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REPORT

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

Committee on Constitutional Affairs

Rapporteur: Ingo Friedrich

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

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

The European Parliament,

- having regard to the letter from its President of 29 June 2006 and the announcement in plenary on 7 September 2006,
 - 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 (A6-0368/2007),
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that these amendments will enter into force on the first day of its parliamentary term beginning in 2009;
 3. Instructs its President to forward this decision to the Council and Commission, for information.

Present text	Amendments
Amendment 1 Rule 8	
Rule 8 <i>Payment of expenses and allowances</i> The Bureau <i>shall lay down</i> rules governing <i>the payment of expenses and allowances to Members.</i>	Rule 8 <i>Implementation of the Statute for Members</i> <i>Unless otherwise stipulated, the</i> rules governing <i>implementation of the Statute for Members shall be laid down by</i> the Bureau.
Amendment 2 Rule 39, paragraph 1	
1. Parliament may request the Commission to submit to it any appropriate proposal pursuant to Article 192, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the	1. Parliament may request the Commission to submit to it any appropriate proposal pursuant to Article 192, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the

committee responsible. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may, at the same time, fix a deadline for the submission of such a proposal.

committee responsible ***initiated pursuant to Rule 45***. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may, at the same time, fix a deadline for the submission of such a proposal.

Amendment 3
Rule 39, paragraph 1 a (new)

1a. Any Member may table a proposal for a Community act on the basis of the right of initiative granted to Parliament pursuant to Article 192 of the EC Treaty.

Amendment 4
Rule 39, paragraph 1 b (new)

1b. The proposal shall be submitted to the President, who shall refer it to the committee responsible for consideration. Prior to referral, the proposal shall be translated into those official languages which the chairman of that committee regards as necessary to make summary consideration possible. The committee shall take a decision on further action within three months following the referral and after hearing the author of the proposal.

Where the committee decides to submit the proposal to Parliament pursuant to the procedure under Rule 45, the author of the proposal shall be named in the title of the report.

Amendment 5
Rule 39, paragraph 2

2. Before initiating the procedure under Rule 45, the committee responsible shall establish, in the following cases, that no

deleted

such proposal is under preparation:

(a) such a proposal is not included in the Annual Legislative Programme;

(b) the preparations of such a proposal have not started or are unduly delayed;

(c) the Commission has not responded positively to earlier requests either from the committee responsible or contained in resolutions adopted by Parliament with a majority of the votes cast.

Amendment 6

Rule 45, paragraph 1, last sentence (new)

Where the subject of the report is a proposal tabled by a Member pursuant to Rule 39(1a), authorisation may be withheld only if the conditions set out in Article 5 of the Statute for Members of the European Parliament and Article 192 of the EC Treaty are not met.

Amendment 7

Rule 150, paragraph 6, subparagraph 1

6. Amendments shall be put to the vote only after they have been printed and distributed in all the official languages, unless Parliament decides otherwise. Parliament may not decide otherwise if at least 40 Members object.

6. Amendments shall be put to the vote only after they have been printed and distributed in all the official languages, unless Parliament decides otherwise. Parliament may not decide otherwise if at least 40 Members object. ***Parliament shall avoid taking decisions which would lead to Members who use a given language being disadvantaged to an unacceptable degree.***

Amendment 8

Annex I, Article 2, paragraph 1, letter aa (new)

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

Amendment 9
Annex I, Article 4

Pending the introduction of a Statute for Members of the European Parliament to replace the various national rules,

Members shall be subject to the obligations imposed on them by the legislation of the Member State in which they are elected as regards the declaration of assets.

Members shall be subject to the obligations imposed on them by the legislation of the Member State in which they are elected as regards the declaration of assets.

Amendment 10
Annex VII, Section C a (new)

Ca. Personal conflicts of interest

With the approval of the Bureau, a Member may, on the basis of a reasoned decision, be denied the right to inspect a Parliament document if, after hearing the Member concerned, the Bureau comes to the conclusion that such inspection would cause unacceptable damage to Parliament's institutional interests or the public interest and that the Member concerned is seeking to inspect the document for private and personal reasons. The Member may lodge a written appeal, which must include reasons, against such a decision within a month of its transmission. Parliament shall reach a decision on the appeal without debate during the part-session that follows its being lodged.

EXPLANATORY STATEMENT

Amendment 1 - The current wording of Rule 8 of the Rules of Procedure is no longer consistent with the legal situation which will obtain following the entry into force of the Statute for Members. From that moment on, the rules governing the reimbursement of Members' expenses and Members' allowances will no longer be based on Parliament's right of administrative autonomy, pursuant to Article 199 of the EC Treaty, but instead on Articles 9 to 23, 27 and 28 of the Statute for Members.

It makes sense that implementing decisions concerning such matters should continue to be taken by the Bureau. The proposed new wording of Rule 8 will grant the Bureau corresponding regulatory powers. The competence to take financial, organisational and administrative decisions on matters concerning Members conferred on the Bureau by Rule 22(2) should be retained, since it concerns political responsibility for the implementation of the rules in individual cases.

Amendments 3-6 - The aim of the proposed amendments is to make practical arrangements for the exercise of the individual right, granted to every Member by Article 4 of the Statute for Members, to table proposals for Community acts in the context of Parliament's right of initiative.

The Statute itself stipulates that Parliament will lay down in its Rules of Procedure the conditions for the exercise of this right. Accordingly, individual Members are not entitled simply to have their legislative proposals put to the vote in plenary. The right to table proposals is granted subject to the establishment of an appropriate procedure for their consideration. In that connection, the reference to the procedure governed by Rule 39 of the Rules of Procedure makes obvious sense.

It would seem to be appropriate for legislative proposals tabled by individual Members to be referred to the committee responsible for summary preliminary consideration. In order to prevent the individual right to table proposals from being undermined in any way, provisions should be incorporated stipulating that the committee must take a decision on further action within a set time-limit and that, before it takes a decision to halt consideration of the proposal without a report, it must give the author of the proposal an opportunity to set out his or her arguments in an exchange of views.

In the light of Rule 138 of the Rules of Procedure, no restrictions can be imposed on the right of each Member to table a proposal for a Community act in the official language of his or her choice. However, the translation of such proposals into all the official languages would place an excessive burden on available resources and could give rise to abuses of the right to table proposals with the sole aim of securing the translation of certain passages of text. The translation of such proposals should therefore be restricted to the number of official languages needed to make summary consideration of a given proposal in the committee responsible feasible. Given the widely differing working arrangements in the committees, the languages in question should be chosen in cooperation with their respective chairmen.

Once these guarantees of the individual right to table proposals for Community acts have been established, it would seem to be entirely appropriate that the drafting of a report on a legislative proposal should also be subject to authorisation by the Conference of Presidents, as already stipulated in the Rules of Procedure, authorisation which can then only be denied if the conditions set out in Article 5 of the Statute for Members and in Article 192 of the EC Treaty have not been met. The right of initiative, the sovereign right of every Member, must not be undermined by the Rules of Procedure. What would be consistent with that principle, however, is an assessment by the committee responsible of the appropriateness of submitting a Member's legislative proposal to Parliament in the form of a report. If the committee responsible regards a report as appropriate, and if the proposal meets the conditions set out in Article 5 of the Statute for Members and Article 192 of the EC Treaty, denial of the authorisation required pursuant to Rule 45 of the Rules of Procedure would undermine in an unacceptable way the sovereign right enjoyed by every Member.

Moreover, a Member who exercises this sovereign right and tables a legislative proposal has a legitimate interest in ensuring that his or her name remains attached to the proposal throughout its subsequent passage through Parliament. Since the committees decide independently which of their members or substitute members should act as rapporteur on any given proposal, the name of the MEP who drafted the legislative proposal should be incorporated into the title of the report.

Amendment 7 - Article 7 of the Statute for Members gives Members the right to have Parliament documents translated into their respective official languages and to have their speeches interpreted simultaneously into all the other official languages.

These rights are guaranteed by Rule 138 of the Rules of Procedure. In paragraphs 3 and 4 of that rule Parliament has made use of its power to enact implementing provisions by reducing the interpretation service provided in committee and delegation meetings to that required to meet actual needs. These restrictions do not call into question the fundamental right of every Member to use his or her own language and are therefore consistent with the provisions of the Statute for Members. The transitional arrangement laid down in Rule 139, concerning derogations from the principle of full multilingualism in the event of unavoidable shortages of interpreters and translators, was reviewed by Parliament in December 2006 and extended for a further two-and-a-half years. Given its exceptional nature, it is in no way at odds with Article 7 of the Statute for Members. A further review would be appropriate when sufficient practical experience has been gained, at the latest at the end of the current parliamentary term.

Some changes would seem to be needed to Rule 150 of the Rules of Procedure, which makes it possible for a vote to be taken on amendments which have not been translated if fewer than 40 Members object. Steps should be taken to ensure that Members who use a particular language are not placed at a disadvantage if none of the exceptional circumstances cited in Rule 139 obtains, since in Parliament some languages are regularly used by fewer than 40 Members. It would be incompatible with the right to use one's own language if the objections of such a group of Members were to be repeatedly disregarded.

Detailed rules taking account of this problem would be highly complicated and their application would necessitate cumbersome bureaucratic procedures. For that reason, your

rapporteur is proposing that a general provision should be incorporated in Rule 150(6) of the Rules of Procedure, trusting that Parliament will take care to ensure that its decisions do not regularly place individual groups of Members at a disadvantage.

Amendment 8 - Members' entitlement to a salary, as laid down in Article 9 of the Statute for Members, is subject to one single restriction, specified in Article 11: the salary received by a Member for the exercise of a mandate in another parliament is to be offset against his or her salary as an MEP. With a view to simplifying the implementation of this provision, the requirement to declare interests laid down in Annex I to the Rules of Procedure should be extended to cover this particular case, even though, as explained below, it will have few practical implications.

When the Statute for Members enters into force in July 2009, and on the basis of the amendments to the Act concerning the election of representatives of the European Parliament by direct universal suffrage adopted on 25 June and 23 September 2002¹, the holding of a dual mandate in the European Parliament and a national parliament will no longer be possible.

The offsetting rule can therefore only apply to salaries for the exercise of a mandate in regional parliaments, provided that a dual mandate is not ruled out by a Member State's own national rules.

It is for the Bureau to clarify, in the implementing provisions on the Statute, precisely how the distinction will be drawn between a parliamentary mandate and other political functions (member of a municipal council, district council, etc.).

Amendment 9 - The Statute for Members contains no provisions requiring Members to declare their assets.

If such requirements are laid down in national law (e.g. in national electoral laws), they continue to apply.

The proposed amendment takes account of this situation.

Amendment 10 - The provision in Rule 5(3) of the Rules of Procedure corresponds to the right granted to every Member by Article 6(1) of the Statute for Members to inspect any files held by Parliament, subject to the restrictions set out in paragraphs 2 to 4 of that same article. However, a reading of Annex VII, which sets out provisions governing the consideration of confidential documents, reveals a loophole, since it concerns only documents forwarded to Parliament by other institutions. For this type of document (e.g. sensitive Council documents in the area of security policy) the rules laid down in Sections A and B of Annex VII are appropriate and adequate. However, these provisions do not apply to documents drawn up by Parliament itself. Documents of this kind are covered by the general rule laid down in the Statute for Members stipulating that Members are entitled to inspect them, provided they are not personal files or accounts. However, exceptional cases could be envisaged in which Parliament would be justified, subject to due precautions, in making use of the power granted to it by the Statute to lay down conditions governing the exercise of this right by

¹ OJ L 283, 21.10.2002, p. 1 et seq, in particular Article 1, point 7(b).

incorporating a Section Ca in Annex VII.

If Parliament can, in keeping with Regulation 1049/2001, deny the public access to one of its own documents, in general this cannot and must not call into question a Member's right to inspect files. However, rules are needed to cover exceptional cases in which, by virtue of an existing conflict of interests, Parliament's interests would be seriously damaged if a Member were to be able to assert his or her right to inspect certain documents for purely private and personal reasons. The decision as to whether the possible damage to Parliament's interests justifies restricting a Member's right to inspect files should be left to the Bureau. If the Member concerned were then to challenge the Bureau's decision, the matter should be considered by the plenary within a reasonable period.

12.9.2007

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Constitutional Affairs

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

Draftsman: Francesco Enrico Speroni

SHORT JUSTIFICATION

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

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

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

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

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

Your draftsman is proposing to amend Rule 4 of the Rules of Procedure along the lines of

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

AMENDMENTS

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

Present text	Amendments
	<p><i>3a. Any agreement concerning resignation from office before or at the end of a parliamentary term shall be null and void.</i></p>
<p>Amendment 2 Rule 8</p>	
<p><i>Payment of expenses and allowances</i></p> <p><i>The Bureau shall lay down rules governing the payment of expenses and allowances to Members.</i></p>	<p><i>Implementation of the Statute for Members</i></p> <p><i>Except where the Statute provides otherwise, the rules implementing the Statute for Members of the European Parliament shall be laid down by the Bureau.</i></p>
<p>Amendment 3 Rule 39, paragraph 1</p>	
<p>1. Parliament may request the Commission to submit to it any appropriate proposal pursuant to Article 192, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may, at the same time, fix a deadline for the submission of such a proposal.</p>	<p>1. Parliament may request the Commission to submit to it any appropriate proposal pursuant to Article 192, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible <i>initiated pursuant to Rule 45</i>. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may, at the same time, fix a deadline for the submission of such a proposal.</p>

Amendment 4
Rule 39, paragraph 1 a (new)

1a. Any Member may table a proposal for a Community act on the basis of the right of initiative conferred on Parliament by Article 192 of the EC Treaty. The proposal shall be submitted to the Conference of Presidents, which shall refer it to the committee responsible for consideration. Prior to referral, the proposal shall be translated into those official languages which the chairman of that committee regards as necessary to make summary consideration possible. The committee responsible shall take a decision on further action within three months following the referral and after hearing the author of the proposal. It shall inform the Conference of Presidents about its decision.

The committee responsible shall decide to:

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

(b) initiate the procedure under Rule 45; or

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

Amendment 5
Rule 39, paragraph 2

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

(a) such a proposal is not included in the Annual Legislative Programme;

(b) the preparations of such a proposal have not started or are unduly delayed;

(c) the Commission has not responded positively to earlier requests either from the committee responsible or contained in resolutions adopted by Parliament with a majority of the votes cast.

Amendment 6

Rule 150, paragraph 6, subparagraph 1

6. Amendments shall be put to the vote only after they have been printed and distributed in all the official languages, unless Parliament decides otherwise. Parliament may not decide otherwise if at least forty Members object.

6. Amendments shall be put to the vote only after they have been printed and distributed in all the official languages, unless Parliament decides otherwise. Parliament may not decide otherwise if at least 40 Members object. ***Without prejudice to Rule 155(4), Parliament shall avoid taking decisions which would lead to Members who use a given language being disadvantaged to an unacceptable degree.***

Justification

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

Amendment 7

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

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

Justification

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

PROCEDURE

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

PROCEDURE

Title	Amendment of Parliament's Rules of Procedure in the light of the Statute for Members			
Procedure number	2006/2195(REG)			
Committee responsible Date authorisation announced in plenary	AFCD 7.9.2006			
Committee(s) asked for opinion(s) Date announced in plenary	12.7.2006			
Not delivering opinion(s) Date of decision	7.9.2006			
Enhanced cooperation Date announced in plenary	JURI 26.4.2007			
Rapporteur Date appointed	Ingo Friedrich 12.7.2006			
Previous rapporteur(s)				
Discussed in committee	20.3.2007	26.6.2007	1.10.2007	2.10.2007
Date adopted	2.10.2007			
Result of final vote	+ 23 - 3 0 0			
Members present for the final vote	Jim Allister, Enrique Barón Crespo, Jens-Peter Bonde, Richard Corbett, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Bronisław Geremek, Genowefa Grabowska, Anneli Jäätteenmäki, Sylvia-Yvonne Kaufmann, Jo Leinen, Íñigo Méndez de Vigo, Adrian Severin, József Szájer, Riccardo Ventre, Johannes Voggenhuber, Bernard Wojciechowski, Dushana Zdravkova			
Substitute(s) present for the final vote	Elmar Brok, Carlos Carnero González, Klaus Hänsch, Alain Lamassoure, Stavros Lambrinidis, Gérard Onesta, Georgios Papastamkos, Bernard Poignant, György Schöpflin, Kathy Sinnott, Alexander Stubb, Mauro Zani			
Substitute(s) under Rule 178(2) present for the final vote	Othmar Karas, Eoin Ryan, Rainer Wieland			
Date tabled	8.10.2007			
Comments (available in one language only)				