Request for the waiver of the immunity of Anna Júlia Donáth

2022/2208(IMM) - 30/03/2023 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the immunity** of Anna Júlia Donáth (Renew Europe, HU).

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.

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.

According to 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. Immunity cannot be claimed when a Member is found in the act of committing an offence and does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

In the present case, 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. Anna Júlia Donáth stated that she does not object to her parliamentary immunity being waived.

Therefore, following the recommendation of its Legal Affairs Committee, the European Parliament decided to waive the immunity of Anna Júlia Donáth.