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DRAFT REPORT

on amendment of Rule 29 of Parliament's Rules of Procedure - Formation of
political groups
(2006/2201(REG))

Committee on Constitutional Affairs

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on amendment of Rule 29 of Parliament's Rules of Procedure - Formation of political groups (2006/2201(REG))

The European Parliament,

- having regard to Rules 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0000/2008),
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that the amendment will enter into force on the first day of the first part-session following the European elections in the year 2009;
 3. Instructs its President to forward this decision to the Council and Commission, for information.

Present text

Amendments

Amendment 1
Rule 29, paragraph 2

2. A political group shall comprise Members elected in at least ***one-fifth*** of the Member States. The minimum number of Members required to form a political group shall be ***twenty***.

2. A political group shall comprise Members elected in at least ***one-quarter*** of the Member States. The minimum number of Members required to form a political group shall be ***thirty***.

Amendment 2
Rule 29, paragraph 2 a (new)

2a. Where a group falls below the required threshold of thirty members, the President may allow it to continue to exist until Parliament's next constitutive sitting, provided the following conditions are met:

- the number of members of the group is greater than 25

- the members continue to represent at least one-fifth of the Member States.

- the group has been in existence for a period longer than one year.

The President shall not apply this derogation where there is sufficient evidence to suspect that it is being abused.

EXPLANATORY STATEMENT

In the discussions so far in the Committee on Constitutional Affairs on the possible revision of Rule 29 (formation of political groups) three issues have emerged. They all concern a possible revision of paragraph two concerning the minimum size of a political group.

(1) Number of member states

The rule currently requires a political group to comprise members "elected in at least one fifth of the member states". The statute on European political parties refers to "one quarter" of the member states being the relevant criterion. It has been suggested that our internal parliamentary rules should reflect the legislation that has been adopted regarding European political parties. If we were to change Parliament's rules to refer to one quarter, this would mean that a group would currently require MEPs from seven member states instead of six. Neither of these figures would change in the event of Croatian accession.

(2) Number of members

The minimum number of MEPs required to form a political group is currently twenty. This represents a mere 2.55% of the membership of the European Parliament. The attached table shows that in 21 of the 25 national parliaments which have rules on political groups, a higher threshold is required in at least one parliamentary chamber, going as high as 8.5% (Luxembourg), 8.1% (Austrian Bundesrat) or 7% (Polish Senat), but generally above the 4% level (15 Member States).

The question arises as to whether the European Parliament's threshold should be raised to something closer to the average practice of national parliaments. If the figure were fixed at 30 Members out of 750 in the next parliament that would correspond to a figure of 4% which would still be less than the average for national parliaments.

(3) Maintaining a group that slips below the threshold after it has been created

Mr Bonde and others have drawn attention to the difficult situation that can arise when a group has been created with just enough members to reach the minimum threshold. It is then extremely vulnerable to political pressure from a small group of members - even a single member - who can threaten to leave the group, thereby destroying it unless he/she gets their way on a particular matter.

Consideration should therefore be given to allowing a group to continue to exist, at least for a period of time, if after its creation it slips below the threshold needed. For instance, if 30 members are required to form a political group, such a group could continue to exist for up to a year provided that it had at least 25 members. However, for such a rule to be introduced, it should be accompanied by measures to ensure that members cannot be successively "lent to" different groups to help with their creation, then moving on to constitute other groups again and again.

ANNEX 1

Political groups in national parliaments

Country	Total number of Members in Parliament / Chamber	Minimum number of Members for political group	% of total
Austria			
Nationalrat	183	5	2,7 %
Bundesrat	62	5	8,1 %
Belgium			
La Chambre	150	5	3,3 %
Le Sénat	71	2	2,8 %
Bulgaria	239	10	4,2 %
Cyprus	According to the Constitution 80 (of which 56 Greek Cypriots; the Turkish Cypriots left in 1963); currently <i>de facto</i> 56	7 (out of 56)	12 %
Czech Republic			
Chamber of Deputies	200	10 ¹	5 %
Senate	81	5	6,2 %
Denmark	179	4 ²	2,2 %
Estonia	101	5	5 %
Finland	200	n/r	n/r
France	577	20	3,5 %
Assemblée			

¹ This figure applies to the constitution of a new group during the parliamentary term. After elections a lower threshold of 3 members applies (1,5%).

² There is no threshold in the Rules of Procedure but groups of less than 4 members would obtain less financial support. Since no party having obtained less than 2% of the vote will have seats in the *Folketing* there is a practical limit of 4 members in most cases.

	Sénat	331	15	4,5 %
Germany		598 (plus potential overhang mandates) <i>16th German Bundestag: 614</i>	30 plus x <i>16th German Bundestag: 31</i>	5 %
Greece		300	10	3,3 %
Hungary		386	15	3,9 %
Ireland		166	7	4,2 %
Italy				
	Camera dei Deputati	630	20	3,2 %
	Senato	315 ³	10	3,2 %
Latvia		100	5	5 %
Lithuania		141	7	5 %
Luxembourg		60	5	8,3 %
Malta			n/r	n/r
Netherlands				
	House of representatives	150	1	0,7 %
	Senate	75	1	1,3 %
Poland				
	Sejm	460	15 ⁴	3,3 %
	Senat	100	7	7 %
Portugal		230	2	0,9 %
Romania				
	Chamber of Deputies	332	10	3 %
	Senate	137	7	5,1 %
Slovakia		150	8	5,3 %
Slovenia		90	3	3,3 %

³ The Italian Senate is composed of 315 elected Senators, but some Senators may be appointed for life by the President of the Republic. The total number of Senatori is hence greater than 315 and varies over time.

⁴ In the Polish chambers a distinction is made between "clubs" and "groups". The establishment of groups is possible with a minimum of 3 members (representing 0,65% in the Sejm, 3% in the Senate).

Spain				
	Congreso	350	15 ¹	4,3 %
	Senado	259	10	3,9 %
Sweden		349	14 ²	4 %
United Kingdom		646	n/r	n/r

n/r = not relevant

¹ A lower threshold of 5 members (1,42%) is applied for parties having obtained either 15% of the vote in the region/constituencies where they presented candidates or 5% of the nationwide caucus/party coalition of which they were part.

² In theory, 1, if a PP gets more than 12 % of votes in one constituency. This has never happened yet in Swedish elections. The threshold is 4 % of votes in the whole country, which equals about 14 seats