

# EUROPEAN PARLIAMENT



## *s e s s i o n   d o c u m e n t s*

ENGLISH EDITION

21 February 1995

A4-0024/95

## SECOND REPORT

on the amendment of Rule 159 of Parliament's  
Rules of Procedure concerning the appointment of the  
Ombudsman

Committee on the Rules of Procedure, the Verification of  
Credentials and Immunities

Rapporteur: Mr Ben Fayot

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PE 211.013/fin.  
fr - Or. fr

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| <ul style="list-style-type: none"><li>* Consultation procedure<br/>simple majority</li><li>**I Cooperation procedure (first reading)<br/>simple majority</li><li>**II Cooperation procedure (second reading)<br/>simple majority to approve the common position<br/>absolute majority of Parliament's component Members to reject or amend the common position</li><li>*** Assent procedure<br/>absolute majority of Parliament's component Members to give assent<br/>except for simple majority under Articles 8a, 105, 106, 130d and 228 EC</li></ul> | <ul style="list-style-type: none"><li>***I Codecision procedure (first reading)<br/>simple majority</li><li>***II Codecision procedure (second reading)<br/>simple majority to approve the common position<br/>absolute majority of Parliament's component Members either to adopt a declaration of intent<br/>to reject the common position, or to amend or confirm the rejection of the common position</li><li>***III Codecision procedure (third reading)<br/>simple majority to approve the joint text<br/>absolute majority of Parliament's component Members to reject the Council text</li></ul> |
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## C O N T E N T S

|   | <u>Page</u> |
|---|-------------|
| Procedural page . . . . .                         | 3           |
| A. Amendments to the Rules of Procedure . . . . . | 4           |
| PROPOSAL FOR A DECISION . . . . .                 | 7           |

By letter of 14 November 1994 the President of Parliament consulted the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on the possibility of amending the provisions of the Rules of Procedure concerning the appointment of the Ombudsman.

The committee considered the matter at an extraordinary meeting in Strasbourg on 15 and 16 November 1994.

At the end of the meeting it decided to propose amendments to parts of Rule 159 and appointed its chairman, Mr Fayot, rapporteur.

At its meetings of 21 and 22 November and 28 and 29 November 1994 it considered the draft report.

At the latter meeting it adopted the proposal for a decision (PE 210.749/fin.) by 12 votes to 8, with 1 abstention.

The following were present for the vote: Fayot, chairman and rapporteur; Mosiek-Urbahn, vice-chairman; Wijzenbeek, vice-chairman; André-Leonard (for Capucho), Aparicio Sanchez (for Lambraki), Colom i Naval (for Ford), Cot (for Balfe), Crowley, Dell'Alba, Brendan Donnelly, Ephremidis, Fabre-Aubrespy (for Jean-Pierre), Garcia Arias (for Marinho), Kellett-Bowman (for D'Andrea), Langer (for Aglietta), Lucas Pires (for Galeote Quecedo), Malangré, Manzella, Nassauer (for Janssen Van Raay), Rothley, Santini (for Florio) and Verde i Aldea.

The report was tabled on 29 November 1994 (A4-0085/94).

At the sitting of 14 December 1994 the report was referred back to the Committee on the Rules of Procedure, the Verification of Credentials and Immunities pursuant to Rule 129 of the Rules of Procedure.

The committee confirmed the appointment of Mr Fayot as rapporteur on 16 November 1995 and considered the draft second report at its meetings of 25-26 January and 20-21 February 1995.

At the latter meeting it adopted the proposal for a decision by 16 votes to 0, with 3 abstentions.

The following were present for the vote: Fayot, chairman and rapporteur; Mosiek-Urbahn, vice-chairman; Wijzenbeek, vice-chairman; Lambraki, vice-chairman; Bardong (for Rack), Chanterie (for Janssen van Raay), Dell'Alba, Brendan Donnelly, Evans, Fabre-Aubrespy (for Jean-Pierre), Florio, Ford, Herman (for D'Andrea), Manzella, Medina Ortega (for Verde i Aldea), Palacio Vallelersundi, Rothley, Schleicher (for Malangré) and Vecchi (for Marinho).

The second report was tabled on 21 February 1995.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## Rules of Procedure of the European Parliament

Present textProposed new text(Amendment 1)  
Rule 159(1)

1. At the start of each parliamentary term the President shall, immediately after his election, call for nominations for the office of Ombudsman and set a time limit for submitting nominations.

1. At the start of each parliamentary term the President shall, immediately after his election or in the cases referred to in Rule 159(10), call for nominations for the office of Ombudsman and set a time limit for submitting nominations. A notice calling for nominations shall be published in the Official Journal of the European Communities.

(Amendment 2)  
Rule 159(2)

2. Nominations must have the support of at least twenty-six Members of the European Parliament and must demonstrate that the nominee fulfils the conditions required for the performance of the duties of Ombudsman.

2. Nominations must have the support of at least twenty-six Members of the European Parliament.

Nominations must include all the supporting documents needed to show conclusively that the nominee fulfils the conditions required by the Regulations on the Ombudsman.

Nominations shall also include a solemn undertaking by the nominee not to engage in any other occupation, whether gainful or not, during his term of office in the event of his being appointed.

deleted

(Amendment 3)  
Rule 159(4)

4. The committee responsible shall submit its choice of candidate to Parliament for a vote.

4. The committee responsible shall select three to five nominations which shall be submitted to Parliament in alphabetical order for a vote.

Where the number of nominations is three or less, the committee responsible shall automatically submit them to Parliament.

(Amendment 4 )  
Rule 159(5)

5. Parliament shall place the vote on the agenda for the part-session following the submission of the proposal by the committee responsible.

5. Parliament shall place the vote on the agenda for the part-session following the submission of the proposals by the committee responsible.

(Amendment 5)  
Rule 159(6)

6. The vote shall be held by secret ballot on the basis of a majority of the votes cast.

6. The vote shall be held by secret ballot on the basis of a majority of the votes cast. If no candidate is elected on the first ballot only the two candidates obtaining the largest number of votes may continue to stand.

In the event of a tie on the second ballot, the older candidate shall be elected.

(Amendment 6)  
Rule 159(8)

8. Should the vote be negative, the President may either ask the committee responsible to submit another proposal or alternatively issue another call for nominations.

8. deleted

(Amendment 7)  
Annex VIIa to the Rules of Procedure (new)

ANNEX VIIa

Selection of nominations for election  
of the Ombudsman

Valid nominations received in  
response to publication of the Call  
for nominations for the office of  
Ombudsman, on page of OJ C 210 of 30  
July 1994, shall automatically be  
considered admitted to the selection  
process, unless expressly renounced  
by the person concerned.

### PROPOSAL FOR A DECISION

Decision on the amendment of Rule 159 of Parliament's Rules of Procedure concerning the appointment of the Ombudsman

The European Parliament,

- having regard to the letter of 14 November 1994 from its President,
  - having regard to Rules 162 and 163 of its Rules of Procedure,
  - having regard to the report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (A4-0085/95),
  - having regard to the second report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (A4-0024/95)
1. Decides to make the above amendments to its Rules of Procedure;
  2. Instructs its President to forward this decision to the Council and Commission for information.

