


Procedure file

Basic information		
IMM - Members' immunity	2010/2283(IMM)	Procedure completed
Request for the waiver of parliamentary immunity of Elmar Brok		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		01/12/2010
		EFD SPERONI Francesco Enrico	
		Shadow rapporteur PPE ZWIEFKA Tadeusz	

Key events			
28/02/2011	Vote in committee		Summary
03/03/2011	Committee report tabled for plenary	A7-0047/2011	
08/03/2011	Results of vote in Parliament		
08/03/2011	Decision by Parliament	T7-0075/2011	Summary
08/03/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2283(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/04661

Documentation gateway					
Committee report tabled for plenary, single reading		A7-0047/2011	03/03/2011	EP	
Text adopted by Parliament, single reading		T7-0075/2011	08/03/2011	EP	Summary

Request for the waiver of parliamentary immunity of Elmar Brok

The Committee on Legal Affairs unanimously adopted the report by Francesco Enrico SPERONI (EFD, IT) on the request for waiver of the

immunity of Elmar BROK (EPP, DE), and decided not to waive immunity.

The request for waiver is set out in a letter from the Public Prosecutor of Bielefeld and involves a matter concerning the Member's income tax declaration. Criminal charges have been brought which would, in the case of an ordinary citizen, have attracted merely administrative proceedings. Moreover, the public prosecutor not only sought to withhold knowledge of the charge from Mr Brok on spurious and highly derogatory grounds for no due cause, but also made sure that the case received great publicity in the media, thus inflicting the maximum amount of damage on the Member concerned.

Under these circumstances, it is plain that the case is one of *fumus persecutionis* in that it appears that the proceedings were brought with the sole aim of damaging the reputation of Mr Brok. Accordingly, the committee considers that it would be completely inappropriate to waive the Member's immunity.

Consequently, the committee calls on the European Parliament not to waive the parliamentary immunity of Elmar Brok.

Request for the waiver of parliamentary immunity of Elmar Brok

The European Parliament decided not to waive parliamentary immunity of Elmar BROK (EPP, DE).

The request for waiver involves a matter concerning the Member's income tax declaration. Criminal charges have been brought which would, in the case of an ordinary citizen, have attracted merely administrative proceedings. It is therefore plain that the case is one of *fumus persecutionis* in that it appears that the proceedings were brought with the sole aim of damaging the reputation of the Member concerned.

Consequently, the European Parliament considers it completely inappropriate to waive the Member's immunity.