

Tuesday 8 July 2008

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

EUROPEAN PARLIAMENT

Request for waiver of the immunity of Witold Tomczak

P6_TA(2008)0326

European Parliament decision of 8 July 2008 on the request for waiver of the immunity of Witold Tomczak (2008/2078(IMM))

(2009/C 294 E/20)

The European Parliament,

- having regard to the request by the Deputy Public Prosecutor of Warsaw for waiver of the immunity of Witold Tomczak in connection with the criminal proceedings conducted by the District Prosecutor's Office in Warsaw (Warszawa Śródmieście Północ), Poland, which was made on 14 December 2007, forwarded by the Polish Prosecutor General on 31 January 2008 and announced in plenary sitting on 10 March 2008,
 - having heard Witold Tomczak on 28 May 2008 in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to Articles 9 and 10 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of 12 May 1964 and 10 July 1986 ⁽¹⁾ of the Court of Justice of the European Communities,
 - having regard to Article 105 of the Polish Constitution,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0277/2008),
- A. whereas Witold Tomczak was elected to the Sejm (the lower house of the Polish Parliament) on 21 September 1997 and on 23 September 2001; whereas after the signature of the Accession Treaty on 16 April 2003 he became an Observer; whereas he was a Member of the European Parliament from 1 May 2004 until 19 July 2004; whereas he was elected to the European Parliament on 13 June 2004 and his term of office in the Polish Parliament expired on 16 June 2004,

⁽¹⁾ Case 101/63 *Wagner v. Fohrmann and Krier* [1964] ECR 195 and Case 149/85 *Wybot v. Faure and Others* [1986] ECR 2391.

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- B. whereas Witold Tomczak is charged with causing damage valued at up to 39 669 PLN (approximately 11 500 EUR) to a sculpture titled 'The Ninth Hour' — depicting Pope John Paul II crushed by a stone — in the Zachęta Gallery in Warsaw on 21 December 2000 in breach of Article 288(1) of the Polish Penal Code ⁽¹⁾,
- C. whereas the District Prosecutor's Office in Warsaw has collected evidence against Witold Tomczak, but the latter has refused to answer questions regarding the event at the Zachęta Gallery,
- D. whereas Witold Tomczak claims that by his action towards the sculpture he sought to defend his and other people's religious feelings, as well as to protect the dignity of the Pope; whereas he contests the amount of the damage he allegedly caused and in any case considers that his behaviour was aimed at protecting a higher value — that of the Pope's honour in the eyes of Polish Catholics,
- E. whereas, on the basis of the information obtained, Witold Tomczak is not protected by parliamentary immunity in respect of any of the allegations which have been drawn to the attention of the President of the European Parliament,
1. Decides to waive the immunity of Witold Tomczak;
 2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the appropriate authority of the Republic of Poland.

⁽¹⁾ The provisions of that Article being: 'Whosoever destroys, damages or makes useless another person's property shall be sentenced to a term of prison ranging from three months to five years.' (Polish original: 'Kto cudzą rzecz niszczy, uszkadza lub czyni niezdatną do użytku, podlega karze pozbawienia wolności od 3 miesięcy do lat 5.')

Approval of the Commission (amendment of the Rules of Procedure)

P6_TA(2008)0328

European Parliament decision of 8 July 2008 on amendment of Parliament's Rules of Procedure with respect to the approval of the Commission (2007/2128(REG))

(2009/C 294 E/21)

The European Parliament,

- having regard to the letter from its President of 14 December 2006,
 - having regard to its resolution of 1 December 2005 on guidelines for the approval of the Commission ⁽¹⁾,
 - having regard to Rules 201 and 202 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A6-0198/2008),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendments will enter into force on the first day of the next part-session;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

⁽¹⁾ OJ C 285 E, 22.11.2006, p. 137.