



EUROPEAN PARLIAMENT

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**A7-0240/2011**

20.6.2011

# REPORT

on amendment of Rules 106 and 192 of, and Annex XVII to, Parliament's  
Rules of Procedure  
(2010/2231(REG))

Committee on Constitutional Affairs

Rapporteur: Andrew Duff

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## PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### **on amendment of Rules 106 and 192 of, and Annex XVII to, Parliament's Rules of Procedure (2010/2231(REG))**

*The European Parliament,*

- having regard to the proposals for amendment of its Rules of Procedure (B7-0480/2010, B7-0481/2010 and B7-0482/2010),
  - having regard to the Framework Agreement on relations between the European Parliament and the European Commission<sup>1</sup>,
  - having regard to Rules 211 and 212 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A7-0240/2011),
- A. Whereas the approval of the Commission by Parliament in February 2010 was based on an enhanced process of hearings which ensured that the entire Commission-designate was assessed in an open, fair and consistent manner,
- B. Whereas, nevertheless, conclusions can be drawn from the approval process, in collaboration with the Commission, which suggest that further modifications are both necessary and desirable,
1. Reminds the Commission of the need to revise its Code of Conduct for Commissioners, and in particular the provisions thereof concerning financial declarations by Commissioners, with a view to achieving for the European Union the highest standards of governance;
  2. Decides to amend its Rules of Procedure as shown below;
  3. Points out that the amendments will enter into force on the first day of the next part-session;
  4. Instructs its President to forward this decision to the Council and the Commission, for information.

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<sup>1</sup> OJ L 304, 20.11.2010, p. 47.

## Amendment 1

### Parliament's Rules of Procedure Rule 106 – Paragraph 1 a (new)

*Present text*

*Amendment*

***1a. The President may invite the President-elect of the Commission to inform Parliament about the allocation of portfolio responsibilities in the proposed college of Commissioners in accordance with his or her political guidelines.***

## Amendment 2

### Parliament's Rules of Procedure Rule 106 – paragraph 3

*Present text*

*Amendment*

3. The President-elect shall present the college of Commissioners and their programme at a sitting of Parliament which ***the whole Council*** shall be invited to attend. The statement shall be followed by a debate.

3. The President-elect shall present the college of Commissioners and their programme at a sitting of Parliament which ***the President of the European Council and the President of the Council*** shall be invited to attend. The statement shall be followed by a debate.

## Amendment 3

### Parliament's Rules of Procedure Rule 192 – paragraph 2 a (new)

*Present text*

*Amendment*

***2a. The committee coordinators shall be convened by their committee Chair to prepare the organisation of the hearings of Commissioners-designate. Following those hearings, the coordinators shall meet to evaluate the nominees in accordance with the procedure laid down***

#### **Amendment 4**

##### **Parliament's Rules of Procedure**

##### **Annex XVII – paragraph 1 – point a – subparagraph 3**

###### *Present text*

Parliament may seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate. It shall expect full disclosure of information relating to their financial interests.

###### *Amendment*

Parliament may seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate. It shall expect full disclosure of information relating to their financial interests. ***The declarations of interest of the Commissioners-designate shall be sent for scrutiny to the committee responsible for legal affairs.***

#### **Amendment 5**

##### **Parliament's Rules of Procedure**

##### **Annex XVII – paragraph 1 – point b – subparagraph 2**

###### *Present text*

The hearings shall be organised jointly by the Conference of Presidents ***and*** the Conference of Committee Chairs. Appropriate arrangements shall be made to associate relevant committees where portfolios are mixed. There are three options:

(i) if the portfolio of the Commissioner-designate falls within the remit of a single committee, the Commissioner-designate shall be heard by that committee alone;

(ii) if the portfolio of the Commissioner-designate falls more or less equally within the remit of more than one committee, the Commissioner-designate shall be heard

###### *Amendment*

The hearings shall be organised by the Conference of Presidents ***on a recommendation of*** the Conference of Committee Chairs. ***The Chair and coordinators of each committee shall be responsible for the detailed arrangements. Rapporteurs may be appointed.***

Appropriate arrangements shall be made to associate relevant committees where portfolios are mixed. There are three options:

(i) if the portfolio of the Commissioner-designate falls within the remit of a single committee, the Commissioner-designate shall be heard by that committee alone ***(the committee responsible)***;

(ii) if the portfolio of the Commissioner-designate falls more or less equally within the remit of more than one committee, the Commissioner-designate shall be heard

jointly by those committees; and

(iii) if the portfolio of the Commissioner-designate falls mainly within the remit of one committee and only to a small extent within the remit of at least one other committee, the Commissioner-designate shall be heard by the committee mainly responsible, *which shall invite* the other committee or committees *to attend the hearing*.

jointly by those committees (*joint committees*); and

(iii) if the portfolio of the Commissioner-designate falls mainly within the remit of one committee and only to a small extent within the remit of at least one other committee, the Commissioner-designate shall be heard by the committee mainly responsible, *with the association of* the other committee or committees (*associated committees*).

## Amendment 6

### Parliament's Rules of Procedure

#### Annex XVII – paragraph 1 – point b – subparagraph 4

##### *Present text*

The committees shall submit written questions to the Commissioners-designate in good time before the hearings. *The number of substantive written questions shall be limited to five per committee responsible.*

##### *Amendment*

The committees shall submit written questions to the Commissioners-designate in good time before the hearings. *For each Commissioner-designate there shall be two common questions drafted by the Conference of Committee Chairs, the first relating to the issues of general competence, European commitment and personal independence, and the second relating to the management of the portfolio and cooperation with Parliament. The committee responsible shall draft three other questions. In the case of joint committees, they shall each be given the right to draft two questions.*

## Amendment 7

### Parliament's Rules of Procedure

#### Annex XVII – paragraph 1 – point b – subparagraph 5

##### *Present text*

Hearings shall take place in circumstances, and under conditions, in which Commissioners-designate enjoy an equal and fair opportunity to present themselves and their opinions.

##### *Amendment*

*Each hearing shall be scheduled to last three hours, and if during this process it becomes clear that further examination of a Commissioner-designate is necessary, a second and final hearing may be arranged.* Hearings shall take place in

circumstances, and under conditions, in which Commissioners-designate enjoy an equal and fair opportunity to present themselves and their opinions.

## Amendment 8

### Parliament's Rules of Procedure

#### Annex XVII – paragraph 1 – point b – subparagraph 6

##### *Present text*

Commissioners-designate shall be invited to make an opening oral statement of no longer than **20 minutes**. The conduct of the hearings shall aim to develop a pluralistic political dialogue between the Commissioners-designate and the Members. Before the end of the hearing, Commissioners-designate shall be given the opportunity to make a brief closing statement.

##### *Amendment*

Commissioners-designate shall be invited to make an opening oral statement of no longer than **15 minutes**. ***Where possible, questions put during the course of the hearing shall be grouped together by theme. The bulk of the speaking time shall be allotted to political groups, mutatis mutandis in accordance with Rule 149.*** The conduct of the hearings shall aim to develop a pluralistic political dialogue between the Commissioners-designate and the Members. Before the end of the hearing, Commissioners-designate shall be given the opportunity to make a brief closing statement.

## Amendment 9

### Parliament's Rules of Procedure

#### Annex XVII – paragraph 1 – point c - subparagraph 1

##### *Present text*

An indexed **video** recording of the hearings shall be made available for the public record within 24 hours.

##### *Amendment*

***There shall be a live audio-visual transmission of the hearings.*** An indexed recording of the hearings shall be made available for the public record within 24 hours.  
*(Text to be moved at end of paragraph 1, point b)*

## Amendment 10

### Parliament's Rules of Procedure

#### Annex XVII – paragraph 1 – point c – subparagraph 2

##### *Present text*

The **committees** shall meet without delay after the hearing to evaluate the individual Commissioners-designate. Those meetings shall be held in camera. The **committees** shall be invited to state whether, in their opinion, the Commissioners-designate are qualified both to be members of the College and to carry out the particular duties they have been assigned. If the **committee is** unable to reach a consensus on **both of those points, its Chair shall, as** a last resort, put the two decisions to the vote by secret ballot. ***The committees' statements of evaluation shall be made public and presented at a joint meeting of the Conference of Presidents and the Conference of Committee Chairs, which shall be held in camera. Following an exchange of views, the Conference of Presidents and the Conference of Committee Chairs shall declare the hearings closed unless they decide to seek further information.***

##### *Amendment*

The **Chair and coordinators** shall meet without delay after the hearing to evaluate the individual Commissioners-designate. Those meetings shall be held in camera. The **coordinators** shall be invited to state whether, in their opinion, the Commissioners-designate are qualified both to be members of the College and to carry out the particular duties they have been assigned. ***The Conference of Committee Chairs shall design a pro forma template to assist the evaluation.***

***In the case of joint committees the Chair and the coordinators of both committees concerned shall act jointly throughout the procedure.***

***There shall be a single evaluation statement for each Commissioner-designate. The opinions of all the committees associated with the hearing shall be included.***

***Where committees require further information in order to complete their evaluation, the President shall write on their behalf to the President-elect of the Commission. The coordinators shall take the reply into consideration.***

***If the coordinators are unable to reach a consensus on the evaluation, or at the request of one political group, the Chair***



*shall convene a full committee meeting. As a last resort, the Chair shall put the two decisions to the vote by secret ballot. The committees' statements of evaluation shall be adopted and made public within 24 hours after the hearing. The statements shall be examined by the Conference of Committee Chairs and conveyed subsequently to the Conference of Presidents. Unless it decides to seek further information, the Conference of Presidents, following an exchange of views, shall declare the hearings closed.*

## Amendment 11

### Parliament's Rules of Procedure

#### Annex XVII – paragraph 1 – point c – subparagraph 3

##### *Present text*

The President-elect of the Commission shall present the whole College of Commissioners-designate and their programme at a sitting of Parliament which the ***whole Council*** shall be invited to attend. The presentation shall be followed by a debate. In order to wind up the debate, any political group or at least 40 Members may table a motion for resolution. Rule 110(3), (4) and (5) shall apply. Following the vote on the motion for resolution, Parliament shall vote on whether or not to give its consent to the appointment, as a body, of the President-elect and Commissioners-designate. Parliament shall decide by a majority of the votes cast, by roll call. It may defer the vote until the following sitting.

##### *Amendment*

The President-elect of the Commission shall present the whole College of Commissioners-designate and their programme at a sitting of Parliament which the ***President of the European Council and the President of the Council*** shall be invited to attend. The presentation shall be followed by a debate. In order to wind up the debate, any political group or at least 40 Members may table a motion for resolution. Rule 110(3), (4) and (5) shall apply.

Following the vote on the motion for resolution, Parliament shall vote on whether or not to give its consent to the appointment, as a body, of the President-elect and Commissioners-designate. Parliament shall decide by a majority of the votes cast, by roll call. It may defer the

vote until the following sitting.



## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	15.6.2011
<b>Result of final vote</b>	+ :                    18 - :                    1 0 :                    0
<b>Members present for the final vote</b>	Andrew Henry William Brons, Carlo Casini, Andrew Duff, Ashley Fox, Roberto Gualtieri, Zita Gurmai, Gerald Häfner, Daniel Hannan, Stanimir Ilchev, Constance Le Grip, David Martin, Morten Messerschmidt, Algirdas Saudargas, Søren Bo Søndergaard, Rafał Trzaskowski, Luis Yáñez-Barnuevo García
<b>Substitute(s) present for the final vote</b>	Elmar Brok, Marietta Giannakou, Anneli Jäätteenmäki