

# Procedure file

## Basic information

REG - Parliament's Rules of Procedure

[2011/2059\(REG\)](#)

Procedure completed

EP Rules of Procedure, Rule 128: exercise of Parliament's rights vis-à-vis the Court of Justice, interpretation

Subject

8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure

## Key players

European Parliament

Committee responsible

**AFCO** [Constitutional Affairs](#)

Rapporteur

Appointed

Shadow rapporteur

S&D [GUILLAUME Sylvie](#)

Vers/ALE [HÄFNER Gerald](#)

ECR [FOX Ashley](#)

EFD [MESSERSCHMIDT Morten](#)

## Key events

22/03/2011	Vote in committee		Summary
22/03/2011	Decision by committee, without report		
24/03/2011	Decision by Parliament	<a href="#">T7-0119/2011</a>	Summary
24/03/2011	End of procedure in Parliament		

## Technical information

Procedure reference	2011/2059(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Interpretation of Rules
Legal basis	Rules of Procedure EP 236
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/05213

## Documentation gateway

Text adopted by Parliament, single reading		<a href="#">T7-0119/2011</a>	23/03/2011	EP	Summary
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## EP Rules of Procedure, Rule 128: exercise of Parliament's rights vis-à-vis the Court of Justice, interpretation

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The Committee on Constitutional Affairs, which had been consulted on the application of Rule 128 of the Rules of Procedure, provided the following interpretation on that provision:

'Rule 90(6) of the Rules of Procedure lays down a specific procedure by means of which Parliament can take a decision on whether to exercise its prerogative, pursuant to Article 218(11) TFEU, to seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties; that provision constitutes a "lex specialis" which takes precedence over the general provision laid down in Rule 128 of the Rules of Procedure.

When a decision must be taken as to whether Parliament should exercise its rights vis-à-vis the Court of Justice of the European Union, and the act in question is not covered by Rule 128 of the Rules of Procedure, the procedure provided for in this rule should apply, *mutatis mutandis*.'

## EP Rules of Procedure, Rule 128: exercise of Parliament's rights vis-à-vis the Court of Justice, interpretation

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The European Parliament adopted a decision concerning the exercise of Parliament's rights vis-à-vis the Court of Justice (interpretation of Rule 128 of the Rules of Procedure).

Parliament decides to append the following interpretation to Rule 128:

Rule 90(6) of the Rules of Procedure lays down a specific procedure by means of which Parliament can take a decision on whether to exercise its prerogative, pursuant to Article 218(11) TFEU, to seek an opinion from the Court of Justice on the compatibility of an international agreement with the Treaties. That provision constitutes a 'lex specialis' which takes precedence over the general provision laid down in Rule 128 of the Rules of Procedure.

When a decision must be taken as to whether Parliament should exercise its rights vis-à-vis the Court of Justice of the European Union, and the act in question is not covered by Rule 128 of the Rules of Procedure, the procedure provided for in this rule should apply, *mutatis mutandis*.