


Basic information	
<b>2023/2021(IMM)</b> IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Patryk Jaki  <b>Subject</b> 8.40.01.03 Members' immunity	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">JURI</div> Legal Affairs		VÁZQUEZ LÁZARA Adrián (Renew)	07/11/2023

Key events			
Date	Event	Reference	Summary
07/11/2023	Vote in committee		
08/11/2023	Committee report tabled for plenary	<a href="#">A9-0345/2023</a>	
09/11/2023	Decision by Parliament	<a href="#">T9-0378/2023</a>	Summary
09/11/2023	Results of vote in Parliament		

Technical information	
<b>Procedure reference</b>	2023/2021(IMM)
<b>Procedure type</b>	IMM - Members' immunity
<b>Procedure subtype</b>	Waiver of immunity
<b>Legal basis</b>	Rules of Procedure EP 6 Rules of Procedure EP 9-p14
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	JURI/9/11322

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		<a href="#">A9-0345/2023</a>	08/11/2023	

Text adopted by Parliament, single reading		<a href="#">T9-0378/2023</a>	09/11/2023	<a href="#">Summary</a>
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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

## Request for the waiver of the immunity of Patryk Jaki

2023/2021(IMM) - 09/11/2023 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Patryk JAKI (ECR, PL).

On 17 October 2018, an election clip entitled 'Safe Local Government' was posted on social media on the Law and Justice Party's Twitter account in the context of the municipal elections held in Poland on 21 October 2018. Dissemination was facilitated by, among others, Patryk Jaki. The post allegedly incited hatred against Muslim immigrants.

On 13 December 2022, the XIV Criminal Division of the Warsaw-Mokotów District Court transmitted a request for waiver of the parliamentary immunity of Patryk Jaki, elected in Poland, that request having been submitted to it by a private individual in response to a post on the Law and Justice Party's Twitter account that allegedly incited national, ethnic, racial and religious hatred.

The request for waiver of parliamentary immunity was transmitted by the judicial authority in accordance with Rule 9(12) of the Rules of Procedure of the European Parliament.

Patryk Jaki is one of a group of individuals who find themselves in a similar situation of being charged with the alleged offence in question, the only difference being that he currently enjoys immunity as a Member of the European Parliament.

Parliament stated that the alleged offence does not concern opinions expressed or votes cast by Patryk Jaki 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 but relates to activities of a local nature.

The resolution also noted that a Member of the European Parliament cannot be interviewed as a suspect or be held criminally liable without the consent of the European Parliament. Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant.

In this case, Parliament has found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Member's political activity and thus the European Parliament.

Therefore, following the recommendation of its Legal Affairs Committee, the European Parliament decided to waive the immunity of Patryk Jaki.