EP Rules of Procedure, Rule 128: exercise of Parliament's rights vis-à-vis the Court of Justice, interpretation

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The Committee on Constitutional Affairs, which had been consulted on the application of Rule 128 of the Rules of Procedure, provided the following interpretation on that provision:

'Rule 90(6) of the Rules of Procedure lays down a specific procedure by means of which Parliament can take a decision on whether to exercise its prerogative, pursuant to Article 218(11) TFEU, to seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties; that provision constitutes a "lex specialis" which takes precedence over the general provision laid down in Rule 128 of the Rules of Procedure.

When a decision must be taken as to whether Parliament should exercise its rights vis à-vis the Court of Justice of the European Union, and the act in question is not covered by Rule 128 of the Rules of Procedure, the procedure provided for in this rule should apply, mutatis mutandis.'