

Request for the waiver of the immunity of Béla Kovács

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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**.