

# Request for the waiver of parliamentary immunity of Elmar Brok

2010/2283(IMM) - 28/02/2011

The Committee on Legal Affairs unanimously adopted the report by Francesco Enrico SPERONI (EFD, IT) on the request for waiver of the immunity of Elmar BROK (EPP, DE), and decided not to waive immunity.

The request for waiver is set out in a letter from the Public Prosecutor of Bielefeld and involves a matter concerning the Member's income tax declaration. Criminal charges have been brought which would, in the case of an ordinary citizen, have attracted merely administrative proceedings. Moreover, the public prosecutor not only sought to withhold knowledge of the charge from Mr Brok on spurious and highly derogatory grounds for no due cause, but also made sure that the case received great publicity in the media, thus inflicting the maximum amount of damage on the Member concerned.

Under these circumstances, it is plain that the case is one of *fumus persecutionis* in that it appears that the proceedings were brought with the sole aim of damaging the reputation of Mr Brok. Accordingly, the committee considers that it would be completely inappropriate to waive the Member's immunity.

Consequently, the committee calls on the European Parliament not to waive the parliamentary immunity of Elmar Brok.