REPORT

on the amendments to be made to the Rules of Procedure

Committee on the Rules of Procedure, the Verification of Credentials and Immunities

Rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi

Reports by the following Members are also included:

Ford (A4-0288/98 and 0474/98 - Amendments 10 and 111)
Fabre-Aubrespy (A4-0473/98 - Amendments 6, 7 and 9)
Vecchi (A4-0022/99 - Amendments 2, 3, 4, 5 and 8)
Nordmann (A4-0017/99 - Amendments 95 and 99(3))
Voggenhuber (A4-0016/99 - Amendment 107)
Fayot (A4-0470/98 - Amendment 109)
Wijsenbeek (A4-0208/98 - Amendment 110)
Spiers (Amendment 112)
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At the sitting of 18 December 1997 the President of Parliament announced that he had referred the question of revising Parliament’s Rules of Procedure with a view to adapting them to the new situation created by the Treaty of Amsterdam to the Committee on the Rules of Procedure, the Verification of Credentials and Immunities.

At its meeting of 5 November 1997 the committee decided to draw up a report.

It appointed Mr Corbett, Mr Gutiérrez Díaz and Mrs Palacio Vallelersundi co-rapporteurs at its meeting of 25 November 1997.

At its meeting of 4 February 1998, with the aim of preparing the work more thoroughly, it asked the co-rapporteurs and the political group coordinators to form a working party.

At the sitting of 18 February 1998 the President announced that he had asked the Committee on Institutional Affairs for its opinion.

At the sitting of 12 March 1998 the President announced that he had asked the Committee on Petitions for its opinion.

At the sitting of 29 April 1998 the President announced that he had asked the Committee on Foreign Affairs, Security and Defence Policy for its opinion.

At the sitting of 14 September 1998 the President announced that he had asked the Committee on the Environment, Public Health and Consumer Protection, the Committee on Budgets and the Committee on Civil Liberties and Internal Affairs for their opinions.

At the sitting of 19 October 1998 the President announced that he had asked the Committee on Legal Affairs and Citizens’ Rights for its opinion.

At the sitting of 4 November 1998 the President announced that he had asked the Committee on Budgetary Control for its opinion.

At its successive meetings the Committee on the Rules of Procedure, the Verification of Credentials and Immunities decided to consider the following referrals in connection with this report:

- Rule 62: interpretation on the basis of Rule 162
- Rule 115(1): interpretation on the basis of Rule 162
- Rule 116: A4-0089/97; report by Mr Donnelly, referred back to committee on 13 May 1997 on the basis of Rule 129
- Holding of debates in plenary: A4-0375/97; report by Mr Wijsenbeek.

It considered the draft reports at its meetings of 30 June and 21 July 1998.

At its meeting of 22 September 1998 the committee decided to submit the proposals for amendments to the Rules of Procedure in the form of a single report submitted jointly by the three rapporteurs.

It considered the draft single report at its meeting of 26 October 1998.
At its meeting of 26 November 1998 the committee decided to apply Rule 150(5) and asked the co-rapporteurs to submit a new draft taking account of as many of the amendments as possible.

The committee considered the new draft report at its meetings of 19 January and 18 February 1999. At the latter meeting it adopted the proposal for a decision by 10 votes to 1, with 2 abstentions.

At the same time the committee also decided, pursuant to the decision of the Conference of Presidents of 11 February 1999, to include in this report the following reports which it had previously adopted, but which had not yet been tabled in plenary:

- Rule 9(2): A4-0288/98; report by Mr Ford, adopted on 20 July 1998,
- Rule 9 and Annex I: A4-0474/98; report by Mr Ford, adopted on 26 November 1998,
- Rule 8: A4-0473/98; report by Mr Fabre-Aubrespy, adopted on 25 November 1998,
- Rules 7 and 8: A4-0022/99; report by Mr Vecchi, adopted on 19 January 1999,
- Rules 136 and 146(3): A4-0017/99; report by Mr Nordmann, adopted 18 January 1999,
- Rule 161(2): A4-0016/99; report by Mr Voggenhuber, adopted on 19 January 1999,
- new Rule 168: A4-0470; report by Mr Fayot, adopted on 25 November 1998,
- Annex I, Article 1: A4-0208/98; report by Mr Wijsenbeek, adopted on 26 May 1998, and

The following were present for the vote: Fayot, chairman; Evans, vice-chairman; Corbett (for Ford), co-rapporteur; Bru Purón (for Verde i Aldea pursuant to Rule 138(2)), Corrie (for Lehne), Crowley, Donnelly, Fabre-Aubrespy, Méndez de Vigo (for Palacio Vallelersundi, co-rapporteur), Rothley, Spiers (for Manzella), Wibe, Wieland and Wijsenbeek.

The explanatory statement, the minority opinion and the explanatory statements of the other reports will be published separately in document A4-0070/99 - PART B.

The opinions of the Committee on Foreign Affairs, Security and Defence Policy, the Committee on Budgets, the Committee on the Environment, Public Health and Consumer Protection, the Committee on Civil Liberties and Internal Affairs, the Committee on Institutional Affairs, the Committee on Budgetary Control and the Committee on Petitions on the amendments to be made to the Rules of Procedure, together with the opinion of the Committee on Petitions on the amendment of Rule 161(2) of the Rules of Procedure on the activities of the Ombudsman, contained in the Voggenhuber report, will be published separately in document A4-0070/99 - PART C. The Committee on Legal Affairs and Citizens' Rights decided on 7 February 1998 not to deliver an opinion.

The report was tabled on 19 February 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.
(Amendment 1)
Rule 6(6), second subparagraph a (new)

Without prejudice to Rule 108, the Member whose immunity is subject to the request for a waiver shall not speak in the debate.

(Amendment 2)
Rule 7(2), second and third subparagraphs (new)

It shall not be possible to confirm the validity of the mandate of a Member unless the written declarations required on the basis of Article 6 of the Act of 20 September 1976 and Annex I to these Rules have been made.

On the basis of a report by the committee, Parliament may at any time rule on any dispute as to the validity of the mandate of any of its Members.

(Amendment 3)
Rule 7(2a) (new)

2a. Where the appointment of a Member is due to the withdrawal of candidates from the same list, the committee responsible for the verification of credentials shall ensure that such withdrawals have taken place in accordance with the spirit and the letter of the Act of 20 September 1976 and Rule 8(3).
(Amendment 4)
Rule 7(3), second subparagraph (new)

Should the competent authorities of the Member States initiate a procedure which might lead to the disqualification of a Member from holding office, the President shall ask them to keep him regularly informed of the stage reached in the procedure. He shall refer the matter to the committee responsible. On a proposal from that committee, Parliament may adopt a position on the matter.

(Amendment 5)
Rule 7(4a) (new)

4a. At the start of each parliamentary term, the President shall invite the competent authorities of the Member States to provide Parliament with any information relevant to the application of this Rule.

(Amendment 6)
Rule 8(3), first subparagraph

3. A Member who resigns shall notify the President of his resignation in writing. This notification shall be made in an official record drawn up in the presence of the Secretary-General or his representative, signed by the latter and by the Member concerned and immediately submitted to the committee responsible, which shall enter in on the agenda of its first meeting following receipt of the document.

3. A Member who resigns shall notify the President of his resignation and of the date on which that resignation shall take effect. This notification shall take the form of an official record drawn up in the presence of the Secretary-General or his representative, signed by the latter and by the Member concerned and immediately submitted to the committee responsible, which shall enter in on the agenda of its first meeting following receipt of the document.
(Amendment 7)
Rule 8(3), third subparagraph

Otherwise, the vacancy shall be established automatically unless the resigning Member indicates a later date. There shall be no vote in Parliament on the subject.

(Amendment 8)
Rule 8(4a) (new)

4a. The authorities of the Member States or of the Union shall inform the President of any assignment they intend to confer on a Member. The President shall refer to the committee responsible the question of the compatibility of the proposed assignment with the letter and the spirit of the Act of 20 September 1976. He shall inform Parliament, the Member and the authorities concerned of the conclusions reached by that committee.

(Amendment 9)
Rule 8(5), first indent

- in the event of resignation: the date on which the vacancy is established by Parliament, the date when the President receives the letter of resignation or a later (but not earlier) date specified in his letter by the resigning Member;
- in the event of resignation: the date on which the vacancy is established by Parliament, in accordance with the notification of resignation;

(Amendment 10)
Rule 9(2a)

2a. The code of conduct and the rights and privileges of former Members shall be laid down by a decision of the Bureau. No distinction shall be made in the treatment of former Members.
(Amendment 11)

Rule 11

1. Parliament shall hold its sittings and its committee meetings at the place fixed as its seat under the provisions of the Treaties.

2. Exceptionally, however, on a resolution adopted by a majority of its component Members, Parliament may decide to hold one or more sittings elsewhere than at its seat.

Proposals for additional part-sessions in Brussels and any amendments thereto will require only a simple majority vote.

3. Any committee may decide to ask that one or more meetings be held away from the said seat. Its request, with the reasons therefor, shall be made to the President, who shall place it before the Bureau. If the matter is urgent, the President may take the decision himself. Should the request be rejected by the Bureau or the President the reasons for the rejection shall be stated.

(Amendment 12)

Rule 13(1) and (2)

1. The President, Vice-Presidents and Quaestors shall be elected by secret ballot. Nominations shall be with consent. They may only be made by a political group or by at least twenty-nine Members. However, if the number of nominations does not exceed the number of seats to be filled, the candidates may be elected by acclamation.

2. Four Members chosen by lot shall count the votes cast in a secret ballot. Candidates may not act as tellers.

Justification: Paragraphs 2 and 4 may be deleted in the light of the proposed new cross-reference to the general provisions in Rule 121. The new reference in that rule to two to six tellers is particularly aimed at the circumstances covered by Rule 13 where experience has shown that four tellers may be inadequate and where six tellers would
be more appropriate (the amendments to the two rules should thus be seen in conjunction).

(Amendment 13)
Rule 24(3)

3. The Conference of Presidents shall be the authority responsible for matters relating to relations with the other institutions and bodies of the European Union and with the national parliaments of Member States. The Bureau shall name two Vice-Presidents who shall be entrusted with the implementation of the relations with national parliaments. They shall report back regularly to the Conference of Presidents on their activities in this regard.

(Amendment 14)
Rule 28a (new)

**Rule 28a**

**Early termination of an office**

1. The Conference of Presidents may, acting by a majority of three-fifths of the votes cast, propose to Parliament to terminate the holding of office of the President, a Vice-President, a Quaestor, a Chairman or Vice-Chairman of a committee, a Chairman or Vice-Chairman of an interparliamentary delegation, or any other holder of an office elected within the Parliament, where it considers that the Member in question no longer fulfils the conditions required for the performance of his/her duties or if he/she has been guilty of serious misconduct. Such a proposal shall be approved by Parliament by a majority of its component Members.
2. The minimum number of Members required to form a political group shall be 29 if they come from one Member State, 23 if they come from two Member States, 18 if they come from three Member States and 14 if they come from four or more Member States.

Justification: The idea of multinational groups is useful, but the figures are not necessarily to be changed following the Amsterdam Treaty until a new enlargement takes place.

(Amendment 16)
Rule 32

Nomination of the President of the Commission

1. When the governments of the Member States have agreed on a nomination for President of the Commission, the President shall request the nominee to make a statement 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 roll call.

3. The President shall forward the result of the vote to the President of the European Council and to the governments of the Member States as Parliament's opinion.

Election of the President of the Commission

1. When the governments of the Member States have agreed on a nomination for President of the Commission, the President shall request the nominee to make a statement and present his/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 roll call.

3. If the nominee is elected, the President shall inform the President of the European Council and the governments of the Member States accordingly, requesting them and the President-elect of the Commission to propose by common accord the nominees for the various posts of Commissioners.
4. If the result of the vote in Parliament on the nomination for President of the Commission is negative, the President shall request the governments of the Member States to withdraw their nomination and submit a new nomination to Parliament.

4. If Parliament does not approve nomination, the President shall request the governments of the Member States to nominate a new candidate.

(Amendment 17)
Rule 33

Vote of approval of the Commission

1. When the governments of the Member States have agreed on the other persons they intend to appoint as Members of the Commission, the President shall, after consulting the nominee for President of the Commission, request the nominees to appear before the appropriate committees according to their prospective fields of responsibility.

2. The committee may invite the nominee to make a statement and answer questions. The committee shall report its conclusions to the President.

3. The nominee for President shall present the programme of the nominated Commission at a sitting of Parliament which the whole Council shall be invited to attend. The statement shall be followed by a debate.

4. In order to wind up the debate, any political group may table a motion for a resolution which shall contain a statement that:

a) Parliament approves the nominated Commission, or
b) Parliament rejects the nominated Commission, or
c) in order to allow the reservations expressed by Parliament in the debate to be addressed, Parliament defers the vote until the next sitting.

Election of the Commission

1. The President shall, after consulting the President-elect of the Commission, request the nominees proposed for the various posts of Commissioners to appear before the appropriate committees according to their prospective fields of responsibility. These hearings shall be held in public.

2. The committee shall invite the nominee to make a statement and answer questions.

3. The President-elect shall present the college of Commissioners and their programme at a sitting of Parliament which the whole Council shall be invited to attend. The statement shall be followed by a debate.

4. In order to wind up the debate, any political group may table a motion for a resolution proposing:

a) that the Commission be elected or rejected or,
b) that Parliament defer the vote until the next sitting.
5. Parliament shall vote its approval of the Commission by a majority of the votes cast.

The vote shall be taken by roll call.

6. If Parliament approves the nominated Commission, the President shall notify the governments of the Member States that the appointment of the Commission may now take place.

7. In the event of portfolio changes during the Commission’s term of office, the Commissioners concerned shall be invited to appear before the committees responsible for the areas of responsibility in question.

(Amendment 18)
Rule 34(4)

4. The debate on the motion shall not take place until at least 24 hours after its receipt is announced to Members.

4. The debate on censure shall not take place until at least 24 hours after the receipt of a motion of censure is announced to Members.

(Amendment 19)
Rule 36

European Central Bank (European Monetary Institute)

1. The candidate nominated as President of the European Central Bank shall be invited to make a statement before the committee responsible and answer questions put by members.

2. The committee responsible shall make a recommendation to Parliament as to whether the nomination should be approved.

3. The vote shall take place within two months of the receipt of the nomination unless Parliament, at the request of the committee responsible, a political group or at least twenty-nine Members, decides otherwise.

European Central Bank

1. The candidate nominated as President of the European Central Bank shall be invited to make a statement before the committee responsible and answer questions put by members.

2. The committee responsible shall make a recommendation to Parliament as to whether the nomination should be approved.

3. The vote shall take place within two months of the receipt of the nomination unless Parliament, at the request of the committee responsible, a political group or at least twenty-nine Members, decides otherwise.
4. If the opinion adopted by Parliament is negative, the President shall request the Council to withdraw its nomination and submit a new nomination to Parliament.

5. The same procedure shall apply for nominations for Vice-President and Executive Board Members of the European Central Bank and for President of the European Monetary Institute.

(Amendment 20)

Rule 37

1. Members of the Commission, Council and European Council may at any time ask the President for permission to make a statement. The President shall decide when the statement may be made. Such a statement may be followed by a debate.

2. A committee, a political group, or at least twenty-nine Members may table a motion for a resolution.

3. Motions for resolutions shall be put to the vote on the same day. The President shall decide on any exceptions. Explanations of vote shall be admissible.

4. A joint motion for a resolution shall replace the previous motions for resolutions tabled by its signatories, but not those tabled by other committees, political groups or Members.

1. Members of the Commission, Council and European Council may at any time ask the President for permission to make a statement. The President shall decide when the statement may be made and whether such a statement is to be followed by a full debate or by thirty minutes of brief and concise questions from Members.

2. When placing a statement with debate on its agenda, Parliament shall decide whether or not to wind up the debate with a resolution. It shall not do so if a report on the same matter is scheduled for the same or the next part-session, unless the President, for exceptional reasons, proposes otherwise. If Parliament decides to wind up a debate with a resolution, a committee, a political group, or at least twenty-nine Members may table a motion for a resolution.

3. Motions for resolutions shall be put to the vote on the same day. The President shall decide on any exceptions. Explanations of vote shall be admissible.

4. A joint motion for a resolution shall replace the previous motions for resolutions tabled by its signatories, but not those tabled by other committees, political groups or Members.
5. After a resolution has been adopted, no further motions may be put to the vote except where the President, by way of exception, decides otherwise.

6. If no debate is held, Members will be allowed a maximum of thirty minutes in which to put brief and concise questions.

Justification: A debate should not automatically give rise to a resolution. Parliament shall decide whether or not to have a resolution, but should not do so when there will in any case be one on the same subject in the same part-session or the next one.

(Amendment 21)
Rule 37a (new)

Rule 37a

Statements explaining Commission decisions

After consulting the Conference of Presidents, the President may invite the President of the Commission, the Commissioner responsible for relations with the European Parliament or, by agreement, another Commissioner, to make a statement to Parliament after each meeting of the Commission, explaining its main decisions. The statement will be followed by a debate of at least thirty minutes in which Members may put brief and concise questions.

(Amendment 22)
Rule 38(2)

2. Parliament may decide to hold a separate debate on any questions raised in such statements with the participation of the Commission and Council.

2. Parliament may decide to hold a separate debate on any questions raised in such statements with the participation of the Commission and Council, in particular where irregularities have been reported in financial management.
(Amendment 23)
Rule 39

**Statements by the European Central Bank**
**(European Monetary Institute)**


2. Parliament may decide to hold a debate following this presentation.

3. The President of the European Central Bank and other Executive Board Members may be invited to attend a meeting of the committee responsible to make a statement and answer questions. The President of the Bank shall attend such meetings twice a year. He may be invited to attend additional meetings if circumstances justify it in the opinion of the committee responsible confirmed by the Conference of Presidents.

4. The same procedure shall apply to the President of the European Monetary Institute for the period of its existence.

**Statements by the European Central Bank**

1. The President of the European Central Bank shall present the Bank’s Annual Report on the activities of the European System of Central Banks and on the monetary policy of both the previous and current year to Parliament.

2. This presentation shall be followed by a general debate.

3. The President of the European Central Bank shall be invited to attend meetings of the committee responsible at least four times a year to make a statement and answer questions.

4. If they or Parliament so request, the President, Vice-President and other Members of the Executive Board of the European Central Bank shall be invited to attend additional meetings.

**Justification:** This amendment takes up but slightly modifies and amendment by the Committee on Economic and Monetary Affairs. The concept of a 'structured dialogue' does not appear to be appropriate wording for the Rules of Procedure. It is probably also more flexible to delete reference to 'being heard by the committee concerned'. While this is likely to be the normal procedure, there may be exceptional circumstances when attendance at plenary may be more appropriate, and the Rules need thus not be too specific in this context. Finally, if the European Parliament or the ECB seek additional meetings, it would seem more appropriate to include the wording 'shall invite' rather than 'may invite'.
(Amendment 24)
Rule 39a (new)

Rule 39a

Recommendation on the broad guidelines of economic policies

1. The recommendation from the Commission on the broad guidelines of the economic policies of the Member States and the Community shall be presented to the committee responsible which shall submit a report to Parliament.

2. The Council shall be invited to inform the Parliament of the content of its recommendation, and of the position taken by the European Council.

Justification: The proposed amendment takes up but modifies an amendment by the Committee on Economic and Monetary Affairs. In view of the overall approach of the report, which does not seek to lay down obligations on other institutions, it would be unwise to insist on the wording 'the Council shall inform the committee', but instead to redraft it in terms of an invitation to the Council.

Since the European Council is given a formal role in discussing a conclusion on broad economic guidelines in Article 99 (formerly Article 103) of the Treaty, it would seem advisable to add a reference to it in paragraph 2.

(Amendment 25)
Rule 46(1)

1. At least twenty-nine Members or a political group may table a proposal for a recommendation to the Council concerning subjects under Titles V and VI of the Treaty on European Union.

1. At least twenty-nine Members or a political group may table a proposal for a recommendation to the Council concerning subjects under Titles V and VI of the Treaty on European Union or where Parliament has not been consulted on an international agreement within the scope of Rule 90 or Rule 90a.
1. A political group or at least twenty-nine Members may ask the President in writing for a debate to be held on a topical and urgent subject of major importance (Rule 95(3)). Such a request must be linked with a motion for a resolution. The President shall notify Parliament immediately of any such request.

2. The Conference of Presidents shall draw up a list of subjects to be included on the agenda of the next debate on topical and urgent subjects of major importance on the basis of the requests referred to in paragraph 1 and in accordance with the provisions of Annex III. The total number of subjects included on the agenda shall not exceed five. The President shall notify Parliament of this list not later than at the resumption of the sitting on the afternoon of the same day.

Up to the end of the sitting on the same day, a political group or at least twenty-nine Members may oppose this decision in writing, stating their reasons, and move that Parliament abandon a topic due to be debated and/or include an unscheduled topic in the debate without, however, exceeding the maximum number of topics laid down by this Rule. The President shall decide on the admissibility of any objections raised. The vote on such objections shall take place without debate at the beginning of the next day’s sitting.

3. The total speaking time for the political groups and non-attached Members shall be allocated in accordance with the procedure laid down in Rule 106(2) and (3) within the maximum time for debates of three hours per part-session.

In accordance with the provisions of Rule 96, Parliament may abandon a topic due to be debated and/or include an unscheduled topic in the debate without, however, exceeding the maximum number of topics laid down by this Rule. Motions for resolutions on the subjects chosen shall be tabled by the evening of the day on which the agenda is adopted. The President shall set the precise deadline for tabling the motions for resolutions concerned.

3. The total speaking time for the political groups and non-attached Members shall be allocated in accordance with the procedure laid down in Rule 106(2) and (3) within the maximum time for debates of three hours per part-session.
Any time remaining after taking account of the time required for the introduction of and vote on the motions for resolutions and the speaking time, if any, allocated to the Commission and Council, shall be broken down between the political groups and the non-attached Members.

4. At the end of the debate there shall be an immediate vote. Rule 122 shall not apply.

Votes taken pursuant to Rule 47 may be organised on a collective basis under the responsibility of the President and the Conference of Presidents.

5. If two or more motions for resolutions are tabled on the same subject, the procedure set out in Rule 37(4) shall apply.

6. The President and political group chairmen may decide that a motion for a resolution shall be put to the vote without debate. Such a decision shall require the unanimous assent of all the political group chairmen.

The provisions of Rules 128, 129 and 131 shall not apply to motions for resolutions included on the agenda for a debate on topical and urgent subjects of major importance.

Motions for resolutions tabled for a debate on topical and urgent subjects of major importance in accordance with paragraph 1 which are not included in the list of subjects entered on the agenda for this debate and drawn up pursuant to paragraph 2, or which are included but cannot be dealt with in the time allocated to the debate, shall lapse. The same shall apply to motions for resolutions in respect of which it is established, following a request under Rule 112(3), that a quorum is not present. Obviously Members shall be entitled to retable such motions either for consideration in committee pursuant to Rule 45 or for the debate on topical and urgent subjects of major importance at the next part-session.
A motion for a resolution tabled in accordance with paragraph 1 cannot be included on the agenda for a debate on topical and urgent subjects of major importance if the subject covered by this motion is already on the agenda for that part-session.

There are no provisions in the Rules to allow a joint debate on a motion for a resolution tabled in accordance with paragraph 1 and a committee report on the same subject.

* * * *

When a request is made pursuant to Rule 112(3) that it be established whether a quorum is present, this request shall be valid only for the motion for a resolution which is to be put to the vote and not for those which follow.

Justification: This amendment lays down a new obligation to agree on the list of subjects first and to table resolutions afterwards. At present, a vast number of motions for resolution are tabled, translated (at great cost), circulated and then thrown away when other subjects are chosen. It would be better to organise accelerated translation of a smaller number of texts. The choice of subjects would be done as part of the normal procedure for adoption of Parliament’s agenda.

(Amendment 27)
Rule 48(5)

5. A written declaration that has stood in the register for over two months and has not been signed by at least one half of the component Members of Parliament shall lapse.

5. A written declaration that has stood in the register for over three months and has not been signed by at least one half of the component Members of Parliament shall lapse.
(Amendment 28)
Rule 48a (new)

**Rule 48a**

**Interinstitutional agreements**

Parliament may enter into agreements with other institutions in the context of the application of the Treaties or in order to improve or clarify procedures.

Such agreements may take the form of joint declarations, exchanges of letters or codes of conduct or other appropriate instruments. They shall be signed by the President after approval by Parliament. They may be annexed to the Rules of Procedure for information.

(Amendment 29)
Rule 48b (new)

**Rule 48b**

**Consultation of the Economic and Social Committee**

1. A committee may propose that Parliament consult the Economic and Social Committee on matters of a general nature or on specific points.

The committee shall indicate the deadline for the Economic and Social Committee to deliver its opinion.

2. A request for consultation of the Economic and Social Committee shall be approved by Parliament without debate.
Rule 48c

Consultation of the Committee of the Regions

1. A committee may propose that Parliament consult the Committee of the Regions on matters of a general nature or on specific points.

The committee shall indicate the deadline for the Committee of the Regions to deliver its opinion.

2. A request for consultation of the Committee of the Regions shall be approved by Parliament without debate.

Chapter VIa and Rule 48d (new)

CHAPTER VIa

RELATIONS WITH THE NATIONAL PARLIAMENTS

Rule 48d

Exchange of information, contacts and reciprocal facilities

1. Parliament shall keep the national parliaments of the Member States regularly informed of its activities.

2. The Conference of Presidents may give a mandate to the President to negotiate facilities for the national parliaments of the Member States, on a reciprocal basis, and to propose any other measures to facilitate contacts with the national parliaments.
Chapter VIa and Rule 48e (new)

CHAPTER VIa

RELATIONS WITH THE NATIONAL PARLIAMENTS

Rule 48e

Conference of European Affairs Committees (COSAC)

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, pursuant to Rule 24(3) and shall also include the chairman of Parliament’s competent committee or his/her representative.

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 33)

Rule 54

Subsidiarity, fundamental rights, financial resources

1. During the examination of a legislative proposal, Parliament shall pay particular attention to whether the proposal respects the principle of subsidiarity and the fundamental rights of citizens. Where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.

(Rule 49a)

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

1. During the examination of a legislative proposal, Parliament shall pay particular attention to respect for fundamental rights and the principles of subsidiarity and proportionality. In addition, where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.
2. If Parliament concludes that the principle of subsidiarity is not duly respected, or that the fundamental rights of citizens are not sufficiently respected, or that the financial resources provided are not sufficient, it shall request the Commission to make the necessary modifications to its proposal.

2. If Parliament concludes that respect for fundamental rights is not ensured, that the principles of subsidiarity and proportionality are not respected, or that the financial resources provided are not sufficient, it shall request the Commission to make the necessary modifications to its proposal.

(Amendment 34)
Rule 50

Legislative initiative

1. Parliament may request the Commission to submit to it any appropriate legislative proposal pursuant to Article 138b, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible and authorised pursuant to Rule 148. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may at the same time fix a deadline for the submission of such a proposal.

2. Before initiating the procedure under Rule 148, the committee responsible shall establish, in the following cases, that no such proposal is under preparation:

   a) such a proposal is not included in the Annual Legislative Programme;
   b) the preparations of such a proposal have not started or are unduly delayed;
   c) the Commission has not responded positively to earlier requests either from the committee responsible or contained in resolutions adopted by Parliament with simple majority.

Legislative initiative pursuant to Article 192 of the EC Treaty

1. Parliament may request the Commission to submit to it any appropriate legislative proposal pursuant to Article 192, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible and authorised pursuant to Rule 148. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may at the same time fix a deadline for the submission of such a proposal.

2. Before initiating the procedure under Rule 148, the committee responsible shall establish, in the following cases, that no such proposal is under preparation:

   a) such a proposal is not included in the Annual Legislative Programme;
   b) the preparations of such a proposal have not started or are unduly delayed;
   c) the Commission has not responded positively to earlier requests either from the committee responsible or contained in resolutions adopted by Parliament with simple majority.
3. Parliament's resolution shall indicate the appropriate legal basis and be accompanied by detailed recommendations as to the content of the required proposals, which shall respect the principle of subsidiarity and the fundamental rights of citizens.

4. Where a proposal has financial implications, Parliament shall indicate how sufficient financial resources can be provided.

5. The committee responsible shall monitor the progress of preparation of any legislative proposal drawn up following a particular request by Parliament.

6. The provisions of this Rule shall apply mutatis mutandis in cases where the Treaties attribute the right of initiative to Parliament.

The majority required shall be the majority indicated by the relevant article of the Treaty concerned.

Justification: The proposed amendment would make it explicit that this rule only applies to legislative initiatives pursuant to Article 192 (ex Article 138b) of the EC Treaty, by which Parliament (by a majority of its Members) asks the Commission to take up an issue. In consequence, the former paragraph 6 of this Rule which covers issues where Parliament has been given its own direct right of initiative (uniform electoral procedure in Article 190(4) of the EC Treaty, statute in Article 190(5) of the EC Treaty and regulations and conditions concerning the Ombudsman in Article 195(4) of the EC Treaty), in all of which the European Parliament only needs a simple majority of those voting, has been transferred to a more appropriate place in the Rules, namely Rule 148.

(Amendment 35)
Rule 51(1), second subparagraph

Where a proposal is listed in the Annual Legislative Programme the committee responsible may decide to appoint a rapporteur to follow the preparatory phase of the proposal.
Rule 51a

Consultation on proposals originating from a Member State

Proposals originating from a Member State pursuant to Article 67(1) of the EC Treaty, and on which the European Parliament has subsequently been consulted, shall be dealt with pursuant to Rules 51, 52, 53, 54 and 58.

Rule 52(1)

1. The Conference of Presidents may refer a consultation, a request for an opinion, an own-initiative report (Rule 148) or a report based on a motion for a resolution tabled pursuant to Rule 45(1) to (5) to the appropriate committee for a decision.

1. The Conference of Presidents may, on its own initiative or at the request of the committee responsible, refer a consultation, a request for an opinion, an own-initiative report (Rule 148) or a report based on a motion for a resolution tabled pursuant to Rule 45(1) to (5) to that committee for a decision.

Rule 53

1. For all Commission proposals and other documents of a legislative nature, the committee responsible shall first verify the validity and appropriateness of the chosen legal basis.

1. For all Commission proposals and other documents of a legislative nature, the committee responsible shall first verify the legal basis.

2. If the committee responsible disputes the validity or the appropriateness of the legal basis, it shall request the opinion of the committee responsible for legal affairs.

2. If the committee responsible disputes the validity or the appropriateness of the legal basis, it shall inform the committee responsible for legal affairs.

3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis of proposals submitted by the Commission. In such cases it shall duly inform the committee responsible.

3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis of the proposals submitted by the Commission. In such cases it shall duly inform the committee responsible.
4. If the committee responsible for legal affairs decides to dispute the validity or the appropriateness of the legal basis, it shall report its conclusions to Parliament.

5. If amendments are tabled in Parliament to change the legal basis of a Commission proposal without the committee responsible having disputed the validity or appropriateness of the legal basis, the committee responsible for legal affairs must deliver an opinion on the amendments tabled before they are put to the vote.

6. If the Commission does not agree to modify its proposal to conform to the legal basis approved by Parliament, the rapporteur or the chairman of the committee responsible for legal affairs or of the committee responsible may propose that the vote on the substance of the proposal be postponed to a subsequent sitting.

(Amendment 39)
Rule 56

1. If the committee responsible, during its examination of a Commission proposal, becomes aware that the Council intends to modify substantially this proposal, it shall formally ask the Commission whether it intends to alter its proposal.

2. If the Commission declares that it intends to alter its proposal, the committee responsible shall postpone its examination of this proposal until it has been informed about the new proposal or amendments by the Commission.

3. During the examination of a Commission proposal in the committee responsible, the Commission may also on its own initiative table amendments to its proposal directly in the committee.

1. If the Commission informs Parliament, or if the committee responsible becomes otherwise aware that the Commission intends to modify its proposal, the committee responsible shall postpone its examination of the matter until it has received the new proposal or the amendments of the Commission.

2. If the Council substantially modifies the Commission proposal, the provisions of Rule 62 shall apply.

Deleted
4. If the Commission declares, following a request under paragraph 1, that it does not intend to alter its proposal, the committee responsible shall proceed with its examination of the proposal. The declaration of the Commission shall be annexed to the report and shall be considered by Parliament as binding on the Commission even after the completion of the first reading.

5. If, following a Commission declaration under paragraph 4, the Council, notwithstanding the position of the Commission, proceeds to a decision which substantially modifies the original Commission proposal, the President of Parliament shall remind the Council of its obligation to consult Parliament again.

(Amendment 40)

Rule 57

**Commission position on amendments**

1. Before the committee responsible proceeds to the final vote on a Commission proposal, it shall request the Commission to state its position on all the amendments to the proposal adopted by the committee.

2. If the Commission is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee then the committee may postpone the final vote.

3. The position of the Commission shall be annexed to the report.

Justification: Paragraph 1: To encourage Council to begin dialogue with Parliament at an early stage and to receive information.

**Commission and Council position on amendments**

1. Before the committee responsible proceeds to the final vote on a Commission proposal, it shall request the Commission to state its position on all the amendments to the proposal adopted by the committee, and the Council to comment.

2. If the Commission is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee then the committee may postpone the final vote.

3. If appropriate, the position of the Commission shall be included in the report.
(Amendment 41)
Rule 58(2), second subparagraph

The consultation procedure is concluded if the draft legislative resolution is adopted. If Parliament does not adopt the legislative resolution, the proposal shall be referred back to the committee responsible.

(Amendment 42)
Rule 59(3), interpretation

*This procedure may be applied only once.* Consequently, when the second report is put to the vote, Parliament shall also vote on the draft legislative resolution.

Justification: There may be circumstances where Parliament might wish to postpone a vote a second time.

(Amendment 43)
Rule 61

1. In the period following the adoption by Parliament of its opinion on a proposal by the Commission, the chairman 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 to ensure that the undertakings made by the Commission to Parliament with respect to its amendments are properly observed.

2. The Council or, if necessary, the Commission shall, during this period, and at least once every three months, furnish all necessary information to the committee responsible.

3. The committee responsible shall, in particular, bring to Parliament’s attention any potential or actual breach of undertakings made by the Commission to Parliament.

Deleted
At any stage of the follow-up procedure the committee responsible may, if it deems it necessary, table a motion for a resolution under this Rule inviting Parliament:

- to call upon the Commission to withdraw its proposal, or

- to call upon the Council to open a conciliation procedure with the Parliament, pursuant to Rule 63, or

- to call upon the Council to reconsult Parliament pursuant to Rule 62, or

- to decide to take such other action that it deems appropriate.

This motion shall be placed on the draft agenda of the part-session following the decision by the committee.

Justification: To simplify and adapt the Rules of Procedure to the practice of codecision.

(Amendment 44)

Rule 62

Renewed consultation

The President shall, at the request of the committee responsible, call on the Council to reconsult Parliament

- where the Commission withdraws its initial proposal after Parliament has delivered its opinion in order to replace it with another text;

Renewed referral to Parliament

Procedure leading to the adoption of an act pursuant to Article 251 of the EC Treaty

1. The President shall, at the request of the committee responsible, ask the Commission to refer its proposal again to Parliament

- where the Commission withdraws its initial proposal after Parliament has delivered its opinion in order to replace it with another text, except where this is done in order to incorporate Parliament’s amendments; or
- where the Commission or the Council substantially amend or intend to amend the proposal on which Parliament originally delivered an opinion;

- where, through the passage of time or changes in circumstances, the nature of the problem with which the proposal is concerned substantially changes;

- where the Commission substantially amends or intend to amend its initial proposal except where this is done in order to incorporate Parliament’s amendments; or

- where, through the passage of time or changes in circumstances, the nature of the problem with which the proposal is concerned substantially changes; or

- where new elections to Parliament have taken place since it delivered its opinion.

Procedures leading to the adoption of other acts

2. At the request of the committee responsible, the President shall call on the Council to reconsult Parliament in the same circumstances and under the same conditions as those set out in paragraph 1, and also where the Council substantially amends or intends to amend the proposal on which Parliament originally delivered its opinion, except where this is done in order to incorporate Parliament’s amendments.

3. The President shall also request that a proposal for an act be referred again to Parliament in the circumstances defined in this Rule where Parliament so decides on a proposal from a political group or at least twenty-nine Members.

(Amendment 45)
Rule 63, title

Conciliation procedure

Conciliation procedure contained in the 1975 interinstitutional agreement

Justification: To avoid confusion in certain languages with the conciliation procedure contained in the codecision procedure.
Rule 63a

Approval of Parliament’s amendments by the Council

1. Where, pursuant to Article 251(2) of the EC Treaty, the Council has informed Parliament that it has approved its amendments, but not otherwise amended the Commission proposal or neither institution has amended the Commission proposal, the President shall announce in Parliament that the proposal has been finally adopted.

2. Before making this announcement, the President shall verify that any technical adaptations made by the Council to the proposal do not affect the substance. In case of doubt, he shall consult the committee responsible. If any changes made are considered to be substantive, the President shall inform the Council that Parliament will proceed to a second reading as soon as the conditions laid down in Rule 64 are fulfilled.

3. After making the announcement referred to in paragraph 1, the President shall, with the President of the Council, sign the proposed act and arrange for its publication in the Official Journal of the European Communities, in accordance with Rule 79.
1. Communication of the Council’s common position pursuant to Articles 189b and 189c of the EC Treaty takes place when it is announced by the President in Parliament. On the day of the announcement, the President must have received the documents containing the common position itself, the reasons which led the Council to adopt its common position and the Commission’s position, duly translated into the official languages of the European Union. The President’s announcement shall be made during the part-session following the receipt of such documents.

Before making the announcement, the President shall establish, after consulting the chairman of the committee responsible, that the text he has received is indeed a common position and that the circumstances described in Rule 62 do not apply. Failing this, the President, together with the committee responsible and, where possible, in agreement with the Council, shall seek an appropriate solution.

Justification: Declarations made in the Council minutes must now be made public.

1. Communication of the Council’s common position pursuant to Articles 251 and 252 of the EC Treaty takes place when it is announced by the President in Parliament. The President shall make the announcement after he has received the documents containing the common position itself, all declarations made in the Council minutes when it adopts the common position, the reasons which led the Council to adopt its common position and the Commission’s position, duly translated into the official languages of the European Union. The President’s announcement shall be made during the part-session following the receipt of such documents.

Before making the announcement, the President shall establish, after consulting the chairman of the committee responsible and/or the rapporteur, that the text he has received is indeed a common position and that the circumstances described in Rule 62 do not apply. Failing this, the President, together with the committee responsible and, where possible, in agreement with the Council, shall seek an appropriate solution.

Rule 65

Time limits

1. The President shall, on a request from the chairman or rapporteur of the committee responsible, ask the Council to agree to an extension, by a maximum of one month, of the three-month period following either the communication of the common position to Parliament or the presentation of the Commission’s re-examined proposal.

Rule 65

Extension of time limits

1. The President shall, at the request of the chairman of the committee responsible, in the case of time limits for second reading, or at the request of Parliament’s conciliation delegation, in the case of time limits for conciliation, extend the limits in question pursuant to Article 251(7) of the EC Treaty.
2. The President may, after consulting the chairman and the rapporteur of the committee responsible, on behalf of Parliament agree, on a request from the Council, to extend the period of three months following the communication of the common position to Parliament or the presentation of the Commission’s re-examined proposal by a maximum of one month.

Rule 76

Time limits

1. The President shall, at the request of the delegation, ask the Council to agree to an extension, by a maximum of two weeks, of the six-week periods allowed for the work of the Conciliation Committee and for the approval of a joint text or the rejection of a Council text.

2. The President may, after consultation with the delegation, agree on behalf of Parliament to a request from the Council for an extension, by a maximum of two weeks, of the six-week periods mentioned in paragraph 1.

Justification: Rules 65 and 76 would be combined into a new single rule on extension of time limits.

Rule 65: 1. Slight change in Amsterdam (either institution may extend limits).
Rule 65: 2. Simplification into a single rule.

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

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

2a. The President, after consulting the chairman 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
1. On the day of its communication to Parliament pursuant to Rule 64(1), the common position shall be deemed to have been referred automatically to the committee responsible and to the committees asked for their opinion at first reading.

2. The common position shall be entered as the first item on the agenda of the first meeting of the committee responsible following the date of its communication.

3. Unless otherwise decided, the rapporteur during second reading shall be the same as during first reading.

4. The provisions for Parliament’s second reading in Rules 69(1), 71(1) and 72(2) and (4) shall apply to the proceedings in the committee responsible; only members or permanent substitutes of that committee may table proposals for rejection and amendments. The committee shall decide by a majority of the votes cast.

5. The committee responsible may request a dialogue with the Council in order to reach a compromise.\(^{(1)}\)

\(^{(1)}\) Cf. Rule 72(2b)

6. The committee responsible shall submit a recommendation for second reading proposing the decision Parliament should take on the common position adopted by the Council. The recommendation shall include a short justification for the decision proposed.

7. If the common position is approved without amendment, the recommendation may take the form of a letter.

Deleted

5. Before voting, the committee may request the chairman and rapporteur to discuss draft amendments that have been tabled in the committee with the President of the Council or his/her representative. The rapporteur may table compromise amendments following such discussion.

Deleted

6. The committee responsible shall submit a recommendation for second reading proposing the approval, amendment or rejection of the common position adopted by the Council. The recommendation shall include a short justification for the decision proposed.
Justification: Paragraph 2 would provide for the possibility of the Council being invited to present its common position directly if this is felt to be appropriate (for example, when insufficient detail has been presented in the Council’s written reasons). Paragraph 4 is consequent on other amendments. Paragraph 5 is to enable, where this is wanted, early exploratory talks with Council. Paragraphs 6+7 simplify the existing text.

(Amendment 50)
Rule 68

Where no motion to reject the common position, and no amendments to the common position, are adopted under Rules 71 and 72 within the time limits specified by Articles 189b and 189c of the EC Treaty, the President shall declare the common position approved without a vote, unless Parliament has approved the common position by a majority of the votes cast.

(Amendment 51)
Rule 69

Rule 69

Intended rejection of the Council’s common position

1. For legislative proposals falling under Article 189b of the EC Treaty a committee, a political group or at least twenty-nine Members may, in writing and before a deadline set by the President, table a proposal for a declaration by Parliament of intended rejection of the Council’s common position. The proposal shall require for its approval the votes of a majority of the component Members of Parliament. The proposal shall be put to the vote before any amendments.

Deleted
2. If the proposal is approved, the President shall ask the Council whether it intends to convene the Conciliation Committee. If the Council does not intend to convene the Conciliation Committee, the President shall announce in Parliament that the procedure is terminated and the proposed act shall be deemed not to have been adopted.

3. For the composition and procedure of the delegation to the Conciliation Committee Rule 75 shall apply.

Justification: This part of the procedure is eliminated by the Amsterdam Treaty.

(Amendment 52)
Rule 70

Delete

Rule 70

Conciliation during second reading

1. In the light of the conclusions of the Conciliation Committee convened pursuant to Rule 69(2), Parliament’s delegation may recommend that Parliament confirm its rejection of the common position in a separate vote by a majority of its component Members. If Parliament confirms the rejection the President shall declare the legislative procedure closed.

If Parliament does not confirm the rejection with the required majority then it shall proceed with the consideration of the common position and any amendments tabled to it.

2. In the light of the conclusions of the Conciliation Committee, Parliament’s delegation may recommend that consideration of the common position and any amendments tabled to it be resumed or, in consultation with the committee responsible, propose new amendments for consideration by Parliament in accordance with Rule 72.
The delegation may recommend the application of Rule 115(5) for the vote on the amendments.

Justification: This Rule corresponds to a provision of the Maastricht Treaty which has been deleted by Amsterdam.

(Amendment 53)
Rule 71(3) and (4)

3. If the common position of the Council is rejected, the President shall request the Commission to withdraw its proposal.

4. If the Commission does so, the President shall hold the cooperation procedure on the proposal to be superfluous and shall inform the Council accordingly.

Justification: For codecision (but not cooperation), rejection by Parliament is definitive under the Amsterdam Treaty.

(Amendment 54)
Rule 72(2) to (4)

2. An amendment to the common position shall be admissible only if it conforms to the provisions of Rules 124 and 125 and:

   a) it seeks to restore wholly or partly the position adopted by Parliament in its first reading; or

   b) it is a compromise amendment representing an agreement between the Council and Parliament; or

2. An amendment to the common position shall be admissible only if it conforms to the provisions of Rules 124 and 125 and seeks:

   a) to restore wholly or partly the position adopted by Parliament in its first reading; or

   b) to reach a compromise between the Council and Parliament; or
c) it seeks to amend a part of the text of a common position which was not included in - or differs in content from - the proposal submitted in first reading and which does not amount to a substantial change within the meaning of Rule 62; or.

ca) to take account of a new fact or legal situation which has arisen since the first reading.

The President’s discretion to declare an amendment admissible or inadmissible cannot be questioned.

2a. If new elections have taken place since the first reading, but Rule 62 has not been invoked, the President may decide to waive the restrictions on admissibility laid down in paragraph 2.

3. An amendment shall be adopted only if it secures the votes of a majority of the component Members of Parliament.

4. Before voting on the amendments, the President shall ask the Commission to state its position and the Council to comment.

(Amendment 55)

Rule 73

Consequences of the Commission failing to accept Parliament’s amendments in its re-examined proposal

1. For legislative proposals falling under Article 189c of the EC Treaty, the Conference of Presidents shall place the Commission’s re-examined proposal on the draft agenda for the part-session following its adoption and the President shall request the Commission to inform Parliament of the reasons which led the Commission not to accept Parliament’s amendments.
2. Parliament may, by a majority of its component Members, request the Commission to withdraw its proposal.

(Amendment 56)

Rule 77

1. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall automatically be placed on the agenda of the last part-session to fall within six or, if extended, eight weeks of the date of approval of the joint text by the Conciliation Committee unless the matter has been dealt with earlier.

2. Parliament shall discuss the joint text on the basis of a report by its delegation to the Conciliation Committee.

3. No amendments may be tabled to the joint text.

4. The joint text as a whole shall be the subject of a single vote. The joint text shall be approved if it secures a majority of the votes cast.

5. Where no agreement is reached on a joint text within the Conciliation Committee, the chairman or another designated member of Parliament’s delegation to the Conciliation Committee shall make a statement on the joint text. This statement may be followed by a short debate.

Justification: The proposed changes make it clear that there should be a short debate if a joint text is adopted, and also if there is no agreement in conciliation. The latter case would, in practice, always be sufficiently serious to justify such a short debate. The proposed text also makes it clear who should make the opening statement, namely the chairman of the conciliation delegation or else a designated member of the delegation (such as the chairman of the responsible committee or its rapporteur). There would seem to be an advantage in this statement being made by someone who has been actively involved in the negotiations. In some circumstances, of course, this could be the President of Parliament himself or herself.
Rule 78

Council text

1. Where no agreement is reached on a joint text within the Conciliation Committee, the President shall invite the Commission to withdraw its proposal, and invite the Council not to adopt under any circumstances a position pursuant to Article 189b(6) of the EC Treaty. Should the Council nonetheless confirm its common position, the President of the Council shall be invited to justify its decision before Parliament in plenary sitting. The matter shall automatically be placed on the agenda of the last part-session to fall within six or, if extended, eight weeks of the confirmation by the Council unless the matter has been dealt with at an earlier part-session.

2. Parliament shall discuss the Council text on the basis of a report from its delegation to the Conciliation Committee.

3. No amendments may be tabled to the Council text.

4. The Council text as a whole shall be the subject of a single vote. Parliament shall vote on a motion to reject the Council text. If this motion receives the votes of a majority of the component Members of Parliament, the President shall declare the proposed act not adopted.

(Amendment 58)
Rule 79
For legislative acts adopted under the procedure in Article 189b of the EC Treaty, the President shall, after checking that all procedures have been properly completed, sign the act together with the President of the Council and arrange its publication in the Official Journal of the European Communities.

1. The text of acts adopted jointly by Parliament and the Council shall be signed by the President and by the Secretary-General, once it has been verified that all the procedures have been duly completed.

2. Regulations, directives or decisions adopted jointly by Parliament and the Council shall include in their title the word 'Regulation', 'Directive' or 'Decision' as appropriate followed by a serial number, by the date of their adoption and by an indication of their subject matter.

3. Regulations, directives or decisions adopted jointly by Parliament and the Council shall contain the following:

a) 'The European Parliament and the Council of the European Union';

b) a reference to the provisions under which the Regulation, Directive or Decision is adopted, preceded by the words 'Having regard to';

c) a citation containing a reference to proposals submitted and opinions obtained and to consultations held;

d) a statement of the reasons on which the Regulation, Directive or Decision is based, introduced by the word 'Whereas';

e) the phrase 'have adopted this Regulation' or 'have adopted this Directive' or 'have adopted this Decision' or 'have decided as follows', followed by the body of the Regulation, Directive or Decision.

4. Regulations, directives or decisions shall be divided into articles, if appropriate grouped into chapters and sections.
5. The last Article of a Regulation, Directive or Decision shall fix the date of entry into force, where that date is before or after the twentieth day following publication.

6. The last article of a regulation, directive or decision shall be followed by:

- the appropriate formulation, according to the relevant provisions of the Treaty, as to its applicability;

- 'Done at ...', followed by the date on which the Regulation, Directive or Decision was adopted;

- 'For the European Parliament The President', 'For the Council The President', followed by the name of the President of Parliament and of the President-in-Office of the Council when the Regulation, Directive or Decision is adopted.


Justification: As signing is a joint responsibility of the President of Parliament and Council, the same formula as in Council’s Rules of Procedures is added here. This implies that any future change in procedure would have to be jointly agreed, as both sets of Rules would have to be modified.
1. Where Parliament is requested to give its assent to an international agreement or a legislative proposal, it shall consider the matter on the basis of a recommendation from the committee responsible to adopt or reject the document on which Parliament has been consulted.

Parliament shall then take a decision on the document 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 relevant article of the EC Treaty.

2. For accession treaties and international agreements, Rules 89 and 90 shall apply respectively.

3. For legislative proposals the committee responsible may decide, in order to facilitate a positive outcome of the procedure, to present an interim report to Parliament with a motion for a resolution containing recommendations for modification or implementation of the proposal.

If Parliament approves at least one recommendation with the same majority as required for the final assent, the President shall request the opening of a conciliation procedure with the Council.

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

1. Where Parliament is requested to give its assent to an international agreement or a legislative proposal, or in determination, pursuant to Article 7 of the EU Treaty, of a serious and persistent breach by a Member State of principles mentioned in Article 6(1) of the EU Treaty (of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law), it shall consider the matter on the basis of a recommendation from the committee responsible to adopt or reject the document on which Parliament has been consulted.

Parliament shall then take a decision on the document 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 relevant article of the EC Treaty or of the EU Treaty.

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 94a shall apply respectively.

3. For legislative proposals 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 with the same majority as required for the final assent, 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.
Justification: The proposed change to Rule 80(3) aims to ensure greater clarity. The changes to paragraphs 1 and 2 of Rule 80 are not linked to general legislative procedures but instead to the specific case of the new procedures for breaches of human rights pursuant to Article F1 of the Amsterdam Treaty.

(Amendment 60)
Rule 80a (new)

Rule 80a

Procedures relating to dialogue between management and labour

1. Any document drawn up by the Commission pursuant to Article 138 of the EC Treaty or agreements reached by management and labour pursuant to Article 139(1) of the EC Treaty as well as proposals submitted by the Commission in accordance with Article 139(2) of the EC Treaty shall be referred by the President to the committee responsible for consideration.

2. Where management and labour inform the Commission of their wish to initiate the process provided for in Article 139 of the EC Treaty, the committee responsible may draw up a report on the substantive issue in question.

3. Where management and labour have reached an agreement and requested jointly that the agreement be implemented by a Council decision on a proposal from the Commission in accordance with Article 139(2) of the EC Treaty, the committee responsible shall table a motion for resolution recommending the adoption or rejection of the request.
When the Commission tables in Parliament an implementing measure which it has submitted to a management committee or a draft implementing measure which it has submitted to an advisory or regulatory committee, the President shall refer the document in question to the committee responsible for the proposal from which the implementing provisions derive.

1. When the Commission forwards an implementing measure to Parliament, the President shall refer the document in question to the committee responsible for the act from which the implementing provisions derive.

2. The chairman, or another designated member of the committee responsible, may enter into a dialogue with the Commission. The committee responsible may propose to Parliament that it object to the measure. If Parliament objects to the measure, the President shall request the Commission to withdraw or amend the measure or submit a proposal under the appropriate legislative procedure.

3. Where such a measure is referred to the Council and therefore to Parliament, the latter shall deal with it in accordance with Rule 97(2).

Justification: To follow up 'commitology'. Also includes simplification of paragraph 1 which includes unnecessary distinction between implementing and draft implementing measures. May need further examination following adoption of new inter-institutional agreement.
Rule 83

Consequence of the Council failing to act following approval of its common position

If, within three or, with the agreement of the Council, four months of the communication of the common position, Parliament has neither rejected nor amended the position, and the Council fails to adopt the proposed legislation in accordance with the common position, the President may, on behalf of Parliament and after consulting the committee responsible for legal affairs, bring an action against the Council in the Court of Justice under Article 175 of the EC Treaty.

Consequence of the Council failing to act following approval of its common position under the cooperation procedure

If, within three or, with the agreement of the Council, four months of the communication of the common position pursuant to Article 252 of the EC Treaty, Parliament has neither rejected nor amended the position, and the Council fails to adopt the proposed legislation in accordance with the common position, the President may, on behalf of Parliament and after consulting the committee responsible for legal affairs, bring an action against the Council in the Court of Justice under Article 232 of the EC Treaty.

Justification: This now applies only to the cooperation procedure, and no longer to codecision.

(Amendment 63)
Chapter IX - Title

TREATIES AND INTERNATIONAL AGREEMENTS

TREATIES

(Amendment 64)
Chapter X - Title

COMMON FOREIGN AND SECURITY POLICY

INTERNATIONAL AGREEMENTS, EXTERNAL REPRESENTATION OF THE UNION AND COMMON FOREIGN AND SECURITY POLICY
(Amendment 65)
Rule 90(3) to (9)
3. The committee responsible shall verify the chosen legal basis for international agreements pursuant to Rule 53.

4. 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.

5. At any stage of the negotiations Parliament may, on the basis of a report from the committee responsible, adopt recommendations and require that these be taken into account before the conclusion of the international agreement under consideration.

6. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for opinion or for assent. For the assent procedure Rule 80 shall apply.

7. Parliament shall give its opinion on, or its assent to, the conclusion, renewal or amendment of an international agreement or a financial protocol concluded by the European Community by a majority of the votes cast.

8. If the opinion adopted by Parliament is negative, the President shall request the Council not to conclude the agreement in question.

3. The committee responsible shall ascertain from the Commission, at the time it is intended to open negotiations, the chosen legal basis for concluding the international agreements referred to in paragraph 1. The committee responsible shall verify the chosen legal basis pursuant to Rule 53. Where the Commission fails to designate a legal basis, or where there is doubt about its appropriateness, Rule 53 shall apply.

4. 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.

5. At any stage of the negotiations Parliament may, on the basis of a report from the committee responsible, and after considering any relevant proposal tabled pursuant to Rule 46, adopt recommendations and require that these be taken into account before the conclusion of the international agreement under consideration.

6. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for opinion or for assent. For the assent procedure Rule 80 shall apply.

7. Parliament shall give its opinion on, or its assent to, the conclusion, renewal or amendment of an international agreement or a financial protocol concluded by the European Community by a majority of the votes cast.

8. If the opinion adopted by Parliament is negative, the President shall request the Council not to conclude the agreement in question.
9. If Parliament, by a majority of the votes cast, withholds its assent to an international agreement, the President shall refer the agreement in question back to the Council for reconsideration.

9. If Parliament, by a majority of the votes cast, withholds its assent to an international agreement, the President shall notify the Council that the agreement in question cannot be concluded.

(Amendment 66)
Rule 90a

**Rule 90a**

**Procedures based on Article 300 of the EC Treaty in the case of provisional application or the suspension of international agreements or the establishment of the Community position in a body set up by an international agreement**

When the Commission and/or the Council are under an obligation to inform Parliament immediately and fully, pursuant to Article 300(2) of the EC Treaty, a statement and debate shall be held in Parliament. Parliament may issue recommendations pursuant to Rules 90 or 92.

(Amendment 67)
Rule 90b (new)

**Rule 90b**

**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 he officially takes up his duties, the President shall invite the High Representative to make a statement to and answer questions from the committee responsible.

3. Following the statement and answers referred to in paragraphs 1 and 2 and at the initiative of the committee responsible, or in accordance with Rule 46, Parliament may make a recommendation.

4. Paragraphs 1-3 shall apply mutatis mutandis when the Council appoints a special representative under Article 18(5) of the EU Treaty.

(Amendment 68
Rule 90c (new)

**Rule 90c**

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

1. The High Representative may be invited to make statements. Rule 37 shall apply.

2. The High Representative shall be invited at least four times a year to attend meetings of the committee responsible, and to make a statement and answer questions. The High Representative may also be invited on other occasions, whenever the committee considers this to be necessary, or at his or her initiative.

3. Whenever a special representative is appointed by the Council with a mandate in relation to particular policy issues, he or she may be invited to make a statement to the committee responsible, at Parliament’s or at his or her initiative.
(Amendment 69)
Rule 90d (new)

Rule 90d

International representation

1. Where a Head of a Commission external delegation is to be appointed, the nominee may be invited to appear before the relevant body of Parliament to make a statement and answer questions.

2. Within three months of the hearings provided for in paragraph 1, the committee responsible may adopt a resolution or make a recommendation, as appropriate, relating directly to the statement made and answers provided. Rule 52(5) shall apply.

(Amendment 70)
Rule 91

1. The committee responsible for the common foreign and security policy shall ensure that Parliament is consulted on such policies and that its opinions are duly taken into account, particularly in connection with the joint actions referred to in Article J.3 of the Treaty on European Union and the actions referred to in Article 228a of the EC Treaty.

2. Where appropriate, the committee shall inform Parliament in accordance with these Rules.

1. When Parliament is consulted pursuant to Article 21 of the EU Treaty, the matter shall be referred to the committee responsible which may make recommendations pursuant to Rule 92.

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 or the Council or the High Representative, a committee may decide to hold its proceedings in camera.
3. The Council and the Commission shall provide the committee responsible with full, regular and timely information on the development of the Union’s common foreign and security policy.

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 37 shall apply.

(See also interpretation under Rule 46.)

Deleted

(Amendment 71)
Rule 92

1. The committee responsible for the common foreign and security policy may draw up recommendations to the Council in its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 46.

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

2. During the process for adopting these recommendations, which must be put to the vote in the form of a written text, Rule 102 shall not apply and oral amendments shall be admissible.

The non-application of Rule 102 is possible only in committee and only in urgent cases. Neither at committee meetings not declared to be urgent nor in plenary sitting may there be any departure from the provisions of Rule 102.

The provision stating that oral amendments shall be admissible means that Members may not object to oral amendments being put to the vote in committee.
3. Recommendations drawn up in this way shall be included on the agenda for the next part-session. Recommendations shall be deemed adopted unless, before the beginning of the part-session, a minimum of one tenth of the component Members of Parliament submit a written objection, in which case the committee’s recommendations shall be considered and each recommendation shall be put to the vote as a whole in plenary during the same part-session.

4. Recommendations drawn up in this way shall be included on the agenda for the next part-session. In urgent cases decided upon by the President, recommendations may be included on the agenda of a current part-session. Recommendations shall be deemed adopted unless, before the beginning of the part-session, a minimum of one tenth of the component Members of Parliament submit a written objection, in which case the committee’s recommendations shall be considered and each recommendation shall be put to the vote as a whole in plenary during the same part-session. A political group or at least twenty-nine Members may table amendments.

4. The debates provided for under Article J.7 of the Treaty on European Union shall be held in accordance with the arrangements laid down in Rule 37 (2), (3) and (4).

(See also interpretation under Rule 46.)

Deleted

Deleted

(Amendment 72)
Chapter XI - Title and Rule 93

COOPERATION IN THE FIELDS OF JUSTICE AND HOME AFFAIRS

Rule 93

Consultation of and provision of information to Parliament in the fields of justice and home affairs

1. The committee responsible for matters relating to cooperation in the fields of justice and home affairs shall ensure that Parliament is fully informed and consulted on the activities covered by such cooperation and that its opinions are duly taken into consideration, particularly in connection with the joint positions, joint actions and conventions referred to in Article K.3 of the Treaty on European Union.

POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS

Rule 93

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 such cooperation 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. Where appropriate, the committee shall inform Parliament in accordance with these Rules.

3. The Council and Commission shall provide the committee responsible with full, regular and timely information on the development of cooperation in the fields of justice and home affairs.

4. At the request of the Commission or the Council, a committee may decide to hold its proceedings in camera.

5. The detailed rules for consultation and information, including procedures and frequency, will be included as an annex to these Rules.

(Amendment 73)
Rule 93a (new)

Rule 93a

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

Consultation of Parliament pursuant to Articles 34(2)(b), (c) and (d) of the EU Treaty shall be dealt with pursuant to Rules 51, 52, 53, 54 and 58.

Where applicable, consideration of the proposal shall then be placed, at the latest, on the agenda of the sitting which is to be held immediately before expiry of the time limit laid down in accordance with Article 39(1) of the EU Treaty.
Recommending in the fields of justice and home affairs

1. The committee responsible for matters relating to cooperation in the fields of justice and home affairs may draw up recommendations to the Council in its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 46.

In urgent cases the authorisation referred to in the first subparagraph may be granted by the President of Parliament, who may likewise authorise an emergency meeting of the committee concerned.

Recommendations drawn up in this way shall be included on the agenda for the next part-session.

2. The debates provided for under Article K.6 of the Treaty on European Union shall be held in accordance with the arrangements laid down in Rule 37 (2), (3) and (4).

(See also interpretation under Rule 46.)

Recommending 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 its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 46.

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.

Deleted

(See also interpretation under Rule 46.)
(Amendment 75)
Chapter XIa and Rule 94a (new)

CHAPTER XIa

DETERMINATION OF A SERIOUS AND PERSISTENT BREACH BY A MEMBER STATE OF PRINCIPLES COMMON TO MEMBER STATES (LIBERTY, DEMOCRACY, RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND THE RULE OF LAW)

Rule 94a

Determination of a breach

1. At the request of one tenth of its component Members, Parliament may call on the Commission to initiate the action mentioned in Article 7(1) of the EU Treaty. The Conference of Presidents may first ask the opinion of the committee responsible.

2. The President shall announce to Parliament receipt of a request from the Council to give its assent on a proposal submitted pursuant to Article 7(1) of the EU Treaty, along with the observations submitted by the Member State. The President shall, at the same time, propose to Parliament the time at which the vote is to be taken. This shall be no less than one month after the announcement of receipt of the request except in urgent and justified circumstances.

3. The assent of Parliament shall be adopted if it secures a two-thirds majority of the votes cast, representing a majority of its component Members.

4. The committee responsible may, on a proposal from the Conference of Presidents, decide to submit an accompanying motion for a resolution setting down Parliament’s views on the appropriate sanctions and on criteria for later varying or revoking them.
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 assent 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.

(Amendment 76)
Chapter XIb and Rule 94b (new)

CHAPTER XIb

CLOSER COOPERATION

Rule 94b

Procedures in Parliament

1. Commission proposals to introduce closer cooperation between Member States shall be referred by the President to the committee responsible for consideration. Rules 51 and 53 to 63 shall apply.

2. The committee responsible shall verify compliance with Article 11 of the EC Treaty, Articles 40, 43 and 44 of the EU Treaty and the provisions of the Protocol integrating the Schengen acquis into the framework of the European Union.

3. Subsequent acts proposed under closer cooperation, once it is established, shall be dealt with in Parliament under the same procedures as when closer cooperation does not apply.
3. One or two periods, together totalling a maximum of three hours, shall be set aside in the draft agenda for debates on topical and urgent subjects of major importance pursuant to Rule 47.

Justification: This reflects existing practice where, exceptionally, topical and urgent debates can be abandoned (or not held in extra part-sessions).

(Amendment 78)
Rule 96a (new)

Rule 96a

One-minute speeches

For a period of not more than thirty minutes during the first sitting of each part-session the President shall call Members who wish to make speeches of no more than one minute in order to draw Parliament's attention to a matter of political importance. The President may decide to allow a further such period later during the same part-session.

Justification: This will recognise - but also set limits to - existing practice.

(Amendment 79)
Rule 97(1)

1. A request that a debate on a proposal on which Parliament has been consulted pursuant to Rule 51 (1) be treated as urgent may be made to Parliament by the President, by a committee, by at least twenty-nine Members, by the Commission or by the Council. This request shall be made in writing and supported by reasons.

1. A request that a debate on a proposal on which Parliament has been consulted pursuant to Rule 51(1) be treated as urgent may be made to Parliament by the President, by a committee, by at least twenty-nine Members, by a political group, by the Commission or by the Council. This request shall be made in writing and supported by reasons.
(Amendment 80)
Rule 103, second paragraph (new)

Without prejudice to the application of the first paragraph, Members and political groups shall have direct access to the European Parliament's internal computer system for the consultation of any non-confidential preparatory document (draft report, draft recommendation, draft opinion, working document, amendments tabled in committee).

(Amendment 81)
Rule 105(4)

4. A speaker may not be interrupted. He may, however, by leave of the President, give way during his speech to allow another Member, the Commission or the Council to put to him a question on a particular point in his speech.

Justification: Clarity.

(Amendment 82)
Rules 106 and 107

Rule 106
Allocation of speaking time

1. The Conference of Presidents may propose to Parliament that speaking time be allocated for a particular debate. Parliament shall decide on this proposal without debate.

2. Speaking time shall be allocated in accordance with the following criteria:

a) a first fraction of speaking time shall be divided equally among all the political groups;

b) a second fraction of speaking time shall be distributed according to the following criteria:

1. The Conference of Presidents may propose to Parliament that speaking time be allocated for a particular debate. Parliament shall decide on this proposal without debate.

2. The President shall call upon Members to speak.

3. The President may establish, for all or part of a particular debate, a list of speakers that will include one or more rounds of speakers from each political group that so wishes, in the order of their size, and one Non-attached Member.
b) a further fraction shall be divided among the political groups in proportion to the total number of their members;

c) the Non-attached Members shall be allocated an overall speaking time based on the fractions allocated to each political group under subparagraphs (a) and (b).

3. Where a total speaking time is allocated for several items on the agenda, the political groups shall inform the President of the fraction of their speaking time to be used for each individual item. The President shall ensure that these speaking times are respected.

4. No Member may speak more than one minute on any of the following: the minutes of proceedings, procedural motions, amendments to the final draft agenda or to the agenda.

Rule 107

List of speakers

1. The names of Members who ask leave to speak shall be entered in the list of speakers in the order in which their requests are received.

2. The President shall call upon Members to speak, ensuring as far as possible that speakers of different political views and using different languages are heard in turn.

3. On request, however, priority may be given to the rapporteur of the committee responsible and to the chairmen of political groups who wish to speak on their behalf, or to speakers deputizing for them.

4. No Member may speak more than twice on the same subject, except by leave of the President.

If so, total speaking time allocated in this way shall be calculated in accordance with the following criteria:

a) a first fraction of speaking time shall be divided equally among all the political groups;

b) a further fraction shall be divided among the political groups in proportion to the total number of their members;

c) the Non-attached Members shall be allocated an overall speaking time based on the fractions allocated to each political group under subparagraphs (a) and (b).

4. Where a total speaking time is allocated for several items on the agenda, the political groups shall inform the President of the fraction of their speaking time to be used for each individual item. The President shall ensure that these speaking times are respected.

5. Alternatively, all or part of the time for a debate shall not be specifically allocated in advance. Instead, the President shall call on Members to speak. The President, as far as possible, shall ensure that speakers of different political views are heard in such a debate.

6. On request priority may be given to the rapporteur of the committee responsible and to the chairmen of political groups who wish to speak on their behalf, or to speakers deputising for them.

7. No Member may speak more than twice on the same subject, except by leave of the President.
The chairman and the rapporteur of the committees concerned shall, however, be allowed to speak at their request for a period to be decided by the President.

5. Members of the Commission and Council shall be heard in the debate on a report as a rule immediately after its presentation by the rapporteur. Thereafter Members of the Commission and Council shall be heard at their request.

8. No Member may speak for more than one minute on any of the following: the minutes of proceedings, procedural motions, amendments to the final draft agenda or to the agenda.

9. Without prejudice to the provisions of Article 197 of the EC Treaty, speaking time for the Council and Commission shall be established in consultation between the President and those two institutions.

10. Members of the Commission and Council shall be heard in the debate on a report as a rule immediately after its presentation by the rapporteur. However, when debating a Commission proposal, the President shall invite the Commission to speak first, and when debating a Council proposal or common position, the President shall invite the Council to speak first, in each case to be followed by the rapporteur. Members of the Commission and Council shall be heard again in reply to the statements made by Members for a speaking time agreed between those institutions and the President.

Justification: There is currently considerable duplication and cross-referencing between Rules 106 and 107 and it would thus be desirable to consolidate them in a single rule.

(Amendment 83)
Rule 109(3)

3. If a further offence is committed, the President may exclude the offender from the chamber for the remainder of the sitting. The Secretary-General shall see to it that this disciplinary measure is carried out immediately, with the assistance of the staff of Parliament’s Security Service.

3. If a further offence is committed, the President may exclude the offender from the chamber for the remainder of the sitting. The Secretary-General shall see to it that this disciplinary measure is carried out immediately, with the assistance of the ushers and, if necessary, of Parliament’s Security Service.
Justification: Experience has shown that a change on these lines would result in more workable procedures.

(Amendment 84)
Rule 110(1) and (2)

1. In serious cases of disorder, the President may, after giving formal notice, move, either immediately or no later than the next sitting, that Parliament pass a vote of censure which shall automatically involve immediate exclusion from the chamber and suspension for two to five days.

2. Parliament shall decide whether to take such disciplinary action at a time to be decided by the President, which shall be either at the sitting during which the events in question occurred or at one of the three following sittings. The Member concerned shall be entitled to be heard by Parliament before the vote. His/her speaking time shall not exceed five minutes.

Justification: This gives extra time to take appropriate action.

(Amendment 85)
Rule 113

1. The following voting procedure shall apply to reports:

a) first, voting on any amendments to the text with which the report of the committee responsible is concerned

b) second, voting on the text as a whole, amended or otherwise,

c) third, voting on the individual paragraphs of the motion for a resolution/draft legislative resolution, preceded in each case by voting on any amendments thereto,

d) finally, voting on the motion for a resolution/draft legislative resolution as a whole (final vote).

1. The following voting procedure shall apply to reports:

a) first, voting on any amendments to the text with which the report of the committee responsible is concerned,

b) second, voting on the text as a whole, amended or otherwise,

c) third, voting on amendments to the motion for a resolution/draft legislative resolution,

d) finally, voting on the motion for a resolution/draft legislative resolution as a whole (final vote).
Parliament shall not vote on the explanatory statement contained in the report.

*(For voting procedure on opinions, see also interpretation under Rule 150)*

2. The following procedure shall apply to second readings pursuant to the cooperation procedure:

a) where no proposal to reject or amend the Council’s common position has been tabled, the common position shall be deemed to have been approved in accordance with Rule 68;

b) a proposal to reject the common position shall be voted upon before voting on any amendments (see Rule 71(1));

c) where several amendments to the common position have been tabled they shall be put to the vote in the order set out in Rule 115;

d) where Parliament has proceeded to a vote to amend the common position, a further vote on the text as a whole may only be taken in accordance with Rule 71(2).

3. Without prejudice to Rule 122, the only Member permitted to speak during the vote shall be the rapporteur, who shall have the opportunity of expressing briefly his committee’s views on the amendments put to the vote.

Justification: Paragraph 1(c) - This is the same wording as is used in Rule 58(2), and should facilitate the conduct of voting in plenary by precluding the need to vote individually on paragraphs to which no amendment has been tabled nor any split vote requested.

Paragraph 2a - Clarity

2. If two or more mutually exclusive amendments have been tabled to the same part of a text, the amendment that departs furthest from the original text shall have priority and shall be put to the vote first. If it is adopted the other amendments shall stand rejected. If it is rejected, the amendment next in priority shall be put to the vote and similarly for each of the remaining amendments. Where there is doubt as to priority, the President shall decide.

3. The President may put the original text to the vote first, or put to the vote before the amendment that departs furthest from the original text an amendment that is closer to the original text.

If either of these secures a majority, all other amendments tabled to the same text shall fall. Before applying this procedure, the President shall establish that it is not opposed by at least twenty-nine Members. If it is, he may not apply this procedure.

4. Exceptionally, on a proposal from the President, amendments tabled after the close of the debate may be put to the vote if they are compromise amendments, or if there are technical problems. The President shall obtain the agreement of Parliament to putting such amendments to the vote.

_Pursuant to Rule 125(3), the President shall decide whether amendments are admissible. In the case of compromise amendments tabled after the conclusion of a debate, pursuant to Rule 115(4), the President shall decide on their admissibility case by case, having regard to the compromise nature of the amendments._

2. If two or more mutually exclusive amendments have been tabled to the same part of a text, the amendment that departs furthest from the original text shall have priority and shall be put to the vote first. If it is adopted the other amendments shall stand rejected. If it is rejected, the amendment next in priority shall be put to the vote and similarly for each of the remaining amendments. Where there is doubt as to priority, the President shall decide. If all amendments are rejected, the original text shall be considered as adopted unless a separate vote has been requested within the specified deadline.

3. The President may put the original text to the vote first, or put to the vote before the amendment that departs furthest from the original text an amendment that is closer to the original text.

If either of these secures a majority, all other amendments tabled to the same text shall fall.

4. Exceptionally, on a proposal from the President, amendments tabled after the close of the debate may be put to the vote if they are compromise amendments, or if there are technical problems. The President shall obtain the agreement of Parliament to putting such amendments to the vote.

_Pursuant to Rule 125(3), the President shall decide whether amendments are admissible. In the case of compromise amendments tabled after the conclusion of a debate, pursuant to Rule 115(4), the President shall decide on their admissibility case by case, having regard to the compromise nature of the amendments._
The following general criteria for admissibility may be applied:

- as a general rule, compromise amendments may not relate to parts of the text which have not been the subject of amendments prior to the conclusion of the debate;

- as a general rule, compromise amendments shall be tabled by political groups, the chairmen, rapporteurs or draftsmen of the committees concerned or the authors of other amendments;

- as a general rule, compromise amendments shall entail the withdrawal of other amendments to the same passage.

Only the President may propose that a compromise amendment be considered. In order for a compromise amendment to be put to the vote, the President must obtain the agreement of Parliament by asking whether there are any objections to such a vote being held. If an objection is raised, Parliament shall decide on the matter by a majority of the Members present.

4a. When the committee responsible has tabled a set of amendments to the text with which the report is concerned, the President shall put them to the vote collectively, unless a political group or at least twenty-nine Members have requested a separate vote or unless other amendments have been tabled.

5. The President may put several amendments to the vote collectively when they are complementary, in particular when the committee responsible has tabled a set of amendments to the text with which its report is concerned. The President may seek the agreement of Parliament before doing so.

5. The President may put other amendments to the vote collectively when they are complementary. In such cases he shall follow the procedure laid down in paragraph 4a.
6. The President may decide, following the adoption or rejection of a particular amendment, that several other amendments of similar content or with similar objectives be put to the vote collectively. The President may seek the agreement of Parliament before doing so.

Such a set of amendments may relate to different parts of the original text.

6a. Where two or more identical amendments are tabled by different authors, they shall be put to the vote as one.

(Amendment 87)
Rule 116

1. Where the text to be put to the vote contains two or more provisions or references to two or more points or lends itself to division into two or more parts each with a distinct logical meaning and normative value, a split vote may be requested.

Where a split vote is held the relevant rules on majorities must be observed.

2. The request may be made no later than one hour before the time at which voting begins, unless the President fixes a different deadline. The President shall decide on the request.

Deleted

2. The request shall be made the evening before the vote, unless the President fixes a different deadline. The President shall decide on the request.

Justification: This amendment, and the one on split votes, seek to fix a common deadline for such requests that is sufficiently early for each Group to know about the requests from other Groups in time to take account of them when drawing up their own voting list.
1. In addition to the cases provided for under Rules 32 (2), 33 (5) and 34 (5), the vote shall be taken by roll call if so requested in writing by at least twenty-nine Members or a political group before voting has begun.

Votes shall be recorded in the minutes of proceedings of the sitting by political group in the alphabetical order of Members’ names.

Justification: This amendment, and the one on split votes, seek to fix a common deadline for such requests that is sufficiently early for each Group to know about the requests from other Groups in time to take account of them when drawing up their own voting list.

(Amendment 89)
Rule 121(4)

4. Four Members chosen by lot shall count the votes cast in a secret ballot.

In the case of votes pursuant to paragraph 1, candidates shall not act as tellers.

The names of Members who have taken part in a secret ballot shall be recorded in the minutes of the sitting at which the ballot was held.

(Modified version of Rule 121 to permit greater flexibility in the choice of the number of tellers as regards Rule 121(4). Six tellers could be required in plenary votes, for example, and only two in committee.)

(Amendment 90)
Rule 124(1)

1. Any Member may table amendments for consideration in the committee responsible.

1. Any Member may table amendments for consideration in the committee responsible.
Amendments for consideration in Parliament may be tabled by the committee responsible, a political group or at least twenty-nine Members.

Amendments shall be tabled in writing and signed by their authors.

Amendments for consideration in Parliament may be tabled by the committee responsible, a political group or at least twenty-nine Members. The same group or authors may not table mutually exclusive amendments.

Amendments shall be tabled in writing and signed by their authors.

All amendments to legislative texts must be accompanied by a brief written justification.

Justification: Occasionally, different Members each table contradictory amendments in the name of the same group. This would avoid such confusion by requiring groups to certify which amendment really reflects their position.

(Amendment 91)
Rule 125(1)

1. No amendment shall be admissible if:

a) it does not directly relate to the text which it seeks to amend;

b) it seeks to delete or replace the whole of a text;

c) where it seeks to delete part of a text, its purpose can be achieved by holding a split vote pursuant to Rule 116; this provision shall not however preclude the inclusion in a report on a consultation pursuant to Rule 51 of an amendment to delete a part of a Commission proposal;

d) it seeks to amend more than one of the individual articles or paragraphs of the text to which it relates. This provision shall not apply to compromise amendments;

1. No amendment shall be admissible if:

a) it does not directly relate to the text which it seeks to amend;

b) it seeks to delete or replace the whole of a text;

Deleted
c) it seeks to amend more than one of the individual articles or paragraphs of the text to which it relates. This provision shall not apply to compromise amendments nor to amendments which seek to make identical changes to a particular form of words throughout the text;
g) it is established that the wording in at least one of the official languages of the text it is sought to amend does not call for amendment; in this case, the President shall seek out a suitable linguistic remedy together with those concerned.

d) it is established that the wording in at least one of the official languages of the text it is sought to amend does not call for amendment; in this case, the President shall seek out a suitable linguistic remedy together with those concerned.

Justification: The deletion of Paragraph 1(c) permits amendments deleting part of a text, thus simplifying voting procedures and making them more transparent. Paragraph 1(d) would allow identical changes (e.g. to terminology) to be made throughout a text with a single amendment.

(Amendment 92)
Rule 130(4)

4. If the proposal or request is rejected, it may not be tabled again during that debate.

(Amendment 93)
Rule 133(1), second subparagraph (new)

The texts adopted by Parliament shall be distributed separately. Where legislative texts adopted by Parliament contain amendments, they shall be published in a consolidated version.

(Amendment 94)
Rule 135(1)

1. Parliament shall set up standing committees whose powers shall be defined in an annex to the Rules of Procedure. Their members shall be elected during the first part-session following the re-election of Parliament and again two and a half years thereafter.

1. On a proposal from the Conference of Presidents, Parliament shall set up standing committees whose powers shall be defined in an annex to the Rules of Procedure. Their members shall be elected during the first part-session following the re-election of Parliament and again two and a half years thereafter.
(Amendment 95)
Rule 136(10), first subparagraph

10. After completion of its work a temporary committee of inquiry shall submit to Parliament a report on the results of its work, containing minority opinions if appropriate. The report shall be published.

(Amendment 96)
Rule 137(1)

1. Members of committees and temporary committees of inquiry shall be elected after nominations have been submitted by the political groups and the Non-attached Members. The Conference of Presidents shall submit to Parliament proposals designed to ensure fair representation of Member States and of political views.

(Amendment 97)
Rule 143

1. At each committee meeting the chairman shall submit to the committee a list of the proposals which in his opinion and/or at the President’s recommendation should be approved without report.

The chairman shall put each proposal on the list to the committee for decision. Unless at least four members object, the chairman of the committee shall inform the President of the approval of the proposal.

2. At the recommendation of the President or following a proposal from its chairman, the committee may deliver its views on a proposal in accordance with the simplified procedure.
Unless at least four members object to this procedure, the committee chairman shall be deemed to have been appointed rapporteur. The draft report, consisting of a procedural section, a draft legislative resolution and a brief explanatory statement, shall be sent to the members of the committee. Unless at least four members of the committee object within a set time limit, which may not be less than fourteen days from the date of dispatch, the report shall be considered as having been adopted by the committee. In this case the draft legislative resolution contained in the report shall be put to the vote in Parliament without debate pursuant to Rule 99.

3. If at least four members object to the procedure referred to in paragraphs 1 or 2, the procedure provided for in Rule 144 (procedure with report) shall be followed.

Justification: Committees are of different size and the figure should, therefore, be fixed as a proportion. One fifth is a reasonable proportion.

(Amendment 98)

Rule 144

Reports on consultations

1. The chairman of the committee to which a Commission proposal has been referred shall propose to the committee the procedure to be followed.

2. Following a decision on the procedure to be followed, and if Rule 143 does not apply, the committee shall appoint a rapporteur on the Commission proposal from among its members or permanent substitutes if it has not yet done so on the basis of the annual legislative programme agreed under Rule 49.

3. The committee’s report shall comprise:

Legislative reports

1. The chairman of the committee to which a Commission proposal has been referred shall propose to the committee the procedure to be followed.

2. Following a decision on the procedure to be followed, and if Rule 143 does not apply, the committee shall appoint a rapporteur on the Commission proposal from among its members or permanent substitutes if it has not yet done so on the basis of the annual legislative programme agreed under Rule 49.

3. The committee’s report shall comprise:
a) draft amendments, if any, to the proposal;

b) a draft legislative resolution, in accordance with Rule 58(2);

c) an explanatory statement.  

Justification:  
- Change of title.
- Requirement for a short written justification for all amendments tabled by Parliament during a legislative procedure (to clarify their 'ratio legis', facilitate translation and improve their legal quality).

(Amendment 99)  
Rule 146(1) to (4)

1. The explanatory statement shall be the responsibility of the rapporteur and shall not be put to the vote. It must, however, accord with the text of the motion for a resolution as adopted and any amendments proposed by the committee, and shall, where necessary, give a clear indication of the minority opinion.

2. The report shall state the result of the vote taken on the report as a whole. In addition, if, when the vote is taken, at least one third of the members present so request, the report shall indicate how each member voted.

3. Where the committee’s opinion is not unanimous the report shall also give a summary of the minority opinion.
4. On a proposal from its bureau, a committee may set a deadline within which the rapporteur shall submit his draft report. This deadline may be extended.

(Amendment 100)
Rule 147(2) to (5)

2. The committee asked for an opinion shall communicate the opinion to the committee responsible either orally, through its chairman or draftsman, or in writing. Its opinion shall relate to the text referred to it.

3. In its report the committee responsible shall set out the views of the committee asked for an opinion, insofar as these differ from its own.

4. The committee asked for an opinion must deliver it within the time limit set by the committee responsible so that it may be taken into account when voting the report in committee. The committee responsible shall not reach its final conclusions before that time limit has expired.

5. The opinion may include amendments to the text referred to the committee and suggestions for parts of the motion for a resolution submitted by the committee responsible, but shall not include any motion for a resolution as such.

(For voting procedure on opinions, see interpretation under Rule 150)

4. All adopted opinions shall be annexed to the report of the committee responsible.

(For voting procedure on opinions, see interpretation under Rule 150)
Justification: The proposed new Rule 147(3) replaces the former Rule 147(5). It would streamline the content of opinions, and insure that they consist essentially only of points that can be put to the vote in the committee responsible, with a limited additional possibility, if necessary, of short explanations of the proposals made.

The existing paragraph 4 is modified to make it more explicit that the deadline by which a committee is to give its opinion to the responsible committee is not necessarily the same as the date on which the responsible committee intends to vote on its report (indeed a minimum of time needs to be left between adoption of an opinion and its consideration in a committee, but it is probably wiser not to put this in the Rule). A reference to modification in deadlines should, however, be included.

Finally, the existing paragraph 3, which is seldom, if ever, followed in practice should be deleted and replaced by a new paragraph 5, providing for all adopted opinions to be annexed to the report of the committee responsible. This better reflects current practice, and would not preclude the annexes being published separately in the case of voluminous opinions.

(Amendment 101)
Rule 148

A committee intending to draw up a report and to submit a motion for a resolution to Parliament on a subject within its competence on which neither a consultation nor a request for an opinion nor a motion for a resolution has been referred to it may do so only with the authorization of the Conference of Presidents. Where such authorization is withheld the reason must always be stated.

The Conference of Presidents may, when giving authorization, stipulate that the power to take a decision is to be delegated pursuant to Rule 52.
The condition laid down in the first paragraph of this Rule, whereby the Rule shall only apply where neither a consultation nor a request for an opinion nor a motion for a resolution has been referred to the committee making the request, must be observed all the more strictly because it protects Members’ right of initiative by allowing the application of Rule 45. Rule 45, moreover, gives the committee responsible a wide margin for manoeuvre as to the action to be taken on motions for resolutions forwarded to it.

2. The provisions of this Rule shall apply mutatis mutandis in cases where the Treaties attribute the right of initiative to Parliament.

Justification: The former Rule 50(6) is transferred to Rule 148, since cases where Treaties attribute the right of initiative to Parliament are of a different nature to legislative initiatives pursuant to Rule 192 (ex 138b) of the EC Treaty. Since the majorities required in all three cases (uniform electoral system, statute, rules for the Ombudsman) are the same, the second sentence of former Rule 50(6) is superfluous, and has thus been deleted.

(Amendment 102)
Rule 152(2)

2. Unless the committee decides otherwise, only adopted reports and statements prepared on the responsibility of the chairman shall be made public.

Deleted (See Amendment 104)
(Amendment 103)
Chapter XVIIa and Rule 155a (new)

CHAPTER XVIIa
OPENNESS AND TRANSPARENCY

Rule 155a

Transparency of Parliament’s activities

1. Parliament shall ensure the utmost transparency of its activities in line with the provisions of Article 1 of the EU Treaty.

2. Debates in Parliament shall be public.

(Rule 104 is deleted)

3. Committees shall normally meet in public. Committees may decide, however, at the latest at the moment of adoption of the agenda of the meeting in question, to divide the agenda for a particular meeting into items open to the public and items closed to the public.

(Rule 151(2) is deleted)

Justification: Title: In line with the new provisions in the Amsterdam Treaty, this amendment would establish a new chapter in the Rules on openness and transparency. This will permit the consolidation of all the existing rules with a bearing on Parliament openness. This will be necessary in any case, when the new implementing rules on access to documents are adopted by the various EU institutions.

Paragraph 1: Would set out the basic requirement of transparency established by the Amsterdam Treaty.

Paragraph 2: Would transfer existing Rule 104, as well as abolish the possibility of closing Parliament debates by two thirds majority, whose use is inconceivable in practice, and which is in any way contrary to Article 198 (ex Article 141) of the EC Treaty.

Paragraph 3: Would transfer existing Rule 152(2) and also reinforce the principle that openness of committee meetings is the norm rather than the exception.
Rule 155b

Public access to documents

1. The necessary measures shall be adopted by Parliament on a proposal from the Bureau to ensure that the public have access to Parliament documents in conformity with Article 255 of the EC Treaty, and any acts adopted pursuant thereto. (Pending these measures the provisions of the Bureau decisions of 10 July 1997 on public access to Parliament documents and of 17 April 1998 on fees to be paid for delivery of very large documents, shall apply).

2. Unless a committee decides otherwise, its documents shall be made public. Their status shall be clearly indicated.

3. All Parliament documents covered by the provisions of paragraph 1 shall be included in a public register.

Justification: Paragraph 1: The Amsterdam Treaty requires EU institutions to include implementing rules on access to documents in their Rules of Procedure. The proposed paragraph 1 sets out this principle.

Paragraph 2: Transfers existing Rule 152(2) and modifies it on the lines of existing Amendment 91a by the co-rapporteurs. Includes, however, an additional reference to the status of documents, so that there can be no doubt, for example, as to whether a document is only a preliminary draft prepared under a rapporteur's responsibility, or has already been submitted to the committee, and made publicly available. This is in line with a proposal made in the European Parliament's resolution on openness of 12 January 1999.

Paragraph 3: Introduces the idea of a register of European Parliament documents as called for in several recent European Parliament resolutions.
(Amendment 105)
Rule 155c (new)

**Rule 155c**

**Confidentiality**

On the basis of a proposal from the committee responsible, and without prejudice to Rules 28, 136 and 161 and Annexes VII and VIII, Parliament shall adopt criteria for the definition of confidential information and documents.

Justification: There are several references to confidentiality in the existing Rules, but without this concept being defined. With the greater emphasis on openness and transparency that is set out in the Amsterdam Treaty it will be essential that the concept of confidentiality be defined.

(Amendment 106)
Rule 158(2)

2. The texts of petitions entered in the register, together with the texts of the committee's opinions forwarded with them, shall be preserved in the records of Parliament, where they shall be available for inspection by Members.

2. The title and a summary of the texts of petitions entered in the register, together with the texts of the opinions and the most important decisions forwarded in connection with the examination of the petitions, shall be made available to the public in a database, provided the petitioner agrees to this. Confidential petitions shall be preserved in the records of Parliament, where they shall be available for inspection by Members.
2. The Ombudsman shall inform the European Parliament of cases of maladministration in accordance with Article 3(6) and (7) of the above decision. He shall also, in accordance with Article 3(8) of the above decision, submit a report to the European Parliament at the end of each annual session on the outcome of his inquiries.

2. The Ombudsman shall, in accordance with Article 3(6) and (7) of the above decision, inform Parliament of cases of maladministration, on which the committee responsible may draw up a report. He shall also, in accordance with Article 3(8) of the above decision, submit a report to Parliament at the end of each annual session on the outcome of his inquiries. The committee responsible shall draw up a report thereon which shall be submitted to Parliament for debate.

1. Any Member may propose amendments to these Rules.

Such proposed amendments shall be translated, printed, distributed and referred to the committee responsible, which shall examine them and decide whether to submit them to Parliament.

1. Any Member may propose amendments to these Rules and to the annexes thereto.

Such proposed amendments shall be translated, printed, distributed and referred to the committee responsible, which shall examine them and decide whether to submit them to Parliament. For the purpose of applying Rules 115, 124 and 125 to consideration of such proposed amendments in Parliament, references made in those Rules to the "original text" or the "Commission proposal" shall be considered as referring to this Rule.

2. Amendments to these Rules shall be adopted only if they secure the votes of a majority of the component Members of Parliament.

2. Amendments to these Rules shall be adopted only if they secure the votes of a majority of the component Members of Parliament.

3. Unless otherwise specified when the vote is taken, amendments to these Rules shall enter into force on the first day of the part-session following their adoption.

3. Unless otherwise specified when the vote is taken, amendments to these Rules and to the annexes thereto shall enter into force on the first day of the part-session following their adoption.
Rule 168

Arrangement of annexes

The annexes to these Rules of Procedure shall be arranged under the following three headings:

a) implementing provisions for procedures under these Rules, adopted by a majority of the votes cast;

b) provisions adopted in implementation of specific terms of the Rules of Procedure and in accordance with the procedures and majority rules laid down therein(1);

c) interinstitutional agreements or other provisions adopted pursuant to the Treaties which are applicable within Parliament or which have a bearing on its operation.

Decisions to annex such provisions to the Rules of Procedure shall be taken by Parliament by a majority of the votes cast, on a proposal from its committee responsible.

(Amendment 110)
Annex I, Article 1

Before speaking in Parliament or in one of its bodies, any Member who has a direct financial interest in the subject under debate shall disclose this interest to the meeting orally unless it is obvious from the written declaration made by him pursuant to Article 2.

(Amendment 109)
Rule 168 (new)

(1) For example Rules 9, 24(6) and 135(1) (this footnote will not appear in the Rules of Procedure).
2. Before a Member may be validly nominated as an office-holder of Parliament or one of its bodies, pursuant to Rules 13, 142 or 153(2), or participate in an official delegation, pursuant to Rule 75 or 153(4), he must have duly completed the declaration provided for in Article 2.

(Amendment 111)
Annex I, Article 2, fourth paragraph a (new)

If after the appropriate request a Member does not fulfil his obligation to submit a declaration pursuant to (a) and (b), the President shall remind him once again to submit the declaration within two months. If the declaration has not been submitted within the time limit, the name of the Member together with an indication of the infringement shall be published in the minutes of the first day of each part-session after expiry of the time limit. If the Member continues to refuse to submit the declaration after the infringement has been published the President shall take action in accordance with Rule 110 to suspend the Member concerned.

Benefits shall be declared where their value is EUR 100 or more.

(Amendment 112)
Annex I, Article 2, fourth paragraph b (new)

Chairmen of groupings of Members, both intergroups and other unofficial groupings of Members, shall be required to declare any support, whether in cash or kind (e.g. secretarial assistance) which if offered to Members as individuals, would have to be declared under this article. The Quaestors shall be responsible for keeping a register and drawing up detailed rules for the declaration of outside support by such groupings.
3. A question shall be inadmissible if an identical or similar question has been put down and answered during the preceding three months.

3. A question shall be inadmissible if an identical or similar question has been put down and answered during the preceding three months. In that case a copy of the question and the answer will be given to the author.

2. Motions for resolutions leading to a vote in Parliament (expressing protest, condemnation, solidarity, indignation etc.) on an event which has greatly affected public opinion in Europe shall be regarded as topical, urgent and of major importance, provided the vote may be considered to be of value only if taken as soon as possible.

2. Motions for resolutions leading to a vote in Parliament (expressing protest, condemnation, solidarity, indignation etc.) on an event which has greatly affected public opinion in Europe shall be regarded as topical, urgent and of major importance, provided the vote may be considered to be of value only if taken as soon as possible. They shall not exceed 500 words.

3. Subjects relating to the responsibilities of the European Union as laid down by the Treaty shall be given priority, provided they are of major importance.

3. Subjects relating to the responsibilities of the European Union as laid down by the Treaty shall be given priority, provided they are of major importance.

4. The number of subjects chosen shall be such as to allow a debate commensurate with their importance and should not exceed five. They shall, as a rule, include any motions for resolutions on human rights.

4. The number of subjects chosen shall be such as to allow a debate commensurate with their importance and should not exceed five. They shall, as a rule, include any motions for resolutions on human rights, under which topic no more than five sub-items can be included.

HORIZONTAL AMENDMENTS

Amendment 115: All references to 'twenty-nine Members' to be replaced by references to 'thirty-two' Members (= 5% of membership).

Amendment 116: The references in the Rules to specific Treaty articles to be adjusted, so that they refer to new numbers of the consolidated Treaties.
Amendment 117: The Rules to be re-numbered in numerical order for the start of the next Parliament (i.e. to take effect from July 1999).

Amendment 118: In those languages where it is appropriate, gender-neutral language to be used throughout the Rules.
PROPOSAL FOR A DECISION

Decision on amendments to be made to the Rules of Procedure

The European Parliament,

- having regard to Rules 162 and 163 of its Rules of Procedure,

- having regard to the report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities and the opinions of the Committee on Foreign Affairs, Security and Defence Policy, the Committee on Budgets, the Committee on the Environment, Public Health and Consumer Protection, the Committee on Civil Liberties and Internal Affairs, the Committee on Institutional Affairs, the Committee on Budgetary Control and the Committee on Petitions (A4-0070799)(1),

1. Decides to amend its Rules of Procedure as indicated above;

2. Instructs its President to forward this decision to the Council and Commission, for information.

(1) The following documents having been included in this report: A4-0053/98, A4-0208/98, A4-0288/98, A4-0470/98, A4-0473/98, A4-0474/98, A4-0016/99, A4-0017/99 and A4-0022/99.
REPORT

on the amendments to be made to the Rules of Procedure (A4-0070/99)
Rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi

EXPLANATORY STATEMENT

This report constitutes the most comprehensive overhaul of the EP rules and procedures since the entry into force of the Maastricht Treaty in the early 1990s. It does not simply deal with the necessary transposition into Parliament’s Rules of the procedures contained in the Treaty of Amsterdam, but takes the opportunity (as was done at the time of the Maastricht Treaty) to review the whole of Parliament’s working methods and procedures. In short, it is preparing Parliament for a new era.

Post Amsterdam, Parliament will be an equal part of a bi-cameral legislative authority with the Council—at least for those areas subject to co-decision which includes most non agricultural legislation. Much work has therefore gone into improving and redefining legislative procedures, including technical improvements to simplify the way we vote in plenary.

The Amsterdam Treaty also reinforces Parliament’s position vis a vis the Commission by providing for Parliament to hold a legally binding vote on the candidate for President of the Commission (in addition to the vote already provided for in the Maastricht Treaty on the Commission as a whole). The Commission is not an unaccountable bureaucracy but a political executive that is accountable to the Parliament. The rules proposed here attempt to highlight this fact, by specifying that Parliament elects the President of the Commission on a proposal of the governments.

At the same time the Union is developing its CFSP, and Parliament must develop its scrutiny and oversight of this policy. This report therefore proposes procedures for this purpose and in particular provisions for dealing with the new High Level Representative, and for parliamentary oversight of his/her appointment.

Parliament has traditionally taken the Treaties and tried to stretch them like a piece of elastic, in order to enhance the efficiency and democratic accountability of the Union. Of course Parliament cannot contravene the treaties in its Rules of procedure but the Treaties inevitably leave scope for interpretation and room for imagination. The elastic cannot be stretched too far without snapping, but this report has hopefully found the right level of creative tension.

This report also tidies up a large number of minor details in the rules and seeks to improve procedures wherever possible. Individually these changes maybe minor but cumulatively they will improve Parliament’s working methods and procedures. They will also make them more open and transparent.

After a year’s work in the Rules Committee, opinions from most other committees and discussions within and between political groups, the rapporteurs are confident that they have found a balanced package that they commend to the House.
MINORITY OPINION
Hervé Fabre-Aubrespy (I-EDN Group)
(Rule 146)

on the report by Richard Corbett, Antoni Gutiérrez Díaz and Ana Palacio Valleslersundi
(A4-0070/99)

I do not agree with the proposed amendments included in the report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, and hereby express a minority opinion on behalf of the Group of Independents for a Europe of Nations.

1. An extremely large number of the proposed amendments relating to the draft Amsterdam Treaty - which has yet to be ratified by all the Member States - go beyond what is provided for in that document. This must be said to be a common tendency on the part of the European Parliament, and one which simply adds to the confusion deriving from the absence of a hierarchy of Community acts.

Parliament quite obviously does not have a sovereign right to decide everything. Its Rules of Procedure must adhere strictly to the Treaties, on which they are dependent. A whole host of problems can arise when the Rules of Procedure add to or amend the Treaties, as could be seen recently during the discussions on changing the majority which is required under Article 5 of Annex V to the Rules of Procedure in order to refuse discharge to the Commission.

Some amendments which went much too far have fortunately been rejected. However, many others which are open to criticism have been retained, including:

- Amendment 24, paragraph 1 of which states that the recommendation from the Commission on the broad guidelines of the economic policies of the Member States and the Community shall be ‘presented to the committee responsible which shall submit a report to Parliament’, while paragraph 2 stipulates that ‘the view taken by the European Council’ of those guidelines shall be forwarded by the Council to Parliament; Article 99 of the draft Treaty provides solely for a posteriori notification of Parliament on the one hand and, on the other, discussion by the European Council of a conclusion to serve as the basis for the recommendation to be adopted by the Council, which shall inform Parliament of that recommendation;

- Amendment 28, which inserts a new Rule 48a on interinstitutional agreements. This would officially sanction the practice of reaching agreements in the form of ‘joint declarations, exchanges of letters or codes of conduct or other appropriate instruments’, which leads the institutions to complement or even amend the Treaties by means of disparate texts of extremely dubious legal validity which are not subjected to ratification by the national parliaments and are not always made public;

- Amendments 67 and 68 on the High Representative for the Common Foreign and Security Policy and other special representatives, which, by analogy with the provisions covering Commissioners, stipulate that the High Representative (the Secretary-General of the Council) shall be heard by Parliament, which will then make a recommendation, before he is appointed and takes up his duties (something for which there is absolutely no provision in Article 18 of the draft treaty), and that the Committee on Foreign Policy may invite both the High Representative and the special
representatives, who are officials appointed by governments with no prior involvement of Parliament, to make statements.

On the other hand, the Committee on the Rules of Procedure fails to draw the appropriate conclusions from the extension of the codecision procedure provided for in the draft Amsterdam Treaty, namely that business should be organised in a more rational manner: no account is taken of the need to reduce the number of own-initiative reports or - even more important - of debates under the urgent procedure, or of the fact that responsibility should be reallocated between the committees and the plenary.

2. Furthermore, the draft report goes far beyond the confines of the draft Amsterdam Treaty, amending many other rules which are not connected in any way with that document. In so doing, the Committee on the Rules of Procedure has gone well beyond the terms of reference which the Conference of Presidents laid down for it when it authorised the committee to draw up an own-initiative report, pursuant to Rule 148.

The proposed rule changes are heterogeneous, to put it mildly:

- some are unduly harsh, such as: Amendment 15, which prohibits the formation of political groups comprising Members from only one Member State; Amendment 97, which changes from 4 members to one fifth of the members of the committee the minimum number of objections required to prevent the adoption of a proposal under the simplified procedure and the procedure without report; and Amendment 115, pursuant to Rule 146, which increases from 29 to 32 the minimum number of Members required under several rules in order for Members to be able to act independently of the political groups;

- some are extremely ambiguous and are thus likely to lead to problems in the future, such as: Amendment 90 which stipulates that 'the same group or authors may not table mutually exclusive amendments' (What exactly does this mean? Which amendment will take precedence? Does it mean that precedence will be given to the national delegation which gets its amendment in first?); and Amendment 96, which states that 'the composition of the committees shall, as far as possible, reflect the composition of the plenary' (which a less stringent requirement than the 'fair representation' provided for in the current Rule 137(1));

- some are frankly astonishing, such as Amendment 14, which, if adopted in plenary, would give Parliament the option of terminating, by an absolute majority of its Members and on a proposal which the Conference of Presidents has adopted by a three-fifths majority, the office of the President or of a member of the Bureau, the College of Quaestors or the bureau of a committee or delegation, where 'the Member in question no longer fulfils the conditions required for the performance of his/her duties or if he/she has been guilty of serious misconduct'. It is difficult to see why a dismissal procedure of this kind, which would anyway remain the exclusive preserve of the two largest groups, has been included.

Amendment 78 is equally astonishing in that it seeks to set aside, at the beginning of each part-session, a half-hour period during which any Member may speak for one minute on any subject which he deems important. There is good reason to fear that this formal endorsement of a regrettable practice which has gradually become more common at the beginning of part-sessions may be damaging to Parliament's public image, since there is a real risk of it being used by some as an opportunity to vent frustrations.
To sum up, I did not join the majority of the members of the Committee on the Rules of Procedure in adopting this report because it constitutes a legally-flawed response to the task which the committee was set and because it unwisely ventures into areas which have no connection with that task.
REPORT

on amendment of Annex I to Parliament’s Rules of Procedure relating to the provisions governing the application of Rule 9(1) - Transparency and Members’ financial interests (A4-0298/98)
Rapporteur: Florus Wijsenbeek

EXPLANATORY STATEMENT

This report is prompted by a letter from Mr Terry Wynn MEP expressing his concern at the fact that some farmers do not feel it necessary to declare their pecuniary interests when voting in Parliament on matters relating to the agricultural budget. At its meeting of 6 January 1998 the committee responsible for the Rules of Procedure decided to draw up a report but not to restrict its subject matter to the financial interests of farmers. The rapporteur was instead asked to look into the problem of declaring financial interests in general terms.


This amendment tightened up in particular the provisions governing the details of professional and other remunerated activities as well as financial benefits (Article 2(a) and (b)). The register to be kept of these matters was also to be updated every year and be open for inspection. In addition, MEPs were required by the new Article 4 of the Annex to respect those provisions regarding the declaration of assets to which they are subject by the legislation of the Member State in which they are elected.

This amendment did not affect Article 1 of Annex I which states: ‘before speaking in Parliament or in one of its bodies, any Member who has a direct financial interest in the subject under debate shall disclose this interest to the meeting orally unless it is obvious from the written declaration made by him pursuant to Article 2’. Article 1 of Annex I thus relieves Members of the need to disclose their interests orally where they have already done so in writing.

The existing rules require MEPs to make a comprehensive declaration of their financial interests. Furthermore, they must respect the relevant national rules concerning the declaration of assets.

Theory and practice differ widely however. For example, a large number of MEPs did not update the declarations concerning their financial interests for 1997. Nevertheless, this circumstance has not resulted in greater recourse to the obligation contained in Article 1 of Annex I to make an oral declaration.

The requirements contained in Annex I concerning the declaration of financial interests serve to provide the electorate as well as other MEPs with information about a Member’s economic and financial interests. It is clear from the declaration what profession the Member exercises, what other financial benefits he receives and from whom. Such information provides a better overall picture of the interests which a Member is pursuing and of the conflicts of interest to which he may be exposed. His political arguments may possibly be assessed differently in the light of his financial and economic interests than would be the case where such interests did not exist. The rules in Annex I therefore make a great deal of sense and also satisfy the political requirement of greater transparency.
However, in order to have their full impact they need to be consistently applied, and this is where there seem to be shortcomings.

The rapporteur accordingly proposes that MEPs that have a direct financial interest in the subject down for discussion disclose this in each case before taking the floor in Parliament or one of its bodies even where their interest is already clearly recorded in their written declarations pursuant to Article 2 of Annex I.
REPORT

on the addition of a new paragraph 3 concerning former Members to Rule 9 of Parliament’s Rules of Procedure (A4-0288/98)
Rapporteur: Glyn Ford

EXPLANATORY STATEMENT

1. Your rapporteur considers it necessary for Parliament to deal with the matter of Honorary Members with a view to finding a definitive solution. It has become clear over time that the use of this title can be misleading. This confusion has persisted despite the Bureau’s decision of 28 June 1995 that the rules relating to honorary Members would cease to apply in future(1).

2. The amendment tabled is intended to establish the competence of the College of Quaestors in this matter by inserting a new paragraph 3 into Rule 9 of the Rules of Procedure. This competence was not clearly defined, as is clear from Mr S. RIBEIRO’s letter referred to above. It should even extend to the requirement that those claiming the title should also be in a position to make a declaration of financial interests, within the meaning of Annex I to the Rules of Procedure.

(1) See letter from Mr RIBEIRO, chairman-in-office of the College of Quaestors, to Mr B. FAYOT containing the Bureau’s draft answer to Question No 15/97 by Mr Glyn FORD, PE 223.411
REPORT

on the insertion in Parliament’s Rules of Procedure of a new Rule 168 on annexes (A4-0470/98)
Rapporteur: Ben Fayot

EXPLANATORY STATEMENT

Rule 161 of the Rules of Procedure stipulates that the conditions governing referrals to the Ombudsman, together with the procedures and rules governing the latter’s powers, will be annexed to the Rules of Procedure.

Given that on 16 October 1997, the Ombudsman adopted procedures for implementing the interinstitutional decision concerning him, pursuant to Rule 161(1) those provisions should be annexed to the Rules of Procedure.

* * *

However, this raises the more general problem of annexes to the Rules of Procedure. Hitherto, the situation has been relatively straightforward, in that the annexes contained measures to implement specific provisions of the Rules of Procedure and were adopted by a simple majority.

However, some annexes were adopted in accordance with specific arrangements where the Rules of Procedure made provision for this. Thus, Rule 9 on the code of conduct expressly stipulates that the code should be adopted pursuant to Rule 163(2) (absolute majority) and attached to the Rules of Procedure as an annex.

As for Annex VI laying down the powers and responsibilities of the standing committees, by means of a combination of the provisions of Rules 24(6) and 135(1) it is adopted by a simple majority on a proposal from the Conference of Presidents.

* * *

However, two further types of annex have emerged:

1. Annexes which provide information concerning texts applicable within the EP, but which the EP cannot unilaterally amend: these include interinstitutional agreements, as in the case of Annex VIII, which sets out the decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament’s right of inquiry.

   The same will of course apply to the provisions concerning the Ombudsman, which should be annexed to the Rules of Procedure, pursuant to Rule 161(1), since Parliament has no power to amend the provisions in question. They must merely be included in the Rules of Procedure, for information.

2. Annexes which should in principle be adopted by a simple majority, such as in the case of the report by Mr Ford, but which, on the grounds that it posed fewer problems, were adopted by an absolute majority.
The annexes to the Rules of Procedure should therefore be organised on the basis of a set of headings, with steps taken to ensure that the general arrangements governing them remain those of adoption by Parliament by a simple majority, save where the Rules of Procedure stipulate otherwise, and that special provision is made for annexes included for information. The annexes could thus be organised under three headings:

1. General provisions implementing the Rules of Procedure (adoption by a simple majority);
2. Provisions implementing individual rules laying down specific procedures (Rule 9 and Rules 24(6) and 135(1));
REPORT

on the amendment of Rule 8 of the Rules of Procedure (term of office of Members) (A4-0473/98)
Rapporteur: Hervé Fabre-Aubrespy

EXPLANATORY STATEMENT

In February 1998 the Committee on the Rules of Procedure, the Verification of Credentials and Immunities was authorised to draw up an own-initiative report on deferred resignations. The problem raised by such resignations is an old one, which arose, for example, in autumn 1996 when a resignation was submitted with a later date of effect. This report will seek to highlight the various problems concerning a Member's term of office and propose solutions to some of them.

1. In general, there are no problems concerning the beginning of the term of office. The Act of 20 September 1976 stipulates the date, which is the same for all of them, on which new Members take up their duties following their election. The verification of credentials provided for in Rule 7 has no bearing on the rights of the new Members in general and specific cases where a vacancy arises.

When a vacancy arises, the beginning of the new Member's term of office coincides with the announcement in plenary: the only minor problem to which the application of the relevant rules may give rise is linked to the possible delay between the establishment of a vacancy, the appointment of the new Member and the actual date on which the latter takes up his or her duties following the announcement in plenary. Although Parliament establishes the vacancy, pursuant to Article 12(2) of the Act of 20 September 1976 (except where incompatibilities resulting from national law are involved), it is the Member States which, pursuant to Article 12(1) of the said Act, determine the procedure for filling the vacant seat for the remainder of the term of office: by way of an example, the British Member Kenneth Stewart, who died on 2 September 1996, was replaced by Mr Richard Graham Corbett only with effect from 23 December 1996, since a by-election had to be held to fill the vacant seat.

2. By comparison, the end of the term of office sometimes gives rise to more complicated problems. In the general case of Members elected for a full parliamentary term, the end of the term of office coincides with the opening of the first sitting of the new Parliament following the elections. This raises no problems.

In the specific event of the death or resignation of a Member, Rule 8(1) of the Rules of Procedure naturally stipulates that the term of office ends, but without specifying the exact date. With regard to the death of a Member, the Rules of Procedure are vague: it should perhaps be stipulated that the death of a Member should be notified by means of an official document duly acknowledged by Parliament. To my knowledge, however, no difficulties have arisen in this connection following the death of a Member during his or her term of office.

In the event of the death or resignation of a Member, the vacancy is filled:

- either following a by-election, for example in the case of Great Britain for a few more months, since the next European elections in that country will be held on the basis of proportional representation; in such cases, the vacancy cannot be filled until the by-election has been held;
- or by the next candidate on the list, in the case of elections by proportional representation; this poses no problem, except if a list has been exhausted, which might happen in the case of a list from which many Members had been elected, some of whom then left Parliament during their term of office. To my knowledge, this is a purely hypothetical case, but one for which the Member States make provision (in France, a by-election would be held to fill the vacant seats). It should be noted, however, that an unexpected problem may arise if a person on such a reserve list, who has thus not yet been elected, announces in advance the intention of not taking up his or her seat should that happy situation, or at least a situation which is generally regarded as happy, come about. Such a case occurred recently involving Mr Weber in France - he had in effect resigned in advance, forfeiting a seat which he was eligible to take up. Following an exchange of letters between the Directorate-General for Research and the French Ministry of the Interior, the French Minister of the Interior maintained his view that it was not possible, under French law as it stands, i.e. under the law of a Member State, to resign in advance an office which one does not hold. A similar arrangement exists in several other Member States. This implies that in the future Members called to take up a seat will have to be called in the order they appear on the list, even if they then immediately resign from their new office. However, Parliament cannot call anyone other than the next person on the list. This is one of the issues to be dealt with in the report.

It should also be pointed out that some national laws make provision for the Members to forfeit their office on the grounds that they are physically or mentally unfit to perform their duties. In my view, however, no such provisions need be laid down for MEPs.

3. Let us now turn to the specific case of the resignation of a Member. That resignation may be voluntary or forced. Voluntary resignation is dealt with in Rule 8(3), which is followed by a fairly lengthy interpretation by the Committee on the Rules of Procedure. The paragraph in question reads as follows: 'A Member who resigns shall notify the President of his resignation in writing. This notification shall be made in an official record drawn up in the presence of the Secretary-General or his representative, signed by the latter and by the Member concerned and immediately submitted to the committee responsible, which shall enter it on the agenda of its first meeting following receipt of the document.

If the committee responsible considers that the resignation is not in accordance with the spirit or the letter of the Act of 20 September 1976 it shall inform Parliament to this effect so that Parliament can decide whether or not to establish the vacancy.

Otherwise, the vacancy shall be established automatically unless the resigning Member indicates a later date. There shall be no vote in Parliament on the subject.'

Rule 8(5) of the Rules of Procedure specifies the date of the end of the term of office and the effective date of a vacancy: 'in the event of resignation: the date on which the vacancy is established by Parliament, the date when the President receives the letter of resignation or a later (but not earlier) date specified in his letter by the resigning Member'. The combination of the two provisions, Rule 8(3), i.e. the possibility of resigning and indicating a later date, and Rule 8(5), may give rise to problems.

Members will no doubt recall the issues raised by the resignation on health grounds of Sir James Goldsmith, announced in an undated letter to the President. Notification of Sir James’s resignation had not been made in an official record when he died, two days after the announcement. At the
time, the issue arose as to whether the vacancy resulted from that resignation, and, if so, what was its date of effect, or from the death of the Member concerned. An opinion drawn up by Directorate-General I concluded that the resignation could not be said to have taken effect, since no official record had been drawn up. An expert opinion drawn up by the Legal Service concluded that the resignation could be said to be effective, not as from 16 July, the date on which the letter had been sent, but as from 17 July, the date of receipt of the letter.

However, there is still uncertainty surrounding the date of effect of the resignation as a result of what may well be a legally doubtful distinction which is drawn between, on the one hand, the formal conditions governing resignation, those laid down by paragraph 3, and, on the other, the date of effect of that resignation, as stipulated by paragraph 5. The provision set out in paragraph 3 stipulating that notification of a resignation must be made in an official record drawn up in the presence of the Secretary-General or his representative is designed to protect the Member, by ensuring that his or her resignation is indeed voluntary, since it is perfectly possible to imagine resignations which are not entirely voluntary, or early resignations which are not then officially confirmed. The fact of signing a document in the presence of an official of Parliament’s Administration, the Secretary-General or his representative, in Strasbourg, Brussels or elsewhere in the European Union, is thus designed to protect the Member by verifying that he or she is resigning of his or her own free will, without being subject to outside pressure.

Notification of resignation in an official record is thus, as it was intended to be, a condition which must be fulfilled before the resignation can take effect. Even if it indicates a date of effect, the letter of resignation which precedes the formal document should be regarded only as the announcement of a Member’s resignation; it is clear, ultimately, that it is merely a preliminary to the official procedure.

4. The question which arises, in my view, is the following: is there any need to retain the system involving different documents? In other words, with a view to simplifying the procedure should it not systematically be stipulated that resignations must be notified in an official record, regardless of whether or not the resignation was previously announced in a letter? In my view, in order to clarify the purpose and effect of the official record, the Rules of Procedure could be amended to stipulate that only a resignation notified in an official record will have legal force. On that basis, the official record would merely have to contain an indication of the date of effect of the resignation. Should the resignation be notified by means of a less formal document, in which the Member announced his or her intention of resigning, that resignation would be taken into account only once the official record had been signed in accordance with the conditions laid down by the current paragraph 3 of Rule 8 and would take effect on the date indicated in the official record in question. The resigning Member would be free to specify whether his or her resignation was intended to take effect immediately or at a later date (which can only be relatively near at hand, however).

However, deferred resignation facilitates the transition process, and here, once again, I am touching on the problem of the replacement of the Member. It is clear that if a resignation, duly notified in an official record, indicates a later date, Parliament may immediately inform the Member State concerned that a vacancy is set to arise: the exchange of letters with the authorities of that Member State responsible for informing us of the name of the person required to fill that vacancy may, possibly, be initiated.
A deferred resignation may of course raise the issue of the withdrawal of that resignation, prompted by a new development. The view may be taken that until such time as the resignation has become effective, in accordance with the conditions outlined above, i.e. prior to the date of effect indicated in the official record, it can of course be withdrawn; in my view, it should then be deemed never to have been duly given.

5. An amendment of the Rules of Procedure might therefore consist of a minor simplification of Rule 8(3) and Rule 8(5) stipulating that notification of the resignation must be made in the form of an official record, as laid down in the first subparagraph of the current Rule 8(3), that the vacancy will be established as from the date indicated by the resigning Member in that official record and that, logically, the date on which Parliament established the vacancy, in accordance with the official record, is the date on which a vacancy arises. That is the aim of the proposal for a decision incorporated in this report.

The proposed changes to Rule 8 are set out in the annex to this working document.

6. Finally, with a view to highlighting any differences, consideration must be given to the case of a forced resignation, i.e. a resignation which is not entirely voluntary, or, more exactly, a resignation resulting from the application of national law, involving either incompatibility or forfeiture.

The second indent of the current Rule 8(5) stipulates the following: ‘in the event of appointment to an office incompatible with the office of a Member of the European Parliament, either in respect of national electoral law, or in respect of Article 6 of the Act of 20 September 1976: (the date of the end of the term of office and the date of effect of a vacancy is) the date notified by the competent authorities of the Member States or of the Union’. In recent times, problems have arisen with the application of this provision:

Mr Abel Matutes was appointed Spanish Minister of Foreign Affairs with effect from 6 May 1996. Since that ministerial office is incompatible with the office of Member of the European Parliament, the seat was filled four days later, on 10 May 1996 (verification of credentials IV/40), the replacement being Mr José Javier Pomès Ruiz.

By letter of 25 September 1997 Mr Siegbert Alber informed the President of Parliament that he wished to resign his seat as a result of his appointment as Advocate-General at the Court of Justice with effect from 7 October 1997. No official record was drawn up, since the Member concerned pointed to the incompatibility of his new office with that of Member of the European Parliament. The German authorities then informed Parliament of the name of his replacement, Mr Rainer Wieland, who became a Member with effect from 10 October 1997.

Incompatibility also had a bearing on the resignation of Mrs Salisch when, in a letter of 14 December 1995, she informed the President of Parliament that she had been elected Mayor of Karlsruhe and that she would take up her duties in January 1996. She thus intended to resign as a Member with effect from 1 February 1996. Mr Dietrich Elchlepp became a Member six days later, on 6 February 1996, but the rapporteur for our committee subsequently noted that, under German law, the office of mayor was incompatible with that of Member of the European Parliament: Mrs Salisch thus sat as a Member for a number of days in January 1996, even though, under national law, she was barred from doing so on the grounds of incompatibility.
Improvements certainly need to be made to our rules to avoid such cases in which Members come to hold an office incompatible with that of Member of the European Parliament without this being pointed out or in which they themselves indicate that, since they hold an office incompatible with that of Member, they are resigning, albeit with effect from a date later than that on which they took up the office concerned. In fact, the only immediate improvements which can be made involve the prompt consultation of the national authorities in the event that a Member announces his or her intention of resigning on grounds of incompatibility after accepting a new office. Such consultation is clearly possible in the event of a deferred resignation. When the resignation date is very close at hand, this obviously becomes more difficult.

National law may also make provision for the ending of a Members’ term of office for another, specific, reason, that of forfeiture. The first example is that of forfeiture resulting from incompatibility linked to the cumulation of mandates. Thus, French law stipulates that if the Member does not resign from the ‘surplus’ office which he or she holds, he or she is deemed to have resigned from the office most recently taken up, i.e. the resignation automatically takes effect. However, forfeiture may also take the form of a judicial sanction, a possibility envisaged a few years ago in the case of Mr Tapie; it remained only a possibility, since he resigned before the forfeiture could take effect. As things stand, and given that we are dealing here with national laws, the only step we can take is to verify that the forfeiture is genuine and that it results from the application of national rules, for example a final criminal conviction, as in the French case.

7. I should point out that, in the draft Statute for Members drawn up by the working party and forwarded to Mr Rothley, rapporteur for the Committee on Legal Affairs, Article 6 concerns the vacancy of a seat and Article 7 the replacement of Members. The first paragraph of Article 6 stipulates that ‘a Member’s term of office may end on grounds of resignation, death or forfeiture’. The concept of forfeiture, outlined above, is thus introduced, but not other forms of resignation, such as forced resignation. Under the terms of this new article, the resigning Member must notify the President of Parliament in writing, pursuant to the provisions laid down in the Rules of Procedure. The procedure remains unchanged, therefore. The date of the end of the term of office and the effective date of the vacancy is the date on which the vacancy is established by Parliament in accordance with the provisions laid down in its Rules of Procedure: this represents a minor change by comparison with the current situation, since the vacancy is established, but possibly on a date different to that of the notification of resignation. In the event of the death of a Member, the seat becomes vacant with effect from the date on which the President informs Parliament thereof. Finally, in a rather strange paragraph, probably drawn up with reference to the arguments surrounding the case of Mr Tapie, it is stipulated that:

‘Where the legislation of a Member State expressly provides for the forfeiture of the office of Member of the European Parliament, the Member’s term of office shall not end until after the competent national court has reached a final decision.’ The competent national authorities inform Parliament and the seat becomes vacant with effect from the date on which Parliament has notice of the forfeiture. In the case of the replacement of a Member, any vacant seat must be filled at the earliest opportunity. Reference is made merely to the exchange of letters with the national authorities.

However, Mr Rothley has not incorporated this text into his draft report.
8. In conclusion, I propose that the current wording of the Rules of Procedure should be clarified by adopting the attached amendments.
REPORT

on the amendment of Annex I of the Rules of Procedure relating to transparency and Members’ financial interests (A4-0474/98)
Rapporteur: Glyn Ford

EXPLANATORY STATEMENT

During discussion of the report on amendment of Annex I to Parliament’s Rules of Procedure relating to the provisions governing the application of Rule 9(1) (A4-0208/98 - Rapporteur: Mr Wijsenbeek) it emerged that many Members had not fulfilled their obligations with regard to declaration of their financial interests for 1997(1) although the European Parliament at its sitting of 17 July 1996 had adopted a proposal on this subject on the basis of a report by the Committee on the Rules of Procedure (A4-0177/96 - Rapporteur: Mr Nordmann). This situation prompted the committee to investigate in an own-initiative report the application and observance of the provisions of Rule 9(1) and Annex I of the Rules of Procedure and to make any further proposals needed to ensure that Members declare their financial interests.

On the basis of this report by Mr Nordmann the provisions on the declaration of professional and other remunerated activities and financial benefits in particular were made more stringent (Article 2 (a) and (b)). The register to be kept is also to be updated every year and be open to the public. In addition Members were required by the new Article 4 of the Annex to respect those provisions regarding the declaration of assets to which they are subject by the legislation of the Member State in which they are elected.

This revision did not affect Article 1 of Annex I which states ‘before speaking in Parliament or in one of its bodies, any Member who has a direct financial interest in the subject under debate shall disclose this interest to the meeting orally unless it is obvious from the written declaration made by him pursuant to Article 2’. Article 1 of Annex I thus relieved Members of the need to disclose their interests orally where they had already done so in writing.

Mr Wijsenbeek’s report proposed, however, that this provision should also be tightened up by deletion of the last phrase, so that in future Members with a direct financial interest in the subject down for discussion must declare this in each case before taking the floor in Parliament.

A check carried out by the competent departments of Parliament’s Secretariat showed that by 10 September 1998 21 Members had not fulfilled their obligations pursuant to Article 2 of Annex I for 1997. For 1996 nine Members had still not submitted the relevant declaration although they had received three reminders. A positive development, however, is that during the current year 43 Members have notified changes with regard to their financial and other benefits.

The rapporteur notes with satisfaction that more than 96% of Members have complied with their obligation to declare their financial and other benefits for 1997. However it is unacceptable that a

(1) See the letter from the President of the European Parliament of 18 December 1997 (PE 225.282).
small number of Members have not yet submitted their declarations for 1996 and 1997 although some have been called on to do so on several occasions.

A study (PE 212.403) drawn up by Directorate-General IV in relation to the report by Mr Nordmann examines the declaration of the financial interests of the members of the parliaments of the Member States. This study makes it clear that Member States require members of parliament to disclose their financial situation the legislation also includes sanctions for non-compliance. The sanctions range from those of a moral or political nature (e.g. public disclosure of the infringement) to specific sanctions, in particular ineligibility for a certain period, loss of the member's seat and even imprisonment or fines as well as financial penalties.

Until the introduction of a uniform electoral law for the European Parliament the rapporteur does not consider legal or financial sanctions to be appropriate as the individual Member States also do not act uniformly on this matter. However he does consider that sanctions of a political and moral nature are appropriate to ensure that Members comply with their obligations under Rule 9 of the Rules of Procedure and Annex I. He therefore proposes that Members who do not comply with the obligation to make a declaration after receiving a reminder setting a time limit should have their names published in the minutes of the Sitting. If the Member then still does not submit a declaration, the President should be able to propose the exclusion of the Member from participation in plenary, pursuant to Rule 110 of the Rules of Procedure.

The rapporteur considers that clarification, in the form of an interpretation, would also be appropriate with regard to the treatment of small gifts or benefits within the meaning of Article 2.
REPORT

on amendment of Rule 161(2) of Parliament’s Rules of Procedure concerning the activities of the Ombudsman (A4-0016/99)
Rapporteur: Johannes Voggenhuber

EXPLANATORY STATEMENT

At its sitting of 16 July 1998 the European Parliament adopted a report on an amendment to Rule 161 (rapporteur: Mr Crowley - doc. A4-0416/97). This report had been adopted by the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on 8 December 1997. Its purpose was to bring the Rules of Procedure in line with the decision adopted by the European Parliament on 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman’s duties.

By letter of 27 February 1998 the Ombudsman wrote to the President of the European Parliament requesting him to ask the Committee on the Rules of Procedure, the Verification of Credentials and Immunities to consider procedures for considering the Ombudsman’s annual report and special reports.

Although this question should have been resolved in the context of Mr Crowley’s report, this was not the case since the Ombudsman’s request was received after the report had been adopted in committee, and no amendment were tabled in plenary to comply with the Ombudsman’s request.

Nevertheless, the absence of any provisions in the Rules of Procedure did not prevent consideration of the Ombudsman’s second annual report (rapporteur: Mr Nordmann, doc. A4-0258/98) or the first special report on public access to documents (rapporteur: Mrs Thors, doc. A4-0265/98) in plenary during the July part-session in Strasbourg. This indicates that an amendment to the Rules of Procedure in this respect is certainly not one of the most pressing problems. On the other hand, however, in a Union which would like to be as close to its citizens as possible there should be an appropriate legal framework to permit consideration of the Ombudsman’s reports.

The decision on the regulations and general conditions governing the performance of the Ombudsman’s duties makes it incumbent on the Ombudsman to submit an annual report to Parliament (Article 3(8)) and makes provision for special reports to Parliament if the Ombudsman finds evidence of maladministration (Article 3(6) and (7)). Furthermore, the Ombudsman may ask Parliament for assistance if the Member States refuse to provide him with information ‘that may help to clarify instances of maladministration by Community institutions or bodies’ (Article 3(3) and (4)).

Consideration of the Ombudsman’s report is the responsibility of the Committee on Petitions pursuant to point XX of Annex VI of the Rules of Procedure concerning the Powers and responsibilities of standing committees. As the examples quoted above show, the Committee on Petitions draw up reports, with motions for resolutions, on the Ombudsman’s reports. However, as the Ombudsman stressed in his letter of 27 February 1998, it is not necessary for every report by the Ombudsman to be discussed by the European Parliament in plenary.

The natured and extent of the Ombudsman’s annual report, which contains a wealth of information on his activities and on the individual cases submitted to him, call for a debated in plenary to provide
Members with an overview of the concerns and problems of citizens and their interests. However, as far as the forwarding of special reports is concerned, the drawing up of a report and its consideration in plenary should remain at the discretion of the competent committee pursuant to Article 3(6) and (7) of the abovementioned decision. It is not always necessary to respond to a special report from the Ombudsman with a report to plenary together with a motion for a resolution.

The same is true, only more so, of the ‘appropriate representations’ by the European Parliament should information required by the Ombudsman for clarifying instances of administration fail to be forthcoming. ‘Appropriate representations’ pursuant to Article 3(4) of the abovementioned decision do not necessarily mean reports from the Committee on Petitions calling, in a motion for a resolution, for the information required to be forwarded. Instead, requests by the Ombudsman to Parliament for assistance in obtaining information should be treated in a flexible way. Often it will suffice for the chairman of the committee responsible or the President of Parliament to make an informal approach to the Member State in question and to ask them to supply the information requested. However, a report should be a possibility here, as the ultimate means of providing assistance.

From the procedural point of view, the question is whether the annual and special reports should be considered under the new Rule 44a (‘Other reports and annual reports of other institutions’, rapporteur: Mr Crowley - doc. A4-0054/98), which was adopted at the sitting of 2 April 1998, or separately in Rule 161. Rule 44a (new) permits a flexible consideration of ‘Other reports and annual reports of other institutions’ by the committees and in plenary. The wording of this new Rule leaves it to the discretion of the committee responsible whether or not a report should be drawn up. This provides an instrument under the Rules of Procedure for the Ombudsman’s annual reports and special reports enabling these reports to be given due and appropriated consideration by Parliament.

Moreover, both the Ombudsman in his letter of 27 February 12998 and the Committee on Petitions in its opinion of 23 July 1998 (PE 227.127/fin., draftsman: Mrs Heinisch) called for special provisions on consideration of the annual reports and special reports within the provisions of the Rules of Procedure applying to the Ombudsman.

The rapporteur, too, inclines to the view that relations between the Ombudsman and the European Parliament should be treated separately in the context of Ruled 161, to ensure consistent provisions on consideration of the Ombudsman’s reports.
REPORT

on the amendment of Rules 7 and 8 of the Rules of Procedure on the verification of credentials and the term of office of Members (A4-0022/99)
Rapporteur: Luciano Vecchi

EXPLANATORY STATEMENT

1. The proposed amendments to Rule 7 of the Rules of Procedure are not solely designed to clarify the relevant provisions, but are primarily the direct result of changes to Parliament’s procedures concerning the verification of the credentials and the validity of the mandate of its Members. Not least because a new parliamentary term is imminent, it had become essential to bring the existing arrangements into line with recent decisions, in particular that adopted by Parliament on 15 November 1994 concerning the declaration that a Member holds no offices incompatible with that of Member of the European Parliament and the declaration of financial interests and professional activities(1).

2. The signing by a Member of Parliament of these declarations - the first pursuant to Article 6 of the Act of 20 September 1976 and the second deriving from Rule 9 of and Annex I to the Rules of Procedure - now constitutes a prerequisite for the verification of his or her credentials. Amendment 1 seeks to formalise that requirement by incorporating it into the Rules of Procedure as a specific provision. This does not imply that a Member who has not satisfied these obligations and whose credentials have not been verified could invoke the provisions of Rule 7(4) and take his or her seat in Parliament indefinitely, enjoying ‘all the rights attaching thereto’. Instead, the last part of Amendment 1 stipulates that his or her mandate could be the subject of disputes on which Parliament would be required to rule.

3. The other amendments concern various specific aspects of cases covered by the procedure for the verification of credentials and the validity of the mandate which were not explicitly provided for in the body of the Rules of Procedure, but which, as practice has shown, require regulation. Rather than applying to them, by analogy, the same procedures - which would not rule out the risk of differing interpretations and, as a result, legal uncertainty - it would be more appropriate to incorporate them into the arrangements laid down in the Rules of Procedure. These aspects concern, for example, cases involving the validity of the mandate of a Member elected to Parliament following the resignation of an already elected Member (see Amendment 2), disqualification, in accordance with national law (see Amendment 3), and the procedure to be followed if national or Community authorities confer an assignment on a Member of Parliament (see Amendment 4).

4. The final change - that made by Amendment 5 - must be seen in the context of the close cooperation between Parliament and the national authorities, in keeping with the spirit of Article 5 of the EC Treaty, which requires the Member States to cooperate with the

institutions of the European Community for the purpose of fulfilling their obligations arising out of the Treaty(¹).

5. All these changes seek to perfect and amplify the existing arrangements. They take particular account of the increasingly complex links between the national and Community parliamentary systems, which give rise to new cases to be dealt with in the light of the Rules.

(¹) See Article 10 of the consolidated version of the EC Treaty.
REPORT

on the financing and operation of groupings of Members (PE 221.685/fin.)
Rapporteur: Shaun Mark Spiers

EXPLANATORY STATEMENT

I. INTRODUCTION

On 19 March, 1996, Klaus Hänsch, President of the European Parliament, wrote to Ben Fayot, Chairman of the Rules Committee, concerning the conclusions of the working party on lobbying and Members' interests. The committee was asked "to consider in detail" outstanding points concerning lobbying, including the financing and operation of intergroups.

Subsequent to this, the committee considered a working document (22 November, 1996), a preliminary draft report (20 March, 1997) and held a hearing on 15 April, 1997. At the hearing and in discussions in the Rules Committee and the political groups, it became clear that there were serious reservations across the house about giving intergroups a formal status. In order to regulate intergroups, it is necessary to define them and establish rules for their conduct. Your rapporteur believes that this is desirable for the running of the European Parliament, and believes that the Bureau should give further consideration to regulating the conduct of intergroups with a view to achieving clarity, efficiency and openness.

Nevertheless, the committee has been charged with a narrower task: to extend the rules concerning lobbyists that currently cover individual MEPs to collective groupings of MEPs. That is why this preliminary draft report deals with "groupings of MEPs", rather than specifically with intergroups. The report will not apply to intergroups that do not receive outside support. It will apply to any groupings of MEPs that receives outside support, even if they are drawn from a single political group, member state or national delegation.

II. CONTENT

"Support in cash or kind"

The current rules on the registration of intergroups ("Agreement of the group chairmen on intergroups" of 6 June, 1995) do not allow an adequate assessment of the influence of outside interests. For example, several intergroups are registered as having no external source of finance although they receive secretarial aid from outside bodies.

III. THE ROLE OF THE QUAESTOR

There is currently no consolidated and easily accessible register of groupings receiving outside support. The list of registered intergroups drawn up by the Secretary General's office (see Annex 2) only indicates the name of the intergroup's chair, and the declaration of its constitution only needs to show the names of those MEPs responsible for the intergroup.

In accordance with the Parliament's repeated calls for transparency, it is suggested that the detailed rules to be drawn up by the Quaestors requires there to be a publicly accessible register showing
which MEPs are members or regular participants of which grouping and which organisations, companies or individuals are providing financial, organisational or material aid to which grouping. These rules should include a requirement on groupings which receive outside support to forward the minutes and records of attendance of its meetings to the Quaestor.
3 December 1998

**OPINION**
(Rule 147)

for the Committee on the Rules of Procedures, the Verification of Credentials and Immunities

on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi)

Committee on Foreign Affairs, Security and Defence Policy

Draftsman: Mr Tom Spencer

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**PROCEDURE**

At its meeting of 22 April 1998 the Committee on Foreign Affairs, Security and Defence Policy appointed Mr Spencer rapporteur.

It considered the draft opinion at its meetings of 21 July, 24 September, 25 November and 1 December 1998.

At the last meeting it adopted the following conclusions unanimously.

The following took part in the vote; Spencer, chairman and draftsman; Cushnahan, third vice-chairman; André-Léonard, Barón Crespo, Berès (for Cottigny), Bernard-Reymond, Bertens, Burenstam Linder, De Melo, Donner, Ferrer (for Bianco), Gahrton, Gomolka, Günther (for Graziani), Kristoffersen, Lenz, Poettering, Sakellariou, Schroedter (for Cohn-Bendit), Theorin, Tindemans, Titley and Väyrynen.

**Foreword**

The Amsterdam Treaty does not change the CFSP pillar and its procedures very much; thus only minor changes are needed in our Rules, partly in order to take into consideration the (few) new developments, partly to ensure a better functioning of some provisions which at present are far from being satisfactory (e.g. recommendations etc.).
Changes needed in the Rules

i) **Vote of Approval of the Commission**

*The Council is responsible for the coherence of the external actions of the Union. Thus it should ensure towards the High Representative the coordination with the activities of the Commissioner responsible for the CFSP.*

**Rule 33**

New paragraph 2a

2a. Where the nominee for President or the nominated candidate is to hold the prospective responsibility for common foreign and security policy, the committee responsible for common foreign and security policy shall invite the High Representative for common foreign and security policy to appear simultaneously, notably to verify that the unity, consistency and effectiveness of action by the Union will be ensured.

ii) **Chapter IX (Treaties and International agreements) and Chapter X (Common Foreign and Security Policy)**

*These chapters could be merged, thus creating a single framework for dealing with the external relations of the European Union.*

**New Title:**

Chapter IX: International Treaties; Agreements; Representation and Common Foreign and Security Policy (Application of Article 21 of the Treaty on European Union)

iii) **International agreements**

*The question of challenging the chosen legal basis of an international agreement should be addressed.*

**Rule 90**

1. When it is intended to open negotiations on the conclusions, renewal or amendment of an international agreement, including agreements in specific areas such as monetary affairs or
trade, the committee responsible shall ensure that Parliament is fully informed by the Commission about its recommendations for a negotiating mandate, if necessary on a confidential basis.

2. Parliament may, on a proposal from the committee responsible or a political group or at least twenty-nine Members, request the Council not to authorise the opening of negotiations until Parliament has stated its position on the proposed negotiating mandate on the basis of a report from the committee responsible.

3. The Committee responsible shall ascertain from the Commission at the time it is intended to open negotiations the chosen legal basis for concluding the international agreements referred to in paragraph 1. The committee responsible shall verify the chosen legal base pursuant to Rule 53. Where the Commission fails to designate a chosen legal basis, or where there is doubt about its appropriateness, the committee responsible shall refer the matter to the committee responsible for legal affairs and the provisions of Rule 53 shall apply.

4. 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.

5. At any stage of the negotiations Parliament may, and upon being informed pursuant to Article 300.2, TEC third sub-paragraph shall, on the basis of a report from the committee responsible, adopt recommendations and require that these be taken into account before the conclusion of the international agreement under consideration.

6. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for opinion or for assent. For the assent procedure Rule 80 shall apply. Where the agreement is referred to Parliament on a legal basis other than that chosen in accordance with paragraph 3, Parliament shall first consider the matter of the legal basis, taking into account the opinion of the committee responsible for legal affairs. Where Parliament rejects the legal basis as referred to it, the agreement shall automatically be referred back to the committee responsible until such time as the question of the legal basis has been resolved. Where the Council has laid down a time limit, the President shall deem the vote on the legal basis to be Parliament’s opinion, and paragraph 9 shall apply.

7. Parliament shall give its opinion on, or its assent to the conclusion, renewal or amendment of an international agreement or a financial protocol concluded by the European Community by a majority of the votes cast.

8. If the opinion adopted by Parliament is negative, the President shall request the Council not to conclude the agreement in question.
9. If Parliament, by a majority of the votes cast, withholds its assent to an international agreement, the President shall refer the agreement in question back to the Council for reconsideration.

Appointment of the High representative for Common Foreign and Security Policy.

iv) Article 21 of the New Treaty states that the Presidency shall consult the European Parliament on the main aspects and the basic choices of the CFSP. The decision of appointing the High Representative is to be considered as a basic choice of the CFSP.

Rule 90A

1. Upon the announcement of the impending retirement, or the resignation, of the Secretary-General of the General Secretariat of the Council, High Representative of 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 Treaty on European Union. The President shall invite the President of the Commission to make a statement at the same time.

2. Upon the appointment of the new Secretary-General of the General Secretariat of the Council, High Representative of the Common Foreign and Security Policy, pursuant to Article 207.2 of the Treaty establishing the European Community, and prior to the take up of his formal duties, the President shall invite the High Representative to make a statement to and answer questions from the committee responsible for foreign affairs, security and defence policy.

3. Following the statement and answers referred to in paragraphs 1 and 2 at the initiative of the committee responsible for foreign affairs, security and defence policy, or in accordance with Rule 46, the Parliament may make recommendations.

4. During the procedures referred to in paragraphs 1 and 2, the Chairman of the committee responsible for foreign affairs, security and defence policy shall keep the Conference of the chairmen of the foreign affairs committees of the national parliaments of the Member States fully informed.

v) Appointment of Special Envoys for the purposes of Common Foreign and Security Policy.
Due to the proliferation of Special Envoys and/or representatives of the European Union it is vital to create a link with the competent body of the European Parliament in order to give the Assembly the possibility to react.

Rule 90B

1. Where the Council intends to appoint a special envoy for the purposes of common foreign and security policy, the President-in-Office of the Council shall forthwith inform the President, who shall forward the information to the Chairman of the committee responsible for foreign affairs, security and defence policy.

2. At the request of the committee responsible for foreign affairs, security and defence policy, the President shall invite the President-in-Office of the Council to make a statement and answer related questions as to the mandate, the objectives and other relevant matters connected to the tasks and role to be performed by the special envoy.

3. Once the Special Envoy has been appointed, but prior to taking up the position, the appointee shall be invited to appear before the committee responsible for foreign affairs, security and defence policy to make a statement and answer questions as to the intended implementation of the matters referred to in paragraph 2.

4. Within three months of the hearing provided for in paragraph 2, the committee may make a recommendation pursuant to Rule 48 relating directly to the statement made and answers provided pursuant to paragraph 2. Rule 52 [Delegation of the power of decision to committees] shall apply by analogy.

5. The special envoy shall keep the Parliament, through the committee responsible for foreign affairs, security and defence policy, fully and regularly informed as to the practical implementation of the mandate referred to in paragraph 2.

vi) New Rule - International Representation

The same procedure shall apply in case of appointment of the Heads of delegation of the Commission's external delegations.

Rule 90C

1. Where one or more posts of head of delegation of the Commission’s external delegations becomes vacant, the Commission shall forthwith inform the President, who shall forward the
information to the chairman of the committee responsible for foreign affairs, security and defence policy and the chairmen of any other appropriate committee.

2. At the request of the committee responsible for foreign affairs, security and defence policy, either on its own or jointly with other appropriate committees, the President shall invite the Commissioner responsible to make a statement and answer related questions as to the mandate, the post objectives and other relevant matters connected to the post or posts to be filled.

3. Before the head of delegation takes up the post referred to in paragraph 1, the nominee shall appear before the relevant body of the Parliament to make a statement and answer questions as to the intended implementation of the matters referred to in paragraph 2.

4. Within three months of the hearings provided for in paragraphs 2 and 3, the committee may adopt a resolution or make a recommendation, as appropriate, relating directly to the statement made and answers provided pursuant to paragraphs 2 and 3. Rule 52 [Delegation of the power of decision to committees] shall apply by analogy.

5. The head of delegation shall keep the Parliament fully and regularly informed as to the practical implementation of the mandate referred to in paragraph 2.

vii) Consultation in the field of CFSP

Reference should be made to the relations between the High Representative for CFSP and the committee. Furthermore new provisions are needed to create a link with the accession partnership and the conclusion of interinstitutional agreements.

Rule 91

1. The committee responsible for the common foreign and security policy shall ensure that Parliament is consulted on such policies and that its opinions are duly taken into account, particularly in connection with the joint actions referred to in Article 13 of the Treaty on European Union (TEU), on closer cooperation referred to in Article 45 of TEU, on all aspects of the accession partnerships with countries seeking membership of the Union pursuant to Article 49 TEU, and all actions referred to in Articles 301 to 304 of the Treaty establishing the European Community (TEC).

2. Where appropriate, the Parliament, at the initiative of the committee responsible and on the basis of its report, shall adopt recommendations on the matters referred to in paragraph 1.
3. The Council, the Commission and the High Representative for the Common Foreign and Security Policy shall provide the committee responsible with full, regular and timely information on the development of the Union's common foreign and security policy.

4. At the request of the Commission or the Council or the High Representative, the committee may decide to hold its proceedings in camera.

5. The Parliament, on the basis of a report from the committee responsible, shall adopt any interinstitutional agreements, or modifications thereto, with the Council and the Commission within the framework of the common foreign and security policy, including its budgetary aspects, acting by an absolute majority of its members. All other decisions taken pursuant to this rule or in implementation of such interinstitutional agreements shall be taken by simple majority.

viii) Urgent Recommendations

The present situation does not allow the adoption of recommendations during the current plenary, which goes against the principle or urgency under which recommendation are conceived.

Rule 92

1. For all aspects of the common foreign and security policy not referred to in Rule 91, the committee responsible for the common foreign and security policy may draw up recommendations to the Council in its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 46.

In urgent cases the authorisation referred to in the first subparagraph may be granted by the President who may likewise authorise an emergency meeting of the committee concerned.

2. During the process for adopting these recommendations, which must be put to the vote in the form of a written text, Rule 102 shall not apply and oral amendments shall be admissible.

The non-application of Rule 102 is possible only in committee and only in urgent cases. Neither at committee meetings not declared to be urgent nor in plenary sitting may there be any departure from the provisions of Rule 102.

The provision stating that oral amendments shall be admissible means that Members may not object to oral amendments being put to the vote in committee.
3. Recommendations drawn up in this way shall be included on the agenda for the next part-session. In urgent cases decided upon by the President, recommendations may be included on the agenda of a current part-session. Recommendations shall be deemed adopted unless, before the beginning of the part-session, a minimum of one tenth of the component Members of Parliament submit a written objection, in which case the committee’s recommendations shall be considered and each recommendation shall be put to the vote as a whole in plenary during the same part-session.

4. The debates provided for under Article J.7 of the Treaty on European Union shall be held in accordance with the arrangements laid down in Rule 37(2), (3) and (4).

ix) Annex VI (powers and responsibilities of standing committees)

Reference should be made to the cooperation with National Parliaments. An ad hoc sentence should be added at the end of the section relating to the FASE committee.

1. Committee on Foreign Affairs, Security and Defence Policy.

This committee is responsible for matters relating to:

1. the common foreign and security policy of the European union, including the task of formulating a common defence and disarmament policy;

2. relations with the WEU;

3. political aspects of relations with third countries and international organisations with regard to the implementation of Union’s foreign and security policy;

4. opening, monitoring and concluding negotiations concerning association agreements (Article 238 of the EC Treaty) and other international agreements of a mainly political nature;

6. problems concerning human rights and democratisation in third countries.

In consultation with the chairmen of the interparliamentary delegations and joint parliamentary committees, this committee will coordinate the work of the interparliamentary delegations and joint parliamentary committees both in preparing for and discussing the outcome of their meetings. The interparliamentary delegations and joint parliamentary committees will consult with the Committee on External Economic Relations on economic and trade matters.
The committee is responsible for the cooperation with the national parliaments in matters related to points 1-6 above.
28 October 1998

**OPINION**
(Rule 147)

for the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi)

Committee on Budgets

Draftsman: Mr Gianfranco Dell'Alba

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**PROCEDURE**

At its meeting of 2 September 1998 the Committee on Budgets appointed Mr Gianfranco Dell'Alba as draftsman.

It considered the draft opinion at its meetings of 27 October 1998.

At the last meeting it adopted the following conclusions unanimously

The following were present for the vote: Willockx, acting chairman, Giansily, vice-chairman, Dell'Alba, draftsman, Bardong, Böge, Bourlanges, Colom i Naval, Dankert, Dührkop Dührkop, Elles, Fabra Vallés, Haug, Seppänen, Tappin, Theato, Tomlinson and Wynn.

1. **Introduction**

The Amsterdam Treaty failed to revise the financial provisions of the Treaty establishing the European Community (article 199-209a, new 268-280). Only minor changes in article 205 (new 274) and article 206 (new 276) were adopted, concerning the execution of the budget (cooperation of Member States with the Commission to ensure that the appropriations are used in accordance with the principles of sound financial management, article 205) and the giving of discharge (examination of, inter alia, statement of assurance as to the reliability of the accounts, article 206). These amendments do not require changes of the Rules of Procedure.

The Committee on the Rules of Procedure, the Verification of Credentials and Immunities is undertaking a general revision of the European Parliament’s rules of procedure following the
Amsterdam Treaty. This provides the occasion to introduce some amendments, necessary to improve the coherence between legislative and budgetary decisions of the European Parliament.

2. Concerning Rule 87a (new)

For several years the European Parliament has been aware of the problem concerning the parliamentary treatment of financial aspects of legislative and other matters. A widely accepted solution is being sought.

Concerning legislative acts Parliament, Council and Commission reached an agreement on the significance of financial provisions in the various legislative acts in their Declaration on the inclusion of financial provisions into legislative acts of 6 March 1995. This agreement was not subsequently inscribed formally in the Rules of Procedure, though it was followed by Committees.

Already in 1985, the Committee on Budgets took an initiative concerning own initiative reports to solve the problem of incoherence between resolutions and budgetary possibilities of Parliament. In 1989 a working group consisting of members of the Budgets Committee and of the Rules Committee confirmed the need to solve the problem of the financial implications of EP resolutions. The working group stated that reports should comprise financial statements where appropriate. In order to allow the draftsman to obtain necessary information an adequate structure should be established. A possibility to refer the financial statement back to committee should exist so as to enable a revision to update the statement. In spite of the widespread awareness of the problem, the Bureau of the European Parliament rejected the proposals of the working group.

The Commission is already required to attach a financial statement to its proposals. Parliament had asked the Council as well to provide its propositions with financial statements. Consequently Parliament should fulfil itself the obligations it imposes on other institutions.

The amendment in question continues the approach followed by the Committee on Budgets for years, whose need in principle is accepted throughout Parliament: The committee responsible should prepare a financial statement setting out the relevant budgetary implications of its draft report. The Committee on Budgets should be free to express an opinion on the financial statement whenever it is appropriate. This consultation prior to the adaption of the report makes it possible for the committee responsible to take budgetary matters in account without restricting its prerogatives. Paragraph 4 of the new Rule 87 a should allow the Committee on Budgets to ensure the compatibility of all financial statements with the available resources by updating the statements.

3. Concerning Rule 75

During the crucial phase of the Codecision procedure coherence of Parliamentary strategy can be jeopardised by a lack of expertise in budgetary matters. To prevent incoherences it is proposed to
include the draftsman of the Committee on Budgets in the delegation to the Conciliation Committee. This will provide the delegation with the necessary expertise and encourage respect of Parliament’s decisions and their follow-up.

### Text proposed by the Commission

3. The members of the delegation shall be appointed by the political groups for each particular conciliation case, preferably from among the members of the committee concerned, except for three members who shall be appointed as permanent members of successive delegations for a period of twelve months. The three permanent members shall be appointed by the political groups from among the Vice-Presidents and shall represent at least two different political groups. The chairman and the rapporteur of the committee responsible in each particular case shall be members of the delegation.

### Amendments by Parliament

3. The members of the delegation shall be appointed by the political groups for each particular conciliation case, preferably from among the members of the committee concerned, except for three members who shall be appointed as permanent members of successive delegations for a period of twelve months. The three permanent members shall be appointed by the political groups from among the Vice-Presidents and shall represent at least two different political groups. The chairman and the rapporteur of the committee responsible in each particular case shall be members of the delegation. For proposals with important financial implications, the draftsman of the Committee on Budgets shall be an ex-officio member of the delegation.

### Amendment 2

Rule 87 a new

"1. Any draft report with significant budgetary consequences shall be submitted to the European Parliament accompanied by a financial statement drawn up by the committee responsible for budgetary matters."
2. This financial statement shall indicate the budgetary implications of the proposals contained in the report.

3. During each budgetary procedure the committee responsible for budgetary matters shall update these statements on the basis of the financial resources actually available and in an overall perspective."
30 October 1998

OPINION
(Rule 147)

for the Committee on Committee on the Rules of Procedure, the Verification of Credentials and Immunities

on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Valletersundi)

Committee on the Environment, Public Health and Consumer Protection

Draftsman: Mr Collins

PROCEDURE

At its meeting of 21 July 1998 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Collins draftsman.

It considered the draft opinion at its meetings of 12 and 29 October 1998.

At the last meeting it adopted the following conclusions unanimously.

The following took part in the vote: Collins, chairman and draftsman; Poggiolini and Dybkjær, vice-chairmen; d’Aboville, Amadeo, Baldi, Bébéar, Blokland, Bowe, Breyer, Cabrol, Chanterie (for Viceconte), Correia (for Corbett), Estevan Bolea (for Flemming), Eisma, Florenz, Graenitz, Grossetête, Hardstaff (for Lienemann), K. Jensen, Kuhn, Lange (for van Putten), Liese (for Jackson), Needle, Nordmann (for Olssen), Oomen-Ruijten, Roth-Behrendt, Schleicher, Schnellhardt, Trakatellis, Valverde Lopez and Virgin.

INTRODUCTION
The forthcoming entry into force of the Treaty of Amsterdam requires changes to Parliament's Rules of Procedure. In tackling this important task, Committee on Institutional Affairs has appointed three rapporteurs and divided the topic into four draft reports\(^1\).

As your draftsman has already pointed out in the Environment Committee's opinion on the co-decision procedure after Amsterdam, it is crucial that the legislative committees should be closely associated with the drafting of new provisions of the Rules of Procedure. Your draftsman will therefore concentrate on provisions relating to legislative procedures and will confine himself to tabling as few amendments as possible.

Mrs Palacio and Mr Corbett have done excellent work and your draftsman can support most of the amendments tabled, which are designed not only to bring the Rules of Procedure into line with the changes introduced by the Amsterdam Treaty but also to simplify and rationalise Parliament's existing procedures. The observations made here concern reservations about a small number of specific points.

**Rule 37a (new) - Amendment 1**
Your draftsman is in favour of the idea of inviting the Commission to make a statement to Parliament after each of its meetings but he does not believe that the Commission should do so systematically.

**Rules 49a and 49b (new)**
Your draftsman shares Mr Corbett's reservations about Mrs Palacio's proposals to introduce a procedure for examining whether legislative texts comply with the principles of subsidiarity and proportionality. In his view, consideration of this issue cannot be divorced from consideration of the substance of the proposal submitted to Parliament which is already carried out by the committee responsible and subsequently by the plenary.

**Rule 51**
The rapporteurs propose that Parliament should appoint a rapporteur systematically for all Commission proposals included in the annual legislative programme. Your draftsman believes that

\(^1\) 1. Amendments relating to legislative procedures: Mrs Ana Palacio Vallelersundi and Mr Richard Corbett (PE 226.934/rev.).
2. Amendments relating to external relations: Mr Richard Corbett (PE 227.510/rev.).
3. Amendments relating to justice and home affairs: Mrs Ana Palacio Vallelersundi (PE 226.935/rev.).
4. Amendments relating to relations with the other institutions: Mr Antoni Gutiérrez Díaz (PE 226.933).
the effectiveness of such practice will depend largely on the reliability of the Commission programme. It therefore seems preferable to retain the current wording of Rule 51.

**Rule 53 (verification of legal basis) - Amendment 2**

In your draftsman’s view, Rule 53 should be amended significantly for two basic reasons. Firstly, disputes over the legal basis, which have hitherto concerned the scope of Parliament’s powers, should tend to diminish as the codecision procedure is extended. In future, the question of the legal basis will take on greater importance from the point of view of application of the principle of subsidiarity, i.e. the substance and scope of Community action which, in your draftsman’s view, will emerge primarily from the consideration of any proposal by the committee responsible. Secondly, the present procedure leads to certain delays or even procedural abuses in the consideration of legislative texts by the European Parliament. Your draftsman therefore proposes that consideration of the legal basis should essentially be carried out during consideration by the committee responsible, which will have an opinion from the Committee on Legal Affairs if the latter considers it necessary. Once the discussion in committee has been completed, totally new amendments relating to the legal basis should be deemed inadmissible by the plenary.

**Rules 62 and 72 - Amendments 3 and 5**

Your draftsman cannot support the idea that Parliament should be consulted again if new European Parliament elections take place since it delivered an opinion at first reading. A provision of this kind would be incompatible with the principle of the continuity of Parliament. Similarly, exceptions to the rules on the admissibility of amendments tabled at second reading should not be allowed on the basis of such a broad criterion as the holding of elections between the two readings. In your draftsman’s view, the discretion available to the President regarding the admissibility of amendments already allows new factors to be taken into account.

**Rule 66 - Amendment 4**

Although your draftsman supports the spirit of this amendment he is against abolishing the possibility for the committee responsible to approve a common position without amendments in the form of a letter to the President. This provision has proved useful and has saved time in the legislative procedure.

**Rule 77 - Amendment 6**

Your draftsman believes that it is important that the plenary should have at its disposal a report by the conciliation committee delegation. It is also important that the plenary should be duly informed of the reasons for any breakdown in negotiations within the conciliation committee.

**Rule 79**

In your rapporteur’s view it is more appropriate for provisions relating to the presentation of legislative texts adopted jointly by Parliament and the Council to appear in an interinstitutional agreement.
**Rule 81 (commitology) - Amendment 7**
Your draftsman agrees with the rapporteurs that it is necessary to await adoption of the interinstitutional agreement now being negotiated before inserting more detailed provisions on the consideration of implementing measures by Parliament. However, a number of small changes should be made to the amendment tabled by the rapporteurs to take account of the very strict timetable for this kind of procedure.

**Rule 107 - Amendment 8**
Your draftsman supports the amendment seeking to organise plenary debates in a more logical fashion. It would also appear useful to take this opportunity to limit the speaking time available to the Commission and the Council in plenary (for instance to fifteen minutes) so that the debate can concentrate on the issues of interest to Parliament.

**Rule 125 - Amendment 9**
Your rapporteur supports the proposed amendment. However, it would be useful to add a criterion relating to the legislative quality of amendments by referring, in particular, to the need for amendments tabled to be compatible with the underlying Community law (i.e. the Treaties).

**CONCLUSIONS**

In conclusion, the Committee on the Environment, Public Health and Consumer Protection calls on the Committee on the Rules of Procedure

A. to take into consideration the following conclusions:

1. considers it inappropriate to include detailed provisions concerning respect for the principles of proportionality and subsidiarity in the Rules of Procedure;

2. considers it more appropriate for detailed provisions on the presentation of texts adopted jointly by Parliament and the Council to appear in an interinstitutional agreement;

3. considers that the appointment of a rapporteur during the preliminary stage of a Commission proposal should be assessed on the basis of the likelihood of the Commission adhering to its legislative programme;

B. to put the following amendments to the vote:

DOC_EN\RR\372\372720 - 125 - PE 229.204/fin.
AMENDMENT [1]

Rule [37a (new)] paragraph [___] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>37a. The President of the Commission may be invited to make a statement to Parliament after each of its meetings, explaining its main decisions.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Replaces ‘shall’ by ‘may’, otherwise identical to rapporteur’s proposed amendment.
AMENDMENT [2]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For all Commission proposals and other documents of a legislative nature, the committee responsible shall first verify the validity and appropriateness of the chosen legal basis.</td>
<td>1. For all Commission proposals and other documents of a legislative nature, the committee responsible shall first verify the validity (two words deleted) of the legal basis of the proposal.</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendments ENVI 3 and 4. The committee responsible should first verify the validity of the legal basis selected by the Commission (validity of legal basis).
EUROPEAN PARLIAMENT  
Committee on the Rules of Procedure, the Verification of Credentials and Immunities

AMENDMENT [3]  

by: Mr Collins

Title of report:  Changes to the rules on legislative procedures  (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. If the committee responsible disputes the validity or the appropriateness of the legal basis, it shall request the opinion of the committee responsible for legal affairs.</td>
<td>2. Without prejudice to the timetable fixed by the committee responsible, the committee responsible for legal affairs may give an opinion.</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendments ENVI 2 and 4. The Legal Affairs Committee is authorised to deliver an opinion when it deems it necessary but should respect the timetable of the lead committee;
AMENDMENT [4]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The committee responsible for legal affairs may also on its own initiative take</td>
<td>3. The Chairman of the committee responsible shall verify the compatibility of the</td>
</tr>
<tr>
<td>up questions concerning the legal basis of proposals submitted by the Commission.</td>
<td>amendments which have been adopted in committee to the legislative proposal with</td>
</tr>
<tr>
<td>In such cases it shall duly inform the committee responsible.</td>
<td>the legal basis which has been chosen.</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendments ENVI 2 and 3. Technical amendments to the legal basis might be necessary according to the amendments adopted in committee (appropriateness of the legal basis).
AMENDMENT [5]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. If the committee responsible for legal affairs decides to dispute the validity or</td>
<td>4. No new amendment to change the legal basis may be tabled in plenary.</td>
</tr>
<tr>
<td>the appropriateness of the legal basis, it shall report its conclusions to Parliament.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 6. Will avoid artificial amendments to the legal base in plenary in order to postpone a vote.
EUROPEAN PARLIAMENT
Committee on the Rules of Procedure, the Verification of Credentials and Immunities

AMENDMENT [6]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. If amendments are tabled in Parliament to change the legal basis of a Commission proposal without the committee responsible having disputed the validity or appropriateness of the legal basis, the committee responsible for legal affairs must deliver an opinion on the amendments tabled before they are put to the vote.</td>
<td>Deleted</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 5
EUROPEAN PARLIAMENT
Committee on the Rules of Procedure, the Verification of Credentials and Immunities

AMENDMENT [7]

Rule [53] paragraph [5a (new)] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>5a. If the Commission does not accept to modify its proposal to conform to the legal basis approved by Parliament, the rapporteur or the chairman of the committee responsible may propose to postpone the vote on the substance of the proposal to a subsequent sitting.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Linked to and consistent with amendments ENVI 5 and 6. The remainder of the amendment is identical to the rapporteur's amendment.
AMENDMENT [8]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>- where the Commission withdraws its initial proposal after Parliament has delivered</td>
<td>- where the Commission withdraws its initial proposal after Parliament has delivered</td>
</tr>
<tr>
<td>its opinion in order to replace it with another text;</td>
<td>its opinion in order to replace it with another text, except where this is done</td>
</tr>
<tr>
<td></td>
<td>in order to incorporate Parliament’s amendments:</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 9. The remainder of the amendment is identical to the rapporteur’s proposed amendment.
AMENDMENT [9]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>- where the Commission or the Council substantially amend or intend to amend the</td>
<td>- where the Commission or the Council substantially amend or intend to amend the</td>
</tr>
<tr>
<td>proposal on which Parliament originally delivered an opinion;</td>
<td>proposal on which Parliament originally delivered an opinion, except where this is</td>
</tr>
<tr>
<td></td>
<td>done in order to incorporate Parliament's amendments;</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 8. The remainder of the amendment is identical to the |
rapporteur's proposed amendment.
AMENDMENT [10]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Text proposed by rapporteur</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>where new elections have taken place to Parliament since it delivered its opinion.</td>
<td>Deleted.</td>
</tr>
</tbody>
</table>

Remarks: Consulting Parliament again after new elections goes against the principle of the continuity of the institution.
AMENDMENT [11]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. The provisions for Parliament’s second reading in Rules 69(1), 71(1) and 72(2) and (4) shall apply to the proceedings in the committee responsible; only members or permanent substitutes of that committee may table proposals for rejection and amendments. The committee shall decide by a majority of the votes cast.</td>
<td>4. The provisions for Parliament’s second reading in Rules 72(2),(3) and (5) shall apply to the proceedings in the committee responsible; only members or permanent substitutes of that committee may table proposals for rejection and amendments. The committee shall decide by a majority of the votes cast.</td>
</tr>
</tbody>
</table>

Remarks: The rest of the amendment is identical to that proposed by the rapporteur.
AMENDMENT [12]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. The committee responsible may request a dialogue with the Council in order to reach a compromise(1).</td>
<td>5. Before voting, the committee may request the chairman and rapporteur to discuss draft amendments that have been tabled in the committee with the President of the Council or his/her representative. The rapporteur may table compromise amendments following such discussion.</td>
</tr>
</tbody>
</table>

Remarks: Identical to the rapporteur’s amendment.

(1) Cf Rule 72(2)(b).

______________________________________________

DOC_EN\RR\372\372720 - 137 - PE 229.204/fin.
AMENDMENT [13]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. The committee responsible shall submit a recommendation for second reading proposing the decision Parliament should take on the common position adopted by the Council. The recommendation shall include a short justification for the decision proposed.</td>
<td>6. The committee responsible shall submit a recommendation for second reading proposing to approve, amend or reject the common position adopted by the Council. The recommendation shall include a short justification for the decision proposed.</td>
</tr>
</tbody>
</table>

Remarks: Identical to the rapporteur’s amendment.
AMENDMENT [14]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Text proposed by rapporteur</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. If the common position is approved without amendment, the recommendation may take the form of a letter</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Paragraph 7 of Rule 66 must be maintained (it has been used at least 12 times by Environment Committee during the last legislature).
AMENDMENT [15]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) it seeks to restore wholly or partly the position adopted by Parliament in its first reading; or</td>
<td>(a) it seeks to restore wholly or partly, any part of the position adopted by Parliament in its first reading; or the text of the Commission's original proposal; or</td>
</tr>
</tbody>
</table>

Remarks: It is important to spell out the possibility of tabling amendments seeking to reinstate the Commission's original proposal.
AMENDMENT [16]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) it is a compromise amendment representing an agreement between the Council and Parliament; or</td>
<td>(b) it is an amendment seeking to reach a compromise between the Council and Parliament; or</td>
</tr>
</tbody>
</table>

Remarks: Drafting improvement.
AMENDMENT [17]

Rule [72] paragraph [2a (new)] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Text proposed by rapporteur</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a. If new elections have taken place since the first reading, but Rule 62 has not been invoked, the President may decide to waive the restrictions on admissibility laid down in paragraph 2.</td>
<td>Deleted</td>
</tr>
</tbody>
</table>

Remarks: Inconsistent with the continuity of the institution. The discretion afforded to the President of Parliament on the admissibility of amendments already provides sufficient flexibility.
AMENDMENT [18]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. If one or more of the amendments are adopted, the rapporteur of the committee responsible or, failing him, the chairman of that committee shall ask the Commission to state its position.</td>
<td>4. Before voting on the amendments, the President shall ask the Commission to state its position, and the Council to comment.</td>
</tr>
</tbody>
</table>

Remarks: Replaces 'Presidency of the Council' by 'Council'. The remainder of the amendment is identical to the rapporteur's proposal.
AMENDMENT [19]

Rule [77] paragraph [1] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall automatically be placed on the agenda of the last part-session to fall within six or, if extended, eight weeks of the date of approval of the joint text by the Conciliation Committee unless the matter has been dealt with earlier.</td>
<td>1. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall be placed on the plenary agenda in due time to fall within six or, if extended, eight weeks of the date of approval of the joint text by the Conciliation Committee</td>
</tr>
</tbody>
</table>

Remarks: Identical to the rapporteur's proposal.
AMENDMENT [20]

Rule [77] paragraph [2] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Text proposed by rapporteur</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Parliament <em>may</em> discuss the joint text on the basis of a <em>declaration made by the chairman of its delegation to the Conciliation Committee.</em></td>
<td>2. Parliament <em>shall</em> discuss the joint text on the basis of a report by its delegation to the Conciliation Committee.</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 21. Reinstates the present text. The report by the delegation to the conciliation committee is necessary for reasons of transparency.
**EUROPEAN PARLIAMENT**  
Committee on the Rules of Procedure, the Verification of Credentials and Immunities

**AMENDMENT [21]**

Rule [77] paragraph [4a (new)] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>4a. Where no agreement is reached on a joint text, the President shall inform the plenary. The President’s declaration may be followed by a short debate at the request of the delegation to the Conciliation Committee, a political group or 31 Members.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 20. There should be a procedure for informing the Plenary when conciliation negotiations break down - this amendment codifies the practice.
**EUROPEAN PARLIAMENT**  
Committee on the Rules of Procedure, the Verification of Credentials and Immunities

**AMENDMENT [22]**

Rule [81] paragraph [1a (new)] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. The Chairman of the committee responsible, in consultation with the rapporteur or another designated member, may enter into a dialogue with the Commission. The committee responsible may propose to plenary to object to the draft implementing measure. If Parliament objects to the measure by simple majority with two thirds of the Members present, the President shall request the Commission to withdraw or amend the measure, or submit a proposal under the appropriate legislative procedure.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Makes the procedure faster, replaces 'rejects' by 'objects' and proposes a majority in accordance with Article 141 of EC Treaty. The remainder of the amendment is identical to the amendment proposed by the rapporteur.
AMENDMENT [23]

Rule [81] paragraph [1b (new)] subparagraph [___]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1b. Where an implementing measure or a draft implementing measure is referred to Council and therefore to Parliament, Parliament shall deal with it in accordance with Rule 97.</td>
</tr>
</tbody>
</table>

Remarks: Identical to the amendment proposed by the rapporteur.
AMENDMENT [24]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The names of Members who ask leave to speak shall be entered in the list of speakers in the order in which their requests are received.</td>
<td>Deleted.</td>
</tr>
</tbody>
</table>

Remarks: Identical to the amendment proposed by the rapporteur.
AMENDMENT [25]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The President shall call upon Members to speak, ensuring as far as possible that speakers of different political views and using different languages are heard in turn.</td>
<td>2. The President shall call upon Members to speak, ensuring as far as possible that speakers of different political views and using different languages are heard in turn. The President may establish a list of speakers that will include an initial round of speakers from each political group that wishes to, in the order of their size, and one non-attached Member.</td>
</tr>
</tbody>
</table>

Remarks: Identical to the amendment proposed by the rapporteur.
AMENDMENT [26]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Members of the Commission and Council shall be heard in the debate on a report as a rule immediately after its presentation by the rapporteur. Thereafter Members of the Commission and Council shall be heard at their request.</td>
<td>5. Members of the Commission and Council shall be heard in the debate on a report, each speech not to exceed 15 minutes duration and, as a rule, immediately after its presentation by the rapporteur. Thereafter Members of the Commission and Council shall be heard at their request.</td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 27. Limits the duration of Council and Commission speeches; replaces ‘Council representative’ by ‘Council’.
AMENDMENT [27]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. However, when debating a Commission proposal, the President shall invite the Commission to speak first, and when debating a Council common position, the President shall invite the Council to speak first, in each case for no longer than 15 minutes and to be followed by the rapporteur.</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Linked to amendment ENVI 26. Limits the speaking time of the Council and Commission.
EUROPEAN PARLIAMENT
Committee on the Rules of Procedure, the Verification of Credentials and Immunities

AMENDMENT [28]

Rule [125] paragraph [1] subparagraph [\-a (new)]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>(\text{(-a)}) it is not compatible with the Treaties;</td>
<td></td>
</tr>
</tbody>
</table>

Remarks:
AMENDMENT [29]

Rule [125] paragraph [1] subparagraph [d]

by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) it seeks to amend more than one of the individual articles or paragraphs of the text to which it relates. This provision shall not apply to compromise amendments;</td>
<td>(d) it seeks to amend more than one of the individual articles or paragraphs of the text to which it relates. This provision shall not apply to compromise amendments or to amendments which seek to make identical changes to a particular form of words throughout the text;</td>
</tr>
</tbody>
</table>

Remarks: Identical to the amendment proposed by the rapporteur.
AMENDMENT [30]


by: Mr Collins

Title of report: Changes to the rules on legislative procedures (PE 228.179)

<table>
<thead>
<tr>
<th>Present text of Rules</th>
<th>Proposed new text</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) it is mutually exclusive to another amendment submitted by the same group or twenty-nine Members;</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Identical to the amendment proposed by the rapporteur.
28 October 1998

**OPINION**

(Rule 147)

for the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi)

Committee on Civil Liberties and Internal Affairs

Draftsman: Mr Charles Goerens

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**PROCEDURE**

At its meeting of 23 July 1998 the Committee on Civil Liberties and Internal Affairs appointed Mr Charles Goerens draftsman.

It considered the draft opinion at its meetings of 23 September and 26 October 1998.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: d'Ancona, chairman; Reding, vice-chairman; Goerens, draftsman; Berger, Brinkhorst, Cederschiöld, Chanterie, Colombo Svevo, Deprez, Dupuis, Elliott, Lindeperg, Mendes Bota, Nassauer, Oostlander, Schaffner, Sturdy (pursuant to Rule 138(2)), Terron I Cusi and Zimmermann.

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**EXPLANATORY STATEMENT**

The Treaty of Amsterdam amends the Treaties in many respects. The Committee on Civil Liberties and Internal Affairs is, by far, the committee most affected by these changes: the transfer of areas of policy from the Treaty on European Union to the Treaty establishing the European Community (Articles 61 to 69 of the TEU), the changes to the third pillar (Articles 29 to 42 of the TEU), the integration of the Schengen acquis in Union legislation and closer cooperation (see the various protocols), and the principles of freedom, democracy, respect for human rights and fundamental freedoms and of the rule of law (Articles 6 and 7 of the TEU). There can be no doubt whatsoever that the Committee on Civil Liberties and Internal Affairs has the most experience in these areas given that these issues already formed part of the committee's terms of reference under the first TEU.
We have used as a starting point the amendments proposed by the Committee on the Rules of Procedure, the Verification of Credentials and Immunities in documents PE 226.934/rev., PE 226.935/rev. and PE 227.510/rev. in order to avoid disrupting the structure of the proposed amendments to the rules.

Direct references to committees tend to be avoided in the Rules. The draftsman does not see why a direct reference to the Legal Affairs Committee is necessary in the case of Rule 53. In our opinion the legal basis must be verified but it does not call for any deliberate insidious enlarging of the Legal Affairs Committee’s powers. The amended text proposed in this draft opinion attempts to restore the balance. The proposed paragraph 6 of Rule 53 refers simply to Commission proposals whereas under the new provisions of the Treaties (see in particular Articles 61 to 69 of the TEU) Member States may also formulate proposals to be placed before Parliament. The question of verification of the legal basis would be dealt with better in the context of defending the European Parliament’s prerogatives.

In our opinion, verification of the legal basis is equally important for closer cooperation because there is a danger that if the Member States cannot agree in the Council closer cooperation will be resorted to as the easy option.

It is also difficult to see why the Committee on Legal Affairs and Citizens’ Rights should be explicitly declared responsible for human rights. The Committee on Civil Liberties and Internal Affairs is currently responsible for such matters. In addition to an amendment which states that the Rules of Procedure should, as is customary, refrain from naming committees, a number of improvements are proposed to this amendment, tabled by the Rules Committee’s rapporteurs.

In the amendment proposed by the Rules Committee to Rule 57 it is again wrongly assumed that the Commission submits all proposals.

It would seem useful to us for the annual debate on progress in the area of what remains of the old third pillar to be held in December. This would give shape to the tradition and has the great advantage that the Presidency would have to give an account of its successes and failures. The problems which occurred in previous years in setting the agenda can be avoided by explicitly specifying the month of December. The placing on the agenda of reports by the committee responsible which relate to consultations in which a specific deadline is imposed by the Council must also be more or less automatic.

In the event of infringement of the rules laid down in Article 6 of the TEU, the draftsman feels that it would be useful to distinguish between two cases: initiatives from Parliament and initiatives from the Commission or the Member States (the rapporteur of the Rules Committee does not mention the Member States, although under Article 7 of the TEU they do in fact have a right of initiative).
As regards closer cooperation it is also necessary to distinguish between closer cooperation under the TEC on the one hand and under the TEU on the other. Within these two types of closer cooperation a distinction must be made between authorising closer cooperation and closer cooperation (substance) itself. Where Article 11(4) of the TEU provides that the implementation of cooperation is subject to the relevant provisions of the Treaty, we assume, for the time being, that proposals for substantive measures are accordingly submitted by the institutions (generally the Commission), that Parliament will be consulted in accordance with the provisions applying to the 15 Member States and that the form of the measures will also be that which is specified in the Treaties (legislation, generally in the form of directives and regulations).

As regards Schengen, a perfect case of closer cooperation, special provisions in the Treaties and the attached protocols apply and the Rules of Procedure must, in the draftsman's view, take due account of them.

Annex VI must be revised as the powers and responsibilities of standing committees no longer reflect the position after the Amsterdam Treaty enters into force. It is important to ensure that responsibilities relating to freedom of movement and an area of freedom are not divorced from Schengen and the third pillar.

(Amendment 1)
Rule 49(3)
Annual legislative programme

3. The Annual Legislative Programme shall refer to:

(a) all proposals of a legislative nature,
(b) agreements with third countries.

The programme shall also refer to any legislative proposals and documents requested by Parliament or the Council, which the Commission has agreed to submit and to requests and intended initiatives from Member States pursuant to Article 34(2) of the TEU and Article 67(1) of the EC Treaty.

Every act ... (rest unchanged)
Chapter VII - Legislative procedures
Respect for fundamental rights (new)
Rule 49a (new)

Rule 54
1. During the examination of a legislative proposal, Parliament shall pay particular attention to whether the proposal respects the principle of subsidiarity and the fundamental rights of citizens. Where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.

2. If Parliament concludes that the principle of subsidiarity is not duly respected, or that the fundamental rights of citizens are not sufficiently respected, or that the financial resources provided are not sufficient, it shall request the Commission to make the necessary modifications to its proposal.

Respect for fundamental rights
Rule 49a
1. During the examination of a legislative proposal, Parliament shall pay particular attention to whether the proposal respects the fundamental rights of citizens. Any committee to which a legislative proposal is referred shall ensure that these rights are fully respected. In tabling amendments or making changes it shall also fully respect the provisions of Article 6 of the Treaty on European Union. In case of doubt, it shall consult the committee responsible for respect for the fundamental rights guaranteed by Article 6 of the Treaty on European Union.

Its opinion shall be annexed to the report.

2. Where the plenary establishes a breach of fundamental rights, Parliament shall suspend its work until the Commission or other proposer amends its proposal in such a way as to bring it into line with the vote.

3. At second reading, the committee responsible shall place at the top of its recommendations those relating to respect for fundamental rights. Where the committee responsible makes a negative recommendation, the President may ask the Commission and the Council to make a statement before the vote.
(Amendment 3)

Rule 51

Consideration of legislative documents

1. Proposals from the Commission and other documents of a legislative nature shall be referred by the President to the committee responsible for consideration.

1. Proposals from the Commission and other documents containing measures of a legislative nature, including action pursuant to Article 13 of the EC Treaty, shall be referred by the President to the committee responsible for consideration.

(change to be repeated where it occurs elsewhere)

(Amendment 4)

Rule 53

Verification of legal basis

Defence of prerogatives

1. For all Commission proposals and other documents of a legislative nature, the committee responsible shall first verify the validity and appropriateness of the chosen legal basis.

1. Parliament shall ensure that sittings documents referred to it by the Commission or any other proposer and put to the vote in plenary do not affect its prerogatives and are not in breach of the provisions of the Treaty because of the form of the act or its legal basis.

To this end the committee responsible for the defence of Parliament’s prerogatives shall examine, at the request of the committee responsible for the matter concerned, or on its own initiative, the text and amendments put to the vote in plenary sitting.

2. If the committee responsible disputes the validity or the appropriateness of the legal basis, it shall request the opinion of the committee responsible for legal affairs.

Deleted.
3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis of proposals submitted by the Commission. In such cases it shall duly inform the committee responsible.

4. If the committee responsible for legal affairs decides to dispute the validity or the appropriateness of the legal basis, it shall report its conclusions to Parliament.

5. If amendments are tabled in Parliament to change the legal basis of a Commission proposal without the committee responsible having disputed the validity or appropriateness of the legal basis, the committee responsible for legal affairs must deliver an opinion on the amendments tabled before they are put to the vote.

6. If the Commission, or any other proposer, does not agree to modify its proposal in order to conform to the legal basis approved by Parliament, any Member may propose that the vote on the substance of the proposal should be postponed to a subsequent sitting.

(Amendment 5)
Rule 54

Subsidiarity, fundamental rights, financial resources

Subsidiarity, financial resources
1. During the examination of a legislative proposal, Parliament shall pay particular attention to whether the proposal respects the principle of subsidiarity and the fundamental rights of citizens. Where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.

2. If Parliament concludes that the principle of subsidiarity is not duly respected, or that the fundamental rights of citizens are not sufficiently respected, or that the financial resources provided are not sufficient, it shall request the Commission to make the necessary modifications to its proposal.

(Amendment 6)

Rule 57
Commission and Council position on amendments

1. Before the committee responsible proceeds to the final vote on a Commission proposal, it shall request the Commission to state its position on all the amendments to the proposal adopted by the committee.

2. If the Commission is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee then the committee may postpone the final vote.

1. Before the committee responsible proceeds to the final vote on a proposal from the Commission or any other originator of a proposal, it shall request the Commission to state its position on all the amendments to the proposal adopted by the committee and the representative of the Council to comment.

2. If the proposer is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee then the committee may postpone the final vote.
3. The position of the Commission shall be annexed to the report.

3. The position of the proposer shall be annexed to the report.

3a If the committee responsible rejects the proposal but the proposer does not withdraw it, the item shall not be placed on the agenda of Parliament, except where Parliament approves a request for application of the urgent procedure pursuant to Rule 97. Rejection of the proposal by the committee shall be announced to Parliament at its next sitting.

(Amendment 7)
Rule 93

Cooperation in the fields of justice and home affairs

Consultation of and provision of information to Parliament in the fields of justice and home affairs

1. The committee responsible for matters relating to cooperation in the fields of justice and home affairs shall ensure that Parliament is fully informed and consulted on the activities covered by such cooperation and that its opinions are duly taken into consideration, particularly in connection with the joint positions, joint actions and conventions referred to in Article K.3 of the Treaty on European Union.

2. Where appropriate, the committee shall inform Parliament in accordance with these Rules.

Police and judicial cooperation in criminal matters and protection of fundamental rights

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

1. The committee responsible for matters relating to police and judicial cooperation in criminal matters shall ensure that Parliament is fully and regularly informed on the activities covered by such cooperation 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 Treaty on European Union.

2. Where appropriate, the committee shall inform Parliament in accordance with these Rules.
3. The Council and Commission shall provide the committee responsible with full, regular and timely information on the development of cooperation in the fields of justice and home affairs.

The chairman of the committee provided for by Article 36 of the TEU, or his representative, shall be invited to all meetings of the committee responsible and shall have the opportunity to answer questions put by the committee members present.

4. At the request of the Commission or the Council, a committee may decide to hold its proceedings in camera.

5. The detailed rules for consultation and information, including procedures and frequency, will be included as an annex to these Rules.

5. The detailed rules for information, including procedures for associating Parliament with this work, will be included as an annex to these Rules once they have been agreed with the other institutions concerned.
( Amendment 8)
Rule 93a (new)

Rule 93a

Consultation of Parliament

1. A proposal that the Council adopt the measures referred to in Article 34(2)(b), (c) and (d) of the Treaty on European Union shall be referred by the President, for consideration, to the committee responsible. Other committees may be asked for their opinions. Any time limit set by the Council for Parliament’s opinion shall commence from the announcement in plenary sitting.
1a. Consideration of the proposal will then be placed, at the latest, on the agenda of the plenary sitting which is to be held immediately before expiry of the deadline laid down in accordance with Article 39(1).

1b. The committee responsible may, by derogation from any other provisions of the Rules of Procedure, decide to draw up a report itself on concrete measures as referred to in Article 34(2)(a) of the Treaty on European Union.

2. The provisions on committee procedures, in particular those relating to the first reading, shall apply. The report of the committee responsible may contain recommendations within the meaning of Article 39(3) of the Treaty on European Union.

3. The detailed rules for consultation, including procedures, will be included as an annex to these Rules.
Rule 94(1)

1. The committee responsible for matters relating to cooperation in the fields of justice and home affairs may draw up recommendations to the Council in its areas of responsibility after obtaining authorization from the Conference of Presidents or on a proposal within the meaning of Rule 46.

Rule 94

1. The committee responsible for matters relating to police and judicial cooperation in criminal matters may draw up recommendations to the Council in its areas of responsibility after obtaining authorization or a mandate from the Conference of Presidents or on a proposal within the meaning of Rule 46.
In urgent cases the authorization referred to in the first subparagraph may be granted by the President of Parliament, who may likewise authorize an emergency meeting of the committee concerned.

Recommendations drawn up in this way shall be included on the agenda for the next part-session.

(See also interpretation under Rule 46).

(See also interpretation under Rule 46).

Rule 94(2)

2. The debates provided for under Article K.6 of the Treaty on European Union shall be held in accordance with the arrangements laid down in Rule 37(2), (3) and (4).

Rule 94a

1. The debates provided for under Article 39 of the Treaty on European Union shall be held on the basis of a report by the President, in accordance with the arrangements laid down in Rule 37(2), (3) and (4). These debates shall be held annually in December.

2. In accordance with their obligation to provide information, the Presidency and the Commission shall make statements and reply to the questions put to them. The arrangements for providing this information and for the conduct of the debate will be included as an annex to these Rules.

3. Contributions from representatives of the parliaments of the Member States may be examined by the committee responsible for preparing the annual debate.

(Amendment 10)
Rule 94a (new)
Annual debate

(Amendment 11)
Rule 94c (new)
Consultation in the event of a breach of fundamental principles
1. The President shall announce to Parliament receipt of a request from the Council for its assent to a proposal submitted pursuant to Article 7(1) of the Treaty on European Union, together with the observations submitted by the Member State concerned. The President shall, at the same time, set the date of the vote. That date shall be no earlier than one month after the announcement of receipt of the request.

2. In considering the matter, the provisions of Rule 80 shall apply.

3. Parliament may further decide, on a proposal from the committee responsible, to submit an accompanying resolution setting out the European Parliament’s views on the appropriate sanctions and on the criteria for subsequently amending or revoking them.

(Amendment 12)
Rule 94d (new)
Follow-up measures

Rule 94d (new)
Follow-up measures

1. The committee responsible shall ensure that Parliament is fully informed (and, where necessary, asked for its views) on all follow-up measures to its assent as given pursuant to Rule 94c. The Council shall be requested to formulate appropriate measures. The European Parliament may submit recommendations to the Council.
(Amendment 13)
Rule 95, paragraph 1a (new)

Where the relevant Treaties require Parliament to deliver its opinion within a certain period, the reports concerned shall have priority on the draft agenda.

(Amendment 14)
Rule 154

Cooperation with Parliamentary Assembly of the Council of Europe

1. Parliament’s bodies, particularly the committees, shall cooperate with their counterparts at the Parliamentary Assembly of the Council of Europe in fields of mutual interest, with the aim in particular of improving the efficiency of their work and avoiding duplication of effort.

2. The Conference of Presidents, in agreement with the competent authorities of the Parliamentary Assembly of the Council of Europe, shall decide the arrangements for implementing these provisions.

Relations with the national parliaments and Council of Europe bodies

1. The European Parliament shall, through its committees responsible, maintain ongoing contacts, wherever necessary, with the national parliaments and Council of Europe bodies.

2. The European Parliament shall, through its committees responsible, inform its Members of decisions taken by the European Court of Human Rights and shall fully respect those decisions.

3. In the case of conventions drawn up by Council of Europe bodies, the European Parliament and its committees responsible shall play an advisory role. The European Parliament shall deliver an opinion on all proposals for decisions indirectly concerning the Treaty establishing the European Community and Treaty on European Union.
4. Relations with the national parliaments and Council of Europe bodies will be laid down in an annex to these Rules.
4 December 1998

OPINION
(Rule 147)

for the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi)

Committee on Institutional Affairs

Draftsman: Mrs Cardona

PROCEDURE

At its meeting of 27 January 1998 the Committee on Institutional Affairs appointed Mrs Cardona draftsman.

It considered the draft opinion at its meetings of 26 May, 22 July, 13 October, 28 October and 1 December 1998.

At the last meeting it adopted the following conclusions unopposed with 3 abstentions.

The following were present for the vote: Bourlanges, vice-chairman; Cardona, draftsman; Barton, Blokland (for Berthu), Delcroix, Hager (for Vanhecke), Iversen (for De Giovanni), Lööw (for Corbett), Maij-Weggen, Méndez de Vigo, Schäfer, Schlechter, Sjöstedt and Tsatsos.

INTRODUCTION

1. Adapting the European Parliament's Rules of Procedure to take account of the new Treaty provisions adopted in Amsterdam is a large-scale operation not only for the Committee on the Rules of Procedure, as the committee responsible, but also for the Committee on Institutional Affairs, given the overarching nature of its terms of reference.

A host of possible amendments to the Rules are already in embryonic form in the reports concerning application of the Treaty of Amsterdam which have recently been, or are being, debated within the Committee on Institutional Affairs: the D'ANDREA report on the approval of the nomination of the Commission President, the MANZELLA report on the codecision
procedure, the AGLIETTA report on commirolity, the FRISCHEN SCHLAGER report on closer cooperation, and the HERMAN report on institutional adjustments not involving amendment of the Treaty.

2. The scope of the amendments to the Rules which may be proposed by the Committee on Institutional Affairs must not be confined to what follows on directly from the new features introduced by the Treaty of Amsterdam, however. Account should also be taken of the experience gained, in the context of Parliament’s Rules, in applying the provisions of the Treaty in general.

3. None the less, two constraints on the potential scope of the debate within the Committee on Institutional Affairs must be pointed up:

- Firstly, your draftsman believes that it is not for the Committee on Institutional Affairs to discuss matters concerning Parliament’s in-house structures (bodies, political groups, etc.);

- Secondly, the composition and powers of the parliamentary committees are decided on by the Conference of Presidents (Rule 24 of the Rules), i.e. a separate procedure from that currently in progress. In this connection, the fact that the committees’ composition and powers currently appear as an annex to the Rules gives rise to confusion. It would be desirable to rectify this by making them visibly independent of the Rules themselves, and hence not subject to amendment under the present procedure.

4. The Rules are a tool. Your draftsman is therefore of the opinion that general observations (e.g. political objectives) must be avoided. She suggests that the Committee on Institutional Affairs minimise its proposals for amendments(1), simplifying as far as possible rather than making additions.

APPROVAL OF THE NOMINATION OF THE COMMISSION (Amendments 1 and 2)

5. The institutional implications of the endorsement by the European Parliament of the nomination of the Commission President (Article 214 of the Amsterdam Treaty) are presently the subject of a report by Mr D’ANDREA for this committee. The committee’s opinion on the Rules of Procedure will have to take account of how the discussion on that report has progressed.

6. First of all, Rule 32 needs at least to be revised/simplified technically in order to be fully consistent with the Treaty (deletion of paragraph 4)

(1) Set out below following the numerical order of the rules in question in the Rules of Procedure.
7. The question also arises as to whether it is appropriate to expand on the stipulated procedure. The draft report by Mr GUTIÉRREZ DÍAZ(¹) proposes for its part that, at the beginning of each parliamentary term, Parliament notify the governments of the Member States of the name of the candidate it has nominated, on the basis of a straw poll, from among the candidates supported by the political groups. Politicisation of the nomination of the Commission President does indeed appear attractive, but the risk of the European Parliament having to reverse its decision when the vote of approval is taken should be gauged.

8. Under Mr GUTIÉRREZ DÍAZ's proposal, on the other hand, it would be possible to defer Parliament's vote to approve the College so as to secure changes to the programme of the potential Commission. This should perhaps be contemplated for the nomination of the Commission President. It would certainly be a move to enhance his authority.

9. This then raises the question of the chronological sequence of the various stages of the procedure, which warrants close examination. By imposing upon itself the requirement to take the vote on the approval of the nomination of the Commission President at its constituent part-session, is not Parliament depriving itself of the opportunity to influence the programme of the candidate for the Commission Presidency? I will therefore be proposing a procedure in two stages.

10. It is not certain that it would be advisable to make the possible composition of the College a feature of the statement to Parliament by the candidate for President of the Commission, since that may make agreement between him or her and the governments of the Member States more difficult, especially as approval of the College is covered by a separate procedure.

11. Past experience suggests that the procedure to approve the College must be improved: the drafting of conclusions, which has been the practice up to now, is a more or less arbitrary exercise and the 'sum' of the individual judgments made by committee chairmen does not provide a basis for judging the College as such. I propose that the hearings in committee should no longer be followed up by the forwarding of conclusions. It would then be for the different political groups to decide their position on the College on the basis of a summary of the impressions gained by their members from the hearings in committee.

INTERINSTITUTIONAL AGREEMENTS (Amendment 3)

(¹) PE 226.933

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12. The introduction of a new Rule 48a on interinstitutional agreements, proposed in the draft report by Mrs PALACIO and Mr CORBETT(1), appears sensible but, given that there is some confusion in-house as to who is entitled to negotiate, it seems to me that their proposed amendment might usefully be enlarged upon.

AMENDING THE CODECISON PROCEDURE AND OVERALL IMPROVEMENT OF THE LEGISLATIVE PROCEDURE (Amendments 5 to 12)

13. In this area, the draft report by Mrs PALACIO and Mr CORBETT (op. cit.) makes very detailed proposals, the majority of which can be supported by the Committee on Institutional Affairs and in respect of which I am not therefore proposing any amendments to the Rules of Procedure. I confine myself therefore below to setting out a number of reservations (which I will suggest you adopt by way of conclusion) and a number of additional suggestions. I suggest that legislative planning be clearly tied to the Commission's work programme (linked to the first reading of the budget) and to the half-yearly work programme of the Council presidency. In addition, it is in my view appropriate to avoid needless disruption of Parliament's planning by requests for urgent procedure from the Council and the Commission: I therefore propose that such requests should first be considered by the Conference of Presidents.

14. The question of improving legislative planning, and hence that of revising the procedure provided for in Rule 49, deserves to be raised first of all so that a genuine interinstitutional dialogue can be established.

15. Secondly, I share Mr CORBETT's reservations about Mrs PALACIO's proposal to insert new Rules 49a(2) and 49b on respect for fundamental rights and the principles of subsidiarity and proportionality respectively.

16. With regard to Rule 51, it is indeed advisable to make it mandatory for the committee responsible to appoint a rapporteur where a proposal is listed in the annual legislative programme. (In the present Rules, this is simply optional.) The fact is that this stage, though it is no more than a prelude to the legislative procedure, causes too many delays. It is perhaps even conceivable to go further and picture a situation where, whenever Parliament has been given a time-limit(3), the chairman of the committee responsible can be appointed rapporteur ex officio if a rapporteur has not been able to be appointed in time.

(1) PE 226.934/rev.
(2) Moreover, even supposing that there was a need to adopt such a rule on respect for fundamental rights, it seems to me that the committee responsible for civil liberties ought to be the one asked for its opinion.
(3) Third pillar in particular.
17. With regard to Rule 53, the choice of legal basis has in the past been the source of a host of difficulties between institutions, but also within Parliament, which the blanket use of the codecision procedure ought to tend to diminish. (The extent of Parliament’s power is what is at stake in disputes concerning legal bases.) This could still be an important issue in the future, however, in terms of the boundaries of Community competence vis-à-vis national competences. The procedure set out in Rule 53 could be clarified and simplified to this end, particularly since it seems redundant in relation to the opinion which the committee responsible for legal affairs may be required to deliver on a possible referral to the Court and since it has sometimes in the past been a cause of delay or misunderstanding. I suggest that the opinion on the legal basis should henceforward go through ordinary legal channels with the proviso, however, that the committee responsible for legal affairs should not have to seek referral to itself.

Moreover, it seems to me appropriate to require the committees to verify the consistency between the legal basis and the amendments which they adopt.

18. With regard to Rule 57: it does now seem essential to emphasise the presence of the Council right from the first reading. In this connection, the draft report by Mrs PALACIO and Mr CORBETT proposes that the Council simply be invited to forward its comments. In the absence of a mandate given to the rapporteur or chairman, it would appear difficult to go further in this respect. Furthermore, rather than legitimising with the paragraph 2(a) of Rule 57 proposed by Mr CORBETT the Commission’s involvement in Parliament’s work (according to the Treaty, the Commission does retain its power of initiative throughout the procedure but, when it amends its initial proposal, it must submit it to the Council and to Parliament after approval by the College, etc.), I suggest borrowing and adapting in terms of the work in committee the wording used by the Treaty for the Commission’s role in the Conciliation Committee (but in Rule 56(3)).

Lastly, the paragraph 3(a) suggested by Mr CORBETT seems to me to place Parliament in a position of weakness: why brandish a threat while at the same time spelling out how it can be avoided?

19. The draft report by Mrs PALACIO and Mr CORBETT proposes, in Rule 62, that the President of Parliament be able to request the Council to reconsult it if elections have taken place since Parliament delivered its opinion. This seems to me to be a negation of Parliament’s institutional continuity which also puts Parliament in the position of a supplicant vis-à-vis the Council. Conversely - here the situation is a different one since the procedure has not been completed - the derogation suggested in Rule 72 from the restrictions on the admissibility of amendments when elections have taken place since the first reading seems to me likely to introduce a worthwhile element of flexibility into our Rules of Procedure.

20. In practise, Parliament’s credibility depends on the quality, in both legal and drafting terms, of amendments (this must also be extended to the arrangements for legal-linguistic revision at all
stages of the procedure). Accordingly, ought not Rule 125 on the admissibility of amendments to be enlarged upon? Pending the conclusion of an interinstitutional agreement on the drafting quality of Community legislation, I suggest at least the introduction of a reference (1) to a future annex.

CFSP-RELATED PROVISIONS

21. Article J.11 (21)(2) of the Treaty of Amsterdam reproduces current Article J.7. verbatim. Ostensibly, then, it would not appear to require amendment of Rules 91 and 92 of the Rules (apart from bringing the references to the Treaty into line), which lay down the procedure for the EP to adopt recommendations in the field of the CFSP.

22. Mr CORBETT’s draft report(5) goes for a different option, however, by providing for, in addition to a radical overhaul of Rules 91 and 92, the addition of a Rule 39a, 91 and 92 on statements by the High Representative for the CFSP (or by special representatives) and on the reports to be made by the High Representative before the Committee on Foreign Affairs. This option has the merit of raising the profile - within the Rules of Procedure - of the foreign policy role which Parliament intends to play. However, it makes the Rules more cumbersome. The committee responsible for foreign affairs is preparing an opinion on this point. I suggest therefore that the matter be left to that committee to decide.

PROVISIONS RELATING TO THE FIELD OF JUSTICE AND HOME AFFAIRS (JHA)
(Amendments 13 and 14)

23. The Treaty of Amsterdam has scaled down the third pillar (intergovernmental pillar) to police and judicial cooperation in criminal matters and placed consultation of the EP on a systematic footing (albeit subject to possible time restrictions). The remainder of the JHA field has been incorporated into the EEC Treaty.

24. Should the fact that these are now ‘run-of-the-mill’ matters be reflected by deleting Rules 93 and 94 of the Rules? In the interests of simplification, this appears warranted. It should be noted, however, that the notion of Parliament’s ‘recommendations’ to the Council is maintained under

(1) The (e)a proposed in the draft report from the Committee on the Rules of Procedure surprises me: is it the purpose of the Rules of Procedure to rectify the absent-mindedness of Members? Why should not the amendment tabled second be the right one?

(2) The number in parentheses is the number of the article in the consolidated version of the Treaties.

(5) PE 227.510/rev.
what remains of the third pillar and that consultation of Parliament on joint positions is not mandatory. It therefore appears desirable to maintain specific provisions relating to them.

25. In this connection, Mrs PALACIO VALLELERSUNDI opts in her draft report(1) for a revised Chapter XI of the Rules of Procedure, which can in my view be simplified. I therefore propose confining ourselves to:
- amending its title since much of the field of justice and home affairs has been moved to the first pillar;
- clarifying as to when the period (to which the Council may confine consultation of Parliament) commences.

PROCEDURE FOR DETERMINING THE EXISTENCE OF A SERIOUS AND PERSISTENT BREACH BY A MEMBER STATE OF FUNDAMENTAL RIGHTS

26. This new procedure introduced by Article F.1 of the TEU (7), which makes provision for the European Parliament to give its assent, must be incorporated into the Rules:

This raises two questions:

- is it necessary to draft a new rule specifically given over to this procedure, or is it sufficient to adapt Rule 80 of the Rules (which concerns assent only in respect of international agreements and legislative proposals)?

- does the potential seriousness of the consequences of applying this procedure (suspension of the relevant Member State’s rights deriving from application of the Treaty) warrant stipulating a particular interval between the announcement of referral and Parliament’s vote?

27. Article F.1 also raises the question as to which committee would be responsible for drawing up the recommendation (provided for in Rule 80 of the Rules) for plenary. Normally, the Committee on Civil Liberties is responsible for matters concerning fundamental rights in the Union(2). The Committee on Institutional Affairs ought to be asked for its opinion, however, given the institutional implications of the possible suspension of a Member State. As indicated above, the Committee on Institutional Affairs should not submit amendments on this point; it may none the less raise the question in its opinion.

28. The draft report by Mr Richard CORBETT (op.cit) for the Committee on the Rules of Procedure suggests the introduction of a new Rule 94a together with an adjustment to Rule 80 enabling the

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(1) PE 226,935/rev.
(2) Might not the violation of fundamental rights relate to events which have taken place outside the Union, however?
European Parliament to request the Commission to initiate this procedure, setting a minimum period of one month between the announcement of referral and the vote, and providing for this to be complemented by a vote on a resolution on appropriate sanctions and on the conditions for revoking. As I propose that you support this approach, I have not tabled any amendment on this subject.

**CLOSER COOPERATION** (Amendment 15)

29. The Treaty of Amsterdam has introduced a series of new provisions in this connection: Articles K.15 (43) to K.17 (45) as regards general provisions, Articles K.12 (40) to K.14 (42) as regards the third pillar, and Article 5a (11) as regards the first pillar.

30. Two key questions in this connection: firstly, the question of consultation of the EP on the launching of closer cooperation (under the third pillar, the EP is simply 'notified'); secondly, the question of voting on legislative proposals by Members who are nationals of countries not participating in closer cooperation(1).

31. On that last point it should be noted that, in not laying down particular provisions on voting in Parliament, the Treaty has clearly opted to respect its institutional integrity, as underscored by the Frischenschlager report recently adopted by this committee. Proposing clarification of this in the Rules risks stirring up difficulties where perhaps, ultimately, there is no need to do so.

32. With regard to the consultation procedure for the launching of closer cooperation, it would seem necessary to add a special chapter to the Rules, as is proposed by Mrs PALACIO (op. cit.), which should specify that Parliament will treat 'notification' (closer cooperation under the third pillar) as consultation. Moreover, your draftsman suggests that the Committee on Institutional Affairs be systematically asked for its opinion given the overarching nature of its terms of reference and the institutional dimension of the consequences of closer cooperation.

**MONETARY UNION, EMPLOYMENT**

33. The Treaty of Amsterdam - much of it, incidentally, prompted by the EP - has introduced new provisions with a view to defining a coordinated strategy on employment in a new Title VIII (VIa). They should be analysed as part of the general discussion, within the Committee on Institutional Affairs, of the institutional consequences of the introduction of monetary union. Pending conclusion of an interinstitutional agreement, however, it would appear premature to seek to restructure the provisions of the Rules which govern EP intervention in the economic field. I am not therefore proposing any amendment to the Rules of Procedure in this field.

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(1) How closer cooperation is implemented is less important in that the normal procedures must apply.
TRANSPARENCY

34. For the time being, transparency is an issue only in terms of the documents to which Parliament must be able to have access during the legislative procedure (Rule 55) and the procedure for the consideration of confidential documents communicated to Parliament (Annex VII).

35. From now on, Article 191a(3) (255) of the Treaty requires each institution to draw up specific provisions, in its rules of procedure, regarding access to its documents, once the general principles of, and constraints on, this right of access have been laid down under the codecision procedure within two years of the entry into force of the new Treaty. At this stage, then, there is no need for the Committee on Institutional Affairs to make relevant proposals.

Following the same line of thinking, publication of institutional agreements in a satisfactory form would appear essential.

MISCELLANEOUS

36. The Rules must take account of the possibility for the EP to consult the Committee of the Regions and the Economic and Social Committee; the GUTIÉRREZ DÍAZ draft report makes a number of suggestions in this connection, of which it seems to me to be preferable, however, to submit a very simplified version (Amendment 16).

37. This committee should also consider the question of how the Rules address relations with national parliaments, in particular via COSAC. The new Rules 48c and 48d proposed in the GUTIÉRREZ DÍAZ draft report seem to me sound in this respect. I suggest adding the right of attendance of members of national parliaments at debates in committee (Amendment 4).

38. Regardless of the Treaty of Amsterdam, other provisions of the Rules of Procedure could be improved, in particular as regards synergy between the committee responsible and committees asked for opinions, verification of the quorum for votes on resolutions on topical and urgent subjects, the setting-up and role of interparliamentary delegations, the introduction of an urgency procedure in committee or the possibility, dear to this committee, of appointing co-rapporteurs.

39. Lastly, the Rules could be made more readable by reorganising the chapters.

CONCLUSIONS

In conclusion, the Committee on Institutional Affairs, which has been asked for its opinion, calls on the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, as the committee responsible:
A. to take into consideration the following conclusions:

1. Believes that it is inappropriate to adopt very detailed provisions on respect for fundamental rights and the principles of subsidiarity and proportionality;

2. Emphasises that the proposed amendment to Rule 62 of the Rules of Procedure envisaging the President of Parliament requesting the Council to reconsult Parliament where elections have taken place since delivery of its opinion constitutes a negation of the institutional continuity of Parliament;

3. Considers the proposal contained in the draft report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities concerning the implementation in Parliament’s Rules of Procedure of the sanctions procedure in the event of a serious and persistent breach of fundamental rights by a Member State to be a sound one;

4. Endorses the objective of improving relations with national parliaments as spelt out in the proposals from the Committee on the Rules of Procedure, the Verification of Credentials and Immunities;

B. to put to the vote the following amendments:

APPROVAL OF THE NOMINATION OF THE COMMISSION

(Amendment 1)
Rule 32

Nomination of the President of the Commission

1. When the governments of the Member States have agreed on a nomination for President of the Commission, the President shall request the nominee to make a statement to Parliament. The statement shall be followed by a debate.

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

Nomination of the President of the Commission

1. When the governments of the Member States have agreed on a nomination for President of the Commission, the President shall request the nominee to present his programme 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 roll call.

3. The President shall forward the result of the vote to the President of the European Council and to the governments of the Member States as Parliament’s opinion.

4. If the result of the vote in Parliament on the nomination for President of the Commission is negative, the President shall request the governments of the Member States to withdraw their nomination and submit a new nomination to Parliament.

2. At the end of this debate, Parliament shall adopt a resolution setting its political priorities.

3. Parliament shall approve or reject the nomination by an absolute majority of the votes cast.

The vote shall be taken by secret ballot.

4. The President shall forward the result of the vote to the governments of the Member States.

(Deleted).
Vote of approval of the Commission

1. When the governments of the Member States have agreed on the other persons they intend to appoint as Members of the Commission, the President shall, after consulting the nominee for President of the Commission, request the nominees to appear before the appropriate committees according to their prospective fields of responsibility.

2. The committee may invite the nominee to make a statement and answer questions. The committee shall report its conclusions to the President.

3. The nominee for President shall present the programme of the nominated Commission at a sitting of Parliament which the whole Council shall be invited to attend. The statement shall be followed by a debate.

4. In order to wind up the debate, any political group may table a motion for a resolution which shall contain a statement that:
   a) Parliament approves the nominated Commission, or
   b) Parliament rejects the nominated Commission, or
   c) in order to allow the reservations expressed by Parliament in the debate to be addressed, Parliament defers the vote until the next sitting.

5. Parliament shall vote its approval of the Commission by a majority of the votes cast. The vote shall be taken by roll call.

Vote of approval of the Commission

1. When the governments of the Member States have agreed on the other persons they intend to appoint as Members of the Commission, the President shall, after consulting the nominee for President of the Commission, request the nominees to appear before the appropriate committees according to their prospective fields of responsibility.

2. The committee may invite the nominee to make a statement and answer questions. The debate in committee shall not be followed either by a vote or by the drafting of conclusions.

3. The nominee for President shall present the nominated Commission at a sitting of Parliament. The presentation shall be followed by a debate.

4. In order to wind up the debate, any political group may table a motion for a resolution which shall contain a statement that:
   a) Parliament approves the nominated Commission, or
   b) Parliament rejects the nominated Commission, or
   c) in order to allow the reservations expressed by Parliament in the debate to be addressed, Parliament defers the vote until the next sitting.

5. Parliament shall vote its approval of the Commission by a majority of the votes cast. The vote shall be taken by secret ballot.
6. If Parliament approves the nominated Commission, the President shall notify the governments of the Member States that the appointment of the Commission may now take place.

INTERINSTITUTIONAL AGREEMENTS

(Amendment 3)

Rule 48a (new)

1. Parliament may enter into agreements with other institutions, notably in order to facilitate the operation of the Treaties, or to improve or clarify procedures.

2. The President of Parliament may delegate his power of negotiation to the chairman of the committee responsible for the area in question.

3. Such agreements may take the form of joint declarations, exchanges of letters or codes of conduct or other appropriate designations. They shall be signed by the President after approval by Parliament. They may be annexed to the Rules of Procedure for information.
RELATIONS WITH THE NATIONAL PARLIAMENTS

(Amendment 4)
Rule 48c (new)

Exchange of information, contacts and reciprocal facilities

1. The European Parliament shall keep national parliaments of the Member States regularly informed of its activities.

2. The Conference of Presidents may give a mandate to the President of Parliament to negotiate facilities for the national parliaments of the Member States, on a reciprocal basis, and to propose any other measures to facilitate contacts between the European Parliament and the national parliaments.

3. Members of national parliaments may attend debates in committee and any other meeting held in Parliament except for the plenary sitting.
AMENDING THE CODECISION PROCEDURE AND OVERALL IMPROVEMENT OF THE LEGISLATIVE PROCEDURE

(Amendment 5)

Rule 51

Consideration of legislative documents

1. Proposals from the Commission and other documents of a legislative nature shall be referred by the President to the committee responsible for consideration.

Where a proposal is listed in the Annual Legislative Programme the committee responsible may decide to appoint a rapporteur to follow the preparatory phase of the proposal.

Consultations by the Council or requests from the Commission for an opinion shall be forwarded by the President to the committee responsible for consideration of the proposal concerned.

The provisions for the first reading as set out in Rules 53 to 63 shall apply to legislative proposals whether they require one, two or three readings.

2. Common positions from the Council shall be referred for consideration to the committee responsible at the first reading.

The provisions for the second reading as set out in Rules 64 to 73 shall apply to common positions.

3. During the Conciliation procedure between Parliament and the Council following the second reading, no referral back to committee shall take place.

Consideration of legislative documents

1. Proposals from the Commission and other documents of a legislative nature shall be referred by the President to the committee responsible for consideration.

Where a proposal is listed in the Annual Legislative Programme the committee responsible shall decide to appoint a rapporteur to follow the preparatory phase of the proposal.

In cases where a time-limit is set within which Parliament must act, the chairman of the committee responsible shall automatically be appointed rapporteur where, at the meeting following the referral, a rapporteur could not be appointed.

Consultations by the Council or requests from the Commission for an opinion shall be forwarded by the President to the committee responsible for consideration of the proposal concerned.

The provisions for the first reading as set out in Rules 53 to 63 shall apply to legislative proposals whether they require one, two or three readings.

2. Common positions from the Council shall be referred for consideration to the committee responsible at the first reading.

The provisions for the second reading as set out in Rules 64 to 73 shall apply to common positions.

3. During the Conciliation procedure between Parliament and the Council following the second reading, no referral back to committee shall take place.
The provisions for the third reading as set out in Rules 74 to 78 shall apply to the committee responsible at the first reading.

4. Rules 52, 58(1) and (3), 59, 60, 129, 143, 144 and 147 shall not apply during the second and third readings.

5. In the event of a conflict between a provision of the Rules of Procedure relating to the second and third readings and any other provision of the Rules, the provision relating to the second and third readings shall take precedence.

(Amendment 6)
Rule 56

Modification of a Commission proposal

1. If the committee responsible, during its examination of a Commission proposal, becomes aware that the Council intends to modify substantially this proposal, it shall formally ask the Commission whether it intends to alter its proposal.

2. If the Commission declares that it intends to alter its proposal, the committee responsible shall postpone its examination of this proposal until it has been informed about the new proposal or amendments by the Commission.

3. During the examination of a Commission proposal in the committee responsible, the Commission may also on its own initiative table amendments to its proposal directly in the committee.

Modification of a Commission proposal

1. If the committee responsible, during its examination of a Commission proposal, becomes aware that the Council intends to modify substantially this proposal, it shall formally ask the Commission whether it intends to alter its proposal.

2. If the Commission declares that it intends to alter its proposal, the committee responsible shall postpone its examination of this proposal until it has been informed about the new proposal or amendments by the Commission.

3. The Commission shall take part in the committee’s proceedings and shall take all the necessary initiatives with a view to facilitating the smooth operation of the legislative process.
4. If the Commission declares, following a request under paragraph 1, that it does not intend to alter its proposal, the committee responsible shall proceed with its examination of the proposal. The declaration of the Commission shall be annexed to the report and shall be considered by Parliament as binding on the Commission even after the completion of the first reading.

5. If, following a Commission declaration under paragraph 4, the Council, notwithstanding the position of the Commission, proceeds to a decision which substantially modifies the original Commission proposal, the President of Parliament shall remind the Council of its obligation to consult Parliament again.

(Amendment 7)

Rule 57

**Commission position on amendments**

1. Before the committee responsible proceeds to the final vote on a Commission proposal, it shall request the Commission to state its position on all the amendments to the proposal adopted by the committee.

2. If the Commission is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee then the committee may postpone the final vote.

3. The position of the Commission shall be annexed to the report.

**Commission and Council position on amendments**

1. Before the committee responsible proceeds to the final vote on a Commission proposal, it shall request both the Commission to state its position on all the amendments to the proposal adopted by the committee, and the representative of the Council to comment.

2. If the Commission is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee then the committee may postpone the final vote.

3. If appropriate, the position of the Commission shall be annexed to the report.
Rule 58

1. Without prejudice to Rules 52, 99 and 143(1), Parliament shall discuss the legislative proposal on the basis of the report drawn up by the committee responsible pursuant to Rule 144.

2. Parliament shall first vote on the amendments to the proposal with which the report of the committee responsible is concerned, then on the proposal, amended or otherwise, then on the amendments to the draft legislative resolution, then on the draft legislative resolution as a whole, which shall contain only a statement as to whether Parliament approves, rejects or proposes amendments to the Commission’s proposal and any procedural requests.

The consultation procedure is concluded if the draft legislative resolution is adopted.

All reports tabled under the legislative procedure should conform to the provisions of Rules 51, 53 and 144. Any non-legislative motion for a resolution tabled by a committee should be in accordance with the referral procedures provided for in Rules 139 or 148.

3. The text of the proposal as approved by Parliament and the accompanying resolution shall be forwarded to the Council and Commission by the President as Parliament’s opinion.
1. On the day of its communication to Parliament pursuant to Rule 64(1), the common position shall be deemed to have been referred automatically to the committee responsible and to the committees asked for their opinion at first reading.

2. The common position shall be entered as the first item on the agenda of the first meeting of the committee responsible following the date of its communication.

3. Unless otherwise decided, the rapporteur during second reading shall be the same as during first reading.

4. The provisions for Parliament’s second reading in Rules 69(1), 71(1) and 72(2) and (4) shall apply to the proceedings in the committee responsible; only members or permanent substitutes of that committee may table proposals for rejection or amendments. The committee shall decide by a majority of the votes cast.

5. The committee responsible may request a dialogue with the Council in order to reach a compromise.

6. The committee responsible shall submit a recommendation for second reading proposing the decision Parliament should take on the common position adopted by the Council. The recommendation shall include a short justification for the decision proposed.

7. If the common position is approved without amendment, the recommendation may take the form of a letter.

1 See Rule 72(2)(b).
Justification:
This amendment would make for greater openness.

(Amendment 10)
Rule 77

1. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall automatically be placed on the agenda of the last part-session to fall within six or, if extended, eight weeks of the date of approval of the joint text by the Conciliation Committee unless the matter has been dealt with earlier.

2. Parliament shall discuss the joint text on the basis of a report by its delegation to the Conciliation Committee.

3. No amendments may be tabled to the joint text.

4. The joint text as a whole shall be the subject of a single vote. The joint text shall be approved if it secures a majority of the votes cast.

5. Where no agreement has been reached on a joint text, the chairman of Parliament’s delegation to the Conciliation Committee shall state the reasons therefor in writing. Parliament shall hold a brief debate without a vote on that statement.

Justification:
Whether agreement has been reached or not, the outcome of conciliation procedures should be dealt with in as open a fashion as possible. Statements of reasons and brief debates in plenary would be mandatory in both cases.
(Amendment 11)  
Rule 112

1. Parliament may deliberate, settle its agenda and approve the minutes of proceedings, whatever the number of Members present.

2. A quorum shall exist when one third of the component Members of Parliament are present in the Chamber.

3. All votes shall be valid whatever the number of voters unless the President, on a request made before voting has begun by at least twenty-nine Members, establishes at the moment of voting that the quorum is not present. If the vote shows that the quorum is not present, the vote shall be placed in the agenda of the next sitting.

   A request for the quorum to be established must be made by at least twenty-nine Members. A request on behalf of a political group is not admissible.

When establishing the result of the vote, account must be taken, pursuant to paragraph 2, of all the Members present in the Chamber and, pursuant to paragraph 4, of all the Members who asked for the quorum to be established. The electronic voting system cannot be used for this purpose. The doors of the Chamber may not be closed.

Paragraph 3 last sentence shall not apply to votes on procedural motions but only to votes on the subject matter itself.

4. Members who have asked for the quorum to be established shall be counted as being present within the meaning of paragraph 2, even if they are no longer in the Chamber.

5. If fewer than twenty-nine Members are present, the President may rule that there is no quorum.

1. Without prejudice to the special provisions laid down in Rule 58(2), Parliament may deliberate, settle its agenda and approve the minutes of proceedings, whatever the number of Members present.

2. Unless votes are to be taken under Rule 58(2), a quorum shall exist when one third of the component Members of Parliament are present in the Chamber.

3. Without prejudice to the special provisions laid down in Rule 58(2), all votes shall be valid whatever the number of voters unless the President, on a request made before voting has begun by at least twenty-nine Members, establishes at the moment of voting that the quorum is not present. If the vote shows that the quorum is not present, the vote shall be placed in the agenda of the next sitting.

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Paragraph 3 last sentence shall not apply to votes on procedural motions but only to votes on the subject matter itself.

4. Members who have asked for the quorum to be established shall be counted as being present within the meaning of paragraph 2, even if they are no longer in the Chamber.

5. If fewer than twenty-nine Members are present, the President may rule that there is no quorum.
Justification:
This amendment would guarantee that all votes at first reading would take place when a substantial number of Members were present. The alternative approach, laying down a specific majority, would be contrary to the Treaty.

(Amendment 12)
Rule 124

1. Any member may table amendments for consideration in the committee responsible. Ammendments for consideration in Parliament may be tabled by the committee responsible, a political group or at least twenty-nine Members.

Amendments shall be tabled in writing and signed by their authors.

Amendments for consideration in Parliament may be tabled by the committee responsible, a political group or at least twenty-nine Members.

All amendments tabled under legislative procedures must be accompanied by a brief written justification.

In this and the following Rule the term "text" means the whole of a motion for a resolution/draft legislative resolution, of a proposal for a decision or of a Commission proposal.

2. Subject to the limitations laid down in Rule 125, an amendment may seek to change any part of a text, and may be directed to deleting, adding or substituting words or figures.

In this and the following Rule the term "text" means the whole of a motion for a resolution/draft legislative resolution, of a proposal for a decision or of a Commission proposal.

3. The President shall set a deadline for the tabling of amendments.

3. The President shall set a deadline for the tabling of amendments.

4. An amendment may be moved during the debate by its author or by any other Member appointed by the author to replace him.

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5. Where an amendment is withdrawn by its author, it shall fall unless immediately taken over by another Member.

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6. Amendments shall be put to the vote only after they have been printed and distributed in all the official languages, unless Parliament decides otherwise. Parliament may not decide otherwise if (sic) at least twelve Members object.

*Oral amendments tabled in committee may be put to the vote unless one of the committee’s members objects.*

**Justification:**
The purpose of individual amendments would be clarified. Amendments would be easier to translate, and their legislative standard improved.
Consultation of and provision of information to Parliament in the fields of justice and home affairs.

1. The committee responsible for matters relating to cooperation in the fields of justice and home affairs shall ensure that Parliament is fully informed and consulted on the activities covered by such cooperation and that its opinions are duly taken into consideration, particularly in connection with the joint positions, joint actions and conventions referred to in Article K.3 of the Treaty on European Union.

2. Where appropriate, the committee shall inform Parliament in accordance with these Rules.

3. The Council and Commission shall provide the committee responsible with full, regular and timely information on the development of cooperation in the fields of justice and home affairs.

4. At the request of the Commission or the Council, a committee may decide to hold its proceedings in camera.

5. The detailed rules for consultation and information, including procedures and frequency, will be included as an annex to these Rules.

Consultation of and provision of information to Parliament in the fields of police and judicial cooperation in criminal matters.

1. The committee responsible for matters relating to cooperation in the fields of police and judicial cooperation in criminal matters shall ensure that Parliament is fully informed and consulted on the activities covered by such cooperation 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)(1) of the Treaty on European Union.

2. Where appropriate, the committee shall inform Parliament in accordance with these Rules.

3. The debate referred to in Article 39(3) of the Treaty on European Union shall be held in accordance with the arrangements laid down in Rule 37(2), (3) and (4).

4. The time-limit provided for in Article 39(1) of the Treaty on European Union shall commence with the announcement by the President of a referral in plenary.

(Deleted).

(1) ex Article K.6.
(Amendment 14)
Rule 94

**Recommendations in the fields of justice and home affairs**

1. The committee responsible for matters relating to cooperation in the fields of justice and home affairs may draw up recommendations to the Council in its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 46.

In urgent cases the authorisation referred to in the first subparagraph may be granted by the President of Parliament, who may likewise authorise an emergency meeting of the committee concerned.

Recommendations drawn up in this way shall be included on the agenda for the next part-session.

2. The debates provided for under Article K.6 of the Treaty on European Union shall be held in accordance with the arrangements laid down in Rule 37(2), (3) and (4).

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

1. The committee responsible for matters relating to cooperation in the fields of police and judicial cooperation in criminal matters may draw up recommendations to the Council in its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 46.

2. In urgent cases the authorisation referred to in paragraph 1 may be granted by the President of Parliament, 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.

(Deleted).
CLOSER COOPERATION

(Amendment 15)
Rule 94a (new)

1. Commission proposals to introduce closer cooperation between Member States in an area governed by the Treaty establishing the European Community shall be referred by the President to the committee responsible for consideration. The committee responsible for institutional affairs shall be asked for its opinion.

2. Parliament shall treat the notification of requests from Member States to introduce closer cooperation among themselves as a consultation on the Commission’s proposals.

3. Parliament shall ensure strict compliance with the provisions of Article 43 of the Treaty on European Union and, depending on the area, of Article 11 of the Treaty establishing the European Community or of Article 40 of the Treaty on European Union.

4. The provisions of these Rules of Procedure shall apply to the procedures employed in implementing closer cooperation.
1. At the request of the chairman of a committee relating to matters of a general nature or of the rapporteur responsible under a specific procedure, the Conference of Presidents may authorise consultation of the Economic and Social Committee or of the Committee of the Regions.

2. The opinion delivered by the Economic and Social Committee or by the Committee of the Regions shall be annexed to the committee’s report.
OPINION
(Rule 147)

for the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett, Antoni Gutiérrez Díaz, Ana Palacio Vallelersundi)

Committee on Budgetary Control

Letter from the committee chairman to Mr Ben Fayot, chairman of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

Brussels, 30 October 1998

Dear Mr Fayot,

The Committee on Budgetary Control considered the above subject at its meeting of 29 October 1998 and adopted the following amendments(1):

(Amendment 1 by Mrs Müller)
Rule 22(2)
Duties of the Bureau

2. The Bureau shall take financial, organisational and administrative decisions on matters concerning Members and the internal organisation of Parliament, its Secretariat and its bodies.

2. The Bureau shall take financial, organisational and administrative decisions on matters concerning Members and the internal organisation of Parliament, its Secretariat and its bodies. The President shall have sole responsibility for decisions overruling a withholding of approval by the Financial Controller.

(1) The following were present for the vote: Theato, chairman; Bardong, Dell’Alba, Garriga Polledo, Fabra Vallés (for Redondo Jiménez), Kellett-Bowman, Wemheuer and Wynn.
1. Parliament may request the Commission to submit to it any appropriate legislative proposal pursuant to Article 138b, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible and authorised pursuant to Rule 148.

1. Without prejudice to Article 276 of the TEU and Articles 3 to 7 of Annex V to these Rules of Procedure, Parliament may request the Commission to submit to it any appropriate legislative proposal pursuant to Article 138b, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible and authorised pursuant to Rule 148.

Yours sincerely,

(sgd)
OPINION
(Rule 147)

for the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

on the amendments to be made to the Rules of Procedure (rapporteurs: Richard Corbett,
Antoni Gutiérrez Díaz, Ana Palacio Vallezersundi)

Committee on Petitions

Draftsman: Mrs Renate Charlotte Heinisch

PROCEDURE

At its meeting of 16/17 March 1998 the Committee on Petitions appointed Mrs Heinisch draftsman.

It considered the draft opinion at its meetings of 29 and 30 June 1998 and 22 and 23 July 1998. At
the last meeting it adopted the following conclusions by 10 votes to none with one abstention.

The following took part in the vote: Fontana, chairman; Newman, vice-chairman; Heinisch,
draftsman, De Esteban, Gutiérrez Díaz, Kellett-Bowman, Marinucci, Papakyriazis, Perry,
Schmidbauer and Tamino.

I. Introduction

This opinion must be seen in conjunction with two other opinions recently delivered by the
Committee on Petitions on reports by the Committee on the Rules of Procedure, the Verification of
Credentials and Immunities, namely Mr Gutiérrez Díaz's opinion on the report by Mr Crowley on
the amendment of Rule 161 of Parliament's Rules of Procedure (activities of the Ombudsman)(1) and
Mrs Astrid Thors' opinion on the report by Mr Wibe on the amendment of Rule 156 (right of
petition).(2) The Rules Committee has also drawn up a report on the languages of petitions (Rule
156(3) of the Rules of Procedure - rapporteur: Mr Evans)(3) on which the Petitions Committee did
not deliver an opinion. These reports were adopted by Parliament in July 1998.

Since the Amsterdam Treaty, unlike the Maastricht Treaty, does not introduce any changes to the
legal basis for the right of petition, the relevant section of the Rules of Procedure does not
necessarily require change. However, the Treaty does contain new provisions that will affect the
work of the Committee on Petitions and the Ombudsman (see section II). The Crowley report cleared
up a number of discrepancies between Parliament's Rules of Procedure and the Regulations and

(1) Doc. A4-0416/97.
(2) Doc. A4-0158/98.
(3) Doc. A4-0209/98.
general conditions governing the performance of the Ombudsman’s duties(1). The report by Mr Corbett, Mrs Palacio Vallelersundi and Mr Gutiérrez Díaz should therefore be seen as an opportunity to revise the Rules of Procedure in the light of experience over recent years, particularly with regard to cooperation between Parliament and the European Ombudsman.

II. The Amsterdam Treaty and the right of petition and complaint

The right to address a petition to the European Parliament or make a complaint to the European Ombudsman was introduced by the Treaty on European Union, which entered into force on 1 November 1993 (Articles 8d, 138d and 138e). The Amsterdam Treaty has done nothing to alter this. However, Union citizenship, of which these two rights are a part, has acquired a more solid basis, for instance through:

* the Union's commitment to take decisions 'as openly as possible and as closely as possible to the citizen' (Article 1 of the consolidated version of the TEU, second paragraph),
* the entitlement to a written answer from any of the Community institutions or bodies (Article 21, third paragraph, consolidated version of the TEC) and
* the new provisions on public access to documents of the institutions and bodies of the European Union (Article 255, consolidated version of the TEC).

Finally, decisions on the freedom of movement guaranteed by Union citizenship will be taken under the codecision procedure pursuant to Article 251 of the consolidated version of the TEC (Article 18 consolidated TEC). Hitherto the assent procedure was applied.

Since the purpose of petitions and complaints is to provide a means of settling certain problems connected with the activities of the European Communities outside the legal system and free of charge and to bring about greater efficiency and transparency in the way in which the European public administration operates, in the interests of citizens, they are clearly linked to the new provisions of the Amsterdam Treaty described above.

Moreover, in the foreseeable future the remit of the Community will be extended in the area of justice and home affairs as a result of the third pillar (including Europol) being brought partially within the Community's competence; this will have implications for the responsibilities and the scope of the activities of both the Committee on Petitions and the European Ombudsman (Article 40, consolidated TEU).

III. Guidelines for specialist committees of the European Parliament considering petitions

The Committee on Petitions does not have the power to make proposals for legislation based on ideas arising from petitions. This power is vested in the other committees of the European Parliament. The Committee on Petitions has therefore made a practice, in accordance with Rule 157(1) of the Rules of Procedure of the European Parliament, of referring to other committees a carefully selected few of the approximately 1300 petitions received each year, to enable them to take account of citizens' experiences and suggestions in their legislative reports. In a small minority of cases, the Committee on Petitions also asks other committees for opinions, for example when it is

not satisfied with a reply from the Commission and the matter at issue involves an important aspect of integration.

The Conference of Committee Chairmen is currently considering general guidelines for specialist committees of Parliament considering petitions. The Committee on Petitions welcomes this, as petitions are an important means of bringing information to the attention of the institutions of the Union and helping to control their legislative work. The Committee has therefore made appropriate proposals to the Conference of Committee Chairmen(1), which the latter adopted at its meeting of 14 July 1998. However, there does not appear to be any need to amend the Rules of Procedure on this subject, as Rule 157(1), second paragraph, already empowers the Committee on Petitions to ask other committees for opinions, particularly in the case of petitions which 'seek changes in existing law'.

IV. Reports by the European Ombudsman

The Committee on Petitions believes that the creation of the office of European Ombudsman must be backed up by the necessary resources and proper procedures. Both these aspects of the system of petitions and complaints must be further developed, bearing in mind that they are complementary. In this context, the European Ombudsman recently wrote to the President of the European Parliament(2) pointing out that Chapter XX of Parliament's Rules of Procedure (Rules 159-161) still makes no reference to the procedure for consideration of the European Ombudsman's reports in Parliament.

Hitherto the Ombudsman's annual reports have been examined by Parliament's Committee on Petitions which, pursuant to Annex VI of the Rules of Procedure, is responsible for relations with the Ombudsman. The committee drew up the corresponding reports and motions for resolutions and the Ombudsman was also given the opportunity to address the plenary.

In order to avoid uncertainty and to ensure that the Ombudsman's reports are given proper consideration, it would be useful to include provisions governing the procedure for consideration of these annual and special reports in Parliament's Rules of Procedure.

The Committee on Petitions is of the opinion that both the annual reports and the special reports of the European Ombudsman should be considered by the relevant committee, i.e. the Petitions Committee. In examining special reports, the Committee on Petitions should, pursuant to Article 3(4) or (7) of the Regulations concerning the Ombudsman, give its opinion on the issues raised by the Ombudsman. Where necessary, other committees which are responsible for matters covered by the report could be asked to deliver an opinion. Parliament could, on a proposal from the Committee on Petitions, where necessary involve any other Community institutions or bodies concerned by the relevant report to enable them to contribute their experience or useful information.

Certain special reports may have to be dealt with by urgent procedure, for instance where the Ombudsman's request to inspect documents or hear evidence has been turned down by a Community institution or body, as described in Article 3(4) of the Ombudsman Regulations. Situations of this

(1) PE 225,233.
(2) Letter dated 27 February 1998 from Mr Jacob SÖDERMAN, European Ombudsman, to Mr José Maria GIL-ROBLES, President of the European Parliament.
kind will probably not arise very often but Parliament’s Rules of Procedure should include provisions to cover such an eventuality.

CONCLUSIONS

In the light of the foregoing, the Committee on Petitions calls on the Committee on the Rules for Procedure, the Verification of Credentials and Immunities to take the following considerations into account in its future work on bringing Parliament’s Rules of Procedure into line with the Amsterdam Treaty:

1. With reference to Rule 157(1), second paragraph, of the Rules of Procedure of the European Parliament, the Committee on Petitions welcomes the guidelines for specialist committees of Parliament considering petitions, which have been drawn up by the Conference of Committee Chairmen.

2. The Committee on Petitions stresses the need to build on the successful cooperation established between the European Parliament and the European Ombudsman and to anchor it sufficiently clearly in the Rules of Procedure.

3. The Committee on Petitions proposes that Annex VI, XX (Powers and responsibilities of standing committees) should be clarified and that relations with the European Ombudsman should be included among the responsibilities of the Committee on Petitions.

4. It further proposes that clear rules on submission of the annual and special reports on the activities of the European Ombudsman should be included in Chapter XX, Rule 161 of the Rules of Procedure.

5. The Committee proposes that more precise rules for the submission and consideration of the annual reports and special reports of the European Ombudsman by the European Parliament be inserted in the Rules of Procedure.

6. If in future the European Ombudsman were to submit more interim or special reports on very specialised topics, the Committee on Petitions would advocate that not all of them should necessarily be considered by Parliament in plenary. Some of the matters covered by such reports could be dealt with more effectively if simpler and more rapid procedures were applied, which might be devised if this were felt appropriate. Corresponding provisions, modelled on Rule 44 or Rule 52, could be inserted in the Rules of Procedure.

7. The Committee on Petitions also proposes that a procedure be introduced in the Rules of Procedure for urgent consideration of reports by the European Ombudsman (see Article 3(4) of the rules governing the Ombudsman), for example with regard to their placing on the part-session agenda.
Letter from the committee chairman to Mr Fayot, chairman of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

Luxembourg, 12 October 1998

Dear Mr Chairman,

At its meeting of 23 and 24 July 1998, the Committee on Petitions adopted its opinion (draftsman: Mrs Heinisch) on the report by the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on the amendment of Parliament’s Rules of Procedure in the light of the provisions of the Amsterdam Treaty (rapporteurs: Mr Corbett, Mrs Palacio Vallelersundi and Mr Gutiérrez Díaz). In conclusion of the debate the Committee on Petitions noted that your committee had meanwhile decided to draw up a separate report (rapporteur: Mr Voggenhuber) on the procedure for considering the annual report and special reports by the European Ombudsman. The committee therefore decided that it would be appropriate for it also to deliver its opinion on this report in the form of a letter.

As stated in the above report, the Committee on Petitions takes the view that the Ombudsman's annual reports should be considered by the European Parliament's Committee on Petitions as the committee responsible for relations with the Ombudsman in accordance with Annex VI to the Rules of Procedure. It has hitherto been that committee that has considered the reports submitted by the Ombudsman and drawn up its own corresponding reports and motions for resolutions, at the same time providing the Ombudsman with the opportunity to address the plenary. To rule out any uncertainty and guarantee appropriate consideration for the Ombudsman's reports, it would be desirable to include in the Rules of Procedure the necessary provisions laying down the procedure for considering these annual and special reports.

In considering any special reports by the Ombudsman, the Committee on Petitions should deliver its opinion on matters raised by the Ombudsman in accordance with Article 3(4) and (7) of the Ombudsman's statute. Other committees to whose areas of competence a report was relevant could be asked to deliver opinions as necessary. The European Parliament could, on a proposal from the Committee on Petitions, ask Community Institutions or other bodies to whom a report was relevant to provide details of their own experience or relevant information as the need arose.
Some special reports may require urgent consideration. Such situations should not arise very frequently, but it would nevertheless be useful to incorporate into Parliament's Rules of Procedure provisions enabling a solution to be found to this kind of problem.

In the abovementioned opinion by Mrs Heinisch (PE 227.217/fin) the Committee on Petitions had forwarded certain conclusions to your committee - conclusions that were confirmed at the meeting of the Committee on Petitions of 23 and 24 September 1998:\(^1\):

- The Committee on Petitions proposes that Annex VI, Chapter XX (Powers and responsibilities of standing committees) should be clarified and that relations with the European Ombudsman should be included among the responsibilities of the Committee on Petitions;
- It proposes that clear rules on submission of the annual and special reports on the activities of the European Ombudsman should be included in Chapter XX, Rule 161 of the Rules of Procedure;
- It proposes that more precise rules for the submission and consideration of the annual reports and special reports of the European Ombudsman by the European Parliament be inserted in the Rules of Procedure;
- If in future the European Ombudsman were to submit more interim or special reports on very specialised topics, the Committee on Petitions would advocate that not all of them should necessarily be considered by Parliament in plenary. Some of the matters covered by such reports could be dealt with more effectively if simpler and more rapid procedures were applied, which might be devised if this were felt appropriate. Corresponding provisions, modelled on Rule 44 or Rule 52, could be inserted in the Rules of Procedure;
- The Committee on Petitions also proposes that a procedure be introduced in the Rules of Procedure for urgent consideration of reports by the European Ombudsman (see Article 3(4) of the rules governing the Ombudsman), for example with regard to their placing on the part-session agenda.

Yours sincerely,

(sgd) Sandro FONTANA

Yours sincerely,

(sgd) Renate HEINISCH

\(^1\) The following were present for the vote: Newman, vice-chairman and acting chairman; Heinisch, draftsman; Gutiérrez Díaz, Miranda de Lage, Marinucci, Seal (for Lomas), Schmidbauer and Striby.