

Amendment of Rules 3 and 4 of Parliament's Rules of Procedure

European Parliament decision on the amendment of Rules 3 and 4 of Parliament's Rules of Procedure (2005/2036(REG))

The European Parliament,

- having regard to its decision of 14 December 2004 on the verification of credentials¹ and notably paragraph 6 thereof,
 - having regard to the letter from its Secretary General dated 15 February 2005,
 - having regard to Rules 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Legal Affairs (A6-0274/2006),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that these amendments will enter into force on the first day of the next part-session pursuant to Rule 202(3) of its Rules of Procedure;
 3. Instructs its President to forward this decision to the Council and Commission, for information.

Present text

Amendments

Amendment 1
Rule 3, paragraph -1 (new)

-1. Following elections to the European Parliament, the President shall invite the competent authorities of the Member States to notify Parliament without delay of the names of the elected Members so that all Members may take their seats in Parliament with effect from the opening of the first sitting following the elections.

At the same time, the President shall draw the attention of those authorities to the relevant provisions of the Act of 20 September 1976 and invite them to take the necessary measures to avoid any incompatibility with the office of Member

¹ OJ C 226 E, 15.9.2005, p. 51.

of the European Parliament.

(The current Rule 3(6) is deleted.)

Amendment 2

Rule 3, paragraph -1 a (new)

-1a. Every Member whose election has been notified to Parliament shall make a written declaration, before taking his seat in Parliament, that he does not hold any office incompatible with that of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976. Following general elections, this declaration shall be made where possible no later than six days prior to Parliament's constitutive sitting. Until such time as a Member's credentials have been verified or a ruling has been given on any dispute, and provided that he has previously signed the above-mentioned written declaration, the Member shall take his seat in Parliament and on its bodies and shall enjoy all the rights attaching thereto.

Where it is established from facts verifiable from sources available to the public that a Member holds an office incompatible with that of Member of the European Parliament, within the meaning of Article 7(1) and (2) of the Act of 20 September 1976, Parliament, upon information provided by its President, shall establish that there is a vacancy.

(The current Rule 3(5) is deleted.)

Amendment 3

Rule 3, paragraph 2, subparagraph 2

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 7 of the Act of 20 September 1976* and Annex I to these Rules have been made.

It shall not be possible to confirm the validity of the mandate of a Member unless the written declarations required *under this Rule* and Annex I to these Rules have been made.

Amendment 4

Rule 4, paragraph 4

4. Incompatibilities resulting from national legislation shall be notified to Parliament, which shall take note thereof.

Where the competent authorities of the Member States or of the Union or the Member concerned notify the President of an appointment to an office incompatible with the office of Member of the European Parliament, the President shall inform Parliament, which shall establish that there is a vacancy.

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 invite the Member State to fill the vacant seat without delay.

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 5

Rule 4, paragraph 6, indent 2

- 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 7* 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.

- in the event 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.

Amendment 6

Rule 4, paragraph 7

7. When Parliament has established that a vacancy exists, it shall inform the Member State concerned thereof.

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

Amendment 7
Rule 11, interpretation

If a question relating to the verification of credentials is raised when the oldest Member is in the Chair, *he* shall *refer the matter* to the committee responsible for the verification of credentials.

The oldest Member shall exercise the powers of the President referred to in the second subparagraph of Rule 3(-1a). Any other matter relating to the verification of credentials *that* is raised when the oldest Member is in the Chair shall *be referred* to the committee responsible for the verification of credentials.