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(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2016)0141

Request for the waiver of immunity of Bolesław G. Piecha**European Parliament decision of 28 April 2016 on the request for waiver of the immunity of Bolesław G. Piecha
(2015/2339(IMM))**

(2018/C 066/07)

The European Parliament,

- having regard to the request for waiver of the immunity of Bolesław G. Piecha, forwarded on 29 October 2015 by the Prosecutor-General of the Republic of Poland in connection with proceedings to be brought by the Polish General Inspector of Road Transport (*Główny Inspektor Transportu Drogowego*) (reference No CAN-PST-SCW.7421.653220.2014.13.A.0475), and announced in plenary on 23 November 2015,
- having regard to the fact that Bolesław G. Piecha has waived his right to a hearing, in accordance with Rule 9(5) of its Rules of Procedure,
- having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, 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 the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
- having regard to Articles 105(2) and 108 of the Constitution of the Republic of Poland and Articles 7b(1) and 7c(1) of the Polish Act of 9 May 1996 on the exercise of the mandate of Deputy and Senator,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A8-0152/2016),

⁽¹⁾ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

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- A. whereas the Prosecutor-General of the Republic of Poland has forwarded a request from the Polish General Inspector of Road Transport for waiver of the immunity of Bolesław G. Piecha, a Member of the European Parliament elected to represent a constituency in Poland, concerning an offence under Article 92a of the Code of Petty Offences of 20 May 1971 in conjunction with Article 20(1) of the Road Traffic Act of 20 June 1997; whereas, in particular, the alleged offence involves exceeding the permitted speed limit in a built-up area;
 - B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament must enjoy, on the territory of their own Member State, the immunities accorded to members of the Member State's parliament;
 - C. whereas Articles 105(2) and 108 of the Constitution of the Republic of Poland state that a deputy or a senator shall not be subject to criminal accountability without the consent of the Sejm or of the Senate respectively;
 - D. whereas it is thus incumbent upon the European Parliament to decide whether the immunity of Bolesław G. Piecha is or is not to be waived;
 - E. whereas the alleged offence took place before Bolesław G. Piecha became a Member of the European Parliament; whereas the alleged offence took place while Bolesław G. Piecha was a member of the Polish Senate; whereas, therefore, it has no direct or obvious bearing on Bolesław G. Piecha's exercise of his duties at the European Parliament;
 - F. whereas Bolesław G. Piecha sent a statement to the Polish General Inspectorate of Road Transport, in response to the report of the offence by the Inspector General of that Inspectorate, in which he agreed to pay the fine for the offence under Article 92a of the Code of Petty Offences; whereas in this case it is therefore difficult to establish evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the request has been made with the intention of causing political damage to the Member concerned;
- 1. Decides to waive the immunity of Bolesław G. Piecha;
 - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Poland and to Bolesław G. Piecha.
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