

Request for waiver of the parliamentary immunity of Mr Adrian Severin

European Parliament decision of 23 June 2011 on the request for waiver of the immunity of Adrian Severin (2011/2070(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Adrian Severin, forwarded by the National Anti-Corruption Department (Prosecutor's Office of the High Court of Cassation and Justice of Romania) on 5 April 2011 and announced in plenary sitting on 6 April 2011,
 - having heard Adrian Severin on 23 May 2011 in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to Article 9 of the Protocol of 8 April 1965 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 and 19 March 2010¹,
 - having regard to the provisions of Article 72(2) of the Romanian Constitution,
 - having regard to the provisions of Article 4 of the Romanian Criminal Code, according to which Romanian criminal law is applicable to crimes committed outside Romanian territory if the perpetrator is a Romanian citizen or if he or she, whilst not possessing Romanian citizenship, is domiciled in Romania,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0242/2011),
- A. whereas Romania's National Anti-Corruption Department has requested the waiver of immunity of Adrian Severin, Member of the European Parliament, in order to enable the Romanian Prosecutor's Office to conduct the necessary investigations and to take legal action against Adrian Severin, to call for a search of his house or offices and to carry out computer checks or any other electronic searches which might be necessary, to initiate criminal proceedings against Mr Severin on the grounds of passive corruption and/or influence peddling or any other legal description that might be given to the alleged offence(s) before the criminal courts having jurisdiction,
- B. whereas the waiver of the immunity of Adrian Severin concerns alleged corruption offences

¹ Case 101/63 *Wagner v Fohrmann and Krier* [1964] 195, Case 149/85 *Wybot/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 and Case T-42/06 *Gollnisch v Parliament* (OJ C 134, 22.5.2010, p. 29).

covered by Article 6 of Romanian Law No 78/2000 in conjunction with Article 254 (corruption) and Article 257 (influence peddling) of the Criminal Code and with Article 8¹(b) of Law No 78/2000,

- C. whereas it is not the European Parliament's responsibility to express an opinion on the guilt or otherwise of the Member nor on whether or not the acts attributed to him warrant prosecution,
- D. whereas it is therefore advisable to recommend that parliamentary immunity be waived in the case in question,
 - 1. Decides to waive the immunity of Adrian Severin, excluding any restrictions on his personal freedom;
 - 2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the appropriate authorities of Romania and to Adrian Severin.