



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 28 May 2008**

**10115/08**

**PE 183  
INST 60**

**NOTE**

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from :	General Secretariat of the Council
to :	Delegations
Subject :	Report on the meeting of the <b>Committee on Constitutional Affairs</b> held in Brussels on 26 and 27 May 2008

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The meeting was chaired by Mr LEINEN (PSE, DE).

**I. Chairman's announcements**

Mr Leinen informed the Committee of the discussions held on 20 May 2008 with the Council and the Commission on the amendments to the Statute of the Ombudsman. He also announced that further discussions on the same issue will take place on 4 June 2008.

Mr Leinen announced that on 3 June 2008 AFCO will organise a workshop on Civil Dialogue and that a PPE member of AFCO will prepare a report on the consequences of the entry into force of the Lisbon Treaty on its work.

**II. Consideration of reports as leading committee**

**a) Report on the Approval of the Commission, Amendments to the Rules of Procedure  
2007/2128(REG)**

*Rapporteur:* Andrew DUFF (ALDE, UK)

Mr Duff briefly introduced the amendments to his report.

Mr Voggenhuber (Greens/ALE, AT) questioned the limitation of the number of questions addressed to designated Commissioner and the possibility for the Committees of the Parliament to hear the designated Commissioner when the entire Commission does not change.

Mr Corbett (PSE, UK) questioned the role of the political criteria in the evaluation of candidates.

Mr Hänsch (PSE, DE) pleaded for continuing to apply the current practice of evaluation and called for flexibility. In his view, if the Parliament is against a candidate, the President of the Parliament should write to the President of the Commission and ask him to put forward another name.

At the end of the exchange of views, Mr Duff recalled that the treaty is clear on the procedure: the Parliament cannot vote on the appointment/sacking of an individual member of the Commission. Nevertheless, the practice evolved differently and this is the reason for proposing in annex XVIter of the report a framework procedure for the hearing and the evaluation of candidates. If the Parliament expresses no confidence in the candidate, the President of the Commission should either sack him, or come to the plenary and give reasons for maintaining his name. The insertion of political criteria is a sensitive issue and the Parliament should interpret it in a sensible way. The "European commitment" criterion means that the candidate should not receive instructions from his Member State of origin. The limitation of the number of questions is necessary, since the practice proved that when the number of questions was too great, the candidate did not answer them directly and the written answers were drafted by the services of the Commission. He also insisted on the utility of the hearings in the Committees which allow the candidate to understand better the nature of the relations of the Commission with the Parliament and give legitimacy to the Commission.

**b) Amendment of Rule 29 - Formation of political groups**

2006/2201(REG)

*Rapporteur:* Richard CORBETT (PSE, UK)

On 26 May, AFCO discussed this report which was voted by the Committee next day (for the results of votes, see part IV of the present report).

Mr Duff, Mrs Kaufman (GUE/NGL, DE), Mrs Dahl (IND/DEM, DK) and Mr Voggenhuber questioned the new threshold of 30 members proposed by the rapporteur which could undermine the existence of certain groups and the coherence of the two big political groups.

Mrs Kaufmann also referred to a letter sent by the chairmen of 5 political groups contesting the threshold proposed by the rapporteur, which apparently has reached neither the chairman of AFCO nor the rapporteur.

Mr Szájer (EPP, HU) and Mr Méndez de Vigo (EPP, ES) supported the report and emphasised that the rationale for the new rules was to take into account the future composition of the Parliament.

**c) Amendment of Parliament's Rules of Procedure in the light of the proposals by the Working Party on Parliamentary Reform concerning the work of the Plenary**

2007/2272(REG)

*Rapporteur:* Richard CORBETT (PSE, UK)

On 26 May, AFCO discussed this report which was voted by the Committee next day (for the results of votes, see part IV of the present report).

Mr Corbett announced that he would withdraw the amendment on the limitation of the number of questions if the guidelines he proposed were adopted by the Committee. According to him, the President of the Parliament should rule on the admissibility of questions.

Mr Szájer and Mr Voggenhuber rejected the proposal for limitation of the number of questions and asked whether there was no other solution to end abuses of the right to put questions. Mr Szájer also proposed to shorten the deadline for answering the written questions.

**d) Interpretation of Rule 182 with regard to chairpersons of subcommittees**

2008/2075(REG)

*Rapporteur:* Mauro ZANI (PSE, IT)

According to the rapporteur, nothing in the Rules of Procedures of the Parliament prevents the chairman of AFET from associating in his work the chairpersons of the two subcommittees of AFET. It would also be possible to change Rule 181, by adding a 5<sup>th</sup> paragraph, in order to transform them into vice-chairmen of AFET.

Mr Onesta (Greens ALE, FR) agreed that, for the moment, the proposal of Mr Zani was reasonable, but emphasised the need for changing the attributions of AFET and its subcommittees after the 2009 elections.

Mr Severin (PSE, RO) pleaded against transforming the chairpersons of the two subcommittees into vice-chairmen of AFET, but agreed with the idea of giving them more powers.

According to Mr Duff, the security and defence issues should be dealt with directly by AFET, but the Human Rights issues could be dealt with by a subcommittee of AFET.

**e) Parliament's new role and responsibilities implementing the Treaty of Lisbon**

2008/2063(INI)

*Rapporteur:* Jo LEINEN (PSE, DE)

Mr Leinen announced that a meeting with the draftsmen of the other committees of the Parliament took place on 14 May 2008. He emphasised the need to clarify certain aspects of interinstitutional relations; to establish the procedure to be followed by the Parliament when dealing with future codecision dossiers; to determine the role of the national parliaments in examining legislative texts currently on the table of the European Parliament; to clarify the role of the future inquiry committees of the Parliament; to arrive at an agreement with the Council on commitology.

Mr Duff proposed having an exchange of views with the draftsmen of the other committees before searching for a comprehensive solution in AFCO.

*Timetable*

*Presentation of the report:* 23 June 2008

*Vote in the Committee:* 16 July 2008

*Vote in the Plenary:* September 2008

**f) Report on a strategy for the future settlement of the institutional aspects of Regulatory Agencies**

2008/2103(INI)

*Rapporteur:* Georgios PAPASTAMKOS (EPP-ED, EL)

Mr Papastamkos introduced the Commission's Communication COM(2008)135 final of 11 March 2008 on this matter and emphasised the need for AFCO not to undermine the future work of the interinstitutional working group that will deal with this issue.

According to Mr Leinen, the Parliament's position is reflected in several reports already adopted and there is no need to depart from them.

Mr Ternero, on behalf of the Commission, informed the AFCO members that the Commission had no predetermined objective when publishing this Communication and it would be for the working group, that will have a technical and a political level, to arrive at a common ground acceptable to all institutions. The President of the Commission has recently addressed a letter to the President of the Parliament and to the President of the Council on this subject.

### Timetable

*Presentation of the report:* 23 June 2008

*Vote in the Committee:* September 2008

#### **g) Interpretation of Rule 121**

2007/2266(REG)

*Rapporteur:* Costas BOTOPOULOS (PSE, EL)

The rapporteur presented his report and emphasised that Rule 121 does not cover the situations where the European Parliament intervenes or presents observations in preliminary ruling proceedings before the ECJ. A new paragraph should therefore be added to Rule 121 and a special procedure applicable to situations where the deadline for submitting observations is very short (preliminary rulings on police and judicial cooperation in criminal matters) considered.

The role of the JURI Committee in the procedure to decide upon the advisability of the Parliament intervening/ presenting observations before the ECJ was also discussed.

### Timetable

*Deadline for amendments:* 29 June 2008

*Vote in the Committee:* 17 July 2008

### **III. Report considered as opinion-giving committee**

#### **The defence of the prerogatives of the European Parliament before the national Courts**

2007/2205(INI)

*Draftsman:* Jo LEINEN (PSE, DE)

According to Mr Leinen, it is for the President of the Parliament to represent it before national courts. He also argued in favour of keeping unchanged the current situation as regards the Parliament's locus standi before the ECJ.

Other speakers (Mr Botopoulos, Mrs Esteves - EPP-ED, PT-, Mr Corbett) also opposed the proposals made by Mr Gargani in his report.

#### **IV. Votes**

##### **a) Report on the Approval of the Commission, Amendments to the Rules of Procedure**

2007/2128(REG)

*Rapporteur:* Andrew DUFF (ALDE, UK)

A draft report, with several amendments, was adopted by unanimity.

##### **b) Amendment of Rule 29 - Formation of political groups**

2006/2201(REG)

*Rapporteur:* Richard CORBETT (PSE, UK)

A draft report, with several amendments, was adopted with 15 votes in favour and 13 against, after lively discussions on the admissibility of two oral amendments. Please note that the amendment 1 by the Rapporteur concerning a modification of the threshold for the formation of political group was rejected by the Committee (14 votes in favour, 15 against).

##### **c) Amendment of Parliament's Rules of Procedure in the light of the proposals by the Working Party on Parliamentary Reform concerning the work of the Plenary**

2007/2272(REG)

*Rapporteur:* Richard CORBETT (PSE, UK)

A draft report, with several amendments, was adopted with a large majority (17 votes in favour, 8 against, 1 abstention).

##### **d) The defence of the prerogatives of the European Parliament before the national Courts**

2007/2205(INI)

*Draftsman:* Jo LEINEN (PSE, DE)

A draft opinion, with several amendments, was adopted with a large majority (20 votes in favour, 2 against, 4 abstentions).

**V. Presentation of European Neighbourhood Policy study**

AFCO/6/61796

Exchange of views with Mrs Kalypso Nicolaïdis and Mr Dimitar Bechev, from Oxford University, and Mr José Maria Beneyto, from San Pablo University, Madrid.

The presentation of the report entitled "*Integration without accession: the EU's special relationship with the countries in its neighbourhood*" was followed by an exchange of views with the members of AFCO. The main points of this discussion were: the definition of "neighbours", the necessity of having different approaches regarding the Eastern neighbours and the Southern neighbours of the Union, the possibility of making better use of the existing already institutions (i.e. the Council of Europe) or the absorption capacity of the Union.

**VI. Other business**

Mrs Esteves asked whether AFCO could prepare a declaration for the plenary underlining the importance of the recently created Union of South American Nations.

Mr Protasiewicz (EPP-ED, PL), in the name of his political group, requested that a study on the electoral procedure in the different Member States for the selections of candidates be undertaken.

**VII. Date and place of the next meeting**

23-24 June 2008, Brussels

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