Request for the waiver of parliamentary immunity of Zbigniew Ziobro

2013/2189(IMM) - 24/01/2014 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Cecilia WIKSTRÖM (ADLE, SE) in which it recommended the European Parliament to waive the immunity of **Zbigniew Ziobro (EFD, PL).**

To recall, the Public Prosecutor of the Republic of Poland requested the waiver of the parliamentary immunity of Zbigniew Ziobro, Member of the European Parliament, in connection with legal action concerning an alleged criminal offence.

The request by the Public Prosecutor relates to an offence subject to private prosecution under the Polish Criminal Code, following a libel case in the context of an interview with the former Polish Minister for Agriculture Mr. Artur Balazs.

At the sitting of 9 September 2013, the President announced that he had received a request from the office of the Public Prosecutor of the Polish Republic concerning the waiver of the parliamentary immunity of Zbigniew Ziobro with reference to Articles 8 and 9 of the Protocol on the Privileges and Immunities of the European Union.

Article 8 of the Protocol stipulates that Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 9 stipulates that Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State.

Recalling that Parliament alone may decide whether immunity is or is not to be waived in a given case, Members stated that the alleged offence **does not have a direct or obvious connection with Zbigniew Ziobro's performance of his duties as a Member of the European Parliament**, nor does it constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union.

Given that in the present case Parliament has found no evidence of *fumus persecutionis*, (suspicion that the case has been brought with the intention of causing political damage to the Member concerned) and that a decision not to waive a Member's immunity would prevent the other private party from pursuing his case before the court as part of his defence, Members called on the **European Parliament to waive the immunity of Zbigniew Ziobro**.