



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Constitutional Affairs

2009/2212(INI)

15.9.2011

AMENDMENTS

1 - 30

Draft report
David Martin
(PE464.928v01-00)

on a 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
(2009/2212(INI))

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Amendment 1
Marietta Giannakou

Proposal for a regulation
Recital 9 a (new)

Proposal for a regulation

Amendment

(9a) The committee of inquiry must respect in full the rights of those called on by it to testify, in accordance with the ECHR and the Charter of Fundamental Rights of the European Union.

Or. el

Amendment 2
Marietta Giannakou

Proposal for a regulation
Recital 12

Proposal for a regulation

(12) However, in order to ensure that a committee of inquiry can be certain that its conclusions are based on elements which have evidential value, it should also have the right to summon any person who is resident in the European Union, including officials and other servants of the Union's institutions or of Member States, as a witness who should be obliged to answer questions willingly, fully and truthfully; moreover, in order to ensure that officials and other servants of the Union are able to comply with this obligation, it should be made clear that they are deemed to be authorised pursuant to Articles 17 and 19 of the Staff Regulations of officials of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 , and Article 11 of the Conditions of employment of other servants of the European Union, laid down in the same Regulation, to obey the summons by the committee, to attend for examination as a witness and to submit statements and give evidence in person.

Amendment

(12) However, in order to ensure that a committee of inquiry can be certain that its conclusions are based on elements which have evidential value, it should also have the right to summon any person who is resident in the European Union, including officials and other servants of the Union's institutions or of Member States, as a witness who should be obliged to answer questions willingly, fully and truthfully; moreover, in order to ensure that officials and other servants of the Union are able to comply with this obligation, it should be made clear that they are deemed to be authorised pursuant to Articles 17 and 19 of the Staff Regulations of officials of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 , and Article 11 of the Conditions of employment of other servants of the European Union, laid down in the same Regulation, to obey the summons by the committee, to attend for examination as a witness and to submit statements and give evidence in person. ***Furthermore, it must be possible to summon before a committee of inquiry the Commissioners responsible for the matter under investigation if their testimony is considered to be of material importance and necessary for a thorough appraisal of the matter under investigation.***

Or. el

Amendment 3
Anneli Jäätteenmäki

Proposal for a regulation
Recital 18 a (new)

Proposal for a regulation

Amendment

18a. This regulation respects the doctrine of the separation of powers, according to which, in order to prevent power from being abused, the legislature (parliament), the executive (government) and the judiciary (the law courts) should be separate from one another. The European Parliament is not a court and therefore does not have the power to impose penalties on individual citizens.

Or. fi

Amendment 4
Rainer Wieland

Proposal for a regulation
Article 1 – paragraph 2a (new)

Proposal for a regulation

Amendment

Detailed arrangements shall be laid down in Parliament's Rules of Procedure.

Or. de

Amendment 5
Rainer Wieland

Proposal for a regulation
Article 2 – paragraph 3 – point b

Proposal for a regulation

Amendment

(b) its composition based on a balanced representation of political forces;

(b) its composition based on a balanced representation of political forces, ***in accordance with Parliament's Rules of Procedure***;

Amendment 6
Rainer Wieland

Proposal for a regulation
Article 2 – paragraph 3 – point c

Proposal for a regulation

(c) the time-limit for submission of its report, which shall not exceed [twelve] months, without prejudice to extensions of time under paragraph 4.

Amendment

(c) the time-limit for submission of its report, which shall not exceed [twelve] months ***from the date on which it first meets***, without prejudice to extensions of time under paragraph 4.

Or. de

Amendment 7
Rainer Wieland

Proposal for a regulation
Article 2 – paragraph 3 – point c

Proposal for a regulation

(c) the time-limit for submission of its report, which shall not exceed [twelve] months, ***without prejudice to extensions of time under paragraph 4.***

Amendment

(c) the time-limit for submission of its report, which shall not exceed [twelve] months ***and may, by reasoned decision of Parliament, [twice] be extended by no more than [three] months.***

Or. de

Amendment 8
Rainer Wieland

Proposal for a regulation
Article 2 – paragraph 3 a (new)

Proposal for a regulation

Amendment

3a. Parliament's Rules of Procedure shall, for all future committees of inquiry in a given parliamentary term, lay down in advance the procedure whereby the various political groups shall have the right to propose the committee chair.

Or. de

Justification

The right of a political group to propose the chair of a committee of inquiry should not be decided according to the circumstances of the moment but rather should be governed by an arrangement covering all the committees constituted in the course of a parliamentary term.

Amendment 9
Rainer Wieland

Proposal for a regulation
Article 2 – paragraph 4

Proposal for a regulation

Amendment

4. The European Parliament may by reasoned decision [twice] extend the period for submission of the report of the committee of inquiry by [three] months.

deleted

Or. de

Amendment 10
Rainer Wieland

Proposal for a regulation
Article 3 – point c

Proposal for a regulation

Amendment

(c) in any event, at the close of the parliamentary term.

(c) in any event, at the close of the parliamentary term ***when the newly elected Parliament first meets.***

Amendment 11
Rainer Wieland

Proposal for a regulation
Article 3 a (new)

Proposal for a regulation

Amendment

Article 3a

Renewed inquiries

A temporary committee of inquiry may not be set up or re-established with regard to matters into which an inquiry has already been held by a temporary committee of inquiry until at least twelve months have elapsed since the submission of the report on that inquiry or the end of its assignment and unless any new facts have emerged. A committee may be set up in any case where new and serious facts have emerged that may be deemed likely to alter substantive findings.

Justification

Legal principle of Article 2(5) of Annex IX to the Rules of Procedure.

Amendment 12
Rainer Wieland

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Proposal for a regulation

Amendment

2. Exceptionally, proceedings shall take place in camera if this is requested by [one quarter] of the members of the committee of inquiry, by an institution or a body of the Union or by national authorities

2. Exceptionally, proceedings shall take place in camera if this is requested by [one quarter] of the members of the committee of inquiry, by an institution or a body of the Union or by national authorities

concerned. Witnesses and experts ***shall have the right to make a statement or provide testimony*** in camera.

concerned. Witnesses and experts ***may, if they so request, be heard*** in camera.

Or. de

Amendment 13
Rainer Wieland

Proposal for a regulation
Article 9 – paragraph 1

Proposal for a regulation

1. After the inquiry has been closed, the report of the committee of inquiry shall be submitted to the European Parliament, which ***may take any appropriate action.***

Amendment

1. After the inquiry has been closed, the ***final*** report of the committee of inquiry shall be submitted to the European Parliament, which ***shall adopt or reject it without amendment.***

Or. de

Amendment 14
Rainer Wieland

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Proposal for a regulation

Amendment

1a. If it adopts the report, Parliament may decide to take appropriate action.

Or. de

Amendment 15
Rainer Wieland

Proposal for a regulation
Article 9 – paragraph 1 b (new)

Proposal for a regulation

Amendment

1b. The committee's final report may include minority conclusions as an official part of the text, provided such conclusions are supported by at least one quarter of the committee's members.

Or. de

Amendment 16
Paulo Rangel

Proposal for a regulation
Article 10 – paragraph 2 a (new)

Proposal for a regulation

Amendment

2a. Where alleged contraventions or maladministration in the implementation of Union law involve possible responsibility on the part of a body or authority of a Member State, the committee of inquiry may ask the Parliament of the Member State concerned to cooperate in the investigation.

To that end, the European Parliament may conclude interparliamentary agreements with the Parliaments of the Member States.

Or. en

Amendment 17
Ashley Fox

Proposal for a regulation
Article 13 – paragraph 3

Proposal for a regulation

Amendment

3. The committee of inquiry may ask any

3. The committee of inquiry may ask any

other legal or natural person concerned to make available such documents as it may consider pertinent for the success of its inquiry. Such persons shall, without prejudice to their obligations arising from Union and national law, comply with the committee's request. They may claim the rights which they would enjoy under national **legislation** in the case of seizure of objects by national law-enforcement authorities.

other legal or natural person concerned to make available such documents as it may consider pertinent for the success of its inquiry. Such persons shall, without prejudice to their obligations arising from Union and national law, comply with the committee's request. They may claim the rights which they would enjoy under national **law** in the case of seizure of objects by national law-enforcement authorities.

Or. en

Amendment 18

Ashley Fox

Proposal for a regulation

Article 13 – paragraph 4

Proposal for a regulation

4. Requests for documents shall state the legal basis and the purpose of the request and shall specify what documents are required and fix the time-limit within which the documents are to be provided. ***They shall also state the possible consequences of groundless refusal to provide the documents requested.***

Amendment

4. Requests for documents shall state the legal basis and the purpose of the request and shall specify what documents are required and fix the time-limit within which the documents are to be provided.

Or. en

Amendment 19

Ashley Fox

Proposal for a regulation

Article 14 – paragraph 1

Proposal for a regulation

1. The committee of inquiry may **summon** any person who is resident in the European Union as a witness if it considers that the

Amendment

1. The committee of inquiry may **invite** any person who is resident in the European Union **to appear** as a witness if it considers

hearing of that person is necessary in order for it to be able to fulfil its task.

Every summons shall contain the name, forenames and address of the witness concerned and state precisely about what subject and for what reasons the witness is to be examined. ***It shall be forwarded by the committee to the competent national authority of the Member State where the witness is resident. The competent national authority shall ensure that the summons is served on the witness in conformity with the provisions of national law.***

that the hearing of that person is necessary in order for it to be able to fulfil its task.

Each request shall contain the name, forenames and address of the witness concerned and state precisely about what subject and for what reasons the witness is to be examined.

Or. en

Amendment 20

Ashley Fox

Proposal for a regulation

Article 14 – paragraph 2

Proposal for a regulation

2. Witnesses ***who have been duly summoned shall obey the summons and attend for examination. They*** shall willingly, fully and truthfully answer questions put to them by members of the committee. They may claim the rights which they would enjoy if summoned and heard by a parliamentary committee of inquiry or similar body, or otherwise by a court with jurisdiction in civil proceedings, in their Member State of residence. To that end, they may avail themselves of legal counsel.

Witnesses shall be informed in advance of their rights and obligations ***and of the possible consequences of groundless refusal to obey the summons and attend for examination, of false testimony and of the bribing of witnesses.***

Amendment

2. Witnesses shall willingly, fully and truthfully answer questions put to them by members of the committee. They may claim the rights which they would enjoy if summoned and heard by a parliamentary committee of inquiry or similar body, or otherwise by a court with jurisdiction in civil proceedings, in their Member State of residence. To that end, they may avail themselves of legal counsel.

Witnesses shall be informed in advance of their rights and obligations.

Amendment 21
Ashley Fox

Proposal for a regulation
Article 14 – paragraph 3

Proposal for a regulation

Amendment

3. The committee may decide to hear witnesses under the following oath: ‘I swear that I have spoken the truth, the whole truth and nothing but the truth’. Witnesses, if they so wish, may add a complementary religious formula to the oath. However, no one shall be obliged to testify under oath.

deleted

Formal note shall be taken of every case where a witness declines to testify under oath.

Amendment 22
Ashley Fox

Proposal for a regulation
Article 15 – paragraph 2

Proposal for a regulation

Amendment

2. The committee of inquiry may **summon** a specific official or other servant of the Union to testify in a matter associated with his or her professional duties if it considers that the hearing of that person is necessary in order to enable it to fulfil its task. The official or other servant concerned shall be deemed to be authorised pursuant to Articles 17 and 19 of the Staff Regulations of officials of the European Union and Article 11 of the Conditions of employment of other servants of the

2. The committee of inquiry may **invite** a specific official or other servant of the Union to testify in a matter associated with his or her professional duties if it considers that the hearing of that person is necessary in order to enable it to fulfil its task. The official or other servant concerned shall be deemed to be authorised pursuant to Articles 17 and 19 of the Staff Regulations of officials of the European Union and Article 11 of the Conditions of employment of other servants of the

European Union to obey the summons by the committee, to attend for examination as a witness and to submit statements and give evidence in person.

European Union to obey the summons by the committee, to attend for examination as a witness and to submit statements and give evidence in person.

Or. en

Amendment 23

Ashley Fox

Proposal for a regulation

Article 15 – paragraph 3

Proposal for a regulation

3. The committee of inquiry may **summon** a specific official or other servant of a Member State to testify in a matter associated with his or her professional duties if it considers that the hearing of that person is necessary in order to enable it to fulfil its task. The Member State concerned **shall** authorise its officials and other servants, in conformity with the provisions of its national law, to obey the summons by the committee, to attend for examination as witnesses and to submit statements and give evidence in person.

Amendment

3. The committee of inquiry may **invite** a specific official or other servant of a Member State to testify in a matter associated with his or her professional duties if it considers that the hearing of that person is necessary in order to enable it to fulfil its task. The Member State concerned **may** authorise its officials and other servants, in conformity with the provisions of its national law, to obey the summons by the committee, to attend for examination as witnesses and to submit statements and give evidence in person.

Or. en

Amendment 24

Ashley Fox

Proposal for a regulation

Article 16

Proposal for a regulation

Article 16

Letters rogatory

1. The committee of inquiry may issue letters rogatory for the examination of

Amendment

deleted

duly summoned witnesses.

2. Letters rogatory shall be issued, in accordance with Article 14(1), in the form of a decision of the committee and shall be forwarded by the committee to the competent judicial authority of the Member State where the witness is resident. Where necessary, the decision shall be accompanied by a translation into the official language or one of the official languages of the Member State to which it is addressed.

3. The competent judicial authority shall give effect to the letter rogatory in accordance with its national law. However, it may follow a request of the committee of inquiry that a special method or procedure be followed, unless this is incompatible with the national law of the Member State concerned or is impracticable by reason of its internal practice and procedure or by reason of practical difficulties.

4. Letters rogatory shall be executed expeditiously.

5. After execution, the competent judicial authority shall transmit to the committee of inquiry the decision embodying the letters rogatory, any documents arising from the execution and a detailed statement of costs.

Or. en

Amendment 25
Ashley Fox

Proposal for a regulation
Article 18

Proposal for a regulation

Amendment

Article 18

deleted

Sanctions

1. Formal note shall be taken of any refusal or failure to comply with the obligations laid down by this Regulation.

The President of the European Parliament may announce such refusals or failures in plenary and shall arrange for them to be published in the Official Journal of the European Union.

2. Member States shall ensure that the following infringements of this Regulation are subject to appropriate sanctions under their national law:

- groundless refusal to provide any documents requested;***
- groundless refusal to obey a summons and to attend for examination as a witness;***
- the giving of false testimony; and***
- the bribing of witnesses.***

Those sanctions shall be effective, proportionate and dissuasive.

3. Where a person is reasonably suspected of having committed any of the infringements specified in paragraph 2, the Member State in which that person is resident shall bring appropriate proceedings against him or her under its national law.

4. Where there exists reasonable suspicion of an infringement specified in paragraph 2, waiver of the immunity of an official or other servant of the Union in accordance with Article 17 of the Protocol on the Privileges and Immunities of the European Union shall be deemed not to be contrary to the interests of the Union.

Or. en

Amendment 26
Rainer Wieland

Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 2

Proposal for a regulation

The President of the European Parliament may announce ***such refusals or failures in plenary and shall*** arrange for ***them*** to be published in the Official Journal of the European Union.

Amendment

The President of the European Parliament may announce, ***in full or in part, the points of which formal note was taken*** and arrange for ***the announcement*** to be published in the Official Journal of the European Union.

Or. de

Amendment 27
Rainer Wieland

Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 2

Proposal for a regulation

Those sanctions shall be effective, proportionate and dissuasive.

Amendment

Those sanctions shall be effective, proportionate and dissuasive ***and shall reflect the sanctions for corresponding infringements in relation to the work of committees of inquiry in the national parliaments.***

Or. de

Amendment 28
Rainer Wieland

Proposal for a regulation
Article 19 – paragraph 1

Proposal for a regulation

1. Any natural or legal person other than institutions and bodies of the Union and the

Amendment

1. Any natural or legal person other than institutions and bodies of the Union and the

Member States may submit a reasoned written complaint against a decision of the committee of inquiry, taken in application of Section 3, which is addressed to that person or of direct and individual concern to him or her. The complaint shall specify the alleged violation of Union *or national law*.

Member States may submit a reasoned written complaint against a decision of the committee of inquiry, taken in application of Section 3, which is addressed to that person or of direct and individual concern to him or her. The complaint shall specify the alleged violation of Union *law or of the national law applicable to the complainant*.

Or. de

Amendment 29 **Rainer Wieland**

Proposal for a regulation **Article 19 – paragraph 3**

Proposal for a regulation

3. The European Parliament shall take a reasoned decision on the complaint at the first part-session following the expiry of a period of [10 working days] from receipt of the complaint. *It* shall notify the complainant of that decision within [10 working days] and shall inform the complainant of the remedies open to him or her, namely instituting court proceedings against the European Parliament and/or making a complaint to the European Ombudsman, under the conditions laid down in Articles 263 and 228 respectively of the Treaty on the Functioning of the European Union.

Amendment

3. The European Parliament shall take a reasoned decision on the complaint at the first part-session following the expiry of a period of [10 working days] from receipt of the complaint. *The decision may include a stipulation that the complaint shall not have suspensory effect.*

Parliament shall notify the complainant of that decision within [10 working days] and shall inform the complainant of the remedies open to him or her, namely instituting court proceedings against the European Parliament and/or making a complaint to the European Ombudsman, under the conditions laid down in Articles 263 and 228 respectively of the Treaty on the Functioning of the European

Union.

Or. de

Amendment 30

Rainer Wieland

Proposal for a regulation

Article 19 a (new)

Proposal for a regulation

Amendment

Article 19a

Costs

The travel and accommodation expenses of members and officials of the Union institutions and bodies shall be borne by those institutions and bodies. Travel and accommodation expenses of other persons who appear before a committee of inquiry shall be reimbursed by the European Parliament in accordance with the rules governing hearings of experts.

Or. de

Justification

See Rule 185(7) of the Rules of Procedure.