Request for the waiver of the immunity of Harald Vilimsky

2021/2073(IMM) - 11/11/2021 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the immunity** of Harald VILIMSKY (AT, ID).

As a reminder, the Vienna Prosecutor's Office requested the waiver of the immunity of Harald Vilimsky, Member of the European Parliament, in order to initiate criminal prosecution proceedings in connection with the offence of embezzlement, the offence of involvement in misappropriation of funds and misuse of funds under the Austrian Criminal Code.

From 1 October 2011 to 13 August 2019, Harald Vilimsky allegedly abused his authority to avail himself of bank accounts belonging to the parliamentary group of the FPÖ in the Austrian National Assembly, by arranging for the payment of bills by means of regular transfers from the FPÖ National Assembly group’s account for mobile phone services used for entirely private ends by a third party, resulting in a financial loss to the FPÖ National Assembly group. He allegedly used the funds granted to the FPÖ parliamentary group in the Austrian National Council in full knowledge that the services paid for were not related to the functioning of the party.

Parliament noted that the alleged offence does not concern opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament. Moreover, in this case, Parliament was unable to establish that there was *fumus persecutionis*, i.e. facts which suggest that the intention underlying the legal proceedings in question is to undermine the Member’s political activity as a Member of the European Parliament.

Therefore, following the recommendation of its Legal Affairs Committee, Parliament considered that Harald Vilimsky's parliamentary immunity should be waived.