



EUROPEAN PARLIAMENT

2009 - 2014

Session document

A7-0412/2012

11.12.2012

REPORT

on amendment of Rule 15(2) of Parliament's Rules of Procedure on the order of precedence of Vice-Presidents elected by acclamation
(2012/2020(REG))

Committee on Constitutional Affairs

Rapporteur: Carlo Casini

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on amendment of Rule 15(2) of Parliament's Rules of Procedure on the order of precedence of Vice-Presidents elected by acclamation (2012/2020(REG))

The European Parliament,

- having regard to the letter from its President of 3 September 2010,
 - having regard to the interpretation of Rule 13(1) of its Rules of Procedure adopted by the Committee on Constitutional Affairs on 15 June 2011 and announced in plenary on 22 June 2011,
 - having regard to Rules 211 and 212 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0412/2012),
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 15 – paragraph 2 – subparagraph 2

Present text

Where they are *not* elected by secret ballot, ***the order in which their names are read out to the House by the President*** shall determine the order of precedence.

Amendment

Where they are elected by ***acclamation***, a secret ballot shall ***be held to*** determine the order of precedence.

EXPLANATORY STATEMENT

1. Reminder

The Rules of Procedure provide that:

‘The President, Vice-Presidents and Quaestors shall be elected by secret ballot (...) However, if the number of nominations does not exceed the number of seats to be filled, the candidates may be elected by acclamation.’ (Rule 13(1))

On 3 September 2010 the President asked whether this rule should apply in the same way when there was only one candidate and one seat to be filled.

On 15 June 2011 this committee replied to confirm that it should, as follows:

‘If a Vice-President is to be replaced and there is only one candidate, he or she may be elected by acclamation. *The President is empowered to decide, at his discretion, whether the election is to take place by acclamation or by a secret ballot.* The candidate elected takes the place of his or her predecessor in the order of precedence.’

In his letter, the President also mentioned other aspects relating to the election of Vice-Presidents, to which the Committee on Constitutional Affairs (AFCO) decided to ‘return at a later date (...) with a view to a possible amendment of the Rules of Procedure’.

2. The issue at hand

Should there be any limits on the President’s discretion as to the order of precedence of the Vice-Presidents, or should this power be removed entirely?

According to the interpretation given by AFCO to Rule 13(1), the President may, where there is an equal number of candidates and vacant seats, proceed with an election by acclamation or alternatively by secret ballot, as stated in Rule 169. In the event of election by acclamation, the President decides the order of precedence of the Vice-Presidents (Rule 15(2), second subparagraph) at the same time. Concern has been expressed that such a decision by the President might not be unanimously supported in some cases. To remedy this, it could be made possible for a certain number of MEPs or a political group to challenge the order of precedence proposed by the President or to remove this discretionary power to set the order of precedence, with the consequence that a vote has to be held.

When asked about the practical aspects concerning the election of Vice-Presidents, the department responsible for elections (DG Presidency, Directorate for the Plenary) provided the following information: if there is agreement between the political groups on the persons to be nominated, these persons (normally 14) are elected by acclamation. The order of precedence is then decided by a vote. The reason for this is that, although the political groups sometimes reach agreement on the candidates, they never do on the order of precedence. In this situation, the President refrains from using his or her (legal)

privilege to set the order of precedence. If the political groups cannot agree on the persons to be elected or if there are 'independent' candidates, a vote is held and the order of precedence is determined by the order in which the candidates are elected.

Based on this reasoning, this draft report proposes an amendment to harmonise the Rules of Procedure with Parliament's practice and addresses the concerns raised.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	27.11.2012
Result of final vote	+: 20 -: 0 0: 1
Members present for the final vote	Andrew Henry William Brons, Andrew Duff, Ashley Fox, Roberto Gualtieri, Enrique Guerrero Salom, Gerald Häfner, Stanimir Ilchev, Constance Le Grip, Paulo Rangel, Algirdas Saudargas, Indrek Tarand, Rafał Trzaskowski, Manfred Weber, Luis Yáñez-Barnuevo García
Substitute(s) present for the final vote	Elmar Brok, Marietta Giannakou, Sylvie Guillaume, György Schöpflin, Rainer Wieland
Substitute(s) under Rule 187(2) present for the final vote	Alexander Mirsky, Ramon Tremosa i Balcells