



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0151/2012

2.5.2012

REPORT

on the request for defence of the immunity and privileges of
Corneliu Vadim Tudor
(2011/2100(IMM))

Committee on Legal Affairs

Rapporteur: Cecilia Wikström

CONTENTS

	Page
PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION.....	3
RESULT OF FINAL VOTE IN COMMITTEE.....	5

PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the request for defence of the immunity and privileges of Corneliu Vadim Tudor

(2011/2100(IMM))

The European Parliament,

- having regard to the request by Corneliu Vadim Tudor of 14 April 2011, announced in plenary on 9 May 2011, for the defence of his immunity in connection with the proceedings opened against him by the Public Prosecutor attached to the High Court of Cassation and Justice of Romania,
 - having given Corneliu Vadim Tudor on two occasions the opportunity to be heard in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Union, and to 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 72 of the Constitution of Romania,
 - having regard to the letter from the Ambassador of the Republic of Romania of 7 October 2011,
 - having regard to Rules 6(3) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0151/2012),
- A. whereas Corneliu Vadim Tudor, a Member of the European Parliament, has requested the defence of his parliamentary immunity in connection with proceedings before the High Court of Cassation and Justice of Romania;
- B. whereas Mr Tudor's request relates to criminal proceedings in which he is accused of having threatened a bailiff and some police officers, committing acts of violence against them, insulting them and generally attempting to obstruct the execution of a legal decision in the context of the eviction of the Romania Mare party from its premises in Bucharest on 4 January 2011;

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* [2010] ECR II-1135 and Case C-163/10 *Patriciello* (not yet published in the ECR).

- C. whereas in those criminal proceedings Corneliu Vadim Tudor is charged with contempt of court, behaviour contrary to good morals and breach of the peace;
 - D. 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, and whereas, according to Article 9 of that Protocol, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;
 - E. whereas in his letter Mr Tudor makes reference to both Articles 8 and 9 of the Protocol (ex Articles 9 and 10); whereas Article 9 is not relevant in view of Article 72 of the Romanian Constitution and his request must therefore be construed as being based solely on Article 8;
 - F. whereas by letter of 8 June 2011 the Chair of the Committee on Legal Affairs wrote to the Romanian authorities asking for further, more detailed particulars of the proceedings brought against Mr Tudor;
 - G. whereas by letter of 7 October 2011 the Romanian authorities stated: ‘given that Mr Tudor has not been detained, arrested or searched, the need does not exist to seek the agreement of the European Parliament. Since the facts of the case are not connected with his votes or with his political opinions expressed in the exercise of his office and he has not been detained, arrested or searched, it has not been considered necessary to request the waiver of Mr Tudor’s immunity’;
 - H. whereas the eviction of the Romania Mare party and the surrounding circumstances do indeed constitute, respectively, civil and criminal matters which do not have a direct, obvious connection with Mr Tudor’s performance of his duties as a Member of the European Parliament;
 - I. whereas Mr Tudor did not avail himself of the opportunity to explain to the competent committee his request for the defence of his immunity, in particular in the light of the letter from the Romanian authorities;
- 1. Decides not to defend the immunity and privileges of Corneliu Vadim Tudor;
 - 2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Republic of Romania and to Corneliu Vadim Tudor.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	25.4.2012
Result of final vote	+ : 12 - : 0 0 : 0
Members present for the final vote	Luigi Berlinguer, Sebastian Valentin Bodu, Marielle Gallo, Klaus-Heiner Lehne, Alajos Mészáros, Evelyn Regner, Dimitar Stoyanov, Rebecca Taylor, Alexandra Thein, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Eva Lichtenberger