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REPORT

drawn up on behalf of the Committee on the Rules of
Procedure and Petitions

on the amendment of Rule 85 of the Rules of Procedure

Rapporteur: Mr Georgios ANASTASSOPOULOS

WG(2)1882E

PE 97.708/fin.

By letter of 4 December 1984 (PE 94.141), the President of the European Parliament referred to the Committee on the Rules of Procedure and Petitions the matter of the interpretation of Rule 85(3).

At its meeting of 18 December 1984, the committee appointed Mr ANASTASSOPOULOS rapporteur.

The committee considered the matter at its meeting of 26 February 1985 and decided to propose that Rule 85(3) be amended.

At its meeting of 13 May 1985, the committee considered the draft report and decided unanimously to propose the amendments to the Rules of Procedure and the motion for a resolution set forth in the following pages.

The following took part in the vote: Mr AMADEI, chairman; Mr ANASTASSOPOULOS, rapporteur; Mr ADAM, Mr BEAZLEY, Mr DONNEZ, Mr GRIFFITHS, Mr MALANGRE, Mr PATTERSON, Mr PROUT, Mr ROTHLEY, Mr STAVROU and Mr TOUSSAINT.

The report was tabled on 21 May 1985.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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A

The Committee on the Rules of Procedure and Petitions hereby submits to the European Parliament the following amendments to the Rules of Procedure and motion for a resolution together with explanatory statement.

Existing rule

Amendments proposed by the Committee
on the Rules of Procedure and
Petitions

Rule 85: Referral back to committee

1. Referral back to committee may be requested by any Member at any time.

(Text in italics)

A request for referral back to committee may be made 'at any time' during the debate before final voting begins, subject to Rule 81(2). Application of Rule 36(2) does not preclude a request for referral back to committee pursuant to Rule 85.

The vote shall be taken immediately on the request for referral back to committee. (If a check on the quorum has been requested and the quorum is not present, the provisions of Rule 71(3) final sentence and Rule 85(2) shall not apply and Parliament shall proceed with the debate.)

2. The matter shall be referred back to the committee responsible where, pursuant to Rule 71(3), two votes have been taken following a request for a check on the quorum, without the quorum being present.

(Text in italics)

Paragraph 2 shall not apply to votes on procedural motions but only to votes on the subject matter itself.

1. Referral back to committee may be requested by any Member at any time during the debate before final voting begins, subject to Rule 81(2).

(Text in italics)

(First sentence deleted).

Application of Rule 36(2) does not preclude a request for referral back to committee pursuant to Rule 85.

The vote shall be taken immediately on the request for referral back to committee. (If a check on the quorum has been requested and the quorum is not present, the provisions of Rule 71(3) final sentence and Rule 85(2) shall not apply and Parliament shall proceed with the debate.)

2. Unchanged, including the text written in italics.

Existing rule

Amendments proposed by the Committee
on the Rules of Procedure and
Petitions

3. Where so decided by Parliament on a proposal from the President, which shall be voted on without debate, referral back to committee shall entail suspension of the discussion and vote in plenary sitting on the amendments, and the vote on the motion for a resolution, but not the general debate.

4. When referring a matter back to the committee responsible, Parliament may set a time limit within which the committee shall report its conclusions.

5. If a motion requesting referral back to committee is rejected, it shall not be tabled again during that debate.

3. Referral back to committee shall entail suspension of the discussion and vote in plenary sitting on the amendments, and the vote on the motion for a resolution. If the request for referral back to committee is accepted after a Member has already spoken on behalf of a political group, only one Member may speak from each political group which has not yet provided a speaker in that debate.

4. Unchanged

5. Unchanged

Motion for a resolution

on the amendment of Rule 85 of the Rules of
Procedure of the European Parliament

The European Parliament,

- having regard to Rules 111(1) and (2) and 112 of the Rules of Procedure,
 - having regard to the letter of 4 December 1984 from its President to the Committee on the Rules of Procedure and Petitions (PE 94.141),
 - having regard to the report of the Committee on the Rules of Procedure and Petitions (Doc. A2-33/85),
1. Resolves to insert in its Rules of Procedure the amendment referred to;
 2. Instructs its Secretary-General to ensure that the text duly amended as above is rendered correctly in the seven official languages of the Community;
 3. Instructs its President to forward this resolution, for purposes of information, to the Council, the Commission of the European Communities and the Foreign Ministers meeting in political cooperation.

EXPLANATORY STATEMENT

1. The question of the interpretation of Rule 85(3) arose during the debate on the first SHERLOCK report on lead-free petrol (Doc. 2-1010/84) at Parliament's plenary sitting of 15 November 1984. Referring to the tabling of 158 amendments which had not previously been considered by the committee responsible, namely the Committee on the Environment, Public Health and Consumer Protection, Mr BOMBARD requested that the report be referred back to committee pursuant to Rule 85(1). Parliament approved this request by electronic vote. Following speeches by seven other Members on procedural matters, the leader of the Socialist Group, Mr ARNDT, requested, despite the above decision, that the general debate be continued pursuant to Rule 85(3). The presiding Vice-President, Mr SEEFELD, agreed and Parliament approved Mr ARNDT's request by a roll call vote. However, Mr NORD later maintained that Rule 85(3) should not have been applied because this rule refers to requests for referral back to committee when the debate has already started. Yet, in the case of the SHERLOCK report, the decision regarding referral back to the Committee on the Environment, Public Health and Consumer Protection was, in Mr NORD's opinion, taken by the plenary before the debate began. In order to clarify this point, the President of the European Parliament, Mr PFLIMLIN, referred the matter to the Committee on the Rules of Procedure and Petitions by letter of 4 December 1984 (PE 94.141).

2. The question raised in general terms by Mr NORD's objection is not a simple one to answer. Mr NORD has formal grounds for arguing that the debate on a report cannot be deemed to have started if previously not even the rapporteur has been called to speak. However, there are many in parliamentary and legal circles who support the view that the starting-point of a debate should be the moment when the President announces that the debate on the relevant matter on the agenda is beginning. Your rapporteur agrees with this second broader interpretation, being amongst those who believe that, in matters concerning the interpretation of the Rules of Procedure, preference should always be given to those interpretations which are the simplest, most practical and least likely to give rise to complicated solutions.

3. In the particular case under consideration, the pedantic interpretation supporting the view that the debate had not begun and therefore could not be suspended, seems even weaker. The rapporteur, Mr SHERLOCK, may not have been called upon to speak, but before Mr BOMBARD made his request, Mrs WEBER the chairman of the Committee on the Environment, Public Health and Consumer Protection, and Mr DE GUCHT had spoken. How could we hold the view that the debate had not begun and that Mr SEEFELD did not apply Rule 85(3) correctly?

4. Nevertheless, during its discussion of the question of the interpretation of Rule 85(3), the Committee on the Rules of Procedure and Petitions took the view that this rule, as worded, may give rise to a number of problems¹. For this reason, it considered that it should not provide an interpretation, but rather take the more radical step of proposing both it and Rule 85(1) be amended.

¹At the plenary sitting of 12 December 1984, Mr HUCKFIELD, for instance, complained that he had been called upon to vote on 75 amendments to Mr SHERLOCK's second report (Doc. 2-1149/84) without any prior debate (p. 363 of the Report of Proceedings). He was, in point of fact, incorrect because Mr SHERLOCK and the draftsmen, Mr VON WOGAU, Mr CAROSSINO and Mr NORD had made brief speeches before Parliament approved Mr NORD's proposal pursuant to Rule 86(1) that the debate be closed. However, who could really deny that, with the joint application of Rules 85(1) and 85(3) in November and 86(1) in December, we had on the first occasion a general debate without report or amendments and on the second occasion a report and amendments without debate?

5. The weaker points inherent in these provisions are bound up with their history. Rule 85(3) is one of the oldest provisions of the European Parliament's Rules of Procedure. It dates back at least to 1968 (searching through the archives, the committee's secretariat established the existence of a similar provision in the 1968 Rules of Procedure, where it appeared as Rule 29 (5)). The present text was adopted in March 1983 (and was proposed by the LUSTER report - Doc. 1-926/80). However, the explanatory statement in respect of this report makes no reference to Rule 85(3). Members of the Committee on the Rules of Procedure and Petitions who also served on the committee during the previous Parliament's term of office, like Mr LUSTER himself, explained to your rapporteur why the rule was retained during the recent general revision of the Rules of Procedure. Initially the committee and finally Parliament considered that, by applying Rule 85(3), the conclusions of the general debate would be of help to the members of a committee responsible during their second consideration of report and amendments.

6. Seen from that angle, there can in principle be no doubt concerning the usefulness of the first general debate. However, Rule 85(3) was introduced when the European Parliament's former Rules of Procedure provided for two debates, namely a general debate and a debate on the amendments. This way of organizing debates was discontinued some time ago, and existing demands on time are increasing daily as a vast pile of reports and issues claim a place on the agenda of Parliament's part-sessions. Quite apart from the fact that many Members, believe that fresh efforts should be made to have Parliament desist from concerning itself with every issue under the sun, given the present conditions, the question whether it is sensible to maintain the luxury of two general debates is urgently being considered.

7. In the light of this appraisal, the committee decided that the most rational solution to the problem would be not to give an interpretation of Rule 85(3), but to amend it. In its opinion, there are many advantages to be gained by abolishing the possibility of holding the general debate when a request for referral of report and amendments back to the committee responsible has previously been accepted. In this way, the procedure is simplified and made clearer, time which is so valuable for Parliament's work at the part-sessions is saved and the principle of debates and votes being held at the same time is not infringed.

Likewise, the committee felt that it would be useful to incorporate in the first paragraph of Rule 85 the basic explanations, already given in the form of an interpretation, so as to invest them with the authority of a provision of the Rules of Procedure rather than the interpretative significance denoted by the use of initials.

8. It is possible, however, that a further problem may arise by reason of the fact that a request for referral back to committee, pursuant to Rule 85(1), 'may be made at any time during the debate'. The representatives of the large political groups may have already spoken, before the request is made, and voiced their political opinions, while those waiting to follow them on the list of speakers will not have had the same opportunity. For this reason and to ensure that the principle of equity, which must inform Parliament's proceedings, is maintained, the committee considered it necessary to propose the addition of a sentence introducing an arrangement similar to that provided for under Rule 86(2).

9. The application of Rule 85 which provides for the possibility of referring reports back to committees - which is sometimes used also to delay decisions - has often created problems and many requests have been made for the precise interpretations of different parts of this rule. With the amendment of paragraphs 1 and 3 of this rule, as proposed in this report, the committee hopes that these problems will diminish and that less time will be devoted to the discussion of procedural matters.