Parliamentary immunity in Poland

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The Committee on Legal Affairs unanimously adopted the own-initiative report drawn up by Diana WALLIS (ALDE, UK) on parliamentary immunity in Poland, echoing the requests for waiver of the immunity of Members elected in Poland which, in the current parliamentary term, have come up against certain difficulties in the interpretation of provisions of law that might be applicable in the case of those Members.

The report recalls that the admissibility of certain requests for waiver of immunity raises difficult questions (particularly in relation to the issue of the "**competent authority**" responsible for submitting a request for waiver of immunity). The European Parliament's responsible committee is competent to verify the admissibility of a request for waiver of immunity, including the question of the competence of the national authority to submit such a request. However, however, under the existing provisions the manifest conflict between the relevant provisions of Polish law and the Rules of Procedure in this regard would have to be resolved by **considering requests for waiver of immunity by private persons as inadmissible**.

The report also highlights the particular situation of Members of the Polish *Sejm* and *Senat* who continue to be eligible, even after the waiver of their parliamentary immunity, which, according to the committee, represents an obvious differentiation in treatment between Members of the European Parliament elected in Poland and Members elected in Poland. That is why MEPs encourage the Commission to look at the discrepancies between the legal situation of Members of the European Parliament elected in Poland and that of Members of the Polish *Sejm* and *Senat*, and to engage as a matter of urgency in contacts with the competent authorities in Poland with a view to **identifying how to eliminate the manifest discrimination between the Members of the two Parliaments as regards their eligibility**.

Moreover, MEPs call on the Commission to carry out a comparative study designed to ascertain whether discrepancies in treatment of Members of national parliaments and Members of the European Parliament exist in the Member States which acceded to the European Union on or after 1 May 2004.

Member States are called upon to:

- ensure that procedural measures are put in place in order to ensure that requests for waiver of the immunity of Members of the European Parliament are always transmitted by the "competent authority", in order to guarantee observance of provisions of substantive and procedural national law, including the procedural rights of private persons, as well as Parliament's prerogatives;
- indicate to Parliament the authorities which are competent to present requests for waiver of a Member's immunity, in order to avoid any doubt.

Lastly, MEPs reiterate the need for a uniform Statute for Members of the European Parliament and recall, in this context, the commitment made on 3 June 2005 by the representatives of the Member States meeting within the Council to examine the request by Parliament for a revision of the relevant provisions of the 1965 Protocol on the privileges and immunities of the European Communities as regards the part thereof relating to Members of the European Parliament, in order to reach a conclusion as soon as possible. They therefore call for equal treatment of Members of the national parliament and Members of the European Parliament to be secured as soon as possible, particularly in view of the coming elections in 2009.