



**2016/2114(REG)**

19.10.2016

# **OPINION**

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the General Revision of Parliament's Rules of Procedure  
(2016/2114(REG))

Rapporteur: Pavel Svoboda

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## AMENDMENTS

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

### Amendment 1

#### Parliament's Rules of Procedure

#### Rule 3 – paragraph 3

##### *Present text*

3. On the basis of a report by the committee responsible ***for the verification of credentials***, Parliament shall verify credentials without delay and rule on the validity of the mandate of each of its newly elected Members and also on any ***dispute*** referred to it pursuant to the provisions of the Act of 20 September 1976, ***except*** those ***based on*** national ***electoral laws***.

##### *Amendment*

3. On the basis of a report by the committee responsible, Parliament shall verify credentials without delay and rule on the validity of the mandate of each of its newly elected Members and also on any ***disputes*** referred to it pursuant to the provisions of the Act of 20 September 1976, ***other than*** those ***which, under that Act, fall exclusively under the*** national ***provisions to which that Act refers***.

***The committee's report shall be based on the official notification by each Member State of the full results of the election specifying the names of the candidates elected and those of any substitutes together with their ranking in accordance with the results of the vote.***

***The validity of the mandate of a Member may not be confirmed unless the written declarations required under this Rule and Annex I to these Rules have been made.***

*(See Amendments 2 and 3 to Rule 3, paragraph 4, subparagraphs 1 and 2)*

##### *Justification*

*The "committee responsible" is clearly identified in Annex VI. The words "except those based on national electoral laws" are not fully in line with Article 12 of the Act of 1976, i.e. "other than those arising out of the national provisions to which the Act refers". Moreover, Paragraph 4, subparagraphs 1 and 2, needs to be moved to paragraph 3 for consistency reasons.*

## Amendment 2

### Parliament's Rules of Procedure Rule 3 – paragraph 4 – subparagraph 1

*Present text*

*Amendment*

**4. *The committee's report shall be based on the official notification by each Member State of the full results of the election specifying the names of the candidates elected and those of any substitutes together with their ranking in accordance with the results of the vote.*** **deleted**

*(See Amendment 1 to Rule 3, paragraph 3, and Amendment 3 to Rule 3, paragraph 4, subparagraph 2)*

*Justification*

*Paragraph 4, subparagraphs 1 and 2, need to be moved to paragraph 3 for consistency reasons.*

## Amendment 3

### Parliament's Rules of Procedure Rule 3 – paragraph 4 – subparagraph 2

*Present text*

*Amendment*

***The validity of the mandate of a Member may not be confirmed unless the written declarations required under this Rule and Annex I to these Rules have been made.*** **deleted**

*(See Amendment 1 to Rule 3, paragraph 3, and Amendment 2 to Rule 3, paragraph 4, subparagraph 1)*

*Justification*

*Paragraph 4, subparagraphs 1 and 2, needs to be moved to paragraph 3 for consistency reasons.*

## Amendment 4

### Parliament's Rules of Procedure Rule 3 – paragraph 4 – subparagraph 3

#### *Present text*

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*

**4.** On the basis of a **proposal** by the committee **responsible**, Parliament **shall without delay verify the credentials of individual Members who are replacing outgoing Members and** may at any time rule on any dispute as to the validity of the mandate of any of its Members.

#### *Justification*

*This subparagraph will become paragraph 4. This amendment clarifies the procedure to apply in the course of the legislative term when individual Members are replaced. To that end, the word "proposal" instead of "report" allows to have recourse to a simplified procedure in unproblematic cases. This change is in line with the existing practice.*

## Amendment 5

### Parliament's Rules of Procedure Rule 3 – paragraph 6 – subparagraph 1

#### *Present text*

6. The committee shall ensure that any information which may affect the **performance** of the **duties of a** Member of the European Parliament or the ranking of the substitutes is forwarded to Parliament without delay by the authorities of the Member States or of the Union, with an indication of the date of effect in the case of an appointment.

#### *Amendment*

6. The committee shall ensure that any information which may affect the **eligibility** of the Member of the European Parliament **or the eligibility** or the ranking of the substitutes is forwarded to Parliament without delay by the authorities of the Member States or of the Union, with an indication of the date of effect in the case of an appointment.

#### *Justification*

*The new wording is more precise and better reflects the rationale of this provision.*

## Amendment 6

### Parliament's Rules of Procedure

#### Rule 4 – paragraph 1

##### *Present text*

1. A Member's term of *office shall begin* and *end* as laid down in the Act of 20 September 1976. ***It shall also end on death or resignation.***

##### *Amendment*

1. A Member's term of office ***begins*** and ***ends*** as laid down in ***Articles 5 and 13*** of the Act of 20 September 1976.

##### *Justification*

*Since all these cases are covered by the Act of 1976 – in particular, Article 13(1) thereof adds the case of "withdrawal of the mandate" to "death or resignation" –, the second sentence of this paragraph is superfluous.*

## Amendment 7

### Parliament's Rules of Procedure

#### Rule 4 – paragraph 2

##### *Present text*

2. ***Every Member shall remain in office until the opening of the first sitting of Parliament following the elections.***

##### *Amendment*

***deleted***

##### *Justification*

*This provision is already covered by Article 5 of the Act of 1976, which is the only legal source of this principle.*

## Amendment 8

### Parliament's Rules of Procedure

#### Rule 4 – paragraph 3 – subparagraph 2

##### *Present text*

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***

##### *Amendment*

If the committee responsible considers that the resignation is in accordance with the Act of 20 September 1976, ***a vacancy shall be declared with effect from the date indicated by the resigning Member in the***

*decide whether or not to establish the vacancy.*

*official record, and the President shall inform Parliament thereof.*

*(See Amendment 9 to Rule 4, paragraph 3, subparagraph 3)*

*Justification*

*Since the case of a problematic resignation is the exception and not the rule, subparagraphs 2 and 3 should be inverted and their wording adapted.*

**Amendment 9**

**Parliament's Rules of Procedure  
Rule 4 – paragraph 3 – subparagraph 3**

*Present text*

*Otherwise, the vacancy shall be established with effect from the date indicated by the resigning Member in the official record. There shall be no vote in Parliament on the subject.*

*Amendment*

*If the committee responsible considers that the resignation is not in compliance with the Act of 20 September 1976, it shall propose to Parliament that it not declare a vacancy.*

*(See Amendment 8 to Rule 4, paragraph 3, subparagraph 2)*

*Justification*

*Since the case of a problematic resignation is the exception and not the rule, subparagraphs 2 and 3 should be inverted and their wording adapted.*

**Amendment 10**

**Parliament's Rules of Procedure  
Rule 4 – paragraph 3 – interpretation**

*Present text*

*A simplified procedure has been introduced for certain exceptional circumstances, in particular where one or more part-sessions are held between the effective date of the resignation and the first meeting of the committee responsible and where, as the vacancy has not been established, the political group to which the resigning Member belongs is not able*

*Amendment*

*deleted*

*to obtain a replacement Member during those part-sessions. Under this procedure, the rapporteur of the committee responsible entrusted with these cases has the power to examine immediately any resignation duly notified and, where any delay in considering the notification would be prejudicial, to refer the matter to the committee chair, requesting, pursuant to paragraph 3:*

- either that the President be informed on behalf of the committee that the vacancy may be established; or*
- that an extraordinary meeting of the committee be convened to examine any specific difficulties noted by the rapporteur.*

*(See Amendment 11 to Rule 4, paragraph 3 a (new))*

#### *Justification*

*The existing interpretation should be converted into a new paragraph and its wording adapted.*

## **Amendment 11**

### **Parliament's Rules of Procedure Rule 4 – paragraph 3a (new)**

*Present text*

*Amendment*

**3a.** *Where no meeting of the committee responsible is scheduled before the next part-session, the rapporteur of the committee responsible shall examine immediately any resignation that has been duly notified. Where delay in considering the notification would be prejudicial, the rapporteur shall refer the matter to the committee chair, requesting, pursuant to paragraph 3, that:*

- the President be informed on behalf of the committee that a vacancy may be declared; or*



- *an extraordinary meeting of the committee be convened to examine any specific difficulties noted by the rapporteur;*

*(See Amendment 10 to Rule 4, paragraph 3, interpretation thereto)*

*Justification*

*The existing interpretation should be converted into a new paragraph and its wording adapted.*

**Amendment 12**

**Parliament's Rules of Procedure**

**Rule 4 – paragraph 4 – subparagraph 1**

*Present text*

4. Where the competent *authority of a Member State notifies the President of the end of the term of office of a Member of the European Parliament pursuant to the provisions of the law of that Member State, as a result either of incompatibilities* within the meaning of Article 7(3) of the Act of 20 September 1976 *or withdrawal of the mandate pursuant to Article 13(3) of that Act*, the President shall inform Parliament *that the mandate ended on the date communicated by the Member State and shall invite the Member State to fill the vacant seat without delay.*

*Amendment*

4. Where *either* the competent *authorities of the Member States or of the Union or the Member concerned notifies the President of an appointment or election to an office incompatible with the office of Member of the European Parliament* within the meaning of Article 7(1) *or* (2) of the Act of 20 September 1976, the President shall inform Parliament *thereof, and Parliament shall declare that a vacancy exists from the date of the incompatibility.*

*(See Amendment 13 to Rule 4, paragraph 4, subparagraph 2)*

*Justification*

*Subparagraphs 1 and 2 of Rule 4(4) should be inverted in order to reflect the order of the incompatibilities referred to in Article 7 of the Act of 1976. Their wording is also adapted (among other things, the last sentence of current subparagraph 1 is deleted as it is a mere repetition of current paragraph 7).*

## Amendment 13

### Parliament's Rules of Procedure Rule 4 – paragraph 4 – subparagraph 2

#### *Present text*

Where the competent authorities of the Member States *or of the Union or the Member concerned notify the President of an appointment or election to an office incompatible with the office of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976, the President shall inform Parliament, which shall establish that there is a vacancy.*

#### *Amendment*

Where the competent authorities of the Member States *notify the President of the end of the term of office of a Member of the European Parliament as a result either of an additional incompatibility established by the law of that Member State in accordance with Article 7(3) of the Act of 20 September 1976 or of the withdrawal of the Member's mandate pursuant to Article 13(3) of that Act, the President shall inform Parliament that the term of office of that Member ended on the date communicated by the Member State. Where no such date is communicated, the date of the end of the term of office shall be the date of the notification by that Member State.*

*(See Amendment 12 to Rule 4, paragraph 4, subparagraph 1)*

#### *Justification*

*Subparagraphs 1 and 2 of Rule 4(4) should be inverted in order to reflect the order of the incompatibilities referred to in Article 7 of the Act of 1976. Their wording is also adapted (among other things, this amendments clarifies that, where no specific date is communicated by a Member State, the date of the end of a Member's term of office will be the date of the notification by that Member State).*

## Amendment 14

### Parliament's Rules of Procedure Rule 4 – paragraph 5

#### *Present text*

5. 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

#### *Amendment*

5. *Where* the authorities of the Member States or of the Union inform the President of *an* 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 and shall inform Parliament, the Member and the authorities concerned of the conclusions reached by that committee.

proposed assignment with the letter and the spirit of the Act of 20 September 1976 and shall inform Parliament, the Member and the authorities concerned of the conclusions reached by that committee.

#### *Justification*

*Parliament's Rules of Procedure may not impose obligations on other authorities, including those of the Member States. This amendment makes sure that Rule 4(5) complies with this principle.*

### **Amendment 15**

#### **Parliament's Rules of Procedure Rule 4 – paragraph 6**

##### *Present text*

##### *Amendment*

**6. The following shall be considered as the date of the end of the term of office and the effective date of a vacancy:**

**deleted**

– **in the case of resignation: the date on which the vacancy is established by Parliament, in accordance with the notification of resignation;**

– **in the case of appointment or election to an office incompatible with the office of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976: the date notified by the competent authorities of the Member States or of the Union or by the Member concerned.**

*(See Amendments 8-13 to Rule 4, paragraphs 3 and 4)*

#### *Justification*

*Since the amendments to paragraphs 3 and 4 clarify the date of the end of the term of office in all possible cases covered by the Act of 1976, this paragraph becomes superfluous and should be deleted.*

## Amendment 16

### Parliament's Rules of Procedure

#### Rule 4 – paragraph 7

##### *Present text*

7. When Parliament has established *that* a vacancy *exists*, *it* shall inform the Member State concerned and invite it to fill the seat without delay.

##### *Amendment*

6. When Parliament has established a vacancy, *the President* shall inform the Member State concerned *thereof*, and invite it to fill the seat without delay.

##### *Justification*

*This amendment is in line with the existing practice. This paragraph would become paragraph 6.*

## Amendment 17

### Parliament's Rules of Procedure

#### Rule 4 – paragraph 8

##### *Present text*

8. *Any dispute concerning the validity of the appointment of a Member whose credentials have already been verified shall be referred to the committee responsible, which shall report to Parliament without delay and no later than the beginning of the next part-session.*

##### *Amendment*

*deleted*

##### *Justification*

*Pursuant to Rule 3(4), Parliament may at any time rule on any dispute as to the validity of the mandate of its Members, which manifestly includes the disputes referred to in Rule 4(8). Moreover, depending on the complexity of a dispute, the deadline set in Rule 4(8), i.e. no later than the beginning of the following part-session, may prove to be too tight. This paragraph should therefore be deleted.*

## Amendment 18

### Parliament's Rules of Procedure

#### Rule 4 – paragraph 9

*Present text*

9. **Parliament shall reserve the right**, where acceptance or termination of office appears to be based on material inaccuracy or vitiated consent, **to** declare the appointment under consideration to be invalid or refuse to establish the vacancy.

*Amendment*

7. Where acceptance or termination of office appears to be based on material inaccuracy or vitiated consent, **Parliament may** declare the appointment under consideration to be invalid or **may** refuse to establish the vacancy.

*Justification*

*This amendment improves the wording of this paragraph, which would then become paragraph 7.*

## **Amendment 19**

### **Parliament's Rules of Procedure Rule 5 – paragraph 1**

*Present text*

1. Members **shall** enjoy privileges and immunities **in accordance with** the Protocol on the Privileges and Immunities of the European Union.

*Amendment*

1. Members enjoy **the** privileges and immunities **laid down in** the Protocol on the Privileges and Immunities of the European Union.

*Justification*

*This paragraph reiterates Article 6(2) of the Act of 1976. The word "shall" can be deleted for this is not dispositive but a mere statement of fact.*

## **Amendment 20**

### **Parliament's Rules of Procedure Rule 5 – paragraph 2**

*Present text*

2. Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members.

*Amendment*

2. **In exercising its powers on privileges and immunities, Parliament shall act to uphold its integrity as a democratic legislative assembly and to ensure the independence of its Members in the performance of their duties, where appropriate in compliance with the**

***principle of transparency.*** Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members.

*(See Amendment 21 to Rule 6, paragraph 1)*

*Justification*

*This paragraph enshrines a basic principle in the field of parliamentary immunities and should be completed by including the first sentence of Rule 6(1).*

**Amendment 21**

**Parliament's Rules of Procedure  
Rule 6 – paragraph 1**

*Present text*

1. ***In the exercise of its powers in respect of privileges and immunities, Parliament acts to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties.*** Any request for waiver of immunity shall be evaluated in accordance with Articles 7, 8 and 9 of the Protocol on the Privileges and Immunities of the European Union and with the principles referred to in ***this*** Rule.

*Amendment*

1. Any request for waiver of immunity shall be evaluated in accordance with Articles 7, 8 and 9 of the Protocol on the Privileges and Immunities of the European Union and with the principles referred to in Rule 5(2).

*(See Amendment 20 to Rule 5, paragraph 2)*

*Justification*

*For consistency reasons, the first part of this provision should be moved to Rule 5(2).*

**Amendment 22**

**Parliament's Rules of Procedure  
Rule 7 – paragraph 1**

*Present text*

1. In cases where the privileges and

*Amendment*

1. In cases where ***it is alleged that an***

immunities of a Member or former Member **are alleged to have been breached** by the authorities of a Member State, a request for a Parliament decision as to whether **there has, in fact, been a breach of those privileges and immunities** may be made in accordance with Rule 9(1).

**infringement of** the privileges and immunities of a Member or former Member by the authorities of a Member State **has occurred or is about to occur**, a request for a Parliament decision as to whether **those privileges and immunities have been or are likely to be breached** may be made in accordance with Rule 9(1).

*(See Amendment 23 to Rule 7, paragraph 2)*

#### *Justification*

*The current wording seems to imply the need for a final judgment or an otherwise irrevocable decision by a public authority, thus making potential breaches of Members' privileges and immunities irrelevant. This, however, would make requests for defence possible only at a stage when Parliament's decision could be useless. This amendment, therefore, aims to clarify that the defence of a Member's privileges and immunities can be requested also in the presence of potential breaches.*

### **Amendment 23**

#### **Parliament's Rules of Procedure Rule 7 – paragraph 2**

##### *Present text*

2. In particular, such a request for the defence of privileges and immunities may be made if it is considered that the circumstances constitute an administrative or other restriction on the free movement of Members travelling to or from the place of meeting of Parliament or on an opinion expressed or a vote cast in the performance of their duties, or that they fall within the scope of Article 9 of the Protocol on the Privileges and Immunities of the European Union.

##### *Amendment*

2. In particular, such a request for the defence of privileges and immunities may be made if it is considered that the circumstances **would** constitute an administrative or other restriction on the free movement of Members travelling to or from the place of meeting of Parliament or on an opinion expressed or a vote cast in the performance of their duties, or that they **would** fall within the scope of Article 9 of the Protocol on the Privileges and Immunities of the European Union.

*(See Amendment 22 to Rule 7, paragraph 1)*

#### *Justification*

*The current wording seems to imply the need for a final judgment or an otherwise irrevocable decision by a public authority, thus making potential breaches of Members' privileges and immunities irrelevant. This, however, would make requests for defence possible only at a*

*stage when Parliament's decision could be useless. This amendment, therefore, aims to clarify that the defence of a Member's privileges and immunities can be requested also in the presence of potential breaches.*

## **Amendment 24**

### **Parliament's Rules of Procedure**

#### **Rule 7 – paragraph 3**

##### *Present text*

3. A request for the defence of the privileges and immunities of a Member shall not be admissible if a request for the waiver or defence of that Member's immunity has already been received in respect of the same ***legal proceedings***, whether or not a decision was taken at that time.

##### *Amendment*

3. A request for the defence of the privileges and immunities of a Member shall not be admissible if a request for the waiver or defence of that Member's immunity has already been received in respect of the same ***facts***, whether or not a decision was taken at that time.

*(See Amendment 25 to Rule 7, paragraph 4)*

##### *Justification*

*Reference to the same legal proceedings, and not to the same facts, although providing legal certainty, might be too formalistic. If both criminal and civil proceedings have been instituted in respect of the same facts, but the waiver is requested for the former and the defence for the latter, Parliament might paradoxically adopt two different decisions.*

## **Amendment 25**

### **Parliament's Rules of Procedure**

#### **Rule 7 – paragraph 4**

##### *Present text*

4. No further consideration shall be given to a request for the defence of the privileges and immunities of a Member if a request for the waiver of that Member's immunity is received in respect of the same ***legal proceedings***.

##### *Amendment*

4. No further consideration shall be given to a request for the defence of the privileges and immunities of a Member if a request for the waiver of that Member's immunity is received in respect of the same ***facts***.

*(See Amendment 24 to Rule 7, paragraph 3)*



### *Justification*

*Reference to the same legal proceedings, and not to the same facts, although providing legal certainty, might be too formalistic. If both criminal and civil proceedings have been instituted in respect of the same facts, but the waiver is requested for the former and the defence for the latter, Parliament might paradoxically adopt two different decisions.*

## **Amendment 26**

### **Parliament's Rules of Procedure**

#### **Rule 7 – paragraph 5**

##### *Present text*

5. In cases where a decision has been taken not to defend the privileges and immunities of a Member, the Member may make a request for reconsideration of the decision, submitting new evidence. The request for reconsideration shall be inadmissible if proceedings have been instituted against the decision under Article 263 of the Treaty on the Functioning of the European Union, or if the President considers that the new evidence submitted is not sufficiently substantiated to warrant reconsideration.

##### *Amendment*

5. In cases where a decision has been taken not to defend the privileges and immunities of a Member, the Member may ***exceptionally*** make a request for reconsideration of the decision, ***by*** submitting new evidence ***in accordance with Rule 9(1)***. The request for reconsideration shall be inadmissible if proceedings have been instituted against the decision under Article 263 of the Treaty on the Functioning of the European Union, or if the President considers that the new evidence submitted is not sufficiently substantiated to warrant reconsideration.

### *Justification*

*As it stands, this paragraph does not set any limits to requests for reconsideration, which could be, therefore, endlessly reiterated. The addition of the word "exceptionally" in the first sentence would help clarify that reconsideration of a decision may not be triggered systematically. Moreover, the Court of Justice has held that the decision to defend (or not to defend) a Member's immunity is of a non-binding nature (see Judgment in Marra, EU:C:2008:579, at paragraphs 38-39).*

## **Amendment 27**

### **Parliament's Rules of Procedure**

#### **Rule 9 – paragraph 1 – interpretation**

##### *Present text*

The Member or former Member may be

##### *Amendment*

***1a. With the agreement of*** the Member

*represented* by another Member. **The request may not be made by another Member without the agreement of the Member concerned.**

or *the former Member concerned*, **the request may be made by another Member, who shall be permitted to represent the Member or former Member concerned at all stages of the procedure.**

**The Member who represents the Member or the former Member concerned shall not be involved in the decisions taken by the committee.**

*(See Amendment 29 to Rule 9, paragraph 5, subparagraph 1)*

#### *Justification*

*The current interpretation should be converted into a new paragraph and the last part of paragraph 5 shall be aligned to it.*

### **Amendment 28**

#### **Parliament's Rules of Procedure Rule 9 – paragraph 3**

##### *Present text*

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

##### *Amendment*

3. The committee shall make a proposal for a reasoned decision which recommends the adoption or rejection of the request for the waiver of immunity or for the defence of privileges and immunities. **Amendments shall be inadmissible. If a proposal is rejected, the contrary decision shall be deemed adopted.**

*(See Rule 9, paragraph 8, subparagraphs 1 and 5)*

#### *Justification*

*This amendment seeks to clarify that the same principles referred to in Rule 9(8) also apply at committee level.*

### **Amendment 29**

#### **Parliament's Rules of Procedure Rule 9 – paragraph 5 – subparagraph 1**

*Present text*

5. The Member concerned shall be given an opportunity to be heard, may present any documents or other written evidence deemed by that Member to be relevant **and may be represented by another Member**.

*Amendment*

5. The Member concerned shall be given an opportunity to be heard **and** may present any documents or other written evidence deemed by that Member to be relevant.

*(See Amendment 27 to Rule 9, paragraph 1, interpretation)*

*Justification*

*The interpretation currently appended to Rule 9(1) should be converted into a new paragraph and the last part of Rule 9(5) should be aligned to it.*

**Amendment 30**

**Parliament's Rules of Procedure  
Rule 9 – paragraph 6**

*Present text*

6. Where the request seeks the waiver of immunity on several counts, each of these may be the subject of a separate decision. The committee's report may, exceptionally, propose that the waiver of immunity should apply solely to prosecution proceedings and that, until a final sentence is passed, the Member should be immune from any form of detention or remand or any other measure which prevents that Member from performing the duties proper to the mandate.

*Amendment*

6. Where the request seeks the waiver **or the defence** of immunity on several counts, each of these may be the subject of a separate decision. The committee's report may, exceptionally, propose that the waiver **or the defence** of immunity should apply solely to prosecution proceedings and that, until a final sentence is passed, the Member should be immune from any form of detention or remand or any other measure which prevents that Member from performing the duties proper to the mandate.

*Justification*

*A different treatment of the requests is not justified. This provision should be amended so that it applies both to requests for waiver and to requests for defence.*

## Amendment 31

### Parliament's Rules of Procedure Rule 9 – paragraph 8 – subparagraph 1

#### *Present text*

8. The committee's **report** shall be placed **at the head of** the agenda of the first sitting following the day on which it was tabled. No amendments may be tabled to **the** proposal(s) **for a decision**.

#### *Amendment*

8. The committee's **proposal for a decision** shall be placed **on** the agenda of the first sitting following the day on which it was tabled. No amendments may be tabled to **such** a proposal.

#### *Justification*

*For practical reasons, it is not always possible to place an immunity case at the head of the agenda. The amendment adapts the text to this reality. It also replaces the word 'report' by the more appropriate expression 'proposal for a decision', consistently with the wording of Rule 9(3) and (8), fourth subparagraph. At the same time, the existing mechanism consisting of a systematic plenary vote on every immunity case is preserved as the most objective and appropriate to ensure the fair treatment of all Members and have decisions on their immunity taken by Parliament as a whole.*

## Amendment 32

### Parliament's Rules of Procedure Rule 9 – paragraph 10

#### *Present text*

10. The committee shall treat these matters and handle any documents received with the utmost confidentiality.

#### *Amendment*

10. The committee shall treat these matters and handle any documents received with the utmost confidentiality. **The committee shall always consider requests relating to procedures on immunity in camera.**

*(See Amendment 66 to Rule 115, paragraph 4)*

#### *Justification*

*This new last sentence is added here from Rule 115(4), which should therefore be deleted.*

## Amendment 33

### Parliament's Rules of Procedure Rule 9 – paragraph 11

#### *Present text*

11. *The committee, after consulting the Member States, may draw up an indicative list of the authorities of the Member States which are competent to present a request for the waiver of a Member's immunity.*

#### *Amendment*

11. *Parliament shall only examine requests for the waiver of a Member's immunity that have been transmitted to it by the judicial authorities or the Permanent Representation of a Member State.*

#### *Justification*

*An 'indicative list' of competent national authorities is far from offering legal certainty. On top of that, in some jurisdictions private persons can also submit requests for the waiver of a Member's immunity without the filter of any public authority (so-called private prosecution). This amendment seeks to settle the issue by means of clear and objective procedural requirements.*

## Amendment 34

### Parliament's Rules of Procedure Rule 39 – paragraph 1

#### *Present text*

1. In the case of all proposals for *legislative acts and other documents of a legislative nature*, the committee responsible for the subject-matter shall first verify the legal basis.

#### *Amendment*

1. In the case of all proposals for *legally binding acts*, the committee responsible for the subject-matter shall first verify the legal basis.

*(See Amendments 35-37 to Rule 39 and Amendments 46-49 to Rule 63)*

#### *Justification*

*"Legally binding acts" is an inclusive expression which better reflects Article 2(1) and (2) of the TFEU.*

## Amendment 35

### Parliament's Rules of Procedure Rule 39 – paragraph 3

*Present text*

3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis *of the proposals for* legislative *acts*. In such cases it shall duly inform the committee responsible for the subject-matter.

*Amendment*

3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis *at any stage of the* legislative *procedure*. In such cases it shall duly inform the committee responsible for the subject-matter.

*(See Amendment 36-37 to Rule 39, paragraphs 4 and 5, and Amendments 47-50 to Rule 63)*

*Justification*

*This amendment seeks to expand the possibilities of verification of legal basis. Such verification should not only be possible until Parliament adopts its first-reading position, but also afterwards.*

**Amendment 36**

**Parliament's Rules of Procedure  
Rule 39 – paragraph 4**

*Present text*

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. Parliament shall vote on this before voting on the substance of the proposal.

*Amendment*

4. If, *where appropriate after exchanging views with the Council and the Commission in accordance with the arrangements agreed at interinstitutional level<sup>1a</sup>*, 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. *Without prejudice to Rule 63*, Parliament shall vote on this before voting on the substance of the proposal.

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<sup>1a</sup> *Interinstitutional Agreement of 13 April 2016 on Better Law-Making, paragraph 25 (OJ L 123, 12.5.2016, p. 1).*

*(See Amendment 35 and 37 to Rule 39, paragraphs 3 and 5, and Amendments 47-50 to Rule 63)*

### *Justification*

*This amendment to Rule 39 (and, as a result, to Rule 63) is necessary in order to take account of the commitments made in the new IIA on Better Law-Making, notably in paragraph 25 thereof. This new wording (to be read in conjunction with new Rule 39(3)) would cover both cases where paragraph 25 of the new IIA applies and cases where it does not apply. Where relevant, this new wording would also make possible a request for renewed referral to Parliament in accordance with Rule 63 (as amended).*

### **Amendment 37**

#### **Parliament's Rules of Procedure Rule 39 – paragraph 5**

##### *Present text*

5. Amendments tabled in Parliament to change the legal basis *of a proposal for a legislative act* without the committee responsible for the subject-matter or the committee responsible for legal affairs having disputed the validity or appropriateness of the legal basis shall be inadmissible.

##### *Amendment*

5. Amendments tabled in Parliament to change the legal basis without the committee responsible for the subject-matter or the committee responsible for legal affairs having disputed the validity or appropriateness of the legal basis shall be inadmissible.

*(See Amendment 35 to Rule 39, paragraph 3)*

### *Justification*

*This provision needs to be amended for consistency reasons with new Rule 39(3).*

### **Amendment 38**

#### **Parliament's Rules of Procedure Rule 39 – paragraph 6**

##### *Present text*

6. *If the Commission does not agree to modify its proposal to conform to the legal basis approved by Parliament, the rapporteur or the Chair of the committee responsible for legal affairs or of the committee responsible for the subject-matter may propose that the vote on the substance of the proposal be postponed to*

##### *Amendment*

*deleted*

*a subsequent sitting.*

*Justification*

*This provision is obsolete and in any event already covered by Rules 61(2) and 188.*

**Amendment 39**

**Parliament's Rules of Procedure**

**Rule 40 – title**

*Present text*

*Amendment*

Delegation of legislative powers

Delegation of legislative powers *and conferral of implementing powers*

*(See Amendment 41 to Rule 40, paragraph 3)*

**Amendment 40**

**Parliament's Rules of Procedure**

**Rule 40 – paragraph 1 a (new)**

*Present text*

*Amendment*

***1a. When scrutinising a proposal for a legislative act which confers implementing powers pursuant to Article 291 of the Treaty on the Functioning of the European Union, Parliament shall pay particular attention to the fact that, in exercising an implementing power, the Commission may neither amend nor supplement the legislative act, even as to its non-essential elements.***

*Justification*

*This amendment seeks to clarify the scope of Parliament's scrutiny and is based on the case-law of the Court of Justice (see judgment in Case C-65/13, ECLI:EU:C:2014:2289, at paragraph 45).*



## Amendment 41

### Parliament's Rules of Procedure

#### Rule 40 – paragraph 3

##### *Present text*

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

##### *Amendment*

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

*(See Amendment 39 to Rule 40, title)*

##### *Justification*

*Since questions concerning the delegation of legislative powers and questions concerning the conferral of implementing powers are often intertwined, Rule 40(3) should be amended so as to include both types of questions.*

## Amendment 42

### Parliament's Rules of Procedure

#### Rule 42 – title

##### *Present text*

Examination of respect for the **principle** of subsidiarity

##### *Amendment*

Examination of respect for the **principles** of subsidiarity **and proportionality**

##### *Justification*

*Rule 42 also mentions the principle of proportionality.*

## Amendment 43

### Parliament's Rules of Procedure

#### Rule 42 – paragraph 2

##### *Present text*

2. The committee responsible for

##### *Amendment*

2. **Only** the committee responsible for

respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible for the subject-matter in respect of *any* proposal for a legislative act.

respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible for the subject-matter in respect of *a* proposal for a legislative act.

## Amendment 44

### Parliament's Rules of Procedure

#### Rule 42 – paragraph 2 – subparagraph 1a (new)

*Present text*

*Amendment*

*Where the committee responsible for the subject-matter is of the opinion that a proposal for a legislative act or parts of it do not comply with the principle of subsidiarity, it shall request the opinion of the committee responsible for respect of the principle of subsidiarity. Such request shall be made no later than four weeks of the announcement in Parliament of referral to the committee responsible for the subject-matter.*

*Justification*

*This amendment, which is based on the mechanism provided for in Rule 39, seeks to enhance Parliament's role in examining the respect for the principle of subsidiarity.*

## Amendment 45

### Parliament's Rules of Procedure

#### Rule 42 – paragraph 3

*Present text*

*Amendment*

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

3. *Except in the cases of urgency referred to in Article 4 of Protocol No 1 on the role of national parliaments in the European Union, the committee responsible for the subject-matter shall not proceed to its final vote before the expiry of the deadline of eight weeks laid down in Article 6 of Protocol No 2 on the application of the principles of*

the subject-matter *and forwarded for information to the committee responsible for respect of the principle of subsidiarity.*

*subsidiarity and proportionality.*

(See Amendment 46 to Rule 42, paragraph 4)

*Justification*

*Paragraphs 3 and 4 of Rule 42 should be inverted and their wording adapted.*

## **Amendment 46**

### **Parliament's Rules of Procedure Rule 42 – paragraph 4**

*Present text*

4. *Except in the cases of urgency referred to in Article 4* of the Protocol on the role of national parliaments in the European Union, the committee responsible for the subject-matter shall not proceed to its final vote before the expiry of the deadline of eight weeks laid down in Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality

*Amendment*

4. *If a national parliament sends the President a reasoned opinion in accordance with Article 3* of the Protocol on the role of national parliaments in the European Union, *that document shall be referred to* the committee responsible for the subject-matter *and forwarded for information to the committee responsible for respect of the principle of subsidiarity.*

(See Amendment 45 to Rule 42, paragraph 3)

*Justification*

*Paragraphs 3 and 4 of Rule 42 should be inverted and their wording adapted.*

## **Amendment 47**

### **Parliament's Rules of Procedure Rule 63 – paragraph 1 – indent 1**

*Present text*

– where the Commission *withdraws* its initial proposal after Parliament has adopted its position, *in order to replace it with another text*, except where this is done in order to take account of

*Amendment*

– where the Commission *replaces, substantially amends or intends substantially to amend* its initial proposal after Parliament has adopted its position, except where this is done in order to take

Parliament's position; *or*

account of Parliament's position. *If the Commission intends to modify the legal basis provided for in its initial proposal with the result that the ordinary legislative procedure would no longer apply, the President may also act at the request of the committee responsible for legal affairs;*

*(See Amendment 35 to Rule 39, paragraph 3, and Amendment 47-50 to Rule 63)*

#### *Justification*

*The case where the Commission intends to modify the legal basis provided for in Parliament's position is already covered by Rule 63(1), first indent (a change in the legal basis that is detrimental to Parliament is definitely a substantial modification). However, this amendment makes this principle clear and ensures that the expertise of the committee responsible for legal affairs is exploited to the full.*

### **Amendment 48**

#### **Parliament's Rules of Procedure Rule 63 – paragraph 1 – indent 2**

*Present text*

*Amendment*

– *where the Commission substantially amends or intends to amend its initial proposal, except where this is done in order to take account of Parliament's position; or*

*deleted*

*(See Amendment 49 to Rule 63, paragraph 1, indent 1)*

#### *Justification*

*This indent should be merged with the previous one.*

### **Amendment 49**

#### **Parliament's Rules of Procedure Rule 63 – paragraph 1 – indent 3**

*Present text*

*Amendment*

– where, through the passage of time

– where, through the passage of time

or changes in circumstances, the nature of the problem with which the proposal is concerned substantially changes; **or**

or changes in circumstances, the nature of the problem with which the proposal is concerned substantially changes;

*(See Amendments 47 and 48 to Rule 63)*

#### *Justification*

*The wording of this indent has to be adapted as a consequence of the amendments to the previous indents.*

### **Amendment 50**

#### **Parliament's Rules of Procedure Rule 63 – paragraph 2**

##### *Present text*

2. **Parliament** shall, at the request of the committee responsible, ask the Council to refer again to Parliament **a proposal submitted by the Commission pursuant to Article 294 of the Treaty on the Functioning of the European Union**, where the Council intends to modify the legal basis **of the proposal** with the result that the ordinary legislative procedure **will** no longer apply.

##### *Amendment*

2. **The President** shall, at the request of the committee responsible **for the subject-matter or the committee responsible for legal affairs**, ask the Council to refer **a draft legislative act** to Parliament again, where the Council intends to modify the legal basis **provided for in Parliament's position at first reading** with the result that the ordinary legislative procedure **would** no longer apply.

*(See Amendment 35-36 and 4 to Rule 39 and Amendments 47-50 to Rule 63)*

#### *Justification*

*Similar to Rule 63(1), first indent (as amended), Rule 63(2) should clarify that the President of Parliament can address a request for renewed referral to the Council also at the request of the committee responsible for legal affairs, so that that the expertise of this committee in the area of legal bases can be exploited to the full.*

### **Amendment 51**

#### **Parliament's Rules of Procedure Rule 103 – paragraph 3 – subparagraph 2**

*Present text*

However, at the rapporteur's request, the Chair of the committee responsible for legal affairs may submit for the latter's approval, ***amendments relating to*** technical adaptations, provided that those adaptations are necessary in order to ensure that the proposal complies with the codification rules and that they do not involve any substantive change to the proposal.

*Amendment*

However, at the rapporteur's request, the Chair of the committee responsible for legal affairs may submit for the latter's approval technical adaptations, provided that those adaptations are necessary in order to ensure that the proposal complies with the codification rules and that they do not involve any substantive change to the proposal.

*Justification*

*Since technical adaptations are not amendments 'stricto sensu', this amendment seeks to clarify the wording of this provision so as to avoid confusion and better reflect the nature of codification.*

**Amendment 52**

**Parliament's Rules of Procedure  
Rule 104 – paragraph 3 – subparagraph 3**

*Present text*

However, ***if in accordance with point 8 of the Interinstitutional Agreement the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 58, of its position on the amendments and whether or not it intends to withdraw the recast proposal.***

*Amendment*

However, ***amendments to parts of the recasting proposal which remain unchanged may by way of exception and on a case-by-case basis be admitted by the chair of the committee responsible for the subject matter if he or she considers that to be necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.***

*Justification*

*Parliament has repeatedly considered recasting as the normal legislative technique (see its resolution of 14 September 2011 on better legislation, subsidiarity and proportionality and smart regulation (2011/2029(INI)), at paragraph 41). However, the Commission seems to be reluctant to put forward new proposals for recast due to Parliament's power to introduce substantive changes, as this provision currently provides. The proposed change reinstates the*

*original wording of this paragraph (amended in 2009) with a view to clarifying the boundaries of Parliament's amending powers and encouraging the Commission to table more proposals for recast.*

### **Amendment 53**

#### **Parliament's Rules of Procedure Title II – chapter 9a (new)**

*Present text*

*Amendment*

#### **CHAPTER 9A DELEGATED AND IMPLEMENTING ACTS**

### **Amendment 54**

#### **Parliament's Rules of Procedure Rule 105 – paragraph 1**

*Present text*

*Amendment*

1. When the Commission forwards a delegated act to Parliament, the President shall refer it to the committee responsible for the basic legislative act, which may decide to ***appoint a rapporteur*** to consider one or more delegated acts.

1. When the Commission forwards a delegated act to Parliament, the President shall refer it to the committee responsible for the basic legislative act, which may decide to ***designate one of its members*** to consider one or more delegated acts.

*(See Amendment 61 to Rule 106, paragraph 1)*

#### *Justification*

*This amendment takes account of the existing practice, whereby motions for resolutions objecting to a delegated act are tabled by the committee responsible, either in the name of the Committee Chair, or in the name of the authors of the original request to object.*

### **Amendment 55**

#### **Parliament's Rules of Procedure Rule 105 – paragraph 2 – subparagraph 1**

*Present text*

2. The President shall announce to Parliament the date on which the act was received in all the official languages and the period during which objections may be raised. The period in question shall commence on ***that date***.

*Amendment*

2. ***During the part-session following its reception***, the President shall announce to Parliament the date on which the ***delegated*** act was received in all the official languages and the period during which objections may be raised. The period in question shall commence on ***the date of reception***.

*Justification*

*This provision should be reworded so as to clarify which point in time is relevant.*

**Amendment 56**

**Parliament's Rules of Procedure  
Rule 105 – paragraph 3**

*Present text*

3. In accordance with the provisions of the basic legislative act and – if the committee responsible considers it appropriate to do so – after consulting any committees concerned, the committee responsible may table a reasoned motion for a resolution. ***That*** motion for a resolution ***shall state the reasons for Parliament's objections and may incorporate a request to the Commission to submit a new delegated act which takes account of Parliament's recommendations***.

*Amendment*

3. In accordance with the provisions of the basic legislative act and – if the committee responsible considers it appropriate to do so – after consulting any committees concerned, the committee responsible may table a reasoned motion for a resolution ***objecting to the delegated act. If, 10 working days prior to the start of the part-session of which the Wednesday falls before and closest to the day of expiry of the deadline referred to in paragraph 5, the committee responsible has not tabled such a*** motion for a resolution, ***a political group or at least 40 Members may table a motion for a resolution on the matter for inclusion on the agenda for the part-session referred to above***.

*(See Amendment 57 to Rule 105, paragraph 4)*



### *Justification*

*The last sentence of paragraph 3 should become paragraph 4. The restructuring of paragraphs 3 and 4 aims to clarify that the current paragraph 3 second sentence also applies when a motion for resolution is tabled by a political group or at least 40 Members.*

### **Amendment 57**

#### **Parliament's Rules of Procedure Rule 105 – paragraph 4**

##### *Present text*

4. *If, 10 working days prior to the start of the part-session the Wednesday of which falls before and closest to the day of expiry of the deadline referred to in paragraph 5, the committee responsible has not tabled a motion for a resolution, a political group or at least 40 Members may table a motion for a resolution on the matter for inclusion on the agenda for the part-session referred to above.*

##### *Amendment*

4. *Any motion for a resolution tabled in accordance with paragraph 3 shall state the reasons for Parliament's objections and may incorporate a request calling on the Commission to submit a new delegated act which takes account of Parliament's recommendations.*

*(See Amendment 56 to Rule 105, paragraph 3)*

### *Justification*

*The last sentence of paragraph 3 should become paragraph 4. The restructuring of paragraphs 3 and 4 aims to clarify that the current paragraph 3 second sentence also applies when a motion for resolution is tabled by a political group or at least 40 Members.*

### **Amendment 58**

#### **Parliament's Rules of Procedure Rule 105 – paragraph 5 – subparagraph 1**

##### *Present text*

5. Parliament shall *take a decision* – by the deadline laid down in the basic legislative act and by the majority stipulated in Article 290 of the Treaty on the Functioning of the European Union – on any motion for a resolution tabled.

##### *Amendment*

5. Parliament shall *approve such a motion* by the deadline laid down in the basic legislative act and, *in accordance with Article 290(2) of the Treaty on the Functioning of the European Union*, by the majority *of its component Members*.

*Justification*

*A more precise wording is suggested.*

**Amendment 59**

**Parliament's Rules of Procedure  
Rule 105 – paragraph 5 – subparagraph 2**

*Present text*

Where the committee responsible considers that it is appropriate to extend the deadline for raising objections to the delegated act in accordance with the basic legislative act, the committee chair shall notify the Council and the Commission, on behalf of Parliament, of that extension.

*Amendment*

Where the committee responsible considers that it is appropriate to extend the deadline for raising objections to the delegated act in accordance with the ***provisions of the*** basic legislative act, the committee chair shall notify the Council and the Commission, on behalf of Parliament, of that extension.

*Justification*

*A more precise wording is suggested.*

**Amendment 60**

**Parliament's Rules of Procedure  
Rule 105 – paragraph 7**

*Present text*

7. The committee responsible may, in accordance with the provisions of the basic legislative act, submit to Parliament a ***reasoned*** motion for a resolution revoking, in full or in part, the delegation of powers provided for by that act. Parliament ***shall take*** a decision ***by the majority stipulated in Article 290 of the Treaty on the Functioning of the European Union.***

*Amendment*

7. The committee responsible may, in accordance with the provisions of the basic legislative act, submit to Parliament a motion for a resolution revoking, in full or in part, the delegation of powers ***or opposing the tacit extension of the delegation of powers*** provided for by that act.

***In accordance with Article 290(2) of the Treaty on the Functioning of the European Union, a decision to revoke the delegation of powers shall require the***

*votes of a majority of Parliament's component Members.*

*Justification*

*The word "reasoned" is not necessary since the Treaty does not require Parliament to state the reasons why it intends to revoke a delegation of powers. On the other hand, Rule 105 should be amended so as to include a specific legal basis for a decision whereby Parliament opposes the tacit extension of the period of delegation of powers.*

**Amendment 61**

**Parliament's Rules of Procedure  
Rule 106 – paragraph 1**

*Present text*

1. When the Commission forwards a draft implementing act or measure to Parliament, the President shall refer it to the committee responsible for the basic legislative act, which may decide to **appoint a rapporteur** to consider one or more draft implementing acts.

*Amendment*

1. When the Commission forwards a draft implementing act or measure to Parliament, the President shall refer it to the committee responsible for the basic legislative act, which may decide to **designate one of its members** to consider one or more draft implementing acts **or measures**.

*(See Amendment 54 to Rule 105, paragraph 1)*

*Justification*

*This amendment aligns this provision to Rule 105(1) (as amended).*

**Amendment 62**

**Parliament's Rules of Procedure  
Rule 106 – paragraph 3**

*Present text*

3. The motion for a resolution may incorporate a request to the Commission to withdraw the **act, the measure or the draft** act or measure, to amend it in keeping with the objections raised by Parliament, or to submit a new legislative proposal. The President shall inform the Council and the

*Amendment*

3. The motion for a resolution may incorporate a request to the Commission to withdraw the **draft implementing** act or measure, to amend it in keeping with the objections raised by Parliament, or to submit a new legislative proposal. The President shall inform the Council and the

Commission of the decision taken.

Commission of the decision taken.

*Justification*

*A more precise wording is suggested.*

**Amendment 63**

**Parliament's Rules of Procedure  
Rule 106 – paragraph 4 – point a**

*Present text*

(a) the time for scrutiny shall start to run when the draft *of measures* has been submitted to Parliament in all the official languages. Where the shorter time limit for scrutiny provided for in Article 5a(5)(b) of Council Decision 1999/468/EC applies, and in the urgent cases provided for in Article 5a(6) of Decision 1999/468/EC, the time for scrutiny shall, unless the Chair of the committee responsible objects, start to run from the date of receipt by Parliament of the final draft implementing *measures* in the language versions submitted to the members of the committee set up in accordance with Decision 1999/468/EC. Rule 158 shall not apply in *this case*;

*Amendment*

(a) the time for scrutiny shall start to run when the draft *implementing measure* has been submitted to Parliament in all the official languages. Where the shorter time limit for scrutiny provided for in Article 5a(5)(b) of Council Decision 1999/468/EC applies, and in the urgent cases provided for in Article 5a(6) of Decision 1999/468/EC, the time for scrutiny shall, unless the Chair of the committee responsible objects, start to run from the date of receipt by Parliament of the final draft implementing *measure* in the language versions submitted to the members of the committee set up in accordance with Decision 1999/468/EC. Rule 158 shall not apply in *the two instances mentioned in the previous sentence*;

*Justification*

*Clarification of the text as only in the two instances provided for in Article 5a, paragraphs 5 (b) and 6, of Council Decision 1999/468/EC, Rule 158 does not apply.*

**Amendment 64**

**Parliament's Rules of Procedure  
Rule 106 – paragraph 4 – point d**

*Present text*

(d) if the committee responsible, *in*

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*Amendment*

(d) if the committee responsible

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***response to a duly substantiated request from the Commission***, recommends, by means of a letter to the Chair of the Conference of Committee Chairs setting out its reasons, that Parliament should declare that it has no objections to the proposed measure prior to the expiry of the normal time limit laid down in Article 5a(3)(c) and/or Article 5a(4)(e) of Decision 1999/468/EC, the procedure provided for in Rule 105(6) shall apply.

recommends, by means of a letter to the Chair of the Conference of Committee Chairs setting out its reasons, that Parliament should declare that it has no objections to the proposed measure prior to the expiry of the normal time limit laid down in Article 5a(3)(c) and/or Article 5a(4)(e) of Decision 1999/468/EC, the procedure provided for in Rule 105(6) shall apply.

#### *Justification*

*The requirement of a "duly substantiated request from the Commission" is superfluous (see also current Rule 105(6)).*

### **Amendment 65**

#### **Parliament's Rules of Procedure Rule 108 – paragraph 6**

##### *Present text*

6. Before ***the vote is taken***, the committee responsible, ***a political group*** or at least one-tenth of ***the*** Members may propose that Parliament seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties. If Parliament approves ***such a*** proposal, the vote shall be adjourned until the Court has delivered its opinion<sup>14</sup>.

##### *Amendment*

6. ***At any time before Parliament votes on a request for consent or opinion***, the committee responsible or at least one-tenth of ***Parliament's component*** Members may propose that Parliament seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties.

***Before Parliament votes on that proposal, the President may request the opinion of the committee responsible for legal affairs, which shall report its conclusions to Parliament.***

If Parliament approves ***the proposal to seek an opinion from the Court of Justice***, the vote ***on a request for consent or opinion*** shall be adjourned until the Court has delivered its opinion.

<sup>14</sup> See also interpretation of Rule 141.

(See Amendment 77 to Rule 141, interpretation thereto, second subparagraph)

*Justification*

*Questions concerning the compatibility of an international agreement with the Treaties often touch upon issues – such as subsidiarity, legal basis, the interpretation and application of international law, the legal protection of Parliament’s rights and prerogatives etc. – for which the Committee on Legal Affairs is responsible under Annex VI to the Rules of Procedure. It is therefore appropriate to involve this Committee in the procedure referred to in this provision.*

**Amendment 66**

**Parliament's Rules of Procedure  
Rule 115 – paragraph 4**

*Present text*

*Amendment*

**4. Consideration by the committee responsible of requests relating to procedures on immunity under Rule 9 shall always take place in camera.**

**deleted**

(See Amendment 32 to Rule 9, paragraph 10)

*Justification*

*For consistency reasons, this matter should better be dealt with under Rule 9(10).*

**Amendment 67**

**Parliament's Rules of Procedure  
Rule 120 – paragraph 1**

*Present text*

*Amendment*

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

On a proposal of its committee responsible, Parliament shall appoint its nominee to the panel of seven persons charged with scrutinising the suitability of candidates to hold the office of Judge or Advocate-General of the Court of Justice and the General Court. ***The committee responsible shall decide on the nominee it wishes to***

*propose by holding a vote by simple majority. For that purpose, the coordinators of that committee shall establish a shortlist of candidates.*

*Justification*

*This amendment aligns Rule 120 to the existing practice.*

## **Amendment 68**

### **Parliament's Rules of Procedure Rule 141 – paragraph 1**

*Present text*

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice of the European Union for action by the institutions of the Union and by natural or legal persons, examine Union legislation and its ***implementing measures*** in order to ensure that the Treaties have been fully complied with, in particular where Parliament's rights are concerned.

*Amendment*

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice of the European Union for action by the institutions of the Union and by natural or legal persons, examine Union legislation and its ***implementation*** in order to ensure that the Treaties have been fully complied with, in particular where Parliament's rights are concerned.

*Justification*

*In order to avoid confusion with actual 'implementing measures', a different, more inclusive wording is suggested.*

## **Amendment 69**

### **Parliament's Rules of Procedure Rule 141 – paragraph 2**

*Present text*

2. The committee responsible shall report to Parliament, orally if necessary, if it suspects a breach of Union law.

*Amendment*

2. The committee responsible ***for legal affairs*** shall report to Parliament, orally if necessary, if it suspects a breach of Union law. ***Where appropriate, it may hear the views of the committee responsible for the subject-matter.***

*Justification*

*This amendment enables the committees responsible for the subject-matter to express its views.*

**Amendment 70**

**Parliament's Rules of Procedure  
Rule 141 – paragraph 3 – subparagraph 1**

*Present text*

3. The President shall bring an action on behalf of Parliament in accordance with the recommendation of the committee responsible.

*Amendment*

3. The President shall bring an action on behalf of Parliament in accordance with the recommendation of the committee responsible *for legal affairs*.

*Justification*

*A more precise wording is suggested.*

**Amendment 71**

**Parliament's Rules of Procedure  
Rule 141 – paragraph 3 – subparagraph 2**

*Present text*

At the start of the following part-session, the President may ask *the plenary* to decide whether the action should be maintained. Should *plenary* rule against the action by a majority of the votes cast, he shall withdraw it.

*Amendment*

At the start of the following part-session, the President may ask *Parliament* to decide whether the action should be maintained. Should *Parliament* rule against the action by a majority of the votes cast, he shall withdraw it.

*Justification*

*A more precise wording is suggested.*

**Amendment 72**

**Parliament's Rules of Procedure  
Rule 141 – paragraph 3 – subparagraph 3**



*Present text*

Should the President bring an action contrary to the recommendation of the committee responsible, he shall, at the start of the following part-session, ask the *plenary* to decide whether the action should be maintained.

*Amendment*

Should the President bring an action contrary to the recommendation of the committee responsible, he shall, at the start of the following part-session, ask *Parliament* to decide whether the action should be maintained.

*Justification*

*A more precise wording is suggested.*

**Amendment 73**

**Parliament's Rules of Procedure  
Rule 141 – paragraph 4 – subparagraphs 1 to 3**

*Present text*

4. The President shall submit observations or intervene in court proceedings on behalf of Parliament after consulting the committee responsible.

If the President intends to depart from the recommendation of the committee responsible, he shall inform the committee accordingly and shall refer the matter to the Conference of Presidents, stating his reasons.

If the Conference of Presidents takes the view that Parliament should, exceptionally, not submit observations or intervene before the Court of Justice of the European Union where the legal validity of an act of Parliament is being questioned, the matter shall be submitted to *plenary* without delay.

*Amendment*

4. The President shall submit observations or intervene in court proceedings on behalf of Parliament after consulting the committee responsible *for legal affairs*.

If the President intends to depart from the recommendation of the committee responsible *for legal affairs*, he shall inform the committee accordingly and shall refer the matter to the Conference of Presidents, stating his reasons.

If the Conference of Presidents takes the view that Parliament should, exceptionally, not submit observations or intervene before the Court of Justice of the European Union where the legal validity of an act of Parliament is being questioned, the matter shall be submitted to *Parliament* without delay.

*Justification*

*A more precise wording is suggested.*

## Amendment 74

### Parliament's Rules of Procedure Rule 141 – paragraph 4 – subparagraph 4

*Present text*

*Amendment*

*In urgent cases, the President may take precautionary action in order to comply with the time-limits prescribed by the court concerned. In such cases, the procedure provided for in this paragraph shall be implemented at the earliest opportunity.*

*deleted*

#### *Justification*

*Since precautionary action might sometimes be necessary also in relation to the direct actions referred to in Rule 141(3), this amendment (to be read in conjunction with new Rule 141(4a)) aims at making the urgent procedure of a general application.*

## Amendment 75

### Parliament's Rules of Procedure Rule 141 – paragraph 4 a (new)

*Present text*

*Amendment*

**4a.** *In urgent cases, the President, where possible after consulting the Chair and rapporteur of the committee responsible for legal affairs, may take precautionary action in order to comply with the relevant time-limits. In such cases, the procedure provided for in paragraphs 3 or 4 shall, as applicable, be implemented at the earliest opportunity.*

#### *Justification*

*Since precautionary action might sometimes be necessary also in relation to the direct actions referred to in Rule 141(3), this amendment (to be read in conjunction with the deletion of Rule 141(4)) aims at making the urgent procedure of a general application. The consultation of the Chair and rapporteur of the Committee on Legal Affairs is already possible in other urgent cases (see, for instance, Rule 8(1)). The suggested clarification makes this provision more effective.*

## Amendment 76

### Parliament's Rules of Procedure Rule 141 – paragraph 4 b (new)

*Present text*

*Amendment*

**4b. The committee responsible for legal affairs shall lay down principles for the application of this Rule.**

*Justification*

*On 24 February 2015 the Coordinators of the Committee on Legal Affairs adopted the 'Guidelines for the application of Rule 141 of the Rules of Procedure', which had been drafted in cooperation with the Legal Service. Recommendations made to the President under this Rule have constantly referred to these Guidelines since their adoption. The suggested change would ratify the existence of this tool. Albeit in a different context, a similar wording is in Rule 9(12).*

## Amendment 77

### Parliament's Rules of Procedure Rule 141 – interpretation – subparagraph 2

*Present text*

*Amendment*

**Rule 108(6) of the Rules of Procedure** **deleted**  
**lays down a specific procedure by means of which Parliament can take a decision on whether to exercise its prerogative, pursuant to Article 218(11) TFEU, to seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties; that provision constitutes a “lex specialis” which takes precedence over the general provision laid down in Rule 141 of the Rules of Procedure.**

*(See Amendment 65 to Rule 108, paragraph 6)*

*Justification*

*This interpretation becomes unnecessary as a result of new Rule 108(6).*

## **Amendment 78**

### **Parliament's Rules of Procedure Rule 170 – paragraph 1 – point c a (new)**

*Present text*

*Amendment*

*(ca) it seeks to amend a proposal for codification of Union legislation; however, the second subparagraph of Rule 103(3) shall apply mutatis mutandis;*

*Justification*

*Rule 103(3) already provides that, except for the cases mentioned therein, amendments to proposals for codification are not admissible at committee stage. This amendment seeks to clarify that the same principle applies at plenary stage.*

## **Amendment 79**

### **Parliament's Rules of Procedure Rule 170 – paragraph 1 – point c b (new)**

*Present text*

*Amendment*

*(cb) it seeks to amend those parts of a proposal recasting Union legislation which remain unchanged in such proposal; however, the second subparagraph of Rule 104(2) and the third subparagraph of Rule 104(3) shall apply mutatis mutandis;*

*Justification*

*Rule 104(2) and (3) already provides that, except for the cases mentioned therein, amendments to the provisions which remain unchanged in a proposal recasting Union legislation are not admissible at committee stage. This amendment seeks to clarify that the same principle applies at plenary stage.*

## **Amendment 80**

### **Parliament's Rules of Procedure Rule 202**

*Present text*

*Amendment*

***Rule 202***

***deleted***

***Committee responsible for the verification  
of credentials***

***Among the committees set up in  
accordance with the provisions of these  
Rules, one committee shall be responsible  
for the verification of credentials and the  
preparation of decisions on any objections  
concerning the validity of elections.***

*Justification*

*This Rule is superfluous as already covered by Rule 3(3) and Annex VI.*

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	13.10.2016
<b>Result of final vote</b>	+: 18 -: 0 0: 0
<b>Members present for the final vote</b>	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Lidia Joanna Geringer de Oedenberg, Gilles Lebreton, António Marinho e Pinto, Julia Reda, Evelyn Regner, Pavel Svoboda, József Szájer, Tadeusz Zwiefka
<b>Substitutes present for the final vote</b>	Pascal Durand, Evelyne Gebhardt, Constance Le Grip, Victor Negrescu, Virginie Rozière