



MUNLAWS

RULES OF PROCEDURE

COUNCIL OF THE EUROPEAN UNION AND
EUROPEAN COUNCIL

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FOREWORD

The following Rules of Procedure apply to the delegates representing the Head of State or Government of the EU member states at MUNLawS 2021 simulation of the European Council. Due to MUNLawS being a Model United Nations conference, rules of the simulation may differ from the official Rules of Procedure of the European Council, as they are adapted to fit the format of the conference.

Authentic Rules of Procedure of the Council of the European Union and the European Council with comments are available on the following link:

<https://www.consilium.europa.eu/media/29824/qc0415692enn.pdf>

CHAPTER I.

GENERAL CONSIDERATIONS

Article 1.1. Scope of the Rules

These rules apply to the European Council, simulated at MUNLawS Conference.

In case of doubt or conflict between these Rules of Procedure and any other procedural regulations laid down the official Rules of Procedure of the European Council, the first Rules shall prevail.

Article 1.2. Treaty of the European Union, Treaty on the Functioning of the European Union and The Charter of Fundamental Rights of the European Union

Delegates should at all times act in accordance with articles and principles of the Treaty of the European Union and the Treaty on the Functioning of the European Union.

Article 1.3. Language

The official and working language of MUNLawS Conference is English. In case of necessity and where unavoidable, the Presidency may exceptionally and at their discretion allow usage of other languages, given the proper interpretation is provided by the delegate.

Article 1.4. Delegates

Each member state shall be represented by only one delegate, which will represent the Head of State or Government of the EU member states.

The Secretariat shall provide a list of member states and delegates registered to the Presidency.

Article 1.5. Diplomatic Courtesy

Delegates must accord diplomatic courtesy to all other Delegates, Presidency and MUNLawS team members at all times. Violation of this article may result in verbal warning by the Presidency. In case of recurring misconduct or serious violations of diplomatic courtesy, The Presidency may revoke the Delegate's voting rights or expel them from the Council. Expulsion may be temporary or permanent. The Secretary-General shall be the final arbitrator in case of a dispute.

Article 1.6. Credentials

Delegates, Chairpersons, Observers, members of the Secretariat and other Personnel (hereinafter “Participants”) must wear approved credentials at all times during the conference. Should the Participants not wear one, they shall be denied entry into an area where the meeting is held. The Secretary-General shall be the final arbiter of the validity of all credentials.

Article 1.7. Dress Code

In accordance with the delegate’s diplomatic status, a formal dress code is required. Violation of this article may result to denial of entry into an area where the meeting is held. The Secretary-General shall be the final arbiter in case of a dispute.

Article 1.8. Communication

The only allowed form of communication during formal debate is written, through message papers provided by the Secretariat. The message papers must be transmitted by the MUNLawS Administrative Staff, unless otherwise instructed by the Presidency. All notes must be in the official and working language of the conference and the content of the notes shall not be irrelevant or abusive. In case of irrelevant, inappropriate or abusive content, the Administrative Staff shall take the note to the Presidency for investigation and the Presidency may decide not to pass the note forward. Sanctions provided in Article 1.5. may apply.

Article 1.9. Electronic Devices

Computers and Tablets are allowed during formal session, as long as they are used in an appropriate manner. Cell phones are strictly forbidden and should not be seen or heard in Committee. It is under The Presidency’s discretion to modify this rule at any time of the session. The decision of the Presidency is non-appealable.

Article 1.10. Validity and Applicability of the Rules

These Rules of procedure are considered adopted prior to the conference.

The Secretary-General or by them appointed member(s) of the MUNLawS Team shall have the final word on the validity, applicability and interpretation of these Rules in case of a dispute.

CHAPTER II.

RULES GOVERNING ORGANIZATION

Article 2.1. The Secretariat

The Secretariat acts as the governing body of MUNLawS and is composed of Secretary General, Chairpersons of all Committees, Councils and Administrative Staff. Chairpersons and Administrative staff answer directly to the Secretary General, who shall assist the Presidency if necessary, receive and correct Documents as proposed by the Committee, and shall supervise over the good functioning of the conference. The Secretary-General shall be the final arbitrator in case of any disputes. Their Conclusions are final and non-appealable. The Secretary-General cannot be the arbitrator in case of a dispute regarding non-appealable rules and provisions.

Article 2.2. Composition of the Board of the Council

The Board of each Committee or Council (hereinafter referred to as ‘The Presidency’) of MUNLawS Conference shall be composed of at least two Chairpersons selected by the Secretariat.

Article 2.3. Authorities and Responsibilities of the Presidency

The Presidency shall exercise authority over the Committee or the Council proceedings in an equitable and objective manner.

Their responsibilities and authorities are, but are not limited to:

- (1) declaring the opening and closing of each meeting of the Committee or Council,
- (2) directing its discussions,
- (3) ensuring observance of the rules,
- (4) according the right to speak,
- (5) ruling on points of order,
- (6) having complete control of the proceedings at any meeting and over the maintenance order there at,
- (7) putting any motion to the floor at any given time, which should be seconded by the Delegates given that there are no objections,
- (8) determining the applicability of the rules and if necessary, clarify on the meaning of the existing rules without approval from the Committee or the Council.

They may propose to the Committee or the Council:

- (1) the limitation of the time to be allowed to speakers,
- (2) the closure of the list of speakers or the closure of the debate,
- (3) the suspension or the adjournment of the debate on the item under discussion.

In all matters not specifically provided in the Rules, the Presidency shall act in accordance with their own judgement on the matter, the spirit of these Rules and generally accepted customs of MUN conferences. Conclusions made by the Presidency shall be binding. In case of grave violation of the Rules, a Delegate has the right to call in the Secretary-General who shall have a final word in accordance with Articles 1.10. and 2.1.

CHAPTER III.

RULES GOVERNING PARLIAMENTARY PROCEDURE

Article 3.1. Roll Call

Attendance shall be conducted by the Presidency that may perform a Roll Call at the beginning of every session of the Council. Delegates shall establish their presence in the Council by raising their placards and declaring themselves as *'Present'*.

Article 3.2. Quorum

European Council activities and debate shall start when at least 50% delegates of the Member States are present. If quorum is not met thirty (30) minutes after the scheduled start time of the European Council session, the Council shall start its session with the number of delegates already present, unless otherwise instructed by The MUNLawS Secretary-General. Quorum shall be assumed when the Council activity begins.

Article 3.3. Verification of Quorum

Delegates may move to the Verification of Quorum, where the Presidency will proceed with Quorum confirmation by initiating a Roll Call. The Presidency can rule the Motion dilatory without option for appeal.

CHAPTER IV. COUNCIL'S AGENDA

Article 4.1. Agenda

The first order of business for the European Council is adopting the agenda. If the European Council has only one topic, the agenda is automatically adopted. If the European Council has more than one topic, the agenda is adopted by the Presidency at the beginning of each Council session.

Article 4.2. Setting the Agenda

Agenda is adopted at the beginning of the sessions by the Presidency, subsequently to Roll Call.

Member states can propose their own agenda only if it is not included on the provisional agenda as stated in Discussion Paper. For adaptation of such agenda, unanimity is necessary to be included.

Article 4.3. Case of an International Crisis or Emergency

In the event of an international crisis or emergency, the Secretary-General or their representative may call upon the Council to table the debate on the current topic so that the more urgent matter may be attended to immediately. Under such circumstances, a Delegate shall motion to table the topic and temporarily set the agenda to the crisis situation. After a Statement has been passed on the crisis, the Council will return to debate on the tabled topic. Until a Statement has passed, the Council may return to debate on the tabled topic only at the discretion of the Secretary-General, their representative or the Presidency.

CHAPTER V.

MAJORITY

Article 5.1. General

Unless otherwise specified by these Rules of Procedure, no procedural motions are debatable, and all require a simple majority vote to pass.

Article 5.2. Simple Majority

A procedural or substantive matter requiring a simple majority to pass implies that fifty percent plus one members (50% + 1) of the Council must vote in favor of the matter to pass. If the vote is a tie, the matter shall be considered to have failed.

Article 5.3. Two-Thirds (2/3) Majority

A procedural or substantive matter requiring a two-thirds (2/3) majority to pass implies that two-thirds (2/3) of the Council must vote in favor for a matter to pass.

Article 5.4. Qualified Majority

A substantive matter proposed by the Commission or the High Representative of the Union for Foreign Affairs and Security Policy requiring a qualified majority to pass is reached when 55% of member states vote in favour and the proposal is simultaneously supported by member states representing at least 65% of the total EU population.

Article 5.5. Blocking Majority

Regardless the qualified majority (Article 5.4.), the substantive matter does not pass when at least four Council members representing more than 35% of the EU population votes against it.

Article 5.6. Consensus

A procedural or substantive matter requiring a consensus to pass implies that all members of the Council must vote in favor for a matter to pass.

CHAPTER VI.

RULES GOVERNING THE DEBATE

Article 6.1. Open Speakers List

After the Agenda has been determined, one continuously open speakers list will be established for the duration of the Topic, except as interrupted by procedural points or motions, caucuses, discussion of Amendments, and introduction of Draft Decision.

Speakers may speak generally on the Topic being considered and may address any working paper or any Draft Decision currently on the floor. A Draft Decision can only be referred to as such once it has been introduced to the members of the European Council.

Article 6.2. Form of Debate

Four forms of the Debate can be introduced during the conference:

- (i) Open Speakers List
- (ii) Question and Answer Period
- (iii) Moderated Caucus
- (iv) Unmoderated Caucus

Article 6.3. Informal Debate

During formal debate, a motion can be made by any delegate for an Unmoderated Caucus, which constitutes informal debate. Informal debate can only occur on substantive issues and is out of order once a motion to close debate has passed. Motion to enter informal debate is in order, following the procedures outlined in Articles 10.3 (A) and (B).

Article 6.4. Recognition

A Delegate may only address the Council if and once they have been recognized and received permission from the Presidency.

Article 6.5 Interruptions

A Speaker may not be interrupted by another delegate, unless the delegate has risen to a Point of Personal Privilege or Point of Order.

CHAPTER VII.

RULES GOVERNING SPEECHES

Article 7.1. Speakers List

European Council will have an open speakers list for the Topic being discussed. A delegate present may add its name to the speakers list by submitting a written request or by raising their placard when being requested by the Presidency, provided that the delegate is not already on the speakers list. The delegate may similarly remove their name from the list. The delegate may be added to the speakers list at the Presidency's discretion.

At their discretion the Presidency may solicit delegations to be added to the speakers list by raising their placard.

The speakers list for the second Topic will not be open until the Congress has proceeded to that Topic.

If the speakers list is exhausted and no delegates wish to add their name to the list, the debate on the Topic at hand is immediately closed.

Article 7.2. (A) Speaking Time

The default speaking time for the open speakers list shall be one (1) minute per speaker, anytime the floor is open. A Delegate exceeding the given time for a speech may be called to order by the Presidency. Sanctions from Article 1.5. may apply.

(B) Motion to Change the Default Speaking Time

A Delegate may move to change the time limit for speeches. The Presidency may either rule the Motion dilatory at their discretion or put it to vote. The proposed time extension may not exceed two (2) minutes. Simple majority is required for this motion to pass.

Article 7.3. (A) Yields

A delegate granted the right to the floor may yield their time in one of the following three ways:

- (1) To another delegate: The delegate, selected by the previous speaker, shall be given the remaining time. They may not yield any remaining time.
- (2) To questions: Questioners shall be selected by the Presidency among the delegates that have risen their placards. Follow-up

questions shall be allowed only at the discretion of the Presidency. Only the speaker's answers shall be deducted from the remaining time.

- (3) To the Presidency/Chairs: If the delegate has finished their speech and does not wish it to be subject to comments.

(B) Usage of Yields

Yields are only in order while entertaining an intervention.

CHAPTER IX.

POINTS

Article 8.1. Point of Personal Privilege

A Delegate may rise to a Point of Personal Privilege if a matter impairs them from participating fully in Council activities. The Presidency shall try to effectively address the source of impairment. This point may interrupt a Speaker only due to inability.

Article 8.2. Point of Order

A Delegate may rise to a Point of Order if a rule of procedure is not properly observed by a Delegate or by the Presidency. The Presidency will rule on the validity of the point. The Presidency may rule out of order those points that are dilatory or improper. Such a decision cannot be appealed. A Point of Order may only interrupt a speaker when the speech itself is not following proper parliamentary procedure.

Article 8.3. Point of Parliamentary Inquiry

When the floor is open, a Delegate may rise to a Point of Parliamentary Inquiry to request an explanation on the Rules of Procedure by the Presidency. This point may not interrupt a Speaker. Delegates with substantive questions should not rise to this Point but should rather approach the Council staff at an appropriate time.

Article 8.4. Right to Reply

A Delegate whose personal or national integrity has been impugned by another Delegate's comments may rise to a Right to Reply. The Presidency will recognize the Right of Reply at their discretion as well as decide on how to resolve the motion. This point may not interrupt a speaker but should be addressed the moment they have finished their speech. Should the Presidency rule the Right to Reply out of order, their decision cannot be appealed. No delegate may call for a Right to Reply on a Right to Reply. The Delegate that has been granted the Right to Reply, shall have two (2) minutes to reply to an insult.

CHAPTER IX.

MOTIONS

Article 9.1. Motion for the Suspension or Adjournment of the Meeting

Whenever the floor is open, a Delegate may move for the suspension of the meeting, to suspend all Council functions until the next scheduled meeting, or for the adjournment of the meeting, to suspend all the functions for the duration of the Meeting.

A motion to adjourn will not be in order until three quarters of the time scheduled for the last session have elapsed.

The Chairpersons may rule such motions dilatory. This decision is not subject to appeal.

When in order, such a motion will not be debated but will be immediately put to a vote and will require a simple majority to pass.

Article 9.2. Motion for a Moderated Caucus

The purpose of the moderated caucus is to facilitate substantive debate at critical junctures in the discussion.

A motion for a moderated caucus is in order at any time when the floor is open, prior to closure of the debate. The Delegate making the motion must briefly specify a topic and speaking time per speaker, which may not exceed two (2) minutes, and an overall time limit, which may not exceed twenty (20) minutes.

Once raised, the motion shall be voted on immediately, with a simple majority required for passage. The Presidency may rule the motion dilatory, and their decision is not subject to appeal.

If the motion passes, the Delegate that has proposed the motion shall speak first. The Presidency shall call on other Delegates to speak at their discretion for the stipulated time. If no Delegates wish to speak, the moderated caucus shall immediately conclude, even if time remains in the caucus. The Presidency may also decide to suspend the caucus early.

Article 9.3. (A) Motion for an Unmoderated Caucus

An unmoderated caucus temporarily suspends formal debate and allows members to discuss ideas informally in the Council room. The delegates

may not leave the Council room during an Unmoderated Caucus, unless the Point of Personal Privilege has been raised.

A motion for an unmoderated caucus is in order at any time when the floor is open, prior to closure of debate. The Delegate making the motion must briefly explain the purpose of the motion and specify a time limit for the caucus. The proposed time may not exceed twenty (20) minutes.

The motion shall be put to a vote immediately, and a simple majority is required for passage. The Presidency may rule the motion dilatory and their decision is not subject to appeal.

The Presidency may prematurely end an unmoderated caucus if they feel that the caucus has ceased to be productive. This decision is not subject to appeal.

(B) Motion to Extend the Unmoderated Caucus

A Delegate may move to extend the Unmoderated Caucus if they feel that additional time would benefit the work of the Council.

The Delegate who moves for an extension of Unmoderated Caucus must suggest a length for the extension, which shall not exceed the duration of the original Unmoderated Caucus.

The Presidency may suggest a more appropriate caucus length and put it to vote or may rule the Extension of the Unmoderated Caucus out of order without the possibility of appeal. The motion is voted upon by a simple majority.

Article 9.5. Motion to Table Debate on a Topic

A Delegate may move to Table Debate in order to end debate on a substantive issue without voting any Draft Conclusions that may be on the floor. If the Presidency rule the Motion in order, one (1) Delegate shall speak in favor and one (1) Delegate shall speak against before proceeding to a vote. A two-thirds (2/3) majority is needed in order to table the debate.

Article 9.6. Motion for Question and Answer Period

Any delegate may, once the floor has been opened for Motions, raise a Motion for a Question and Answer Period for the purpose of questioning any delegate on the issue relevant to the debate. Any Delegate may pose questions to the Delegate under questioning. It is at the discretion of the Delegate under questioning how many questions they are prepared to answer. They may refuse to answer any question. Not more than five (5)

questions shall be posed to the Delegate under questioning in a single Question and Answer Period. The time allotted to answering each question shall be equal to the default speaking time.

Article 9.7. Motion to Reconsider a Question

Delegates may move to reconsider an already closed question. Such motion shall be in order when (i) Motion to Close the Debate has passed, (ii) the debate on the (previous) matter on the Agenda has been closed and (iii) the Draft Decision failed to become a Decision. This motion requires seconds.

Article 9.8. Motion of Competence

Immediately after the Draft Decision has been introduced to European Council, the Delegates may move to question the competence of the Council to discuss the Draft Decision if they consider that the content of the Draft Decision is not within the mandate of the European Council or its power to implement such content.

The motion requires seconds and triggers a substantive vote. If the motion passes, the Draft Decision shall be withdrawn from the floor. If the motion fails, the Draft shall remain on the floor and the debate shall resume.

Article 9.9. Motion for Division of the Question

Before the Council starts voting on a Draft Decision, any Delegate may move to divide the question. The motion shall explicitly state the proposed division, provided that no perambulatory or sub-operative clauses are separated.

In case of several proposed motions of this kind, the voting order shall be decided at the discretion of the Presidency, based on the criteria of disruptiveness.

This motion requires seconds. If such a motion passes, the Draft Decision shall be divided accordingly, and a substantive vote shall be triggered for every divided part of the Draft Decision.

This motion may be combined with the motion outlined in Article 9.10.

Article 9.10. Motion Precedence

If there is more than one motion on the floor, the Presidency shall abide by the following rules of Precedence:

- (a) Unmoderated Caucus takes precedence over Moderated Caucus,
- (b) Question and Answer Period takes precedence over both aforementioned modes of debate,

- (c) If the motions are of the same type, the motion with a longer proposed length takes precedence,
- (d) If the motions are of the same type and proposed length, the motion with longer time per speaker takes precedence,
- (e) If the motions are of the same type and same length and have the same time per speaker, the one proposed first takes precedence over the others.

CHAPTER X.

CONCLUSIONS OF THE EUROPEAN COUNCIL

Article 10.1. General

A Delegate is forbidden from bringing any pre-written documents in a form of a working paper, Resolution or anything similar to the MUNLawS conference and is required to draft all of them at the conference. Violation of this article may result in expulsion from the conference or other sanctions, outlined in Article 1.5., at the discretion of the Presidency.

Article 10.2. Working Paper

A Working Paper is an informal document used by European Council Delegates to work on building a Draft Decision. Working papers are intended to aid the European Council in its discussion and formulation of final Decision and need not be written in Decision format. Working papers are not official documents, and do not require formal introduction, but do require the signature of the Presidency to be copied and distributed among the members of the European Council.

Article 10.3. Conclusions

(A) Format

Draft Conclusions must be properly formatted according to the general guidelines for writing Conclusions and Resolutions.

Conclusions adopted by the European Council shall be signed by the Presidency.

(B) Introduction of a Conclusions

Delegates may move to introduce a Draft Decision once it has been approved, assigned a number by the Presidency, and distributed to the members of the European Council. Such an introduction shall be procedural in nature, it therefore requires only authorization by the Presidency and does not require a substantive vote.

The content of the introduction shall be limited to the reading of the draft Decision as a whole. The members of the European Council decide who shall be granted the floor for the allotted time limit in order to introduce a Draft Decision.

Immediately after a Draft Decision has been introduced and distributed, the Presidency may entertain non-substantive clarificatory points, typically used to address typographical, spelling, or punctuation errors.

CHAPTER XI.

RULES GOVERNING VOTING

Article 11.1. General

Delegates vote when voting is announced by the Presidency. European Council usually reaches Conclusions by allowing discussions to continue until a consensus is reached. In the event of a stalemate, the Council may make use of a *tour de table*. (See article 11.5.)

Article 11.2. Procedural Votes

The procedural vote shall be triggered upon the proposal of any motion. All present Delegates shall cast their vote by a show of placards. Abstentions shall not be permitted. Unless stated otherwise in the appropriate rule, simple majority shall apply.

Article 11.5. Tour de Table

Tour de Table shall be conducted at the discretion of the Presidency. The Presidency requests each delegate to give a short summary of their thinking on the matter under discussion, thus ensuring that every member state is able to outline their position and allowing the Presidency to determine whether a compromise is possible. Time per speaker shall not exceed two (2) minutes.

Article 11.6. Method of Voting

Each Delegate of the Council shall have one vote and must demonstrate their voting intentions by raising their placard at the Chairpersons' request unless there is a Roll Call Vote. Delegates must either vote in favor or against.

(A) Roll Call Vote

Roll Call Vote may only be in order for substantive matters. This Motion shall automatically pass unless the Presidency rules it out of order; the decision is not subject to appeal. The Roll Call starts from a delegate selected by the Presidency.

(B) Voting with Rights

A Delegate may request a right of explanation after voting. Upon completion of voting, the Delegate will be permitted to explain the

reasons as to why they have chosen to vote in a certain way. The Presidency may limit the speaking time at their discretion.

APPENDIX I.

GENERAL PRECEDENCE OF POINTS AND MOTIONS

Rule	Description	Debatable	Votes Required	Interrupt Speaker
Point of Personal Privilege	Feeling discomfort	No	No	Yes
Point of Order	To point out a misuse of rules	No	No	No
Right to Reply	Reply to a personal or national integrity insult	No	No	No
Point of Parliamentary Inquiry	Clarification of the rules	No	No	No
Motion to Set Speaking Time	Define speaking time limit	No	Simple Majority	No
Motion to Adjourn or Suspend the Meeting	Adjourn until next scheduled meeting / for the duration of the Conference	No	Simple Majority	No
Motion for Unmoderated Caucus	Proceed to an Unmoderated Caucus	No	Simple Majority	No
Motion for Moderated Caucus	Proceed to Moderated Caucus	No	Simple Majority	No
Motion for the Verification of Quorum	Seeking to verify the presence of delegates	No	No	No
Motion to Close Debate on the Topic under Discussion	Close debate on the Topic Area	Yes (1-)	2/3 Majority	No
Motion to Table Debate	Postpone debate	Yes (1+/1-)	2/3 Majority	No

Motion to Close Debate on a Draft Resolution	Close the separate debate on a Draft Resolution	Yes (1+/1-)	2/3 Majority	No
Motion to Question the Competence of the Chair(s)	Question Chair's competence in case of grave misconduct	No	3 Delegates (Written)	No
Motion to Reconsider a Question	Reconsider an already closed question	No	Simple Majority	No
Motion to Introduce a Draft Resolution	Introduction of a draft Communiqué	No	Simple Majority	No
Motion to Introduce an Amendment	Introduction of an Amendment	No	Simple Majority	No
Motion for Question and Answer Period	Move to Question and Answer Period	No	Simple Majority	No
Motion of Competence	Question the competence of the Council to discuss the Draft Conclusion	No	Simple Majority	No