

EUROPEAN PARLIAMENT



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

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A4-0094/95

THIRD REPORT

on amendment of Rule 159 of Parliament's
Rules of Procedure concerning 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 212.838/fin.
fr - Or. fr

- * Consultation procedure
simple majority
- **I Cooperation procedure (first reading)
simple majority
- **II Cooperation procedure (second reading)
simple majority to approve the common position
absolute majority of Parliament's component Members to reject or amend the common position
- *** Assent procedure
absolute majority of Parliament's component Members to give assent
except for simple majority under Articles 8a, 105, 106, 130d and 228 EC

- ***I Codecision procedure (first reading)
simple majority
- ***II Codecision procedure (second reading)
simple majority to approve the common position
absolute majority of Parliament's component Members either to adopt a declaration of intent to reject the common position, or to amend or confirm the rejection of the common position
- ***III Codecision procedure (third reading)
simple majority to approve the joint text
absolute majority of Parliament's component Members to reject the Council text

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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.

It considered the draft report at its meetings of 21 and 22 November and 28 and 29 November 1994.

At the latter meeting it adopted the proposal for a decision by 12 votes to 8, with 1 abstention.

The following were present for the vote: Fayot, chairman and rapporteur; Mosiek-Urbahn, vice-chairman; Wijsenbeek, vice-chairman; André-Leonard (for Capucho), Aparicio Sanchez (for Lambraki), Colom i Naval (for Ford), Cot (for Balfe), Crowley, Dell'Alba, Donnelly, Ephremidis, Fabre-Aubrespy (for Jean-Pierre), García 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 committee pursuant to Rule 129.

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; Wijsenbeek, vice-chairman; Lambraki, vice-chairman; Bardong (for Rack), Chanterie (for Janssen van Raay), Dell'Alba, 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.

At the sitting of 14 March 1995 the second report was referred back to committee pursuant to Rule 129.

The committee had confirmed the appointment of Mr Fayot as rapporteur on 16 November 1994; it examined the draft third report at its meetings of 21-22 March and 24-25 April 1995.

At the latter meeting it adopted the proposal for a decision by 9 votes to 2.

The following were present for the vote: Fayot, chairman and rapporteur; Mosiek-Urbahn, vice-chairman; Wijzenbeek, vice-chairman; Lambraki, vice-chairman; Dell'Alba, Donnelly, Evans, Fabre-Aubrespy (for Jean-Pierre), Rack, Santini (for Florio) and Verde i Aldea.

The third report was tabled on 25 April 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 text

Proposed 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, immediately after his election or in the cases referred to in Rule 159(10), the President shall 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), subparagraph 1 and subparagraph 1a (new)

2. Nominations must have the support of at least twenty-nine 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 a minimum of twenty-nine Members of the European Parliament who are nationals of at least two Member States.

Each Member may support one nomination only.

(Amendment 3)
Rule 159(2), subparagraph 2

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.

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

(Amendment 4)
Rule 159(3)

3. They shall be forwarded for consideration to the committee responsible, which may ask to hear the nominees.

3. They shall be forwarded to the committee responsible, which may ask to hear the nominees.

Such hearings shall be open to all Members of the European Parliament.

(Amendment 5)
Rule 159(4)

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

4. A list of admissible nominations in alphabetical order shall then be submitted to the vote of Parliament.

(Amendment 6)
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.

deleted

(Amendment 7)
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 after the first two ballots, only the two candidates obtaining the largest number of votes may continue to stand.

In the event of any tie the eldest candidate shall prevail.

(Amendment 8)
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. ~~deleted~~

(Amendment 9)
Annex VIIa to the Rules of Procedure (new)

ANNEX VIIa
Transitional provisions for election
of the first Ombudsman

1. Nominations fulfilling the requirements laid down in the Call for nominations for the office of Ombudsman, published on page 21 of OJ C 210 of 30 July 1994 shall automatically be considered, unless expressly renounced by the person concerned.

Such nominations shall comply with the provisions of Parliament's Rules of Procedure with regard to the number of Members required to support them and the conditions of such support.

PROPOSAL FOR A DECISION

Decision on amendment of Rule 159 of Parliament's Rules of Procedure concerning 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),
 - having regard to the third report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (A4-0094/95),
1. Decides to amend its Rules of Procedure as indicated above;
 2. Instructs its President to forward this decision to the Council and Commission, for information.