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

2012/2326(IMM) - 16/04/2013 - Text adopted by Parliament, single reading

The European Parliament **decided to waive the parliamentary 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.

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 is appropriate, in this case, to refer to Article 57 of the Austrian Bundesverfassungsgesetz (Federal Constitutional Law). This Article (and more particularly Art 57(2) stipulates that 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. It is, accordingly, necessary to waive Hans-Peter MARTIN's immunity.

In order to enable the Austrian authorities to pursue additional investigations and to take legal action against Hans-Peter MARTIN, Parliament has therefore decided to waive his immunity.