Waiver of the parliamentary immunity of Birgit Collin-Langen

European Parliament decision of 11 September 2012 on the request for waiver of the immunity of Birgit Collin-Langen (2012/2128(IMM))

The European Parliament,

– having regard to the request for waiver of the immunity of Birgit Collin-Langen, forwarded on 27 April 2012 by the Senior Prosecutor in Koblenz (Germany), in connection with legal action concerning an alleged offence and announced in plenary on 14 June 2012,

– having heard Birgit Collin-Langen in accordance with Rule 7(3) 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 and 6 September 2011¹,

– having regard to Article 46 of the German Basic Law (Grundgesetz),

– having regard to Rules 6(2) and 7 of its Rules of Procedure,

– having regard to the report of the Committee on Legal Affairs (A7-0229/2012),

A. whereas the Senior Prosecutor has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Birgit Collin-Langen, in connection with legal action concerning an alleged offence;

B. whereas the request by the Senior Prosecutor relates to proceedings concerning an alleged offence under Section 331 of the German Criminal Code which states that “A public official or a person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of an official duty shall be liable to imprisonment not exceeding three years or a fine”;

C. 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;

D. 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;

E. whereas, consequently, Parliament must thus waive the parliamentary immunity of Birgit Collin-Langen if the proceedings against her are to go ahead;

F. whereas Birgit Collin-Langen has been heard by the Committee on Legal Affairs, where she asked for a quick conclusion of this issue and declared that her immunity should be waived;

G. whereas whether immunity is or is not to be waived in a given case is for Parliament alone to decide; whereas Parliament may reasonably take account of the Member’s position in reaching its decision to waive or not to waive his/her immunity;

H. whereas Birgit Collin-Langen has been a Member of the European Parliament since 17 March 2012;

I. whereas the facts of the case date back to 2006-2008 and, as shown by the submissions to the Committee on Legal Affairs, the alleged activities do not have a direct, obvious connection with Birgit Collin-Langen’s performance of her duties as a Member of the European Parliament;

J. whereas Birgit Collin-Langen was therefore not acting in the performance of her duties as a Member of the European Parliament;

K. whereas the facts set out in the explanatory statement do not constitute a case of *fumus persecutionis*;

1. Decides to waive the immunity of Birgit Collin-Langen;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the appropriate authorities of the Federal Republic of Germany and to Birgit Collin-Langen.

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1 Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, para. 28.