

Strasbourg, 7 July 1987

NOTE TO OFFICIALS
AND OTHER STAFF OF THE SECRETARIAT

Entry into force on 1 July 1987
- of the Single European Act
- of the new provisions of the Rules
of Procedure

The entry into force of the Single European Act on 1 July 1987 will mean significant changes in Parliament's working methods from both the political and procedural points of view.

At political level, Parliament will have to give higher priority to legislative work, in particular consultations under the cooperation and assent procedures.

As far as procedures are concerned, the entry into force of the new provisions of the Rules of Procedure (PROUT report) will mean appreciable changes, particularly in the work of the committees and political groups.

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The Directorate-General for Committees and Delegations, in close collaboration with the political groups and the other Directorates-General, will see to it that the new working methods laid down in the Rules of Procedure and in the instructions from the enlarged Bureau are properly applied and coordinated.

These new working methods will be introduced gradually and they will probably have to be reviewed, in the light of experience, after an initial trial period.

In the meantime, the services concerned may find it useful to refer to the attached four documents:

- a note from the President ('Implementation of the Single European Act') approved by the enlarged Bureau;
- two documents by the Directorate-General for Committees and Delegations ('Single European Act', I and II) approved by the enlarged Bureau;
- a 'check list' for the new consultation/cooperation procedure.

I should point out that the Directorate-General for Committees and Delegations is responsible within the Secretariat for all matters relating to the application of the Single European Act up until the adoption of the Council's final decision after Parliament's second reading. The Director-General concerned will give all the necessary instructions to ensure that the relevant procedures are carried out.

I would like to thank all colleagues for their efforts, both present and future, in this connection.

Enrico VINCI

Annexes: Annex I (PE 114.440/BUR)
Annex II (PE 112.034/rev.II)
Annex III (PE 112.208/rev.II)
Annex IV (PE 115.294)

Final Version - 5/6/87

IMPLEMENTATION OF THE SINGLE EUROPEAN ACT

GENERAL

At long last the Act should come into force on 1 July 1987, a reform far short of what the Parliament wanted, but one which we have committed ourselves to make work successfully, and to exploit to the full. The successful implementation of the SEA will be an earnest of the Parliament's role as a co-legislator, and a test of our credibility as an Institution. We have already taken a firm position on the conditions necessary to make a success of the Act - the Delors Package - where our resolution is a clear challenge to the European Council to take the necessary decisions later this month. I look forward to presenting our resolution in person. This note is concerned with the implications of our colegislative role as developed in the Act. The Secretary General's note exposes the issues, and underlines the burden which will be assumed by the Parliament. But I would like to draw out some of the principal implications for our work.

Inter Institutional Cooperation

Measures at the heart of the Single European Act will affect the course of our Community for the next decade. Successful implementation offers the prospect of a more prosperous and developing Community, making progress in a range of parallel areas. That Community dimension will impose obligations on all the Institutions of the Community - a duty to cooperate together in order to achieve the results which our citizens expect. I have already reached an understanding with the Presidency that common positions should reach the Parliament in the week before a Session in order to maximise the time available to us. We also agreed on the need for as much dialogue as possible between the Institutions during the consideration of a proposal. I hope very soon to be able to offer you an agreed formula for a legislative programme which should facilitate the planning of our work and represent the Commission's strategy of proposal making.

Implications

Within the Parliament, the need for different responses can be identified.

Political

At the political level we must accept the need to give the legislative aspect of our work appropriate Plenary time while of course maintaining sufficient opportunity for our essential political debates. Extra meetings of certain Committees will also be necessary. Scheduling of the Second Reading, where an absolute majority of Members' votes will be necessary to amend or reject the Council's common position, will be particularly vital. The Parliament must get used to speaking with one

credible voice. Those representing the Parliament, in discussion with the other Institutions must be capable of delivering the Parliament's votes. This will have implications for political groups; it may be necessary to feed in the Group position during Committee consideration. Coordinators or perhaps "shadow rapporteurs" will have an important role in insuring that Parliament pursues only amendments, sufficiently important and capable of commanding the necessary plenary majority.

Follow up

For too long the other Institutions have been allowed to disregard the resolutions of the Parliament. We have contributed to this by our failure to follow up our own words. We must improve this in all areas, but specifically within the Cooperation Procedure. The Parliament must be a dynamic partner in all stages of the legislative process, from the tabling of the proposal by the Commission to its final adoption;

a) A comprehensive First Reading must be capable of persuading the Commission to amend its proposal as far as possible to incorporate Parliament's opinion and defend it subsequently within the Council.

b) Discussion within the Council before it adopts a common position, must be monitored, not in total detail, but sufficiently to permit Parliament's representatives to explain our opinion, and to know enough of the Council's intentions for the Parliament to be able to react appropriately. The goal must be maximum convergence between the Institutions over the common position stemming from the Council.

c) Our response to the common position must be efficiently given within the time available under the Treaty; we must not shirk from reintroducing amendments which have not been followed by the Council, press our position positively and responsibly, and then follow up with both Commission and Council before the Council takes its formal decision.

Contacts

Rapporteurs will carry particular responsibility, and will need to husband draft legislation from their appointment to its eventual adoption. In addition Committee Chairmen, officers of the Parliament, must do their utmost through informal contacts, meetings with Commissioners, Council representatives, appearances of the President in office in committees, etc... in order to press the Parliament's views on specific proposals.

Conciliation in the terms of the 1975 Inter Institutional Agreement remains possible in the case of proposals having a significant financial impact. But this will not be the case for most examples within the cooperation procedure. Here informal contacts will be vital, but it may be necessary to reinforce these with a more structured dialogue with the Council, before or after the Council has adopted its common position, either to seek clarification of the Council's intentions or to press Parliament's opinion. I will be available to Committee Chairmen and rapporteurs to see how the Presidency can be used to reinforce the Parliament's position.

(PE 114.440/BUR)

PE 115.294/Ann.I

Secretariat

There is a parallel need at official level. I welcome the intention to designate a member of staff in DGII as responsible for each individual dossier. He must then liaise with interlocuteurs in the Council Secretariat and Commission, whom I hope will be similarly designated, so that at any time, the precise state of consideration of a proposal is known. This much improved dialogue should apply at all levels, in order to give practical effect to the necessary inter institutional cooperation. Parliament must not be caught unawares, and must be in a position to react in the most effective way possible in response to the Council's Common Position. A change of attitude between the Institutions is a prerequisite to the success of the Single European Act.

Relative Importance of Proposals

Some Commission proposals have particularly significant impact and political interest. They therefore require lengthy committee preparation and plenary debate, particularly if an absolute majority is to be mustered. At the other extreme, a proposal might be useful but of technical significance only. We should consider how our internal procedures can permit this distinction to be recognised; perhaps by devising an arrangement where Committee opinions on non controversial proposals are made the subjects of approval without debate. The duration and choice of Plenary consideration will in general need to take account of this relative sensitivity of proposals and the desired timetable for decision on the proposal.

CONCLUSION

The Enlarged Bureau is asked to endorse this general orientation.

Lord PLUMB
President

(PE 114.440/BUR)

PE 115.294/Ann.I

SINGLE EUROPEAN ACT (I)

Summary of the new procedures deriving from
the implementation of the Single European Act
and the amended Rules of Procedure of
the European Parliament

- 'assent' procedure
- cooperation procedure
- political cooperation

9 July 1987

(PE 112.034/rev.II)

PE 115.294/Ann. II

INTRODUCTION

1. The provisions of the Single Act necessitate certain changes in Community procedures. In particular, they establish the need for Parliament's assent when certain international agreements are concluded, and the cooperation procedure for certain other matters.

There are also new provisions regarding political cooperation, designed to promote greater consistency between the Community's foreign policy and that of the Member States meeting in European Political Cooperation.

2. The Single Act also makes provision for reconsidering the powers of the Community, allocating to it certain areas which it hitherto dealt with mainly on the basis of Article 235 of the EEC Treaty or specific agreements between Member States. These areas include the Regional Fund, research and development, environmental protection, certain aspects of social policy and the European Monetary System.
3. Furthermore, the Single European Act also provides for changes in the Council's decision-making procedures, unanimity being replaced by a qualified majority for decisions taken in certain fields¹.
4. Parliament has therefore taken steps to draw up and adopt a number of amendments to its Rules of Procedure so that the new rules may be applied more effectively. Some of these rules mean that the current working procedures will have to be substantially changed.
5. The main purpose of this note is to identify the legal and organizational implications of Parliament's new role, as defined in the amendments to the Rules of Procedure adopted during the December 1986 part-session².

The note is divided up under the following headings:

- assent
- cooperation procedure
- political cooperation.

N.B. ¹ The Single European Act and the amendments to Parliament's Rules of Procedure will come into force on the first of the month following completion of ratification

² The combination of the above-mentioned provisions will result in a substantial revision of the Community's decision-making procedure. This new system is, however, somewhat complicated, particularly as regards the criteria for dealing with a given matter according to one procedure in preference to another. Environmental policy is one example. Whilst the traditional procedure is maintained for certain sectors, where the Council must act unanimously, in other sectors (cf. directives on harmonization in the field of consumer protection) the cooperation procedure must be followed. This also applies to social question, the free movement of goods, the Regional Fund and almost all the fields covered by the Single Act

'ASSENT' PROCEDURE

The assent procedure is very similar to the national procedures for the ratification of international treaties. This means that, before they can ratify an association treaty or accept an application for accession, the Council and Parliament must obtain the approval of Parliament acting on a majority of its current Members.

In practice, the new provisions introduced in the Single Act give Parliament a sort of power of 'veto', thus allowing it to bring its influence to bear in the various stages involved in association or accession.

- Field of application¹
(Art. 8 of the Single Act)
- : agreements referred to in Articles 237 of the EEC Treaty: accession of new Member States to the Community
 - 238 of the EEC Treaty: association agreements (including the relevant additional protocols)
- Parliament's powers
- : Parliament gives its assent: i.e. it votes on the application for accession or the association agreements. Without Parliament's approval, an application for accession cannot be accepted, nor can an association agreement be ratified.
- New procedure
(Rules 31 A and B of the Rules of Procedure, which formally sanction various procedures including the Luns-Westenterp procedure)
- : the Rules of Procedure provide for:
 - a possible debate before negotiations begin;
 - Parliament being kept informed, through the appropriate committee, of progress made in negotiations;
 - a debate before any agreement is signed;
 - according to the provisions of the Single Act, voting by Parliament on assent by a majority of its current Members.

¹ With regard to the types of agreement referred to in Article 228 of the EEC Treaty, Parliament will continue merely to express an opinion in accordance with the procedures laid down in Rules 31 C and D of the Rules of Procedure. It is therefore essential to establish a definition of the 'association' agreements referred to in Article 238 (it must be remembered that it is the content rather than the formal name of the agreement that counts)

The assent procedure does not apply to other agreements. Nevertheless the rules of Procedure (Rules 31 C and D) state:

- that the same debate and information procedure applies to other agreements that Parliament considers to be important (on the basis of the Solemn Declaration on European Union)¹, including the delivering of an opinion. However, such an opinion is not binding and may be adopted by a simple majority;
- that the procedure laid down - only as far as discussion is concerned - applies to all other types of agreement; the procedure may be concluded with a debate in plenary.

¹ EC Bulletin No. 6/83

COOPERATION PROCEDURE

The cooperation procedure for the adoption of Community regulations involves two readings in Parliament and in the Council, and is in some ways similar to the budgetary procedure. This gives Parliament more power to influence the Council and the Commission in their assessment of its amendments. However, although as far as procedure is concerned the second reading constitutes the most significant formal change, in actual fact, given the conditions laid down for the second reading, the first reading is of vital importance in bringing about a convergence of the positions of the Commission, Council and Parliament.

Field of application
(Art. 6 of Single Act)

- : - above all, the gradual establishment of the internal market by 1992 by means of directives to harmonize legislation (Articles 100 A and B);
- elimination of discrimination on grounds of nationality (Art. 7 EEC Treaty);
- certain measures concerning the freedom of movement of workers, including the self-employed (Articles 49, 54(2), 56, 57(1) and (2) (part) of the EEC Treaty);
- improvements in working conditions and the health and safety of workers (new Art. 118 A);
- implementing measures relating to the Regional Fund (new Art. 130 E);
- decisions on research, i.e. specific research projects (and relevant financing), in implementation of the framework programme, and cooperation with third countries or international organizations (new Articles 130 K, L, M, N and P).

Parliament's powers
New Article 149(2) of the
EEC Treaty (Art. 7 of the
Single Act)

- : the new procedure involves two readings of the Commission's proposals by the Council and Parliament, with a change in the rules governing majorities in the two institutions:
- the first reading is similar to the present consultation procedure, but is followed by the adoption of a 'common position' by the Council rather than a final decision;

- the second reading is new and will enable Parliament, under certain conditions:
 - . to accept the Council's common position tacitly or explicitly; the Council is hence obliged to adopt the act definitively in accordance with this position,
 - . to reject the common position, thereby obliging the Council to vote unanimously for the act if it wishes to adopt it,
 - . to amend the common position, which may lead to the submission of a revised proposal, which the Commission will forward to the Council, who may adopt it by a qualified majority or amend it acting unanimously.

PRELIMINARY STAGE

Rule 32 of the Rules of Procedure

- : - according to the new provisions, it is essential to establish which article of the Treaties a proposal is based on - this will emerge from the subject-matter of the proposal concerned. Once the particular article is identified, this will determine which procedure is to be used², particularly whether the consultation or the cooperation procedure should be used;
- the new rules therefore establish a procedure for discussing or, possibly, disputing the legal basis proposed by the Commission; the committee responsible may, after consulting the Legal Affairs Committee, refer the matter to plenary for any decisions that have to be taken, including those of a legal nature.

¹ Rule 32 of the Rules of Procedure also applies to the ordinary consultation procedure

² Different majorities are required within the Council depending on the legal basis used, even in the case of consultation

FIRST READING

Rules 32 and 54A of the
Rules of Procedure

- : - the committee responsible considers the Commission's proposal and draws up a report pursuant to Rule 100 of the Rules of Procedure¹;
- the report consists of any proposed amendments, a draft legislative resolution (pursuant to the provisions of Rule 32) and an explanatory statement; the new element in this procedure is that the traditional resolution is eliminated and the legislative resolution may contain only Parliament's decision and the resulting procedural requests;
- the amendments to the Commission's proposal are tabled in committee and if they receive fewer than five votes are not put to the vote in plenary; only a committee, a political group or at least 23 Members may table amendments; however, the Rules of Procedure state that the committee responsible may express its views before the vote in Parliament (as in the budgetary procedure); in addition, the procedure provided for in Rule 54A remains applicable and is reinforced. This allows for the committee responsible to consider the amendments tabled in plenary, if there are more than 20 of them, and then draw up a supplementary oral or written report.

N.B. At the first reading allowance must be made for the fact that the proposal may be rejected at the second reading, or the amendments must be adopted by a majority of the Members of Parliament;

¹ It may also decide or request application of Rules 33 (delegation of the power of decision to a committee), 99 (procedure without report or simplified procedure) or 34 (procedure without debate); It should however be borne in mind both that Rules 33 and 99 cannot be applied at the second reading and that, at the second reading, specific majorities are laid down for the adoption of amendments, and there are also restrictions on the amendments that may be tabled

- Parliament votes first of all on the amendments to the Commission's proposal and then the legislative resolution. The vote on the legislative resolution, without prejudice to Rule 37 of the Rules of Procedure, closes the first reading.

Rule 35 of the Rules of Procedure

- : - If Parliament rejects the Commission's proposal the President may request it to withdraw it. If the Commission refuses to do so, Parliament may refer the matter back to the committee responsible before the vote on the legislative resolution.

Rule 36 of the Rules of Procedure

- : - Parliament may also postpone the final vote until it knows the Commission's position on the adopted amendments

INTERMEDIATE STAGE

After the first reading, the contacts between Parliament, the Commission and the Council will be a vital element in ensuring the success of the procedure. It must be emphasized that a convergence of views between Parliament and a majority of the Member States, with the agreement of the Commission, based on the decisions taken in first reading, prepares the way for a faster second reading.

New Art. 149 of the EEC Treaty

- : - After the first reading the focus moves to the Council and the Commission; the Council must establish a common position on the basis of the Commission's proposal, possibly amended, and the opinion of Parliament.

Rule 36A of the Rules of Procedure

- : - During this stage the rapporteur and the chairman of the committee responsible monitor progress made in the procedure; in particular they may, by means of a resolution tabled by the committee responsible, appeal to Parliament to take action; they may also work towards reaching agreements with the Council which may result, at the second reading, in compromise amendments, as referred to in Rule 39H 2b of the Rules of Procedure. This work will be based mainly on information which may be gathered from the appropriate departments of the Commission or the Council.

¹ The discussions may continue during the second reading (see Rule 39D(5) of the Rules of Procedure)

SECOND READING

Rules 39 A, B and C
of the Rules of
Procedure

- the conditions for this are laid down in the Single Act (Parliament must reach a decision within 3 months following communication of the common position and the accompanying explanations, otherwise it is considered to have given its approval)¹, as are the required majorities; the new Rules of Procedure therefore specify that:

Rule 39 D

- responsibility will be conferred automatically on the committees involved in the first reading and the rapporteur will remain the same;
- the Council's common position is considered by the committee responsible which submits a recommendation to Parliament for its second reading. This recommendation will provide for:

- . the approval of the proposal,
- . the rejection of the proposal, or
- . amendments to the proposal;

- restrictions on the amendments²:

- . their aim may be only to re-establish Parliament's positions as defined at the first reading or to represent a compromise with the Council;
- . they may be tabled: in committee, only by full members or substitutes; in plenary, only by a committee, a political group or at least 23 Members;

Rule 39 F

- the proposal must be put to the vote by the latest specified date, even without a recommendation from the committee. The vote may be carried out:

- . by a simple majority (or even without a vote if neither the proposal has been rejected nor the amendments adopted) to adopt the common position;

- . by a majority of Members of Parliament, to reject or amend the common position;

Rule 39 G and H

¹ Unless the deadlines set for Parliament and the Council are extended by one month

² A motion recommending rejection may be tabled by any Member of Parliament

- if the proposal is adopted or if no other result is achieved within 3 months, the Council must adopt the act in accordance with the common position;
- if the common position is amended or rejected, the Commission may:
 - . withdraw the proposal;
 - . submit, within one month, an amended proposal based on the amendments. In the latter case, if not all the amendments are incorporated, Parliament may demand an explanation from the Commission in plenary and, possibly, may call on it, by a majority of Members, to withdraw the proposal;
- the Council must vote on the amended proposal within 3 months, otherwise it lapses.

The Council may:

- . adopt the revised proposal by a qualified majority or unanimously, if Parliament has rejected the common position;
- . acting unanimously, amend the Commission's proposal;
- . unanimously adopt the amendments made by Parliament which were not incorporated by the Commission.

During either the first or the second reading Parliament may ask to be consulted once again, if either the Commission or the Council depart significantly from the text submitted by Parliament (Rule 37 of the Rules of Procedure).

EUROPEAN COOPERATION IN THE SPHERE OF FOREIGN POLICY

TITLE III OF THE SINGLE EUROPEAN ACT

It must be stressed that European political cooperation is dealt with formally outside the system governed by the Community Treaties (Article 1, third paragraph of the Single Act), although the aim is to bring about gradual integration between institutions, procedures and objectives respectively at Community level and with regard to European Political Cooperation. Measures which come under the heading of European Political Cooperation cannot be challenged before the Court of Justice (Article 32 of the Single Act).

Field of application
(Articles 1, 3, 30 and
31 of the Single Act

: promotion of a common foreign policy
for the Member States (Art. 30(1))

Declarations of:
- 1970 Luxembourg
- 1973 Copenhagen
- 1981 London
- 1983 Stuttgart)

encouraging consistency between the
foreign policies of the Community
and of European Political Cooperation

coordination of the positions of the
Member States on the political, economic,
technological and industrial aspects
of security (Art. 30 (6 a and b))

establishment of a permanent system
for the exchange of information and
mutual assistance.

Parliament's powers

: Parliament is closely associated with
European Political Cooperation (Art. 30(4))
and is therefore constantly kept informed
by the EPC presidency and by the Foreign
Ministers in plenary and through the
Political Affairs Committee

It can put questions and express opinions
and the presidency of European Political
Cooperation is obliged to take them
into consideration (Art. 30(4) of
the Single Act)

New procedure
(Rules 40 and 41 of the
Rules of Procedure)

: the Rules of Procedure contain the
following provisions:

- Rule 40 states that debates and
voting may be held on resolutions
tabled as a result of statements
made by the Council, the Commission
and the representatives of European
Political Cooperation

¹ Stuttgart Declaration on European Union - EC Bulletin No. 6/83,
point 2.3.4

- Rule 41 states that the President of the Foreign Ministers meeting in political cooperation is obliged to inform Parliament about foreign policy and the extent to which Parliament's opinions have been taken into account in this sphere (para. 1)
- the President of the Foreign Ministers meeting in political cooperation and the Commission are obliged to inform Parliament whenever Community external policy is inconsistent with EPC policy
- the President of the Foreign Ministers meeting in political cooperation is to report annually to Parliament (para. 3) and four quarterly colloquies are to be held between the Foreign Ministers and the Political Affairs Committee.

European Political Cooperation has its own operational structures (its secretariat works at the Council secretariat). It should be noted that the Single Act officially states that the presidency of European Political Cooperation is held by the Presidency of the Council and the Commission is entitled to be fully associated with the proceedings of the bodies involved in European Political Cooperation. The details of the European Parliament's 'association' have however not yet been specified in detail.

DIRECTORATE-GENERAL FOR COMMITTEES
AND DELEGATIONS

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DIRECTORATE-GENERAL FOR SESSIONAL SERVICES
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SINGLE EUROPEAN ACT (II)

Matters pertaining to the organization of proceedings
following the entry into force of
the Single European Act and the amended
Rules of Procedure of the European Parliament

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9 July 1987

(PE 112.208 /rev. II)

PE 115.294/Ann.III

With the entry into force of the Single European Act and its amended Rules of Procedure, the European Parliament will be subject to new procedures. These are described in document No. I (PE 112.034).

In adapting its Rules of Procedure as required by the Single European Act, Parliament has introduced a number of changes: some can be applied immediately, others require preliminary measures of an administrative, technical or procedural nature.

The proposals are set out in this note in the order in which the procedures to which they refer (simple consultation or cooperation) are dealt with in the amended Rules of Procedure.

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I. CLASSIFICATION OF SESSION DOCUMENTS (series L/A/B/C)

It is proposed to introduce two new series:

- a series L for session documents relating to the legislative procedure entailing only one reading (i.e. normal consultation);
- a series L-C for session documents relating to the legislative procedure entailing two readings (Cooperation Procedure).

* Reminder

. Series A will continue to comprise:

- discharge to the Commission
- own-initiative reports
- reports on amendments to the Rules of Procedure
- reports on resolutions pursuant to Rule 47
- reports on petitions

. Series B will continue to comprise:

- motions for resolutions pursuant to Rule 42(5)
- motions for resolutions pursuant to Rule 47
- resolutions pursuant to Rule 48
- written declarations for entry in the register (Rule 49)
- amendments to the Rules of Procedure (Rule 112)

. Series C will continue to comprise: non-legislative consultations, e.g.

- annual report of the Court of Auditors
- Annual General Report of the Commission

II - MODELS OF SESSION DOCUMENTS

A. Model to be used for a single reading or the first reading, under the Cooperation Procedure:

DRAFT LEGISLATIVE RESOLUTION

* embodying the opinion of the European Parliament on the proposal from the Commission to the Council for ... (Consultation Procedure)

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* embodying the opinion of the European Parliament in first reading on the proposal from the Commission to the Council for ... (Cooperation Procedure)

The European Parliament,

- having regard to the proposal from the Commission to the Council,
 - having been consulted by the Council pursuant to Article ... of the EEC Treaty (Doc. L/... or L/C ...),
 - having regard to, and approving, the legal basis proposed,

 - having regard to the report of the Committee on ... and the opinions of the Committee on ... and the Committee on ... (Doc. L/...) ¹,
 - having regard to the result of the vote on the Commission's proposal,
1. Calls on the Commission to amend its proposal, pursuant to Article 149(3) of the EEC Treaty, by incorporating the amendments adopted by Parliament and to inform Parliament of any modifications that may subsequently be made to the proposal;
 2. (Calls on the Council to incorporate the above amendments in the common position that is to be adopted in accordance with Article 149(2) (a) of the Treaty;)
 3. Calls on the Council to inform Parliament should it propose to depart from the text approved by Parliament;
 4. Requests the Council to institute a fresh consultation procedure should it propose to make substantial modifications to the Commission's proposal;
 5. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the text of the Commission's proposal as voted by Parliament and the corresponding legislative resolution.

¹ In implementation of the new Rule 32 (6), the report of the committee responsible must include an annex listing the amendments that obtained less than five votes in favour in committee and cannot therefore be put to the vote in the House unless a political group, a committee, or at least 23 Members make a written request to that effect prior to the opening of the vote.

B. Model to be used for the second reading (Cooperation Procedure):

1. Text to be submitted by the committee responsible and put to the vote in Parliament (see Rule 39D(6)):

R e c o m m e n d a t i o n
f o r t h e s e c o n d r e a d i n g

The Committee on ...,

- having regard to the common position of the Council on the proposal ..., as announced at the sitting of ...,

Recommends to Parliament that it:

1. approve the common position;

or

2. reject the common position;

or

3. amend the common position as follows:

There follow, in the normal tabular form, the text of the common position and, in the opposite column, the amendments proposed by the committee responsible

2. Forwarding of Parliament's decision:

Parliament's decision is communicated by its President to the Council and Commission in the following form:

The European Parliament,

- having been consulted on the common position of the Council,
- on the basis of the recommendation of its appropriate committee,

has

- approved the common position;
- amended the common position [in this case, calls on the Commission to take over Parliament's amendments ¹]
- rejected the common position [in this case, calls on the Commission to with- draw its proposal]

¹ A table of Parliament's amendments is annexed to the text

There is one particular case where the enlarged Bureau is called upon to adopt a standpoint, namely in the absence of the majority required to amend or reject the common position. In that event, the President of Parliament could communicate the result of the vote in the following form:

The European Parliament,

- having been consulted on the common position of the Council,
- on the basis of the recommendation of its appropriate committee,

has not amended the common position of the Council.

III - LEGAL BASIS of the PROPOSAL

As in the past, the requests received for opinions or advice are announced by the President. Announcements to this effect are published in the minutes of the sittings.

Under Rule 32(2), a list of the requests is published in the Bulletin of Parliament. The list must also specify the committee responsible and the legal basis selected. Article 32(3) stipulates that where the committee responsible disputes the validity or appropriateness of the legal basis, it may, after consulting the Committee on Legal Affairs, refer the matter to Parliament, reporting orally or in writing.

In case of doubt, then, the committee responsible has the right of direct consultation with the Committee on Legal Affairs and Citizens' Rights.

So that the procedure does not become excessively cumbersome, such reports should preferably be presented orally, without a subsequent debate, and simply put to the vote, if need be after the Committee on Legal Affairs and Citizens' Rights has expressed its views.

IV - COMMUNICATION of the COMMON POSITION of the COUNCIL

Under the new Rule 39B, the common position of the Council is announced by the President of Parliament once he has received the documents setting out the common position proper, the reasons which led the Council to adopt it, and the Commission's position, duly translated into the official languages of the Community. The President's announcement is to be made at the part-session following receipt of the documents. It should preferably be published in the minutes and distributed during that same part-session.

V - ORGANIZATION of the WORK of the PARLIAMENTARY COMMITTEES

It is absolutely essential for the parliamentary committees to have access to all the resources they need to enable them to satisfy the requirements of the Single Act and the amended Rules of Procedure.

In implementation of the new Rules 32 and 54A (consideration of amendments to reports) and 39H(2)(b) (tabling of compromise amendments to the common position):

- the committees shall be authorized to meet during part-sessions; in cases of need, the President may, exceptionally, authorize meetings to be held in weeks set aside, in principle, for political group meetings;
- all translation, reproduction, and distribution work connected with the application of the Single Act shall be deemed to have priority.

VI - LIST of MATTERS WHERE THE ENLARGED BUREAU IS REQUIRED TO ADOPT A PRIOR STANDPOINT

The enlarged Bureau is required to adopt a standpoint in respect of certain provisions set out in the Single European Act or the amended Rules of Procedure.

- (a) The form and implications of the 'annual Legislative Programme' (Rule 29(4)).
- (b) Nature of contacts between the parliamentary committees and the other institutions:
 - the dialogue provided for in (the new) Rule 39D(5) of the Rules of Procedure (see also Rules 36A and 39H(2)(b));
 - invocation of the 'legislative' conciliation procedure (resulting from the Joint Declaration of 4 March 1975 under the new Cooperation Procedure).
- (c) Forwarding by the committee responsible of information required by the Members of Parliament (under the new Rules 36A and 39D (5)).
- (d) How might Parliament express its political standpoint within the framework of a legislative procedure? (Witness the consultation on the annual agricultural prices, for example).
- (e) Is it really necessary for the debate to be reopened in the House after the rapporteur has submitted the recommendation for the second reading?
- (f) By analogy with the 'first reading' procedure, the committee responsible should be allowed, if it so wishes, to meet during part-sessions in order to determine its standpoint on the amendments to the Council's common position.
- (g) At part-sessions: fixing of the date and time of the votes on recommendations for the second reading and other acts requiring a qualified majority (see (the new) Rule 39I).
- (h) Procedure to be followed in respect of draft legislative resolutions and the like which have already been prepared, or indeed adopted, by committees and will have to be submitted to the House in the form prescribed by the amended Rules of Procedure.

CHECK LISTforTHE NEW CONSULTATION/COOPERATION PROCEDURE

1. Forwarding of the Commission proposal to Parliament
 - 1.1. Checking of legal basis

	DG II Legal Service
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 - 1.2. Appointment of an official responsible from the committee to which the proposal will be referred

	DG II
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 - 1.3. Identification by the official appointed under 1.2. of the Commission and Council officials responsible

	DG II
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2. Receipt of the request for an opinion from the Council
 - 2.1. Checking of legal basis (if different from 1.1.)

	DG II
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 - 2.2. Designation of committee responsible and committees asked for opinions

	DG II
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 - 2.3. Drawing up of a provisional timetable of parliamentary work¹, in cooperation with the Commission and the Council (urgent procedure)

	DG II DG I
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3. Consideration in committee
 - 3.1. Appointment of rapporteurs/draftsmen

	DG II
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 - 3.2. Preparation of draft report - contacts with the Commission and the Council at administrative and political level

	DG II Political groups
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 - 3.3. Possible hearing of members of the Council and the Commission

	DG II
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 - 3.4. Debates, amendments and votes on the 'legislative resolution'

	DG II
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¹ Committee responsible, committees asked for opinions and plenary

4. Vote in plenary sitting (first reading)
 - 4.1. Check at political level that there exists a substantial majority for the vote on first reading (with a view to the requirement of an absolute majority on second reading) Political groups
DG II
 - 4.2. Contacts with the Commission to ascertain its position on the proposed amendments (cf. Rule 40 of the Rules of Procedure) DG II
 - 4.3. Vote: - referral back to committee (Rule 39)
- postponement of the vote (Rule 40)
- vote DG I
DG II

5. Follow-up to Parliament's opinion (Rule 41)
 - 5.1. Monitoring of the procedure within the Council DG II
 - 5.2. Contacts between the rapporteur and the Commission and the Council DG II
 - 5.3. Reaction to the approach adopted by the Commission and, in particular, vote on a resolution DG II
DG I

6. Common position of the Council
 - 6.1. Receipt of the common position and establishment of the starting date of the 3-month period (Rule 45) DG I
 - 6.2. Automatic referral to the committee responsible (Rule 47) DG I

7. Consideration in committee
 - 7.1. Automatic inclusion on the committee agenda and confirmation of rapporteur DG II
 - 7.2. Verification of the timetable of parliamentary work (committee responsible and plenary), in cooperation with the Commission and the Council DG II
DG I
 - 7.3. Contacts with the Commission and the Council at administrative and political levels
'Dialogue' with the Council (Rule 47(5)) DG II
Political groups
 - 7.4. Check - within the committee - on the existence of a substantial majority with a view to the requirement of an absolute majority in the House Political groups
DG II
 - 7.5. Vote on the 'recommendation' on the second reading (Rule 47(6)) DG II

8. Vote in plenary sitting (second reading)
- 8.1. Automatic inclusion of the 'recommendation' on the agenda for the plenary sitting DG I
- 8.2. Approval without vote (Rule 49) DG I
- 8.3. Check on the existence of an absolute majority in the case of rejection or amendment of the Council's common position Political groups
DG II
- 8.4. Vote on rejection of the common position (Rule 50(1)) DG I
- 8.5. Vote on amendments to the common position (Rule 51)
- admissibility of amendments
- position of the Commission DG I
9. Re-examination by the Commission of its original proposal
- 9.1. Contacts between the committee responsible and the Commission DG II
- 9.2. Possibly, consideration by the committee responsible of the re-examined proposal and automatic inclusion on the agenda to inform Parliament (Rule 52) DG I
DG II
10. Council decision
- 10.1. Monitoring of the procedure within the Council DG II
- 10.2. Possible legal proceedings against the Council for failure to act (Rule 54) DG II
Legal Service