

Immunity of Andrzej Pęczak

European Parliament decision on the request for defence of the immunity and privileges of Andrzej Pęczak, former Member of the European Parliament (2005/2128(IMM))

The European Parliament,

- having regard to the request by Andrzej Pęczak for defence of his immunity in connection with the criminal proceedings brought against him before the District Court in Łódź, Poland, on 18 April 2005, announced in plenary sitting on 25 May 2005,
 - having regard to Articles 8, 9 and 10 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965, 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 12 May 1964 and 10 July 1986¹ of the Court of Justice of the European Communities,
 - having regard to Rules 6(3) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0330/2005),
- A. whereas Andrzej Pęczak was elected to the Polish Parliament (Sejm) on 23 September 2001; whereas after the signature of the Accession Treaty on 16 April 2003 he became an Observer; whereas he was a Member of the European Parliament from 1 May 2004 until 19 July 2004; whereas his term of office in the Polish Parliament expired on 19 October 2005,
- B. whereas Andrzej Pęczak complains that the Polish Public Prosecutor's office has violated the law in its proceedings and that the District Court's decisions on his detention and arrest as well as the subsequent extensions of the provisional arrest are politically motivated,
- C. whereas Andrzej Pęczak complains that those criminal proceedings brought against him are in breach of the presumption of innocence and that the conditions of his detention and arrest limit his ability to defend himself,
- D. whereas Andrzej Pęczak complains that the procedure by which the Sejm waived his immunity was "legally invalid" and based on publications in the media, and that his motions for action sent to various persons (such as the Ombudsman) had no effect,
- E. whereas, on basis of the information obtained, Andrzej Pęczak is not protected by parliamentary immunity in respect of any of the claims which have been drawn to the attention of the President of the European Parliament,

¹ Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195 and Case 149/85 *Wybot v Faure and others* [1986] ECR 2391.

1. Decides not to defend the immunity and privileges of Andrzej Pęczak.