Basic information

2013/2031(REG) REG - Parliament's Rules of Procedure	Procedure completed
EP Rules of Procedure, Rule 7: waiver and defence of parliamentary immunity **Subject** 8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	JÄÄTTEENMÄKI Anneli (ALDE)	04/02/2013
	Shadow rapporteur WIELAND Rainer (PPE) LEINEN Jo (S&D) HÄFNER Gerald (Verts/ALE) FOX Ashley (ECR) SCHOLZ Helmut (GUE/NGL) MESSERSCHMIDT Morten (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	LEHNE Klaus-Heiner (PPE)	20/02/2013

Key events

Date	Event	Reference	Summary
21/11/2013	Committee referral announced in Parliament		
17/12/2013	Vote in committee		
08/01/2014	Committee report tabled for plenary	A7-0012/2014	Summary
16/01/2014	Decision by Parliament	T7-0035/2014	Summary
16/01/2014	Results of vote in Parliament		
16/01/2014	End of procedure in Parliament		

Technical information	
Procedure reference	2013/2031(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules
Legal basis	Rules of Procedure EP 243-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/12009

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	JURI	PE508.079	10/07/2013	
Committee draft report		PE516.644	17/07/2013	
Amendments tabled in committee		PE522.811	24/10/2013	
Committee report tabled for plenary, single reading		A7-0012/2014	08/01/2014	Summary
Text adopted by Parliament, single reading		T7-0035/2014	16/01/2014	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

EP Rules of Procedure, Rule 7: waiver and defence of parliamentary immunity

2013/2031(REG) - 16/01/2014 - Text adopted by Parliament, single reading

The European Parliament adopted a decision on the amendment of Parliament's Rules of Procedure on the waiver and the defence of parliamentary immunity.

Parliament stipulated that **Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members**.

Procedures on immunity: the amended Regulation stated that any request for waiver of immunity shall be evaluated in accordance with Articles 7, 8 and 9 of the Protocol on the Privileges and Immunities of the European Union and with the principles referred to in the Parliament's Rules of Procedure.

Defence of privileges and immunity: in a new Article, it is stated that in cases where the privileges and immunities of a Member or former Member are alleged to have been breached by the authorities of a Member State, a request for a Parliament decision as to whether there has, in fact, been a breach of those privileges and immunities may be made. In particular, such a request for the defence of privileges and immunities may be made if it is

considered that the circumstances constitute an administrative or other restriction on the free movement of Members travelling to or from the place of meeting of Parliament or on an **opinion expressed or a vote cast in the performance of their duties**, or that they fall within the scope of Article 9 of the Protocol on the Privileges and Immunities of the European Union.

Admissibility: it is stipulated that a request for the defence of the privileges and immunities of a Member shall not be admissible if a request for the waiver or defence of that Member's immunity has already been received in respect of the **same legal proceedings**, whether or not a decision has been taken at that time.

Reconsideration: in cases where a decision has been taken not to defend the privileges and immunities of a Member, the Member may make a request for reconsideration of the decision, submitting **new evidence**. The request for reconsideration shall be inadmissible if proceedings have been instituted against the decision under Article 263 of the Treaty on the Functioning of the European Union, or if the President considers that the new evidence submitted is not sufficiently substantiated to warrant reconsideration.

Right to be heard: clarifications have been made, on the one hand, to ensure that Members may be heard and on the other, to ensure that they cannot repeatedly postpone their hearing in order to block judicial proceedings against them.

Principles for the application of this Rule: a new provision has been introduced on the principles for the application of this Rule.

It should be noted that a certain number of articles have been moved. These concern:

- emergency situations (as a matter of urgency, in circumstances where a Member is arrested or has his or her freedom of movement curtailed in apparent breach of their privileges and immunities, the President, after consulting the chair and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the Member concerned);
- defence of privileges and immunity;
- provisions on hearings ;
- the question whether a request for a waiver of immunity is required in cases where Members are to appear as witnesses.
- the basic criteria for defending the immunity of a Member.

EP Rules of Procedure, Rule 7: waiver and defence of parliamentary immunity

2013/2031(REG) - 08/01/2014 - Committee report tabled for plenary, single reading

The Committee on Constitutional Affairs adopted the report by Anneli JÄÄTTEENMÄKI (ADLE, FI) on the amendment of Parliament's Rules of Procedure on the waiver and the defence of parliamentary immunity.

Members stipulated that **Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members**.

Procedures on immunity: the report stated that any request for waiver of immunity shall be evaluated in accordance with Articles 7, 8 and 9 of the Protocol on the Privileges and Immunities of the European Union and with the principles referred to in the Parliament's Rules of Procedure.

Defence of privileges and immunity: in a new Article it is stated that in cases where the privileges and immunities of a Member or former Member are alleged to have been breached by the authorities of a Member State, a request for a Parliament decision as to whether there has, in fact, been a breach of those privileges and immunities may be made. In particular, such a request for the defence of privileges and immunities may be made if it is considered that the circumstances constitute an administrative or other restriction on the free movement of Members travelling to or from the place of meeting of Parliament or on an **opinion expressed or a vote cast in the performance of their duties**, or that they fall within the scope of Article 9 of the Protocol on the Privileges and Immunities of the European Union.

Admissibility: it is stipulated that a request for the defence of the privileges and immunities of a Member shall not be admissible if a request for the waiver or defence of that Member's immunity has already been received in respect of the **same legal proceedings**, whether or not a decision has been taken at that time.

Reconsideration: in cases where a decision has been taken not to defend the privileges and immunities of a Member, the Member may make a request for reconsideration of the decision, submitting **new evidence**. The request for reconsideration shall be inadmissible if proceedings have been instituted against the decision under Article 263 of the Treaty on the Functioning of the European Union, or if the President considers that the new evidence submitted is not sufficiently substantiated to warrant reconsideration.

Right to be heard: clarifications have been made to ensure that Members may be heard, but that they cannot repeatedly postpone their hearing in order to block judicial proceedings against them.

Principles for the application of this Rule: a new provision has been introduced on the principles for application. This addition is not meant to empower the committee to make substantive assessments, which in the end are a matter for Parliament. The aim is to ensure that when the cases are similar, so too will be the approaches proposed by the Committee on Legal Affairs, thus laying the foundations for a kind of 'case law'.

It should be noted that a certain number of articles have been moved. These concern:

- emergency situations (as a matter of urgency, in circumstances where a Member is arrested or has his or her freedom of movement curtailed in apparent breach of their privileges and immunities, the President, after consulting the chair and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the Member concerned);
- defence of privileges and immunity;
- provisions on hearings ;
- the question whether a request for a waiver of immunity is required in cases where Members are to appear as witnesses.
- the basic criteria for defending the immunity of a Member.