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REPORT

drawn up on behalf of the Committee on Legal Affairs
and Citizens' Rights

on the request by Mr STAES for the suspension of the
proceedings against Mr ROELANTS du VIVIER

Rapporteur: Mr G. DONNEZ

PE 102.132/fin.

Or. Fr.

By letter of 6 November 1985 the President of the European Parliament referred to the Committee on Legal Affairs and Citizens' Rights the request by Mr STAES, pursuant to Rule 5(3) of the Rules of Procedure, for the suspension of the proceedings against Mr ROELANTS du VIVIER.

At its meeting of 12 November 1985 the Committee on Legal Affairs and Citizens' Rights, after hearing Mr ROELANTS du VIVIER and discussing the request, appointed Mr DONNEZ rapporteur and unanimously adopted the proposal for a decision included in this report.

The following were present: Mrs VAYSSADE, chairman; Mr DONNEZ, vice-chairman and rapporteur; Mr GAZIS, vice-chairman; Mrs FONTAINE, Mr MALANGRE, Mrs MARINARO, Mr PRICE, Mr ROTHLEY, Mr SCHWALBA-HOTH, Mr STAUFFENBERG and Mr WIJSENBECK.

The explanatory statement will be presented orally in sitting.

This report was tabled on 12 November 1985.

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A.

The Committee on Legal Affairs and Citizens' Rights hereby submits to the European Parliament the following proposal for a decision:

PROPOSAL FOR A DECISION

on the request by Mr STAES for the suspension of the proceedings against Mr ROELANTS du VIVIER

The European Parliament,

- Mr STAES's request of 6 November 1985 having been placed before it,
- having regard to Article 10 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 and Article 4(2) of the Act concerning the election of the representatives of the Assembly by direct universal suffrage of 20 September 1976,
- having regard to the judgment of the Court of Justice of the European Communities of 12 May 1964¹,
- having regard to Article 45 of the Belgian Constitution,
- having regard to Rule 5 of the Rules of Procedure,
- having regard to the report by the Committee on Legal Affairs and Citizens' Rights (Doc. A2-151/85),

1. Calls for the suspension of the proceedings taken against Mr ROELANTS du VIVIER by the Public Prosecutor's Office in Dinant;
2. Reserves the right to resume consideration of this case on the basis of a request from the appropriate Belgian authorities for the lifting of Mr ROELANTS du VIVIER's parliamentary immunity;
3. Instructs its President to forward this decision immediately to the competent authority in the Kingdom of Belgium.

¹ CJEC, 12 May 1964 (Wagner/Fohrmann and Krier, 101-63), ECR 1964, page 397

Article 45
of the Belgian Constitution

No member of either of the two Houses may, during the session, be prosecuted or arrested as a punishment save with the permission of the House to which he belongs, except in the case of flagrante delicto.

No bodily constraint may be used towards a member of either of the two Houses during the session save with the same permission as above.

The detention or prosecution of a member of either of the two Houses is suspended during the session and throughout its duration if the House shall so require.

Paul STAES

Member of the European Parliament

Brussels, 6 November 1985

Mr P. PFLIMLIN
President of the European Parliament

Dear Mr President,

I am writing to request, pursuant to Rule 5(3) of the Rules of Procedure, the suspension of the proceedings taken against my colleague Mr Roelants du Vivier by the Belgian courts.

Having been arrested on 23 April 1985 and detained for having, in the performance of his duties, scaled the perimeter fence of the Florennes military camp together with seven Members of the Belgian Parliament, Mr Roelants du Vivier was released following your intervention on the basis of a request similar to mine from Mr Vandemeulebroucke.

In the expectation of a request in good and due form from the Belgian legal authorities for the lifting of immunity, I therefore request the suspension of the proceedings against my colleague, the more urgently in view of the fact that a hearing of the court, to which Mr Roelants du Vivier has been summonsed, is to be held on Monday, 25 November.

With thanks,

Yours sincerely,

(sgd) Paul Staes

Member of the European Parliament