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DRAFT REPORT

on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon
(2009/2062(REG))

Committee on Constitutional Affairs

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PR_REG

CONTENTS

	Page
PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION	3

PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon (2009/2062(REG))

The European Parliament,

- having regard to Rules 211 and 212 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0000/2009),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendments will enter into force on the first day after the entry into force of the relevant Treaty provision;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1

Parliament's Rules of Procedure Rule 7 – paragraph 2

Present text

2. The committee shall make a proposal for a decision which ***simply*** recommends the adoption or rejection of the request for the waiver of immunity or for the defence of immunity and privileges.

Amendment

2. The committee shall make a proposal for a ***reasoned*** decision which recommends the adoption or rejection of the request for the waiver of immunity or for the defence of immunity and privileges.

Or. en

Justification

The amendment takes account of the judgment of the Court of First Instance of 15 October 2008 in Case T - 345/05 (Ashley Neil Mote). It corresponds at the same time to the obligation to state reasons for legal acts which, by virtue of the Treaty of Lisbon, from now on, applies explicitly also to the European Parliament (Article 296 of the Treaty on the Functioning of the European Union).

Amendment 2

Parliament's Rules of Procedure Rule 11 – paragraph 3 a (new)

Present text

Amendment

3a. Paragraph 1 shall apply mutatis mutandis pending the entry into force of the arrangement¹ whereby a number of additional seats in Parliament are allocated to certain Member States until the end of the seventh parliamentary term. The Member States concerned shall be invited to designate observers in accordance with their national law.

¹ Pursuant to the conclusions of the European Council of 11 and 12 December 2008.

Or. en

Justification

The amendment makes that the new Rule on observers introduced into the Rules of Procedure on May 6 2009 applies also to observers who may be invited by Parliament, with a view to the additional seats allocated to certain Member States, after the entry into force of the Treaty of Lisbon. It leaves with the new Member States the choice of the option for the designation of their observers, in the light of the conclusions of the European Council of 18 and 19 June 2009.

Amendment 3

Parliament's Rules of Procedure

Rule 36

Present text

Amendment

Rule 36

Rule 36

Examination of respect for fundamental rights, the principles of subsidiarity and proportionality, the rule of law, and financial implications

Respect for the Charter of Fundamental Rights of the European Union

During the examination of a legislative proposal, Parliament shall pay particular attention to respect for fundamental rights and in particular that the legislative act is in conformity with the European Union Charter of Fundamental Rights, the principles of subsidiarity and

1. Parliament shall in all its activities fully respect fundamental rights as laid down in the Charter of Fundamental Rights of the European Union.

proportionality and the rule of law. In addition, where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.

Parliament shall also fully respect the rights and principles enshrined in Article 2 and in Article 6(2) and (3) of the Treaty on European Union.

2. Where the committee responsible, a political group or at least forty Members are of the opinion that a proposal for a legislative act or parts of it do not comply with rights enshrined in the Charter of Fundamental Rights of the European Union, the matter shall, at their request, be referred to the committee responsible for the interpretation of the Charter of Fundamental Rights. The opinion of that committee shall be annexed to the report of the committee responsible.

Or. en

(See amendments to Rule 38 – paragraph -1 (new), and to Rule 38 a (new))

Justification

Introduces a new procedure for the scrutiny of the respect of fundamental rights. Constitutes also a minority right.

Amendment 4

**Parliament's Rules of Procedure
Rule 38 – paragraph -1 (new)**

Present text

Amendment

-1. Where a proposal for a legislative act has financial implications, Parliament shall establish whether sufficient financial resources are provided.

Or. en

Justification

Text of the amendment identical with Rule 36, last phrase, moved to Rule 38 as a consequence of Amendment 2.

Amendment 5

Parliament's Rules of Procedure

Rule 38 a (new)

Present text

Amendment

Rule 38a

Examination of respect for the principles of subsidiarity and proportionality

1. During the examination of a proposal for a legislative act, Parliament shall pay particular attention to respect for the principles of subsidiarity and proportionality. Except in the cases of urgency referred to in Article 4 of the Protocol on the role of national Parliaments in the European Union, Parliament shall not conclude its first reading before the expiry of the deadline of eight weeks laid down in Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality.

2. The committee responsible for respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible in respect of any proposal for a legislative act.

3. If a national Parliament sends the President a reasoned opinion in accordance with Article 3 of the Protocol on the role of national Parliaments in the European Union and Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality, that document shall be referred to the committee responsible and forwarded for information to the committee responsible for respect of the

principle of subsidiarity. When Parliament receives a reasoned opinion after the committee responsible has adopted its report, it shall be distributed to all Members prior to the vote as a session document. The chair of the committee responsible may request that the matter be referred back to the committee.

4. Where reasoned opinions on the non-compliance of a draft legislative act with the principle of subsidiarity represent at least one third of all the votes allocated to the national Parliaments or a quarter in the case of a draft legislative act submitted on the basis of Article 76 of the Treaty on the Functioning of the European Union, Parliament shall not take a decision until the author of the proposal has stated how it intends to proceed.

5. Where, under the ordinary legislative procedure, reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national Parliaments, the committee responsible, having considered the reasoned opinions submitted by the national Parliaments and the Commission, and having heard the views of the committee responsible for respect of the principle of subsidiarity, may recommend to Parliament that it reject the proposal on the grounds of infringement of the principle of subsidiarity. Such a recommendation may also be tabled by one tenth of the Members of Parliament. The opinion given by the committee responsible for respect of the principle of subsidiarity shall be annexed to any such recommendation.

The recommendation shall be submitted to Parliament for a debate and vote. If a recommendation to reject the proposal is adopted by a majority of the votes cast, the President shall declare the procedure closed. Where Parliament does not reject

the proposal, the procedure shall continue, taking into account any recommendations approved by Parliament.

6. Where the Committee of the Regions transmits to Parliament an opinion in which it opposes a proposed legislative act on grounds of infringement of the principle of subsidiarity, the opinion shall be referred to the committee responsible and to the committee responsible for respect of the principle of subsidiarity. The latter committee may submit recommendations which shall be put to the vote prior to the conclusion of the first reading.

Or. en

Justification

Transposes the new procedures for the national Parliaments with regard to the respect for the principle of subsidiarity ('yellow card' procedure and 'orange card' procedure) into the Rules of Procedure.

As pursuant to Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality the Committee of the Regions can bring an action on grounds of infringement of the principle of subsidiarity, Parliament should give particular consideration to any opinion by this Committee which objects a proposed act on these grounds.

Amendment 6

Parliament's Rules of Procedure

Rule 44

Present text

Consultation on initiatives originating from a Member State

1. Initiatives originating from a Member State pursuant to ***Article 67(1) of the EC Treaty or Articles 34(2) and 42 of the EU Treaty*** shall be dealt with pursuant to this Rule and to Rules 36 to 39, 43 and 55.
2. The committee responsible may invite ***a representative*** of the originating Member

Amendment

Legislative procedures on initiatives originating from a Member State

1. Initiatives originating from a Member State pursuant to ***Article 76 of the Treaty on the Functioning of the European Union*** shall be dealt with pursuant to this Rule and to Rules 36 to 39, 43 and 55.
2. The committee responsible may invite ***representatives*** of the originating Member

State to present *its* initiative to the committee. The *representative* may be accompanied by the Presidency of the Council.

3. Before the committee responsible proceeds to the vote, it shall ask the Commission whether it has prepared a position on the initiative and if so request the Commission to state its position to the committee.

4. When two or more proposals originating from the Commission and/or the Member States with the same legislative objective have been submitted to Parliament simultaneously or within a short period of time, Parliament shall deal with them in a single report. In its report, the committee responsible shall indicate to which text it has proposed amendments and it shall refer to all other texts in the legislative resolution.

5. The time period referred to in Article 39(1) of the EU Treaty shall commence when it is announced in plenary that Parliament has received, in the official languages, an initiative, together with an explanatory statement confirming the initiative's conformity with the Protocol on the application of the principles of subsidiarity and proportionality annexed to the EC Treaty.

States to present *their* initiative to the committee. The *representatives* may be accompanied by the Presidency of the Council.

3. Before the committee responsible proceeds to the vote, it shall ask the Commission whether it has prepared a position on the initiative and if so request the Commission to state its position to the committee.

4. When two or more proposals originating from the Commission and/or the Member States with the same legislative objective have been submitted to Parliament simultaneously or within a short period of time, Parliament shall deal with them in a single report. In its report, the committee responsible shall indicate to which text it has proposed amendments and it shall refer to all other texts in the legislative resolution.

Or. en

Amendment 7

Parliament's Rules of Procedure Rule 58 – paragraph 1

Present text

1. In the period following the adoption by Parliament of its position on a proposal by the Commission, the chair and the rapporteur of the committee responsible

Amendment

1. In the period following the adoption by Parliament of its position on a proposal by the Commission, the chair and the rapporteur of the committee responsible

shall monitor the progress of the proposal in the course of the procedure leading to its adoption by the Council, notably to ensure that the undertakings made by the Council or the Commission to Parliament with respect to its *amendments* are properly observed.

shall monitor the progress of the proposal in the course of the procedure leading to its adoption by the Council, notably to ensure that the undertakings made by the Council or the Commission to Parliament with respect to its *position* are properly observed.

Or. en

Justification

Technical and terminological adaptation.

Amendment 8

**Parliament's Rules of Procedure
Rule 59 – subtitle 1**

Present text

Codecision procedure

Amendment

Ordinary legislative procedure

Or. en

Amendment 9

**Parliament's Rules of Procedure
Rule 60**

Present text

Rule 60

***Conciliation procedure contained in the
1975 joint declaration***

***1. Where, in the case of certain important
Community decisions, the Council intends
to depart from the opinion of Parliament,
a procedure for conciliation with the
Council, with the active participation of
the Commission, may be opened by
Parliament when delivering its opinion.***

***2. This procedure shall be initiated by
Parliament, either at its own or at the***

Amendment

deleted

Council's initiative.

3. For the composition and procedure of the delegation to the conciliation committee and the reporting of the results to Parliament, Rule 68 shall apply.

4. The committee responsible shall report on the results of the conciliation. This report shall be debated and voted on by Parliament.

Or. en

Justification

With the new provisions on the budget and the multiannual financial framework, the 1975 joint declaration becomes obsolete.

Amendment 10

Parliament's Rules of Procedure Rule 61 – title

Present text

Communication of the Council's *common* position

Amendment

Communication of the Council's position

(Horizontal amendment: the words "Council's common position", "common position of the Council" or "common position" shall be replaced throughout the entire text of the Rules of Procedure by the words "Council's position", "position of the Council" or "position".)

Or. en

Justification

Technical and terminological adaptation.

Amendment 11

Parliament's Rules of Procedure Rule 62 – paragraph 1 – subparagraph 2

Present text

Amendment

For any extension of time limits pursuant to Article 252(g) of the EC Treaty or Article 39(1) of the EU Treaty the President shall seek the agreement of the Council.

deleted

Or. en

Justification

The Treaty of Lisbon does no longer contain the provisions to which the provision refers.

Amendment 12

Parliament's Rules of Procedure Rule 62 – paragraph 2

Present text

Amendment

2. The President shall notify Parliament of any extension of time-limits pursuant to ***Article 251(7)*** of the *EC Treaty*, whether at the initiative of Parliament or of the Council.

2. The President shall notify Parliament of any extension of time-limits pursuant to ***Article 294(14)*** of the ***Treaty on the Functioning of the European Union***, whether at the initiative of Parliament or of the Council.

(Horizontal amendment: the numbering of Articles in the EU Treaty and the EC Treaty are adapted throughout the Rules of Procedure to the consolidated version of the Treaty on European Union and of the Treaty on the Functioning of the European Union.)

Or. en

Justification

Technical and terminological adaptation.

Amendment 13

Parliament's Rules of Procedure Rule 62 – paragraph 3

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Present text

Amendment

3. The President, after consulting the chair of the committee responsible, may agree to a Council request to extend any time-limits pursuant to Article 252(g) of the EC Treaty. *deleted*

Or. en

Justification

See amendment to Rule 62 – paragraph 1 – subparagraph 2.

Amendment 14

Parliament's Rules of Procedure Rule 65 – paragraph 4

Present text

Amendment

4. By way of derogation from paragraph 3, if a rejection by Parliament falls under the provisions of Article 252 of the EC Treaty, the President shall request the Commission to withdraw its proposal. If the Commission does so, the President shall announce in Parliament that the legislative procedure is closed. *deleted*

Or. en

Justification

Article 252 of the EC Treaty has been deleted.

Amendment 15

Parliament's Rules of Procedure Title of Chapter 6 a (new) (to be introduced after Rule 74 and before Chapter 7)

Present text

Amendment

CHAPTER 6a CONSTITUTIONAL MATTERS

Amendment 16

Parliament's Rules of Procedure

Rule 74 a (new) (to be introduced in Chapter 6 a (new))

Present text

Amendment

Rule 74a

Ordinary Treaty revision

1. In accordance with Rules 41 and 48 the committee responsible may submit to Parliament a report containing proposals addressed to the Council for amendment of the Treaties.

2. If the European Council decides to convene a Convention, the representatives of Parliament shall be appointed by Parliament upon a proposal by the Conference of Presidents.

Parliament's delegation shall elect its leader and its candidates for membership of any steering group or bureau set up by the Convention.

3. Where the European Council requests Parliament's consent on a decision not to convene a Convention for the examination of proposed amendments of the Treaties, the matter shall be referred to the committee responsible in accordance with Rule 81.

Or. en

Justification

It may not always be most efficient to have the Parliament's delegation chaired by a member of the Convention's steering group, bureau or presidium.

Amendment 17

Parliament's Rules of Procedure

Rule 74 b (new) (to be introduced in Chapter 6 a (new))

Present text

Amendment

Rule 74b

Simplified Treaty revision

In accordance with Rules 41 and 48 the committee responsible may submit to Parliament, in accordance with the procedure set out in Article 48(6) of the Treaty on European Union, a report containing proposals addressed to the European Council for revision of all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union.

Or. en

Justification

Reflects the new right for Parliament to propose Treaty changes introduced by the Treaty of Lisbon.

Amendment 18

Parliament's Rules of Procedure

Rule 74 c (new) (to be introduced in Chapter 6 a (new))

Present text

Amendment

Rule 74c

Accession treaties

1. Any application by a European State to become a member of the European Union shall be referred for consideration to the committee responsible.

2. Parliament may decide, on a proposal from the committee responsible, a political group or at least 40 Members, to request the Commission and the Council to take part in a debate before

negotiations with the applicant State commence.

3. Throughout the negotiations the Commission and the Council shall inform the committee responsible regularly and thoroughly of the progress in the negotiations, if necessary on a confidential basis.

4. At any stage of the negotiations Parliament may, on the basis of a report from the committee responsible, adopt recommendations and require these to be taken into account before the conclusion of a Treaty for the accession of an applicant State to the European Union.

5. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for consent in accordance with Rule 81.

Or. en

Amendment 19

Parliament's Rules of Procedure

Rule 74 d (new) (to be introduced in Chapter 6 a (new))

Present text

Amendment

Rule 74d

Withdrawal from the Union

If a Member State, pursuant to Article 50 of the Treaty on European Union, wishes to withdraw from the Union, the matter shall be referred to Parliament's committee responsible. Rule 74c shall apply mutatis mutandis. Parliament shall decide on consent to an agreement on the withdrawal by a majority of the votes cast.

Or. en

Justification

Caters for the new possibility to withdraw from the Union.

Amendment 20

Parliament's Rules of Procedure

Rule 74 e (new) (to be introduced in Chapter 6 a (new))

Present text

Amendment

Rule 74e

***Breach by a Member State of
fundamental principles***

1. Parliament may, on the basis of a specific report of the committee responsible drawn up in accordance with Rules 41 and 48:

(a) vote on a reasoned proposal calling on the Council to act pursuant to Article 7(1) of the Treaty on European Union;

(b) vote on a proposal calling on the Commission or the Member States to submit a proposal pursuant to Article 7(2) of the Treaty on European Union;

(c) vote on a proposal calling on the Council to act pursuant to Article 7(3) or, subsequently, Article 7(4) of the Treaty on European Union.

2. Any request from the Council for consent on a proposal submitted pursuant to Article 7(1) and (2) of the Treaty on European Union along with the observations submitted by the Member State in question shall be announced to Parliament and referred to the committee responsible in accordance with Rule 81. Except in urgent and justified circumstances, Parliament shall take its decision on a proposal from the committee responsible.

3. Decisions under paragraphs 1 and 2 shall require a two-thirds majority of the votes cast, representing a majority of

Parliament's component Members.

4. Subject to the authorisation of the Conference of Presidents, the committee responsible may submit an accompanying motion for a resolution. That motion for a resolution shall set out Parliament's views on a serious breach by a Member State, on the appropriate sanctions and on varying or revoking those sanctions.

5. The committee responsible shall ensure that Parliament is fully informed and, where necessary, asked for its views on all follow-up measures to its consent as given pursuant to paragraph 3. The Council shall be invited to outline developments as appropriate. On a proposal from the committee responsible, drawn up with the authorisation of the Conference of Presidents, Parliament may adopt recommendations to the Council.

Or. en

(This amendment reproduces almost entirely the wording of the current Rule 102, which will be deleted if this amendment is adopted, adding a reference to Rule 41)

Justification

Reproduces with slight changes the wording of the current Rule 102.

Amendment 21

Parliament's Rules of Procedure

Rule 74 f (new) (to be introduced in Chapter 6 a (new))

Present text

Amendment

Rule 74f

Composition of Parliament

In due time before the end of a parliamentary term, Parliament may, on the basis of a report from its committee responsible drawn up in accordance with Rule 41, make a proposal to modify its composition. The European Council's draft decision establishing the

composition of Parliament shall be examined in accordance with Rule 81.

Or. en

Justification

Corresponds to the new right of initiative pursuant to Article 14, paragraph 2, subparagraph 2 TEU.

Amendment 22

**Parliament's Rules of Procedure
Rule 82 (to be introduced as Rule 74 g in Chapter 6 a (new))**

Present text

Rule 82

Procedures in Parliament

1. Requests ***by Member States or Commission proposals*** to introduce enhanced cooperation between Member States ***and consultations of Parliament*** pursuant to Article ***40a(2)*** of the ***EU*** Treaty shall be referred by the President to the committee responsible for consideration. Rules 37, 38, 39, 43, 53 to ***60*** and 81 shall apply as appropriate.

2. The committee responsible shall verify compliance with Article ***11*** of the ***EC*** Treaty and Articles ***27a, 27b, 40, 43, 44 and 44a*** of the ***EU*** Treaty.

3. Subsequent acts proposed under enhanced cooperation, once it is established, shall be dealt with in Parliament under the same procedures as when enhanced cooperation does not apply.

Amendment

Rule 74g

Enhanced cooperation between Member States

1. Requests to introduce enhanced cooperation between Member States pursuant to Article ***20*** of the Treaty ***on European Union*** shall be referred by the President to the committee responsible for consideration. Rules 37, 38, 39, 43, 53 to ***59*** and 81 shall apply as appropriate.

2. The committee responsible shall verify compliance with Article ***20*** of the Treaty ***on European Union*** and Articles ***326 to 334*** of the Treaty ***on the Functioning of the European Union***.

3. Subsequent acts proposed under enhanced cooperation, once it is established, shall be dealt with in Parliament under the same procedures as when enhanced cooperation does not apply. ***Rule 43 shall apply.***

Or. en

Amendment 23

Parliament's Rules of Procedure Rule 75

Present text

Amendment

Rule 75

deleted

General Budget

Implementing procedures for examination of the General Budget of the European Union and supplementary budgets, in accordance with the financial provisions of the Treaties establishing the European Communities, shall be adopted by resolution of Parliament and annexed to these Rules¹.

¹ See Annex V.

Or. en

Justification

As Annex V is integrated into the Rules, this provision is no longer needed.

Amendment 24

Parliament's Rules of Procedure Rule 75 a (new) (to be introduced in Chapter 7 – Budgetary Procedures)

Present text

Amendment

Rule 75a

Multiannual financial framework

Where the Council requests Parliament's consent concerning the proposal for a regulation laying down the multiannual financial framework, the matter shall be referred to the committee responsible in accordance with the procedure laid down in Rule 81. Parliament's consent shall require the votes of a majority of its component Members.

Or. en

Justification

Reflects the fact that the Multiannual financial framework has become a legislative act needing the consent of Parliament.

Amendment 25

**Parliament's Rules of Procedure
Rule 75 b (new)**

Present text

Amendment

Rule 75b

1. The following documents shall be made available to Members:

(a) the draft budget presented by the Commission;

(b) a summary by the Council of its deliberations on the draft budget;

(c) the Council's position on the draft budget drawn up pursuant to Article 314(3) of the Treaty on the Functioning of the European Union;

(d) any draft decision on the provisional twelfths pursuant to Article 315 of the Treaty on the Functioning of the European Union.

2. Those documents shall be referred to the committee responsible. Any committee concerned may deliver an opinion.

3. If other committees wish to deliver opinions, the President shall set the time-limit within which these are to be communicated to the committee responsible.

Or. en

(This amendment partly reproduces the wording of the current Article 1 of Annex V, which will be deleted if this amendment is adopted)

Amendment 26

Parliament's Rules of Procedure Rule 75 c (new)

Present text

Amendment

Rule 75c

Consideration of the draft budget – first stage

1. Subject to the conditions set out below, any Member may table and speak in support of draft amendments to the draft budget.

2. Draft amendments shall be admissible only if they are presented in writing, bear the signatures of at least forty Members or are tabled on behalf of a political group or committee, specify the budget heading to which they refer and ensure the maintenance of a balance between revenue and expenditure. Draft amendments shall include all relevant information on the remarks to be entered against the budget heading in question.

All draft amendments to the draft budget must be justified in writing.

3. The President shall set the time-limit for the tabling of draft amendments.

4. The committee responsible shall deliver its opinion on the texts submitted before they are discussed in Parliament.

Draft amendments which have been rejected in the committee responsible shall not be put to the vote in Parliament unless this has been requested in writing, before a deadline to be set by the President, by a committee or at least forty Members; that deadline may on no account be less than 24 hours before the start of the vote.

5. Draft amendments to the estimates of Parliament which are similar to those already rejected by Parliament at the time when the estimates were drawn up shall be discussed only where the committee

responsible has delivered a favourable opinion.

6. Notwithstanding Rule 55(2) of the Rules of Procedure, Parliament shall take separate and successive votes on:

- each draft amendment,*
- each section of the draft budget,*
- a motion for a resolution concerning the draft budget.*

However, Rule 161(4) to (8) shall apply.

7. Articles, chapters, titles and sections of the draft budget in respect of which no draft amendments have been tabled shall be deemed adopted.

8. Draft amendments shall require for adoption the votes of a majority of the component Members of Parliament.

9. If Parliament has amended the draft budget, the draft budget thus amended shall be forwarded to the Council and the Commission, together with the justifications.

10. The minutes of the sitting at which Parliament delivered its opinion on the draft budget shall be forwarded to the Council and the Commission.

Or. en

(This amendment partly reproduces the wording of the current Article 3 of Annex V, which will be deleted if this amendment is adopted)

Amendment 27

Parliament's Rules of Procedure Rule 75 d (new)

Present text

Amendment

Rule 75d

Financial triologue

The President shall participate in regular

meetings between the Presidents of the European Parliament, the Council and the Commission convened, on the initiative of the Commission, under the budgetary procedures referred to in Title II of Part Six of the Treaty on the Functioning of the European Union. The President shall take all necessary steps to promote consultation and reconciliation of the positions of the institutions in order to facilitate the implementation of the procedures aforementioned.

The President of Parliament may delegate this task to a Vice-President having experience in budgetary matters or to the chair of the committee responsible for budgetary issues.

Or. en

Amendment 28

Parliament's Rules of Procedure Rule 75 e (new)

Present text

Amendment

Rule 75e

Budgetary conciliation

- 1. The President shall convene the Conciliation Committee in accordance with Article 314(4) of the Treaty on the Functioning of the European Union.*
- 2. The delegation representing Parliament at meetings of the Conciliation Committee in the budgetary procedure shall consist of a number of members equal to that of the Council delegation.*
- 3. The members of the delegation shall be appointed by the political groups each year prior to Parliament's vote on the Council's position, preferably from amongst the members of the committee responsible for budgetary issues and other*

committees concerned. The delegation shall be led by the President of Parliament. The President may delegate this office to a Vice-President having experience in budgetary matters or to the chair of the committee responsible for budgetary issues.

4. Rule 68(2), (4), (5), (7) and (8) shall apply.

5. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall be placed on the agenda of a sitting of Parliament to be held within fourteen days from the date of that agreement. The joint text shall be made available to all Members. Rule 69(2) and (3) shall apply.

6. The joint text as a whole shall be subject to a single vote. The vote shall be taken by a roll-call vote. The joint text shall be deemed to be approved unless it is rejected by a majority of the component Members of the Parliament.

7. If Parliament approves the joint text whilst the Council rejects it, the committee responsible may table all or some of Parliament's amendments to the Council's position for a confirmation in accordance with point (d) of Article 314(7) of the Treaty on the Functioning of the European Union.

The vote on the confirmation shall be placed on the agenda of a sitting of Parliament to be held within fourteen days from the date of the communication by the Council of its rejection of the joint text.

The amendments shall be deemed to be confirmed if they are approved by a majority of the component Members of Parliament and three-fifths of the votes cast.

Or. en

Amendment 29

Parliament's Rules of Procedure Rule 75 f (new)

Present text

Amendment

Rule 75f

Final adoption of the budget

Where the President is satisfied that the budget has been adopted in accordance with the provisions of Article 314 of the Treaty on the Functioning of the European Union, he shall declare in Parliament that the budget has been finally adopted. He shall arrange for its publication in the Official Journal.

Or. en

(This amendment partly reproduces the wording of the current Article 4 of Annex V, which will be deleted if this amendment is adopted)

Amendment 30

Parliament's Rules of Procedure Rule 75 g (new)

Present text

Amendment

Rule 75g

Provisional twelfths system

1. Any decision by the Council authorising expenditure in excess of the provisional one twelfth for expenditure shall be referred to the committee responsible.

2. The committee responsible may table a draft decision to reduce the expenditure referred to in paragraph 1. Parliament shall decide on it within 30 days after the adoption of the Council's decision.

3. Parliament shall act by a majority of its component Members.

Or. en

(This amendment partly reproduces the wording of the current Article 7 of Annex V, which will be deleted if this amendment is adopted)

Amendment 31

Parliament's Rules of Procedure Rule 79 a (new)

Present text

Amendment

Rule 79a

Procedure to be applied when drawing up Parliament's estimates

1. As regards Parliament's budget, the Bureau and the committee responsible for the budget shall take decisions in successive stages on:

(a) the establishment plan;

(b) the preliminary draft and the draft estimates.

2. The decisions concerning the establishment plan will be taken according to the following procedure:

(a) the Bureau shall draw up the establishment plan for each financial year;

(b) a conciliation procedure between the Bureau and the committee responsible for the budget shall be opened in cases where the opinion of the latter diverges from the initial decisions taken by the Bureau;

(c) at the end of the procedure, the Bureau shall take the final decision on the estimates for the establishment plan, in accordance with Rule 207(3), without prejudice to decisions taken pursuant to Article 314 of the Treaty on the Functioning of the European Union.

3. As regards the estimates proper, the procedure for drawing up the estimates will begin as soon as the Bureau has taken a final decision on the establishment plan. The stages of that procedure will be those laid down in Rule 79. A conciliation procedure shall be opened in cases where the positions of the committee responsible for budgetary issues and of the Bureau are widely divergent.

Or. en

(This amendment reproduces almost entirely the wording of the current Article 8 of Annex V, which will be deleted if this amendment is adopted. If this amendment is adopted, Rule 79(7) is also deleted.)

Amendment 32

Parliament's Rules of Procedure Rule 81 – title

Present text

Amendment

Assent procedure

Consent procedure

(Horizontal amendment: the word "assent" shall be replaced throughout the entire text of the Rules of Procedure by the word "consent".)

Or. en

Justification

Technical and terminological adaptation.

Amendment 33

Parliament's Rules of Procedure Rule 81 – paragraph 1

Present text

Amendment

1. Where Parliament is requested to give its ***assent*** to a proposed act, it shall take a

1. Where Parliament is requested to give its ***consent*** to a proposed act, it shall take a

decision on the basis of a recommendation from the committee responsible to approve or reject the act.

Parliament shall take a decision on the act requiring its *assent* under the *EC* or *EU Treaty* by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the *assent* shall be the majority indicated in the article of the *EC Treaty* or of the *EU Treaty* that constitutes the legal basis for the proposed act.

decision on the basis of a recommendation from the committee responsible to approve or reject the act.

Parliament shall take a decision on the act requiring its *consent* under the *Treaty on European Union* or *the Treaty on the Functioning of the European Union* by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the *consent* shall be the majority indicated in the article of the *Treaty on European Union* or of the *Treaty on the Functioning of the European Union* that constitutes the legal basis for the proposed act.

Or. en

Justification

Terminological adaptation.

Amendment 34

Parliament's Rules of Procedure Rule 81 – paragraph 2

Present text

2. For accession treaties and international agreements and determination of a serious and persistent breach of common principles by a Member State, Rules 89, 90 and 102 shall apply respectively. For an enhanced cooperation procedure in an area covered by the procedure *laid down in Article 251 of the EC Treaty*, Rule 82 shall apply.

Amendment

2. For accession treaties and international agreements and determination of a serious and persistent breach of common principles by a Member State, Rules 89, 90 and 102 shall apply respectively. For an enhanced cooperation procedure in an area covered by the *ordinary legislative* procedure, Rule 82 shall apply.

(Horizontal amendment: the words 'procedure laid down in Article 251 of the EC Treaty' shall be replaced throughout the entire text of the Rules of Procedure by the words 'ordinary legislative procedure'.)

Or. en

Amendment 35

Parliament's Rules of Procedure Rule 81 – paragraph 3

Present text

3. Where Parliament's *assent* is required for a *legislative proposal*, the committee responsible may decide, in order to facilitate a positive outcome of the procedure, to present an interim report on the *Commission* proposal to Parliament with a motion for a resolution containing recommendations for modification or implementation of the *proposal*.

If Parliament approves at least one recommendation the President shall request further discussion with the Council.

The committee responsible shall make its final recommendation for the assent of Parliament in the light of the outcome of the discussion with the Council.

Amendment

3. Where Parliament's *consent* is required for a *proposed legislative act or an envisaged international treaty*, the committee responsible may decide, in order to facilitate a positive outcome of the procedure, to present an interim report on the proposal to Parliament with a motion for a resolution containing recommendations for modification or implementation of the *proposed act*.

(Horizontal amendment: with the exception of Rules 56 and 57, the words 'Commission proposal' and 'legislative proposal' shall be replaced throughout the entire text of the Rules of Procedure by the words 'proposal for a legislative act' or 'proposed legislative act' as grammatically appropriate.)

Or. en

Amendment 36

Parliament's Rules of Procedure Rule 87 a (new)

Present text

Amendment

Rule 87a

Delegated acts

Where a legislative act delegates to the Commission the power to supplement or amend certain non-essential elements of a legislative act, the committee responsible:

– shall examine any draft delegated act where it is transmitted to Parliament for scrutiny within a period set by the legislative act;

– may submit to Parliament in a motion for a resolution any appropriate proposal in accordance with the provisions of the legislative act.

The provisions of Rule 88 shall apply mutatis mutandis.

Or. en

Justification

The Rule is intended to transpose the new regime of delegated acts into the Rules of Procedure.

Amendment 37

**Parliament's Rules of Procedure
Title II a (new) (to be introduced before Chapter 12)**

Present text

Amendment

**TITLE IIa
EXTERNAL RELATIONS**

Or. en

Justification

Introduced to highlight the importance of this item.

Amendment 38

**Parliament's Rules of Procedure
Chapter 12 – title**

Present text

Amendment

**TREATIES AND INTERNATIONAL
AGREEMENTS**

INTERNATIONAL AGREEMENTS

Or. en

Justification

Consequence of the reorganisation of chapters.

Amendment 39

Parliament's Rules of Procedure Rule 92

Present text

Amendment

Rule 92

deleted

***Appointment of the High Representative
for the common foreign and security
policy***

- 1. Prior to the appointment of a High Representative for the common foreign and security policy, the President shall invite the President-in-Office of the Council to make a statement to Parliament, pursuant to Article 21 of the EU Treaty. The President shall invite the President of the Commission to make a statement at the same time.***
- 2. Upon the appointment of the new High Representative for the common foreign and security policy, pursuant to Article 207(2) of the EC Treaty, and before officially taking office, the High Representative shall be invited by the President to make a statement to, and answer questions from, the committee responsible.***
- 3. Following the statements and answers referred to in paragraphs 1 and 2 and at the initiative of the committee responsible, or in accordance with Rule 121,***

Parliament may make a recommendation.

Or. en

Justification

The High Representative for the common foreign and security policy becomes member of the Commission. Special provisions are therefore no longer necessary.

Amendment 40

Parliament's Rules of Procedure

Rule 93 – title

Present text

Amendment

Appointment of special representatives for the purposes of the common foreign and security policy

Special representatives

Or. en

Amendment 41

Parliament's Rules of Procedure

Rule 93 – paragraph 4 a (new)

Present text

Amendment

4a. A special representative appointed by the Council with a mandate in relation to particular policy issues may be invited by Parliament, or may ask to be invited, to make a statement to the committee responsible.

Or. en

(This amendment partly reproduces the wording of the current Rule 94 – paragraph 3 which will be deleted if this amendment is adopted)

Justification

This wording allows to invite special representatives when necessary and not only at the occasion of their appointment.

Amendment 42

Parliament's Rules of Procedure Rule 94

Present text

Amendment

Rule 94

deleted

Statements by the High Representative for the common foreign and security policy and by other special representatives

- 1. The High Representative shall be invited to make statements in Parliament at least four times a year. Rule 110 shall apply.***
- 2. The High Representative shall be invited at least four times a year to attend meetings of the committee responsible in order to make a statement and answer questions. The High Representative may also be invited, or may ask to be invited, on other occasions, whenever the committee considers this to be necessary.***
- 3. Whenever a special representative is appointed by the Council with a mandate in relation to particular policy issues, that special representative may be invited by Parliament, or may ask to be invited, to make a statement to the committee responsible.***

Or. en

Justification

See justification to Rule 92.

Amendment 43

Parliament's Rules of Procedure Rule 96 – paragraph 2

Present text

2. The committees concerned shall seek to ensure that the **High Representative for the common foreign and security policy**, the Council and the Commission provide them with regular and timely information on the development and implementation of the Union's common foreign and security policy, on the costs envisaged each time that a decision entailing expenditure is adopted under that policy and on any other financial considerations relating to the implementation of actions under that policy. Exceptionally, at the request of the Commission, the Council or the High Representative, a committee may decide to hold its proceedings in camera.

Amendment

2. The committees concerned shall seek to ensure that the **Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy**, the Council and the Commission provide them with regular and timely information on the development and implementation of the Union's common foreign and security policy, on the costs envisaged each time that a decision entailing expenditure is adopted under that policy and on any other financial considerations relating to the implementation of actions under that policy. Exceptionally, at the request of the Commission, the Council or the High Representative, a committee may decide to hold its proceedings in camera.

(Horizontal amendment: "High Representative for the common foreign and security policy" shall be replaced throughout the entire text of the Rules of Procedure by "Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy".)

Or. en

Amendment 44

Parliament's Rules of Procedure Rule 96 – paragraph 3

Present text

3. **An annual** debate shall be held on the consultative document established by the **Council** on the main aspects and basic choices of the common foreign and security policy, including the financial implications for the Union budget. The procedures laid down in Rule 110 shall

Amendment

3. **Twice a year, a** debate shall be held on the consultative document established by the **Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy** on the main aspects and basic choices of the common foreign and

apply.

security policy, including *the common security and defence policy* and the financial implications for the Union budget. The procedures laid down in Rule 110 shall apply.

Or. en

Amendment 45

Parliament's Rules of Procedure Chapter 14 – title

Present text

Amendment

***POLICE AND JUDICIAL
COOPERATION IN CRIMINAL
MATTERS***

deleted

Or. en

Justification

This provision has become obsolete.

Amendment 46

Parliament's Rules of Procedure Rule 99

Present text

Amendment

Rule 99

deleted

***Provision of information to Parliament in
the fields of police and judicial
cooperation in criminal matters***

***1. The committee responsible shall ensure
that Parliament is fully and regularly
informed on the activities covered by
police and judicial cooperation in
criminal matters and that its opinions are
duly taken into consideration when the
Council adopts common positions
defining the approach of the Union to a
particular matter pursuant to Article***

34(2)(a) of the EU Treaty.

2. Exceptionally, at the request of the Commission or the Council, a committee may decide to hold its proceedings in camera.

3. The debate referred to in Article 39(3) of the EU Treaty shall be held in accordance with the arrangements laid down in Rule 110(2), (3) and (4).

Or. en

Justification

This provision has become obsolete.

Amendment 47

**Parliament's Rules of Procedure
Rule 100**

Present text

Amendment

Rule 100

deleted

Consultation of Parliament in the fields of police and judicial cooperation in criminal matters

Consultation of Parliament pursuant to Article 34(2)(b), (c) and (d) of the EU Treaty shall be dealt with pursuant to Rules 36 to 39, 43, 44 and 55.

Where applicable, consideration of the proposal shall then be placed, at the latest, on the agenda of the last sitting to be held before expiry of the time-limit laid down in accordance with Article 39(1) of the EU Treaty.

When Parliament is consulted on the draft Council decision appointing the Director and Board members of Europol, Rule 108 shall apply mutatis mutandis.

Or. en

Justification

This provision has become obsolete.

Amendment 48

**Parliament's Rules of Procedure
Rule 101**

Present text

Amendment

Rule 101

deleted

***Recommendations in the fields of police
and judicial cooperation in criminal
matters***

***1. The committee responsible for matters
relating to police and judicial cooperation
in criminal matters may draw up
recommendations to the Council in the
field covered by Title VI of the EU Treaty
after obtaining authorisation from the
Conference of Presidents or on a proposal
within the meaning of Rule 121.***

***2. In urgent cases the authorisation
referred to in paragraph 1 may be granted
by the President, who may likewise
authorise an emergency meeting of the
committee concerned.***

***3. Recommendations drawn up in this way
shall be included on the agenda for the
next part-session. Rule 97(4) shall apply
mutatis mutandis.***

(See also interpretation under Rule 121.)

Or. en

Justification

This provision has become obsolete.

Amendment 49

**Parliament's Rules of Procedure
Rule 105**

Present text

1. When the Council *has agreed on a nomination* for President of the Commission, the President shall request the *nominee* to make a statement and present his or her political guidelines to Parliament. The statement shall be followed by a debate.

The Council shall be invited to take part in the debate.

2. Parliament shall *approve or reject* the *nomination* by a majority of *the votes cast*.

The vote shall be taken by secret ballot.

3. If the *nominee* is elected, the President shall inform the Council accordingly, requesting it and the President-elect of the Commission to propose by common accord the nominees for the various posts of Commissioners.

4. If *Parliament* does not *approve* the *nomination*, the President shall *request* the Council to *nominate* a new candidate.

Amendment

1. When the *European* Council *proposes* a *candidate* for President of the Commission, the President shall request the *candidate* to make a statement and present his or her political guidelines to Parliament. The statement shall be followed by a debate.

The *European* Council shall be invited to take part in the debate.

2. Parliament shall *elect* the *President of the Commission* by a majority of *its component Members*.

The vote shall be taken by secret ballot.

3. If the *candidate* is elected, the President shall inform the Council accordingly, requesting it and the President-elect of the Commission to propose by common accord the nominees for the various posts of Commissioners.

4. If *the candidate* does not *obtain* the *required majority*, the President shall *invite* the *European* Council to *propose* a new candidate *within one month for election in accordance with the same procedure*.

Or. en

Justification

Takes account of Parliament's new right to elect the President of the Commission.

Amendment 50

**Parliament's Rules of Procedure
Rule 107 a (new)**

Present text

Amendment

Rule 107a

Nomination of Judges and Advocates-

General at the Court of Justice

On a proposal of its committee responsible, Parliament shall appoint its nominee to the panel of seven persons charged with scrutinising the suitability of candidates to become Judge or Advocate-General of the Court of Justice.

Or. en

Justification

Corresponds to the new role of Parliament with regard to the nominations for the Court of Justice.

Amendment 51

**Parliament's Rules of Procedure
Rule 121 – paragraph 1**

Present text

1. A political group or at least forty Members may table a proposal for a recommendation to the Council concerning subjects under ***Titles V and VI*** of the ***EU Treaty***, or where Parliament has not been consulted on an international agreement within the scope of Rule 90 or 91.

Amendment

1. A political group or at least forty Members may table a proposal for a recommendation to the Council concerning subjects under ***Title V*** of the ***Treaty on European Union***, or where Parliament has not been consulted on an international agreement within the scope of Rule 90 or 91.

Or. en

Justification

The current provisions of the Title VI of the TEU, on police and judicial cooperation in criminal matters, are replaced by the provisions of Title V of the TFEU which require the Parliament to be at least consulted in these matters.

Amendment 52

**Parliament's Rules of Procedure
Rule 131**

Present text

1. On a proposal from the President, the Conference of Presidents shall name the members of, and may confer a mandate on, Parliament's delegation to COSAC. The delegation shall be headed by ***one of the Vice-Presidents responsible for implementation of relations with the national parliaments.***

2. The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting, ***taking due account*** of the overall political balance within Parliament. A report shall be submitted by the delegation after each meeting.

Amendment

1. On a proposal from the President, the Conference of Presidents shall name the members of, and may confer a mandate on, Parliament's delegation to COSAC. The delegation shall be headed by ***the chair of the committee responsible for the institutional aspects of the European integration process.***

2. The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting ***and shall comprise, as far as possible, chairs and rapporteurs of the committees responsible for those subjects. Due account shall be taken*** of the overall political balance within Parliament. A report shall be submitted by the delegation after each meeting.

Or. en

Justification

The amendment transposes into the Rules of Procedure the European Parliament resolution of 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon [P6_TA(2009)0388], based on the report A6-0133/2009 by the Committee on Constitutional Affairs (Rapporteur Elmar Brok). It is based on the idea that the Committee on Constitutional Affairs and the specialised committees responsible for matters on the agenda of COSAC should be more strongly involved in the preparation of, and representation at, COSAC meetings.

Amendment 53

**Parliament's Rules of Procedure
Rule 132**

Present text

The Conference of Presidents shall designate members of Parliament's delegation to any ***convention***, conference or similar body involving representatives of parliaments and confer a mandate upon it that conforms to any relevant Parliament

Amendment

The Conference of Presidents shall designate members of Parliament's delegation to any conference or similar body involving representatives of parliaments and confer a mandate upon it that conforms to any relevant Parliament

resolutions. The delegation shall elect its chair and, where appropriate, one or more vice-chairs.

resolutions. The delegation shall elect its chair and, where appropriate, one or more vice-chairs.

Or. en

Justification

The representation of Parliament in a Convention is dealt with in Rule 74 a (new).

Amendment 54

**Parliament's Rules of Procedure
Rule 149 – paragraph 12**

Present text

12. Without prejudice to **Article 197** of the **EC Treaty**, the President shall seek to reach an understanding with the Commission **and** Council on appropriate allocation of speaking time for them.

Amendment

12. Without prejudice to **Article 230** of the **Treaty on the Functioning of the European Union**, the President shall seek to reach an understanding with the Commission, **the** Council **and the President of the European Council** on appropriate allocation of speaking time for them.

Or. en

(This paragraph shall become the last paragraph of Rule 149)

Justification

Adaptation to the changing status of the European Council.

Amendment 55

**Parliament's Rules of Procedure
Rule 204 – title**

Present text

Appointment of the Ombudsman

Amendment

Election of the Ombudsman

Or. en

Justification

Technical adaptation to the wording of the Treaty.

Amendment 56

**Parliament's Rules of Procedure
Rule 204 – paragraph 7**

Present text

7. The person ***appointed*** shall immediately be called upon to take an oath before the Court of Justice.

Amendment

7. The person ***elected*** shall immediately be called upon to take an oath before the Court of Justice.

Or. en

Justification

Technical adaptation to the wording of the Treaty.

Amendment 57

**Parliament's Rules of Procedure
Annex V – Article 2**

Present text

Article 2

Rate

1. Subject to the conditions set out below, any Member may table and speak in support of proposals for decisions fixing a new maximum rate.

2. Such proposals shall be admissible only if they are tabled in writing and bear the signatures of at least forty Members or are tabled on behalf of a political group or committee.

3. The President shall set the time limit for the tabling of such proposals.

4. The committee responsible shall report on these proposals before they are discussed in Parliament.

Amendment

deleted

5. Parliament shall then vote on the proposals.

Parliament shall act by a majority of its component Members and three fifths of the votes cast.

Where the Council has informed Parliament of its agreement to the fixing of a new rate, the President shall declare in Parliament that the amended rate has been adopted.

If this is not the case, the Council's position shall be referred to the committee responsible.

Or. en

Justification

This provision becomes obsolete.

Amendment 58

**Parliament's Rules of Procedure
Annex V – Article 5**

Present text

Amendment

Article 5

deleted

***Consideration of the Council's
deliberations – second stage***

1. If the Council has modified one or more of the amendments adopted by Parliament, the text thus modified by the Council shall be referred to the committee responsible.

2. Subject to the conditions set out below, any Member may table and speak in support of draft amendments to the texts modified by the Council.

3. Such draft amendments shall be admissible only if they are presented in writing, bear the signature of at least forty Members or are tabled on behalf of a committee and ensure the maintenance of

a balance between revenue and expenditure. Rule 49(5) shall not apply.

Draft amendments shall be admissible only if they refer to the texts modified by the Council.

4. The President shall set the time limit for the tabling of draft amendments.

5. The committee responsible shall pronounce on the texts modified by the Council and deliver its opinion on the draft amendments to the modified texts.

6. Draft amendments to the texts modified by the Council shall be put to the vote in Parliament without prejudice to the provisions of Article 3(4) second subparagraph. Parliament shall act by a majority of its component Members and three fifths of the votes cast. If the draft amendments are adopted, the texts modified by the Council shall be deemed rejected. If they are rejected, the texts modified by the Council shall be deemed adopted.

7. The Council's summary of the results of its deliberations on the proposed modifications adopted by Parliament shall be debated and a motion for a resolution may then be put to the vote.

8. Upon completion of the procedure provided for in this Article, and subject to the provisions of Article 6, the President shall declare in Parliament that the budget has been finally adopted and shall arrange for its publication in the Official Journal.

Or. en

Justification

This provision becomes obsolete.

Amendment 59

Parliament's Rules of Procedure Annex V – Article 6

Present text

Amendment

Article 6

deleted

Total rejection

1. A committee or at least forty Members may, for important reasons, table a proposal to reject the draft budget as a whole. Such a proposal shall be admissible only if it is accompanied by a written justification and tabled within the time limit set by the President. The reasons for rejection may not be contradictory.

2. The committee responsible shall deliver its opinion on such a proposal before it is put to the vote in Parliament.

Parliament shall act by a majority of its component Members and two thirds of the votes cast. If the proposal is adopted, the draft budget as a whole shall be referred back to the Council.

Or. en

Justification

This provision becomes obsolete.