


Procedure file

Basic information		
REG - Parliament's Rules of Procedure	2011/2058(REG)	Procedure completed
EP Rules of Procedure, Rules 123 and 42: written declarations and legislative initiatives		
Subject 8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		14/02/2011
		PPE TRZASKOWSKI Rafał	
		Shadow rapporteur	
		S&D GURMAI Zita	
		ALDE THEIN Alexandra	
		Verts/ALE HÄFNER Gerald	
		ECR FOX Ashley	
		EFD MESSERSCHMIDT Morten	

Key events			
16/02/2012	Committee referral announced in Parliament		
12/07/2012	Vote in committee		
24/07/2012	Committee report tabled for plenary	A7-0242/2012	
13/12/2012	Results of vote in Parliament		
13/12/2012	Decision by Parliament	T7-0502/2012	Summary
13/12/2012	End of procedure in Parliament		

Technical information	
Procedure reference	2011/2058(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules
Legal basis	Rules of Procedure EP 237-p1

Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/05212

Documentation gateway

Committee draft report	PE480.808	02/02/2012	EP	
Amendments tabled in committee	PE486.057	02/04/2012	EP	
Amendments tabled in committee	PE492.630	25/06/2012	EP	
Committee report tabled for plenary, single reading	A7-0242/2012	24/07/2012	EP	
Text adopted by Parliament, single reading	T7-0502/2012	13/12/2012	EP	Summary

EP Rules of Procedure, Rules 123 and 42: written declarations and legislative initiatives

The Committee on Constitutional Affairs adopted the report by Rafał TRZASKOWSKI (EPP, PL) on amendment of Rules 123 and 42 of Parliament's Rules of Procedure: written declarations and legislative initiatives.

The committee considers that in the light of Parliament's increased prerogatives, as well as the introduction of the European citizens' initiative, the significance of written declarations has changed, though they still can be a useful tool enabling Members to raise awareness on issues of public concern.

Parliament's Rules of Procedure should be amended, and the committee recommends new rules, the main points being as follows:

- at least 10 Members from at least three political groups may submit a written declaration of not more than 200 words on a matter falling exclusively within the competence of the European Union ;
- the contents of such a declaration may not go beyond the form of a declaration. In particular, it may not call for any legislative action, contain any decision on matters for which specific procedures and competences are laid down in the Rules of Procedure or deal with the subject of ongoing proceedings in Parliament;
- the authorisation to proceed further shall be subject to a reasoned decision by the President in any given case. Written declarations shall be published in the official languages on Parliament's website and distributed electronically to all Members. They shall be entered, with the names of the signatories, in an electronic register. This register shall be public and shall be accessible through Parliament's website;
- where the institutions to which the adopted text has been addressed do not inform Parliament about the intended follow-up within three months from its receipt, the matter shall, at the request of one of the authors of the declaration, be placed on the agenda of a subsequent meeting of the committee responsible.

Members take the view that the institutions to which a written declaration is addressed should inform Parliament about the intended follow-up within three months from receipt of such a declaration. Members intend, moreover, to seek an agreement with the Commission on this principle on the occasion of the next negotiations on the revision of the Framework Agreement on relations between the European Parliament and the Commission.

Members add that the quality and relevance of some written declarations, and in particular their concordance with the competences of the Union as set out in Title I of Part I of the Treaty on the Functioning of the European Union, can be underwhelming. In the next term, therefore, Parliament might assess the impact of the new provisions of its Rules of Procedure concerning written declarations and examine their effectiveness.

EP Rules of Procedure, Rules 123 and 42: written declarations and legislative initiatives

The European Parliament adopted a decision on the amendment of Rule 123 on written declarations and Rule 42 on legislative initiatives of Parliament's Rules of Procedure.

Parliament recalls that written declarations have a very limited impact, in terms of both agenda-setting and influencing decisions taken by the institutions, and may give a misleading impression as to their effectiveness; when properly used, however, they still retain value as a popular campaigning tool. Moreover, for proposals calling for a legislative action, Rule 42(2) should be used, giving individual Members a real opportunity to influence Union legislation and to incorporate a given proposal into the work of Parliament's committees.

In light of these considerations, Parliament has decided to amend its Rules of Procedure as follows:

Rule 42 paragraphs 2 and 3 (legislative initiatives):

- any Member may table a proposal for a Union act on the basis of the right of initiative granted to Parliament under Article 225 of the Treaty on the Functioning of the European Union. Such a proposal may be tabled together by up to 10 Members. The proposal shall indicate its legal basis and may be accompanied by an explanatory statement of no more than 150 words;
- the proposal shall be submitted to the President, who shall verify whether the legal requirements are fulfilled. He may refer the

proposal for an opinion on the appropriateness of the legal basis to the committee responsible for such verification . If the President declares the proposal admissible, he shall announce it in plenary and refer it to the committee responsible;

- where such a proposal is signed by a majority of Parliament's component members, the report on the proposal shall be deemed to be authorised by the Conference of Presidents. The committee shall draw up a report in accordance with Rule 48, after having heard the authors of the proposal;
- where a proposal is not opened for additional signatures or is not signed by a majority of Parliament's component Members the committee responsible shall take a decision on further action within three months of the referral, and after having heard the authors of the proposal.

Rule 123 (written declarations):

- at least 10 Members from at least three political groups may submit a written declaration of not more than 200 words relating exclusively to a matter falling within the competence of the European Union;
- the contents of such a declaration may not go beyond the form of a declaration. In particular, it may not call for any legislative action, contain any decision on matters for which specific procedures and competences are laid down in these Rules of Procedure or deal with the subject of ongoing proceedings in Parliament
- The authorisation to proceed further shall be subject to a reasoned decision by the President pursuant to paragraph 1 in any given case. Written declarations shall be published in the official languages on Parliament's website and distributed electronically to all Members. They shall be entered, with the names of the signatories, in an electronic register. This register shall be public and shall be accessible through Parliament's website.
- The signature of any Member may be added to a declaration entered in the electronic register. It may be withdrawn at any time before the end of a period of three months from the entry of the declaration in the register. In the event of such a withdrawal the Member concerned shall not be permitted to add his or her signature again to the declaration.

Members take the view that the institutions to which a written declaration is addressed should inform Parliament about the intended follow-up within three months from receipt of such a declaration. Members intend, moreover, to seek an agreement with the Commission on this principle on the occasion of the next negotiations on the revision of the Framework Agreement on relations between the European Parliament and the Commission.

Lastly, the resolution notes that the quality and relevance of some written declarations, and in particular their concordance with the competences of the Union as set out in Title I of Part I of the Treaty on the Functioning of the European Union, can be underwhelming. In the next term, therefore, Parliament might assess the impact of the new provisions of its Rules of Procedure concerning written declarations and examine their effectiveness.