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*Committee on Constitutional Affairs*

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**2013/2031(REG)**

24.10.2013

# **AMENDMENTS**

## **16 - 21**

**Draft report**  
**Anneli Jäätteenmäki**  
(PE516.644v01-00)

on amendment of Rule 7 of Parliament's Rules of Procedure on the waiver and the defence of parliamentary immunity  
(2013/2031(REG))

AM\_Com\_RulesReport

**Amendment 16**  
**Rainer Wieland, Giuseppe Gargani**

**Parliament's Rules of Procedure**  
**Rule 5 – paragraph 1 a (new)**

*Present text*

*Amendment*

***1a. Parliamentary immunity is not a Member's personal privilege, but a guarantee of the independence of Parliament as a whole and its Members.***

Or. de

**Amendment 17**  
**Francesco Enrico Speroni**

**Parliament's Rules of Procedure**  
**Rule 6 – paragraph 1 a (new)**

*Present text*

*Amendment*

***1a. Where it is called upon to decide on the application of Article 8 of the Protocol on the Privileges and Immunities of the European Union, Parliament, which may not waive the immunity provided for therein, shall deliver a reasoned opinion. In the interests of justice, Parliament shall waive the immunity of a Member provided for in Article 9 of that Protocol unless there are overriding reasons to presume that the legal proceedings requiring the waiver are motivated by a determination to impede the functioning of Parliament or to attack the Member because of his or her membership of Parliament.***

Or. it

*Justification*

*In line with rulings of the Court of Justice.*

**Amendment 18**  
**Rainer Wieland, Giuseppe Gargani**

**Parliament's Rules of Procedure**  
**Rule 6 – paragraph 1 b (new)**

*Present text*

*Amendment*

***1b. Acting on its own initiative or at the request of the Member concerned, Parliament may, at any stage of the procedure, review a decision to waive or defend immunity if the circumstances giving rise to an earlier decision have materially altered or if, given the course of the procedure to date, such action seems warranted.***

Or. de

**Amendment 19**  
**Rainer Wieland, Giuseppe Gargani**

**Parliament's Rules of Procedure**  
**Rule 6 a (new)**

*Present text*

*Amendment*

**Rule 6a**

***Defence of privileges and immunity***

***1. 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 accordance with Rule 7(-1).***

***2. 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 imposed 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 the mandate or that they fall within aspects of Article 9 of the Protocol on Privileges and Immunities of the European Union.*

*3. 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.*

*4. No further consideration shall be given to a request for the defence of the privileges and immunities of a Member if a request for the waiver of that Member's immunity is received in respect of the same legal proceedings.*

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

Or. de

**Amendment 20**  
**Rainer Wieland, Giuseppe Gargani**

**Parliament's Rules of Procedure  
Rule 7 – paragraph -1 (new)**

*Present text*

*Amendment*

***-1. A competent authority of a Member State may address a request to the President to waive a Member's immunity; a Member or a former Member may address a request to the President to defend privileges and immunities. Such requests shall be announced in Parliament and referred to the committee responsible.***

Or. de

**Amendment 21  
Rainer Wieland, Giuseppe Gargani**

**Parliament's Rules of Procedure  
Rule 7 – paragraph 12 a (new)**

*Present text*

*Amendment*

***12a. The committee shall lay down principles for the application of this Rule.***

Or. de

*Justification*

*This addition is not meant to empower the committee to make substantive assessments, which in the end are a matter for Parliament. The object 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'.*