



Procedure file

Basic information	
IMM - Members' immunity	2015/2102(IMM)
Request for the waiver of the immunity of Janusz Korwin-Mikke	Procedure completed
Subject	8.40.01.03 Members' immunity

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	 REGNER Evelyn	06/05/2015

Key events			
14/07/2015	Vote in committee		
16/07/2015	Committee report tabled for plenary	A8-0229/2015	Summary
08/09/2015	Results of vote in Parliament		
08/09/2015	Decision by Parliament	T8-0282/2015	Summary
08/09/2015	End of procedure in Parliament		

Technical information	
Procedure reference	2015/2102(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/8/03435

Documentation gateway					
Committee report tabled for plenary, single reading		A8-0229/2015	16/07/2015	EP	Summary
Text adopted by Parliament, single reading		T8-0282/2015	08/09/2015	EP	Summary

Request for the waiver of the immunity of Janusz Korwin-Mikke

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) in which it recommended the European Parliament to waive the immunity of Janusz KORWIN-MIKKE (NI, PL).

Members recalled that the Prosecutor-General of Poland forwarded a request made by the Municipal Police Chief in Piotrków Trybunalski for

action to be taken against a Member of the European Parliament, Mr Janusz Korwin-Mikke, in connection with an alleged road traffic offence. The Municipal Police claimed that on 6 September 2014, when driving his car in a built-up area in Piotrków Trybunalski, Mr Korwin-Mikke exceeded the permitted speed limit of 50 km/h by 32 km/h according to speed camera evidence.

This conduct constitutes an offence under the Polish Road Traffic Act. However, the alleged offence does not have a direct or obvious connection with Mr Korwin-Mikke's performance of his duties as a Member of the European Parliament. Members also stated that it does not constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament within the meaning of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union.

In this instance, Parliament found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member concerned.

Therefore, the committee recommended the European Parliament to waive the immunity of Janusz Korwin-Mikke.

Request for the waiver of the immunity of Janusz Korwin-Mikke

The European Parliament decided to waive the immunity of Janusz KORWIN-MIKKE (NI, PL).

Parliament recalled that the Prosecutor-General of Poland forwarded a request made by the Municipal Police Chief in Piotrków Trybunalski for action to be taken against a Member of the European Parliament, Mr Janusz Korwin-Mikke, in connection with an alleged road traffic offence (speeding).

Given that this conduct constitutes an offence under the Polish Road Traffic Act and that the alleged offence does not have a direct or obvious connection with Mr Korwin-Mikke's performance of his duties as a Member of the European Parliament, Parliament stated that it does not constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament within the meaning of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union.

Therefore, it decided to waive the immunity of Janusz Korwin-Mikke.