

Medlemmerne af Folketingets Europaudvalg
og deres stedfortrædere

Asiatisk Plads 2
DK-1448 København K
Tel. +45 33 92 00 00
Fax +45 32 54 05 33
E-mail: um@um.dk
Telex 31292 ETR DK
Telegr. adr. Etrangeres
Girokonto 300-1806

Bilag
1

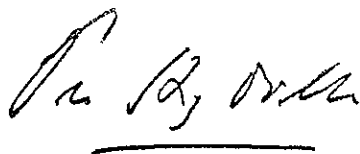
Journalnummer
400.C.2-0

Kontor
EUK

6. juni 2005



Til underretning for Folketingets Europaudvalg fremsendes hermed kopi af brev fra Rådet til Europa-Parlamentet vedrørende indgåelse af en Statut for medlemmerne af Europa-Parlamentet samt erklæring vedrørende protokol om privilegier og immuniteter. Der vedlægges endvidere brev fra Europa-Parlamentets formand til formanden for Europa-Parlamentets juridiske udvalg vedrørende den videre procedure i Europa-Parlamentet frem mod vedtagelse på Europa-Parlamentets samling den 22.-23. juni. Formel vedtagelse af Statutten vil skulle ske på et efterfølgende rådsmøde.





**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 June 2005

9747/05

LIMITE

**PE 113
INST 46**

NOTE

from : the Presidency

to : Delegations

Subject : Statute of Members of the European Parliament
- Letter to the President of the European Parliament

Please find enclosed the letter mentioned above on the Statute of Members of the European Parliament

**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

Brussels,

RUE DE LA LOI, 175
B - 1048 BRUXELLES
Tél: (32) 02 285 71 09.
Fax: (32) 02 285 73 93

TELEGRAMS: CONSILIUM BRUXELLES
Telex: 21711 Consil B

Mr Joseph BORELL FONTELLES
President of the European Parliament
Plateau du Kirchberg
L - 2929 LUXEMBOURG

Sir,

Subject: Statute for Members of the European Parliament

Following the European Parliament resolution of 4 June 2003 on the above matter, and the resolution of 17 December 2003, which was presented to the Council on 26 January 2004 (doc. 5575/04), and after an exchange of letters between the President of the Council and the European Parliament in September and October 2004, the Council is now in a position to communicate to you the following elements which would allow it to give its agreement to the draft Statute:

1. set MEPs' allowance, from the date on which the Statute enters into force, at EUR 7 000 before tax, to be presented, if appropriate, in the form of a percentage of the basic salary of a judge of the Court of Justice of the European Communities;
2. include in the enacting terms of the Decision the principle of reimbursement of travel, mission and staff expenses on the basis of actual cost, with the recognition that the current flat-rate allowance, set by the European Parliament for other general expenses related to MEPs' term of office, would be maintained;
3. pension contributions would be borne by the Parliament;
4. MEPs would bear 1/3rd of medical and accident insurance contributions and the European Parliament would pay the remaining 2/3rds;

5. taxes levied on parliamentary allowances and pensions would accrue to the budget of the Communities, except for Member States which wished to apply their national tax law, in which case any double taxation would be excluded;
6. from the date on which the Statute enters into force, a transitional provision would be laid down, for two full terms of office, during which each Member State could opt to maintain the current national system of allowances for all as elected MEPs.

I hope that these elements will enable us to overcome the obstacles which had prevented an agreement in January 2004.

It is now for your institution to adopt its position, following its internal procedures.

Finally, if these modifications are accepted by the European Parliament, both our institutions should perform a final check of the text before the European Parliament adopts the Statute.

Yours sincerely

The President of the Council

**CONSEIL DE
L'UNION EUROPÉENNE**

Bruxelles, le

Service juridique

Relations interinstitutionnelles

RUE DE LA LOI, 175
B - 1048 BRUXELLES
Tél: (32) 02 285 71 09
Fax: (32) 02 285 73 94

TÉLÉGRAMMES : CONSILIUM BRUXELLES
Télex: 21711 Conseil B

Monsieur Joseph BORRELL FONTELLES
Président du Parlement européen
Plateau du Kirchberg
L- 2929 LUXEMBOURG

Monsieur le Président,

Objet : Statut des députés au Parlement européen

Suite à la résolution du Parlement européen du 4 juin 2003 relative à l'objet précité et à la résolution du 17 décembre 2003 qui a été présentée au Conseil du 26 janvier 2004 (doc. 5575/04), et après un échange de courriers entre le Président du Conseil et le Parlement européen en septembre et octobre 2004, le Conseil est désormais en mesure de vous faire parvenir les éléments ci-après qui lui permettraient de marquer son accord sur le projet de statut:

1. fixer l'indemnité des députés à compter de la date de l'entrée en vigueur du Statut à 7.000 € avant impôts, le cas échéant présentée sous la forme d'un pourcentage du traitement de base d'un juge de la Cour de justice des Communautés européennes;
2. inscrire dans le dispositif de la décision le principe du remboursement des frais de voyages, de missions et des collaborateurs sur la base du coût réel, étant entendu qu'il y a lieu de maintenir le forfait actuel, arrêté par le Parlement européen, pour les autres frais généraux liés au mandat;
3. les cotisations pour les pensions seraient prises en charge par le Parlement;
4. les cotisations pour les assurances maladie et accident seraient pour 1/3 à la charge des députés et pour 2/3 à la charge du Parlement européen;

5. l'imposition des indemnités parlementaires et des pensions serait au profit du budget des Communautés, sauf pour les Etats membres qui souhaiteront appliquer leur droit fiscal national, étant entendu que, dans ce cas, toute double imposition serait exclue;
6. à compter de la date de l'entrée en vigueur du Statut, une disposition transitoire de deux périodes de mandat pleines serait prévue pendant lesquelles chaque Etat membre pourrait, pour l'ensemble des députés élus en son sein, opter pour le maintien du régime national actuel des indemnités.

J'espère que ces éléments permettront de surmonter les obstacles qui avaient empêché un accord en janvier 2004.

Il appartient maintenant à votre institution de définir sa position, selon les procédures internes.

Il conviendrait enfin, au cas où ces modifications seraient acceptées par le Parlement européen, que nos deux institutions procèdent à une vérification définitive du texte et ceci avant que le Parlement européen n'adopte le Statut.

Veillez agréer, Cher Monsieur le Président, l'expression de mes sentiments les meilleurs.

Le Président du Conseil



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 June 2005

9737/05

LIMITE

**PE 111
INST 43**

NOTE

from : the Presidency
to : Delegations

Subject : Statute of Members of the European Parliament
- Declaration by the Representatives of the Member States, meeting within
Council

**Declaration by the Representatives of the Member States,
meeting within the Council**

The Representatives of the Member States, meeting within Council, agree 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.

Josep Borrell Fontelles
President

Mr Giuseppe GARGANI
Chairman of the Committee on Legal Affairs

EUROPEAN PARLIAMENT

Dear Chairman,

Following the extraordinary meeting of the Conference of Presidents held this morning to discuss the progress made in relation to the Members' Statute, I am pleased to inform you that, at the end of its ordinary meeting, the Conference of Presidents adopted conclusions on this matter.

In summary, in these conclusions the Conference of Presidents expressed its conviction that the European Parliament should react positively to this Council position, subject to Council confirming its draft. The Conference of Presidents then urged the Legal Affairs Committee to adopt a report in time to enable Parliament to debate and adopt the report at the Brussels plenary session of 22/23 June, thus giving Council the opportunity to conclude this dossier under the Luxembourg Presidency. The full text of the conclusions adopted by the Conference of Presidents is annexed to this letter.

Furthermore, the Conference of Presidents mandated me to convey its conclusions to the Legal Affairs Committee at its meeting of 6 June 2005.

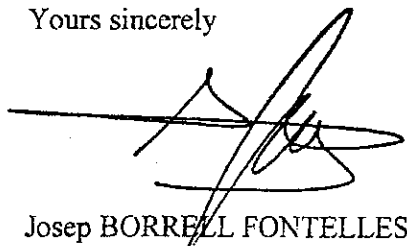
Allow me to add two further related points which were raised during the discussions. Parliament hopes that the successful conclusion of this part of the Statute under the Luxembourg Presidency will then enable us to concentrate our efforts on reaching an agreement on the question of the privileges and immunities of Members, which, as you are aware, involves a difficult and lengthy procedure. I understand that Council will be adopting a declaration committing itself to work on this subject.

Secondly, at the meeting the question was raised as to whether, with the entry into force of the Statute, it would still be possible for a Member State to pay supplementary allowances to Members of Parliament, particularly in order to ensure equality of treatment between Members of the European Parliament and national Members of Parliament. As you know, the Conference of Presidents saw no objection to such a possibility.

I am sending a copy of this letter to Mr Schmit, the President-in-Office of Council, as part of the ongoing dialogue between our Institutions on this priority matter.

Let me thank you once again for your participation in the meeting of the Conference this morning where you will have noted the very constructive and positive approach of the Group Leaders.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Josep Borrell Fontelles', written over a horizontal line. The signature is stylized and somewhat abstract.

Josep BORRELL FONTELLES

Annex

ANNEX

Conclusions adopted by the Conference of Presidents at its meeting of 2 June 2005.

- The Conference took note of the progress made in the evolution of this dossier, and notably of the fact that Council is now likely to transmit officially to Parliament - as requested by Parliament - the reasons for which it failed to mark its agreement in January 2004 and the conditions under which Council could agree.
- The Conference welcomed this position and expressed its conviction that the European Parliament should react positively to this Council position subject to Council confirming its draft; it underlined that Council had now indicated its agreement to elements in a Statute, very similar to those elements supported massively in Parliament's resolution of December 2003.
- The Conference, in view of the limited time available before the end of the Luxembourg Presidency, urged the Legal Affairs Committee and its Rapporteur to present a draft report to the next (extraordinary) meeting of the Legal Affairs Committee on 6 June, along the lines examined by the Conference of Presidents, and, again, subject to the confirmation of Council's position.

On the basis of those discussions the Committee should open a deadline of amendments, with a view to adopting the report on the Statute at a further (extraordinary) meeting on 15 June.

This timetable would allow Parliament to debate and to adopt the report at the occasion of the Brussels Plenary Session of 22/23 June, thus giving Council the opportunity to conclude this dossier under the Luxembourg Presidency.
- The Conference mandates the President to convey those conclusions to the Legal Affairs Committee at its meeting of 6 June 2005.