Basic information

2012/2238(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of parliamentary immunity of Malgorzata Handzlik **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	STOYANOV Dimitar (NI)	18/09/2012

Key events

Date	Event	Reference	Summary
29/05/2013	Vote in committee		
04/06/2013	Committee report tabled for plenary	A7-0195/2013	Summary
11/06/2013	Decision by Parliament	T7-0237/2013	Summary
11/06/2013	Results of vote in Parliament		
11/06/2013	End of procedure in Parliament		

Technical information

Procedure reference	2012/2238(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/7/10696

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A7-0195/2013	04/06/2013	Summary
Text adopted by Parliament, single reading		T7-0237/2013	11/06/2013	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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 Małgorzata 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, Małgorzata 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 Małgorzata 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 Małgorzata HANDZLIK.**

Request for the waiver of parliamentary immunity of Malgorzata Handzlik

2012/2238(IMM) - 11/06/2013 - Text adopted by Parliament, single reading

The European Parliament decided not to waive the immunity of **Małgorzata HANDZLIK (EPP, PL)**.

To recall, the Public Prosecutor of the Polish Republic has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Małgorzata 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.

Parliament 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.

The circumstances in which the case against Małgorzata 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**.

Consequently, the **European Parliament decided not to waive the parliamentary immunity of Małgorzata HANDZLIK.**