**Tuesday 17 January 2023**

II

*(Information)*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

# EUROPEAN PARLIAMENT

P9_TA(2023)0005

## Amendments to Parliament's Rules of Procedure concerning Rule 7 on defence of privileges and immunity and Rule 9 on procedures on immunity

**European Parliament decision of 17 January 2023 on amendments to Parliament's Rules of Procedure concerning Rule 7 on defence of privileges and immunity and Rule 9 on procedures on immunity (2022/2210(REG))**

(2023/C 214/15)

*The European Parliament,*

— having regard to the letters from its President of 9 November and 16 December 2022,

— having regard to Rules 236 and 237 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A9-0001/2023),

1. Decides to amend its Rules of Procedure as shown below;

2. Decides that the amendments shall enter into force on the day following their adoption;

3. Instructs its President to forward this decision to the Council and the Commission, for information.

**Amendment 1**

**Parliament's Rules of Procedure**

**Rule 7 — paragraph 1**

| *Present text* | *Amendment* |
|---|---|
| 1. In cases where it is alleged that an infringement of the privileges and immunities of a Member or former Member by the authorities of a Member State has occurred or is about to occur, a request for a Parliament decision as to whether those privileges and immunities have been or are likely to be breached may be made in accordance with Rule 9(1). | 1. In cases where it is alleged that an infringement of the privileges and immunities of a Member or former Member by the authorities of a Member State ***or by the European Public Prosecutor's Office*** has occurred or is about to occur, a request for a Parliament decision as to whether those privileges and immunities have been or are likely to be breached may be made in accordance with Rule 9(1). |

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**Amendment 2**

**Parliament's Rules of Procedure**

**Rule 9 — paragraph 1**

| *Present text* | *Amendment* |
|---|---|
| 1. Any request addressed to the President by a competent authority of a Member State for the immunity of a Member to be waived, or by a Member or a former Member for privileges and immunities to be defended, shall be announced in Parliament and referred to the committee responsible. | 1. Any request addressed to the President by a competent authority of a Member State ***or by the European Chief Prosecutor*** for the immunity of a Member to be waived, or by a Member or a former Member for privileges and immunities to be defended, shall be announced in Parliament and referred to the committee responsible. |

**Amendment 3**

**Parliament's Rules of Procedure**

**Rule 9 — paragraph 5**

| *Present text* | *Amendment* |
|---|---|
| 5. The committee may ask the authority concerned to provide any information or explanation which the committee deems necessary in order for it to form an opinion on whether immunity should be waived or defended. | 5. The committee may ask the authority ***of the Member State*** concerned ***or, as the case may be, the European Chief Prosecutor*** to provide any information or explanation, which the committee deems necessary in order for it to form an opinion on whether immunity should be waived or defended. |

**Amendment 4**

**Parliament's Rules of Procedure**

**Rule 9 — paragraph 8**

| *Present text* | *Amendment* |
|---|---|
| 8. The committee may offer a reasoned opinion as to the competence of the authority ***in question*** and the admissibility of the request, but shall not, under any circumstances, pronounce on the guilt, or otherwise, of the Member, nor shall it pronounce on whether or not the opinions or acts attributed to the Member justify prosecution, even if the committee, in considering the request, acquires detailed knowledge of the facts of the case. | 8. The committee may offer a reasoned opinion as to the competence of the authority ***of the Member State concerned or, as the case may be, the European Chief Prosecutor*** and the admissibility of the request, but shall not, under any circumstances, pronounce on the guilt, or otherwise, of the Member, nor shall it pronounce on whether or not the opinions or acts attributed to the Member justify prosecution, even if the committee, in considering the request, acquires detailed knowledge of the facts of the case. |

**Amendment 5**

**Parliament's Rules of Procedure**

**Rule 9 — paragraph 10**

| *Present text* | *Amendment* |
|---|---|
| 10. The President shall immediately communicate Parliament's decision to the Member concerned and to the competent authority of the Member State concerned, with a request that the President be informed of any developments and judicial rulings in the relevant proceedings. When the President receives this information, he or she shall transmit it to Parliament in the way he or she considers most appropriate, if necessary after consulting the committee responsible. | 10. The President shall immediately communicate Parliament's decision to the Member concerned and to the competent authority of the Member State concerned ***or, as the case may be, to the European Chief Prosecutor***, with a request that the President be informed of any developments and judicial rulings in the relevant proceedings. When the President receives this information, he or she shall transmit it to Parliament in the way he or she considers most appropriate, if necessary after consulting the committee responsible. |

**Amendment 6**

**Parliament's Rules of Procedure**

**Rule 9 — paragraph 12**

| *Present text* | *Amendment* |
|---|---|
| 12. Parliament shall only examine requests for the waiver of a Member's immunity that have been transmitted to it by the judicial authorities or by the Permanent Representations of the Member States. | 12. Parliament shall only examine requests for the waiver of a Member's immunity that have been transmitted to it by the judicial authorities or by the Permanent Representations of the Member States ***or, as the case may be, by the European Chief Prosecutor***. |

**Amendment 7**

**Parliament's Rules of Procedure**

**Rule 9 — paragraph 14**

| *Present text* | *Amendment* |
|---|---|
| 14. Any inquiry as to the scope of Members' privileges or immunities made by a competent authority shall be dealt with in accordance with the above rules. | 14. Any inquiry as to the scope of Members' privileges or immunities made by a competent authority ***of a Member State or, as the case may be, by the European Public Prosecutor's Office*** shall be dealt with in accordance with the above rules. |