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(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2016)0099

Request for the waiver of immunity of Hermann Winkler**European Parliament decision of 12 April 2016 on the request for waiver of the immunity of Hermann Winkler
(2016/2000(IMM))**

(2018/C 058/24)

The European Parliament,

- having regard to the request for waiver of the immunity of Hermann Winkler, forwarded on 25 September 2015 by the public prosecutor's office in Leipzig, in connection with a preliminary investigation concerning a traffic accident (ref. 600 AR 3037/15), and announced in plenary on 14 December 2015,
 - having regard to the fact that Hermann Winkler has waived his right to be heard in accordance with Rule 9(5) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 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, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
 - having regard to Article 46 of the German Basic Law (*Grundgesetz*),
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0062/2016),
- A. whereas the public prosecutor's office in Leipzig (Germany) has requested the waiver of the parliamentary immunity of Hermann Winkler, Member of the European Parliament, in connection with launching investigative proceedings concerning an alleged offence;

⁽¹⁾ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

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- B. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
 - C. whereas, under Article 46(2) of the German Basic Law (*Grundgesetz*), a Member may not be called to account for a punishable offence without the permission of Parliament unless apprehended while committing the offence or in the course of the following day;
 - D. whereas the request relates to preliminary investigations into a serious road traffic accident which took place on 23 September 2015 and in which Hermann Winkler was involved;
 - E. whereas the criminal proceedings do not concern any opinion expressed or vote cast in the performance of the duties of a Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
 - F. whereas, in the light of the information acquired by the committee, there is no reason to assume that the intention underlying the criminal proceedings is to damage a Member's political activity (*fumus persecutionis*);
 - G. whereas the alleged offence thus clearly has no connection with the position of Hermann Winkler as a Member of the European Parliament;
 - H. whereas it is therefore advisable that parliamentary immunity be waived in the case in question;
 - 1. Decides to waive the immunity of Hermann Winkler;
 - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the German authorities and to Hermann Winkler.
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