

European Parliament Resolution on the draft Statute for Members of the European Parliament (5 May 1999)

Caption: European Parliament Resolution of 5 May 1999 on the draft Statute for Members of the European Parliament.

Source: Official Journal of the European Communities (OJEC). 01.10.1999, n° C 279. [s.l.]. "Resolution on the draft Statute for Members of the European Parliament (5 May 1999)", auteur:European Parliament , p. 171.

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Last updated: 21/05/2014

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A4-0267/1999

The European Parliament,

— having regard to the Treaty of Amsterdam signed on 2 October 1997 which, following the deposit of all the instruments of ratification, entered into force on 1 May 1999,

— having regard to its resolution of 3 December 1998 on the draft Statute for Members of the European Parliament ⁽¹⁾,

— having regard to Article 190(5) of the EC Treaty,

— having regard to Rule 148 of its Rules of Procedure and in particular the new paragraph 2 thereof, which entered into force on 1 May 1999,

— having regard to the report of the Committee on Legal Affairs and Citizens' Rights (A4-0267/1999),

A. whereas it adopted the draft Statute on 3 December 1998 by 327 votes to 120, with 43 abstentions; whereas it adopted the Annex to the draft Statute by 323 votes to 96, with 36 abstentions; whereas it adopted the resolution on the draft Statute for Members by 314 votes to 84, with 62 abstentions ⁽²⁾,

B. whereas the President of the European Parliament presented the resolution of 3 December 1998 to the Vienna European Council of 11 and 12 December 1998, and whereas the European Council invited the institutions involved to ensure the necessary follow-up,

C. whereas the General Affairs Council of 3 and 4 March 1999 gave the Working Party on General Affairs a mandate to reach a compromise over the draft Statute approved on 3 December 1998,

D. whereas the Council's Working Party on General Affairs met on 5, 16 and 26 March and on 12, 15, 19, 21, 22 and 26 April 1999,

E. whereas the European Parliament's Working Party held meetings with the Council Presidency on 10 and 25 March and 8, 14 and 22 April 1999,

F. whereas the Committee of Permanent Representatives was unable to reach agreement on 21 April 1999 on an amended draft Statute,

G. whereas the General Affairs Council of 26 April 1999 once again considered the draft Statute and reached agreement on a draft Statute for Members of the European Parliament,

H. whereas it is of the greatest importance that Members of the European Parliament should, as soon as possible, have a Statute, putting an end to the existing state of affairs, which is unsatisfactory both for the Members themselves and for public opinion,

1. Confirms the resolution that it adopted on 3 December 1998;

2. Notes that there are fundamental differences of opinion with the Council and considers it essential that respect for the principle of equality between Members, which is the basic principle underlying a uniform Statute, be enshrined therein; notes, in addition, that negotiations with the Council must continue on questions associated with the criteria for determining the parliamentary allowance, the pension scheme, the practical arrangements for reimbursement of expenses actually incurred and the procedure to be followed for

reviewing the Statute;

3. Considers, by the same token, that it is essential to preserve the retirement rights and entitlement to pensions acquired by Members and former Members of Parliament before the entry into force of the prospective Statute on the basis of national schemes and Parliament's rules;

4. Notes that according to the case law of the Court of Justice of the European Communities, the duty of sincere cooperation also applies to the Council ⁽³⁾;

5. Instructs the Working Party set up by paragraph 6 of its abovementioned resolution of 3 December 1998 to pursue the negotiations on the Statute of 3 December 1998; hopes to reach an agreement so as to be able to take the decision referred to in Article 190(5) of the EC Treaty before the end of 1999 and if possible before the end of this parliamentary term;

6. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.

⁽¹⁾ OJ C 398, 21.12.1998, p. 24.

⁽²⁾ OJ C 398, 21.12.1998, pp. 11, 16 and 17.

⁽³⁾ ECJ judgment of 30 March 1995, Case C-65/93, European Parliament v. Council [1995] ECR I-643, paragraph 23; ECJ judgment of 27 September 1988, Case 204/86 Greece v. Council [1988] ECR 5323, paragraph 16.