

Procedure file

Basic information		
IMM - Members' immunity	2016/2266(IMM)	Procedure completed
Request for the waiver of the immunity of Béla Kovács		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 HAUTALA Heidi	12/10/2016

Key events			
29/05/2017	Vote in committee		
29/05/2017	Committee report tabled for plenary	A8-0203/2017	Summary
01/06/2017	Results of vote in Parliament		
01/06/2017	Decision by Parliament	T8-0232/2017	Summary
01/06/2017	End of procedure in Parliament		

Technical information	
Procedure reference	2016/2266(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 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/08154

Documentation gateway					
Committee report tabled for plenary, single reading		A8-0203/2017	29/05/2017	EP	Summary
Text adopted by Parliament, single reading		T8-0232/2017	01/06/2017	EP	Summary

Request for the waiver of the immunity of Béla Kovács

The Committee on Legal Affairs adopted the report by Heidi HAUTALA (Greens/EFA, FI) on the request for waiver of the immunity of Béla KOVÁCS(NI, HU).

As a reminder, the Prosecutor General of Hungary requested the waiver of the immunity of a Member of the European Parliament, Béla Kovács, in order for investigations to be carried out to verify whether a charge will lie against him with regard to the crimes of budget fraud resulting in substantial financial loss in accordance with Section 396(1)(a) of the Hungarian Criminal Code and of the multiple use of forged private documents, a misdemeanour punishable by imprisonment not exceeding one year.

Members recalled that according to the information provided by the Prosecutor General, Béla Kovács signed traineeship agreements with three trainees in which it was falsely stated that the parties entered into a legal relationship to complete a traineeship. The traineeship would be carried out as a full-time position in Brussels.

However, by signing the traineeship agreements, submitting them with the necessary documents to the relevant department of the European Parliament and concealing the fictitious nature of the traineeship from the European Parliament, Béla Kovács violated the Rules on Trainees, which states that the scholarship granted to a trainee must not be such as to constitute in reality a disguised form of remuneration. He sent a reply to the President pointing out that all his trainees were performing their duties under his request and authority in multiple locations, such as Brussels and Budapest among others. He also stressed that he was aiming to conduct the traineeships according to all relevant regulations and rules and had no intention to cause any undue payment of any kind.

After an exhaustive debate in the competent committee, and the submission of written observations by the Member concerned, he considered that the latter was judged twice for the same acts (reprimand within the meaning of the Parliament's Code of Conduct and waiver of his immunity).

Reprimanded: more specifically, with regard to the argument put forward by the Member on the basis of the ne bis in idem principle, it is clear that the penalty of a reprimand for Bela Kovács infringement of Article 1 (a) of the Code of Conduct cannot be regarded as being tantamount to a judicial judgment in the strict sense.

The penalty of a reprimand issued to Béla Kovács is a mere disciplinary action which lays down a reasoned decision of the former President and should not be considered as a proper judgement issued by a constitutional, independent and impartial judicial body.

Therefore, there is no violation of ne bis in idem principle on the basis that this sanction does not prevent Hungary from prosecuting Béla Kovács for a criminal proceeding.

On the basis of the above considerations and pursuant to Rule 9(3) of the Rules of Procedure, the Committee on Legal Affairs recommended that the European Parliament should waive the parliamentary immunity of Béla Kovács.

Request for the waiver of the immunity of Béla Kovács

The European Parliament decided to waive the immunity of Béla KOVÁCS(NI, HU).

As a reminder, the Prosecutor General of Hungary requested the waiver of the immunity of a Member of the European Parliament, Béla Kovács, in order for investigations to be carried out to verify whether a charge will lie against him with regard to the crimes of budget fraud resulting in substantial financial loss in accordance with Section 396(1)(a) of the Hungarian Criminal Code and of the multiple use of forged private documents, a misdemeanour punishable by imprisonment not exceeding one year.

Parliament recalled that according to the information provided by the Prosecutor General, Béla Kovács signed traineeship agreements with three trainees in which it was falsely stated that the parties entered into a legal relationship to complete a traineeship. The traineeship would be carried out as a full-time position in Brussels.

However, by signing the traineeship agreements, submitting them with the necessary documents to the relevant department of the European Parliament and concealing the fictitious nature of the traineeship from the European Parliament, Béla Kovács violated the Rules on Trainees, which states that the scholarship granted to a trainee must not be such as to constitute in reality a disguised form of remuneration.

After an exhaustive debate in the competent committee, and the submission of written observations by the Member concerned, he considered that the latter was judged twice for the same acts (reprimand within the meaning of the Parliament's Code of Conduct and waiver of his immunity).

However, it is clear that the penalty of a reprimand for Bela Kovács infringement of Article 1 (a) of the Code of Conduct cannot be regarded as being tantamount to a judicial judgment in the strict sense.

The penalty of a reprimand issued to Béla Kovács is a mere disciplinary action which lays down a reasoned decision of the former President and should not be considered as a proper judgement issued by a constitutional, independent and impartial judicial body. It is a mere disciplinary action within the Parliament and not a proper judgement issued by a constitutional, independent and impartial judicial body.

Therefore, the European Parliament waived the immunity of Béla KOVÁCS.