



# RULES OF PROCEDURE

7th parliamentary term

March 2011

**EN**

*United in diversity*

**EN**

Note to the reader:

In accordance with Parliament's decisions on the use of gender-neutral language in its documents, the Rules of Procedure have been adapted to take account of the guidelines on that subject approved by the High Level Group on Gender Equality and Diversity on 13 February 2008 and endorsed by the Bureau on 19 May 2008.

Interpretations of the Rules (pursuant to Rule 211) are in italic script.

# CONTENTS

<b>RULES OF PROCEDURE</b>	<b>1</b>
<b>TITLE I MEMBERS, PARLIAMENT BODIES AND POLITICAL GROUPS</b>	<b>13</b>
<b>CHAPTER 1 MEMBERS OF THE EUROPEAN PARLIAMENT</b>	<b>13</b>
Rule 1 The European Parliament	13
Rule 2 The independent mandate	14
Rule 3 Verification of credentials	14
Rule 4 Term of office of Members	15
Rule 5 Privileges and immunities	16
Rule 6 Waiver of immunity	17
Rule 7 Procedures on immunity	17
Rule 8 Implementation of the Statute for Members	19
Rule 9 Members' financial interests, standards of conduct and access to Parliament	19
Rule 10 Internal investigations conducted by the European Anti-Fraud Office (OLAF)	20
Rule 11 Observers	20
<b>CHAPTER 2 OFFICERS OF PARLIAMENT</b>	<b>21</b>
Rule 12 Provisional Chair	21
Rule 13 Nominations and general provisions	21
Rule 14 Election of President - opening address	21
Rule 15 Election of Vice-Presidents	22
Rule 16 Election of Quaestors	22
Rule 17 Term of office of Officers	22
Rule 18 Vacancies	22
Rule 19 Early termination of an office	23
<b>CHAPTER 3 BODIES AND DUTIES</b>	<b>23</b>
Rule 20 Duties of the President	23
Rule 21 Duties of the Vice-Presidents	24
Rule 22 Composition of the Bureau	24
Rule 23 Duties of the Bureau	24
Rule 24 Composition of the Conference of Presidents	25
Rule 25 Duties of the Conference of Presidents	26
Rule 26 Duties of the Quaestors	26
Rule 27 Conference of Committee Chairs	26
Rule 28 Conference of Delegation Chairs	27
Rule 29 Accountability of the Bureau and the Conference of Presidents	27
<b>CHAPTER 4 POLITICAL GROUPS</b>	<b>27</b>
Rule 30 Formation of political groups	27
Rule 31 Activities and legal situation of the political groups	28
Rule 32 Intergroups	28
Rule 33 Non-attached Members	28

Rule 34 Allocation of seats in the Chamber	29
<b>TITLE II LEGISLATIVE, BUDGETARY AND OTHER PROCEDURES</b>	<b>30</b>
<b>CHAPTER 1 LEGISLATIVE PROCEDURES - GENERAL PROVISIONS</b>	<b>30</b>
Rule 35 The Commission Work Programme	30
Rule 36 Respect for the Charter of Fundamental Rights of the European Union	30
Rule 37 Verification of legal basis	31
Rule 37a Delegation of legislative powers	31
Rule 38 Verification of financial compatibility	31
Rule 38a Examination of respect for the principle of subsidiarity	32
Rule 39 Access to documents and provision of information to Parliament	33
Rule 40 Representation of Parliament in Council meetings	33
Rule 41 Rights of initiative conferred on Parliament by the Treaties	33
Rule 42 Initiative pursuant to Article 225 of the Treaty on the Functioning of the European Union	34
Rule 43 Consideration of legislative documents	34
Rule 44 Legislative procedures on initiatives originating from Member States	35
<b>CHAPTER 2 PROCEDURE IN COMMITTEE</b>	<b>35</b>
Rule 45 Legislative reports	35
Rule 46 Simplified procedure	36
Rule 47 Non-legislative reports	36
Rule 48 Own-initiative reports	36
Rule 49 Opinions of committees	37
Rule 50 Procedure with associated committees	38
Rule 51 Procedure with joint committee meetings	39
Rule 52 Drafting of reports	39
<b>CHAPTER 3 FIRST READING</b>	<b>40</b>
<b>Committee stage</b>	<b>40</b>
Rule 53 Modification of a proposal for a legislative act	40
Rule 54 Commission and Council position on amendments	40
<b>Plenary stage</b>	<b>40</b>
Rule 55 Conclusion of first reading	40
Rule 56 Rejection of a Commission proposal	41
Rule 57 Adoption of amendments to a Commission proposal	42
<b>Follow-up procedure</b>	<b>43</b>
Rule 58 Follow-up to Parliament's position	43
Rule 59 Renewed referral to Parliament	43
Rule 60 Deleted	44
<b>CHAPTER 4 SECOND READING</b>	<b>44</b>
<b>Committee stage</b>	<b>44</b>
Rule 61 Communication of the Council's position	44
Rule 62 Extension of time limits	44
Rule 63 Referral to and procedure in the committee responsible	45
<b>Plenary stage</b>	<b>45</b>
Rule 64 Conclusion of second reading	45

Rule 65 Rejection of the Council's position	46
Rule 66 Amendments to the Council's position	46
<b>CHAPTER 5 THIRD READING</b>	<b>47</b>
<b>Conciliation</b>	<b>47</b>
Rule 67 Convening of the Conciliation Committee	47
Rule 68 Delegation to the Conciliation Committee	47
<b>Plenary stage</b>	<b>48</b>
Rule 69 Joint text	48
<b>CHAPTER 6 CONCLUSION OF THE LEGISLATIVE PROCEDURE</b>	<b>48</b>
Rule 70 Interinstitutional negotiations in legislative procedures	48
Rule 71 First-reading agreement	48
Rule 72 Second-reading agreement	49
Rule 73 Requirements for the drafting of legislative acts	49
Rule 74 Signing of adopted acts	49
<b>CHAPTER 6a CONSTITUTIONAL MATTERS</b>	<b>50</b>
Rule 74a Ordinary Treaty revision	50
Rule 74b Simplified Treaty revision	50
Rule 74c Accession treaties	50
Rule 74d Withdrawal from the Union	51
Rule 74e Breach by a Member State of fundamental principles	51
Rule 74f Composition of Parliament	52
Rule 74g Enhanced cooperation between Member States	52
<b>CHAPTER 7 BUDGETARY PROCEDURES</b>	<b>52</b>
Rule 75 Multiannual financial framework	52
Rule 75a Working documents	52
Rule 75b Consideration of the draft budget - first stage	53
Rule 75c Financial trilogue	54
Rule 75d Budgetary conciliation	54
Rule 75e Definitive adoption of the budget	55
Rule 75f Provisional twelfths system	55
Rule 76 Discharge to the Commission in respect of implementation of the budget	55
Rule 77 Other discharge procedures	55
Rule 78 Parliamentary control over implementation of the budget	55
<b>CHAPTER 8 INTERNAL BUDGETARY PROCEDURES</b>	<b>56</b>
Rule 79 Estimates of Parliament	56
Rule 79a Procedure to be applied when drawing up Parliament's estimates	56
Rule 80 Power to incur and settle expenditure	57
<b>CHAPTER 9 CONSENT PROCEDURE</b>	<b>57</b>
Rule 81 Consent procedure	57
<b>CHAPTER 10 Deleted</b>	<b>57</b>

Rule 82 Deleted	57
<b>CHAPTER 11 OTHER PROCEDURES</b>	<b>58</b>
Rule 83 Procedure for delivering opinions pursuant to Article 140 of the Treaty on the Functioning of the European Union	58
Rule 84 Procedures relating to dialogue between management and labour	58
Rule 85 Procedures for scrutiny of voluntary agreements	58
Rule 86 Codification	58
Rule 87 Recasting	59
Rule 87a Delegated acts	60
Rule 88 Implementing measures	60
<b>TITLE IIA EXTERNAL RELATIONS</b>	<b>62</b>
<b>CHAPTER 12 INTERNATIONAL AGREEMENTS</b>	<b>62</b>
Rule 89 Deleted	62
Rule 90 International agreements	62
Rule 91 Procedures based on Article 218 of the Treaty on the Functioning of the European Union in the case of the provisional application or suspension of international agreements or the establishment of the Union's position in a body set up by an international agreement	63
<b>CHAPTER 13 EXTERNAL REPRESENTATION OF THE UNION AND THE COMMON FOREIGN AND SECURITY POLICY</b>	<b>63</b>
Rule 92 Deleted	63
Rule 93 Special representatives	63
Rule 94 Deleted	64
Rule 95 International representation	64
Rule 96 Consultation of, and provision of information to, Parliament within the framework of the common foreign and security policy	64
Rule 97 Recommendations within the framework of the common foreign and security policy	65
Rule 98 Breach of human rights	65
<b>CHAPTER 14 Deleted</b>	<b>65</b>
Rule 99 Deleted	65
Rule 100 Deleted	65
Rule 101 Deleted	65
<b>CHAPTER 15 Deleted</b>	<b>66</b>
Rule 102 Deleted	66
<b>TITLE III TRANSPARENCY OF BUSINESS</b>	<b>67</b>
Rule 103 Transparency of Parliament's activities	67
Rule 104 Public access to documents	67
<b>TITLE IV RELATIONS WITH OTHER BODIES</b>	<b>69</b>

<b>CHAPTER 1 APPOINTMENTS</b>	<b>69</b>
Rule 105 Election of the President of the Commission	69
Rule 106 Election of the Commission	69
Rule 107 Motion of censure on the Commission	70
Rule 107a Nomination of Judges and Advocates-General at the Court of Justice of the European Union	70
Rule 108 Appointment of the Members of the Court of Auditors	70
Rule 109 Appointment of the Members of the Executive Board of the European Central Bank	71
<b>CHAPTER 2 STATEMENTS</b>	<b>71</b>
Rule 110 Statements by the Commission, Council and European Council	71
Rule 111 Statements explaining Commission decisions	72
Rule 112 Statements by the Court of Auditors	72
Rule 113 Statements by the European Central Bank	72
Rule 114 Recommendation on the broad guidelines of economic policies	73
<b>CHAPTER 3 PARLIAMENTARY QUESTIONS</b>	<b>73</b>
Rule 115 Questions for oral answer with debate	73
Rule 116 Question Time	73
Rule 117 Questions for written answer	74
Rule 118 Questions for written answer to the European Central Bank	74
<b>CHAPTER 4 REPORTS OF OTHER INSTITUTIONS</b>	<b>75</b>
Rule 119 Annual and other reports of other institutions	75
<b>CHAPTER 5 RESOLUTIONS AND RECOMMENDATIONS</b>	<b>75</b>
Rule 120 Motions for resolutions	75
Rule 121 Recommendations to the Council	76
Rule 122 Debates on cases of breaches of human rights, democracy and the rule of law	76
Rule 123 Written declarations	77
Rule 124 Consultation of the European Economic and Social Committee	78
Rule 125 Consultation of the Committee of the Regions	78
Rule 126 Requests to European Agencies	79
<b>CHAPTER 6 INTERINSTITUTIONAL AGREEMENTS</b>	<b>79</b>
Rule 127 Interinstitutional agreements	79
<b>CHAPTER 7 REFERRALS TO THE COURT OF JUSTICE OF THE EUROPEAN UNION</b>	<b>79</b>
Rule 128 Proceedings before the Court of Justice of the European Union	79
Rule 129 Deleted	80
<b>TITLE V RELATIONS WITH NATIONAL PARLIAMENTS</b>	<b>81</b>
Rule 130 Exchange of information, contacts and reciprocal facilities	81

Rule 131 Conference of European Affairs Committees (COSAC)	81
Rule 132 Conferences of parliaments	81
<b>TITLE VI SESSIONS</b>	<b>83</b>
<b>CHAPTER 1 SESSIONS OF PARLIAMENT</b>	<b>83</b>
Rule 133 Parliamentary term, sessions, part-sessions, sittings	83
Rule 134 Convening of Parliament	83
Rule 135 Venue of sittings and meetings	83
Rule 136 Attendance of Members at sittings	84
<b>CHAPTER 2 ORDER OF BUSINESS OF PARLIAMENT</b>	<b>84</b>
Rule 137 Draft agenda	84
Rule 138 Procedure in plenary without amendment and debate	84
Rule 139 Short presentation	85
Rule 140 Adopting and amending the agenda	85
Rule 141 Extraordinary debate	85
Rule 142 Urgent procedure	86
Rule 143 Joint debate	86
Rule 144 Time limits	86
<b>CHAPTER 3 GENERAL RULES FOR THE CONDUCT OF SITTINGS</b>	<b>86</b>
Rule 145 Access to the Chamber	86
Rule 146 Languages	87
Rule 147 Transitional arrangement	87
Rule 148 Distribution of documents	88
Rule 149 Allocation of speaking time and list of speakers	88
Rule 150 One-minute speeches	89
Rule 151 Personal statements	89
<b>CHAPTER 4 MEASURES TO BE TAKEN IN THE EVENT OF NON-COMPLIANCE WITH THE STANDARDS OF CONDUCT OF MEMBERS</b>	<b>90</b>
Rule 152 Immediate measures	90
Rule 153 Penalties	90
Rule 154 Internal appeal procedures	91
<b>CHAPTER 5 QUORUM AND VOTING</b>	<b>91</b>
Rule 155 Quorum	91
Rule 156 Tabling and moving amendments	92
Rule 157 Admissibility of amendments	92
Rule 158 Voting procedure	93
Rule 159 Tied votes	94
Rule 160 Principles governing voting	94
Rule 161 Order of voting on amendments	95
Rule 162 Committee consideration of plenary amendments	96
Rule 163 Split voting	96
Rule 164 Right to vote	96
Rule 165 Voting	96



Rule 166 Final vote	97
Rule 167 Voting by roll call	97
Rule 168 Electronic voting	97
Rule 169 Voting by secret ballot	97
Rule 170 Explanations of vote	98
Rule 171 Disputes on voting	98
<b>CHAPTER 6 INTERRUPTIVE AND PROCEDURAL MOTIONS</b>	<b>99</b>
Rule 172 Procedural motions	99
Rule 173 Points of order	99
Rule 174 Moving the inadmissibility of a matter	100
Rule 175 Referral back to committee	100
Rule 176 Closure of a debate	100
Rule 177 Adjournment of a debate and vote	100
Rule 178 Suspension or closure of the sitting	101
<b>CHAPTER 7 PUBLIC RECORD OF PROCEEDINGS</b>	<b>101</b>
Rule 179 Minutes	101
Rule 180 Texts adopted	101
Rule 181 Verbatim reports	102
Rule 182 Audiovisual record of proceedings	102
<b>TITLE VII COMMITTEES AND DELEGATIONS</b>	<b>103</b>
<b>CHAPTER 1 COMMITTEES - SETTING-UP AND POWERS</b>	<b>103</b>
Rule 183 Setting-up of standing committees	103
Rule 184 Setting-up of special committees	103
Rule 185 Committees of inquiry	103
Rule 186 Composition of committees	105
Rule 187 Substitutes	106
Rule 188 Duties of committees	107
Rule 189 Committee responsible for the verification of credentials	108
Rule 190 Subcommittees	108
Rule 191 Committee bureaux	108
Rule 192 Committee coordinators and shadow rapporteurs	109
<b>CHAPTER 2 COMMITTEES - FUNCTIONING</b>	<b>109</b>
Rule 193 Committee meetings	109
Rule 194 Minutes of committee meetings	110
Rule 195 Voting in committee	110
Rule 196 Provisions concerning plenary sittings applicable in committee	110
Rule 197 Question Time in committee	110
<b>CHAPTER 3 INTERPARLIAMENTARY DELEGATIONS</b>	<b>110</b>
Rule 198 Setting-up and duties of interparliamentary delegations	110
Rule 199 Cooperation with the Parliamentary Assembly of the Council of Europe	111
Rule 200 Joint parliamentary committees	111

<b>TITLE VIII PETITIONS</b>	<b>113</b>
Rule 201 Right of petition	113
Rule 202 Examination of petitions	114
Rule 203 Notice of petitions	115
<b>TITLE IX OMBUDSMAN</b>	<b>116</b>
Rule 204 Election of the Ombudsman	116
Rule 205 Activities of the Ombudsman	116
Rule 206 Dismissal of the Ombudsman	117
<b>TITLE X PARLIAMENT'S SECRETARIAT</b>	<b>118</b>
Rule 207 Secretariat	118
<b>TITLE XI POWERS AND RESPONSIBILITIES RELATING TO POLITICAL PARTIES AT EUROPEAN LEVEL</b>	<b>119</b>
Rule 208 Powers and responsibilities of the President	119
Rule 209 Powers and responsibilities of the Bureau	119
Rule 210 Powers and responsibilities of the committee responsible and of Parliament's plenary	119
<b>TITLE XII APPLICATION AND AMENDMENT OF THE RULES OF PROCEDURE</b>	<b>121</b>
Rule 211 Application of the Rules of Procedure	121
Rule 212 Amendment of the Rules of Procedure	121
<b>TITLE XIII MISCELLANEOUS PROVISIONS</b>	<b>123</b>
Rule 213 The symbols of the Union	123
Rule 214 Unfinished business	123
Rule 215 Arrangement of annexes	123
Rule 216 Corrigenda	124
<b>ANNEX I Provisions governing the application of Rule 9(1) - Transparency and Members' financial interests</b>	<b>125</b>
<b>ANNEX II Conduct of Question Time under Rule 116</b>	<b>127</b>
<b>ANNEX III Guidelines for questions for written answer under Rules 117 and 118</b>	<b>130</b>
<b>ANNEX IV Guidelines and general principles to be followed when choosing the subjects to be included on the agenda for the debate on cases of breaches of human rights, democracy and the rule of law provided for under Rule 122</b>	<b>131</b>
<b>ANNEX V Deleted</b>	<b>132</b>
<b>ANNEX VI Procedure for the consideration and adoption of decisions on the granting of discharge</b>	<b>133</b>
<b>ANNEX VII Powers and responsibilities of standing committees</b>	<b>136</b>

<b>ANNEX VIII Confidential and sensitive documents and information</b>	<b>145</b>
<b>ANNEX IX Detailed provisions governing the exercise of the European Parliament's right of inquiry</b>	<b>153</b>
<b>ANNEX X Provisions governing the application of Rule 9(4) - Lobbying in Parliament</b>	<b>157</b>
<b>ANNEX XI Performance of the Ombudsman's duties</b>	<b>159</b>
<b>ANNEX XII Prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests</b>	<b>172</b>
<b>ANNEX XIII Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC</b>	<b>176</b>
<b>ANNEX XIV Framework Agreement on relations between the European Parliament and the European Commission</b>	<b>180</b>
<b>Annex 1: Commission meetings with national experts</b>	<b>192</b>
<b>Annex 2: Forwarding of confidential information to Parliament</b>	<b>193</b>
<b>Annex 3: Negotiation and conclusion of international agreements</b>	<b>199</b>
<b>Annex 4: Timetable for the Commission Work Programme</b>	<b>201</b>
<b>ANNEX XV Regulation (EC) No 1049/2001 on public access to documents</b>	<b>203</b>
<b>ANNEX XVI Guidelines for the interpretation of the standards of conduct of Members</b>	<b>213</b>
<b>ANNEX XVII Guidelines for the approval of the Commission</b>	<b>214</b>
<b>ANNEX XVIII Procedure for granting authorisation to draw up own-initiative reports</b>	<b>216</b>
<b>Annex 1 Annual activity and monitoring reports subject to automatic authorisation and to the ceiling of six reports drafted simultaneously (pursuant to Article 1(2) and Article 3 of the Decision)</b>	<b>220</b>
<b>Annex 2 Annual activity and monitoring reports subject to automatic authorisation and with specific reference to the Rules of Procedure (not subject to the ceiling of six reports drafted simultaneously)</b>	<b>221</b>
<b>ANNEX XIX Communicating Europe in partnership</b>	<b>222</b>
<b>ANNEX XX Joint Declaration of the European Parliament, the Council and the Commission of 13 June 2007 on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)</b>	<b>224</b>
<b>ANNEX XXI Code of conduct for negotiating in the context of the ordinary legislative procedures</b>	<b>230</b>



# TITLE I MEMBERS, PARLIAMENT BODIES AND POLITICAL GROUPS

## CHAPTER 1 MEMBERS OF THE EUROPEAN PARLIAMENT

### Rule 1 The European Parliament

1. The European Parliament is the assembly elected pursuant to the Treaties, the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage and national legislation deriving from the Treaties.

2. Persons elected to the European Parliament shall be referred to as:

"Членове на Европейския парламент" in Bulgarian,  
"Diputados al Parlamento Europeo" in Spanish,  
"Poslanci Evropského parlamentu" in Czech,  
"Medlemmer af Europa-Parlamentet" in Danish,  
"Mitglieder des Europäischen Parlaments" in German,  
"Euroopa Parlamendi liikmed" in Estonian,  
"Βουλευτές του Ευρωπαϊκού Κοινοβουλίου" in Greek,  
"Members of the European Parliament" in English,  
"Députés au Parlement européen" in French,  
"Feisirí de Pharlaimint na hEorpa" in Irish,  
"Deputati al Parlamento europeo" in Italian,  
"Eiropas Parlamenta deputāti" in Latvian,  
"Europos Parlamento nariai" in Lithuanian,  
"Európai Parlamenti Képviselők" in Hungarian,  
"Membri tal-Parlament Ewropew" in Maltese,  
"Leden van het Europees Parlement" in Dutch,  
"Posłowie do Parlamentu Europejskiego" in Polish,  
"Deputados ao Parlamento Europeu" in Portuguese,  
"Deputați în Parlamentul European" in Romanian,  
"Poslanci Európskeho parlamentu" in Slovak,  
"Poslanci Evropskega parlamenta" in Slovene,  
"Euroopan parlamentin jäsenet" in Finnish,  
"Ledamöter av Europaparlamentet" in Swedish.

## **Rule 2 The independent mandate**

Members of the European Parliament shall exercise their mandate independently. They shall not be bound by any instructions and shall not receive a binding mandate.

## **Rule 3 Verification of credentials**

1. Following elections to the European Parliament, the President shall invite the competent authorities of the Member States to notify Parliament without delay of the names of the elected Members so that all Members may take their seats in Parliament with effect from the opening of the first sitting following the elections.

At the same time, the President shall draw the attention of those authorities to the relevant provisions of the Act of 20 September 1976 and invite them to take the necessary measures to avoid any incompatibility with the office of Member of the European Parliament.

2. Members whose election has been notified to Parliament shall declare in writing, before taking their seat in Parliament, that they do not hold any office incompatible with that of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976. Following general elections, the declaration shall be made, where possible, no later than six days prior to Parliament's constitutive sitting. Until such time as Members' credentials have been verified or a ruling has been given on any dispute, and provided that they have previously signed the above-mentioned written declaration, they shall take their seat in Parliament and on its bodies and shall enjoy all the rights attaching thereto.

Where it is established from facts verifiable from sources available to the public that a Member holds an office incompatible with that of Member of the European Parliament, within the meaning of Article 7(1) and (2) of the Act of 20 September 1976, Parliament, on the basis of the information provided by its President, shall establish that there is a vacancy.

3. On the basis of a report by the committee responsible for the verification of credentials, Parliament shall verify credentials without delay and rule on the validity of the mandate of each of its newly elected Members and also on any dispute referred to it pursuant to the provisions of the Act of 20 September 1976, except those based on national electoral laws.

4. The committee's report shall be based on the official notification by each Member State of the full results of the election specifying the names of the candidates elected and those of any substitutes together with their ranking in accordance with the results of the vote.

The validity of the mandate of a Member may not be confirmed unless the written declarations required under this Rule and Annex I to these Rules have been made.

On the basis of a report by the committee, Parliament may at any time rule on any dispute as to the validity of the mandate of any of its Members.

5. Where the appointment of a Member is due to the withdrawal of candidates from the same list, the committee shall ensure that the withdrawals in

question have taken place in accordance with the spirit and the letter of the Act of 20 September 1976 and Rule 4(3).

6. The committee shall ensure that any information which may affect the performance of the duties of a Member of the European Parliament or the ranking of the substitutes is forwarded to Parliament without delay by the authorities of the Member States or of the Union, with an indication of the date of effect in the case of an appointment.

Should the competent authorities of the Member States initiate a procedure which might lead to the disqualification of a Member from holding office, the President shall ask them to keep him regularly informed of the stage reached in the procedure and shall refer the matter to the committee responsible. On a proposal from that committee, Parliament may adopt a position on the matter.

#### **Rule 4 Term of office of Members**

1. A Member's term of office shall begin and end as laid down in the Act of 20 September 1976. It shall also end on death or resignation.

2. Every Member shall remain in office until the opening of the first sitting of Parliament following the elections.

3. Members who resign shall notify the President of their resignation and of the date on which that resignation is to take effect, which may not be more than three months after notification. This notification shall take the form of an official record drawn up in the presence of the Secretary-General or his representative, signed by the latter and by the Member concerned and immediately submitted to the committee responsible, which shall enter it on the agenda of its first meeting following receipt of the document.

If the committee responsible considers that the resignation is not in accordance with the spirit or the letter of the Act of 20 September 1976 it shall inform Parliament to this effect so that Parliament can decide whether or not to establish the vacancy.

Otherwise, the vacancy shall be established with effect from the date indicated by the resigning Member in the official record. There shall be no vote in Parliament on the subject.

A simplified procedure has been introduced for certain exceptional circumstances, in particular where one or more part-sessions are held between the effective date of the resignation and the first meeting of the committee responsible and where, as the vacancy has not been established, the political group to which the resigning Member belongs is not able to obtain a replacement Member during those part-sessions. Under this procedure, the rapporteur of the committee responsible entrusted with these cases has the power to examine immediately any resignation duly notified and, where any delay in considering the notification would be prejudicial, to refer the matter to the committee chair, requesting, pursuant to paragraph 3:

- either that the President be informed on behalf of the committee that the vacancy may be established; or
- that an extraordinary meeting of the committee be convened to examine any specific difficulties noted by the rapporteur.

4. Where the competent authority of a Member State notifies the President of the end of the term of office of a Member of the European Parliament pursuant to the provisions of the law of that Member State, as a result either of incompatibilities within the meaning of Article 7(3) of the Act of 20 September 1976 or withdrawal of the mandate pursuant to Article 13(3) of that Act, the President shall inform Parliament that the mandate ended on the date communicated by the Member State and shall invite the Member State to fill the vacant seat without delay.

Where the competent authorities of the Member States or of the Union or the Member concerned notify the President of an appointment or election to an office incompatible with the office of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976, the President shall inform Parliament, which shall establish that there is a vacancy.

5. The authorities of the Member States or of the Union shall inform the President of any assignment they intend to confer on a Member. The President shall refer to the committee responsible the question of the compatibility of the proposed assignment with the letter and the spirit of the Act of 20 September 1976 and shall inform Parliament, the Member and the authorities concerned of the conclusions reached by that committee.

6. The following shall be considered as the date of the end of the term of office and the effective date of a vacancy:

- in the case of resignation: the date on which the vacancy is established by Parliament, in accordance with the notification of resignation;
- in the case of appointment or election to an office incompatible with the office of Member of the European Parliament within the meaning of Article 7(1) or (2) of the Act of 20 September 1976: the date notified by the competent authorities of the Member States or of the Union or by the Member concerned.

7. When Parliament has established that a vacancy exists, it shall inform the Member State concerned and invite it to fill the seat without delay.

8. Any dispute concerning the validity of the appointment of a Member whose credentials have already been verified shall be referred to the committee responsible, which shall report to Parliament without delay and no later than the beginning of the next part-session.

9. Parliament shall reserve the right, where acceptance or termination of office appears to be based on material inaccuracy or vitiated consent, to declare the appointment under consideration to be invalid or refuse to establish the vacancy.

#### **Rule 5 Privileges and immunities**

1. Members shall enjoy privileges and immunities in accordance with the Protocol on the Privileges and Immunities of the European Union.

2. Passes allowing Members to circulate freely in the Member States shall be issued to them by the President of Parliament as soon as he has been notified of their election.



3. Members shall be entitled to inspect any files held by Parliament or a committee, other than personal files and accounts which only the Members concerned shall be allowed to inspect. Exceptions to this rule for the handling of documents to which public access may be refused pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents are laid down in Annex VIII to these Rules of Procedure.

#### **Rule 6 Waiver of immunity**

1. In the exercise of its powers in respect of privileges and immunities, Parliament shall seek primarily to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties.

2. Any request addressed to the President by a competent authority of a Member State that the immunity of a Member be waived shall be announced in Parliament and referred to the committee responsible.

3. Any request addressed to the President by a Member or a former Member to defend privileges and immunities shall be announced in Parliament and referred to the committee responsible.

*The Member or former Member may be represented by another Member. The request may not be made by another Member without the agreement of the Member concerned.*

4. As a matter of urgency, in circumstances where Members are arrested or have their freedom of movement curtailed in apparent breach of their privileges and immunities, the President, after having consulted the chair and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the Member concerned. The President shall notify the committee of that initiative and inform Parliament.

#### **Rule 7 Procedures on immunity**

1. The committee responsible shall consider without delay and in the order in which they have been submitted requests for the waiver of immunity or requests for the defence of immunity and privileges.

2. The committee shall make a proposal for a reasoned decision which recommends the adoption or rejection of the request for the waiver of immunity or for the defence of immunity and privileges.

3. The committee may ask the authority concerned to provide any information or explanation which the committee deems necessary in order for it to form an opinion on whether immunity should be waived or defended. The Member concerned shall be given an opportunity to be heard, may present any documents or other written evidence deemed by that Member to be relevant and may be represented by another Member.

4. Where the request seeks the waiver of immunity on several counts, each of these may be the subject of a separate decision. The committee's report may,

exceptionally, propose that the waiver of immunity should apply solely to prosecution proceedings and that, until a final sentence is passed, the Member should be immune from any form of detention or remand or any other measure which prevents that Member from performing the duties proper to the mandate.

5. Where Members are required to appear as witnesses or expert witnesses, there is no need to request a waiver of immunity, provided:

- that they will not be obliged to appear on a date or at a time which prevents them from performing, or makes it difficult for them to perform, their parliamentary duties, or that they will be able to provide a statement in writing or in any other form which does not make it difficult for them to fulfil their parliamentary duties;
- that they are not obliged to testify concerning information obtained confidentially in the exercise of their mandate which they do not see fit to disclose.

6. In cases concerning the defence of immunity or privileges, the committee shall state whether the circumstances constitute an administrative or other restriction imposed on the free movement of Members travelling to or from the place of meeting of Parliament or an opinion expressed or a vote cast in the performance of the mandate or fall within aspects of Article 10 of the Protocol on Privileges and Immunities which are not a matter of national law, and shall make a proposal to invite the authority concerned to draw the necessary conclusions.

7. The committee may offer a reasoned opinion as to the competence of the authority in question and the admissibility of the request, but shall not, under any circumstances, pronounce on the guilt or otherwise of the Member nor on whether or not the opinions or acts attributed to him or her justify prosecution, even if, in considering the request, it acquires detailed knowledge of the facts of the case.

8. The committee's report shall be placed at the head of the agenda of the first sitting following the day on which it was tabled. No amendments may be tabled to the proposal(s) for a decision.

Discussion shall be confined to the reasons for and against each proposal to waive or uphold immunity, or to defend immunity or a privilege.

Without prejudice to Rule 151, the Member whose privileges or immunities are under consideration shall not speak in the debate.

The proposal(s) for a decision contained in the report shall be put to the vote at the first voting time following the debate.

After Parliament has considered the matter, a separate vote shall be taken on each of the proposals contained in the report. If a proposal is rejected, the contrary decision shall be deemed adopted.

9. The President shall immediately communicate Parliament's decision to the Member concerned and to the competent authority of the Member State concerned, with a request that the President be informed of any developments in the relevant proceedings and of any judicial rulings made as a consequence. When the President

receives this information, he shall transmit it to Parliament in the way he considers most appropriate, if necessary after consulting the committee responsible.

10. When the President makes use of the powers conferred on him by Rule 6(4), the committee responsible shall take cognisance of the President's initiative at its next meeting. Where the committee deems it necessary it may prepare a report for submission to Parliament.

11. The committee shall treat these matters and handle any documents received with the utmost confidentiality.

12. The committee, after consulting the Member States, may draw up an indicative list of the authorities of the Member States which are competent to present a request for the waiver of a Member's immunity.

13. Any inquiry as to the scope of Members' privileges or immunities made by a competent authority shall be dealt with in accordance with the above rules.

### **Rule 8 Implementation of the Statute for Members**

Parliament shall adopt the Statute for Members of the European Parliament and any modification thereof on the basis of a proposal by the committee responsible. Rule 138(1) shall apply mutatis mutandis. The Bureau shall be responsible for the application of these rules and shall decide on the financial envelopes on the basis of the annual budget.

### **Rule 9 Members' financial interests, standards of conduct and access to Parliament**

1. Parliament shall lay down rules governing the transparency of its Members' financial interests, which shall be attached to these Rules of Procedure as an annex<sup>1</sup>.

Those rules shall not in any way prejudice or restrict Members in the exercise of their office or of any related political or other activity.

2. Members' conduct shall be characterised by mutual respect, be based on the values and principles laid down in the basic texts on which the European Union is founded, respect the dignity of Parliament and not compromise the smooth conduct of parliamentary business or disturb the peace and quiet of any of Parliament's premises. Members shall comply with Parliament's rules on the treatment of confidential information.

Failure to comply with those standards and rules may lead to application of measures in accordance with Rules 152, 153 and 154.

3. The application of this Rule shall in no way detract from the liveliness of parliamentary debates nor undermine Members' freedom of speech.

It shall be based on full respect for Members' prerogatives, as laid down in primary law and the Statute for Members.

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<sup>1</sup>See Annex I.

It shall be based on the principle of transparency and be so undertaken that the relevant provisions are made clear to Members, who shall be informed individually of their rights and obligations.

4. The Quaestors shall be responsible for issuing nominative passes valid for a maximum of one year to persons who wish to enter Parliament's premises frequently in order to supply information to Members within the framework of their parliamentary mandate in their own interests or those of third parties.

In return, those persons shall be required to:

- respect the code of conduct published as an annex to these Rules of Procedure<sup>2</sup>;
- sign a register kept by the Quaestors.

That register shall be made available to the public on request in all of Parliament's places of work and, in the form laid down by the Quaestors, in its information offices in the Member States.

The provisions governing the application of this paragraph shall be laid down in an annex to these Rules of Procedure<sup>3</sup>.

5. The code of conduct and the rights and privileges of former Members shall be laid down by a decision of the Bureau. No distinction shall be made in the treatment of former Members.

#### **Rule 10 Internal investigations conducted by the European Anti-Fraud Office (OLAF)**

The common rules laid down in the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) comprising the measures needed to facilitate the smooth running of investigations conducted by the Office shall be applicable within Parliament, pursuant to the Parliament Decision annexed to these Rules of Procedure<sup>4</sup>.

#### **Rule 11 Observers**

1. Where a Treaty on the accession of a State to the European Union has been signed, the President, after obtaining the agreement of the Conference of Presidents, may invite the parliament of the acceding State to appoint from among its own members a number of observers equal to the number of future seats in the European Parliament allocated to that State.

2. Those observers shall take part in the proceedings of Parliament pending the entry into force of the Treaty of Accession, and shall have a right to speak in committees and political groups. They shall not have the right to vote or to stand for election to positions in Parliament. Their participation shall not have any legal effect on Parliament's proceedings.

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<sup>2</sup>See Annex X.

<sup>3</sup>See Annex X.

<sup>4</sup>See Annex XII.

3. Their treatment shall be assimilated to that of a Member of Parliament as regards the use of Parliament's facilities and the reimbursement of expenses incurred in their activities as observers.

4. Paragraph 1 shall apply mutatis mutandis pending the entry into force of the arrangement<sup>5</sup> whereby a number of additional seats in Parliament are allocated to certain Member States until the end of the seventh parliamentary term. The Member States concerned shall be invited to designate observers in accordance with their national law.

## **CHAPTER 2 OFFICERS OF PARLIAMENT**

### **Rule 12 Provisional Chair**

1. At the sitting provided for under Rule 134(2), and at any other sitting held for the purpose of electing the President and the Bureau, the outgoing President or, failing him or her, one of the outgoing Vice-Presidents in order of precedence or, in the absence of any of them, the Member having held office for the longest period shall take the chair until the President has been elected.

2. No business shall be transacted while a Member is provisionally in the chair by virtue of paragraph 1 unless it is concerned with the election of the President or the verification of credentials.

*The Member who is provisionally in the chair by virtue of paragraph 1 exercises the powers of the President referred to in the second subparagraph of Rule 3(2). Any other matter relating to the verification of credentials that is raised when he or she is in the chair is referred to the committee responsible for the verification of credentials.*

### **Rule 13 Nominations and general provisions**

1. The President, Vice-Presidents and Quaestors shall be elected by secret ballot, in accordance with Rule 169. Nominations shall be with consent. They may only be made by a political group or by at least 40 Members. However, if the number of nominations does not exceed the number of seats to be filled, the candidates may be elected by acclamation.

2. In the election of the President, Vice-Presidents and Quaestors, account should be taken of the need to ensure an overall fair representation of Member States and political views.

### **Rule 14 Election of President - opening address**

1. The President shall be elected first. Nominations shall be handed before each ballot to the Member provisionally in the chair by virtue of Rule 12, who shall announce them to Parliament. If after three ballots no candidate has obtained an absolute majority of the votes cast, the fourth ballot shall be confined to the two Members who have obtained the highest number of votes in the third ballot. In the event of a tie the older candidate shall be declared elected.

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<sup>5</sup>Pursuant to the conclusions of the European Council of 11 and 12 December 2008.

2. As soon as the President has been elected, the Member who is provisionally in the chair by virtue of Rule 12 shall vacate the chair. Only the elected President may deliver an opening address.

### **Rule 15 Election of Vice-Presidents**

1. The Vice-Presidents shall then be elected on a single ballot paper. Those who on the first ballot, up to the number of 14, secure an absolute majority of the votes cast shall be declared elected in order of the number of votes obtained. If the number of candidates elected is less than the number of seats to be filled, a second ballot shall be held under the same conditions to fill the remaining seats. Should a third ballot be necessary, a relative majority shall suffice for election to the remaining seats. In the event of a tie the oldest candidates shall be declared elected.

*Although this Rule, unlike Rule 14(1), does not expressly provide for new nominations to be introduced between ballots during the election of Vice-Presidents, such action is permissible because Parliament, being a sovereign body, must be able to consider all possible candidates, especially since the absence of such an option might impede the smooth running of the election.*

2. Subject to the provisions of Rule 18(1), the Vice-Presidents shall take precedence in the order in which they were elected and, in the event of a tie, by age.

Where they are not elected by secret ballot, the order in which their names are read out to the House by the President shall determine the order of precedence.

### **Rule 16 Election of Quaestors**

After the election of the Vice-Presidents, Parliament shall elect five Quaestors.

The Quaestors shall be elected by the same procedure as the Vice-Presidents.

### **Rule 17 Term of office of Officers**

1. The term of office of the President, Vice-Presidents and Quaestors shall be two-and-a-half years.

*When Members change political groups they shall retain, for the remainder of their two-and-a-half year term of office, any seat they hold in the Bureau or the College of Quaestors.*

2. Should a vacancy for one of these positions occur before the expiry of this term of office, the Member elected shall serve only for the remaining period of his or her predecessor's term of office.

### **Rule 18 Vacancies**

1. Should it be necessary for the President, a Vice-President or a Quaestor to be replaced, the successor shall be elected in accordance with the above rules.

A newly elected Vice-President shall take the place of his or her predecessor in the order of precedence.

2. Should the President's seat become vacant, the first Vice-President shall act as President until a new President is elected.

### **Rule 19 Early termination of an office**

The Conference of Presidents may, acting by a majority of three-fifths of the votes cast, representing at least three political groups, propose to Parliament that it terminate the holding of office of the President, a Vice-President, a Quaestor, a Chair or Vice-Chair of a committee, a Chair or Vice-Chair of an interparliamentary delegation, or any other holder of an office elected within the Parliament, where it considers that the Member in question has been guilty of serious misconduct. Such a proposal shall be approved by Parliament by a majority of two-thirds of the votes cast, constituting a majority of its component Members.

## **CHAPTER 3 BODIES AND DUTIES**

### **Rule 20 Duties of the President**

1. The President shall direct all the activities of Parliament and its bodies under the conditions laid down in these Rules and shall enjoy all the powers necessary to preside over the proceedings of Parliament and to ensure that they are properly conducted.

*This provision can be interpreted as meaning that the powers conferred by it include the power to put an end to the excessive use of motions such as points of order, procedural motions, explanations of vote and requests for separate, split or roll-call votes where the President is convinced that these are manifestly intended to cause and will result in, a prolonged and serious obstruction of the procedures of the House or the rights of other Members.*

*The powers conferred by this provision include the power to put texts to the vote in an order other than that set out in the document to be voted on. By analogy with Rule 161(7), the President may seek the agreement of Parliament before doing so.*

2. The duties of the President shall be to open, suspend and close sittings; to rule on the admissibility of amendments, on questions to the Council and Commission, and on the conformity of reports with these Rules; to ensure observance of these Rules, maintain order, call upon speakers, close debates, put matters to the vote and announce the results of votes; and to refer to committees any communications that concern them.

3. The President may speak in a debate only to sum up or to call speakers to order. Should he wish to take part in a debate, he shall vacate the chair and shall not reoccupy it until the debate is over.

4. Parliament shall be represented in international relations, on ceremonial occasions and in administrative, legal and financial matters by the President, who may delegate these powers.

### **Rule 21 Duties of the Vice-Presidents**

1. If the President is absent or unable to discharge his duties, or if he wishes to take part in a debate pursuant to Rule 20(3), he shall be replaced by one of the Vice-Presidents in accordance with Rule 15(2).
2. The Vice-Presidents shall also carry out the duties conferred upon them under Rules 23, 25(3) and (5) and 68(3).
3. The President may delegate to the Vice-Presidents any duties such as representing Parliament at specific ceremonies or acts. In particular, the President may designate a Vice-President to take charge of the responsibilities conferred on the President in Rules 116(3) and 117(2).

### **Rule 22 Composition of the Bureau**

1. The Bureau shall consist of the President and the 14 Vice-Presidents of Parliament.
2. The Quaestors shall be members of the Bureau in an advisory capacity.
3. If voting in the Bureau results in a tie, the President shall have the casting vote.

### **Rule 23 Duties of the Bureau**

1. The Bureau shall carry out the duties assigned to it under the Rules of Procedure.
2. The Bureau shall take financial, organisational and administrative decisions on matters concerning the internal organisation of Parliament, its Secretariat and its bodies.
3. The Bureau shall take financial, organisational and administrative decisions on matters concerning Members on a proposal of the Secretary-General or of a political group.
4. The Bureau shall take decisions on matters relating to the conduct of sittings.

*The term 'conduct of sittings' includes the matter of the conduct of Members within all of Parliament's premises.*

5. The Bureau shall adopt the provisions referred to in Rule 33 concerning non-attached Members.
6. The Bureau shall decide the establishment plan of the Secretariat and lay down regulations concerning the administrative and financial situation of officials and other servants.
7. The Bureau shall draw up Parliament's preliminary draft budget estimates.
8. The Bureau shall adopt the guidelines for the Quaestors in accordance with Rule 26.



9. The Bureau shall be the authority responsible for authorising meetings of committees away from the usual places of work, hearings and study and fact-finding journeys by rapporteurs.

Where such meetings are authorised, the language arrangements shall be determined on the basis of the official languages used and requested by the members and substitutes of the committee concerned.

The same shall apply in the case of the delegations, except where the members and substitutes concerned agree otherwise.

10. The Bureau shall appoint the Secretary-General in accordance with Rule 207.

11. The Bureau shall lay down the implementing rules relating to Regulation (EC) No 2004/2003 of the European Parliament and of the Council on the regulations governing political parties at European level and the rules regarding their funding. In implementing that Regulation, it shall assume the tasks conferred upon it by these Rules of Procedure.

12. The Bureau shall lay down rules concerning the treatment of confidential information by Parliament and its bodies, office-holders and other Members, taking into account any interinstitutional agreement concluded on such matters. Those rules shall be published in the Official Journal of the European Union and annexed to these Rules of Procedure.

13. The President and/or the Bureau may entrust one or more members of the Bureau with general or specific tasks lying within the competence of the President and/or the Bureau. At the same time the ways and means of carrying them out shall be laid down.

14. The Bureau shall nominate two 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.

15. When a new Parliament is elected, the outgoing Bureau shall remain in office until the first sitting of the new Parliament.

#### **Rule 24 Composition of the Conference of Presidents**

1. The Conference of Presidents shall consist of the President of Parliament and the Chairs of the political groups. The Chair of a political group may arrange to be represented by a member of that group.

2. The President of Parliament shall invite one of the non-attached Members to attend meetings of the Conference of Presidents, without having the right to vote.

3. The Conference of Presidents shall endeavour to reach a consensus on matters referred to it.

Where a consensus cannot be reached, the matter shall be put to a vote subject to a weighting based on the number of Members in each political group.

## **Rule 25 Duties of the Conference of Presidents**

1. The Conference of Presidents shall carry out the duties assigned to it under these Rules of Procedure.
2. The Conference of Presidents shall take decisions on the organisation of Parliament's work and matters of legislative planning.
3. The Conference of Presidents shall be the authority responsible for matters concerning relations with the other institutions and bodies of the European Union and with the national parliaments of Member States.
4. The Conference of Presidents shall be the authority responsible for matters concerning relations with non-member countries and with non-Union institutions and organisations.
5. The Conference of Presidents shall be responsible for organising structured consultation with European civil society on major topics. This may include holding public debates, open to participation by interested citizens, on subjects of general European interest. The Bureau shall appoint a Vice-President responsible for the implementation of such consultations, who shall report back to the Conference of Presidents.
6. The Conference of Presidents shall draw up the draft agenda of Parliament's part-sessions.
7. The Conference of Presidents shall be the authority responsible for the composition and competence of committees, committees of inquiry, joint parliamentary committees, standing delegations and ad hoc delegations.
8. The Conference of Presidents shall decide how seats in the Chamber are to be allocated pursuant to Rule 34.
9. The Conference of Presidents shall be the authority responsible for authorising the drawing up of own-initiative reports.
10. The Conference of Presidents shall submit proposals to the Bureau on administrative and budgetary matters concerning the political groups.

## **Rule 26 Duties of the Quaestors**

The Quaestors shall be responsible for administrative and financial matters directly concerning Members, in accordance with guidelines laid down by the Bureau.

## **Rule 27 Conference of Committee Chairs**

1. The Conference of Committee Chairs shall consist of the Chairs of all standing or special committees. It shall elect its chair.

*In the absence of the Chair, the meeting of the Conference shall be chaired by the oldest Member, or, in the absence of the latter, by the oldest Member present.*

2. The Conference of Committee Chairs may make recommendations to the Conference of Presidents about the work of committees and the drafting of the agenda of part-sessions.

3. The Bureau and the Conference of Presidents may instruct the Conference of Committee Chairs to carry out specific tasks.

#### **Rule 28 Conference of Delegation Chairs**

1. The Conference of Delegation Chairs shall consist of the Chairs of all standing interparliamentary delegations. It shall elect its chair.

*In the absence of the Chair, the meeting of the Conference shall be chaired by the oldest Member, or, in the absence of the latter, by the oldest Member present.*

2. The Conference of Delegation Chairs may make recommendations to the Conference of Presidents about the work of the delegations.

3. The Bureau and the Conference of Presidents may instruct the Conference of Delegation Chairs to carry out specific tasks.

#### **Rule 29 Accountability of the Bureau and the Conference of Presidents**

1. The minutes of the Bureau and the Conference of Presidents shall be translated into the official languages, printed and distributed to all Members of Parliament and shall be accessible to the public, unless the Bureau or the Conference of Presidents exceptionally, for reasons of confidentiality, as laid down in Article 4(1) to (4) of European Parliament and Council Regulation (EC) No 1049/2001, decides otherwise with regard to certain items of the minutes.

2. Any Member may ask questions concerning the work of the Bureau, the Conference of Presidents and the Quaestors. Such questions shall be submitted to the President in writing, notified to Members and published on Parliament's website within 30 days of tabling, together with the answers given.

### **CHAPTER 4 POLITICAL GROUPS**

#### **Rule 30 Formation of political groups**

1. Members may form themselves into groups according to their political affinities.

*Parliament need not normally evaluate the political affinity of members of a group. In forming a group together under this Rule, the Members concerned accept by definition that they have political affinity. Only when this is denied by the Members concerned is it necessary for Parliament to evaluate whether the group has been constituted in accordance with the Rules.*

2. A political group shall comprise Members elected in at least one-quarter of the Member States. The minimum number of Members required to form a political group shall be 25.

3. If a group falls below the required threshold, the President, with the agreement of the Conference of Presidents, may allow it to continue to exist until Parliament's next constitutive sitting, provided the following conditions are met:

- the members continue to represent at least one-fifth of the Member States;
- the group has been in existence for a period longer than a year.

The President shall not apply this derogation where there is sufficient evidence to suspect that it is being abused.

4. A Member may not belong to more than one political group.

5. The President shall be notified in a statement when a political group is set up. This statement shall specify the name of the group and the names of its members and bureau members.

6. The statement shall be published in the Official Journal of the European Union.

### **Rule 31 Activities and legal situation of the political groups**

1. The political groups shall carry out their duties as part of the activities of the Union, including the tasks allocated to them by these Rules of Procedure. The political groups shall be provided with a secretariat on the basis of the establishment plan of the Secretariat, with administrative facilities and with the appropriations entered for that purpose in Parliament's budget.

2. The Bureau shall lay down the rules relating to the provision, implementation and monitoring of those facilities and appropriations, as well as to the related delegations of budget implementation powers.

3. Those rules shall determine the administrative and financial consequences in the event of the dissolution of a political group.

### **Rule 32 Intergroups**

1. Individual Members may form Intergroups or other unofficial groupings of Members, to hold informal exchanges of views on specific issues across different political groups, drawing on members of different parliamentary committees, and to promote contact between Members and civil society.

2. Such groupings may not engage in any activities which might result in confusion with the official activities of Parliament or of its bodies. Provided that the conditions laid down in the rules governing their establishment adopted by the Bureau are met, political groups may facilitate their activities by providing them with logistical support. Such groupings shall declare any external support in accordance with Annex I.

### **Rule 33 Non-attached Members**

1. Members who do not belong to a political group shall be provided with a secretariat. The detailed arrangements shall be laid down by the Bureau on a proposal from the Secretary-General.

2. The Bureau shall determine the status and parliamentary rights of such Members.
3. The Bureau shall lay down the rules relating to the provision, implementation and auditing of appropriations entered in Parliament's budget to cover the secretarial expenses and administrative facilities of non-attached Members.

**Rule 34 Allocation of seats in the Chamber**

The Conference of Presidents shall decide how seats in the Chamber are to be allocated to the political groups, the non-attached Members and the institutions of the European Union.

## **TITLE II LEGISLATIVE, BUDGETARY AND OTHER PROCEDURES**

### **CHAPTER 1 LEGISLATIVE PROCEDURES - GENERAL PROVISIONS**

#### **Rule 35 The Commission Work Programme**

1. Parliament shall work together with the Commission and the Council to determine the legislative planning of the European Union.

Parliament and the Commission shall cooperate in preparing the Commission Work Programme – which is the Commission’s contribution to the Union’s annual and multiannual programming – in accordance with the timetable and arrangements agreed between the two institutions and annexed to these Rules of Procedure<sup>6</sup>.

2. In urgent and unforeseen circumstances, an institution may, on its own initiative and in accordance with the procedures laid down in the Treaties, propose adding a legislative measure to those proposed in the Commission Work Programme.

3. The President shall forward the resolution adopted by Parliament to the other institutions which participate in the European Union's legislative procedure and to the parliaments of the Member States.

The President shall ask the Council to express an opinion on the Commission Work Programme and on Parliament's resolution.

4. Where an institution is unable to comply with the timetable laid down it is required to notify the other institutions as to the reasons for the delay and to propose a new timetable.

#### **Rule 36 Respect for the Charter of Fundamental Rights of the European Union**

1. Parliament shall in all its activities fully respect fundamental rights as laid down in the Charter of Fundamental Rights of the European Union.

Parliament shall also fully respect the rights and principles enshrined in Article 2 and in Article 6(2) and (3) of the Treaty on European Union.

2. Where the committee responsible for the subject matter, a political group or at least 40 Members are of the opinion that a proposal for a legislative act or parts of it do not comply with rights enshrined in the Charter of Fundamental Rights of the European Union, the matter shall, at their request, be referred to the committee responsible for the interpretation of the Charter. The opinion of that committee shall be annexed to the report of the committee responsible for the subject-matter.

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<sup>6</sup>See Annex XIV.

### **Rule 37 Verification of legal basis**

1. In the case of all proposals for legislative acts and other documents of a legislative nature, the committee responsible for the subject-matter shall first verify the legal basis.
2. If that committee disputes the validity or the appropriateness of the legal basis, including in the context of the verification under Article 5 of the Treaty on European Union, it shall request the opinion of the committee responsible for legal affairs.
3. The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis of the proposals for legislative acts. In such cases it shall duly inform the committee responsible for the subject-matter.
4. If the committee responsible for legal affairs decides to dispute the validity or the appropriateness of the legal basis, it shall report its conclusions to Parliament. Parliament shall vote on this before voting on the substance of the proposal.
5. Amendments tabled in Parliament to change the legal basis of a proposal for a legislative act without the committee responsible for the subject-matter or the committee responsible for legal affairs having disputed the validity or appropriateness of the legal basis shall be inadmissible.
6. If the Commission does not agree to modify its proposal to conform to the legal basis approved by Parliament, the rapporteur or the Chair of the committee responsible for legal affairs or of the committee responsible for the subject-matter may propose that the vote on the substance of the proposal be postponed to a subsequent sitting.

### **Rule 37a Delegation of legislative powers**

1. When scrutinising a proposal for a legislative act which delegates powers to the Commission as provided for in Article 290 of the Treaty on the Functioning of the European Union, Parliament shall pay particular attention to the objectives, content, scope and duration of the delegation, and to the conditions to which it is subject.
2. The committee responsible for the subject-matter may at any time request the opinion of the committee responsible for the interpretation and application of Union law.
3. The committee responsible for the interpretation and application of Union law may also, on its own initiative, take up questions concerning the delegation of legislative powers. In such cases it shall duly inform the committee responsible for the subject-matter.

### **Rule 38 Verification of financial compatibility**

1. Where a proposal for a legislative act has financial implications, Parliament shall establish whether sufficient financial resources are provided.

2. Without prejudice to Rule 43, the committee responsible for the subject-matter shall verify the financial compatibility of any proposal for a legislative act, or any other document of a legislative nature, with the multiannual financial framework.

3. When the committee responsible for the subject-matter amends the financial endowment of the act it is considering, it shall request the opinion of the committee responsible for budgetary issues.

4. The committee responsible for budgetary issues may also on its own initiative take up questions concerning the financial compatibility of proposals for legislative acts. In such cases it shall duly inform the committee responsible for the subject-matter.

5. If the committee responsible for budgetary issues decides to dispute the financial compatibility of the proposal, it shall report its conclusions to Parliament which shall put them to the vote.

6. An act declared incompatible may be adopted by Parliament subject to the decisions of the Budgetary Authority.

#### **Rule 38a Examination of respect for the principle of subsidiarity**

1. During the examination of a proposal for a legislative act, Parliament shall pay particular attention to respect for the principles of subsidiarity and proportionality.

2. The committee responsible for respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible for the subject-matter in respect of any proposal for a legislative act.

3. If a national parliament sends the President a reasoned opinion in accordance with Article 3 of the Protocol on the role of national parliaments in the European Union and Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality, that document shall be referred to the committee responsible for the subject-matter and forwarded for information to the committee responsible for respect of the principle of subsidiarity.

4. Except in the cases of urgency referred to in Article 4 of the Protocol on the role of national parliaments in the European Union, the committee responsible for the subject-matter shall not proceed to its final vote before the expiry of the deadline of eight weeks laid down in Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality.

5. Where reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least one third of all the votes allocated to the national parliaments or a quarter in the case of a proposal for a legislative act submitted on the basis of Article 76 of the Treaty on the Functioning of the European Union, Parliament shall not take a decision until the author of the proposal has stated how it intends to proceed.

6. Where, under the ordinary legislative procedure, reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national parliaments,



the committee responsible for the subject-matter, having considered the reasoned opinions submitted by the national parliaments and the Commission, and having heard the views of the committee responsible for respect of the principle of subsidiarity, may recommend to Parliament that it reject the proposal on the grounds of infringement of the principle of subsidiarity or submit to Parliament any other recommendation, which may include suggestions for amendments related to respect of the principle of subsidiarity. The opinion given by the committee responsible for respect of the principle of subsidiarity shall be annexed to any such recommendation.

The recommendation shall be submitted to Parliament for a debate and vote. If a recommendation to reject the proposal is adopted by a majority of the votes cast, the President shall declare the procedure closed. Where Parliament does not reject the proposal, the procedure shall continue, taking into account any recommendations approved by Parliament.

### **Rule 39 Access to documents and provision of information to Parliament**

1. Throughout the legislative procedure Parliament and its committees shall request access to all documents relating to proposals for legislative acts under the same conditions as the Council and its working parties.
2. During the examination of a proposal for a legislative act, the committee responsible shall ask the Commission and the Council to keep it informed of the progress of that proposal in the Council and its working parties and in particular to inform it of any emerging compromises which will substantially amend the original proposal, or of the author's intention to withdraw its proposal.

### **Rule 40 Representation of Parliament in Council meetings**

When the Council invites Parliament to take part in a Council meeting in which the Council acts in a legislative capacity, the President shall ask the Chair or rapporteur of the committee responsible, or another Member designated by the committee, to represent Parliament.

### **Rule 41 Rights of initiative conferred on Parliament by the Treaties**

In cases where the Treaties confer a right of initiative on Parliament, the committee responsible may decide to draw up an own-initiative report.

The report shall comprise:

- a) a motion for a resolution;
- b) where appropriate, a draft decision or a draft proposal;
- c) an explanatory statement including, where appropriate, a financial statement.

Where the adoption of an act by Parliament requires the approval or the consent of the Council and the opinion or the consent of the Commission, Parliament may, following the vote on the proposed act, and on a proposal by the rapporteur, decide to postpone the vote on the motion for a resolution until the Council or the Commission have stated their position.

## **Rule 42 Initiative pursuant to Article 225 of the Treaty on the Functioning of the European Union**

1. Parliament may request the Commission, pursuant to Article 225 of the Treaty on the Functioning of the European Union, to submit to it any appropriate proposal for the adoption of a new act or the amendment of an existing act, by adopting a resolution on the basis of an own-initiative report drawn up by the committee responsible in accordance with Rule 48. The resolution shall be adopted by a majority of the component Members of Parliament in the final vote. Parliament may, at the same time, set a deadline for the submission of such a proposal.

2. Any Member may table a proposal for a Union act on the basis of the right of initiative granted to Parliament under Article 225 of the Treaty on the Functioning of the European Union.

3. The proposal shall be submitted to the President, who shall refer it to the committee responsible for consideration. Before such referral, the proposal shall be translated into those official languages which the Chair of that committee considers necessary in order to make summary consideration possible. The committee shall take a decision on further action within three months of the referral, and after having heard the author of the proposal.

Where the committee decides to submit the proposal to Parliament in accordance with the procedure set out in Rule 48, the author of the proposal shall be named in the title of the report.

4. Parliament's resolution shall indicate the appropriate legal basis and be accompanied by detailed recommendations as to the content of the required proposals, which shall respect fundamental rights and the principle of subsidiarity.

5. Where a proposal has financial implications, Parliament shall indicate how sufficient financial resources can be provided.

6. The committee responsible shall monitor the progress of preparation of any proposed legislative act drawn up following a particular request by Parliament.

## **Rule 43 Consideration of legislative documents**

1. Proposals for legislative acts and other documents of a legislative nature shall be referred by the President to the committee responsible for consideration.

In cases of doubt the President may apply Rule 188(2) before the announcement in Parliament of referral to the committee responsible.

In cases where a proposal is listed in the Commission Work Programme the committee responsible may decide to appoint a rapporteur to follow the preparatory phase of the proposal.

Consultations by the Council or requests from the Commission for an opinion shall be forwarded by the President to the committee responsible for consideration of the proposal concerned.

The provisions for the first reading as set out in Rules 36 to 42, 53 to 59 and 71 shall apply to proposals for legislative acts whether they require one, two or three readings.

2. Council positions shall be referred for consideration to the committee responsible at the first reading.

The provisions for the second reading as set out in Rules 61 to 66 and 72 shall apply to Council positions.

3. During the conciliation procedure between Parliament and the Council following the second reading, no referral back to committee shall take place.

The provisions for the third reading as set out in Rules 67, 68 and 69 shall apply to the conciliation procedure.

4. Rules 45, 46, 49, 55(1) and (3), 56, 57 and 175 shall not apply during the second and third readings.

5. In the event of a conflict between a provision of the Rules of Procedure relating to the second and third readings and any other provision of the Rules, the provision relating to the second and third readings shall take precedence.

#### **Rule 44 Legislative procedures on initiatives originating from Member States**

1. Initiatives originating from Member States pursuant to Article 76 of the Treaty on the Functioning of the European Union shall be dealt with pursuant to this Rule and Rules 36 to 39, 43 and 55.

2. The committee responsible may invite representatives of the originating Member States to present their initiative to the committee. The representatives may be accompanied by the Presidency of the Council.

3. Before the committee responsible proceeds to the vote, it shall ask the Commission whether it is preparing an opinion on the initiative. In the affirmative, the committee shall not adopt its report before receiving the Commission's opinion.

4. When two or more proposals originating from the Commission and/or the Member States with the same legislative objective have been submitted to Parliament simultaneously or within a short period of time, Parliament shall deal with them in a single report. In its report, the committee responsible shall indicate to which text it has proposed amendments and it shall refer to all other texts in the legislative resolution.

## **CHAPTER 2 PROCEDURE IN COMMITTEE**

#### **Rule 45 Legislative reports**

1. The Chair of the committee to which a proposal for a legislative act is referred shall propose to the committee the procedure to be followed.

2. Following a decision on the procedure to be followed, and if Rule 46 does not apply, the committee shall appoint a rapporteur on the proposal for a legislative act from among its members or permanent substitutes if it has not yet done so on the basis of the Commission Work Programme agreed under Rule 35.

3. The committee's report shall comprise:

- a) amendments, if any, to the proposal, accompanied, if appropriate, by short justifications which shall be the responsibility of the rapporteur and shall not be put to the vote;
- b) a draft legislative resolution, in accordance with Rule 55(2);
- c) if appropriate, an explanatory statement including a financial statement which establishes the magnitude of any financial impact of the report and its compatibility with the multiannual financial framework.

#### **Rule 46 Simplified procedure**

1. Following a first discussion of a proposal for a legislative act, the Chair may propose that it be approved without amendment. Unless at least one-tenth of the members of the committee object, the Chair shall present to Parliament a report approving the proposal. Rule 138(1), second subparagraph, (2) and (4) shall apply.
2. The Chair may alternatively propose that a set of amendments be drafted by the chair or by the rapporteur reflecting the committee's discussion. If the committee so agrees, these amendments shall be sent to the members of the committee. Unless at least one tenth of the members of the committee object within a set time limit, which may not be less than 21 days from the date of dispatch, the report shall be deemed to have been adopted by the committee. In this case the draft legislative resolution and the amendments shall be submitted to Parliament without debate pursuant to Rule 138(1), second subparagraph, (2) and (4).
3. If at least one tenth of the committee's members object, the amendments shall be put to the vote at the next meeting of the committee.
4. The first and second sentences of paragraph 1, the first, second and third sentences of paragraph 2 and paragraph 3 shall apply, *mutatis mutandis*, to committee opinions within the meaning of Rule 49.

#### **Rule 47 Non-legislative reports**

1. Where a committee draws up a non-legislative report, 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 including a financial statement which establishes the magnitude of any financial impact of the report and its compatibility with the multiannual financial framework;
  - c) the texts of any motions for resolutions to be included under Rule 120(4).

#### **Rule 48 Own-initiative reports**

1. A committee intending to draw up a report and to submit to Parliament a motion for a resolution on a subject within its competence on which neither a consultation nor a request for an opinion has been referred to it under Rule 188(1)

may do so only with the authorisation of the Conference of Presidents. Where such authorisation is withheld the reason must always be stated. Where the subject of the report is a proposal tabled by a Member pursuant to Rule 42(2), authorisation may be withheld only if the conditions set out in Article 5 of the Statute for Members and in Article 225 of the Treaty on the Functioning of the European Union are not met.

*The Conference of Presidents takes a decision on requests for authorisation to draw up reports submitted pursuant to paragraph 1 on the basis of implementing provisions which it itself lays down. If a committee's competence to draw up a report for which it has requested authorisation is challenged, the Conference of Presidents takes a decision within six weeks on the basis of a recommendation from the Conference of Committee Chairs, or, if no such recommendation is forthcoming, from its Chair. If the Conference of Presidents fails to take a decision within that period, the recommendation is declared to have been approved.*

2. Motions for resolutions contained in own-initiative reports shall be examined by Parliament under the short presentation procedure set out in Rule 139. Amendments to such motions for resolutions shall only be admissible for consideration in plenary if tabled by the rapporteur to take account of new information or by at least one-tenth of the Members of Parliament. Political groups may table alternative motions for resolutions in accordance with Rule 157(4). This paragraph shall not apply in cases where the subject of the report qualifies for a key debate in plenary, where the report is drawn up pursuant to the right of initiative referred to in Rule 41 or 42, or where the report can be considered a strategic report according to the criteria set out by the Conference of Presidents<sup>7</sup>.

3. Where the subject of the report comes under the right of initiative referred to in Rule 41, authorisation may be withheld only on the grounds that the conditions set out in the Treaties are not met.

4. In the cases referred to in Rule 41 and Rule 42, the Conference of Presidents shall take a decision within two months.

#### **Rule 49 Opinions of committees**

1. If the committee to which a matter was first referred wishes to hear the views of another committee, or if another committee wishes to make known its views on the report of the committee to which a matter was first referred, such committees may ask the President in accordance with Rule 188(3), for one committee to be named as the committee responsible and the other as the committee asked for an opinion.

2. In the case of documents of a legislative nature within the meaning of Rule 43(1), the opinion shall consist of amendments to the text referred to the committee accompanied where appropriate by short justifications. Such justifications shall be the responsibility of the rapporteur for the opinion and shall not be put to the vote. If necessary the committee asked for an opinion may submit a short written justification for the opinion taken as a whole.

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<sup>7</sup>See the relevant decision of the Conference of Presidents, reproduced in Annex XVIII to these Rules of Procedure.

In the case of non-legislative texts, the opinion shall consist of suggestions for parts of the motion for a resolution submitted by the committee responsible.

The committee responsible shall put these amendments or suggestions to the vote.

The opinions shall deal solely with those matters that fall within the areas of responsibility of the committee asked for an opinion.

3. The committee responsible shall set a deadline within which the committee asked for an opinion must deliver it if it is to be taken into account by the committee responsible. Any changes to the announced timetable shall be immediately communicated by the committee responsible to the committee(s) asked for an opinion. The committee responsible shall not reach its final conclusions before that time-limit has expired.

4. All adopted opinions shall be annexed to the report of the committee responsible.

5. Only the committee responsible may table amendments in plenary.

6. The Chair and rapporteur of the committee asked for an opinion shall be invited to take part in an advisory capacity in meetings of the committee responsible, insofar as these relate to the matter of common concern.

#### **Rule 50 Procedure with associated committees**

Where a question of competence is referred to the Conference of Presidents pursuant to Rules 188(2) or 48, and the Conference of Presidents, on the basis of Annex VII, considers that the matter falls almost equally within the competence of two or more committees, or that different parts of the matter fall within the competence of two or more committees, Rule 49 shall apply with the following additional provisions:

- the timetable shall be jointly agreed by the committees concerned;
- the rapporteurs concerned shall keep each other informed and shall endeavour to agree on the texts they propose to their committees and on their position regarding amendments;
- the Chairs and rapporteurs concerned shall jointly identify areas of the text falling within their exclusive or joint competence and agree on the precise arrangements for their cooperation. In the event of disagreement about the delimitation of competences the matter shall be submitted, at the request of one of the committees involved, to the Conference of Presidents, which may decide on the question of the respective competences or decide that the procedure with joint committee meetings under Rule 51 is to apply; the second subparagraph of Rule 188(2) shall apply *mutatis mutandis*;
- the committee responsible shall accept without a vote amendments from an associated committee where they concern matters which fall within the exclusive competence of the associated committee. If amendments on matters which fall within the joint competence of the committee responsible and an associated committee are rejected by the former, the latter may table those amendments directly in plenary;

- in the event of a conciliation procedure taking place on the proposal, Parliament's delegation shall include the rapporteur of any associated committee.

*The wording of this Rule does not lay down any limits to its scope. Requests for application of the procedure with associated committees concerning non-legislative reports based on Rules 48(1) and 119(1) and (2) are admissible.*

*For the purposes of examining international agreements under Rule 90, the procedure with associated committees set out in this Rule may not be applied in relation to the consent procedure under Rule 81.*

*The Conference of Presidents' decision to apply the procedure with associated committees applies at all stages of the procedure in question.*

*The rights attaching to the status of "committee responsible" are exercised by the lead committee. In exercising those rights, the lead committee must take due account of the prerogatives of the associated committee, and in particular must comply with the obligation to observe the principle of sincere cooperation as regards the timetable and respect the right of the associated committee to determine the amendments submitted in plenary which fall within its exclusive competence.*

*Should the lead committee disregard the prerogatives of the associated committee, decisions taken by the former remain valid but the latter may table amendments directly in plenary, within the limits of its exclusive competence.*

### **Rule 51 Procedure with joint committee meetings**

Where the conditions set out in Rule 49(1) and Rule 50 are fulfilled, the Conference of Presidents may, if it is satisfied that the matter is of major importance, decide that a procedure with joint meetings of committees and a joint vote is to be applied. In that event, the rapporteurs concerned shall draw up a single draft report, which shall be examined and voted on by the committees involved at joint meetings held under the joint chairmanship of the committee Chairs concerned. The committees involved may set up inter-committee working groups to prepare the joint meetings and votes.

### **Rule 52 Drafting of reports**

1. The explanatory statement shall be 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. If it fails to do so, the chair of the committee may delete the explanatory statement.
2. The report shall state the result of the vote taken on the report as a whole. In addition, if at least one third of the members present so request when the vote is taken, the report shall indicate how each member voted.
3. Where the committee's opinion is not unanimous the report shall also give a summary of the minority opinion. Minority opinions shall be expressed when the vote on the text as a whole is taken and may, at the request of their authors, be the subject of a written declaration not exceeding 200 words in length, annexed to the explanatory statement.

The Chair shall settle any disputes which may arise as a result of the application of these provisions.

4. On a proposal from its bureau, a committee may set a deadline within which the rapporteur must submit the draft report. This deadline may be extended or a new rapporteur appointed.

5. Once the deadline has expired, the committee may instruct its Chair 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.

## **CHAPTER 3 FIRST READING**

### **Committee stage**

#### **Rule 53 Modification of a proposal for a legislative act**

1. If the Commission informs Parliament or if the committee responsible becomes otherwise aware that the Commission intends to modify its proposal, the committee responsible shall postpone its examination of the matter until it has received the new proposal or the amendments of the Commission.

2. If the Council substantially modifies the proposal for a legislative act, the provisions of Rule 59 shall apply.

#### **Rule 54 Commission and Council position on amendments**

1. Before the committee responsible proceeds to the final vote on a proposal for a legislative act, it shall ask the Commission to state its position on all the amendments to the proposal adopted by the committee, and the Council to comment.

2. If the Commission is not in a position to make such a statement or declares that it is not prepared to accept all the amendments adopted by the committee, then the committee may postpone the final vote.

3. If appropriate, the position of the Commission shall be included in the report.

### **Plenary stage**

#### **Rule 55 Conclusion of first reading**

1. Parliament shall examine the proposal for a legislative act on the basis of the report drawn up by the committee responsible pursuant to Rule 45.

2. 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 amendments to the draft legislative resolution, then on the draft legislative resolution as a whole, which shall contain only a statement as to



whether Parliament approves, rejects or proposes amendments to the proposal for a legislative act and any procedural requests.

The first reading is concluded if the draft legislative resolution is adopted. If Parliament does not adopt the legislative resolution, the proposal shall be referred back to the committee responsible.

*All reports tabled under the legislative procedure should comply with Rules 37, 43 and 45. Any non-legislative motion for a resolution tabled by a committee should be in accordance with the referral procedures provided for in Rule 48 or 188.*

3. The text of the proposal as approved by Parliament and the accompanying resolution shall be forwarded to the Council and the Commission by the President as Parliament's position.

### **Rule 56 Rejection of a Commission proposal**

1. If a Commission proposal fails to secure a majority of the votes cast or if a motion for its rejection, which may be tabled by the committee responsible or by at least 40 Members, has been adopted, the President shall, before Parliament votes on the draft legislative resolution, ask the Commission to withdraw the proposal.

2. If the Commission does so, the President shall declare the procedure closed and shall inform the Council accordingly.

3. If the Commission does not withdraw its proposal, Parliament shall refer the matter back to the committee responsible without voting on the draft legislative resolution, unless Parliament, on a proposal of the Chair or rapporteur of the committee responsible or of a political group or at least 40 Members, proceeds to vote on the draft legislative resolution.

In the event of referral back, the committee responsible shall decide on the procedure to be followed and shall, orally or in writing, report back to Parliament within a period decided by Parliament which may not exceed two months.

*Following a referral back to committee pursuant to paragraph 3, the lead committee must, before taking a decision on the procedure to be followed, allow an associated committee, as provided for in Rule 50, to make choices as to the amendments which fall within its exclusive competence, and in particular to choose which amendments are to be resubmitted in plenary.*

*The time-limit laid down in the second subparagraph of paragraph 3 applies to the tabling in writing, or the oral presentation, of the report of the committee responsible. It does not apply to Parliament's decision as to the appropriate juncture at which to continue consideration of the procedure in question.*

4. If the committee responsible is unable to meet the deadline, it shall request referral back to committee pursuant to Rule 175(1). If necessary, Parliament may set a new time-limit pursuant to Rule 175(5). If the committee's request is not accepted, Parliament shall proceed to the vote on the draft legislative resolution.

## **Rule 57 Adoption of amendments to 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, it shall inform the President 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. If the Commission announces that it does not intend to adopt all Parliament's amendments, the rapporteur of the committee responsible, or else the Chair of that committee, shall make a formal proposal to Parliament as to whether the vote on the draft legislative resolution should proceed. Before submitting this proposal, the rapporteur or Chair of the committee responsible may ask the President to suspend consideration of the item.

If Parliament decides 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 to Parliament within a period decided by Parliament which may not exceed two months.

If the committee responsible is unable to meet the deadline, the procedure provided for in Rule 56(4) shall be applied.

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

3. Application of paragraph 2 does not preclude a request for referral being tabled by other Members pursuant to Rule 175.

*A committee to which a matter has been referred back under paragraph 2 is principally required under the terms of that referral to report within the deadline given and, where appropriate, to table amendments seeking to reach a compromise with the Commission, but not to reconsider all the provisions approved by Parliament.*

*However, within these terms of reference, in view of the suspensory effect of the referral, the committee enjoys a greater degree of freedom and may, where necessary in the interests of the compromise, propose reconsidering provisions which received a favourable vote in Parliament.*

*In such cases, in view of the fact that the only admissible amendments from the committee are those seeking to reach a compromise, and with a view to preserving Parliament's sovereignty, the report referred to in paragraph 2 must clearly state which provisions already approved would fall if the proposed amendments were adopted.*

## **Follow-up procedure**

### **Rule 58 Follow-up to Parliament's position**

1. In the period following the adoption by Parliament of its position on a proposal by the Commission, the Chair and the rapporteur of the committee responsible shall monitor the progress of the proposal over the course of the procedure leading to its adoption by the Council, in particular to ensure that the undertakings given by the Council or the Commission to Parliament concerning its position are properly observed.
2. The committee responsible may invite the Commission and the Council to discuss the matter with it.
3. At any stage of the follow-up procedure the committee responsible may, if it deems it necessary, table a motion for a resolution under this Rule recommending that Parliament:
  - call upon the Commission to withdraw its proposal, or
  - call upon the Commission or the Council to refer the matter to Parliament once again pursuant to Rule 59, or upon the Commission to present a new proposal, or
  - decide to take such other action as it deems appropriate.

This motion shall be placed on the draft agenda of the part-session following the decision by the committee.

### **Rule 59 Renewed referral to Parliament**

#### Ordinary legislative procedure

1. The President shall, at the request of the committee responsible, ask the Commission to refer its proposal again to Parliament in cases:
  - where the Commission withdraws its initial proposal after Parliament has adopted its position, in order to replace it with another text, except where this is done in order to take account of Parliament's position; or
  - where the Commission substantially amends or intends to amend its initial proposal, except where this is done in order to take account of Parliament's position; or
  - where, through the passage of time or changes in circumstances, the nature of the problem with which the proposal is concerned substantially changes; or
  - where new elections to Parliament have taken place since it adopted its position, and the Conference of Presidents considers it desirable.
2. Parliament shall, at the request of the committee responsible, ask the Council to refer again to Parliament a proposal submitted by the Commission pursuant to Article 294 of the Treaty on the Functioning of the European Union,

where the Council intends to modify the legal basis of the proposal with the result that the ordinary legislative procedure will no longer apply.

Other procedures

3. At the request of the committee responsible, the President shall call on the Council to reconsult Parliament in the same circumstances and under the same conditions as those set out in paragraph 1, and also where the Council substantially amends or intends to amend the proposal on which Parliament originally delivered its opinion, except where this is done in order to incorporate Parliament's amendments.

4. The President shall also request that a proposal for an act be referred again to Parliament in the circumstances defined in this Rule where Parliament so decides on a proposal from a political group or at least 40 Members.

**Rule 60 Deleted**

## **CHAPTER 4 SECOND READING**

**Committee stage**

**Rule 61 Communication of the Council's position**

1. Communication of the Council's position pursuant to Article 294 of the Treaty on the Functioning of the European Union takes place when it is announced by the President in Parliament. The President shall make the announcement after receiving the documents which contain the position itself, all declarations made in the Council minutes when it adopted the position, the reasons which led the Council to adopt its position, and the Commission's position, duly translated into the official languages of the European Union. The President's announcement shall be made during the part-session following the receipt of such documents.

*Before making the announcement, the President establishes, after consulting the Chair of the committee responsible and/or the rapporteur, that the text received is indeed a Council's first reading position and that the circumstances described in Rule 59 do not apply. Failing this, the President, together with the committee responsible and, where possible, in agreement with the Council, seeks an appropriate solution.*

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

**Rule 62 Extension of time limits**

1. The President shall, at the request of the Chair of the committee responsible in the case of time-limits for second reading, or at the request of Parliament's conciliation delegation in the case of time-limits for conciliation, extend

the limits in question in accordance with Article 294(14) of the Treaty on the Functioning of the European Union.

2. The President shall notify Parliament of any extension of time limits under Article 294(14) of the Treaty on the Functioning of the European Union, whether on the initiative of Parliament or of the Council.

### **Rule 63 Referral to and procedure in the committee responsible**

1. On the day of its communication to Parliament pursuant to Rule 61(1), the Council's 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 Council's position shall be entered as the first item on the agenda of the first meeting of the committee responsible following the date of its communication. The Council may be invited to present its position.

3. Unless otherwise decided, the rapporteur at second reading shall be the same as at first reading.

4. The provisions for Parliament's second reading in Rule 66(2), (3) and (5) shall apply to the proceedings in the committee responsible; only members or permanent substitutes of that committee may table proposals for rejection and amendments. The committee shall decide by a majority of the votes cast.

5. Before voting, the committee may request the Chair and rapporteur to discuss amendments that have been tabled in the committee with the President of the Council or the latter's representative and with the Commissioner responsible present. The rapporteur may table compromise amendments following such discussion.

6. The committee responsible shall submit a recommendation for second reading proposing the approval, amendment or rejection of the position adopted by the Council. The recommendation shall include a short justification for the decision proposed.

### **Plenary stage**

### **Rule 64 Conclusion of second reading**

1. The Council's position and, where available, the recommendation for second reading of the committee responsible shall automatically be placed on the draft agenda for the part-session whose Wednesday falls before and closest to the day of expiry of the period of three months or, if extended in accordance with Rule 62, of four months, unless the matter has been dealt with at an earlier part-session.

*The recommendations for second reading submitted by parliamentary committees are equivalent to an explanatory statement in which the committee justifies its position in relation to the Council's position. There is no vote on these texts.*

2. The second reading shall be concluded when Parliament approves, rejects or amends the Council's position within the time limits and in accordance with the conditions laid down by Article 294 of the Treaty on the Functioning of the European Union.

### **Rule 65 Rejection of the Council's position**

1. The committee responsible, a political group or at least 40 Members may, in writing and before a deadline set by the President, table a proposal to reject the Council's position. Such a proposal shall require for adoption the votes of a majority of the component Members of Parliament. A proposal to reject the Council's position shall be voted on before voting on any amendments.
2. Notwithstanding a vote by Parliament against the initial proposal to reject the Council's 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 66(5).
3. If the Council's position is rejected, the President shall announce in Parliament that the legislative procedure is closed.

### **Rule 66 Amendments to the Council's position**

1. The committee responsible, a political group or at least 40 Members may table amendments to the Council's position for consideration in Parliament.
2. An amendment to the Council's position shall be admissible only if it complies with Rules 156 and 157 and seeks:
  - a) to restore wholly or partly the position adopted by Parliament at its first reading; or
  - b) to reach a compromise between the Council and Parliament; or
  - c) to amend a part of the text of a Council's position which was not included in - or differs in content from - the proposal submitted at first reading and which does not amount to a substantial change within the meaning of Rule 59; or
  - d) to take account of a new fact or legal situation which has arisen since the first reading.

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

3. If new elections have taken place since the first reading, but Rule 59 has not been invoked, the President may decide to waive the restrictions on admissibility laid down in paragraph 2.
4. An amendment shall be adopted only if it secures the votes of a majority of the component Members of Parliament.
5. Before voting on the amendments, the President may ask the Commission to state its position and the Council to comment.

## **CHAPTER 5 THIRD READING**

### **Conciliation**

#### **Rule 67 Convening of the Conciliation Committee**

Where the Council informs Parliament that it is unable to approve all Parliament's amendments to the Council's position, the President shall, together with the Council, agree to a time and place for a first meeting of the Conciliation Committee. The six-week or, if extended, eight-week deadline provided for in Article 294(10) of the Treaty on the Functioning of the European Union shall run from the day on which the Committee first meets.

#### **Rule 68 Delegation to the Conciliation Committee**

1. Parliament's delegation to the Conciliation Committee shall consist of a number of members equal to the number of members of the Council delegation.
2. The political composition of the delegation shall correspond to the composition of Parliament by political groups. The Conference of Presidents shall determine the exact number of Members from each political group.
3. The members of the delegation shall be appointed by the political groups for each conciliation case, preferably from among the members of the committees concerned, except for three members who shall be appointed as permanent members of successive delegations for a period of 12 months. The three permanent members shall be appointed by the political groups from among the Vice-Presidents and shall represent at least two different political groups. The chair and the rapporteur of the committee responsible in each case shall be members of the delegation.
4. The political groups represented on the delegation shall appoint substitutes.
5. Political groups and non-attached Members not represented on the delegation may each send one representative to any internal preparatory meeting of the delegation.
6. The delegation shall be led by the President or by one of the three permanent members.
7. The delegation shall decide by a majority of its members. Its deliberations shall not be public.

The Conference of Presidents shall lay down further procedural guidelines for the work of the delegation to the Conciliation Committee.

8. The results of the conciliation shall be reported by the delegation to Parliament.

## **Plenary stage**

### **Rule 69 Joint text**

1. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall be placed on the agenda of a sitting of Parliament to be held within six or, if extended, eight weeks of the date of approval of the joint text by the Conciliation Committee.
2. The Chair or another designated member of Parliament's delegation to the Conciliation Committee shall make a statement on the joint text, which shall be accompanied by a report.
3. No amendments may be tabled to the joint text.
4. The joint text as a whole shall be the subject of a single vote. The joint text shall be approved if it secures a majority of the votes cast.
5. If no agreement is reached on a joint text within the Conciliation Committee, the Chair or another designated member of Parliament's delegation to the Conciliation Committee shall make a statement. This statement shall be followed by a debate.

## **CHAPTER 6 CONCLUSION OF THE LEGISLATIVE PROCEDURE**

### **Rule 70 Interinstitutional negotiations in legislative procedures**

1. Negotiations with the other institutions aimed at reaching an agreement in the course of a legislative procedure shall be conducted having regard to the Code of Conduct for negotiating in the context of the ordinary legislative procedure<sup>8</sup>.
2. Before entering into such negotiations, the committee responsible should, in principle, take a decision by a majority of its members and adopt a mandate, orientations or priorities.
3. If the negotiations lead to a compromise with the Council following the adoption of the report by the committee, the committee shall in any case be reconsulted before the vote in plenary.

### **Rule 71 First-reading agreement**

Where, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union, the Council has informed Parliament that it has approved Parliament's position, the President, following finalisation in accordance with Rule 180, shall announce in Parliament that the proposal has been adopted in the wording which corresponds to the position of Parliament.

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<sup>8</sup>See Annex XXI.



## **Rule 72 Second-reading agreement**

Where no motion to reject the Council's position, and no amendments to that position, are adopted under Rules 65 and 66 within the time limits set for tabling and voting on amendments or proposals to reject, the President shall announce in Parliament that the proposed act has been finally adopted. He shall, with the President of the Council, sign the proposed act and arrange for its publication in the Official Journal of the European Union, in accordance with Rule 74.

## **Rule 73 Requirements for the drafting of legislative acts**

1. Acts adopted jointly by Parliament and the Council in accordance with the ordinary legislative procedure shall indicate the nature of the relevant act followed by the serial number, the date of its adoption and an indication of its subject-matter.

2. Acts adopted jointly by Parliament and the Council shall contain the following:

- a) "The European Parliament and the Council of the European Union";
- b) a reference to the provisions under which the act is adopted, preceded by the words "Having regard to";
- c) a citation containing a reference to proposals submitted, opinions obtained and consultations held;
- d) a statement of the reasons on which the act is based, introduced by the word "Whereas";
- e) a phrase such as "have adopted this Regulation" or "have adopted this Directive" or "have adopted this Decision" or "have decided as follows", followed by the body of the act.

3. Acts shall be divided into articles, if appropriate grouped into chapters and sections.

4. The last article of an act shall specify the date of entry into force, where that date is before or after the twentieth day following publication.

5. The last article of an act shall be followed by:

- the appropriate formulation, according to the relevant provisions of the Treaties, as to its applicability;
- "Done at...", followed by the date on which the act was adopted;
- "For the European Parliament The President", "For the Council The President", followed by the name of the President of Parliament and of the President-in-Office of the Council at the time when the act was adopted.

## **Rule 74 Signing of adopted acts**

After finalisation of the text adopted in accordance with Rule 180 and once it has been verified that all the procedures have been duly completed, acts adopted in accordance with the ordinary legislative procedure shall be signed by the President and the Secretary-General and shall be published in the Official Journal of the European Union by the Secretaries-General of Parliament and of the Council.

## **CHAPTER 6a CONSTITUTIONAL MATTERS**

### **Rule 74a Ordinary Treaty revision**

1. In accordance with Rules 41 and 48 the committee responsible may submit to Parliament a report containing proposals to the Council for amendment of the Treaties.
2. Where Parliament is consulted, in accordance with Article 48(3) of the Treaty on European Union, on a proposal for a decision of the European Council in favour of examining amendments to the Treaties, the matter shall be referred to the committee responsible. The committee shall draw up a report comprising:
  - a motion for a resolution which states whether Parliament approves or rejects the proposed decision and which may contain proposals for the attention of the Convention or of the conference of representatives of the governments of the Member States;
  - if appropriate, an explanatory statement.
3. If the European Council decides to convene a Convention, the representatives of Parliament shall be appointed by Parliament upon a proposal by the Conference of Presidents.

Parliament's delegation shall elect its leader and its candidates for membership of any steering group or bureau set up by the Convention

4. Where the European Council requests Parliament's consent in relation to a decision not to convene a Convention for the examination of proposed amendments of the Treaties, the matter shall be referred to the committee responsible in accordance with Rule 81.

### **Rule 74b Simplified Treaty revision**

1. In accordance with Rules 41 and 48 the committee responsible may submit to Parliament, in accordance with the procedure laid down in Article 48(6) of the Treaty on European Union, a report containing proposals to the European Council for revision of all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union.
2. Where Parliament is consulted, in accordance with Article 48(6) of the Treaty on European Union, on a proposal for a decision of the European Council amending Part Three of the Treaty on the Functioning of the European Union, Rule 74a(2) shall apply *mutatis mutandis*. In that event, the motion for a resolution may contain proposals for amendments only of provisions of Part Three of the Treaty on the Functioning of the European Union.

### **Rule 74c Accession treaties**

1. Any application by a European State to become a member of the European Union shall be referred for consideration to the committee responsible.

2. Parliament may decide, on a proposal from the committee responsible, a political group or at least 40 Members, to request the Commission and the Council to take part in a debate before negotiations with the applicant State commence.
3. Throughout the negotiations the Commission and the Council shall inform the committee responsible regularly and fully of their progress, if necessary on a confidential basis.
4. At any stage of the negotiations Parliament may, on the basis of a report from the committee responsible, adopt recommendations and require these to be taken into account before the conclusion of a Treaty for the accession of an applicant State to the European Union.
5. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for consent in accordance with Rule 81.

#### **Rule 74d Withdrawal from the Union**

If a Member State decides, pursuant to Article 50 of the Treaty on European Union, to withdraw from the Union, the matter shall be referred to the committee responsible. Rule 74c shall apply *mutatis mutandis*. Parliament shall decide on consent to an agreement on the withdrawal by a majority of the votes cast.

#### **Rule 74e Breach by a Member State of fundamental principles**

1. Parliament may, on the basis of a specific report of the committee responsible drawn up in accordance with Rules 41 and 48:
  - a) vote on a reasoned proposal calling on the Council to act pursuant to Article 7(1) of the Treaty on European Union;
  - b) vote on a proposal calling on the Commission or the Member States to submit a proposal pursuant to Article 7(2) of the Treaty on European Union;
  - c) vote on a proposal calling on the Council to act pursuant to Article 7(3) or, subsequently, Article 7(4) of the Treaty on European Union.
2. Any request from the Council for consent in relation to a proposal submitted pursuant to Article 7(1) and (2) of the Treaty on European Union along with the observations submitted by the Member State in question shall be announced to Parliament and referred to the committee responsible in accordance with Rule 81. Except in urgent and justified circumstances, Parliament shall take its decision on a proposal from the committee responsible.
3. Decisions under paragraphs 1 and 2 shall require a two-thirds majority of the votes cast, constituting a majority of Parliament's component Members.
4. Subject to the authorisation of the Conference of Presidents, the committee responsible may submit an accompanying motion for a resolution. That motion for a resolution shall set out Parliament's views on a serious breach by a Member State, on the appropriate sanctions and on varying or revoking those sanctions.
5. The committee responsible shall ensure that Parliament is fully informed and, where necessary, asked for its views on all follow-up measures to its consent as

given pursuant to paragraph 3. The Council shall be invited to outline developments as appropriate. On a proposal from the committee responsible, drawn up with the authorisation of the Conference of Presidents, Parliament may adopt recommendations to the Council.

#### **Rule 74f Composition of Parliament**

In due time before the end of a parliamentary term, Parliament may, on the basis of a report drawn up by its committee responsible in accordance with Rule 41, make a proposal to modify its composition. The European Council's draft decision establishing the composition of Parliament shall be examined in accordance with Rule 81.

#### **Rule 74g Enhanced cooperation between Member States**

1. Requests for the introduction of enhanced cooperation between Member States pursuant to Article 20 of the Treaty on European Union shall be referred by the President to the committee responsible for consideration. Rules 37, 38, 39, 43, 53 to 59 and 81 shall apply as appropriate.
2. The committee responsible shall verify compliance with Article 20 of the Treaty on European Union and Articles 326 to 334 of the Treaty on the Functioning of the European Union.
3. Acts subsequently proposed under enhanced cooperation, once it is established, shall be dealt with in Parliament under the same procedures as when enhanced cooperation does not apply. Rule 43 shall apply.

### **CHAPTER 7 BUDGETARY PROCEDURES**

#### **Rule 75 Multiannual financial framework**

Where the Council requests Parliament's consent concerning the proposal for a regulation laying down the multiannual financial framework, the matter shall be referred to the committee responsible in accordance with the procedure laid down in Rule 81. Parliament's consent shall require the votes of a majority of its component Members.

#### **Rule 75a Working documents**

1. The following documents shall be made available to Members:
  - a) the draft budget presented by the Commission;
  - b) a summary by the Council of its deliberations on the draft budget;
  - c) the Council's position on the draft budget drawn up pursuant to Article 314(3) of the Treaty on the Functioning of the European Union;
  - d) any draft decision on the provisional twelfths pursuant to Article 315 of the Treaty on the Functioning of the European Union.
2. Those documents shall be referred to the committee responsible. Any committee concerned may deliver an opinion.

3. If other committees wish to deliver opinions, the President shall set the time limit within which these are to be communicated to the committee responsible.

### **Rule 75b Consideration of the draft budget - first stage**

1. Subject to the conditions set out below, any Member may table and speak in support of draft amendments to the draft budget.

2. Draft amendments shall be admissible only if they are presented in writing, bear the signatures of at least 40 Members or are tabled on behalf of a political group or committee, specify the budget heading to which they refer and ensure the maintenance of a balance between revenue and expenditure. Draft amendments shall include all relevant information on the remarks to be entered against the budget heading in question.

All draft amendments to the draft budget must be justified in writing.

3. The President shall set the time limit for the tabling of draft amendments.

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

Draft amendments which have been rejected in the committee responsible shall not be put to the vote in Parliament unless this has been requested in writing, before a deadline to be set by the President, by a committee or at least 40 Members; that deadline may on no account be less than 24 hours before the start of the vote.

5. Draft amendments to the estimates of Parliament which are similar to those already rejected by Parliament at the time when the estimates were drawn up shall be discussed only where the committee responsible has delivered a favourable opinion.

6. Notwithstanding Rule 55(2), Parliament shall take separate and successive votes on:

- each draft amendment,
- each section of the draft budget,
- a motion for a resolution concerning the draft budget.

However, Rule 161(4) to (8) shall apply.

7. Articles, chapters, titles and sections of the draft budget in respect of which no draft amendments have been tabled shall be deemed adopted.

8. Draft amendments shall require for adoption the votes of a majority of the component Members of Parliament.

9. If Parliament has amended the draft budget, the draft budget thus amended shall be forwarded to the Council and the Commission, together with the justifications.

10. The minutes of the sitting at which Parliament delivered its opinion on the draft budget shall be forwarded to the Council and the Commission.

### **Rule 75c Financial trilogue**

The President shall participate in regular meetings between the Presidents of the European Parliament, the Council and the Commission convened, on the initiative of the Commission, under the budgetary procedures referred to in Title II of Part Six of the Treaty on the Functioning of the European Union. The President shall take all necessary steps to promote consultation and reconciliation of the positions of the institutions in order to facilitate the implementation of the procedures aforementioned.

The President of Parliament may delegate this task to a Vice-President having experience in budgetary matters or to the Chair of the committee responsible for budgetary issues.

### **Rule 75d Budgetary conciliation**

1. The President shall convene the Conciliation Committee in accordance with Article 314(4) of the Treaty on the Functioning of the European Union.
2. The delegation representing Parliament at meetings of the Conciliation Committee in the budgetary procedure shall consist of a number of members equal to that of the Council delegation.
3. The members of the delegation shall be appointed by the political groups each year prior to Parliament's vote on the Council's position, preferably from amongst the members of the committee responsible for budgetary issues and other committees concerned. The delegation shall be led by the President of Parliament. The President may delegate this role to a Vice-President having experience in budgetary matters or to the Chair of the committee responsible for budgetary issues.
4. Rule 68(2), (4), (5), (7) and (8) shall apply.
5. Where agreement on a joint text is reached within the Conciliation Committee, the matter shall be placed on the agenda of a sitting of Parliament to be held within 14 days from the date of that agreement. The joint text shall be made available to all Members. Rule 69(2) and (3) shall apply.
6. The joint text as a whole shall be subject to a single vote. The vote shall be taken by a roll-call vote. The joint text shall be deemed to be approved unless it is rejected by a majority of the component Members of the Parliament.
7. If Parliament approves the joint text whilst the Council rejects it, the committee responsible may table all or some of Parliament's amendments to the Council's position for a confirmation in accordance with point (d) of Article 314(7) of the Treaty on the Functioning of the European Union.

The vote on the confirmation shall be placed on the agenda of a sitting of Parliament to be held within 14 days from the date of the communication by the Council of its rejection of the joint text.

The amendments shall be deemed to be confirmed if they are approved by a majority of the component Members of Parliament and three fifths of the votes cast.

### **Rule 75e Definitive adoption of the budget**

Where the President is satisfied that the budget has been adopted in accordance with the provisions of Article 314 of the Treaty on the Functioning of the European Union, he shall declare in Parliament that the budget has been definitively adopted. He shall arrange for its publication in the Official Journal of the European Union.

### **Rule 75f Provisional twelfths system**

1. Any decision by the Council authorising expenditure in excess of the provisional one twelfth for expenditure shall be referred to the committee responsible.
2. The committee responsible may table a draft decision to reduce the expenditure referred to in paragraph 1. Parliament shall decide on it within 30 days after the adoption of the Council's decision.
3. Parliament shall act by a majority of its component Members.

### **Rule 76 Discharge to the Commission in respect of implementation of the budget**

The provisions concerning the procedures for implementing the decision on the granting of discharge to the Commission in respect of the implementation of the budget in accordance with the financial provisions of the Treaty on the Functioning of the European Union and the Financial Regulation are attached to these Rules as an annex<sup>9</sup>. This annex shall be adopted in accordance with Rule 212(2).

### **Rule 77 Other discharge procedures**

The provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget shall likewise apply to the procedure for granting discharge to:

- the President of the European Parliament in respect of the implementation of the budget of the European Parliament;
- the persons responsible for the implementation of the budgets of other institutions and bodies of the European Union such as the Council (as regards its activity as executive), the Court of Justice of the European Union, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions;
- the Commission in respect of the implementation of the budget of the European Development Fund;
- the bodies responsible for the budgetary management of legally independent entities which carry out Union tasks, insofar as their activities are subject to legal provisions requiring discharge by the European Parliament.

### **Rule 78 Parliamentary control over implementation of the budget**

1. Parliament shall monitor the implementation of the current year's budget. It shall entrust this task to the committees responsible for the budget and budgetary control and to the other committees concerned.

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<sup>9</sup>See Annex VI.

2. Each year it shall consider, before the first reading of the draft budget for the following financial year, the problems involved in the implementation of the current budget, where appropriate on the basis of a motion for a resolution tabled by its committee responsible.

## **CHAPTER 8 INTERNAL BUDGETARY PROCEDURES**

### **Rule 79 Estimates of Parliament**

1. The Bureau shall draw up the preliminary draft estimates on the basis of a report prepared by the Secretary-General.

2. The President shall forward the preliminary draft estimates to the committee responsible, which shall draw up the draft estimates and report to Parliament.

3. The President shall set a time limit for tabling amendments to the draft estimates.

The committee responsible shall give its opinion on these amendments.

4. Parliament shall adopt the estimates.

5. The President shall forward the estimates to the Commission and the Council.

6. The foregoing provisions shall also apply to estimates for amending budgets.

### **Rule 79a Procedure to be applied when drawing up Parliament's estimates**

1. As regards Parliament's budget, the Bureau and the committee responsible for budgetary issues shall take decisions in successive stages on:

- a) the establishment plan;
- b) the preliminary draft and the draft estimates.

2. The decisions concerning the establishment plan will be taken in accordance with the following procedure:

- a) the Bureau shall draw up the establishment plan for each financial year;
- b) a conciliation procedure between the Bureau and the committee responsible for budgetary issues shall be opened in cases where the opinion of the latter diverges from the initial decisions taken by the Bureau;
- c) at the end of the procedure, the Bureau shall take the final decision on the estimates for the establishment plan, in accordance with Rule 207(3), without prejudice to decisions taken pursuant to Article 314 of the Treaty on the Functioning of the European Union.

3. As regards the estimates proper, the procedure for drawing up the estimates will begin as soon as the Bureau has taken a final decision on the establishment plan. The stages of that procedure will be those laid down in Rule 79. A



conciliation procedure shall be opened in cases where the positions of the committee responsible for budgetary issues and of the Bureau are widely divergent.

#### **Rule 80 Power to incur and settle expenditure**

1. The President shall incur and settle, or cause to be incurred and settled, the expenditure covered by the internal financial regulations issued by the Bureau after consulting the appropriate committee.
2. The President shall forward the draft annual accounts to the committee responsible.
3. On the basis of a report by the committee responsible, Parliament shall approve its accounts and decide on the granting of a discharge.

### **CHAPTER 9 CONSENT PROCEDURE**

#### **Rule 81 Consent procedure**

1. Where Parliament is asked to give its consent to a proposed act, it shall take a decision on the basis of a recommendation from the committee responsible to approve or reject the act.

Parliament shall take a decision on the act requiring its consent under the Treaty on European Union or the Treaty on the Functioning of the European Union by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the consent shall be the majority indicated in the article of the Treaty on European Union or the Treaty on the Functioning of the European Union that constitutes the legal basis for the proposed act.

2. In the case of accession treaties and international agreements and determination of a serious and persistent breach of common principles by a Member State, Rules 74c, 74e and 90 shall apply respectively. For an enhanced cooperation procedure in an area covered by the ordinary legislative procedure, Rule 74g shall apply.
3. Where Parliament's consent is required for a proposed legislative act or an envisaged international agreement, the committee responsible may decide, in the interests of achieving a positive outcome of the procedure, to present an interim report on the proposal to Parliament including a motion for a resolution containing recommendations for modification or implementation of the proposed act.

### **CHAPTER 10 Deleted**

#### **Rule 82 Deleted**

## **CHAPTER 11 OTHER PROCEDURES**

### **Rule 83 Procedure for delivering opinions pursuant to Article 140 of the Treaty on the Functioning of the European Union**

1. When Parliament is consulted on Council recommendations pursuant to Article 140(2) of the Treaty on the Functioning of the European Union, it shall, after the Council has presented those recommendations in plenary, deliberate on the basis of a proposal submitted orally or in writing by its committee responsible and advocating approval or rejection of the recommendations on which Parliament has been consulted.
2. Parliament shall then take a single collective vote on the recommendations, to which no amendments may be tabled.

### **Rule 84 Procedures relating to dialogue between management and labour**

1. Any document drawn up by the Commission pursuant to Article 154 of the Treaty on the Functioning of the European Union or agreements reached by management and labour pursuant to Article 155(1) of the Treaty, and any proposals submitted by the Commission under Article 155(2) of the Treaty shall be referred by the President to the committee responsible for consideration.
2. Where management and labour inform the Commission of their wish to initiate the process provided for in Article 155 of the Treaty on the Functioning of the European Union, the committee responsible may draw up a report on the substantive issue in question.
3. Where management and labour have reached an agreement and have requested jointly that the agreement be implemented by a Council decision on a proposal from the Commission under Article 155(2) of the Treaty on the Functioning of the European Union, the committee responsible shall table a motion for a resolution recommending the adoption or rejection of the request.

### **Rule 85 Procedures for scrutiny of voluntary agreements**

1. Where the Commission informs Parliament of its intention to explore the use of voluntary agreements as an alternative to legislation, the committee responsible may draw up a report on the substantive issue in question pursuant to Rule 48.
2. When the Commission announces that it intends to enter into a voluntary agreement, the committee responsible may table a motion for a resolution recommending approval or rejection of the proposal, and under what conditions.

### **Rule 86 Codification**

1. When a proposal for codification of Union legislation is submitted to Parliament, it shall be referred to the committee responsible for legal affairs. The latter shall examine it in accordance with the arrangements agreed at interinstitutional

level<sup>10</sup> in order to ascertain that it is a straightforward codification, with no changes of a substantive nature.

2. The committee which was responsible for the acts to be codified may, at its own request or at the request of the committee responsible for legal affairs, be asked to deliver an opinion on the desirability of codification.

3. Amendments to the text of the proposal shall be inadmissible.

However, at the rapporteur's request, the Chair of the committee responsible for legal affairs may submit for the latter's approval, amendments relating to technical adaptations, provided that those adaptations are necessary in order to ensure that the proposal complies with the codification rules and that they do not involve any substantive change to the proposal.

4. If the committee responsible for legal affairs concludes that the proposal does not entail any substantive change to Union legislation, it shall refer it to Parliament for approval.

If the committee takes the view that the proposal entails a substantive change, it shall propose that Parliament reject the proposal.

In either case, Parliament shall take a decision by means of a single vote, without amendment or debate.

### **Rule 87 Recasting**

1. When a proposal recasting Union legislation is submitted to Parliament, that proposal shall be referred to the committee responsible for legal affairs and to the committee responsible for the subject-matter.

2. The committee responsible for legal affairs shall examine the proposal in accordance with the arrangements agreed at interinstitutional level<sup>11</sup> with a view to checking that it entails no substantive changes other than those identified as such in the proposal.

For the purpose of that examination, amendments to the text of the proposal shall be inadmissible. However, the second subparagraph of Rule 86(3) shall apply to provisions which remain unchanged in the recasting proposal.

3. If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

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<sup>10</sup>Interinstitutional Agreement of 20 December 1994, Accelerated working method for official codification of legislative texts, point 4 (OJ C 102, 4.4.1996, p. 2).

<sup>11</sup>Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, point 9 (OJ C 77, 28.3.2002, p. 1).

However, if in accordance with point 8 of the Interinstitutional Agreement the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal.

4. If the committee responsible for legal affairs considers that the proposal entails substantive changes other than those which have been identified as such in the proposal, it shall propose that Parliament reject the proposal and shall inform the committee responsible for the subject-matter that it has done so.

In such a case the President shall ask the Commission to withdraw the proposal. If the Commission does so, the President shall hold the procedure to be superfluous and shall inform the Council accordingly. If the Commission does not withdraw its proposal, Parliament shall refer the matter back to the committee responsible for the subject-matter, which shall consider it in accordance with the normal procedure.

#### **Rule 87a Delegated acts**

Where a legislative act delegates to the Commission the power to supplement or amend certain non-essential elements of a legislative act, the committee responsible:

- shall examine any draft delegated act where it is transmitted to Parliament for scrutiny;
- may submit to Parliament in a motion for a resolution any appropriate proposal in accordance with the provisions of the legislative act.

The provisions of Rule 88(1), (2) and (3) shall apply *mutatis mutandis*.

#### **Rule 88 Implementing measures**

1. When the Commission forwards a draft of implementing measures to Parliament, the President shall refer the draft of measures to the committee responsible for the act from which the implementing measures derive. If the procedure with associated committees was applied with regard to the basic act, the committee responsible shall invite each of the associated committees to state its views orally or by letter.

2. The Chair of the committee responsible shall set a deadline for Members to propose that the committee object to the draft of measures. If the committee considers it to be appropriate, it may decide to appoint a rapporteur from among its members or permanent substitutes. If the committee objects to the draft of measures, it shall table a motion for a resolution opposing the adoption of the draft of measures which may also indicate the changes that should be made to the draft of measures.

If, within the applicable deadline calculated from the date of receipt of the draft of measures, Parliament adopts such a resolution the President shall ask the Commission to withdraw or amend the draft of measures or submit a proposal under the appropriate legislative procedure.

3. If there is no part-session before the deadline expires, the right of response shall be deemed to have been delegated to the committee responsible. This response

shall take the form of a letter from the committee chair to the Member of the Commission responsible, and shall be brought to the attention of all Members of Parliament.

4. If the implementing measures envisaged by the Commission fall under the regulatory procedure with scrutiny, paragraph 3 shall not apply and paragraphs 1 and 2 shall be supplemented as follows:

- a) the time for scrutiny shall start to run when the draft of measures has been submitted to Parliament in all the official languages. Where shorter time-limits apply (Article 5a(5)(b) of Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission) and in cases of urgency (Article 5a(6) of Decision 1999/468/EC), the time for scrutiny shall, unless the Chair of the committee responsible objects, start to run from the date of receipt by Parliament of the final draft implementing measures in the language versions submitted to the members of the committee set up in accordance with Decision 1999/468/EC. Rule 146 shall not apply in this case;
- b) Parliament, acting by a majority of its component Members, may oppose the adoption of the draft of measures, justifying its opposition by indicating that the draft of measures exceeds the implementing powers provided for in the basic instrument, is not compatible with the aim or the content of the basic instrument or does not respect the principles of subsidiarity or proportionality;
- c) if the draft of measures is based on paragraph 5 or 6 of Article 5a of Decision 1999/468/EC, which prescribes curtailed time limits for opposition by Parliament, a motion for a resolution opposing the adoption of the draft of measures may be tabled by the Chair of the committee responsible if that committee has not been able to meet in the time available.

## TITLE IIA EXTERNAL RELATIONS

### CHAPTER 12 INTERNATIONAL AGREEMENTS

#### Rule 89 Deleted

#### Rule 90 International agreements

1. When it is intended to open negotiations on the conclusion, renewal or amendment of an international agreement, the committee responsible may decide to draw up a report or otherwise monitor the procedure and inform the Conference of Committee Chairs of that decision. Where appropriate, other committees may be asked for an opinion pursuant to Rule 49(1). Rules 188(2), 50 or 51 shall apply where appropriate.

The Chairs and rapporteurs of the committee responsible and of any associated committees shall jointly take appropriate action to ensure that Parliament is provided with immediate, regular and full information, if necessary on a confidential basis, at all stages of the negotiation and conclusion of international agreements, including the draft and the finally adopted text of negotiating directives, and with the information referred to in paragraph 3,

- by the Commission in accordance with its obligations under the Treaty on the Functioning of the European Union and its commitments under the Framework Agreement on relations between the European Parliament and the European Commission, and
- by the Council in accordance with its obligations under the Treaty on the Functioning of the European Union.

2. Parliament may, on a proposal from the committee responsible, a political group or at least 40 Members, ask the Council not to authorise the opening of negotiations until Parliament has stated its position on the proposed negotiating mandate on the basis of a report from the committee responsible.

3. The committee responsible shall ascertain from the Commission, at the time when the negotiations are scheduled to start, the chosen legal basis for concluding the international agreements referred to in paragraph 1. The committee responsible shall verify the chosen legal basis in accordance with Rule 37. Where the Commission fails to designate a legal basis, or where there is doubt about its appropriateness, Rule 37 shall apply.

4. At any stage of the negotiations Parliament may, on the basis of a report from the committee responsible, and after considering any relevant proposal tabled pursuant to Rule 121, adopt recommendations and require them to be taken into account before the conclusion of the international agreement under consideration.

5. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for its opinion or consent. In the case of the consent procedure Rule 81 shall apply.

6. Before the vote on the consent is taken, the committee responsible, a political group or at least one-tenth of the Members may propose that Parliament seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties. If Parliament approves such a proposal, the vote on the consent shall be adjourned until the Court has delivered its opinion.

7. Parliament shall give its opinion on, or its consent to, the conclusion, renewal or amendment of an international agreement or a financial protocol concluded by the European Union in a single vote by a majority of the votes cast. No amendments to the text of the agreement or protocol shall be admissible.

8. If the opinion adopted by Parliament is unfavourable, the President shall ask the Council not to conclude the agreement in question.

9. If Parliament withholds its consent to an international agreement, the President shall inform the Council that the agreement in question cannot be concluded.

**Rule 91 Procedures based on Article 218 of the Treaty on the Functioning of the European Union in the case of the provisional application or suspension of international agreements or the establishment of the Union's position in a body set up by an international agreement**

Where the Commission, in accordance with its obligations under the Treaty on the Functioning of the European Union and the Framework Agreement on relations between the European Parliament and the European Commission, informs Parliament and the Council of its intention to propose the provisional application or suspension of an international agreement, a statement shall be made in Parliament, followed by a debate. Parliament may issue recommendations pursuant to Rule 90 or 97.

The same procedure shall apply when the Commission informs Parliament of a proposal concerning the positions to be adopted on the Union's behalf in a body set up by an international agreement.

**CHAPTER 13 EXTERNAL REPRESENTATION OF THE UNION AND THE COMMON FOREIGN AND SECURITY POLICY**

**Rule 92 Deleted**

**Rule 93 Special representatives**

1. Where the Council intends to appoint a special representative under Article 33 of the Treaty on European Union, the President, at the request of the committee responsible, shall invite the Council to make a statement and answer questions concerning the mandate, the objectives and other relevant matters relating to the tasks and role to be performed by the special representative.

2. Once the special representative has been appointed, but prior to taking up the position, the appointee may be invited to appear before the committee responsible to make a statement and answer questions.

3. Within three months of the hearing, the committee may propose a recommendation pursuant to Rule 121 relating directly to the statement made and answers provided.

4. The special representative shall be invited to keep Parliament fully and regularly informed as to the practical implementation of the mandate.

5. A special representative appointed by the Council with a mandate in relation to particular policy issues may be invited by Parliament, or may ask to be invited, to make a statement to the committee responsible.

#### **Rule 94 Deleted**

#### **Rule 95 International representation**

1. When the head of a Union external delegation is to be appointed, the nominee may be invited to appear before the relevant body of Parliament to make a statement and answer questions.

2. Within three months of the hearing provided for in paragraph 1, the committee responsible may adopt a resolution or make a recommendation, as appropriate, relating directly to the statement made and the answers provided.

#### **Rule 96 Consultation of, and provision of information to, Parliament within the framework of the common foreign and security policy**

1. When Parliament is consulted pursuant to Article 36 of the Treaty on European Union, the matter shall be referred to the committee responsible which may make recommendations pursuant to Rule 97.

2. The committees concerned shall seek to ensure that the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy provides them with regular and timely information on the development and implementation of the Union's common foreign and security policy, on the costs envisaged each time that a decision entailing expenditure is adopted under that policy and on any other financial considerations relating to the implementation of actions under that policy. Exceptionally, at the request of the Vice-President/High Representative, a committee may decide to hold its proceedings in camera.

3. Twice a year, a debate shall be held on the consultative document drawn up by the Vice-President/High Representative on the main aspects and basic choices of the common foreign and security policy, including the common security and defence policy and the financial implications for the Union budget. The procedures laid down in Rule 110 shall apply.

*(See also interpretation under Rule 121.)*

4. The Vice-President/High Representative shall be invited to every plenary debate that involves either foreign, security or defence policy.



### **Rule 97 Recommendations within the framework of the common foreign and security policy**

1. The committee responsible for the common foreign and security policy may draw up recommendations to the Council in its areas of responsibility after obtaining authorisation from the Conference of Presidents or on a proposal under Rule 121.
2. In urgent cases the authorisation referred to in paragraph 1 may be granted by the President, who may likewise authorise an emergency meeting of the committee concerned.
3. During the procedure for adopting these recommendations, which must be put to the vote in the form of a written text, Rule 146 shall not apply and oral amendments shall be admissible.

*The non-application of Rule 146 is possible only in committee and only in urgent cases. There may be no departure from the provisions of Rule 146 either in committee meetings not declared to be urgent or in plenary sitting.*

*The provision stating that oral amendments are admissible means that Members may not object to oral amendments being put to the vote in committee.*

4. Recommendations drawn up in this way shall be included on the agenda for the next part-session. In urgent cases decided upon by the President, recommendations may be included on the agenda for a current part-session. Recommendations shall be deemed adopted unless, before the beginning of the part-session, at least 40 Members submit a written objection, in which case the committee's recommendations shall be included on the agenda of the same part-session for debate and voting. A political group or at least 40 Members may table amendments.

### **Rule 98 Breach of human rights**

At each part-session, without requiring authorisation, the committees responsible may each table a motion for a resolution under the same procedure as laid down in Rule 97(4) concerning cases of breaches of human rights.

## **CHAPTER 14 Deleted**

### **Rule 99 Deleted**

### **Rule 100 Deleted**

### **Rule 101 Deleted**

## **CHAPTER 15 Deleted**

**Rule 102 Deleted**

## **TITLE III TRANSPARENCY OF BUSINESS**

### **Rule 103 Transparency of Parliament's activities**

1. Parliament shall ensure that its activities are conducted with the utmost transparency, in accordance with the second paragraph of Article 1 of the Treaty on European Union, Article 15 of the Treaty on the Functioning of the European Union and Article 42 of the Charter of Fundamental Rights of the European Union.
2. Debates in Parliament shall be public.
3. Committees shall normally meet in public. They may, however, decide, at the latest when the agenda for a meeting is adopted, to divide that agenda into items open to the public and items closed to the public. However, if a meeting is held in camera, the committee may, subject to Article 4(1) to (4) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council, open documents and minutes from the meeting to public access. Rule 153 shall apply in the event of any breach of the rules governing confidentiality.
4. Consideration by the committee responsible of requests relating to procedures on immunity under Rule 7 shall always take place in camera.

### **Rule 104 Public access to documents**

1. Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has a right of access to Parliament documents in accordance with Article 15 of the Treaty on the Functioning of the European Union, subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council and pursuant to the specific provisions contained in these Rules of Procedure.

Access to Parliament documents shall as far as possible be granted to other natural or legal persons in the same way.

Regulation (EC) No 1049/2001 shall be published for information alongside the Rules of Procedure.

2. For the purposes of access to documents, the term 'Parliament documents' means any content within the meaning of Article 3(a) of Regulation (EC) No 1049/2001 which has been drawn up or received by officers of Parliament within the meaning of Title I, Chapter 2, of these Rules, by Parliament's governing bodies, committees or interparliamentary delegations, or by Parliament's Secretariat.

Documents drawn up by individual Members or political groups are Parliament documents for the purposes of access to documents if they are tabled under the Rules of Procedure.

The Bureau shall lay down rules to ensure that all Parliament documents are registered.

3. Parliament shall establish a register of Parliament documents. Legislative documents and certain other categories of documents shall, in accordance with Regulation (EC) No 1049/2001, be made directly accessible through the register.

References to other Parliament documents shall as far as possible be included in the register.

Categories of documents which are directly accessible shall be set out in a list adopted by the Bureau and published on Parliament's website. This list shall not restrict the right of access to documents not falling within the categories listed; those documents shall be made available on written application.

The Bureau may adopt rules, in accordance with Regulation (EC) No 1049/2001, laying down arrangements for access which shall be published in the Official Journal of the European Union.

4. The Bureau shall designate the bodies responsible for handling initial applications (Article 7 of Regulation (EC) No 1049/2001) and shall adopt decisions on confirmatory applications (Article 8 of the Regulation) and applications for sensitive documents (Article 9 of the Regulation).
5. The Conference of Presidents shall designate Parliament's representatives on the interinstitutional committee established pursuant to Article 15(2) of Regulation (EC) No 1049/2001.
6. One of the Vice-Presidents shall be responsible for supervising the handling of applications for access to documents.
7. Parliament's committee responsible shall, on the basis of information provided by the Bureau and drawn from other sources, prepare the annual report referred to in Article 17 of Regulation (EC) No 1049/2001 and submit it to the plenary.

The committee responsible shall also examine and evaluate the reports adopted by the other institutions and agencies in accordance with Article 17 of the Regulation.

## TITLE IV RELATIONS WITH OTHER BODIES

### CHAPTER 1 APPOINTMENTS

#### **Rule 105 Election of the President of the Commission**

1. When the European Council proposes a candidate for President of the Commission, the President shall request the candidate to make a statement and present his or her political guidelines to Parliament. The statement shall be followed by a debate.

The European Council shall be invited to take part in the debate.

2. Parliament shall elect the President of the Commission by a majority of its component Members.

The vote shall be taken by secret ballot.

3. If the candidate is elected, the President shall inform the Council accordingly, asking it and the President-elect of the Commission to propose by common accord the nominees for the various posts of Commissioners.

4. If the candidate does not obtain the required majority, the President shall invite the European Council to propose a new candidate within one month for election in accordance with the same procedure.

#### **Rule 106 Election of the Commission**

1. The President shall, after consulting the President-elect of the Commission, request the nominees proposed by the President-elect of the Commission and by the Council for the various posts of Commissioner to appear before the appropriate committees according to their prospective fields of responsibility. These hearings shall be held in public.

2. The appropriate committee or committees shall invite the Commissioner-designate to make a statement and answer questions. The hearings shall be organised in such a way as to enable Commissioners-designate to disclose to Parliament all relevant information. Provisions relating to the organisation of the hearings shall be laid down in an annex to these Rules of Procedure<sup>12</sup>.

3. The President-elect shall present the college of Commissioners and their programme at a sitting of Parliament which the whole Council shall be invited to attend. The statement shall be followed by a debate.

4. In order to wind up the debate, any political group or at least 40 Members may table a motion for a resolution. Rule 110(3), (4) and (5) shall apply.

Following the vote on the motion for a resolution, Parliament shall elect or reject the Commission by a majority of the votes cast.

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<sup>12</sup>See Annex XVII.

The vote shall be taken by roll call.

Parliament may defer the vote until the next sitting.

5. The President shall inform the Council of the election or rejection of the Commission.

6. In the event of a substantial portfolio change during the Commission's term of office, the filling of a vacancy or the appointment of a new Commissioner following the accession of a new Member State, the Commissioners concerned shall be invited to appear before the committees responsible for the areas of responsibility in question in accordance with paragraph 2.

#### **Rule 107 Motion of censure on the Commission**

1. A motion of censure on the Commission may be submitted to the President by one tenth of the component Members of Parliament.

2. The motion shall be called 'motion of censure' and supported by reasons. It shall be forwarded to the Commission.

3. The President shall announce to Members that a motion of censure has been tabled immediately after receiving it.

4. The debate on censure shall not take place until at least 24 hours after the receipt of a motion of censure is announced to Members.

5. The vote on the motion shall be by roll call and shall not be taken until at least 48 hours after the beginning of the debate.

6. The debate and the vote shall take place, at the latest, during the part-session following the submission of the motion.

7. The motion of censure shall be adopted if it secures a two-thirds majority of the votes cast, representing a majority of the component Members of Parliament. The President of the Council and the President of the Commission shall be notified of the result of the vote.

#### **Rule 107a Nomination of Judges and Advocates-General at the Court of Justice of the European Union**

On a proposal of its committee responsible, Parliament shall appoint its nominee to the panel of seven persons charged with scrutinising the suitability of candidates to hold the office of Judge or Advocate-General of the Court of Justice and the General Court.

#### **Rule 108 Appointment of the Members of the Court of Auditors**

1. Candidates nominated as Members of the Court of Auditors shall be invited to make a statement before the committee responsible and to answer questions put by members. The committee shall vote on each nomination separately by secret ballot.

2. The committee responsible shall make a recommendation to Parliament, in the form of a report containing a separate proposal for a decision on each nomination as to whether the nomination should be approved.

3. The vote in plenary shall take place within two months of receipt of the nomination unless Parliament, at the request of the committee responsible, a political group or at least 40 Members, decides otherwise. Parliament shall vote on each nomination separately by secret ballot and shall take its decision by a majority of the votes cast.

4. If the opinion adopted by Parliament on an individual nomination is unfavourable, the President shall ask the Council to withdraw its nomination and to submit a new nomination to Parliament.

### **Rule 109 Appointment of the Members of the Executive Board of the European Central Bank**

1. The candidate nominated as President of the European Central Bank shall be invited to make a statement before the committee responsible and to answer questions put by members.

2. The committee responsible shall make a recommendation to Parliament as to whether the nomination should be approved.

3. The vote shall take place within two months of receipt of the nomination unless Parliament, at the request of the committee responsible, a political group or at least 40 Members, decides otherwise.

4. If the opinion adopted by Parliament is unfavourable, the President shall ask the Council to withdraw its nomination and to submit a new nomination to Parliament.

5. The same procedure shall apply for nominations for Vice-President and other Executive Board Members of the European Central Bank.

## **CHAPTER 2 STATEMENTS**

### **Rule 110 Statements by the Commission, Council and European Council**

1. Members of the Commission, the Council and the European Council may at any time ask the President of Parliament for permission to make a statement. The President of the European Council shall make a statement after each of its meetings. The President of Parliament shall decide when the statement may be made and whether it is to be followed by a full debate or by 30 minutes of brief and concise questions from Members.

2. When placing a statement with debate on its agenda, Parliament shall decide whether or not to wind up the debate with a resolution. It shall not do so if a report on the same matter is scheduled for the same or the next part-session, unless the President, for exceptional reasons, proposes otherwise. If Parliament decides to wind up a debate with a resolution, a committee, a political group or at least 40 Members may table a motion for a resolution.

3. Motions for resolutions shall be put to the vote on the same day. The President shall decide on any exceptions. Explanations of vote shall be admissible.
4. A joint motion for a resolution shall replace the motions for resolutions tabled previously by its signatories, but not those tabled by other committees, political groups or Members.
5. After a resolution has been adopted, no further motions may be put to the vote unless the President, exceptionally, decides otherwise.

#### **Rule 111 Statements explaining Commission decisions**

After consulting the Conference of Presidents, the President may invite the President of the Commission, the Commissioner responsible for relations with the European Parliament or, by agreement, another Commissioner, to make a statement to Parliament after each meeting of the Commission, explaining the main decisions taken. The statement shall be followed by a debate of at least 30 minutes in which Members may put brief and concise questions.

#### **Rule 112 Statements by the Court of Auditors**

1. In the context of the discharge procedure or of Parliament's activities in the sphere of budgetary control, the President of the Court of Auditors may be invited to take the floor in order to present the comments contained in the Annual Report, special reports or opinions of the Court, or in order to explain the Court's work programme.
2. Parliament may decide to hold a separate debate on any questions raised in such statements with the participation of the Commission and Council, in particular when irregularities in financial management have been reported.

#### **Rule 113 Statements by the European Central Bank**

1. The President of the European Central Bank shall present to Parliament the Bank's Annual Report on the activities of the European System of Central Banks and on the monetary policy of both the previous and the current year.
2. This presentation shall be followed by a general debate.
3. The President of the European Central Bank shall be invited to attend meetings of the committee responsible at least four times a year in order to make a statement and to answer questions.
4. If they or Parliament so request, the President, Vice-President and other Members of the Executive Board of the European Central Bank shall be invited to attend additional meetings.
5. A verbatim report of the proceedings under paragraphs 3 and 4 shall be drawn up in the official languages.



### **Rule 114 Recommendation on the broad guidelines of economic policies**

1. The recommendation from the Commission on the broad guidelines of the economic policies of the Member States and the Union shall be presented to the committee responsible which shall submit a report to Parliament.
2. The Council shall be invited to inform Parliament of the content of its recommendation, and of the position taken by the European Council.

## **CHAPTER 3 PARLIAMENTARY QUESTIONS**

### **Rule 115 Questions for oral answer with debate**

1. Questions may be put to the Council or the Commission by a committee, a political group or at least 40 Members with a request that they be placed on the agenda of Parliament.

Such questions shall be submitted in writing to the President who shall immediately refer them to the Conference of Presidents.

The Conference of Presidents shall decide whether and in what order questions should be placed on the agenda. Questions not placed on Parliament's agenda within three months of being submitted shall lapse.

2. Questions to the Commission must be referred to that institution at least one week before the sitting on whose agenda they are to appear and questions to the Council at least three weeks before that date.
3. Where the questions concern matters referred to in Article 42 of the Treaty on European Union, the time limit provided for in paragraph 2 of this Rule shall not apply, and the Council must reply sufficiently promptly to keep Parliament properly informed.
4. One of the questioners may move the question for five minutes. One member of the institution concerned shall answer.

*The author of the question is entitled to use the whole period of speaking time mentioned.*

5. Rule 110(2) to (5) shall apply mutatis mutandis.

### **Rule 116 Question Time**

1. Question Time with the Council and the Commission shall be held at each part-session at times decided by Parliament on a proposal from the Conference of Presidents.
2. No Member may put more than one question to the Council and one question to the Commission at any given part-session.
3. Questions shall be submitted in writing to the President, who shall rule on their admissibility and on the order in which they are to be taken. The questioner shall be notified immediately of this decision.

4. The detailed procedure shall be governed by guidelines laid down in an annex to these Rules of Procedure<sup>13</sup>.
5. In accordance with guidelines established by the Conference of Presidents, specific question hours may be held with the President of the Commission, with the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and with the President of the Eurogroup.

#### **Rule 117 Questions for written answer**

1. Any Member may put questions for written answer to the President of the European Council, the Council, the Commission or the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy in accordance with guidelines laid down in an annex to these Rules of Procedure<sup>14</sup>. The content of questions shall be the sole responsibility of their authors.
2. Questions shall be submitted in writing to the President who shall forward them to the addressees. Doubts concerning the admissibility of a question shall be settled by the President. The questioner shall be notified of his decision.
3. If a question cannot be answered within the time limit set it shall, at the request of the author, be placed on the agenda for the next meeting of the committee responsible. Rule 116 shall apply *mutatis mutandis*.
4. Questions which require an immediate answer but not detailed research (priority questions) shall be answered within three weeks of being forwarded to the addressees. Each Member may table one priority question each month.

Other questions (non-priority questions) shall be answered within six weeks of being forwarded to the addressees.

Members shall indicate which type of question they are submitting. The final decision shall be taken by the President.

5. Questions and answers shall be published in the Official Journal of the European Union.

#### **Rule 118 Questions for written answer to the European Central Bank**

1. Any Member may put questions for written answer to the European Central Bank in accordance with guidelines laid down in an annex to these Rules of Procedure<sup>15</sup>.
2. Such questions shall be submitted in writing to the Chair of the committee responsible, who shall forward them to the European Central Bank.
3. The questions and answers shall be published in the Official Journal of the European Union.

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<sup>13</sup>See Annex II.

<sup>14</sup>See Annex III.

<sup>15</sup>See Annex III.

4. If a question has not received a reply by the required deadline, it shall be included at the request of its author, on the agenda for the next meeting of the committee responsible with the President of the European Central Bank.

## **CHAPTER 4 REPORTS OF OTHER INSTITUTIONS**

### **Rule 119 Annual and other reports of other institutions**

1. Annual and other reports of other institutions on which the Treaties provide for consultation of the European Parliament or other legal provisions require an opinion by the European Parliament shall be dealt with in a report submitted to the plenary.

2. Annual and other reports of other institutions not covered by paragraph 1 shall be referred to the committee responsible, which may propose drawing up a report under Rule 48.

## **CHAPTER 5 RESOLUTIONS AND RECOMMENDATIONS**

### **Rule 120 Motions for resolutions**

1. Any Member may table a motion for a resolution on a matter falling within the spheres of activity of the European Union.

The motion may not comprise more than 200 words.

2. The committee responsible shall decide what procedure is to be adopted.

It may combine the motion for a resolution with other motions for resolutions or reports.

It may adopt an opinion, which may take the form of a letter.

It may decide to draw up a report under Rule 48.

3. The authors of a motion for a resolution shall be informed of the decisions of the committee and of the Conference of Presidents.

4. The report shall contain the text of the motion for a resolution.

5. Opinions in the form of a letter addressed to other institutions of the European Union shall be forwarded by the President.

6. The author or authors of a motion for a resolution tabled under Rule 110(2), 115(5) or 122(2) shall be entitled to withdraw it before the final vote.

7. A motion for a resolution tabled in accordance with paragraph 1 may be withdrawn by its author, authors or first signatory before the committee responsible has decided, in accordance with paragraph 2, to draw up a report on it.

Once the motion has been thus taken over by the committee, only the committee shall be empowered to withdraw it up until the opening of the final vote.

8. A withdrawn motion for a resolution may be taken over and retabled immediately by a group, a committee or the same number of Members as is entitled to table it.

*Committees have a duty to ensure that motions for resolutions tabled under this Rule which meet the requirements laid down are followed up and duly referred to in the resulting documents.*

### **Rule 121 Recommendations to the Council**

1. A political group or at least 40 Members may table a proposal for a recommendation to the Council on subjects under Title V of the Treaty on European Union, or in cases where Parliament has not been consulted on an international agreement falling within the scope of Rules 90 or 91.

2. Such proposals shall be referred to the committee responsible for consideration.

Where appropriate, the committee shall refer the matter to Parliament in accordance with the procedures laid down in these Rules.

3. If it presents a report, the committee responsible shall submit to Parliament a proposal for a recommendation to the Council, together with a brief explanatory statement and, where appropriate, the opinions of the committees consulted.

*No prior authorisation from the Conference of Presidents is required for the application of this paragraph.*

4. The provisions of Rule 97 shall apply.

### **Rule 122 Debates on cases of breaches of human rights, democracy and the rule of law**

1. A committee, an interparliamentary delegation, a political group or at least 40 Members may ask the President in writing for a debate to be held on an urgent case of a breach of human rights, democracy and the rule of law (Rule 137(3)).

2. The Conference of Presidents shall draw up a list of subjects to be included in the final draft agenda for the next debate on cases of breaches of human rights, democracy and the rule of law on the basis of the requests referred to in paragraph 1 and in accordance with the provisions of Annex IV. The total number of subjects included in the agenda shall not exceed three, including sub-chapters.

In accordance with Rule 140, Parliament may abandon a topic due to be debated and replace it with an unscheduled topic. Motions for resolutions on the subjects chosen shall be tabled by the evening of the day on which the agenda is adopted. The President shall set the precise deadline for tabling such motions for resolutions.

3. The total speaking time for the political groups and non-attached Members shall be allocated in accordance with the procedure laid down in Rule 149(4) and (5) within the maximum time for debates of 60 minutes per part-session.

Any time remaining after deducting the time required to introduce and vote on the motions for resolutions and any speaking time allocated to the Commission and Council shall be divided among the political groups and the non-attached Members.

4. At the end of the debate there shall be an immediate vote. Rule 170 shall not apply.

*Votes taken under this Rule may be organised on a collective basis under the responsibility of the President and the Conference of Presidents.*

5. If two or more motions for resolutions are tabled on the same subject, the procedure set out in Rule 110(4) shall apply.

6. The President and political group Chairs may decide that a motion for a resolution will be put to the vote without debate. Such a decision shall require the unanimous assent of all the political group Chairs.

*The provisions of Rules 174, 175 and 177 do not apply to motions for resolutions included on the agenda for a debate on cases of breaches of human rights, democracy and the rule of law.*

*Motions for resolutions are tabled for a debate on cases of breaches of human rights, democracy and the rule of law only after the list of subjects has been adopted. Motions for resolutions that cannot be dealt with in the time allocated to the debate shall lapse. The same applies to motions for resolutions in respect of which it is established, following a request under Rule 155(3), that a quorum is not present. Members are entitled to retable such motions either for consideration in committee under Rule 120 or for the debate on cases of breaches of human rights, democracy and the rule of law at the next part-session.*

*A subject may not be included on the agenda for a debate on cases of breaches of human rights, democracy and the rule of law if it is already on the agenda for that part-session.*

*There are no provisions in the Rules to allow a joint debate on a motion for a resolution tabled in accordance with paragraph 2, second subparagraph, and a committee report on the same subject.*

*When a request is made under Rule 155(3) that it be established whether a quorum is present, this request shall be valid only for the motion for a resolution which is to be put to the vote and not for those which follow.*

### **Rule 123 Written declarations**

1. Up to five Members may submit a written declaration of not more than 200 words on a matter falling within the competence of the European Union which does not cover issues that are the subject of an ongoing legislative process. Authorisation shall be given by the President on a case-by-case basis. Written declarations shall be printed in the official languages and distributed. They shall be entered with the names of the signatories, in a register. This register shall be public and shall be kept outside the entrance to the Chamber during part-sessions and in an appropriate location, to be determined by the College of Quaestors, between part-sessions.

*The contents of a written declaration may not go beyond the form of a declaration and may not, in particular, contain any decision on matters for which specific procedures and competences are laid down in these Rules of Procedure.*

2. The signature of any Member may be added to a declaration entered in the register.

3. Where a declaration is signed by a majority of Parliament's component Members, the President shall notify Parliament accordingly and publish the names of the signatories in the minutes and the declaration as a text adopted.

4. The procedure shall be closed by the forwarding to the addressees, at the end of the part-session, of the declaration, together with the names of the signatories.

5. A written declaration that has remained in the register for over three months and has not been signed by at least one half of the component Members of Parliament shall lapse.

#### **Rule 124 Consultation of the European Economic and Social Committee**

1. Where the Treaty on the Functioning of the European Union provides for consultation of the Economic and Social Committee, the President shall initiate the consultation procedure and inform Parliament thereof.

2. A committee may request that the European Economic and Social Committee be consulted on matters of a general nature or on specific points.

The committee shall indicate the deadline for delivery by the European Economic and Social Committee of its opinion.

A request for consultation of the European Economic and Social Committee shall be approved by Parliament without debate.

3. Opinions forwarded by the Economic and Social Committee shall be referred to the committee responsible.

#### **Rule 125 Consultation of the Committee of the Regions**

1. Where the Treaty on the Functioning of the European Union provides for consultation of the Committee of the Regions, the President shall initiate the consultation procedure and inform Parliament thereof.

2. A committee may request that the Committee of the Regions be consulted on matters of a general nature or on specific points.

The committee shall indicate the deadline for delivery by the Committee of the Regions of its opinion.

A request for consultation of the Committee of the Regions shall be approved by Parliament without debate.

3. Opinions forwarded by the Committee of the Regions shall be referred to the committee responsible.

### **Rule 126 Requests to European Agencies**

1. In cases where Parliament has the right to submit a request to a European Agency, any Member may submit such a request in writing to the President of Parliament. Such requests shall be on matters falling within the mission of the Agency concerned and shall be accompanied by background information explaining the issue and the Union interest.
2. The President shall, after consulting the committee responsible, either forward the request to the Agency or take any other appropriate course of action. The Member submitting the request shall be notified immediately. Any request sent by the President to an Agency shall include a time-limit for response.
3. If the Agency considers that it is unable to respond to the request as formulated, or seeks to have it modified, it shall forthwith inform the President, who shall take any appropriate action, after consulting the committee responsible as necessary.

## **CHAPTER 6 INTERINSTITUTIONAL AGREEMENTS**

### **Rule 127 Interinstitutional agreements**

1. Parliament may enter into agreements with other institutions in the context of the application of the Treaties or in order to improve or clarify procedures.

Such agreements may take the form of joint declarations, exchanges of letters, codes of conduct or other appropriate instruments. They shall be signed by the President after examination by the committee responsible for constitutional affairs and after approval by Parliament. They may be annexed to the Rules of Procedure for information.

2. Where such agreements necessitate changes to existing procedural rights or obligations or establish new procedural rights or obligations for Members or bodies of Parliament, or otherwise necessitate amendment or interpretation of the Rules of Procedure, the matter shall be referred to the committee responsible for its consideration in accordance with Rule 211(2) to (6) before the agreement is signed.

## **CHAPTER 7 REFERRALS TO THE COURT OF JUSTICE OF THE EUROPEAN UNION**

### **Rule 128 Proceedings before the Court of Justice of the European Union**

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice of the European Union for action by the institutions of the Union and by natural or legal persons, examine Union legislation and its implementing measures in order to ensure that the Treaties have been fully complied with, in particular where Parliament's rights are concerned.
2. The committee responsible shall report to Parliament, orally if necessary, if it suspects a breach of Union law.

3. The President shall bring an action on behalf of Parliament in accordance with the recommendation of the committee responsible.

At the start of the following part-session, the President may ask the plenary to decide whether the action should be maintained. Should plenary rule against the action by a majority of the votes cast, he shall withdraw it.

Should the President bring an action contrary to the recommendation of the committee responsible, he shall, at the start of the following part-session, ask the plenary to decide whether the action should be maintained.

4. The President shall submit observations or intervene in court proceedings on behalf of Parliament after consulting the committee responsible.

If the President intends to depart from the recommendation of the committee responsible, he shall inform the committee accordingly and shall refer the matter to the Conference of Presidents, stating his reasons.

If the Conference of Presidents takes the view that Parliament should, exceptionally, not submit observations or intervene before the Court of Justice of the European Union where the legal validity of an act of Parliament is being questioned, the matter shall be submitted to plenary without delay.

In urgent cases, the President may take precautionary action in order to comply with the time-limits prescribed by the court concerned. In such cases, the procedure provided for in this paragraph shall be implemented at the earliest opportunity.

*Nothing in the Rules prevents the committee responsible from deciding on appropriate procedural arrangements for the timely transmission of its recommendation in urgent cases.*

*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.*

### **Rule 129 Deleted**



## **TITLE V RELATIONS WITH NATIONAL PARLIAMENTS**

### **Rule 130 Exchange of information, contacts and reciprocal facilities**

1. Parliament shall keep the national parliaments of the Member States regularly informed of its activities.
2. The organisation and promotion of effective and regular interparliamentary cooperation within the Union, pursuant to Article 9 of the Protocol on the role of national parliaments in the European Union, shall be negotiated on the basis of a mandate given by the Conference of Presidents, after consultation of the Conference of Committee Chairs.

Parliament shall approve any agreements on such matters in accordance with the procedure set out in Rule 127.

3. A committee may directly engage in a dialogue with national parliaments at committee level within the limits of budgetary appropriations set aside for this purpose. This may include appropriate forms of pre-legislative and post-legislative cooperation.
4. Any document concerning a legislative procedure at Union level which is officially transmitted by a national parliament to the European Parliament shall be forwarded to the committee responsible for the subject-matter dealt with in that document.
5. The Conference of Presidents may give a mandate to the President to negotiate facilities for the national parliaments of the Member States, on a reciprocal basis, and to propose any other measures to facilitate contacts with the national parliaments.

### **Rule 131 Conference of European Affairs Committees (COSAC)**

1. On a proposal from the President, the Conference of Presidents shall name the members of, and may confer a mandate on, Parliament's delegation to COSAC. The delegation shall be headed by a Vice-President of the European Parliament responsible for implementation of relations with the national parliaments and by the Chair of the committee responsible for institutional matters.
2. The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting and shall comprise, as far as possible, representatives of the committees responsible for those subjects. A report shall be submitted by the delegation after each meeting.
3. Due account shall be taken of the overall political balance within Parliament.

### **Rule 132 Conferences of parliaments**

The Conference of Presidents shall designate the members of Parliament's delegation to any conference or similar body involving representatives of parliaments and shall confer a mandate upon it that conforms to any relevant Parliament resolutions. The delegation shall elect its Chair and, where appropriate, one or more Vice-Chairs.



## TITLE VI SESSIONS

### CHAPTER 1 SESSIONS OF PARLIAMENT

#### **Rule 133 Parliamentary term, sessions, part-sessions, sittings**

1. The parliamentary term shall run concurrently with the term of office of Members provided for in the Act of 20 September 1976.
2. The session shall be the annual period prescribed by the Act and the Treaties.
3. The part-session shall be the meeting of Parliament convened as a rule each month and subdivided into daily sittings.

*Sittings of Parliament held on the same day shall be deemed to be a single sitting.*

#### **Rule 134 Convening of Parliament**

1. Parliament shall meet, without requiring to be convened, on the second Tuesday in March each year and shall itself determine the duration of adjournments of the session.
2. Parliament shall in addition meet, without requiring to be convened on the first Tuesday after expiry of an interval of one month from the end of the period referred to in Article 10(1) of the Act of 20 September 1976.
3. The Conference of Presidents, stating its reasons, may alter the duration of adjournments decided pursuant to paragraph 1 at least two weeks before the date previously fixed by Parliament for resuming the session; the date of resumption shall not, however, be postponed for more than two weeks.
4. Exceptionally, after consulting the Conference of Presidents, the President shall convene Parliament at the request of a majority of its component Members or at the request of the Commission or the Council.

Exceptionally, with the approval of the Conference of Presidents, the President may convene Parliament in cases of urgency.

#### **Rule 135 Venue of sittings and meetings**

1. Parliament shall hold its sittings and its committee meetings in accordance with the provisions of the Treaties.

*Proposals for additional part-sessions in Brussels and any amendments thereto will require only a majority of the votes cast.*

2. Any committee may decide to ask for one or more meetings to be held elsewhere. Its request supported by reasons, shall be made to the President, who shall place it before the Bureau. If the matter is urgent, the President may take the decision himself. Should the request be rejected by the Bureau or the President the reasons for the rejection shall be stated.

### **Rule 136 Attendance of Members at sittings**

1. An attendance register shall be open for signature by Members at each sitting.
2. The names of the Members present, as shown in the attendance register, shall be recorded in the minutes of each sitting.

## **CHAPTER 2 ORDER OF BUSINESS OF PARLIAMENT**

### **Rule 137 Draft agenda**

1. Before each part-session the draft agenda shall be drawn up by the Conference of Presidents on the basis of recommendations by the Conference of Committee Chairs taking into account the agreed Commission Work Programme referred to in Rule 35.

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

2. The draft agenda may indicate voting times for certain items down for consideration.
3. One or two periods, together totalling a maximum of 60 minutes, may be set aside in the draft agenda for debates on cases of breaches of human rights, democracy and the rule of law pursuant to Rule 122.
4. The final draft agenda shall be distributed to Members at least three hours before the beginning of the part-session.

### **Rule 138 Procedure in plenary without amendment and debate**

1. Any proposal for a legislative act (first reading) and any non-legislative motion for a resolution adopted in committee with fewer than one tenth of the members of the committee voting against shall be placed on the draft agenda of Parliament for vote without amendment.

The item shall then be subject to a single vote unless, before the drawing up of the final draft agenda, political groups or individual Members who together constitute one-tenth of the Members of Parliament have requested in writing that the item be open to amendment, in which case the President shall set a deadline for tabling amendments.

2. Items placed on the final draft agenda for vote without amendment shall also be without debate unless Parliament, when adopting its agenda at the start of a part-session, decides otherwise on a proposal from the Conference of Presidents or at the request of a political group or at least 40 Members.
3. When drawing up the final draft agenda for a part-session, the Conference of Presidents may propose that other items be taken without amendment or without debate. When adopting its agenda, Parliament may not accept any such proposal if a political group or at least 40 Members have tabled their opposition in writing at least one hour before the opening of the part-session.

4. When an item is taken without debate, the rapporteur or the Chair of the committee responsible may make a statement lasting no more than two minutes immediately prior to the vote.

#### **Rule 139 Short presentation**

At the request of the rapporteur or on a proposal from the Conference of Presidents, Parliament may also decide that an item not needing a full debate will be dealt with by means of a short presentation in plenary by the rapporteur. In that event, the Commission shall have the opportunity to respond, followed by up to ten minutes of debate in which the President may give the floor, for up to one minute each, to Members who catch his eye.

#### **Rule 140 Adopting and amending the agenda**

1. At the beginning of each part-session, Parliament shall take a decision on the final draft agenda. Amendments may be proposed by a committee, a political group or at least 40 Members. Any such proposals must be received by the President at least one hour before the opening of the part-session. The President may give the floor to the mover, one speaker in favour and one speaker against, in each case for not more than one minute.

2. Once adopted, the agenda may not be amended, except in pursuance of Rules 142 or 174 to 178 or on a proposal from the President.

If a procedural motion to amend the agenda is rejected, it may not be tabled again during the same part-session.

3. Before closing the sitting, the President shall announce the date, time and agenda of the next sitting.

#### **Rule 141 Extraordinary debate**

1. A political group or at least 40 Members may request that an extraordinary debate on a matter of major interest relating to European Union policy be placed on Parliament's agenda. As a rule, no more than one extraordinary debate shall be held during each part-session.

2. The request shall be submitted to the President in writing at least three hours prior to the start of the part-session at which the extraordinary debate is to take place. The vote on this request shall be taken at the start of the part-session when Parliament adopts its agenda.

3. In response to events that take place after the adoption of the agenda for a part-session, the President, after consulting the Chairs of the political groups, may propose an extraordinary debate. Any such proposal shall be voted on at the start of a sitting or at a scheduled voting time, the Members having been notified of it at least one hour beforehand.

4. The President shall determine the time at which such a debate is to be held. The overall duration of the debate shall not exceed 60 minutes. Speaking time shall be allocated to the political groups and the non-attached Members in accordance with Rule 149(4) and (5).

5. The debate shall be wound up without the adoption of a resolution.

#### **Rule 142 Urgent procedure**

1. A request that a debate on a proposal on which Parliament has been consulted pursuant to Rule 43(1) be treated as urgent may be made to Parliament by the President, a committee, a political group, at least 40 Members, the Commission or the Council. This request shall be made in writing and supported by reasons.

2. As soon as the President has received a request for urgent debate this shall be announced to Parliament. The vote on the request shall be taken at the beginning of the sitting following that during which the announcement was made, provided that the proposal to which the request relates has been distributed in the official languages. Where there are several requests for urgent debate on the same subject, the approval or rejection of the request for urgent debate shall apply to all the requests on the same subject.

3. Before the vote, only the mover, one speaker in favour, one speaker against, and the Chair and/or rapporteur of the committee responsible may be heard, in each case for no more than three minutes.

4. Questions to be dealt with by urgent procedure shall be given priority over other items on the agenda. The President shall determine the time of the debate and vote.

5. An urgent debate may be held without a report or, exceptionally, on the basis of an oral report by the committee responsible.

#### **Rule 143 Joint debate**

A decision may be taken at any time to debate similar or factually related items of business jointly.

#### **Rule 144 Time limits**

Except in the cases of urgency referred to in Rules 122 and 142, a debate and vote shall not be opened on a text unless it has been distributed at least 24 hours earlier.

### **CHAPTER 3 GENERAL RULES FOR THE CONDUCT OF SITTINGS**

#### **Rule 145 Access to the Chamber**

1. No person may enter the Chamber except Members of Parliament, Members of the Commission or Council, the Secretary-General of Parliament, members of staff whose duties require their presence there, and experts or officials of the European Union.

2. Only holders of an admission card duly issued by the President or Secretary-General of Parliament shall be admitted to the galleries.

3. Members of the public admitted to the galleries shall remain seated and keep silent. Any person expressing approval or disapproval shall immediately be ejected by the ushers.

#### **Rule 146 Languages**

1. All documents of Parliament shall be drawn up in the official languages.

2. All Members shall have the right to speak in Parliament in the official language of their choice. Speeches delivered in one of the official languages shall be simultaneously interpreted into the other official languages and into any other language the Bureau may consider necessary.

3. Interpretation shall be provided in committee and delegation meetings from and into the official languages used and requested by the members and substitutes of that committee or delegation.

4. At committee and delegation meetings away from the usual places of work interpretation shall be provided from and into the languages of those members who have confirmed that they will attend the meeting. These arrangements may exceptionally be made more flexible where the members of the committee or delegation so agree. In the event of disagreement, the Bureau shall decide.

*Where it has been established after the result of a vote has been announced that there are discrepancies between different language versions, the President decides whether the result announced is valid pursuant to Rule 171(5). If he declares the result valid, he must decide which version is to be regarded as having been adopted. However, the original version cannot be taken as the official text as a general rule, since a situation may arise in which all the other languages differ from the original text.*

#### **Rule 147 Transitional arrangement**

1. During a transitional period expiring at the end of the seventh parliamentary term<sup>16</sup>, derogations from Rule 146 shall be permissible if and to the extent that, despite adequate precautions, interpreters or translators for an official language are not available in sufficient numbers.

2. The Bureau, on a proposal from the Secretary-General, shall ascertain with respect to each of the official languages concerned whether the conditions set out in paragraph 1 are fulfilled, and shall review its decision at six-monthly intervals on the basis of a progress report from the Secretary-General. The Bureau shall adopt the necessary implementing rules.

3. The temporary special arrangements adopted by the Council on the basis of the Treaties concerning the drafting of legal acts, with the exception of regulations adopted jointly by the European Parliament and the Council, shall apply.

4. On a reasoned recommendation from the Bureau, Parliament may decide at any time to repeal this Rule early or, at the end of the period indicated in paragraph 1, to extend it.

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<sup>16</sup>Extended by Parliament's decision of 11 March 2009.

### **Rule 148 Distribution of documents**

Documents forming the basis for Parliament's debates and decisions shall be printed and distributed to Members. A list of these documents shall be published in the minutes of Parliament's sittings.

Without prejudice to the application of the first paragraph, Members and political groups shall have direct access to the European Parliament's internal computer system for the consultation of any non-confidential preparatory document (draft report, draft recommendation, draft opinion, working document, amendments tabled in committee).

### **Rule 149 Allocation of speaking time and list of speakers**

1. The Conference of Presidents may propose to Parliament that speaking time be allocated for a particular debate. Parliament shall decide on this proposal without debate.
2. Members may not speak unless called upon to do so by the President. Members shall speak from their places and shall address the President. If speakers depart from the subject, the President shall call them to order.
3. The President may draw up, for the first part of a particular debate, a list of speakers that includes one or more rounds of speakers from each political group wishing to speak, in the order of their size, and one non-attached Member.
4. Speaking time for this part of a debate shall be allocated in accordance with the following criteria:
  - a) a first fraction of speaking time shall be divided equally among all the political groups;
  - b) a further fraction shall be divided among the political groups in proportion to the total number of their members;
  - c) the non-attached Members shall be allocated an overall speaking time based on the fractions allocated to each political group under points (a) and (b).
5. Where a total speaking time is allocated for several items on the agenda, the political groups shall inform the President of the fraction of their speaking time to be used for each individual item. The President shall ensure that these speaking times are respected.
6. The remaining part of the time for a debate shall not be specifically allocated in advance. Instead, the President shall call on Members to speak, as a general rule for no more than one minute. The President shall ensure – as far as possible – that speakers holding different political views and from different Member States are heard in turn.
7. On request priority may be given to the Chair or rapporteur of the committee responsible and to the Chairs of political groups who wish to speak on their groups' behalf, or to speakers deputising for them.
8. The President may give the floor to Members who indicate, by raising a blue card, their wish to put to another Member, during that Member's speech, a



question of no longer than half a minute's duration, if the speaker agrees and if the President is satisfied that this will not lead to a disruption of the debate.

9. No Member may speak for more than one minute on any of the following: the minutes of the sitting, procedural motions, or amendments to the final draft agenda or the agenda.

10. Without prejudice to his other disciplinary powers, the President may cause to be deleted from the verbatim reports of debates of sittings the speeches of Members who have not been called upon to speak or who continue to speak beyond the time allotted to them.

11. In the debate on a report the Commission and the Council shall as a rule be heard immediately after its presentation by the rapporteur. The Commission, the Council and the rapporteur may be heard again, in particular in order to respond to the statements made by Members.

12. Members who have not spoken in a debate may, at most once per part-session, hand in a written statement of not more than 200 words, which shall be appended to the verbatim report of the debate.

13. Without prejudice to Article 230 of the Treaty on the Functioning of the European Union, the President shall seek to reach an understanding with the Commission, the Council and the President of the European Council on the appropriate allocation of speaking time for them.

#### **Rule 150 One-minute speeches**

For a period of not more than 30 minutes during the first sitting of each part-session the President shall call Members who wish to draw Parliament's attention to a matter of political importance. Speaking time for each Member shall not exceed one minute. The President may allow a further such period later during the same part-session.

#### **Rule 151 Personal statements**

1. Members who ask to make a personal statement shall be heard at the end of the discussion of the agenda item which is being dealt with or when the minutes of the sitting to which the request for leave to speak refers are considered for approval.

The Members concerned may not speak on substantive matters but shall confine their observations to rebutting any remarks that have been made about their person in the course of the debate or opinions that have been attributed to them, or to correcting observations that they themselves have made.

2. Unless Parliament decides otherwise, no personal statement shall last for more than three minutes.

## **CHAPTER 4 MEASURES TO BE TAKEN IN THE EVENT OF NON-COMPLIANCE WITH THE STANDARDS OF CONDUCT OF MEMBERS**

### **Rule 152 Immediate measures**

1. The President shall call to order any Member who disrupts the smooth conduct of the proceedings or whose conduct fails to comply with the relevant provisions of Rule 9.
2. Should the offence be repeated, the President shall again call the Member to order, and the fact shall be recorded in the minutes.
3. Should the disturbance continue, or if a further offence is committed, the offender may be denied the right to speak and may be excluded from the Chamber by the President for the remainder of the sitting. The President may also resort to the latter measure immediately and without a second call to order in cases of exceptional seriousness. The Secretary-General shall, without delay, see to it that such disciplinary measures are carried out, with the assistance of the ushers and, if necessary, of Parliament's Security Service.
4. Should disturbances threaten to obstruct the business of the House, the President shall close or suspend the sitting for a specific period to restore order. If the President cannot make himself heard, he shall leave the chair; this shall have the effect of suspending the sitting. The President shall reconvene the sitting.
5. The powers provided for in paragraphs 1 to 4 shall be vested, *mutatis mutandis*, in the presiding officers of bodies, committees and delegations as provided for in the Rules of Procedure.
6. Where appropriate, and bearing in mind the seriousness of the breach of the Members' standards of conduct, the Member in the Chair may, no later than the following part-session or the following meeting of the body, committee or delegation concerned, ask the President to apply Rule 153.

### **Rule 153 Penalties**

1. In exceptionally serious cases of disorder or disruption of Parliament in violation of the principles laid down in Rule 9, the President, after hearing the Member concerned, shall adopt a reasoned decision laying down the appropriate penalty, which he shall notify to the Member concerned and to the presiding officers of the bodies, committees and delegations on which the Member serves, before announcing it to plenary.
2. When assessing the conduct observed, account shall be taken of its exceptional, recurrent or permanent nature and of its seriousness, on the basis of the guidelines annexed to these Rules of Procedure<sup>17</sup>.
3. The penalty may consist of one or more of the following measures:

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<sup>17</sup>See Annex XVI.

- a) a reprimand;
- b) forfeiture of entitlement to the daily subsistence allowance for a period of between two and ten days;
- c) without prejudice to the right to vote in plenary, and subject, in this instance, to strict compliance with the Members' standards of conduct, temporary suspension from participation in all or some of the activities of Parliament for a period of between two and ten consecutive days on which Parliament or any of its bodies, committees or delegations meet;
- d) submission to the Conference of Presidents, in accordance with Rule 19, of a proposal for the Member's suspension or removal from one or more of the elected offices held by the Member in Parliament.

#### **Rule 154 Internal appeal procedures**

The Member concerned may lodge an internal appeal with the Bureau within two weeks of notification of the penalty imposed by the President. Such an appeal shall have the effect of suspending the application of that penalty. The Bureau may, not later than four weeks after the lodging of the appeal, annul, confirm or reduce the penalty imposed, without prejudice to the external rights of appeal open to the Member concerned. Should the Bureau fail to take a decision within the time limit laid down, the penalty shall be declared null and void.

## **CHAPTER 5 QUORUM AND VOTING**

### **Rule 155 Quorum**

1. Parliament may deliberate, settle its agenda and approve the minutes, whatever the number of Members present.
2. A quorum shall exist when one third of the component Members of Parliament are present in the Chamber.
3. All votes shall be valid whatever the number of voters unless the President, on a request made before voting has begun by at least 40 Members, establishes at the time of voting that the quorum is not present. If the vote shows that the quorum is not present, the vote shall be placed on the agenda for the next sitting.

*A request for the quorum to be established must be made by at least 40 Members. A request on behalf of a political group is not admissible.*

*When establishing the result of the vote, account must be taken, in accordance with paragraph 2, of all the Members present in the Chamber and, in accordance with paragraph 4, of all the Members who asked for the quorum to be established. The electronic voting system cannot be used for this purpose. The doors of the Chamber may not be closed.*

*If the number of Members required to make up the quorum is not present, the President shall not announce the result of the vote but shall declare that the quorum is not present.*

*The last sentence of paragraph 3 shall not apply to votes on procedural motions but*

*only to votes on the subject-matter itself.*

4. Members who have asked for the quorum to be established shall be counted as being present within the meaning of paragraph 2, even if they are no longer in the Chamber.

*Members who have asked for the quorum to be established must be present in the Chamber when the request is made.*

5. If fewer than 40 Members are present, the President may rule that there is no quorum.

#### **Rule 156 Tabling and moving amendments**

1. Amendments for consideration in Parliament may be tabled by the committee responsible, a political group or at least 40 Members.

Amendments shall be tabled in writing and signed by their authors.

Amendments to documents of a legislative nature within the meaning of Rule 43(1) may be accompanied by a short justification. Such justifications shall be the responsibility of the author and shall not be put to the vote.

2. Subject to the limitations laid down in Rule 157, an amendment may seek to change any part of a text, and may be directed to deleting, adding or replacing words or figures.

*In this Rule and Rule 157 the term "text" means the whole of a motion for a resolution/draft legislative resolution, of a proposal for a decision or of a proposal for a legislative act.*

3. The President shall set a deadline for the tabling of amendments.

4. An amendment may be moved during the debate by its author or by any other Member appointed by the author to replace him or her.

5. Where an amendment is withdrawn by its author, it shall fall unless immediately taken over by another Member.

6. Amendments shall be put to the vote only after they have been printed and distributed in all the official languages, unless Parliament decides otherwise. Parliament may not decide otherwise if at least 40 Members object. Parliament shall avoid taking decisions which would place Members who use a particular language at an unacceptable disadvantage.

Where fewer than 100 Members are present, Parliament may not decide otherwise if at least one tenth of the Members present object.

*Oral amendments tabled in committee may be put to the vote unless one of the committee's members objects.*

#### **Rule 157 Admissibility of amendments**

1. No amendment shall be admissible if:

- a) it does not directly relate to the text which it seeks to amend;
- b) it seeks to delete or replace the whole of a text;
- c) it seeks to amend more than one of the individual articles or paragraphs of the text to which it relates. This provision shall not apply to compromise amendments nor to amendments which seek to make identical changes to a particular form of words throughout the text;
- d) it is established that the wording in at least one of the official languages of the text that the amendment is seeking to change does not require amendment; in this case, the President shall seek out a suitable linguistic remedy together with those concerned.

2. An amendment shall fall if it is inconsistent with decisions previously taken on the text during the same vote.

3. The President shall decide whether amendments are admissible.

*The President's decision under paragraph 3 concerning the admissibility of amendments is not based exclusively on the provisions of paragraphs 1 and 2 of this Rule but on the provisions of the Rules in general.*

4. A political group or at least 40 members may table an alternative motion for a resolution seeking to replace a non-legislative motion for a resolution contained in a committee report.

In such a case, the group or the Members concerned may not table amendments to the motion for a resolution by the committee responsible. The alternative motion for a resolution may not be longer than the committee's motion for a resolution. It shall be put to a single vote in Parliament without amendment.

Rule 110(4) shall apply mutatis mutandis.

### **Rule 158 Voting procedure**

1. The following voting procedure shall apply to reports:

- a) first, voting on any amendments to the text with which the report of the committee responsible is concerned,
- b) second, voting on that text as a whole, amended or otherwise,
- c) third, voting on amendments to the motion for a resolution/draft legislative resolution,
- 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.

2. The following procedure shall apply to second readings:

- a) where no proposal to reject or amend the Council's position has been tabled, it shall be deemed to have been approved in accordance with Rule 72;
- b) a proposal to reject the Council's position shall be voted upon before voting on any amendments (see Rule 65(1));

- c) where several amendments to the Council's position have been tabled they shall be put to the vote in the order set out in Rule 161;
  - d) where Parliament has held a vote with a view to amending the Council's position, a further vote on the text as a whole may only be taken in accordance with Rule 65(2).
3. The procedure set out in Rule 69 shall apply to third readings.
4. In voting on legislative texts and on non-legislative motions for resolutions, votes relating to substantive parts shall be taken first, followed by votes relating to citations and recitals. Amendments shall fall if they are inconsistent with a prior vote.
5. The only Member permitted to speak during the vote shall be the rapporteur, who shall have the opportunity of expressing briefly the views of the committee responsible on the amendments put to the vote.

#### **Rule 159 Tied votes**

1. In the event of a tied vote under Rule 158(1)(b) or (d), the text as a whole shall be referred back to committee. This shall also apply to votes under Rules 3 and 7 and to final votes under Rules 186 and 198, on the understanding that, in the case of these two Rules, the matter is referred back to the Conference of Presidents.
2. In the event of a tied vote on the agenda as a whole (Rule 140) or the minutes as a whole (Rule 179), or on a text put to a split vote under Rule 163, the text shall be deemed adopted.
3. In all other cases where there is a tied vote, without prejudice to those Rules which require qualified majorities, the text or proposal shall be deemed rejected.

#### **Rule 160 Principles governing voting**

1. Voting on a report shall take place on the basis of a recommendation from the committee responsible. The committee may delegate this task to its Chair and rapporteur.
2. The committee may recommend that all or several amendments be put to the vote collectively, that they be accepted or rejected or declared void.

It may also propose compromise amendments.

3. Where the committee recommends that amendments be put to the vote collectively, the collective vote on these amendments shall be taken first.
4. Where the committee proposes a compromise amendment, that compromise amendment shall be given priority in voting.
5. Amendments for which a roll-call vote has been requested shall be put to the vote individually.
6. A split vote shall not be admissible in the case of a collective vote or a vote on a compromise amendment.

## **Rule 161 Order of voting on amendments**

1. Amendments shall have priority over the text to which they relate and shall be put to the vote before that text.

2. If two or more mutually exclusive amendments have been tabled to the same part of a text, the amendment that departs furthest from the original text shall have priority and shall be put to the vote first. If it is adopted the other amendments shall be deemed rejected; if it is rejected, the amendment next in priority shall be put to the vote and similarly for each of the remaining amendments. Where there is doubt as to priority, the President shall decide. If all amendments are rejected, the original text shall be deemed adopted unless a separate vote has been requested within the specified deadline.

3. The President may put the original text to the vote first, or put an amendment that is closer to the original text to the vote before the amendment that departs furthest from the original text.

If either of these secures a majority, all other amendments tabled to the same text shall fall.

4. Exceptionally, on a proposal from the President, amendments tabled after the close of the debate may be put to the vote if they are compromise amendments, or if there are technical problems. The President shall obtain the agreement of Parliament to putting such amendments to the vote.

*Under Rule 157(3), the President decides whether amendments are admissible. In the case of compromise amendments tabled after the close of a debate, under this paragraph, the President decides on their admissibility on a case-by-case basis, having regard to the compromise nature of the amendments.*

The following general criteria for admissibility may be applied:

- as a general rule, compromise amendments may not relate to parts of the text which have not been the subject of amendments prior to the deadline for tabling amendments;
- as a general rule, compromise amendments may only be tabled by political groups, the Chairs or rapporteurs of the committees concerned or the authors of other amendments;
- as a general rule, compromise amendments entail the withdrawal of other amendments to the same passage.

*Only the President may propose that a compromise amendment be considered. In order for a compromise amendment to be put to the vote, the President must obtain the agreement of Parliament by asking whether there are any objections to such a vote being held. If an objection is raised, Parliament decides on the matter by a majority of the votes cast.*

5. Where the committee responsible has tabled a set of amendments to the text with which the report is concerned, the President shall put them to the vote collectively, unless a political group or at least 40 Members have requested separate votes or unless other amendments have been tabled.

6. The President may put other amendments to the vote collectively where they are complementary. In such cases he shall follow the procedure laid down in paragraph 5. Authors of such amendments may propose such collective votes where their amendments are complementary.

7. The President may decide, following the adoption or rejection of a particular amendment, that several other amendments of similar content or with similar objectives shall be put to the vote collectively. The President may seek the agreement of Parliament before doing so.

Such a set of amendments may relate to different parts of the original text.

8. Where two or more identical amendments are tabled by different authors, they shall be put to the vote as one.

### **Rule 162 Committee consideration of plenary amendments**

When more than 50 amendments and requests for a split or separate vote have been tabled to a report for consideration in Parliament, the President may, after consulting its Chair, ask the committee responsible to meet to consider those amendments or requests. Any amendment or request for a split or separate vote not receiving favourable votes at this stage from at least one-tenth of the members of the committee shall not be put to the vote in Parliament.

### **Rule 163 Split voting**

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 having a distinct meaning and/or normative value, a split vote may be requested by a political group or at least 40 Members.

2. The request shall be made the evening before the vote, unless the President sets a different deadline. The President shall decide on the request.

### **Rule 164 Right to vote**

The right to vote is a personal right.

Members shall cast their votes individually and in person.

*Any infringement of this Rule is considered as a serious case of disorder as referred to in Rule 153(1) and will have the legal consequences mentioned in that Rule.*

### **Rule 165 Voting**

1. As a general rule Parliament shall vote by show of hands.

2. If the President decides that the result is doubtful, a fresh vote shall be taken using the electronic voting system and, if the latter is not working, by sitting and standing.

3. The result of the vote shall be recorded.



### **Rule 166 Final vote**

When voting on any proposal for a legislative act, whether by way of a single and/or final vote, Parliament shall vote by roll call using the electronic voting system.

### **Rule 167 Voting by roll call**

1. In addition to the cases provided for under Rules 106(4), 107(5) and 166, the vote shall be taken by roll call if this is requested in writing by a political group or at least 40 Members the evening before the vote unless the President sets a different deadline.

2. The roll call vote shall be taken using the electronic voting system. Where the latter cannot be used for technical reasons, 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.

Votes shall be recorded in the minutes of the sitting by political group in the alphabetical order of Members' names, with an indication of how they voted.

### **Rule 168 Electronic voting**

1. The President may at any time decide that the voting operations indicated in Rules 165, 167 and 169 will be carried out by means of the electronic voting system.

Where the electronic voting system cannot be used for technical reasons, voting shall take place in accordance with Rules 165, 167(2) or 169.

The technical arrangements for using the electronic voting system shall be governed by instructions from the Bureau.

2. Where an electronic vote is taken, only the numerical result of the vote shall be recorded.

However, if a vote by roll call has been requested in accordance with Rule 167(1), the votes shall be recorded in the minutes of the sitting by political group in the alphabetical order of Members' names.

3. The vote by roll call shall be taken in accordance with Rule 167(2) if a majority of the Members present so request. The system indicated in paragraph 1 of this Rule may be used to determine whether a majority exists.

### **Rule 169 Voting by secret ballot**

1. In the case of appointments, voting shall be by secret ballot without prejudice to Rules 13(1), 186(1) and 191(2), second subparagraph.

Only ballot papers bearing the names of Members who have been nominated shall be taken into account in calculating the number of votes cast.

2. Voting may also be by secret ballot if this is requested by at least one-fifth of the component Members of Parliament. Such requests must be made before voting begins.

*When a request for a secret ballot is submitted by at least one fifth of the component Members of Parliament before voting begins, Parliament must hold such a vote.*

3. A request for a secret ballot shall take priority over a request for a vote by roll call.

4. Between two and eight Members chosen by lot shall count the votes cast in a secret ballot, unless an electronic vote is taken.

In the case of votes under paragraph 1, candidates shall not act as tellers.

*The names of Members who have taken part in a secret ballot shall be recorded in the minutes of the sitting at which the ballot was held.*

#### **Rule 170 Explanations of vote**

1. Once the general debate has been concluded, any Member may give an oral explanation on the final vote for not longer than one minute or give a written explanation of no more than 200 words, which shall be included in the verbatim report of proceedings.

Any political group may give an explanation of vote lasting not more than two minutes.

No further requests to give explanations of vote shall be accepted once the first explanation of vote has begun.

*Explanations of vote are admissible on the final vote on any subject submitted to Parliament. For the purposes of this Rule the term "final vote" does not refer to the type of vote, but means the last vote on any item.*

2. Explanations of vote shall not be admissible in the case of votes on procedural matters.

3. Where a proposal for a legislative act or a report has been included on the agenda of Parliament pursuant to Rule 138, Members may submit written explanations of vote in accordance with paragraph 1.

*Explanations of vote given either orally or in writing must have a direct bearing on the text being put to the vote.*

#### **Rule 171 Disputes on voting**

1. The President shall declare votes open and closed.

2. Once the President has declared a vote open, no-one except the President shall be allowed to speak until the vote is declared closed.

3. Points of order concerning the validity of a vote may be raised after the President has declared it closed.
4. After the result of a vote by show of hands has been announced, a Member may request that this result be checked using the electronic voting system.
5. The President shall decide whether the result announced is valid. The decision shall be final.

## **CHAPTER 6 INTERRUPTIVE AND PROCEDURAL MOTIONS**

### **Rule 172 Procedural motions**

1. Requests to move a procedural motion, namely:
  - a) the inadmissibility of a matter (Rule 174);
  - b) referral back to committee (Rule 175);
  - c) the closure of a debate (Rule 176);
  - d) the adjournment of a debate and vote (Rule 177); or
  - e) the suspension or closure of the sitting (Rule 178)

shall take precedence over other requests to speak.

Only the following shall be heard on these motions in addition to the mover: one speaker in favour and one against and the Chair or rapporteur of the committee responsible.

2. Speaking time shall not exceed one minute.

### **Rule 173 Points of order**

1. Members may be allowed to speak in order to draw the attention of the President to any failure to comply with Parliament's Rules of Procedure. They shall first specify to which Rule they are referring.
2. A request to raise a point of order shall take precedence over all other requests to speak.
3. Speaking time shall not exceed one minute.
4. The President shall take an immediate decision on points of order in accordance with the Rules of Procedure and shall announce it immediately after the point of order has been raised. No vote shall be taken on the President's decision.
5. Exceptionally, the President may state that he will announce the decision later, but not more than 24 hours after the point of order was raised. Postponement of the ruling shall not entail the adjournment of the debate. The President may refer the matter to the committee responsible.

*A request to raise a point of order must relate to the agenda item under discussion. The President may take a point of order concerning a different matter at an appropriate time, e.g., after the discussion of the agenda item in question is closed or*

*before the sitting is suspended.*

**Rule 174 Moving the inadmissibility of a matter**

1. At the beginning of the debate on a specific item on the agenda, its inadmissibility may be moved. Such a motion shall be put to the vote immediately.

The intention to move inadmissibility shall be notified at least 24 hours in advance to the President who shall inform Parliament immediately.

2. If the motion is carried, Parliament shall immediately proceed to the next item on the agenda.

**Rule 175 Referral back to committee**

1. Referral back to committee may be requested by a political group or at least 40 Members when the agenda is fixed or before the start of the debate.

The intention to move referral back to committee shall be notified at least 24 hours in advance to the President, who shall inform Parliament immediately.

2. Referral back to committee may also be requested by a political group or at least 40 Members before or during a vote. Such a motion shall be put to the vote immediately.

3. A request may be made only once at each of these procedural stages.

4. Referral back to committee shall entail suspension of the discussion of the item.

5. Parliament may set a time limit within which the committee must report its conclusions.

**Rule 176 Closure of a debate**

1. A debate may be closed before the list of speakers has been exhausted on a proposal from the President or at the request of a political group or at least 40 Members. Such a proposal or request shall be put to the vote immediately.

2. If the proposal or request is carried, one Member only may speak from each political group which has not yet provided a speaker in that debate.

3. After the speeches referred to in paragraph 2, the debate shall be closed and Parliament shall vote on the matter under debate, except where the time for the vote has been set in advance.

4. If the proposal or request is rejected, it may not be tabled again during the same debate, except by the President.

**Rule 177 Adjournment of a debate and vote**

1. At the start of a debate on an item on the agenda, a political group or at least 40 Members may move that the debate be adjourned to a specific date and time. Such a motion shall be put to the vote immediately.

The intention to move adjournment shall be notified at least 24 hours in advance to the President, who shall inform Parliament immediately.

2. If the motion is carried, Parliament shall proceed to the next item on the agenda. The adjourned debate shall be resumed at the specified date and time.
3. If the motion is rejected, it may not be tabled again during the same part-session.
4. Before or during a vote, a political group or at least 40 Members may move that the vote be adjourned. Such a motion shall be put to the vote immediately.

*Any decision by Parliament to adjourn a debate to a subsequent part-session shall specify the part-session on the agenda of which the debate is to be included, on the understanding that the agenda for that part-session is drawn up in accordance with Rules 137 and 140.*

#### **Rule 178 Suspension or closure of the sitting**

The sitting may be suspended or closed during a debate or a vote if Parliament so decides on a proposal from the President or at the request of a political group or at least 40 Members. Such a proposal or request shall be put to the vote immediately.

### **CHAPTER 7 PUBLIC RECORD OF PROCEEDINGS**

#### **Rule 179 Minutes**

1. The minutes of each sitting, detailing the proceedings and the decisions of Parliament and the names of speakers, shall be distributed at least half an hour before the beginning of the afternoon period of the next sitting.

*In the context of legislative proceedings, any amendments adopted by Parliament are also deemed to be decisions within the meaning of this provision, even if the relevant Commission proposal or the Council's position is ultimately rejected, in accordance with Rule 56(1) or Rule 65(3) respectively.*

2. At the beginning of the afternoon period of each sitting the President shall place before Parliament, for its approval, the minutes of the previous sitting.
3. If any objections are raised to the minutes Parliament shall, if necessary, decide whether the changes requested should be considered. No Member may speak on the subject for more than one minute.
4. The minutes shall be signed by the President and the Secretary-General and preserved in the records of Parliament. They shall be published in the Official Journal of the European Union.

#### **Rule 180 Texts adopted**

1. Texts adopted by Parliament shall be published immediately after the vote. They shall be placed before Parliament in conjunction with the minutes of the relevant sitting and preserved in the records of Parliament.

2. Texts adopted by Parliament shall be subject to legal-linguistic finalisation under the responsibility of the President. Where such texts are adopted on the basis of an agreement reached between Parliament and the Council, such finalisation shall be carried out by the two institutions acting in close cooperation and by mutual agreement.

3. The procedure laid down in Rule 216 shall apply where, in order to ensure the coherence and quality of the text in accordance with the will expressed by Parliament, adaptations are required which go beyond corrections of typographical errors or corrections necessary to ensure the concordance of all language versions, their linguistic correctness and their terminological consistency.

4. Positions adopted by Parliament under the ordinary legislative procedure shall take the form of a consolidated text. Where Parliament's vote was not based on an agreement with the Council, the consolidated text shall identify any amendments adopted.

5. After finalisation, the texts adopted shall be signed by the President and the Secretary-General and published in the Official Journal of the European Union.

#### **Rule 181 Verbatim reports**

1. A verbatim report of the proceedings of each sitting shall be drawn up in all the official languages.

2. Speakers shall return corrections to typescripts of their speeches to the Secretariat within one week.

3. The verbatim report shall be published as an annex to the Official Journal of the European Union.

4. Members may ask for extracts from the verbatim report to be translated at short notice.

#### **Rule 182 Audiovisual record of proceedings**

Immediately after the sitting, an audiovisual record of the proceedings, including the soundtrack from all interpretation booths, shall be produced and made available on the internet.

## TITLE VII COMMITTEES AND DELEGATIONS

### CHAPTER 1 COMMITTEES - SETTING-UP AND POWERS

#### **Rule 183 Setting-up of standing committees**

On a proposal from the Conference of Presidents, Parliament shall set up standing committees whose powers shall be defined in an annex to these Rules of Procedure<sup>18</sup>. Their members shall be elected during the first part-session following the re-election of Parliament and again two and a half years thereafter.

*The powers of standing committees can be determined at a time other than that at which the committee is set up.*

#### **Rule 184 Setting-up of special committees**

On a proposal from the Conference of Presidents, Parliament may at any time set up special committees, whose powers, composition and term of office shall be defined at the same time as the decision to set them up is taken; their term of office may not exceed 12 months, except where Parliament extends that term on its expiry.

*As the powers, composition and term of office of special committees are decided at the same time as those committees are set up, Parliament cannot subsequently decide to alter their powers by either increasing or reducing them.*

#### **Rule 185 Committees of inquiry**

1. Parliament may, at the request of one quarter of its component Members, set up a committee of inquiry to investigate alleged contraventions of Union law or alleged maladministration in the application of Union law which would appear to be the act of an institution or body of the European Union, of a public administrative body of a Member State, or of persons empowered by Union law to implement that law.

The decision to set up a committee of inquiry shall be published in the Official Journal of the European Union within one month. In addition, Parliament shall take all the necessary steps to make this decision as widely known as possible.

2. The modus operandi of a committee of inquiry shall be governed by the provisions of these Rules relating to committees, save as otherwise specifically provided for in this Rule and in the Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry, which is annexed to these Rules<sup>19</sup>.

3. The request to set up a committee of inquiry must specify precisely the subject of the inquiry and include a detailed statement of the grounds for it. Parliament, on a proposal from the Conference of Presidents, shall decide whether to

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<sup>18</sup>See Annex VII.

<sup>19</sup>See Annex IX.

set up a committee and, if it decides to do so, on its composition, in accordance with Rule 186.

4. A committee of inquiry shall conclude its work by submitting a report within not more than 12 months. Parliament may twice decide to extend this period by three months.

Only full members or, in their absence, permanent substitutes may vote in a committee of inquiry.

5. A committee of inquiry shall elect its Chair and two Vice-Chairs and appoint one or more rapporteurs. The committee may also assign responsibilities, duties or specific tasks to its members who must subsequently report to the committee in detail thereon.

In the interval between one meeting and another, the bureau of the committee shall, in cases of urgency or need, exercise the committee's powers, subject to ratification at the next meeting.

6. If a committee of inquiry considers that any of its rights have been infringed, it shall propose that the President take appropriate measures.

7. A committee of inquiry may contact the institutions or persons referred to in Article 3 of the Decision referred to in paragraph 2 with a view to holding a hearing or obtaining documents.

The travel and accommodation expenses of members and officials of Union institutions and bodies shall be borne by those institutions and bodies. Travel and accommodation expenses of other persons who appear before a committee of inquiry shall be reimbursed by the European Parliament in accordance with the rules governing hearings of experts.

Persons called to give evidence before a committee of inquiry may claim the rights they would enjoy if appearing as a witness before a tribunal in their country of origin. They must be informed of these rights before they make a statement to the committee.

With regard to the languages used, a committee of inquiry shall apply the provisions of Rule 146. However, the bureau of the committee:

- may restrict interpretation to the official languages of those taking part in the deliberations, if it deems this necessary for reasons of confidentiality,
- shall decide about translation of the documents received in such a way as to ensure that the committee can carry out its deliberations efficiently and rapidly and that the necessary secrecy and confidentiality are respected.

8. The Chair of a committee of inquiry shall, together with the bureau, ensure that the secrecy or confidentiality of deliberations are respected and shall give members due notice to this effect.

The Chair shall also explicitly refer to the provisions of Article 2(2) of the Decision referred to above. Part A of Annex VIII to these Rules of Procedure shall apply.

9. Secret or confidential documents which have been forwarded shall be examined using technical measures to ensure that only the members responsible for



the case have personal access to them. The members in question shall give a solemn undertaking not to allow any other person access to secret or confidential information, in accordance with this Rule, and to use such information exclusively for the purposes of drawing up their report for the committee of inquiry. Meetings shall be held on premises equipped in such a way as to make it impossible for any non-authorised persons to listen to the proceedings.

10. After completion of its work a committee of inquiry shall submit to Parliament a report on the results of its work, containing minority opinions if appropriate in accordance with the conditions laid down in Rule 52. The report shall be published.

At the request of the committee of inquiry Parliament shall hold a debate on the report at the part-session following its submission.

The committee may also submit to Parliament a draft recommendation addressed to institutions or bodies of the European Union or the Member States.

11. The President shall instruct the committee responsible under Annex VII to monitor the action taken on the results of the work of the committee of inquiry and, if appropriate, to report thereon, and shall take any further steps which are deemed appropriate to ensure that the conclusions of the inquiry are acted upon in practice.

*Only the proposal from the Conference of Presidents concerning the composition of a committee of inquiry (paragraph 3) is open to amendment, in accordance with Rule 186(2).*

*The subject of the inquiry as defined by one quarter of Parliament's component Members (paragraph 3) and the period laid down in paragraph 4 are not open to amendments.*

#### **Rule 186 Composition of committees**

1. Members of committees and committees of inquiry shall be elected after nominations have been submitted by the political groups and the non-attached Members. The Conference of Presidents shall submit proposals to Parliament. The composition of the committees shall, as far as possible, reflect the composition of Parliament.

*When Members change their political group they shall retain, for the remainder of their two-and-a-half year term of office, the seats they hold in parliamentary committees. However, if a Member's change of political group has the effect of disturbing the fair representation of political views in a committee, new proposals for the composition of that committee are made by the Conference of Presidents in accordance with the procedure laid down in paragraph 1, second sentence, so that the individual rights of the Member concerned are guaranteed.*

*The proportionality of the distribution of committee seats among political groups must not depart from the nearest appropriate whole number. If a group decides not to take seats on a committee, the seats in question will remain vacant and the committee will be reduced in size by the corresponding number. Exchange of seats between political groups is not allowed.*

2. Amendments to the proposals by the Conference of Presidents shall be admissible only if they are tabled by at least 40 Members. Parliament shall vote on such amendments by secret ballot.
3. Members shall be deemed to be elected on the basis of the proposals from the Conference of Presidents, as and where amended in accordance with paragraph 2.
4. If a political group fails to submit nominations for membership of a committee of inquiry in accordance with paragraph 1 within a time limit set by the Conference of Presidents, the Conference of Presidents shall submit to Parliament only the nominations communicated to it within that time-limit.
5. The Conference of Presidents may provisionally decide to fill any vacancy on a committee with the agreement of the persons to be appointed, having regard to paragraph 1.
6. Any such changes shall be placed before Parliament for ratification at the next sitting.

### **Rule 187 Substitutes**

1. The political groups and the non-attached Members may appoint a number of permanent substitutes for each committee equal to the number of full members representing them on the committee. The President shall be informed accordingly. These permanent substitutes shall be entitled to attend and speak at committee meetings and, if the full member is absent, to take part in the vote.
2. In addition, in the absence of the full member and where permanent substitutes either have not been appointed or are absent, the full member of the committee may arrange to be represented at meetings by another member of the same political group, who shall be entitled to vote. The Chair of the committee shall be notified of the name of the substitute prior to the beginning of the voting session.

*Paragraph 2 shall apply, mutatis mutandis, to the non-attached Members.*

*The advance notification provided for in the last sentence of paragraph 2 must be given before the end of the debate or before the opening of the vote on the item or items for which the full member is to be replaced.*

The provisions of this Rule encompass two concepts which are clearly defined by this text:

- a political group may not have more permanent substitutes on a committee than it has full members;
- only political groups are entitled to appoint permanent substitutes, on the sole condition that they inform the President.

To conclude:

- the status of permanent substitutes depends exclusively on membership of a given political group;

- if the number of a political group's full members in a committee changes, the maximum number of permanent substitutes which it can appoint to that committee changes accordingly;
- Members who change their political group may not keep the status of permanent substitute which they had as members of their original group;
- a committee member may not under any circumstances be a substitute for a colleague who belongs to another political group.

### **Rule 188 Duties of committees**

1. Standing committees shall examine questions referred to them by Parliament or, during an adjournment of the session, by the President on behalf of the Conference of Presidents. The responsibilities of special committees and committees of inquiry shall be defined when they are set up; they shall not be entitled to deliver opinions to other committees.

*(See interpretation under Rule 184.)*

2. If a standing committee declares itself not competent to consider a question, or a conflict arises over the competence of two or more standing committees, the question of competence shall be referred to the Conference of Presidents within four working weeks of the announcement in Parliament of referral to committee.

The Conference of Presidents shall take a decision within six weeks on the basis of a recommendation from the Conference of Committee Chairs, or, if no such recommendation is forthcoming, from the latter's Chair. If the Conference of Presidents fails to take a decision within that period, the recommendation shall be deemed to have been approved.

*The committee Chairs may enter into agreements with other committee Chairs concerning the allocation of an item to a particular committee, subject, where necessary, to authorisation of a procedure with associated committees under Rule 50.*

3. Should two or more standing committees be competent to deal with a question, one committee shall be named as the committee responsible and the others as committees asked for opinions.

A question shall not, however, be referred simultaneously to more than three committees, unless it is decided for sound reasons to depart from this rule under the conditions laid down in paragraph 1.

4. Any two or more committees or subcommittees may jointly consider matters falling within their competence, but they may not take a decision.

5. Any committee may, with the agreement of Parliament's Bureau, instruct one or more of its members to undertake a study or fact-finding mission.

### **Rule 189 Committee responsible for the verification of credentials**

Among the committees set up in accordance with the provisions of these Rules, one committee shall be responsible for the verification of credentials and the preparation of decisions on any objections concerning the validity of elections.

### **Rule 190 Subcommittees**

1. Subject to prior authorisation by the Conference of Presidents, a standing or special committee may, in the interests of its work, appoint one or more subcommittees, at the same time determining their composition, in accordance with Rule 186, and their areas of responsibility. Subcommittees shall report to the committee that set them up.
2. The procedure for subcommittees shall be the same as for committees.
3. Substitutes shall be allowed to sit on subcommittees under the same conditions as on committees.
4. The application of these provisions must safeguard the interdependence between a subcommittee and the committee within which it is set up. For this purpose all the full members of a subcommittee shall be chosen from among the members of the parent committee.

### **Rule 191 Committee bureaux**

1. At the first committee meeting after the election of committee members pursuant to Rule 186, the committee shall elect a bureau consisting of a chair and of vice-chairs who shall be elected in separate ballots. The number of vice-chairs to be elected shall be determined by Parliament upon a proposal by the Conference of Presidents.

*This Rule does not preclude the Chair of the main committee from involving the Chairs of the subcommittees in the work of the bureau or from permitting them to chair debates on issues specifically dealt with by the subcommittees in question – on the contrary, it allows this – provided that this way of proceeding is submitted to the bureau in its entirety for its consideration and that it receives the bureau's agreement.*

2. Where the number of nominations corresponds to the number of seats to be filled, the election may take place by acclamation.

If this is not the case, or at the request of one-sixth of the members of the committee, the election shall take place by secret ballot.

If there is only one candidate, the election shall be won by an absolute majority of the votes cast, these to include votes cast for and against.

If there is more than one candidate at the first ballot, the candidate who obtains an absolute majority of the votes cast, as defined in the preceding subparagraph, shall be elected. At the second ballot, the candidate who obtains the highest number of votes shall be elected. In the event of a tie, the oldest candidate shall be elected.

Where a second ballot is required, new candidates may be nominated.

## **Rule 192 Committee coordinators and shadow rapporteurs**

1. The political groups may designate one of their members as coordinator.
2. The committee coordinators shall if necessary be convened by their committee Chair to prepare decisions to be taken by the committee, in particular decisions on procedure and the appointment of rapporteurs. The committee may delegate the power to take certain decisions to the coordinators, with the exception of decisions concerning the adoption of reports, opinions or amendments. The Vice-Chairs may be invited to participate in the meetings of committee coordinators in a consultative role. The coordinators shall endeavour to find a consensus. When consensus cannot be reached, they may act only by a majority that clearly represents a large majority of the committee, having regard to the respective strengths of the various groups.
3. The political groups may designate a shadow rapporteur for each report to follow the progress of the relevant report and find compromises within the committee on behalf of the group. Their names shall be communicated to the committee Chair. The committee, on a proposal from the coordinators, may in particular decide to involve the shadow rapporteurs in seeking an agreement with the Council in ordinary legislative procedures.

## **CHAPTER 2 COMMITTEES - FUNCTIONING**

### **Rule 193 Committee meetings**

1. A committee shall meet when convened by its Chair or at the request of the President.
2. The Commission and the Council may take part in committee meetings if invited to do so on behalf of a committee by its Chair.

By special decision of a committee, any other person may be invited to attend and to speak at a meeting.

*By analogy, the decision on whether to allow Members' assistants to be present at committee meetings is left to the discretion of each committee.*

*The committee responsible may, subject to approval by the Bureau, organise a hearing of experts if it considers such a hearing essential to the effective conduct of its work on a particular subject.*

*Committees asked for opinions may attend the hearing if they so wish.*

*Provisions of this paragraph shall be interpreted in accordance with the point 50 of the Framework Agreement on relations between the European Parliament and the European Commission<sup>20</sup>.*

3. Without prejudice to Rule 49(6) and unless the committee concerned decides otherwise, Members may attend meetings of committees to which they do not belong but may not take part in their deliberations.

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<sup>20</sup>See Annex XIV.

Such Members may, however, be allowed by the committee to take part in its proceedings in an advisory capacity.

#### **Rule 194 Minutes of committee meetings**

The minutes of each meeting of a committee shall be distributed to all its members and submitted to the committee for its approval.

#### **Rule 195 Voting in committee**

1. Any Member may table amendments for consideration in committee.
2. A committee may validly vote when one quarter of its members are actually present. However, if so requested by one sixth of its members before voting begins, the vote shall be valid only if the majority of the component members of the committee have taken part in it.
3. Voting in committee shall be by show of hands, unless a quarter of the committee's members request a vote by roll call. In this case the vote shall be taken in accordance with Rule 167(2).
4. The Chair may take part in discussions and may vote, but without having a casting vote.
5. In the light of the amendments tabled, the committee may, instead of proceeding to a vote, ask the rapporteur to submit a new draft taking account of as many of the amendments as possible. A new deadline shall then be set for amendments to this draft.

#### **Rule 196 Provisions concerning plenary sittings applicable in committee**

Rules 12, 13, 14, 17, 18, 36 to 44, 148, 149(2) and (10), 152, 154, 156 to 159, 161, 163(1), 164, 165, 168, 169, 171 to 174, 177 and 178 shall apply mutatis mutandis to committee meetings.

#### **Rule 197 Question Time in committee**

Question Time may be held in committee if a committee so decides. Each committee shall decide on its own rules for the conduct of Question Time.

### **CHAPTER 3 INTERPARLIAMENTARY DELEGATIONS**

#### **Rule 198 Setting-up and duties of interparliamentary delegations**

1. On a proposal from the Conference of Presidents, Parliament shall set up standing interparliamentary delegations and decide on their nature and the number of their members in the light of their duties. The members shall be elected during the first or second part-session following the re-election of Parliament for the duration of the parliamentary term.
2. Members of the delegations shall be elected after nominations have been submitted to the Conference of Presidents by the political groups and the non-attached Members. The Conference of Presidents shall submit to Parliament proposals

designed to ensure as far as possible that Member States and political views are fairly represented. Rule 186(2), (3), (5) and (6) shall apply.

3. The bureaux of the delegations shall be constituted in accordance with the procedure laid down for the standing committees in Rule 191.

4. Parliament shall determine the general powers of the individual delegations. It may at any time decide to increase or restrict those powers.

5. The implementing provisions needed to enable the delegations to carry out their work shall be adopted by the Conference of Presidents on a proposal from the Conference of Delegation Chairs.

6. The Chair of a delegation shall submit to the committee responsible for foreign affairs and security a report on the activities of the delegation.

7. The Chair of a delegation shall be given an opportunity to be heard by a committee when an item on the agenda which touches on the delegation's area of responsibility. The same shall apply to the Chair or rapporteur of that committee in the case of meetings of the delegation.

#### **Rule 199 Cooperation with the Parliamentary Assembly of the Council of Europe**

1. Parliament's bodies, particularly the committees, shall cooperate with their counterparts at the Parliamentary Assembly of the Council of Europe in fields of mutual interest, with the aim in particular of improving the efficiency of their work and avoiding duplication of effort.

2. The Conference of Presidents, in agreement with the competent authorities of the Parliamentary Assembly of the Council of Europe, shall decide on the arrangements for implementing these provisions.

#### **Rule 200 Joint parliamentary committees**

1. The European Parliament may set up joint parliamentary committees with the parliaments of States associated with the Union or States with which accession negotiations have been initiated.

Such committees may formulate recommendations for the parliaments involved. In the case of the European Parliament, these recommendations shall be referred to the committee responsible, which shall put forward proposals on the action to be taken.

2. The general responsibilities of the various joint parliamentary committees shall be defined by the European Parliament and by the agreements with the third countries.

3. Joint parliamentary committees shall be governed by the procedures laid down in the relevant agreement. Such procedures shall be based on the principle of parity between the delegation of the European Parliament and that of the parliament involved.

4. Joint parliamentary committees shall draw up their own rules of procedure and submit them for approval to the bureaux of the European Parliament and of the parliament involved.
5. The election of the members of European Parliament delegations to joint parliamentary committees and the constitution of the bureaux of these delegations shall take place in accordance with the procedure laid down for interparliamentary delegations.



## TITLE VIII PETITIONS

### Rule 201 Right of petition

1. Any citizen of the European Union and any natural or legal person residing or having its registered office in a Member State shall have the right to address, individually or in association with other citizens or persons, a petition to Parliament on a matter which comes within the European Union's fields of activity and which affects him, her or it directly.

2. Petitions to Parliament shall show the name, nationality and permanent address of each petitioner.

3. Where a petition is signed by several natural or legal persons, the signatories shall designate a representative and deputy representatives who shall be regarded as the petitioners for the purposes of this Title.

If no such representatives have been designated the first signatory or another appropriate person shall be regarded as the petitioner.

4. Each petitioner may at any time withdraw support for the petition.

After withdrawal of support by all the petitioners the petition shall become null and void.

5. Petitions must be written in an official language of the European Union.

Petitions written in any other language will be considered only if the petitioner has attached a translation in an official language. Parliament's correspondence with the petitioner shall employ the official language in which the translation is drawn up.

The Bureau may decide that petitions and correspondence with petitioners may be drafted in other languages used in a Member State.

6. Petitions shall be entered in a register in the order in which they are received if they comply with the conditions laid down in paragraph 2; those that do not shall be filed, and the petitioner shall be informed of the reasons for this.

7. Petitions entered in the register shall be forwarded by the President to the committee responsible, which shall first establish the admissibility or otherwise of the petition in accordance with Article 227 of the Treaty on the Functioning of the European Union.

If the committee responsible fails to reach a consensus on the admissibility of the petition, it shall be declared admissible at the request of at least one quarter of the members of the committee.

8. Petitions declared inadmissible by the committee shall be filed; the petitioner shall be informed of the decision and the reasons for it. Where possible, alternative means of redress may be recommended.

9. Petitions, once registered, shall as a general rule become public documents, and the name of the petitioner and the contents of the petition may be published by Parliament for reasons of transparency.

10. Notwithstanding the provisions contained in paragraph 9, the petitioner may request that his or her name be withheld in order to protect his or her privacy, in which case Parliament must comply with the request.

Where the petitioner's complaint cannot be investigated for reasons of anonymity, the petitioner shall be consulted as to the further steps to be taken.

11. The petitioner may request that his or her petition be treated confidentially, in which case suitable precautions shall be taken by Parliament to ensure that the contents are not made public. The petitioner shall be told under which precise conditions this provision is to apply.

12. Where the committee deems it appropriate, it may refer the matter to the Ombudsman.

13. Petitions addressed to Parliament by natural or legal persons who are neither citizens of the European Union nor reside in a Member State nor have their registered office in a Member State shall be registered and filed separately. The President shall send a monthly record of such petitions received during the previous month, indicating their subject-matter, to the committee responsible for considering petitions, which may ask to see those which it wishes to consider.

#### **Rule 202 Examination of petitions**

1. Admissible petitions shall be considered by the committee responsible in the course of its normal activity, either through discussion at a regular meeting or by written procedure. Petitioners may be invited to participate in meetings of the committee if their petition is to be the subject of discussion, or they may ask to be present. The right to speak shall be granted to petitioners at the discretion of the Chair.

2. The committee may, with regard to an admissible petition, decide to draw up an own-initiative report in accordance with Rule 48(1) or to submit a short motion for a resolution to Parliament, provided that there is no objection by the Conference of Presidents. Such motions for resolutions shall be placed on the draft agenda for the part-session held no later than eight weeks after their adoption in committee. They shall be put to a single vote and shall also be without debate unless the Conference of Presidents exceptionally decides to apply Rule 139.

The committee may request opinions from other committees that have specific responsibility for the issue under consideration in accordance with Rule 49 and Annex VII.

3. Where the report deals with, in particular, the application or interpretation of Union law or proposed changes to existing law, the committee responsible for the subject-matter shall be associated in accordance with Rule 49(1) and the first and second indents of Rule 50. The committee responsible shall accept without a vote suggestions for parts of the motion for a resolution received from the committee responsible for the subject-matter which deal with the application or interpretation of

Union law or changes to existing law. If the committee responsible does not accept such suggestions, the associated committee may table them directly in plenary.

4. An electronic register shall be set up in which citizens may lend or withdraw support to the petitioner, appending their own electronic signature to petitions which have been declared admissible and entered in the register.

5. When investigating petitions, establishing facts or seeking solutions the committee may organise fact-finding visits to the Member State or region concerned by the petition.

Reports on the visits shall be drafted by their participants. They shall be forwarded to the President after approval by the committee.

6. The committee may request assistance from the Commission particularly in the form of information on the application of, or compliance with, Union law and information or documents relevant to the petition. Representatives of the Commission shall be invited to attend meetings of the committee.

7. The committee may ask the President to forward its opinion or recommendation to the Commission, the Council or the Member State authority concerned for action or response.

8. The committee shall inform Parliament every six months of the outcome of its deliberations.

The committee shall, in particular, inform Parliament of the measures taken by the Council or the Commission on petitions referred to them by Parliament.

9. The petitioner shall be informed of the decision taken by the committee and the reasons for that decision.

When consideration of an admissible petition has been concluded, it shall be declared closed and the petitioner informed.

### **Rule 203 Notice of petitions**

1. Notice shall be given in Parliament of the petitions entered in the register referred to in Rule 201(6) and the main decisions on the procedure to be followed in relation to specific petitions. Such announcements shall be entered in the minutes of proceedings.

2. The title and a summary of the texts of petitions entered in the register, together with the texts of the opinions and the most important decisions forwarded in connection with the examination of the petitions, shall be made available to the public in a database, provided the petitioner agrees. Confidential petitions shall be preserved in the records of Parliament, where they shall be available for inspection by Members.

## **TITLE IX OMBUDSMAN**

### **Rule 204 Election of the Ombudsman**

1. At the start of each parliamentary term, immediately after his election or in the cases referred to in paragraph 8, the President shall call for nominations for the office of Ombudsman and set a time-limit for their submission. A notice calling for nominations shall be published in the Official Journal of the European Union.

2. Nominations must have the support of at least 40 Members who are nationals of at least two Member States.

Each Member may support only one nomination.

Nominations shall include all the supporting documents needed to show conclusively that the nominee fulfils the conditions required by the Regulations on the Ombudsman.

3. Nominations shall be forwarded to the committee responsible, which may ask to hear the nominees.

Such hearings shall be open to all Members.

4. A list of admissible nominations in alphabetical order shall then be submitted to the vote of Parliament.

5. The vote shall be held by secret ballot on the basis of a majority of the votes cast.

If no candidate is elected after the first two ballots, only the two candidates obtaining the largest number of votes in the second ballot may continue to stand.

In the event of any tie the oldest candidate shall be appointed.

6. Before opening the vote, the President shall ensure that at least half of Parliament's component Members are present.

7. The person elected shall immediately be called upon to take an oath before the Court of Justice.

8. The Ombudsman shall exercise his duties until his successor takes office, except in the case of his death or dismissal.

### **Rule 205 Activities of the Ombudsman**

1. The decision on the regulations and general conditions governing the performance of the Ombudsman's duties and the provisions implementing that decision as adopted by the Ombudsman are annexed to these Rules of Procedure<sup>21</sup> for information.

2. The Ombudsman shall, in accordance with Article 3(6) and (7) of the abovementioned decision, inform Parliament of cases of maladministration, on which

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<sup>21</sup>See Annex XI.

the committee responsible may draw up a report. The Ombudsman shall also, in accordance with Article 3(8) of that decision, submit a report to Parliament at the end of each annual session on the outcome of his inquiries. The committee responsible shall draw up a report thereon which shall be submitted to Parliament for debate.

3. The Ombudsman may also provide the committee responsible with information at its request, or be heard by it on his own initiative.

### **Rule 206 Dismissal of the Ombudsman**

1. One tenth of Parliament's component Members may request the Ombudsman's dismissal if he no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct.

2. The request shall be forwarded to the Ombudsman and to the committee responsible, which, if it decides by a majority of its members that the reasons are well founded, shall submit a report to Parliament. If he so requests, the Ombudsman shall be heard before the report is put to the vote. Parliament shall, following a debate, take a decision by secret ballot.

3. Before opening the vote, the President shall ensure that half of Parliament's component Members are present.

4. If the vote is in favour of the Ombudsman's dismissal and he does not resign accordingly the President shall, at the latest by the part-session following that at which the vote was held, apply to the Court of Justice to have the Ombudsman dismissed with a request for a ruling to be given without delay.

Resignation by the Ombudsman shall terminate the procedure.

## **TITLE X PARLIAMENT'S SECRETARIAT**

### **Rule 207 Secretariat**

1. Parliament shall be assisted by a Secretary-General appointed by the Bureau.

The Secretary-General shall give a solemn undertaking before the Bureau to perform his duties conscientiously and with absolute impartiality.

2. The Secretary-General shall head a Secretariat the composition and organisation of which shall be determined by the Bureau.

3. The Bureau shall decide on the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants.

The Bureau shall also decide on the categories of officials and other servants to which Articles 11 to 13 of the Protocol on the Privileges and Immunities of the European Union are to apply wholly or in part.

The President of Parliament shall inform the appropriate institutions of the European Union accordingly.

## **TITLE XI POWERS AND RESPONSIBILITIES RELATING TO POLITICAL PARTIES AT EUROPEAN LEVEL**

### **Rule 208 Powers and responsibilities of the President**

The President shall represent Parliament in its relations with political parties at European level, in accordance with Rule 20(4).

### **Rule 209 Powers and responsibilities of the Bureau**

1. The Bureau shall take a decision on any application for funding submitted by a political party at European level and on the distribution of appropriations amongst the beneficiary political parties. It shall draw up a list of the beneficiaries and of the amounts allocated.

2. The Bureau shall decide whether to suspend or reduce funding and whether to recover amounts which have been wrongly paid.

3. After the end of the budget year the Bureau shall approve the beneficiary political parties' final activity reports and final financial statements.

4. Under the terms and conditions laid down in Regulation (EC) No 2004/2003 of the European Parliament and of the Council the Bureau may grant technical assistance to political parties at European level in accordance with their proposals. The Bureau may delegate specific types of decisions to grant technical assistance to the Secretary-General.

5. In all the cases set out in paragraphs 1 to 4 the Bureau shall act on the basis of a proposal from the Secretary-General. Except in the cases set out in paragraphs 1 and 4 the Bureau shall, before taking a decision, hear the representatives of the political party concerned. The Bureau may at any time consult the Conference of Presidents.

6. Where Parliament - following verification - establishes that a political party at European level has ceased to observe the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, the Bureau shall decide that that political party shall be excluded from funding.

### **Rule 210 Powers and responsibilities of the committee responsible and of Parliament's plenary**

1. At the request of one-quarter of Parliament's Members representing at least three political groups, the President, following an exchange of views in the Conference of Presidents, shall call upon the committee responsible to verify whether or not a political party at European level is continuing (particularly in its programme and in its activities) to observe the principles upon which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.

2. Before submitting a proposal for a decision to Parliament, the committee responsible shall hear the representatives of the political party concerned. It shall ask

for and consider the opinion of a committee of independent eminent persons, as provided for in Regulation (EC) No 2004/2003.

3. Parliament shall vote (by a majority of the votes cast) on the proposal for a decision establishing that the political party concerned either does or does not observe the principles set out in paragraph 1. No amendment may be tabled. In either case, if the proposal for a decision does not secure a majority, a decision to the contrary shall be deemed to have been adopted.

4. Parliament's decision shall apply with effect from the day upon which the request referred to in paragraph 1 was tabled.

5. The President shall represent Parliament on the committee of independent eminent persons.

6. The committee responsible shall draw up the report provided for in Regulation (EC) No 2004/2003 on the application of that Regulation and the activities funded, and shall submit it in plenary.



## **TITLE XII APPLICATION AND AMENDMENT OF THE RULES OF PROCEDURE**

### **Rule 211 Application of the Rules of Procedure**

1. Should doubt arise over the application or interpretation of these Rules of Procedure, the President may refer the matter to the committee responsible for examination.

Committee Chairs may do so when such a doubt arises in the course of the committee's work and is related to it.

2. The committee shall decide whether it is necessary to propose an amendment to the Rules of Procedure. If this should be the case, it shall proceed in accordance with Rule 212.

3. Should the committee decide that an interpretation of the existing Rules is sufficient, it shall forward its interpretation to the President who shall inform Parliament at its next part-session.

4. Should a political group or at least 40 Members contest the committee's interpretation, the matter shall be put to the vote in Parliament. Adoption of the text shall be by a majority of the votes cast, provided that at least one third of Parliament's component Members are present. In the event of rejection, the matter shall be referred back to the committee.

5. Uncontested interpretations and interpretations adopted by Parliament shall be appended in italic print as explanatory notes to the appropriate Rule or Rules.

6. Interpretations shall constitute precedents for the future application and interpretation of the Rules concerned.

7. The Rules of Procedure and interpretations shall be reviewed regularly by the committee responsible.

8. Where these Rules confer rights on a specific number of Members, that number shall be automatically adjusted to the nearest whole number representing the same percentage of Parliament's membership whenever the total size of Parliament is increased, in particular following enlargements of the European Union.

### **Rule 212 Amendment of the Rules of Procedure**

1. Any Member may propose amendments to these Rules and to their annexes accompanied, where appropriate, by short justifications.

Such proposed amendments shall be translated, printed, distributed and referred to the committee responsible, which shall examine them and decide whether to submit them to Parliament.

For the purpose of applying Rules 156, 157 and 161 to consideration of such proposed amendments in Parliament, references made in those Rules to the 'original text' or the proposal for a legislative act shall be considered as referring to the provision in force at the time.

2. Amendments to these Rules shall be adopted only if they secure the votes of a majority of the component Members of Parliament.

3. Unless otherwise specified when the vote is taken, amendments to these Rules and to their annexes shall enter into force on the first day of the part-session following their adoption.

## **TITLE XIII MISCELLANEOUS PROVISIONS**

### **Rule 213 The symbols of the Union**

1. Parliament shall recognise and espouse the following symbols of the Union:
  - the flag showing a circle of twelve golden stars on a blue background;
  - the anthem based on the "Ode to Joy" from the Ninth Symphony by Ludwig van Beethoven;
  - the motto "United in diversity".
2. Parliament shall celebrate Europe Day on 9 May.
3. The flag shall be flown at all Parliament premises and on the occasion of official events. The flag shall be used in each meeting room of the Parliament.
4. The anthem shall be performed at the opening of each constitutive sitting and at other solemn sittings, particularly to welcome heads of State or government or to greet new Members following enlargements.
5. The motto shall be reproduced on Parliament's official documents.
6. The Bureau shall examine further use of the symbols within the Parliament. The Bureau shall lay down detailed provisions for the implementation of this Rule.

### **Rule 214 Unfinished business**

At the end of the last part-session before elections, all Parliament's unfinished business shall be deemed to have lapsed, subject to the provisions of the second paragraph.

At the beginning of each parliamentary term, the Conference of Presidents shall take a decision on reasoned requests from parliamentary committees and other institutions to resume or continue the consideration of such matters.

These provisions shall not apply to petitions and communications that do not require a decision.

### **Rule 215 Arrangement of annexes**

The annexes to these Rules of Procedure shall be arranged under the following four headings:

- a) implementing provisions for procedures under these Rules, adopted by a majority of the votes cast (Annex VII);
- b) provisions adopted in implementation of specific terms of the Rules of Procedure and in accordance with the procedures and majority rules laid down therein (Annexes I, II, III, IV, VI, VIII(A), (C) and (D), and X);
- c) interinstitutional agreements or other provisions adopted in accordance with the Treaties which are applicable within Parliament or which have a bearing

on its operation. Decisions to annex such provisions to the Rules of Procedure shall be taken by Parliament by a majority of the votes cast, on a proposal from its committee responsible (Annexes VIII(B), IX, XI, XII, XIII, XIV, XV, XIX and XX);

- d) guidelines and codes of conduct adopted by the relevant bodies of Parliament (Annexes XVI, XVII, XVIII and XXI).

#### **Rule 216 Corrigenda**

1. If an error is identified in a text adopted by Parliament, the President shall, where appropriate, refer a draft corrigendum to the committee responsible.
2. If an error is identified in a text adopted by Parliament and agreed with other institutions, the President shall seek the agreement of those institutions on the necessary corrections before proceeding in accordance with paragraph 1.
3. The committee responsible shall examine the draft corrigendum and submit it to Parliament if it is satisfied that an error has occurred which can be corrected in the proposed manner.
4. The corrigendum shall be announced at the following part-session. It shall be deemed approved unless, not later than 48 hours after its announcement, a request is made by a political group or at least 40 Members that it be put to the vote. If the corrigendum is not approved, it shall be referred back to the committee responsible which may propose an amended corrigendum or close the procedure.
5. Approved corrigenda shall be published in the same way as the text to which they refer. Rules 72, 73 and 74 shall apply *mutatis mutandis*.

## **ANNEX I Provisions governing the application of Rule 9(1) - Transparency and Members' financial interests**

### **Article 1**

1. Before speaking in Parliament or in one of its bodies or if proposed as rapporteur, any Member who has a direct financial interest in the subject under debate shall disclose this interest to the meeting orally.

2. Before Members may be validly nominated as office-holders of Parliament or one of its bodies, under Rule 13, 191 or 198(2), or participate in an official delegation, under Rule 68 or 198(2), they must have duly completed the declaration provided for in Article 2.

### **Article 2**

The Quaestors shall keep a register in which all Members shall make a personal, detailed declaration of:

- a) their professional activities and any other remunerated functions or activities,
- b) any salary which the Member receives for the exercise of a mandate in another parliament,
- c) any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to them in connection with their political activities by third parties, whose identity shall be disclosed.

Members of Parliament shall refrain from accepting any other gift or benefit in the performance of their duties.

The declarations in the register shall be made under the personal responsibility of the Member and must be updated every year.

The Bureau may, from time to time, draw up a list of matters which it considers should be declared in the register.

If after the appropriate request Members do not fulfil their obligation to submit a declaration under (a) and (b), the President shall remind them once again to submit the declaration within two months. If the declaration has not been submitted within the time limit, the names of the Members concerned together with an indication of the infringement shall be published in the minutes of the first day of each part-session after expiry of the time-limit. If the Members concerned continue to refuse to submit the declaration after the infringement has been published the President shall take action in accordance with Rule 153 to suspend them.

Chairs of groupings of Members, both intergroups and other unofficial groupings of Members, shall be required to declare any support, whether in cash or kind (e.g. secretarial assistance), which if offered to Members as individuals would have to be declared under this Article.

The Quaestors shall be responsible for keeping a register and drawing up detailed rules for the declaration of outside support by such groupings.

**Article 3**

The register shall be open to the public for inspection.

*The register may be open to the public for inspection electronically.*

**Article 4**

Members shall be subject to the obligations imposed on them by the legislation of the Member State in which they are elected as regards the declaration of assets.

## **ANNEX II Conduct of Question Time under Rule 116**

### **A. Guidelines**

1. Questions shall be admissible only where they
  - are concise and are drafted so as to permit a brief answer to be given;
  - fall within the competence and sphere of responsibility of the Commission and the Council and are of general interest;
  - do not require extensive prior study or research by the institution concerned;
  - are clearly worded and relate to a specific matter;
  - do not contain assertions or opinions;
  - do not relate to strictly personal matters;
  - are not aimed at procuring documents or statistical information;
  - are interrogatory in form.
2. A question shall be inadmissible if the agenda already provides for the subject to be discussed with the participation of the institution concerned.
3. A question shall be inadmissible if an identical or similar question has been put down and answered during the preceding three months, or to the extent that it merely seeks information on the follow-up to a specific resolution of Parliament of a kind which the Commission has already provided in a written follow-up communication, unless there are new developments or the author is seeking further information. In the first case a copy of the question and the answer shall be given to the author.

### **Supplementary questions**

4. Each Member may follow up the reply with a supplementary question to any question and may put in all two supplementary questions.
5. Supplementary questions shall be subject to the rules of admissibility laid down in these Guidelines.
6. The President shall rule on the admissibility of supplementary questions and shall limit their number so that each Member who has put down a question may receive an answer to it.

The President shall not be obliged to declare a supplementary question admissible, even if it satisfies the foregoing conditions of admissibility, if:

- a) it is likely to upset the normal conduct of Question Time, or
- b) the main question to which it relates has already been adequately covered by other supplementary questions, or
- c) it has no direct bearing on the main question.

## **Answers to questions**

7. The institution concerned shall ensure that answers are concise and are relevant to the subject of the question.
8. If the content of the questions concerned permits it, the President may decide, after consulting the questioners, that the institution concerned should answer them together.
9. A question may be answered only if the questioner is present or has notified the President in writing, before Question Time begins, of the name of a substitute.
10. If neither the questioner nor a substitute is present, the question shall lapse.
11. If a Member tables a question, but neither that Member nor a substitute is present at Question Time, the President shall remind the Member in writing of his or her responsibility to be present or substituted. If the President has to send such a letter three times in the space of any twelve-month period, the Member concerned shall lose the right to table questions at Question Time for a six-month period.
12. Questions that remain unanswered for lack of time shall be answered in accordance with Rule 117(4), first subparagraph, unless their authors request the application of Rule 117(3).
13. The procedure for answers in writing shall be governed by Rule 117(3) and (5).

## **Time limits**

14. Questions shall be tabled at least one week before Question Time begins. Questions not tabled within this time limit may be taken during Question Time with the consent of the institution concerned.

Questions declared admissible shall be distributed to Members and forwarded to the institutions concerned.

## **B. Recommendations**

(extract from resolution of Parliament of 13 November 1986)

The European Parliament,

1. Recommends stricter application of the guidelines for the conduct of Question Time under Rule 43<sup>22</sup>, and in particular of point 1 of those guidelines concerning admissibility;
2. Recommends more frequent use of the power conferred on the President of the European Parliament by Rule 43(3)<sup>23</sup> to group questions for Question Time according to subject; considers, however, that only the questions falling within the

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<sup>22</sup>Now Rule 116.

<sup>23</sup>Now Rule 116(3).



first half of the list of questions tabled for a given part-session should be subject to such grouping;

3. Recommends, as regards supplementary questions, that as a general rule the President should allow one supplementary question from the questioner and one or at most two supplementaries put by Members belonging preferably to a different political group and/or Member State from the author of the main question; recalls that supplementary questions must be concise and interrogatory in form and suggests that their duration should not exceed 30 seconds;

4. Invites the Commission and the Council, pursuant to point 7 of the guidelines, to ensure that answers are concise and relevant to the subject of the question.

### **ANNEX III Guidelines for questions for written answer under Rules 117 and 118**

1. Questions for written answer shall:
  - clearly specify the addressee to whom they are to be transmitted through the usual interinstitutional channels;
  - fall within the competence and sphere of responsibility of the addressee and be of general interest;
  - be concise and contain an understandable interrogation;
  - not contain offensive language;
  - not relate to strictly personal matters.
2. If a question does not comply with these guidelines, the Secretariat shall provide the author with advice on how the question may be drafted in order to be admissible.
3. If an identical or similar question has been put and answered during the preceding six months, or to the extent that a question merely seeks information on the follow-up to a specific resolution of Parliament of a kind which the Commission has already provided in a written follow-up communication, the Secretariat shall transmit a copy of the previous question and answer to the author. The renewed question shall not be forwarded to the addressee unless the author invokes new significant developments or is seeking further information.
4. If a question seeks factual or statistical information that is already available to Parliament's library, the latter shall inform the Member, who may withdraw the question.
5. Questions concerning related matters may be answered together.

## **ANNEX IV Guidelines and general principles to be followed when choosing the subjects to be included on the agenda for the debate on cases of breaches of human rights, democracy and the rule of law provided for under Rule 122**

### **Fundamental principles**

1. Priority shall be given to motions for resolutions intended to lead to a vote in Parliament addressed to the Council, the Commission, the Member States, third countries or international bodies, before a particular event, provided that the current part-session is the only part-session of the European Parliament at which a vote can be held in time.
2. Motions for resolutions shall not exceed 500 words.
3. Subjects relating to the responsibilities of the European Union as laid down by the Treaties shall be given priority, provided they are of major importance.
4. The number of subjects chosen shall be such as to allow a debate commensurate with their importance and should not exceed three, including sub-chapters.

### **Practical details**

5. The fundamental principles applied in determining the choice of subjects to be included in the debate on cases of breaches of human rights, democracy and the rule of law shall be notified to Parliament and the political groups.

### **Limitation and allocation of speaking time**

6. In order to make better use of the time available, the President, after consulting the political group Chairs, shall reach agreement with the Council and the Commission on the limitation of the speaking time for their respective statements, if any, in the debate on cases of breaches of human rights, democracy and the rule of law.

### **Deadline for tabling amendments**

7. The deadline for tabling amendments shall allow sufficient time between their distribution in the official languages and the time set for the debate on the motions for resolutions to enable Members and political groups to give them due consideration.

## **ANNEX V Deleted**

## **ANNEX VI Procedure for the consideration and adoption of decisions on the granting of discharge**

### **Article 1 Documents**

1. The following documents shall be printed and distributed:
  - a) the revenue and expenditure account, the financial analysis and the balance sheet forwarded by the Commission;
  - b) the Annual Report and special reports of the Court of Auditors, accompanied by the Institutions' answers;
  - c) the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 287 of the Treaty on the Functioning of the European Union;
  - d) the Council recommendation.
2. These documents shall be referred to the committee responsible. Any committee concerned may deliver an opinion.
3. If other committees wish to deliver opinions, the President shall set the time-limit within which these shall be communicated to the committee responsible.

### **Article 2 Consideration of report**

1. Parliament shall consider a report from the committee responsible concerning discharge by 30 April of the year following the adoption of the Court of Auditors' Annual Report as required by the Financial Regulation.
2. Parliament's Rules relating to amendments and voting shall apply unless otherwise provided in this Annex.

### **Article 3 Content of the Report**

1. The discharge report drawn up by the committee responsible shall comprise:
  - a) a proposal for a decision granting discharge or postponing the discharge decision (April part-session vote) or a proposal for a decision granting or refusing to grant discharge (October part-session vote);
  - b) a proposal for a decision closing the accounts of all the Union's revenue, expenditure, assets and liabilities;
  - c) a motion for a resolution containing comments accompanying the proposal for a decision referred to in point (a) including both an assessment of the Commission's budgetary management over the financial year and observations relating to the implementation of expenditure for the future;
  - d) as an Annex, a list of the documents received from the Commission and those requested but not received;
  - e) the opinions of the committees concerned.

2. If the committee responsible proposes postponing the discharge decision, the relevant motion for a resolution shall also set out, inter alia:

- a) the reasons for postponement;
- b) the further action that the Commission is expected to take and the deadlines for doing so;
- c) the documents required for Parliament to take an informed decision.

#### **Article 4 Consideration and vote in Parliament**

1. Any report by the committee responsible concerning the discharge shall be included on the agenda of the first part-session following its tabling.

2. Amendments shall be admissible only to the motion for a resolution tabled in accordance with Article 3(1)(c).

3. Unless otherwise stipulated in Article 5, the vote on the proposals for decisions and the motion for a resolution shall follow the order of Article 3.

4. Parliament shall decide by a majority of the votes cast, in accordance with Article 231 of the Treaty on the Functioning of the European Union.

#### **Article 5 Procedural variants**

1. April part-session vote

In the first instance, the discharge report shall propose either to grant or to postpone discharge.

(a) If a proposal to grant discharge secures a majority, discharge is granted. This shall also constitute closure of the accounts.

If a proposal to grant discharge fails to secure a majority, discharge shall be deemed to be postponed and the committee responsible shall table a new report within six months containing a new proposal to grant or refuse to grant discharge.

(b) If a proposal to postpone discharge is adopted, the committee responsible shall table a new report within six months containing a new proposal to grant or refuse to grant discharge. In this case the closure of accounts shall also be postponed and retabled with the new report.

If a proposal to postpone discharge fails to secure a majority, discharge shall be deemed granted. In this instance the decision shall also constitute closure of the accounts. The motion for resolution may still be put to the vote.

2. October part-session vote

In the second instance, the discharge report shall propose either to grant or to refuse to grant discharge.

(a) If a proposal to grant discharge secures a majority, discharge is granted. This shall also constitute closure of the accounts.

If a proposal to grant discharge fails to secure a majority, this shall constitute refusal of discharge. A formal proposal to close the accounts for the year in question shall be submitted at a subsequent part-session at which the Commission shall be invited to make a statement.

(b) If a proposal to refuse discharge secures a majority, a formal proposal to close the accounts for the year in question shall be submitted at a subsequent part-session at which the Commission shall be invited to make a statement.

If a proposal to refuse discharge fails to secure a majority, discharge shall be deemed granted. In this instance the decision shall also constitute closure of accounts. The motion for resolution may still be put to the vote.

3. In the event that the motion for resolution or the proposal on closure contains provisions which contradict Parliament's vote on the discharge, the President, after consulting the Chair of the committee responsible, may postpone that vote and fix a new deadline for tabling amendments.

#### **Article 6 Implementation of discharge decisions**

1. The President shall forward any decision or resolution of Parliament adopted pursuant to Article 3 to the Commission and to each of the other institutions and shall arrange for their publication in the Official Journal of the European Union in the series appropriate to acts of a legislative character.

2. The committee responsible shall report to Parliament at least annually on the action taken by the institutions in response to the comments accompanying the discharge decisions and the other comments contained in Parliament's resolutions concerning the implementation of expenditure.

3. On the basis of a report by the committee responsible for budgetary control, the President, acting on behalf of Parliament, may bring an action before the Court of Justice of the European Union against the institution concerned, pursuant to Article 265 of the Treaty on the Functioning of the European Union, for failure to comply with the obligations deriving from the comments accompanying the discharge decision or the other resolutions concerning implementation of expenditure.

## **ANNEX VII Powers and responsibilities of standing committees<sup>24</sup>**

### **I. Committee on Foreign Affairs**

Committee responsible for:

1. the common foreign and security policy (CFSP) and the European security and defence policy (ESDP). In this context the committee is assisted by a subcommittee on security and defence;
2. relations with other EU institutions and bodies, the UNO and other international organisations and interparliamentary assemblies for matters falling under its responsibility;
3. the strengthening of political relations with third countries, particularly those in the immediate vicinity of the Union, by means of major cooperation and assistance programmes or international agreements such as association and partnership agreements;
4. the opening, monitoring and concluding of negotiations concerning the accession of European States to the Union;
5. issues concerning human rights, the protection of minorities and the promotion of democratic values in third countries. In this context the committee is assisted by a subcommittee on human rights. Without prejudice to the relevant rules, members from other committees and bodies with responsibilities in this field shall be invited to attend the meetings of the subcommittee.

The committee coordinates the work of joint parliamentary committees and parliamentary cooperation committees as well as that of the interparliamentary delegations and ad hoc delegations and election observation missions falling within its remit.

### **II. Committee on Development**

Committee responsible for:

1. the promotion, implementation and monitoring of the development and cooperation policy of the Union, notably:
  - a) political dialogue with developing countries, bilaterally and in the relevant international organisations and interparliamentary fora,
  - b) aid to, and cooperation agreements with, developing countries,
  - c) promotion of democratic values, good governance and human rights in developing countries;
2. matters relating to the ACP-EU Partnership Agreement and relations with the relevant bodies;
3. Parliament's involvement in election observation missions, when appropriate in cooperation with other relevant committees and delegations.

The committee coordinates the work of the interparliamentary delegations and ad hoc delegations falling within its remit.

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<sup>24</sup>Adopted by decision of Parliament of 6 May 2009.



### **III. Committee on International Trade**

Committee responsible for:

matters relating to the establishment and implementation of the Union's common commercial policy and its external economic relations, in particular:

1. financial, economic and trade relations with third countries and regional organisations;
2. measures of technical harmonisation or standardisation in fields covered by instruments of international law;
3. relations with the relevant international organisations and with organisations promoting regional economic and commercial integration outside the Union;
4. relations with the WTO, including its parliamentary dimension.

The committee liaises with the relevant interparliamentary and ad hoc delegations for the economic and trade aspects of relations with third countries.

### **IV. Committee on Budgets**

Committee responsible for:

1. the multiannual financial framework of the Union's revenue and expenditure and the Union's system of own resources;
2. Parliament's budgetary prerogatives, namely the budget of the Union as well as the negotiation and implementation of interinstitutional agreements in this field;
3. Parliament's estimates according to the procedure defined in the Rules;
4. the budget of the decentralised bodies;
5. the financial activities of the European Investment Bank;
6. the budgetisation of the European Development Fund, without prejudice to the powers of the committee responsible for the ACP-EU Partnership Agreement;
7. financial implications and compatibility with the multiannual Financial Framework of all Union acts, without prejudice to the powers of the relevant committees;
8. keeping track of and assessing the implementation of the current budget notwithstanding Rule 78(1), transfers of appropriations, procedures relating to the establishment plans, administrative appropriations and opinions concerning buildings-related projects with significant financial implications;
9. the Financial Regulation, excluding matters relating to the implementation, management and control of the budget.

### **V. Committee on Budgetary Control**

Committee responsible for:

1. the control of the implementation of the budget of the Union and of the European Development Fund, and the decisions on discharge to be taken by Parliament, including the internal discharge procedure and all other measures accompanying or implementing such decisions;

2. the closure, presenting and auditing of the accounts and balance sheets of the Union, its institutions and any bodies financed by it, including the establishment of appropriations to be carried over and the settling of balances;
3. the control of the financial activities of the European Investment Bank;
4. monitoring the cost-effectiveness of the various forms of Union financing in the implementation of the Union's policies;
5. consideration of fraud and irregularities in the implementation of the budget of the Union, measures aiming at preventing and prosecuting such cases, and the protection of the Union's financial interests in general;
6. relations with the Court of Auditors, the appointment of its members and consideration of its reports;
7. the Financial Regulation as far as the implementation, management and control of the budget are concerned.

## **VI. Committee on Economic and Monetary Affairs**

Committee responsible for:

1. the economic and monetary policies of the Union, the functioning of Economic and Monetary Union and the European monetary and financial system (including relations with the relevant institutions or organisations);
2. the free movement of capital and payments (cross-border payments, single payment area, balance of payments, capital movements and borrowing and lending policy, control of movements of capital originating in third countries, measures to encourage the export of the Union's capital);
3. the international monetary and financial system (including relations with financial and monetary institutions and organisations);
4. rules on competition and State or public aid;
5. tax provisions;
6. the regulation and supervision of financial services, institutions and markets including financial reporting, auditing, accounting rules, corporate governance and other company law matters specifically concerning financial services.

## **VII. Committee on Employment and Social Affairs**

Committee responsible for:

1. employment policy and all aspects of social policy such as working conditions, social security and social protection;
2. health and safety measures at the workplace;
3. the European Social Fund;
4. vocational training policy, including professional qualifications;
5. the free movement of workers and pensioners;
6. social dialogue;

7. all forms of discrimination at the workplace and in the labour market except those based on sex;
8. relations with:
  - the European Centre for the Development of Vocational Training (Cedefop),
  - the European Foundation for the Improvement of Living and Working Conditions,
  - the European Training Foundation,
  - the European Agency for Safety and Health at Work;as well as relations with other relevant EU bodies and international organisations.

### **VIII. Committee on the Environment, Public Health and Food Safety**

Committee responsible for:

1. environmental policy and environmental protection measures, in particular concerning:
  - a) air, soil and water pollution, waste management and recycling, dangerous substances and preparations, noise levels, climate change, protection of biodiversity,
  - b) sustainable development,
  - c) international and regional measures and agreements aimed at protecting the environment,
  - d) restoration of environmental damage,
  - e) civil protection,
  - f) the European Environment Agency,
  - g) the European Chemicals Agency;
2. public health, in particular:
  - a) programmes and specific actions in the field of public health,
  - b) pharmaceutical and cosmetic products,
  - c) health aspects of bioterrorism,
  - d) the European Medicines Agency and the European Centre for Disease Prevention and Control;
3. food safety issues, in particular:
  - a) the labelling and safety of foodstuffs,
  - b) veterinary legislation concerning protection against risks to human health; public health checks on foodstuffs and food production systems,
  - c) the European Food Safety Authority and the European Food and Veterinary Office.

## **IX. Committee on Industry, Research and Energy**

## **X. Committee on the Internal Market and Consumer Protection**

Committee responsible for:

1. coordination at Union level of national legislation in the sphere of the internal market and for the customs union, in particular:
  - a) the free movement of goods including the harmonisation of technical standards,
  - b) the right of establishment,
  - c) the freedom to provide services except in the financial and postal sectors;
2. measures aiming at the identification and removal of potential obstacles to the functioning of the internal market;
3. the promotion and protection of the economic interests of consumers, except for public health and food safety issues, in the context of the establishment of the internal market.

## **XI. Committee on Transport and Tourism**

Committee responsible for:

1. matters relating to the development of a common policy for rail, road, inland waterway, maritime and air transport, in particular:
  - a) common rules applicable to transport within the European Union,
  - b) the establishment and development of trans-European networks in the area of transport infrastructure,
  - c) the provision of transport services and relations in the field of transport with third countries,
  - d) transport safety,
  - e) relations with international transport bodies and organisations;
2. postal services;
3. tourism.

## **XII. Committee on Regional Development**

Committee responsible for:

regional and cohesion policy, in particular:

- a) the European Regional Development Fund, the Cohesion Fund and the other instruments of the Union's regional policy,
- b) assessing the impact of other Union policies on economic and social cohesion,
- c) coordination of the Union's structural instruments,
- d) outermost regions and islands as well as trans-frontier and interregional cooperation,

- e) relations with the Committee of the Regions, interregional cooperation organisations and local and regional authorities.

### **XIII. Committee on Agriculture and Rural Development**

Committee responsible for:

1. the operation and development of the common agricultural policy;
2. rural development, including the activities of the relevant financial instruments;
3. legislation on:
  - a) veterinary and plant-health matters, animal feedingstuffs provided such measures are not intended to protect against risks to human health,
  - b) animal husbandry and welfare;
4. the improvement of the quality of agricultural products;
5. supplies of agricultural raw materials;
6. the Community Plant Variety Office;
7. forestry.

### **XIV. Committee on Fisheries**

Committee responsible for:

1. the operation and development of the common fisheries policy and its management;
2. the conservation of fishery resources;
3. the common organisation of the market in fishery products;
4. structural policy in the fisheries and aquaculture sectors, including the financial instruments for fisheries guidance;
5. international fisheries agreements.

### **XV. Committee on Culture and Education**

Committee responsible for:

1. the cultural aspects of the European Union, and in particular:
  - a) improving the knowledge and dissemination of culture,
  - b) the protection and promotion of cultural and linguistic diversity,
  - c) the conservation and safeguarding of cultural heritage, cultural exchanges and artistic creation;
2. the Union's education policy, including the European higher education area, the promotion of the system of European schools and lifelong learning;
3. audiovisual policy and the cultural and educational aspects of the information society;
4. youth policy and the development of a sports and leisure policy;
5. information and media policy;

6. cooperation with third countries in the areas of culture and education and relations with the relevant international organisations and institutions.

## **XVI. Committee on Legal Affairs**

Committee responsible for:

1. the interpretation and application of Union law and compliance of Union acts with primary law, notably the choice of legal bases and respect for the principles of subsidiarity and proportionality;
2. the interpretation and application of international law, in so far as the European Union is affected;
3. the simplification of Union law, in particular legislative proposals for its official codification;
4. the legal protection of Parliament's rights and prerogatives, including its involvement in actions before the Court of Justice of the European Union;
5. Union acts which affect the Member States' legal order, namely in the fields of:
  - a) civil and commercial law,
  - b) company law,
  - c) intellectual property law,
  - d) procedural law;
6. measures concerning judicial and administrative cooperation in civil matters;
7. environmental liability and sanctions against environmental crime;
8. ethical questions related to new technologies, applying the procedure with associated committees with the relevant committees;
9. the Statute for Members and the Staff Regulations of the European Union;
10. privileges and immunities as well as verification of Members' credentials;
11. the organisation and statute of the Court of Justice of the European Union;
12. the Office for Harmonisation in the Internal Market.

## **XVII. Committee on Civil Liberties, Justice and Home Affairs**

Committee responsible for:

1. the protection within the territory of the Union of citizens' rights, human rights and fundamental rights, including the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European Union;
2. the measures needed to combat all forms of discrimination other than those based on sex or those occurring at the workplace and in the labour market;
3. legislation in the areas of transparency and of the protection of natural persons with regard to the processing of personal data;
4. the establishment and development of an area of freedom, security and justice, in particular:

- a) measures concerning the entry and movement of persons, asylum and migration,
  - b) measures concerning an integrated management of the common borders,
  - c) measures relating to police and judicial cooperation in criminal matters;
5. the European Monitoring Centre for Drugs and Drug Addiction and the European Union Agency for Fundamental Rights, Europol, Eurojust, Cefpol and other bodies and agencies in the same area;
  6. the determination of a clear risk of a serious breach by a Member State of the principles common to the Member States.

### **XVIII. Committee on Constitutional Affairs**

Committee responsible for:

1. the institutional aspects of the European integration process, in particular in the framework of the preparation and proceedings of conventions and intergovernmental conferences;
2. the implementation of the EU Treaty and the assessment of its operation;
3. the institutional consequences of enlargement negotiations of the Union;
4. interinstitutional relations, including, in view of their approval by Parliament, examination of interinstitutional agreements pursuant to Rule 127(2) of the Rules of Procedure;
5. uniform electoral procedure;
6. political parties at European level, without prejudice to the competences of the Bureau;
7. the determination of the existence of a serious and persistent breach by a Member State of the principles common to the Member States;
8. the interpretation and application of the Rules of Procedure and proposals for amendments thereto.

### **XIX. Committee on Women's Rights and Gender Equality**

Committee responsible for:

1. the definition, promotion and protection of women's rights in the Union and related Union measures;
2. the promotion of women's rights in third countries;
3. equal opportunities policy, including equality between men and women with regard to labour market opportunities and treatment at work;
4. the removal of all forms of discrimination based on sex;
5. the implementation and further development of gender mainstreaming in all policy sectors;

6. the follow-up and implementation of international agreements and conventions involving the rights of women;
7. information policy on women.

## **XX. Committee on Petitions**

Committee responsible for:

1. petitions;
2. relations with the European Ombudsman.



## **ANNEX VIII Confidential and sensitive documents and information**

### **A. Consideration of confidential documents communicated to Parliament**

Procedure for the consideration of confidential documents communicated to the European Parliament<sup>25</sup>

1. Confidential documents shall mean documents and information to which public access may be refused in accordance with Article 4 of European Parliament and Council Regulation (EC) No 1049/2001 and shall include sensitive documents as defined in Article 9 of that Regulation.

Where the confidential nature of documents received by Parliament is questioned by one of the institutions, the matter shall be referred to the interinstitutional committee established pursuant to Article 15(2) of Regulation (EC) No 1049/2001.

When confidential documents are communicated to Parliament under cover of confidentiality, the chair of Parliament's committee responsible shall automatically apply the confidential procedure laid down in paragraph 3 below.

2. Any committee of the European Parliament shall be entitled to apply the confidential procedure to an item of information or a document indicated by one of its members in a written or oral request. A majority of two thirds of the members present shall be required for a decision to apply the confidential procedure.

3. Once the chair of the committee has declared that proceedings are confidential, they may be attended only by members of the committee and by officials and experts who have been designated in advance by the chair and whose presence is strictly necessary.

The documents, which shall be numbered, shall be distributed at the beginning of the meeting and collected again at the end. No notes of these, and certainly no photocopies, may be taken.

The minutes of the meeting shall make no mention of the discussion of the item taken under the confidential procedure. Only the relevant decision, if any, may be recorded.

4. Three members of a committee which has applied the confidential procedure may request consideration of a breach of confidentiality, and this may be placed on the agenda. By a majority of its members, the committee may decide that consideration of the breach of confidentiality shall be placed on the agenda for the first meeting following the submission of the request to its chair.

5. Penalties: in cases of infringement, the chair of the committee shall proceed in accordance with Rules 9(2), 152, 153 and 154.

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<sup>25</sup>Adopted by decision of Parliament of 15 February 1989 and amended by its decision of 13 November 2001.

## **B. Access by Parliament to sensitive information in the field of security and defence policy**

Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy<sup>26</sup>

THE EUROPEAN PARLIAMENT AND THE COUNCIL,

Whereas:

- (1) Article 21 of the Treaty on European Union states that the Council Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. That Article also stipulates that the European Parliament shall be kept regularly informed by the Council Presidency and the Commission of the development of the common foreign and security policy. A mechanism should be introduced to ensure that these principles are implemented in this field.
- (2) In view of the specific nature and the especially sensitive content of certain highly classified information in the field of security and defence policy, special arrangements should be introduced for the handling of documents containing such information.
- (3) In conformity with Article 9(7) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>27</sup>, the Council is to inform the European Parliament regarding sensitive documents as defined in Article 9(1) of that Regulation in accordance with arrangements agreed between the institutions.
- (4) In most Member States there are specific mechanisms for the transmission and handling of classified information between national governments and parliaments. This Interinstitutional Agreement should provide the European Parliament with treatment inspired by best practices in Member States,

HAVE CONCLUDED THIS INTERINSTITUTIONAL AGREEMENT:

### **1. Scope**

1.1. This Interinstitutional Agreement deals with access by the European Parliament to sensitive information, i.e. information classified as "TRÈS SECRET/TOP SECRET", "SECRET" or "CONFIDENTIAL", whatever its origin, medium or state of completion, held by the Council in the field of security and defence policy and the handling of documents so classified.

1.2. Information originating from a third State or international organisation shall be transmitted with the agreement of that State or organisation.

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<sup>26</sup>OJ C 298, 30.11.2002, p. 1.

<sup>27</sup>OJ L 145, 31.5.2001, p. 43.

Where information originating from a Member State is transmitted to the Council without explicit restriction on its dissemination to other institutions other than its classification, the rules in sections 2 and 3 of this Interinstitutional Agreement shall apply. Otherwise, such information shall be transmitted with the agreement of the Member State in question.

In the case of a refusal of the transmission of information originating from a third State, an international organisation or a Member State, the Council shall give the reasons.

1.3. The provisions of this Interinstitutional Agreement shall apply in accordance with applicable law and without prejudice to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry<sup>28</sup> and without prejudice to existing arrangements, especially the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure<sup>29</sup>.

## **2. General rules**

2.1. The two institutions shall act in accordance with their mutual duties of sincere cooperation and in a spirit of mutual trust as well as in conformity with the relevant Treaty provisions. Transmission and handling of the information covered by this Interinstitutional Agreement must have due regard for the interests which classification is designed to protect, and in particular the public interest as regards the security and defence of the European Union or of one or more of its Member States or military and non-military crisis management.

2.2. At the request of one of the persons referred to in point 3.1, the Presidency of the Council or the Secretary-General/High Representative shall inform them with all due despatch of the content of any sensitive information required for the exercise of the powers conferred on the European Parliament by the Treaty on European Union in the field covered by this Interinstitutional Agreement, taking into account the public interest in matters relating to the security and defence of the European Union or of one or more of its Member States or military and non-military crisis management, in accordance with the arrangements laid down in section 3.

## **3. Arrangements for access to and handling of sensitive information**

3.1. In the context of this Interinstitutional Agreement, the President of the European Parliament or the Chairman of the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy may request that the Presidency of the Council or the Secretary-General/High Representative convey information to this committee on developments in European security and defence policy, including sensitive information to which point 3.3 applies.

3.2. In the event of a crisis or at the request of the President of the European Parliament or of the Chairman of the Committee on Foreign Affairs, Human Rights,

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<sup>28</sup>OJ L 113, 19.5.1995, p. 1.

<sup>29</sup>OJ C 172, 18.6.1999, p. 1.

Common Security and Defence Policy, such information shall be provided at the earliest opportunity.

3.3. In this framework, the President of the European Parliament and a special committee chaired by the Chairman of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and composed of four members designated by the Conference of Presidents shall be informed by the Presidency of the Council or the Secretary-General/High Representative of the content of the sensitive information where it is required for the exercise of the powers conferred on the European Parliament by the Treaty on European Union in the field covered by this Interinstitutional Agreement. The President of the European Parliament and the special committee may ask to consult the documents in question on the premises of the Council.

Where this is appropriate and possible in the light of the nature and content of the information or documents concerned, these shall be made available to the President of the European Parliament, who shall select one of the following options:

- a) information intended for the chairman of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy;
- b) access to information restricted to the members of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy only;
- c) discussion in the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, meeting in camera, in accordance with arrangements which may vary by virtue of the degree of confidentiality involved;
- d) communication of documents from which information has been expunged in the light of the degree of secrecy required.

These options are not applicable if sensitive information is classified as "TRÈS SECRET/TOP SECRET".

As to information or documents classified as "SECRET" or "CONFIDENTIAL", the selection by the President of the European Parliament of one of these options shall be previously agreed with the Council.

The information or documents in question shall not be published or forwarded to any other addressee.

#### **4. Final provisions**

4.1. The European Parliament and the Council, each for its own part, shall take all necessary measures to ensure the implementation of this Interinstitutional Agreement, including the steps required for the security clearance of the persons involved.

4.2. The two institutions are willing to discuss comparable Interinstitutional Agreements covering classified information in other areas of the Council's activities, on the understanding that the provisions of this Interinstitutional Agreement do not constitute a precedent for the Union's or the Community's other areas of activity and shall not affect the substance of any other Interinstitutional Agreements.

4.3. This Interinstitutional Agreement shall be reviewed after two years at the request of either of the two institutions in the light of experience gained in implementing it.

### **Annex**

This Interinstitutional Agreement shall be implemented in conformity with the relevant applicable regulations and in particular with the principle according to which the consent of the originator is a necessary condition for the transmission of classified information as laid down in point 1.2.

Consultation of sensitive documents by the members of the Special Committee of the European Parliament shall take place in a secured room at the Council premises.

This Interinstitutional Agreement shall enter into force after the European Parliament has adopted internal security measures which are in accordance with the principles laid down in point 2.1 and comparable to those of the other institutions in order to guarantee an equivalent level of protection of the sensitive information concerned.

### **C. Implementation of the Interinstitutional Agreement governing Parliament access to sensitive information in the sphere of security and defence policy**

European Parliament decision of 23 October 2002 on the implementation of the Interinstitutional Agreement governing European Parliament access to sensitive Council information in the sphere of security and defence policy<sup>30</sup>

THE EUROPEAN PARLIAMENT,

having regard to Article 9, and in particular paragraphs 6 and 7 thereof, of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>31</sup>,

having regard to point 1 of Annex VII<sup>32</sup>, part A of its Rules of Procedure,

having regard to Article 20 of the Bureau Decision of 28 November 2001 on public access to Parliament documents<sup>33</sup>,

having regard to the Interinstitutional Agreement between the European Parliament and the Council on European Parliament access to sensitive Council information in the sphere of security and defence policy,

having regard to the Bureau proposal,

having regard to the specific nature and the particularly sensitive substance of some highly confidential items of information in the sphere of security and defence policy,

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<sup>30</sup>OJ C 298, 30.11.2002, p. 4.

<sup>31</sup>OJ L 145, 31.5.2001, p. 43.

<sup>32</sup>Now Annex VIII.

<sup>33</sup>OJ C 374, 29.12.2001, p. 1.

whereas, in accordance with the provisions agreed between the institutions, the Council is required to make information about sensitive documents available to Parliament,

whereas the Members of the European Parliament who sit on the special committee set up by the Interinstitutional Agreement must be cleared for access to sensitive information in accordance with the "need-to-know" principle,

having regard to the need to lay down specific arrangements for receiving, dealing with and safeguarding sensitive information forwarded by the Council, Member States, third States or international organisations,

HAS DECIDED:

#### **Article 1**

This Decision adopts the additional measures required to implement the Interinstitutional Agreement governing European Parliament access to sensitive Council information in the sphere of security and defence policy.

#### **Article 2**

Parliament's requests for access to sensitive Council information shall be dealt with by the latter in a manner consistent with its relevant rules. If the documents requested have been drawn up by other institutions, Member States, third countries or international organisations, they shall be forwarded only with the agreement of the institutions, States or organisations concerned.

#### **Article 3**

The President of Parliament shall be responsible for the implementation of the Interinstitutional Agreement within the Institution.

In that connection, he/she shall take all the measures required to guarantee that information received directly from the President of the Council or the Secretary-General/High Representative, or information obtained in the course of the consultation of sensitive documents on the Council's premises, is dealt with in a confidential manner.

#### **Article 4**

When the President of Parliament or the chairman of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy asks the Council Presidency or the Secretary-General/High Representative to supply sensitive information to the special committee set up by the Interinstitutional Agreement, that information shall be provided as soon as possible. In that connection, Parliament shall fit out a room specially designed for the holding of meetings to deal with sensitive information. The room shall be chosen with a view to guaranteeing a level of protection equivalent to that laid down for this type of meeting by Council Decision 2001/264/EC of 19 March 2001<sup>34</sup> adopting the Council's security regulations.

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<sup>34</sup>OJ L 101, 11.4.2001, p. 1.

## **Article 5**

The information meeting chaired by the President of Parliament or by the chairman of the above-mentioned committee shall be held in camera.

With the exception of the four Members appointed by the Conference of Presidents, only those officials who, by virtue of their duties or in accordance with operational requirements, have been cleared and authorised to enter it subject to the "need-to-know" principle shall have access to the meeting room.

## **Article 6**

Pursuant to paragraph 3.3 of the above-mentioned Interinstitutional Agreement, when the President of Parliament or the chairman of the above-mentioned committee decides to request authorisation to consult documents containing sensitive information, that consultation shall be carried out on the Council's premises.

Documents shall be consulted on the spot in whatever version they are available.

## **Article 7**

The Members of Parliament who are to attend information meetings or have access to sensitive documents shall be the subject of a clearance procedure similar to that undergone by Members of the Council and Members of the Commission. In that connection, the President of Parliament shall take the requisite steps vis-à-vis the competent national authorities.

## **Article 8**

Officials who are to have access to sensitive information shall be cleared in accordance with the provisions laid down for the other institutions. Officials cleared in this way subject to the "need-to-know" principle shall be invited to attend the above-mentioned information meetings or to peruse the documents in question. In that connection, the Secretary-General, after consulting the competent Member State authorities, shall grant clearance on the basis of the security inquiry carried out by those same authorities.

## **Article 9**

The information obtained at such meetings or during the consultation of such documents on the Council's premises shall not be disclosed, disseminated or reproduced, either in full or in part, in any form. By the same token, no recording of particulars relating to the sensitive information provided by the Council shall be authorised.

## **Article 10**

The Members of Parliament designated by the Conference of Presidents to have access to the sensitive information shall be bound by the requirement to maintain confidentiality. Any Member who breaches that requirement shall be replaced on the special committee by another Member designated by the Conference of Presidents. In that connection, the Member guilty of a breach of the requirement may, prior to his/her exclusion from the special committee, be heard by the Conference of Presidents, which shall hold a special meeting in camera. In addition to his/her

exclusion from the special committee, the Member responsible for leaking information may, if appropriate, be the subject of judicial proceedings pursuant to the relevant legislation in force.

#### **Article 11**

Officials duly cleared to have access to sensitive information in accordance with the "need-to-know" principle shall be bound by the requirement to maintain confidentiality. Any official who breaches that rule shall be the subject of an inquiry conducted under the authority of the President and, if appropriate, disciplinary proceedings in accordance with the Staff Regulations (statut des fonctionnaires). Should judicial proceedings be initiated, the President shall take all the measures required to enable the competent national authorities to implement the appropriate procedures.

#### **Article 12**

The Bureau shall be competent to undertake any revision, amendment or interpretation necessitated by the implementation of this Decision.

#### **Article 13**

This Decision shall be annexed to Parliament's Rules of Procedure and shall enter into force on the day of its publication in the Official Journal of the European Communities.

#### **D. Personal conflicts of interest**

With the approval of the Bureau, a Member may, on the basis of a reasoned decision, be denied the right to inspect a Parliament document if, after having heard the Member concerned, the Bureau comes to the conclusion that such inspection would cause unacceptable damage to Parliament's institutional interests or to the public interest, and that the Member concerned is seeking to inspect the document for private and personal reasons. The Member may lodge a written appeal, which must include reasons, against such a decision within one month of notification thereof. Parliament shall reach a decision on the appeal without debate during the part-session that follows its being lodged.



## **ANNEX IX Detailed provisions governing the exercise of the European Parliament's right of inquiry**

### **Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry<sup>35</sup>**

The European Parliament, the Council and the Commission,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 20b thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 193 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 107b thereof,

Whereas the detailed provisions governing the exercise of the European Parliament's right of inquiry should be determined with due regard for the provisions laid down by the Treaties establishing the European Communities;

Whereas temporary committees of inquiry must have the means necessary to perform their duties; whereas, to that end, it is essential that the Member States and the institutions and bodies of the European Communities take all steps to facilitate the performance of those duties;

Whereas the secrecy and confidentiality of the proceedings of temporary committees of inquiry must be protected;

Whereas, at the request of one of the three institutions concerned, the detailed provisions governing the exercise of the right of inquiry may be revised as from the end of the current term of the European Parliament in the light of experience,

HAVE BY COMMON ACCORD ADOPTED THIS DECISION:

#### **Article 1**

The detailed provisions governing the exercise of the European Parliament's right of inquiry shall be as laid down by this Decision, in accordance with Article 20b of the ECSC Treaty, Article 193 of the EC Treaty and Article 107b of the EAEC Treaty.

#### **Article 2**

1. Subject to the conditions and limits laid down by the Treaties referred to in Article 1 and in the course of its duties, the European Parliament may, at the request of one quarter of its Members, set up a temporary committee of inquiry to investigate alleged contraventions or maladministration in the implementation of Community law which would appear to be the act of an institution or a body of the European Communities, of a public administrative body of a Member State or of persons empowered by Community law to implement that law.

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<sup>35</sup>OJ L 113, 19.5.1995, p. 1.

The European Parliament shall determine the composition and rules of procedure of temporary committees of inquiry.

The decision to set up a temporary committee of inquiry, specifying in particular its purpose and the time limit for submission of its report, shall be published in the Official Journal of the European Communities.

2. The temporary committee of inquiry shall carry out its duties in compliance with the powers conferred by the Treaties on the institutions and bodies of the European Communities.

The members of the temporary committee of inquiry and any other persons who, by reason of their duties, have become acquainted with facts, information, knowledge, documents or objects in respect of which secrecy must be observed pursuant to provisions adopted by a Member State or by a Community institution shall be required, even after their duties have ceased, to keep them secret from any unauthorised person and from the public.

Hearings and testimony shall take place in public. Proceedings shall take place in camera if requested by one quarter of the members of the committee of inquiry, or by the Community or national authorities, or where the temporary committee of inquiry is considering secret information. Witnesses and experts shall have the right to make a statement or provide testimony in camera.

3. A temporary committee of inquiry may not investigate matters at issue before a national or Community court of law until such time as the legal proceedings have been completed.

Within a period of two months either of publication in accordance with paragraph 1 or of the Commission being informed of an allegation made before a temporary committee of inquiry of a contravention of Community law by a Member State, the Commission may notify the European Parliament that a matter to be examined by a temporary committee of inquiry is the subject of a Community prelitigation procedure; in such cases the temporary committee of inquiry shall take all necessary steps to enable the Commission fully to exercise the powers conferred on it by the Treaties.

4. The temporary committee of inquiry shall cease to exist on the submission of its report within the time limit laid down when it was set up, or at the latest upon expiry of a period not exceeding twelve months from the date when it was set up, and in any event at the close of the parliamentary term.

By means of a reasoned decision the European Parliament may twice extend the twelve-month period by three months. Such a decision shall be published in the Official Journal of the European Communities.

5. A temporary committee of inquiry may not be set up or re-established with regard to matters into which an inquiry has already been held by a temporary committee of inquiry until at least twelve months have elapsed since the submission of the report on that inquiry or the end of its assignment and unless any new facts have emerged.

### Article 3

1. The temporary committee of inquiry shall carry out the inquiries necessary to verify alleged contraventions or maladministration in the implementation of Community law under the conditions laid down below.

2. The temporary committee of inquiry may invite an institution or a body of the European Communities or the Government of a Member State to designate one of its members to take part in its proceedings.

3. On a reasoned request from the temporary committee of inquiry, the Member States concerned and the institutions or bodies of the European Communities shall designate the official or servant whom they authorise to appear before the temporary committee of inquiry, unless grounds of secrecy or public or national security dictate otherwise by virtue of national or Community legislation.

The officials or servants in question shall speak on behalf of and as instructed by their Governments or institutions. They shall continue to be bound by the obligations arising from the rules to which they are subject.

4. The authorities of the Member States and the institutions or bodies of the European Communities shall provide a temporary committee of inquiry, where it so requests or on their own initiative, with the documents necessary for the performance of its duties, save where prevented from doing so by reasons of secrecy or public or national security arising out of national or Community legislation or rules.

5. Paragraphs 3 and 4 shall be without prejudice to any other provisions of the Member States which prohibit officials from appearing or documents from being forwarded.

An obstacle arising from reasons of secrecy, public or national security or the provisions referred to in the first subparagraph shall be notified to the European Parliament by a representative authorised to commit the Government of the Member State concerned or the institution.

6. Institutions or bodies of the European Communities shall not supply the temporary committee of inquiry with documents originating in a Member State without first informing the State concerned.

They shall not communicate to the temporary committee of inquiry any documents to which paragraph 5 applies without first obtaining the consent of the Member State concerned.

7. Paragraphs 3, 4 and 5 shall apply to natural or legal persons empowered by Community law to implement that law.

8. In so far as is necessary for the performance of its duties, the temporary committee of inquiry may request any other person to give evidence before it. The temporary committee of inquiry shall inform any person named in the course of an inquiry to whom this might prove prejudicial; it shall hear such a person if that person so requests.

#### **Article 4**

1. The information obtained by the temporary committee of inquiry shall be used solely for the performance of its duties. It may not be made public if it contains material of a secret or confidential nature or names persons.

The European Parliament shall adopt the administrative measures and procedural rules required to protect the secrecy and confidentiality of the proceedings of temporary committees of inquiry.

2. The temporary committee of inquiry's report shall be submitted to the European Parliament, which may decide to make it public subject to the provisions of paragraph 1.

3. The European Parliament may forward to the institutions or bodies of the European Communities or to the Member States any recommendations which it adopts on the basis of the temporary committee of inquiry's report. They shall draw therefrom the conclusions which they deem appropriate.

#### **Article 5**

Any communication addressed to the national authorities of the Member States for the purposes of applying this Decision shall be made through their Permanent Representations to the European Union.

#### **Article 6**

At the request of the European Parliament, the Council or the Commission, the above rules may be revised as from the end of the current term of the European Parliament in the light of experience.

#### **Article 7**

This Decision shall enter into force on the day of its publication in the Official Journal of the European Communities.

## **ANNEX X Provisions governing the application of Rule 9(4) - Lobbying in Parliament**

### **Article 1 Passes**

1. The pass shall consist of a plastic card bearing a photograph of the holder, indicating the holder's surname and forenames and the name of the firm, organisation or person for whom the holder works.

Pass-holders shall at all times wear their pass visibly on all Parliament premises. Failure to do so may lead to its withdrawal.

Passes shall be distinguished by their shape and colour from the passes issued to occasional visitors.

2. Passes shall only be renewed if the holders have fulfilled the obligations referred to in Rule 9(4).

Any dispute by a Member as to the activity of a representative or lobby shall be referred to the Quaestors, who shall look into the matter and may decide whether to maintain or withdraw the pass concerned.

3. Passes shall not, under any circumstances, entitle holders to attend meetings of Parliament or its bodies other than those declared open to the public and shall not, in this case, entitle the holder to derogations from access rules applicable to all other Union citizens.

### **Article 2 Assistants**

1. At the beginning of each parliamentary term the Quaestors shall determine the maximum number of assistants who may be registered by each Member.

Upon taking up their duties, registered assistants shall make a written declaration of their professional activities and any other remunerated functions or activities.

2. They shall have access to Parliament under the same conditions as staff of the Secretariat or the political groups.

3. All other persons, including those working directly with Members, shall only have access to Parliament under the conditions laid down in Rule 9(4).

### **Article 3 Code of conduct**

1. In the context of their relations with Parliament, the persons whose names appear in the register provided for in Rule 9(4) shall:

- a) comply with the provisions of Rule 9 and this Annex;
- b) state the interest or interests they represent in contacts with Members of Parliament, their staff or officials of Parliament;
- c) refrain from any action designed to obtain information dishonestly;
- d) not claim any formal relationship with Parliament in any dealings with third parties;

- e) not circulate for a profit to third parties copies of documents obtained from Parliament;
- f) comply strictly with the provisions of Annex I, Article 2, second paragraph;
- g) satisfy themselves that any assistance provided in accordance with the provisions of Annex I, Article 2 is declared in the appropriate register;
- h) comply with the provisions of the Staff Regulations when recruiting former officials of the institutions;
- i) comply with any rules laid down by Parliament on the rights and responsibilities of former Members;
- j) in order to avoid possible conflicts of interest, obtain the prior consent of the Member or Members concerned as regards any contractual relationship with or employment of a Member's assistant, and subsequently satisfy themselves that this is declared in the register provided for in Rule 9(4).

2. Any breach of this Code of Conduct may lead to the withdrawal of the pass issued to the persons concerned and, if appropriate, their firms.

## **ANNEX XI Performance of the Ombudsman's duties**

### **A. Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties<sup>36</sup>**

The European Parliament,

Having regard to the Treaties establishing the European Communities, and in particular Article 195(4) of the Treaty establishing the European Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community,

Having regard to the opinion of the Commission,

Having regard to the Council's approval,

Whereas the regulations and general conditions governing the performance of the Ombudsman's duties should be laid down, in compliance with the provisions of the Treaties establishing the European Communities;

Whereas the conditions under which a complaint may be referred to the Ombudsman should be established as well as the relationship between the performance of the duties of Ombudsman and legal or administrative proceedings;

Whereas the Ombudsman, who may also act on his own initiative, must have access to all the elements required for the performance of his duties; whereas to that end Community institutions and bodies are obliged to supply the Ombudsman, at his request, with any information which he requests of them and without prejudice to the Ombudsman's obligation not to divulge such information; whereas access to classified information or documents, in particular to sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001<sup>37</sup>, should be subject to compliance with the rules on security of the Community institution or body concerned; whereas the institutions or bodies supplying classified information or documents as mentioned in the first subparagraph of Article 3(2) should inform the Ombudsman of such classification; whereas for the implementation of the rules provided for in the first subparagraph of Article 3(2), the Ombudsman should have agreed in advance with the institution or body concerned the conditions for treatment of classified information or documents and other information covered by the obligation of professional secrecy; whereas if the Ombudsman finds that the assistance requested is not forthcoming, he shall inform the European Parliament, which shall make appropriate representations;

Whereas it is necessary to lay down the procedures to be followed where the Ombudsman's enquiries reveal cases of maladministration; whereas provision should also be made for the submission of a comprehensive report by the Ombudsman to the European Parliament at the end of each annual session;

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<sup>36</sup> Adopted by Parliament on 9 March 1994 (OJ L 113, 4.5.1994, p. 15) and amended by its decisions of 14 March 2002 (OJ L 92, 9.4.2002, p. 13) and 18 June 2008 (OJ L 189, 17.7.2008, p. 25).

<sup>37</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Whereas the Ombudsman and his staff are obliged to treat in confidence any information which they have acquired in the course of their duties; whereas the Ombudsman is, however, obliged to inform the competent authorities of facts which he considers might relate to criminal law and which have come to his attention in the course of his enquiries;

Whereas provision should be made for the possibility of co-operation between the Ombudsman and authorities of the same type in certain Member States, in compliance with the national laws applicable;

Whereas it is for the European Parliament to appoint the Ombudsman at the beginning of its mandate and for the duration thereof, choosing him from among persons who are Union citizens and offer every requisite guarantee of independence and competence;

Whereas conditions should be laid down for the cessation of the Ombudsman's duties;

Whereas the Ombudsman must perform his duties with complete independence and give a solemn undertaking before the Court of Justice of the European Communities that he will do so when taking up his duties; whereas activities incompatible with the duties of Ombudsman should be laid down as should the remuneration, privileges and immunities of the Ombudsman;

Whereas provisions should be laid down regarding the officials and servants of the Ombudsman's secretariat which will assist him and the budget thereof; whereas the seat of the Ombudsman should be that of the European Parliament;

Whereas it is for the Ombudsman to adopt the implementing provisions for this Decision; whereas furthermore certain transitional provisions should be laid down for the first Ombudsman to be appointed after the entry into force of the EU Treaty,

HAS DECIDED AS FOLLOWS:

#### **Article 1**

1. The regulations and general conditions governing the performance of the Ombudsman's duties shall be as laid down by this Decision in accordance with Article 195(4) of the Treaty establishing the European Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community.
2. The Ombudsman shall perform his duties in accordance with the powers conferred on the Community institutions and bodies by the Treaties.
3. The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling.

#### **Article 2**

1. Within the framework of the aforementioned Treaties and the conditions laid down therein, the Ombudsman shall help to uncover maladministration in the activities of the Community institutions and bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, and make recommendations with a view to putting an end to it. No action by any other authority or person may be the subject of a complaint to the Ombudsman.



2. Any citizen of the Union or any natural or legal person residing or having his registered office in a Member State of the Union may, directly or through a Member of the European Parliament, refer a complaint to the Ombudsman in respect of an instance of maladministration in the activities of Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role. The Ombudsman shall inform the institution or body concerned as soon as a complaint is referred to him.
3. The complaint must allow the person lodging the complaint and the object of the complaint to be identified; the person lodging the complaint may request that his complaint remain confidential.
4. A complaint shall be made within two years of the date on which the facts on which it is based came to the attention of the person lodging the complaint and must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.
5. The Ombudsman may advise the person lodging the complaint to address it to another authority.
6. Complaints submitted to the Ombudsman shall not affect time-limits for appeals in administrative or judicial proceedings.
7. When the Ombudsman, because of legal proceedings in progress or concluded concerning the facts which have been put forward, has to declare a complaint inadmissible or terminate consideration of it, the outcome of any enquiries he has carried out up to that point shall be filed definitively.
8. No complaint may be made to the Ombudsman that concerns work relationships between the Community institutions and bodies and their officials and other servants unless all the possibilities for the submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90(1) and (2) of the Staff Regulations, have been exhausted by the person concerned and the time limits for replies by the authority thus petitioned have expired.
9. The Ombudsman shall as soon as possible inform the person lodging the complaint of the action he has taken on it.

### **Article 3**

1. The Ombudsman shall, on his own initiative or following a complaint, conduct all the enquiries which he considers justified to clarify any suspected maladministration in the activities of Community institutions and bodies. He shall inform the institution or body concerned of such action, which may submit any useful comment to him.
2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested from them and give him access to the files concerned. Access to classified information or documents, in particular to sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001, shall be subject to compliance with the rules on security of the Community institution or body concerned.

The institutions or bodies supplying classified information or documents as mentioned in the previous subparagraph shall inform the Ombudsman of such classification.

For the implementation of the rules provided for in the first subparagraph, the Ombudsman shall have agreed in advance with the institution or body concerned the conditions for treatment of classified information or documents and other information covered by the obligation of professional secrecy.

The institutions or bodies concerned shall give access to documents originating in a Member State and classed as secret by law or regulation only where that Member State has given its prior agreement.

They shall give access to other documents originating in a Member State after having informed the Member State concerned.

In both cases, in accordance with Article 4, the Ombudsman may not divulge the content of such documents.

Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall continue to be bound by the relevant rules of the Staff Regulations, notably their duty of professional secrecy.

3. The Member States' authorities shall be obliged to provide the Ombudsman, whenever he may so request, via the Permanent Representations of the Member States to the European Communities, with any information that may help to clarify instances of maladministration by Community institutions or bodies unless such information is covered by laws or regulations on secrecy or by provisions preventing its being communicated. Nonetheless, in the latter case, the Member State concerned may allow the Ombudsman to have this information provided that he undertakes not to divulge it.

4. If the assistance which he requests is not forthcoming, the Ombudsman shall inform the European Parliament, which shall make appropriate representations.

5. As far as possible, the Ombudsman shall seek a solution with the institution or body concerned to eliminate the instance of maladministration and satisfy the complaint.

6. If the Ombudsman finds there has been maladministration, he shall inform the institution or body concerned, where appropriate making draft recommendations. The institution or body so informed shall send the Ombudsman a detailed opinion within three months.

7. The Ombudsman shall then send a report to the European Parliament and to the institution or body concerned. He may make recommendations in his report. The person lodging the complaint shall be informed by the Ombudsman of the outcome of the inquiries, of the opinion expressed by the institution or body concerned and of any recommendations made by the Ombudsman.

8. At the end of each annual session the Ombudsman shall submit to the European Parliament a report on the outcome of his inquiries.

#### **Article 4**

1. The Ombudsman and his staff, to whom Article 287 of the Treaty establishing the European Community and Article 194 of the Treaty establishing the European Atomic Energy Community shall apply, shall be required not to divulge information or documents which they obtain in the course of their inquiries. They shall, in particular, be required not to divulge any classified information or any document supplied to the Ombudsman, in particular sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001, or documents falling within the scope of Community legislation regarding the protection of personal data, as well as any information which could harm the person lodging the complaint or any other person involved, without prejudice to paragraph 2.

2. If, in the course of inquiries, he learns of facts which he considers might relate to criminal law, the Ombudsman shall immediately notify the competent national authorities via the Permanent Representations of the Member States to the European Communities and, in so far as the case falls within its powers, the competent Community institution, body or service in charge of combating fraud; if appropriate, the Ombudsman shall also notify the Community institution or body with authority over the official or servant concerned, which may apply the second paragraph of Article 18 of the Protocol on the Privileges and Immunities of the European Communities. The Ombudsman may also inform the Community institution or body concerned of the facts calling into question the conduct of a member of their staff from a disciplinary point of view.

#### **Article 4a**

The Ombudsman and his staff shall deal with requests for public access to documents, other than those referred to in Article 4(1), in accordance with the conditions and limits provided for in Regulation (EC) No 1049/2001.

#### **Article 5**

1. In so far as it may help to make his enquiries more efficient and better safeguard the rights and interests of persons who make complaints to him, the Ombudsman may cooperate with authorities of the same type in certain Member States provided he complies with the national law applicable. The Ombudsman may not by this means demand to see documents to which he would not have access under Article 3.

2. Within the scope of his functions as laid down in Article 195 of the Treaty establishing the European Community and Article 107d of the Treaty establishing the European Atomic Energy Community and avoiding any duplication with the activities of the other institutions or bodies, the Ombudsman may, under the same conditions, cooperate with institutions and bodies of Member States in charge of the promotion and protection of fundamental rights.

#### **Article 6**

1. The Ombudsman shall be appointed by the European Parliament after each election to the European Parliament for the duration of its mandate. He shall be eligible for reappointment.

2. The Ombudsman shall be chosen from among persons who are Union citizens, have full civil and political rights, offer every guarantee of independence, and meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledged competence and experience to undertake the duties of Ombudsman.

#### **Article 7**

1. The Ombudsman shall cease to exercise his duties either at the end of his term of office or on his resignation or dismissal.

2. Save in the event of his dismissal, the Ombudsman shall remain in office until his successor has been appointed.

3. In the event of early cessation of duties, a successor shall be appointed within three months of the office's falling vacant for the remainder of the parliamentary term.

#### **Article 8**

An Ombudsman who no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct may be dismissed by the Court of Justice of the European Communities at the request of the European Parliament.

#### **Article 9**

1. The Ombudsman shall perform his duties with complete independence, in the general interest of the Communities and of the citizens of the Union. In the performance of his duties he shall neither seek nor accept instructions from any government or other body. He shall refrain from any act incompatible with the nature of his duties.

2. When taking up his duties, the Ombudsman shall give a solemn undertaking before the Court of Justice of the European Communities that he will perform his duties with complete independence and impartiality and that during and after his term of office he will respect the obligations arising therefrom, in particular his duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments or benefits.

#### **Article 10**

1. During his term of office, the Ombudsman may not engage in any political or administrative duties, or any other occupation, whether gainful or not.

2. The Ombudsman shall have the same rank in terms of remuneration, allowances and pension as a judge at the Court of Justice of the European Communities.

3. Articles 12 to 15 and Article 18 of the Protocol on the Privileges and Immunities of the European Communities shall apply to the Ombudsman and to the officials and servants of his secretariat.

## **Article 11**

1. The Ombudsman shall be assisted by a secretariat, the principal officer of which he shall appoint.
2. The officials and servants of the Ombudsman's secretariat shall be subject to the rules and regulations applicable to officials and other servants of the European Communities. Their number shall be adopted each year as part of the budgetary procedure.
3. Officials of the European Communities and of the Member States appointed to the Ombudsman's secretariat shall be seconded in the interests of the service and guaranteed automatic reinstatement in their institution of origin.
4. In matters concerning his staff, the Ombudsman shall have the same status as the institutions within the meaning of Article 1 of the Staff Regulations of Officials of the European Communities.

## **Article 12 Deleted**

## **Article 13**

The seat of the Ombudsman shall be that of the European Parliament.

## **Article 14**

The Ombudsman shall adopt the implementing provisions for this Decision.

## **Article 15**

The first Ombudsman to be appointed after the entry into force of the EU Treaty shall be appointed for the remainder of the parliamentary term.

## **Article 16 Deleted**

## **Article 17**

This Decision shall be published in the Official Journal of the European Communities. It shall enter into force on the date of its publication.

## **B. Decision of the European Ombudsman adopting implementing provisions<sup>38</sup>**

### **Article 1 Definitions**

In these implementing provisions,

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<sup>38</sup>Adopted on 8 July 2002 and amended by decisions of the Ombudsman of 5 April 2004 and 3 December 2008.

- a) "institution concerned" means the Community institution or body which is the object of a complaint or an own initiative inquiry;
- b) "the Statute" means the regulations and general conditions governing the performance of the Ombudsman's duties;
- c) in relation to documents and information, "confidential" means "not to be disclosed".

## **Article 2 Receipt of complaints**

- 2.1. Complaints are identified, registered and numbered upon receipt.
- 2.2. An acknowledgement of receipt is sent to the complainant, quoting the registration number of the complaint and identifying the legal officer who is dealing with the case.
- 2.3. A petition transferred to the Ombudsman by the European Parliament with the consent of the petitioner is treated as a complaint.
- 2.4. In appropriate cases and with the consent of the complainant, the Ombudsman may transfer a complaint to the European Parliament to be dealt with as a petition.
- 2.5. In appropriate cases and with the consent of the complainant, the Ombudsman may transfer a complaint to another competent authority.

## **Article 3 Admissibility of complaints**

- 3.1. On the basis of the criteria laid down in the Treaty and the Statute, the Ombudsman determines whether a complaint is within his mandate and if so, whether it is admissible; he may request the complainant to provide further information or documents before making the determination.
- 3.2. If a complaint is outside the mandate, or inadmissible, the Ombudsman closes the file on the complaint. He informs the complainant of his decision and of the reasons for it. The Ombudsman may advise the complainant to apply to another authority.

## **Article 4 Inquiries into admissible complaints**

- 4.1. The Ombudsman decides whether there are sufficient grounds to justify making inquiries into an admissible complaint.
- 4.2. If he does not find sufficient grounds to justify making inquiries, the Ombudsman closes the file on the complaint and informs the complainant accordingly. The Ombudsman may also inform the institution concerned.
- 4.3. If the Ombudsman finds sufficient grounds to justify making inquiries, he informs the complainant and the institution concerned. He transmits a copy of the complaint to the institution concerned and invites it to submit an opinion within a specified time that is normally no more than three months. The invitation to the institution concerned may specify particular aspects of the complaint, or specific issues, to which the opinion should be addressed.

- 4.4. The opinion shall not include any information or documents which the institution concerned regards as confidential.
- 4.5. The institution concerned may request that certain parts of its opinion be disclosed only to the complainant. It shall clearly identify the parts concerned and shall explain the reason or reasons for its request.
- 4.6. The Ombudsman sends the opinion of the institution concerned to the complainant. The complainant has the opportunity to submit observations to the Ombudsman, within a specified time that is normally no more than one month.
- 4.7. If he considers it useful to do so, the Ombudsman makes further inquiries. Points 4.3 to 4.6 apply to further inquiries, save that the time limit for the institution concerned to reply is normally one month.
- 4.8. Where he considers it appropriate to do so, the Ombudsman may use a simplified procedure, with a view to achieving a rapid solution.
- 4.9. When he has completed his inquiries, the Ombudsman closes the case with a reasoned decision and informs the complainant and the institution concerned.

#### **Article 5 Powers of investigation**

- 5.1. Subject to the conditions laid down in the Statute, the Ombudsman may require Community institutions and bodies and the authorities of Member States to supply, within a reasonable time, information or documents for the purposes of an inquiry. They shall clearly identify any information or documents which they regard as confidential.
- 5.2. The Ombudsman may inspect the file of the institution concerned. The institution concerned shall clearly identify any documents in the file which it regards as confidential. The Ombudsman may take copies of the whole file or of specific documents contained in the file. The Ombudsman informs the complainant that an inspection has taken place.
- 5.3. The Ombudsman may require officials or other servants of Community institutions or bodies to give evidence under the conditions laid down in the Statute. The Ombudsman may decide that the person giving evidence shall do so in confidence.
- 5.4. The Ombudsman may request Community institutions and bodies to make arrangements for him to pursue his inquiries on the spot.
- 5.5. The Ombudsman may commission such studies or expert reports, as he considers necessary to the success of an inquiry.

#### **Article 6 Friendly solutions**

- 6.1. If the Ombudsman finds maladministration, as far as possible he cooperates with the institution concerned in seeking a friendly solution to eliminate it and to satisfy the complainant.

6.2. If the Ombudsman considers that such cooperation has been successful, he closes the case with a reasoned decision. He informs the complainant and the institution concerned of the decision.

6.3. If the Ombudsman considers that a friendly solution is not possible, or that the search for a friendly solution has been unsuccessful, he either closes the case with a reasoned decision that may include a critical remark or makes a report with draft recommendations.

#### **Article 7 Critical remarks**

7.1 The Ombudsman makes a critical remark if he considers:

- a) that it is no longer possible for the institution concerned to eliminate the instance of maladministration and
- b) that the instance of maladministration has no general implications.

7.2. When the Ombudsman closes the case with a critical remark, he informs the complainant and the institution concerned.

#### **Article 8 Reports and recommendations**

8.1. The Ombudsman makes a report with draft recommendations to the institution concerned if he considers either

- a) that it is possible for the institution concerned to eliminate the instance of maladministration, or
- b) that the instance of maladministration has general implications.

8.2. The Ombudsman sends a copy of his report and draft recommendations to the institution concerned and to the complainant.

8.3. The institution concerned sends the Ombudsman a detailed opinion within three months. The detailed opinion could consist of acceptance of the Ombudsman's decision and a description of the measures taken to implement the draft recommendations.

8.4. If the Ombudsman does not consider that the detailed opinion is satisfactory he may draw up a special report to the European Parliament in relation to the instance of maladministration. The report may contain recommendations. The Ombudsman sends a copy of the report to the institution concerned and to the complainant.

#### **Article 9 Own-initiative inquiries**

9.1. The Ombudsman may decide to undertake inquiries on his own initiative.

9.2. The Ombudsman's powers of investigation when conducting own initiative inquiries are the same as in inquiries instituted following a complaint.

9.3. The procedures followed in inquiries instituted following a complaint also apply, by analogy, to own initiative inquiries.



## **Article 10 Points of procedure**

- 10.1. If the complainant so requests, the Ombudsman classifies a complaint as confidential. If he considers that it is necessary to protect the interests of the complainant or of a third party, the Ombudsman may classify a complaint as confidential on his own initiative.
- 10.2. If he considers it appropriate to do so, the Ombudsman may take steps to ensure that a complaint is dealt with as a matter of priority.
- 10.3. If legal proceedings are instituted in relation to matters under investigation by the Ombudsman, he closes the case. The outcome of any inquiries he has carried out up to that point is filed without further action.
- 10.4. The Ombudsman informs the relevant national authorities and if appropriate, a Community institution or body of such criminal law matters as may come to his notice in the course of an inquiry. The Ombudsman may also inform a Community institution or body of facts which, in his view, could justify disciplinary proceedings.

## **Article 11 Reports to the European Parliament**

- 11.1. The Ombudsman submits an annual report to the European Parliament on his activities as a whole, including the outcome of his inquiries.
- 11.2. As well as special reports made under Article 8.4 above, the Ombudsman may make such other special reports to the European Parliament as he thinks appropriate to fulfil his responsibilities under the Treaties and the Statute.
- 11.3. The annual and special reports of the Ombudsman may contain such recommendations as he thinks appropriate to fulfil his responsibilities under the Treaties and the Statute.

## **Article 12 Cooperation with ombudsmen and similar bodies in Member States**

The Ombudsman may work in conjunction with ombudsmen and similar bodies in the Member States with a view to enhancing the effectiveness both of his own inquiries and of those carried out by ombudsmen and similar bodies in the Member States and of making more effective provision for safeguarding rights and interests under European Union and European Community law.

## **Article 13 The complainant's right to see the file**

- 13.1. The complainant shall be entitled to see the Ombudsman's file on his or her complaint, subject to Article 13.3 below.
- 13.2. The complainant may exercise the right to see the file on the spot. He or she may request the Ombudsman to supply a copy of the whole file, or of specific documents in the file.
- 13.3. The complainant shall not have access to:
- a) documents or information obtained by virtue of Article 5.1 or 5.2 above which have been identified to the Ombudsman as confidential;

- b) evidence given in confidence in accordance with Article 5.3 above.

#### **Article 14 Public access to documents held by the Ombudsman**

14.1. . The public shall have access to documents held by the Ombudsman, which do not relate to inquiries, subject to the same conditions and limits as those laid down by Regulation (EC) No 1049/2001<sup>39</sup> for public access to European Parliament, Council and Commission documents.

14.2. The public may request access to inquiry-related documents held by the Ombudsman, provided that the complaint has not been classified as confidential at the request of the complainant, or by the Ombudsman pursuant to Article 10.1 above. Access shall not be given to:

- a) documents or information obtained by virtue of Article 5.1 or 5.2 above which have been identified to the Ombudsman as confidential;
- b) evidence given in confidence, in accordance with Article 5.3 above;
- c) those parts of its opinion and replies to any further inquiries which, in accordance with Article 4.5 above, the institution concerned has requested should be disclosed only to the complainant. The applicant shall be informed of the reason or reasons which the institution concerned has given for its request;
- d) a document the disclosure of which would prejudice the integrity of an on-going inquiry.

14.3. Applications for access to documents shall be made in writing (letter, fax or e-mail) and in a sufficiently precise manner to enable the document to be identified.

14.4. Access is given on the spot or by providing a copy. The Ombudsman may impose reasonable charges for the supply of copies. The method of calculation of any charge is explained.

14.5. Decisions on applications for public access are made within 15 working days from receipt. In exceptional cases, the time-limit may be extended by 15 working days; the applicant is notified in advance of the extension and detailed reasons are given.

14.6. If an application for access to a document is refused in whole or in part reasons are given for the refusal.

#### **Article 15 Languages**

15.1. A complaint may be submitted to the Ombudsman in any of the Treaty languages. The Ombudsman is not required to deal with complaints submitted in other languages.

15.2. The language of proceedings conducted by the Ombudsman is one of the Treaty languages; in the case of a complaint, the language in which it is written.

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<sup>39</sup>Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

15.3. The Ombudsman determines which documents are to be drawn up in the language of the proceedings.

#### **Article 16 Publication of reports**

16.1. The European Ombudsman shall publish in the Official Journal announcements concerning the adoption of annual and special reports, making public the means for all interested to have access to the full text of the documents.

16.2. Any reports or summaries of the Ombudsman's decisions concerning confidential complaints are published in a form that does not allow the complainant to be identified.

#### **Article 17 Entry into force**

17.1. The implementing provisions adopted on 16 October 1997 are repealed.

17.2. This decision shall come into effect on 1 January 2003.

17.3. The President of the European Parliament shall be informed of the adoption of this decision. An announcement shall also be published in the Official Journal.

## **ANNEX XII Prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests**

### **European Parliament Decision concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests<sup>40</sup>**

The European Parliament,

Having regard to the Treaty establishing the European Community, and in particular Article 199 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 25 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 112 thereof,

Having regard to its Rules of Procedure, and in particular Rule 186(c)<sup>41</sup> thereof,

Whereas:

Regulation (EC) No 1073/1999 of the European Parliament and of the Council<sup>42</sup> and Council Regulation (Euratom) No 1074/1999<sup>43</sup> concerning investigations conducted by the European Anti-Fraud Office provide that the Office is to initiate and conduct administrative investigations within the institutions, bodies and offices and agencies established by or on the basis of the EC Treaty or the Euratom Treaty;

The responsibility of the European Anti-Fraud Office as established by the Commission extends beyond the protection of financial interests to include all activities relating to the need to safeguard Community interests against irregular conduct liable to give rise to administrative or criminal proceedings;

The scope of the fight against fraud should be broadened and its effectiveness enhanced by exploiting existing expertise in the area of administrative investigations;

Therefore, on the basis of their administrative autonomy, all the institutions, bodies and offices and agencies should entrust to the Office the task of conducting internal administrative investigations with a view to bringing to light serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of officials and servants of the Communities, as referred to in Articles 11, 12, second and third paragraphs, 13, 14, 16 and 17, first paragraph, of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as 'the Staff Regulations'), detrimental to the interests of those Communities and liable to result in disciplinary or, in appropriate cases, criminal proceedings, or serious misconduct, as referred to in Article 22 of the Staff Regulations, or a failure to comply with the

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<sup>40</sup> Adopted on 18 November 1999.

<sup>41</sup> Now Rule 215(c).

<sup>42</sup> OJ L 136, 31.5.1999, p. 1.

<sup>43</sup> OJ L 136, 31.5.1999, p. 8.

analogous obligations of the Members or staff of the European Parliament not subject to the Staff Regulations;

Such investigations should be conducted in full compliance with the relevant provisions of the Treaties establishing the European Communities, in particular the Protocol on privileges and immunities, of the texts implementing them and the Staff Regulations;

Such investigations should be carried out under equivalent conditions in all the Community institutions, bodies and offices and agencies; assignment of this task to the Office should not affect the responsibilities of the institutions, bodies, offices or agencies themselves and should in no way reduce the legal protection of the persons concerned;

Pending the amendment of the Staff Regulations, practical arrangements should be laid down stipulating how the members of the institutions and bodies, the managers of the offices and agencies and the officials and servants of the institutions, bodies and offices and agencies are to cooperate in the smooth operation of the internal investigations,

HAS DECIDED AS FOLLOWS:

#### **Article 1 Duty to cooperate with the Office**

The Secretary-General, the services and any official or servant of the European Parliament shall be required to cooperate fully with the Office's agents and to lend any assistance required to the investigation. With that aim in view, they shall supply the Office's agents with all useful information and explanations.

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, in particular the Protocol on privileges and immunities, and of the texts implementing them, Members shall cooperate fully with the Office.

#### **Article 2 Duty to supply information**

Any official or servant of the European Parliament who becomes aware of evidence which gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity detrimental to the interests of the Communities, or of serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of officials or servants of the Communities or staff not subject to the Staff Regulations liable to result in disciplinary or, in appropriate cases, criminal proceedings, shall inform without delay his Head of Service or Director-General or, if he considers it useful, his Secretary-General or the Office direct, in the case of an official, servant or staff member not subject to the Staff Regulations, or, in the case of failure to comply with the analogous obligations of Members, the President of the European Parliament.

The President, the Secretary-General, the Directors-General and the Heads of Service of the European Parliament shall transmit without delay to the Office any evidence of which they are aware from which the existence of irregularities as referred to in the first paragraph may be presumed.

Officials or servants of the European Parliament must in no way suffer inequitable or discriminatory treatment as a result of having communicated the information referred to in the first and second paragraphs.

Members who acquire knowledge of facts as referred to in the first paragraph shall inform the President of Parliament or, if they consider it useful, the Office direct.

This article applies without prejudice to confidentiality requirements laid down in law or the European Parliament's Rules of Procedure.

### **Article 3 Assistance from the security office**

At the request of the Director of the Office, the European Parliament's security office shall assist the Office in the practical conduct of investigations.

### **Article 4 Immunity and right to refuse to testify**

Rules governing Members' parliamentary immunity and the right to refuse to testify shall remain unchanged.

### **Article 5 Informing the interested party**

Where the possible implication of a Member, official or servant emerges, the interested party shall be informed rapidly as long as this would not be harmful to the investigation. In any event, conclusions referring by name to a Member, official or servant of the European Parliament may not be drawn once the investigation has been completed without the interested party's having been enabled to express his views on all the facts which concern him.

In cases necessitating the maintenance of absolute secrecy for the purposes of the investigation and requiring the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite the Member, official or servant of the European Parliament to give his views may be deferred in agreement respectively with the President, in the case of a Member, or the Secretary-General, in the case of an official or servant.

### **Article 6 Information on the closing of the investigation with no further action taken**

If, following an internal investigation, no case can be made out against a Member, official or servant of the European Parliament against whom allegations have been made, the internal investigation concerning him shall be closed, with no further action taken, by decision of the Director of the Office, who shall inform the interested party in writing.

### **Article 7 Waiver of immunity**

Any request from a national police or judicial authority regarding the waiver of the immunity from judicial proceedings of an official or servant of the European Parliament concerning possible cases of fraud, corruption or any other illegal activity shall be transmitted to the Director of the Office for his opinion. If a request for waiver of immunity concerns a Member of the European Parliament, the Office shall be informed.

**Article 8 Effective date**

This Decision shall take effect on the date of its adoption by the European Parliament.

## **ANNEX XIII Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC**

### **Information to the European Parliament**

1. Pursuant to Article 7(3) of Decision 1999/468/EC<sup>44</sup>, the European Parliament is to be informed by the Commission on a regular basis of proceedings of committees<sup>45</sup> in accordance with arrangements which ensure that the transmission system is transparent and efficient and that the information forwarded and the various stages of the procedure are identified. To that end, it is to receive, at the same time as the members of the committees and on the same terms, the draft agendas for committee meetings, the draft implementing measures submitted to those committees pursuant to basic instruments adopted in accordance with the procedure provided for by Article 251 of the Treaty, the results of voting, summary records of the meetings and lists of the authorities to which the persons designated by the Member States to represent them belong.

### **Register**

2. The Commission will establish a register containing all documents forwarded to the European Parliament<sup>46</sup>. The European Parliament will have direct access to this register. In accordance with Article 7(5) of Decision 1999/468/EC, references of all documents transmitted to the European Parliament will be made public.

3. In accordance with the undertakings given by the Commission in its statement on Article 7(3) of Decision 1999/468/EC<sup>47</sup>, and once the appropriate technical arrangements have been made, the register provided for in paragraph 2 will enable, in particular:

- a clear identification of the documents covered by the same procedure and of any changes to the implementing measure at each stage of the procedure;
- an indication of the stage of the procedure and the timetable;
- a clear distinction between the draft measures received by the European Parliament at the same time as the committee members in accordance with the right to information and the final draft following the committee's opinion that is forwarded to the European Parliament;
- a clear identification of any modification in comparison to documents already forwarded to the European Parliament.

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<sup>44</sup>OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>45</sup>Throughout this Agreement, the word "committee" shall be taken to refer to committees established in accordance with Decision 1999/468/EC, except where it is specified that another committee is referred to.

<sup>46</sup>The target date for the establishment of the register is 31 March 2008.

<sup>47</sup>OJ C 171, 22.7.2006, p. 21.



4. When, after a transitional period starting from the entry into force of this Agreement, the European Parliament and the Commission conclude that the system is operational and satisfactory, the transmission of documents to the European Parliament shall be made by electronic notification with a link to the register provided for in paragraph 2. This decision shall be taken through an exchange of letters between the presidents of both institutions. During the transitional period, the documents will be forwarded to the European Parliament as an attachment to an electronic mail.

5. Furthermore, the Commission agrees to forward to the European Parliament, for information and at the request of the parliamentary committee responsible, specific draft measures implementing basic instruments which, although not adopted in accordance with the procedure provided for by Article 251 of the Treaty, are of particular importance to the European Parliament. These measures shall be entered in the register provided for in paragraph 2 with a notification thereof to the European Parliament.

6. In addition to the summary records referred to in paragraph 1, the European Parliament may request access to minutes of committee meetings<sup>48</sup>. The Commission will examine each request, on a case by case basis, under the confidentiality rules set out in Annex 1 to the Framework Agreement on relations between the European Parliament and the Commission<sup>49</sup>.

#### **Confidential documents**

7. Confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.

#### **European Parliament resolutions under Article 8 of Decision 1999/468/EC**

8. Pursuant to Article 8 of Decision 1999/468/EC, the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures implementing a basic instrument adopted in accordance with the procedure provided for by Article 251 of the Treaty would exceed the implementing powers provided for in that basic instrument.

9. The European Parliament is to adopt such resolutions in accordance with its Rules of Procedure; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the members of the committee concerned.

10. The European Parliament and the Commission agree that it is appropriate to establish a shorter time-limit on a permanent basis for some types of urgent implementing measures on which a decision must be taken within a shorter period of time in the interests of sound management. This applies in particular to some types of measure relating to external action, including humanitarian and emergency aid, to health and safety protection, to transport security and safety and to exemptions from

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<sup>48</sup>See the judgment of the Court of First Instance of the European Communities of 19 July 1999 in Case T-188/97 Rothmans v Commission [1999] ECR II-2463.

<sup>49</sup>OJ C 117 E, 18.5.2006, p. 123.

public procurement rules. An agreement between the Member of the Commission and the Chair of the parliamentary committee responsible will lay down the types of measure concerned and the applicable time-limits. Such an agreement may be revoked at any time by either side.

11. Without prejudice to the cases referred to in paragraph 10, the time-limit will be shorter in urgent cases and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity. That time-limit may be very short in extremely urgent cases, in particular on public health grounds. The Member of the Commission responsible is to set the appropriate time-limit and to state the reason for that time-limit. The European Parliament may in such cases use a procedure whereby application of Article 8 of Decision 1999/468/EC is delegated to the parliamentary committee responsible, which may send a response to the Commission within the relevant time-limit.

12. As soon as the Commission's services foresee that draft measures covered by paragraphs 10 and 11 might have to be submitted to a committee, they will informally warn the secretariat of the parliamentary committee or committees responsible thereof. As soon as initial draft measures have been submitted to the members of the committee, the Commission's services will notify the secretariat of the parliamentary committee or committees of their urgency and of the time-limits that will apply once the final draft has been submitted.

13. Following the adoption by the European Parliament of a resolution as referred to in paragraph 8 or a response as referred to in paragraph 11, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible of the action the Commission intends to take thereon.

14. Data pursuant to paragraphs 10 to 13 will be entered in the register.

### **Regulatory procedure with scrutiny**

15. Where the regulatory procedure with scrutiny applies, and following the vote in the committee, the Commission will inform the European Parliament of the applicable time-limits. Subject to paragraph 16, these time-limits will start to run only once the European Parliament has received all language versions.

16. Where shorter time-limits apply (Article 5a(5)(b) of Decision 1999/468/EC) and in cases of urgency (Article 5a(6) of Decision 1999/468/EC), the time-limits shall start to run from the date of receipt by the European Parliament of the final draft implementing measures in the language versions submitted to the members of the committee, unless the Chair of the parliamentary committee objects. In any event, the Commission will endeavour to forward all language versions to the European Parliament as soon as possible. As soon as the Commission's services foresee that draft measures covered by Article 5a(5)(b) or (6) might have to be submitted to a committee, they will informally warn the secretariat of the parliamentary committee or committees responsible thereof.

### **Financial services**

17. In accordance with its statement on Article 7(3) of Decision 1999/468/EC, in respect of financial services the Commission undertakes to:

- ensure that the Commission official chairing a committee meeting informs the European Parliament, at its request, after each meeting, of any discussions concerning draft implementing measures that have been submitted to that committee;
- give an oral or written reply to any questions regarding discussions concerning draft implementing measures submitted to a committee.

Finally, the Commission will ensure that the undertakings made at Parliament's plenary sitting of 5 February 2002<sup>50</sup> and restated at its plenary sitting of 31 March 2004<sup>51</sup> and those referred to in points 1 to 7 of the letter of 2 October 2001<sup>52</sup> from Commissioner Bolkestein to the Chair of the European Parliament's Committee on Economic and Monetary Affairs are honoured in respect of the entire financial services sector (including securities, banks, insurance, pensions and accounting).

### **Calendar of parliamentary work**

18. Except where shorter time limits apply or in cases of urgency, the Commission will take into account, when transmitting draft implementing measures under this Agreement, the European Parliament's periods of recess (winter, summer and European elections), in order to ensure that Parliament is able to exercise its prerogatives within the time limits laid down in Decision 1999/468/EC and this Agreement.

### **Cooperation between the European Parliament and the Commission**

19. The two institutions express their readiness to assist each other in order to ensure full cooperation when dealing with specific implementing measures. To this effect, appropriate contacts at administrative level will be established.

### **Preceding agreements**

20. The 2000 Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC<sup>53</sup> is hereby replaced. The European Parliament and the Commission consider the following agreements superseded and thus of no effect in so far as they are concerned: the 1988 Plumb/Delors Agreement, the 1996 Samland/Williamson Agreement and the 1994 *modus vivendi*<sup>54</sup>.

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<sup>50</sup>OJ C 284 E, 21.11.2002, p. 19.

<sup>51</sup>OJ C 103 E, 29.4.2004, p. 446 and Verbatim Report of Proceedings (CRE) for Parliament's plenary sitting of 31 March 2004, under 'Vote'.

<sup>52</sup>OJ C 284 E, 21.11.2002, p. 83.

<sup>53</sup>OJ L 256, 10.10.2000, p. 19.

<sup>54</sup>OJ C 102, 4.4.1996, p. 1.

## **ANNEX XIV Framework Agreement on relations between the European Parliament and the European Commission**

The European Parliament<sup>55</sup> and the European Commission (hereinafter referred to as "the two Institutions"),

- having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community (hereinafter referred to as "the Treaties"),
- having regard to the Inter-institutional Agreements and texts governing relations between the two Institutions,
- having regard to Parliament's Rules of Procedure<sup>56</sup>, and in particular Rules 105, 106 and 127 thereof and Annexes VIII and XIV thereto,
- having regard to the political guidelines issued, and the relevant statements made, by the President-elect of the Commission on 15 September 2009 and 9 February 2010 and the statements made by each of the candidate Members of the Commission in the course of their hearings by parliamentary committees,

A. whereas the Lisbon Treaty strengthens the democratic legitimacy of the Union's decision-making process,

B. whereas the two Institutions attach the utmost importance to the effective transposition and implementation of Union law,

C. whereas this Framework Agreement does not affect the powers and prerogatives of Parliament, the Commission or any other institution or organ of the Union but seeks to ensure that those powers and prerogatives are exercised as effectively and transparently as possible,

D. whereas this Framework Agreement should be interpreted in conformity with the institutional framework as organised by the Treaties,

E. whereas the Commission will take due account of the respective roles conferred by the Treaties on Parliament and the Council, in particular with reference to the basic principle of equal treatment laid down under point 9,

F. whereas it is appropriate to update the Framework Agreement concluded in May 2005<sup>57</sup> and to replace it by the following text,

agree as follows:

### **I. SCOPE**

1. To better reflect the new "special partnership" between Parliament and the Commission, the two Institutions agree on the following measures to strengthen the political responsibility and legitimacy of the Commission, extend constructive

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<sup>55</sup>Parliament's decision of 20 October 2010.

<sup>56</sup>OJ L 44, 15.2.2005, p. 1.

<sup>57</sup>OJ C 117 E, 18.5.2006, p. 125.

dialogue, improve the flow of information between the two Institutions and improve cooperation on procedures and planning.

They also agree on specific provisions:

- on Commission meetings with national experts, as set out in Annex 1;
- on the forwarding of confidential information to Parliament, as set out in Annex 2;
- on the negotiation and conclusion of international agreements, as set out in Annex 3; and
- on the timetable for the Commission Work Programme, as set out in Annex 4.

## **II. POLITICAL RESPONSIBILITY**

2. After being nominated by the European Council, the President-designate of the Commission will submit to Parliament political guidelines for his/her term of office in order to enable an informed exchange of views to take place with Parliament before its election vote.

3. In conformity with Rule 106 of its Rules of Procedure, Parliament shall communicate with the President-elect of the Commission in good time before the opening of the procedures relating to giving its consent to the new Commission. Parliament shall take into account the remarks expressed by the President-elect.

The designated Members of the Commission shall ensure full disclosure of all relevant information, in conformity with the obligation of independence laid down in Article 245 TFEU.

The procedures shall be designed in such a way as to ensure that the entire Commission-designate is assessed in an open, fair and consistent manner.

4. Each Member of the Commission shall take political responsibility for action in the field of which he or she is in charge, without prejudice to the principle of Commission collegiality.

The President of the Commission shall be fully responsible for identifying any conflict of interest which renders a Member of the Commission unable to perform his or her duties.

The President of the Commission shall likewise be responsible for any subsequent action taken in such circumstances and shall inform the President of Parliament thereof immediately and in writing.

The participation of Members of the Commission in electoral campaigns is governed by the Code of Conduct for Commissioners.

Members of the Commission participating actively in electoral campaigns as candidates in elections to the European Parliament should take unpaid electoral leave with effect from the end of the last part-session before the elections.

The President of the Commission shall inform Parliament in due time of his/her decision to grant such leave, indicating which Member of the Commission will take over the relevant responsibilities for that period of leave.

5. If Parliament asks the President of the Commission to withdraw confidence in an individual Member of the Commission, he/she will seriously consider whether to request that Member to resign, in accordance with Article 17(6) TEU. The President shall either require the resignation of that Member or explain his/her refusal to do so before Parliament in the following part-session.

6. Where it becomes necessary to arrange for the replacement of a Member of the Commission during his/her term of office pursuant to the second paragraph of Article 246 TFEU, the President of the Commission will seriously consider the result of Parliament's consultation before giving accord to the decision of the Council..

Parliament shall ensure that its procedures are conducted with the utmost dispatch, in order to enable the President of the Commission to seriously consider Parliament's opinion before the new Member is appointed.

Similarly, pursuant to the third paragraph of Article 246 TFEU, when the remainder of the Commission's term of office is short, the President of the Commission will seriously consider Parliament's position.

7. If the President of the Commission intends to reshuffle the allocation of responsibilities amongst the Members of the Commission during its term of office pursuant to Article 248 TFEU he/she shall inform Parliament in due time for the relevant parliamentary consultation with regard to those changes. The President's decision to reshuffle the portfolios can take effect immediately.

8. When the Commission comes forward with a revision of the Code of Conduct for Commissioners relating to conflict of interest or ethical behaviour, it will seek Parliament's opinion.

### **III. CONSTRUCTIVE DIALOGUE AND FLOW OF INFORMATION**

#### **(i) General provisions**

9. The Commission guarantees that it will apply the basic principle of equal treatment for Parliament and the Council, especially as regards access to meetings and the provision of contributions or other information, in particular on legislative and budgetary matters.

10. Within its competences, the Commission shall take measures to better involve Parliament in such a way as to take Parliament's views into account as far as possible in the area of the Common Foreign and Security Policy.

11. A number of arrangements are made to implement the "special partnership" between Parliament and the Commission, as follows:

- the President of the Commission will at Parliament's request meet the Conference of Presidents at least twice a year to discuss issues of common interest;
- the President of the Commission will have a regular dialogue with the President of Parliament on key horizontal issues and major legislative proposals. This dialogue should also include invitations to the President of Parliament to attend meetings of the College of Commissioners;

- the President of the Commission or the Vice-President responsible for inter-institutional relations is to be invited to attend meetings of the Conference of Presidents and the Conference of Committee Chairs when specific issues relating to plenary agenda-setting, inter-institutional relations between Parliament and the Commission and legislative and budgetary matters are to be discussed;
- meetings shall take place annually between the Conference of Presidents and the Conference of Committee Chairs and the College of Commissioners, to discuss relevant issues including the preparation and implementation of the Commission Work Programme;
- the Conference of Presidents and the Conference of Committee Chairs shall inform the Commission in due time of the results of their discussions having an inter-institutional dimension. Parliament shall also keep the Commission fully and regularly informed of the outcome of its meetings dealing with the preparation of the part-sessions, taking into account the Commission's views. This is without prejudice to point 45;
- to ensure a regular flow of relevant information between the two Institutions, the Secretaries-General of Parliament and of the Commission shall meet on a regular basis.

12. Each Member of the Commission shall make sure that there is a regular and direct flow of information between the Member of the Commission and the chair of the relevant parliamentary committee.

13. The Commission shall not make public any legislative proposal or any significant initiative or decision before notifying Parliament thereof in writing.

On the basis of the Commission Work Programme, the two Institutions shall identify in advance, by common agreement, key initiatives to be presented in plenary. In principle, the Commission will present these initiatives first in plenary and only afterwards to the public.

Similarly, they shall identify those proposals and initiatives for which information is to be provided before the Conference of Presidents or conveyed, in an appropriate manner, to the relevant parliamentary committee or its chair.

These decisions shall be taken within the framework of the regular dialogue between the two Institutions, as provided for in point 11, and shall be updated on a regular basis, taking due account of any political developments.

14. If an internal Commission document – of which Parliament has not been informed pursuant to this Framework Agreement – is circulated outside the Institutions, the President of Parliament may request that the document concerned be forwarded to Parliament without delay, in order to communicate it to any Member of Parliament who may request it.

15. The Commission will provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of Union legislation, including soft law and delegated acts. If so requested by Parliament, the Commission may also invite Parliament's experts to attend those meetings.

The relevant provisions are laid down in Annex 1.

16. Within three months after the adoption of a parliamentary resolution, the Commission shall provide information to Parliament in writing on action taken in response to specific requests addressed to it in Parliament's resolutions, including in cases where it has not been able to follow Parliament's views. That period may be shortened where a request is urgent. It may be extended by one month where a request calls for more exhaustive work and this is duly substantiated. Parliament will make sure that this information is widely distributed within the institution.

Parliament will endeavour to avoid asking oral or written questions concerning issues in respect of which the Commission has already informed Parliament of its position through a written follow-up communication.

The Commission shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU (legislative initiative report) within three months following adoption of the corresponding resolution in plenary. The Commission shall come forward with a legislative proposal at the latest after one year or shall include the proposal in its next year's Work Programme. If the Commission does not submit a proposal, it shall give Parliament detailed explanations of the reasons.

The Commission shall also commit itself to a close and early cooperation with Parliament on any legislative initiative requests emanating from citizens' initiatives.

As regards the discharge procedure, the specific provisions laid down in point 31 shall apply.

17. Where initiatives, recommendations or requests for legislative acts are made pursuant to Article 289(4) TFEU, the Commission shall inform Parliament, if so requested, of its position on those proposals before the relevant parliamentary committee.

18. The two Institutions agree to cooperate in the area of relations with national Parliaments.

Parliament and the Commission shall cooperate on the implementation of TFEU Protocol No 2 on the application of the principles of subsidiarity and proportionality. Such cooperation shall include arrangements related to any necessary translation of reasoned opinions presented by national Parliaments.

When the thresholds mentioned in Article 7 of TFEU Protocol No 2 are met, the Commission shall provide the translations of all the reasoned opinions presented by national Parliaments together with its position thereon.

19. The Commission shall inform Parliament of the list of its expert groups set up in order to assist the Commission in the exercise of its right of initiative. That list shall be updated on a regular basis and made public.

Within this framework, the Commission shall, in an appropriate manner, inform the competent parliamentary committee, at the specific and reasoned request of its chair, on the activities and composition of such groups.



20. The two Institutions shall hold, through the appropriate mechanisms, a constructive dialogue on questions concerning important administrative matters, notably on issues having direct implications for Parliament's own administration.

21. Parliament will seek the opinion of the Commission when it comes forward with a revision of its Rules of Procedures concerning relations with the Commission.

22. Where confidentiality is invoked as regards any of the information forwarded pursuant to this Framework Agreement, the provisions laid down in Annex 2 shall be applied.

## **(ii) International agreements and enlargement**

23. Parliament shall be immediately and fully informed at all stages of the negotiation and conclusion of international agreements, including the definition of negotiating directives. The Commission shall act in a manner to give full effect to its obligations under Article 218 TFEU, while respecting each Institution's role in accordance with Article 13(2) TEU.

The Commission shall apply the arrangements set out in Annex 3.

24. The information referred to in point 23 shall be provided to Parliament in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament's views as far as possible into account. This information shall, as a general rule, be provided to Parliament through the responsible parliamentary committee and, where appropriate, at a plenary sitting. In duly justified cases, it shall be provided to more than one parliamentary committee.

Parliament and the Commission undertake to establish appropriate procedures and safeguards for the forwarding of confidential information from the Commission to Parliament, in accordance with the provisions of Annex 2.

25. The two Institutions acknowledge that, due to their different institutional roles, the Commission is to represent the European Union in international negotiations, with the exception of those concerning the Common Foreign and Security Policy and other cases as provided for in the Treaties.

Where the Commission represents the Union in international conferences, it shall, at Parliament's request, facilitate the inclusion of a delegation of Members of the European Parliament as observers in Union delegations, so that it may be immediately and fully informed about the conference proceedings. The Commission undertakes, where applicable, to systematically inform the Parliament delegation about the outcome of negotiations.

Members of the European Parliament may not participate directly in these negotiations. Subject to the legal, technical and diplomatic possibilities, they may be granted observer status by the Commission. In the event of refusal, the Commission will inform Parliament of the reasons therefor.

In addition, the Commission shall facilitate the participation of Members of the European Parliament as observers in all relevant meetings under its responsibility before and after negotiation sessions.

26. Under the same conditions, the Commission shall keep Parliament systematically informed about, and facilitate access as observers for Members of the European Parliament forming part of Union delegations to, meetings of bodies set up by multilateral international agreements involving the Union, whenever such bodies are called upon to take decisions which require the consent of Parliament or the implementation of which may require the adoption of legal acts in accordance with the ordinary legislative procedure.

27. The Commission shall also give Parliament's delegation included in Union delegations to international conferences access to use all Union delegation facilities on these occasions, in line with the general principle of good cooperation between the institutions and taking into account the available logistics.

The President of Parliament shall send to the President of the Commission a proposal for the inclusion of a Parliament delegation in the Union delegation no later than 4 weeks before the start of the conference, specifying the head of the Parliament delegation and the number of Members of the European Parliament to be included. In duly justified cases, this deadline can exceptionally be shortened.

The number of Members of the European Parliament included in the Parliament delegation and of supporting staff shall be proportionate to the overall size of the Union delegation.

28. The Commission shall keep Parliament fully informed of the progress of accession negotiations and in particular on major aspects and developments, so as to enable it to express its views in good time through the appropriate parliamentary procedures.

29. When Parliament adopts a recommendation on matters referred to in point 28, pursuant to Rule 90(4) of its Rules of Procedure, and when, for important reasons, the Commission decides that it cannot support such a recommendation, it shall explain the reasons before Parliament, at a plenary sitting or at the next meeting of the relevant parliamentary committee.

### **(iii) Budgetary implementation**

30. Before making, at donors' conferences, financial pledges which involve new financial undertakings and require the agreement of the budgetary authority, the Commission shall inform the budgetary authority and examine its remarks.

31. In connection with the annual discharge governed by Article 319 TFEU, the Commission shall forward all information necessary for supervising the implementation of the budget for the year in question, which the chair of the parliamentary committee responsible for the discharge procedure pursuant to Annex VII of Parliament's Rules of Procedure requests from it for that purpose.

If new aspects come to light concerning previous years for which discharge has already been given, the Commission shall forward all the necessary information on the matter with a view to arriving at a solution acceptable to both sides.

#### **(iv) Relationship with regulatory agencies**

32. Nominees for the post of Executive Director of regulatory agencies should come to parliamentary committee hearings.

In addition, in the context of the discussions of the inter-institutional Working Group on Agencies set up in March 2009, the Commission and Parliament will aim at a common approach on the role and position of decentralised agencies in the Union's institutional landscape, accompanied by common guidelines for the creation, structure and operation of those agencies, together with funding, budgetary, supervision and management issues.

### **IV. COOPERATION AS REGARDS LEGISLATIVE PROCEDURES AND PLANNING**

#### **(i) Commission Work Programme and the European Union's programming**

33. The Commission shall initiate the Union's annual and multi-annual programming, with a view to achieving inter-institutional agreements.

34. Every year the Commission shall present its Work Programme.

35. The two Institutions shall cooperate in accordance with the timetable set out in Annex 4.

The Commission shall take into account the priorities expressed by Parliament.

The Commission shall provide sufficient detail as to what is envisaged under each point in its Work Programme.

36. The Commission shall explain when it cannot deliver individual proposals in its Work Programme for the year in question or when it departs from it. The Vice-President of the Commission responsible for inter-institutional relations undertakes to report to the Conference of Committee Chairs regularly, outlining the political implementation of the Commission Work Programme for the year in question.

#### **(ii) Procedures for the adoption of acts**

37. The Commission undertakes to carefully examine amendments to its legislative proposals adopted by Parliament, with a view to taking them into account in any amended proposal.

When delivering its opinion on Parliament's amendments under Article 294 TFEU, the Commission undertakes to take the utmost account of amendments adopted at second reading; should it decide, for important reasons and after consideration by the College, not to adopt or support such amendments, it shall explain its decision before Parliament, and in any event in its opinion on Parliament's amendments by virtue of point (c) of Article 294(7) TFEU.

38. Parliament undertakes, when dealing with an initiative submitted by at least a quarter of Member States, in conformity with Article 76 TFEU, not to adopt any report in the relevant committee before receiving the Commission's opinion on the initiative.

The Commission undertakes to issue its opinion on such an initiative no later than 10 weeks after it has been submitted.

39. The Commission shall provide a detailed explanation in due time before withdrawing any proposals on which Parliament has already expressed a position at first reading.

The Commission shall proceed with a review of all pending proposals at the beginning of the new Commission's term of office, in order to politically confirm or withdraw them, taking due account of the views expressed by Parliament.

40. For special legislative procedures on which Parliament is to be consulted, including other procedures such as that laid down in Article 148 TFEU, the Commission

- (i) shall take measures to better involve Parliament in such a way as to take Parliament's views into account as far as possible, in particular to ensure that Parliament has the necessary time to consider the Commission's proposal;
- (ii) shall ensure that Council bodies are reminded in good time not to reach a political agreement on its proposals before Parliament has adopted its opinion. It shall ask for discussion to be concluded at ministerial level after a reasonable period has been given to the members of the Council to examine Parliament's opinion;
- (iii) shall ensure that the Council adheres to the rules developed by the Court of Justice of the European Union requiring Parliament to be reconsulted if the Council substantially amends a Commission proposal. The Commission shall inform Parliament of any reminder to the Council of the need for reconsultation;
- (iv) undertakes, if appropriate, to withdraw a legislative proposal that Parliament has rejected. If, for important reasons and after consideration by the College, the Commission decides to maintain its proposal, it shall explain the reasons for that decision in a statement before Parliament.

41. For its part, in order to improve legislative planning, Parliament undertakes:

- (v) to plan the legislative sections of its agendas, bringing them into line with the current Commission Work Programme and with the resolutions it has adopted on that programme, in particular with a view to the improved planning of the priority debates;
- (vi) to meet reasonable deadlines, in so far as is useful for the procedure, when adopting its position at first reading under the ordinary legislative procedure or its opinion under the consultation procedure;
- (vii) as far as possible to appoint rapporteurs on future proposals as soon as the Commission Work Programme is adopted;
- (viii) to consider requests for reconsultation as a matter of absolute priority provided that all the necessary information has been forwarded to it.

### **(iii) Issues linked to better law-making**

42. The Commission shall ensure that its impact assessments are conducted under its responsibility by means of a transparent procedure which guarantees an independent assessment. Impact assessments shall be published in due time, taking into consideration a number of different scenarios, including a "do nothing" option, and shall in principle be presented to the relevant parliamentary committee during the phase of the provision of information to national Parliaments under TFEU Protocols Nos 1 and 2.

43. In areas where Parliament is usually involved in the legislative process, the Commission shall use soft law, where appropriate and on a duly justified basis after having given Parliament the opportunity to express its views. The Commission shall provide a detailed explanation to Parliament on how its views have been taken into account when it adopts its proposal.

44. In order to ensure better monitoring of the transposition and application of Union law, the Commission and Parliament shall endeavour to include compulsory correlation tables and a binding time-limit for transposition, which in directives should not normally exceed a period of two years.

In addition to specific reports and the annual report on the application of Union law, the Commission shall make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, including, if so requested by Parliament, on a case-by-case basis and respecting the confidentiality rules, in particular those acknowledged by the Court of Justice of the European Union, on the issues to which the infringement procedure relates.

## **V. THE COMMISSION'S PARTICIPATION IN PARLIAMENTARY PROCEEDINGS**

45. The Commission shall give priority to its presence, if requested, at the plenary sittings or meetings of other bodies of Parliament, as compared to other competing events or invitations.

In particular, the Commission shall ensure that, as a general rule, Members of the Commission are present at plenary sittings for agenda items falling under their responsibility, whenever Parliament so requests. This is applicable to the preliminary draft agendas approved by the Conference of Presidents during the previous part-session.

Parliament shall seek to ensure that, as a general rule, agenda items of the part-sessions falling under the responsibility of a Member of the Commission are grouped together.

46. At the request of Parliament, provision will be made for a regular Question Hour with the President of the Commission. This Question Hour will comprise two parts: the first with leaders of political group or their representatives, conducted on an entirely spontaneous basis; the second devoted to a policy theme agreed upon in advance, at the latest on the Thursday before the relevant part-session, but without prepared questions.

Furthermore, a Question Hour with Members of the Commission, including the Vice-President for External Relations/High Representative of the Union for Foreign Affairs and Security Policy shall be introduced, following the model of the Question Hour with the President of the Commission, with the aim of reforming the existing Question Time. This Question Hour shall relate to the portfolio of the respective Members of the Commission.

47. Members of the Commission shall be heard at their request.

Without prejudice to Article 230 TFEU, the two Institutions shall agree on general rules relating to the allocation of speaking time between the Institutions.

The two Institutions agree that their indicative allocation of speaking time should be respected.

48. With a view to ensuring the presence of Members of the Commission, Parliament undertakes to do its best to maintain its final draft agendas.

Where Parliament amends its final draft agenda, or where it moves items within the agenda within a part-session, Parliament shall immediately inform the Commission. The Commission shall use its best endeavours to ensure the presence of the Member of the Commission responsible.

49. The Commission may propose the inclusion of items on the agenda not later than the meeting of the Conference of Presidents that decides on the final draft agenda of a part-session. Parliament shall take the fullest account of such proposals.

50. Parliamentary committees shall seek to maintain their draft agendas and agendas.

Whenever a parliamentary committee amends its draft agenda or its agenda, the Commission shall be immediately informed thereof. In particular, parliamentary committees shall endeavour to respect a reasonable deadline so as to allow for the presence of Members of the Commission at their meetings.

Where the presence of a Member of the Commission is not explicitly required at a parliamentary committee meeting, the Commission shall ensure that it is represented by a competent official at an appropriate level.

Parliamentary committees will endeavour to coordinate their work, including avoiding parallel meetings on the same issue, and will endeavour not to deviate from the draft agenda, so that the Commission can ensure an appropriate level of representation.

If the presence of a high-level official (Director-General or Director) has been requested at a committee meeting dealing with a Commission proposal, the representative of the Commission shall be allowed to intervene.

## **VI. FINAL PROVISIONS**

51. The Commission confirms its commitment to examine as soon as possible the legislative acts which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess whether those instruments need to be adapted to the regime of delegated acts introduced by Article 290 TFEU.

As a final goal, a coherent system of delegated and implementing acts, fully consistent with the Treaty, should be achieved through a progressive assessment of the nature and contents of measures currently subject to the regulatory procedure with scrutiny, in order to adapt them in due course to the regime laid down by Article 290 TFEU.

52. The provisions of this Framework Agreement complement the Interinstitutional Agreement on better law-making<sup>58</sup> without affecting it and do not prejudice any further revision thereof. Without prejudice to forthcoming negotiations between Parliament, the Commission and the Council, the two Institutions commit to agree on key changes in preparation of future negotiations on adaptation of the Interinstitutional Agreement on better law-making to the new provisions introduced by the Lisbon Treaty, taking into account current practices and this Framework Agreement.

They also agree on the need to reinforce the existing inter-institutional contact mechanism, at political and at technical level, in relation to better law-making, so as to ensure effective inter-institutional cooperation between Parliament, the Commission and the Council.

53. The Commission commits to initiate rapidly the Union's annual and multiannual programming with a view to achieving inter-institutional agreements, in accordance with Article 17 TEU.

The Commission Work Programme is the Commission's contribution to the Union's annual and multiannual programming. Following its adoption by the Commission, a trilogue between Parliament, the Council and the Commission should take place with a view to reaching an agreement on the Union's programming.

In this context and as soon as Parliament, the Council and the Commission have reached a common understanding on the Union's programming, the two Institutions shall review the provisions of this Framework Agreement related to programming.

Parliament and the Commission call on the Council to engage as soon as possible in discussions on the Union's programming as provided for in Article 17 TEU.

54. The practical implementation of this Framework Agreement and its Annexes shall be assessed periodically by the two Institutions. A review shall be carried out by the end of 2011, in the light of practical experience.

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<sup>58</sup>OJ C 321, 31.12.2003, p. 1.

## **Annex 1: Commission meetings with national experts**

This Annex lays down the modalities for implementation of point 15 of the Framework Agreement.

### **1.Scope**

The provisions of point 15 of the Framework Agreement concern the following meetings:

- (1) Commission meetings taking place within the framework of expert groups established by the Commission to which national authorities from all Member States are invited, where they concern the preparation and implementation of Union legislation, including soft law and delegated acts;
- (2) ad hoc Commission meetings to which national experts from all Member States are invited, where they concern the preparation and implementation of Union legislation, including soft law and delegated acts.

Meetings of comitology committees are excluded, without prejudice to existing and future specific arrangements concerning the provision to Parliament of information concerning the exercise of the Commission's implementing powers<sup>59</sup>.

### **2.Information to be transmitted to Parliament**

The Commission commits to send Parliament the same documentation it sends to national authorities in relation to the above-mentioned meetings. The Commission will transmit those documents, including agendas, to a functional Parliament mailbox at the same time as they are sent to the national experts.

### **3.Invitation of Parliament's experts**

Upon being requested by Parliament, the Commission may decide to invite Parliament to send Parliament experts to attend Commission meetings with national experts as identified in point 1.

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<sup>59</sup>The information to be provided to Parliament on the work of comitology committees and Parliament's prerogatives in the operation of comitology procedures are clearly defined in other instruments: (1) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers (OJ L 184, 17.7.1999, p. 23); (2) the inter-institutional agreement of 3 June 2008 between Parliament and the Commission on comitology procedures; and (3) instruments necessary for the implementation of Article 291 TFEU.



## **Annex 2: Forwarding of confidential information to Parliament**

### **1. Scope**

1.1. This Annex shall govern the forwarding to Parliament and the handling of confidential information, as defined in point 1.2, from the Commission in connection with the exercise of Parliament's prerogatives and competences. The two Institutions shall act in accordance with their mutual duties of sincere cooperation, in a spirit of complete mutual trust and in the strictest conformity with the relevant Treaty provisions.

1.2. 'Information' shall mean any written or oral information, whatever the medium and whoever the author may.

1.2.1. 'Confidential information' shall mean 'EU classified information' (EUCI) and non-classified 'other confidential information'.

1.2.2. 'EU classified information' (EUCI) shall mean any information and material, classified as 'TRÈS SECRET UE/EU TOP SECRET', 'SECRET UE', 'CONFIDENTIEL UE' or 'RESTREINT UE' or bearing equivalent national or international classification markings, an unauthorised disclosure of which could cause varying degrees of prejudice to Union interests, or to one or more Member States, whether such information originates within the Union or is received from Member States, third States or international organisations.

- a) TRÈS SECRET UE/EU TOP SECRET: this classification shall be applied only to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the Union or of one or more of its Member States.
- b) SECRET UE: this classification shall be applied only to information and material the unauthorised disclosure of which could seriously harm the essential interests of the Union or of one or more of its Member States.
- c) CONFIDENTIEL UE: this classification shall be applied to information and material the unauthorised disclosure of which could harm the essential interests of the Union or of one or more of its Member States.
- d) RESTREINT UE: this classification shall be applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the Union or of one or more of its Member States.

1.2.3. 'Other confidential information' shall mean any other confidential information, including information covered by the obligation of professional secrecy, requested by Parliament and/or forwarded by the Commission.

1.3. The Commission shall ensure that Parliament is given access to confidential information, in accordance with the provisions of this Annex, whenever it receives from one of the parliamentary bodies or office-holders mentioned in point 1.4 a request relating to the forwarding of confidential information. Moreover, the Commission may forward any confidential information on its own initiative to Parliament in accordance with the provisions of this Annex.

1.4. In the context of this Annex, the following may request confidential information from the Commission:

- the President of Parliament,
- the chairs of the parliamentary committees concerned,
- the Bureau and the Conference of Presidents, and
- the head of Parliament's delegation included in the Union delegation at an international conference.

1.5. Information on infringement procedures and procedures relating to competition, in so far as they are not covered by a final Commission decision or by a judgment of the Court of Justice of the European Union on the date when the request from one of the parliamentary bodies/office-holders mentioned in point 1.4 is received, and information relating to the protection of the Union's financial interests, shall be excluded from the scope of this Annex. This is without prejudice to point 44 of the Framework Agreement and to the budgetary control rights of Parliament.

1.6. These provisions shall apply without prejudice to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry<sup>60</sup> and the relevant provisions of Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF)<sup>61</sup>.

## **2. General rules**

2.1. At the request of one of the parliamentary bodies/office-holders referred to in point 1.4, the Commission shall forward to that parliamentary body/office-holder with all due despatch any confidential information required for the exercise of Parliament's prerogatives and competences. In accordance with their respective powers and responsibilities, the two Institutions shall respect:

- fundamental human rights, including the right to a fair trial and the right to protection of privacy;
- provisions governing judicial and disciplinary procedures;
- protection of business secrecy and commercial relations;
- protection of the interests of the Union, in particular those relating to public safety, defence, international relations, monetary stability and financial interests.

In the event of a disagreement, the matter shall be referred to the Presidents of the two Institutions so that they may resolve the dispute.

Confidential information from a State, an institution or an international organisation shall be forwarded only with its consent.

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<sup>60</sup>OJ L 113, 19.5.1995, p. 1.

<sup>61</sup>OJ L 136, 31.5.1999, p. 20.

2.2. EUCI shall be forwarded to, and handled and protected by, Parliament in compliance with the common minimum standards of security applied by other Union Institutions, in particular the Commission.

When classifying information for which it is the originator, the Commission will ensure that it applies appropriate levels of classification in line with the international standards and definitions and its internal rules, whilst taking due account of the need for Parliament to be able to access classified documents for the effective exercise of its competences and prerogatives.

2.3. In the event of any doubt as to the confidential nature of an item of information or its appropriate level of classification, or where it is necessary to lay down the appropriate arrangements for it to be forwarded in accordance with one of the options set out in point 3.2, the two Institutions shall consult each other without delay and before transmission of the document. In these consultations, Parliament shall be represented by the chair of the parliamentary body concerned, accompanied, where necessary, by the rapporteur, or the office-holder who submitted the request. The Commission shall be represented by the Member of the Commission with responsibility for that area, after consultation of the Member of the Commission responsible for security matters. In the event of a disagreement, the matter shall be referred to the Presidents of the two Institutions so that they may resolve the dispute.

2.4. If, at the end of the procedure referred to in point 2.3, no agreement has been reached, the President of Parliament, in response to a reasoned request from the parliamentary body/office-holder who submitted the request, shall call on the Commission to forward, within the appropriate deadline duly indicated, the confidential information in question, selecting the arrangements from among the options laid down in point 3.2 of this Annex. Before the expiry of that deadline, the Commission shall inform Parliament in writing of its final position, in respect of which Parliament reserves the right, if appropriate, to exercise its right to seek redress.

2.5. Access to EUCI shall be granted in accordance with applicable rules for personal security clearance.

2.5.1. Access to information classified as " TRÈS SECRET UE /EU TOP SECRET", "SECRET UE" and "CONFIDENTIEL UE" may only be granted to Parliament officials and those employees of Parliament working for political groups to whom it is strictly necessary, who have been designated in advance by the parliamentary body/office-holder as having a need to know and who have been given an appropriate security clearance.

2.5.2. In light of Parliament's prerogatives and competences, those Members who have not been given a personal security clearance shall be granted access to "CONFIDENTIEL UE" documents under practical arrangements defined by common accord, including signature of a solemn declaration that they will not disclose the contents of those documents to any third person.

Access to "SECRET UE" documents shall be granted to Members who have been given an appropriate personal security clearance.

2.5.3. Arrangements shall be made with the support of the Commission to ensure that the necessary contribution of national authorities within the framework of the clearance procedure can be obtained by Parliament as quickly as possible.

Details of the category or categories of persons who are to have access to the confidential information shall be communicated simultaneously with the request.

Prior to being granted access to such information each person shall be briefed on its confidentiality level and the resulting security obligations.

In the context of the review of this Annex and future security arrangements, as referred to in points 4.1 and 4.2, the issue of security clearances will be re-examined.

### **3. Arrangements for access to and the handling of confidential information**

3.1. Confidential information forwarded in accordance with the procedures set out in point 2.3 and, where appropriate, point 2.4 shall be made available, on the responsibility of the President or of a Member of the Commission, to the parliamentary body/office-holder who submitted the request, in accordance with the following conditions:

Parliament and the Commission will ensure the registration and the traceability of confidential information.

More specifically, EUCI classified as “CONFIDENTIEL UE” and “SECRET UE” shall be forwarded from the Commission's Secretariat General central registry to the equivalent competent Parliament service who will be responsible for making it available under the agreed arrangements to the parliamentary body/office-holder who submitted the request.

The forwarding of EUCI classified as “TRÈS SECRET UE/EU TOP SECRET” shall be subject to further arrangements, agreed between the Commission and the parliamentary body/office-holder who submitted the request, aimed at ensuring a level of protection commensurate with that classification.

3.2. Without prejudice to the provisions of points 2.2 and 2.4 and the future security arrangements referred to in point 4.1, access and the arrangements designed to preserve the confidentiality of the information shall be laid down by common accord before the information is forwarded. That accord between the Member of the Commission with responsibility for the policy area involved and the parliamentary body (represented by its chair)/office-holder who submitted the request, shall provide for the selection of one of the options set out in points 3.2.1 and 3.2.2 in order to ensure the appropriate level of confidentiality.

3.2.1. Regarding the addressees of confidential information, provision should be made for one of the following options:

- information intended for the President of Parliament alone, in instances justified on absolutely exceptional grounds;
- the Bureau and/or the Conference of Presidents;
- the chair and rapporteur of the relevant parliamentary committee;
- all members (full and substitute) of the relevant parliamentary committee;

- all Members of the European Parliament.

The confidential information in question may not be published or forwarded to any other addressee without the consent of the Commission.

3.2.2. Regarding the arrangements for the handling of confidential information, provision should be made for the following options:

- e) examination of documents in a secure reading room if the information is classified as “CONFIDENTIEL UE” and above;
- f) holding the meeting in camera, attended only by the members of the Bureau, the members of the Conference of Presidents or full members and substitute members of the competent parliamentary committee as well as by Parliament officials and those Parliament employees working for political groups who have been designated in advance by the chair as having a need to know and whose presence is strictly necessary, provided they have been given the required level of security clearance, taking into account the following conditions:
  - any documents may be numbered, distributed at the beginning of the meeting and collected again at the end. No notes of those documents and no photocopies thereof may be taken;
  - the minutes of the meeting shall make no mention of the discussion of the item taken under the confidential procedure.

Before transmission, all personal data may be expunged from the documents.

Confidential information provided orally to recipients in Parliament shall be subject to the equivalent level of protection as that accorded to confidential information provided in written form. This may include a solemn declaration by recipients of that information not to divulge its contents to any third person.

3.2.3. When written information is to be examined in a secure reading room, Parliament shall ensure that the following arrangements are in place:

- a secure storage system for confidential information;
- a secure reading room (without photocopying machines, telephones, fax facilities, scanners or any other technical equipment for the reproduction and transmission of documents, etc.);
- security provisions governing access to the reading room, including the requirements of signature in an access register and a solemn declaration not to disseminate the confidential information examined.

3.2.4. The above does not preclude other equivalent arrangements agreed between the Institutions.

3.3. In the event of non-compliance with these arrangements, the provisions relating to sanctions of Members set out in Annex VIII to Parliament's Rules of Procedure and, in respect of Parliament officials and other employees, the applicable

provisions of Article 86 of the Staff Regulations<sup>62</sup> or Article 49 of the Conditions of Employment of Other Servants of the European Communities shall apply.

#### **4. Final provisions**

4.1. The Commission and Parliament shall take all the measures required for the implementation of the provisions of this Annex.

To that end, the competent services of the Commission and of Parliament shall closely coordinate the implementation of this Annex. This shall include the verification of traceability of confidential information and periodic joint monitoring of security arrangements and standards applied.

Parliament undertakes to adapt, where necessary, its internal provisions so as to implement the security rules for confidential information laid down in this Annex.

Parliament undertakes to adopt as soon as possible its future security arrangements and to verify those arrangements by common accord with the Commission, with a view to establishing equivalence of security standards. This will give effect to this Annex with regard to:

- technical security provisions and standards regarding the handling and storage of confidential information, including security measures in the field of physical, personnel, document and IT security;
- the establishment of a specially established oversight committee, composed of appropriately cleared Members for the handling of EUCI classified as "TRÈS SECRET UE/EU TOP SECRET".

4.2. Parliament and the Commission will review this Annex and, where necessary, adapt it, no later than at the time of the review referred to in point 54 of the Framework Agreement, in light of developments concerning:

- future security arrangements involving Parliament and the Commission;
- other agreements or legal acts relevant for the forwarding of information between the Institutions.

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<sup>62</sup>Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission.

### **Annex 3: Negotiation and conclusion of international agreements**

This Annex lays down detailed arrangements for the provision of information to Parliament concerning the negotiation and conclusion of international agreements as referred to in points 23, 24 and 25 of the Framework Agreement:

1. The Commission shall inform Parliament about its intention to propose the start of negotiations at the same time as it informs the Council.
2. In line with the provisions of point 24 of the Framework Agreement, when the Commission proposes draft negotiating directives with a view to their adoption by the Council, it shall at the same time present them to Parliament.
3. The Commission shall take due account of Parliament's comments throughout the negotiations.
4. In line with the provisions of point 23 of the Framework Agreement, the Commission shall keep Parliament regularly and promptly informed about the conduct of negotiations until the agreement is initialled, and explain whether and how Parliament's comments were incorporated in the texts under negotiation and if not why.
5. In the case of international agreements the conclusion of which requires Parliament's consent, the Commission shall provide to Parliament during the negotiation process all relevant information that it also provides to the Council (or to the special committee appointed by the Council). This shall include draft amendments to adopted negotiating directives, draft negotiating texts, agreed articles, the agreed date for initialling the agreement and the text of the agreement to be initialled. The Commission shall also transmit to Parliament, as it does to the Council (or to the special committee appointed by the Council), any relevant documents received from third parties, subject to the originator's consent. The Commission shall keep the responsible parliamentary committee informed about developments in the negotiations and, in particular, explain how Parliament's views have been taken into account.
6. In the case of international agreements the conclusion of which does not require Parliament's consent, the Commission shall ensure that Parliament is immediately and fully informed, by providing information covering at least the draft negotiating directives, the adopted negotiating directives, the subsequent conduct of negotiations and the conclusion of the negotiations.
7. In line with the provisions of point 24 of the Framework Agreement, the Commission shall give thorough information to Parliament in due time when an international agreement is initialled, and shall inform Parliament as early as possible when it intends to propose its provisional application to the Council and of the reasons therefor, unless reasons of urgency preclude it from doing so.
8. The Commission shall inform the Council and Parliament simultaneously and in due time of its intention to propose to the Council the suspension of an international agreement and of the reasons therefor.
9. For international agreements which would fall under the consent procedure provided for by the TFEU, the Commission shall also keep Parliament fully informed before approving modifications to an agreement which are

authorised by the Council, by way of derogation, in accordance with Article 218(7) TFEU.



## **Annex 4: Timetable for the Commission Work Programme**

The Commission Work Programme shall be accompanied by a list of legislative and non-legislative proposals for the following years. The Commission Work Programme covers the next year in question, and provides a detailed indication of the Commission's priorities for the subsequent years. The Commission Work Programme can thus be the basis for a structured dialogue with Parliament, with a view to seeking a common understanding.

The Commission Work Programme shall also include planned initiatives on soft law, withdrawals and simplification.

1. In the first semester of a given year, Members of the Commission shall undertake an ongoing regular dialogue with the corresponding parliamentary committees on the implementation of the Commission Work Programme for that year and on the preparation of the future Commission Work Programme. On the basis of that dialogue each parliamentary committee shall report on the outcome thereof to the Conference of Committee Chairs.

2. In parallel the Conference of Committee Chairs shall hold a regular exchange of views with the Vice-President of the Commission responsible for inter-institutional relations, in order to assess the state of implementation of the current Commission Work Programme, discuss the preparation of the future Commission Work Programme and take stock of the results of the ongoing bilateral dialogue between the parliamentary committees concerned and relevant Members of the Commission.

3. In June, the Conference of Committees Chairs shall submit a summary report to the Conference of Presidents, which should include results of the screening of the implementation of the Commission Work Programme as well as Parliament's priorities for the forthcoming Commission Work Programme, and Parliament shall inform the Commission thereof.

4. On the basis of that summary report, Parliament shall adopt a resolution at the July part-session, outlining its position and including in particular requests based on legislative initiative reports.

5. Each year in the first part-session of September, a State of the Union debate will be held in which the President of the Commission shall deliver an address, taking stock of the current year and looking ahead to priorities for the following years. To that end, the President of the Commission will in parallel set out in writing to Parliament the main elements guiding the preparation of the Commission Work Programme for the following year.

6. From the start of September, the competent parliamentary committees and the relevant Members of the Commission may meet for a more detailed exchange of views on future priorities in each policy area. These meetings shall be rounded off by a meeting between the Conference of Committee Chairs and the College of Commissioners and by a meeting between the Conference of Presidents and the President of the Commission, as appropriate.

7. In October, the Commission shall adopt its Work Programme for the following year. Subsequently, the President of the Commission shall present that Work Programme to Parliament at an appropriate level.
8. Parliament may hold a debate and adopt a resolution at the December part-session.
9. This timetable shall be applied to each regular programming cycle, except for Parliament election years coinciding with the end of the Commission's term of office.
10. This timetable shall not prejudice any future agreement on inter-institutional programming.

## **ANNEX XV Regulation (EC) No 1049/2001 on public access to documents**

**European Parliament and Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>63</sup>**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 255(2) thereof,

Having regard to the proposal from the Commission<sup>64</sup>,

Acting in accordance with the procedure referred to in Article 251 of the Treaty<sup>65</sup>,

Whereas:

- (1) The second subparagraph of Article 1 of the Treaty on European Union enshrines the concept of openness, stating that the Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.
- (2) Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system. Openness contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the EU Treaty and in the Charter of Fundamental Rights of the European Union.
- (3) The conclusions of the European Council meetings held at Birmingham, Edinburgh and Copenhagen stressed the need to introduce greater transparency into the work of the Union institutions. This Regulation consolidates the initiatives that the institutions have already taken with a view to improving the transparency of the decision-making process.
- (4) The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.
- (5) Since the question of access to documents is not covered by provisions of the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, the European Parliament, the Council and the Commission should, in accordance with Declaration No 41 attached to the Final Act of the Treaty of Amsterdam, draw guidance from this Regulation as regards documents concerning the activities covered by those two Treaties.

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<sup>63</sup>OJ L 145, 31.5.2001, p. 43.

<sup>64</sup>OJ C 177 E, 27.6.2000, p. 70.

<sup>65</sup>Opinion of the European Parliament of 3 May 2001 and Council Decision of 28 May 2001.

- (6) Wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers, while at the same time preserving the effectiveness of the institutions' decision-making process. Such documents should be made directly accessible to the greatest possible extent.
- (7) In accordance with Articles 28(1) and 41(1) of the EU Treaty, the right of access also applies to documents relating to the common foreign and security policy and to police and judicial cooperation in criminal matters. Each institution should respect its security rules.
- (8) In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down in this Regulation.
- (9) On account of their highly sensitive content, certain documents should be given special treatment. Arrangements for informing the European Parliament of the content of such documents should be made through interinstitutional agreement.
- (10) In order to bring about greater openness in the work of the institutions, access to documents should be granted by the European Parliament, the Council and the Commission not only to documents drawn up by the institutions, but also to documents received by them. In this context, it is recalled that Declaration No 35 attached to the Final Act of the Treaty of Amsterdam provides that a Member State may request the Commission or the Council not to communicate to third parties a document originating from that State without its prior agreement.
- (11) In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exceptions. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks. In assessing the exceptions, the institutions should take account of the principles in Community legislation concerning the protection of personal data, in all areas of Union activities.
- (12) All rules concerning access to documents of the institutions should be in conformity with this Regulation.
- (13) In order to ensure that the right of access is fully respected, a two-stage administrative procedure should apply, with the additional possibility of court proceedings or complaints to the Ombudsman.
- (14) Each institution should take the measures necessary to inform the public of the new provisions in force and to train its staff to assist citizens exercising their rights under this Regulation. In order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents.
- (15) Even though it is neither the object nor the effect of this Regulation to amend national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyal cooperation which governs relations between the institutions and the Member States, Member States should take care not to hamper the proper application of this Regulation and should respect the security rules of the institutions.

(16) This Regulation is without prejudice to existing rights of access to documents for Member States, judicial authorities or investigative bodies.

(17) In accordance with Article 255(3) of the EC Treaty, each institution lays down specific provisions regarding access to its documents in its rules of procedure. Council Decision 93/731/EC of 20 December 1993 on public access to Council documents<sup>66</sup>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents<sup>67</sup>, European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>68</sup>, and the rules on confidentiality of Schengen documents should therefore, if necessary, be modified or be repealed,

HAVE ADOPTED THIS REGULATION:

### **Article 1 Purpose**

The purpose of this Regulation is:

- a) to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as "the institutions") documents provided for in Article 255 of the EC Treaty in such a way as to ensure the widest possible access to documents,
- b) to establish rules ensuring the easiest possible exercise of this right, and
- c) to promote good administrative practice on access to documents.

### **Article 2 Beneficiaries and scope**

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.
2. The institutions may, subject to the same principles, conditions and limits, grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.
3. This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.
4. Without prejudice to Articles 4 and 9, documents shall be made accessible to the public either following a written application or directly in electronic form or through a register. In particular, documents drawn up or received in the course of a legislative procedure shall be made directly accessible in accordance with Article 12.

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<sup>66</sup>OJ L 340, 31.12.1993, p. 43. Decision as last amended by Decision 2000/527/EC (OJ L 212, 23.8.2000, p. 9).

<sup>67</sup>OJ L 46, 18.2.1994, p. 58. Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

<sup>68</sup>OJ L 263, 25.9.1997, p. 27.

5. Sensitive documents as defined in Article 9(1) shall be subject to special treatment in accordance with that Article.

6. This Regulation shall be without prejudice to rights of public access to documents held by the institutions which might follow from instruments of international law or acts of the institutions implementing them.

### **Article 3 Definitions**

For the purpose of this Regulation:

- a) "document" shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility;
- b) "third party" shall mean any natural or legal person, or any entity outside the institution concerned, including the Member States, other Community or non-Community institutions and bodies and third countries.

### **Article 4 Exceptions**

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- a) the public interest as regards:
  - public security,
  - defence and military matters,
  - international relations,
  - the financial, monetary or economic policy of the Community or a Member State;
- b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- commercial interests of a natural or legal person, including intellectual property,
- court proceedings and legal advice,
- the purpose of inspections, investigations and audits,

unless there is an overriding public interest in disclosure.

3. Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after

the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

4. As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed.

5. A Member State may request the institution not to disclose a document originating from that Member State without its prior agreement.

6. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released.

7. The exceptions as laid down in paragraphs 1 to 3 shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to privacy or commercial interests and in the case of sensitive documents, the exceptions may, if necessary, continue to apply after this period.

#### **Article 5 Documents in the Member States**

Where a Member State receives a request for a document in its possession, originating from an institution, unless it is clear that the document shall or shall not be disclosed, the Member State shall consult with the institution concerned in order to take a decision that does not jeopardise the attainment of the objectives of this Regulation.

The Member State may instead refer the request to the institution.

#### **Article 6 Applications**

1. Applications for access to a document shall be made in any written form, including electronic form, in one of the languages referred to in Article 314 of the EC Treaty and in a sufficiently precise manner to enable the institution to identify the document. The applicant is not obliged to state reasons for the application.

2. If an application is not sufficiently precise, the institution shall ask the applicant to clarify the application and shall assist the applicant in doing so, for example, by providing information on the use of the public registers of documents.

3. In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.

4. The institutions shall provide information and assistance to citizens on how and where applications for access to documents can be made.

#### **Article 7 Processing of initial applications**

1. An application for access to a document shall be handled promptly. An acknowledgement of receipt shall be sent to the applicant. Within 15 working days from registration of the application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that

period or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application in accordance with paragraph 2 of this Article.

2. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.
3. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time-limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.
4. Failure by the institution to reply within the prescribed time-limit shall entitle the applicant to make a confirmatory application.

### **Article 8 Processing of confirmatory applications**

1. A confirmatory application shall be handled promptly. Within 15 working days from registration of such an application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the institution shall inform the applicant of the remedies open to him or her, namely instituting court proceedings against the institution and/or making a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.
2. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.
3. Failure by the institution to reply within the prescribed time limit shall be considered as a negative reply and entitle the applicant to institute court proceedings against the institution and/or make a complaint to the Ombudsman, under the relevant provisions of the EC Treaty.

### **Article 9 Treatment of sensitive documents**

1. Sensitive documents are documents originating from the institutions or the agencies established by them, from Member States, third countries or International Organisations, classified as "TRÈS SECRET/TOP SECRET", "SECRET" or "CONFIDENTIEL" in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States in the areas covered by Article 4(1)(a), notably public security, defence and military matters.
2. Applications for access to sensitive documents under the procedures laid down in Articles 7 and 8 shall be handled only by those persons who have a right to acquaint themselves with those documents. These persons shall also, without prejudice to Article 11(2), assess which references to sensitive documents could be made in the public register.



3. Sensitive documents shall be recorded in the register or released only with the consent of the originator.
4. An institution which decides to refuse access to a sensitive document shall give the reasons for its decision in a manner which does not harm the interests protected in Article 4.
5. Member States shall take appropriate measures to ensure that when handling applications for sensitive documents the principles in this Article and Article 4 are respected.
6. The rules of the institutions concerning sensitive documents shall be made public.
7. The Commission and the Council shall inform the European Parliament regarding sensitive documents in accordance with arrangements agreed between the institutions.

#### **Article 10 Access following an application**

1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, according to the applicant's preference. The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.
2. If a document has already been released by the institution concerned and is easily accessible to the applicant, the institution may fulfil its obligation of granting access to documents by informing the applicant how to obtain the requested document.
3. Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference.

#### **Article 11 Registers**

1. To make citizens' rights under this Regulation effective, each institution shall provide public access to a register of documents. Access to the register should be provided in electronic form. References to documents shall be recorded in the register without delay.
2. For each document the register shall contain a reference number (including, where applicable, the interinstitutional reference), the subject matter and/or a short description of the content of the document and the date on which it was received or drawn up and recorded in the register. References shall be made in a manner which does not undermine protection of the interests in Article 4.
3. The institutions shall immediately take the measures necessary to establish a register which shall be operational by 3 June 2002.

## **Article 12 Direct access in electronic form or through a register**

1. The institutions shall as far as possible make documents directly accessible to the public in electronic form or through a register in accordance with the rules of the institution concerned.
2. In particular, legislative documents, that is to say, documents drawn up or received in the course of procedures for the adoption of acts which are legally binding in or for the Member States, should, subject to Articles 4 and 9, be made directly accessible.
3. Where possible, other documents, notably documents relating to the development of policy or strategy, should be made directly accessible.
4. Where direct access is not given through the register, the register shall as far as possible indicate where the document is located.

## **Article 13 Publication in the Official Journal**

1. In addition to the acts referred to in Article 254(1) and (2) of the EC Treaty and the first paragraph of Article 163 of the Euratom Treaty, the following documents shall, subject to Articles 4 and 9 of this Regulation, be published in the Official Journal:
  - a) Commission proposals;
  - b) common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty and the reasons underlying those common positions, as well as the European Parliament's positions in these procedures;
  - c) framework decisions and decisions referred to in Article 34(2) of the EU Treaty;
  - d) conventions established by the Council in accordance with Article 34(2) of the EU Treaty;
  - e) conventions signed between Member States on the basis of Article 293 of the EC Treaty;
  - f) international agreements concluded by the Community or in accordance with Article 24 of the EU Treaty.
2. As far as possible, the following documents shall be published in the Official Journal:
  - a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty or pursuant to Article 34(2) of the EU Treaty;
  - b) common positions referred to in Article 34(2) of the EU Treaty;
  - c) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.
3. Each institution may in its rules of procedure establish which further documents shall be published in the Official Journal.

#### **Article 14 Information**

1. Each institution shall take the requisite measures to inform the public of the rights they enjoy under this Regulation.
2. The Member States shall cooperate with the institutions in providing information to the citizens.

#### **Article 15 Administrative practice in the institutions**

1. The institutions shall develop good administrative practices in order to facilitate the exercise of the right of access guaranteed by this Regulation.
2. The institutions shall establish an interinstitutional committee to examine best practice, address possible conflicts and discuss future developments on public access to documents.

#### **Article 16 Reproduction of documents**

This Regulation shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

#### **Article 17 Reports**

1. Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.
2. At the latest by 31 January 2004, the Commission shall publish a report on the implementation of the principles of this Regulation and shall make recommendations, including, if appropriate, proposals for the revision of this Regulation and an action programme of measures to be taken by the institutions.

#### **Article 18 Application measures**

1. Each institution shall adapt its rules of procedure to the provisions of this Regulation. The adaptations shall take effect from 3 December 2001.
2. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community<sup>69</sup> with this Regulation in order to ensure the preservation and archiving of documents to the fullest extent possible.
3. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of the existing rules on access to documents with this Regulation.

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<sup>69</sup>OJ L 43, 15.2.1983, p. 1.

**Article 19 Entry into force**

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

It shall be applicable from 3 December 2001.

## **ANNEX XVI Guidelines for the interpretation of the standards of conduct of Members**

1. A distinction should be drawn between visual actions, which may be tolerated provided they are not offensive and/or defamatory, remain within reasonable bounds and do not lead to conflict, and those which actively disrupt any parliamentary activity whatsoever.

2. Members shall be held responsible for any failure by persons whom they employ or for whom they arrange access to Parliament to comply on Parliament's premises with the standards of conduct applicable to Members.

The President or his representatives may exercise disciplinary powers over such persons and any other outside person present on Parliament's premises.

## **ANNEX XVII Guidelines for the approval of the Commission**

1. The following principles, criteria and arrangements shall apply for making the entire College of the Commission subject to Parliament's vote of consent:

(a) Basis for assessment

Parliament shall evaluate Commissioners-designate on the basis of their general competence, European commitment and personal independence. It shall assess knowledge of their prospective portfolio and their communication skills.

Parliament shall have particular regard to gender balance. It may express itself on the allocation of portfolio responsibilities by the President-elect.

Parliament may seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate. It shall expect full disclosure of information relating to their financial interests.

(b) Hearings

Each Commissioner-designate shall be invited to appear before the appropriate committee or committees for a single hearing. The hearings shall be held in public.

The hearings shall be organised jointly by the Conference of Presidents and the Conference of Committee Chairs. Appropriate arrangements shall be made to associate relevant committees where portfolios are mixed. There are three options:

- (i) if the portfolio of the Commissioner-designate falls within the remit of a single committee, the Commissioner-designate shall be heard by that committee alone;
- (ii) if the portfolio of the Commissioner-designate falls more or less equally within the remit of more than one committee, the Commissioner-designate shall be heard jointly by those committees; and
- (iii) if the portfolio of the Commissioner-designate falls mainly within the remit of one committee and only to a small extent within the remit of at least one other committee, the Commissioner-designate shall be heard by the committee mainly responsible, which shall invite the other committee or committees to attend the hearing.

The President-elect of the Commission shall be fully consulted on the arrangements.

The committees shall submit written questions to the Commissioners-designate in good time before the hearings. The number of substantive written questions shall be limited to five per committee responsible.

Hearings shall take place in circumstances, and under conditions, in which Commissioners-designate enjoy an equal and fair opportunity to present themselves and their opinions.

Commissioners-designate shall be invited to make an opening oral statement of no longer than 20 minutes. The conduct of the hearings shall aim to develop a pluralistic political dialogue between the Commissioners-designate and the Members. Before the

end of the hearing, Commissioners-designate shall be given the opportunity to make a brief closing statement.

(c) Evaluation

An indexed video recording of the hearings shall be made available for the public record within 24 hours.

The committees shall meet without delay after the hearing to evaluate the individual Commissioners-designate. Those meetings shall be held in camera. The committees shall be invited to state whether, in their opinion, the Commissioners-designate are qualified both to be members of the College and to carry out the particular duties they have been assigned. If the committee is unable to reach a consensus on both of those points, its Chair shall, as a last resort, put the two decisions to the vote by secret ballot. The committees' statements of evaluation shall be made public and presented at a joint meeting of the Conference of Presidents and the Conference of Committee Chairs, which shall be held in camera. Following an exchange of views, the Conference of Presidents and the Conference of Committee Chairs shall declare the hearings closed unless they decide to seek further information.

The President-elect of the Commission shall present the whole College of Commissioners-designate and their programme at a sitting of Parliament which the whole Council shall be invited to attend. The presentation shall be followed by a debate. In order to wind up the debate, any political group or at least 40 Members may table a motion for resolution. Rule 110(3), (4) and (5) shall apply. Following the vote on the motion for resolution, Parliament shall vote on whether or not to give its consent to the appointment, as a body, of the President-elect and Commissioners-designate. Parliament shall decide by a majority of the votes cast, by roll call. It may defer the vote until the following sitting.

2. The following arrangements shall apply in the event of a change in the composition of the College of Commissioners or a substantial portfolio change during its term of office:

- b) When a vacancy caused by resignation, compulsory retirement or death is to be filled, Parliament, acting with dispatch, shall invite the Commissioner-designate to participate in a hearing under the same conditions as those laid down in paragraph 1.
- c) In the event of the accession of a new Member State, Parliament shall invite the Commissioner-designate to participate in a hearing under the same conditions as those laid down in paragraph 1.
- d) In the event of a substantial portfolio change, the Commissioners affected shall be invited to appear before the committees concerned before taking up their new responsibilities.

By way of derogation from the procedure laid down in paragraph 1(c), third subparagraph, when the vote in plenary concerns the appointment of a single Commissioner, the vote shall be by secret ballot.

## **ANNEX XVIII Procedure for granting authorisation to draw up own-initiative reports**

### **DECISION OF THE CONFERENCE OF PRESIDENTS OF 12 DECEMBER 2002<sup>70</sup>**

The Conference of Presidents,

having regard to Rules 25, 27, 119, 120, 35, 42, 45, 47, 48, 50, 202(2) and 205(2) of the Rules of Procedure;

having regard to the proposal from the Conference of Committee Chairs and the Working Party on Parliamentary Reform;

whereas, following the decision of the Conference of Presidents of 12 December 2007, the decision of the Conference of 12 December 2002 should be amended:

HAS DECIDED

#### **Article 1 General provisions**

Scope

1. This decision shall apply to the following categories of own-initiative reports:

- a) Legislative Own-Initiative Reports, drawn up on the basis of Article 192 EC Treaty and Rule 42 of the Rules of Procedure;
- b) Strategic Reports, drawn up on the basis of non-legislative strategic and priority initiatives included in the Commission's annual legislative and work programme;
- c) Non-Legislative Own-Initiative Reports, not drawn up on the basis of a document of another Institution or body of the European Union or drawn up on the basis of a document forwarded to Parliament for information, without prejudice to Article 2(3);
- d) Annual Activity and Monitoring Reports (as listed in Annex 1)<sup>71</sup>;

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<sup>70</sup>This decision was amended by a decision of the Conference of Presidents of 26 June 2003 and was consolidated on 3 May 2004. It was further amended by a decision adopted in plenary on 15 June 2006 concerning the interpretation of Rule 48 of the Rules of Procedure and by a decision of the Conference of Presidents of 14 February 2008.

<sup>71</sup>Parliamentary committees envisaging the drawing-up of annual activity and monitoring reports pursuant to Rule 119(1) of the Rules of Procedure or pursuant to other legal provisions (as included in Annex 2) shall give advance notification thereof to the Conference of Committee Chairs, indicating in particular, the relevant legal basis deriving from the Treaties and other legal provisions, including Parliament's Rules of Procedure. The Conference of Committee Chairs shall subsequently notify them to the Conference of Presidents. Such reports shall be authorised automatically and shall not be subject to the quota referred to in Article 1(2).



- e) Implementation Reports on the transposition of EU legislation into national law and the implementation and enforcement thereof in Member States.

#### Quota

2. Each parliamentary committee may simultaneously draft up to six own-initiative reports. For committees with sub-committees, this quota shall be increased by one report per sub-committee. This additional report shall be drawn up by the sub-committee.

The following shall not be subject to that ceiling:

- legislative own-initiative reports;
- implementation reports; each committee may draw up one such report a year.

#### Minimum period before adoption

3. The parliamentary committee seeking authorisation may not adopt the report in question within the three months following the date of authorisation or, in the case of notification, within the three months following the date of the meeting of the Conference of Committee Chairs at which the report was notified.

#### **Article 2 Conditions for authorisation**

1. The proposed report must not deal with topics principally involving analysis and research activities which may be covered in other ways, for example by studies.

2. The proposed report must not deal with topics which have already been the subject of a report adopted in plenary during the previous 12 months, save where new information justifies it on an exceptional basis.

3. With regard to reports to be drawn up on the basis of a document forwarded to Parliament for information, the following conditions shall apply:

- the basic document must be an official document from an institution or body of the European Union and
  - a) have been forwarded officially to Parliament for consultation or information, or
  - b) have been published in the Official Journal of the European Union for the purpose of consultations with interested parties, or
  - c) be a document from an institution or body of the European Union which has been officially submitted to the European Council or a document produced by the latter;
- the document must be forwarded in all the official languages of the European Union;
- the request for authorisation must be submitted no later than four months after the date on which the document in question was forwarded to Parliament or on which it was published in the Official Journal.

4. Reports not referring to a basic document from a Community institution must not deal with topics to which specific reference has already been made in the

annual legislative and work programme presented by the Commission and approved by Parliament for the current year.

### **Article 3 Procedure**

#### Automatic authorisation

1. Authorisation shall be granted automatically after notification of the request to the Conference of Committee Chairs for

- implementation reports;
- annual activity and monitoring reports, as listed in Annex 1

#### Role of the Conference of Committee Chairs

2. Duly substantiated requests for authorisation shall be forwarded to the Conference of Committee Chairs, which shall ascertain their compliance with the criteria set out in Articles 1 and 2 and with the quota established in Article 1. All such requests shall contain an indication of the type and the exact title of the report and the basic document(s), if any.

3. Requests for authorisation to draw up strategic reports shall be granted by the Conference of Committee Chairs after resolution of any conflict of competence. The Conference of Presidents may, at the specific request of a political group, revoke such authorisation within no more than four parliamentary business weeks.

4. The Conference of Committee Chairs shall forward to the Conference of Presidents, for authorisation, requests to draw up legislative own-initiative and non-legislative own-initiative reports that are assessed as being in compliance with the criteria and quota allocated. The Conference of Committee Chairs shall at the same time notify the Conference of Presidents of any annual activity and monitoring reports, as listed in Annexes 1 and 2, implementation reports and strategic reports that have been authorised.

#### Authorisation by the Conference of Presidents and resolution of conflicts of competence

5. The Conference of Presidents shall adopt a decision on requests for authorisation to draw up legislative own-initiative and non-legislative own-initiative reports within no more than four parliamentary business weeks after they have been forwarded by the Conference of Committee Chairs, unless it decides, on exceptional grounds, to extend that deadline.

6. If a committee's competence to draw up a report is challenged, the Conference of Presidents shall take a decision within six parliamentary business weeks on the basis of a recommendation from the Conference of Committee Chairs or, if no such recommendation is forthcoming, its chair. If the Conference of Presidents fails to take a decision within that period, the recommendation shall be declared to have been approved<sup>72</sup>.

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<sup>72</sup>This paragraph was inserted following the decision adopted in plenary on 15 June 2006 concerning the interpretation of Rule 48 of the Rules of Procedure.

#### **Article 4 Application of Rule 50 of the Rules of Procedure - procedure with associated committees<sup>73</sup>**

1. Requests for the application of Rule 50 of the Rules of Procedure shall be submitted no later than the Monday preceding the meeting of the Conference of Committee Chairs at which requests to draw up own-initiative reports are to be dealt with.
2. The Conference of Committee Chairs shall deal with requests for authorisation to draw up own-initiative reports and those for the application of Rule 50 at its monthly meeting.
3. If the committees concerned fail to reach agreement on the request for application of Rule 50, the Conference of Presidents shall take a decision within six parliamentary business weeks on the basis of a recommendation from the Conference of Committee Chairs or, if no such recommendation is forthcoming, its chair. If the Conference of Presidents fails to take a decision within that period, the recommendation shall be declared to have been approved<sup>74</sup>.

#### **Article 5 Final provisions**

1. Towards the end of the parliamentary term, requests for authorisation to draw up own-initiative reports must be submitted no later than in the July of the year preceding the elections. After that date, only duly substantiated exceptional requests shall be authorised.
2. The Conference of Committee Chairs shall submit to the Conference of Presidents a report on the progress of own-initiative reports every two and a half years.
3. This decision shall enter into force on 12 December 2002. It cancels and replaces the following decisions:
  - decision of the Conference of Presidents of 9 December 1999 on the procedure for granting authorisation to draw up own-initiative reports within the meaning of Rule 48 of the Rules of Procedure, and the decisions of the Conference of Presidents of 15 February and 17 May 2001 updating the annex to that decision;
  - decision of the Conference of Presidents of 15 June 2000 on the procedure for authorising the drawing-up of reports on documents forwarded to the European Parliament for information by other institutions or bodies of the European Union.

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<sup>73</sup>This article was inserted by means of a decision of the Conference of Presidents of 26 June 2003.

<sup>74</sup>This paragraph was inserted following the decision adopted in plenary on 15 June 2006 concerning the interpretation of Rule 48 of the Rules of Procedure.

**Annex 1 Annual activity and monitoring reports subject to automatic authorisation and to the ceiling of six reports drafted simultaneously (pursuant to Article 1(2) and Article 3 of the Decision)**

Report on human rights in the world and the EU's policy on the matter - (Committee on Foreign Affairs)

The Council's Annual Report in accordance with Operative Provision 8 of the European Union Code of Conduct on Arms Exports - (Committee on Foreign Affairs)

Report on monitoring and application of Community law - (Committee on Legal Affairs)

Better lawmaking - Application of the principles of subsidiarity and proportionality - (Committee on Legal Affairs)

Report on the work of the ACP-EU Joint Parliamentary Assembly - (Committee on Development)

Report on the situation of fundamental rights in the European Union - (Committee on Civil Liberties, Justice and Home Affairs)

Report on equality between men and women in the European Union - (Committee on Women's Rights and Gender Equality)

Integrated Approach to equality between men and women in the committee's work (annual report) - (Committee on Women's Rights and Gender Equality)

Report on cohesion - (Committee on Regional Development)

Protection of the Communities financial interests fight against fraud - (Committee on Budgetary Control)

Annual Report on the EIB - (Committee on Budgetary Control/Committee on Monetary and Economic Affairs - every 2nd year)

Public Finances in the EMU - (Committee on Monetary and Economic Affairs)

European economic situation: preparatory report on the integrated policy guidelines, concerning in particular the broad economic policy guidelines - (Committee on Monetary and Economic Affairs)

ECB annual report - (Committee on Monetary and Economic Affairs)

Report on Competition Policy - (Committee on Monetary and Economic Affairs)

Annual Report on the internal market scoreboard - (Committee on the Internal Market)

Annual Report on consumer protection - (Committee on the Internal Market)

Annual Report on Solvit - (Committee on the Internal Market)

**Annex 2 Annual activity and monitoring reports subject to automatic authorisation and with specific reference to the Rules of Procedure (not subject to the ceiling of six reports drafted simultaneously)**

Annual Report on public access to Parliament documents, Rule 104(7) - (Committee on Civil Liberties, Justice and Home Affairs)

Report on European Political Parties, Rule 210(6) - (Committee on Constitutional Affairs)

Report on the deliberations of the Committee on Petitions, Rule 202(8) - (Committee on Petitions)

Report on the Ombudsman's annual report, Rule 205(2) - second part - (Committee on Petitions)

## **ANNEX XIX Communicating Europe in partnership**

### **Objectives and principles**

1. The European Parliament, Council and the European Commission attach the utmost importance to improving communication on EU issues in order to enable European citizens to exercise their right to participate in the democratic life of the Union, in which decisions are taken as openly as possible and as closely as possible to the citizens, observing the principles of pluralism, participation, openness and transparency.
2. The three Institutions wish to encourage the convergence of views on the communication priorities of the European Union as a whole, to promote the added value of an EU approach to communication on European issues, to facilitate exchanges of information and best practices and develop synergies between the Institutions when carrying out communication relating to these priorities, as well as to facilitate cooperation among the Institutions and Member States where appropriate.
3. The three Institutions recognise that communicating on the European Union requires a political commitment of EU Institutions and Member States, and that Member States have their responsibility to communicate with citizens about the EU.
4. The three Institutions believe that information and communication activities concerning European issues should give everyone access to fair and diverse information about the European Union and enable citizens to exercise their right to express their views and to participate actively in the public debate on European Union issues.
5. The three Institutions promote the respect of multilingualism and cultural diversity when implementing information and communication actions.
6. The three Institutions are politically committed to achieving the above objectives. They encourage the other EU institutions and bodies to support their efforts and to contribute, if they so wish, to this approach.

### **A partnership approach**

7. The three Institutions recognise the importance of addressing the communication challenge on EU issues in partnership between Member States and the EU institutions to ensure effective communication with, and objective information to, the widest possible audience at the appropriate level.

They wish to develop synergies with national, regional and local authorities as well as with representatives of civil society.

They would like for that purpose to foster a pragmatic partnership approach.

8. They recall in this respect the key role of the Interinstitutional Group on Information (IGI) serving as a high-level framework for the Institutions to encourage political debate on EU-related information and communication activities in order to foster synergy and complementarity. To that purpose, the IGI, co-chaired by representatives of the European Parliament, the Council and the European Commission, and with the participation of the Committee of the Regions and the

European Economic and Social Committee as observers, meets in principle twice a year.

### **A framework for working together**

The three Institutions intend to cooperate on the following basis:

9. Whilst respecting the individual responsibility of each EU institution and Member State for its own communication strategy and priorities, the three Institutions will, in the framework of the IGI, identify yearly a limited number of common communication priorities.

10. These priorities will be based on communication priorities identified by the EU Institutions and bodies following their internal procedures and complementing, where appropriate, Member States' strategic views and efforts in this field, taking into account citizens' expectations.

11. The three Institutions and the Member States will endeavour to promote appropriate support for communication on the priorities identified.

12. The services responsible for communication in Member States and EU institutions should liaise with each other to ensure successful implementation of the common communication priorities, as well as other activities linked to EU communication, if need be on the basis of appropriate administrative arrangements.

13. The Institutions and Member States are invited to exchange information on other EU related communication activities, in particular on sectoral communication activities envisaged by the Institutions and bodies, when they result in information campaigns in Member States.

14. The Commission is invited to report back at the beginning of each year to the other EU Institutions on the main achievements of the implementation of the common communication priorities of the previous year.

15. This political declaration has been signed on the twenty-second day of October in the year two thousand and eight.

## **ANNEX XX Joint Declaration of the European Parliament, the Council and the Commission of 13 June 2007 on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)<sup>75</sup>**

### **GENERAL PRINCIPLES**

1. The European Parliament, the Council and the Commission, hereinafter referred to collectively as 'the institutions', note that current practice involving talks between the Council Presidency, the Commission and the chairs of the relevant committees and/or rapporteurs of the European Parliament and between the co-chairs of the Conciliation Committee has proved its worth.
2. The institutions confirm that this practice, which has developed at all stages of the codecision procedure, must continue to be encouraged. The institutions undertake to examine their working methods with a view to making even more effective use of the full scope of the codecision procedure as established by the EC Treaty.
3. This Joint Declaration clarifies these working methods, and the practical arrangements for pursuing them. It complements the Interinstitutional Agreement on Better Lawmaking<sup>76</sup> and notably its provisions relating to the co-decision procedure. The institutions undertake fully to respect such commitments in line with the principles of transparency, accountability and efficiency. In this respect, the institutions should pay particular attention to making progress on simplification proposals while respecting the *acquis communautaire*.
4. The institutions shall cooperate in good faith throughout the procedure with a view to reconciling their positions as far as possible and thereby clearing the way, where appropriate, for the adoption of the act concerned at an early stage of the procedure.
5. With that aim in view, they shall cooperate through appropriate interinstitutional contacts to monitor the progress of the work and analyse the degree of convergence at all stages of the codecision procedure.
6. The institutions, in accordance with their internal rules of procedure, undertake to exchange information regularly on the progress of codecision files. They shall ensure that their respective calendars of work are coordinated as far as possible in order to enable proceedings to be conducted in a coherent and convergent fashion. They will therefore seek to establish an indicative timetable for the various stages leading to the final adoption of different legislative proposals, while fully respecting the political nature of the decision-making process.
7. Cooperation between the institutions in the context of codecision often takes the form of tripartite meetings ("trilogues"). This trilogue system has demonstrated its vitality and flexibility in increasing significantly the possibilities for agreement at first and second reading stages, as well as contributing to the preparation of the work of the Conciliation Committee.

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<sup>75</sup>OJ C 145, 30.6.2007, p. 5.

<sup>76</sup>OJ C 321, 31.12.2003, p. 1.



8. Such trilogues are usually conducted in an informal framework. They may be held at all stages of the procedure and at different levels of representation, depending on the nature of the expected discussion. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting, define its mandate for the negotiations and inform the other institutions of arrangements for the meetings in good time.

9. As far as possible, any draft compromise texts submitted for discussion at a forthcoming meeting shall be circulated in advance to all participants. In order to enhance transparency, trilogues taking place within the European Parliament and Council shall be announced, where practicable.

10. The Council Presidency will endeavour to attend the meetings of the parliamentary committees. It will carefully consider any request it receives to provide information related to the Council position, as appropriate.

### **FIRST READING**

11. The institutions shall cooperate in good faith with a view to reconciling their positions as far as possible so that, wherever possible, acts can be adopted at first reading.

#### **Agreement at the stage of first reading in the European Parliament**

12. Appropriate contacts shall be established to facilitate the conduct of proceedings at first reading.

13. The Commission shall facilitate such contacts and shall exercise its right of initiative in a constructive manner with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.

14. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward, in a letter to the chair of the relevant parliamentary committee, details of the substance of the agreement, in the form of amendments to the Commission proposal. That letter shall indicate the Council's willingness to accept that outcome, subject to legal-linguistic verification, should it be confirmed by the vote in plenary. A copy of that letter shall be forwarded to the Commission.

15. In this context, where conclusion of a dossier at first reading is imminent, information on the intention to conclude an agreement should be made readily available as early as possible.

#### **Agreement at the stage of Council common position**

16. Where no agreement is reached at the European Parliament's first reading, contacts may be continued with a view to concluding an agreement at the common position stage.

17. The Commission shall facilitate such contacts and shall exercise its right of initiative in a constructive manner with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.

18. Where an agreement is reached at this stage, the chair of the relevant parliamentary committee shall indicate, in a letter to the chair of Coreper, his recommendation to the plenary to accept the Council common position without amendment, subject to confirmation of the common position by the Council and to legal-linguistic verification. A copy of the letter shall be forwarded to the Commission.

## **SECOND READING**

19. In its statement of reasons, the Council shall explain as clearly as possible the reasons that led it to adopt its common position. During its second reading, the European Parliament shall take the greatest possible account of those reasons and of the Commission's position.

20. Before transmitting the common position, the Council shall endeavour to consider in consultation with the European Parliament and the Commission the date for its transmission in order to ensure the maximum efficiency of the legislative procedure at second reading.

### **Agreement at the stage of second reading in the European Parliament**

21. Appropriate contacts will continue as soon as the Council common position is forwarded to the European Parliament, with a view to achieving a better understanding of the respective positions and thus to bringing the legislative procedure to a conclusion as quickly as possible.

22. The Commission shall facilitate such contacts and give its opinion with a view to reconciling the positions of the European Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaty.

23. Where an agreement is reached through informal negotiations in trilogues, the chair of Coreper shall forward, in a letter to the chair of the relevant parliamentary committee, details of the substance of the agreement, in the form of amendments to the Council common position. That letter shall indicate the Council's willingness to accept that outcome, subject to legal-linguistic verification, should it be confirmed by the vote in plenary. A copy of that letter shall be forwarded to the Commission.

## **CONCILIATION**

24. If it becomes clear that the Council will not be in a position to accept all the amendments of the European Parliament at second reading and when the Council is ready to present its position, a first trilogue will be organised. Each institution, in accordance with its own rules of procedure, will designate its participants for each meeting and define its mandate for the negotiations. The Commission will indicate to both delegations at the earliest possible stage its intentions with regard to its opinion on the European Parliament's second reading amendments.

25. Trilogues shall take place throughout the conciliation procedure with the aim of resolving outstanding issues and preparing the ground for an agreement to be reached in the Conciliation Committee. The results of the trilogues shall be discussed and possibly approved at the meetings of the respective institutions.

26. The Conciliation Committee shall be convened by the President of the Council, with the agreement of the President of the European Parliament and with due regard to the provisions of the Treaty.

27. The Commission shall take part in the conciliation proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, draft compromise texts having regard to the positions of the European Parliament and of the Council and with due regard for the role conferred upon the Commission by the Treaty.

28. The Conciliation Committee shall be chaired jointly by the President of the European Parliament and the President of the Council. Committee meetings shall be chaired alternately by each co-chair.

29. The dates and the agendas for the Conciliation Committee's meetings shall be set jointly by the co-chairs with a view to the effective functioning of the Conciliation Committee throughout the conciliation procedure. The Commission shall be consulted on the dates envisaged. The European Parliament and the Council shall set aside, for guidance, appropriate dates for conciliation proceedings and shall notify the Commission thereof.

30. The co-chairs may put several dossiers on the agenda of any one meeting of the Conciliation Committee. As well as the principal topic ("B-item"), where agreement has not yet been reached, conciliation procedures on other topics may be opened and/or closed without discussion on these items ("A-item").

31. While respecting the Treaty provisions regarding time-limits, the European Parliament and the Council shall, as far as possible, take account of scheduling requirements, in particular those resulting from breaks in the institutions' activities and from the European Parliament's elections. At all events, the break in activities shall be as short as possible.

32. The Conciliation Committee shall meet alternately at the premises of the European Parliament and the Council, with a view to an equal sharing of facilities, including interpretation facilities.

33. The Conciliation Committee shall have available to it the Commission proposal, the Council common position and the Commission's opinion thereon, the amendments proposed by the European Parliament and the Commission's opinion thereon, and a joint working document by the European Parliament and Council delegations. This working document should enable users to identify the issues at stake easily and to refer to them efficiently. The Commission shall, as a general rule, submit its opinion within three weeks of official receipt of the outcome of the European Parliament's vote and at the latest by the commencement of conciliation proceedings.

34. The co-chairs may submit texts for the Conciliation Committee's approval.

35. Agreement on a joint text shall be established at a meeting of the Conciliation Committee or, subsequently, by an exchange of letters between the co-chairs. Copies of such letters shall be forwarded to the Commission.

36. If the Conciliation Committee reaches agreement on a joint text, the text shall, after legal-linguistic finalisation, be submitted to the co-chairs for formal approval. However, in exceptional cases in order to respect the deadlines, a draft joint text may be submitted to the co-chairs for approval.

37. The co-chairs shall forward the approved joint text to the Presidents of the European Parliament and of the Council by means of a jointly signed letter. Where the Conciliation Committee is unable to agree on a joint text, the co-chairs shall notify the Presidents of the European Parliament and of the Council thereof in a jointly signed letter. Such letters shall serve as an official record. Copies of such letters shall be forwarded to the Commission for information. The working documents used during the conciliation procedure will be accessible in the Register of each institution once the procedure has been concluded.

38. The Secretariat of the European Parliament and the General- Secretariat of the Council shall act jointly as the Conciliation Committee's secretariat, in association with the Secretariat-General of the Commission.

### **GENERAL PROVISIONS**

39. Should the European Parliament or the Council deem it essential to extend the time-limits referred to in Article 251 of the Treaty, they shall notify the President of the other institution and the Commission accordingly.

40. Where an agreement is reached at first or second reading, or during conciliation, the agreed text shall be finalised by the legal-linguistic services of the European Parliament and of the Council acting in close cooperation and by mutual agreement.

41. No changes shall be made to any agreed texts without the explicit agreement, at the appropriate level, of both the European Parliament and the Council.

42. Finalisation shall be carried out with due regard to the different procedures of the European Parliament and the Council, in particular with respect to deadlines for conclusion of internal procedures. The institutions undertake not to use the time-limits laid down for the legal-linguistic finalisation of acts to reopen discussions on substantive issues.

43. The European Parliament and the Council shall agree on a common presentation of the texts prepared jointly by those institutions.

44. As far as possible, the institutions undertake to use mutually acceptable standard clauses to be incorporated in the acts adopted under codecision in particular as regards provisions concerning the exercise of implementing powers (in accordance with the 'comitology' decision<sup>77</sup>), entry into force, transposition and the application of acts and respect for the Commission's right of initiative.

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<sup>77</sup>Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23). Decision as amended by Decision 2006/512/EC (OJ L 200, 27.7.2006, p. 11).

45. The institutions will endeavour to hold a joint press conference to announce the successful outcome of the legislative process at first or second reading or during conciliation. They will also endeavour to issue joint press releases.
46. Following adoption of a legislative act under the codecision procedure by the European Parliament and the Council, the text shall be submitted, for signature, to the President of the European Parliament and the President of the Council and to the Secretaries-General of those institutions.
47. The Presidents of the European Parliament and the Council shall receive the text for signature in their respective languages and shall, as far as possible, sign the text together at a joint ceremony to be organised on a monthly basis with a view to signing important acts in the presence of the media.
48. The jointly signed text shall be forwarded for publication in the Official Journal of the European Union. Publication shall normally follow within two months of the adoption of the legislative act by the European Parliament and the Council.
49. If one of the institutions identifies a clerical or obvious error in a text (or in one of the language versions thereof), it shall immediately notify the other institutions. If the error concerns an act that has not yet been adopted by either the European Parliament or the Council, the legal-linguistic services of the European Parliament and the Council shall prepare the necessary corrigendum in close cooperation. Where this error concerns an act that has already been adopted by one or both of those institutions, whether published or not, the European Parliament and the Council shall adopt, by common agreement, a corrigendum drawn up under their respective procedures.

## **ANNEX XXI Code of conduct for negotiating in the context of the ordinary legislative procedures<sup>78</sup>**

### **1. Introduction**

This code of conduct sets out general principles within Parliament, on how to conduct negotiations during all stages of the ordinary legislative procedure with the aim of increasing their transparency and accountability, especially at an early stage of the procedure<sup>79</sup>. It is complementary to the "Joint Declaration on practical arrangements for the codecision procedure" agreed between Parliament, the Council and the Commission<sup>80</sup> which focuses more on the relationship between these institutions.

Within Parliament, the lead parliamentary committee shall be the main responsible body during negotiations both at first and second reading.

### **2. Decision to enter into negotiations**

As a general rule, Parliament shall make use of all possibilities offered at all stages of the ordinary legislative procedure. The decision to seek to achieve an agreement early in the legislative process shall be a case-by-case decision, taking account of the distinctive characteristics of each individual file. It shall be politically justified in terms of, for example, political priorities; the uncontroversial or "technical" nature of the proposal; an urgent situation and/or the attitude of a given Presidency to a specific file.

The possibility of entering into negotiations with the Council shall be presented by the rapporteur to the full committee and the decision to pursue such a course of action shall be taken either by broad consensus or, if necessary, by a vote.

### **3. Composition of negotiating team**

The decision by the committee to enter into negotiations with the Council and the Commission in view of an agreement shall also include a decision on the composition of the EP negotiating team. As a general principle, political balance shall be respected and all political groups shall be represented at least at staff level in these negotiations.

The relevant service of the EP General Secretariat shall be responsible for the practical organisation of the negotiations.

### **4. Mandate of the negotiating team**

As a general rule, the amendments adopted in committee or in plenary shall form the basis for the mandate of the EP negotiating team. The committee may also determine priorities and a time limit for negotiations.

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<sup>78</sup>As approved by the Conference of Presidents on 18 September 2008.

<sup>79</sup>Special attention needs to be given to negotiations taking place at those stages of the procedure, where the visibility within Parliament is very limited. This is the case for negotiations: before the committee vote at first reading with the aim of reaching a first-reading agreement; after Parliament's first reading with the aim of reaching an early second-reading agreement.

<sup>80</sup>See Annex XX.

In the exceptional case of negotiations on a first reading agreement before the vote in committee, the committee shall provide guidance to the EP negotiating team.

#### 5. Organisation of trilogues

As a matter of principle and in order to enhance transparency, trilogues taking place within the European Parliament and Council shall be announced.

Negotiations in trilogues shall be based on one joint document, indicating the position of the respective institution with regard to each individual amendment, and also including any compromise texts distributed at trilogue meetings (e.g. established practice of a four-column document). As far as possible, compromise texts submitted for discussion at a forthcoming meeting shall be circulated in advance to all participants.

If necessary, interpretation facilities should be provided to the EP negotiating team<sup>81</sup>.

#### 6. Feedback and decision on agreement reached

After each trilogue, the negotiating team shall report back to the committee on the outcome of the negotiations and make all texts distributed available to the committee. If this is not possible for timing reasons, the negotiating team shall meet the shadow rapporteurs, if necessary together with the coordinators, for a full update.

The committee shall consider any agreement reached or update the mandate of the negotiating team in the case that further negotiations are required. If this is not possible for timing reasons, notably at second reading stage, the decision on the agreement shall be taken by the rapporteur and the shadow rapporteurs, if necessary together with the committee chair and the coordinators. There shall be sufficient time between the end of the negotiations and the vote in plenary to allow political groups to prepare their final position.

#### 7. Assistance

The negotiating team shall be provided with all the resources necessary for it to conduct its work properly. This should include an 'administrative support team' made up of the committee secretariat, political advisor of the rapporteur, the codecision secretariat and the legal service. Depending on the individual file and on the stage of the negotiations, this team could be enlarged.

#### 8. Finalisation

The agreement between Parliament and Council shall be confirmed in writing by an official letter. No changes shall be made to any agreed texts without the explicit agreement, at the appropriate level, of both the European Parliament and the Council.

#### 9. Conciliation

The principles laid down in this code of conduct shall also be applicable for the conciliation procedure, with the EP delegation as the main responsible body within Parliament.

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<sup>81</sup>In line with the decision taken by the Bureau of 10 December 2007.

## INDEX

*Arabic numerals refer to Rules. Annexes are denoted by Roman numerals and the Arabic or Roman numerals or the letters that follow them refer to sections, Articles or paragraphs of these Annexes.*

- A -

Access	
- to chamber .....	145
- to documents.....	39, 103 - 104, 148, VIII.B, VIII.C, XV
- to gallery .....	145
- to Parliament.....	9, XVI
Accession	
- negotiations.....	74 c, 200, XIV.IV
- treaties.....	74 c, 200
Accounting.....	79, 80, VII.IV, VII.V
ACP.....	VII.II
Acts adopted.....	73 - 74
Adjournment of debate and vote.....	172, 177
Admissibility	
- amendments.....	20, 66, 157, 161
- questions .....	116
- questions for written answer.....	117
Agencies	
- consultation.....	126
Agenda	
- adoption .....	140 - 141
- amendment.....	140, 175, 177
- draft.....	25, 137 - 138
- final draft .....	122, 138, 140, XIV
- inclusion of items on.....	7, 52, 57 - 58, 64, 69, 97, 115, 122, 137 - 138, 141 - 142, 175, 188, 204, II, IV,
- of committee .....	4, 63, 117 - 118, 193, VIII.A
Allocation	
- seats in chamber.....	34
- speaking time.....	122, 149, IV
Allowances.....	153
Amendments .....	156
- admissibility.....	20, 87, 157
- adoption .....	57
- Commission's position.....	54, 57 - 58, 61, 66, XIV
- committee .....	162, 195
- committee consideration of plenary amendments .....	162
- compromise .....	57, 63, 66, 160 - 161
- deadlines .....	156
- distribution.....	156
- languages .....	146 - 147, 156
- lapsing.....	156 - 157
- moving.....	156



- oral .....	97, 156, 195
- order of voting .....	161
- printing .....	156
- procedure without .....	46, 138
- tabling .....	156, 195
- taken over .....	156
- withdrawal .....	156
Annexes .....	212, 215
Annual general report .....	119
Annual legislative programme .....	35, 42 - 43
Annual report on application of Union law .....	119
Anthem .....	213
Appeal procedures .....	153 - 154
Appointments	
- European Central Bank .....	109
- heads of external delegations .....	95
- Members of Court of Auditors .....	108
- special representatives .....	93
- voting procedure .....	169
Archives .....	179, 203
Assistants .....	X.2
Associated committees .....	50, 88

**- B -**

Blue card .....	149
Breaches	
- of fundamental principles .....	74 c
- of human rights, democracy and the rule of law .....	122, 137, IV
Budget .....	75 a - 75 f, 78, VI, VII.IV, VII.V
- control over implementation .....	78, 112
- discharge .....	76 - 77, 112, VI, VII.V
- examination of in Parliament .....	75 - 75 f
Bulletin .....	29
Bureau	
- accountability .....	29
- committees .....	185, 191, VIII.A
- composition .....	17 - 18, 22
- duties .....	23, 146 - 147, 153 - 154, 209
- preliminary draft .....	23, 79
- questions .....	29

**- C -**

Censure .....	107
Chamber (access to) .....	145
Charter of Fundamental Rights .....	36, 103
Closer cooperation between Member States - see Enhanced cooperation	
Code of conduct .....	9, X

Codification of Union legislation.....	86
Comitology .....	XIII
Commission	
- adoption of amendments to proposal.....	57
- annual general report .....	119
- annual report on Union law .....	119
- discharge .....	76
- election.....	106
- follow-up .....	58 - 59
- Framework Agreement.....	XIV
- implementing powers .....	88, XIII, XIV.II
- information to Parliament.....	XIV
- legislative and work programme (see Work Program)	
- Members .....	106, XIV
- modification of proposal.....	53
- motion of censure .....	107
- negotiating mandate.....	90
- position on amendments .....	54, 57 - 58, 61, 66, XIV
- President .....	105
- programme of nominated Commission .....	105
- questions .....	115 - 117, II
- rejection of proposal .....	56, 87
- request for opinions .....	43
- resignation of a Member.....	XIV
- speaking time.....	149
- statements .....	110 - 111
- withdrawal of proposal .....	39, 56, 58, 65
- Work Program .....	35
Committee coordinators.....	192
Committee of the Regions .....	125
Committees .....	45 - 50, 52, 183 - 191, 193 - 197, VII
- asked for an opinion .....	49, 188, 195
- associated.....	50, 88
- bureau .....	52, 191
- chairman .....	27, 52, 88, 185, 191
- composition .....	25, 186
- conciliation (Article 294 TFEU).....	67 - 69, XX
- conflicts of competence .....	188
- corrigenda .....	216
- dialogue with the Council.....	63
- duties.....	25, 188, VII
- emergency meeting.....	97
- first reading.....	37, 38, 39, 53 - 54
- joint meetings .....	51, 188
- joint parliamentary.....	200
- meetings 23, 46, 63, 96, 103, 106, 108 - 109, 113, 135, 162, 187, 190 - 191, 193 - 194, VIII.A	
- members.....	186, 191
- minutes.....	103, 194
- of inquiry .....	25, 185 - 186, 188, IX
- opinions .....	49 - 50

- plenary amendments .....	162
- powers and responsibilities .....	183 - 184, 188, VII
- procedure .....	63, 193 - 197
- question time .....	197
- referral back .....	175
- report .....	45, 47 - 48, 50, 52, 56 - 57
- responsible .....	42 - 43, 63
- rights .....	186 - 187
- second reading .....	61 - 63
- setting up .....	183 - 185, IX
- standing .....	183
- subcommittees .....	188, 190
- substitutes .....	187
- temporary (see special committees)	
- third reading .....	67 - 68, XX
- venue .....	135
- verification of credentials .....	3, 189, VII.XVI
- voting .....	195 - 196
Common foreign and security policy (CFSP) .....	96 - 97, VIII.I, VIII.B
Composition of Parliament .....	74 f
Compromise amendments .....	57, 63, 66, 160 - 161
Conciliation	
- budgetary .....	75 d
- composition and procedure of committee .....	68
- third reading .....	67 - 69
Conduct	
- code of conduct .....	9, X, XVI
- of sittings .....	23, 145 - 154
- standards of conduct .....	9, 152, XVI
Conference of Committee Chairs .....	27
Conference of Delegation Chairs .....	28
Conference of Presidents	
- accountability .....	29
- composition .....	24
- duties .....	25, 153, 210
- questions .....	29
Conferences of parliaments .....	132
Confidentiality .....	5, 9, 23, 29, 103, 185, 205, VIII.A, VIII.B, VIII.C, IX, XV
Consent procedure .....	74 a - 74 e, 81, 90
Constitutive sitting .....	3, 12, 134
Consultation .....	43 - 44
- Article 140 TFEU .....	83
- CFSP .....	96
- Committee of the Regions .....	125
- Economic and Social Committee .....	124
- EU (or European) bodies .....	126
- legislative initiatives from Member States .....	44
- renewed .....	59
- report .....	45
Convening	

- committees.....	193
- Parliament.....	134
Cooperation	
- enhanced cooperation.....	74 g
Corrigenda.....	180, 216
Corruption.....	10, XII
COSAC.....	131
Council	
- consultations.....	43, 45
- dialogue of committee responsible with.....	58, 63
- meetings of.....	40
- position.....	61
- questions.....	115 - 117, II
- recommendations to.....	97, 121
- speaking time.....	149
- statements.....	110
Council of Europe.....	199
Council position	
- amendments.....	66
- approval.....	72
- communication.....	61 - 63
- rejection.....	65
Court of Auditors.....	VI.1, VII.V
- appointment of members.....	108
- statements.....	112
Court of Justice of the European Union	
- nominations.....	107 a
- proceedings before.....	128, 204, 206, VI.6
Court proceedings.....	128
Credentials (verification).....	3, 12, 189

**- D -**

Deadlines	
- amendments.....	156, 161
- debate and vote.....	144
- extension.....	62, 67, 69
- report.....	52
- roll-call votes.....	167
- split votes.....	163
Debate	
- adjournment.....	172, 177
- breaches of human rights, democracy and the rule of law.....	122, 137, IV
- closure.....	172, 176
- extraordinary.....	141
- joint.....	143
- procedure without.....	46, 138
- to wind up a statement.....	110
Delegated acts.....	87 a
Delegations.....	23, 146

- ad hoc.....	25
- chair .....	28
- interparliamentary.....	198, VII.II
- standing.....	25, 198
- to joint parliamentary committees.....	200
Democracy.....	36, 122, 209 - 210, IV
Dialogue between management and labour.....	84
Dialogue with the Council.....	58, 63
Discharge	
- Commission.....	76
- decisions.....	VI
- other bodies.....	77
- Parliament.....	80
- President of Parliament.....	77
- statement by Court of Auditors.....	112
Disruption of Parliament.....	152 - 153, XVI
- penalties.....	153
Distribution.....	144, 148, 179, IV
Disturbances.....	152, 154, XVI
- immediate measures.....	152
- penalties.....	153 - 154
Documents	
- access to.....	103 - 104, 148, VIII.A, VIII.B, VIII.C, XV
- confidential.....	VIII
- distribution.....	144, 148
- lapsing.....	214
- legislative.....	43

- E -

Economic and Social Committee.....	124
Economic policies.....	114
Election	
- Commission.....	106, XVII
- Commission President.....	105
- Ombudsman.....	204
- Parliament.....	1, 214
- President.....	13 - 14, 17 - 18
- Quaestors.....	13, 16 - 18
- Vice-Presidents.....	13, 15, 18
Election of officers	
- President.....	14
- Quaestors.....	16
- Vice-President.....	15
Electronic register of petitions.....	202
Emergency sitting of Parliament.....	134
Enhanced cooperation between Member States	
Establishment plan (Secretariat).....	23, 207
Estimates.....	79 - 79 a
Eurogroup.....	II

European Central Bank	
- nominations .....	109
- questions for written answer .....	118
- statements .....	113
European Council .....	110
Europol .....	VII.XVII
Exclusion	
- from a committee .....	193, VIII.A
- from a delegation .....	153
- from the Chamber .....	153
Explanations of vote .....	20, 170
External representation of the Union	
- heads of delegations .....	95
- special representatives .....	93
- Vice-President of the Commission/High Representative .....	96
Extraordinary debate .....	141

**- F -**

Finance .....	80
Financial compatibility .....	38, 45, 47
Financial implications .....	36, 96
Financial interests	
- of Members .....	9, I
- of the Union .....	10, XII
Financial protocol .....	90
Financial statements .....	45, 47
Financial trilogue .....	75 c
First reading .....	36 - 37, 38 a - 39, 43, 53 - 59, 71
- agreements .....	70 - 71, XX
- budget .....	78
- committee stage .....	37, 38, 39, 45 - 50, 52 - 54
- conclusion .....	53, 55
- follow-up procedure .....	58 - 59
- plenary stage .....	55 - 57
- vote .....	55
First-reading agreements .....	70 - 71, XX, XXI
Flag .....	213
Follow-up procedure to Parliament's position .....	58 - 59
Foreign policy .....	96 - 97, VII.I
Former Members .....	9
Fraud .....	10, XII
Fundamental principles .....	9, VII.XVIII
Fundamental rights .....	36, VII.XVII

**- G -**

Governing bodies .....	22 - 29
Groups .....	30 - 31, 33 - 34

- activities.....	31
- formation .....	30
- legal situation.....	31
- Members changing .....	186 - 187

**- H -**

Hearings .....	23, 185, 193, 202, XVII
High Representative - see Vice-President of the Commission/High Representative	
Human rights.....	74 e, 98, 122, 209 - 210, IV

**- I -**

Immunity.....	5 - 7, VII.XVI
Implementing measures .....	88, 128, XIII
Inadmissibility (moving).....	172, 174
Initiative	
- legislative.....	35 - 36, 41 - 42
- originating from a Member State.....	44
- own-initiative report .....	41, 48, 50
- pursuant to Article 225 TFEU .....	42
Inquiry.....	185, IX
Inspection of files.....	5
Intergroups .....	32, I
Interim report .....	81
Interinstitutional agreements.....	127, 215, VIII.B, VIII.C, XIV.IV
Interinstitutional negotiations in legislative procedures .....	70
International agreements.....	90 - 91
Interparliamentary delegations.....	198
Interpretation.....	146
Interruptive and procedural motions.....	172 - 178

**- J -**

Joint debate .....	143
Joint motion for a resolution.....	110, 115, 122
Joint parliamentary committees .....	200
Joint text.....	69
Justifications .....	45, 47, 49, 156, 212

**- L -**

Languages .....	23, 146 - 147, 185, 201, XI
Lapsing	
- amendments.....	156 - 157
- documents.....	214
Legal basis	
- Commission proposals (modification).....	59

- committee responsible .....	VII.XVI
- first reading.....	37
- international agreements.....	90
- legislative initiative under Article 225 TFEU .....	42
Legal-linguistic finalisation .....	71, 74, 180, XX
Legislative and work programme (see Work Program)	
Legislative documents .....	43
Legislative initiative.....	35, 41 - 42, 44
Legislative procedures.....	35 - 37, 38, 39 - 40, 42 - 50, 52 - 59, 61 - 69, 71 - 73, 83 - 87, 88, 128, 216, XIV.II
Legislative resolution.....	44 - 45, 55 - 57, 158
List of speakers .....	176
Lobbyists.....	9, X

- M -

Majorities (qualified) and minimum numbers of Members required

- amendments	
. draft amendments and proposed modifications at first reading of budget.....	75 b
. final draft agenda .....	140
. objection to voting an amendment not distributed in all official languages..	146 - 147, 156
. Rules of Procedure.....	212
. tabling .....	156
- annexes .....	215
- appointments	
. Commission (Members).....	106
. Commission (President).....	105
. Court of Auditors (request to postpone vote) .....	108
. European Central Bank (request to postpone vote) .....	109
. Ombudsman (appointment) .....	204
. Ombudsman (dismissal).....	206
- decisions of Parliament	
. accessions.....	74 c
. consent procedure .....	81
. Council position	
- amendments .....	66
- rejection .....	65
. international agreements .....	90
. joint text .....	69
. legislative initiative.....	42, 44
. maintaining an action brought before the Court of Justice .....	128
. motion of censure (adoption) .....	107
. on whether to vote on compromise amendment .....	161
- determination of a breach .....	74 c
- election of officers	
. nominations.....	13
. President.....	13
. Quaestors.....	13
. Vice-President.....	13
- formation of committees and groups	
. committees of inquiry .....	185 - 186



. political groups.....	30
- objections	
. agenda	
- items taken without amendment or debate .....	138
. change in voting order .....	161
. committee recommendations on common foreign and security policy .....	97
. interpretation of Rules of Procedure .....	211
. vote on amendment not distributed in all official languages .....	156
- political parties at European level .....	210
- recommendations to the Council .....	121
- requests	
. adjournment of debate.....	177
. adjournment of vote .....	177
. agenda	
- extraordinary debate .....	141
- for item to be open to amendment .....	138
- to debate item without amendment.....	138
. closure of debate .....	176
. convening of Parliament .....	134
. debates on breaches of human rights, democracy and the rule of law .....	122
. establishment of quorum.....	155
. referral back to committee .....	175
. renewed consultation .....	59
. roll-call vote .....	167
. setting up of a committee of inquiry .....	185
. suspension or closure of sitting.....	178
. urgent procedure .....	142
- tabling of motions	
. for resolutions	
- debates on breaches of human rights, democracy and the rule of law .....	122
- questions for oral answer with debate .....	115
- refusing discharge.....	VI.4
- statements by Commission, Council and European Council.....	110
. of censure .....	107
- termination (early) of office .....	19
Mandate.....	2, VII.XVI
Members .....	1 - 9, 136
- assistants .....	X
- Commission.....	106, XIV
- committee .....	185 - 186, IX
- Court of Auditors.....	108
- European Central Bank.....	109
- exclusion.....	153
- expenses.....	8
- financial interests.....	9, I
- non-attached.....	33
- Statute .....	8 - 9, 48, VII.XVI
- term of office .....	4
Minority opinions.....	52, 185
Minutes	

- Bureau.....	29
- committees.....	194, VIII.A
- Conference of Presidents.....	29
- sittings.....	179
Modification	
- legislative proposal.....	36, 53
- Rules of Procedure.....	211 - 212
Monetary policy.....	113
Motions	
- for resolutions.....	47 - 49, 58, 78, 85, 98, 110, 115, 120, 122, 157, 202, 214, IV
- of censure on Commission.....	107
- procedural.....	172
Motto.....	213
Moving	
- amendments.....	156
- inadmissibility.....	172, 174
Multiannual financial framework.....	75

- N -

National parliaments	
- cooperation with.....	130
- reasoned opinions.....	38 a
- relations with.....	23
Negotiating mandate.....	90
Nominations	
- Commissioners-designate.....	106
- committees.....	186
- European Central Bank.....	109
- officers of Parliament.....	13 - 16, 186
- Ombudsman.....	204
- President of Parliament.....	14
- President of the Commission.....	105
- Quaestors.....	16
- Vice-Presidents.....	15
Non-attached Members.....	33

- O -

Observers.....	11
Officers.....	12 - 18, 20 - 21, 152 - 153
OLAF.....	10
Ombudsman.....	205 - 206
- activities.....	205, XI
- dismissal.....	206
- election.....	204
One-minute speeches.....	150
Openness and transparency.....	29, 103 - 104, I
Opinions	

- minority .....	52, 185
- of committees .....	37, 38, 46, 49 - 50, 121, 188, 202 - 203, VI.1, VII
- of Parliament.....	55, 90, 96, 105, 108 - 109, 119, 142, 195
- on Council recommendations .....	83
- requests for .....	43 - 44
Order in the Chamber.....	145, 152 - 154, XVI
Order of business .....	137 - 138, 140, 142 - 144

- P -

Parliamentary Assembly of Council of Europe .....	199
Parliamentary term.....	133
Parliaments	
- conferences of.....	132
- of Member States.....	25, 130 - 131
Part-sessions.....	133 - 134
Passes .....	5, 9, X.1
Penalties .....	153 - 154
Personal statements .....	151
Petitions.....	201 - 203, 214, VII.XX
Plenary	
- amendments.....	49 - 50, 156, 162
- budget .....	75 a - 76
- first reading.....	55 - 57, 69
- minutes.....	179
- second reading.....	64 - 66, 72
- third reading.....	69
- verbatim report .....	181
Points of order.....	20, 173
Political groups - see Groups	
Political parties at European level.....	208 - 210
- committee of independent eminent persons .....	210
- exclusion from funding.....	209
- implementing rules .....	23
- powers and responsibilities of the Bureau .....	209
- powers and responsibilities of the committee responsible .....	210
- powers and responsibilities of the President.....	208
- programme.....	210
- recovery of amounts wrongly paid .....	209
- technical assistance.....	209
Position	
- Council.....	61
- of Commission.....	44, 54, 57 - 58, 61, 66, XIV
- of Parliament.....	58
President of Parliament	
- duties.....	20, 23, 73, 111, 116, 122, 126, 128, 149 - 150, 153, 156 - 157, 171, 173, 208, 210, 216, II, XV
- election.....	13 - 14, 17 - 18
President of the Commission (election).....	105
President of the European Council .....	110, 149
Prevention of fraud and corruption .....	10, XII

Privileges and immunities.....	5 - 7, 207, VII.XVI
Procedure	
- budget .....	75 - 76, 78, VII.IV
- conciliation .....	67 - 69, 75 d, XX
- discharge .....	76 - 77, 80
- follow-up .....	58 - 59, 185
- for voting .....	138, 158 - 159, 195
- in committee .....	45 - 50, 52, 63, 67 - 68, 162, 191, 193 - 195, 197, 216, VIII.A
- legislative.....	35 - 37, 38, 39 - 40, 42 - 50, 52 - 59, 61 - 69, 71 - 73, 83 - 87, 88, 128, 216, XX
- motions .....	20, 172
- scrutiny of voluntary agreements .....	85
- simplified .....	46, 138
- urgent .....	142
- without amendment and debate .....	46, 138
Proceedings before the Court of Justice.....	128, 204, 206, VI.6
Proportionality .....	38 a
Provisional chair .....	12
Provisional twelfths system .....	75 f
Public access to documents.....	29, 103 - 104, XV

- Q -

Quaestors	
- accountability.....	29
- duties.....	9, 22 - 23, 26, I, X
- election.....	13, 16 - 17
- financial interests .....	I
- questions to .....	29
Questions	
- brief and concise .....	110 - 111
- for oral answer with debate .....	115
- for written answer .....	117 - 118, III
- priority .....	117
- Question Time .....	116
- to Bureau, Conference of Presidents and Quaestors.....	29
- to Council and Commission .....	20, 115 - 117, II
- to the European Central Bank.....	118, III
- unfinished .....	214
Question time	
- in committee .....	197
- in plenary .....	116, II
Quorum .....	155, 195

- R -

Readings.....	37, 38, 39 - 40, 42 - 50, 52 - 59, 61 - 69, 71 - 73
Recast of Union legislation.....	87
Recommendations.....	42, 64, 120 - 121, 123
- accession treaties .....	74 c, 200

- broad guidelines of economic policies .....	114
- CFSP .....	96 - 97
- following inquiry .....	185
- for second reading .....	63 - 64
- from the Council pursuant to Article 140 TFEU .....	83
- negotiating mandate.....	90
- to the Council.....	97, 121
Referral back to committee	
- Commission proposals	
. postponement of vote (amendment not taken over by Commission) .....	57
. rejection.....	56
. second reading .....	63
- corrigenda .....	216
- Council's position .....	43
- discharge.....	VI.5
- procedural motions .....	172
Referral to committee	
- corrigenda .....	216
- first reading.....	43
- second reading.....	63
Register	
- of lobbyists .....	9, X
- of Members' interests.....	I
- of Parliament documents .....	104, XV
- of petitions .....	201 - 202
Rejection	
- Commission proposal .....	56, 87
- Council's position .....	65
Relations with other institutions .....	25, 34, 105 - 107, 108 - 125, 127
Renewed referral to Parliament .....	59
Report	
- application of Union law .....	119
- based on motion for resolution .....	120
- by Commission .....	119
- by committee of inquiry .....	185, IX
- draft.....	52
- from other institutions .....	119
- interim.....	81
- legislative.....	45, 55
- minority opinions.....	52, 185
- non-legislative .....	47
- on consultation.....	45
- on initiatives originating from Member States .....	44
- oral .....	52, 56 - 57, 142
- own-initiative.....	25, 41 - 42, 48, 50, 74 c, 119 - 120
- second .....	56 - 57
Representation of Parliament in Council meetings.....	40
Rule of law .....	38 a, 74 e, 122, 209 - 210, IV
Rules of Procedure	
- amendment.....	212, VII.XVIII

- application .....	211, VII.XVIII
- interinstitutional agreements.....	127
- points of order.....	173

- S -

Scientific opinions .....	126
Scientific research and surveys.....	126
Second reading.....	43, 61 - 66, 72
- agreements.....	70, 72, XX
- committee stage.....	61 - 63
- conclusion.....	64
- extension of time-limits.....	62
- plenary stage.....	64 - 66, 72
- recommendation for.....	63 - 64
- vote.....	64 - 66, 72, 158
Second-reading agreements.....	70, 72, XX, XXI
Second report.....	56 - 57, 175
Secrecy.....	5, VIII.B, VIII.C, XV
Secretariat.....	23, 207
- non-attached Members.....	33
- political groups.....	31
Secretary-General.....	4, 23, 73, 79, 145, 147, 152, 207, 209
Sensitive information.....	5, VIII.B, VIII.C, XV
Sessions.....	133 - 134
Shadow rapporteurs.....	192
Short presentation procedure.....	48, 139
Signature of adopted acts.....	73
Simplification of Union legislation.....	86 - 87
Simplified procedure.....	46, 138
Sittings.....	133
- conduct.....	23, 145 - 154
- minutes.....	179
- public conduct.....	96, 179, 181, 193 - 194, VIII.A
- public record.....	179, 181 - 182
- suspension or closure.....	140, 152, 154, 172, 178
- venue.....	135
- verbatim report.....	181
Speakers	
- allocation of speaking time.....	122, 149, IV
- calling.....	20, 149
- speaking list.....	176
- speaking time.....	110, 115, 140 - 142, 150 - 151, 153, 172 - 173
- speeches.....	146, 149 - 150, 176, 181
Special committees.....	184, 188, 190
Special representatives.....	93
Standards of conduct.....	9, 152
Statements.....	110, 113, 123
- Commission.....	53, 110
- Council.....	110

- Court of Auditors.....	108, 112
- declaration of financial interests.....	9, I
- European Central Bank.....	109, 113
- European Council .....	110
- nominee for President of Commission .....	105
Studies and fact-finding missions .....	188
Subcommittees.....	188, 190
Subsidiarity .....	37, 38 a, 44
Substitutes .....	187
Supervisory powers.....	88, 128
Symbols of the Union .....	213

- T -

Termination (early) of office .....	19, 153
Term of office	
- Members .....	4
- officers .....	17
Texts adopted .....	180
Third countries	
- accession negotiations .....	74 c, 200, XIV.IV
- Accession Treaties .....	74 c
- ACP .....	VII.II
- associated with the Union.....	200
- relations with .....	25, 200
Third reading	
- conciliation .....	67 - 68, 79 a, XX
- joint text.....	69
- plenary stage.....	69
Tied votes.....	159
Transmission of sensitive information.....	VIII.B
Transparency.....	9
- in legislative process.....	39
- in Parliament.....	103 - 104
- Members' financial interests	
Treaties.....	74 a - 74 c, VII.XVIII
- ordinary revision.....	74 a
- simplified revision .....	74 b

- U -

Unfinished business .....	214
Union law .....	86
- application .....	128, 185, VII.XVI, IX, XIV.II
- codification .....	86
- recast.....	87
- simplification.....	87
Unofficial groupings of members .....	32, I
Urgent procedure .....	142

- V -

Vacancies .....	4, 18
Venue of sittings and meetings .....	135
Verbatim report .....	181
Verification	
- credentials .....	3, 12, 189, VII.XVI
- legal basis .....	37
Verification of credentials .....	VII.XVI
Vice-President of the Commission/High Representative .....	96, II
Vice-Presidents	
- duties .....	21 - 23, 25, 68, 75 c - 75 d, 104, 131
- election .....	13, 15, 17 - 18
Voluntary agreements .....	85
Voting .....	158 - 161, 163 - 165, 167 - 171, 176
- adjournment .....	56
- amendments .....	156, 161 - 162
- collectively .....	20, 83, 160 - 161
- committee .....	195
- disputes .....	171
- electronic .....	168
- explanations .....	20, 170
- first reading .....	55
- order .....	20, 158, 161
- principles .....	160
- procedure .....	158, 195
- right to vote .....	164
- roll call .....	20, 160, 167 - 169, 195
- second reading .....	64 - 66, 72
- secret .....	169
- show of hands .....	165
- sitting and standing .....	165
- split .....	20, 160, 163
- third reading .....	69
- tie .....	14 - 15, 22, 159
- validity .....	155

- W -

Waiver of immunity .....	6 - 7
Withdrawal from the Union .....	74 d
Work programme .....	35
Written declarations	
- appended to the verbatim report .....	149
- included in the register .....	123