Basic information

2023/2024(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Tomasz Piotr Poręba **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI 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	A9-0348/2023	
09/11/2023	Decision by Parliament	T9-0381/2023	Summary
09/11/2023	Results of vote in Parliament		

Technical information

Procedure reference	2023/2024(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6 Rules of Procedure EP 9-p14
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/11326

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A9-0348/2023	08/11/2023	

Text adopted by Parliament, single reading		T9-0381/2023	09/11/2023	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Request for the waiver of the immunity of Tomasz Piotr Poręba

2023/2024(IMM) - 09/11/2023 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Tomasz Piotr PORĘBA (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, Tomasz Piotr Poręb. 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 Tomasz Piotr Poręba, 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.

Tomasz Piotr Poręba is one of the individuals among a group of individuals who find themselves in a similar situation of being charged with the alleged offence in question, with 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 Tomasz Piotr Poręba 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 Tomasz Piotr Poręba.