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REPORT

on the amendment of Rule 51 of Parliament's Rules of Procedure on
procedures with joint committee meetings
(2010/2061(REG))

Committee on Constitutional Affairs

Rapporteur: Carlo Casini

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the amendment of Rule 51 of Parliament's Rules of Procedure on procedures with joint committee meetings (2010/2061(REG))

The European Parliament,

- having regard to the letter of 11 March 2010 from the chair of the Conference of Committee Chairs and to the letter of 25 March 2010 from the chair of the Committee on the Environment, Public Health and Food Safety,
 - having regard to Rules 211 and 212 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0197/2011),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendment will enter into force on the first day of the next part-session;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1

Parliament's Rules of Procedure Rule 51

Present text

Where the conditions set out in Rule 49(1) and Rule 50 are fulfilled, the Conference of Presidents may, *if it is satisfied that the matter is of major importance*, decide that a procedure with joint meetings of committees and a joint vote is to be applied. In that event, the rapporteurs *concerned* shall draw up a single draft report, which shall be examined and voted on by the committees involved at joint meetings held under the joint chairmanship of the committee Chairs concerned. The committees involved may set up *inter-committee* working groups to prepare the *joint* meetings and votes.

Amendment

1. When a question of competence is referred to it pursuant to Rule 188(2), the Conference of Presidents may decide that *the* procedure with joint meetings of committees and a joint vote is to be applied, *provided that*:

*– with reference to Annex VII, responsibility for the matter cannot be split between several committees; and
- it is satisfied that the matter is of major importance.*

2. In that event, the *respective* rapporteurs shall draw up a single draft report, which shall be examined and voted on by the committees concerned, under the joint chairmanship of the committee Chairs.

At all stages of the procedure, the rights attaching to the status of committee responsible may be exercised by the committees concerned only when acting jointly. The committees involved may set up working groups to prepare the meetings and votes.

3. At the second-reading stage of the ordinary legislative procedure, the Council position shall be considered at a joint meeting of the committees concerned, which, should no agreement be reached between their Chairs, shall be held on the Wednesday of the first week set aside for meetings of parliamentary bodies following the communication of the Council's position to Parliament. Should no agreement be reached on the convening of a further meeting, any such meeting shall be convened by the Chair of the Conference of Committee Chairs. The vote on the recommendation for second reading shall be taken at a joint meeting on the basis of a joint text drafted by the respective rapporteurs of the committees concerned or, in the absence of a joint text, on the basis of the amendments tabled in the committees concerned.

At the third-reading stage of the ordinary legislative procedure, the Chairs and rapporteurs of the committees concerned shall be ex officio members of the delegation to the Conciliation Committee.

EXPLANATORY STATEMENT

I. BACKGROUND TO THE REPORT

During the previous parliamentary term, the Conference of Presidents set up a Working Party on Parliamentary Reform, tasked with reviewing the functioning of Parliament and recommending possible improvements. In a chapter on cooperation between committees, the working party proposed not only that the position of an associated committee in the procedure with associated committees – Rule 50 (formerly Rule 47) of the Rules of Procedure – should be strengthened, but also that a new form of cooperation between committees, subsequently introduced by means of the new Rule 51, should be developed.

The reasoning behind the proposal was that, in certain specific cases, ‘where a legislative dossier does not fall clearly within the competence of one committee but is rather equally divided among two or more committees and is of major importance [...] the solution to a conflict of competence should be based on equality and cooperation. *The committees concerned should meet jointly so that arguments can be exchanged in advance [...] and the majority and minority viewpoints can emerge more clearly. The members of the committees concerned should then vote jointly on the amendments tabled to the legislative proposal. The result would be the submission of a single, more balanced report [...] to plenary*’.

At its meeting on 19 March 2009 the Conference of Presidents voted in favour of the inclusion of another option in the Rules of Procedure whereby the Conference of Presidents could launch a procedure with joint meetings of committees and a joint vote in very specific cases where matters fell almost equally within the competence of two or more committees.

On 6 May 2009 Parliament carried out a review of its Rules of Procedure and introduced, under Rule 51, a new ‘procedure with joint committee meetings’¹:

Where the conditions set out in Rule 49(1) and Rule 50 are fulfilled, the Conference of Presidents may, if it is satisfied that the matter is of major importance, decide that a procedure with joint meetings of committees and a joint vote is to be applied. In that event, the rapporteurs concerned shall draw up a single draft report, which shall be examined and voted on by the committees involved at joint meetings held under the joint chairmanship of the committee chairs concerned. The committees involved may set up inter-committee working groups to prepare the joint meetings and votes.

Early in 2010 the Conference of Committee Chairs considered draft ‘guidelines for cooperation between committees under Rule 51 of the Rules of Procedure’. Mr Leinen, on behalf of the Committee on the Environment, Public Health and Food Safety (ENVI), and Ms Bowles, on behalf of the Committee on Economic and Monetary Affairs (ECON), made comments on and proposed changes to that text.

Following that correspondence, the Chair of the Conference of Committee Chairs, Mr Lehne, referred to the Committee on Constitutional Affairs three questions concerning the application of Rule 51, which can be summarised as follows:

¹ Report A6-273/2009 of the Committee on Constitutional Affairs, rapporteur Richard Corbett (P6_TA(2009)0359, 6 May 2009).

- 1) In the context of an ordinary legislative procedure, does the Rule 51 procedure apply throughout the legislative procedure, or only at first reading?
- 2) Can the rights attaching to the status of the ‘committee responsible’, such as the right to table amendments or a motion for rejection in plenary, be exercised solely by the committees concerned acting jointly?
- 3) Must the committees take a joint decision as to how Parliament uses its rights with regard to draft delegated acts or implementing measures which are themselves based on a legislative act adopted in turn under the Rule 51 procedure?

Mr Lehne has also suggested annexing to the Rules of Procedure, in accordance with Rule 215(d), guidelines to facilitate the implementation of this new procedure.

Mr Leinen has also referred to the Committee on Constitutional Affairs a proposal that the situation should be clarified by means of a revision of the Rules of Procedure. He emphasised in particular the practical impossibility of involving two or more committees at second reading under codecision or ‘comitology’. He argued that a whole series of rules [43(1), 63(1), 87 and 88(2) and (3), and particularly 188] referred to only one committee, which demonstrated that there was no room for a second in such a procedure.

II. PROPOSED AMENDMENT OF THE RULES OF PROCEDURE

Your rapporteur takes the view that in this particular case an interpretation of the Rules of Procedure or guidelines to facilitate their implementation will not suffice. This important procedural matter must be settled by means of a vote in plenary by the majority applicable in cases of this kind, a majority of Parliament's Members, particularly as the provision as currently worded can be interpreted in two ways.

The proposed new version of Rule 51 essentially seeks to achieve three objectives:

- 1) Make the provision more readily understandable and therefore easier to use.
- 2) Lay down new conditions governing the application of the procedure.
- 3) Determine the scope of the procedure.

With a view to achieving the first objective, the conditions governing the application of the procedure no longer take the form of references to other provisions. The two conditions are set out in a clear and immediately understandable form.

Achieving the second objective, that of laying down new conditions governing the application of the procedure, necessitated substantive changes: Whereas hitherto it was sufficient – by virtue of the reference to Rule 50 – that the matter should fall ‘almost equally within the competence of two or more committees, or that different parts of the matter should fall within the competence of two or more committees’, now it is necessary that ‘responsibility for the

matter cannot be split between several committees’.

The purpose of this change is to emphasise the exceptional nature of the procedure with joint committees and is justified, inter alia, by the administrative and technical workload which that procedure entails.

The third objective, that of determining the scope of Rule 51, i.e. the practical implications of its application for the ongoing legislative procedure, is more difficult to achieve. The key issue is to determine whether the procedure should be ‘joint’ throughout its duration or only at first reading.

Although there are practical arguments in favour of the second option, your rapporteur supports the first. If, as generally accepted, the aim of the new procedure is to enable the committees concerned to exchange arguments at an early stage and to ‘prepare the ground’ for plenary when the matter at issue is particularly important, under the ordinary legislative procedure this logic applies at all stages, right up to the adoption of the act. For the duration of the procedure the joint committees thus become the ‘committee responsible’ within the meaning of the Rules of Procedure.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.5.2011
Result of final vote	+: 20 -: 2 0: 0
Members present for the final vote	Andrew Henry William Brons, Carlo Casini, Andrew Duff, Ashley Fox, Matthias Groote, Enrique Guerrero Salom, Zita Gurmai, Gerald Häfner, Daniel Hannan, Constance Le Grip, David Martin, Paulo Rangel, Potito Salatto, Algirdas Saudargas, Søren Bo Søndergaard, Indrek Tarand, Rafał Trzaskowski, Luis Yáñez-Barnuevo García
Substitute(s) present for the final vote	John Stuart Agnew, Zuzana Brzobohatá, Sylvie Guillaume, Íñigo Méndez de Vigo, Rainer Wieland