

European Communities

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Report

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

on the amendment of Rule 49 of the Rules of Procedure

Rapporteur: Mr F. H. J. HERMAN

PE 86.280/fin.

By letters of 21 and 23 March 1983, the President of the European Parliament asked the Committee on the Rules of Procedure and Petitions for an interpretation of Rule 49 of the Rules of Procedure of the European Parliament, pursuant to Rule 111(1).

At its meeting of 19 and 20 April 1983, the Committee on the Rules of Procedure and Petitions appointed Mr F. HERMAN rapporteur.

At its meetings of 19 and 20 April 1983, and 24 and 25 May 1983, the committee considered this matter on the basis of a working document. At its meeting of 24 and 25 May 1983, it adopted an interpretation pursuant to Rule 111(3).

At the plenary sitting of 9 June 1983, the European Parliament rejected this interpretation, which had been contested pursuant to Rule 111(4).

At its meetings of 12 and 13 July 1983, 29 and 30 September 1983 and 17 and 18 October 1983, the committee reconsidered this matter and decided to propose to the European Parliament an amendment to the Rules of Procedure pursuant to Article 111(2).

At the last meeting, the following proposed amendment and relevant proposed decision were adopted unanimously.

The following took part in the vote: Mr Nyborg, chairman; Mr Herman, rapporteur; Mr Beazley, Mr D'Angelosante, Mr Chambeiron, Mr Nord and Mr Gontikas.

The report was tabled on 28 October 1983.

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The Committee on the Rules of Procedure and Petitions hereby submits to the European Parliament the following proposed amendment of the Rules of Procedure and proposed decision together with explanatory statement:

CURRENT VERSION

Rule 49 - Written procedure for motions for resolutions

1. Any Member who tables a motion for a resolution pursuant to Rule 47(1) may request that the motion be entered in a register.
2. Members wishing to propose amendments to a motion in the register may table an alternative motion. Such alternative motions shall be entered beside the original motion in the register.
3. Any Member may add his signature to a motion entered in the register.
4. At the end of each part-session the President shall announce how many signatures have been obtained by the motions entered in the register.
5. Motions that have been signed by at least one half of the current Members of Parliament shall be forwarded to the institutions named by the author. The President shall inform Parliament accordingly at its next sitting.
6. A motion that has stood in the register for over two months and has not attracted the signature of at least one half of the current Members of Parliament shall lapse. However, if the author so requests, it shall be referred to the appropriate committee pursuant to Rule 47(1).

PROPOSED AMENDMENT

Section 3a - Written declarations
Rule 49 - Written declarations

1. Any Member may submit a written declaration of not more than 200 words on a matter falling within the sphere of activities of the European Communities. Written declarations shall be printed in the official languages, distributed and entered in a register.
2. Any Member may add his signature to a declaration entered in the register.
3. At the end of each part-session, the President shall announce how many signatures have been obtained by the declarations entered in the register.
4. As soon as a declaration entered in the register has been signed by at least one half of the current Members of Parliament, the text of the declaration shall be forwarded to the Institutions named by the author together with the names of the signatories. The President shall announce this at the next sitting and the text of the declaration and the names of the signatories shall be included in the minutes of that sitting as an annex. Once this announcement has been made, no more entries may be made in the register.
5. A written declaration that has stood in the register for over two months and has not attracted the signatures of at least one half of the current Members of Parliament shall lapse.

This amendment will entail the deletion of the reference to Rule 49(1) contained in the present text of Rule 47(1).

A

PROPOSED DECISION

amending Rule 49 of the Rules of Procedure

The European Parliament,

- having regard to Rule 112(1) of its Rules of Procedure,
 - having regard to the motion for a resolution by Mr C. JACKSON (Doc. 1-124/83)
 - having regard to the amendment tabled by Mr LUSTER and Mr PFENNIG (Doc. 1-426/83),
 - having regard to the report of the Committee on the Rules of Procedure and Petitions (Doc. 1-975/83),
1. Decides to incorporate the above amendments into its 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 decision for information to the Council and Commission and to the Foreign Ministers meeting in Political Cooperation.

EXPLANATORY STATEMENTI. Review of previous interpretations of Rule 49 under Rule 111(3) of the Rules of Procedure

Rule 49 is an innovation which has no exact precedent in other parliaments.

While it is certainly inspired by the 'early day motions' of the House of Commons, the transposition of this concept into our Rules of Procedure has not been a simple matter. Following the rejection of the PATTERSON amendment which was closest to the British system, our committee came round to the compromise of Rule 49, thus giving birth to a much simplified procedure which short-circuits any report or debate, either in committee or in the House, and causes great difficulty with the tabling or adoption of amendments. The committee did not think it expedient to limit its scope or conditions of application.

Hence it is hardly surprising that the arrangement finally adopted in Rule 49 should have given rise to some difficulties and that we should have received five requests for interpretation.

II. The fact that Parliament, in plenary sitting, rejected the interpretation of Rule 49 of the Rules of Procedure by the Committee on the Rules of Procedure and Petitions (9 June 1983 - OJ No. C 184, 11.7.1983, p. 104) and the long discussion to which it gave rise at the meeting of the committee of 13 July 1983 have shown that there are still deep-seated differences of opinion within Parliament as to the scope of and interpretation to be given to Rule 49.

The fact that the discussion arose in connection with the von HASSEL resolution on the seat of the European Parliament did much to excite and obscure the debate.

As the rule is worded at present, it seems difficult, in view of the practical difficulties which it has already produced, to solve the problem by re-interpreting it to everyone's satisfaction.

III. The Committee on the Rules of Procedure has therefore decided to propose a new version and a choice must be made between two possible but incompatible suggestions:

- either resolutions signed pursuant to Rule 49 are resolutions like any other and, in this case, it must be ensured that they are limited to fields not expressly reserved for other procedures (budget, consultation, motions of censure and internal organization).

There must also be provision for dealing with them and giving them publicity; care must be taken, in addition, that they do not contradict resolutions adopted at the same time under other procedures.

- or the scope of these resolutions is not the same in law as that of other resolutions. They express a wish or an opinion but have no legally binding effects. They are primarily of moral or political force.

IV. Following a lengthy debate which became far less heated once it had been agreed that neither earlier interpretations nor the adoption of a new rule could have a retroactive effect, the Committee on the Rules of Procedure decided almost unanimously to adopt the second approach and proposed to Parliament a new version of Rule 49. This new rule is to be preceded by new section heading 'Section 3a: Written declarations'.

The first three interpretations did not give rise to many difficulties.

There was however considerable controversy surrounding the fourth, which raised the question of whether Rule 49 was applicable to matters relating to the internal organization of Parliament, and the fifth, concerning the possibilities of amending a resolution when it had received half of the votes at the time when it was entered into the register.

MOTION FOR A RESOLUTION (DOCUMENT 1-124/83)
tabled by Mr Christopher JACKSON
pursuant to Rule 47 of the Rules of Procedure
on the use of Rule 47 and Rule 49 Motions for a Resolution

The European Parliament

- A. having regard to Rule 49 of the Rules of Procedure which lays down rules relating to Register Motions,
- B. having regard to Rule 47 relating to motions for resolutions to be referred to committees and to Rules 99 and 100 relating to reports of committees,
- C. noting that the Register procedure differs in important respects from Parliament's normal committee report procedure in particular in that:
 - (a) no rapporteur is appointed
 - (b) the matter is not debated in Committee nor subject to first stage amendments before coming before the House
 - (c) the matter is not subject to the possibility of debate nor to consideration by the House in plenary sitting,
- D. believing that these differences of procedure render certain matters unsuitable for consideration by register motions, in particular matters concerned with legislation, expenditure and important matters connected with Parliament's organisation and work,
- E. believing that on the other hand register motions are particularly suitable where an expression of view rather than a commitment to action is concerned,

Requests the relevant Committee to consider the relative suitability of the Rule 47 and Rule 49 procedures for different matters and either to produce an interpretation of the rules or a proposed amendment to the rules to clarify and improve the situation.

AMENDMENT (DOCUMENT 1-426/83)

to Rule 49 of the Rules of Procedure of the European Parliament
tabled by Mr LUSTER and Mr PFENNIG
pursuant to Rule 112 of the Rules of Procedure

Add the following new paragraph 7 to Rule 49:

- '7. The written procedure shall not apply where Parliament has been consulted under the provisions of the Treaties or where Parliament exercises a specific prerogative under the Treaties. Nor shall it apply where Parliament exercises a specific prerogative under its internal organizational provisions.'

