

# Defence of the prerogatives of the European Parliament before the national courts

2007/2205(INI) - 08/07/2008 - Text adopted by Parliament, single reading

The European Parliament adopted by 593 votes to 55, with 26 abstentions, a resolution on the defence of the prerogatives of the European Parliament before the national courts.

The own initiative report had been tabled for consideration in plenary by Giuseppe **GARGANI** (EPP-ED, IT) on behalf of the Committee on Legal Affairs.

The resolution recalls that the European Parliament has no legal personality and that, as a result, it is often impeded in protecting its prerogatives before national courts from problems that are peculiar to its special nature. The European Parliament does not have the same direct instruments with which to defend its prerogatives before the national courts, especially in the event of a national judgment which runs counter to those prerogatives, since the Parliament can neither participate in national legal proceedings nor directly bring an action before the Court of Justice to defend its decisions. The European Parliament cannot even initiate, as a last resort, infringement proceedings (under Article 226 of the EC Treaty) against a Member State, since only the Commission has the power to do so. In order to obviate these problems, it would be advisable to strengthen the measures to protect parliamentary prerogatives, not by amending the EC Treaty but by attempting to extrapolate, from the experience of the national parliaments, remedies that are appropriate to the specific requirements of the European Parliament.

In light of these considerations, MEPs call on the Commission to take account of requests by the European Parliament to bring infringement proceedings against any Member State for breach of parliamentary prerogatives, and asks that it be given a comprehensive statement of reasons by the competent Commissioner should the College of Commissioners decide not to take the action requested.

The resolution suggests that the Statute of the Court of Justice be amended in order to give the European Parliament the right to submit its observations to the Court in all cases in which, directly or indirectly, its prerogatives are called into question, so that the involvement of the European Parliament, where the latter is not formally a party to the proceedings, is not left to the discretion of the Court of Justice as currently provided for under Article 24(2) of the Statute.

The committee responsible is called to prepare an amendment to Rule 121 of Parliament's Rules of Procedure so as to cover all legal proceedings before any court and to provide for a simplified procedure for use where proceedings are brought before the Court of Justice under an expedited or urgent procedure.

Lastly, MEPs believe that it is advisable to foster a policy of cooperation between the European Parliament and national courts, and call on the Commission to propose the appropriate legislative measures in order to ensure the full effectiveness of the legal defence by Parliament of its prerogatives.