

**AMENDMENTS TO AND INTERPRETATIONS OF THE RULES OF
PROCEDURE
OF THE EUROPEAN PARLIAMENT**

Adopted since June 1987

January 1989

Rule 5**Waiver of immunity**

1. Any request addressed to the President by the appropriate authority of a Member State that the immunity of a Member be waived shall be communicated to Parliament in plenary sitting and referred to the appropriate committee.
2. The committee shall consider such a request without delay. Even if, in so doing, it acquires detailed knowledge of the facts of the case, it may not, under any circumstances, pronounce on the guilt or otherwise of the Member. It shall hear the Member concerned at his request. If he is in custody, he may have himself represented by another Member.
3. Should a Member be arrested or prosecuted after having been found in the act of committing an offence, any other Member may request that the proceedings be suspended or that he be released.
4. The report of the committee shall be placed at the head of the agenda of the first sitting following the day on which it was tabled.

Discussion shall be confined to the reasons for or against the waiver of immunity.

At the end of the debate there shall be an immediate vote.

The committee's report contains a proposal for a decision which simply recommends the adoption or rejection of the request for the waiver of immunity. No amendments may be tabled to the proposal for a decision. After Parliament has considered the matter, a single vote is taken on the proposal contained in the report. If this proposal is rejected, the contrary decision is deemed adopted.

5. The President shall immediately communicate Parliament's decision to the appropriate authority of the Member State concerned.

Rule 29

I Vote of Confidence in the new Commission. Annual General Report of the Commission and Annual Legislative Programme

A.

1. The enlarged Bureau shall give a prior opinion regarding the appointment of the President of the Commission after hearing to this effect the President-in-Office of the European Council.

This opinion shall be formulated in accordance with the provisions of Rules 23 and 24 and the reservation made in Rule 25(1) may be applied to it.

2. Parliament shall pass a vote of confidence in the new Commission. This vote of confidence shall require a majority of the votes cast.

3. After receiving a vote of confidence from Parliament, the Members of the Commission shall give a solemn undertaking before the Court of Justice as required under Article 10 of the Treaty establishing a Single Council and a Single Commission of the European Communities.

The President of Parliament shall be present or be represented when this solemn undertaking is given.

B.

1. The annual general report of the Commission on the activities of the Communities shall be distributed immediately after publication.

2. The various parts of the report shall be referred to the appropriate committees.

3. Committees consulted under paragraph 2 shall not be obliged to submit a report. Any committee may, where it feels it necessary for Parliament to make known its views on certain essential problems raised by the general report, bring these problems up in plenary sitting by resorting to one of the existing procedures.

4. After the presentation of the Annual Programme by the Commission and the debate thereon in Parliament, the enlarged Bureau and the Commission shall agree on an annual legislative programme and a timetable for the submission by the Commission and the examination by Parliament of proposals which the Commission intends to remit to the Council.

Rule 36**Consultation of Parliament**

1. Requests from the Council for an opinion or from the Commission for advice shall be printed and distributed. The President shall refer such requests to the appropriate committee for consideration.

(Rest of text unchanged.)

Rule 37**Delegation of the power of decision to committees**

1. The President, a minimum of twenty-three Members or a committee may propose to Parliament that a request for an opinion or for advice submitted pursuant to Rule 36 be referred to the appropriate committee with the power to take a decision.

Under the same conditions, the power to take a decision may also be delegated to the committee responsible in the case of reports to be drawn up on the basis of Rules 63 or 121.

2. A decision shall be taken on this proposal at the beginning of the sitting following that during which Parliament was informed thereof. Parliament shall, if necessary after hearing one speaker in favour and one against, vote on the proposal. If at least one-tenth of the current Members of Parliament are opposed to the referral to committee for a decision, this referral shall not take place.

3. If, after referral to committee pursuant to paragraph 2, one-third of the current members of the committee request that the power to take a decision be referred back to Parliament, the procedures for debate and amendment in plenary of committee reports shall apply.

4. Where paragraphs 1 and 2 are applied, the usual rules governing discussion in committee shall apply. However, the committee meeting at which a decision is to be taken shall be open to the public; the agenda for this meeting and any deadline for tabling amendments shall be published in the EP Bulletin.

5. The opinion of the committee shall include the committee's views on the proposal on which Parliament has been consulted, together with any amendments and the result of the vote pursuant to Rule 119(2). The opinion may take the form of a letter.

6. As soon as the committee has adopted its report, and subject to Rules 79(1) and 80, the President shall place it on the agenda for the next part-session. The committee's resolution and amendments, if any, shall be deemed adopted and shall be recorded in the minutes unless, before the start of the sitting, one-tenth of the current Members of Parliament belonging to at least three political groups have tabled their opposition in writing, in which case the committee's report shall be considered in plenary at the same sitting in accordance with the normal procedure.

Although, under the provisions of Rules 37(1) and 121, second paragraph, Rule 37 cannot be invoked except at the time of referral of a matter to committee or at the time of authorization being given for a committee to draw up a report, Rule 37 may be extended, by way of exception, to matters already referred to the committees and to the reports which the latter have previously been authorized to draw up (this derogation will only apply until the end of the second parliamentary term).

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A request from one-third of a committee's current members for the power of decision to revert to the House may be made in writing outside of committee meetings but must be submitted before the date of the meeting at which the committee appoints the rapporteur on the subject in respect of which it is requested that power of decision revert to the House

The provisions of the Rules which concern the tabling of amendments are Rules 69(1), the reference to that rule in Rule 123(4), and Rule 37, in particular paragraph 4 thereof, which stipulates that the agenda for the committee meeting and any deadline for tabling amendments are to be published in the Bulletin of the European Parliament; under Rule 69(1), any Member may table amendments in any of the committees; this principle becomes even more pertinent when a committee is considering matters referred to it pursuant to Rule 37; however, only the current members of the committee (full members and permanent substitutes) are entitled to vote on the amendments.

Rule 48

Conclusion of the cooperation procedure

Add the following interpretation:

The absence of a final vote during the second reading on the Council's common positions pursuant to Rule 98 excludes the possibility of giving explanations of vote.

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

Rule 56**Statements by the Commission, the Council and the Foreign Ministers meeting in European Political Cooperation**

Add the following interpretation:

Paragraphs 2 and 3:

If, at the end of a statement by the Commission, the Council or the Foreign Ministers meeting in European Political Cooperation, there is no proposal from the President, a committee, a political group or at least 23 Members, pursuant to Rule 56(3), that the statement be followed by a debate, the application of Rule 56(2) rules out the possibility of holding a debate on the statement.

The questions procedure shall apply if the President, up to the moment he reminds Members of this possibility, has not received a request for a debate pursuant to paragraph 3.

Rule 62**Questions for written answer**

1. Questions for written answer may be put by any Member to the Commission, to the Council or to the Foreign Ministers meeting in European Political Cooperation.

These questions shall be brief and relate to specific points falling within the sphere of activities of the Communities; they shall be submitted in writing to the President, who shall communicate them to the institution concerned.

2. Questions to which answers have been given shall be published, together with the answers, in the Official Journal of the European Communities.

3. Questions to which no answer has been given within one month by the Commission, or within two months by the Council or the Foreign Ministers, shall be recorded pending an answer, in the Official Journal of the European Communities, with details of the number, author, date and subject, and of the document in which they were published in full.

Rule 63

Motions for resolutions

- A.
 1. Any Member may table a motion for a resolution of not more than 200 words on a matter falling within the sphere of activities of the Communities. Such motions shall be printed and distributed in the official languages and referred to the appropriate committee, provided no request is made pursuant to Rule 64(1).

 2. The Committee shall decide by what procedure each motion for a resolution should be considered and inform the President and the author or authors of its decision. The committee may decide to consider jointly similar motions on related subjects and to consider a motion for a resolution in conjunction with a text which has already been referred to it.

 3. Where the committee decides to draw up a report it shall include the text of the motion for a resolution in its report.

4. Instead of drawing up a report, the committee may decide to express its views in an opinion for the attention of the Commission, the Council or the Foreign Ministers meeting in European Political Cooperation. The opinion may take the form of a letter. Such opinions shall, at the request of the committee, be forwarded by the President to the institutions concerned.

B.

1. The author or authors of a motion for a resolution tabled pursuant to Rules 56(3), 58(5) or 64(1) shall be entitled to withdraw it before the final vote.

2. A motion for a resolution tabled pursuant to Rule 63(1) may be withdrawn by its author, authors or first signatory before the committee responsible has decided, pursuant to Rule 63(3), 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 and may only do so up until the opening of the final vote.

3. A motion for a resolution may be taken over and retabled immediately by a group, a committee or the same number of Members who are entitled to table it.

Rule 64

Debate on topical and urgent subjects of major importance

Delete paragraph 5 and add the following to the interpretation:
Paragraphs 6 and 7

1. A joint motion for a resolution tabled under Rule 64(6) is intended to replace a number of motions for resolutions tabled previously and

should be considered as a compromise text. The new joint text may be signed by political groups or individual Members who had not previously supported the motions for resolutions replaced by the joint motion for a resolution.

Given the timetable for the procedure laid down in Rule 64, a joint motion for a resolution offers sufficient scope for all interested parties to participate even if it is not possible to table amendments to a text which already, by its very nature, constitutes a reworking of previous texts.

Motions for resolutions under Rule 64 are put to the vote in the order in which they were tabled. This objective criterion prevents political groups or Members who have proposed a motion for a resolution from being put at a substantial disadvantage when a joint motion for a resolution is tabled to which it is not possible to table amendments.

2. When a request is made pursuant to Rule 89(3) that it be ascertained 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 74

Adopting and amending the agenda

Insert the following interpretation after the first subparagraph of paragraph 2:

Where the President proposes an amendment to the agenda, the only speakers who may be heard before the vote shall be one speaker in favour, one speaker against and the Chairman or the rapporteur of the committee responsible, in each case for a maximum of three minutes.

Rule 98**Explanations of vote**

Add the following to the interpretation:

Explanations of vote given either orally or in writing must have a direct bearing on the text being put to the vote.

Rule 103**Referral back to committee**

Insert the following interpretation after paragraph 5 :

If a request is made for a report to be referred back to committee pursuant to Rule 103, the committee responsible is obliged to submit a new report to the House. This obligation derives from the fact that, once a report has been tabled, the House has sole discretion to decide on how the report submitted for its consideration is to be treated.

Under Rule 103, a request for referral back to committee may also be made during the partial vote on a text up to the point at which the final vote on the text as a whole is opened by the President pursuant to Rule 90(1)(d).

Rule 121**Own-initiative reports**

A committee intending to draw up a report and to submit a motion for a resolution to Parliament on a subject within its competence on which neither a request for an opinion nor a motion for a resolution has been referred to it may do so only with the authorization of the enlarged Bureau. Where such authorization is withheld the reason must always be stated.

At the request of the committee responsible, the enlarged Bureau may, when giving authorization, stipulate that the power to take a decision is to be delegated pursuant to Rule 37.

Decisions of the enlarged Bureau providing for authorization to draw up a report and, where the committee concerned has so requested, delegation of the power of decision, must be put to the vote in the House pursuant to Rule 37(2).