EP Rules of Procedure: adaptation of the Rules to the Treaty of Lisbon

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The Committee on Constitutional Affairs adopted the report drawn up by David MARTIN (S&D, UK) on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon.

MEPs propose that the European Parliament amends its rules of procedure in order to:

- take account of the judgment of the Court of First Instance of 15 October 2008 in Case T - 345/05 (Ashley Neil Mote). This amendment corresponds at the same time to the obligation to state reasons for legal acts which, by virtue of the Treaty of Lisbon, from now on, also applies explicitly to the European Parliament (Article 296 of the Treaty on the Functioning of the European Union);
- stipulate that, unless otherwise stipulated, the rules governing implementation of the Statute for Members of the European Parliament shall be determined by Parliament on the basis of a recommendation from the committee responsible. Unlike a decision taken exclusively by the Bureau, this procedure has the advantage of offering a much higher degree of transparency, as well as involving all Members in drawing up the rules pertaining to them and making all Members responsible for their definition;
- ensure that the new Rule on observers introduced into the Rules of Procedure on May 6 2009 applies also to observers who may be invited by Parliament, with a view to the additional seats allocated to certain Member States, after the entry into force of the Treaty of Lisbon;
- clarify that the Bureau shall take financial, organisational and administrative decisions on matters concerning Members on a proposal of the Secretary-General or a political group. The committee considers that where matters relating to Members are concerned the political groups should be given the formal capacity to table texts and amendments which will be discussed and voted;
- stipulate that the Bureau shall nominate two or more Vice-Presidents who shall be entrusted with the implementation of relations with national parliaments. They shall report back regularly to the Conference of Presidents on their activities in this regard;
- introduce a new procedure for the scrutiny of the respect of fundamental rights and also to establish a minority right;
- specify that where a proposal for a legislative act has financial implications, Parliament shall establish whether sufficient financial resources are provided;
- transpose the new procedures for the national Parliaments with regard to the respect for the principle of subsidiarity (‘yellow card’ procedure and ‘orange card’ procedure) into the Rules of Procedure;
- determine the legislative procedures on initiatives originating from a Member State (and not just the consultation on initiatives originating from a Member State);
- give, in the event of referral back, the possibility for the committee responsible to decide on the procedure to be followed, including the possibility to present a report;
- delete Rule 60 on the conciliation procedure contained in the 1975 joint declaration. With the new provisions on the budget and the multiannual financial framework, the 1975 joint declaration becomes obsolete;
- introduce a new Article on the ordinary Treaty revision (in this context, MEPs stress that it may not always be most efficient to have the Parliament’s delegation chaired by a member of the Convention’s steering group, bureau or presidium);
- introduce a new Article on the simplified Treaty revision. This amendment reflects the new right for Parliament to propose Treaty changes introduced by the Treaty of Lisbon;
- take account of the new possibility to withdraw from the Union;
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introduce a new Article on the breach by a Member State of fundamental principles, reproducing, with slight changes, the wording of the current Rule 102;

- provide that before the end of a parliamentary term, Parliament may, on the basis of a report drawn up by its committee responsible, make a proposal to modify its composition;
- introduce in Chapter 7 (Budgetary Procedures) a certain number of amendments: the multiannual (has become a legislative act needing the consent of Parliament); the document made available to Members; the consideration of the draft budget – first stage; the financial trialogue; budgetary conciliation; final adoption of the budget; the provisional twelfths system; the procedure to be applied when drawing up Parliament's estimates;
- replace the word "assent" throughout the entire text of the Rules of Procedure by the word "consent". The words 'Commission proposal' and 'legislative proposal' shall also be replaced throughout the entire text of the Rules of Procedure by the words 'proposal for a legislative act' or 'proposed legislative act' as grammatically appropriate;
- transpose the new regime of delegated acts into the Rules of Procedure;
- delete the specific provisions concerning the appointment of the High Representative for the common foreign and security policy;
- take account of Parliament's new right to elect the President of the Commission;
- introduces a new Article corresponding to the new role of Parliament with regard to the nominations for the Court of Justice;
- transpose into the Rules of Procedure the European Parliament resolution of 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon. The amendment is based on the idea that the Committee on Constitutional Affairs and the specialised committees responsible for matters on the agenda of COSAC should be more strongly involved in the preparation of, and representation at, COSAC meetings;
- introduce new Articles on: the cooperation at committee level; pre- and post-legislative dialogue; transmission of documents concerning a legislative procedure at European Union level; election of the Ombudsman.