



TEXTS ADOPTED

P10_TA(2025)0204

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 (2024/2101(IMM))**

The European Parliament,

- having regard to the request for the waiver of the immunity of Péter Magyar, dated 3 October 2024, submitted by the Central District Court of Pest in Hungary in connection with criminal proceedings brought against him by way of a private motion, and announced in Parliament on 13 November 2024,
- having heard Péter Magyar on 24 June 2025 in accordance with Rule 9(6) of its Rules of Procedure,
- 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, ECLI:EU:C:2019:1115; judgment of the General Court of 5 July 2023,

- 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 (A10-0181/2025),
- A. whereas, on 3 October 2024, the Central District Court of Pest in 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 criminal proceedings for defamation before the public at large, brought against him by a private prosecuting party;
 - B. whereas, according to the private motion contained in the request for the waiver of immunity, Péter Magyar allegedly stated, responding to the press at a celebratory event held in Budapest on 20 August 2024, that the private prosecuting party was a ‘common criminal’;
 - C. whereas, according to the private prosecuting party, the statement made by Péter Magyar was expressed as a fact at an event attended by a large number of people, including members of the press; whereas the private prosecuting party therefore claims that Péter Magyar committed defamation before the public at large, an offence pursuant to Section 226(1), in conjunction with point (b) of paragraph (2) of the same Section of Act C of 2012 on the Criminal Code (the Hungarian Criminal Code);
 - D. whereas Péter Magyar was elected in the European elections in June 2024 and was a Member of the European Parliament at the time of the alleged offence;
 - E. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity 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 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*), which has become the largest opposition party in Hungary since he joined it in April 2024; whereas Péter Magyar, who was also head of that party's list of candidates for the 2024 European elections, has been a vocal opponent of the Hungarian government's policies and positions, including those in relation to the Union;
- L. whereas the private prosecuting party had been a politician and a Member of the Hungarian National Assembly for Fidesz, the governing party of Hungary, until May 2022 and has been a local politician and a town mayor since June 2024; whereas Péter Magyar allegedly said – in response to an earlier interview with the press in which the private prosecuting party said that Péter Magyar's remarks [about Fidesz] were true – 'I think Fidesz asked him [the private prosecuting party] to say such nice things about me [Péter Magyar] in exchange for the possibility of delaying the criminal proceedings a little longer and not going to prison'; whereas the private prosecuting party has indeed been involved in a high-profile corruption scandal and is facing criminal charges;
- M. whereas it appears that under Hungarian law defamation claims can be pursued both on the basis of criminal law and on the basis of civil

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

law, with significant differences in the corresponding possible legal consequences, including imprisonment; whereas, in the present case, the choice of bringing a criminal action raises doubts as to the claimed objective of redressing actual reputational harm and therefore raises a possibility that the aim of the action exceeds that legitimate objective and is to damage Péter Magyar's reputation;

- N. whereas the elements exposed above raise doubts as to the intention behind the private motion brought by the private prosecuting party; 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;
- O. 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 authority in Hungary and to Péter Magyar.

¹ Judgment of the Court of Justice of 17 September 2020, Troszczynski, C-12/19, 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.