Basic information

2014/2169(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Ivan Jakovčic **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	ZWIEFKA Tadeusz (PPE)	10/11/2014

Key events

Date	Event	Reference	Summary
24/03/2015	Vote in committee		
24/03/2015	Committee report tabled for plenary	A8-0059/2015	Summary
25/03/2015	Decision by Parliament	T8-0084/2015	Summary
25/03/2015	Results of vote in Parliament		
25/03/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2169(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/8/01867

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A8-0059/2015	24/03/2015	Summary
Text adopted by Parliament, single reading		T8-0084/2015	25/03/2015	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for the waiver of the immunity of Ivan Jakovčic

2014/2169(IMM) - 24/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Tadeusz ZWIEFKA (EPP, PL) in which it recommended the European Parliament to decide to **waive the immunity** of Ivan JAKOVČIĆ (ADLE, HR).

The lawyer of a private plaintiff has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Ivan Jakovčić, in connection with legal proceedings concerning an alleged offence of defamation.

The request for waiver relates to criminal proceedings instituted against Mr Jakovčić under Article 147(1) and (2) of the Croatian Criminal Code in connection with defamatory statements that he is alleged to have made in an interview with HRT Croatian Radiotelevision on 22 July 2014.

Members recalled that Mr Jakovčić was a Member of the European Parliament at the time of the interview. However, the statements alleged to have been made relate to a matter which dates back to a time when he did not yet hold such office.

They considered that as a consequence, the statements in question do not have a direct and obvious connection with Mr Jakovčić's performance of his duties as a Member of the European Parliament nor do they constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament.

In light of these considerations, the committee recommended that the European Parliament should waive the parliamentary immunity of Mr Ivan JAKOVČIĆ.

Request for the waiver of the immunity of Ivan Jakovčic

2014/2169(IMM) - 25/03/2015 - Text adopted by Parliament, single reading

Parliament decided to **waive the immunity** of Ivan JAKOVČIĆ (ADLE, HR).

The lawyer of a private plaintiff has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Ivan Jakovčić, in connection with legal proceedings concerning an alleged offence of defamation.

The request for waiver relates to criminal proceedings instituted against Mr Jakovčić under the Croatian Criminal Code in connection with defamatory statements that he is alleged to have made in an interview with HRT Croatian Radiotelevision on 22 July 2014.

Under the Croatian Criminal Procedure Code, in the case of private prosecution the private charge must be submitted within three months of the day on which the authorised physical or legal person came to the knowledge of the offence and its perpetrator. Parliament should consider the request for the waiver of immunity without delay.

According to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament may not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties. The purpose of this provision is to ensure that Members of the European Parliament enjoy freedom of speech as a matter of principle, but whereas this entitlement to free speech does not authorise slander, libel, incitement to hatred or questioning the honour of others.

Parliament noted that Mr Jakovčić was a Member of the European Parliament at the time of the interview. However, the statements alleged to have been made relate to a matter which dates back to a time when he did not yet hold such office. It considered that as a consequence, the statements in question do not have a direct and obvious connection with Mr Jakovčić's performance of his duties as a Member of the European Parliament nor do they constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament.

In light of these considerations, Parliament decided to waive the parliamentary immunity of Mr Ivan JAKOVČIĆ.