

'Members of the European Parliament: towards a single Statute' from Tribune pour l'Europe (December 1998)


Caption: On 3 December 1998, the European Parliament adopts a draft Statute for Members of the European Parliament.

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Members of the European Parliament: towards a single Statute

Before the first direct elections to the European Parliament in 1979, it had been provisionally decided that the Members of the European Parliament would continue to be subject to the national system and would receive the same allowances as Members of the national parliaments.

Since 1981, attempts by the European Parliament to resolve the issue of a single Statute have failed, essentially because of the absence of an appropriate legal basis in the Treaties. The Treaty of Amsterdam, of which Article 190(5) provides that 'the European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its Members', enables the absence of a legal basis to be remedied.

The draft Statute, adopted by the European Parliament by 327 votes to 120, with 43 abstentions, should finally secure equal treatment among Members of the European Parliament. However, it has still to be submitted to the Council of Ministers, which must approve it unanimously.

The draft Statute sets out incompatibilities with membership of the European Parliament. Consequently, upon adoption of the draft Statute, it will be impossible to combine the roles of Member of the European Parliament and Member of the Commission, Judge at the Court of Justice of the European Communities, or Member of the Board of Directors of the European Investment Bank, etc. It also provides that each Member State may specify incompatibilities applicable at national level. Such incompatibilities already exist. In Belgium, in particular, simultaneous membership of the European Parliament and membership of the national parliament are incompatible. In France, in addition to incompatibilities with non-elected public posts, Members of Parliament may not aggregate more than two terms of office in an elected post.

It is also provided that Members of the European Parliament are to be elected by direct universal suffrage for a period of five years and that only citizens of the European Union may be elected.

Members elected to the European Parliament for the first time will receive a monthly allowance of EUR 5 677.22. This allowance corresponds to the average salary received by all Members from the national parliaments at the present time. It is worth remembering that gross earnings paid to Members of the European Parliament by the Member States vary between EUR 2 827.85 in the case of Spanish Members and EUR 9 635.39 in the case of Italian Members. At present, Belgian Members receive an allowance of EUR 5 283.70 (\pm BEF 215 000) and French Members receive EUR 4 918.61 (\pm FRF 32 500).

The Statute provides for a transitional system which will enable Members of Parliament, during the parliamentary term following adoption of the Statute by the Council, to opt for the salary laid down in the Statute or to retain their national salaries. This choice will be automatically abolished at the end of the parliamentary term subsequent to the one during which the Statute has been adopted.

Allowances are reduced by the amount received by Members of the European Parliament as payment for exercising another parliamentary mandate. The deduction of payments received for other official functions will be the subject of subsequent legislation.

Moreover, Members of the European Parliament will be entitled to receive a temporary allowance at the end of their term of office. This entitlement equates to one month for each year of service, with a minimum of 6 months and a maximum of 12 months. The income received by the former Member as a parliamentary allowance or from a pension connected with a different mandate or official function is deducted.

The age at which a Member becomes entitled to receive a pension is set at 60 years. The draft Statute provides for the retention of the voluntary pension fund until the end of the parliamentary term following the adoption of the Statute by the Council and solely for those Members who have chosen to retain their national salaries. Non-taxable contributions will be made on an equal basis by the Member and by the European Parliament.

Pensions are payable after the age of 60 years and increase by 3.5 % of the salary for each full year of service but may not exceed 70 %. Pensions are reduced by the amount of the pension benefits to which the former Member is entitled following a term of office in a different Parliament and by the amount received by way of a parliamentary allowance from a different mandate.

Issues relating to the reimbursement of expenses are dealt with in the text of the resolution. The instrument provides that, on submission of supporting documents, Members will be refunded any travel expenses incurred in the performance of their duties.

Refunds are limited to the cost of a business-class ticket for air travel and a first-class ticket for train travel. The journey from home to the airport or to the station is taken into account for the purposes of travel expenses. For car journeys, a flat-rate amount per kilometre is refundable.

For general expenses incurred in the exercise of their duties, Members receive a standard monthly amount of EUR 3 262 and an allowance of EUR 231 per day when they have actually attended official meetings in the performance of their duties. Members are also entitled to an allowance of EUR 9 596 per month, which enables them to employ assistants. Salaries and contributions are payable directly to the assistants and to the competent bodies. The Commission rejected amendments aimed at integrating the system applicable to parliamentary assistants into an Annex to the Statute for Members of the European Parliament.

The European Parliament must adopt rules governing the reimbursement of expenses arising from sickness, invalidity, accident, pregnancy and maternity. Temporary and parliamentary allowances and pensions are not subject to Community taxation.