

# Gaining the right of legislative initiative for Parliament

During the June I plenary session, the European Parliament is expected to vote on a resolution dealing with a crucial issue for Parliament, that of acquiring the 'direct' right of legislative initiative, a prerogative that national parliaments in Member States already have. This discussion comes at a time when, in the wake of the conclusion of the Conference on the Future of Europe, the possibility of opening up to bigger, more far-reaching EU reforms is being contemplated.

## Background

The European Parliament does not enjoy the right of legislative initiative but, under [Article 225](#) of the Treaty on the Functioning of the European Union (TFEU), only an 'indirect right' of legislative initiative which allows it to request, by a majority of its component members, the Commission to submit a proposal to implement the Treaties. If the Commission then decides not to submit a proposal the only obligation it has is to inform the Parliament of its reasons. Currently, the few rules regulating this right are limited to the [2010 Framework Agreement](#) (FA), under which the Commission committed to report on any request under Article 225 TFEU within three months of the adoption of the resolution in plenary. The Commission must justify why it does not intend to submit a proposal, while if it decides it will do so it should issue its legislative proposal within one year or include it in the next year's work programme. The [2016 Interinstitutional Agreement](#) on Better Law-Making (2016 IIA) adds to these commitments the obligation for the Commission to provide an analysis of possible alternatives, and to respond to any issues raised by the co-legislators in relation to analyses concerning 'European added value' and the 'cost of non-Europe'. The Council enjoys a similar indirect right of initiative to the EP under [Article 241 TFEU](#). Parliament does have a direct right of initiative in a few specific areas such as electoral law; its right of inquiry; the Ombudsman's Statute; and the composition of Parliament.

## European Parliament position

The [report](#) of the Committee on Constitutional Affairs (AFCO) calls for a general and direct right of initiative, which would strengthen the democratic legitimacy of the EU, since Parliament is the only directly elected institution representing EU citizens. It calls for Parliament to trigger [Article 48 TEU](#) to change the Treaties to gain such a right. A generalised right of initiative would go to Parliament, coexisting with a concurrent right of the Commission (or in certain areas a monopoly, e.g. budget). The Council could also have direct initiative in strictly defined areas. The explanatory statement explains this differentiation: while Parliament and the Commission represent the EU as a whole, the Council represents national rather than EU interests, it should therefore have the fundamental role of a legislative chamber alongside Parliament. The report also calls for a new interinstitutional agreement to regulate those fields where Parliament already enjoys a direct right of initiative under the Treaties. It also calls for a revision of the 2010 FA and the 2016 IIA to better adapt them to the current indirect right of initiative, and a revision of the Parliament's Rules of Procedure as regards rules that regulate the indirect right of initiative under Article 225 TFEU. JURI and LIBE submitted favourable opinions. Giving Parliament the right of initiative was also suggested in [recommendation 39\(4\)](#) of the Conference on the Future of Europe.

Own-initiative report: [2020/2132\(INI\)](#); Committee responsible: AFCO; Rapporteur: Paulo Rangel (EPP, Portugal). For further details see our [briefing](#) on Parliament's right of legislative initiative.

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Author: Silvia Kotanidis, Members' Research Service  
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[ep@ep.europa.eu](mailto:ep@ep.europa.eu) (contact) <http://www.eprs.ep.parl.union.eu> (intranet) <http://www.europarl.europa.eu/thinktank> (internet) <http://epthinktank.eu> (blog)

