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REPORT

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

incorporating proposed amendments to the Rules of Procedure
intended to enter into force following the ratification of
the Single European Act

Rapporteur : Mr Christopher PROUT

PE 107 371/fin.
Or.En.

On 17 February 1986, the President of the European Parliament referred the amendment tabled pursuant to Rule 112 of the Rules of Procedure by Mr LUSTER to adapt the Rules of Procedure of the European Parliament to the results of the Conference of the Representatives of the Governments of the Member States on 16 and 17 December 1985 with regard to increased participation by the European Parliament in EC legislation (Doc. B2-1420/85) to the Committee on the Rules of Procedure and Petitions as committee responsible.

On 9 June 1986, the Committee on the Rules of Procedure and Petitions was authorised to draw up a report on the implementation of the Single European Act and the consequent revision of the Rules of Procedure.

On 7 July 1986, the Committee on Economic and Monetary Affairs and Industrial Policy was authorised to give an opinion.

At its meeting of 3 April 1986, the Committee appointed Mr PROUT rapporteur.

At its meeting of 28/29 April 1986, the Committee held a preliminary discussion on amendments to the Rules of Procedure in the light of the Single European Act. The Committee further considered the matter at its meetings of 17/18 June and 9 July and considered the draft report at its meetings of 15/16 September, 23/24 September, 13/14 October, 23 October and 27/28 October 1986.

At the latter meeting the committee adopted the amendments to the Rules of Procedure with varying majorities and the proposal for a decision unanimously with 1 abstention.

The following took part in the vote: Mr AMADEI, chairman; Mr CHANTERIE, vice-chairman; Mr PROUT, rapporteur (deputising for Mr COTTRELL); Mr ADAM, Mr CICCIOMESSERE, Mrs CINCIARI RODANO, Mr CRESPO (deputising for Mr ALVAREZ DE PAZ), Mr GRAZIANI (deputising for Mr DE PASQUALE), Mr GRIFFITHS, Mr LAFUENTE LOPEZ, Mrs OPPENHEIM, Mr PATTERSON, Mr STAVROU and Mr WIJSENBECK.

The opinion of the Committee on Economic and Monetary Affairs and Industrial Policy is attached.

The report was tabled on 31 October 1986.

The deadline for 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 decision with explanatory statement.

Existing Rules of Procedure

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

CHAPTERS I to V unchanged

CHAPTER VI

CHAPTER VI

ACTIVITIES OF PARLIAMENT

ACTIVITIES OF PARLIAMENT

Section I

Section I

RELATIONS WITH THE COMMISSION, THE
COUNCIL AND THE FOREIGN MINISTERS
MEETING IN POLITICAL COOPERATION

RELATIONS WITH THE COMMISSION, THE
COUNCIL AND THE FOREIGN MINISTERS
MEETING IN EUROPEAN POLITICAL
COOPERATION

Rule 29

RELATIONS WITH THE COMMISSION

Rule 29

Annual General Report of the Commission

Annual General Report of the Commission

Paragraphs 1 to 3 unchanged

- 3a. After the presentation of the
Annual Programme by the Commission
and the debate thereon in
Parliament, the enlarged Bureau and
the Commission shall agree on an
annual legislative programme and
timetable for the submission by the
Commission and the examination by
Parliament of proposals which
the Commission intends to remit
to the Council.

Rule 30 unchanged

Existing Rules of Procedure

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

PARTICIPATION IN NEGOTIATING AND
AMENDING TREATIES AND AGREEMENTS

Rule 31 unchanged

Rule 31A
Accession Treaties

'1. Where Parliament is consulted
by the Council on a request by
a European State to become a
member of the Community, the
matter shall be referred to
the appropriate committee for
consideration.

2. Parliament may decide, on a
proposal from the committee
responsible or a political
group, to request the Commission
and the Council to take part
in a debate before negotiations
with the applicant country
commence.

3. The Commission and the Coun-
cil shall keep Parliament
informed through the appropriate
committees of progress in the
negotiation of a treaty for
the accession of a new State
to the European Community.

4. When the negotiations are completed,
but before any agreement is signed,
Parliament may decide, on a proposal
from the committee responsible
or a political group, to hold a
further debate on its proposed
terms.

5. Parliament gives its assent to
an application by any European
State to become a member of the
European Community by a majori-
ty of the votes of its current
Members on the basis of a
report by the committee
responsible.'

Existing Rules of Procedure

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

Rule 31B

Association Agreements

1. Parliament may ask the Council to be consulted on the negotiating mandate which the Council intends to give the Commission before the negotiations on the conclusion, renewal or amendment of an association agreement or financial protocol commence.
2. Parliament may decide, on a proposal from the committee responsible or a political group, to request the Commission to take part in a debate on its negotiating mandate before negotiations commence.
3. The Commission and the Council shall keep Parliament informed through the appropriate committees of progress in such negotiations.
4. When negotiations are completed, but before any agreement is signed, Parliament shall be consulted on their proposed terms.
5. Parliament gives its assent to an application by a third state, a Union of States or an international organisation to enter into, renew or amend an Association Agreement or a financial protocol with the European Community by a majority of the votes of its current Members.

Rule 31C

Significant international agreements

1. The Commission shall advise the parliament as to whether an international agreement is significant within the terms of the Solemn Declaration on the European Union.
2. The procedure set out in Rule 31B, paragraphs 1, 2, 3 and 4 shall apply to significant international agreements.

Existing Rules of Procedure

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

Rule 31D

Trade and cooperation agreements
(not designated as significant)

1. Parliament may ask the Council to be consulted on the negotiating mandate which the Council intends to give the Commission before the negotiations open.
2. Parliament may decide, on a proposal from the committee responsible or a political group, to request the Commission to take part in a debate on its negotiating mandate before negotiations commence.
3. The Commission and the Council shall keep Parliament informed through the appropriate committees of progress in such negotiations.
4. The Council shall notify the committee responsible as to the substance of the agreement. Parliament shall then hold a debate on the basis of the report of the committee responsible.

CONSULTATION PROCEDURE : LEGISLATIVE
ACTS REQUIRING ONE READING

Rule 32

Consultation of Parliament

Paragraph 1 unchanged

2. A list of these requests for an opinion or for advice shall be published in the Bulletin of Parliament, together with decisions on referral.

Rule 32

Consultation of Parliament

2. A list of these requests for an opinion or for advice shall be published in the Bulletin of Parliament, together with the name of the committee responsible and a description of the chosen legal base for the draft measure.

Existing Rules of Procedure

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

3. Without prejudice to Rules 33 and 34, Parliament shall discuss the proposal on which its opinion has been sought on the basis of the report drawn up by the committee responsible pursuant to Rule 100. The consultation procedure shall end with a vote on the whole text of the motion for a resolution contained in the report.
4. Parliament shall first vote on the amendments to the proposal with which the report of the committee responsible is concerned, then on the proposal, amended or otherwise, then on the motion for a resolution contained in the report and any amendments tabled to it. Finally, Parliament shall vote on the motion for a resolution as a whole (1).
- 2a. The committee responsible shall examine the validity and appropriateness of the chosen legal base for any draft measure on which Parliament is consulted. Where it disputes the validity or the appropriateness of the legal base and therefore of the consultation procedure, it shall, before dealing with the substance of the proposal, and after consultation with the committee responsible for legal affairs, refer the matter to Parliament, reporting orally or in writing.
3. Without prejudice to Rules 33, 34, and 99(1) Parliament shall discuss the proposal on which its opinion has been sought on the basis of the report drawn up by the committee responsible pursuant to Rule 100. (sentence deleted)
4. Parliament shall first vote on the amendments to the proposal with which the report of the committee responsible is concerned, then on the proposal, amended or otherwise, then on the draft legislative resolution, which shall only contain procedural requests and on any amendments tabled to it. Finally, Parliament shall vote on the draft legislative resolution as a whole. The consultation procedure is concluded if it is adopted.(1)
- 4a. Amendments which receive fewer than five votes in the committee responsible shall only be put to the vote in Parliament at the written request of a political group, a committee or at least 23 Members submitted before the vote is opened.

(1) See also Chapter IX

(1) See also Rule 39A(1) and Chapter IX

Existing Rules of Procedure

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

Paragraph 5 unchanged

Rules 33 and 34 unchanged

Rule 35

Rejection of a Commission proposal

1. If a Commission proposal fails to secure a majority of the votes cast, the President shall, before Parliament votes on the motion for a resolution, request the Commission to withdraw the proposal.

Rule 35

Rejection of a Commission proposal

1. If a Commission proposal fails to secure a majority of the votes cast, the President shall, before Parliament votes on the draft legislative resolution, request the Commission to withdraw the proposal.

Paragraph 2 unchanged

3. If the Commission does not withdraw its proposal, Parliament may decide not to vote on the motion for a resolution and to refer the matter back to the committee responsible.

In this case, the committee shall report back to Parliament within one month or, in exceptional cases, any shorter period decided by Parliament.

3. If the Commission does not withdraw its proposal, Parliament shall (words deleted) refer the matter back to the committee responsible without voting on the draft legislative resolution

In this case, the committee responsible shall, orally or in writing, report back to Parliament within two months or, in exceptional cases, any shorter period decided by Parliament.

Interpretation

If the committee responsible is unable to meet the deadline, it shall request referral back to committee pursuant to Rule 85(1). If necessary, Parliament may fix a new deadline pursuant to Rule 85(4). If the committee's request is not accepted, Parliament shall proceed to the vote on the motion for a resolution.

3a. If the committee responsible is unable to meet the deadline, it shall request referral back to committee pursuant to Rule 85(1). If necessary, Parliament may set a new time limit pursuant to Rule 85(4). If the committee's request is not accepted, Parliament shall proceed to the vote on the draft legislative resolution.

Existing Rules of Procedure

Rule 36

Amendment of a Commission proposal

1. Where the Commission proposal as a whole is approved, but on the basis of amendments which have also been adopted, Parliament may decide, on a proposal from the chairman or rapporteur of the committee responsible, to postpone the vote on the motion for a resolution until the Commission has stated its position on Parliament's amendments.

2. Where the Commission announces that it does not intend to adopt Parliament's amendments, Parliament may decide, on a proposal from the chairman or rapporteur of the committee responsible, to postpone the vote on the motion for a resolution. The matter shall be deemed to be referred back to the committee responsible for reconsideration. In this case, the Committee shall report back to Parliament within one month or, in exceptional cases, any shorter period decided by Parliament.

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

Rule 36

Amendment of a Commission proposal

1. Where the Commission proposal as a whole is approved, but on the basis of amendments which have also been adopted, the vote on the draft legislative resolution shall be postponed until the Commission has stated its position on each of Parliament's amendments.

If the Commission is not in a position to make such a statement at the end of Parliament's vote on its proposal, the Commission shall inform the President of Parliament or the committee responsible as to when it will be in a position to do so; the proposal shall then be placed on the draft agenda of the first part-session thereafter.

2. Where the Commission announced that it does not intend to adopt all Parliament's amendments, the rapporteur of the committee responsible, (or, should he be absent, the chairman of that committee), shall make a formal proposal to Parliament as to whether the vote on the draft legislative resolution should proceed. Before making his formal proposal the rapporteur may request the President to interrupt the proceedings.
Should Parliament decide to postpone the vote, the matter shall be deemed to be referred back to the committee responsible for reconsideration.

In this case, the committee responsible shall, orally or in writing, report back to Parliament within two months or, in exceptional cases, any shorter period decided by Parliament.

Existing Rules of Procedure

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

Only amendments tabled by the committee
responsible and seeking to reach a
compromise with the Commission shall
be admissible at this stage.

3. If the committee responsible is unable to meet the deadline, it shall request referral back to committee pursuant to Rule 85(1). If necessary, Parliament may set a new time limit pursuant to Rule 85(4). If the committee's request is not accepted, Parliament shall proceed to the vote on the draft legislative resolution.

Interpretation (Rule 36)

The referral procedure pursuant to paragraph 2 forms part of the consultation procedure. Rule 36 specifies that the chairman or rapporteur of the committee responsible may propose that the vote on a motion for a resolution be postponed. This provision means that the chairman or rapporteur of the committee in question has not only a right but also a duty to advise Parliament after gauging the Commission's attitude.

Application of Rule 36(2) does not preclude a request for referral being tabled by other Members pursuant to Rule 85.

Deleted

4. Application of Rule 36(2) does not preclude a request for referral being tabled by other Members pursuant to Rule 85.

PARLIAMENTARY ACTION IN THE EVENT OF FAILURE BY THE COUNCIL OR THE COMMISSION TO ABIDE BY PARLIAMENT'S OPINION

Rule 36A

Follow-up to Parliament's opinion

1. During the period between the adoption by Parliament of its opinion on a Commission proposal for a legislative act and the adoption of that proposal as a regulation, directive or decision by the Council, the chairman and the rapporteur of the committee responsible shall monitor the progress of the proposal in the course of the procedure leading to its adoption by the Council to ensure that the undertakings made by the Commission to Parliament with respect to its amendments are properly observed.

Existing Rules of Procedure

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

2. The Council, or if necessary the Commission, shall during this period, and at least once every three months, furnish the necessary information to the committee responsible.

3. The committee responsible shall in particular bring to Parliament's attention any potential or actual breach of undertakings made by the Commission to Parliament.

4. The committee may, if it deems it necessary, at any stage of the follow-up procedure table a motion for a resolution in which Parliament calls upon the Commission to withdraw its proposal, or calls upon the Council to open a conciliation procedure with the Parliament, pursuant to Rule 38, or calls upon the Council to reconsult Parliament pursuant to Rule 37, or decides to take such other action that it deems appropriate. This motion shall be placed on the draft agenda of the part-session following the decision by the committee.

Rule 37

Renewed consultation

Where the Commission withdraws its initial proposal after Parliament has delivered its opinion in order to replace it with another text, or substantially amends the proposal on which Parliament originally delivered an opinion, the President shall request that Parliament be consulted once again.

Rule 37

Renewed consultation

1. Where the Commission withdraws its initial proposal after Parliament has delivered its opinion in order to replace it with another text, or where the Commission or the Council substantially amend or intend to amend the proposal on which Parliament originally delivered an opinion, the President shall, at the request of the committee responsible, or Parliament may decide, at the request of at least 23 Members, to request the Council to reconsult Parliament.

Existing Rules of Procedure

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

2. Where, through the passage of
time or changes in circumstances,
the nature of the problem with which
the proposal is concerned sub-
stantially changes, the President
shall, at the request of the
committee responsible, or Parliament
may, at the request of at least 23
Members, request the Council to
reconsult Parliament.

Rule 38 unchanged

Rule 39

Deleted

Departure from Parliament's opinion

1. Parliament shall periodically review the Council decisions on which it has been consulted to ensure that they reflect its opinions. Where the Council feels impelled to depart from Parliament's opinion on matters of particular importance which are not the subject of conciliation pursuant to Rule 38, Parliament shall ask the Council to explain the reasons for its decisions.

2. Where the Council informs Parliament that it intends to depart from Parliament's opinion on a matter which does not fall under Rule 38, the President shall inform the committee responsible which shall decide on the action to be taken in such a case and, possibly, submit a proposal to Parliament.

COOPERATION PROCEDURE : LEGISLATIVE ACTS
REQUIRING TWO READINGS AND NOT SUBJECT
TO THE BUDGETARY PROCEDURE

Rule 39A

First and second reading

1. For legislative acts requiring two readings in accordance with the cooperation procedure laid down in Article 149(2) of the EEC Treaty, the procedure for the first reading shall be identical to the procedure set out in Rules 32-38, save that the consultation of Parliament shall not be concluded until it has completed the procedure for the second reading in accordance with Rule 39E.
2. For the second reading, the provisions in Rules 39A-J shall apply.
3. Rules 32(4), 32(5), 33, 35, 36, 54 A, 85, 99, 100 and 101 shall not apply during the second reading.
4. In the event of a conflict between a provision of the Rules of Procedure relating to the second reading and any other provision of the Rules, the provisions relating to the second reading shall take precedence.

Existing Rules of Procedure

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

Rule 39B

Communication of the common position of the Council

1. Communication of the common position
of the Council pursuant to the Single
Act takes place when it is announced
by the President in Parliament.

On the day

of the announcement the President
must have received the common position
itself, the reasons which led the
Council to adopt its common position
and the Commission's position, duly
translated into the official languages
of the Community. The President's
announcement shall be made
during the part-session following
the receipt of such documents.

2. A list of such communications shall
be published in the Bulletin of
Parliament together with the name of
the committee responsible.

Rule 39C

Time limits

1. The President shall, on a request
from the Chairman or the rapporteur of
the committee responsible, ask the
Council's agreement to extend the
period of three months following
either the communication of the common
position to Parliament or the
presentation of the Commission's
re-examined proposal by a maximum
of one month.

2. The President may, after consulting
the chairman and the rapporteur of the
committee responsible, on behalf of
Parliament agree to a request from the
Council to extend the period of three
months following the communication of
the common position to Parliament or
the presentation of the Commission's
re-examined proposal by a maximum of
one month.

Existing Rules of Procedure

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

Rule 39D

Referral to and procedure in the
committee responsible

1. On the day of its communication to Parliament pursuant to Rule 39B, the common position shall be deemed to have been referred automatically to the committee responsible and to the committees asked for their opinion at first reading.
2. The common position shall, after the agenda has been fixed, be entered as the first item on the agenda of the first subsequent meeting of the committee responsible following the date of its communication.
3. Unless otherwise decided, the rapporteur during the second reading shall remain the same as during the first reading.
4. The provisions for Parliament's second reading in Rule 39H(1) and 39I(2) shall apply to the proceedings in the committee responsible; only members or permanent substitutes of that committee may table amendments. The committee shall decide by a majority of the votes cast.
5. The committee responsible may request a mediation with the Council in order to discuss compromise amendments (See Rule 39I(2)(c)).
6. The committee responsible shall submit a Recommendation on the Second Reading as to the action which Parliament should take with respect to the common position adopted by the Council. The Recommendation shall include a short justification for the action proposed.

Existing Rules of Procedure

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

Rule 39E

Conclusion of the cooperation
procedure

1. The Council's common position and, where available, the Recommendation on the Second Reading of the committee responsible shall automatically be placed on the draft agenda for the part-session whose Wednesday falls closest to the day of the expiry of the period of three months or, if extended, of four months (see Rule 39C), unless the matter has been dealt with at an earlier part-session.
2. The consultation of Parliament is concluded in the second reading by Parliament, within the time limit specified by the Single European Act, approving, rejecting or amending the common position, or if the number of votes necessary to approve, reject or amend the common position is not obtained.

Rule 39F

Approval without amendment of the
common position of the Council

Where no motion to reject the common position, and no amendments to the common position, are adopted under Rules 39H and 39I within the time limits specified by the Single European Act, the President of Parliament shall declare the common position adopted without a vote, unless Parliament has marked its approval of the common position of the Council by a majority of the votes cast.

Rule 39G

The consequences of the Council failing
to act following approval of its
common position

If within three months or, with the
agreement of the Council, up to four
months following the communication of
the common position, Parliament has
neither rejected nor amended the
common position of the Council, and
where the Council fails to adopt
forthwith the proposed legislation in
accordance with the common position,
the President shall request the
Commission to bring proceedings in the
Court of Justice against the Council
forthwith for failure to act under
Article 175 of the EEC Treaty. Should
the Commission fail to act, the
President may, on behalf of Parliament and
after consulting the committee
responsible for legal affairs, commence
proceedings against the Council in the
Court of Justice under Article 175 of
the EEC Treaty.

Rule 39H

Rejection of the common position of the
Council

1. Any Member may, in writing and before
a deadline fixed by the President,
table a proposal to reject the common
position of the Council. Such a
proposal shall require for its
adoption the votes of a majority of
the current Members of Parliament.
A proposal to reject the common
position shall be voted on before
voting on any amendments.
2. Notwithstanding a vote by Parliament
against the initial proposal to
reject the common position, Parliament
may on the recommendation of the
rapporteur consider a further
proposal for rejection after voting
on the amendments and hearing a
statement from the Commission
pursuant to Rule 39I(4).

Existing Rules of Procedure

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

3. If the common position of the Council is rejected the President shall request the Commission to withdraw its proposal.
4. If the Commission does so, the President shall hold the consultation procedure on the proposal to be superfluous and shall inform the Council accordingly.
5. If the Commission fails to withdraw its proposal the rapporteur may invite Parliament to consider the appropriateness of tabling a motion of censure on the Commission in conformity with Rule 30.

Rule 39I

Amendments to the common position of the Council

1. A committee, a political group or at least twenty-three Members may table amendments to the Council's common position for consideration in Parliament.
2. An amendment to the common position shall be admissible only if :
 - a) it conforms to the provisions of Rules 53 and 54; and
 - b) it seeks to restore wholly or partly the position adopted by Parliament in its first reading; or
 - c) it is a compromise amendment representing an agreement between the Council and Parliament.

The President's discretion to declare an amendment admissible or inadmissible cannot be questioned.

Existing Rules of Procedure

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

3. An amendment shall be adopted only if it secures the votes of the majority of the current Members of Parliament.
4. If one or more of the amendments are adopted, the rapporteur of the committee responsible, (or should he be absent, the chairman of that committee) shall ask the Commission whether it proposes to insert such amendments in its re-examined proposal.

Rule 39J

The consequences of the Commission failing to accept Parliament's amendments in its re-examined proposal.

1. The President shall request the Commission to inform Parliament of the reasons which led the Commission to fail to accept Parliament's amendments.
2. Parliament may, by a majority of its current Members, request the Commission to withdraw its proposal. If the Commission fails to withdraw its proposal, the rapporteur shall invite Parliament to consider the appropriateness of tabling a motion of censure on the Commission in conformity with Rule 30.

Existing Rules of Procedure

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

Rule 39K

Supervisory powers

Implementing provisions

1. When the Commission tables in Parliament an implementing measure which it has submitted to a management committee or a draft implementing measure which it has submitted to an advisory committee, the President shall refer the document in question to the committee responsible for the original proposal from which the implementing provisions derive.
2. If the opinion of a management¹ committee on the content of an implementing provision differs from the position adopted or intended to be adopted by the Commission, the committee responsible may request that the matter be placed on the draft agenda for the following part-session in order to invite Parliament, orally if necessary, to request the Council to consult Parliament on the text of the implementing provision in question.
3. Where Parliament is consulted by the Council, the committee responsible shall report to parliament at the following part-session, orally if necessary.

¹ Add the expression "or regulatory" should the Council, contrary to Parliament's vote intended to abolish such committees, incorporate regulatory committees in its relevant regulation.

Existing Rules of Procedure

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

Rule 39L

Proceedings before the Court of
Justice

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice for intervention by the institutions and by individuals, examine Community legislation to ensure that its rights to be consulted have been fully respected.

2. The committee responsible shall report to Parliament, orally if necessary, in circumstances when it suspects a breach of Parliament's rights.

STATEMENTS TO PARLIAMENT BY OTHER
INSTITUTIONS

Rule 40 Unchanged

EUROPEAN POLITICAL COOPERATION

Rule 41

Obligations of the Council and the
Commission to Parliament

1. The President of the Council shall report regularly to Parliament on the foreign policy matters examined in the framework of European political cooperation and also on the extent to which the views of Parliament on these matters have been taken into account. Parliament may hold a debate on this matter during which the Commission will also be heard.

Existing Rules of Procedure

1. The President of the Foreign Ministers meeting in Political Cooperation shall be asked to submit an annual report to Parliament on the progress made in European political cooperation. Parliament shall discuss this report.

2. Four colloquies shall also be held each year at which the Ministers will meet members of the appropriate committee of Parliament.

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

2. The Commission shall ensure that the external policy of the European Community is consistent with the policy agreed in the framework of European political cooperation. It shall inform Parliament of all contradictions which arise.

3. The President of the Council shall report once each year to Parliament on progress in European political cooperation. Parliament shall discuss this report.

4. Four colloquies shall also be held each year at which the Ministers will meet members of the appropriate committee of Parliament.

Rules 42 to 54 unchanged

Rule 54 A

Second and third reading, depending on the number of amendments

1. In cases where the committee responsible tables a report pursuant to Rule 100 and under the procedure provided for in Rule 32, the President shall set a time limit within which Members may table amendments to this report. Members shall be informed of this time limit when the report is distributed.

Rule 54A

Referral of amendments to the committee responsible

1. In cases where the committee responsible tables a report pursuant to Rule 100 and under the procedure provided for in Rule 32, the President shall set a time limit within which Members may table amendments to this report and which allows the committee responsible sufficient time for it to give its views on the amendments before the debate in Parliament. Members shall be informed of this time limit when the report is distributed.

Existing Rules of Procedure

2. If, when the time limit has expired, more than 20 amendments have been tabled, other than the amendments already tabled in the committee responsible, the President may refer them to the committee responsible which shall examine them and submit a supplementary report on the results of this examination.

The President shall set the time limit within which this must take place. As a general rule, the supplementary report shall be presented orally. It may, however, be submitted in writing with the President's approval.

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

2. If, when the time limit has expired, more than 20 amendments have been tabled other than the amendments already tabled by the committee responsible, the President shall refer them to the committee responsible at the request of the rapporteur. The committee shall examine them and submit a supplementary report on the results of this examination.

The President shall set the time limit within which this must take place. As a general rule, the supplementary report shall be presented orally. It may, however, be submitted in writing with the President's approval.

Paragraphs 3 to 8 unchanged

CHAPTER VII

AGENDA OF SITTINGS

Rule 55

Draft agenda

1. Before each part-session, the draft agenda shall be drawn up by the enlarged Bureau on the basis of a programme prepared by the President, after consulting the political groups and the committees.

Before the opening of each part-session, the final draft agenda to be submitted to Parliament shall be established at a meeting between the President and the political group chairmen. A representative of the Non-attached Members shall be invited to attend the meeting.

The Commission and the Council may attend the deliberations on the draft agenda at the invitation of the President.

CHAPTER VII

ORDER OF BUSINESS OF PARLIAMENT

Rule 54B

The annual legislative programme referred to in Rule 29(3a) shall be annexed to the draft agenda of the March part-session.

Rule 55

Draft agenda

1. Before each part-session, the draft agenda shall be drawn up by the enlarged Bureau taking into account the agreed annual legislative programme referred to in Rule 29(3a) and after consulting the political groups and the committees

Before the opening of each part-session, the final draft agenda to be submitted to Parliament shall be established at a meeting between the President and the political group chairmen. A representative of the Non-attached Members shall be invited to attend the meeting.

The Commission and the Council may attend the deliberations on the draft agenda at the invitation of the President.

Paragraphs 2 and 3 unchanged

Existing Rules of Procedure

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

Rules 56 to 71 unchanged

Rule 72

Voting procedure

1. The following voting procedure shall apply to reports :

Subparagraphs (a) and (b) unchanged

(c) third, voting on the individual paragraphs of the motion for a resolution preceded in each case by voting on any amendments thereto,

(d) finally, voting on the motion for a resolution as a whole (final vote). Parliament shall not vote on the explanatory statement contained in the report.

(See also interpretation under Rule 103(4))

Rule 72

Voting procedure

1. The following voting procedure shall apply to reports :

(c) third, voting on the individual paragraphs of the motion for a resolution/draft legislative resolution, preceded in each case by voting on any amendments thereto.

(d) finally, voting on the motion for a resolution/draft legislative resolution as a whole (final vote). Parliament shall not vote on the explanatory statement contained in the report.

(See also interpretation under Rule 103(4))

- 1a. The following procedure shall apply to second readings pursuant to the cooperation procedure :

- a) where no proposal to reject or amend the Council's common position has been tabled, the common position shall be deemed to have been approved in accordance with Rule 39F;
- b) a proposal to reject the common position shall be voted upon before voting on any amendments (see Rule 39H(1));
- c) where several amendments to the common position have been tabled they shall be put to the vote in the order set out in Rule 74;
- d) where Parliament has proceeded to a vote to amend the common position, a further vote on the text as a whole can only be taken in conformity with Rule 39H(2).

Existing Rules of Procedure

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

Paragraph 2 unchanged

3. Without prejudice to Rules 10(2), 30, 31, 52 and 112 and the provisions of the Budgetary Procedure, texts put to the vote shall be declared adopted only if they have secured a majority of the votes cast. In the event of a tie, the text shall stand rejected.

3. Without prejudice to Rules 10(2), 30, 31, 39H, 39I, 39J, 52 and 112 and the provisions of the Budgetary Procedure, texts put to the vote shall be declared adopted only if they have secured a majority of the votes cast. In the event of a tie, the text shall stand rejected.

Rule 100

Committee reports

1. Where Rule 99 does not apply, committees may appoint for each subject a rapporteur from among their members or permanent substitutes who shall be responsible for preparing the committee's report and for presenting it to Parliament.

Rule 100

Committee reports on consultations

1. Where Parliament is asked for its opinion on a Commission proposal under Rule 32, the chairman of the committee to which the matter has been referred shall propose to the committee the procedure to be followed. A decision to proceed by a simplified procedure, or by procedure without report, shall be governed by the provisions of Rule 99.

Interpretation:

The chairmen of the committee responsible shall be required, when a topic is referred to his committee, to propose the procedure to be followed (normal, without report or simplified) and to mention it on the draft agenda.

Deleted

The committee may only appoint a rapporteur after it has decided on the procedure to be followed.

2. Following a decision on the procedure to be followed, and if Rule 99 does not apply, the committee shall appoint a rapporteur on the Commission proposal from among its members or permanent substitutes.

Existing Rules of Procedure

2. The committee's report shall include a motion for a resolution and an explanatory statement. If the report relates to a proposal on which Parliament has been asked for its opinion, the report shall state the committee's view on the proposal together with any amendments it proposes.

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

2a. The committee's report shall comprise :

- (a) draft amendments, if any, to the proposal;
- (b) a draft legislative Resolution, under the provisions of Rule 32;
- (c) an explanatory statement.

Rule 100 A

Non-Legislative reports

1. Where a committee draws up a report on the basis of Rule 47 or Rule 102, it shall appoint a rapporteur from among its members or permanent substitutes.

2. The rapporteur shall be responsible for preparing the committee's report and for presenting it to Parliament on behalf of the committee.

3. The committee's report shall comprise :

- (a) a motion for a resolution;
- (b) an explanatory statement;
- (c) the texts of any motions for resolutions to be appended under Rule 47.

Existing Rules of Procedure

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

Rule 100 B

Explanatory statements and time limits

Interpretation:

The explanatory statement shall be drawn up on the responsibility of the rapporteur and shall not be put to the vote. It must, however, accord with the text of the motion for a resolution as adopted and any amendments proposed by the committee and shall, where necessary, give a clear indication of the minority opinion.

3. The report shall state the result of the vote taken on the report as a whole. In addition, if when the vote is taken at least one-third of the members present so request, the report shall indicate how each member voted.

4. Where the committee's opinion is not unanimous the report shall also give a summary of the minority opinion.

5. On a proposal from its Bureau, a committee may set a time limit within which the rapporteur shall submit his draft report. This time limit may be extended.

6. Once the time limit has elapsed, the committee may instruct its chairman to ask for the matter referred to it to be placed on the agenda of one of the next sittings of Parliament. The debates may then be conducted on the basis of an oral report by the committee concerned.

1. The explanatory statement shall be drawn up on the responsibility of the rapporteur and shall not be put to the vote. It must, however, accord with the text of the motion for a resolution as adopted and any amendments proposed by the committee and shall, where necessary, give a clear indication of the minority opinion.

2. The report shall state the result of the vote taken on the report as a whole. In addition, if when the vote is taken at least one-third of the members present so request, the report shall indicate how each member voted.

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4. On a proposal from its Bureau, a committee may set a time limit within which the rapporteur shall submit his draft report. This time limit may be extended.

5. Once the time limit has elapsed, the committee may instruct its chairman to ask for the matter referred to it to be placed on the agenda of one of the next sittings of Parliament. The debates may then be conducted on the basis of an oral report by the committee concerned.

Remainder of Rules unchanged

PROPOSAL FOR A DECISION

amending the Rules of Procedure of the European Parliament following the ratification by the Member States of the Single European Act

The European Parliament,

- having regard to the amendments tabled by Mr LUSTER (Doc. B 2-1420/85),
 - having regard to Rule 112 of its Rules of Procedure,
 - having regard to the report of the Committee on the Rules of Procedure and Petitions and the opinion of the Committee on Economic and Monetary Affairs and Industrial Policy (Doc. A 2- /86),
1. Decides to incorporate in its Rules of Procedure the foregoing amendments;
 2. Decides, by way of derogation from the aforementioned Rule 112, that these amendments shall only enter into force when the Single European Act has been ratified by all the Member States;
 3. Instructs its Secretary-General to ensure that the amended texts are rendered correctly in the nine official languages of the Community and to make all such technical corrections to the Rules and the annexes and interpretations thereto as are rendered necessary by the foregoing amendments;
 4. Instructs its President to forward this decision for information to the Council, the Commission and the Foreign Ministers meeting in Political Cooperation.

EXPLANATORY STATEMENT

Introduction

1. The Committee on the Rules of Procedure and Petitions has taken as its point of departure Parliament's statement of 16 January 1986 which says that it "will obviously exploit to the very limit the possibilities offered by the Single Act". The committee approaches the Single European Act, therefore, as an opportunity given by the Member States to Parliament to gain more influence over the content of future EC legislation. It is up to us to take full advantage of it.
2. The committee proposes a number of amendments to the Rules which reflect the following operational principles:
 - a) The Rules should be disturbed as little as possible; accordingly the existing consultation procedure should now serve as both the procedure for dealing with legislative acts requiring a single reading and as the first reading for legislative acts requiring the cooperation procedure.
 - b) The philosophy behind the proposed amendments to the existing consultation procedure is to underline the importance of the first reading in the cooperation procedure. It is during this reading that Parliament will have the best opportunity to exert its influence on legislation. Nothing, however, is said about the nature of the first reading in the Single European Act. Fortunately, the Council and the Commission have made a number of concessions to Parliament in the last few years which enable us to enhance our influence at this stage.
3. Some of the proposed Rules will require interinstitutional agreements. Where this is the case, reference to this fact will be given in the explanatory statement below. The committee will ask the President of Parliament to start negotiations with the Commission and the Council in the hope that such interinstitutional agreements can enter into force on 1 January 1987, the day on which the Single European Act is intended to enter into force.
4. An interinstitutional agreement of special importance relates to two categories of Commission proposals. The first category concerns proposals whose legal base, after 1 January 1987, requires them to be subject to the cooperation procedure, which have been submitted to Parliament before 1 January 1987 but upon which Parliament has not yet expressed an opinion. The second category concerns Commission proposal whose legal base, after 1 January 1987, requires them to be subject to the cooperation procedure, upon which Parliament has already expressed an opinion but which have not yet been adopted by the Council as a regulation, directive or decision. The committee believes that, from the moment the Single European Act enters into force, the cooperation procedure should apply, and Parliament be consulted for a second reading, in both cases.
5. Having made these comments of a general character we now explain the different amendments, unless the reasons for their inclusion are obvious.

¹ O.J. No. C 36 of 17 February 1986, p. 145, point 4

A. THE ANNUAL GENERAL REPORT OF THE COMMISSION AND THE LEGISLATIVE TIMETABLE

Rule 29(3)(a)

6. The committee proposes to add a new Rule 29(3)(a) to establish an agreed annual legislative timetable for the Commission and Parliament. This seems especially appropriate in the context of the Commission White Paper on the internal market. On the one hand, parliament wants the Commission to table a series of legislative proposals consistent with its political undertakings, but not so numerous as to impose unavoidable and excessive delay during the parliamentary stage. On the other hand, the Commission is entitled to expect Parliament to deliver its opinions at a speed which is proportionate to the importance and complexity of the legislative text. Any delay should flow from the application of Rule 35 or Rule 36 and not from dilatory behaviour. Let us hope that this practice will prove a salutary example to the Council.

B. MOTIONS OF CENSURE

Rule 30

7. Because of the constitutional importance of this Rule, reflecting Parliaments powers under Article 144 of the Treaty of Rome, it should have a separate heading.

C. PARTICIPATION IN NEGOTIATING AND AMENDING TREATIES/AGREEMENTS

8. The committee proposes to add four new rules concerning accession treaties, association agreements, significant international agreements and trade and cooperation agreements not amounting to significant international agreements, following Rule 31, which deals with amendments to the ECSC Treaty. Rules 31, 31A, 31B, 31C and 31D will thus form a coherent subsection. Significant international agreements and trade and cooperation agreements not amounting to significant international agreements are not dealt with in the Single European Act itself. However, it did not seem appropriate to insert detailed rules concerning accession treaties and association agreements while ignoring totally the two remaining forms of international agreement-making in which Parliament participates. Moreover the concept of a significant international agreement was introduced by the Solemn Declaration on the European Union of 1983 ("Stuttgart Declaration"), whose content had a considerable influence on the final shape of the Single European Act.

Rule 31A

9. This Rule sets out the procedure in relation to Article 8 of the Single European Act. Article 8 states that the first paragraph of Article 237 of the EEC Treaty shall be replaced by the following provision:

"Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament which shall act by an absolute majority of its component members."

The procedure for the accession of a state to the EEC under Article 237 involves two distinct phases. There is a "Community" phase, set out in paragraph 1, during which the Commission has to deliver an opinion on, the Parliament give its assent to and the Council adopt a decision on the request of that state to become a Member. There is also a "national" phase, set out in paragraph 2, during which the Member States and Applicant States negotiate and sign the conditions of admission and the adjustments to the Treaty which are then ratified by the national legislatures.

10. These phases, however, have not followed sequentially. In previous accessions, the Council has adopted its decision on the request for membership only after the inter-state negotiations on the conditions of admission have been concluded, just before signature. Parliament, therefore need only consider whether to grant its assent immediately before the Council proposes to adopt. There is nothing in Rule 237 to inhibit this approach. By delaying its assent to the request until this stage Parliament can undoubtedly influence the conditions of membership although, like the Council, it has no negotiating authority.
11. The Committee proposes that Parliament splits up its decision to assent to the request into two stages. Before the inter-state negotiations commence, Parliament may decide to ask the Commission and Council to take part in a debate in the course of which it can lay down certain conditions for admission upon which its subsequent assent would depend (Paragraph 2). Later, on the conclusion of negotiations, Parliament can measure what has been achieved against what it sought before voting on the proposal to assent (Paragraph 4). The Luns-Westerterp procedure would apply in the course of negotiations (Paragraph 3).

Rule 31B

12. Article 9 of the Single European Act states that the second paragraph of Article 238 of the EEC Treaty shall be replaced by the following provision:

"These agreements shall be concluded by the Council, acting unanimously and after receiving the assent of the European Parliament which shall act by an absolute majority of its component members".

By contrast with Rule 31A, Parliament gives its assent to the terms of the agreement itself. Here, it is the institutions and not the Member States which are responsible for the negotiations. The Committee proposes a four stage procedure. First, Parliament may ask the Council to consult it on the negotiating mandate it intends to give the Commission (Paragraph 1); second, Parliament may ask the Commission to take part in a debate on its mandate (Paragraph 2); third, the Luns-Westerterp procedure applies during the negotiations (Paragraph 3); fourth, Parliament considers whether or not to give its assent on the conclusion of the negotiations.

Rule 31C

13. By point 2.3.7. of the Stuttgart Declaration, the opinion of Parliament will be sought on the conclusion of "significant international agreements by the Community" by the Council. Moreover, "the existing procedure for providing Parliament with confidential and unofficial information on progress in negotiation will be extended, taking into account the requirements of urgency, to all international agreements concluded by the Communities" (this undertaking, incidently, was also applied by the Stuttgart Declaration to accession treaties and is therefore relevant to the operation of paragraph 3 of Rule 31 A). Accordingly the consultation procedure in Rule 32 of our existing Rules now applies to international agreements classified as significant. In a letter from Mr Cheysson, President-in-office of the Council, to the President of Parliament, dated 13 March 1984, he states, that "the Council expects the Commission, when submitting its recommendations for authorisation to negotiation, to advise Parliament and the Council as to whether an agreement is significant." In his letter Mr Cheysson also confirmed the importance of the Stuttgart Declaration with respect to the provisions on confidential and unofficial information on progress on negotiations to Parliament. In Rule 31C, paragraph 1 deals with the classification of agreements by the Commission and paragraph 2 incorporates the procedure laid down in paragraphs 1,2,3 and 4 of Rule 31B.

Rule 31D

14. This Rule deals with the trade and cooperation agreements not classified as significant international agreements. Here the Luns-Westerterp procedure applies.

D. SINGLE READING PROCEDURE

Differences between Parliament and the Commission as to the appropriate legal base for a proposal

Rule 32(2)(a)

15. There is a risk that the Commission and Parliament may not agree as to whether the consultation procedure or the cooperation procedure applies to the Commission's proposal. It is therefore proposed in Rule 32(3) that the committee responsible should be obliged, before dealing with the substance of the proposal, to examine the validity and appropriateness of the chosen legal base with the aim of resolving possible disagreements between the two institutions over the correct procedure at as early a date as possible. The procedure is for the committee to refer the matter to Parliament after consulting the committee responsible for legal affairs.

Legislative resolution

Rule 32(4)

16. Minor or major contradictions frequently occur between amendments adopted by Parliament to a Commission proposal and the substantive content of the corresponding Resolution. In these circumstances, Parliament adopts no coherent opinion and, therefore, exercises no influence whatsoever in the

subsequent proceedings before adoption by Council. This is already a serious problem in our existing consultation procedure; it will become, if not resolved, an even bigger problem in the cooperation procedure because Parliament will not have a clear position against which to assess the common position of the Council. Accordingly, the committee proposes that Parliament, in its resolution, expresses its substantive opinion uniquely through the amendments adopted to the Commission proposal. The motion for a resolution, renamed the "draft legislative resolution", would only be used as a procedural instrument to request, for example, the President to forward Parliament's opinion to the other institutions, to request the Commission and the Council to take over Parliament's amendments, to ask for the opening of a conciliation procedure etc. It is important to emphasise that the consultation procedure will not be concluded until the legislative resolution has been adopted by Parliament. This means that the two stage voting procedure will continue, giving Parliament an opportunity to extract from the Commission its views on Parliament's amendments, before being obliged to conclude the consultation procedure.

Rejection of the Commission's proposal

Rule 35

17. In view of the seriousness of a situation in which Parliament rejects the Commission's proposal, it seems worth underlining that Parliament expects the Commission to withdraw its proposal. If the Commission fails to withdraw, then the committee responsible must have the possibility of reexamining the situation to decide whether Parliament, under these circumstances, should proceed with the consultation procedure by proposing amendments to the Commission proposal or whether Parliament should insist that the Commission withdraw its proposal because it finds it wholly unacceptable. Rule 35(3), therefore, proposes that referral back, in these circumstances, should be automatic.
18. The workload of the parliamentary committees implies that the existing time limit of one month for the committee to report back to Parliament is too short. The committee, therefore, proposes to extend this period to two months, giving Parliament the option to shorten it where it finds it appropriate; this amendment is proposed to Rule 35 as well as Rule 36.

Amendment of the Commission's proposal

Rule 36(1)

19. Rule 36, paragraphs 1 and 2 are amended so that the vote on the legislative resolution is automatically postponed until the Commission has stated its position on each of Parliament's amendments. This is, firstly, to underline the importance of amendments adopted by Parliament; and, secondly, to hold the Commission to its Communication, sent to Parliament as long ago as 30 May 1973, stating that it "has agreed to define its position on each amendment adopted by Parliament during its examination of Commission proposals to the Council"².

² See "Research and Documentation papers", political series no. 8, p. 15 (PE 92.219)

Follow-up to Parliament's opinion

Rule 36A (NEW)

20. It is vital that undertakings made by the Commission to Parliament with respect to its proposal as amended by Parliament are observed. In this respect it should be recalled that the Commission has undertaken to incorporate those amendments it accepts in plenary sittings in its revised proposal.³ Parliament requires a means of monitoring the progress of Commission proposals, on which it has voted, during their time in Council working parties, COREPER and the Council itself. The committee proposes, therefore, that the Council shall, during this period, and at least once every three months, furnish the necessary information to the committee responsible. Parliament's right to require the Council to so act derives from Resolution No. 2 of the Council entered in the Council's minutes of 22 April 1970, a letter from the President-in-office of the Council, Mr Scheel, of 22 July 1970, and the communication from the Council to the Parliament of 16 October 1973.

21. In Resolution No. 2 the Council stated:

'... The Council undertakes to maintain the closest cooperation with the European Parliament in the examination of such acts, i.e. acts having financial consequences, and to explain to it such reasons as may have led it to depart from the European's opinion.'

In the letter from Mr Scheel, the Council extended its undertaking to other important questions:

'... The Council has agreed that it is willing to follow the same procedure in respect of other important questions' (i.e. the procedure for acts having financial consequences).

In the Communication from the Council a further undertaking to Parliament was given:

'The Council also considered it desirable that the European Parliament should be better informed as to the action taken by the Council on the opinions adopted by it. To this end, in addition to the procedures already followed, the President of the Council declared himself ready to meet the President of the European Parliament at regular intervals, at least four times each year in order to examine, inter alia, action taken by the Council on the opinions of the European parliament.'

It is curious that Parliament has never pressed the Council to formalise these undertakings procedurally.

22. It will in any case be desirable that the Commission regularly informs Parliament of the progress of its proposals throughout their period in Council. The Commission is, after all, politically responsible to Parliament for everything it does by virtue of Article 144 of the EEC Treaty. Moreover, if the Commission is obliged to inform Parliament of the progress of international negotiations, by virtue of the "Luns-Westerterp" procedure, it would be nonsensical for it not to follow the same practice for domestic legislation!

³ Sitting of 20.11.1980

23. If the committee responsible deems it necessary, it may, at any stage of the follow-up procedure, table a motion for a resolution in which Parliament calls upon the Commission to withdraw its proposal, or calls upon the Council to open a conciliation procedure with the Parliament, or calls upon the Council to reconsult Parliament, or to take such other action that it deems appropriate. This motion shall be placed on the draft agenda of the part-session following the decision by the committee.
24. The political importance of Rule 36A for the cooperation procedure can not be overestimated because the further away that Parliament's opinion is from the common position adopted by the Council at the end of the first reading, the greater the difficulties posed to the success of the second reading procedure.

Renewed consultation

Rule 37

25. The basis of the existing Rule 37 is the case 41/69 Chemiefarma which decided that, where the proposal upon which Parliament originally delivered an opinion is substantially amended, Parliament has a right to be reconsulted before that proposal is adopted. The existing text of Rule 37 refers exclusively to substantive amendments by the Commission. But there is no doubt that substantive amendments by the Council would be subject to the Chemiefarma test. In a letter from the President-in-office of the Council to the President of the European Parliament dated 8 April 1982, the President said: "The Council would draw the European Parliament's attention to the fact that it already consults the Parliament on amended proposals when there have been substantial changes to the original proposal as a whole and that it intends to continue doing so."⁴ Accordingly the committee proposes an amendment to Rule 37 to take account of this undertaking. (in paragraph 1)
26. A further proposed amendment to Rule 37 (in paragraph 1) is designed to take account of the new follow-up procedure introduced by Rule 36A. Since that procedure envisages a flow of regular information to the committee responsible, it is thought desirable to oblige the President of Parliament, at the request of the committee responsible, to request reconsultation. However, there may be times when the committee responsible is not necessarily the best judge of the circumstances in which reconsultation is desirable. Consequently, it has been made possible for at least 23 members to table a request to Parliament to request reconsultation.
27. A second paragraph is added to Rule 37 to take account of the lapse of time between the delivery of Parliament's opinion and the adoption by the Council of a Commission proposal. A request for reconsultation under this paragraph may be made under exactly the same conditions as a request for reconsultation under paragraph 1. Rule 37(2) is of particular importance in the context of the cooperation procedure. During the second reading parliamentary amendments are only admissible if they seek to substitute all or parts of Parliament's opinion for the Council's common position (Rule 39I(2) new). Clearly, Parliament will wish to change its opinion if

⁴ See "Research and Documentation papers", political series no. 8, p. 15 (PE 92.219)

the lapse of time or changing circumstances between the date that it is delivered and the time when the Commission proposal looks as if it is going to be adopted as a common position, renders the opinion irrelevant. In the letter from the President-in-office of the Council, of 8 April 1982, the President said:

"The Council notes that if some time elapses between the moment when the European Parliament gives its opinion and adoption of the text in question and new circumstances or legal developments occur which change the situation in which the European Parliament gave its opinion, the Commission will very probably be induced to amend, or even withdraw its proposal.

If the European Parliament adopts another resolution on its own initiative before the Council acts, the latter will not fail to take it into account when examining the relevant dossier point."

Conciliation procedure

Rule 38

28. The committee notes that paragraph 2.3.6 of the Stuttgart Declaration states:

"The Council will enter into talks with the European Parliament and the Commission with the aim, within the framework of a new agreement, of improving and extending the scope of the conciliation procedure provided for in the Joint Declaration of 4 March 1975".

Until the Council concludes such negotiations it would be inappropriate for Parliament to seek fundamental changes to this Rule. The Rapporteur will propose in plenary the deletion of the phrase "when delivering its opinion" in the existent Rule 38. It is frequently not until after Parliament has delivered its opinion that it becomes aware of Council's intention to adopt a position substantially different from Parliament's text.

Deletion of former Rule 39

29. The deletion of this paragraph should be seen in relation to the new Rule 36A. The Committee finds that it is more important to intervene with the Council before the Council takes a decision instead of after.

COOPERATION PROCEDURE: LEGISLATIVE ACTS REQUIRING TWO READINGS AND NOT SUBJECT TO THE BUDGETARY PROCEDURE (RULES 39A-39J)

First and second reading

Rule 39A

30. This new section in the Rules of Procedure gathers together all the new provisions applicable to the second reading. As already indicated, the committee proposes that the procedure for the first reading in the cooperation procedure should be identical to the consultation procedure.

This is stated in Rule 39A. which also lists those rules which are applicable to the cooperation procedure. Rule 39, paragraph 3 lists those rules which shall not apply during the second reading.

Communication of the common position of the Council

Rule 39B

31. This Rule specifies the circumstances which constitute communication to Parliament for purposes of paragraph 2(b) of Article 149 of the EEC Treaty (see Article 7 of the Single European Act).

Time Limits

Rule 39C

32. In paragraphs (1) and (2) the committee proposes a procedure whereby Parliament or Council may request an extension, by a maximum of one month, of the period of three months, either following the communication of the common position to Parliament or following the presentation of the Commission's reexamined proposal. This proposal is consistent with Article 76 of the Single European Act, where it is said that "The periods referred to in point (b) and (f) may be extended by a maximum of one month by common accord between the Council and the European Parliament".

Referral to and procedure in the committee responsible

Rule 39D

33. The committee believes that to expedite matters, the common position of the Council must be referred automatically to the committee responsible, and to the committees asked for their opinion, during the first reading. Time will not permit the drafting of a new report by the committee responsible; neither would such an activity be appropriate since Parliament has already expressed its opinion during the first reading (but see lapse of time provision (Rule 39C)). The committee's task is simply to advise Parliament as to whether to approve, amend or reject the common position of the Council. The committee suggests that this should be expressed in a "Recommendation on the Second Reading", a new session document. The Recommendation shall include a short justification for the action proposed. If they wish, opinion giving committees may attend the meetings of the committee responsible and make oral submissions; there is insufficient time for any further written communications between committees. In the course of the committee proceedings, the committee responsible may request a mediation with the council (Paragraph 5), with a view to tabling compromise amendments agreed between the two institutions (see Rule 39I(2)(c)).

Conclusion of the cooperation procedure

Rule 39E

34. The consultation of Parliament is concluded in the second reading by Parliament approving, rejecting or amending the common position, or by failing to vote, or by attempting, but not succeeding, to obtain the necessary number of votes to approve, reject or amend the common position. It is important to emphasize that if Parliament fails to muster the necessary majorities to reject or amend the common position of the Council, the common position will be approved by default. Moreover an attempt to approve, which is defeated by a simple majority, will not prevent approval by default.
35. According to paragraph 1, the Council's common position is placed on Parliament's agenda automatically before the expiry of the period of three months or, if extended, of four months. As paragraph 1 is worded, the Council's common position should be placed on the agenda together with the Recommendation on the Second Reading of the committee responsible. This does not necessarily mean that the committee responsible must, in all cases give its recommendations in writing; there might be cases where the committee responsible would prefer to give its recommendations orally. If, however, the committee responsible proposes amendments to, or proposes to reject, the Council's common position, it should be done in writing, as the obligation of 260 votes requires that sufficient Members are present in the plenary during voting time. Such proposals must, therefore, be placed on the agenda for the part-session in such a way that sufficient Members can be present.
36. The choice of the Wednesday closest to the expiry of the three month period is a compromise between the need to ensure that there will be ample time to deal with matter in plenary sitting and the need to maximise the time available to Parliament to consider the matter.

Approval of the common position of the Council

Rule 39F

37. This rule deals with the circumstances in which the common position is approved or may be deemed to be approved.

The consequences of the Council failing to act following approval of its common position

Rule 39G

38. This Rule grants a discretion to the President of Parliament to take action against the Council under Article 175 of the EEC Treaty, after consulting the Committee on Legal Affairs, in circumstances where the Council fails to act pursuant to its obligation to do so under Article 149(2)(b) of the EEC Treaty and the Commission fails to bring proceedings against it under the same article for so failing.

Rejection of the common position of the Council

Rule 39H

39. Since a proposal for rejection is the position furthest away from the text it seeks to influence, the committee proposes that this vote should be taken first. Thereafter, the vote on any amendments shall be taken, paragraph by paragraph (see Rule 74). Parliament may, on the recommendation of the Rapporteur, consider a further proposal for rejection after voting on the amendments and hearing a statement from the Commission (see Rule 39I(4) below).

If the Commission refuses to withdraw its proposal at the request of Parliament during the consultation procedure or during the first reading of the cooperation procedure, Parliament automatically refers its Report back to committee (see the proposed new wording of Rule 35(3)). However, such a reaction to refusal to withdraw is clearly irrelevant at the second reading stage. A vote by Parliament to reject at the second reading would be a clear indication to the Commission that the political situation with respect to the proposal in question had gone beyond interinstitutional compromise. Given the Commission's ultimate political responsibility to Parliament under Article 144 EEC of the Treaty, and given the fact that a vote to reject at second reading requires an absolute majority of Members, it seems fitting to the committee that, in the event of a refusal to withdraw, the Rapporteur be given the discretion to invite Parliament to consider the appropriateness of a vote of censure on the Commission.

Amendments to the common position of the Council

Rule 39I

40. Three restrictions on the tabling of amendments are introduced in Rule 39I. Firstly, as the Single European Act requires that any of Parliament's amendments to the common position of the Council must have been adopted by the votes of the majority of Parliament's Members, the committee proposes, in paragraph 1, that Parliament departs from the ordinary rule that any Member may table amendments for consideration in plenary sittings (Rule 53). Secondly, in paragraph 2, it provides that an amendment should be admissible only if it seeks to restore wholly or partly the text adopted by Parliament at its first reading. Were this not so, then Parliament's first reading procedure would be meaningless. There is no point in Parliament expressing an opinion in the first reading but ignoring it in the second (but see Rule 37, paragraph 2)! Thirdly, paragraph 2 also provides that amendments are admissible if they are compromise amendments representing an agreement between the Council and Parliament.
41. The rule on admissibility of amendments also applies for proceedings in committee at second reading (see Rule 39D, paragraph 4); however, in the committees responsible any Member or permanent substitute may table amendments.

The consequences of the Commission failing to adopt Parliament's amendments

Rule 39J

42. Article 149(2)(d) of the EEC Treaty foresees a period of one month for the Commission to reexamine its proposal by taking Parliament's amendments into account. Thereafter, the Council has three months, or by extension four, in which to act. There is, apparently, no obligation on the Commission to forward its reexamined proposal to Parliament. The committee, in paragraph 1, proposes that the President of Parliament shall request the Commission to inform Parliament fully of the reasons which led the Commission to fail to adopt any of Parliament's amendments.

If Parliament is unsatisfied with the Commission response it may request the Commission to withdraw its proposal. In circumstances where Parliament requests the Commission to withdraw its proposal, and where the Commission refuses to do so, it seems logical to draw the same conclusion as for the situation where Parliament has rejected the common position of the Council and the Commission has refused to withdraw (see Rule 39H), i.e. the Rapporteur may invite the Parliament to consider the appropriateness of a motion of censure on the Commission.

D. SUPERVISORY POWERS

Implementing provisions

Rule 39K

43. Article 10 of the Single European Act supplements Article 145 of the EEC Treaty as follows:

"- confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the opinion of the European Parliament."

The scope of this rule will depend upon the procedures ultimately adopted by Council and any subsequent interinstitutional agreement made with respect to it.

44. Parliament's proposed involvement in the making of implementing provisions is based upon the concept of the 'democratic deficit'. Parliament is consulted on many broadly drafted Commission proposals which contain an Article delegating the power to make detailed implementing provisions to the Commission subject, however, to the intervention of an advisory, management or regulatory committee. In circumstances where there is a conflict between the Commission and the opinion of the management or advisory committee, the Council may adjudicate on the merits of the conflict without further intervention by Parliament

45. The Commission has already stated in the course of last July's debate in Parliament on its Proposal on Implementing Provisions that it would be prepared to table in Parliament implementing measures on the date of their publication, sent to management committees, or draft implementing measures on the day of their despatch, sent to advisory or regulatory committees. This procedure is reflected in paragraph 1 which obliges the President of Parliament to refer the measures to the committee responsible for the original proposal from which implementing provisions derive. Paragraph 2 gives this committee the option of making a report to Parliament. The committee will only wish to make a report if the measure in question raises a political rather than a technical issue. The debate and vote on the report in Plenary will enable Parliament to express its views to the Commission and, where appropriate, press it to reconsider the contents of the measure. Since the Commission is responsible to Parliament for its executive acts it must be responsible to Parliament for its role in elaborating implementing provisions. This is part of Parliament's supervisory power.
46. Paragraph 3 deals with the situation where the opinion of a management or regulatory committee differs from the implementing provision which the Commission has adopted or intends to adopt. If, in these circumstances, the measure in question is referred to the Council, the committee responsible may request that the matter be placed on the draft agenda for the following part-session to request Council to consult Parliament on the text. Speed is of the essence because Council has to take a decision within 3 months. The object of requesting consultation at this stage is based upon the notion of interinstitutional balance as laid down in the Isoglucose case. Since the Council, unlike the Commission, has no executive role under the Treaties, any reference to it of an implementing provision reengages its responsibility as one of the three institutions, albeit the strongest one, that together comprise the Community legislature. If there is a prospect of the reengagement of the legislature in making implementing provisions, then it would be wrong, in circumstances where both the Commission and the Council were involved again, for Parliament not to be involved as well.

Proceedings before the Court of Justice

Rule 39L

47. There have been a number of occasions, the most recent being the adoption by Council of Regulation 855/84, Decision 84/361 and Directive 85/361 connected with German VAT payments, when the Council has adopted legislation which, in the view of Parliament, was invalid because, for one reason or another, Parliament's right to be consulted was not properly respected, but when, nevertheless, Parliament was prevented from intervening in the Court, or persuading others to intervene, to protect its interests because the relevant periods of limitation had expired. This rule places an obligation upon Parliament to review Community legislation, within the time laid down by the period of limitation, to ensure that its rights to be consulted have been fully respected. The committee responsible shall report to parliament, orally where necessary, in circumstances where it suspects a breach of Parliament's rights.

POLITICAL COOPERATION

Obligations of the Council and the Commission to Parliament

Rule 41

48. The changes to Rule 41 are designed to incorporate the provisions of Article 30 of the Single European Act. Paragraph 1 of Rule 41 reflects the obligation of Council to Parliament as set out in Article 30, paragraph 4 of the Act which states:

"The High Contracting Parties shall ensure that the European Parliament is closely associated with European Political Co-operation. To that end the Presidency shall regularly inform the European Parliament of the foreign policy issues which are being examined within the framework of Political Co-operation and shall ensure that the views of the European Parliament are duly taken into consideration."

Paragraph 2 of Rule 41 articulates the Commission's responsibility to Parliament to ensure that it fulfils its obligations under Article 30, paragraph 5 of the Act which states:

"The external policies of the European Community and the policies agreed in European Political Co-operation must be consistent. The Presidency and the Commission, each within its own sphere of competence, shall have special responsibility for ensuring that such consistency is sought and maintained."

Voting procedure

Rule 72

49. The proposed amendment is a consequence of the proposed new Rule.

O P I N I O N

(Rule 101 of the Rules of Procedure)

of the Committee on Economic and Monetary Affairs and Industrial Policy

Draftsman : Mr ROGALLA

On 18 July 1986 the Committee on Economic and Monetary Affairs and Industrial Policy appointed Mr ROGALLA draftsman of the opinion.

The Committee considered the draft opinion at its meeting of 23-25 September 1986 and adopted it unanimously at this meeting.

The following took part in the vote :

BEAZLEY (Vice-Chairman); ROGALLA (Draftsman); AMARAL (replacing De Gucht); BEUMER; BONACCINI; BRITO APOLONIA (replacing Novelli); CASSIDY; HERMAN; MARQUES MENDES; T. NIELSEN; PATTERSON; Van ROOY (replacing Starita); Von WOGAU;

1. The present opinion considers the proposals on the amendments to the Rules of Procedure in connection with the Single European Act submitted in a draft report (PE 107.371) by Mr Prout, rapporteur of the Committee on the Rules of Procedure and Petitions. Only those points are considered which specifically concern the Committee on Economic and Monetary Affairs and Industrial Policy. Consequently, the rules relating to participation in negotiating and amending treaties and agreements and political cooperation are not discussed.
2. The Committee was in favour of the replacement of the current notion of the motion for a resolution by notion of the "draft legislative resolution" as proposed in the amendment to Rule 32(5) so that contradictions between the resolution and the amendments adopted are no longer possible. If Parliament wishes to make supplementary comments it can use the other procedures foreseen in the Rules of Procedure as, for example, the initiative reports, oral questions with debate, and so on.
3. The proposed amendments to Rules 36A regulate the follow-up to Parliament's opinion. The question arises what constitutes the 'necessary information' referred to in Article 36A(2); a more precise wording would be preferable. The meaning ultimately attached to it depends on the willingness of other institutions to cooperate and here the interinstitutional agreement to be concluded with the Council and the Commission is of decisive importance.

The same applies to the application of Rule 37(2) on renewed consultation in cases where the nature of the problem with which the proposal is concerned has changed substantially: the possibility of renewed consultation depends on the Council's spirit of cooperation, whereby the latter ought to allow Parliament's request for a renewed consultation.

The operation of the proposed amendment in Rule 38 with regard to the conciliation procedure also depends on what can be achieved through an interinstitutional agreement.

Lastly, the mediation procedure provided for in proposed Rule 39J(4) also depends on the Council's willingness to cooperate.

With respect to the conciliation procedure as foreseen under Rule 38 the Committee raised the question of the lack of efficiency and the poor results of the current conciliation procedure. It was of the opinion that, with a more limited delegation of the Council and the Parliament, more constructive results could be achieved. It was suggested that the Council delegation could, for example consist of the Troika (country actually presiding the Council, the previous and the next presidency of the Council) and Parliament could be represented by the President or one of the Vice-Presidents and the Chairman and the rapporteur of the Committee responsible.

4. As regards the proposals for the cooperation procedure for legislative acts requiring two readings under the Single European Act which are contained in the proposed Rules 39A to 39L, the greatest possible simplification should be urged.

With reference to the proposed Rule 39F (approval without amendment of the common position of the Council), maximum use should be made of the possibility of tacit approval. To this end, a proposal at the second-reading stage should, after expiry of the three-month period (possibly extended to four months) be adopted automatically if no rejection proposal or amendments have been submitted, unless a request has been received from the committee responsible for a debate to be held on the proposal.

5. The proposed Rule 39(G) provides that, if the Council fails to take a decision after approval of its common position by Parliament, Parliament shall automatically commence proceedings in the Court of Justice under Article 175 of the EEC Treaty. Since approval by Parliament of the common position can also derive from Parliament's failure to obtain the necessary majority, i.e. 260 members, to reject or amend it, the automatic use of Article 175 of the EEC Treaty needs to be queried. In such a case use of Article 175 to commence proceedings should be subject, for example, to an opinion submitted by the committee responsible or a decision by Parliament.
6. Proposed Rule 39I(2) states that, at the second-reading stage, amendments shall be admissible only if they seek to restore wholly or partly the text adopted by Parliament at first reading. However, this does not leave room for any amendments which seek to find a possible compromise between the Council's common position and the text approved by Parliament at first reading. In

order to avoid claims that every amendment which differs from the amendments adopted at first reading is a compromise amendment - which could give rise to insoluble problems of interpretation - only the committee responsible should be competent to table compromise amendments at second reading.

7. With respect to the proposed Rule 39D(3) the Committee was against the wording "unless otherwise decided" the rapporteur during the second reading shall remain the same as during the first reading". The Committee was of the opinion that the rapporteur during the second reading should be automatically the same as during the first reading. It was suggested to incorporate this in Rule 100 instead of Rule 39D; in this case Rule 100 should make a clear distinction between, on the one hand, the consultation procedure with only one reading, and, on the other hand, the consultation procedure requiring two readings.

