

# Procedure file

Basic information		
INL - Legislative initiative procedure	<a href="#">2003/2004(INL)</a>	Procedure completed
Adoption of the statute of European Members		
Subject 8.40.01.02 President, members, mandates, political groups		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs and Internal Market		23/09/1999
		PSE <a href="#">ROTHLEY Willi</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>BUDG</b> Budgets		19/02/2003
		PSE <a href="#">WYNN Terence</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2558</a>	26/01/2004
	<a href="#">General Affairs</a>	<a href="#">2532</a>	13/10/2003

Key events			
16/01/2003	Committee referral announced in Parliament		
21/05/2003	Vote in committee		Summary
21/05/2003	Committee report tabled for plenary	<a href="#">A5-0193/2003</a>	
02/06/2003	Debate in Parliament		
03/06/2003	Decision by Parliament	<a href="#">T5-0236/2003</a>	Summary
04/06/2003	Decision by Parliament	<a href="#">T5-0241/2003</a>	
17/12/2003	Decision by Parliament	<a href="#">T5-0573/2003</a>	Summary
17/12/2003	End of procedure in Parliament		
18/03/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/2004(INL)
Procedure type	INL - Legislative initiative procedure

Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/19096

### Documentation gateway

Committee report tabled for plenary, single reading	<a href="#">A5-0193/2003</a>	21/05/2003	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading	<a href="#">T5-0236/2003</a> OJ C 068 18.03.2004, p. 0024-0115 E	03/06/2003	EP	Summary
Commission opinion on Parliament's position at 2nd reading	N5-0014/2003	03/06/2003	EC	
Text adopted by Parliament, single reading	<a href="#">T5-0241/2003</a> OJ C 068 18.03.2004, p. 0147-0210 E	04/06/2003	EP	
Motion for a resolution	<a href="#">B5-0543/2003</a>	17/12/2003	EP	
Motion for a resolution	<a href="#">B5-0544/2003</a>	17/12/2003	EP	
Motion for a resolution	<a href="#">B5-0563/2003</a>	17/12/2003	EP	
Motion for a resolution	<a href="#">B5-0564/2003</a>	17/12/2003	EP	
Text adopted by Parliament, topical subjects	<a href="#">T5-0573/2003</a> OJ C 091 15.04.2004, p. 0131-0230 E	17/12/2003	EP	Summary
Joint motion for resolution	<a href="#">RC-B5-0543/2003</a>	17/12/2003		

### Final act

[Decision 2005/684](#)  
[OJ L 262 07.10.2005, p. 0001-0010](#) Summary

## Adoption of the statute of European Members

The committee adopted a draft resolution on the MEPs' Statute as part of a report by Willi ROTHLEY (PES, D). The committee suggested a few technical amendments to tighten up the wording of the Statute, which governs MEPs' pay and conditions, and to iron out inconsistencies. The vote on this own-initiative draft resolution (which formally completes the procedure of adopting the draft decision and hence the draft Statute) was held over from the committee's vote on 25 March 2003 on the individual provisions of the Statute to await developments on various outstanding points. The key issue was a pending decision by Parliament's Bureau on the refunding of MEPs' travel expenses. The committee felt MEPs should be fully informed about the exact conditions before they voted in plenary on the draft Statute. The Bureau was expected to take its decision on 29 May 2005 but the committee adopted the draft resolution at its meeting of 21 May 2003 in order to allow Parliament to vote on the whole of the draft Statute at its June 2003 plenary session. The draft resolution repeated the call to Parliament's Bureau to adopt new rules on the reimbursement of travel costs, defined as 'duly substantiated costs incurred in the performance of MEP's duties'. ?

## Adoption of the statute of European Members

The European Parliament adopted the Decision on the Statute for Members of the European Parliament drafted by Willi ROTHLEY (PES, D) by 323 votes for, 167 votes against and 36 abstentions. This concludes the procedure for the Parliament and it is now up to the Council to approve or reject the draft statute. A proposal by Daniel Marc COHN-BENDIT (Greens/EFA, F) to refer the report back to the Legal Affairs Committee was rejected. The draft statute contains some highly contested issues: - on the issue of salaries (the Members' "allowance"), Parliament endorsed the rapporteur's recommendation that they should be equivalent to 50% of the basic salary of a judge at the European Court of Justice. At present, the figure would be around EUR 8.500 per month (or EUR 102.000 per year). - on the issue of taxation, Parliament distanced itself from an earlier agreement with the Council to allow some Member States to levy a national tax in addition to Community tax. Parliament adhered to the principle that the Community tax is the standard rule and national tax the exception. It voted to

exclude the possibility of levying a national tax as it wishes to keep all options open and see how things develop in Council. - with regard to expenses, Parliament agreed on a two-pronged approach. In principle MEPs are entitled to the reimbursement of costs incurred in the exercise of their mandate. Parliament should determine the cases in which this may consist of a flat-rate sum, taking into account that the administrative costs of requiring MEPs to produce evidence for every individual item of expenditure would be too great. The precise rules on this issue, however, are not laid down in the Statute itself, but are subject to a decision by Parliament's Bureau. This decision was unanimously taken by the Bureau in its meeting of 28 May 2003. The decision introduces as a rule the reimbursement of travel costs actually incurred, up to the ceiling of a Business Class ticket for air travel and of a first class ticket for rail travel, on presentation of supporting documents (such as tickets and all boarding cards for air travel, tickets for rail travel, and personal declarations for car travel.) It also provides for a distance allowance to cover MEPs' incidental expenses related to the journey (cost of transfer to and from the airport/ railway station etc) and a time allowance to compensate MEPs for the time they spend to travel to and from Parliament's various working places. - on the question of immunities, the draft states that a Member may at no time be prosecuted or held accountable extra-judicially for any action, vote cast or statement made in the exercise of his/her mandate. Any restriction of a Member's personal freedom shall be permitted only with the consent of Parliament, except where he/she is arrested in the act of committing an offence. MEPs' documents can only be seized, their mail intercepted or their phone tapped with Parliament's consent. The aim is to give MEPs immunity from politically motivated prosecution. - on the issue of languages, Members decided that Parliament's documents will be translated into all the official languages. Speeches given in one official language will be interpreted simultaneously (but not directly, thus allowing for relay interpretation) into all the other official languages. The draft Statute also provides for transitional periods for new Member States, which will begin on the date of entry into force of the accession treaties and end with the second full European Parliament legislative term after that. During these periods new Member States will be entitled to adopt rules different from the provisions of the Statute regarding remuneration, transitional allowances, and pensions, provided that these rules place their MEPs on at least an equal footing with their national counterparts. In procedural terms, although Parliament makes the initial proposal for the Statute and takes the final decision, the Council has to give its approval. The main points of disagreement remaining between Parliament and the Council are those of taxation and primary law provisions. The controversy behind this latter is whether it is legally permissible to amend primary law provisions as those on MEPs' immunities laid down in the Protocol of 1965 on Privileges and Immunities with secondary law provisions as those of the MEPs Statute. Following an extensive legal study of the issue and in accordance with an opinion by its Legal Service, Parliament takes the view that this is possible provided that those two groups of provisions are not in force at the same time. It therefore clarifies in a recital, that Statute provisions that conflict with provisions of primary law may not enter into force unless and until an Intergovernmental Conference has decided to repeal the corresponding primary law provisions and that decision has been ratified by the Member States. The Statute shall enter into force after its approval by the Council and simultaneously with the Treaty amendments adopted as a result of the work of the European Convention. An amendment seeking to set as a date for the entry into force of the Statute the 1 July 2009 has been rejected. The British Conservatives, Labour Group and Liberal Democrats voted against the resolution on the Members' Statute.?

## Adoption of the statute of European Members

---

The European Parliament adopted a resolution calling on the Council to inform Parliament as soon as possible whether it is in a position to accept the proposed compromise and to approve the Statute for Members of the European Parliament should the decision, which Parliament adopted on 3 and 4 June 2003, be amended accordingly. An overall compromise on the Statute for Members of the European Parliament could comprise the following points: - the part of the Statute relating to secondary law should be examined separately and autonomously from that relating to primary law and they should be approved on the basis of the institutional provisions applying to each of them; - as regards the part relating to primary law, Member States should be asked to revise those provisions of the Protocol on privileges and immunities of the European Communities of 8 April 1965 which concern Members of the European Parliament, using the Statute adopted on 3 and 4 June 2003 as a model; - consequently, and subject to a favourable opinion from the Council, Articles 4, 5, 6, 7, 8 and 38(2), recitals 7, 15, 16, 17, 18, 20, 21, 30, 31, 32, 33, 34 and the words 'or only in respect of residual matters not covered by primary law' in recital 14 should be deleted; - Members should be entitled to an old-age pension as from the age of 63; - consequently, and subject to a favourable opinion from the Council, in Article 20(1), '60' should be replaced with '63'; - the provision concerning the Community tax to which the Members' allowance is to be made subject is without prejudice to the Member States' power to make this allowance subject to national tax law provisions, provided that any double taxation is avoided (compromise reached under the Belgian Presidency); - consequently a new paragraph 1a should be inserted after paragraph 1 of Article 18 to read: 'Paragraph 1 shall be without prejudice to the Member States' power to make this allowance subject to national tax law provisions, provided that any double taxation is avoided'; - the new rules governing the reimbursement of Members' expenses should enter into force at the same time as the Statute.?

## Adoption of the statute of European Members

---

**PURPOSE:** To adopt the Statute for Members of the European Parliament

**LEGISLATIVE ACT:** Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament.

**CONTENT:** The Statute defines the general conditions governing the performance and the duties of Members of the European Parliament. Their main rights and responsibilities have been defined, inter alia, as:

- Members are to act freely and independently.
- They are to vote on an individual and personal basis and are not to be bound by any instructions nor are they to receive a binding mandate.
- Each Member is entitled to table proposals for Community acts within the remit of Parliament's right of initiative.
- They have a right to inspect any Parliamentary files.
- Parliamentary documents will be translated into all of the EU's official languages and speeches will be interpreted simultaneously into all of the other official languages.
- Members are allowed to form political groups.

- They are entitled to an appropriate salary as well as an appropriate transitional allowance and pension at the end of their term of office. The amount of salary will be 38.5% of the basic salary of a judge at the European Court of Justice. Any salary received for the exercise of a mandate in another parliament will be offset against the salary. In addition, the salary will be subject to an EU tax.
- Former Members are entitled to an old-age pension as from the age of 63. The pension will be for each full year's exercise of a mandate, 3.5% of the salary and one twelfth for each further full month, but not more than 70% in total. Moreover, the entitlement shall exist irrespective of any other pension. Members who have become incapacitated during their term in office are entitled to a pension.
- Members will be entitled to insurance cover for the risks connected to the exercise of their mandate. Similarly, they are entitled to reimbursement of expenses incurred in the exercise of their mandate. This applies to the actual travelling expenses incurred. As for any other expenses incurred in the exercise of their mandate, they will be reimbursed by means of a flat-rate sum.
- Members are entitled to a personal assistance, which they are free to choose themselves. Parliament will meet the expenses incurred by employing their personal staff. Other entitlements include access to Parliamentary facilities such as offices, telecommunications and official vehicles.
- All payments derive from the EU's budget and are made monthly in Euros or, (upon a Member's request), in the currency of the Member State where he or she is domiciled.
- Members who belonged to Parliament prior to the entry into force of this Statute and were re-elected may opt for the national system applicable hitherto in respect of the salary, transitional allowance and pensions for the entire duration of their membership of the European Parliament.
- Members who wish to continue with the national system must notify Parliament within 30 days of the entry into force of this Statute.
- The voluntary pension fund will be maintained after the entry in force of this Statute. Acquired rights and future entitlements shall be maintained in full.

ENTRY INTO FORCE: The Statute enters into force on the first day of the European Parliament parliamentary term beginning in 2009.