# Request for the waiver of the immunity of Janusz Korwin-Mikke

2015/2049(IMM) - 11/05/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Kostas CHRYSOGONOS (GUE/NGL, EL) and recommended the European Parliament to waive the immunity of **Janusz KORWIN-MIKKE (NI, PL)**.

Members recalled that the Prosecutor-General of the Republic of Poland has forwarded a request from the District Prosecutor's Office in Warsaw for authorisation to bring criminal proceedings against a Member of the European Parliament, Janusz Korwin-Mikke, with regard to an offence under Article 222(1) of the Polish Criminal Code. The proceedings concern the alleged infringement of the physical integrity of a public official (the Member struck the official in the face with his hand at an event in Warsaw – a meeting of the newly elected Polish Members of the European Parliament organised by the Polish Ministry of Foreign Affairs).

Noting that the alleged offence did not have a direct or obvious connection with Mr Korwin-Mikke's performance of his duties as a Member of the European Parliament, nor did it constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union, and that Parliament has found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member concerned. Indeed, although the above-mentioned facts occurred when Mr Korwin-Mikke was already a Member of the European Parliament and in an explicitly political context, the alleged offence and the ensuing prosecution clearly have nothing to do with the position of Mr Korwin-Mikke as a Member of the European Parliament.

Consequently, the Legal Affairs Committee recommended that Parliament **waive the immunity of Janusz Korwin-Mikke**.