Thursday 17 December 2020

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Amendments to the Rules of Procedure in order to ensure the functioning of Parliament in extraordinary circumstances

European Parliament decision of 17 December 2020 on amendments to the Rules of Procedure in order to ensure the functioning of Parliament in extraordinary circumstances (2020/2098(REG))

(2021/C 445/25)

The European Parliament,

— having regard to Rules 236 and 237 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A9-0194/2020),

1. Decides to amend its Rules of Procedure as shown below;

2. Stresses that the sanitary crisis caused by the Covid-19 pandemic has revealed that its Rules of Procedure require more developed procedures in order to ensure the unlimited functioning of Parliament in different types of extraordinary circumstances;

3. Underlines the importance of the temporary measures adopted, in compliance with the rule of law, by its President and its governing bodies in the current sanitary crisis, in order to cope with such extraordinary circumstances; stresses that there were no alternatives to those measures in order to guarantee the continuity of Parliament's business as required by the Treaties, and that they allowed Parliament to carry out its legislative, budgetary and political control functions during the crisis in accordance with the procedures provided for by the Treaties;

4. Stresses that those temporary measures were fully justified and that they ensured the validity of all votes taken during their period of application;

5. Recalls the importance of ensuring, to the best of its ability, reasonable accommodation for Members with disabilities and their staff while Parliament is operating under extraordinary circumstances;

6. Considers that the amendments shown below should be adopted by means of the alternative electronic voting system in accordance with the current temporary measures adopted by its President and its governing bodies for allowing it to function during the sanitary crisis caused by the Covid-19 pandemic;

7. Decides that these amendments shall enter into force on 1 January 2021, but that they shall apply only from 18 January 2021, in order for the President and the Conference of Presidents to have the legal basis for adopting and approving in advance a decision under new Rule 237a(2), first subparagraph, so that the new provisions can be applied in full from the first day of their application, namely, at the opening of the first ordinary part-session of 2021;

8. Instructs its President to forward this decision to the Council, to the Commission and to the national parliaments, for information.

Amendment 1

Parliament's Rules of Procedure

Title XIII a (new)

Present text	*Amendment*
	TITLE XIIIa: EXTRAORDINARY CIRCUMSTANCES

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Amendment 2

Parliament's Rules of Procedure

Rule 237 a (new)

Present text	*Amendment*
	Rule 237 a
	Extraordinary measures
	1. This Rule applies to situations in which Parliament, due to exceptional and unforeseeable circumstances beyond its control, is hindered from carrying out its duties and exercising its prerogatives under the Treaties, and a temporary derogation from Parliament's usual procedures, set out elsewhere in these Rules, is necessary in order to adopt extraordinary measures to enable Parliament to continue to carry out those duties and to exercise those prerogatives.
	Such extraordinary circumstances shall be considered to exist where the President comes to the conclusion, on the basis of reliable evidence confirmed, where appropriate, by Parliament's services, that for reasons of security, or safety or as a result of the non-availability of technical means it is, or will be, impossible or dangerous for Parliament to convene in accordance with its usual procedures as set out elsewhere in these Rules and its adopted calendar.
	2. Where the conditions set out in paragraph 1 are fulfilled, the President may decide, with the approval of the Conference of Presidents, to apply one or more of the measures referred to in paragraph 3.
	If it is impossible, due to reasons of imperative urgency, for the Conference of Presidents to convene in person or virtually, the President may decide to apply one or more of the measures referred to in paragraph 3. Such a decision shall lapse five days after its adoption unless approved by the Conference of Presidents within that period.
	Following a decision by the President, approved by the Conference of Presidents, Members or a political group or groups reaching at least the medium threshold may, at any time, request that some or all of the measures provided for in that decision be submitted individually to Parliament for approval without debate. The vote in plenary shall be placed on the agenda of the first sitting following the day on which the request was tabled. No amendments may be tabled. If a measure fails to obtain a majority of the votes cast, it shall lapse after the end of the part-session. A measure approved by the plenary may not be the subject of a further vote during the same part-session.

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Present text	*Amendment*
	3. The decision referred to in paragraph 2 may provide for all appropriate measures in order to address the extraordinary circumstances referred to under paragraph 1, and in particular for the following measures:
	(a) postponement of a scheduled part-session, sitting or meeting of a committee to a later date and/or cancellation or limitation of meetings of inter-parliamentary delegations and other bodies;
	(b) displacement of a part-session, sitting or meeting of a committee from Parliament's seat to one of its working places or to an external place, or from one of its working places to Parliament's seat, to one of Parliament's other working places or to an external place;
	(c) holding a part-session or a sitting on the premises of Parliament in whole or in part in separate meeting rooms allowing for appropriate physical distancing;
	(d) holding a part session, sitting or meeting of bodies of Parliament under the remote participation regime laid down in Rule 237c;
	(e) in the event that the ad hoc replacement mechanism laid down in Rule 209(7) fails to provide sufficient remedies to address the extraordinary circumstances under consideration, temporary replacement of Members in a committee by political groups, unless the Members concerned oppose such temporary replacement.
	4. A decision referred to in paragraph 2 shall be limited in time and shall state the reasons on which it is based. It shall enter into force upon its publication on Parliament's website or, if circumstances prevent such publication, upon its being made public by the best available alternative means.
	All Members shall also be informed individually of the decision without delay.
	The decision may be renewed by the President in accordance with the procedure under paragraph 2 once, or more than once, for a limited time. A decision to renew shall state the reasons on which it is based.
	The President shall revoke a decision adopted under this Rule as soon as the extraordinary circumstances referred to in paragraph 1 that gave rise to its adoption have disappeared.

Present text	*Amendment*
	5. This Rule shall be applied only as a last resort, and only measures that are strictly necessary to address the extra-ordinary circumstances under consideration shall be selected and applied.
	When applying this Rule, due account shall be taken, in particular, of the principle of representative democracy, of the principle of equal treatment of Members, of the right of Members to exercise their parliamentary mandate without impairment, including their rights stemming from Rule 167 and their right to vote freely, individually and in person, and of Protocol No 6 on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union, annexed to the Treaties.

Amendment 3

Parliament's Rules of Procedure

Rule 237 b (new)

Present text	*Amendment*
	Rule 237b
	Disturbance of the political balance in Parliament
	1. The President may, with the approval of the Conference of Presidents, adopt measures necessary to facilitate the participation of Members or of a political group concerned if, on the basis of reliable evidence, the President comes to the conclusion that the political balance in Parliament is severely impaired because a significant number of Members or a political group cannot take part in Parliament's proceedings in accordance with its usual procedures, as set out elsewhere in these Rules, for reasons of security or safety, or as a result of the non-availability of technical means.
	The sole aim of such measures shall be to allow the remote participation of Members concerned by the application of selected technical means under Rule 237c(1) or by other appropriate means serving the same purpose.
	2. Measures under paragraph 1 may be adopted for the benefit of a significant number of Members if exceptional and unforeseeable circumstances beyond their control occurring in a regional context lead to their non-participation.
	Measures under paragraph 1 may also be adopted for the benefit of members of a political group if that group has requested them where the non-participation of that group results from exceptional and unforeseeable circumstances beyond that group's control.

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Present text	*Amendment*
	3. Rule 237a(2), second and third subparagraphs, and the rules and principles laid down in Rule 237a(4) and (5) shall apply accordingly.

Amendment 4

Parliament's Rules of Procedure

Rule 237 c (new)

Present text	*Amendment*
	Rule 237 c
	Remote participation regime
	1. Where the President decides in accordance with Rule 237a(3), point (d), to apply the remote participation regime, Parliament may conduct its proceedings remotely inter alia by permitting all Members to exercise certain of their parliamentary rights by electronic means.
	Where the President decides in accordance with Rule 237b that selected technical means under the remote participation regime are to be used, this Rule shall apply only to the extent necessary and only to the Members concerned.
	2. The remote participation regime shall ensure that:
	— Members are able to exercise their parliamentary mandate, including, in particular, their right to speak in plenary and in the committees, to vote and to table texts, without impairment;
	— all votes are cast by Members individually and in person;
	— the remote voting system enables Members to cast ordinary votes, roll call votes and secret ballots and to verify that their votes are counted as cast;
	— a uniform voting system is applied for all Members, regardless of whether they are present or not on Parliament's premises;
	— Rule 167 is applied to the greatest extent possible;
	— the information technology solutions made available to Members and their staff are 'technology neutral';
	— participation of Members in parliamentary debates and votes takes place using secure electronic means that are managed and supervised by Parliament's services directly and internally.

Present text	*Amendment*
	3. When taking the decision referred to in paragraph 1, the President shall determine whether that regime applies to the exercise of Members' rights in plenary only, or also to the exercise of Members' rights in Parliament's committees and/or other bodies.
	The President shall also determine in his or her decision how rights and practices which cannot be exercised appropriately without the physical presence of Members are adapted for the duration of the regime.
	These rights and practices concern, inter alia:
	— the manner in which attendance at a sitting or meeting is counted;
	— the conditions under which a request for a check of the quorum is made;
	— the tabling of texts;
	— requests for splits and separate votes;
	— the allocation of speaking time;
	— the scheduling of debates;
	— the presentation of, and the objection to, oral amendments;
	— the order of votes;
	— the deadlines and time limits for the setting of the agenda and for procedural motions.
	4. For the purposes of the application of the provisions of the Rules relating to quorum and voting in the Chamber, Members who are participating remotely shall be deemed to be physically present in the Chamber.
	By way of derogation from Rule 171(11), Members who have not spoken in a debate may, once per sitting, hand in a written statement, which shall be appended to the verbatim report of the debate.
	The President shall, where necessary, determine the manner in which the Chamber may be used by Members during the application of the remote participation regime, and in particular the maximum number of Members who can be physically present.
	5. Where the President decides in accordance with paragraph 3, first subparagraph, to apply the remote participation regime to committees or other bodies, paragraph 4, first subparagraph, shall apply, mutatis mutandis.

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Present text	*Amendment*
	6. The Bureau shall adopt measures concerning the operation and security of the electronic means used under this Rule, in accordance with the requirements and standards laid down in paragraph 2.

Amendment 5

Parliament's Rules of Procedure

Rule 237 d (new)

Present text	*Amendment*
	Rule 237d
	Holding of a part-session or a sitting in separate meeting rooms
	Where the President decides in accordance with Rule 237a(3), point (c), to allow a part-session or a sitting to be held, in whole or in part, in more than one meeting room, including, where appropriate, the hemicycle, the following rules shall apply:
	— the meeting rooms used in this context shall be considered to collectively constitute the Chamber;
	— the President may, if necessary, determine the manner in which the respective meeting rooms can be used, in order to ensure that physical distancing requirements are respected.