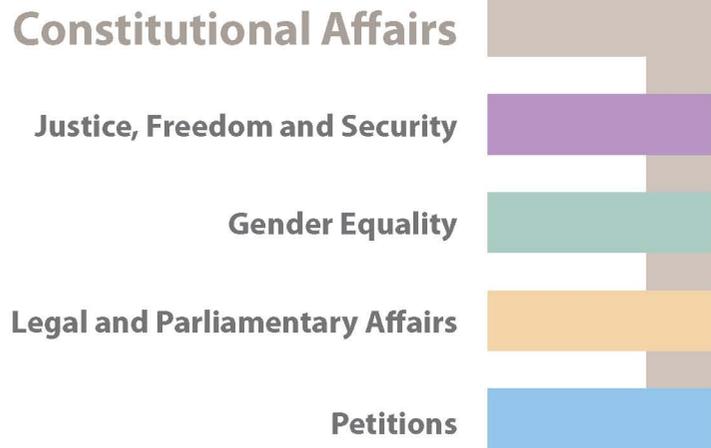




DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Written Declarations in the European Parliament

STUDY



DIRECTORATE GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS**

CONSTITUTIONAL AFFAIRS

Written Declarations in the European Parliament - A review of process and impact -

STUDY

Abstract

This comparative review examines the procedure and outcome of the European Parliament's Written Declarations, pursuant to Rule 123 of its Rules of Procedure. Moreover, it inspects the provisions of other national and international parliaments with a view to identify similar procedures and their particularities. Some tentative conclusions are drawn with respect to a possible update of Parliament's rules.

Keywords: Rules of procedure, written declarations

This document was requested by the European Parliament's Committee on Constitutional Affairs.

AUTHORS

Ms Charlotte Groffen
Mr Wilhelm Lehmann
Policy Department C - Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@europarl.europa.eu

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ABOUT THE EDITOR

To contact the Policy Department or to subscribe to its newsletter please write to:
poldep-citizens@europarl.europa.eu

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1. INTRODUCTION

The Committee on Constitutional Affairs envisages an examination of the application of Rule 123 of the Rules of Procedure of the European Parliament. This rule (formerly Rule 116) provides the possibility for a small group of MEPs to draw up a declaration on a subject of common concern, to submit it to other MEPs for their signature and, possibly, to have it included among the Texts Adopted and published in the Official Journal of the European Union. Declarations adopted under this procedure are usually addressed to the European Commission but can also be transmitted to other institutions both within the EU and beyond.

The text of Rule 123 is as follows (emphases added):

1. Up to five Members may submit a written declaration of not more than 200 words on a matter falling within the competence of the European Union which does not cover issues that are the subject of an ongoing legislative process. **Authorisation shall be given by the President on a case-by-case basis.** Written declarations shall be printed in the official languages and distributed. They shall be entered with the names of the signatories, in a register. This register shall be public and shall be kept outside the entrance to the Chamber during part-sessions and in an appropriate location, to be determined by the College of Quaestors, between part-sessions.

The contents of a written declaration may not go beyond the form of a declaration and may not, in particular, contain any decision on matters for which specific procedures and competences are laid down in these Rules of Procedure.

2. The signature of any Member may be added to a declaration entered in the register.
3. Where a declaration is signed by a **majority of Parliament's component Members**, the President shall notify Parliament accordingly and publish the names of the signatories in the minutes and the declaration as a text adopted.
4. The procedure shall be closed by the forwarding to the addressees, at the end of the part-session, of the declaration, together with the names of the signatories.
5. A written declaration that has remained in the register for over **three months** and has not been signed by at least one half of the component Members of Parliament shall lapse.

The purpose of the present study is twofold: firstly, to assess the situation in the national parliaments of the Member States with respect to the question whether there are similar instruments for individual MPs to put a particular issue on the political radar of their institution. A second part concerns the practical and political consequences of the EP's Written Declarations. Do the addressees react to the requests made in declarations? Are there any other political effects of this parliamentary activity? In a final section some institutional issues are raised which could inform the upcoming review of Rule 123 by the Committee.

In order to give an impression of the importance of this political tool the study starts out with a few statistics (as of 30 November 2011).

| Period | Number of Written Declarations |
|---|--|
| <i>7th Term (since July 2009)</i> | |
| Ongoing | 17 |
| Adopted | 69 |
| Lapsed | 113 |
| | |
| <i>6th Term (2004 - 2009)</i> | |
| Adopted | 37 |
| Lapsed | 436 |
| | |
| Totals: | |
| 7 th term (2009 - present) | 199 (<i>8,5% ongoing, 34,7% adopted, 56,8% lapsed</i>) |
| 6 th term (2004 - 2009) | 473 (<i>7,8% adopted</i>) |

Overview of Written Declarations 2004 - 2011

The above table shows that Written Declarations are used regularly but not in very high numbers. It seems that the frequency of Written Declaration has remained more or less constant over the past seven years, with an average number of 95 declarations per year for the 6th term and 75 declarations for the 7th term, or, in other words, around five to seven new declarations per plenary part-session. Under the assumption that the first half of the 7th term is representative for the whole electoral period a **decrease** of the number of Written Declarations seems likely to be found at the end of the present term but the percentage of adopted declarations seems to rise significantly (from around 10% in 2004-2009 to around 35% since 2009). Still, the majority of declarations lapse after the period provided for in the Rules (3 months).

2. THE SITUATION IN NATIONAL AND INTERNATIONAL PARLIAMENTS

One goal of this document is to provide an overview of the practice in other parliaments of the European Union. Therefore, an information request was sent to the correspondents of the European Centre for Parliamentary Research and Documentation (ECPRD) in July 2011.¹ The questions submitted to the national experts were as follows:

1. Are/is there (a) similar device(s) in the Rules of Procedure of your parliament?
If applicable:
2. What are their typical consequences (publication? draft bills? registration in minutes? other results?)
- 3.1 How is the control and follow-up of instruments resembling the EP's Written Declarations organised?
- 3.2 What are the respective provisions?
- 3.3 Are there any surveys or reports on past experiences?

Questions submitted to the ECPRD

Replies from parliaments from 26 Member States, 11 other parliaments and the Parliamentary Assembly of the Council of Europe were received.

Eight Member States described having a procedure *similar* to the one described in Rule 123. These are Belgium, Bulgaria, the Czech Republic, Poland (both chambers), Portugal, Finland, Romania and the United Kingdom.

Additionally, of the 11 non-Member States that replied to the query, four describe similar procedures: FYROM, Moldova, Russia, and Switzerland. The Council of Europe also has a procedure, bearing the same name, which is very similar to the one applicable in the European Parliament.

Several remarks can be made about the varying instruments described by the respondents:

a. The procedure

The procedures used to initiate the declaration (or the similar instrument) vary between the respondents. In most countries a declaration can be initiated by one or several MPs, similar to the system of Written Declarations in the European Parliament. This is the case in Belgium, the Czech Republic, Finland, FYROM, Poland, Portugal, Romania, the United Kingdom, the Swiss Council of States and the Council of Europe.

¹ The authors would like to express their gratitude to the ECPRD and EP colleagues involved in this survey.

Bulgaria and the Swiss National Council, however, describe devices that can only be initiated by a committee or by an entire parliamentary assembly.

Only the UK, Russia and the Council of Europe know a system where Written Declarations are given support in the form of signatures by other MPs. They are therefore the respondents with a system most similar to that of the European Parliament's.

b. The aim and subject of the declaration

Declarations are used to incite governments to give its opinion or issue legislation on a particular topic (Belgium, Poland, Portugal, Finland), to express an opinion about a particular issue in national, foreign, or European affairs (Belgium, Bulgaria, the Czech Republic, Poland, Portugal, FYROM, Moldova, Switzerland, Russia, Council of Europe, Romania), discuss events in a particular member's constituency (Poland, United Kingdom, Romania) or related to a Senator's mandate (Polish Senate), or to submit a Member's draft resolution for discussion (Portugal).

Even though the EP's written declarations 'do not cover issues that are the subject of an ongoing legislative process' certain countries described devices that do: Lithuanian MPs are entitled to make a two-minute statement at the end of a plenary session, Finnish MPs can propose Resolutions when discussing a Government Bill, the Dutch House of Representatives gives MPs the possibility to give a two-minute 'Explanation of Votes' before or after a plenary vote, while in Israel a 'Motion for the Agenda' can lead to a topic being placed on the House's agenda. Such statements are included in the minutes of the session.

c. Follow-up or control

After the declarations of the type discussed here have been drawn up, they are published in most countries, either in the minutes (Belgium, Moldova, Poland, Portugal, Romania, Switzerland), in a public register (Bulgaria), in the parliament's daily business paper (United Kingdom), or in the country's Official Journal (Portugal, Romania, Moldova, Russia). The Council of Europe declarations are registered in the Assembly's documents. In most countries, the procedure stops there as the declarations are generally used for political purposes and require no particular follow-up.

However, in certain countries the Government is expected to react to the declaration:

- All declarations from the Belgian chambers are sent to the Prime Minister, the Government's reaction to the declaration is monitored and sometimes an overview of Government's measures is sent to the bi-annual meeting of the presidents of the Chambers.
- Declarations by Polish senators should be granted with an answer from the Government within 30 days of delivering the statement.
- Declarations by Romanian MPs that are related to the Government's activities and policies are forwarded to the Minister for relations with the Parliament.
- Finland's 'petitionary motions' can be adopted during a plenary session and lead to the drafting of a new bill.²
- In Moldova, a follow-up to a declaration is necessary if it is stipulated in the text of

² N.B.: only very few motions are eventually accepted in plenary; in 2007-2010 out of 382 motions only one was accepted.

the declaration that the Government is obliged to make a presentation or inform parliament about what it has done to address the declaration's proposals.

d. Surveys of past experience

The UK is the only respondent to have held a survey on the efficiency and usefulness of their system of declarations, in May 2007³. The survey was carried out because it was felt that that the declarations ('Early Day Motions') were becoming such a popular tool that they lost their significance. The report mentions that the declarations tend to give citizens an impression of Parliament being active when it is not really acting. But no suggestions for improvement would, according to the report, change these problems significantly and, therefore, no recommendations for change were made. However, the report concluded by promising to look further into the possibility of introducing Early Day Motions electronically.

A table annexed to this background note (**Annex 1**) provides more detailed information on the countries having a system of declarations or motions resembling those specified in Rule 123.

³ House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, HC513 2006-07. Available at: <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmproced/513/51306.htm>.

3. THE OUTCOME OF THE EUROPEAN PARLIAMENT'S WRITTEN DECLARATIONS

The last paragraph of any Written Declaration, just as those of legislative acts and other resolutions, specifies a number of addressees to which the text is to be transmitted once it has been adopted. Typically, these are the European Commission, the Council, national parliaments or international organisations. **Annex 2** provides an overview of the adopted Written Declarations recorded since 2005 (6th and 7th term). With very few exceptions, the Commission is always addressed. The Council is also the recipient of a vast majority of adopted declarations. Other institutions such as national parliaments are also frequent addressees, national governments much less. Exceptionally, international bodies or institutions of only one Member State can be mentioned.

The question arises to what extent adopted Written Declarations prompt their recipients to act.

According to the research carried out for this study, the only institution which has produced concrete statements referring to EP Written Declarations is the European Commission. Parliament's Plenary Organisation and Follow-up Unit in the Directorate General for the Presidency keeps track of the Commission's replies since 2008. Archival research would need to be carried out in order to identify older Commission responses. It is highly likely, however, that the conclusions drawn from the past few years also apply to previous years.

As mentioned before, the Commission apparently is the only one among Parliament's interlocutors to respond to its adopted Written Declarations. However, in most cases its response is limited to reiterating ongoing Commission activities such as consultations or the preparation of Green Papers. Only in exceptional cases the Commission announces a specific activity prompted by a Written Declaration. **Annex 3** provides a few examples. Generally speaking, the most practical announcements are those referring to an imminent legislative proposal or the promise to defend a particular position in international or other negotiations.

4. CONCLUSIONS: SOME POLITICAL AND INSTITUTIONAL ISSUES

The criteria spelled out in Rule 123 for the acceptability of Written Declarations are first scrutinized by the Members' Activities Unit of the Directorate for the Plenary in DG Presidency. Based on a recommendation from the Director General for the Presidency the responsible advisors in the President's Cabinet prepare the President's decision to agree to enter a submitted Written Declaration into the register open for further signatures, deposited outside the Chamber during part-sessions. Experience over the past two terms indicates that proposals for Written Declarations are only under exceptional circumstances declared unacceptable by the President.

Recently, a supplementary criterion has been included in the examination process: respect for the protection of personal data (such as individuals' names or other specific personal information).

Compared with the very high (and rising) number of Questions requesting a written reply from the Commission or the Council (11,000 to 12,000 per year at last count; cf. Rule 117 and 118) the administrative and political problems related to Written Declarations appear manageable. However, in some cases guidance for the authors of such declarations could be useful. Annex III of the Rules of Procedure could provide inspiration for such guidance by analogy.

In view of the national and international provisions reviewed here two more questions would seem to merit some consideration. For example, Rule 52 of the Council of Europe's Rules of Procedure of the Parliamentary Assembly provides for a minimum number of national delegations (4) and political groups (2) in order to submit an admissible Declaration. The European Parliament's standing as the only directly elected EU institution could make it seem useful to introduce similar criteria, which exist in many other European Parliament procedures. On the other hand, this would reduce the accessibility of this political instrument for individual MEPs.

A second possible consideration could be to examine the usefulness of leaving the decision on acceptability to the President of the European Parliament. There are of course advantages and disadvantages to this mechanism. It is at some distance from direct political competition between the major party families. On the other hand, it could perhaps increase the political weight of Written Declarations if other political bodies of the Parliament were more involved in the decision-making concerning their selection and scrutiny.

ANNEX 1: FURTHER INFORMATION ON NATIONAL AND INTERNATIONAL PARLIAMENTS

Note: All Member States not mentioned in the table reported that they did not have comparable provisions.

| Member State | Chamber | 1. Are there similar devices in the Rules of Procedure of your parliament? How are they usually followed up (publications, draft bills, regular minutes etc.)? | 2. How is the control and follow-up of instruments resembling the EP's Declarations organised? | 3. What are the respective provisions? | 4. Are there any surveys/reports of past experience? |
|--------------|----------------------------|---|--|--|--|
| Belgium | Chamber of Representatives | <p>Yes, the concept that resembles the system of written declarations in the European Parliament most is the so-called Resolution. This is an instrument used by both chambers to express their point of views. A resolution is not binding; it simply expresses the opinion of the chamber that has issued it.</p> <p>With the use of resolutions, the chambers can incite the government to take a stance on a particular issue, or undertake a specific action in cases where a political initiative would not be appropriate.</p> <p>The proposals for resolutions can be initiated by one or several MPs or drawn up in a committee.</p> <p>The resolution proposals, and related amendments and reports are published together with the final text of the adopted resolutions. Resolutions that have been adopted are sent to the prime minister. If dealing with the resolution requires work from one particular department, the prime minister will forward it to the relevant department. If, however, the propositions require the competences of several departments, the prime minister will forward it to a 'ministre-pilote' who will meet with his colleagues to discuss how to carry out the resolution.</p> | <p>According to article 155 of the Rules of Procedure the government needs to submit a list with measures taken to comply with the adopted resolution every six months to the meetings presidents of the chambers.</p> | <p>The procedure for proposing a resolution is very similar to the procedure for law proposals. See articles 75 and following of the Rules of Procedure.</p> | <p>No</p> |

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| | | Any minister or 'ministre-pilote' charged with implementing or overseeing the implementation of a resolution will have to present its method for carrying out the resolution's propositions to the Chamber each year as part of the scrutiny of his budget. | | | |
| | Senate | No. | N/A | N/A | N/A |
| Bulgaria | National Assembly | Yes, art 86 of the Constitution and art 78 of the Rules of Procedure settle the adoption of declarations similar to the 'written declarations' that the European Parliament adopts. These declarations adopted by the National Assembly are not prescriptive and reflect its position on events and issues of domestic or foreign policy. The Declarations passed by the National Assembly are entered in a public register. | N/A | Art. 86 of the Constitution and art. 78 of the Rules of Procedure | N/A |
| Czech Republic | Senate | Yes, the Senate can adopt declarations which express the general position on domestic or foreign policy. It is possible for just one senator to propose such a declaration. | | | |
| Germany | Bundesrat | No. | N/A | N/A | N/A |
| | Bundestag | No, but other instruments exist, such as question time. | N/A | N/A | N/A |
| Greece | Parliament | No, but MPs have the possibility to introduce Law proposals, Amendments and additions to Bills (art. 84). | N/A | N/A | N/A |
| Lithuania | Parliament | No, but at the end of plenary each MP has a right to make a statement which must be appended in the minutes, and included ad verbatim in the record of the sitting. There are no procedural consequences or follow-up for such statements. | N/A | N/A | N/A |

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|-------------|--------------------------|--|--|--|-----|
| Netherlands | House of Representatives | No, but art. 73 of the Rules of Procedure states that MPs have the right to explain their vote in a two minute statement. In this statement the MP can explain his or her point of view on a specific topic. In some cases, with the permission of the president of the House this can be done before the voting takes place. These motivations may lead to further discussion in the meeting. These Explanations of Vote will be a part of the minutes of the debate. | N/A | N/A | N/A |
| | Senate | No | N/A | N/A | N/A |
| Austria | Nationalrat | No | N/A | N/A | N/A |
| | Bundesrat | No | N/A | N/A | N/A |
| Poland | Sejm | <p>Yes. The Standing Orders of the Sejm of the Republic of Poland provide Deputies with a possibility do deliver Deputies' Statements. The Deputies are free to choose a subject of such Statement, with an exception of matters, <i>whose substance is an interpellation or Deputy's question</i>. Deputies Statements may be delivered only at the end of each day of the debate. They may not become a subject of discussion.</p> <p>In practice delivering Deputies Statements is very popular. The most common subject matters include: a) commenting on current political situation, b) delivering appeals/suggestions on various matters, c) paying attention to various anniversaries or events taking place in Deputies' constituencies.</p> <p>The only consequence is publication of Deputies' Statements in a shorthand report (i.e. minutes). A Deputy who fails to deliver his/her Statements may request the Marshal of the Sejm to include the written</p> | There are no specific measures of control of Deputies' Statements, save for strict time limits (delivering of the Statement may not last longer than 5 minutes). | - Article 185 of the Standing Orders of the Sejm: 1. The Marshal of the Sejm may give the floor, regardless of the orders of the day, for the making of a Deputy's Statement. Any | |

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|--|--------|--|-----|--|-----|
| | | text of the Statement in the shorthand report. | | | |
| | Senate | <p>Yes, the Rules and Regulations of the Senate provide for the procedure of senatorial statements (art. 49), which is similar to the institution of questions for written answer as in Rule 117 of the EP RoP.</p> <ul style="list-style-type: none"> - A statement can relate to issues connected with the exercise of a Senator's mandate, but it cannot relate to issues that were included in the agenda of the current Senate sitting. - A statement cannot last longer than 5 minutes. Every Senator shall be entitled to file his undelivered statement in the minutes. Its text shall also be added to the stenographic record. - The Marshal of the Senate shall be entitled to reject a statement when: (i) its content cannot be established (ii) it is evident that it could not be delivered within the time available to each Senator in the debate. - No discussion shall be conducted on a Senator's statement. - Senator's statements, if they include specific motions and comments addressed to members of the Council of Ministers, representatives of state or local government bodies and institutions, shall immediately be directed by the Marshal of the Senate to the indicated addressees with a request for them to take a position. - Answers are granted to Senators in writing within no longer than 30 days from the date of delivering a statement. - In the event of exceeding the period specified in the above paragraph or providing an answer that is clearly unsatisfactory then the provisions of Article 8, para. 1, subparas 13 and 14 are applicable respectively. <p>There is no requirement for the statement to be valid to be signed by more than one senator. Texts of all statements, the ones delivered and those filed in the minutes, are included in the stenographic record. The</p> | N/A | Art. 49 of the Rules and Regulations of the Senate | N/A |

| | | | | | |
|----------|----------|---|--|---|-----|
| | | statements and the replies from the addressees are published on the Senate website under the names of particular senators. | | | |
| Portugal | Assembly | <p>Yes, even though there are no "written declarations" in the Portuguese Parliament, there are two similar parliamentary instruments, which perform analogous results both in scope and in purpose, notably resolutions.</p> <p>1. Resolutions: Members of Parliament can submit draft resolutions to plenary debate and voting. Usually, this instrument is used to express a position of the Parliament on specific themes and/or to recommend the Government to act regarding a particular issue/measure/policy.</p> <p>According to Article 4, no. 1, of the Assembleia da República's Rules of Procedure (RoP AR) "Members shall possess the following powers, which they may exercise individually or as a group, in accordance with these Rules of Procedure: (...) b) To submit Members' (...) draft resolutions (...) and to request that they be scheduled for discussion" after being determined that they comply with the Rules of Procedure and admitted by the Speaker of the Parliament (c) no. 1, art. 16.º RoP AR). A parliamentary draft resolution is "discussed in the parliamentary committee with responsibility for the matter in question and put to the vote in plenary sitting" and "shall be discussed in plenary sitting whenever a parliamentary group so requests" (art. 128 of RoP AR).</p> <p>2) Votes: The plenary of the Portuguese Parliament can also issue votes of congratulation, protest, condemnation, etc, proposed by Members, parliamentary groups or the Bureau. The discussion and vote of these votes, usually takes place at the commencement of each voting period, and each parliamentary group shall possess the right to speak for</p> | <p>For the time being, no systematic control, follow-up or evaluation of resolutions and votes is carry out by the parliament, nor on the reactions which these instruments entail, once they have, mainly, a political purpose.</p> <p>However, when a resolution or a vote urges the Government to act or recommends the Government to legislate on a specific issue, an act from the Government in that sense (decree-law, proposal of law, decision, etc.) is the main expected output of the process.</p> | Art. 4, no. 1 of the Rules of Procedure | N/A |

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|---------|---------------------|---|-----|--|-----|
| | | two minutes during a plenary session (Art. 75 of RoP AR). | | | |
| Romania | Chamber of Deputies | <p>No written declarations, only political statements. As a rule, at the Chamber of Deputies, MPs' political statements are made orally, but written political statements can be also submitted to the president of the plenary sitting.</p> <ul style="list-style-type: none"> ▪ Registration in minutes and publication of the Chamber of Deputies' plenary sittings' minutes (except the confidential ones) in the Official Gazette of Romania, Part II and on Internet. ▪ If the topics and content of a speech are related to the Government's activities and policies, the relevant excerpt from the minutes is forwarded to the Minister for the Relation with Parliament. | N/A | <p>Chamber of Deputies Standing Orders</p> <p>"6. Political statements <i>Article 188</i> (1) On Tuesday every week, the first 90 minutes of the sitting shall be set aside for the Deputies' political statements. (2) The 90 minutes shall be distributed per Parliamentary Groups belonging to the Majority, Parliamentary Groups belonging to the Opposition and per Deputies who do not belong to such Groups. If the allocated time should not be exhausted, the Chairman may continue to give the floor, in compliance with the same rule. (3) Every week, the speaking order shall alternate between Parliamentary Groups. (4) The duration of a speech may not exceed three minutes.</p> | N/A |

| | | | | | |
|---------|------------|--|-----|-----|-----|
| Finland | Parliament | <p>No, "Written declarations" as described in your request do not exist within the Finnish Parliament.</p> <p>1) Petitionary motions. The Constitution (Section 39), however, provides the possibility to introduce petitionary motions in which MPs can propose that the drafting of a bill or other measures should be undertaken by the Government.</p> <p>Petitionary motions are sent to the competent parliamentary committee and they are published in the parliamentary papers. The Committee may handle a petitionary motion for the plenary session which can accept it. However, e. g. during the Parliamentary term 2007 -2010 only one of the 382 petitionary motions was accepted.</p> <p>2) Resolutions. When handling Government Bills and communications it is possible to propose a resolution. A proposed resolution may be part of a committee report or an MP may present it directly in a plenary session (Section 53 of the Parliament's Rule of Procedure). If Parliament approves the proposed resolution, the resolution is made part of a parliamentary reply or communication. The Government shall provide an account of the measures it has undertaken in response to the resolution in its Annual Report to Parliament or in the Report on the Final Central Government Accounts.</p> | N/A | N/A | N/A |
|---------|------------|--|-----|-----|-----|

| | | | | | |
|-----------------------|-------------------------|--|--|--|---|
| <p>United Kingdom</p> | <p>House of Commons</p> | <p>The nearest equivalent to written declarations in the UK House of Commons is Early Day Motions [EDMs]. A report from the Select Committee on the Reform of the House of Commons provided the following description in November 2009:⁴</p> <p>One of the principal means by which public concerns are mediated through individual Members to become "proceedings" is through Early Day Motions [EDMs]. These are formal motions of no more than 250 words on any subject, drafted so that they are in theory capable of being debated in the House. They are tabled by a Member and printed in the House's daily business papers. Other Members can sign them to express their support. They are proceedings of the House in the technical sense that their contents are, for example, protected by privilege from suit for defamation. They are practically never debated or decided, with the rare exception when an Opposition party may choose to use time on one of their days to debate an existing EDM critical of the Government and signed by some Government backbenchers. Unlike petitions from the public, they do not receive any written "response" from Ministers. There have long been critics of the value of this sort of proceeding, which may offer a false prospectus to those outside as to the likelihood of any concrete outcome. [...]</p> | | | <p>The use of EDMs was previously reviewed by the Procedure Committee in a report published in May 2007. This made no recommendations for significant changes to the system.⁵ A database of EDMs is available on the Parliament Website at:</p> <p>http://www.parliament.uk/business/publications/business-papers/commons/early-day-motions/</p> |
|-----------------------|-------------------------|--|--|--|---|

⁴ House of Commons Reform Select Committee, *Rebuilding the House*, HC 1117, 2008-09. Available at: <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/111709.htm#a62>

⁵ House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, HC513 2006-07. Available at: <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmproced/513/51306.htm>

| Non - EU Member States | (only countries with similar provisions) | | | | |
|------------------------|--|--|--|--|----|
| Moldova | Parliament | <p>Yes, there are.</p> <p>The MPs of our Parliament have the right to express their views in form of declarations. The law 797-XIII from April the 2nd 1996 "On parliamentary rules of procedure" provides the method of the declaration's presentation. Article 106, on "The MPs declarations" stipulates the form of the declaration defined as the point of view of a parliamentary fraction or an MP's personal point of view.</p> <p>The law "On parliamentary rules of procedure" provides 3 cases when the MPs can express their opinion or point of view concerning the country's policy matters by Declarations:</p> <p>1) Declarations on problems that are not included in the agenda of the plenary meeting (article 106); 2) Declarations on exclusively political matters (article 121); 3) General policy declaration in the case of political responsibility assumption taken by Government (article 119).</p> <p>The Declarations on problems that are not included in the agenda of the plenary meeting are registered in parliamentary minutes. The Declarations on exclusively political matters are published in the "Official Monitor" in part I. In case the General policy declaration are considered adopted, they become enforceable for the Government.</p> | <p>The follow-up or control of the implementation of the mentioned legislative acts is done only when in the text a certain term is formally stipulated, when the Government is obliged to make a presentation or to inform the Parliament. The texts of political Declarations do not stipulate such provisions.</p> | <p>The mentioned article 106 says as follows:</p> <p>(1) The MPs have the right to declarations on problems that are not included in the agenda of the plenary meeting. At the beginning of the plenary meeting the MPs have to register in the list for declarations.</p> <p>(2) The registered MPs will be given the floor at the end of the meeting</p> <p>(3) The representative of the parliamentary fraction is given up to 7 minutes for the declaration and the MP – up to 5.</p> <p>(4) If the declaration concerns the image of a parliamentary fraction or an MP, they have the right to a reply in the framework of the same plenary meeting. The reply will not exceed 3 minutes.</p> | No |

| | | | | | |
|-------------|-------------|---|------------------------|--|-----|
| Russia | Duma | <p>The Deputies of the State Duma either have at their disposal the option to express their views on actual affairs of domestic and foreign policy through statements or declarations (according to the State Duma Rules of Procedure; art 93, 187-188). Such statements or declarations signed by a majority of the deputies of the State Duma are officially published in the 'Collected Legislative acts of the Russian Federation' and other official periodicals. Drafts of such statements concerning foreign policy are first examined by the State Duma Committee for International Affairs or/and the State Duma Committee for Affairs of the Commonwealth of Independent States and Relations with Compatriots and, if necessary, by other committees of the State Duma. Reports about statements or declarations of the State Duma are published in the annual reference book about activities of the State Duma. 17 statements and declarations were published in the 'Collected Legislative acts of the Russian Federation' in 2010, 18 statements and declarations were published in 2009.</p> <p>N/A</p> | N/A | N/A | N/A |
| Switzerland | Nationalrat | <p>Yes, the Council (not individual MPs) can issue a declaration on important international or national affairs, upon the request of a majority of a committee. The Council can discuss about the drafting of this declaration, and subsequently adopt it, reject it or refer it back to the committee. The declaration is written off if it is not discussed in the running session or the next. The declarations are registered in the minutes: the 'Amtliches Bulletin'.</p> | There is no follow-up. | Art 32 of the Rules of the National Council. | No. |
| | Ständerat | <p>Yes, the Council of States (not individual MPs) can issue a declaration - by means of a written request by an MP or committee- on important international or national affairs. The Council can discuss about the drafting of this declaration, and subsequently adopt it, reject it or refer</p> | There is no follow-up. | Art. 27 of the Rules of the Council of States. | No. |

| | | | | | |
|------------------------------------|------------------------|---|--|-----------------------------------|----|
| | | it back to the committee. The declaration is written off if it is not discussed in the running session or the next. The declarations are registered in the minutes: the 'Amtliches Bulletin'. | | | |
| International organisations | | | | | |
| Council of Europe | Parliamentary Assembly | <p>Yes, Rule 52 of the RoP states that: 'A written declaration allows members of the Assembly to give formal expression to their views on matters of European interest within the competence of the Council of Europe. It must not exceed 200 words and be signed by at least 20 representatives or substitutes of 4 national delegations and 2 political groups.</p> <p>If deemed in order by the President of the Assembly a written declaration is published as an Assembly document with an appropriate serial number in the official languages of the Council of Europe and is available on the Assembly's internet website. It cannot be referred to a committee nor debated by the Assembly.</p> | A written declaration commits only the members who have signed it. | Rule 52 of the Rules of Procedure | No |

ANNEX 2: ADDRESSEES OF SELECTED ADOPTED WRITTEN DECLARATIONS 2010/2011

| Number of Written Declaration | Declaration addressee(s): | | | | |
|-------------------------------|---------------------------|-----------|--------------------------|--------------------------|--|
| | Commission | Council | Member State Parliaments | Member State Governments | Others |
| 7th Term | | | | | |
| DCE/2011/2135 | x | x | x | | UN |
| DCE/2011/2123 | x | x | x | | Committee on Missing Persons in Cyprus |
| DCE/2011/2122 | x | | x | | |
| DCE/2011/2101 | x | x | x | x | |
| DCE/2011/2055 | x | x | | | |
| DCE/2011/2054 | x | x | x | x | |
| DCE/2011/2053 | x | x | x | | |
| DCE/2011/2031 | | | x | | |
| DCE/2010/2314 | x | x | x | | |
| DCE/2010/2313 | x | | x | | |
| DCE/2010/2312 | x | | | | |
| DCE/2010/2282 | x | x | x | | |
| DCE/2010/2281 | x | x | x | | |
| DCE/2010/2200 | x | | | | |
| DCE/2010/2199 | x | x | x | | |
| DCE/2010/2098 | x | x | | | |
| DCE/2010/2077 | x | x | x | | |
| DCE/2010/2069 | | | x | | |
| DCE/2010/2036 | x | x | x | x | |
| Total | 17 | 13 | 15 | 3 | 2 |

| 6th Term | | | | | |
|---------------|---|---|----------|----------|--|
| DCE/2009/2045 | x | x | x | | |
| DCE/2009/2041 | x | x | | | UNIFEM |
| DCE/2009/2015 | x | x | | x | 'National, regional and local authorities concerned' |
| DCE/2009/2011 | x | x | 'the MS' | 'the MS' | |
| DCE/2009/2001 | x | x | x | | |
| DCE/2008/2304 | x | x | | | |
| DCE/2008/2285 | | | x | | |
| DCE/2008/2195 | x | x | | | |
| DCE/2008/2194 | x | x | | | |
| DCE/2008/2193 | x | x | | | European Youth Forum |
| DCE/2008/2145 | x | x | x | | |
| DCE/2008/2113 | x | x | | | |
| DCE/2008/2106 | x | x | x | x | |
| DCE/2008/2090 | x | x | x | x | |
| DCE/2008/2089 | x | x | x | x | 'The President of the Republic of Indonesia and the Speakers of the two Chambers of the Indonesian Parliament' |
| DCE/2008/2077 | x | x | | | |
| DCE/2008/2044 | x | x | x | | |
| DCE/2007/2635 | x | x | | | |
| DCE/2007/2634 | x | x | | x | |
| DCE/2007/2289 | x | x | x | x | |
| DCE/2007/2225 | x | x | x | | |
| DCE/2007/2224 | x | x | | | 'The Romanian Government and the institutions responsible for protecting the European cultural heritage' |
| DCE/2007/2223 | x | x | | | |
| DCE/2007/2123 | x | | x | x | |
| DCE/2007/2071 | x | x | | | |
| DCE/2006/2302 | x | x | x | | |
| DCE/2006/2242 | x | x | | | |
| DCE/2006/2197 | x | x | | | Government of Romania |
| DCE/2006/2196 | x | x | | | |
| DCE/2006/2091 | x | x | | | |
| DCE/2006/2090 | x | x | | x | |

| | | | | | |
|---------------|-----------|-----------|-----------------|-----------------|-------------------------------------|
| DCE/2006/2067 | x | x | | x | UEFA |
| DCE/2006/2017 | x | x | x | | |
| DCE/2006/2016 | x | x | 'Member States' | 'Member States' | 'The competent Chinese authorities' |
| DCE/2005/2202 | x | x | | x | European Central Bank |
| DCE/2005/2183 | x | x | | x | |
| DCE/2005/2156 | x | x | | | |
| Total | 36 | 35 | 15 | 13 | 9 |

ANNEX 3: EXAMPLES OF RECENT COMMISSION REPLIES WITH MORE THAN FORMAL ACKNOWLEDGEMENTS

| 6th TERM | | |
|-----------|----------------------------|---|
| 2008-2009 | | |
| Group | Nr of adopted declarations | Actions taken by Commission as a result of the declarations |
| ALDE | 1 | - |
| GUE-NGL | 1 | - |
| PPE | 1 | - |
| Verts-Ale | 1 | - |
| PSE | 1 | - |
| UEN | 1 | - |
| 2007-2008 | | |
| ALDE | 1 found | DCL-0030/2008 - Proposal to declare 2011 as the European Year of Volunteering: The European Commission is always open to reflect on new propositions and therefore gives a full attention to the initiatives concerning the European Year of Volunteering. [...] In dialogue with the organisations representing the volunteering sector, as well as with the representatives of the other European institutions, <u>the Commission will therefore start to examine</u> the feasibility, the scope and the suitable calendar for a possible formal initiative on this issue. The European Parliament will play a key role in this dialogue. <i>(tabled by ALDE- Greens-PPE)</i> |
| PPE | 2 found | DCL-0033/2008 - The signatories of this written declaration call on the Commission to consider the results of the structured dialogue with youth when preparing legislative proposals and in implementing the Lisbon national reform programmes. [...] The Commission shares the Parliament's view on the Lisbon Strategy. <u>In its review</u> of the national reform programmes submitted by the Member States under the Lisbon Strategy, <u>the Commission will now be seeking to ensure that young people are taken into account and become a political priority.</u> <i>(tabled by PPE - Alde - Greens)</i> |

Note: For technical reasons, not all replies to adopted declarations may have been identified for the 6th term.

| 7th TERM | | |
|-----------|----------------------------|---|
| 2010-2011 | | |
| Group | Nr of adopted declarations | Actions taken by Commission as a result of the declarations |
| ALDE | 5 | - |
| ECR | 1 | - |
| GUE-NGL | 1 | - |
| S & D | 7 | - |
| EFD | 0 | - |
| PPE | 6 | - |
| Verts-Ale | 3 | <p>DCL-0071/2010 - The current regulation has been criticized by the European Parliament, parts of the public and NGOs for the fact that the inbuilt possibility for exemptions may lead to loopholes in the ban on shark finning. The Commission, responding to these opinions has already taken the initiative to amend this regulation. To this end on 15 November 2010 the Commission launched a public consultation, which will remain open until 21 February 2011. All interested parties (the fishing industry, the public, NGO's, scientists, etc.) will have the opportunity to express their views on this important issue.</p> <p>The Commission considers the Parliament's declaration to be of utmost importance to this consultation process. After the end of the consultation the Commission services will undertake an impact assessment of possible proposals to change the legislation. Following this the drafting of the legislative proposal will begin and other interested Commission services will be consulted on the draft proposal. Taking into account these steps, including the translation into other languages it will not be possible for the Commission to present a legislative proposal in February 2011, as requested by the Parliament. A legislative proposal aimed at amending the Regulation is scheduled for adoption by the Commission in autumn 2011.</p> |
| 2009-2010 | | |
| ALDE | 3 | <p>DCL-0054/2009 - The declaration (on Transportation of horses for slaughter in the European Union) calls on the Commission and Member States to scrutinize the WHW's evidence in the context of the Commission review of Council Regulation (EC) 1/2005 and urges the Member States and the Commission to robustly enforce the Regulation. [...] The Commission has, in February 2010, <u>sent a letter to all Member States</u> in order to draw their attention to the risks associated with the transport of slaughter horses, and the</p> |

| | | |
|---------|---|---|
| | | need to implement a harmonised procedure regarding the treatment of animals.* (<i>declaration tabled by ALDE - PPE-Greens</i>). |
| ECR | 1 | - |
| GUE-NGL | 1 | - |
| S&D | 4 | DCL-0012/2010 - In relation to the concerns of the Parliament regarding the transparency of the negotiations (paragraph 2) and the call for public and parliamentary access to ACTA negotiation texts and summaries (paragraphs 3 and 4), the Commission agrees with the European Parliament. <u>Consequently, the Commission has consistently urged</u> its ACTA negotiating partners to agree to the release of the draft negotiating text. <u>As a result</u> , in the course of the 8 th round of ACTA negotiations (New Zealand, 12-16 April), all parties agreed to make the draft negotiating document public. (<i>declaration tabled by S&D-ALDE-EPP</i>) |
| PPE | 5 | - |
| Verts | 4 | - |

* *It is unclear whether the Commission's action - namely sending a letter to all the MS - was a reaction to the Declaration or already done before, since both the letter and the declaration were sent in February 2010.*

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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