Basic information

2012/2152(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of parliamentary immunity of Martin Ehrenhauser **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	RAPKAY Bernhard (S&D)	30/05/2012

Key events

Date	Event	Reference	Summary
10/10/2012	Vote in committee		
16/10/2012	Committee report tabled for plenary	A7-0332/2012	Summary
23/10/2012	Decision by Parliament	T7-0358/2012	Summary
23/10/2012	Results of vote in Parliament		
23/10/2012	End of procedure in Parliament		

Technical information

Procedure reference	2012/2152(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/10049

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A7-0332/2012	16/10/2012	Summary
Text adopted by Parliament, single reading		T7-0358/2012	23/10/2012	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for the waiver of parliamentary immunity of Martin Ehrenhauser

2012/2152(IMM) - 16/10/2012 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Bernhard RAPKAY (S&D, DE), and called on the European Parliament to waive the immunity of Martin EHRENHAUSER (NI, AT).

The request for waiver of immunity comes from the Vienna Public Prosecutor's Office, in order to enable the Austrian authorities to conduct the necessary investigations and to take legal action against Martin Ehrenhauser.

The request concerns alleged offences related to illegal access to a computer system pursuant to Article 118a of the Austrian Penal Code (StGB), a breach of telecommunications secrecy pursuant to Article 119 StGB, unlawfully intercepted data pursuant to Article 119a StGB, unauthorised use of a recording or recording equipment pursuant to Article 120(2) StGB and infringement of Article 51 of the 2000 Data Protection Act.

The committee recalls that 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 also recalls that under Article 57(2) of the Austrian Federal Constitutional Law, 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.

Further to Article 57(3) of the Austrian Federal Constitutional Law, no official action on account of a punishable offence may be taken against members of the National Council without the National Council's consent unless that offence is manifestly not connected with the political activity of the member in question. Members consider that the immunity of Martin Ehrenhauser must be waived if the investigations against him are to proceed. Martin Ehrenhauser was heard by the European Parliament's Committee on Legal Affairs.

The committee **recommends that the European Parliament should decide to waive the immunity of Martin EHRENHAUSER.**

Request for the waiver of parliamentary immunity of Martin Ehrenhauser

2012/2152(IMM) - 23/10/2012 - Text adopted by Parliament, single reading

The European Parliament decided to waive the parliamentary immunity of **Martin EHRENHAUSER** (NI, AT).

The request for waiver of immunity comes from the Vienna Public Prosecutor's Office, in order to enable the Austrian authorities to conduct the necessary investigations and to take legal action against Martin EHRENHAUSER. The request concerns alleged offences related to illegal access to a computer system and other infringements with respect to data protection.

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 Mr EHRENHAUSER's immunity.

In order to enable the Austrian authorities to conduct the necessary investigations and to take legal action against Martin EHRENHAUSER. Parliament has therefore decided to waive his immunity.