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PROPOSAL FOR AMENDMENT

of Parliament's Rules of Procedure

pursuant to Rule 181 following the insertion of a new paragraph 1 into
Article 7 of the EU Treaty

by Thierry Cornillet

Amendment of Rule 108 and Annex VI, section IV

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PE 294.304
Or. fr

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PARLIAMENT'S RULES OF PROCEDURE

Present text

Proposed new text

(Amendment 1) CHAPTER XIII, Title

DETERMINATION OF A SERIOUS AND PERSISTENT BREACH BY A MEMBER STATE OF **PRINCIPLES COMMON TO MEMBER STATES (LIBERTY, DEMOCRACY, RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND THE RULE OF LAW)**

PREVENTION AND DETERMINATION OF A SERIOUS AND PERSISTENT BREACH BY A MEMBER STATE OF THE FUNDAMENTAL RIGHTS REFERRED TO IN ARTICLE 6(2) OF THE TEU AND IN THE EUROPEAN CHARTER OF FUNDAMENTAL RIGHTS.

Justification

The new Article 7(1) of the Treaty of Nice introduces a mechanism for preventing serious breaches by a Member State of the principles set out in Article 6(1) at an earlier stage than under the machinery set out in the Treaty of Amsterdam for penalising a serious and persistent breach of those principles.

Each year the European Parliament adopts an annual report drafted by its committee responsible on respect within the EU for the fundamental rights referred to in Article 6 of the EU Treaty and in the European Charter of Fundamental Rights.

In the light of this reference document, or on the occasion of any specific initiative which may be required by the circumstances, the European Parliament must be in a position to play its role in the implementation of the new prevention machinery.

It is therefore essential to amend the provisions of the Rules of Procedure as follows.

(Amendment 2) Rule 108 (-1) to (-4) (new)

Risk of a breach

-1. Each year, Parliament shall adopt - on the basis of information obtained by the Commission and in close cooperation with the national parliaments - a report, drawn up by the committee responsible, on the situation in the Member States regarding respect for the fundamental rights mentioned in Article 6(2) of the EU Treaty and in the European Charter of

Fundamental Rights.

-2. The vote on the resolution must take place no less than two weeks after the text of the amendments becomes available in all languages.

-3. The report, as adopted, shall be forwarded for information to the national parliaments of the Member States and to their governments.

-4. In the light of this report, or, where appropriate, on the specific initiative of the committee responsible, in the case of a clear risk of a serious breach by a Member State of the principles set out in paragraph 1, Parliament may, at the request of that committee or of one-tenth of its Members, consider and put to the vote a reasoned motion for a resolution calling on the Council to initiate the measures referred to in Article 7(1) of the EU Treaty.

Justification

See justification to Amendment 1.

(Amendment 3)

Rule 108

Determination of a breach

1. At the request of one tenth of its component Members, Parliament may debate and vote on a motion for a resolution calling on the Commission to initiate the action mentioned in Article 7(1) of the EU Treaty. **The Conference of Presidents may first ask the opinion of the committee responsible.**

5. At the request of **the committee responsible or of** one tenth of its component Members, Parliament may debate and vote on a motion for a resolution calling on the Commission to initiate the action mentioned in Article 7(2) of the EU Treaty.

Justification

See justification to amendment 1.

Paragraphs 2, 3, 4 and 5 become paragraphs 6, 7, 8 and 9.

(Amendment 4)
ANNEX VI

Powers and responsibilities of standing committees

IV. Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Paragraph 1

1. citizens' rights, *human rights and fundamental freedoms in the European Union*;

1. Citizens' rights *and fundamental rights as set out in Article 6 of the EU Treaty, in the European Charter of Fundamental Rights, and in the preparation of the annual report referred to in Rule 108 of the Rules of Procedure.*

Justification

See justification to Amendment 1.