Basic information

2007/2205(INI) INI - Own-initiative procedure	Procedure completed
Defence of the prerogatives of the European Parliament before the national courts **Subject** 7.90 Justice and home affairs 8.40.01 European Parliament 8.40.11 Relations with Member State governments and national parliaments 8.50 EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	GARGANI Giuseppe (PPE-DE)	10/09/2007

Committee for opinion	Rapporteur for opinion	Appointed
AFCO Constitutional Affairs (Associated committee)	LEINEN Jo (PSE)	26/06/2007

European Commission

Commission DG	Commissioner
Secretariat-General	BARROSO José Manuel

Key events

Date	Event	Reference	Summary
27/09/2007	Committee referral announced in Parliament		
27/09/2007	Referral to associated committees announced in Parliament		
29/05/2008	Vote in committee		Summary
04/06/2008	Committee report tabled for plenary	A6-0222/2008	
08/07/2008	Decision by Parliament	T6-0327/2008	Summary
08/07/2008	Results of vote in Parliament		
08/07/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2007/2205(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/53526

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE400.612	27/02/2008	
Amendments tabled in committee		PE405.717	18/04/2008	
Committee opinion	AFCO	PE404.531	28/05/2008	
Committee report tabled for plenary, single reading		A6-0222/2008	04/06/2008	
Text adopted by Parliament, single reading		T6-0327/2008	08/07/2008	Summary

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 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.