



Procedure file

Basic information	
IMM - Members' immunity	2007/2130(IMM)
Request for defence of the parliamentary immunity of Witold Tomczak	
Subject 8.40.01.03 Members' immunity	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		18/06/2007
		PSE SAKALAS Aloyzas	

Key events			
24/05/2007	Committee referral announced in Parliament		
21/01/2008	Vote in committee		Summary
24/01/2008	Committee report tabled for plenary	A6-0008/2008	
18/02/2008	Debate in Parliament		
19/02/2008	Results of vote in Parliament		
19/02/2008	Decision by Parliament	T6-0048/2008	Summary
19/02/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2007/2130(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 7
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/50040

Documentation gateway				
Committee report tabled for plenary, single reading		A6-0008/2008	24/01/2008	EP

Text adopted by Parliament, single reading		T6-0048/2008	19/02/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)1767	31/03/2008	EC	

Request for defence of the parliamentary immunity of Witold Tomczak

The Committee on Legal Affairs adopted by unanimity the report drafted by Mr Aloyzas SAKALAS (PES, EL), whereby it decided not to defend the immunity of the Polish Member, Mr Witold TOMCZAK (ID, PL).

To recap, Mr TOMCZAK is accused of insulting two police officers in the performance of their duties at Ostrów Wielkopolski, in June 1999 (before his election to the EP), in breach of Article 226(1) of the Polish Penal Code.

Given Mr TOMCZAK's failures to appear at the hearings, the District Court in Ostrów Wielkopolski decided, on 10 January 2005, to proceed with the trial in absentia, which, from the Polish Member's point of view, infringes the principle of the presumption of innocence.

In this context, Mr TOMCZAK asked Parliament to defend his immunity in these criminal proceedings. However, the committee decided not to defend his immunity and privileges because the charges brought against Mr TOMCZAK do not refer to opinions expressed or votes cast in the performance of his duties as a MEP, as he was not a Member of Parliament at the moment of the event.

Request for defence of the parliamentary immunity of Witold Tomczak

The European Parliament adopted a legislative resolution based on the report drafted by Aloyzas SAKALAS (PES, EL), whereby it decided not to defend the immunity of the Polish Member, Mr Witold TOMCZAK (ID, PL).