European Parliament
2024-2029

TEXTS ADOPTED

P10_TA(2026)0368

Request for the waiver of the immunity of András Tivadar Kulja

European Parliament decision of 12 November 2026 on the request for the waiver of the immunity of András Tivadar Kulja (2026/2016(IMM))

The European Parliament,

– having regard to the request for the waiver of the immunity of András Tivadar Kulja, submitted by the Pest Central District Court on 11 December 2025 in connection with criminal proceedings against him and announced in Parliament on 9 February 2026,

– having heard András Tivadar Kulja on 28 September 2026, 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 the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019[1],

– having regard to Article 4(2) of the Fundamental Law of Hungary,

– having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of

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[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.

Procedure,

– having regard to the report of the Committee on Legal Affairs (A10-0283/2026),

A. whereas on 11 December 2025, the Pest Central District Court submitted a request for the waiver of the immunity of András Tivadar Kulja, a Member of the European Parliament elected in Hungary, in connection with criminal proceedings brought against him by a private prosecuting party for an alleged offence of defamation committed in 2025;

B. whereas, according to the private prosecuting party, on 31 July 2025 András Tivadar Kulja allegedly published a post on his Facebook page alleging that in May 2022 public funds associated with the procurement of medical equipment during the COVID-19 pandemic were channelled to a company owned by a family member of the complainant, who allegedly served as Deputy Director General within the Hungarian National Directorate General for Hospitals (OKFŐ) from 2020 to 2022, thus raising questions as to whether family members of the complainant had benefited financially from the procedures allegedly involved; whereas according to the request, the alleged publication might constitute the offence of defamation under Article 226(1) and (2) of Act C of 2012 on the Hungarian Criminal Code;

C. 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;

D. whereas, in accordance with Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member’s personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;

E. whereas András Tivadar Kulja was elected to the European Parliament in the European elections of June 2024 and was, therefore, a Member of the European Parliament at the time of the alleged offence;

F. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament are not to 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;

G. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity of András Tivadar Kulja is not related to, an opinion expressed or a vote cast by him 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;

H. whereas Article 9, first paragraph, point (a), of Protocol No 7 on the Privileges and Immunities of the European Union provides that, during the sessions of the European Parliament, its Members are to enjoy, in the territory of their own Member State, the immunities accorded to members of the parliament of their Member State;

I. whereas Article 4(2) of the Fundamental Law of Hungary provides that members of the Hungarian Parliament enjoy parliamentary immunity; whereas pursuant to Section 10(1) of Act No LVII of 2004 on the Legal Status of Hungarian Members of the European Parliament, Members of the European Parliament shall enjoy privileges and immunities in accordance with the Protocol on the Privileges and Immunities of the European Union, and whereas pursuant to Section 10(2) of the same Act No LVII of 2004, Members of the European Parliament enjoy the same immunity as members of the Hungarian National Assembly; 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 applied against a Member only with prior consent of the National Assembly;

J. whereas it would therefore appear that, in this instance, *fumus persecutionis*, i.e. that the intention underlying the legal proceedings is to damage András Tivadar Kulja’s political activity as a Member of the European Parliament and thus Parliament’s independence, cannot be assumed;

K. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant[2];

1. Decides to waive the immunity of András Tivadar Kulja;

2. Instructs its President to forward this decision immediately to the competent authority of Hungary and to András Tivadar Kulja.

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