Request for the waiver of parliamentary immunity of Krzysztof Lisek

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The Committee on Legal Affairs unanimously adopted the report drafted by Eva LICHTENBERGER (Greens/EFA, AT) on the request for waiver of the immunity of Krzysztof LISEK (EPP, PL).

To recall, Mr Lisek is essentially charged with offences in relation to his management and accounting activities aschairman of the board of the Polish Youth Card Association and Campus Sp. during a period prior to his election to the European Parliament. The committee states that the offences with which Mr Lisek is charged have nothing to do with his activities as a Member of the European Parliament.

The District prosecutor in Koszalin asked to the European Parliament to waive the immunity of its Member, Krzysztof Lisek, against whom legal proceedings are being taken in accordance with the Polish Constitution.

In this particular case, the committee states that as far as the applicability of Article 8 of the Protocol on the Privileges and Immunities of the European Union is concerned, it should be noted that the charges brought against Mr Lisek do not refer to the opinions expressed or votes cast in the performance of his duties as a member of the European Parliament.

As for Article 9 of the Protocol, given that the charges brought against Mr Lisek refer to facts committed in Poland, whose citizenship he enjoyed at the material time, the only applicable part is the one pursuant to which ‘during the sessions of the European Parliament its Members shall enjoy: a) in the territory of their own State, the immunities accorded to members of their parliament’.

Following its established practice, the European Parliament could decide not to waive the immunity of one of its Members if a suspicion existed that the prosecution was based on an intention to prejudice the Member’s political activities (*fumus persecutionis)*. There is no clear evidence to that effect in this case.

On the basis of the foregoing, the committee recommends that the **European Parliament should waive the parliamentary immunity of Krzysztof Lisek.**