Request for the waiver of parliamentary immunity of Martin Ehrenhauser

2012/2152(IMM) - 16/10/2012 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Bernhard RAPKAY (S&D, DE), and called on the European Parliament to waive the immunity of Martin EHRENHAUSER (NI, AT).

The request for waiver of immunity comes from the Vienna Public Prosecutor's Office, in order to enable the Austrian authorities to conduct the necessary investigations and to take legal action against Martin Ehrenhauser.

The request concerns alleged offences related to illegal access to a computer system pursuant to Article 118a of the Austrian Penal Code (StGB), a breach of telecommunications secrecy pursuant to Article 119 StGB, unlawfully intercepted data pursuant to Article 119a StGB, unauthorised use of a recording or recording equipment pursuant to Article 120(2) StGB and infringement of Article 51 of the 2000 Data Protection Act.

The committee recalls that under Article 9 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy in the territory of their own State the immunities accorded to members of their parliament. It also recalls that under Article 57(2) of the Austrian Federal Constitutional Law, Members of the National Council (Nationalrat) may only be arrested on the grounds of a criminal offence with the consent of the National Council – except where they are caught in the act of committing a crime – and searches of the houses of members of the National Council likewise requires the consent of the National Council.

Further to Article 57(3) of the Austrian Federal Constitutional Law, no official action on account of a punishable offence may be taken against members of the National Council without the National Council's consent unless that offence is manifestly not connected with the political activity of the member in question. Members consider that the immunity of Martin Ehrenhauser must be waived if the investigations against him are to proceed. Martin Ehrenhauser was heard by the European Parliament's Committee on Legal Affairs.

The committee **recommends that the European Parliament should decide to waive the immunity of Martin EHRENHAUSER.**