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Request for waiver of the immunity of Monika Hohlmeier


The European Parliament,

− having regard to the request for waiver of the immunity of Monika Hohlmeier, forwarded on 27 November 2018 by the public prosecutor’s office in Coburg (Germany) in connection with a preliminary police investigation, and announced in plenary on 14 January 2019,

− having regard to the waiver by Monika Hohlmeier of her right to be heard under Rule 9(6) of its Rules of Procedure,

− having regard to Article 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 20131,

− having regard to Article 46 of the Basic Law of the Federal Republic of Germany,

− having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

A. whereas the public prosecutor’s office in Coburg has forwarded a request for waiver of the immunity of Monika Hohlmeier, Member of the European Parliament elected for the Federal Republic of Germany, in connection with an offence within the meaning of Article 142 of the German Criminal Code; whereas, in particular, the proceedings relate to leaving the scene of an accident;

B. whereas, at around 15:00 on 4 September 2018, Monika Hohlmeier attempted to park her car in a car park in Lichtenfels (Germany); whereas the front of her vehicle hit the back of another car parked there, causing an estimated EUR 287,84 of damage; and whereas Monika Hohlmeier then left the scene of the accident without arranging to pay for the damage;

C. whereas Article 9 of Protocol No 7 on the privileges and immunities of the European Union stipulates that Members of the European Parliament ‘shall enjoy, in the territory of their own State, the immunities accorded to members of their parliament’;

D. whereas Article 46 of the Basic Law of the Federal Republic of Germany stipulates that a Member may not be called to account or arrested for a punishable offence without the approval of the Bundestag unless he or she is apprehended while committing the offence or in the course of the following day;

E. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his or her immunity;

F. whereas the alleged offence has no clear or direct bearing on the performance by Ms Hohlmeier of her duties as a Member of the European Parliament and does not constitute an opinion expressed or vote cast in the performance of those duties within the meaning of Article 8 of Protocol No 7 on the privileges and immunities of the European Union;

G. whereas, in this case, Parliament has found no evidence of fumus persecutionis, i.e. a sufficiently serious and precise suspicion that the proceedings have been brought with the intention of causing the Member political damage;

1. Decides to waive the immunity of Monika Hohlmeier;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Federal Republic of Germany and to Monika Hohlmeier.

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