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Committee on Legal Affairs

2005/2238(REG)

21.12.2006

OPINION

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on EP Rules of procedure: adapt the internal procedures to the cases of
simplification of Community legislation
(2005/2238(REG))

Draftsman: Bert Doorn

PA_Legam

SHORT JUSTIFICATION

Your draftsman agrees on the whole with the approach taken by the rapporteur of the committee responsible. One of the primary obligations of the European Parliament is to improve its procedures and its internal legislative techniques in order to speed up the processing of simplification dossiers.

Nevertheless, this effort must not detract from the procedures laid down in primary law, especially the codecision procedure where the role of Parliament is of the highest importance owing to its democratic contribution to the decision-making process of the EU. In short, this means that any amendments to Parliament's internal procedures must comply with the relevant provisions of the Treaties.

Your draftsman suggests, therefore, certain modifications of the Rules of Procedure which should be taken into consideration with a view to ensuring that the goals of simplification are sufficiently credible and easy to be attained.

Revision of Rule 80 seems necessary in order to streamline the mechanism for the adoption of codifications in the light of the commitments entered into by all relevant stakeholders with regard to the simplification process. The amended Rule 80 will enable the Committee on Legal Affairs to examine the scope of a codification proposal and refer it directly to the Plenary if it does not contain any substantive changes. If it does, the Committee will propose the rejection of the Commission proposal.

A new Rule 80a should then be introduced in order to provide a specific procedure for recasting legislative texts. As already stated in the EP Resolution on a Strategy for simplification of the regulatory environment, recasting is, along with codification, one of the primary means of simplifying the *acquis communautaire* and should be used as widely as possible.

New Rule 80a will therefore empower the Committee on Legal Affairs to examine any recasting proposals. Each proposal will be referred to the committee responsible for consideration, which will enjoy special amending powers depending on the outcome of the Legal Affairs Committee's examination.

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 by Parliament

Amendment 1
Rule 80, paragraph 1

1. When a Commission proposal for official codification of Community legislation is submitted to Parliament, it shall be referred to the committee responsible for legal affairs. ***Provided that it is ascertained that the proposal does not entail any change of substance to existing Community legislation, the procedure laid down in Rule 43 shall be followed.***

1. When a Commission proposal for official codification of Community legislation is submitted to Parliament, it shall be referred to the committee responsible for legal affairs. ***The latter shall examine it in order to ascertain that it is no more than a mere codification embodying no changes of a substantive nature.***

Justification

This amendment aims at simplifying the processing of codification proposals within the committee responsible for legal affairs, by means of a clearer text and a stricter procedure, for deleting any reference to Rule 43 would avoid needless complexity at the committee level and, at the same time, would leave the present prerogatives of the plenary unchanged. As a result, the first phase of the procedure, which will take place within the Committee on Legal Affairs, will be simpler and more effective.

Amendment 2 Rule 80, paragraph 2

2. The chairman of the committee responsible or the rapporteur appointed by that committee may participate in the examination and revision of the proposal for codification. If necessary, the committee responsible may give opinion beforehand.

2. The committee responsible for legal affairs may ask the committee responsible for consideration for an opinion.

Justification

The proposed change concerns the possibility for the Committee on Legal Affairs to ask the committee responsible for an opinion as an element of assessment while examining the proposal for codification. This amendment reflects the practice currently followed and, in any case, would let the committee responsible intervene by means of an opinion, if requested. As a result, the first phase of the procedure, to be followed within the Committee on Legal Affairs, will be simpler and stricter.

Amendment 3 Rule 80, paragraph 3

3. Notwithstanding the provisions of Rule 43(3), the simplified procedure may not be applied to a proposal for official

3. If the committee responsible for legal affairs concludes that the proposal does not contain any substantive change to

codification where this procedure is opposed by a majority of the members of the committee responsible for legal affairs or of the committee responsible.

Community legislation, it shall refer it to Parliament for its approval by a single vote, with any amendments to the text of the proposal being inadmissible.

Justification

Rules 43 and 131, which deal with the 'simplified procedure' and the 'procedure in plenary without amendment and debate' respectively, contain provisions enabling the proposal to be open to amendment. Any such possibility is, however, at variance with the whole concept of codification, and incompatible with the existing interinstitutional agreement on the subject, and in particular paragraph 6 thereof, from which it can be deduced that the intention of Parliament and the Council is to commit themselves not to make any substantive changes to codification proposals.

Amendment 4

Rule 80, paragraph 3 a (new)

3a. If the committee responsible for legal affairs concludes that the proposal does contain substantive changes to Community legislation, it shall propose that the proposal be rejected.

Justification

Rejecting the proposal would appear to be a more sensible solution than reverting to the normal procedure. If the Commission proposal fails to comply with the codification rules, surely it is more logical, in the context of simplification, to refer the proposal back to the Commission and ask it to 'rethink' its proposal (for example, by replacing it with a recasting proposal) than to burden the Parliament with additional work.

Amendment 5

Rule 80 a (new)

Rule 80a

Recast

1. When a Commission proposal for official recasting of Community legislation is submitted to Parliament, it shall be referred to the committee responsible for legal affairs, which shall examine it. A proposal for official recasting of Community legislation shall mean a proposal for the adoption of a legal act consisting of a single text embodying substantive changes

to existing legal acts and, at the same time, codifying those of their provisions which are intended to remain unchanged. The new legal act replaces and repeals the earlier acts.

2. If the committee responsible for legal affairs concludes that the proposal does not contain any substantive changes to Community legislation other than those clearly identified as such in the proposal itself, it shall inform the President who, pursuant to Rule 40, shall refer the proposal in question to the committee responsible for consideration in order to have it examined under the normal procedure for legislative proposals. In this case, and under the conditions laid down in Rules 150 and 151, amendments to the proposal shall be admissible only if they concern those parts of the proposal which contain substantive changes. Amendments to provisions intended to remain unchanged shall therefore be inadmissible.

3. The chairman of the committee responsible may nevertheless admit such amendments, when tabled by individual Members, if objective reasons of consistency of the text with the substantive changes made by the proposal so require. The same rule shall apply mutatis mutandis in plenary sittings.

4. If the committee responsible for legal affairs concludes that the proposal does contain substantive changes other than those clearly identified as such in the proposal itself, it shall propose that the proposal be rejected.

Justification

Rejecting the proposal would appear to be a more sensible solution than reverting to the normal procedure. If the Commission proposal fails to comply with the codification rules, surely it is more logical, in the context of simplification, to refer the proposal back to the Commission and ask it to 'rethink' its proposal (for example, by replacing it with a proper recasting proposal) than to burden the Parliament with additional work.

PROCEDURE

Title	EP Rules of procedure: adapt the internal procedures to the cases of simplification of Community legislation
References	2005/2238(REG))
Committee responsible	AFCO
Opinion by Date announced in plenary	JURI 16.3.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Bert Doorn 30.1.2006
Previous drafts(wo)man	
Discussed in committee	3.10.2006 20.12.2006
Date adopted	20.12.2006
Result of final vote	+: 20 –: 0 0: 0
Members present for the final vote	Maria Berger, Rosa Díez González, Bert Doorn, Monica Frassoni, Giuseppe Gargani, Klaus-Heiner Lehne, Katalin Lévai, Hans-Peter Mayer, Achille Occhetto, Aloyzas Sakalas, Diana Wallis, Rainer Wieland, Jaroslav Zvěřina, Tadeusz Zwiefka
Substitute(s) present for the final vote	Nicole Fontaine, Jean-Paul Gauzès, Malcolm Harbour, Wolf Klinz, Kurt Lechner, Toine Manders, Manuel Medina Ortega, Alexander Radwan
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...