EUROPEAN PARLIAMENT

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2004

Session document

FINAL **A5-0068/2004**

19 February 2004

REPORT

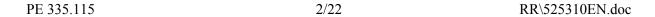
on the restructuring of Parliament's Rules of Procedure in the light of its resolution of 12 June 2002 and the minor changes which have become necessary since then (2003/2233(REG))

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.

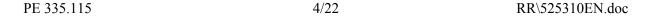
At its meeting of 25 November 2003 the Committee on Constitutional Affairs had decided to draw up a report and had appointed Richard Corbett rapporteur.

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 partsession 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 bought 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.

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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)
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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)

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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 (<i>Rule 185a</i>)

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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)

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Rule 27:	Conforma	of Delegation	Chairman	(Dula 27
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Rule 28: Accountability of the Bureau, the Conference of Presidents and

the Quaestors (Rule 28)

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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)

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Ituic 55.	Commissions	icalbian ve alla	WOIN PIOSIMILIO	(ILUIC 5/)

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

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Rule 45: Own-initiative reports (Rule 163)

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Rule 87: Statements by the High Representative for the common foreign

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Rule 94: Recommendations in the fields of police and judicial

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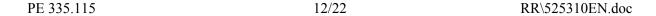
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- Rule 130: Procedure in plenary without amendment and debate (*Rule*
 - 110a)
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¹ For committee meetings see Rule 182 (*Rule 167*).

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TITLE XII MISCELLANEOUS PROVISIONS (Chapter XXVII)

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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 <u>all</u> 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

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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.

Amendment 7 Annex IV, Article 7a (new)

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

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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 Research¹, 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 2004.1

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¹ 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 indepth 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 <u>single</u> binding logic and several different categories of 'logic' may give rise to widely differing results.

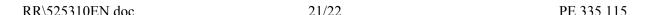
The proposed restructuring of the Rules of Procedure, as reflected in this draft report in the form of revised 'Contents' (with the current numbering of the chapters and individual rules given in italics), is primarily intended to improve the 'clarity' of the text and to make it easier to use.

In keeping with that approach, the proposal introduces <u>titles</u> (a total of 12), generally subdivided into chapters which are not continuously numbered. In contrast, <u>continuous numbering has been retained</u> 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.

