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## **MOTION FOR A RESOLUTION**

further to Question for Oral Answer B6-0002/2006

pursuant to Rule 108(5) of the Rules of Procedure

by Giuseppe Gargani

on behalf of the Committee on Legal Affairs

on modification of the Protocol on Privileges and Immunities

**European Parliament resolution on modification of the Protocol on Privileges and Immunities**

*The European Parliament,*

- having regard to its resolution of 23 June 2005 on the amendment of its decision of 4 June 2003 on the adoption of the Statute for the Members of the European Parliament,
  - having regard to the Declaration of 6 June 2005 by Representatives of the Member States, meeting within Council, in which they agreed that 'when an instrument laying down the regulations and general conditions governing the performance of duties of Members of the European Parliament is adopted pursuant to the terms of Article 190(5) of the Treaty, they will examine the request of Parliament to revise the relevant provisions of the Protocol on Privileges and Immunities of the European Communities of 1965 insofar as it concerns the Members of the European Parliament with a view to reach a conclusion as soon as possible',
  - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas its resolution of 23 June 2005 considered the Declaration of 3 June to be an essential element for a compromise with the Council on the Statute,
- B. whereas its resolution of 23 June 2005 insisted 'that the overall compromise on the Statute for Members of the European Parliament should consist of:
- (a) a separate and independent examination of that part of the Statute which falls under secondary law and of that part which falls under primary law, and approval of both parts in accordance with the institutional provisions applicable to each of them;
  - (b) with regard to that part which falls under primary law, the Member States are called upon to review the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 in respect of the provisions relating to Members of the European Parliament, taking the Statute approved on 3 and 4 June 2003 as a model',
1. Recalls the Council's undertaking to consider Parliament's request for a review of those provisions of the 1965 Protocol on the Privileges and Immunities of the European Communities relating to Members of the European Parliament, the aim being to reach a conclusion as swiftly as possible; hopes also that, when the revision is carried out, a clause will be inserted to enable the European Parliament to bring actions before the Court of Justice for the purpose of safeguarding the privileges and immunities guaranteed by the Protocol;
  2. Confirms that the basis for that review must be the Statute approved by the European Parliament on 3 and 4 June 2003;
  3. Calls on the Council to ensure the appropriate European Parliament involvement in that

review;

4. Instructs its President to forward this resolution to the Council and the Commission.