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

2012/2326(IMM) - 22/03/2013 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Tadeusz ZWIEFKA (EPP, PL), and **called on the European Parliament to waive the immunity of Hans-Peter MARTIN (NI, AT).**

Parliament decided on 13 September 2011 to waive the immunity of Hans-Peter MARTIN following a request from the Vienna Public Prosecutor's Office, forwarded on 29 April 2011 in connection with alleged offences relating to misappropriation of party funding, covered by Section 2(b) of the Law on Political Parties.

The Vienna Public Prosecutor's Office has now requested an extended waiver of Mr MARTIN's immunity, in order to be able to carry out preliminary investigations against him on the grounds of additional accusations that have been made, in particular concerning an alleged case of fraud, under Sections 146 and 147(3) of the Austrian Criminal Code.

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 Hans-Peter MARTIN must be waived if the additional investigations against him are to proceed. Hans-Peter MARTIN 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 Hans-Peter MARTIN.