Request for the waiver of the immunity of Anna Júlia Donáth

2022/2208(IMM) - 23/03/2023 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Sergey LAGODINSKY (Greens/EFA, DE) on the request for waiver of the immunity of Anna Júlia Donáth.

As a reminder, on 21 October 2022, the District Court of Kecskemét, Hungary, submitted a request for waiver of the parliamentary immunity of Anna Júlia Donáth, Member of the European Parliament elected for Hungary, in the context of the criminal proceedings for defamation brought against her by way of private indictment. The request includes a previous request for waiver of the immunity of Anna Júlia Donáth by the same District Court, dated 28 June 2022, which, however, appears never to have been received by the European Parliament.

On 20 January 2022, a statement by the Executive Committee of the Momentum Mozgalom Párt (Momentum Movement party) referring to the suspension of the claimant's party membership, alleging that this suspension came after a series of ethical violations by the claimant, was published in the party's online newspaper and on its Facebook page. It appears that, between 21 November 2021 and 29 May 2022, Anna Júlia Donáth was serving as president of the Momentum Mozgalom Párt's Executive Committee.

On 31 January 2022, the claimant brought a private action before the District Court of Kecskemét against Anna Júlia Donáth, in her capacity as president of the Momentum Mozgalom Párt's Executive Committee, claiming the statutory offence of defamation in public. That offence may be punished only in the context of a private action.

Members considered that the allegations against Anna Júlia Donáth, and the subsequent request for waiver of her immunity, are not related to an opinion expressed or vote cast by her in the performance of her duties as a Member of the European Parliament, but to the fact that they concern activities of a national nature, carried out in her capacity as president of her national party.

In the present case, the Parliament has not been able to establish that there was *fumus persecutionis*, i.e. factual elements indicating that the possible legal proceedings in question will be initiated with the intention of damaging the political activity of the Member and, consequently, of the European Parliament.

In the light of these considerations, the committee responsible recommended that the European Parliament decide to waive the immunity of Anna Júlia Donáth.