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MOTION FOR A RESOLUTION

further to the Council and Commission statements

pursuant to Rule 37(2) of the Rules of Procedure

by Graham R. Watson, on behalf of the ELDR Group, and by Daniel Cohn-Bendit and Monica Frassoni, on behalf of the Greens/ALE Group

on the follow-up to the resolution of 3 and 4 June 2003 on the adoption of a Statute for Members of the European Parliament

European Parliament resolution on the follow-up to the resolution of 3 and 4 June 2003 on the adoption of a Statute for Members of the European Parliament

The European Parliament,

- having regard to the Council and Commission statements and its resolution of 3 and 4 June 2003 on the adoption of a Statute for Members of the European Parliament,
 - having regard to Article 190(5) of the Treaty establishing the European Community and Article 108(4) of the Treaty establishing the European Atomic Energy Community,
 - having regard to its resolution of 3 and 4 June 2003¹ on the adoption of a Statute for Members of the European Parliament,
 - having regard to the Bureau decision of 28 May 2003 on the new rules governing the payment of expenses and allowances to Members,
 - having regard to Rule 37(2), (3), (4) and (5) of the Rules of Procedure,
- A. whereas, in its letter of 25 June 2003, the Council pointed out that there were still significant differences between the respective positions of the Council and of Parliament, which were preventing it from giving its approval,
- B. whereas, in its letter of 21 November 2003, the Council stated that, almost twenty-five years after the first elections by direct universal suffrage and six years after the establishment of the necessary legal basis by the Treaty of Amsterdam, it was important that the Statute for Members of the European Parliament now be adopted, and that it wished to step up dialogue in order to achieve compromise solutions that would be acceptable to both institutions,
- C. whereas it will not be possible to amend the provisions on privileges and immunities in the context of the present IGC and whereas the link between the entry into force of the Statute and that of the Constitution is unjustified,
1. Believes that an overall compromise on the Statute for Members of the European Parliament could comprise the following points:
- (a) the part of the Statute relating to secondary law should be examined separately from that relating to primary law and they should be approved on the basis of the institutional provisions applying to each of them;
 - (b) as regards the part relating to primary law, Member States should be asked to revise those provisions of the 1965 Protocol on Privileges and Immunities which concern Members of the European Parliament, using the Statute adopted on 3 and 4 June 2003 as

¹ P5_TA-PROV(2003)0241.

a model;

- (c) consequently, and subject to a favourable opinion from the Council, Articles 4, 5, 6, 7, 8 and 38(2), recitals 7, 15, 16, 17, 18, 20, 21, 30, 31, 32, 33, 34 and the words '*or only in respect of residual matters not covered by primary law*' in recital 14 should be deleted;
 - (d) Members should be entitled to an old-age pension as from the age of 63;
 - (e) consequently, and subject to a favourable opinion from the Council, in Article 20(1), '60' should be replaced with '63';
 - (f) the provision concerning the Community tax to which the Members' allowance is to be made subject is without prejudice to the Member States' power to make this allowance subject to national tax law provisions, provided that any double taxation is avoided (compromise reached under the Belgian Presidency);
 - (g) consequently, and subject to a favourable opinion from the Council, a new paragraph 1a should be inserted after paragraph 1 of Article 38 to read: '*Paragraph 1 shall be without prejudice to the Member States' power to make this allowance subject to national tax law provisions, provided that any double taxation is avoided*';
 - (h) consequently, and subject to a favourable opinion from the Council, Article 38(1) should read as follows: '*This Statute shall enter into force after its approval by the Council and at the beginning of the following parliamentary term*';
 - (i) the new rules governing the payment of expenses and allowances to Members should enter into force at the same time as the Statute;
- 2. Calls on the Council to inform Parliament as soon as possible, and preferably before the end of the Italian Presidency, whether it is in a position to accept the proposed compromise and to approve the Statute for Members of the European Parliament should the decision which Parliament adopted on 3 and 4 June 2003 be amended accordingly;
 - 3. Instructs its President to forward this resolution to the Commission and the Council.