Procedure file

Basic information

IMM - Members’ immunity 2023/2023(IMM) Procedure completed

Request for the waiver of the immunity of Beata Mazurek

Subject 8.40.01.03 Members’ immunity

Key players

European Parliament Committee responsible Rapporteur Appointed

JURI Legal Affairs VÁZQUEZ LÁZARA Adrián 07/11/2023

Key events

07/11/2023 Vote in committee
08/11/2023 Committee report tabled for plenary A9-0347/2023
09/11/2023 Results of vote in Parliament
09/11/2023 Decision by Parliament T9-0380/2023 Summary

Technical information

Procedure reference 2023/2023(IMM)
Procedure type IMM - Members’ immunity
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Stage reached in procedure Procedure completed
Committee dossier JURI/9/11325

Documentation gateway

Committee report tabled for plenary, single reading A9-0347/2023 08/11/2023 EP

Request for the waiver of the immunity of Beata Mazurek
The European Parliament decided to waive the immunity of Beata MAZUREK (ECR, PL).

On 17 October 2018, an election clip entitled Safe Local Government was posted on social media on the Law and Justice Partys Twitter account in the context of the municipal elections held in Poland on 21 October 2018. Dissemination was facilitated by, among others, Beata Mazurek. The post allegedly incited hatred against Muslim immigrants.

On 13 December 2022, the XIV Criminal Division of the Warsaw-Mokotów District Court transmitted a request for waiver of the parliamentary immunity of Beata Mazurek, elected in Poland, that request having been submitted to it by a private individual in response to a post on the Law and Justice Partys Twitter account that allegedly incited national, ethnic, racial and religious hatred.

The request for waiver of parliamentary immunity was transmitted by the judicial authority in accordance with Rule 9(12) of the Rules of Procedure of the European Parliament.

Beata Mazurek is one of a group of individuals who find themselves in a similar situation of being charged with the alleged offence in question, the only difference being that she currently enjoys immunity as a Member of the European Parliament.

Parliament stated that the alleged offence does not concern opinions expressed or votes cast by Beata Mazurek in the performance of her duties as a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union but relates to activities of a local nature.

The resolution also noted that a Member of the European Parliament cannot be interviewed as a suspect or be held criminally liable without the consent of the European Parliament. Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant.

In this case, Parliament has found no evidence of fumus persecutionis, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Members political activity and thus the European Parliament.

Therefore, following the recommendation of its Legal Affairs Committee, the European Parliament decided to waive the immunity of Beata Mazurek.