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REPORT

on amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions
(2006/2211(REG))

Committee on Constitutional Affairs

Rapporteur: Richard Corbett

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on amendment of Rule 81 of Parliament's Rules of Procedure, Implementing Provisions (2006/2211(REG))

The European Parliament,

- having regard to its resolution of 6 July 2006 on the draft Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission and namely paragraph 2. thereof¹,
- having regard to the Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission()²,
- having regard to the letter by its President of 20 July 2006,
- having regard to Rules 201 and 202 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs (A6-0415/2006);

Whereas

- A. negotiations between the European Parliament, the Council and the Commission have led to the conclusion of an interinstitutional agreement taking the form of a joint statement welcoming the draft for a new procedure to be introduced into the 1999 Decision on comitology,
 - B. the new procedure, known as the 'regulatory procedure with scrutiny', entitles the European Parliament and the Council to scrutinise 'quasi-legislative' measures implementing an instrument adopted by codecision on an equal footing and to reject such measures,
 - C. the Council Decision amending the 1999 Decision on comitology is accompanied by this joint statement, a statement by the Commission recorded in the minutes of the Council and statements by the Commission concerning the implementation and application of the new procedure,
 - D. it is appropriate to modify Rule 81 of the Rules of Procedure so as to enable Parliament to make use of the rights under the new procedure under the best possible conditions,
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that the amendment will enter into force on 1 January 2007;

¹ P6_TA-PROV(2006)0310.

² OJ L 200, 22.7.2006, p. 11.

3. Instructs its President to ensure through arrangements with the other institutions at the administrative level, that drafts of measures are not transmitted to Parliament closely before a recess of Parliament;
4. Instructs its President to forward this decision to the Council and Commission, for information.

Present text	Amendments
Amendment 1 Rule 81	
Implementing <i>provisions</i>	Implementing <i>measures</i>
<p>1. When the Commission forwards a draft implementing <i>measure</i> to Parliament, the President shall refer <i>the document in question</i> to the committee responsible for the act from which the implementing <i>provisions</i> derive.</p> <p>2. <i>On a proposal from</i> the committee responsible, <i>Parliament may, within one month - or three months for financial services measures - of the date of receipt of the draft implementing measure, adopt a resolution objecting to the draft measure, in particular if it exceeds the implementing powers provided for in the basic instrument.</i> Where there is no part-session before the deadline expires, <i>or in cases where urgent action is required,</i> the right of response shall be deemed to have been delegated to the committee responsible. This shall take the form of a letter from the committee chairman to the Member of the Commission responsible, and shall be brought to the attention of all Members of Parliament. If Parliament <i>objects to the measure,</i> the President shall request the Commission to</p>	<p>1. When the Commission forwards a draft <i>of</i> implementing <i>measures</i> to Parliament, the President shall refer <i>the draft of measures</i> to the committee responsible for the act from which the implementing <i>measures</i> derive. <i>When enhanced cooperation between committees has taken place with regard to the basic act, the committee responsible shall invite the other committee to communicate its views orally or by letter.</i></p> <p>2. <i>The chairman of</i> the committee responsible <i>shall set a deadline for Members to propose that the committee objects to the draft of measures. Where the committee considers it to be appropriate, it may decide to appoint a rapporteur from among its members or permanent substitutes. If the committee objects to the draft of measures, it shall table a motion for a resolution opposing the adoption of the draft of measures which may also indicate the changes that ought to be brought to the draft of measures.</i></p> <p>If, <i>within the applicable deadline from the date of receipt of the draft of</i></p>

withdraw or amend ***the measure*** or submit a proposal under the appropriate legislative procedure.

measures, Parliament ***adopts such a resolution*** the President shall request the Commission to withdraw or amend ***the draft of measures*** or submit a proposal under the appropriate legislative procedure.
3. Where there is no part-session before the deadline expires, the right of response shall be deemed to have been delegated to the committee responsible. This response shall take the form of a letter from the committee chairman to the Member of the Commission responsible, and shall be brought to the attention of all Members of Parliament.

4. If the implementing measures envisaged by the Commission fall under the Regulatory Procedure with Scrutiny, paragraph 3 shall not apply and paragraphs 1 and 2 shall be supplemented as follows:

(a) the time for scrutiny starts to run when the draft of measures has been submitted to Parliament in all official languages;

(b) Parliament may oppose the adoption of the draft of measures, justifying its opposition by indicating that the draft of measures exceeds the implementing powers provided for in the basic instrument, is not compatible with the aim or the content of the basic instrument or does not respect the principles of subsidiarity or proportionality;

(c) Parliament may oppose the adoption of the draft of measures acting by a majority of its component members.

Justification

The new regulatory procedure with scrutiny does not replace but is added to the existing procedures under the 'comitology decision', namely the advisory procedure, the management procedure and the - normal - regulatory procedure, which will continue to apply in accordance with the relevant basic act and the criteria laid down in the 1999 Council Decision. Rule 81 therefore does not need to be replaced by a new single Rule but to be

supplemented by provisions taking account of the specific features of the new procedure (new paragraph 4.).

The terminology of the existing Rule ought to be brought in line with the terminology used in the comitology decision as amended.

Minor changes to the details of the way in which drafts of implementing measures are dealt with within Parliament seem to be appropriate in the light of experience made. It is thus suggested to involve a second committee when an enhanced cooperation between committees had taken place with regard to the basic act from which the implementing measures derive. The chairman of the committee responsible is held to set a deadline for Members to propose to object to a draft of measures in order to speed up procedures. And the committee is allowed to appoint a rapporteur where it considers this appropriate,, a situation which will namely occur with the new 'quasi-legislative' measures to be proposed by the Commission.

PROCEDURE

Title	Amendment of Rule 81 of Parliament's Rules of Procedure, Implementing provisions
Procedure number	2006/2211(REG)
Committee responsible Date announced in plenary	AFCO 29.11.2006
Date of decision to draw up report	4.10.2006
Date authorisation announced in plenary	29.11.2006
Committee(s) asked for opinion(s) Date announced in plenary	
Not delivering opinion(s) Date of decision	
Rapporteur(s) Date appointed	Richard Corbett 4.10.2006
Previous rapporteur(s)	
Discussed in committee	5.10.2006 23.10.2006 22.11.2006
Date adopted	23.11.2006
Result of final vote	+ 11 - 2 0 0
Member(s) present for the final vote	Richard Corbett, Panayiotis Demetriou, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Daniel Hannan, Jo Leinen, Íñigo Méndez de Vigo, Marie-Line Reynaud, Alexander Stubb
Substitute(s) present for the final vote	Ashley Mote, Gérard Onesta, Georgios Papastamkos,
Substitute(s) under Rule 178(2) present for the final vote	
Date tabled	27.11.2006
Comments (available in one language only)	