Request for the waiver of parliamentary immunity of Hans-Peter Martin

2011/2104(IMM) - 11/07/2011

The Committee on Legal Affairs unanimously adopted the report drafted by Tadeusz ZWIEFKA (EPP, PL) in which it calls on the European Parliament to waive the immunity of Hans-Peter MARTIN (NI, AT).

The Vienna Public Prosecutor's Office requested the waiver of immunity of Hans-Peter Martin, Member of the European Parliament, in order to enable the Austrian authorities to conduct the necessary investigations and to take legal action against Hans-Peter Martin, to call for a search of his house or offices, to seize documents and to carry out computer checks or any other electronic searches which may be necessary and to initiate criminal proceedings against Mr Martin on the grounds of misappropriation of party funding or any other legal description that might be given to the alleged offence(s) before the criminal courts having jurisdiction.

To recall, the allegations of illegal financing of the Austrian Party (the "Liste Martin") relate to the period of the European election campaign, between 2008 and 2009. It is alleged that public funds were used to finance private expenditure and settled inflated invoices submitted to him by friends or business associates. He is also accused of having misled the auditors responsible for scrutinising the use of funds by submitting 'fictitious documents' to justify the lawfulness of the accounting and/or the legal basis for the use of funds.

In accordance with Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaties, during the sessions of the European Parliament, its Members shall enjoy in the territory of their own State, the immunities accorded to members of their parliament and in the territory of other Member States, immunity from any measure or detention and from legal proceedings. Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

The Committee on Legal Affairs considers it advisable to recommend that parliamentary immunity be waived in the case in question.