



# Procedure file

Basic information		
REG - Parliament's Rules of Procedure	<a href="#">2009/2062(REG)</a>	Procedure completed
EP Rules of Procedure: adaptation of the Rules to the Treaty of Lisbon		
Subject 8.10 Revision of the Treaties, intergovernmental conferences 8.40.01 European Parliament 8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<a href="#">AFCO</a> Constitutional Affairs	S&D <a href="#">MARTIN David</a>	21/07/2009
European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	<a href="#">BUDG</a> Budgets	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	<a href="#">Secretariat-General</a>	BARROSO José Manuel	

Key events			
19/10/2009	Committee referral announced in Parliament		
03/11/2009	Vote in committee		Summary
06/11/2009	Committee report tabled for plenary	<a href="#">A7-0043/2009</a>	
23/11/2009	Debate in Parliament		
25/11/2009	Results of vote in Parliament		
25/11/2009	Decision by Parliament	<a href="#">T7-0088/2009</a>	Summary
15/06/2010	Decision by Parliament	<a href="#">T7-0204/2010</a>	Summary
15/06/2010	End of procedure in Parliament		

Technical information	
Procedure reference	2009/2062(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules

Legal basis	Rules of Procedure EP 237-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/00437

## Documentation gateway

Committee draft report	<a href="#">PE427.153</a>	28/07/2009	EP	
Amendments tabled in committee	<a href="#">PE428.234</a>	29/09/2009	EP	
Amendments tabled in committee	<a href="#">PE430.308</a>	15/10/2009	EP	
Committee report tabled for plenary, single reading	<a href="#">A7-0043/2009</a>	06/11/2009	EP	
Text adopted by Parliament, single reading	<a href="#">T7-0088/2009</a>	25/11/2009	EP	Summary
Amendments tabled in committee	<a href="#">PE439.926</a>	08/04/2010	EP	
Text adopted by Parliament, single reading	<a href="#">T7-0204/2010</a>	15/06/2010	EP	Summary

## EP Rules of Procedure: adaptation of the Rules to the Treaty of Lisbon

The Committee on Constitutional Affairs adopted the report drawn up by David MARTIN (S&D, UK) on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon.

MEPs propose that the European Parliament amends its rules of procedure in order to:

- take account of the judgment of the Court of First Instance of 15 October 2008 in Case T - 345/05 (Ashley Neil Mote). This amendment 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, also applies explicitly to the European Parliament (Article 296 of the Treaty on the Functioning of the European Union);
- stipulate that, unless otherwise stipulated, the rules governing implementation of the Statute for Members of the European Parliament shall be determined by Parliament on the basis of a recommendation from the committee responsible. Unlike a decision taken exclusively by the Bureau, this procedure has the advantage of offering a much higher degree of transparency, as well as involving all Members in drawing up the rules pertaining to them and making all Members responsible for their definition;
- ensure 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;
- clarify that the Bureau shall take financial, organisational and administrative decisions on matters concerning Members on a proposal of the Secretary-General or a political group. The committee considers that where matters relating to Members are concerned the political groups should be given the formal capacity to table texts and amendments which will be discussed and voted;
- stipulate that the Bureau shall nominate two or more Vice-Presidents who shall be entrusted with the implementation of relations with national parliaments. They shall report back regularly to the Conference of Presidents on their activities in this regard;
- introduce a new procedure for the scrutiny of the respect of fundamental rights and also to establish a minority right;
- specify that where a proposal for a legislative act has financial implications, Parliament shall establish whether sufficient financial resources are provided;
- transpose 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;
- determine the legislative procedures on initiatives originating from a Member State (and not just the consultation on initiatives originating from a Member State);
- give, in the event of referral back, the possibility for the committee responsible to decide on the procedure to be followed, including the possibility to present a report;
- delete Rule 60 on the conciliation procedure contained in the 1975 joint declaration. With the new provisions on the budget and the multiannual financial framework, the 1975 joint declaration becomes obsolete;
- introduce a new Article on the ordinary Treaty revision (in this context, MEPs stress that 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);
- introduce a new Article on the simplified Treaty revision. This amendment reflects the new right for Parliament to propose Treaty changes introduced by the Treaty of Lisbon;
- take account of the new possibility to withdraw from the Union;
- introduce a new Article on the breach by a Member State of fundamental principles, reproducing, with slight changes, the wording of the current Rule 102;
- provide that before the end of a parliamentary term, Parliament may, on the basis of a report drawn up by its committee responsible, make a proposal to modify its composition;
- introduce in Chapter 7 (Budgetary Procedures) a certain number of amendments: the multiannual (has become a legislative act needing the consent of Parliament); the document made available to Members; the consideration of the draft budget ? first stage; the financial dialogue; budgetary conciliation; final adoption of the budget; the provisional twelfths system; the procedure to be applied when drawing up Parliament?s estimates;
- replace the word "assent" throughout the entire text of the Rules of Procedure by the word "consent". The words ?Commission

proposal? and ?legislative proposal? shall also 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;

- transpose the new regime of delegated acts into the Rules of Procedure;
- delete the specific provisions concerning the appointment of the High Representative for the common foreign and security policy;
- take account of Parliament's new right to elect the President of the Commission;
- introduces a new Article corresponding to the new role of Parliament with regard to the nominations for the Court of Justice;
- transpose 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. The amendment 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;
- introduce new Articles on: the cooperation at committee level; pre- and post-legislative dialogue; transmission of documents concerning a legislative procedure at European Union level; election of the Ombudsman.

## EP Rules of Procedure: adaptation of the Rules to the Treaty of Lisbon

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The European Parliament adopted a decision on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon. The amendments adopted in Plenary will enter into force on 1 December 2009.

It should be noted that at the Constitutional Affairs meeting on 24 November 2009, the vote only concerned amendments relating to the implementation of the Lisbon Treaty. The other amendments were debated and put to the vote at a later stage, at the same time as other additional compromise amendments.

MEPs adopted changes to the EP's internal rules to reflect the arrival of 18 new MEPs, the increase in its legislative powers and a new budget procedure that puts Parliament on an equal footing with the Council.

Altogether, 18 new MEPs from 12 Member States will take their seats in Parliament after the new Treaty enters into force and a protocol confirming the addition of MEPs has been ratified by all Member States. Until then, the MEPs-designate will not enjoy voting rights but can have observer status, a possibility now added to the European Parliament's Rules of Procedure.

The rule changes also reflect the significant increase in Parliament's legislative powers. With the Lisbon Treaty, almost all issues fall under the "ordinary legislative procedure", in which Parliament and Council are equal as lawmakers.

Budget rules were also revised as Parliament will enjoy full parity with Council in deciding the EU budget. In this respect, MEPs introduced a number of amendments concerning: the multi-annual financial Framework (which has become a legislative act soliciting Parliament's consent); working documents available to members; consideration of the draft budget (first stage); budgetary conciliation; financial trilogue; definitive adoption of the budget; provisional twelfths system; procedure to be applied when drawing up Parliament's estimates.

Further changes to the EP's Rules of Procedure concern, inter alia:

- respect for the Charter of Fundamental Rights of the European Union;
- examination of respect for the principle of subsidiarity;
- Parliament's right to propose treaty changes and the increased influence of national parliaments;
- the procedure for appointing the Commission President was modified as Parliament will have more power in this matter;
- the suppression of specific measures concerning the appointment of the High Representative for the common foreign and security policy;
- withdrawal from the Union;
- breach by a Member State of fundamental principles.

## EP Rules of Procedure: adaptation of the Rules to the Treaty of Lisbon

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The European Parliament decided to amend its Rules of Procedure to the Treaty of Lisbon.

The main amendments are as follows:

**Members' Statute:** Parliament will adopt the Members' Statute and any amendment of this will be on the basis of a proposal from the competent committee.

**Bureau:** it is stated that the Bureau shall take financial, organisational and administrative decisions on matters concerning Members on a proposal of the Secretary-General or a political group. The Bureau shall nominate two Vice-Presidents who shall be entrusted with the implementation of relations with national parliaments. They shall report back regularly to the Conference of Presidents on their activities in this regard.

**Delegation of legislative powers:** when scrutinising a proposal for a legislative act which delegates powers to the Commission as provided for in Article 290 of the Treaty on the Functioning of the European Union, Parliament shall pay particular attention to the objectives, content, scope and duration of the delegation, and to the conditions to which it is subject. The committee responsible for the subject-matter may at any time request the opinion of the committee responsible for the interpretation and application of Union law.

The committee responsible for the interpretation and application of Union law may also, on its own initiative, take up questions concerning the delegation of legislative powers. In such cases it shall duly inform the committee responsible for the subject-matter.

**Amendments to the Treaties:** where Parliament is consulted, in accordance with Article 48(3) of the Treaty on European Union, on a proposal for a decision of the European Council in favour of examining amendments to the Treaties, the matter shall be referred to the committee

responsible. The committee shall draw up a report comprising i) a motion for a resolution which states whether Parliament approves or rejects the proposed decision and which may contain proposals for the attention of the Convention or of the conference of representatives of the governments of the Member States; ii) if appropriate, an explanatory statement.

Parliamentary Questions: in accordance with guidelines established by the Conference of Presidents, specific question hours may be held with the President of the Commission, with the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and with the President of the Eurogroup.

The organisation and promotion of effective and regular interparliamentary cooperation within the Union shall be negotiated on the basis of a mandate given by the Conference of Presidents, after consulting the Conference of Committee Chairs. Parliament shall approve any agreements on such matters.

A committee may directly engage in a dialogue with national parliaments at committee level within the limits of budgetary appropriations set aside for this purpose. This may include appropriate forms of pre-legislative and post-legislative cooperation.

Any document concerning a legislative procedure at Union level which is officially transmitted by a national parliament to the European Parliament shall be forwarded to the committee responsible for the subject-matter dealt with in that document.

These amendments will enter into force the first day of the next session period.