

European Communities

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 278/73

Report

drawn up on behalf of the Legal Affairs Committee

on the motion for a resolution (Doc. 196/73) tabled by Mr J. DURIEUX on behalf of the Liberal and Allies Group on the amendment of Rule 21 of the Rules of Procedure of the European Parliament relating to the introduction of a motion of censure

Rapporteur : Mr L. MEMMEL

PE 34.626/fin.

At its sitting of 16 October 1973 Parliament referred the motion for a resolution tabled by Mr J DURIEUX on behalf of the Liberal and Allies Group on the amendment to Rule 21 of the Rules of Procedure of the European Parliament to the Legal Affairs Committee.

The text of the motion for a resolution (Doc. 196/73) is contained in the attached annex.

The Legal Affairs Committee appointed Mr MEMMEL rapporteur on 6 November 1973.

At its meeting of 6 December 1973, the Legal Affairs Committee adopted the motion and explanatory statement by 13 votes to 7.

The following were present :

Mr Schuijt, chairman; Mr Jozeau-Marigné and Mr Bermani, vice-chairmen; Mr Memmel, rapporteur; Mr Brewis, Mr Broeksz, Mr Brugger, Mr Corterier, Mr D'Angelosante, Mr Duval, Mr Héger, Mr Lautenschlager, Mr Müller (deputizing for Mr Ballardini), Mrs Nielsen, Mr Schmidt, Mr Schwörer, Mr Springorum, Mr Vermeylen, Mr Vernaschi, Mr Yeats.

C O N T E N T S

	<u>page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	7

ANNEX- Motion for a resolution tabled by Mr J DURIEUX
(Doc. 196/73).

The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the amendment to Rule 21 (1) of the Rules of Procedure of the European Parliament relating to the minimum number of members required to introduce a motion of censure.

The European Parliament

- having regard to Article 24 of the ECSC Treaty, Article 144 of the EEC Treaty and Article 114 of the EAEC Treaty,
- having regard to its Rules of Procedure,
- having regard to the report by the Legal Affairs Committee (Doc. 278/73),
- having regard to the increasingly important tasks devolving upon it in anticipation of European Union,
- stressing the political consequences of passing a motion of censure,
- drawing attention to the stricter conditions laid down in the Rules of Procedure of the European Parliament in respect of other steps which are not likely to have such far-reaching consequences for the Communities,
- and considering the high majority required to adopt a motion of censure,

1. Resolves to amend as follows Rule 21 (1) of its Rules of Procedure:

Article 21

- '1. A motion of censure on the Commission may be handed to the President of Parliament by a political group or one-tenth of Parliament's current members.'
(paragraphs 2, 3 and 4 unchanged)
2. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

EXPLANATORY STATEMENT

1. Article 144 of the EEC Treaty¹ reads as follows :

'If a motion of censure on the activities of the Commission is tabled before it, the Assembly shall not vote thereon until at least three days after the motion has been tabled and only by open vote.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the Assembly, the members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with Article 158 (Article 11 of the Merger Treaty).'

However, paragraph 1 of Article 21 of the Rules of Procedure provides that :

'Any representative may hand to the President of Parliament a motion of censure on the Commission.'

2. It would not appear necessary to dwell on the consequences of the adoption of a motion of censure, nor on the extremely strict requirements governing quorum and majority laid down by Article 144 of the EEC Treaty.

For this reason your committee considers that there is a good case for making motions of censure subject to more stringent conditions than at present provided for under Rule 21 (1) of the Rules of Procedure of the European Parliament: however, it does not consider it desirable to grant this right to a Parliamentary committee, but feels it should be accorded both to a political group and any sufficiently high number of Representatives, as is the rule in the parliaments of those Member States where provision exists for the motion of censure.

3. The draftsman of the motion for a resolution proposes that this number should be fixed at 10. Your committee considers that this number is still too low by comparison with the number required under Rule 33 (4)² of the Rules of Procedure: this paragraph states, in effect, that the quorum required for a vote by roll call shall consist of a majority of the current members of Parliament, if requested by at least thirty Representatives.

4. For this reason, and in view of the importance of the motion of censure as a means of political control, your committee does not believe it to be sufficient to fix at ten the minimum number of members necessary to introduce such a motion.

Your committee expressed this opinion by a vote of 2 for, 13 against and 2 abstentions on a motion to fix at ten the minimum number of members necessary to introduce a motion of censure.

¹ cf. ECSC Article 24 (2) and (3), EAEC Article 114.

² In the amended version adopted by Parliament on 16 October 1973.

Moreover, the Legal Affairs Committee considers that it would be preferable to relate this number to the number of current members of Parliament, the usual practice under the Rules of Procedure of the parliaments of those Member States¹ where provision exists for the motion of censure or similar procedures; it thus proposes that paragraph 1 of Article 21 be rewritten as follows:

'1. A motion of censure on the Commission may be handed to the President of Parliament by a political group or one-tenth of Parliament's current members.'

The committee approved this text by 12 votes for, 7 against and 1 abstention.

5. In discussing the motion for a resolution tabled by Mr Durieux, the Legal Affairs Committee noted that this was the seventh time since the beginning of 1973 that it had been asked to deliver an opinion on a proposed amendment to Parliament's Rules of Procedure. It now feels it should draw attention to the possible disadvantages of the large number of amendments adopted by Parliament with respect to its Rules of Procedure and to the uncertainty which this could produce.

The Legal Affairs Committee wonders whether it might not be more sensible to introduce amendments only during periodic reviews of the Rules of Procedure, a system which might allow Parliament to make a better assessment of amendments to the body of this fundamental text, which in a way constitutes its 'Magna Carta'.

¹ Federal Republic of Germany: Rules of Procedure of the Bundestag, Rule 98 (2): any proposal within the meaning of Article 67 of the constitution shall be tabled by one quarter of the members of the Bundestag;

France: Rules of Procedure of the National Assembly, Rule 150 (1) : any motion of censure shall be signed by at least one tenth of the members of the Assembly.

Italy: Rules of Procedure of the Chamber of Deputies, Rule 115 : any motion of confidence shall be signed by one tenth of the members of the Chamber; Rules of Procedure of the Senate, Rule 161: any motion of no confidence shall be signed by at least one tenth of the members of the Senate.

MOTION FOR A RESOLUTION

tabled by

Mr J. DURIEUX, on behalf of the
Liberal and Allies Group

on the

amendment of Rule 21 of the Rules of Procedure of
the European Parliament

The European Parliament,

- having regard to the increasingly important tasks devolving upon it in anticipation of European Union,
 - stressing the political consequences of passing a motion of censure,
 - drawing attention to the stricter conditions laid down in the Rules of Procedure of the European Parliament in respect of other steps which are not likely to have such far-reaching consequences for the Communities,
 - and considering the high majority required to adopt a motion of censure,
1. Resolves to amend as follows Rule 21 (1) of its Rules of Procedure :
'Any committee or political group or not less than ten Representatives may hand to the President of Parliament a motion of censure on the Commission.'
 2. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

