

Request for waiver of immunity of Krisztina Morvai

European Parliament decision of 13 March 2012 on the request for waiver of the immunity of Krisztina Morvai (2010/2285(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Krisztina Morvai, forwarded on 13 October 2010 by the Pest Central District Court in Budapest (Hungary) in connection with proceedings pending before that court and announced in plenary on 24 November 2010,
 - having heard Krisztina Morvai, in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to the written submissions from the Pest Central District Court of 19 December 2011 in reply to the request of the Committee on Legal Affairs under Rule 7(3) for further information and explanations,
 - having regard to Articles 8 and 9 of the Protocol No 7 on the Privileges and Immunities of the European Union, annexed to the Treaty on the Functioning 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 and 6 September 2011¹,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0050/2012),
- A. whereas the Pest Central District Court has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Krisztina Morvai, in connection with proceedings before it;
- B. whereas the request by the Court relates to criminal proceedings relating to the criminal offence of public defamation in connection with statements made by Krisztina Morvai concerning a private individual in Hungary;
- C. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;

¹ 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, Case T-42/06 *Gollnisch v Parliament* (not yet published in the ECR) and Case C-163/10 *Patriciello* (not yet published in the ECR).

- D. whereas the facts of the case, as manifested in the submissions from the Court to the Committee on Legal Affairs, indicate that the statements were made at a time when Krisztina Morvai was not a Member of the European Parliament;
1. Decides to waive the immunity of Krisztina Morvai;
 2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of Hungary and to Krisztina Morvai.