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## II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
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## EUROPEAN PARLIAMENT

**Request for the waiver of the parliamentary immunity of Ágnes Hankiss**

P7\_TA(2011)0247

**European Parliament decision of 7 June 2011 on the request for waiver of the immunity of Ágnes Hankiss (2010/2213(IMM))**

(2012/C 380 E/23)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Ágnes Hankiss, forwarded by the Central District Court of Buda on 6 July 2010 and announced in plenary sitting on 6 September 2010,
  - having heard Ágnes Hankiss on 11 April 2011 in accordance with Rule 7(3) of its Rules of Procedure,
  - having regard to Article 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
  - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008 and 19 March 2010 <sup>(1)</sup>,
  - having regard to Rules 6(2) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0196/2011),
- A. whereas the Central District Court of Buda, Budapest, has requested the waiver of immunity of Ágnes Hankiss, a Member of the Parliament, in order to conduct renewed criminal proceedings against Ágnes Hankiss as ordered by the judgment of the Supreme Court of the Republic of Hungary,
- B. whereas the waiver of the immunity of Ágnes Hankiss relates to an alleged offence of defamation under Section 181 of the Hungarian Criminal Code as a result of a statement made during the programme 'Péntek 8 mondatvadász' on 23 January 2004,

<sup>(1)</sup> Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195, Case 149/85 *Wybot v Faure and Others* [1986] ECR 2391, Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, Joined Cases C-200/07 and C-201/07 *Marra v De Gregorio and Clemente* [2008] ECR I-7929, and Case T-42/06 *Gollnisch v Parliament*.

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- C. whereas Ágnes Hankiss was accused by a private plaintiff in an accusation dated 18 February 2004 and submitted to the Central District Court of Buda on 23 February 2004; whereas the Central District Court of Buda gave its judgment on 28 June 2005, which was then appealed against in the Budapest Municipal Court and annulled by that Court on 3 February 2006,
- D. whereas as a result the case was referred back to the Central District Court of Buda, which acquitted Ágnes Hankiss of the charges on 6 February 2009; whereas an appeal was brought by the plaintiff against this judgment in the Budapest Municipal Court, which on 25 March 2009 decided to uphold the judgment of the District Court on all its grounds,
- E. whereas on 12 November 2009 the Supreme Court of the Republic of Hungary annulled both judgments on the grounds of breach of substantive law and instructed the Central District Court of Buda to conduct new proceedings,
- F. whereas Ágnes Hankiss has been a Member of the Parliament since 15 July 2009,
- G. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, during the sessions of the Parliament its Members enjoy in the territory of their own State the immunities accorded to members of its parliament; and whereas this does not prevent the Parliament from exercising its right to waive the immunity of one of its Members,
- H. whereas Section 552(1) of the Hungarian Act on Criminal Proceedings requires that criminal proceedings against a person enjoying immunity be suspended and a waiver of such immunity requested, and whereas Section 551(1) of that Act provides that criminal proceedings may only be initiated against, inter alia, a Member of the European Parliament after the suspension of immunity,
- I. whereas Section 12(1) of Act LVII of 2004 provides that a request for waiver of immunity in cases subject to private action is to be made by the court to the President of Parliament,
- J. whereas in the new proceedings following the annulment Ágnes Hankiss stated that she is a Member of the Parliament and in consequence the Central District Court of Buda, acting on the basis of Section 552(1) of the Hungarian Act on Criminal Proceedings and Section 12 of Act LVII of 2004, decided to suspend the proceedings and ask for the waiver of immunity,
- K. whereas it is therefore appropriate to recommend that parliamentary immunity be waived in this instance,
1. Decides to waive the immunity of Ágnes Hankiss;
  2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Republic of Hungary and to Ágnes Hankiss.
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