



TEXTS ADOPTED

P8_TA(2016)0030

Request for the waiver of the immunity of Robert Jarosław Iwaszkiewicz

European Parliament decision of 2 February 2016 on the request for waiver of the immunity of Robert Jarosław Iwaszkiewicz (2015/2313(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Robert Jarosław Iwaszkiewicz, forwarded on 13 August 2015 by the Prosecutor-General of the Republic of Poland in connection with proceedings to be brought by the Polish General Inspector of Road Transport (Ref. No CAN-PST-SCW.7421.1209083.2014.9.A.0475), and announced in plenary on 29 October 2015,
- having regard to the fact that Robert Jarosław Iwaszkiewicz waived his right to a hearing, in accordance with Rule 9(5) 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 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013¹,
- having regard to Articles 105(2) and 108 of the Constitution of the Republic of Poland and Articles 7b(1) and 7c(1) in connection with Article 10b of the Polish Act of 9 May 1996 on the exercise of the mandate of Deputy and Senator,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

¹ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; 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.

- having regard to the report of the Committee on Legal Affairs (A8-0015/2016),
 - A. whereas the Prosecutor-General of the Republic of Poland has forwarded a request from the Polish General Inspector of Road Transport for waiver of the immunity of a Member of the European Parliament elected with respect to Poland, Robert Jarosław Iwaszkiewicz, in connection with an offence under Article 92a of the Code of Petty Offences of 20 May 1971 in conjunction with Article 20(1) of the Road Traffic Act of 20 June 1997;
 - B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament must enjoy, on the territory of their own Member State, the immunities accorded to members of the Member State's parliament;
 - C. whereas Articles 105(2) and 108 of the Constitution of the Republic of Poland state that a deputy or a senator shall not be subject to criminal accountability without the consent of the Sejm or of the Senate, respectively;
 - D. whereas it is thus incumbent upon the European Parliament to decide whether the immunity of Robert Jarosław Iwaszkiewicz is or is not to be waived;
 - E. whereas Robert Jarosław Iwaszkiewicz is accused of failing to respect the speed limit in a built-up area;
 - F. whereas the alleged offence does not have a direct or obvious connection with Robert Jarosław Iwaszkiewicz's performance of his duties as a Member of the European Parliament;
 - G. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the request has been brought with the intention of causing political damage to the Member concerned;
1. Decides to waive the immunity of Robert Jarosław Iwaszkiewicz;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Poland and to Robert Jarosław Iwaszkiewicz.