EP Rules of Procedure: parliamentary immunity

2001/2237(REG) - 23/05/2002

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.