


Procedure file

Basic information	
IMM - Members' immunity	2008/2092(IMM)
Request for waiver of the immunity of Frank Vanhecke	
Subject 8.40.01.03 Members' immunity	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	PPE-DE LEHNE Klaus-Heiner	16/06/2008

Key events			
03/11/2008	Vote in committee		Summary
06/11/2008	Committee report tabled for plenary	A6-0421/2008	
18/11/2008	Results of vote in Parliament		
18/11/2008	Decision by Parliament	T6-0537/2008	Summary
18/11/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2092(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/61777

Documentation gateway					
Committee report tabled for plenary, single reading		A6-0421/2008	06/11/2008	EP	
Text adopted by Parliament, single reading		T6-0537/2008	18/11/2008	EP	Summary

Request for waiver of the immunity of Frank Vanhecke

The Legal Affairs Committee adopted a report drafted by Klaus-Heiner LEHNE (EPP-ED, DE), and decided to waive the immunity of Frank VANHECKE (NI, BE).

To recall, a request for waiver of the immunity of Frank Vanhecke, was submitted, at the request the Dendermonde Public Prosecutor, by the Belgian Minister of Justice and announced in plenary sitting on 10 April 2008. The Dendermonde Public Prosecutor has opened a criminal investigation into Mr Frank Arthur Hyppolite Vanhecke, a Belgian Member of the European Parliament, on suspicion of violating laws against racism and xenophobia. It is believed that Mr Vanhecke was responsible as editor or publisher responsible for an article entitled 'What you

were not allowed to read in the press' in the Vlaams Belang Newspaper, No 2, Sint-Niklaas edition, of April-May-June 2005. The article in question concerned the controversy which had arisen over the desecration of gravestones in Tereken churchyard between 29 March and 5 April 2005, in which connection Vlaams Belang highlighted the alleged fact that the culprits were young people of foreign origin.

In reality the culprits were apparently not of foreign origin but were identified as four minors of indigenous origin from two Flemish families.

In the course of the subsequent investigation it was not possible to ascertain who the author was of the article and its title. It seems to the Dendermonde Public Prosecutor that so far Mr Frank Vanhecke remains responsible under the criminal law for those sections, as the editor or publisher responsible.

In view of the above considerations, the Dendermonde Public Prosecutor proposes to order that Mr Frank Vanhecke be summoned to appear before the Magistrate's Court. However, in view of Mr Vanhecke's status, such a prosecution would only be possible after his parliamentary immunity had been waived.

The Legal Affairs Committee considered in the first place that this case is not covered by Article 9 of the Protocol in that an MEP's duties do not include acting as responsible editor for a national party newspaper. Consequently, the case falls to be considered under Article 10, namely in the light of Belgian law and the consolidated practice of the Committee on Legal Affairs.

After having considered the arguments for and against waiving immunity, the Committee on Legal Affairs recommends that the European Parliament waive Mr Frank Vanhecke's parliamentary immunity.

Request for waiver of the immunity of Frank Vanhecke

The European Parliament adopted, by 564 votes to 61 with 42 abstentions, a resolution on the request for waiver of the immunity of Frank VANHECKE (NI, BE). The report had been tabled for consideration in plenary by Klaus-Heiner LEHNE (EPP-ED, DE) on behalf of the Legal Affairs Committee.

To recall, at the request of the Dendermonde Public Prosecutor, the Belgian Minister of Justice made a request for the waiver of Frank Vanhecke in April 2008, in order to prosecute a criminal investigation into the Belgian Member, on suspicion of violating laws against racism and xenophobia by a publication in a Belgian newspaper.

Having considered the arguments both in favour and against waiving immunity, Parliament decided to waive the immunity of Frank VANHECKE.