



European Communities

EUROPEAN PARLIAMENT

WORKING DOCUMENTS

English Edition

1985-86

27 June 1985

SERIES A

DOCUMENT A2-68/85

REPORT

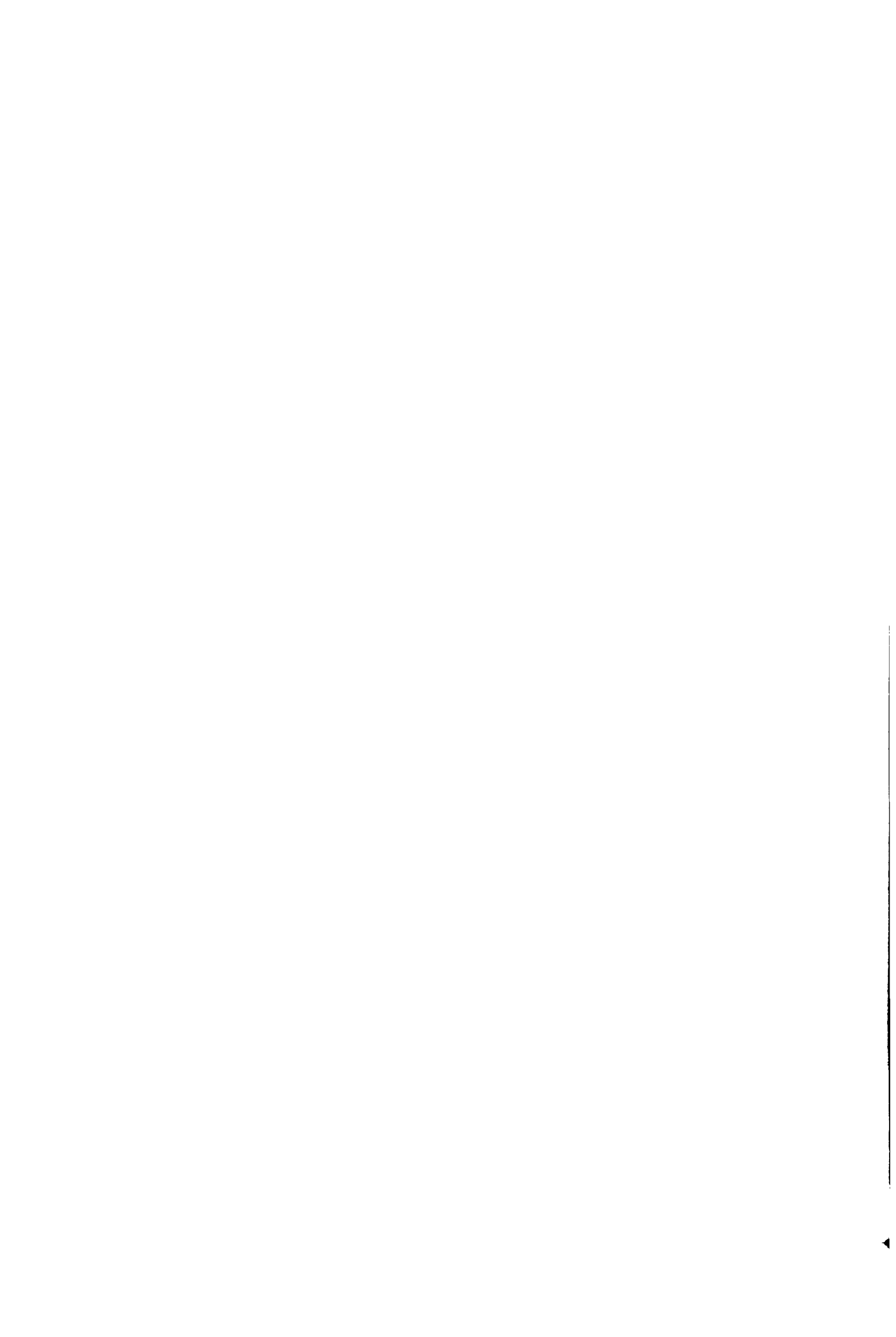
drawn up on behalf of the Committee on the
Rules of Procedure and Petitions

on Rule 33 of the Rules of Procedure

(Delegation of the power of decision to committees)

Rapporteur: Mr W. ROTHLEY

PE 95.460/fin.
Or. Da.



On 9 October 1984, the President of the European Parliament referred the amendment to Rule 33 of the Rules of Procedure tabled by Mr PETERS and others (Doc. 2-576/84) to the Committee on the Rules of Procedure and Petitions.

At its meeting of 16/17 October 1984, the committee appointed Mr ROTHLEY rapporteur.

The committee considered this matter at its meetings of 21/22 January, 20/21 February, 23/24 April and 18 June 1985.

At the last meeting, the committee unanimously adopted the proposed amendments and the proposal for a decision.

The following took part in the vote: Mr CHANTERIE, acting chairman; Mrs DURY and Mr SCHWALBA-HOTH, vice-chairmen; Mr ROTHLEY, rapporteur; Mr ADAM, Mr CICCIOMESSERE, Mrs CINCIARI RODANO, Mr GRIFFITHS, Mr MALANGRE and Mr PLASKOVITIS.

The report was tabled on 21 June 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 proposal for a decision together with explanatory statement:

Rules of Procedure at present

Rule 33: Delegation of the power of decision to committees

1. Where Parliament is consulted on a predominantly technical matter of no general importance, the President may propose to Parliament that the request for an opinion or for advice be referred to the appropriate committee with the power to take a decision. If there are no objections, this proposal shall be deemed to have been adopted. Failing this, Parliament shall, after hearing one speaker in favour and one against, vote on the President's proposal by show of hands.

2. If at least one-tenth of the current Members of Parliament are opposed to the referral for a decision provided for in paragraph 1, this referral shall not take place and the request for an opinion or for advice shall be referred to the appropriate committee pursuant to Rule 32.

3. Where one-third of the members of the committee to which a request for an opinion or for advice has been referred pursuant to paragraph 1 request that the matter be referred back to Parliament, the procedure provided for in Rule 32 shall apply.

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

Rule 33: Delegation of the power of decision to committees

1. (13 words deleted) The President, a minimum of 21 members or a committee may propose to Parliament that the request for an opinion or for advice pursuant to Rule 32 be referred to the appropriate committee with the power to take a decision.

2. A decision shall be taken on this proposal at the beginning of the sitting following that during which Parliament was informed thereof. Parliament shall, if necessary after hearing one speaker in favour and one against, vote on the proposal (5 words deleted).
If at least one-tenth of the current Members of Parliament are opposed to the referral to committee for a decision, this referral shall not take place (19 words deleted).

3. Where one-third of the members of the committee to which a request for an opinion or for advice has been referred pursuant to paragraph 2 request that the matter be referred back to Parliament, the procedure provided for in Rule 32 shall apply.

Rules of Procedure at present

4. Where paragraph 1 is applied, all the rules concerning the public conduct of proceedings in Parliament shall apply to the meetings of the committee.

5. Once the opinion of the committee responsible has been adopted pursuant to this Rule, the President shall inform Parliament thereof and forward the committee's opinion to the Council and Commission as Parliament's opinion.

(Text in italics)

The rules governing discussions in committee and not those regulating debates in the Chamber shall apply to meetings of the committee.

The public conduct of proceedings referred to in paragraph 4 should take effect in accordance with Rules 89 and 90 of the Rules of Procedure subject to the qualification that only the proceedings of the meeting at which a committee takes a decision shall be required to be published in full. With regard to speeches made in preceding committee meetings it shall be sufficient if a summary record is published in sufficient detail to render comprehensible the positions of the different speakers.

Amendments tabled by the Committee on the Rules of Procedures and Petitions

4. Where paragraphs 1 and 2 are applied, the usual rules governing discussions in committee shall apply. However, the committee meeting at which a decision is to be taken shall be open to the public and the agenda for this meeting, and any deadline for tabling amendments, shall be published in the EP Bulletin.

5. The opinion of the committee shall include the committee's views on the proposal on which Parliament has been consulted, together with any amendments it proposes and the result of the vote pursuant to Rule 100(3). The opinion may take the form of a letter.

6. Once the committee responsible has adopted its decision pursuant to this Rule, the President shall inform Parliament thereof at the beginning of the next sitting and the committee's decision shall be recorded in the minutes of proceedings of that sitting.

Text in italics deleted

(Deleted)

(Text in italics)

The agendas of meetings of committees to which a power of decision has been delegated shall be distributed to all the Members of Parliament. The rules governing the participation in the proceedings of individual committees by Members of Parliament who are not members of that committee shall continue to apply.

PROPOSAL FOR A DECISION

amending the rules relating to simplified procedures in the European Parliament's Rules of Procedure

The European Parliament,

- having regard to Rule 112(1) of its Rules of Procedure,
 - having regard to the amendment tabled by Mr PETERS and others (Doc. 2-576/84),
 - having regard to the report by the Committee on the Rules of Procedure and Petitions (Doc. A2-68/85),
1. Decides to incorporate the above amendments in its Rules of Procedure;
 2. Instructs its Secretary-General to ensure that the amended texts are identical in the seven official languages;
 3. Instructs its President to forward this decision, for information, to the Council and Commission of the European Communities and to the Foreign Ministers meeting in political cooperation.

EXPLANATORY STATEMENT

1. At their monthly meetings, the committee chairmen have often said that they find the Rules of Procedure lacking in provisions that would ease the workload in committee and in plenary.

In connection with the proposal to amend Rule 33(1), the Committee on the Rules of Procedure and Petitions has therefore considered to what extent other amendments to this Rule are necessary; consideration has also been given to the wording of Rules 34 and 99.

2. The committee is agreed that the scope of Rule 33 was never intended to be restricted to proposals of a very technical nature on which there should presumably be unanimity. On the contrary: in proposing, in 1981, that this provision be included in the Rules of Procedure, the Committee on the Rules of Procedure and Petitions took the view that Commission proposals of a more politically controversial nature should also be considered under this procedure.

The Committee on the Rules of Procedure and Petitions is divided on whether the section of Rule 33(1) which stipulates that this Rule shall be applied to predominantly technical matters of no general importance should be deleted. However, in the committee's view, it must be explicitly stated that the provisions apply to official requests for an opinion or for advice pursuant to Rule 32 of the Rules of Procedure.

The committee does not believe that it would be appropriate for committees to be delegated the power to take a decision on motions for resolutions tabled pursuant to Rule 47.

3. The motive behind the proposal is, of course, to help to ensure that the Rule 33 procedure is applied more often: this would ease the workload in plenary, but increase that of the committees.

Rule 33, which was introduced in March 1981 as part of a general review of the Rules of Procedure, has only been applied once. In the committee's view, the reason for this is that the committees themselves find the procedure complicated and that, for example, this procedure calls for committee secretariats to perform duties that would normally be carried out by other services of Parliament's Secretariat. Committees have therefore preferred to apply the procedures contained in Rule 34 (without debate), Rule 99(1) (without report) and Rule 99(2) (simplified procedure).

This can be illustrated by reference to the number of occasions the various simplified procedures were applied in 1983:

- Rule 33 was not applied at all;
- Rule 34 was applied on 12 occasions¹;
- Rule 99(1) was applied on 41 occasions²;
- Rule 99(2) was not applied at all.

The European Parliament dealt with over 300 reports in 1983.

4. The Committee on the Rules of Procedure and Petitions has therefore endeavoured to amend Rule 33(4), (5) and (6) in such a way as to make application of this procedure less onerous both for the committees and for Parliament as a whole, without neglecting the demands that have been made for greater public access to the decision-taking process.

¹ Applied two or three times each by the Committee on Agriculture, Fisheries and Food, the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Development and Cooperation, and the Committee on Energy, Research and Technology.

² Applied 18 times by the Committee on Agriculture, Fisheries and Food, eight times by the Committee on External Economic Relations, and three or four times each by the Committee on the Environment, Public Health and Consumer Protection and the Committee on Development and Cooperation.

The committee takes the view, for example, that to call for a full verbatim report of committee meetings, in line with Rule 90, is an excessive demand. It should be enough for the public to be informed that a decision is imminent, for the meeting at which the decision is to be taken to be open to the public, for conventional committee-meeting minutes to be drawn up, for the result of the vote in committee to be publicized, and for the decision to be subsequently recorded in Parliament's minutes of proceedings (cf. Rule 89).

Comments on the proposed amendments

Re Rule 33(1), (2) and (3)

5. As mentioned above, the committee has been unable to reach agreement on whether or not to retain the section of Rule 33(1) which stipulates that this Rule shall apply to predominantly technical matters of no general importance. The rapporteur recommends that, if possible, amendments be proposed for this section.

However, in the rapporteur's view, the importance of other proposed amendments is such that modification of Rule 33 as a whole should not depend on the treatment of this question alone.

6. During the committee's deliberations, many members have stressed the need for the President of the European Parliament to involve the committee chairmen to a greater extent in the decision whether to apply Rule 33.

This cannot be laid down in detail in the Rules of Procedure. The committee therefore considers it preferable to modify the decision-taking procedure so that an actual decision is taken on the President's proposal (at the beginning of the sitting following that during which Parliament was informed of the President's proposal) and that others beside the President may also propose application of Rule 33. The proposed procedure is analogous to Parliament's procedure for deciding urgency (Rule 57).

Rule 33(2) ensures respect for minority views in that application of this procedure (referral to committee) can be prevented if at least one-tenth of current Members of Parliament are against. This provision should be retained.

Re Rule 33(4)

7. The proposed new wording of paragraph 4, under which the usual rules governing the consideration of items in committee would apply to this procedure, implies that Rules 35 and 36 (rejection or amendment of a Commission proposal) cannot be applied in connection with the Rule 33 procedure. Nevertheless, this is merely a technicality: in practice, the provisions of the Rules of Procedure permit a committee simply to postpone a final decision in such cases until agreement is reached.

8. Under paragraph 4, as proposed, Members of Parliament and the public would be informed of the first possible date for a decision pursuant to Rule 33. This information would be published in the EP Bulletin, since the only - and more expensive - alternative would be to send copies of the relevant committee-meeting agenda to all Members of Parliament.

The committee itself decides whether a deadline should be set for tabling amendments.

Pursuant to Rule 104(4) of the Rules of Procedure, all Members of Parliament are entitled to attend the relevant committee meeting.

9. The committee has considered whether only ordinary committee members and permanent substitutes should be entitled to table amendments. Reference is made, in this context, to Rule 53(1) in particular, under which all Members are entitled to table amendments: pursuant to Rule 103(4), the provisions of Rule 53 shall also apply to procedures in committee. In the committee's view, it would not be appropriate to propose an exceptive clause with regard to the tabling of amendments under the Rule 33 procedure.

10. The committee has also considered whether paragraph 4 should state explicitly that a committee, unlike Parliament in plenary, may permit a Commission official to speak on policy matters on behalf of the Commission.

Since under the main provision of paragraph 4, the usual rules governing proceedings in committee are to apply to this procedure, the committee decided that individual committees should rule on this question in the light of the subject for discussion.

Re Rule 33(5) and (6)

11. Rule 33(5), as proposed, lays down the formal requirements in respect of a committee decision. These are kept to a minimum and it is left to the committee to specify in each case, depending on the nature of the matter concerned, how detailed and thorough consideration of a particular question must and should preferably be.

A number of options would be available, ranging from the following:

- At the public meeting, the committee chairman could propose that the committee approve the Commission (or Council) proposal in question, with or without amendment. If a majority of committee members agreed, the committee procedure would be closed unless application of Rule 33(3) had been requested in advance (before the decision);

to the following:

- By way of a more thorough examination, the committee could appoint a rapporteur, who would draw up a draft report to be considered at one or more committee meetings prior to the public meeting. Apart from the fact that there would be no examination in plenary, this would correspond to the procedure pursuant to Rule 100.

12. Under paragraph 5, the committee's opinion would include the result of the vote pursuant to Rule 100(3).

In this connection, the Committee on the Rules of Procedure and Petitions has deliberately not referred to Rule 100(4), which, even in the case of conventional reports, is only observed on rare occasions. It is left to each committee to decide whether or not to include such information.

13. Under paragraph 6, as proposed, the European Parliament would be informed of the committee's decision, which would be recorded in Parliament's minutes of proceedings. By approving the minutes, Parliament would formally adopt the committee's decision.

Rule 89(3) of the Rules of Procedure lays down that objections may be raised to the minutes of proceedings; the implication is that there may be technical objections, but, at this stage, no amendments may be tabled to the committee's decision; nor can it be rejected.

Objections pursuant to Rule 33 (3) must be made before the committee takes a decision.

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