



Procedure file

Basic information		
REG - Parliament's Rules of Procedure	2005/2075(REG)	Procedure completed
EP Rules of Procedure, Rule 9: code of conduct for Members		
Subject 8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		20/04/2005
		Vers/ALE ONESTA Gérard	

Key events			
09/06/2005	Committee referral announced in Parliament		
15/12/2005	Vote in committee		Summary
16/12/2005	Committee report tabled for plenary	A6-0413/2005	
18/01/2006	Debate in Parliament		
19/01/2006	Results of vote in Parliament		
19/01/2006	Decision by Parliament	T6-0021/2006	Summary
19/01/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2075(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules
Legal basis	Rules of Procedure EP 237-p1
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/6/27817

Documentation gateway					
Amendments tabled in committee		PE362.799	04/10/2005	EP	

Amendments tabled in committee		PE364.769	08/11/2005	EP	
Amendments tabled in committee		PE365.104	29/11/2005	EP	
Committee report tabled for plenary, single reading		A6-0413/2005	16/12/2005	EP	
Text adopted by Parliament, single reading		T6-0021/2006	19/01/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)0584	09/02/2006	EC	

EP Rules of Procedure, Rule 9: code of conduct for Members

The committee adopted the report by Gérard ONESTA (Greens/EFA, FR) on amending Parliament's Rules of Procedure with regard to standards for the conduct of MEPs. The aim was to adapt existing provisions to recent cases of disturbance and to set clear rules for imposing sanctions on an MEP.

Two new rules set out the basic principles which should underpin these provisions: ensuring that Members' conduct was "characterised by mutual respect", that it respected the "dignity of Parliament" and did not "compromise the smooth conduct of parliamentary business or disturb the peace and quiet of any of Parliament's premises", while at the same time ensuring that the application of this rule did not "detract from the liveliness of parliamentary debates nor undermine Members' freedom of speech".

In a new Annex on guidelines for the interpretation of standards of conduct, a distinction was drawn between "visual actions" (which may be tolerated) and those which "actively disrupt any parliamentary activity whatsoever". It was also specified that "the President or his representatives" would exercise disciplinary powers over offending MEPs.

The report introduced a new chapter into the Rules of Procedure entitled "Measures to be taken in the event of non-compliance with the standards for the conduct of Members". In this way, it would be made clear that the measures covered are not restricted to the conduct of "sittings" but instead apply to all parliamentary business and all Parliament's premises. The rules applicable to the plenary would therefore apply to meetings of committees and delegations. Accordingly, the powers granted to the EP President would also be vested in the chairs of bodies, committees and delegations.

The amendments to the provisions on "Order in the Chamber" give slightly stronger powers to the President, in that they enable him to deny an offending Member the right to speak and also enable him to exclude that person from the Chamber immediately, without a second call to order, "in cases of exceptional seriousness".

The committee amended Rule 147 which was given a new title ("Penalties" instead of "Exclusion of Members") and now included a list of possible sanctions, including forfeiture of entitlement to the daily subsistence allowance for a period of between two and ten days and temporary suspension from parliamentary activities for a similar period (without prejudice, however, to the MEP's right to vote). The President could also submit to the Conference of Presidents a request for suspension or removal from one or more of the elected offices held by the Member in Parliament. Assessment of a Member's conduct with a view to deciding on appropriate penalties would take account of "its exceptional, recurrent or permanent nature and of its seriousness".

Finally, provision was made for an internal appeal procedure, suspending the application of the penalty imposed by the President.

EP Rules of Procedure, Rule 9: code of conduct for Members

The European Parliament adopted a resolution drafted by Gérard ONESTA (Greens/EFA, FR) with 399 votes in favour, 90 against and 35 abstentions. The resolution makes a number of changes to Parliament's Rules of Procedure, aimed at updating the provisions on MEPs' conduct during debates. (Please refer to the summary of 15/12/2005.) It notably adapts and clarifies the powers granted to Parliament's President to penalise Members who disturb parliamentary sittings.

The rules state that Members' conduct shall be characterised by mutual respect, be based on the values and principles laid down in the basic texts on which the European Union is founded, respect the dignity of Parliament and not compromise the smooth conduct of parliamentary business or disturb the peace and quiet of any of Parliament's premises. The President will call to order any Member who disrupts the smooth conduct of the proceedings.

The amendments to the provisions on "Order in the Chamber" give slightly stronger powers to the President, in that they enable him to deny an offending Member the right to speak and also enable him to exclude that person from the Chamber immediately, without a second call to order, "in cases of exceptional seriousness".

Under the new rules, MEPs face a range of penalties in "exceptionally serious cases of disorder or disruption" of the Parliament's proceedings. These include:

- a reprimand;
- forfeiture of entitlement to the daily subsistence allowance for a period of between 2 and 10;
- without prejudice to the right to vote in plenary, and subject, in this instance, to strict compliance with the Members' standards of conducts, temporary suspension, for a period of between 2 and 10 consecutive days on which Parliament or any of its bodies, committees or delegations meet, from participation in all or some of the activities of Parliament;
- submission to the Conference of Presidents of a proposal for the Member's suspension or removal from one or more of the elected offices held by the Member in Parliament.

The rules also state that, when assessing the conduct observed, account shall be taken of its exceptional, recurrent or permanent nature and of its seriousness, on the basis of the guidelines annexed to the Rules of Procedure.

There is a clear distinction between acceptable and unacceptable types of behaviour in the Parliament. A distinction should be drawn between visual actions, which may be tolerated, provided they are not offensive and/or defamatory, remain within reasonable bounds and do not lead to conflict, and those which actively disrupt any parliamentary activity whatsoever.

Finally, the new rules will provide a formal appeal procedure for the first time. Members will be able to appeal to the bureau against a decision within two weeks of being notified about the penalty. The bureau will then have four weeks to decide whether to repeal, amend or reduce the penalty. If there is no decision within four weeks, the penalties lapse.