Request for the waiver of parliamentary immunity of Malgorzata Handzlik

2012/2238(IMM) - 04/06/2013 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Dimitar STOYANOV (NI, BG) in which it **recommends that the European Parliament should not waive the immunity of Magorzata HANDZLIK (EPP, PL)**.

The Public Prosecutor of the Polish Republic has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Magorzata HANDZLIK, in connection with an investigation and possible legal action concerning an alleged offence under the Polish Criminal Code of 6 June 1997.

Ms HANDZLIK stands accused of having requested the European Parliament to reimburse the costs of attending a language course on the basis of the relevant provisions although she did not attend said course.

The committee considers that the alleged actions do not constitute opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union.

Ms HANDZLIK has been heard twice in these proceedings, when she had the opportunity to voice concerns about the procedure. The Committee also heard Giovanni Kessler, Director-General of the European Anti-Fraud Office, and Roger Vanhaeren, Director-General for Finance of the European Parliament.

The circumstances in which the case against Magorzata HANDZLIK was handled, bearing in mind also the small amount concerned and the uncertain status and provenance of the evidence, have led to serious doubts as to the procedure. It would therefore appear that **this is a case where the existence of a *fumus persecutionis* may be assumed**.

On the basis of the above considerations, after considering the reasons for and against waiving the Member’s immunity, it is recommended that the **European Parliament should not waive the parliamentary immunity of Magorzata HANDZLIK.**