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REPORT

of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities

on the amendment of Rule 82 and Annex VI of the Rules of Procedure of the European Parliament on the procedure to be followed for codification of Community legislation

Rapporteur: Mr Ioannis STAMOULIS

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PE 207.276/fin.
EL - Or. ES

- * Consultation procedure
simple majority
- **I Cooperation procedure (first reading)
simple majority
- **II Cooperation procedure (second reading)
simple majority to approve the common position
absolute majority of Parliament's component Members to reject or amend the common position
- *** Assent procedure
absolute majority of Parliament's component Members to give assent
except for simple majority under Articles 8a, 105, 106, 130d and 228 EC

- ***I Codecision procedure (first reading)
simple majority
- ***II Codecision procedure (second reading)
simple majority to approve the common position
absolute majority of Parliament's component Members either to adopt a declaration of intent to reject the common position, or to amend or confirm the rejection of the common position
- ***III Codecision procedure (third reading)
simple majority to approve the joint text
absolute majority of Parliament's component Members to reject the Council text

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C O N T E N T S

	<u>Page</u>
Procedural page	3
A. Amendments to the Rules of Procedure	4
PROPOSAL FOR A DECISION	6
B. EXPLANATORY STATEMENT	7

By letter of 9 June 1993 the President of the European Parliament informed the chairman of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, Mr Florus Wijsenbeek, that at its meeting of 19 May 1993, the Enlarged Bureau had supported the proposal by the chairman of the Committee on Legal Affairs and Citizens' Rights, Mr Reinhold Bocklet, for the adoption of a simplified procedure for codification of Community legislation and had decided to refer the matter to the Committee on the Rules of Procedure, the Verification of Credentials and Immunities.

At its meeting of 14 July 1993 the Committee on the Rules of Procedure, the Verification of Credentials and Immunities decided to draw up a report and appointed Mr Stamoulis rapporteur.

At its meetings of 22 September and 2 December 1993 and 27 January 1994 the committee considered the draft report.

At the last meeting it unanimously approved the proposal for a decision contained in the report and also decided to apply Rule 99.

The following took part in the vote: Wijsenbeek, chairman; Rogalla and Reymann, vice-chairmen; Stamoulis vice-chairman and rapporteur; Galle, Gil-Robles, Gollnisch, Malangré, Metten (for Harrison, pursuant to Rule 138(2)) and Patterson (for McIntosh).

The report was tabled on 27 January 1994.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A
Rules of Procedure of the European Parliament

Current text

Proposed new text

(Amendment No. 1)

Rule 82

Codification of Community legislation

When a Commission proposal for official codification of Community legislation is submitted to Parliament, it shall be referred to the committee responsible. Where the committee ascertains that there is no change of substance from existing Community legislation, the procedure without report laid down in Rule 143(1) 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 on Legal Affairs and Citizens' Rights. Provided that it is ascertained that the proposal does not entail substantial amendment of existing Community legislation, the procedure laid down in Rule 143 shall be followed.

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 its opinion beforehand.

3. Notwithstanding the provisions of Rule 143(3), the procedure without report may not be applied to a proposal for official codification if a majority of the committee members objects or if the committee responsible delivers a contrary opinion, adopted by the same majority.

(Amendment No. 2)
Annex VI, paragraph VII(3)

Powers and responsibilities of standing committees
VII. Committee on Legal Affairs and Citizens' Rights

3. all matters relating to the definition and codification of the rights of citizens of the European Union and of fundamental rights;
3. all matters relating to the definition and codification of the rights of citizens of the European Union and of fundamental rights, as well as proposals for official codification of all or part of the legislation of the European Union;

PROPOSAL FOR A DECISION

Decision on the amendment of Rule 82 and Annex VI of the Rules of Procedure of the European Parliament on the procedure to be followed for codification of Community legislation

The European Parliament,

- having regard to the letter of its President of 9 June 1993,
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (A3-0040/00),
1. Decides to amend its Rules of Procedure as indicated above;
 2. Instructs its President to forward this decision to the Council and the Commission, for information.

B

EXPLANATORY STATEMENT

1. The European Council which met in Edinburgh on 12 December 1992 decided to prepare an official codification of European Union legislation. Bearing in mind the vast number of legislative acts - mainly secondary Community legislation but also primary Community law - produced over the 36 years of the Community's existence, that decision met a pressing need. It is not only the enormous volume of legislation that necessitates codification; the problem has become more acute owing to qualitative interconnection of the entire legal system of the European Union. The unique nature of the legislative acts, the variety of procedures for their adoption and the complex procedure for transposing directives into national law have literally created a legal labyrinth. Thus it is not only the citizens of Europe who are entirely at sea when it comes to seeking the provisions applicable at a certain moment to a specific issue, but even jurists (lawyers, judges, etc.) and the administrative organs of the Member States.

2. The European Council summit meeting, in adopting the above-mentioned decision, took the view that official codification could be done only 'through the relevant procedures' if the provisions spread among various legislative texts were to be incorporated into a single text which was arranged as far as possible according to subject-matter and which replaced but did not amend existing legislation.

3. In view of the nature and character of the codified text, codification will be a task mainly for technocrats. Consequently the Council's recommendation that a consultative group should be set up, composed of the legal services of the Commission, the Council and the Parliament, meets the practical need for the necessary ground work to be carried out on the codified texts. In order for those codified texts to assume the status of an 'official codification', they must be approved by the institutions of the European Union 'under the Community's normal decision-making progress'.

4. Since Parliament participates in the legislative process of the European Union (in accordance with the consultation, conciliation, cooperation and assent procedures), its participation in the adoption of the official codification texts proposed by the Commission must be clearly provided for by the Rules of Procedure. During the recent revision of the Rules of Procedure, Parliament accepted the amendment by the vice-chairman of the Committee on the Rules of Procedure, Mr Rogalla, which became Rule 82. That new Rule, in conjunction with paragraph VII(3) of Annex VI, provides that the Committee on Legal Affairs and Citizens' Rights is competent with regard to the adoption of the official codification and that the procedure without report laid down in Rule 143(1) is applicable.

5. At first sight, the above-mentioned provisions might be thought sufficient. However, in its note of 25 June 1993, Parliament's Legal Service rightly pointed out that there was a danger that the entire procedure for adopting the official codification - which needed to be rapid and flexible - would collapse if four Members were able to object, as provided for in Article 143. The note also pointed out that the same danger existed if a committee, a political group or 23 Members could table substantive amendments for consideration in plenary.

6. In order avert to those very dangers, which would frustrate the essential objective of a speedy procedure, amendment No. 1 proposes the addition of a new paragraph to Rule 83 in order to prevent the procedure without report from being paralysed solely by the objection of four Members. Under the new provision, the non-implementation of Rule 143 would require a majority of all members of the committee. The new rule also provides for the participation of the chairman or the rapporteur of the committee responsible in the procedure for approving the proposal for official codification without report.

7. The need for official codification also applies without a doubt to the primary law contained in the Treaties. The 'normal decision-making procedure' proposed in the decision of the Edinburgh European Council is not the one required for the adoption of the official codification of the Treaty texts. Any proposal by the Commission for the codification of those texts would probably require the approval, if not of the parliaments of the Member States, then at least of an inter-governmental conference.

8. A separate issue is the codification of the harmonization of national laws by the Member States pursuant to Community directives. The usefulness of such an extension of the codification is evident, and it is to be hoped that the working group formed by the legal services of the three institutions will extend its work in that direction.