

Il-Hamis, 13 ta' Ottubru 2005

- having regard to Article 27 of the Constitution of the Czech Republic,
- having regard to Rules 6(2) and 7 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A6-0289/2005),

1. Decides to waive the immunity of Vladimír Železný, subject to the condition that such waiver shall apply solely to the prosecution proceedings in hand and that, until such time as a final sentence is passed in those proceedings, Vladimír Železný shall be immune from any form of detention or remand or any other measure which might prevent him from performing the duties attaching to his mandate as a Member of the European Parliament;

2. Instructs its President to forward this decision and the report of the committee responsible to the appropriate authority of the Czech Republic.

P6_TA(2005)0378**Request for waiver of Mr Železný's immunity (second request)****European Parliament decision on the request for waiver of the immunity of Vladimír Železný (2005/2010(IMM))**

The European Parliament,

- having regard to the request for waiver of the immunity of Vladimír Železný in file number KZv 2153/2001-2728, forwarded by the Prague Public Prosecutor on 27 August 2004, and announced in plenary sitting on 16 December 2004,
- having regard to the request to defend his immunity presented by Vladimír Železný in connection with criminal proceedings brought by the Prague Public Prosecutor, and announced in plenary sitting on 16 November 2004,
- having heard Vladimír Železný in accordance with Rule 7(3) of its Rules of Procedure, who requested that his parliamentary immunity not be waived,
- having regard to Article 10 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities, 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 12 May 1964 and 10 July 1986⁽¹⁾ of the Court of Justice of the European Communities,
- having regard to Article 27 of the Constitution of the Czech Republic,
- having regard to Rules 6(2) and 7 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A6-0290/2005),

1. Decides to waive the immunity of Vladimír Železný, subject to the condition that such waiver shall apply solely to the prosecution proceedings in hand and that, until such time as a final sentence is passed in those proceedings, Vladimír Železný shall be immune from any form of detention or remand or any other measure which might prevent him from performing the duties attaching to his mandate as a Member of the European Parliament;

2. Instructs its President to forward this decision and the report of the committee responsible to the appropriate authority of the Czech Republic.

⁽¹⁾ Case 101/63 Wagner v. Fohrmann and Krier [1964] ECR 195, and Case 149/85 Wybot v. Faure and others [1986] ECR 2391.