


Procedure file

Basic information		
REG - Parliament's Rules of Procedure	2001/2237(REG)	Procedure completed
EP Rules of Procedure: parliamentary immunity		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible		Rapporteur
	AFCO Constitutional Affairs		Appointed 12/11/2001
			ELDR DUFF Andrew
	Committee for opinion		Rapporteur for opinion
	JURI Legal Affairs and Internal Market		Appointed 06/11/2001
			PPE-DE PALACIO VALLELERSUNDI Ana

Key events			
15/11/2001	Committee referral announced in Parliament		
23/05/2002	Vote in committee		Summary
23/05/2002	Committee report tabled for plenary	A5-0195/2002	
10/06/2002	Debate in Parliament		
11/06/2002	Decision by Parliament	T5-0290/2002	Summary
11/06/2002	End of procedure in Parliament		
30/10/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2001/2237(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules
Legal basis	Rules of Procedure EP 237-p1
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/15445

Documentation gateway					
Committee report tabled for plenary, single reading		A5-0195/2002	23/05/2002	EP	
Text adopted by Parliament, single reading		T5-0290/2002 OJ C 261 30.10.2003, p. 0029-0098 E	11/06/2002	EP	Summary

EP Rules of Procedure: parliamentary immunity

The committee adopted the report by Andrew DUFF (ELDR, UK) proposing changes to the rules on the parliamentary immunity of MEPs. It wanted to add two points to Rule 6 ('Waiver of immunity') of Parliament's Rules of Procedure: the first concerning which Member State authorities are the appropriate ones for requesting that an MEP's immunity be lifted, and the second concerning the right of present or former MEPs to ask the President of Parliament to defend their privileges and immunities. As regards who is entitled to make requests for waivers of immunity, the Rules in their present wording speak only of the 'authority' without defining who this. However, there is no doubt that currently more than one authority in a Member State may have this right, and MEPs therefore proposed that, after consulting the Member States, the Legal Affairs Committee should draw up an indicative list of authorities entitled to submit such requests. The committee also proposed that MEPs should be allowed to ask the President of Parliament to defend their privileges and immunities. The President could also take the initiative to do so, as a matter of urgency, if MEPs are arrested or deprived of their freedom of movement in contravention of their privileges or immunities. This amendment was adopted by the committee because it can happen that a national court fails to request a waiver of immunity before embarking on legal proceedings. In such cases the MEP concerned could ask the European Parliament to confirm his or her immunity. The committee emphasised that Parliament's privileges and immunities were designed above all to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties. It proposed that these changes to the Rules be made after the Statute for MEPs had been adopted.?

EP Rules of Procedure: parliamentary immunity

The European Parliament adopted a resolution based on the report drafted by Andrew DUFF (ELDR, UK) on changes to the rules on parliamentary immunity. (Please refer to the document dated 23/05/02.) The new rules also deal with situations where a Member is required to appear as a witness. Under these circumstances, there is no need to request a waiver of immunity, provided that the Member in question is not obliged to appear at a time which prevents him from carrying out his duties, and that he is not obliged to disclose confidential information. On the question of a competent national authority, the committee may offer a reasoned opinion about the competence of the authority in question and the admissibility of the request. Parliament decided that the changes would enter into force on the day following their adoption, but that it may further amend the rules following adoption of the Members' Statute.?