in his opinion, is a Money Bill to be a Money Bill, and his certificate shall, subject to the subsequent provisions of this section, be final and conclusive.
4. Seanad Éireann, by a resolution, passed at a sitting at which not less than thirty Members are present, may request the President to refer the question whether the Bill is or is not a Money Bill to a Committee of Privileges. If the President after consultation with the Council of State decides to accede to the request he shall appoint a Committee of Privileges consisting of an equal number of Members of Dáil Éireann and of Seanad Éireann and a Chairman who shall be a Judge of the Supreme Court: these appointments shall be made after consultation with the Council of State. In the case of an equality of votes but not otherwise the Chairman shall be entitled to vote.
5. The President shall refer the question to the Committee of Privileges so appointed and the Committee shall report its decision thereon to the President within twenty-one days after the day on which the Bill was sent to Seanad Éireann.
6. The decision of the Committee shall be final and conclusive.
7. If the President after consultation with the Council of State decides not to accede to the request of Seanad Éireann, or if the Committee of Privileges fails to report within the time hereinbefore specified the certificate of the Chairman of Dáil Éireann shall stand confirmed.

Time for consideration of Bills.

Article 23.1.

This Article applies to every Bill passed by Dáil Éireann and sent to Seanad Éireann other than a Money Bill or a Bill the time for the consideration of which by Seanad Éireann shall have been abridged under Article 24 of this Constitution.

1. Whenever a Bill to which this Article applies is within the stated period defined in the next following sub-section either rejected by Seanad Éireann or passed by Seanad Éireann with amendments to which Dáil Éireann does not agree or is neither passed (with or without amendment) nor rejected by Seanad Éireann within the stated period, the Bill shall, if Dáil Éireann so resolves within one hundred and eighty days after the expiration of the stated period be deemed to have been passed by both Houses of the Oireachtas on the day on which the resolution is passed. The stated period is the period of ninety days commencing on the day on which the Bill is first sent by Dáil Éireann to Seanad Éireann or any longer period agreed upon in respect of the Bill by both Houses of the Oireachtas.
2. The preceding section of this Article shall apply to a Bill which is initiated in and passed by Seanad Éireann, amended by Dáil Éireann, and accordingly deemed to have been initiated in Dáil Éireann.
3. For the purpose of this application the stated period shall in relation to such a Bill commence on the day on which the Bill is first sent to Seanad Éireann after having been amended by Dáil Éireann.

Article 24.

If and whenever on the passage by Dáil Éireann of any Bill, other than a Bill expressed to be a Bill containing a proposal to amend the Constitution, the Taoiseach certifies by messages in writing addressed to the President and to the Chairman of each House of the Oireachtas that, in the opinion of the Government.

If the Bill is urgent and immediately necessary for the preservation of the public peace and security, or by reason of the existence of a public emergency, whether domestic or international, the time for the consideration of such Bill by Seanad Éireann shall, if Dáil Éireann so resolves and if the President, after consultation with the Council of State, concurs, be abridged to such period as shall be specified in the resolution.

Where a Bill, the time for the consideration of which by Seanad Éireann has been abridged under this Article,

- a. is, in the case of a Bill which is not a Money Bill, rejected by Seanad Éireann or passed by Seanad Éireann with amendments to which Dáil Éireann does not agree or neither passed nor rejected by Seanad Éireann, or
- b. is, in the case of a Money Bill, either returned by Seanad Éireann to Dáil Éireann with recommendations which Dáil Éireann does not accept or is not returned by Seanad Éireann to Dáil Éireann, within the period specified in the resolution, the Bill shall be deemed to have been passed by both Houses of the Oireachtas at the expiration of that period.

When a Bill the time for the consideration of which by Seanad Éireann has been abridged under this Article becomes law it shall remain in force for a period of ninety days from the date of its enactment and no longer unless, before the expiration of that period, both Houses shall have agreed that such law

shall remain in force for a longer period and the longer period so agreed upon shall have been specified in resolutions passed by both Houses.

Signing and Promulgation of Laws

Article 25.

1. As soon as any Bill, other than a Bill expressed to be a Bill containing a proposal for the amendment of this Constitution, shall have been passed or deemed to have been passed by both Houses of the Oireachtas, the Taoiseach shall present it to the President for his signature and for promulgation by him as a law in accordance with the provisions of this Article.
2. Save as otherwise provided by this Constitution, every Bill so presented to the President for his signature and for promulgation by him as a law shall be signed by the President not earlier than the fifth and not later than the seventh day after the date on which the Bill shall have been presented to him.
3. At the request of the Government, with the prior concurrence of Seanad Éireann, the President may sign any Bill the subject of such request on a date which is earlier than the fifth day after such date as aforesaid.
4. Every Bill the time for the consideration of which by Seanad Éireann shall have been abridged under Article 24 of this Constitution shall be signed by the President on the day on which such Bill is presented to him for signature and promulgation as a law.
5. Every Bill shall become and be law as on and from the day on which it is signed by the President under this Constitution, and shall, unless the contrary intention appears, come into operation on that day.
6. Every Bill signed by the President under this Constitution shall be promulgated by him as a law by the publication by his direction of a notice in the *Iris Oifigiúil* stating that the Bill has become law.
7. Bill shall be signed by the President in the text in which it was passed or deemed to have been passed by both Houses of the Oireachtas, and if a Bill is so passed or deemed to have been passed in both the official languages, the President shall sign the text of the Bill in each of those languages.
8. Where the President signs the text of a Bill in one only of the official languages, an official translation shall be issued in the other official language.
9. As soon as may be after the signature and promulgation of a Bill as a law, the text of such law which was signed by the President or, where the President has signed the text of such law in each of the official languages, both the signed texts shall be enrolled for record in the office of the Registrar of the Supreme Court, and the text, or both the texts, so enrolled shall be conclusive evidence of the provisions of such law.
10. In case of conflict between the texts of a law enrolled under this section in both the official languages, the text in the national language shall prevail.
11. It shall be lawful for the Taoiseach, from time to time as occasion appears to him to require, to cause to be prepared under his supervision a text (in both the official languages) of this Constitution as then in force embodying all amendments theretofore made therein.
12. A copy of every text so prepared, when authenticated by the signatures of the Taoiseach and the Chief Justice, shall be signed by the President and shall be enrolled for record in the office of the Registrar of the Supreme Court.

13. The copy so signed and enrolled which is for the time being the latest text so prepared shall, upon such enrolment, be conclusive evidence of this Constitution as at the date of such enrolment and shall for that purpose supersede all texts of this Constitution of which copies were previously so enrolled.
14. In case of conflict between the texts of any copy of this Constitution enrolled under this section, the text in the national language shall prevail.

Reference of Bills to the Supreme Court.

Article 26

This Article applies to any Bill passed or deemed to have been passed by both Houses of the Oireachtas other than a Money Bill, or a Bill expressed to be a Bill containing a proposal to amend the Constitution, or a Bill the time for the consideration of which by Seanad Éireann shall have been abridged under Article 24 of this Constitution.

1. The President may, after consultation with the Council of State, refer any Bill to which this Article applies to the Supreme Court for a decision on the question as to whether such Bill or any specified provision or provisions of such Bill is or are repugnant to this Constitution or to any provision thereof.
2. Every such reference shall be made not later than the seventh day after the date on which such Bill shall have been presented by the Taoiseach to the President for his signature.
3. The President shall not sign any Bill the subject of a reference to the Supreme Court under this Article pending the pronouncement of the decision of the Court.
4. The Supreme Court consisting of not less than five judges shall consider every question referred to it by the President under this Article for a decision, and, having heard arguments by or on behalf of the Attorney General and by counsel assigned by the Court, shall pronounce its decision on such question in open Court as soon as may be, and in any case not later than sixty days after the date of such reference.
5. The decision of the majority of the judges of the Supreme Court shall, for the purposes of this Article, be the decision of the Court and shall be pronounced by such one of those judges as the Court shall direct, and no other opinion, whether assenting or dissenting, shall be pronounced nor shall the existence of any such other opinion be disclosed.

In every case in which the Supreme Court decides that any provision of a Bill the subject of a reference to the Supreme Court under this Article is repugnant to this Constitution or to any provision thereof, the President shall decline to sign such Bill.

If, in the case of a Bill to which Article 27 of this Constitution applies, a petition has been addressed to the President under that Article, that Article shall be complied with.

In every other case the President shall sign the Bill as soon as may be after the date on which the decision of the Supreme Court shall have been pronounced.

Reference of Bills to the People.

Article 27

This Article applies to any Bill, other than a Bill expressed to be a Bill containing a proposal for the amendment of this Constitution, which shall have been deemed, by virtue of Article 23 hereof, to have been passed by both Houses of the Oireachtas.

1. A majority of the Members of Seanad Éireann and not less than one-third of the Members of Dáil Éireann may by a joint petition addressed to the President by them under this Article request the President to decline to sign and promulgate as a law any Bill to which this article applies on the ground that the Bill contains a proposal of such national importance that the will of the people thereon ought to be ascertained.
2. Every such petition shall be in writing and shall be signed by the petitioners whose signatures shall be verified in the manner prescribed by law.
3. Every such petition shall contain a statement of the particular ground or grounds on which the request is based, and shall be presented to the President not later than four days after the date on which the Bill shall have been deemed to have been passed by both Houses of the Oireachtas.

Upon receipt of a petition addressed to him under this Article, the President shall forthwith consider such petition and shall, after consultation with the Council of State, pronounce his decision thereon not later than ten days after the date on which the Bill to which such petition relates shall have been deemed to have been passed by both Houses of the Oireachtas.

If the Bill or any provision thereof is or has been referred to the Supreme Court under Article 26 of this Constitution, it shall not be obligatory on the President to consider the petition unless or until the Supreme Court has pronounced a decision on such reference to the effect that the said Bill or the said provision thereof is not repugnant to this Constitution or to any provision thereof, and, if a decision to that effect is pronounced by the Supreme Court, it shall not be obligatory on the President to pronounce his decision on the petition before the expiration of six days after the day on which the decision of the Supreme Court to the effect aforesaid is pronounced.

4. In every case in which the President decides that a Bill the subject of a petition under this Article contains a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach and the Chairman of each House of the Oireachtas accordingly in writing under his hand and Seal and shall decline to sign and promulgate such Bill as a law unless and until the proposal shall have been approved either
 - by the people at a Referendum in accordance with the provisions of section 2 of Article 47 of this Constitution within a period of eighteen months from the date of the President's decision, or
 - by a resolution of Dáil Éireann passed within the said period after a dissolution and re-assembly of Dáil Éireann.

Whenever a proposal contained in a Bill the subject of a petition under this Article shall have been approved either by the people or by a resolution of Dáil Éireann in accordance with the foregoing provisions of this section, such Bill shall as soon as may be after such approval be presented to the President for his signature and promulgation by him as a law and the President shall thereupon sign the Bill and duly promulgate it as a law.

5. In every case in which the President decides that a Bill the subject of a petition under this Article does not contain a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach and the Chairman of each House of the Oireachtas accordingly in writing under his hand and Seal, and such Bill shall be signed by the President not later than eleven days after the date on which the Bill shall have been deemed to have been passed by both Houses of the Oireachtas and shall be duly promulgated by him as a law.

Amendments to the Constitution Article 46.

1. Any provision of this Constitution may be amended, whether by way of variation, addition, or repeal, in the manner provided by this Article.
2. Every proposal for an amendment of this Constitution shall be initiated in Dáil Éireann as a Bill, and shall upon having been passed or deemed to have been passed by both Houses of the Oireachtas, be submitted by Referendum to the decision of the people in accordance with the law for the time being in force relating to the Referendum.
3. Every such Bill shall be expressed to be „An Act to amend the Constitution”.
4. A Bill containing a proposal or proposals for the amendment of this Constitution shall not contain any other proposal.
5. Bill containing a proposal for the amendment of this Constitution shall be signed by the President forthwith upon his being satisfied that the provisions of this Article have been complied with in respect thereof and that such proposal has been duly approved by the people in accordance with the provisions of section 1 of Article 47 of this Constitution and shall be duly promulgated by the President as a law.

ITALY

Source: Constitution of the Italian Republic.

https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

Section II - The Drafting of Laws

Article 70

The legislative function is exercised collectively by both Houses.

Article 71

Legislation is initiated by the government, by each member of the houses and by those organs and bodies so empowered by Constitutional law.

The people may initiative legislation by way of a proposal, by at least fifty-thousand electors, of a draft of law drawn up in articles.

Article 72

Every draft of law submitted to one of the houses is, in accordance with its rules, examined by a committee and then by the house itself, which approves it article by article and with a final vote.

The rules establish shortened procedures for draft legislation that has been declared urgent.

They may also establish in what cases and in what manner the examination and approval of bills is deferred to committees, including standing committees, composed so as to reflect the proportion of the parliamentary groups. Even in such cases, until the moment of its final approval, the bill may be submitted to the house, if the

government or one-tenth of the Members of the house or one-fifth of the committee request that it be debated and voted on by the house itself or that it be submitted to the house for final approval by means of a call for votes only. The rules establish the ways in which the workings of committees are made public.

The regular procedure for examination and approval directly by the house is always followed for bills on Constitutional and electoral matters and for those delegating legislature, the authorisation and ratification of international Treaties, the approval of budgets and expenditure accounts.

Article 73

Laws are promulgated by the President of the Republic within one month of their approval.

If the houses, each by the absolute majority of its Members, declare its urgency, a bill is in the time established by the bill itself.

Laws are published immediately after promulgation and come into force on the fifteenth day following publication, unless the laws themselves establish a different time.

Article 74

The President of the Republic, before promulgating a law, may request of the houses in a message outlining his motives a new debate.

If the houses once more pass the bill, it must be promulgated.

Article 75

A popular referendum shall be held to abrogate, totally or partially, a law or an act having the force of law, when requested by five hundred thousand electors or five regional councils.

A referendum is not permitted in the case of tax, budget, amnesty and pardon laws, in authorisation or ratification of international Treaties.

All citizens eligible to vote for the Chamber of deputies have the right to participate in referendums.

The proposal subjected to referendum is approved if the majority of those with voting rights have voted and a majority of votes validly cast has been reached.

The law establishes the procedures for conducting a referendum.

Article 76

The exercise of the legislative function may not be delegated to the government if the principles and guiding criteria have not been established and then only for a limited time and for specified ends.

Article 77

The government may not, without delegation from the houses, issue decrees having the force of ordinary law.

When in extraordinary cases of necessity and urgency the government adopts provisional measures having the force of law it must on the same day present them for conversion into law to the houses which, even if dissolved, shall be especially summoned and shall assemble within five days.

The decrees lose effect from their inception if they are not converted into law within sixty days from their publication. The houses can however regulate through laws legal issues arising out of decrees not converted.

Article 78

The houses decide on states of war and confer the necessary powers on parliament.

Article 79

Amnesties and indults are granted by act of parliament requiring a two-thirds majority of the Members of each House, voting on each single article and on the statute as a whole.

The Act granting the amnesty or the indult shall also indicate the deadlines for their application.

In every instance, amnesties and indults may never apply to any crimes committed after the date on which the Bill is tabled before the House.

Article 80

The houses authorise through laws the ratification of international Treaties which are of a political nature, or which call for arbitration or legal settlements, or which entail changes to national territory or financial burdens or changes in the laws.

Article 81

The houses approve every year the budgets and expenditure accounts submitted by the government.

Provisional use of the budget cannot be conceded unless by law and for periods not exceeding a total four months.

With the law approving the budget it is not possible to introduce new taxes and new expenditures.

Any other law involving new or increased expenditures must specify the means for meeting them.

Article 82

Each house may set up inquiries on matters of public interest.

For such purposes it nominates from its Members a committee so composed as to reflect the proportions of the various groups. The committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial inquiry.

Article 87

The President of the Republic is the head of the State and represents national unity.

He may send messages to the Houses.

He calls elections for the new houses and fixes their first meetings.

He authorises the presentation to the houses of draft laws initiated by the government.

He promulgates laws and issues decrees having the force of law and regulations.

He calls popular referendums in those cases provided for by the Constitution.

He nominates in those cases provided for by law the officers of the State.

He accredits and receives diplomatic representations, ratifies international Treaties which have, where required, the authorisation of the houses.

He is the commander of the armed forces, presides over the Supreme Council of Defence established by law, makes declarations of war which have been decided by the Chambers.

He presides over the High Council of the Judiciary.

He may grant pardons and commute punishments.

He confers the honours of the Republic.

Article 121

The organs of the region shall be: the Regional Council, the Regional executive and its chairman.

The Regional Council shall exercise the legislative and statutory power attributed to the Region and the other functions conferred by the Constitution and the laws. It may submit bills to Parliament.

The Regional Executive shall be the executive body of the region.

The Chairman of the Executive shall represent the region, promulgate laws and regional statutes, direct the administrative functions delegated by the State to the region, in conformity with the instructions of the central government.

Transitory and final provisions

The Constituent Assembly shall be called by its President to decide, before 31 January 1948 on the law for the election of the Senate of the Republic, on the special regional statutes and on the law governing the press.

Until the day of the election of the new Houses, the Constituent Assembly may be called, when it is necessary to decide on matters attributed to its jurisdiction by Article 2, paragraphs one and two, and Article 3, paragraphs one and two, of legislative decree No. 98 of 16 March 1946.

At that time the permanent committees shall maintain their functions. Legislative committees shall send back to the Government those bills, sent to them, with their observations and proposals for amendments.

Deputies may present questions to the Government with request for written answers.

The Constituent Assembly, in accordance with the second paragraph of this Article, shall be called by its President at the documented request of the Government or at least two hundred deputies

LATVIA

Source: Constitution of Latvia, consolidated by Valsts valodas centrs (State Language Centre) with amending laws of 21 March 1933 - 4 October 2018. <https://likumi.lv/ta/en/en/id/57980>

Article 47

The President of State shall have the right of legislative initiative.

Article 61

The Cabinet shall discuss all draft laws drawn up by the Ministries and all issues concerning the activities of various ministries; likewise all issues of State policy put forward by individual Members of the Cabinet.

Article 63

Ministers, even if they are not Members of the Saeima, and responsible State Officials empowered by Ministers, shall have the right to be present at the sittings of the Saeima or its Committees, and to introduce amendments to draft laws.

Section Legislation Article 63

The right of legislation shall belong to both the Saeima and to the people, within the limits laid down in this Constitution.

Article 65

Draft laws may be presented to the Saeima by the President of State, the Cabinet, the Committees of the Saeima, no less than five Members of the Saeima or, in cases and in a manner provided for in this Constitution, by one-tenth of the electors.

Article 66

Before the commencement of each financial year, the Saeima shall approve the State Revenue and Expenditure Budget, the draft of which shall be submitted by the Cabinet.

If the Saeima passes a resolution involving expenditure not foreseen in the Budget, it shall specify in this resolution the sources of revenue with which to meet such expenditure.

After the end of the financial year, the Cabinet shall submit, for the confirmation of the Saeima, a statement showing the actual implementation of the Budget.

Article 67

The Saeima shall decide on the strength of the armed forces of the State in time of peace.

Article 68

All international agreements, which settle matters that may be decided by the legislative process, shall require ratification by the Saeima.

Upon entering into international agreements, Latvia, with the purpose of strengthening democracy, may delegate a part of its State institution competencies to international institutions. International agreements in which a part of state institution competencies are delegated to international institutions may be ratified by the Saeima in sittings in which at least two-thirds of the Members of the Saeima participate, and a two-thirds majority vote of the Members present is necessary for ratification.

Membership of Latvia in the European Union shall be decided by a national referendum, which is proposed by the Saeima.

Substantial changes in the terms regarding the Membership of Latvia in the European Union shall be decided by a national referendum if such referendum is requested by at least one-half of the Members of the Saeima.

Article 69

The President of State shall promulgate laws passed by the Saeima not before the seventh and not later than the twenty-first day after their adoption. If no other term is fixed, the laws shall take effect fourteen days after their promulgation.

Article 70

The President of State shall promulgate laws according to the following formula: „The Saeima (i.e. the People) has adopted and the President of State promulgates the following law: (text of the law)“.

Article 71.

Within seven days after the adoption of a law by the Saeima, the President of State shall be entitled to ask, by means of explanatory letter addressed to the Chairman of the Saeima, for the review of that law. If the Saeima does not amend the law, the President of State shall not have the right to raise any further objections.

Article 72

The President of State shall have the right to suspend the promulgation of a law for a period of two months. He/She shall suspend the promulgation at the request of not less than one-third of the Members of the Saeima. This right shall be exercised by the President of State or by onethird of the Members of the Saeima within seven days after the adoption of the law by the Saeima. The law thus suspended, shall be submitted to a referendum, if not less than one-tenth of the electors so request. Should such a request not be formulated within a period of two months as mentioned above, the law shall be promulgated upon the expiration of that period. The referendum shall not be taken, however, if the Saeima puts this law to a vote once more and if then not less than three-fourths of all the Members are in favour of its adoption.

Article 73

The following matters shall not be submitted to a referendum: the budget, laws concerning loans, taxes, custom's duties, railway tariffs, military service, the declaration and commencement of war, the settlement of peace, the declaration of a state of emergency and its termination, mobilization, demobilization, foreign Treaties.

Article 74

A law, adopted by the Saeima and suspended in the procedure set forth in Article 72, shall be annulled by a referendum, if the number of voters participating in the referendum is at least half of the number of the electors who participated in the previous Saeima elections and if the majority has voted for the annulment of the law.

Article 75

Should the Saeima determine the urgency of a law with a majority of not less than two-thirds, the President of State may not demand a second review of the law; it may not be submitted to a referendum and shall be promulgated within three days after the President has received the adopted law.

Article 76

The Saeima may amend the Constitution at sittings at which at least two-thirds of its Members are present. The amendments shall be passed in the course of three readings, by a majority of not less than two-thirds of the Members present.

Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to acquire the force of Law, shall be submitted to a referendum.

Article 78

Not less than one-tenth of the electors shall have the right to submit to the President of State a fully elaborated draft for the amendment of the draft law, which shall be submitted to the Saeima by the President. If the Saeima does not adopt this draft law without substantial amendments, it shall be submitted to a referendum.

Article 79

An amendment to the Constitution submitted for national referendum shall be deemed adopted if at least half of the electorate has voted in favour. A draft law, decision regarding Membership of Latvia in the European Union or substantial changes in the terms regarding such Membership submitted for national referendum shall be deemed adopted if the number of voters is at least half of the number of electors as participated in the previous Saeima election and if the majority has voted in favour of the

draft law, Membership of Latvia in the European Union or substantial changes in the terms regarding such Membership.

Article 80

All Latvian citizens who have the right to vote in the elections of the Saeima are entitled to take part in the referendum.

Article 81

In cases of urgent necessity between sessions, the Cabinet shall have the right to issue regulations which shall have the force of Law. These regulations may not amend: the law on Saeima elections, laws concerning judicial Constitution and procedure, the budget and budget rights, and laws passed by the Saeima then in power; they shall not apply to amnesty, the issue of Treasury notes, State taxes, customs, railway tariffs, loans and they shall become null and void if not presented to the Saeima within three days of the opening of the following session.

LITHUANIA

Source: Constitution of the Republic of Lithuania, approved by the citizens of the Republic of Lithuania in the Referendum on 25 October 1999, as amended by 20 March 2003, No. IX-1379.

http://europam.eu/data/mechanisms/COI/COI%20Laws/Lithuania/Lithuania_Constitution_1992,%20amended%20in%202003.pdf

Article 68

The right of legislative initiative in the Seimas shall belong to the Members of the Seimas, the President of the Republic, and the Government.

Citizens of the Republic of Lithuania shall also have the right of legislative initiative. A draft law may be submitted to the Seimas by 50,000 citizens of the Republic of Lithuania who have the right to vote. The Seimas must consider this draft law.

Article 69

Laws shall be enacted in the Seimas in accordance with the procedure established by law. Laws shall be deemed adopted if the majority of the Seimas Members participating in the sitting vote in favour thereof.

Constitutional laws of the Republic of Lithuania shall be deemed adopted if more than half of all the Members of the Seimas vote in the affirmative. Constitutional laws shall be amended by at least a three-fifths majority vote of all the Seimas Members. The Seimas shall establish a list of Constitutional laws by a three-fifths majority vote of the Seimas Members.

Provisions of the laws of the Republic of Lithuania may also be adopted by referendum.

Article 70

The laws enacted by the Seimas shall be enforced after the signing and official promulgation thereof by the President of the Republic, unless the laws themselves establish a later enforcement date.

Other acts adopted by the Seimas and the Statute of the Seimas shall be signed by the Chairperson of the Seimas. Said acts shall become effective the day following the promulgation thereof, unless the acts themselves provide for another procedure of enforcement.

Article 71

Within ten days of receiving a law passed by the Seimas, the President of the Republic shall either sign and officially promulgate said law, or shall refer it back to the Seimas together with relevant reasons for reconsideration.

In the event that the law enacted by the Seimas is not referred back or signed by the President of the Republic within the established period, the law shall become effective upon the signing and official promulgation thereof by the Chairperson of the Seimas.

The President of the Republic must, within five days, sign and officially promulgate laws and other acts adopted by referendum.

In the event that the President of the Republic does not sign and promulgate such laws within the established period, said laws shall become effective upon being signed and officially promulgated by the Chairperson of the Seimas.

Article 72

The Seimas may reconsider and enact laws which have been referred back by the President of the Republic.

After reconsideration by the Seimas, a law shall be deemed enacted if the amendments and supplements submitted by the President of the Republic were adopted, or if more than half of all the Seimas Members vote in the affirmative, and if it is a Constitutional law - if at least three-fifths of all the Seimas Members vote in the affirmative.

The President of the Republic must, within three days, sign and forthwith officially promulgate laws reenacted by the Seimas.

Article 73

Seimas controllers shall examine complaints of citizens concerning the abuse of powers by, and bureaucracy of, State and local government officers (with the exception of judges).

Controllers shall have the right to submit proposals to the Court to dismiss guilty officers from their posts.

The powers of the Seimas controllers shall be established by law. As necessary, the Seimas shall also establish other institutions of control. The system and powers of said institutions shall be established by law.

Article 74

For gross violation of the Constitution, breach of oath, or upon the disclosure of the commitment of felony, the Seimas may, by three-fifths majority vote of all the Seimas Members, remove from office the President of the Republic, the Chairperson and judges of the Constitutional Court, the Chairperson and judges of the Supreme Court, the Chairperson and judges of the Court of Appeals, as well as Seimas Members, or may revoke their mandate of Seimas member. Such actions shall be carried out in accordance with impeachment proceedings which shall be established by the Statute of the Seimas.

Article 75

Officers appointed or chosen by the Seimas (with the exception of persons specified in Article 74) shall be removed from office when the Seimas, by majority vote of all the Members, expresses non-confidence in the officer in question.

Article 76

The structure and procedure of activities of the Seimas shall be determined by the Statute of the Seimas. The Statute of the Seimas shall have the power of law.

Article 148

The provision of Article 1 of the Constitution that the State of Lithuania is an independent democratic republic may only be amended by a referendum in which at least three- fourths of the electorate of Lithuania vote in favour thereof.

The provisions of Chapter 1 („The State of Lithuania“) and Chapter 14 („Amending the Constitution“) may be amended only by referendum.

Amendments of other chapters of the Constitution must be considered and voted upon in the Seimas twice. There must be a lapse of at least three months between each vote. Bills for Constitutional amendments shall be deemed adopted by the Seimas if, in each of the votes, at least two-thirds of all the Members of the Seimas vote in favour of the enactment.

An amendment to the Constitution which is rejected by the Seimas may not be submitted to the Seimas for reconsideration for the period of one year.

LUXEMBOURG

Source: Luxembourg's Constitution of 1868 with Amendments through 2009.

https://www.legislationline.org/download/id/5795/file/Luxembourg_Constitution_am200en.pdf

Article 47 Initiation of general legislation

The Grand Duke addresses to the Chamber the proposals or bills of law he wishes to submit to adoption. The Chamber has the right to propose bills of law to the Grand Duke.

Article 62

Every resolution is taken with the absolute majority of votes. In case the votes are equally divided, the measure under deliberation is rejected. The Chamber may only take a resolution when the majority of its members are present.

MALTA

Source: Constitution of Malta.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566&l=1>

Article 72

1. The power of Parliament to make laws shall be exercised by bills passed by the House of Representatives and assented to by the President.
2. When a bill is presented to the President for assent, he shall without delay signify that he assents.
3. A bill shall not become law unless it has been duly passed and assented to in accordance with this Constitution.
4. When a law has been assented to by the President it shall without delay be published in the Gazette and shall not come into operation until it has been so published, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

Article 73

Except upon the recommendation of the President signified by a Minister, the House of Representatives shall not

- a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes, that is to say, for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of Malta or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Malta;
- b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid; or
- c) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

Article 74

Save as otherwise provided by Parliament, every law shall be enacted in both the Maltese and English languages and, if there is any conflict between the Maltese and the English texts of any law, the Maltese text shall prevail.

Article 103

1. The Minister responsible for finance shall cause to be prepared and laid before the House of Representatives before, or not later than thirty days after, the commencement of each financial year estimates of the revenues and expenditure of Malta for that year.
2. The heads of expenditure contained in the estimates (other than the expenditure charged upon the Consolidated Fund by this Constitution or any other law for the time being in force in Malta) shall be included in a bill, to be known as an appropriation bill, providing for the issue from the

Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

3. If in respect of any financial year it is found --
 - a. that the amount appropriated by the Appropriation Act for any purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or
 - b. that any moneys have been expended for any purpose in excess of the amount (if any) appropriated for the purpose by that Act, a supplementary estimate showing the sums required or spent shall be laid before the House of Representatives and the heads of any such expenditure shall be included in a supplementary appropriation bill.

NETHERLANDS

Source: The Constitution of the Kingdom of the Netherlands 2018.

https://www.government.nl/binaries/government/documents/reports/2019/02/28/the-constitution-of-the-kingdom-of-the-netherlands/WEB_119406_Grondwet_Koninkrijk_ENG.pdf

Article 40

1. The King shall receive annual payments from the State according to rules to be laid down by Act of Parliament. The Act shall also specify which other Members of the Royal House shall receive payments from the State and shall regulate the payments themselves.
2. The payments received by them from the State, together with such assets as are of assistance to them in the exercise of their duties, shall be exempt from personal taxation. In addition anything received by the King or his heir presumptive from a member of the Royal House by inheritance or as a gift shall be exempt from inheritance tax, transfer tax or gifts tax. Additional exemption from taxation may be granted by Act of Parliament.
3. Bills containing legislation as referred to in the previous paragraphs may be passed by the States General only if at least two-thirds of the votes cast are in favour.

Chapter 5 - Legislation and Administration Article 81

Acts of Parliament shall be enacted jointly by the Government and the States General.

Article 82

Bills may be presented by or on behalf of the King or by the Lower House of the States General. Bills which require consideration by a joint session of the States General may be presented by or on behalf of the King or by a joint session of the States General insofar as this is consistent with the relevant articles of Chapter 2.

Bills to be presented by the Lower House or by a joint session of the States General shall be introduced in the House or the joint session as the case may be by one or more Members.

Article 83

Bills presented by or on behalf of the King shall be sent to the Lower House or to the joint session if consideration by a joint session of the States General is required.

Article 84

A Bill presented by or on behalf of the King that has not yet been passed by the Lower House or by a joint session of the States General may be amended by the House or the joint session as the case may be on the proposal of one or more Members or by the Government.

Any Bill being presented by the Lower House or a joint session of the States General that has not yet been passed may be amended by the House or joint session as the case may be on the proposal of one or more Members or by the member or Members introducing the Bill.

Article 85

As soon as the Lower House passes a Bill or resolves to present a Bill, it shall send it to the Upper House which shall consider the Bill as sent to it by the Lower House. The Lower House may instruct one or more of its Members to defend a Bill presented by it in the Upper House.

Article 86

A Bill may be withdrawn by or on behalf of the proposer until such time as it is passed by the States General.

A Bill which is to be presented by the Lower House or by a joint session of the States General may be withdrawn by the member or Members introducing it until such time as it is passed.

Article 87

A Bill shall become an Act of Parliament once it has been passed by the States General and ratified by the King.

The King and the States General shall inform each other of their decision on any Bill.

Article 88

The publication and entry into force of Acts of Parliament shall be regulated by Act of Parliament. They shall not enter into force before they have been published.

Article 89

Orders in council shall be established by Royal Decree.

Any regulations to which penalties are attached shall be embodied in such orders only in accordance with an Act of Parliament. The penalties to be imposed shall be determined by Act of Parliament.

Publication and entry into force of orders in council shall be regulated by Act of Parliament. They shall not enter into force before they have been published.

The second and third paragraphs shall apply mutatis mutandis to other generally binding regulations established by the State.

Article 90

The Government shall promote the development of the international rule of law.

Article 91

The Kingdom shall not be bound by Treaties, nor shall such Treaties be denounced without the prior approval of the States General. The cases in which approval is not required shall be specified by Act of Parliament.

The manner in which approval shall be granted shall be laid down by Act of Parliament, which may provide for the possibility of tacit approval.

Any provisions of a treaty that conflict with the Constitution or which lead to conflicts with it may be approved by the Houses of the States General only if at least two-thirds of the votes cast are in favour.

Article 92

Legislative, executive and judicial powers may be conferred on international institutions by or pursuant to a treaty, subject, where necessary, to the provisions of Article 91 paragraph 3.

Article 93

Provisions of Treaties and of resolutions by international institutions which may be binding on all persons by virtue of their contents shall become binding after they have been published.

Article 94

Statutory regulations in force within the Kingdom shall not be applicable if such application is in conflict with provisions of Treaties that are binding on all persons or of resolutions by international institutions.

Article 95

Rules regarding the publication of Treaties and decisions by international institutions shall be laid down by Act of Parliament.

Article 96

A declaration that the Kingdom is in a state of war shall not be made without the prior approval of the States General.

Such approval shall not be required in cases where consultation with Parliament proves to be impossible as a consequence of the actual existence of a state of war.

The two Houses of the States General shall consider and decide upon the matter in joint session.

The provisions of the first and third paragraphs shall apply *mutatis mutandis* to a declaration that a state of war has ceased.

Article 97

All Dutch nationals who are capable of doing so shall have a duty to cooperate in maintaining the independence of the State and defending its territory.

This duty may also be imposed on residents of the Netherlands who are not Dutch nationals.

Article 98

To protect its interests, the State shall maintain armed forces, which shall consist of volunteers, and which may also include conscripts.

The Government shall have supreme authority over the armed forces.

Compulsory service in the armed forces and the power to defer the call-up to active service shall be regulated by Act of Parliament. The obligations which may be imposed on persons not belonging to the armed forces in relation to the defence of the country shall also be regulated by Act of Parliament.

Article 99

The conditions on which exemption is granted from military service because of serious conscientious objections shall be specified by Act of Parliament.

Article 100

Foreign troops shall not be employed other than pursuant to an Act of Parliament.

Article 102

All expenses in connection with the armies of the State shall be met from central government funds.

No inhabitant or municipality may be required to assist with the billeting or maintenance of troops, or with transports or supplies of any description whatsoever requisitioned by the State for the armies or defences of the country, other than in accordance with general rules laid down by Act of Parliament and upon payment of compensation.

Exceptions to the general rules shall be laid down by Act of Parliament for application in time of war or threat of war or in other exceptional circumstances.

Article 103

The cases in which a state of emergency, as defined by Act of Parliament, may be declared by Royal Decree in order to maintain internal or external security shall be specified by Act of Parliament. The consequences of such a declaration shall be governed by Act of Parliament. Such a declaration may depart from the provisions of the Constitution relating to the powers of the executive bodies of the

provinces, municipalities and water boards (waterschappen), the basic rights laid down in Article 6, insofar as the exercise of the right contained in this Article other than in buildings and enclosed places is concerned, Articles 7, 8, 9 and 12 paragraph 2,

Article 13 and Article 113 paragraphs 1 and 3

Immediately after the declaration of a state of emergency and whenever it considers it necessary, until such time as the state of emergency is terminated by Royal Decree, the States General shall decide the duration of the state of emergency. The two Houses of the States General shall consider and decide upon the matter in joint session.

Article 104

Taxes imposed by the State shall be levied pursuant to Act of Parliament. Other levies imposed by the State shall be regulated by Act of Parliament.

Article 105

The estimates of the State's revenues and expenditures shall be laid down by Act of Parliament. Bills containing general estimates shall be presented by or on behalf of the King every year on the date specified in Article 65.

A statement of the State's revenues and expenditures shall be presented to the States General in accordance with the provisions of the relevant Act of Parliament. The balance sheet approved by the Court of Audit shall be presented to the States General.

Rules relating to the management of the State's finances shall be prescribed by Act of Parliament.

Article 106

The monetary system shall be regulated by Act of Parliament.

Article 107

Civil law, criminal law and civil and criminal procedure shall be regulated by Act of Parliament in general legal codes without prejudice to the power to regulate certain matters in separate Acts of Parliament.

The general rules of administrative law shall be laid down by Act of Parliament.

Article 108

The establishment, powers and procedures of any general independent bodies for investigating complaints relating to actions of the authorities shall be regulated by Act of Parliament. Appointment to such bodies shall be made by the Lower House of the States General if their jurisdiction covers the actions of the central authorities. Members may be dismissed in cases prescribed by Act of Parliament.

Article 109

The legal status of public servants shall be regulated by Act of Parliament. Rules regarding employment protection and co-determination for public servants shall also be laid down by Act of Parliament.

Article 110

In the exercise of their duties government bodies shall observe the right of public access to information in accordance with rules to be prescribed by Act of Parliament.

Article 111

Honours shall be established by Act of Parliament.

POLAND

Source: The Constitution of the Republic of Poland of 2nd April 1997.

<https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

Article 118

1. The right to introduce legislation shall belong to Deputies, to the Senate, to the President of the Republic and to the Council of Ministers.
2. The right to introduce legislation shall also belong to a group of at least 100,000 citizens having the right to vote in elections to the Sejm. The procedure in such matter shall be specified by statute.
3. Sponsors, when introducing a bill to the Sejm, shall indicate the financial consequences of its implementation.

Article 119

1. The Sejm shall consider bills in the course of three readings.
2. The right to introduce amendments to a bill in the course of its consideration by the Sejm shall belong to its sponsor, Deputies and the Council of Ministers.
3. The Marshal of the Sejm may refuse to put to a vote any amendment which has not previously been submitted to a committee.
4. The sponsor may withdraw a bill in the course of legislative proceedings in the Sejm until the conclusion of its second reading.

Article 120

The Sejm shall pass bills by a simple majority vote, in the presence of at least half of the statutory number of Deputies, unless the Constitution provides for another majority. The same procedure shall

be applied by the Sejm in adoption of resolutions, unless a statute or a resolution of the Sejm provide otherwise.

Article 121

A bill passed by the Sejm shall be submitted to the Senate by the Marshal of the Sejm.

The Senate, within 30 days of submission of a bill, may adopt it without amendment, adopt amendments or resolve upon its complete rejection. If, within 30 days following the submission of the bill, the Senate fails to adopt an appropriate resolution, the bill shall be considered adopted according to the wording submitted by the Sejm.

A resolution of the Senate rejecting a bill, or an amendment proposed in the Senate's resolution, shall be considered accepted unless the Sejm rejects it by an absolute majority vote in the presence of at least half of the statutory number of Deputies.

Article 122

1. After the completion of the procedure specified in Article 121, the Marshal of the Sejm shall submit an adopted bill to the President of the Republic for signature.
2. The President of the Republic shall sign a bill within 21 days of its submission and shall order its promulgation in the Journal of Laws of the Republic of Poland (Dziennik Ustaw).
3. The President of the Republic may, before signing a bill, refer it to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution. The President of the Republic shall not refuse to sign a bill which has been judged by the Constitutional Tribunal as conforming to the Constitution.
4. The President of the Republic shall refuse to sign a bill which the Constitutional Tribunal has judged not to be in conformity to the Constitution. If, however, the nonconformity to the Constitution relates to particular provisions of the bill, and the Tribunal has not judged that they are inseparably connected with the whole bill, then, the President of the Republic, after seeking the opinion of the Marshal of the Sejm, shall sign the bill with the omission of those provisions considered as being in non-conformity to the Constitution or shall return the bill to the Sejm for the purpose of removing the non-conformity.
5. If the President of the Republic has not made reference to the Constitutional Tribunal in accordance with paragraph 3, he may refer the bill, with reasons given, to the Sejm for its reconsideration. If the said bill is repassed by the Sejm by a three-fifths majority vote in the presence of at least half of the statutory number of Deputies, then, the President of the Republic shall sign it within 7 days and shall order its promulgation in the Journal of Laws of the Republic of Poland (Dziennik Ustaw). If the said bill has been repassed by the Sejm, the President of the Republic shall have no right to refer it to the Constitutional Tribunal in accordance with the procedure prescribed in paragraph 3.
6. Any such reference by the President of the Republic to the Constitutional Tribunal for an adjudication upon the conformity of a statute to the Constitution, or any application for reconsideration of a bill, shall suspend the period of time allowed for its signature, specified in paragraph 2, above.

Article 123

1. The Council of Ministers may classify a bill adopted by itself as urgent, with the exception of tax bills, bills governing elections to the Presidency of the Republic of Poland, to the Sejm, to the Senate and to organs of local self government, bills governing the structure and jurisdiction of public authorities, and also drafts of law codes.
2. The rules of procedure of the Sejm and the rules of procedure of the Senate shall define the modifications in the legislative procedure when a bill has been classified as urgent.
3. In the legislative procedure in relation to a bill classified as urgent, the time period for its consideration by the Senate shall be 14 days and the period for its signature by the President of the Republic shall be 7 days.

Article 124

The provisions of Article 110, Article 112, Article 113 and Article 120 shall apply, as appropriate, to the Senate.

PORTUGAL

Source: Constitution of the Portuguese Republic. <https://dre.pt/constitution-of-the-portuguese-republic>

Article 167 - Legislative initiative and referendum

1. The power to initiate laws and to propose referenda lies with Deputies, parliamentary groups and the Government, and further, in accordance with the terms and conditions established by law, the groups of electing citizens; the power to initiate laws with respect to the autonomous regions lies with the appropriate regional legislative assembly.
2. Deputies, parliamentary groups, regional legislative assemblies and groups of electing citizens shall not table bills, draft legislation or amendments that involve, in the current year, any increase in State expenditure or any reduction in State revenue, as provided for in the Budget.
3. Deputies and parliamentary groups and groups of electing citizens shall not propose referenda that involve, in the current year, any increase in State expenditure or any reduction in State revenue, as provided for in the Budget.
4. Bills, draft legislation and proposals for referenda that have been finally rejected shall not be re-introduced in the same legislative session, unless a new Assembly of the Republic is elected.
5. Bills, draft Government legislation and proposals for referenda that are not voted upon in the legislative session in which they are tabled need not be re-introduced in the following legislative session, unless the legislative term of the Assembly has ended.
6. Draft legislation and proposals for referenda tabled by the Government lapse on the dismissal of the Government.
7. Legislative initiatives from regional legislative assemblies lapse at the end of their legislative term, unless approved on the first reading, in which case they lapse only when the legislative term of the Assembly ends.

8. Parliamentary committees are entitled to submit alternative texts; but these do not prejudice the bills, draft legislation or the proposals for a referendum to which they refer when those have not been withdrawn.

Article 168 - Debates and voting

1. Debate of bills and draft legislation shall comprise a first reading general debate and a second reading debate on detail.
1. Voting comprises a vote on the first reading, a vote on the second reading and a final overall vote.
2. If the Assembly so decides, texts approved on the first reading shall be submitted to committees for their second reading, subject to the power of the Assembly to recall them and to a final overall vote by the Assembly.
3. The second reading of bills relating to matters specified in Articles 164(a) to (f), (h), (n) and (o) and 165(1)(q) must be voted on by the Assembly in plenary session.
4. Organic laws must be approved, in the overall final vote, by an absolute majority of the Deputies entitled to vote. The provisions relating to the territorial demarcation of the regions, set out in Article 255, must be approved in their second reading by the Assembly in plenary session by an identical majority.
5. The law that regulates the exercise of the right set out in Article 121(2) and the provisions of laws relating to matters specified in Articles 148 and 149, in 164(o), as well as those relating to the system and method of electing the organs referred to in Article 239(3), must be approved by a two-thirds majority of the Deputies present, provided that the majority exceeds an absolute majority of the Deputies entitled to vote.

Article 169 - Parliamentary appraisal of legislative acts

1. Decree-laws, other than those approved under the exclusive legislative powers of the Government, shall be submitted, for the purposes of terminating their validity or amendment, on the petition of 10 Deputies, for consideration by the Assembly of the Republic, within thirty days following their publication, not counting periods when the operation of the Assembly of the Republic is suspended.
2. Where proposals are made for the amendment of a decree-law, made under delegated legislative powers, that has been submitted for consideration, the Assembly may suspend the operation of the decree, in whole or in part, until the law amending it is published or the proposals for amendment are rejected.
3. The suspension shall lapse immediately the Assembly has held 10 plenary meetings without taking a final decision.
4. Where termination of validity is approved, the instrument ceases to be in force from the date of the publication of the resolution in the *Diário da República*, and it may not be published again in the same legislative session.
5. The process shall lapse if, after a decree-law has been submitted for consideration, the Assembly takes no decision on it, or, having decided to make amendments, it does not approve a law to that effect before the end of the current legislative session, in which there have been 15 plenary meetings.
6. The processes of parliamentary consideration of decree-laws shall take priority, in accordance with the Standing Orders.

Article 170 - Urgency procedure

1. At the request of a Deputy or parliamentary group or the Government, the Assembly of the Republic is entitled to adopt a urgency procedure for passing a bill, draft legislation or a motion for a resolution.
2. At the request of the Regional Legislative Assembly for the Azores or Madeira, the Assembly is also entitled to adopt an urgency procedure for passing a bill initiated by that regional legislative assembly.

ROMANIA

Source: Constitution of Romania. Last amendment 2003. <http://www.cdep.ro/pls/dic/site.page?id=371>

Section 3 - Law-making Procedure Article 73 – Classes of Laws

1. Parliament passes Constitutional, organic, and ordinary laws.
2. Constitutional laws shall be those for the revision of the Constitution.
3. Organic laws shall regulate:
 - a) the electoral system; the organization and functioning of the Permanent Electoral Authority;
 - b) the organization, functioning, and financing of political parties;
 - c) the status of Deputies and Senators, the establishment of their emoluments and other rights;
 - d) the organization and holding of referendum;
 - e) the organization of the Government and of the Supreme Council of National Defence;
 - f) the state of partial or total mobilization of the armed forces and of the state of war;
 - g) the state of siege and emergency;
 - h) criminal offences, penalties, and the execution thereof;
 - i) the granting of amnesty or collective pardon;
 - j) the status of public servants;
 - k) the judicial review of administrative action;
 - l) the organization and functioning of the Superior Council of Magistracy, the Courts of law, the Public Ministry, and the Court of Accounts;
 - m) the general legal status of property and inheritance;
 - n) the general organization of education;

- o) the organization of local public administration, territory, as well as the general rules on local autonomy;
- p) the general rules covering labour relations, trade unions, employers associations, and social protection;
- r) the status of national minorities in Romania ;
- s) the general statutory rules of religious cults;
- t) the other fields for which the Constitution stipulates the enactment of organic laws.

Article 74 – Legislative Initiative

A legislative initiative shall lie, as the case may be, with the Government, Deputies, Senators, or a number of at least 100,000 citizens entitled to vote. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or in the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative.

A legislative initiative of the citizens may not touch on matters concerning taxation, international affairs, amnesty or pardon.

The Government shall exercise its legislative initiative by introducing bills to the Chamber having competence for its adoption, as a first notified Chamber.

Deputies, Senators and citizens exercising the right of legislative initiative may present proposals only in the form required for a bill.

Legislative proposals shall be first submitted to the Chamber having competence for its adoption, as a first notified Chamber.

Article 75 – Notification to the Chambers

1. The Chamber of Deputies, as a first notified Chamber, shall debate and adopt the bills and legislative proposals for the ratification of Treaties or other international agreements and the legislative measures deriving from the implementation of such Treaties and agreements, as well as bills of the organic laws stipulated under Article 31 paragraph (5), Article 40 paragraph (3), Article 55 paragraph (2), Article 58 paragraph (3), Article 73 paragraph (3) subparagraphs e), k), l), n), o), Article 79 paragraph (2), Article 102 paragraph (3), Article 105 paragraph (2), Article 117 paragraph (3), Article 118 paragraphs (2) and (3), Article 120 paragraph (2), Article 126 paragraphs (4) and (5), and Article 142 paragraph (5). The other bills or legislative proposals shall be submitted to the Senate, as a first notified Chamber, for debate and adoption.
2. The first notified Chamber shall pronounce within forty-five days. For codes and other particularly complex laws, the deadline will be sixty days. If such terms are exceeded, it shall be deemed that the bill or legislative proposal has been adopted.
3. After the first notified Chamber adopts or rejects it, the bill or legislative proposal shall be sent to the other Chamber, which will make a final decision.
4. In the event the first notified Chamber adopts a provision which, under paragraph (1), belongs to its decision-making competence, the provision is adopted as final if the other Chamber also accepts it. Otherwise, for the provision in question only, the bill shall be returned to the first notified Chamber, which will make a final decision in an urgency procedure.

5. The provisions of paragraph (4) concerning the bill being returned shall also apply accordingly if the decision-making Chamber should adopt a provision for which the decision-making competence belongs to the first Chamber.

Article 76 – Passing of Bills and Resolutions

1. Organic laws and resolutions concerning the Standing Orders of each Chamber shall be passed by the majority vote of its Members.
2. Ordinary laws and resolutions shall be passed by the majority vote of the Members present in each Chamber.
3. On request by the Government or on its own initiative, Parliament may pass bills or legislative proposals under an urgency procedure, established in accordance with the Standing Orders of each Chamber.

Article 77 – Promulgation of Laws

1. A law shall be submitted for promulgation to the President of Romania. Promulgation shall be given within twenty days after receipt of the law.
2. Before promulgation, the President of Romania may return the law to Parliament for reconsideration, and he may do so only once.
3. In case the President has requested that the law be reconsidered or a review has been asked for as to its conformity with the Constitution, promulgation shall be made within ten days from receiving the law passed after its reconsideration, or the decision of the Constitutional Court confirming its Constitutionality.

Article 78 – Coming into Force of Laws

The law shall be published in the Official Gazette of Romania and come into force three days after its publication date, or on a subsequent date stipulated in its text.

Article 79 – Legislative Council

1. The Legislative Council shall be an advisory expert body of Parliament, that initials draft normative acts for purposes of a systematic unification and co-ordination of the whole body of laws. It shall keep the official record of the legislation of Romania.
2. The setting up, organization and functioning of the Legislative Council shall be regulated by an organic law.

SLOVAKIA

Source: Slovakia's Constitution of 1992 with Amendments through 2014.

<https://www.vop.gov.sk/constitution-of-the-slovak-republic>

Article 87

1. Draft laws may be introduced by the Committees of the National Council of the Slovak Republic, Members of Parliament and the Government of the Slovak Republic.
2. If the President of the Slovak Republic returns an act with comments, the National Council of the Slovak Republic shall discuss this act repeatedly and in case it is adopted, the act must be promulgated.
3. Acts shall be signed by the President of the Slovak Republic, the President of the National Council of the Slovak Republic and the Prime Minister of the Government of the Slovak Republic. If the National Council of the Slovak Republic, after repeated discussion, adopts an act even despite the comments of the President of the Slovak Republic, and the President of the Slovak Republic does not sign this act, it shall be promulgated even without the signature of the President of the Slovak Republic.
4. Acts shall enter into effect on their promulgation. Details on the promulgation of acts, of international Treaties and legally binding acts of an international organization pursuant to Article 7, paragraph 2 shall be laid down by law.

SLOVENIA

Source: Constitution of the Republic of Slovenia 1991, as amended to 2013. Official Gazette of the Republic of Slovenia Nos. 33/91-I, 42/97, 66/2000, 24/03, 69/04, 68/06, and 47/13. <https://www.us-rs.si/media/constitution.pdf>

Article 87

The Power of the National Assembly to Enact Legislation

The rights and obligations of citizens and of other persons may be delineated by the National Assembly solely by statute.

Article 88

Initiatives to Enact Statutes

The enactment of statutes by the National Assembly may be initiated by the Government, by individual Deputies of the National Assembly or by no less than five thousand voters.

Article 89

Legislative Procedure

The National Assembly shall enact statutes after considering the same in stages or otherwise consistently with its Standing Orders.

Article 90

Referenda Relating to Statues

The National Assembly may call a referendum on any issue which is the subject of regulation by statute. The National Assembly shall be bound by the results of such a referendum.

The National Assembly may call such referendum on its own initiative, but it must call such a referendum if the same is demanded by no less than one third of all elected Deputies of National Assembly, by the National Council or by no less than forty thousand voters.

All citizens, who are eligible to vote generally, shall have the right to vote in a referendum.

Any proposal put to a referendum shall be deemed to have been accepted if a simple majority of the voters voting at the referendum vote in favour of the same.

The procedure for holding referenda shall be regulated by statute passed by a two-thirds majority of those Deputies present and voting.

Article 91

The Proclamation of Statues

A statute shall be proclaimed by the President of the Republic no later than 8 days after its enactment.

The National Council may require the National Assembly to reconsider any statute within 7 days of the same being enacted and prior to its proclamation. On the reconsideration of any statute, the same shall be deemed to be enacted if a majority of all elected Deputies of the National Assembly votes in favour of it, save where this Constitution requires a greater number of votes for enactment. Any such reconsideration of a statute by the National Assembly shall be final.

The National Assembly may call such referendum on its own initiative, but it must call such a referendum if the same is demanded by no less than one third of all elected Deputies of National Assembly, by the National Council or by no less than forty thousand voters.

All citizens, who are eligible to vote generally, shall have the right to vote in a referendum.

Any proposal put to a referendum shall be deemed to have been accepted if a simple majority of the voters voting at the referendum vote in favour of the same.

The procedure for holding referenda shall be regulated by statute passed by a two-thirds majority of those Deputies present and voting.

PART 9. Procedure for amending this Constitution

Article 168

Proposal for the Initiation of Amendment

A proposal to amend this Constitution may be initiated by no less than twenty Deputies of the National Assembly, by the Government or by no less than thirty thousand voters.

Any such proposal shall only proceed for determination in the National Assembly upon the vote of a two-thirds majority of those Deputies of the National Assembly present and voting.

Article 169

Amendment of This Constitution

The National Assembly may only enact legislation to amend this Constitution upon the vote of a two-thirds majority of all elected Deputies.

Article 170

Ratification of Constitutional Amendment by Referendum

Any proposal for the amendment of this Constitution before the National Assembly must be presented to the electorate at a referendum if the same is demanded by no less than thirty of its Deputies.

An amendment shall be deemed to have been carried at such a referendum if a majority of all voters eligible to vote, voted at the referendum and a majority of those voters who were voting voted in favour of same.

Article 171

Proclamation of Amendments to this Constitution

An amendment to this Constitution shall take effect upon its proclamation in the National Assembly.

SPAIN

Source: Constitution passed by the Cortes Generales 31 October 1978; ratified by referendum on 7 December 1978. Last amendment September 2011.

<http://www.senado.es/web/conocersenado/normas/constitucion/index.html?lang=en>

Chapter II Concerning the Drafting of Bills

Article 81

1. Organic laws are those relating to the development of fundamental rights and public liberties, those which establish Statutes of Autonomy and the general electoral system, and other laws provided for in the Constitution.
2. The passing, amendment or repeat of the organic laws shall require an absolute majority of the Members of Congress in a final vote on the bill as a whole.

Article 82

1. The Cortes Generales may delegate to the Government the power to issue rules with the force of law on specific matters not included in the foregoing article.
2. Legislative delegation must be granted by means of a basic law when its purpose is that of drawing up texts comprising various articles, or by an ordinary law when it is a matter of consolidating several legal texts into one.
3. Legislative delegation must be expressly granted to the Government for specific purposes and with a fixed time limit for its exercise. The delegation shall expire when the Government, having availed itself thereof, has published the appropriate regulations. It may not be construed as having been granted implicitly or for an indeterminate period. Nor shall sub-delegation to authorities other than the Government itself be authorized.
4. Enabling laws shall precisely define the purpose and scope of legislative delegation, as well as the principles and criteria to be followed in exercising it.
5. Authorization for consolidating legal texts shall determine the legislative scope implicit in the delegation, specifying if it is restricted to the mere formulation of a single text or whether it covers regulating, clarifying and harmonizing the legal texts that are to be consolidated.
6. The delegation laws may establish additional control formulas in each case, without prejudice to the jurisdiction of the Courts.

Article 83

The basic laws may in no case:

- a) authorize the modification of the basic law itself;
- b) grant power to enact retroactive regulations.

Article 84

In the event that a non-governmental bill or amendment is contrary to currently valid legislative delegation, the Government may oppose its passage. In this case, a non-governmental bill may be submitted for the total or partial repeal of the delegation law.

Article 85

Government provisions containing delegated legislation shall be entitled „Legislative Decrees“.

Article 86

1. In cases of extraordinary and urgent need, the Government may issue temporary legislative provisions which shall take the form of Decree-Laws and which may not affect the regulation of the basic State institutions, the rights, duties and liberties contained in Title I, the system of the Autonomous Communities, or the General Electoral Law.
2. The Decree-Laws must be submitted forthwith to the Congress of Deputies, which must be summoned for this purpose if not already in session. They must be debated and voted upon in their entirety within thirty days after their promulgation. Congress must expressly declare itself in favour of ratification or repeal within said period of time, for which purpose the Standing Orders shall establish a special summary procedure.

3. During the period established in the foregoing clause, their passage through the Cortes may be the same as for Government bills, by means of the emergency procedure.

Article 87

1. The Government, the Congress and the Senate are competent to propose legislation, in accordance with the Constitution and the Standing Orders of the Houses.
2. The Assemblies of the Autonomous Communities may request the Government to pass a bill or refer a non-governmental bill to the Congressional Steering Committee and to delegate a maximum of three Assembly Members to defend it.
3. An organic law shall establish the manner in which popular initiative in connection with the submitting of non-governmental bills shall be regulated, as well as the requirements therefor. In any case, no fewer than 500,000 authenticated signatures shall be required. This initiative may not touch on matters concerning organic laws, taxation, international affairs or the prerogative of granting pardons.

Article 88

Government bills shall be passed by the Council of Ministers, which shall refer them to Congress, accompanied by a statement setting forth the necessary grounds and facts in order for them to reach a decision thereon.

Article 89

1. The passage of non-governmental bills shall be regulated by the Standing Orders of the Houses in such a way that the priority attaching to Government bills shall not prevent the exercise of the right to propose legislation under the terms laid down in Article 87.
2. Non-governmental bills which, in accordance with Article 87 are considered by the Senate, shall be referred to Congress for enactment.

Article 90

1. Once an ordinary or organic bill has been passed by the Congress of Deputies, the President Of Congress shall immediately report on it to the President of the Senate, who shall submit it to the latter for its consideration.
2. Within two months of receiving the text, the Senate may, by means of a considered opinion, veto it or introduce amendments into it. The veto must be passed by an absolute majority. The bill may not be submitted to the King for his assent unless, in the event of veto, Congress has ratified the initial text by an absolute majority (or by simple majority if two months have elapsed since its introduction), or has reached a decision relative to the amendments, accepting them or not by simple majority.
3. The period of two months allowed the Senate for vetoing or amending a bill shall be reduced to twenty calendar days for bills declared by the Government of the Congress of Deputies to be urgent.

Article 91

The King shall, within a period of fifteen days, give his assent to the laws passed by the Cortes Generales, and shall promulgate them and order their immediate publication.

Article 92

1. Political decisions of special importance may be submitted to all citizens in a consultative referendum.
2. The referendum shall be called by the King on the proposal of the President of the Government, following authorization by the Congress of Deputies.
3. An organic law shall regulate the terms and procedures for the different kinds of referendum provided for in this Constitution.

SWEDEN

Source: The Constitution of Sweden, the fundamental laws and the riksdag act, last amendment 2011.
<https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>

The Instrument of Government (SFS 1974: 152, as amended)

Chapter 1, Article 4.

The Riksdag is the foremost representative of the people. The Riksdag enacts the laws, determines State taxes and decides how State funds shall be employed. The Riksdag shall examine the government and the administration of the Realm.

Chapter 4, Article 3.

The Government and every member of the Riksdag has the right to introduce proposals on any matter coming within the jurisdiction of the Riksdag, in accordance with more detailed rules laid down in the Riksdag Act, unless otherwise provided in the present Instrument of Government.

The European Parliament is the only democratically elected body in the EU. Yet, unlike most parliaments, it has no formal right of legislative initiative. Initiating legislation lies almost solely with the EU's executive bodies, the Commission, and – to a limited but increasing extend – the European Council and the Council. This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, reveals that Parliament's „own-initiative-reports“ form a widely underestimated and unrecognized tool to informally shape the EU's policy agenda. The study provides for a comprehensive analysis of non-legislative and legislative own-initiative reports. We argue that Parliament is able to create a cooperative environment in order to bring the Commission in line with its own legislative priorities and sometimes very specific legislative requests. Building on the empirical evidence of Parliament's practice since 1993, we finally discuss means and ways for pragmatic reform and Treaty revision.
