

# Procedure file

Basic information		
IMM - Members' immunity	<a href="#">2010/2213(IMM)</a>	Procedure completed
Request for the waiver of parliamentary immunity of Agnes Hankiss		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> <a href="#">Legal Affairs</a>		20/09/2010
		ALDE <a href="#">WALLIS Diana</a>	
		Shadow rapporteur	
		PPE <a href="#">ZWIEFKA Tadeusz</a>	

Key events			
24/05/2011	Vote in committee		Summary
26/05/2011	Committee report tabled for plenary	<a href="#">A7-0196/2011</a>	
07/06/2011	Results of vote in Parliament		
07/06/2011	Decision by Parliament	<a href="#">T7-0247/2011</a>	Summary
07/06/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2213(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/03853

Documentation gateway				
Committee report tabled for plenary, single reading		<a href="#">A7-0196/2011</a>	26/05/2011	EP

## Request for the waiver of parliamentary immunity of Agnes Hankiss

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The Committee on Legal Affairs unanimously adopted the report by Diana WALLIS (ADLE, UK) in which it calls on the European Parliament to waive the immunity of Ágnes HANKISS (EPP, HU).

The Central District Court of Buda, Budapest (HU) has requested the waiver of immunity of Ágnes Hankiss, a Member of the Parliament, in order to conduct renewed criminal proceedings against the Member. This proceeding relates to an alleged offence of defamation under Section 181 of the Hungarian Criminal Code as a result of a statement made during the programme 'Péntek 8 mondatvadász' on 23 January 2004.

Ágnes Hankiss was accused by a private plaintiff in an accusation dated 18 February 2004 of an alleged offence of defamation of the memory of a dead person (the plaintiff's father).

She was acquitted of the charges on 6 February 2009 but the Supreme Court of the Republic of Hungary annulled the judgments on the grounds of breach of substantive law and instructed the Central District Court of Buda to conduct new proceedings. The Central District Court opened renewed proceedings on 31 March 2010. At the same day the proceedings were suspended on the grounds that Ágnes Hankiss enjoys parliamentary immunity as a Member of the Parliament. The relevant request for the waiver of that immunity was made by the Court on 6 July 2010.

Under Article 9 of the Protocol, given that the proceedings concern an offence allegedly committed in Hungary, whose citizenship Ágnes Hankiss enjoyed at the material time, the only applicable part is the one pursuant to which 'during the sessions of the European Parliament its Members shall enjoy: a) in the territory of their own State, the immunities accorded to members of their parliament?'. In the present case, the committee finds that the case does not come within the scope of Ágnes Hankiss's political activities as Member of the Parliament. It concerns instead a statement made in 2004, long before she was elected a Member of the Parliament. The committee has also found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member.

As a consequence, the committee considers it appropriate to recommend that parliamentary immunity be waived in this instance.

## Request for the waiver of parliamentary immunity of Agnes Hankiss

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The European Parliament decided to waive immunity of Ágnes HANKISS (EPP, HU).

The Central District Court of Buda, Budapest (HU) requested the waiver of immunity of Ágnes Hankiss, a Member of the Parliament, in order to conduct criminal proceedings relating to an alleged offence of defamation. The Central District Court opened renewed proceedings on 31 March 2010. However, the proceedings were suspended on the grounds that Ágnes Hankiss enjoyed parliamentary immunity as a Member of the Parliament.

In the present case, Parliament finds that, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, the case does not come within the scope of Ágnes Hankiss's political activities as Member of the Parliament. Instead, it concerns a statement made in 2004, long before she was elected a Member of the Parliament. Parliament has also found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member.

Therefore, the European Parliament had decided to waive the immunity of Ágnes HANKISS.