**Thursday, March 25, 2021**

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*(Information)*

# INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

# EUROPEAN PARLIAMENT

P9_TA(2021)0091

## Request for waiver of the immunity of Lívia Járóka

**European Parliament decision of 25 March 2021 on the request for waiver of the immunity of Lívia Járóka (2020/2198(IMM))**

(2021/C 494/16)

*The European Parliament,*

— having regard to the request from the Prosecutor General at the Public Prosecutor's Office of the Brussels Court of Appeal for the waiver of the immunity of Lívia Járóka dated 9 July 2020 and announced in plenary on 14 September 2020,

— having regard to the waiver by Lívia Járóka of her right to be heard under Rule 9(6) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 [1],

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0050/2021),

A. whereas the Prosecutor General at the Public Prosecutor's Office of the Brussels Court of Appeal has submitted a request for waiver of the immunity of Lívia Járóka, elected as a Member of the European Parliament for Hungary, in relation to an infringement of the first subparagraph of Article 11(1) of the Belgian Royal Decree of 1 December 1975 laying down general regulations on the policing of road traffic and the use of public roads, and Article 29(3) of the Law of 16 March 1968 on the policing of road traffic; whereas, in particular, the infringement relates to speeding;

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[1] Judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies,* C-502/19, ECLI:EU:C:2019:1115.

B. whereas on 17 November 2018, at 10.30 am, a fixed speed camera in Uccle, operating in the absence of a law enforcement officer, recorded an infringement of the maximum authorised speed of a vehicle registered in the name of Lívia Járóka; whereas an official report was drawn up and a copy with a reply form was sent to Lívia Járóka on 29 November 2018; whereas, in order to determine whether Ms Járóka was the driver of the vehicle in question, the Public Prosecutor's Office attempted to hear her on several occasions, without success; whereas, according to the Protocol Service of the Federal Public Service for Foreign Affairs, Lívia Járóka had not regularised her place of residence in Belgium; whereas 15 days after the copy of the official report was sent, the file was forwarded to the Public Prosecutor's Office in Brussels;

C. whereas under the first subparagraph of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament, and, in the territory of any other Member State, immunity from any measure of detention and from legal proceedings;

D. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant ([2]);

E. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his or her immunity ([3]);

F. whereas the alleged offence has no direct or obvious connection with Lívia Járóka's performance of her duties as a Member of the European Parliament, nor does it constitute an opinion or a vote expressed in the performance of her duties as a Member of the European Parliament, within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

G. whereas, in this case, Parliament found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the proceedings have been brought with the intention of causing the Member political damage;

1. Decides to waive the immunity of Lívia Járóka;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authorities of Belgium and to Lívia Járóka.

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([2]) Judgment of the General Court of 30 April 2019, Briois v Parliament, T-214/18, ECLI:EU:T:2019:266.

([3]) Judgment of the General Court of 15 October 2008, Mote v Parliament, T-345/05, ECLI:EU:T:2008:440, paragraph 28;