

# EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

**2006/2195(REG)**

12.9.2007

## **OPINION**

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the amendment of Parliament's Rules of Procedure in the light of the Statute  
for Members  
(2006/2195(REG))

Draftsman: Francesco Enrico Speroni

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## SHORT JUSTIFICATION

In principle, your draftsman endorses the rapporteur's approach, subject to the qualifications below.

As regards amendment of Rule 8, it is indeed the case that the present wording is inconsistent with the legal situation that will be created when the Statute for Members enters into force. From that moment on, the payment of expenses and allowances to Members will be governed by the Statute and no longer by Parliament's Rules of Procedure.

Your draftsman agrees that measures giving effect to the Statute, especially when they relate to the above matters, should normally be taken by the Bureau.

Furthermore, he welcomes the clarification that this principle will hold good 'Unless otherwise stipulated', for a distinction has to be made, in his view, between those provisions of the Statute which refer explicitly to Parliament's Rules of Procedure and those which contain no reference of that kind. What the Statute does in the former case is to reserve the right of regulation, given that the matters concerned are particularly delicate and the necessary implementing measures should therefore be adopted by a Parliament acting by a majority of its Members (cf. Article 199 of the EC Treaty) rather than by the Bureau alone. In the latter case the reservation does not apply, and implementing powers can be conferred on the Bureau.

One point to note, however, is that the action of reserving the right to regulate, as described above, does not work in the opposite direction: notwithstanding the Statute, the matters currently entrusted under the Rules of Procedure to the responsibility of the Bureau could be transferred at any time to the remit of other parliamentary bodies by means of the appropriate amendments to the text of the Rules.

Your draftsman is proposing to amend Rule 4 of the Rules of Procedure along the lines of Article 2(2) of the Statute in order to safeguard the freedom and independence that Members should enjoy. Other amendments are accounted for by a reworking of Rule 8, a new paragraph 1a to be inserted in Rule 39, and changes to the first subparagraph of Rule 150(6) and to Article 2, first paragraph, of Annex I.

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following amendments in its report:

Present text	Amendments
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### Amendment 1

Rule 4, paragraph 3 a (new)

***3a. Any agreement concerning resignation from office before or at the end of a parliamentary term shall be null and void.***

Amendment 2

Rule 8

***Payment of expenses and allowances***

***The Bureau shall lay down rules governing the payment of expenses and allowances to Members.***

***Implementation of the Statute for Members***

***Except where the Statute provides otherwise, the rules implementing the Statute for Members of the European Parliament shall be laid down by the Bureau.***

Amendment 3

Rule 39, paragraph 1

1. Parliament may request the Commission to submit to it any appropriate 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. 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.

1. Parliament may request the Commission to submit to it any appropriate 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 ***initiated pursuant to Rule 45***. 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.

Amendment 4

Rule 39, paragraph 1 a (new)

***1a. Any Member may table a proposal for a Community act on the basis of the right of initiative conferred on Parliament by Article 192 of the EC Treaty. The proposal shall be submitted to the Conference of Presidents, which shall refer it to the committee responsible for consideration. Prior to referral, the proposal shall be translated into those official languages***

*which the chairman of that committee regards as necessary to make summary consideration possible. The committee responsible shall take a decision on further action within three months following the referral and after hearing the author of the proposal. It shall inform the Conference of Presidents about its decision.*

*The committee responsible shall decide to:*

*(a) table a motion for a resolution on the basis of such a proposal. The resolution shall be adopted by a majority of the component Members of Parliament and, at the same time, a deadline for submission of the proposal may be fixed; or*

*(b) initiate the procedure under Rule 45; or*

*(c) reject such a proposal. Where the proposal is rejected the reason must always be stated.*

Amendment 5  
Rule 39, paragraph 2

*2. Before initiating the procedure under Rule 45, the committee responsible shall establish, in the following cases, that no such proposal is under preparation:* *deleted*

*(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 a majority of the votes cast.*

Amendment 6  
Rule 150, paragraph 6, subparagraph 1

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 at least forty Members object.

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 at least 40 Members object. ***Without prejudice to Rule 155(4), Parliament shall avoid taking decisions which would lead to Members who use a given language being disadvantaged to an unacceptable degree.***

*Justification*

*This rule should be applied without prejudice to the possibility of tabling of compromise amendments under exceptional circumstances, as stipulated in Article 155(4).*

Amendment 7

Annex I, Article 2, paragraph 1, point (a a) (new)

***(aa) any remuneration which the Member receives for the exercise of a mandate in another parliament,***

*Justification*

*It seems to be appropriate to use the term 'another parliament' consistently with the wording of the Statute for Members. Exact interpretation of this term will be provided in the implementing measures of the Statute for Members.*

## PROCEDURE

<b>Title</b>	Amendment of Parliament's Rules of Procedure in the light of the Statute for Members
<b>References</b>	2006/2195(REG)
<b>Committee responsible</b>	AFCO
<b>Opinion by</b> Date announced in plenary	JURI 26.4.2007
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Francesco Enrico Speroni 10.4.2007
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	11.9.2007
<b>Date adopted</b>	11.9.2007
<b>Result of final vote</b>	+: 14 -: 7 0: 0
<b>Members present for the final vote</b>	Marek Aleksander Czarnecki, Bert Doorn, Cristian Dumitrescu, Monica Frassoni, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Othmar Karas, Pii-Noora Kauppi, Klaus-Heiner Lehne, Katalin Lévai, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Aloyzas Sakalas, Francesco Enrico Speroni, Daniel Stroj, Rainer Wieland
<b>Substitute(s) present for the final vote</b>	Janelly Fourtou, Jean-Paul Gauzès, Barbara Kudrycka, Michel Rocard, Jacques Toubon
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Albert Deß, María Sornosa Martínez
<b>Comments (available in one language only)</b>	...