

European Communities

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6 December 1983

DOCUMENT 1-1140/83

REPORT

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

on the consideration of and vote on amendments  
in the European Parliament

Rapporteur: Mr H.R. NORD

Or. En

PE 82.902/fin.

English Edition



On 22 April 1982 the President of the European Parliament referred the motion for a resolution (Doc. 1-148/82) tabled pursuant to Rule 47 of the Rules of Procedure by Mr PEARCE on the number of amendments submitted to the plenary to the Committee on Rules of Procedure and Petitions as committee responsible.

On 18 June 1982 the President of the European Parliament referred the proposed amendment (Doc. 1-379/82) tabled pursuant to Rule 112 of the Rules of Procedure by Mr LANGES concerning the tabling of amendments to the budget to the Committee on Rules of Procedure and Petitions as committee responsible. The Committee on Budgets was asked for an opinion.

On 5 July 1982 the President of the European Parliament referred the motion for a resolution (Doc. 1-442/82) tabled pursuant to Rule 47 of the Rules of Procedure by Mr PEARCE on the number and nature of amendments to motions of resolution to the Committee on Rules of Procedure and Petitions as committee responsible.

On 15 September 1982 the President of the European Parliament referred the proposed amendment (Doc. 1-610/82) tabled pursuant to Rule 112 of the Rules of Procedure by Mr SEEFELD, Mr GAUTIER, Mr KLINKENBORG, Mr von der VRING, Mr PETERS, Mrs HOFF, Mrs VIEHOFF, Mr WALTER, Mr ABENS, Mr WETTIG, Mrs SEIBEL-EMMERLING, Mrs HERKLOTZ and Mr SEELER relating to Rule 74 of the Rules of Procedure to the Committee on Rules of Procedure and Petitions as committee responsible.

At its meeting of 29/30 September 1982 the Committee on Rules of Procedure and Petitions decided to draw up a report taking these motions for resolutions into consideration and appointed Mr NORD rapporteur.

At its meetings of 22/23 November 1982 and 20/21 January 1983 the Committee considered this matter on the basis of a working document drafted by the rapporteur.

At its meetings of 16/17 February 1983, 24/25 May 1983, 22/23 June 1983, 17/18 October 1983 and 30 November 1983, the Committee considered the draft report drawn up by the rapporteur. At the last meeting the Committee adopted the following amendments to the Rules of Procedure and the proposal for a decision by 6 votes to 0 with 6 abstentions.

The following took part in the vote: Mr NYBORG, Chairman; Mrs VAYSSADE, Vice-chairman; Mr NORD, rapporteur; Messrs BEAZLEY, COTTRELL, D'ANGELOSANTE, ENRIGHT, HERMAN, VAN MINNEN, OUZOUNIDIS, PATTERSON and SIEGLERSCHMIDT.

This report was tabled on 2 December 1983.

Contents

	<u>Page</u>
A. Amendments to the Rules of Procedure .....	5
Proposal for a decision .....	10
B. Explanatory statement .....	11
Annex I : Doc. 1-148/82 (Pearce)	
Annex II : Doc. 1-442/82 (Pearce)	
Annex III : Doc. 1-379/82 (Langes)	
Annex IV : Doc. 1-610/82 (Seefeld and others)	

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:

Existing Rules of Procedure

Rule 54: Admissibility of amendments

1. No amendment shall be admissible if:
- (a) it does not relate in any way to the text which it seeks to amend
- (b) it is tantamount to a motion for rejection of the text to which it relates

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

Rule 54: Admissibility of amendments

1. No amendment shall be admissible if:
- (a) it does not directly relate in any way to the text which it seeks to amend.
- (b) UNCHANGED
- (ba) it seeks to amend more than one of the individual articles or paragraphs of a text, in the case of a vote under Rule 72(1)(a), or more than one paragraph in the case of a vote under Rule 72(1)(c) of the Rules of Procedure. Any amendment to the preamble of the text put to the vote must relate to a single indent or a single recital.

- (c) it is established that the wording in at least one of the official languages of the text it is sought to amend does not call for amendment; in this case, the President shall seek out a suitable linguistic remedy together with those concerned. (c) UNCHANGED
2. An amendment shall lapse if it is ruled out by decisions previously taken on the text during the same vote. 2. UNCHANGED
3. The President shall decide whether amendments are admissible 3. UNCHANGED

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Rule 54 a : "second and third reading,  
depending on the number of amendments"

1. In cases where the committee responsible  
draws up a report pursuant to Rule 100,  
the President shall set a time limit  
within which Members may table amend-  
ments to this report. Members shall  
be informed of this time limit when  
the report is distributed.
2. If, when the time limit has expired,  
more than 20 amendments have been  
tabled, other than amendments to a  
Commission text tabled by the  
committee responsible, these shall be  
referred by the President to the committee  
responsible which shall consider them  
and submit a supplementary report on  
the results of this consideration.

The President shall set the time limit  
within which this must take place, also  
deciding whether the supplementary report  
shall be submitted in written or oral form.

3. The committee's consideration of the  
amendments shall take place in public.  
Authors of amendments who are not members  
of the committee shall be entitled to  
attend to move their amendments. Rule  
10(3) shall not apply to such committee  
meetings.
4. The committee may adopt the amendments  
tabled or give a favourable opinion on  
them. It may also adopt compromise

Existing Rules of Procedure

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

amendments and submit them to Parliament.

5. The committee's supplementary report shall give the result of the consideration of, and vote on, all the amendments tabled.
6. The committee report referred to in paragraph 1, together with the supplementary report, shall be placed on the agenda of Parliament pursuant to the procedure in Rules 55 and 56.
7. Amendments which according to the supplementary report have obtained fewer than three votes in committee, shall only be put to the vote in Parliament if this has been requested in writing before the start of the vote by a group, a committee or at least 21 Members.
8. Except in the cases referred to in Rule 74(4), no amendment may be put to the vote in Parliament other than those which have been tabled within the time limit referred to in paragraph 1.

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Rule 73 Separate votes

1. Where the text to be put to the vote contains two or more provisions or references to two or more points or lends itself to division into two or more parts each with a distinct logical meaning and normative value, a separate

Rule 73 Separate votes

1. UNCHANGED

Existing Rules of Procedure

vote on each part may be requested.

2. Before the President declares the vote open any Member may make such a request for separate votes.

Rule 77 Voting by roll call

1. The vote shall be taken by roll call if so requested by at least twenty one Members or a political group before voting has begun and in cases where Rules 30 and 76(3) apply.
2. The roll shall be called in alphabetical order, beginning with the name of a Member drawn by lot. The President shall be the last to be called to vote.

Voting shall be by word of mouth and shall be expressed by 'Yes', 'No', or 'I abstain'. In calculating whether a motion has been adopted or rejected account shall be taken only of votes cast for and against. The President shall establish the result of the vote and announce it.

Voting shall be recorded in the minutes of proceedings of the sitting in the alphabetical order of Members' names.

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

2. Before voting begins, any Member may make a request, in writing, for separate votes.

Rule 77 Voting by roll call

1. The vote shall be taken by roll call if so requested in writing by at least twenty-one Members or a political group before voting has begun and in cases where Rules 30 and 76(3) apply.
2. UNCHANGED



Implementing procedure for examination of the general budget of the European Communities and supplementary budgets.

Existing Rules of Procedure

Article 3(4)

4. The committee responsible shall deliver its opinion on the texts submitted before they are discussed in Parliament.

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

Article 3(4)

4. The committee responsible shall deliver its opinion on the texts submitted before they are discussed in Parliament.

Draft amendments and proposed modifications which have obtained fewer than three votes in the committee responsible shall be put to the vote in Parliament only if this has been requested in writing before the start of the vote by a group, a committee or at least 21 Members.

Article 5(6)

6. Draft amendments to the texts modified by the Council shall be put to the vote. Parliament shall act by a majority of its current Members and three-fifths of the votes cast. If the draft amendments are adopted, the texts modified by the Council shall be deemed rejected. If they are rejected, the texts modified by the Council shall be deemed adopted.

Article 5(6)

6. Draft amendments to the texts modified by the Council shall be put to the vote in Parliament without prejudice to the provisions of Article 3(4) second sub-paragraph. Parliament shall act by a majority of its current Members and three-fifths of the votes cast. If the draft amendments are adopted, the texts modified by the Council shall be deemed rejected. If they are rejected, the texts modified by the Council shall be deemed adopted.

PROPOSAL FOR A DECISION

amending the Rules of Procedure with regard to the consideration of and vote on amendments in the European Parliament.

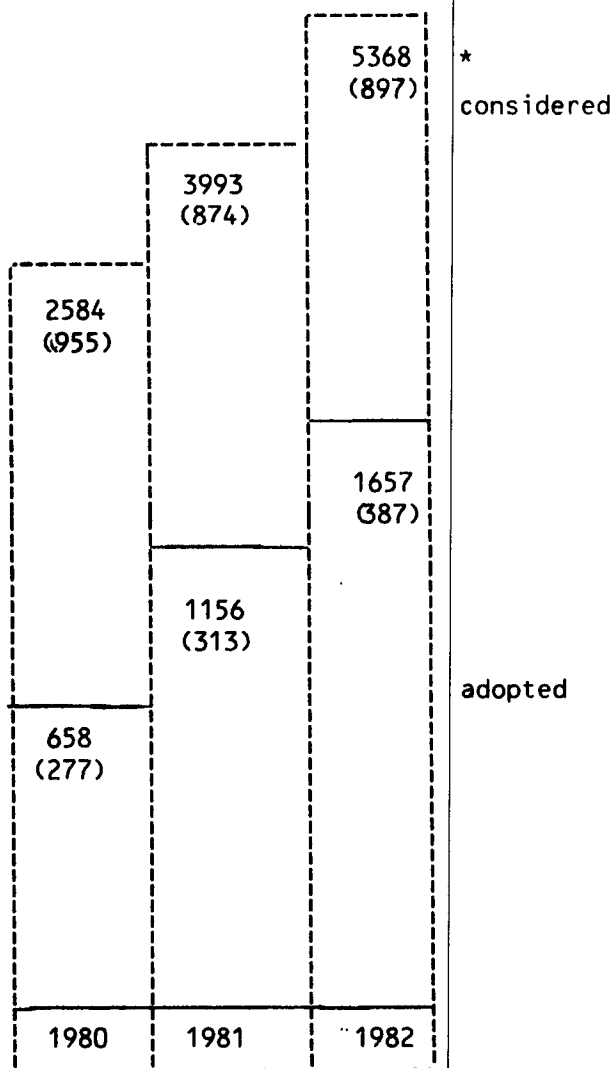
The European Parliament,

- having regard to Rule 112(1) of its Rules of Procedure,
  - having regard to the motions for resolutions tabled by Mr Pearce (Docs. 1-148/82 and 1-442/82),
  - having regard to the proposed amendment tabled by Mr LANGES (Doc. 1-379/82),
  - having regard to the proposed amendment tabled by Mr SEEFELD and others (Doc. 1-610/82),
  - having regard to the report of the Committee on the Rules of Procedure and Petitions (Doc. 1-1140/83),
1. Decides to incorporate the preceding amendments into its Rules of Procedure and into Annex II to these Rules of Procedure;
  2. Instructs its Secretary-General to ensure that the texts thus amended are absolutely uniform in the seven official languages;
  3. Instructs its President to forward this resolution for information to the Council and Commission and to the Ministers of Foreign Affairs meeting in Political Cooperation.

B. EXPLANATORY STATEMENT

Introduction

1. Proceedings in the European Parliament are in danger of being submerged in an ever-increasing flood of amendments. This is demonstrated unquestionably by the adjacent table showing the trend in the number of amendments tabled since 1979:



\* Figures in brackets refer to budget amendments

2. It is therefore not surprising that a number of proposals as to how this flood should be stemmed have been put forward and referred to the Committee on the Rules of Procedure and Petitions pursuant to Rule 112 of the Rules of Procedure (Doc. 1-148/82 and 1-442/82 by Mr Pearce, Doc. 1-379/82 by Mr Langes and Doc. 1-610/82 by Mr Seefeld and others, see annexes). It was the committee's task to examine these proposals and to decide whether or not they were to be submitted to Parliament, possibly in an amended form.

### Current procedure

3. During consideration in committee of these proposals, it quickly became clear that the problem of the numbers of amendments and how they were considered could not be taken in isolation but had to be seen in a wider context. The chart printed above shows that an increasing percentage of the amendments tabled are adopted in plenary sitting; this indicates that reports submitted by parliamentary committees often do not meet with the approval of the house. Perhaps the reason for this lies in the ever present pressure of time or perhaps in the fact that the house feels that the committees, by virtue of their terms of reference and composition, sometimes take too one-sided a view of the matters they deal with. Whatever the case may be, the right of Members to table amendments to reports from parliamentary committees clearly meets a requirement not only of the Members concerned but also of Parliament as a whole.

4. This certainly does not mean that the problem, to which the authors of the proposals draw attention, does not really exist. On the contrary, it is a major problem and creates both technical and political difficulties which demand an urgent solution. This is clearly shown when current parliamentary procedure is examined.

5. In the procedure for dealing with proposals for Community Legislation produced by the Commission, it is obvious that owing to the large number of proposals and the lack of time during plenary sittings, Parliament confines itself to a single reading: the political group spokesmen and individual Members present their views, the Member of the Commission answers and this completes the consultation procedure. There is no real dialogue, and therefore no thorough discussion of the subject.

Moreover in a single reading it is difficult to place the amendments tabled by Members in context. Owing to the limited speaking time available, the explanation of amendments pursuant to Rule 53(4) is in danger of deteriorating into a few closing remarks in the general standpoint presented by the political group spokesmen and these remarks are in any case not usually taken up by speakers from other political groups. This is extremely regrettable since it is often these very amendments that reflect the political differences within Parliament and the procedure adopted means that these differences do not emerge sufficiently. The greater the number of amendments, the more evident the drawbacks of the system.

6. When, added to all this, voting does not take place immediately after debate, but on a separate occasion, the following unsatisfactory situation arises. The debate is conducted at a fairly general and theoretical level; the amendments are presented with little or no explanation, then, later in the day, or only on the following day, the vote is taken. Frequently there are 100 or more amendments which all too often are available in all languages only a few hours before. Consideration of the amendments within - and a portion between - the groups is thus extremely difficult and, whenever possible, is only conducted between the 'experts'; other members of the group are barely able to take note of the mass of amendments let alone assess their implications. Subsequently the series of amendments are voted upon at lightning speed and there is a considerable risk that a significant number of the Members taking part in the vote are not really aware of what may be at stake. There is a risk that the texts ultimately adopted will be unclear or even contradictory and experience has shown that this is not hypothetical.

7. As regards consideration of the budget, the procedure is less unsatisfactory in a number of respects. In this case there are a number of readings and preparation in committee is also better. Moreover, the Committee on Budgets delivers an opinion on all the amendments. The timetable is also better arranged so that the political groups have an opportunity to consider the amendments and proposed modifications. Nonetheless even here the procedure in plenary sitting is exacerbated by the vast number of amendments and proposed modifications, many of which are only known at the last minute. This means that it is easy to lose

sight of the link that exists between all these demands - namely the total 'margin' at Parliament's disposal. And even here there is the somewhat undignified and indeed unworthy spectacle of a parliament voting for hours without any discussions and at top speed on decisions which may have considerable financial repercussions. As experience has shown, it is difficult to avoid mistakes occurring and these are irrevocable.

8. There is thus every reason to reform parliamentary procedure for amendments both to Community legislation and the budget. Three main objectives should be borne in mind:

- a. Parliament should be able to vote on amendments in full knowledge of the facts;
- b. amendments should be given more prominence during the debate;
- c. the number of amendments voted on by the plenary should be drastically reduced.

These objectives should be achieved without altering Members' rights to table amendments and without lengthening significantly the time needed for debates in the house.

9. It was pointed out during discussions in committee that Rule 74(3) gave the President certain powers which could help solve these problems without amending the Rules of Procedure. However, the President's opportunities to intervene with regard to the vote on amendments are extremely limited: his powers may only be used 'exceptionally' and if more than 21 Members oppose it, the procedure may not be applied. Moreover, under the system described above, the President himself only obtains a complete set of amendments tabled shortly before the discussion in plenary sitting, and he will have no time to consider them systematically and to attempt to make meaningful use of Rule 74(3). Real improvement to the present situation cannot come about without amendment of the Rules of Procedure.

## Consideration of the proposals submitted

10. The proposals submitted by Mr Pearce, Mr Langes and Mr Seefeld must be considered with a distinction being made between Community legislation (the consultation procedure) and the budget. The proposals from Mr Pearce relate to the first, those from Mr Langes to the second and those from Mr Seefeld to both.

11. Mr Pearce proposes that a maximum limit should be introduced for the number of amendments allowed (two per paragraph for a regulation or directive and for motions for resolutions not more amendments than there are paragraphs); this necessitates a selection process, a task which is given to the Bureau. Even if one is sympathetic towards the expressed intention one cannot but express reservations as to the soundness of the methods proposed. It is hard to imagine the Bureau carrying out the selection procedure required to keep the number of amendments within the limits allowed. It is not equipped to do so, neither does it have the necessary time. Furthermore, the result would always be open to objections which are bound to arise, and there is a danger that instead of saving time, as is intended, the result would be the opposite.

12. Mr Langes wishes to strengthen the procedure concerning the draft budget, laid down in Annex II to the Rules of Procedure, to reduce the number of votes in plenary sitting. In his view, the Committee on Budget's function as a filter must be strengthened to reduce the number of amendments submitted to the plenary: amendments which are rejected by a qualified majority in committee could then only be submitted to the plenary under certain conditions.

This is an interesting idea. As has already been pointed out - and we shall expand on this later - the problem of quantity of amendments cannot be viewed in isolation but must be seen in a wider context and in the framework of Parliament's overall working methods with reference to its role in the Community legislative procedure. Mr Langes' suggestion finds a logical place in the following proposals on this subject.

13. The proposal by Mr Seefeld and others suggests that amendments should not be put to the vote if the author does not take part in the voting. At first glance this is an attractive idea which would have wide appeal. It does, however, appear difficult to implement. Given the high speed of voting, time would be lost if the President had to check on each occasion whether the author of the amendment (or one of the authors) was in the Chamber. Moreover, provisions would have to be made to exempt from this rule authors who were absent in good faith (for example, because of illness). There would be a risk that the votes would be slower and more cumbersome instead of faster, which is the intention of the proposal.

#### Proposed new procedure

14. Having examined the possibilities of the present Rules of Procedure and the proposals for amendments which have been made, we must consider which proposals are necessary and acceptable to deal with the problem of amendments more satisfactorily. Such proposals are contained in the motion for a resolution and are explained further below.

15. It has already been argued that the tabling of numerous amendments is not bad in itself; the question is how these texts can be considered properly. This is far more than a mere formality. Under the Treaties Parliament participates in the legislative process by delivering opinions on Commission proposals and it fulfils its decision-making function as one arm of the budgetary authority in part by adopting amendments or proposed modifications to the draft budget submitted to it by the Council. These matters are of great importance; Community legislation concerns rules that are directly (regulation) or indirectly (directive) binding on the citizens of Europe. Thus a great deal of care must be taken and even if Parliament has an advisory and, for the time being, not a joint decision-making role, it should nonetheless be aware of the responsibility it bears in carrying out this task. Recently, Parliament has been able to strengthen its role in the Community legislative process. After the isoglucose judgment had confirmed that consideration by Parliament formed an essential part of that process, Parliament was able further to consolidate its hold on legislation using Rules 35-37 and 39 of the Rules of Procedure.



We are concerned here to improve the Parliamentary stage of this procedure further by choosing a method for considering amendments which is appropriate to the importance of this matter and which will enhance the dignity and credibility of Parliamentary procedure.

16. A distinction should be made between four categories of amendments:

- (a) amendments to motions for resolutions pursuant to Rule 48 (topical and urgent subjects);
- (b) amendments to resolutions in own-initiative reports pursuant to Rule 102 or in reports pursuant to Rule 47(3);
- (c) amendments relating to a consultation procedure or request for an opinion pursuant to Rule 32 et seq;
- (d) amendments to the draft budget of the European Communities (Rule 50 and the implementing procedures set out in Annex II).

Category (a) can quite rightly be left out of consideration in view of the nature and purpose of the urgent procedure. Category (b) does not arise very frequently but should be covered by any arrangement. We are concerned essentially with categories (c) and (d), and category (c) will be considered first.

17. As suggested earlier, the ideal solution would be a procedure with more than one reading in plenary sitting, thus permitting a dialogue between Parliament and the Commission, as occurs in most parliaments. In our case this is not possible owing to the large volume of legislation that has to be passed by Parliament and the extremely limited time available in plenary sittings. It is therefore proposed that an extra reading should be introduced, which should take place in the committee responsible and which would considerably reduce the number of votes in plenary sitting on amendments. This would mean that Parliamentary consideration of legislative proposals from the Commission would involve three readings, two in committee and one in plenary sitting. The system would operate as follows:

18. As at present a committee report would be adopted pursuant to Rule 100, submitted to the President and distributed to Members (first reading). However, before it was placed on the agenda for the part-session, pursuant to Rules 55 and 56, the President would set and announce a time limit within which Members would have the opportunity to table amendments to the Commission proposals and to the motion for the resolution relating to the report.

19. If, after expiry of the time limit, only a limited number of amendments - for example 20 - had been tabled, the report would, as at present, be placed directly on the agenda for the part-session using the procedure in Rules 55 and 56. The procedure in plenary sitting, including consideration of amendments, would be the same as at present. In view of the limited number of amendments, a time-consuming second reading would not seem necessary. Moreover, setting such a time limit could deter the tabling of trivial amendments.

20. If, after expiry of the time limit, more than 20 amendments had been tabled, the second reading procedure would be applied. The amendments would be referred to the appropriate committee which would deliberate and vote on them. The proceedings would be public and would take place in the presence of the Commission. Authors of amendments who were not members of the committee would be entitled to attend the meeting in order to speak on their amendments.

21. The committee would submit a supplementary report giving the result of the consideration of and vote on all amendments. This can be done orally or in writing. The President shall decide from case to case.

22. The second reading in a committee meeting open to the public should certainly lead to a reduction in the number of amendments which had to be voted on in plenary sitting. Experience has shown that many amendments concern the wording of a given proposal; it should be quite easy to reach agreement in committee on these. The authors could withdraw their amendments and the consensus could be expressed in a new amendment proposed by the committee itself. The same could apply in the case of more important matters where nonetheless ultimately a compromise amendment is adopted in the committee and the authors of the original amendments withdraw their text.

23. This leaves amendments on which there are major differences of opinion which means that it is impossible to reach agreement within the committee even during the second reading. Would these now have to be submitted to the plenary sitting without further ado, or should this be subject to certain conditions? It is suggested by some that any restriction conflicts with the inalienable right of each individual Member to be able to table an amendment to any text at any moment, and to require it to be put to the vote in plenary sitting. On close consideration, it would seem that this argument is somewhat extreme and not really tenable. Firstly it conflicts with existing rules; Article 3(2) of Annex II to the Rules of Procedure states that amendments or proposed modifications to the draft budget may only be tabled by at least 5 Members, a political group or a committee. This rule which places far more stringent restrictions on the individual's right to table amendments than that proposed above has been applied for some years and no objections have ever been raised. This means that the objections now being raised to any restriction on the absolute right of each individual Member to table amendments at any time become far less credible. Moreover, under the present system individual authors of amendments seldom, if at all, have the opportunity to speak on these in plenary sitting as speaking time is always too short. Under the proposed system they would have ample opportunity to do so during the second reading.

24. What is important is to achieve a fair balance between the right of each Member to make his views public via amendments and the right of Parliament to protect itself against the flood of votes on (often trivial) amendments. Members' rights in this respect would be fully guaranteed by the proposed second reading. It therefore seems reasonable to propose that in the third and final reading, which would take place in plenary sitting on the basis of the original and the supplementary report of the committee responsible, votes should only be taken on:

- all amendments originally proposed by the committee itself;
- the amendments tabled subsequently on which the committee delivered a favourable opinion in the second reading and the compromise amendments which it arrived at during the second reading and then proposed;
- all other amendments which received at least three votes during the vote in the second reading in committee. If this is not the case, these amendments may only be put to the vote in plenary sitting if a written request has been made in advance by a group, a committee or at least 21 Members.

25. Consideration in plenary sitting (third and final reading) would be far more manageable in the system proposed here than is often the case at present. Not only would the number of votes on amendments have been considerably reduced, but the controversial amendments which had to be put to the vote could receive far more attention during the sitting. The supplementary report would show what the vote had been and what the real differences of opinion were. During the second reading it would also be possible to start to understand the Commission's position which would certainly be of benefit to the debates in plenary sitting.

In the proposed system, as happens now in the budget procedure, no more new amendments could be tabled after the time-limit set by the President had expired. Nor would there any longer be the possibility of reaching compromises after the end of the second reading. However, this would not stand in the way of eleventh hour compromises, which does happen in exceptional cases. In such cases Rule 74(4), which is designed to cope with such situations, could be applied.

26. A procedure such as the one outlined above would require more time in some cases. However, even now a consultation procedure can take a long time if it concerns important and controversial subjects. Although the report of the committee responsible is placed on the agenda for the plenary sitting immediately after its adoption, when there is an avalanche of amendments what often happens is that after a lengthy and rambling procedural debate, the report is referred back to committee. This is also very time-consuming but the procedure is much more confused and is detrimental to Parliament's credibility and dignity.

27. If a system like that described above was adopted for the consultation procedure it could also be applied to examination of the amendments referred to in paragraph 16(b). The latter do not relate to legislation but to issues which have been raised by Parliament itself. As a rule they give rise to very long motions for a resolution and thus often to a stream of amendments. It would seem obvious to use the new procedure here also.

28. The proposed new system is to a large extent based on the procedure already followed during consideration of the budget. This budget procedure is not altered substantially by the proposals but only adapted and improved in parts in the spirit of the proposals tabled by Mr Langes.

29. Lastly the committee also considered some other aspects of tabling and voting on amendments. These were admissibility and the method of voting. Problems frequently arise in this area and the committee considered that it would be useful to make some proposals that could improve the present procedure.

30. With regard to admissibility it is proposed that in Rule 54(1)(a) the word 'directly' should be inserted between 'does not' and 'relate'. This would make the aim of this provision clearer than previously.

31. It is also proposed that a new sub-paragraph should be inserted between (1)(b) and (1)(c) to read as follows: