II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

RULES OF PROCEDURE

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Note for the reader:

Any reference in these Rules of Procedure to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.

Interpretations of the Rules (pursuant to Rule 180) are in italic script.

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CHAPTER I

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 representatives 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:

»Medlemmer af Europa-Parlamentet« in Danish,

„Mitglieder des Europäischen Parlaments“ in German,

«Βουλευτές του Ευρωπαϊκού Κοινοβουλίου» in Greek,

'Members of the European Parliament' in English,

«Diputados al Parlamento Europeo» in Spanish,

”Euroopan parlamentin jäsenet” in Finnish,

«Députés au Parlement européen» in French,

«Deputati al Parlamento europeo» in Italian,

„Leden van het Europees Parlement” in Dutch,

«Deputados ao Parlamento europeu» in Portuguese,

”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

Privileges and immunities

1. Members shall enjoy privileges and immunities in accordance with the Protocol on the Privileges and Immunities of the European Communities, annexed to the Treaty of 8 April 1965 establishing a Single Council and a Single Commission of the European Communities.

2. Passes to allow 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 shall be laid down in Annex VII to these Rules of Procedure.

Rule 4

Attendance of Members at sittings

1. An attendance register shall be laid open for signature by Members at each sitting.

2. The names of Members present, as shown in the attendance register, shall be recorded in the minutes of each sitting.

Rule 5

Payment of expenses and allowances

The Bureau shall lay down rules governing the payment of expenses and allowances to Members.

Rule 6

Parliamentary 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 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.

4. As a matter of urgency, in circumstances where a Member is arrested or has his freedom of movement curtailed in apparent breach of his privileges and immunities, the President, after having consulted the chairman and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the Member concerned. The President shall communicate his initiative to the committee and inform Parliament.

Rule 6a

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 decision which simply 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 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; he may bring any documents or other written evidence he deems relevant. He 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 shall 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 him from performing the duties proper to his mandate.

5. Where a Member is required to appear as a witness or expert witness, there is no need to request a waiver of immunity, provided that:

— the Member will not be obliged to appear on a date or at a time which prevents him from performing, or makes it difficult for him to perform, his parliamentary duties, or that he will be able to provide a statement in writing or in any other form which does not make it difficult for him to fulfil his parliamentary obligations;

— the Member is not obliged to testify concerning information obtained confidentially in the exercise of his mandate which he does 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 about the competence of the authority in question and about 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 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. No amendment 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 122, the Member whose privileges or immunities are the subject of the case 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, an individual vote shall be taken on each of the proposals contained in the report. If any of the proposals are 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 should 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 according to the above rules.

Rule 7

Verification of credentials

1. On the basis of a report by the committee responsible, Parliament shall verify the 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.

2. 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.

It shall not be possible to confirm the validity of the mandate of a Member unless the written declarations required on the basis of Article 6 of the Act of 20 September 1976 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.

3. Where the appointment of a Member is due to the withdrawal of candidates from the same list, the committee responsible for the verification of credentials shall ensure that such withdrawals have taken place in accordance with the spirit and the letter of the Act of 20 September 1976 and Rule 8(3).

4. 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 without delay to Parliament by the authorities of the Member States or of the Union, with an indication of the date of effect where an appointment is concerned.

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. He shall refer the matter to the committee responsible. On a proposal from that committee, Parliament may adopt a position on the matter.

5. Until such time as a Member's credentials have been verified or a ruling has been given on any dispute, the Member shall take his seat in Parliament and on its bodies and shall enjoy all the rights attaching thereto.

6. At the start of each parliamentary term, the President shall invite the competent authorities of the Member States to provide Parliament with any information relevant to the application of this Rule.

Rule 8

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. A Member who resigns shall notify the President of his resignation and of the date on which that resignation shall take effect, which shall be not 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 chairman asking him, pursuant to paragraph 3:

— *either to inform the President on behalf of the committee that the vacancy may be established;*

— *or to convene an extraordinary meeting of the committee to examine any specific difficulties noted by the rapporteur.*

4. Incompatibilities resulting from national legislation shall be notified to Parliament, which shall take note thereof.

Where the competent authorities of the Member States or of the Union or the Member concerned notify the President of an appointment to an office incompatible with the office of Member of the European Parliament, 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. He 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 event of resignation: the date on which the vacancy is established by Parliament, in accordance with the notification of resignation;

— in the event of appointment to an office incompatible with the office of a Member of the European Parliament, either in respect of national electoral law, or in respect of Article 6 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 thereof.

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 9

Code of conduct

1. Parliament may lay down a code of conduct for its Members. The code shall be adopted pursuant to Rule 181(2) and attached to these Rules of Procedure as an annex ([1]).

The code shall not in any way prejudice or restrict a Member in the exercise of his office or of any political or other activity relating thereto.

2. 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 with a view to supplying information to Members within the framework of their parliamentary mandate in their own interests or those of third parties.

In return, these persons shall be required to:

— respect the code of conduct published as an annex to the Rules of Procedure ([2]);

— sign a register kept by the Quaestors.

([1]) See Annex I.
([2]) See Annex IX.

This 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 the Rules of Procedure ([3]).

3. 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 9a

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 ([4]).

CHAPTER II

SESSIONS OF PARLIAMENT

Rule 10

Convening of Parliament

1. The parliamentary term shall run concurrently with the term of office of Members provided for in the Act of 20 September 1976.

The session shall be the annual period prescribed by the Act and the Treaties.

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.

2. 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.

3. Parliament shall, moreover, 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 9(1) of the Act of 20 September 1976.

4. The Conference of Presidents, stating its reasons, may alter the duration of adjournments decided pursuant to paragraph 2 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.

5. 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 11

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 that one or more meetings be held elsewhere. Its request, with the reasons therefor, 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.

([3]) See Annex IX.

([4]) See Annex XI.

CHAPTER III

OFFICERS OF PARLIAMENT

Rule 12

Oldest Member

1. At the sitting provided for under Rule 10(3), and at any other sitting held for the purpose of electing the President and the Bureau, the oldest Member present shall take the Chair until the President has been elected.

2. No business shall be transacted while the oldest Member is in the Chair unless it is concerned with the election of the President or the verification of credentials.

If a question relating to the verification of credentials is raised when the oldest Member is in the Chair, he shall refer the matter 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 the provisions of Rule 136. Nominations shall be with consent. They may only be made by a political group or by at least thirty-two 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 oldest Member, 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 elder candidate shall be declared elected.

2. As soon as the President has been elected, the oldest Member 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 fourteen, obtain an absolute majority of the votes cast shall be declared elected in the numerical order of their votes. Should the number of candidates elected be 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 eldest 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 a Member changes political groups he shall retain, for the remainder of his two and a half year term of office, any seat he holds in the Bureau or the College of Quaestors.

2. Should a vacancy for one of these positions occur before the expiry of this term, the Member elected shall serve only for the remaining period of his 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, his successor shall be elected in accordance with the above rules.

A newly elected Vice-President shall take the place of his 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

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. He shall enjoy all the powers necessary to preside over the proceedings of Parliament and to ensure that they are properly conducted.

These powers 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 the provisions of Rule 130(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 or financial matters by the President, who may delegate these powers.

Rule 20

Duties of the Vice-Presidents

1. Should the President be absent or unable to discharge his duties, or should he wish to take part in a debate pursuant to Rule 19(3), he shall be replaced by one of the Vice-Presidents pursuant to Rule 15(2).

2. The Vice-Presidents shall also carry out the duties conferred upon them under Rules 22, 24(3) and 82(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 43(3) and 44(2).

CHAPTER IV

PARLIAMENT'S GOVERNING BODIES

Rule 21

Composition of the Bureau

1. The Bureau shall consist of the President and the fourteen Vice-Presidents of Parliament.

2. The Quaestors shall be members of the Bureau in an advisory capacity.

3. Should voting in the Bureau result in a tie, the President shall have a casting vote.

Rule 22

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 Members and the internal organisation of Parliament, its Secretariat and its bodies.

3. The Bureau shall take decisions on matters relating to the conduct of sittings.

4. The Bureau shall adopt the provisions referred to in Rule 30 concerning Non-attached Members.

5. The Bureau shall decide the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants.

6. The Bureau shall draw up Parliament's preliminary draft estimates.

7. The Bureau shall adopt the guidelines for the Quaestors pursuant to Rule 25.

8. 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.

9. The Bureau shall appoint the Secretary-General pursuant to Rule 182.

10. 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.

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

Rule 23

Composition of the Conference of Presidents

1. The Conference of Presidents shall consist of the President of Parliament and the chairmen of the political groups. The chairman of a political group may arrange to be represented by a member of his group.

2. The Non-attached Members shall delegate two of their number 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 24

Duties of the Conference of Presidents

1. The Conference of Presidents shall carry out the duties assigned to it under the Rules of Procedure.

2. The Conference of Presidents shall take decisions on the organisation of Parliament's work and matters relating to legislative planning.

3. The Conference of Presidents shall be the authority responsible for matters relating to relations with the other institutions and bodies of the European Union and with the national parliaments of Member States. The Bureau shall name two Vice-Presidents who shall be entrusted with the implementation of the relations with national parliaments. They shall report back regularly to the Conference of Presidents on their activities in this regard.

4. The Conference of Presidents shall be the authority responsible for matters relating to relations with non-member countries and with non-Union institutions and organisations.

5. The Conference of Presidents shall draw up the draft agenda of Parliament's part-sessions.

6. The Conference of Presidents shall be the authority responsible for the composition and competence of committees, committees of inquiry and joint parliamentary committees, standing delegations and ad hoc delegations.

7. The Conference of Presidents shall decide how seats in the Chamber are to be allocated pursuant to Rule 31.

8. The Conference of Presidents shall be the authority responsible for authorising the drawing up of own-initiative reports.

9. The Conference of Presidents shall submit proposals to the Bureau concerning administrative and budgetary matters relating to the political groups.

Rule 25

Duties of the Quaestors

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

Rule 26

Conference of Committee Chairmen

1. The Conference of Committee Chairmen shall consist of the chairmen of all standing or temporary committees and shall elect its chairman.

2. The Conference of Committee Chairmen 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 Chairmen to carry out specific tasks.

Rule 27

Conference of Delegation Chairmen

1. The Conference of Delegation Chairmen shall consist of the chairmen of all standing interparliamentary delegations and shall elect its chairman.

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

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

Rule 28

Accountability of the Bureau, the Conference of Presidents and the Quaestors

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 related to the work of the Bureau, the Conference of Presidents and the Quaestors. Such questions shall be submitted to the President in writing and published in the Bulletin of Parliament within thirty days of tabling, together with the answers given.

CHAPTER V

POLITICAL GROUPS

Rule 29

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, 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 conformity with the Rules.

2. A political group must comprise Members from more than one Member State. The minimum number of Members required to form a political group shall be twenty-three if they come from two Member States, eighteen if they come from three Member States and fourteen if they come from four or more Member States.

3. A Member may not belong to more than one group.

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

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

As of 1 July 2004, Rule 29 shall read as follows:

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, 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 conformity with the Rules.

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

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

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

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

Rule 30

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 also determine the status and parliamentary rights of such Members.

Rule 31

Allocation of seats in the Chamber

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

CHAPTER VI

RELATIONS WITH OTHER INSTITUTIONS

APPOINTMENTS

Rule 32

Election of the President of the Commission

1. When the Council has agreed on a nomination for President of the Commission, the President shall request the nominee to make a statement and present his political guidelines to Parliament. The statement shall be followed by a debate.

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

2. Parliament shall approve or reject the nomination by a majority of the votes cast.

The vote shall be taken by secret ballot.

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

4. If Parliament does not approve the nomination, the President shall request the Council to nominate a new candidate.

Rule 33

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 the Council for the various posts of Commissioners to appear before the appropriate committees according to their prospective fields of responsibility. These hearings shall be held in public.

2. The committee shall invite the nominee to make a statement and answer questions.

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 thirty-two Members may table a motion for a resolution. Rule 37(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.

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 portfolio changes during the Commission's term of office, the Commissioners concerned shall be invited to appear before the committees responsible for the areas of responsibility in question.

Rule 34

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 he receives it.

4. The debate on censure shall not take place until at least twenty-four 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 forty-eight 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 result of the vote shall be notified to the President of the Council and the President of the Commission.

Rule 35

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 answer questions put by members. The committee shall vote by secret ballot separately on each nomination.

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

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

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

Rule 36

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 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 the receipt of the nomination unless Parliament, at the request of the committee responsible, a political group or at least thirty-two Members, decides otherwise.

4. If the opinion adopted by Parliament is negative, the President shall request the Council to withdraw its nomination and 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.

STATEMENTS

Rule 37

Statements by the Commission, Council and European Council

1. Members of the Commission, Council and European Council may at any time ask the President for permission to make a statement. The President shall decide when the statement may be made and whether it is to be followed by a full debate or by thirty 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 thirty-two 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 except where the President, by way of exception, decides otherwise.

Rule 38

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 thirty minutes in which Members may put brief and concise questions.

Rule 39

Statements by the Court of Auditors

1. In the context of the discharge procedure or 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 where irregularities have been reported in financial management.

Rule 40

Statements by the European Central Bank

1. The President of the European Central Bank shall present 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 current year to Parliament.

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 to make a statement and 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 proceedings under paragraphs 3 and 4 shall be drawn up in the official languages.

Rule 40a

Questions for written answer to the European Central Bank

1. Any Member may put questions for written answer to the European Central Bank.

2. Such questions shall be submitted in writing to the chairman of the committee responsible, who shall forward them to the European Central Bank.

3. The questions shall be published with their answers in the *Official Journal of the European Union*.

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.

Rule 41

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 Community shall be presented to the committee responsible which shall submit a report to Parliament.

2. The Council shall be invited to inform the Parliament of the content of its recommendation, and of the position taken by the European Council.

QUESTIONS TO THE COUNCIL AND THE COMMISSION

Rule 42

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 thirty-two 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 Articles 17 and 34 of the EU Treaty, the time limit provided for in paragraph 2 of this Rule shall not apply, and the Council must reply with sufficient promptness 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 37(2),(3), (4) and (5) shall apply mutatis mutandis.

Rule 43

Question Time

1. Question Time with the Council and Commission shall be held at each part-session at such times as may be decided by Parliament on a proposal from the Conference of Presidents. A specific period of time may be set aside for questions to the President and individual Members of the Commission.

2. No Member may put more than one question to the Council and the Commission at a 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 ([5]).

Rule 44

Questions for written answer

1. Questions for written answer may be put by any Member to the Council or the Commission. The content of questions shall be the sole responsibility of their authors.

([5]) See Annex II.

2. Questions shall be submitted in writing to the President who shall forward them to the institution concerned.

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 of the next meeting of the committee responsible. Rule 43 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 institution concerned. 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 institution concerned.

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*.

REPORTS

Rule 45

Deleted

Rule 46

Deleted

Rule 47

Annual reports and other reports of other institutions

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

2. Annual reports and other reports of other institutions not falling within the scope of paragraph 1 shall be referred to the appropriate committee which may propose drawing up a report pursuant to Rule 163.

RESOLUTIONS AND RECOMMENDATIONS

Rule 48

Motions for resolutions

1. Any Member may table a motion for a resolution on a matter falling within the sphere of activities 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 pursuant to Rule 163.

3. The authors of a motion for a resolution shall be informed of the decisions of the committee and 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 pursuant to Rules 37(2), 42(5) or 50(2) shall be entitled to withdraw it before the final vote.

7. A motion for a resolution tabled pursuant to paragraph 1 may be withdrawn by its author, authors or first signatory before the committee responsible has decided, pursuant to 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 motion for a resolution withdrawn may be taken over and retabled immediately by a group, a committee or the same number of Members who are entitled to table it.

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

Rule 49

Recommendations to the Council

1. At least thirty-two Members or a political group may table a proposal for a recommendation to the Council concerning subjects under Titles V and VI of the EU Treaty, or where Parliament has not been consulted on an international agreement within the scope of Rule 97 or Rule 98.

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. Where 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 104 or Rule 107 shall apply.

Rule 50

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 thirty-two 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 110(3)).

2. The Conference of Presidents shall draw up a list of subjects to be included on 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 III. The total number of subjects included on the agenda shall not exceed three, including sub-chapters.

In accordance with the provisions of Rule 111, Parliament may abandon a topic due to be debated and replace it by an unscheduled topic in the debate. 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 120(2) and (3) within the maximum time for debates of 60 minutes per part-session.

Any time remaining after taking account of the time required for the introduction of and vote on the motions for resolutions and the speaking time, if any, allocated to the Commission and Council, shall be broken down between the political groups and the Non-attached Members.

4. At the end of the debate there shall be an immediate vote. Rule 137 shall not apply.

Votes taken pursuant to 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 37(4) shall apply.

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

The provisions of Rules 143, 144 and 146 shall 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 shall be 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 shall apply to motions for resolutions in respect of which it is established, following a request under Rule 126(3), that a quorum is not present. Obviously Members shall be entitled to retable such motions either for consideration in committee pursuant to Rule 48 or for the debate on cases of breaches of human rights, democracy and the rule of law at the next part-session.

A subject cannot 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.

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When a request is made pursuant to Rule 126(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 51

Written declarations

1. Up to five Members may submit a written declaration of not more than 200 words on a matter falling within the sphere of activities of the European Union. Written declarations shall be printed in the official languages and distributed. They shall be included with the names of the signatories in a register. This register shall be public and shall be maintained outside the entrance to the Chamber during part-sessions and between part-sessions in an appropriate location to be determined by the College of Quaestors.

2. Any Member may add his signature to a declaration included in the register.

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

4. Such a declaration shall, at the end of the part-session, be forwarded to the institutions named therein together with the names of the signatories. It shall be included in the minutes of the sitting at which it is announced. Publication in the minutes shall close the procedure.

5. A written declaration that has stood 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 52

Consultation of the Economic and Social Committee

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

The committee shall indicate the deadline for the Economic and Social Committee to deliver its opinion.

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

Rule 53

Consultation of the Committee of the Regions

1. 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 the Committee of the Regions to deliver its opinion.

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

Rule 54

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 or 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 imply the modification of existing procedural rights or obligations or establish new procedural rights or obligations for Members or bodies of Parliament, or otherwise imply modification or interpretation of the Rules of Procedure, the matter shall be referred to the committee responsible for examination in accordance with Rule 180(2) to (6) before the agreement is signed.

CHAPTER VII

RELATIONS WITH NATIONAL PARLIAMENTS

Rule 55

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 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 56

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 one of the Vice-Presidents responsible for implementation of relations with the national parliaments.

2. The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting, taking due account of the overall political balance within Parliament. A report shall be submitted by the delegation after each meeting.

Rule 56a

Conference of Parliaments

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

CHAPTER VIII

LEGISLATIVE PROCEDURES

GENERAL PROVISIONS

Rule 57

Commission's legislative and 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's legislative and work programme in accordance with the timetable and arrangements agreed between the two institutions and annexed to these Rules of Procedure ([6]).

2. In urgent and unforeseen circumstances, an institution may, on its own initiative and according to the procedures laid down in the Treaties, propose adding a legislative measure to those proposed in the Legislative 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's Annual Legislative Programme as well as Parliament's resolution.

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

Rule 58

Examination of respect for fundamental rights, the principles of subsidiarity and proportionality, the rule of law, and financial implications

During the examination of a legislative proposal, Parliament shall pay particular attention to respect for fundamental rights and in particular that the legislative act is in conformity with the European Union Charter of Fundamental Rights, the principles of subsidiarity and proportionality and the rule of law. In addition, where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.

([6]) See Annex XIV.

Rule 59

Initiative pursuant to Article 192 of the EC Treaty

1. Parliament may request the Commission to submit to it any appropriate proposal pursuant to Article 192, second paragraph, of the EC Treaty by adopting a resolution on the basis of an own-initiative report from the committee responsible. The resolution shall be adopted by a majority of the component Members of Parliament. Parliament may, at the same time, fix a deadline for the submission of such a proposal.

2. Before initiating the procedure under Rule 163, the committee responsible shall establish, in the following cases, that no such proposal is under preparation:

(a) such a proposal is not included in the Annual Legislative Programme;

(b) the preparations of such a proposal have not started or are unduly delayed;

(c) the Commission has not responded positively to earlier requests either from the committee responsible or contained in resolutions adopted by Parliament with a majority of the votes cast.

3. 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.

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

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

Rule 60

Consideration of legislative documents

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

In case of doubt the President may apply Rule 154(2) prior to the announcement in Parliament of referral to the committee responsible.

Where a proposal is listed in the Annual Legislative 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 58 and 63 to 73 shall apply to legislative proposals whether they require one, two or three readings.

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

The provisions for the second reading as set out in Rules 74 to 80 shall apply to common 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 81 to 83 shall apply to the conciliation procedure.

4. Rules 67(1) and (3), 68, 69, 144, 158, 159 and 162 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 61

Consultation on initiatives originating from a Member State

1. Initiatives originating from a Member State pursuant to Article 67(1) of the EC Treaty or Articles 34(2) and 42 of the EU Treaty shall be dealt with pursuant to this Rule and to Rules 58, 60, 63, 63a, 64 and 67.

2. The committee responsible may invite a representative of the originating Member State to present its initiative to the committee. The representative 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 has prepared a position on the initiative and if so request the Commission to state its position to the committee.

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.

5. The time period referred to in Article 39(1) of the EU Treaty shall commence when it is announced in plenary that Parliament has received, in the official languages, an initiative, together with an explanatory statement confirming the initiative's conformity with the Protocol on the application of the principles of subsidiarity and proportionality annexed to the EC Treaty.

Rule 62

Deleted

Rule 62a

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 chairman or rapporteur of the committee responsible, or another Member designated by the committee, to represent Parliament.

FIRST READING — COMMITTEE STAGE

Rule 63

Verification of legal basis

1. For all Commission proposals and other documents of a legislative nature, the committee responsible shall first verify the legal basis.

2. If the committee responsible disputes the validity or the appropriateness of the legal basis, including in the context of the verification pursuant to Article 5 of the EC Treaty, 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 submitted by the Commission. In such cases it shall duly inform the committee responsible.

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 prior to voting on the substance of the proposal.

5. Amendments tabled in Parliament to change the legal basis of a Commission proposal without the committee responsible 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 chairman of the committee responsible for legal affairs or of the committee responsible may propose that the vote on the substance of the proposal be postponed to a subsequent sitting.

Rule 63a

Verification of financial compatibility

1. Without prejudice to Rule 60, the committee responsible shall verify the financial compatibility of any Commission proposal, or any other document of a legislative nature, with the Financial Perspective.

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

3. The committee responsible for budgetary issues may also on its own initiative take up questions concerning the financial compatibility of proposals submitted by the Commission. In such cases it shall duly inform the committee responsible.

4. 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.

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

Rule 64

Transparency in the legislative process

1. Throughout the whole legislative procedure Parliament and its committees shall request access to all documents relating to Commission proposals under the same conditions as the Council and its working parties.

2. During the examination of a Commission proposal, the committee responsible shall request the Commission and the Council to keep it informed about the progress of this proposal in the Council and its working parties and in particular to inform it of any emerging compromises which will substantially amend the original Commission proposal or of the intention of the Commission to withdraw its proposal.

Rule 65

Modification of a Commission proposal

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 Commission proposal, the provisions of Rule 71 shall apply.

Rule 66

Commission and Council position on amendments

1. Before the committee responsible proceeds to the final vote on a Commission proposal, it shall request 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.

FIRST READING — PLENARY STAGE

Rule 67

Conclusion of first reading

1. Parliament shall examine the legislative proposal on the basis of the report drawn up by the committee responsible pursuant to Rule 159.

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 Commission's proposal and any procedural requests.

The consultation procedure 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 conform to the provisions of Rules 60, 63 and 159. Any non-legislative motion for a resolution tabled by a committee should be in accordance with the referral procedures provided for in Rules 154 or 163.

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

Rule 68

Rejection of a Commission proposal

1. If a Commission proposal fails to secure a majority of the votes cast, the President shall, before Parliament votes on the draft legislative resolution, request the Commission to withdraw the proposal.

2. If the Commission does so, the President shall hold the consultation procedure on the proposal to be superfluous 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.

In this case, the committee responsible shall, orally or in writing, report back to Parliament within a period decided by Parliament which may not exceed two months.

4. If the committee responsible is unable to meet the deadline, it shall request referral back to committee pursuant to Rule 144(1). If necessary, Parliament may set a new time limit pursuant to Rule 144(5). If the committee's request is not accepted, Parliament shall move to the vote on the draft legislative resolution.

Rule 69

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. Where the Commission announces that it does not intend to adopt all Parliament's amendments, the rapporteur of the committee responsible or, failing him, the chairman 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 chairman of the committee responsible may request the President to suspend consideration of the item.

Should Parliament decide 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 back 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 68(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 144.

A committee to which a matter has been referred back pursuant to 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 the sovereignty of the House, the report referred to in paragraph 2 must clearly state which provisions already approved would fall if the proposed amendments were adopted.

FIRST READING — FOLLOW-UP PROCEDURE

Rule 70

Follow-up to Parliament's opinion

1. In the period following the adoption by Parliament of its opinion on a proposal by the Commission, the chairman and the rapporteur of the committee responsible shall monitor the progress of the proposal in the course of the procedure leading to its adoption by the Council, notably to ensure that the undertakings made by the Council or the Commission to Parliament with respect to its amendments 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 71, 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 71

Renewed referral to Parliament

Procedure leading to the adoption of an act pursuant to Article 251 of the EC Treaty

1. The President shall, at the request of the committee responsible, ask the Commission to refer its proposal again to Parliament:

— 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 incorporate Parliament's amendments; or

— where the Commission substantially amends or intends to amend its initial proposal, except where this is done in order to incorporate Parliament's amendments; 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 251 of the EC Treaty, where the Council intends to modify the legal basis of the proposal with the result that the procedure laid down in Article 251 would no longer apply.

Procedures leading to the adoption of other acts

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 thirty-two Members.

Rule 72

Conciliation procedure contained in the 1975 Joint Declaration

1. Where, in the case of certain important Community decisions, the Council intends to depart from the opinion of Parliament, a procedure for conciliation with the Council, with the active participation of the Commission, may be opened by Parliament when delivering its opinion.

2. This procedure shall be initiated by Parliament, either at its own or at the Council's initiative.

3. For the composition and procedure of the delegation to the conciliation committee and the reporting of the results to Parliament, Rule 82 shall apply.

4. The committee responsible shall report on the results of the conciliation. This report shall be debated and voted on by Parliament.

Rule 73

Approval of Parliament's amendments by the Council

1. Where, pursuant to Article 251(2) of the EC Treaty, the Council has informed Parliament that it has approved its amendments, but not otherwise amended the Commission proposal, or neither institution has amended the Commission proposal, the President shall announce in Parliament that the proposal has been finally adopted.

2. Before making this announcement, the President shall verify that any technical adaptations made by the Council to the proposal do not affect the substance. In case of doubt, he shall consult the committee responsible. If any changes made are considered to be substantive, the President shall inform the

Council that Parliament will proceed to a second reading as soon as the conditions laid down in Rule 74 are fulfilled.

3. After making the announcement referred to in paragraph 1, the President 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 84.

SECOND READING — COMMITTEE STAGE

Rule 74

Communication of the Council's common position

1. Communication of the Council's common position pursuant to Articles 251 and 252 of the EC Treaty takes place when it is announced by the President in Parliament. The President shall make the announcement after he has received the documents containing the common position itself, all declarations made in the Council minutes when it adopts the common position, the reasons which led the Council to adopt its common 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 shall establish, after consulting the chairman of the committee responsible and/or the rapporteur, that the text he has received is indeed a common position and that the circumstances described in Rule 71 do not apply. Failing this, the President, together with the committee responsible and, where possible, in agreement with the Council, shall seek 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 75

Extension of time limits

1. The President shall, at the request of the chairman 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 pursuant to Article 251(7) of the EC Treaty.

For any extension of time limits pursuant to Article 252(g) of the EC Treaty or Article 39(1) of the EU Treaty the President shall seek the agreement of the Council.

2. The President shall notify Parliament of any extension of time limits pursuant to Article 251(7) of the EC Treaty, whether at the initiative of Parliament or of the Council.

3. The President, after consulting the chairman of the committee responsible, may agree to a Council request to extend any time limits pursuant to Article 252(g) of the EC Treaty.

Rule 76

Referral to and procedure in the committee responsible

1. On the day of its communication to Parliament pursuant to Rule 74(1), the common 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 common 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 the common position.

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

4. The provisions for Parliament's second reading in Rule 80(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 chairman and rapporteur to discuss amendments that have been tabled in the committee with the President of the Council or his 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 common position adopted by the Council. The recommendation shall include a short justification for the decision proposed.

SECOND READING — PLENARY STAGE

Rule 77

Conclusion of second reading

1. The Council's common 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 75, of four months, unless the matter has been dealt with at an earlier part-session.

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.

2. The second reading shall be concluded when Parliament approves, rejects or amends the common position within the time limits and in accordance with the conditions laid down by Articles 251 and 252 of the EC Treaty.

Rule 78

Approval without amendment of the Council's common position

Where no motion to reject the common position, and no amendments to the common position, are adopted under Rules 79 and 80 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 84.

Rule 79

Rejection of the Council's common position

1. The committee responsible, a political group or at least thirty-two Members may, in writing and before a deadline set by the President, table a proposal to reject the common position of the Council. Such a proposal shall require for adoption the votes of a majority of the component Members of Parliament. A proposal to reject the common position shall be voted on before voting on any amendments.

2. Notwithstanding a vote by Parliament against the initial proposal to reject the common 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 80(5).

3. If the common position of the Council is rejected, the President shall announce in Parliament that the legislative procedure is closed.

4. By derogation from paragraph 3, if a rejection by Parliament falls under the provisions of Article 252 of the EC Treaty, the President shall request the Commission to withdraw its proposal. If the Commission does so, the President shall announce in Parliament that the legislative procedure is closed.

Rule 80

Amendments to the Council's common position

1. The committee responsible, a political group or at least thirty-two Members may table amendments to the Council's common position for consideration in Parliament.

2. An amendment to the common position shall be admissible only if it conforms to the provisions of Rules 139 and 140 and seeks:

(a) to restore wholly or partly the position adopted by Parliament in 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 common position which was not included in — or differs in content from — the proposal submitted in first reading and which does not amount to a substantial change within the meaning of Rule 71; 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 cannot be questioned.

3. If new elections have taken place since the first reading, but Rule 71 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.

THIRD READING — CONCILIATION

Rule 81

Convening of Conciliation Committee

Where the Council informs Parliament that it is unable to approve all Parliament's amendments to the common 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 251(5) of the EC Treaty shall run from the time at which the Committee first meets.

Rule 82

Delegation to 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 fix the exact number of Members from each political group.

3. The members of the delegation shall be appointed by the political groups for each particular 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 twelve 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 chairman and the rapporteur of the committee responsible in each particular 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.

THIRD READING — PLENARY STAGE

Rule 83

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 chairman 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. Where no agreement is reached on a joint text within the Conciliation Committee, the chairman or another designated member of Parliament's delegation to the Conciliation Committee shall make a statement. This statement shall be followed by a debate.

Rule 84

Signature of adopted acts

1. The text of acts adopted jointly by Parliament and the Council shall be signed by the President and by the Secretary-General, once it has been verified that all the procedures have been duly completed.

2. Acts adopted jointly by Parliament and the Council in accordance with the procedure laid down in Article 251 of the EC Treaty shall indicate the nature of the relevant act followed by the serial number, by the date of its adoption and by an indication of its subject matter.

3. 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.

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

5. 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.

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

— the appropriate formulation, according to the relevant provisions of the Treaty, 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 when the act is adopted.

7. The acts referred to above shall be published in the *Official Journal of the European Union* by the Secretaries-General of Parliament and the Council.

PROCEDURE FOR DELIVERING OPINIONS ON COUNCIL RECOMMENDATIONS

Rule 85

Procedure for delivering opinions pursuant to Article 122 of the EC Treaty

1. When Parliament is consulted on Council recommendations pursuant to Article 122(2) of the EC Treaty, it shall, after these recommendations have been presented in plenary by the Council, 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.

ASSENT PROCEDURE

Rule 86

Conclusion of assent procedure

1. Where Parliament is requested to give its assent 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 assent under the EC or EU Treaty by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the assent shall be the majority indicated in the article of the EC Treaty or of the EU Treaty that constitutes the legal basis for the proposed act.

2. For accession treaties and international agreements and determination of a serious and persistent breach of common principles by a Member State, Rules 96, 97 and 108 shall apply respectively. For an enhanced cooperation procedure in an area covered by the procedure laid down in Article 251 of the EC Treaty, Rule 109 shall apply.

3. Where Parliament's assent is required for a legislative proposal, the committee responsible may decide, in order to facilitate a positive outcome of the procedure, to present an interim report on the Commission proposal to Parliament with a motion for a resolution containing recommendations for modification or implementation of the proposal.

If Parliament approves at least one recommendation the President shall request further discussion with the Council.

The committee responsible shall make its final recommendation for the assent of Parliament in the light of the outcome of the discussion with the Council.

DIALOGUE BETWEEN MANAGEMENT AND LABOUR

Rule 87

Procedures relating to dialogue between management and labour

1. Any document drawn up by the Commission pursuant to Article 138 of the EC Treaty or agreements reached by management and labour pursuant to Article 139(1) of the EC Treaty as well as proposals submitted by the Commission in accordance with Article 139(2) of the EC 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 139 of the EC Treaty, the committee responsible may draw up a report on the substantive issue in question.

3. Where management and labour have reached an agreement and requested jointly that the agreement be implemented by a Council decision on a proposal from the Commission in accordance with Article 139(2) of the EC Treaty, the committee responsible shall table a motion for a resolution recommending the adoption or rejection of the request.

VOLUNTARY AGREEMENTS

Rule 87a

Procedures relating to 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 163.

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 the approval or rejection of the proposal, and under what conditions.

SUPERVISORY POWERS

Rule 88

Implementing provisions

1. When the Commission forwards a draft implementing measure to Parliament, the President shall refer the document in question to the committee responsible for the act from which the implementing provisions derive.

2. On a proposal from the committee responsible, Parliament may, within one month — or three months for financial services measures — of the date of receipt of the draft implementing measure, adopt a resolution objecting to the draft measure, in particular if it exceeds the implementing powers provided for in the basic instrument. Where there is no part-session before the deadline expires, or in cases where urgent action is required, the right of response shall be deemed to have been delegated to the committee responsible. This shall take the form of a letter from the committee chairman to the Member of the Commission responsible, and shall be brought to the attention of all Members of Parliament. If Parliament objects to the measure, the President shall request the Commission to withdraw or amend the measure or submit a proposal under the appropriate legislative procedure.

Rule 89

Official codification of Community legislation

1. When a Commission proposal for official codification of Community legislation is submitted to Parliament, it shall be referred to the committee responsible for legal affairs. Provided that it is ascertained that the proposal does not entail any change of substance to existing Community legislation, the procedure laid down in Rule 158 shall be followed.

2. The chairman of the committee responsible or the rapporteur appointed by that committee may participate in the examination and revision of the proposal for codification. If necessary, the committee responsible may give its opinion beforehand.

3. Notwithstanding the provisions of Rule 158(3), the simplified procedure may not be applied to a proposal for official codification where this procedure is opposed by a majority of the members of the committee responsible for legal affairs or of the committee responsible.

Rule 90

Consequences of the Council failing to act following approval of its common position under the cooperation procedure

If, within three or, with the agreement of the Council, four months of the communication of the common position

pursuant to Article 252 of the EC Treaty, Parliament has neither rejected nor amended the position, and the Council fails to adopt the proposed legislation in accordance with the common position, the President may, on behalf of Parliament and after consulting the committee responsible for legal affairs, bring an action against the Council in the Court of Justice under Article 232 of the EC Treaty.

Rule 91

Proceedings before the Court of Justice

1. Parliament shall, within the time limits specified by the Treaties and the Statute of the Court of Justice for action by the institutions of the Union and by any natural or legal persons, examine Community legislation to ensure that its rights have been fully respected.

2. The committee responsible shall report to Parliament, orally if necessary, where it suspects a breach of Parliament's rights.

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, he may put to plenary the decision on maintaining the action. 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 put to plenary, at the start of the following part-session, the decision on maintaining the action.

CHAPTER IX

BUDGETARY PROCEDURES

Rule 92

General Budget

Implementing procedures for examination of the General Budget of the European Union and supplementary budgets, in accordance with the financial provisions of the Treaties establishing the European Communities, shall be adopted by resolution of Parliament and annexed to these Rules ([7]).

Rule 93

Discharge to the Commission in respect of implementation of the budget

The provisions concerning the implementing procedures for 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 Treaties establishing the European Communities and the Financial Regulation are attached to these Rules as an annex ([8]). This annex shall be adopted pursuant to Rule 181(2).

Rule 93a

Other discharge procedures

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

— the procedure for discharge to the President of the European Parliament in respect of the implementation of the budget of the European Parliament;

— the procedure for discharge to 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, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions;

— the procedure for discharge to the Commission in respect of the implementation of the budget of the European Development Fund;

— the procedure for discharge to the bodies responsible for the budgetary management of legally independent entities which carry out Community tasks, in so far as their activities are subject to legal provisions requiring discharge by the European Parliament.

([7]) See Annex IV.
([8]) See Annex V.

Rule 94

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 committee responsible for budgetary control and the other committees concerned.

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 X

TREATIES

Rule 95

Deleted

Rule 96

Accession treaties

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

2. Parliament may decide, on a proposal from the committee responsible, a political group or at least thirty-two 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 thoroughly of the progress in the negotiations, 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. Such recommendations shall require the same majority as the final assent.

5. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for assent.

6. Parliament shall give its assent to an application by a European State to become a member of the European Union by a majority of its component Members on the basis of a report by the committee responsible.

CHAPTER XI

INTERNATIONAL AGREEMENTS, EXTERNAL REPRESENTATION OF THE UNION AND COMMON FOREIGN AND SECURITY POLICY

Rule 97

International agreements

1. When it is intended to open negotiations on the conclusion, renewal or amendment of an international agreement, including agreements in specific areas such as monetary affairs or trade, the committee responsible shall ensure that Parliament is fully informed by the Commission about its recommendations for a negotiating mandate, if necessary on a confidential basis.

2. Parliament may, on a proposal from the committee responsible, a political group or at least thirty-two Members, request 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 it is intended to open negotiations, the chosen legal basis for concluding the international agreements referred to in paragraph 1. The committee responsible shall verify the chosen legal basis pursuant to Rule 63. Where the Commission fails to designate a legal basis, or where there is doubt about its appropriateness, Rule 63 shall apply.

4. Throughout the negotiations the Commission and the Council shall inform the committee responsible regularly and thoroughly of the progress in the negotiations, if necessary on a confidential basis.

5. 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 49, adopt recommendations and require that these be taken into account before the conclusion of the international agreement under consideration.

6. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for opinion or for assent. For the assent procedure Rule 86 shall apply.

7. Parliament shall give its opinion on, or its assent to, the conclusion, renewal or amendment of an international agreement or a financial protocol concluded by the European Community in a single vote by a majority of the votes cast without amendments to the text of the agreement or protocol being admissible.

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

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

Rule 98

Procedures based on Article 300 of the EC Treaty in the case of provisional application or the suspension of international agreements or the establishment of the Community position in a body set up by an international agreement

Where the Commission and/or the Council are under an obligation to inform Parliament immediately and fully, pursuant to Article 300(2) of the EC Treaty, a statement shall be made in Parliament, followed by a debate. Parliament may issue recommendations pursuant to Rules 97 or 104.

Rule 99

Appointment of the High Representative for the common foreign and security policy

1. Prior to the appointment of a High Representative for the common foreign and security policy, the President shall invite the President-in-Office of the Council to make a statement to Parliament, pursuant to Article 21 of the EU Treaty. The President shall invite the President of the Commission to make a statement at the same time.

2. Upon the appointment of the new High Representative for the common foreign and security policy, pursuant to Article 207(2) of the EC Treaty, and before he officially takes up his duties, the President shall invite the High Representative to make a statement to, and answer questions from, the committee responsible.

3. Following the statements and answers referred to in paragraphs 1 and 2 and at the initiative of the committee responsible, or in accordance with Rule 49, Parliament may make a recommendation.

Rule 100

Appointment of special representatives for the purposes of the common foreign and security policy

1. Where the Council intends to appoint a Special Representative under Article 18(5) of the EU Treaty, 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 49 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 his mandate.

Rule 101

Statements by the High Representative for the common foreign and security policy and by other special representatives

1. The High Representative shall be invited to make statements in Parliament at least four times a year. Rule 37 shall apply.

2. The High Representative shall be invited at least four times a year to attend meetings of the committee responsible in order to make a statement and answer questions. The High Representative may also be invited on other occasions, whenever the committee considers this to be necessary, or at his initiative.

3. Whenever a special representative is appointed by the Council with a mandate in relation to particular policy issues, he may be invited to make a statement to the committee responsible, at Parliament's or at his initiative.

Rule 102

International representation

1. Where a Head of a Commission 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 answers provided.

Rule 103

Consultation of and provision of information to Parliament within the framework of the common foreign and security policy

1. Where Parliament is consulted pursuant to Article 21 of the EU Treaty, the matter shall be referred to the committee responsible which may make recommendations pursuant to Rule 104.

2. The committees concerned shall seek to ensure that the High Representative for the common foreign and security policy, the Council and the Commission provide 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 Commission, the Council or the High Representative, a committee may decide to hold its proceedings in camera.

3. An annual debate shall be held on the consultative document established by the Council on the main aspects and basic choices of the common foreign and security policy, including the financial implications for the Union budget. The procedures laid down in Rule 37 shall apply.

(See also interpretation under Rule 49.)

4. The Council and/or the High Representative and the Commission shall be invited to each plenary debate that involves either foreign, security or defence policy.

Rule 104

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 within the meaning of Rule 49.

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 process for adopting these recommendations, which must be put to the vote in the form of a written text, Rule 117 shall not apply and oral amendments shall be admissible.

The non-application of Rule 117 is possible only in committee and only in urgent cases. Neither at committee meetings not declared to be urgent nor in plenary sitting may there be any departure from the provisions of Rule 117.

The provision stating that oral amendments shall be 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 of a current part-session. Recommendations shall be deemed adopted unless, before the beginning of the part-session, at least thirty-two 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 thirty-two Members may table amendments.

Rule 104a

Violation 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 104(4) concerning cases of violation of human rights.

CHAPTER XII

POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS

Rule 105

Provision of information to Parliament in the fields of police and judicial cooperation in criminal matters

1. The committee responsible shall ensure that Parliament is fully and regularly informed on the activities covered by police and judicial cooperation in criminal matters and that its opinions are duly taken into consideration when the Council adopts common positions defining the approach of the Union to a particular matter pursuant to Article 34(2)(a) of the EU Treaty.

2. Exceptionally, at the request of the Commission or the Council, a committee may decide to hold its proceedings in camera.

3. The debate referred to in Article 39(3) of the EU Treaty shall be held in accordance with the arrangements laid down in Rule 37(2), (3) and (4).

Rule 106

Consultation of Parliament in the fields of police and judicial cooperation in criminal matters

Consultation of Parliament pursuant to Article 34(2)(b), (c) and (d) of the EU Treaty shall be dealt with pursuant to Rules 58, 60, 61, 63, 63a, 64 and 67.

Where applicable, consideration of the proposal shall then be placed, at the latest, on the agenda of the last sitting to be held before expiry of the time limit laid down in accordance with Article 39(1) of the EU Treaty.

When Parliament is consulted on the draft Council decision appointing the Director and Board members of Europol, Rule 35 shall apply mutatis mutandis.

Rule 107

Recommendations in the fields of police and judicial cooperation in criminal matters

1. The committee responsible for matters relating to police and judicial cooperation in criminal matters may draw up recommendations to the Council in the field covered by Title VI of the EU Treaty after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 49.

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. Recommendations drawn up in this way shall be included on the agenda for the next part-session. Rule 104(4) shall apply mutatis mutandis.

(See also interpretation under Rule 49.)

CHAPTER XIII

BREACH BY A MEMBER STATE OF FUNDAMENTAL PRINCIPLES

Rule 108

Determination of a breach

1. Parliament may, on the basis of a specific report of the committee responsible under Rule 163:

(a) vote on a reasoned proposal calling on the Council to act pursuant to Article 7(1) of the EU Treaty;

(b) vote on a proposal calling on the Commission or the Member States to submit a proposal pursuant to Article 7(2) of the EU Treaty;

(c) vote on a proposal calling on the Council to act pursuant to Article 7(3) or, subsequently, Article 7(4) of the EU Treaty;

2. Any request from the Council for assent on a proposal submitted pursuant to Article 7(1) and (2) of the EU Treaty

along with the observations submitted by the Member State shall be announced to Parliament. 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, representing a majority of Parliament's component Members.

4. The committee responsible may submit an accompanying motion for a resolution when Parliament is called upon to give its assent pursuant to paragraph 2. This 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 assent 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.

CHAPTER XIV

ENHANCED COOPERATION

Rule 109

Procedures in Parliament

1. Requests by Member States or Commission proposals to introduce enhanced cooperation between Member States and consultations of Parliament pursuant to Article 40a(2) of the EU Treaty shall be referred by the President to the committee responsible for consideration. Rules 60, 63 to 72 and 86 shall apply as appropriate.

2. The committee responsible shall verify compliance with Article 11 of the EC Treaty and Articles 27a, 27b, 40, 43, 44 and 44a of the EU Treaty.

3. Subsequent acts 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.

CHAPTER XV

ORDER OF BUSINESS OF PARLIAMENT

Rule 110

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 Chairmen and taking into account the agreed annual legislative programme referred to in Rule 57.

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

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 50.

4. The final draft agenda shall be distributed to Members at least three hours before the beginning of the part-session.

Rule 110a

Procedure in plenary without amendment and debate

1. Any legislative proposal (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 fix 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 if requested by a political group or at least thirty-two Members.

3. When drawing up the final draft agenda of 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 thirty-two 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 chairman of the committee responsible may make a statement of not more than two minutes immediately prior to the vote.

Rule 111

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 thirty-two 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 112 and 143 to 147 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 111a

Extraordinary debate

1. A political group or at least thirty-two 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 chairmen 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, having been notified to Members 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 pursuant to Rule 120(2) and (3).

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

Rule 112

Urgent procedure

1. A request that a debate on a proposal on which Parliament has been consulted pursuant to Rule 60(1) be treated as urgent may be made to Parliament by the President, a committee, a political group, at least thirty-two 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 he shall announce this 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 chairman and/or rapporteur of the committee responsible may be heard, in each case for not 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 113

Joint debate

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

Rule 114

Deleted

Rule 115

Time limits

Except in the cases of urgency referred to in Rules 50 and 112, a debate and vote shall not be opened on a text unless it was distributed at least twenty-four hours previously.

CHAPTER XVI

GENERAL RULES FOR THE CONDUCT OF SITTINGS

Rule 116

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 117

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 meetings from and into the official languages used and requested by the members and substitutes of that committee.

Where it has been established after the result of a vote has been announced that there are discrepancies between different language versions, the President shall decide whether the result announced is valid pursuant to Rule 138(5). If he declares the result valid, he shall 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 118

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 119

Calling speakers and content of speeches

1. No Member may speak unless called upon to do so by the President. Members shall speak from their places and shall address the Chair; the President may invite them to come to the rostrum.

2. If a speaker departs from the subject, the President shall call him to order. If a speaker has already been called to order twice in the same debate, the President may, on the third occasion, forbid him to speak for the remainder of the debate on the same subject.

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

4. A speaker may not be interrupted except by the President. He may, however, by leave of the President, give way during his speech to allow another Member, the Commission or the Council to put a question to him on a particular point in his speech.

Rule 120

Allocation of speaking time

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. Speaking time 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 subparagraphs (a) and (b).

3. 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.

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

5. The Commission and Council shall be heard in the debate on a report as a rule immediately after its presentation by the rapporteur. However, in a debate on a Commission proposal, the President shall invite the Commission to speak first in order to briefly present its proposal, and when debating a text originating from the Council, the President may invite the Council to speak first, in each case to be followed by the rapporteur. The Commission and Council may be heard again, in particular to respond to the statements made by Members.

6. Without prejudice to Article 197 of the EC Treaty, the President shall seek to reach an understanding with the Commission and Council on appropriate allocation of speaking time for them.

7. 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 that shall be appended to the verbatim report of the debate.

Rule 121

List of speakers

1. The names of Members who ask leave to speak shall be entered in the list of speakers in the order in which their requests are received.

2. The President shall call upon Members to speak, ensuring as far as possible that speakers of different political views and using different languages are heard in turn.

3. On request, however, priority may be given to the rapporteur of the committee responsible and to the chairmen of political groups who wish to speak on behalf of their groups, or to speakers deputising for them.

4. No Member may speak more than twice on the same subject, except by leave of the President.

The chairman and the rapporteur of the committees concerned shall, however, be allowed to speak at their request for a period to be decided by the President.

Rule 121a

One-minute speeches

For a period of not more than thirty 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 122

Personal statements

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

The Member concerned may not speak on substantive matters but shall confine his observations to rebutting any remarks that have been made about his person in the course of the debate or opinions that have been attributed to him, or to correcting observations that he himself has made.

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

Rule 123

Order in the Chamber

1. The President shall call to order any Member who creates a disturbance during the proceedings.

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. If a further offence is committed, the President may exclude the offender from the Chamber for the remainder of the sitting. The Secretary-General shall see to it that this disciplinary measure is carried out immediately, with the assistance of the ushers and, if necessary, of Parliament's Security Service.

Rule 124

Exclusion of Members

1. In serious cases of disorder or disruption of Parliament, the President may, after giving formal notice, move, either immediately or no later than the next part-session, that Parliament pass a vote of censure which shall automatically involve immediate exclusion from the Chamber and suspension for two to five days.

2. Parliament shall decide whether to take such disciplinary action at a time to be decided by the President, which shall be either at the sitting during which the events in question occurred or, in the case of disruption outside the Chamber, when the President was informed, or at the latest at the next part-session. The Member concerned shall be entitled to be heard by Parliament before the vote. His speaking time shall not exceed five minutes.

3. An electronic vote shall be taken without debate on the request for disciplinary action. Requests submitted pursuant to Rules 126(3) and 134(1) shall not be admissible.

Rule 125

Disturbances

Should disturbances in Parliament threaten to obstruct the business of the House, the President shall close or suspend the sitting for a specific period to restore order. If he cannot make himself heard, he shall leave the Chair; this shall have the effect of suspending the sitting. The President shall reconvene the sitting.

CHAPTER XVII

QUORUM AND VOTING

Rule 126

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 thirty-two Members, establishes at the moment 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 of the next sitting.

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

When establishing the result of the vote, account must be taken, pursuant to paragraph 2, of all the Members present in the Chamber and, pursuant to 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.

Paragraph 3 last sentence 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.

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

Rule 127

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 the 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 common position has been tabled, the common position shall be deemed to have been approved in accordance with Rule 78;

(b) a proposal to reject the common position shall be voted upon before voting on any amendments (see Rule 79(1));

(c) where several amendments to the common position have been tabled they shall be put to the vote in the order set out in Rule 130;

(d) where Parliament has proceeded to a vote to amend the common position, a further vote on the text as a whole may only be taken in accordance with Rule 79(2).

3. The procedure set out in Rule 83 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 contradict 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 his committee's views on the amendments put to the vote.

Rule 128

Tied votes

1. In the event of a tied vote under Rule 127(1)(b) or (d), the text as a whole shall be referred back to committee. This shall also apply to votes under Rules 6a and 7 and to final votes under Rules 152 and 168, on the understanding that, for 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 111) or the minutes as a whole (Rule 148), or on a text put to a split vote under Rule 131, 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 129

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 chairman 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, it 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 130

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 stand 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 to the vote before the amendment that departs furthest from the original text an amendment that is closer to 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.

Pursuant to Rule 140(3), the President shall decide whether amendments are admissible. In the case of compromise amendments tabled after the close of a debate, pursuant to paragraph 4, the President shall decide on their admissibility case by case, 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 shall be tabled by political groups, the chairmen, rapporteurs or draftsmen of the committees concerned or the authors of other amendments;*

— *as a general rule, compromise amendments shall 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 shall decide 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 thirty-two 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 130a

Committee consideration of plenary amendments

When over fifty amendments have been tabled to a report for consideration in Parliament, the President may, after consulting its chairman, request the committee responsible to meet to consider the amendments. Any amendment 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 131

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 each with a distinct logical meaning and normative value, a split vote may be requested by a political group or at least thirty-two 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 132

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 shall be considered as a serious case of disorder as referred to in Rule 124(1) and shall have the legal consequences mentioned in that Rule.

Rule 133

Voting

1. Normally 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 134

Voting by roll call

1. In addition to the cases provided for under Rules 33(4) and 34(5), the vote shall be taken by roll call if so requested in writing by a political group or at least thirty-two Members the evening before the vote unless the President sets a different deadline.

2. 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 135

Electronic voting

1. The President may at any time decide that the voting operations indicated in Rules 133, 134 and 136 shall 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 pursuant to Rules 133, 134(2) or 136.

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 134(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 134(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 136

Voting by secret ballot

1. In the case of appointments, voting shall be by secret ballot without prejudice to Rules 13(1), 152(1) and 157(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 requested by at least one-fifth of the component Members of Parliament. Such requests must be made before voting begins.

3. A request for a secret ballot shall take priority over a request for a vote by roll call.

4. Between two and six Members chosen by lot shall count the votes cast in a secret ballot.

In the case of votes pursuant to 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 137

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 shall be admissible on the final vote on any subject submitted to Parliament. The term 'final vote' does not prejudge 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 Commission proposal or a report has been included on the agenda of Parliament pursuant to Rule 110a, Members may submit written explanations of vote pursuant to 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 138

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. His decision shall be final.

Rule 139

Tabling and moving amendments

1. Any Member may table amendments for consideration in the committee responsible.

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

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

Amendments to documents of a legislative nature within the meaning of Rule 60(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 140, an amendment may seek to change any part of a text, and may be directed to deleting, adding or substituting words or figures.

In this and the following Rule the term 'text' means the whole of a motion for a resolution/draft legislative resolution, of a proposal for a decision or of a Commission proposal.

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.

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 thirty-two Members object.

Oral amendments tabled in committee may be put to the vote unless one of the committee's members objects.

Rule 140

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 it is sought to amend does not call for amendment; in this case, the President shall seek out a suitable linguistic remedy together with those concerned.

2. An amendment shall lapse 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 pursuant to 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 may table an alternative motion for a resolution to a non-legislative motion for a resolution contained in a committee report.

In such a case, the group may not table amendments to the motion for a resolution by the committee responsible. The group's 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.

CHAPTER XVIII

INTERRUPTIVE AND PROCEDURAL MOTIONS

Rule 141

Procedural motions

1. Requests to move a procedural motion, namely:

(a) the inadmissibility of a matter (Rule 143);

(b) referral back to committee (Rule 144);

(c) the closure of a debate (Rule 145);

(d) the adjournment of a debate and vote (Rule 146);

(e) the suspension or closure of the sitting (Rule 147);

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 chairman or rapporteur of the committee responsible.

2. Speaking time shall not exceed one minute.

Rule 142

Points of order

1. A Member may be allowed to speak to draw the attention of the President to any failure to respect Parliament's Rules of Procedure. The Member shall first specify to which Rule he is 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 his ruling immediately after the point of order has been raised. No vote shall be taken on the President's decision.

5. Exceptionally, he may state that he will announce his ruling later, but not more than twenty-four 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.

Rule 143

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 twenty-four 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 144

Referral back to committee

1. Referral back to committee may be requested by a political group or at least thirty-two 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 twenty-four 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 thirty-two 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 different 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 shall report its conclusions.

Rule 145

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 thirty-two Members. Such a proposal or request shall be put to the vote immediately.

2. If the proposal or request is carried, only one Member 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 that debate, except by the President.

Rule 146

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 thirty-two 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 twenty-four 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 that part-session.

4. Before or during a vote, a political group or at least thirty-two 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 shall be drawn up pursuant to Rules 110 and 111.

Rule 147

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 thirty-two Members. Such a proposal or request shall be put to the vote immediately.

CHAPTER XIX

PUBLIC RECORD OF PROCEEDINGS

Rule 148

Minutes

1. The minutes of each sitting, containing 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 paragraph, even if the relevant Commission proposal or the Council's common position is ultimately rejected, pursuant to Rule 68(1) or Rule 79(3) respectively.

The texts adopted by Parliament shall be distributed separately. Where legislative texts adopted by Parliament contain amendments, they shall be published in a consolidated version.

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 minutes 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 within one month in the *Official Journal of the European Union*.

Rule 149

Verbatim reports

1. A verbatim report of the proceedings of each sitting shall be drawn up in the official languages.

2. Speakers shall be required to return typescripts of their speeches to the Secretariat not later than the day following that on which they received them.

3. The verbatim report shall be published as an annex to the *Official Journal of the European Union*.

CHAPTER XX

COMMITTEES

Rule 150

Setting up of committees

1. On a proposal from the Conference of Presidents, Parliament shall set up standing committees whose powers shall be defined in an annex to the Rules of Procedure ([9]). Their members shall be elected during the first part-session following the re-election of Parliament and again two and a half years thereafter.

2. Parliament may at any time set up temporary 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 twelve months, except where Parliament extends that term on its expiry.

As the powers, composition and terms of office of temporary committees are decided at the same time as these committees are set up, it follows that Parliament cannot subsequently decide to alter their powers either by increasing or reducing them.

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The provisions of this Rule that powers are determined at the same time as a committee is set up apply only in the case of temporary committees.

The powers of standing committees, on the other hand, are recorded in an annex to the Rules of Procedure and are laid down by a different procedure. They can therefore be determined at a time other than that at which the committee is set up.

Rule 151

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 Community law or alleged maladministration in the application of Community law which would appear to be the act of an institution or 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.

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 ([10]).

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 set up a committee and, if it decides to do so, on its composition, in accordance with the provisions of Rule 152.

4. A committee of inquiry shall conclude its work with the submission of a report within not more than twelve 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.

([9]) See Annex VI.

([10]) See Annex VIII.

5. A committee of inquiry shall elect its chairman and two vice-chairmen 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. When a committee of inquiry considers that one of its rights has 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.

Travel and accommodation expenses of members and officials of Community institutions and bodies shall be borne by the latter. 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.

Any person called to give evidence before a committee of inquiry may claim the rights they would enjoy if acting 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 117. However, the bureau of the committee:

— may restrict interpretation to the official languages of those who are to take 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 chairman 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. He shall also explicitly refer to the provisions of Article 2(2) of the Decision referred to above. Annex VII(A) of the 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 161. 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 Communities or the Member States.

11. The President shall instruct the committee responsible pursuant to Annex VI to monitor the action taken on the results of the work of the committee of inquiry and, if appropriate, to report thereon. He 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 amendments, in accordance with Rule 152(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 152

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 a Member changes political groups he shall retain, for the remainder of his two and a half year term of office, the seats he holds 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 shall be made by the Conference of Presidents in accordance with the procedure laid down in paragraph 1, second sentence, whereby the individual rights of the Member concerned shall be guaranteed.

2. Amendments to the proposals of the Conference of Presidents shall be admissible only if they are tabled by at least thirty-two Members. Parliament shall vote on such amendments by secret ballot.

3. Members shall be deemed to be elected on the basis of the proposals by the Conference of Presidents, as and where amended pursuant to paragraph 2.

4. Where a political group fails to submit nominations for membership of a committee of inquiry pursuant to 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 and having regard to paragraph 1.

6. Any such changes shall be placed before Parliament for ratification at the next sitting.

Rule 153

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 no permanent substitutes have been appointed or in their absence, the full member of the committee may arrange to be represented at meetings by another member of his political group, who shall be entitled to vote. The name of the substitute shall be notified to the chairman of the committee 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.

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The provisions of this Rule encompass two concepts which are clearly defined by this text:

— *a political group may not have more permanent substitutes for 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;*

— *where the number of a political group's full members in a committee is altered, the maximum number of permanent substitutes which it can appoint to that committee is altered accordingly;*

— *when a Member changes political groups, he may not keep the status of permanent substitute which he had as a member of his original group;*

— *a committee member may not under any circumstances be a substitute for a colleague who belongs to another political group.*

Rule 154

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 duties of temporary 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 150(2).)

2. Should a standing committee declare itself not competent to consider a question, or should a conflict arise 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 Committee Chairmen shall be notified and may make a recommendation to the Conference of Presidents. The Conference of Presidents shall take a decision within six working weeks of the referral

of the question of competence. Otherwise the question shall be included for a decision on the agenda for the subsequent part-session.

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 coming within their competence, but they may not take a decision.

5. Any committee may, with the agreement of the Bureau of Parliament, instruct one or more of its members to undertake a study or fact-finding mission.

Rule 155

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 156

Subcommittees

1. Subject to prior authorisation by the Conference of Presidents, a standing or temporary committee may, in the interests of its work, appoint one or more subcommittees, of which it shall at the same time determine the composition, pursuant to Rule 152, and area 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 157

Committee bureaux

1. At the first committee meeting after the election of committee members pursuant to Rule 152, the committee shall elect a bureau consisting of a chairman and one, two or three vice-chairmen who shall be elected in separate ballots.

2. Where the number of nominations corresponds to the number of seats to be filled, the election may take place by acclamation.

Where 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.

Where 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 158

Simplified procedure

1. Following a first discussion of a legislative proposal, the chairman may propose that it be approved without amendment. Unless at least one-tenth of the members of the committee object, the chairman shall present to Parliament a report approving the proposal. Rule 110a(1), second subparagraph, (2) and (4) shall apply.

2. The chairman may alternatively propose that he or the rapporteur draft a set of amendments 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 twenty-one days from the date of dispatch, the report shall be considered as having 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 110a(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.

Rule 159

Legislative reports

1. The chairman of the committee to which a Commission proposal has been referred shall propose to the committee the procedure to be followed.

2. Following a decision on the procedure to be followed, and if Rule 158 does not apply, the committee shall appoint a rapporteur on the Commission proposal from among its members or permanent substitutes if it has not yet done so on the basis of the annual legislative programme agreed under Rule 57.

3. The committee's report shall comprise:

(a) draft 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 67(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 financial perspective.

Rule 160

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 financial perspective;

(c) the texts of any motions for resolutions to be included under Rule 48(4).

Rule 161

Explanatory statements and deadlines

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 chairman 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 chairman 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 shall submit his draft report. This deadline may be extended or a new rapporteur appointed.

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

Rule 162

Opinions of committees

1. Should the committee to which a question was first referred wish to hear the views of another committee, or should another committee wish to make known its views on the report of the committee to which a question was first referred, such committees may ask the President that, in accordance with Rule 154(3), one committee 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 60(1), the opinion shall consist of draft amendments to the text referred to the committee accompanied, if appropriate, by short justifications. Such justifications shall be the responsibility of the draftsman and shall not be put to the vote. If necessary the committee may submit a short written justification for the opinion taken as a whole.

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 draft amendments or suggestions to the vote.

The opinions shall deal solely with those matters that fall under the areas of responsibility of the committee giving an opinion.

3. The committee responsible shall fix a deadline within which the committee asked for an opinion must deliver it if it is to be taken into account in 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 Parliament.

6. The chairman and draftsman 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 162a

Enhanced cooperation between committees

Where in the opinion of the Conference of Presidents a question falls almost equally within the competence of two committees, or where different parts of the question fall under the competence of two different committees, Rule 162 shall apply with the following additional provisions:

— the timetable shall be jointly agreed by the two committees;

— the rapporteur and the draftsman shall endeavour to agree on the texts they propose to their committees and on their position regarding amendments;

— the committee responsible shall accept without a vote amendments from the committee asked for an opinion where they concern matters which the chairman of the committee responsible considers, on the basis of Annex VI, after consulting the chairman of the committee asked for an opinion, to fall under the competence of the committee asked for an opinion, and which do not contradict other elements of the report.

Rule 163

Own-initiative reports

1. 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 consultation nor a request for an opinion has been referred to it pursuant to Rule 154(1) may do so only with the authorisation of the Conference of Presidents. Where such authorisation is withheld the reason must always be stated.

2. The provisions of this Rule shall apply mutatis mutandis in cases where the Treaties attribute the right of initiative to Parliament.

In such cases, the Conference of Presidents shall take a decision within two months.

Rule 164

Question Time in committee

Question Time may be held in committee if a committee so decides. Each committee shall decide its own rules for the conduct of Question Time.

Rule 165

Procedure in committee

1. 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.

2. 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 134(2).

3. The chairman may take part in discussions and may vote, but without having a casting vote.

4. Rules 12, 13, 14, 17, 18, 117, 118, 119, 121(1), 123, 125, 127, 128, 130, 131(1), 132, 133, 135, 136, 138, 139, 140, 141, 142, 143, 146 and 147 shall apply mutatis mutandis to committee meetings.

5. In the light of the amendments tabled, the committee may, instead of proceeding to a vote, request 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 166

Committee meetings

1. A committee shall meet when convened by its chairman or at the request of the President.

2. The Commission and Council may take part in committee meetings if invited to do so on behalf of a committee by its chairman.

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' personal assistants to be present at committee meetings shall be 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.

3. Without prejudice to Rule 162(6) and unless a committee decides otherwise, Members may attend meetings of committees to which they do not belong but may not take part in their deliberations.

Such Members may, however, be allowed by the committee to take part in its proceedings in an advisory capacity.

Rule 167

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 at its next meeting.

CHAPTER XXI

INTERPARLIAMENTARY DELEGATIONS

Rule 168

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 bearing in mind 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 fair representation of Member States and of political views. Rule 152(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 pursuant to Rule 157.

4. Parliament shall determine the general powers of the individual delegations. It may at any time decide to increase or restrict these 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 Chairmen.

6. The chairman of a delegation shall submit to the committee responsible for foreign affairs and security a report on the activities of the delegation.

Rule 169

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 the arrangements for implementing these provisions.

Rule 170

Joint parliamentary committees

1. The European Parliament may set up joint parliamentary committees with the parliaments of States associated with the Community 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 agreement in question. Such procedures shall be based on the principle of parity between the delegation of the European Parliament and the delegation 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.

CHAPTER XXII

OPENNESS AND TRANSPARENCY

Rule 171

Transparency of Parliament's activities

1. Parliament shall ensure the utmost transparency of its activities, in line with the provisions of Articles 1, 3, second paragraph, 28(1) and 41(1) of the EU Treaty, Article 255 of the EC Treaty 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 decide, however, at the latest when the agenda of a meeting is adopted, to divide the agenda for that meeting 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 European Parliament and Council Regulation (EC) No 1049/2001, open documents and minutes from the meeting to public access.

4. Consideration by the committee responsible of requests relating to procedures on immunity pursuant to Rule 6a shall always take place in camera.

Rule 172

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 conformity with Article 255 of the EC Treaty, subject to the principles, conditions and limits laid down in European Parliament and Council Regulation (EC) No 1049/2001 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 expression '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 Chapter III, Parliament's governing bodies, committees or interparliamentary delegations, or by the Secretariat of Parliament.

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 recorded.

3. Parliament shall establish a register of Parliament documents. Legislative documents and other documents as indicated in an Annex to these Rules ([11]) shall, in accordance with Regulation (EC) No 1049/2001, be made directly accessible through the register. References for 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 Parliament and annexed to these Rules ([12]). This list shall not restrict the right of access to documents not falling under the categories listed.

Parliament documents which are not directly accessible through the register shall be made available on written application.

The Bureau may adopt rules, in conformity 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 determine the authorities in charge of 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 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 pursuant to Article 17 of the Regulation.

Rule 173

Deleted

CHAPTER XXIII

PETITIONS

Rule 174

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. Petitions must be written in one of the official languages of the European Union.

([11]) See Annex XV.
([12]) See Annex XV.

Petitions written in any other language will be considered only where the petitioner has attached a translation or summary drawn up in an official language of the European Union. The translation or summary shall form the basis of Parliament's work. Parliament's correspondence with the petitioner shall employ the official language in which the translation or summary is drawn up.

4. 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 therefor.

5. Petitions entered in the register shall be forwarded by the President to the committee responsible, which shall first ascertain whether the petitions registered fall within the sphere of activities of the European Union.

6. Petitions declared inadmissible by the committee shall be filed; the petitioner shall be informed of the decision and the reasons therefor.

7. In such cases the committee may suggest to the petitioner that he contact the competent authority of the Member State concerned or of the European Union.

8. Unless the person submitting the petition asks for it to be treated in confidence, it shall be entered in a public register.

9. Where the committee deems it appropriate, it may refer the matter to the Ombudsman.

10. 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 request those which it wishes to consider.

Rule 175

Examination of petitions

1. The committee responsible may decide to draw up a report or otherwise express its opinion on petitions it has declared admissible.

The committee may, particularly in the case of petitions which seek changes in existing law, request opinions from other committees pursuant to Rule 162.

2. An electronic register shall be set up in which citizens may lend their support to the petitioner, appending their own electronic signature to petitions which have been declared admissible and entered in the register.

3. When considering petitions or establishing facts, the committee may organise hearings of petitioners or general hearings or dispatch members to establish the facts of the situation in situ.

4. With a view to preparing its opinions, the committee may request the Commission to submit documents, to supply information and to grant it access to its facilities.

5. The committee shall, where necessary, submit motions for resolutions to Parliament on petitions which it has considered.

The committee may also request that its opinions be forwarded by the President to the Commission or the Council.

6. 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.

7. The President shall inform petitioners of the decisions taken and the reasons therefor.

Rule 176

Notice of petitions

1. Notice shall be given in Parliament of the petitions entered in the register referred to in Rule 174(4) 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 to this. Confidential petitions shall be preserved in the records of Parliament, where they shall be available for inspection by Members.

CHAPTER XXIV

OMBUDSMAN

Rule 177

Appointment 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 thirty-two 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 eldest candidate shall prevail.

6. Before opening the vote, the President shall ensure that at least half of Parliament's component Members are present.

7. The person appointed 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 178

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 if he 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.

Rule 179

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 for information to the Rules of Procedure ([13]).

2. The Ombudsman shall, in accordance with Article 3(6) and (7) of the above decision, inform Parliament of cases of maladministration, on which the committee responsible may draw up a report. He shall also, in accordance with Article 3(8) of the above 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 inform the committee responsible at its request, or be heard by it on his own initiative.

([13]) See Annex X.

CHAPTER XXV

APPLICATION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 180

Application of the Rules of Procedure

1. Should doubt arise over the application or interpretation of these Rules of Procedure, the President may, without prejudice to any previous decisions in this field, refer the matter to the committee responsible for examination.

Where a point of order is raised under Rule 142, the President may also refer the matter to the committee responsible.

2. The committee shall decide whether it is necessary to propose an amendment to the Rules of Procedure. In this case it shall proceed in accordance with Rule 181.

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 thirty-two 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, notably following enlargements of the European Union.

Rule 181

Amendment of the Rules of Procedure

1. Any Member may propose amendments to these Rules and to the annexes thereto accompanied, if 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 130, 139 and 140 to consideration of such proposed amendments in Parliament, references made in those Rules to the 'original text' or the 'Commission proposal' 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 the annexes thereto shall enter into force on the first day of the part-session following their adoption.

CHAPTER XXVI

SECRETARIAT OF PARLIAMENT — ACCOUNTING

Rule 182

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 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 to what categories of officials and servants Articles 12 to 14 of the Protocol on the privileges and immunities of the European Communities shall apply in whole or in part.

The President of Parliament shall inform the appropriate institutions of the European Union accordingly.

Rule 183

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 the tabling of 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 Council.

6. The foregoing provisions shall also apply to supplementary estimates.

Rule 184

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 giving of a discharge.

CHAPTER XXVII

MISCELLANEOUS PROVISIONS

Rule 185

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 185a

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 to terminate the holding of office of the President, a Vice-President, a Quaestor, a Chairman or Vice-Chairman of a committee, a Chairman or Vice-Chairman 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, representing a majority of its component Members.

Rule 186

Arrangement of annexes

The annexes to these Rules of Procedure shall be arranged under the following three headings:

(a) implementing provisions for procedures under these Rules, adopted by a majority of the votes cast (Annex VI);

(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, V, VII(A) and (C), IX and XV);

(c) interinstitutional agreements or other provisions adopted pursuant to 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 VII(B), VIII, X, XI, XII, XIII, XIV and XVI).

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 a Member may be validly nominated as an office-holder of Parliament or one of its bodies, pursuant to Rules 13, 157 or 168(3), or participate in an official delegation, pursuant to Rule 82 or 168(2), he must have duly completed the declaration provided for in Article 2.

Article 2

The Quaestors shall keep a register in which each Member shall make a personal, detailed declaration of:

(a) his professional activities and any other remunerated functions or activities,

(b) any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to the Member in connection with his 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 a Member does not fulfil his obligation to submit a declaration pursuant to (a) and (b), the President shall remind him once again to submit the declaration within two months. If the declaration has not been submitted within the time limit, the name of the Member 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 Member continues to refuse to submit the declaration after the infringement has been published the President shall take action in accordance with Rule 124 to suspend the Member concerned.

Chairmen 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

Pending the introduction of a statute for Members of the European Parliament to replace the various national rules, 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 43

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 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. He 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 where 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 his substitute.

10. If neither the questioner nor his substitute is present, the question shall lapse.

11. If a Member tables a question, but neither he nor his substitute are present at Question Time, the President shall write to the Member reminding him of his 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 his 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 44(4), first subparagraph, unless the authors thereof request application of Rule 44(3).

13. The procedure for answers in writing shall be governed by Rule 44(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.

Format

15. Question Time with the Commission may, with the agreement of the Commission, be divided into specific question times with individual Members of the Commission.

Question Time with the Council may, with the agreement of the Council, be divided into question times with the Presidency, the High Representative for common foreign and security policy or the President of the Eurogroup. It may also be divided by subject.

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 and in particular of paragraph 1 on admissibility;

2. Recommends more frequent use of the power conferred on the President of the European Parliament by Rule 43(3) to group questions for Question Time according to subject; considers, however, that only the questions falling within the 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 Annex II(A)(7) of the Rules of Procedure, to ensure that answers are concise and relevant to the subject of the question.

ANNEX III

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 50

Fundamental principles

1. Priority shall be given to motions for resolutions intended to lead to a vote in Parliament directed at 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 Treaty 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 chairmen, shall reach agreement with the Council and 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 IV

IMPLEMENTING PROCEDURES FOR EXAMINATION OF THE GENERAL BUDGET OF THE EUROPEAN UNION AND SUPPLEMENTARY BUDGETS

Article 1

Working documents

1. The following documents shall be printed and distributed:

(a) the communication from the Commission on the maximum rate laid down in Article 78(9) of the ECSC Treaty, Article 272(9) of the EC Treaty, and Article 177(9) of the EAEC Treaty;

(b) the proposal from the Commission or the Council fixing a new rate;

(c) a summary by the Council of its deliberations on the amendments and proposed modifications adopted by Parliament to the draft budget;

(d) the modifications made by the Council to the amendments adopted by Parliament to the draft budget;

(e) the Council's position on the fixing of a new maximum rate;

(f) the new draft budget drawn up pursuant to Article 78(8) of the ECSC Treaty, Article 272(8) of the EC Treaty and Article 177(8) of the EAEC Treaty;

(g) the draft decisions on the provisional twelfths laid down in Article 78b of the ECSC Treaty, Article 273 of the EC Treaty and Article 178 of the EAEC Treaty.

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

Rate

1. Subject to the conditions set out below, any Member may table and speak in support of proposals for decisions fixing a new maximum rate.

2. Such proposals shall be admissible only if they are tabled in writing and bear the signatures of at least thirty-two Members or are tabled on behalf of a political group or committee.

3. The President shall set the time limit for the tabling of such proposals.

4. The committee responsible shall report on these proposals before they are discussed in Parliament.

5. Parliament shall then vote on the proposals.

Parliament shall act by a majority of its component Members and three fifths of the votes cast.

Where the Council has informed Parliament of its agreement to the fixing of a new rate, the President shall declare in Parliament that the amended rate has been adopted.

If this is not the case, the Council's position shall be referred to the committee responsible.

Article 3

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;

— proposed modifications to the draft budget.

2. Draft amendments shall be admissible only if they are presented in writing, bear the signatures of at least thirty-two 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.

The same provisions shall apply to proposed modifications.

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

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

The President shall set two deadlines for tabling draft amendments and proposed modifications: the first shall be before, and the second after, the adoption of the report by the committee responsible.

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

Draft amendments and proposed modifications 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 thirty-two Members; this 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 the estimates were drawn up shall be discussed only where the committee responsible has delivered a favourable opinion.

6. Notwithstanding Rule 67(2) of the Rules of Procedure, Parliament shall take separate and successive votes on:

— each draft amendment and each proposed modification,

— each section of the draft budget,

— a motion for a resolution concerning the draft budget.

However, Rule 130(4) to (8) shall apply.

7. Articles, chapters, titles and sections of the draft budget in respect of which no draft amendments or proposed modifications 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.

Proposed modifications shall require for adoption a majority of the votes cast.

9. If Parliament has adopted draft amendments that would raise the expenditure shown in the draft budget above the maximum rate laid down, the committee responsible shall submit to Parliament a proposal laying down a new maximum rate as provided for in the last subparagraph of Article 78(9) of the ECSC Treaty, Article 272(9) of the EC Treaty and Article 177(9) of the EAEC Treaty. The proposal shall be put to the vote after the various sections of the draft budget have been voted on. Parliament shall act by a majority of its component Members and three fifths of the votes cast. Where the proposal is rejected, the draft budget as a whole shall be referred back to the committee responsible.

10. If Parliament has not amended the draft budget, adopted proposed modifications or adopted a proposal rejecting the draft budget, the President shall declare in Parliament that the budget has been finally adopted.

If Parliament has amended the draft budget or adopted proposed modifications, the draft budget thus amended or accompanied by proposed modifications shall be forwarded to the Council and the Commission, together with the justifications.

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

Article 4

Final adoption of the budget after the first reading

Where the Council has informed Parliament that it has not modified its amendments and that it has accepted or not rejected its proposed modifications, the President shall declare in Parliament that the budget has been finally adopted. He shall arrange for its publication in the *Official Journal of the European Union*.

Article 5

Consideration of the Council's deliberations — second stage

1. If the Council has modified one or more of the amendments adopted by Parliament, the text thus modified by the Council shall be referred to the committee responsible.

2. Subject to the conditions set out below, any Member may table and speak in support of draft amendments to the texts modified by the Council.

3. Such draft amendments shall be admissible only if they are presented in writing, bear the signature of at least thirty-two Members or are tabled on behalf of a committee and ensure the maintenance of a balance between revenue and expenditure. Rule 162(5) shall not apply.

Draft amendments shall be admissible only if they refer to the texts modified by the Council.

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

5. The committee responsible shall pronounce on the texts modified by the Council and deliver its opinion on the draft amendments to the modified texts.

6. Draft amendments to the texts modified by the Council shall be put to the vote in Parliament without prejudice to the provisions of Article 3(4) second subparagraph. Parliament shall act by a majority of its component Members and three fifths of the votes cast. If the draft amendments are adopted, the texts modified by the Council shall be deemed rejected. If they are rejected, the texts modified by the Council shall be deemed adopted.

7. The Council's summary of the results of its deliberations on the proposed modifications adopted by Parliament shall be debated and a motion for a resolution may then be put to the vote.

8. Upon completion of the procedure provided for in this Article, and subject to the provisions of Article 6, the President shall declare in Parliament that the budget has been finally adopted. He shall arrange for its publication in the *Official Journal of the European Union*.

Article 6

Total rejection

1. At least thirty-two Members or a committee may, for important reasons, table a proposal to reject the draft budget as a whole. Such a proposal shall be admissible only if it is accompanied by a written justification and tabled within the time limit set by the President. The reasons for rejection may not be contradictory.

2. The committee responsible shall deliver its opinion on such a proposal before it is put to the vote in Parliament.

Parliament shall act by a majority of its component Members and two thirds of the votes cast. If the proposal is adopted, the draft budget as a whole shall be referred back to the Council.

Article 7

Provisional twelfths system

1. Subject to the conditions set out below, any Member may submit a proposal for a decision different from that taken by the Council authorising expenditure in excess of the provisional one twelfth for expenditure other than that necessarily resulting from the Treaty or from acts adopted in accordance therewith.

2. Proposals for decisions shall be admissible only if they are presented in writing, bear the signature of at least thirty-two Members or are tabled by a political group or committee and state the grounds on which they are based.

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

4. Parliament shall act by a majority of its component Members and three fifths of the votes cast.

Article 8

Deleted

ANNEX V

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 248 of the EC Treaty;

(d) the Council recommendation.

2. These documents shall be referred to the committee responsible. Any committee concerned may deliver an opinion.

3. Where 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.

Amendments to the motion for a resolution to be put to the vote in plenary must be referred to the committee responsible for consideration.

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 Community'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

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Article 5

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 pursuant to Article 3(1)(c).

3. Unless otherwise stipulated in Article 5a, 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, pursuant to Article 198 of the EC Treaty.

Article 5a

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 will 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 of the motion for resolution or the proposal on closure containing provisions which contradict Parliament's vote on the discharge, the President, after consulting the chairman 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 pursuant to Article 3 to the Commission and to each of the other institutions. He 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 against the institution concerned, pursuant to Article 232 of the EC Treaty, for failure to comply with the obligations deriving from the comments accompanying the discharge decision or the other resolutions concerning implementation of expenditure.

ANNEX VI

POWERS AND RESPONSIBILITIES OF STANDING COMMITTEES [1]

I. Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

This committee is responsible for matters relating to:

1. the common foreign and security policy of the European Union, including the task of formulating a common defence and disarmament policy (Article 11 of the EU Treaty);

2. relations with the other institutions in the foreign policy sphere, and in particular with the High Representative for the common foreign and security policy;

3. political aspects of relations with third countries and international organisations with regard to the implementation of the Union's foreign and security policy;

4. determination of the foreign policy position with regard to the allocation of the major technical assistance and financial support programmes to third countries, in cooperation with the Committee on Budgets, the Committee on Budgetary Control, the Committee on Development and Cooperation and the Committee on Industry, External Trade, Research and Energy;

5. opening, monitoring and concluding negotiations concerning the accession of European States to the Union (Article 49 of the EU Treaty) without prejudice to the powers of the specialist committees;

6. opening, monitoring and concluding negotiations concerning association and partnership agreements (Article 310 of the EC Treaty) and other international agreements of a mainly political nature;

7. issues concerning human rights and democratisation in third countries including relations with international human rights organisations;

8. relations with the WEU (Article 17 of the EU Treaty);

9. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

This committee will coordinate the work of the interparliamentary delegations and the joint parliamentary committees and the cooperation committees and the ad hoc delegations, including those sent to monitor elections, both in preparing for and discussing the outcome of their meetings. The interparliamentary delegations will consult with the committee responsible on economic and trade matters.

II. Committee on Budgets

This committee is responsible for matters relating to:

1. the definition and exercise of Parliament's budgetary powers (Articles 268 to 273 of the EC Treaty) and the rules thereof dealing with establishment of the budget;

2. the budgets of the European Union including the ECSC budget and budgetisation of the European Development Fund;

3. the multiannual estimates of the Union's revenue and expenditure and the interinstitutional agreements concluded on these matters and the implementation of budgetary conciliation;

4. financial resources of the Union;

5. the financial activities of the EIB and the other financial and budgetary instruments of the European Communities and of the Member States (Articles 266 and 267 of the EC Treaty);

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[1] Adopted by decision of Parliament of 19 May 1983 in accordance with Rule 150 and amended by its decisions of 25 July 1984, 21 January 1987, 26 July 1989, 15 January 1992, 21 July 1994, 15 January 1997 and 15 April 1999.

6. financial implications of Community acts, without prejudice to the powers of the specialist committees;

7. problems relating to administrative and accounting management and the staff of the European Union, in so far as they do not have substantial implications for the legal status of officials;

8. transfers of appropriations;

9. Parliament's budget, administration and accounts (Rule 183);

10. the Financial Regulation, with the exception of matters relating to the implementation, management and control of budgets (Article 279 of the EC Treaty).

As regards problems relating to Parliament's budget, the Bureau and the Committee on Budgets will take decisions in successive stages on:

(a) the establishment plan;

(b) the preliminary draft and the draft estimates.

The decisions concerning the establishment plan will be taken according to the following procedure:

1. the Bureau shall draw up the establishment plan for each financial year;

2. a conciliation procedure between the Bureau and the Committee on Budgets shall be opened in cases where the opinion of the latter diverges from the initial decisions taken by the Bureau;

3. at the end of the procedure, the Bureau shall take the final decision on the estimates for the establishment plan, in accordance with Rule 182(3), without prejudice to decisions taken pursuant to Article 272 of the EC Treaty.

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 this procedure will be those laid down in Rule 183, viz.:

1. the Bureau shall draw up the preliminary draft estimates of revenue and expenditure (paragraph 1);

2. the Committee on Budgets shall draw up the draft estimates of revenue and expenditure (paragraph 2);

3. a conciliation procedure shall be opened in cases where the positions of the Committee on Budgets and the Bureau are widely divergent.

In exercising its powers the Committee on Budgets will cooperate closely with the Committee on Budgetary Control.

III. **Committee on Budgetary Control**

This committee is responsible for matters relating to:

1. the control of financial, budgetary and administrative implementing measures relating to the general budget of the European Union (including the EDF);

2. the control of the financial and administrative activities of the ECSC and the financial activities of the EIB carried out on the basis of instructions from the Commission;

3. the Financial Regulation in connection with matters relating to the implementation, management and control of budgets (Article 279 of the EC Treaty);

4. the decisions on discharge taken by Parliament and measures accompanying or implementing such decisions (Article 276 of the EC Treaty);

5. accounts and balance sheets relating to decisions concerning the closure, presenting and auditing of Parliament's revenue and expenditure as well as measures accompanying or implementing these decisions, in particular as part of the internal discharge procedure;

6. the closure, presenting and auditing of the accounts and balance sheets of the European Communities, their institutions and any bodies financed by them, including the establishment of appropriations to be carried over and the settling of balances;

7. the monitoring accompanying the implementation of current budgets on the basis of periodic reports provided by the Commission and measures taken for such implementation with the specialist committees or alternatively without prejudice to the powers of the specialist committee under these Rules;

8. the assessment of the effectiveness of the various forms of Community financing, the coordination of the various financial instruments and the assessment of the cost-benefit ratio in the implementation of the policies financed by the European Union;

9. consideration of the credit terms, financing mechanisms and the administrative structures designed to implement them, by examining cases of fraud and irregularities;

10. sets of rules or parts thereof dealing with the implementation of budgets;

11. the organisation of checks, the prevention, prosecution and punishment of fraud and irregularities affecting the budget of the European Union and concerning the protection of the Community's financial interests in general (Article 280 of the EC Treaty);

12. consideration of reports and opinions of the Court of Auditors (Article 248 of the EC Treaty);

13. relations with the Court of Auditors and the appointment of its members, without prejudice to the powers of the President of Parliament (Article 247 of the EC Treaty).

This committee will examine confidential documents concerning areas within in its remit, having full regard for the provisions of Annex VII.

IV. **Committee on Citizens' Freedoms and Rights, Justice and Home Affairs**

This committee is responsible for matters relating to:

1. citizens' rights, human rights and fundamental freedoms in the European Union;

2. the measures needed to combat all forms of discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 13 of the EC Treaty) other than those mentioned in VIII;

3. the protection of physical persons with regard to the processing of personal data and the free movement of such data (EC Treaty, in particular Article 286 thereof, and Title VI of the EU Treaty);

4. matters relating to the maintenance and development of an area of freedom, security and justice (Article 2, first paragraph, fourth indent, of the EU Treaty), in particular:

   (a) under the first pillar (Title IV of the EC Treaty), by means of measures concerning the entry and movement of persons (policies on immigration, asylum, visas, the crossing of borders and the right of residence) (Article 3(1)(d) of the EC Treaty);

   (b) under the third pillar (Title VI of the EU Treaty), by means of measures to prevent racism and xenophobia and combat crime, in particular terrorism, trafficking in persons and offences against children, drug trafficking, arms trafficking, corruption and fraud, through:

      — closer cooperation among police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with Articles 30 and 32 of the EU Treaty,

      — closer cooperation among judicial and other competent authorities in the Member States, in accordance with Article 31(a) to (d) and Article 32 of the EU Treaty,

      — the approximation of the rules on criminal matters in the Member States, in accordance with Article 31(e) (Article 29 of the EU Treaty);

5. the strengthened cooperation arrangements under the first and third pillars with a view to establishing an area of freedom, security and justice;

6. the European Monitoring Centre for Drugs and Drug Addiction and the European Monitoring Centre on Racism and Xenophobia;

7. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

V. **Committee on Economic and Monetary Affairs**

This committee is responsible for matters relating to:

1. the gradual establishment of Economic and Monetary Union;

2. medium and long-term economic and monetary planning (Articles 98 to 100 of the EC Treaty);

3. questions of monetary policy, 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 European Union's capital; application of Articles 56 to 60 and 101 to 124 of the EC Treaty);

4. relations with the European Central Bank;

5. the world monetary system;

6. application of the rules on competition, restrictive practices and monopolies (Articles 81 to 86 of the EC Treaty), without prejudice to the powers of the specialist committees;

7. questions relating to public aid (Articles 87 to 89 of the EC Treaty), without prejudice to the powers of the specialist committees;

8. tax harmonisation and the application of tax provisions relating to the free movement of goods, persons, services and capital in the internal market (Articles 90 to 93 of the EC Treaty);

9. financial services (Article 51(2) of the EC Treaty) and aspects related to the prudential supervision and monitoring of such services;

10. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

VI. **Committee on Legal Affairs and the Internal Market**

This committee is responsible for matters relating to:

1. legal aspects of the creation, interpretation and application of Community law, including the choice of legal basis for Community acts and compliance with the principles of subsidiarity and proportionality;

2. legal aspects of the creation, interpretation and application of international law, in so far as it affects the European Union;

3. all matters relating to the simplification of Community law, in particular legislative proposals for its official codification;

4. coordination at Community level of national legislation in the sphere of the internal market, in particular:

   (a) the establishment and operation of the internal market (Articles 14 and 15 of the EC Treaty);

   (b) the right of establishment and the freedom to provide services (Articles 43 to 55 of the EC Treaty), except for financial services;

   (c) the Office for Harmonisation in the Internal Market;

5. intellectual property law;

6. civil liability law, contract law and procedural law, irrespective of the sector concerned;

7. consumers' legal protection;

8. the Staff Regulations of the European Communities (Article 283 of the EC Treaty), with the exception of matters pertaining to remuneration, unless they have substantial implications for the legal status of staff;

9. the protection of Parliament's rights and prerogatives, including its involvement in actions before the Court of Justice and the Court of First Instance;

10. ethical questions related to new technologies, in strengthened cooperation with the relevant committee or committees;

11. verifying the credentials of newly elected Members and ruling on any dispute concerning the validity of the appointment of a Member;

12. privileges and immunities;

13. the Statute for Members;

14. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

VII. **Committee on Industry, External Trade, Research and Energy**

This committee is responsible for matters relating to:

1. Community industrial policy, including its application in specific sectors, such as telecommunications, the technological and economic aspects of the information society, the space industry, information technology and biotechnology, in particular:

   (a) the establishment and development of trans-European networks in the telecommunications infrastructure sector (Articles 154 to 156 of the EC Treaty);

   (b) the application of new technologies in specific industrial and service sectors, (standards, competition rules, freedom of movement and freedom to provide services and general problems relating to the organisation of production sectors);

   (c) Community technical standards (in conjunction with the European standardisation institutes);

2. monitoring of the Union's common commercial policy (Articles 131 to 134 of the EC Treaty), in particular:

   (a) international agreements governing economic and trade relations with third countries;

   (b) the economic and trade aspects of the European Economic Area and relations with EFTA;

   (c) matters concerning the OECD and regional economic and commercial integration organisations situated outside the Community, and agreements signed in that context;

   (d) all aspects concerning the WTO and other international economic organisations, particularly as regards trade in goods and services, investment, public contracts, competition and intellectual property;

   (e) the common external tariff and dumping practices by third countries;

   (f) economic cooperation, including the major programmes offering technical assistance and financial support to associated third countries (PHARE, TACIS MEDA) and the economic aspects of the association and partnership agreements;

3. fundamental or pre-industrial research, the Community research and technological development framework programme and other specific programmes (Articles 163 to 173 of the EC Treaty), in particular:

   (a) research and technological development agreements with third parties, and the application of such technological research and development;

   (b) dissemination of research findings;

   (c) the arrangements for the implementation of or participation in the framework research programme (Articles 168 to 171 of the EC Treaty);

4. the activities of the JRC, the Central Office for Nuclear Measurements, JET, ITER and other projects in the same area;

5. energy policy in general, and in particular energy supplies, including coal and nuclear energy under the ECSC and EAEC Treaties, in particular:

   (a) the Energy Charter;

(b) the establishment and development of trans-European networks in the energy infrastructure sector (Articles 154 to 156 of the EC Treaty);

(c) nuclear safety;

(d) renewable energies;

6. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

The interparliamentary delegations and ad hoc delegations will consult with this committee on the economic and trade aspects of relations with third countries.

VIII. **Committee on Employment and Social Affairs**

This committee is responsible for matters relating to:

1. employment policy (Title VIII of the EC Treaty), including measures to combat unemployment, job creation and the Employment Committee;

2. social policy (Articles 136 to 145 of the EC Treaty, with the exception of Article 141), in particular:

(a) protection of living and working conditions, including the working environment, in order to protect the health and safety of workers;

(b) information and consultation of workers;

(c) collective protection of workers' and employers' interests;

(d) wages and pensions policy;

(e) social security and welfare protection;

(f) social exclusion and social cohesion;

(g) employment conditions for legal residents from third countries;

(h) housing policy and promotion of low-cost housing schemes;

3. the social dimension and the labour market in the information society;

4. the European Social Fund (Articles 146 to 148 of the EC Treaty);

5. vocational training (Article 150 of the EC Treaty), and in particular:

(a) implementation of a Community vocational training policy;

(b) harmonisation of professional qualifications;

6. the free movement of workers (Articles 39 to 42 of the EC Treaty);

7. social dialogue;

8. the following bodies:

— 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 Health and Safety at Work;

9. all forms of discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 13 of the EC Treaty), related to fundamental social rights and to the labour market;

10. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

IX. **Committee on the Environment, Public Health and Consumer Policy**

This committee is responsible for matters relating to:

1. environmental policy and environmental protection measures (Article 174 of the EC Treaty), in particular:

   (a) air, soil and water pollution;

   (b) climate change;

   (c) classification, packaging, labelling, transport and use of dangerous substances and preparations;

   (d) fixing permissible noise levels;

   (e) treatment and storage of waste (including recycling);

   (f) international and regional measures and agreements aimed at protecting the environment;

   (g) protecting fauna and its habitat;

   (h) provisions of the Law of the Sea regarding the environment;

   (i) the European Environment Agency;

2. public health (Article 152 of the EC Treaty), in particular:

   (a) programmes in the field of public health;

   (b) labelling and safety of foodstuffs;

   (c) veterinary legislation concerning protection against dangers to human health arising from bacteria and residues in animal products; public health checks on foodstuffs and food production systems;

   (d) pharmaceutical products, including veterinary products;

   (e) the European Agency for the Evaluation of Medicinal Products;

   (f) medical research;

   (g) cosmetic products;

   (h) civil protection;

3. consumer policy, in particular:

   (a) protection of consumers against risks to their health and safety;

   (b) appropriate consultation and representation of consumers during the preparation of decisions which affect their interests, in particular their economic interests;

   (c) improvement of consumer information and education;

4. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

X. **Committee on Agriculture and Rural Development**

This committee is responsible for matters relating to:

1. the operation and development of the common agricultural policy and forestry policy (Articles 32 to 38 and, where appropriate, 95 and 152 of the EC Treaty);

2. rural development, including the activities of the EAGGF — Guidance Section;

3. legislation on:

   — veterinary and plant-health matters;

   — animal feedingstuffs;

   in cases covered by the first and second indents, provided that the agricultural aspect of these matters is predominant, by comparison with any risks to human health which may stem from them;

   — animal husbandry and welfare;

4. supplies of agricultural raw materials;

5. the Community Office for Plant Varieties;

6. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XI. **Committee on Fisheries**

This committee is responsible for matters relating to:

1. the operation and development of the common fisheries policy and its management;

2. conservation of fishery resources;

3. common organisation of the market in fishery products;

4. structural policy in the fisheries and aquaculture sectors, including the financial instruments for fisheries guidance (FIFG and PESCA);

5. international fisheries agreements (concluded pursuant to Article 37 in conjunction with Article 300 of the EC Treaty);

6. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XII. **Committee on Regional Policy, Transport and Tourism**

This committee is responsible for matters relating to:

1. Community regional policy understood as a structural policy designed to foster the convergence of economies, economic and social cohesion, the harmonious, balanced and sustainable development of the Union (Article 2 of the EC Treaty) and the lessening of socio-economic imbalances among the various areas of the Union, in particular:

   (a) the drawing up, implementation and evaluation of Community regional policy plans and projects concerning, in particular, the less-developed regions, areas undergoing socio-economic change in the industrial and service sectors and urban areas;

   (b) the problems of the outermost regions and islands (Declaration No 30 of the Amsterdam Treaty);

   (c) the impact of other Community policies on economic and social cohesion;

   (d) the European Regional Development Fund, the Cohesion Fund and the other instruments of Community regional policy;

   (e) coordination of Community structural instruments;

   (f) the use and results in the Member States of Community regional intervention measures and the coordination and impact of national regional aid schemes;

   (g) transfrontier and interregional cooperation;

   (h) relations with the Committee of the Regions;

(i) relations with local and regional authorities and their involvement in the framing of regional policy;

2. a common transport policy (Articles 70 to 80 of the EC Treaty), incorporating rail, road and inland waterway transport and maritime and air transport, in particular:

(a) the creation of a European transport network, and in particular the establishment and development of trans-European networks in the transport infrastructure sector (Articles 154 to 156 of the EC Treaty);

(b) the drafting of common rules applicable to international transport;

(c) discrimination, harmonisation and coordination in the transport sphere;

(d) the European Union's policy on ports and airports;

3. tourism;

4. the development of a European regional planning policy, including an urban policy;

5. postal services;

6. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XIII. **Committee on Culture, Youth, Education, the Media and Sport**

This committee is responsible for matters relating to:

1. the cultural aspects of the European Union, and in particular improving the knowledge and dissemination of culture, the conservation and safeguarding of cultural heritage, cultural exchanges and artistic creation (Article 151 of the EC Treaty);

2. the European Union's education policy (Article 149 of the EC Treaty), in particular:

(a) the teaching and dissemination of the languages of the Member States;

(b) student and teacher mobility;

(c) fostering cooperation among educational establishments;

(d) the development of distance education and life-long learning;

(e) the development of the European University and promotion of the system of European schools;

3. youth policy: exchanges of young people, with the exception of young workers, the European voluntary service and other measures designed to involve young people in the European integration process, such as the European Youth Forum for example;

4. the audiovisual industry and the cultural and educational aspects of the information society;

5. information and media policy and informing public opinion about the activities of the European Union;

6. the development of a sports (Declaration No 29 of the Amsterdam Treaty) and leisure policy;

7. cooperation in the areas of culture and education with third countries and the competent international organisations, in particular the Council of Europe;

8. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XIV. **Committee on Development and Cooperation**

This committee is responsible for matters relating to:

1. the promotion, application and monitoring of the development and cooperation policy of the European Union (Articles 177 to 181 of the EC Treaty), including:

   (a) political dialogue with developing countries;

   (b) economic, trade and investment policy as regards developing countries, including the Generalised System of Preferences;

   (c) humanitarian aid, emergency aid and food aid in developing countries;

   (d) technical and financial cooperation with developing countries;

   (e) other sectoral issues, such as health, education, industrial and rural development;

   (f) support for the process of democratisation, good governance and human rights in developing countries;

2. the negotiation, conclusion and implementation of the ACP-EC Convention;

3. relations with relevant international, multilateral and non-governmental organisations;

4. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XV. **Committee on Constitutional Affairs**

This committee is responsible for matters relating to:

1. the development of European integration, in particular in the framework of the preparation and proceedings of the intergovernmental conferences;

2. the institutional consequences of enlargement negotiations of the European Union;

3. the implementation of the EU Treaty and the assessment of its operation;

4. general relations with the other institutions or bodies of the European Union;

5. the drawing-up of a draft uniform electoral procedure (Article 190(4) of the EC Treaty);

6. the development of European political parties (Article 191 of the EC Treaty);

7. the establishment of instances of a serious and persistent breach by a Member State of the principles common to the Member States (Article 7 of the EU Treaty and Article 309 of the EC Treaty);

8. the Rules of Procedure of the European Parliament, i.e.:

   (a) the wording of the Rules of Procedure, including the annexes;

   (b) consideration of amendments to the Rules of Procedure tabled pursuant to Rule 181 and the drafting of reports on that subject;

   (c) the interpretation of the Rules of Procedure pursuant to Rules 142 and 180;

9. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XVI. **Committee on Women's Rights and Equal Opportunities**

This committee is responsible for matters relating to:

1. the definition, the evolution and the implementation of women's rights in the Union and fostering women's rights in third countries;

2. the implementation and further development of mainstreaming in all sectors;

3. the establishment and evaluation of all policies and programmes for women;

4. the follow-up and implementation of international agreements and conventions involving the rights of women (United Nations, International Labour Office, etc.);

5. information policy and studies on women;

6. the policy on equal opportunities (Article 141 of the EC Treaty), including equality between men and women with regard to labour market opportunities and treatment at work (Article 137(1), fifth indent, of the EC Treaty);

7. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

XVII. **Committee on Petitions**

This committee is responsible for matters relating to:

1. petitions (Article 21 of the EC Treaty), consideration thereof and action to be taken in connection therewith, and relations with the Ombudsman;

2. the monitoring accompanying the implementation of current expenditure for which it has responsibility, on the basis of periodic reports provided by the Commission.

ANNEX VII

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 [1]

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 chairman of Parliament's committee responsible shall automatically apply the confidential procedure laid down in paragraph 3 below.

Further rules concerning the protection of confidential documents shall be adopted by the plenary on the basis of a proposal from the Bureau and shall be annexed to the Rules of Procedure. These rules shall take account of contacts with the Commission and Council.

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 chairman 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 chairman 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 chairman.

5. Penalties: in cases of infringement, the chairman of the committee shall, after consulting the vice-chairmen, lay down in a reasoned decision the penalties to be applied (reprimand, exclusion from the committee for a shorter or longer period or permanently).

The member concerned may lodge an appeal without suspensory effect against this decision. This appeal shall be considered jointly by the Conference of Presidents of the European Parliament and the bureau of the committee concerned. Their majority decision shall be final.

If it is proved that an official has failed to respect confidentiality, the penalties for which the Staff Regulations provide shall apply.

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[1] 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 ([2])

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 ([3]), 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.

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 ([4]) 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 ([5]).

([2]) OJ C 298, 30.11.2002, p. 1.
([3]) OJ L 145, 31.5.2001, p. 43.
([4]) OJ L 113, 19.5.1995, p. 2.
([5]) OJ C 172, 18.6.1999, p. 1.

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, 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 ([6])

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 ([7]),

having regard to point 1 of Annex VII, 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 ([8]),

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,

([6]) OJ C 298, 30.11.2002, p. 4.
([7]) OJ L 145, 31.5.2001, p. 43.
([8]) 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 ([9]) adopting the Council's security regulations.

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.

([9]) OJ L 101, 11.4.2001, p. 1.

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*.

ANNEX VII

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 ([1])

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.

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.

([1]) OJ L 113, 19.5.1995, p. 2.

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. Insofar 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 IX

PROVISIONS GOVERNING THE APPLICATION OF RULE 9(2)

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(2).

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(2).

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(2) 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, when recruiting former officials of the institutions, with the provisions of the Staff Regulations;

(i) observe 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(2).

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 X

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 [1]

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, Article 20d(4) of the Treaty establishing the European Coal and Steel 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, unless there are duly substantiated grounds for secrecy, and without prejudice to the Ombudsman's obligation not to divulge such information; whereas the Member States' authorities are obliged to provide the Ombudsman with all necessary information save where such information is covered by rules or regulations on secrecy or by provisions preventing its being communicated; 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;

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 cooperation 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;

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[1] Adopted by Parliament on 9. March 1994 (OJ L 113, 4.5.1994, p. 15) and amended by its decision of 14 March 2002 deleting Articles 12 and 16 (OJ L 92, 9.4.2002, p. 13).

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, Article 20d(4) of the Treaty establishing the European Coal and Steel 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 of them and give him access to the files concerned. They may refuse only on duly substantiated grounds of secrecy.

They 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 speak on behalf of and in accordance with instructions from their administrations and shall continue to be bound by 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, Article 47(2) of the Treaty establishing the European Coal and Steel 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 also be required to treat in confidence 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, if appropriate, the Community institution 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 5

Insofar 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.

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** ([2])

Article 1

Definitions

In these implementing provisions,

(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.

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.

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.

([2]) Adopted on 8 July 2002.

4.4. 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.

4.5. After considering the opinion and any observations made by the complainant, the Ombudsman may either decide to close the case with a reasoned decision or to continue his inquiries. He 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.

5.2. The Ombudsman may inspect the file of the Community institution concerned in order to verify the accuracy and completeness of its replies. 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.

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 co-operates 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.

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. Where the Ombudsman inspects the file of the institution concerned or takes evidence from a witness in accordance with Article 5.2 and 5.3 above, the complainant shall not have access to any confidential documents or confidential information obtained as a result of the inspection or hearing.

Article 14

Public access to documents held by the Ombudsman

14.1. The public shall have access to unpublished documents held by the Ombudsman, subject to the same conditions and limits as those laid down by Regulation (EC) No 1049/2001 ([3]) for public access to European Parliament, Council and Commission documents and to Article 14.2 below.

14.2. Where the Ombudsman inspects the file of the institution concerned or takes evidence from a witness in accordance with Article 5.2 and 5.3 above, the public shall not have access to any confidential documents or confidential information obtained as a result of the inspection or hearing.

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. Applications for access to the following documents shall be granted automatically, except in relation to complaints that are classified as confidential in accordance with Article 10.1 above:

(a) the general register of complaints;

(b) complaints and documents annexed thereto by the complainant;

([3]) 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).

(c) opinions and detailed opinions from institutions concerned and any observations thereon made by the complainant;

(d) the Ombudsman's decisions closing cases;

(e) reports and draft recommendations made under Article 8 above.

14.5. 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.

14.6. Access to the documents mentioned in Article 14.4 above is provided promptly. Decisions on applications for public access to other documents are made within 15 working days from receipt.

14.7. 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 twelve 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 twelve Treaty languages; in the case of a complaint, the language in which it is written.

15.3. The Ombudsman determines which documents are to be drawn up in the language of the proceedings.

15.4. Correspondence with the authorities of Member States is conducted in the official language of the state concerned.

15.5. The annual report, special reports and, where possible, other documents published by the Ombudsman are produced in all official languages.

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 XI

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 [1]

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) thereof,

Whereas:

Regulation (EC) No 1073/1999 of the European Parliament and of the Council [2] and Council Regulation (Euratom) No 1074/1999 [3] 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 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;

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[1] Adopted on 18 November 1999.
[2] OJ L 136, 31.5.1999, p. 1.
[3] OJ L 136, 31.5.1999, p. 8.

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 XII

EXERCISE OF IMPLEMENTING POWERS CONFERRED ON THE COMMISSION

A. **Extract from the European Parliament resolution** [1] **on the agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission** [2]

THE EUROPEAN PARLIAMENT,

whereas Article 8 of the Council Decision of 28 June 1999 confers on Parliament a power of intervention if it considers that implementing powers will be exceeded and whereas in such cases the Commission is required to re-examine the draft implementing measure, taking account of Parliament's resolution, and whereas the Commission must furthermore provide information on the action it intends to take on the resolution and the reasons for doing so,

whereas Article 7(3) of the Decision provides for Parliament to be fully informed about agendas, draft implementing measures arising from legislative acts adopted under codecision which have been submitted to committees, the results of voting, provisional summary records of meetings, lists of participants in committees and drafts of implementing measures forwarded to the Council,

whereas the new decision on the committee procedure only partly meets the expectations of Parliament, but nonetheless constitutes a real step forward in comparison with the previous situation,

whereas Parliament and the Commission have decided to agree on the procedures for implementing the Council Decision and whereas this agreement with the Commission particularly concerns the implementation of Article 7(3) on the provision of information to Parliament and Article 8 on its right of intervention,

1. Accepts the agreement annexed to this resolution;

2. Considers that all the 'committees' which existed before the Decision of 28 June 1999 should be modified in accordance with the new procedures and thus endorses Declaration No 2 by the Council and the Commission [3] on the Decision;

3. States that this agreement is without prejudice to its right to adopt any resolution on any subject, notably when it objects to the contents of a draft implementing measure; this agreement is also without prejudice to its right to object to implementing measures referred to the Council following an unsuccessful committee procedure (pursuant to Rule 88 of Parliament's Rules of Procedure);

4. Considers that this agreement between itself and the Commission supersedes the previous agreements (the Plumb/Delors agreement of 1988, the Samland/Williamson agreement of 1996 and the modus vivendi of 1994 [4]) and renders them null and void.

B. **Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission**

1. Pursuant to Article 7(3) of Decision 1999/468/EC [5], the European Parliament is to be informed by the Commission on a regular basis of the proceedings of the committees involved in committee procedures. 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 the committees under basic instruments adopted by the procedure provided for by Article 251 of the Treaty, and the results of voting and summary records of the meetings and lists of the authorities to which the persons designated by the Member States to represent them belong.

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[1] Adopted on 17 February 2000.
[2] OJ L 184, 17.7.1999, p. 23.
[3] OJ C 203, 17.7.1999, p. 1.
[4] OJ C 102, 4.4.1996, p. 1.
[5] OJ L 184, 17.7.1999, p. 23.

2. Furthermore, the Commission agrees to forward to the European Parliament, for information, at the request of the parliamentary committee responsible, specific draft measures for implementing basic instruments which, although not adopted under the codecision procedure, are of particular importance to the European Parliament. Pursuant to the judgment of the Court of First Instance of the European Communities of 19 July 1999 (Case T-188/97, Rothmans v Commission) ([6]), the European Parliament may request access to minutes of committee meetings.

3. The European Parliament and the Commission consider the following agreements superseded and thus of no effect insofar as they themselves are concerned: the 1988 Plumb/Delors agreement, the 1996 Samland/Williamson agreement and the 1994 modus vivendi ([7]).

4. Once the appropriate technical arrangements have been made, the documents referred to in Article 7(3) of Decision 1999/468/EC will be forwarded electronically. 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.

5. 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 for implementing a basic instrument adopted by the procedure provided for by Article 251 of the Treaty exceed the implementing powers provided for in that basic instrument.

6. The European Parliament is to adopt such resolutions in plenary; 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 Commission.

7. In urgent cases, and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity, the time-limit will be shorter. That time-limit may be very short in extremely urgent cases, and 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 then use a procedure whereby application of Article 8 of Decision 1999/468/EC, within the relevant time-limit, may be delegated to the parliamentary committee responsible.

8. Following adoption by the European Parliament of a resolution setting out the grounds on which it is based, 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.

9. The European Parliament supports the aim and the procedures set out in Declaration No 2 of the Council and the Commission ([8]). That declaration is aimed at simplifying Community implementing arrangements by bringing the committee procedures currently in force into line with those contained in Decision 1999/468/EC.

([6]) [1999] ECR II-2463.
([7]) OJ C 102, 4.4.1996, p. 1.
([8]) OJ C 203, 17.7.1999, p. 1.

ANNEX XIII

FRAMEWORK AGREEMENT ON RELATIONS BETWEEN THE EUROPEAN PARLIAMENT AND THE COMMISSION ([1])

THE EUROPEAN PARLIAMENT AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

having regard to the Treaty on European Union,

having regard to the statements made to the European Parliament by the President of the Commission since May 1999,

having regard to the written and oral statements made by each of the candidate Commissioners in the course of their hearings by the European Parliament's committees, and the assessments of these candidates as presented by the committees' chairpersons following the hearings,

having regard to the statement made by the candidate for President of the Commission before the Conference of Presidents on 7 September 1999,

having regard to the programme of the nominee Commission submitted on 14 September 1999 by the candidate for President of the Commission,

having regard to the European Parliament decision of 15 September 1999 ([2]) approving the appointment of Mr Prodi as President of the Commission and the appointment of the Commission for the remainder of the term of office expiring on 22 January 2000 and for the term of office running from 23 January 2000 to 22 January 2005,

having regard to Article 214 of the EC Treaty,

having regard to the Rules of Procedure of the European Parliament, and in particular Rules 32 and 33,

whereas the Treaty on European Union seeks in particular to strengthen the democratic legitimacy of the Union's decision-making process,

whereas the European Parliament's approval of the Commission exemplifies the relationship of trust which should bind the two institutions throughout the parliamentary term,

whereas this framework agreement does not affect the powers and prerogatives of the European Parliament or of the Commission but seeks to ensure that they are exercised as effectively as possible within the single institutional framework based on Article 3 of the Treaty on European Union,

AGREE AS FOLLOWS:

General principles

1. In order to update the code of conduct adopted in 1990 and amended in 1995, the two institutions agree on the following measures to strengthen the responsibility and legitimacy of the Commission, to extend constructive dialogue and political cooperation, to improve the flow of information and to consult and inform the European Parliament on Commission administrative reforms. They also agree on a number of specific implementing measures (i) on the legislative process, (ii) on international agreements and enlargement, and (iii) on the transmission of confidential Commission documents and information. Those implementing measures are annexed to this framework agreement.

([1]) Approved by the Conference of Presidents on 29 June 2000.
([2]) OJ C 54, 25.2.2000, p. 51.

Extending constructive dialogue and political cooperation

2. The President or a Vice-President of the Commission undertakes to report to the Conference of Presidents every six months, outlining the political implementation of the work programme for the year in question and any updating rendered necessary by topical and important political events.

3. The Commission shall continue to report regularly to the European Parliament on action taken in response to requests by the European Parliament. Such information shall be provided at least every three months.

4. The Commission shall take account of any requests made pursuant to Article 192 of the EC Treaty by the European Parliament to the Commission to submit legislative proposals, and undertakes to provide a prompt and sufficiently detailed reply to any such request within the relevant parliamentary committee and, if necessary, at a plenary sitting of the European Parliament.

5. The Commission, when giving its opinion on the European Parliament's legislative amendments to the Council under Article 251 of the EC Treaty, undertakes to take the utmost account of amendments adopted at second reading; should it decide, on important grounds and following examination by the College, not to adopt or support such amendments, it shall explain its decision before the European Parliament, or in the next meeting of the relevant parliamentary committee.

6. The Commission shall ensure, within its abilities, that the European Parliament is kept informed and is fully associated with the preparation and conduct of Intergovernmental Conferences.

7. An incoming Commission shall present, as soon as possible, its political programme, containing all its proposed guidelines for its term of office, and shall establish a dialogue with the European Parliament.

8. The Commission shall submit reports at regular intervals to the European Parliament on the implementation of the Budget; the European Parliament undertakes to scrutinise those reports at the level of its relevant committees.

Political responsibility

9. Without prejudice to the principle of Commission collegiality, each Member of the Commission shall take political responsibility for action in the field of which he or she is in charge.

10. The Commission accepts that, where the European Parliament expresses lack of confidence in a Member of the Commission (subject to political support for such a view, in terms both of substance and of form), the President of the Commission will consider seriously whether he should request that Member to resign.

11. The President of the Commission shall immediately notify the European Parliament of any decision concerning the allocation of responsibilities to any of the Members of the Commission. In the case of substantial changes affecting an individual Commissioner (such as the assignment of an entirely new portfolio or an important set of new responsibilities), he or she shall appear before the relevant parliamentary committee at its request.

Flow of information

12. The Commission shall keep the European Parliament fully and promptly informed about its proposals and initiatives in the legislative and budgetary fields, as well as, within its abilities, those in the areas of the Common Foreign and Security Policy and of Freedom, Security and Justice.

In all fields where the European Parliament acts in a legislative capacity, or as a branch of the budgetary authority, it shall be informed, on a par with the Council, at every stage of the legislative and budgetary process.

13. The Commission shall not make public any legislative initiative or significant initiative or decision before notifying the European Parliament thereof in writing, and for politically important topics shall, in agreement with the European Parliament, offer to inform the European Parliament:

— either at a plenary sitting, if the European Parliament is in session;

— or before the Conference of Presidents, which shall be open to all Members of the European Parliament on that occasion;

— or by informing in an appropriate manner the chairpersons of the relevant parliamentary committees, who may convene a meeting of the committee concerned.

Specific provisions will be laid down in Annex 3 concerning confidential information.

14. Each Commissioner shall make sure that there is a regular and direct flow of information between the Commissioner and the chairperson of the parliamentary committee concerned.

15. The Commission shall, within its abilities, ensure that the European Parliament is kept quickly and fully informed at all stages of the preparation, negotiation and conclusion of international agreements, in such a way as to enable the Commission to take account of the European Parliament's views in accordance with the provisions of Annex 2.

16. The Commission, in carrying out its responsibilities under the Treaty in relation to the common foreign and security policy and to police and judicial cooperation in criminal matters, shall take measures to improve the involvement of the European Parliament in those areas, in such a way as to enable the Commission to take account of the European Parliament's views as far as possible.

17. In connection with the annual discharge governed by Article 276 of the EC Treaty, the European Parliament and the Commission agree that the Commission shall forward all information necessary for supervising the implementation of the budget for the year in question, which the chairperson of the parliamentary committee responsible for the discharge procedure pursuant to Annex VI of the Rules of Procedure of the European Parliament 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 which is acceptable to both sides.

18. If an internal Commission document — of which the European Parliament has not been informed pursuant to Point 13 of this Framework Agreement — is circulated outside the institutions, the President of the European Parliament may request that the document concerned be forwarded to the European Parliament without delay in order to communicate it to any Members of the European Parliament who may request it.

Parliamentary proceedings

19. The Commission shall ensure, as a general rule, that the Commissioner responsible is present whenever this is requested by the European Parliament at plenary sittings for agenda items falling under his or her responsibility.

20. With a view to ensuring the presence of Commissioners, the European Parliament undertakes to do its best to maintain its final draft agendas.

21. Where the European Parliament amends its draft agenda subsequently to the meeting of the Conference of Presidents that decides the final draft agenda of a part-session, or where it moves items within the agenda within a part-session, the Commission shall use its best endeavours to ensure the presence of the Commissioner responsible.

22. The Commission may propose the inclusion of items on the agenda not later than the meeting of the Conference of Presidents that decides the final draft agenda of a part-session. The European Parliament shall take the fullest account of such proposals.

23. Requests from Commissioners to make a statement at a plenary sitting, pursuant to Rule 37 of the European Parliament's Rules of Procedure, shall be included, where possible, on the agenda of the forthcoming part-session.

24. As a general rule, the Commissioner responsible for an item under consideration in a parliamentary committee shall be present at the relevant committee meeting, when invited.

Any Member of the Commission shall be heard at his or her request.

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 a senior level.

Administrative reforms

25. The Commission shall establish the appropriate mechanisms to inform the European Parliament, and to hold a constructive dialogue with it, on a regular basis, on the ongoing administrative reform of the Commission.

26. Any code of conduct for Commissioners shall be sent immediately to the European Parliament. Its implementation shall be examined regularly.

Final provisions

27. The European Parliament and the Commission undertake to reinforce their cooperation in the field of information and communication. They may coordinate their respective activities within the framework of the Interinstitutional Working Group on Information and Communication. In this context they may draw up joint actions aimed at increasing citizens' awareness, and shall ensure proper coordination of their information activities while respecting the autonomy and distinctive role of each institution.

28. A periodic assessment of the application of this framework agreement shall be carried out by the two institutions.

29. All specific measures are set out in the Annexes.

ANNEX 1

SPECIFIC AGREEMENT ON THE LEGISLATIVE PROCESS

1. In implementation of the above framework agreement, and building on the experience of the 1990 and 1995 ([3]) codes of conduct between the Commission and the European Parliament, the two institutions agree on the following specific provisions as regards the handling of the legislative process.

Legislative planning and the annual legislative programme

2. In drawing up its annual legislative programme, the Commission shall take the utmost account of the guidelines suggested by the European Parliament. The Commission shall present its programme in sufficient time to permit a wide public debate on its contents. It shall provide sufficient detail as to what is envisaged precisely under each point in the programme, in order for the European Parliament to take this into account in its own legislative planning. The Commission shall as soon as possible inform the inter-institutional coordination working group whenever delays are encountered as regards the presentation of any specific proposal or document in the adopted programme, without prejudice to the Commission's competences.

([3]) OJ C 89, 10.4.1995, p. 68.

Choice of legal basis

3. The Commission undertakes to inform the European Parliament, at the same time as the Council, of any proposal amending legal bases in the course of decision-making procedures.

4. The Commission shall take the utmost account of all changes to the legal bases of its proposals contained in the European Parliament's amendments. The Commission undertakes to set out in detail the reasons for its position.

General legislative procedures

5. The Commission and the European Parliament shall ensure full implementation of the Joint Declaration on practical arrangements for the new codecision procedure (Article 251 of the EC Treaty) signed by the European Parliament, Council and Commission on 5 May 1999 ([4]).

6. The Commission shall keep the relevant parliamentary committee regularly informed of the principal positions emerging from discussions within Council bodies, particularly where they depart from the original proposal, and shall also forward any Commission amendments to the original proposal on the basis of which the Council would continue its discussions. The Commission shall inform the European Parliament as soon as possible if it adopts a favourable opinion on amendments by the Council to its proposals.

7. For legislative procedures not entailing codecision:

(i) The Commission shall ensure that the Council bodies are reminded in good time not to reach a political agreement on its proposals before the European Parliament has given 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 the European Parliament's opinion.

(ii) The Commission shall ensure that the Council adheres to the rules developed by the Court of Justice requiring the European Parliament to be re-consulted if the Council substantially amends a Commission proposal. The Commission shall inform the European Parliament of any reminder to the Council of the need for re-consultation.

(iii) The Commission undertakes, if appropriate, to withdraw a legislative proposal that the European 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 the European Parliament.

(iv) In order to improve legislative planning, the European Parliament undertakes:

— as far as possible to appoint rapporteurs on future proposals as soon as the legislative programme is adopted;

— to consider requests for reconsultation as a matter of absolute priority provided that all the necessary information has been forwarded to it;

— to take account of the priorities considered by the Commission and Council in planning its activities;

— to plan the legislative sections of its agendas, bringing them into line with the current legislative programme and with the resolutions it has adopted on that programme;

— to meet reasonable deadlines, in so far as is useful for the procedure, when delivering its opinion at first reading under the cooperation and codecision procedures or its opinions under the consultation procedure.

([4]) OJ C 279, 1.10.1999, p. 230.

8. When an act has been annulled by the Court but continues to produce legal effects, the Commission undertakes to present a modified proposal for a legislative act implementing the judgment of the Court.

The Commission shall inform the European Parliament in full and in advance when it intends to take implementing measures on the basis of an act that has been annulled but continues to produce legal effects, so as to ensure that account is taken of the European Parliament's views.

9. The Commission shall give the European Parliament and the Council prior notification before withdrawing its proposals.

Specific legislative powers of the Commission

10. The Commission shall give full and timely information to the European Parliament concerning acts which the Commission adopts which fall within the scope of its own legislative powers.

Implementing powers

11. The implementation of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([5]) shall be governed by the agreement between the Commission and the European Parliament on the procedures for implementing that decision ([6]).

The European Parliament and the Commission shall ensure the strict implementation of this agreement.

12. The Code of Conduct on the implementation of structural policies by the Commission (2000-2006) signed on 6 May 1999 ([7]) shall continue to apply to implementing acts covering the Structural Funds.

Monitoring the application of Community law

13. In addition to specific reports and the annual report on the application of Community law, the Commission shall, at the request of the relevant parliamentary committee, keep the European Parliament informed orally of the stage reached in the procedure as from the stage when the reasoned opinion is sent and, in cases where procedures have been initiated for failure to communicate the measures implementing a directive, or for failure to comply with a judgment of the Court of Justice, as from the stage of formal notice.

The two institutions agree to exchange all relevant information relating to legislative planning, and the organisation of legislative procedures, within the inter-institutional coordination working group.

ANNEX 2

FORWARDING TO THE EUROPEAN PARLIAMENT INFORMATION ON INTERNATIONAL AGREEMENTS AND ENLARGEMENT, AND INVOLVEMENT OF THE EUROPEAN PARLIAMENT IN THIS RESPECT

1. In order to enable more specific implementation of the general principle contained in the framework agreement, and building on the experience of point 3.10 in the 1995 Code of Conduct between the Commission and the European Parliament, the two institutions agree on the following measures:

([5]) OJ L 184, 17.7.1999, p. 23.
([6]) OJ L 256, 10.10.2000, p. 19. See Annex XII.
([7]) OJ C 279, 1.10.1999, p. 488.

International agreements

2. In relation to international agreements, including trade agreements (the preparation phase for such agreements, draft negotiating directives and the adopted negotiating directives) the Commission shall provide early and clear briefing of the European Parliament in order to be able to take due account of the European Parliament's views in so far as possible.

3. The Commission shall keep the European Parliament, through the relevant parliamentary committee and, where appropriate, at a plenary sitting, regularly and fully informed of the subsequent conduct and conclusion of international negotiations. The information referred to in the previous point shall be provided to the European Parliament in sufficient time for it to be able to express its points of view if appropriate. The European Parliament undertakes, for its part, to establish appropriate procedures and safeguards as regards confidentiality, in accordance with the provisions of Annex 3.

4. The Commission shall take the necessary steps to ensure that the European Parliament is immediately and fully informed of:

(i) decisions concerning the provisional application or the suspension of agreements;

and

(ii) the establishment of a common position in a body set up by an agreement based on Article 310 of the EC Treaty.

5. At the request of the European Parliament, the Commission shall facilitate the inclusion of Members of the European Parliament as observers in Community delegations negotiating multilateral agreements, on the understanding that the Members may not take part directly in the negotiating sessions themselves, wherever the Commission alone represents the Community.

The European Parliament observers shall, however, be kept regularly informed on the progress of negotiations during the meetings in accordance with the conditions laid down in the exchange of letters between the Presidents of the two Institutions, in order for the Commission to be able to take account of the European Parliament's views.

Enlargement

6. The Commission shall keep the European Parliament fully informed of the progress of enlargement negotiations, so as to enable it to express its views in good time through the appropriate parliamentary procedures.

7. In this context the Commission will, within its means, provide relevant oral or written information to the European Parliament on the major aspects and developments concerning enlargement.

8. When the European Parliament adopts a recommendation on these matters, pursuant to Rule 96 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 the European Parliament, at a plenary sitting or at the next meeting of the relevant parliamentary committee.

ANNEX 3

FORWARDING OF CONFIDENTIAL INFORMATION TO THE EUROPEAN PARLIAMENT

1. **Scope**

1.1. This Annex shall govern the forwarding to the European Parliament and the handling of confidential information from the Commission in connection with the exercise of parliamentary prerogatives concerning the legislative and budgetary procedures, the procedure for giving discharge and the exercise in general terms of the European Parliament's powers of scrutiny. The two institutions shall act in accordance with their mutual duties of sincere cooperation and in a spirit of complete mutual trust as well as in the strictest conformity with the relevant Treaty provisions, in particular Articles 6 and 46 of the Treaty on European Union and Article 276 of the EC Treaty.

1.2. 'Information' shall mean any written or oral information, whatever the medium and whoever the author may be.

1.3. The Commission shall ensure that the European Parliament is given access to information, in accordance with the provisions of this Annex, whenever it receives from one of the parliamentary bodies set out in point 1.4. below a request relating to the forwarding of confidential information.

1.4. In the context of this Annex, the following may request confidential information from the Commission: the President of the European Parliament, the chairperson of the parliamentary committees concerned, the Bureau and the Conference of Presidents.

1.5. Information on infringement procedures and procedures relating to competition, in so far as they are not covered by a final Commission decision on the date when the request from one of the parliamentary bodies is received, shall be excluded from this Annex.

1.6. These provisions shall apply without prejudice to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry ([8]) and the relevant provisions of Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF) ([9]).

2. **General rules**

2.1. At the request of one of the bodies referred to in point 1.4. above, the Commission shall forward to that body with all due despatch any confidential information required for the exercise of the European Parliament's powers of scrutiny. 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, 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.

2.2. In the event of any doubt as to the confidential nature of an item of information, 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. below, the chairperson of the appropriate parliamentary committee, accompanied, where necessary, by the rapporteur, shall consult the Member of Commission with special responsibility for that area without delay.

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.

2.3. If, at the end of the procedure referred to in point 2.2. above, no agreement has been reached, the President of the European Parliament, in response to a reasoned request from the relevant parliamentary committee, 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 below. Before the expiry of that deadline, the Commission shall inform the European Parliament in writing of its final position, in respect of which the European Parliament reserves the right, if appropriate, to exercise its right to seek redress.

([8]) OJ L 113, 19.5.1995, p. 2.
([9]) OJ L 136, 31.5.1999, p. 20.

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 2.2. and, where appropriate, point 2.3. above shall be forwarded, on the responsibility of the President or of a Member of the Commission, to the parliamentary body which submitted the request.

3.2. Without prejudice to the provisions of point 2.3. above, access and the arrangements designed to preserve the confidentiality of the information shall be laid down by common accord between the Member of the Commission with special responsibility for the area involved and the parliamentary body concerned, duly represented by its chairperson, who shall select one of the following options:

— information intended for the chairperson of and the rapporteur for the relevant parliamentary committee;

— restricted access to information for all members of the relevant parliamentary committee in accordance with the appropriate arrangements, possibly with the documents being collected after they have been studied and a ban on the making of copies;

— discussion in the relevant parliamentary committee, meeting in camera, in accordance with arrangements which may vary by virtue of the degree of confidentiality involved and in accordance with the principles set out in Annex VII to the European Parliament's Rules of Procedure;

— communication of documents from which all personal details have been expunged;

— in instances justified on absolutely exceptional grounds, information intended for the President of the European Parliament alone.

The information in question may not be published or forwarded to any other addressee.

3.3. In the event of non-compliance with these arrangements, the provisions relating to sanctions set out in Annex VII to the European Parliament's Rules of Procedure shall apply.

3.4. With a view to the implementation of the provisions set out above, the European Parliament shall ensure that the following procedures are actually put in place:

— a secure archive system for documents classified as confidential;

— 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.

3.5. The Commission shall take all the measures required for the implementation of the provisions of this Annex.

4. **Updating**

In the light of experience acquired, the Presidents of the two institutions may propose that additions or changes be made to this Annex.

ANNEX XIV

TIMETABLE FOR THE COMMISSION'S LEGISLATIVE AND WORK PROGRAMME

Timetable for the Commission's legislative and work programme ([1])

The European Parliament and the Commission shall cooperate in preparing the Commission's legislative and work programme in accordance with the following timetable ([2]):

(a) At the February/March part-session the institutions concerned shall take part in a debate on the main lines of the political priorities ('the State of the Union') further to the Annual Policy Strategy (APS) decision for the following year which the Commission adopts in February. The debate will provide material for the preparation of the preliminary draft budget by the Commission and the discussion in Parliament of the budget guidelines for the following year. It shall be preceded by the presentation to the Conference of Presidents of the Commission's Annual Policy Strategy decision (February).

(b) Between March and May the standing committees concerned shall launch a structured, bilateral dialogue with the relevant Commissioners on the scope and implementation of the political priorities in each of their specific areas. Each standing committee shall report on the outcome of these meetings, and the Conference of Presidents shall be informed of these by the Conference of Committee Chairmen.

(c) In June and July the Conference of Committee Chairmen shall assess the current legislative and work programme together with the Commission Vice-President responsible ([3]).

(d) In September there shall be a stock-taking in the Conference of Committee Chairmen, together with the Commission Vice-President responsible, of the legislative proposals that the Commission plans to include in the legislative and work programme in the area of competence of each Commissioner, on the basis of a document drawn up by the Commission dealing, inter alia, with the updating of the political priorities in relation to the outcome of the meetings with the standing committees in March/May.

(e) At the November part-session the Commission President shall present formally in plenary, with the College of Commissioners taking part, the Commission's legislative and work programme for the following year, together with an assessment of the implementation of the current programme. The legislative and work programme shall be accompanied by a list of legislative and non-legislative proposals for the following year, in a form to be decided ([4]). The legislative and work programme shall be forwarded at least ten working days before the part-session at which it is to be debated. Parliament shall state its position at the November or December part-session.

([1]) Approved by the Conference of Presidents on 31 January 2002.

([2]) The Commission presents the preliminary draft budget in May, and the first reading of the draft budget takes place in October and the second reading in December.

([3]) The mid-term review of the implementation of the legislative and work programme could be used to look together at the usefulness of the various types of legislative programming lists and decide jointly on the best programming tools for use with the 2003 work programme.

([4]) To be included: calendar and, where appropriate, legal base and budgetary implications.

ANNEX XV

LIST OF PARLIAMENT DOCUMENTS DIRECTLY ACCESSIBLE THROUGH THE REGISTER

1. **Documents relating to Parliament's activities**

1.1 Parliament's Rules of Procedure

1.2 Plenary documents

— Draft agendas

— Final draft agendas

— Agendas

— Verbatim Report of Proceedings of sittings

— Minutes, provisional edition

— Minutes, final edition

— Registers of attendance

— Results of roll-call votes

— Texts Adopted

— Consolidated texts

— Budget-related decisions

— Amendments contained in reports

— Other amendments intended for plenary

— Amendments to joint motions for resolutions

— Draft amendments and proposed modifications to the draft budget

— Motions for resolutions and proposals for decisions

— Joint motions for resolutions

1.3 Documents relating to Members' activities

— Members' declarations of financial interests

— Written declarations

— Written questions

— Oral questions tabled by a Member, a political group or a parliamentary committee

— Questions for Question Time

— Answers to written questions

— Answers to questions for Question Time

— Motions for resolutions

— Proposed amendments to the Rules of Procedure

— List of Members

— List of Members' assistants

1.4 Parliamentary committee documents

— Agendas

— Minutes

— Working documents

— Draft reports

— Amendments to draft reports

— Reports

— Draft opinions

— Amendments to draft opinions

— Opinions

— Records of attendance

1.5 Parliamentary delegation documents

— Agendas

— Minutes

— Working documents

— Records of attendance

— Recommendations and statements

1.6 Conciliation documents

— Joint working documents

— Joint texts approved by the Conciliation Committee

— Conciliation manual

— Records of attendance

1.7 Documents from other Parliament bodies

— Official letters from the President to act on decisions by the following bodies: Bureau, Conference of Presidents, College of Quaestors, Conference of Committee Chairmen, Conference of Delegation Chairmen

— Agendas

— Minutes

— Summaries of decisions

— Activity reports by the Conference of Committee Chairmen

2. **General information documents**

2.1 Bulletin of Parliament

— Activities

— Calendar of meetings

— Special edition for European Councils

— Activities of the European Parliament — post-session

2.2 Press documents

— Press releases

— News Report

— News Alert

— Background Notes

— Daily Notebook

— Briefing

— The week

2.3 Parliament studies and publications

— Studies

— Working documents

— Briefings

— Memoranda

— Fact sheets

2.4 Documents for circulation, external offices

3. **Official documents forwarded by the other institutions**

Official documents forwarded by the other institutions in accordance with, and subject to the limits laid down by, Regulation (EC) No 1049/2001 and the procedures agreed between the institutions, in particular in connection with the interinstitutional committee provided for in Article 15(2) of that Regulation.

3.1 Commission

— COM documents

— SEC documents

— Decisions by the College of Commissioners

— 'Comitology' acts (documents relating to Parliament's right of scrutiny, draft acts, agendas, minutes, opinions and documents for information)

3.2 Council

— Documents and communications forwarded in connection with legislative and budgetary procedures, procedures for discharge, appointments and the conclusion of agreements

3.3 European Central Bank

— Communications

3.4 European Investment Bank

— Communications

3.5 Committee of the Regions

— Communications

3.6 Economic and Social Committee

— Communications

3.7 Court of Auditors

— Communications

3.8 Interinstitutional relations

— Interinstitutional agreements

4. **Third-party documents**

4.1 Documents from Member States

4.2 Petitions (subject to petitioners' agreement)

4.3 Official correspondence

5. **Administrative documents**

Official letters — secretariat notifications of Parliament decisions

ANNEX XVI

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 [1]

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 [2],

Acting in accordance with the procedure referred to in Article 251 of the Treaty [3],

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.

(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.

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[1] OJ L 145, 31.5.2001, p. 43.
[2] OJ C 177 E, 27.6.2000, p. 70.
[3] Opinion of the European Parliament of 3 May 2001 and Council Decision of 28 May 2001.

(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 ([4]), Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents ([5]), European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents ([6]), 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,

([4]) 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).
([5]) 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).
([6]) OJ L 263, 25.9.1997, p. 27.

(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.

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 ([7]) 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.

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.

([7]) OJ L 43, 15.2.1983, p. 1.