

# EUROPEAN PARLIAMENT

1999



2004

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*Session document*

FINAL  
**A5-0068/2004**

19 February 2004

## **REPORT**

on the restructuring of Parliament's Rules of Procedure in the light of its resolution of 12 June 2002 and the minor changes which have become necessary since then  
(2003/2233(REG))

Committee on Constitutional Affairs

Rapporteur: Richard Corbett



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## PROCEDURAL PAGE

At the sitting of 4 December 2003 the President of Parliament announced that he had referred to the Committee on Constitutional Affairs, pursuant to Rule 181 of the Rules of Procedure, the issue of the amendments to be made to Parliament's Rules of Procedure in order to restructure them, in accordance with Parliament's resolution of 12 June 2002, before the start of the next parliamentary term.

By letter of 11 December 2003 the President of Parliament expanded the referral to incorporate a series of substantive points and issues to be considered at the same time.

At its meeting of 25 November 2003 the Committee on Constitutional Affairs had decided to draw up a report and had appointed Richard Corbett rapporteur.

It considered the draft report at its meeting(s) of 1 December 2003, 19 January 2004 and 17 February 2004.

At the latter/last meeting it adopted the proposal for a decision by 22 votes to 3 with 2 abstentions.

The following were present for the vote: Giorgio Napolitano (chairman), Jo Leinen (vice-chairman), Ursula Schleicher (vice-chairman), William Abitbol (vice-chairman), Richard Corbett (rapporteur), Teresa Almeida Garrett, Georges Berthu, Jean-Louis Bourlanges, Giorgio Calò, Carlos Carnero González, Gianfranco Dell'Alba (for Olivier Dupuis), Giorgos Dimitrakopoulos, Andrew Nicholas Duff, Olivier Duhamel, Lone Dybkjær, José María Gil-Robles Gil-Delgado, Michel Hansenne (for Cees Bremmer), Lord Inglewood, Sylvia-Yvonne Kaufmann, Sir Neil MacCormick (for Monica Frassoni), Iñigo Méndez de Vigo, Ana Miranda de Lage (for Enrique Barón Crespo), Gérard Onesta, Jacques F. Poos (for Jean-Maurice Dehousse), José Ribeiro e Castro (for Mariotto Segni), Françoise Veyrinas (for Luigi Ciriaco De Mita) and Karl von Wogau (for Daniel J. Hannan).

The report was tabled on 19 February 2004.

## PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on the restructuring of Parliament's Rules of Procedure in the light of its resolution of 12 June 2002 and the minor changes which have become necessary since then (2003/2233(REG))**

*The European Parliament,*

- having regard to the letters from its President dated 21 October and 11 December 2003,
  - having regard to Article 43 of the act concerning the conditions of accession to the European Union and the adjustments to the Treaties on which the European Union is founded, signed on 16 April 2003 in Athens,
  - having regard to Rules 180 and 181 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A5-0068/2004),
1. Decides to restructure its Rules of Procedure in accordance with the new list of contents shown below;
  2. Decides to amend its Rules of Procedure as shown below;
  3. Decides that these amendments will enter into force on the first day of the first part-session following the 2004 elections to the European Parliament;
  4. Instructs its President to adapt the wording of Rule 1(2) of its Rules of Procedure in light of the enlargement of the Union by adding, in the respective official languages, the official names used to refer to the representatives elected to the European Parliament in the Member States joining the Union on 1 May 2004;
  5. Decides, further, to change the date of 1 July 2004 scheduled for the entry into force of the new version of Rule 29(2) of the Rules of Procedure to take account of the date of the enlargement, which is now known, and to fix the date for the entry into force of that provision for 30 April 2004; this shall, however, be without prejudice to the continued existence of the current political groups until the end of the legislature;
  6. Instructs its Secretary-General to take the steps required to ensure that the restructured version of the Rules of Procedure which has been brought into line with the increased number of Members, pursuant to Rule 180(8), is available immediately after the 2004 elections to the European Parliament;
  7. Instructs its President to forward this decision, for information, to the Council and Commission.

# PARLIAMENT'S RULES OF PROCEDURE

## Amendment 1

### *(Proposal for a restructuring of the Rules of Procedure)*

*(The current numbering of the chapters and rules is given in italics in brackets)*

## **TITLE I MEMBERS, PARLIAMENT BODIES AND POLITICAL GROUPS**

### **CHAPTER 1 MEMBERS OF THE EUROPEAN PARLIAMENT** *(Chapter I)*

- Rule 1: The European Parliament *(Rule 1)*
- Rule 2: The independent mandate *(Rule 2)*
- Rule 3: Verification of credentials *(Rule 7)*
- Rule 4: Term of office of Members *(Rule 8)*
- Rule 5: Privileges and immunities *(Rule 3)*
- Rule 6: Parliamentary immunity *(Rule 6)*
- Rule 7: Procedures on immunity *(Rule 6a)*
- Rule 8: Payment of expenses and allowances *(Rule 5)*
- Rule 9: Code of conduct *(Rule 9)*
- Rule 10: Internal investigations conducted by the European Anti-Fraud Office (OLAF) *(Rule 9a)*

### **CHAPTER 2 OFFICERS OF PARLIAMENT** *(Chapter III)*

- Rule 11: Oldest Member *(Rule 12)*
- Rule 12: Nominations and general provisions *(Rule 13)*
- Rule 13: Election of President - opening address *(Rule 14)*
- Rule 14: Election of Vice-Presidents *(Rule 15)*
- Rule 15: Election of Quaestors *(Rule 16)*
- Rule 16: Term of office of Officers *(Rule 17)*
- Rule 17: Vacancies *(Rule 18)*
- Rule 18: Early termination of an office *(Rule 185a)*

### **CHAPTER 3 PARLIAMENT'S GOVERNING BODIES** *(CHAPTER IV)*

- Rule 19: Duties of the President *(Rule 19)*
- Rule 20: Duties of the Vice-Presidents *(Rule 20)*
- Rule 21: Composition of the Bureau *(Rule 21)*
- Rule 22: Duties of the Bureau *(Rule 22)*
- Rule 23: Composition of the Conference of Presidents *(Rule 23)*
- Rule 24: Duties of the Conference of Presidents *(Rule 24)*
- Rule 25: Duties of the Quaestors *(Rule 25)*
- Rule 26: Conference of Committee Chairmen *(Rule 26)*

- Rule 27: Conference of Delegation Chairmen (*Rule 27*)  
Rule 28: Accountability of the Bureau, the Conference of Presidents and the Quaestors (*Rule 28*)

#### CHAPTER 4 POLITICAL GROUPS (*Chapter V*)

- Rule 29: Formation of political groups (*Rule 29*)  
Rule 30: Activities and legal situation of the political groups (*Rule 29a*)  
Rule 31: Non-attached Members (*Rule 30*)  
Rule 32: Allocation of seats in the Chamber (*Rule 31*)

### TITLE II LEGISLATIVE, BUDGETARY AND OTHER PROCEDURES

#### CHAPTER 1 LEGISLATIVE PROCEDURES – GENERAL PROVISIONS (*Chapter VIII*)

- Rule 33: Commission's legislative and work programme (*Rule 57*)  
Rule 34: Examination of respect for fundamental rights, the principles of subsidiarity and proportionality, the rule of law, and financial implications (*Rule 58*)  
Rule 35: Verification of legal basis (*Rule 63*)  
Rule 36: Verification of financial compatibility (*Rule 63a*)  
Rule 37: Transparency in the legislative process (*Rule 64*)  
Rule 38: Representation of Parliament in Council meetings (*Rule 62a*)  
Rule 39: Initiative pursuant to Article 192 of the EC Treaty (*Rule 59*)  
Rule 40: Consideration of legislative documents (*Rule 60*)  
Rule 41: Consultation on initiatives originating from a Member State (*Rule 61*)

#### CHAPTER 2 PROCEDURE IN COMMITTEE

- Rule 42: Legislative reports (*Rule 159*)  
Rule 43: Simplified procedure (*Rule 158*)  
Rule 44: Non-legislative reports (*Rule 160*)  
Rule 45: Own-initiative reports (*Rule 163*)  
Rule 46: Opinions of committees (*Rule 162*)  
Rule 47: Enhanced cooperation between committees (*Rule 162a*)  
Rule 48: Explanatory statements and deadlines (*Rule 161*)

#### CHAPTER 3 FIRST READING

##### – *Committee stage*

- Rule 49: Modification of a Commission proposal (*Rule 65*)  
Rule 50: Commission and Council position on amendments (*Rule 66*)

##### – *Plenary stage*

- Rule 51: Conclusion of first reading (*Rule 67*)  
Rule 52: Rejection of a Commission proposal (*Rule 68*)  
Rule 53: Adoption of amendments to a Commission proposal (*Rule 69*)

– *Follow-up procedure*

Rule 54: Follow-up to Parliament's opinion (*Rule 70*)

Rule 55: Renewed referral to Parliament (*Rule 71*)

– Codecision procedure

– Other procedures

Rule 56: Conciliation procedure contained in the 1975 joint declaration (*Rule 72*)

#### CHAPTER 4 SECOND READING

– *Committee stage*

Rule 57: Communication of the Council's common position (*Rule 74*)

Rule 58: Extension of time limits (*Rule 75*)

Rule 59: Referral to and procedure in the committee responsible (*Rule 76*)

– *Plenary stage*

Rule 60: Conclusion of second reading (*Rule 77*)

Rule 61: Rejection of the Council's common position (*Rule 79*)

Rule 62: Amendments to the Council's common position (*Rule 80*)

#### CHAPTER 5 THIRD READING

– *Conciliation*

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Rule 64: Delegation to Conciliation Committee (*Rule 82*)

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Rule 65: Joint text (*Rule 83*)

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Rule 69: General Budget (*Rule 92*)

Rule 70: Discharge to the Commission in respect of implementation of the budget (*Rule 93*)

Rule 71: Other discharge procedures (*Rule 93a*)

Rule 72: Parliamentary control over implementation of the budget (*Rule 94*)



## CHAPTER 8 INTERNAL BUDGETARY PROCEDURES

- Rule 73: Estimates of Parliament (*Rule 183*)
- Rule 74: Power to incur and settle expenditure (*Rule 184*)

## CHAPTER 9 ASSENT PROCEDURE

- Rule 75: Conclusion of assent procedure (*Rule 86*)

## CHAPTER 10 ENHANCED COOPERATION (*Chapter XIV*)

- Rule 76: Procedures in Parliament (*Rule 109*)

## CHAPTER 11 OTHER PROCEDURES

- Rule 77: Procedure for delivering opinions pursuant to Article 122 of the EC Treaty (*Rule 85*)
- Rule 78: Procedures relating to dialogue between management and labour (*Rule 87*)
- Rule 79: Procedures relating to scrutiny of voluntary agreements (*Rule 87a*)
- Rule 80: Official codification of Community legislation (*Rule 89*)
- Rule 81: Implementing provisions (*Rule 88*)

## CHAPTER 12 TREATIES AND INTERNATIONAL AGREEMENTS (*Chapter X and Chapter XI*)

- Rule 82: Accession treaties (*Rule 96*)
- Rule 83: International agreements (*Rule 97*)
- Rule 84: 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 (*Rule 98*)

## CHAPTER 13 EXTERNAL REPRESENTATION OF THE UNION AND COMMON FOREIGN AND SECURITY POLICY (*Chapter XI*)

- Rule 85: Appointment of the High Representative for the common foreign and security policy (*Rule 99*)
- Rule 86: Appointment of special representatives for the purposes of the common foreign and security policy (*Rule 100*)
- Rule 87: Statements by the High Representative for the common foreign and security policy and by other special representatives (*Rule 101*)
- Rule 88: International representation (*Rule 102*)
- Rule 89: Consultation of and provision of information to Parliament within the framework of the common foreign and security policy (*Rule 103*)

- Rule 90: Recommendations within the framework of the common foreign and security policy (*Rule 104*)  
Rule 91: Violation of human rights (*Rule 104a*)

#### CHAPTER 14 POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS (*Chapter XII*)

- Rule 92: Provision of information to Parliament in the fields of police and judicial cooperation in criminal matters (*Rule 105*)  
Rule 93: Consultation of Parliament in the fields of police and judicial cooperation in criminal matters (*Rule 106*)  
Rule 94: Recommendations in the fields of police and judicial cooperation in criminal matters (*Rule 107*)

#### CHAPTER 15 BREACH BY A MEMBER STATE OF FUNDAMENTAL PRINCIPLES (*Chapter XIII*)

- Rule 95: Determination of a breach (*Rule 108*)

### **TITLE III TRANSPARENCY OF BUSINESS** (*Chapter XXII*)

- Rule 96: Transparency of Parliament's activities (*Rule 171*)  
Rule 97: Public access to documents (*Rule 172*)

### **TITLE IV RELATIONS WITH THE OTHER INSTITUTIONS** (*Chapter VI*)

#### CHAPTER 1 APPOINTMENTS

- Rule 98: Election of the President of the Commission (*Rule 32*)  
Rule 99: Election of the Commission (*Rule 33*)  
Rule 100: Motion of censure on the Commission (*Rule 34*)  
Rule 101: Appointment of the Members of the Court of Auditors (*Rule 35*)  
Rule 102: Appointment of the Members of the Executive Board of the European Central Bank (*Rule 36*)

#### CHAPTER 2 STATEMENTS

- Rule 103: Statements by the Commission, Council and European Council (*Rule 37*)  
Rule 104: Statements explaining Commission decisions (*Rule 38*)  
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Rule 107: Recommendation on the broad guidelines of economic policies (*Rule 41*)

### CHAPTER 3 QUESTIONS TO THE COUNCIL, THE COMMISSION AND THE EUROPEAN CENTRAL BANK

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- Rule 109: Question Time (*Rule 43*)
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- Rule 112: Annual reports and other reports of other institutions (*Rule 47*)

### CHAPTER 5 RESOLUTIONS AND RECOMMENDATIONS

- Rule 113: Motions for resolutions (*Rule 48*)
- Rule 114: Recommendations to the Council (*Rule 49*)
- Rule 115: Debates on cases of breaches of human rights, democracy and the rule of law (*Rule 50*)
- Rule 116: Written declarations (*Rule 51*)
- Rule 117: Consultation of the Economic and Social Committee (*Rule 52*)
- Rule 118: Consultation of the Committee of the Regions (*Rule 53*)

### CHAPTER 6 INTERINSTITUTIONAL AGREEMENTS

- Rule 119: Interinstitutional agreements (*Rule 54*)

### CHAPTER 7 REFERRALS TO THE COURT OF JUSTICE

- Rule 120: Proceedings before the Court of Justice (*Rule 91*)
- Rule 121: Consequences of the Council failing to act following approval of its common position under the cooperation procedure (*Rule 90*)

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- Rule 122: Exchange of information, contacts and reciprocal facilities (*Rule 55*)
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- Rule 125: Parliamentary term, sessions, part-sessions, sittings (*current Rule 10, paragraph 1*)
- Rule 126: Convening of Parliament (*current Rule 10, other paragraphs*)
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- Rule 128: Attendance of Members at sittings (*Rule 4*)

### CHAPTER 2 ORDER OF BUSINESS OF PARLIAMENT (*Chapter XV*)

- Rule 129: Draft agenda (*Rule 110*)
- Rule 130: Procedure in plenary without amendment and debate (*Rule 110a*)
- Rule 131: Adopting and amending the agenda (*Rule 111*)
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### CHAPTER 3 GENERAL RULES FOR THE CONDUCT OF SITTINGS (*Chapter XVI*)

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- Rule 137: Languages (*Rule 117*)
- Rule 138: Distribution of documents (*Rule 118*)
- Rule 139: Calling speakers and content of speeches (*Rule 119*)
- Rule 140: Allocation of speaking time (*Rule 120*)
- Rule 141: List of speakers (*Rule 121*)
- Rule 142: One-minute speeches (*Rule 121a*)
- Rule 143: Personal statements (*Rule 122*)
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- Rule 145: Exclusion of Members (*Rule 124*)
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### CHAPTER 4 QUORUM AND VOTING (*Chapter XVII*)

- Rule 147: Quorum (*Rule 126*)
- Rule 148: Tabling and moving amendments (*Rule 139, not including first subparagraph of first paragraph*)
- Rule 149: Admissibility of amendments (*Rule 140*)
- Rule 150: Voting procedure (*Rule 127*)
- Rule 151: Tied votes (*Rule 128*)
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## CHAPTER 5 INTERRUPTIVE AND PROCEDURAL MOTIONS (*Chapter XVIII*)

- Rule 163: Procedural motions (*Rule 141*)
- Rule 164: Points of order (*Rule 142*)
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- Rule 170: Minutes (*Rule 148*)<sup>1</sup>
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### CHAPTER 1 COMMITTEES – SETTING UP AND POWERS (*Chapter XX*)

- Rule 172: Setting up of standing committees (*Rule 150, paragraph 1*)
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- Rule 174: Committees of inquiry (*Rule 151*)
- Rule 175: Composition of committees (*Rule 152*)
- Rule 176: Substitutes (*Rule 153*)
- Rule 177: Duties of committees (*Rule 154*)
- Rule 178: Committee responsible for the verification of credentials (*Rule 155*)
- Rule 179: Subcommittees (*Rule 156*)
- Rule 180: Committee bureaux (*Rule 157*)

### CHAPTER 2 COMMITTEES – FUNCTIONING (*Chapter XX*)

- Rule 181: Committee meetings (*Rule 166*)
- Rule 182: Minutes of committee meetings (*Rule 167*)
- Rule 183: Voting in committee (*Rule 139, paragraph 1, first subparagraph, and Rule 165, paragraphs 1, 2, 3 and 5*)

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<sup>1</sup> For committee meetings see Rule 182 (*Rule 167*).

- Rule 184: Provisions concerning the plenary sitting applicable in committee (*Rule 165, paragraph 4*)  
Rule 185: Question Time in committee (*Rule 164*)

### **CHAPTER 3 INTERPARLIAMENTARY DELEGATIONS (*Chapter XXI*)**

- Rule 186: Setting up and duties of interparliamentary delegations (*Rule 168*)  
Rule 187: Cooperation with the Parliamentary Assembly of the Council of Europe (*Rule 169*)  
Rule 188: Joint parliamentary committees (*Rule 170*)

### **TITLE VIII PETITIONS (*Chapter XXIII*)**

- Rule 189: Right of petition (*Rule 174*)  
Rule 190: Examination of petitions (*Rule 175*)  
Rule 191: Notice of petitions (*Rule 176*)

### **TITLE IX OMBUDSMAN (*Chapter XXIV*)**

- Rule 192: Appointment of the Ombudsman (*Rule 177*)  
Rule 193: Activities of the Ombudsman (*Rule 179*)  
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### **TITLE X PARLIAMENT'S SECRETARIAT**

- Rule 195: Secretariat (*Rule 182*)

### **TITLE XI APPLICATION AND AMENDMENT OF THE RULES OF PROCEDURE (*Chapter XXV*)**

- Rule 196: Application of the Rules of Procedure (*Rule 180*)  
Rule 197: Amendment of the Rules of Procedure (*Rule 181*)

### **TITLE XII MISCELLANEOUS PROVISIONS (*Chapter XXVII*)**

- Rule 198: Unfinished business (*Rule 185*)  
Rule 199: Arrangement of annexes (*Rule 186*)

Amendment 2  
Rule 91, paragraphs 1 and 2

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice for action by the institutions of the Union and by any natural or legal persons, examine Community legislation to ensure that *its* rights have been fully respected.

2. The committee responsible shall report to Parliament, orally if necessary, where it suspects a breach of **Parliament's rights**.

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

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

*Justification*

*When the last general revision of the Rules of Procedure was carried out, an amendment to the first two paragraphs of Rule 91, Proceedings before the Court of Justice, made necessary by the Treaty of Nice was not adopted. Under the Treaty of Nice Article 230 of the EC Treaty was amended in such a way that Parliament's right to bring actions against acts adopted by the institutions - its 'active legitimation' - on the grounds listed in the second paragraph of that article (lack of competence, infringement of an essential procedural requirement, etc.) is no longer subject to the condition that the action must be brought 'for the purpose of protecting its prerogatives'. In other words, Parliament has been placed on an equal footing with the Council, the Commission and the Member States when it comes to the right to seek from the Court of Justice a review 'in abstracto' of the legality of a legal act.*

Amendment 3  
Rule 94, paragraph 1

1. Parliament shall monitor the implementation of the current year's budget. It shall entrust this task to the **committee** responsible for budgetary control and the other committees concerned.

1. Parliament shall monitor the implementation of the current year's budget. It shall entrust this task to the **committees** responsible for **the budget and** budgetary control and the other committees concerned.

*Justification*

*On 29 January 2004, pursuant to Rule 150(1) of its Rules of Procedure, Parliament adopted an amendment to Annex VI to the Rules of Procedure laying down the powers and responsibilities of the standing parliamentary committees. In so doing, it expressly entrusted to its Committee on Budgets responsibility for monitoring and assessing the implementation of the current year's budget (point IV.8). The Committee on Budgetary Control remains*

*responsible for monitoring the implementation of the budget in general. This reflects an agreement reached between the two committees concerned regarding their respective roles in this area.*

*The amendment seeks to bring Rule 94(1) into line with the new situation.*

Amendment 4  
Rule 150, paragraph 2

2. Parliament may at any time set up temporary committees, whose powers, composition and term of office shall be defined at the same time as the decision to set them up is taken; their term of office may not exceed twelve months, except where Parliament extends that term on its expiry.

**2. *On a proposal from the Conference of Presidents***, Parliament may at any time set up temporary committees, whose powers, composition and term of office shall be defined at the same time as the decision to set them up is taken; their term of office may not exceed twelve months, except where Parliament extends that term on its expiry.

*Justification*

*Rule 150(2) provides for the setting-up of temporary committees. Their powers, composition and term of office are defined by Parliament 'at the same time as the decision to set them up is taken'. In the case of the standing committees, the Rules of Procedure explicitly allocate to the Conference of Presidents the right to propose the setting-up of such committees and their powers (Rule 150(1)). Rule 152 sets out the procedures for the nomination and election of the Members of all the committees.*

*In the case of temporary committees, the Rules of Procedure do not deal explicitly with the issue of the right to propose their setting-up, but lay down only a general provision, Rule 24(6) stipulating that 'the Conference of Presidents shall be the authority responsible for the composition and competence of committees ...'.*

*There would therefore seem to be a need, ideally in a new rule devoted specifically to temporary committees (see, in this connection, Rule 173 of the draft restructured Rules of Procedure), to stipulate clearly who may propose the setting-up of a temporary committee and that committee's powers, composition and term of office.*

Amendment 5  
Rule 158, paragraph 3a (new)

**3a. *The first and second sentences of paragraph 1, the first, second and third sentences of paragraph 2 and paragraph 3 shall apply, mutatis mutandis, to committee opinions within the meaning of***



## **Rule 162.**

### *Justification*

*On the basis of its old wording and on that of the wording resulting from the last revision, Rule 158, Simplified procedure, is not applicable to the drafting of opinions for other committees; however, it is precisely here that a simplified procedure would be most useful and most frequently used. This point was missed when the last revision was carried out.*

### Amendment 6 Rule 183, paragraph 6a (new)

***6a. The implementing provisions governing the procedure for drawing up Parliament's estimates shall be adopted by a majority of the votes cast and be annexed to these Rules.***

### *Justification*

*The changes proposed in this amendment and the following one are not the result of the last general revision of the rules nor are they the result of the preparatory work on restructuring, but are part of the current process of revising Annex VI to the Rules concerning the powers and responsibilities of standing committees and the structure of committees as a whole.*

*The Conference of Presidents decided on 17 December 2003 to propose to Parliament a new committee structure to come into force at the beginning of the next parliamentary term. In this context, it envisaged deleting, in point II of Annex VI to the Rules, 'Committee on Budgets,' the provisions governing the procedure for drawing up the establishment plan and Parliament's estimates to be carried out by the Bureau and the Committee on Budgets respectively.*

*It seems reasonable to remove these parts of the text from Annex VI, since they do not concern the competencies of the committee in question but rather the procedure to be followed in drawing up Parliament's budget. They are nevertheless needed to ensure harmonious cooperation between the Bureau and the parliamentary committees concerned.*

*It is therefore proposed to take up a suggestion made by the Conference of Presidents and referred to our committee, that the text in question should be incorporated in another annex. So as not to increase the number of annexes even further, it is suggested that the text be inserted in the existing Annex IV, 'Implementing procedures for examination of the general budget of the European Union ...', in the form of a new article specifically devoted to the procedure for drawing up Parliament's estimates.*

*Since this matter is dealt with in Rule 183 in the main body of the Rules, it would be appropriate to add a new paragraph to this Rule as a basis for the detailed procedural provisions.*

*Article 7a*

*Procedure to be applied when drawing up  
Parliament's estimates*

*1. As regards problems relating to  
Parliament's budget, the Bureau and the  
Committee on Budgets will take decisions  
in successive stages on:*

*(a) the establishment plan;*

*(b) the preliminary draft and the draft  
estimates.*

*2. The decisions concerning the  
establishment plan will be taken according  
to the following procedure:*

*(a) the Bureau shall draw up the  
establishment plan for each financial year;*

*(b) a conciliation procedure between the  
Bureau and the Committee on Budgets  
shall be opened in cases where the opinion  
of the latter diverges from the initial  
decisions taken by the Bureau;*

*(c) at the end of the procedure, the Bureau  
shall take the final decision on the  
estimates for the establishment plan, in  
accordance with Rule 182(3), without  
prejudice to decisions taken pursuant to  
Article 272 of the EC Treaty.*

*3. As regards the estimates proper, the  
procedure for drawing up the estimates will  
begin as soon as the Bureau has taken a  
final decision on the establishment plan.  
The stages of this procedure will be those  
laid down in Rule 183, viz.:*

*(a) the Bureau shall draw up the  
preliminary draft estimates of revenue and  
expenditure (paragraph 1);*

*(b) the Committee on Budgets shall draw*

*up the draft estimates of revenue and expenditure (paragraph 2);*

*(c) a conciliation procedure shall be opened in cases where the positions of the Committee on Budgets and the Bureau are widely divergent.*

*4. In exercising its powers the Committee on Budgets will cooperate closely with the Committee on Budgetary Control.*

*Justification*

*See Justification for the previous amendment.*

Amendment 8  
Annex V, Article 2, interpretation

***Amendments to the motion for a resolution to be put to the vote in plenary must be referred to the committee responsible for consideration.***      ***Deleted***

*Justification*

*The aim of the revision carried out in 2002 of the provisions of the Rules of Procedure governing the discharge procedure (report A5-0308/2002 of the Committee on Constitutional Affairs, rapporteur: Hans-Peter Martin) was to ensure that, whatever the circumstances, the procedure should result in Parliament granting or refusing the discharge, by the deadline set, whilst ruling out, as far as possible, contradictions between the discharge decision itself and the resolution accompanying it and containing an assessment of the Commission's budgetary management over the financial year and observations relating to the implementation of expenditure in the future.*

*With that aim in view, the President was given the option of postponing the vote on the motion for a resolution and setting a fresh deadline for the tabling of amendments (Annex V, Article 5a(3)). In addition, by means of an amendment tabled in committee by Mr Bourlanges the interpretation which this amendment seeks to delete was also incorporated into the Rules of Procedure. In 2003, for the first time, the Committee on Budgetary Control considered in committee amendments to be put to the vote in plenary, as provided for by the interpretation. That process proved laborious and of no tangible value, so that the committee is now suggesting that the interpretation in question should be deleted.*

## EXPLANATORY STATEMENT

### 1. Introduction

Following the general revision of the Rules of Procedure adopted in 1999 in order to bring them into line with the Treaty of Amsterdam, and the further revision carried out in 2000, there was a strong feeling in the Committee on Constitutional Affairs that the 'clarity' of the text should be improved. It was decided, therefore, that the scope for a restructuring of the Rules of Procedure, leaving their substantive provisions unchanged, should be considered. The idea of a restructuring had previously been discussed in the Committee on the Rules of Procedure, but had been abandoned on the grounds that such an undertaking might cause more confusion among users than it would solve problems.

The Committee on Constitutional Affairs asked the Directorate-General for Research to carry out a study as part of the 2000 research programme. DG IV drew on the assistance and the practical experience of members of staff from a number of Parliament directorates-general and departments and, in January 2001, submitted a draft text to the chairman of the Committee on Constitutional Affairs, Mr Napolitano.

In March 2001 the Committee on Constitutional Affairs decided to allocate the task of considering the issue of a restructuring of the Rules of Procedure to the same rapporteur who was assessing the implications for the Rules of Procedure of both the Bureau decision on internal reform (Provan report) and the Treaty of Nice, i.e. Mr Corbett.

Whilst preparing his report, the rapporteur reached the conclusion that the issue of the restructuring of the Rules of Procedure could not be dealt with properly without producing a document which was far too unwieldy. Once that approach had been endorsed by the Committee on Constitutional Affairs, paragraph 4 of the resolution of 12 June 2002, which was based on the Corbett report, referred to the issue of restructuring in the following terms:

'Instructs its President to charge the Secretary-General with preparing, in agreement with the committee responsible, a formal restructuring of the chapters in the Rules of Procedure designed to improve their internal logic and to make them easier to use without modifying them as to their substance, taking account of a study drawn up by the Directorate-General for Research<sup>1</sup>, with a view to a restructured version being approved by Parliament in order to enter into force at the start of the Parliament elected in 2004.'

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<sup>1</sup> Doc. IV/WIP/2000/04/0210 of 25 January 2001.

## **2. Proceedings of the working party**

On the basis of instructions issued by the Secretary-General, on 7 April 2003 a working party was set up under the chairmanship of Mr Nickel, Director-General of DG II. In keeping with the remit set out in the resolution of 12 June 2002, the working party met six times, on 28 April, 21 May, 12 June, 2 July, 10 September and 8 October 2003, taking as its starting point the draft text drawn up by DG IV in January 2001 and the version of the Rules of Procedure incorporating the most recent revision following the adoption of the Corbett report and the subsequent changes. For each meeting, the secretariat of the Committee on Constitutional Affairs prepared an updated version of the contents of the Rules of Procedure which took account of the changes on which the working party had reached agreement. The working party confined its scrutiny to the body of the Rules of Procedure and did not consider the annexes, even though those annexes could be restructured in order to place them in a more logical order, taking the view that the issue of the annexes should be dealt with separately, at the appropriate juncture, by the committee responsible. At the meeting of 12 June 2003 an in-depth exchange of views was held with Mr Rømer, Director-General of DG I.

The working party adopted a two-stage approach: initially, it considered the structure proposed by DG IV item by item and updated it. Thereafter, it moved away from that model with a view to achieving a better balance within a new structure.

## **3. The working party's proposal**

Throughout its proceedings the working party endeavoured to strike a balance between the 'fresh pair of eyes' approach, which calls everything into question, and the 'old hand' approach, which is based on a reluctance to change anything. At all events, 'improving the internal logic of the Rules of Procedure' is no easy task, given that, as pointed out by the Legal Service in a note drawn up in December 2000, there is no single binding logic and several different categories of 'logic' may give rise to widely differing results.

The proposed restructuring of the Rules of Procedure, as reflected in this draft report in the form of revised 'Contents' (with the current numbering of the chapters and individual rules given in italics), is primarily intended to improve the 'clarity' of the text and to make it easier to use.

In keeping with that approach, the proposal introduces titles (a total of 12), generally subdivided into chapters which are not continuously numbered. In contrast, continuous numbering has been retained for the individual rules for ease of identification.

## **4. The changes in detail**

Title I, Members, Parliament Bodies and Political Groups, brings together the current Chapters I, III, IV and V. Chapter II, Sessions of Parliament, has been incorporated into the new Title VI, Sessions.

Title II, Procedures, covers all the types of procedure dealt with in Chapters VIII to XIV of

the current Rules of Procedure and the committee procedures dealt with in Rules 159 to 163 of the current Chapter XX, Committees, the aim being to highlight the role played by the committees in Parliament's proceedings. Rules 183 and 184, which deal with the preparation and implementation of Parliament's budget, have been transferred from the current Chapter XXVI, Secretariat of Parliament - Accounting, to form a new Chapter VIII, Internal budgetary procedures, placed after Chapter VII which deals with budgetary procedures in general.

Title III, Transparency of Proceedings, incorporates the current Rules 171, Transparency of Parliament's activities, and 172, Public access to documents, the aim being to emphasise the importance which Parliament attaches to transparency.

Title IV, Relations with the other Institutions, incorporates Rules 91 and 90 concerning the Court of Justice into the existing Chapter VI.

Title V, Relations with the National Parliaments, is identical in substance to the current Chapter VII.

Title VI, Sessions, combines the current Chapter II, Sessions of Parliament, with Chapters XV to XIX. For reasons of coherence and clarity, Rule 10 has been split into two separate rules (new 125 + 126).

Title VII, Committees and Delegations, contains, in a slightly different order, the provisions of Chapters XX and XXI of the current Rules of Procedure, with the exception of Rules 159 to 163, which have been transferred to the title headed 'Procedures'. The first subparagraph of Rule 139(1) and the interpretation at the end of the rule have been transferred to Rule 183. For the same reasons employed in connection with Rule 10, Rules 150 and 165 have each been split into two separate rules (new Rules 172 + 173 and 183 + 184).

Titles VIII, Petitions, and IX, Ombudsman, bring together the rules which make up the current Chapters XXIII and XXIV respectively.

Title X, Secretariat, has been placed ahead of the provisions on the application and amendment of the Rules of Procedure, which have become Title XI.

Title XII, Miscellaneous Provisions, consists of the current Chapter XXVII, minus Rule 185a, Early termination of an office, which has been moved forward to Title I, Chapter II, Officers of Parliament, on the grounds of similarity of subject matter.