



TEXTS ADOPTED

P10_TA(2025)0203

Request for the waiver of the immunity of Péter Magyar European Parliament decision of 7 October 2025 on the request for the waiver of the immunity of Péter Magyar (2024/2063(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Péter Magyar, dated 26 September 2024, submitted by the Prosecutor General of Hungary in connection with criminal proceedings brought against him, and announced in Parliament on 10 October 2024,
- having heard Péter Magyar on 24 June 2025 in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to additional information submitted by the Prosecutor General of Hungary,
- having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and 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 Article 4(2) of the Fundamental Law of Hungary,
- 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, 19 December 2019 and 5 July 2023¹,

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,

- 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 (A10-0180/2025),
- A. whereas, on 26 September 2024, the Prosecutor General of Hungary submitted a request for the waiver of the immunity of Péter Magyar, a Member of the European Parliament elected in Hungary, in connection with accusations of an alleged misdemeanour of theft committed for a minor value under Section 370 (1) and Section 370 (2) (a) of Act C of 2012 (the Hungarian Criminal Code);
- B. whereas the request indicates that on 21 June 2024, Péter Magyar was in a club in Budapest where he was recognised by the aggrieved party who recorded a video of him; whereas the request further indicates that a minor scuffle ensued between Péter Magyar and the aggrieved party whereby Péter Magyar pulled the phone out of the aggrieved party's hand as a way of stopping the recording, put the phone in his own pocket and walked away; whereas a second dispute followed between the two of them which ended with their removal from the club by the security guards; whereas despite the requests of the aggrieved party to return the phone, Péter Magyar allegedly dropped the aggrieved party's phone into the Danube;
- C. whereas according to the request, police divers called to the scene recovered the phone, worth around HUF 130 000-150 000, from the Danube and returned it to the aggrieved party in working order;
- D. whereas Péter Magyar was elected to the European Parliament in the European elections in June 2024; whereas the results of the European elections in Hungary were proclaimed by the Hungarian authorities on 14 June 2024, including Péter Magyar among the Members of the European Parliament officially declared elected in Hungary; whereas Péter Magyar was thus a Member of the European Parliament at the time of the alleged offence and of the investigations carried out by the competent authorities;
- E. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity of Péter Magyar is not related to, an opinion expressed or a vote cast by Péter Magyar in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- F. whereas Article 9, first paragraph, point (a), of Protocol No 7 on the Privileges and Immunities of the European Union provides that

ECLI:EU:C:2019:1115; judgment of the General Court of 5 July 2023, *Puigdemont i Casamajó and Others v Parliament*, T-272/21, ECLI:EU:T:2023:373.

Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of their parliament;

- G. whereas Article 4(2) of the Fundamental Law of Hungary provides that members of the Hungarian Parliament enjoy parliamentary immunity; whereas, pursuant to Section 79(2) of Act No XXXVI of 2012 on the National Assembly, a person registered with final and binding effect as candidate shall enjoy the same immunity as members until the result of the election becomes final and binding, and whereas, in any case, pursuant to Section 79(1) thereof, Members shall enjoy immunity from the day of their election; whereas, pursuant to Section 74(1) of Act No XXXVI of 2012 on the National Assembly, criminal proceedings or, in the event of immunity not being waived voluntarily in respect of the matter in question, infraction proceedings may be initiated or pursued and coercive measures under criminal procedure applied against a member only with the prior consent of the National Assembly;
- H. whereas, in accordance with Rule 5(2) of the Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of the European Parliament as a whole and of its Members;
- I. whereas the purpose of the immunity provided for in Protocol No 7 on the Privileges and Immunities of the European Union is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- J. whereas it follows from case-law of the Court of Justice of the European Union that Parliament has a 'broad discretion when deciding whether to grant or to refuse a request for waiver of immunity (...), owing to the political nature of such a decision'¹;
- K. whereas Péter Magyar is the president of the Tisza Party (Tisztelet és Szabadság Párt) and also head of that party's list of candidates for the 2024 European elections; whereas Péter Magyar has been a vocal opponent of the Hungarian government's policies and positions, including those in relation to the Union; whereas the facts that give rise to the request for the waiver of immunity, the inconsistencies in the way in which the police investigations were conducted, including the incomplete response by the Prosecutor General of Hungary concerning the proportionality of the actions taken by the authorities in the case of Péter Magyar in comparison with similar situations involving items of minor value, and the lack of clarity in the competent authorities' reply concerning the legal qualification of the alleged criminal offence of which Péter Magyar

¹ Judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23, paragraph 59 and the case-law cited.

was accused, raise concerns that the intention behind the proceedings may have been to damage the reputation of Péter Magyar;

- L. whereas it would therefore appear that, in this instance, *fumus persecutionis* can be assumed, i.e. there is ‘concrete evidence’¹ that the intention underlying the legal proceedings in question is to undermine Péter Magyar’s political activity, and in particular his activity as a Member of the European Parliament;
 - M. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;
1. Decides not to waive the immunity of Péter Magyar;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authorities of Hungary and to Péter Magyar.

¹ Judgment of the Court of Justice of 17 September 2020, *Troszczynski v Parliament*, C-12/19 P, ECLI:EU:C:2020:725, paragraph 26.

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