Basic information

2005/2187(INI) INI - Own-initiative procedure	Procedure completed
Possible infringement of the Protocol on the privileges and immunities of the European Communities by a Member State **Subject** 8.40.01.03 Members' immunity **Geographical area** France	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	JURI Legal Affairs	GARGANI Giuseppe (PPE-DE)	24/10/2005

Key events

Date	Event	Reference	Summary
24/10/2005	Vote in committee		
24/10/2005	Committee report tabled for plenary	A6-0316/2005	
27/10/2005	Committee referral announced in Parliament		
15/11/2005	Decision by Parliament	T6-0426/2005	Summary
15/11/2005	Results of vote in Parliament		
15/11/2005	End of procedure in Parliament		

Technical information

Procedure reference	2005/2187(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 155-p2
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/31135

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A6-0316/2005	24/10/2005	
Text adopted by Parliament, single reading		T6-0426/2005	15/11/2005	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2005)5015	15/12/2005	

Possible infringement of the Protocol on the privileges and immunities of the European Communities by a Member State

2005/2187(INI) - 15/11/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Giuseppe **GARGANI** (EPP-ED, Italy) and decided to ask the Commission to initiate proceedings under Article 226 of the EC Treaty against the French Republic for infringement of primary Community law. The background to this matter is as follows:

In its Judgment No 1784 of 16 March 2005 the French Court of Cassation argued that no law or convention, nor any constitutional principle, allowed it to conclude that Article 100-7, first subparagraph of the French Code of Criminal Procedure was applicable to Members of the European Parliament. Therefore, it did not apply Article 10 of the Protocol on the privileges and immunities of the European Communities, thus denying a French Member of the European Parliament the benefit of Article 100-7, first subparagraph of the French Code of Criminal Procedure enjoyed by national members of parliament.

Parliament has called for the judgment to be annulled or overturned, and at all events for it to cease to have any practical or legal effects. Following Parliament's statements, the Minister of Justice of the French Republic has said that, since the judgment of the Court of Cassation had become final, no legal action allowed it to be annulled or overturned as requested by that resolution.

Parliament pointed out in its resolution that the Protocol on the privileges and immunities of the European Communities forms part of primary Community law. By refusing to apply Article 100-7 of the French Code of Criminal Procedure to a Member of the European Parliament of French nationality, the competent French court has infringed primary Community law. It is clear from the case-law of the Court of Justice that a Member State may be held responsible for a decision by a national court. Since the Commission has a duty as guardian of the Treaties to initiate proceedings under Article 226 of the EC Treaty, the European Parliament asked it to do so against France.