



TEXTS ADOPTED

P10_TA(2026)0105

Request for the waiver of the immunity of Patryk Jaki

European Parliament decision of 28 April 2026 on the request for the waiver of the immunity of Patryk Jaki (2025/2171(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Patryk Jaki, submitted by the District Court for Warsaw-Śródmieście by letter dated 6 August 2025, in connection with criminal proceedings brought against him by way of a private indictment filed by the legal representative of the private prosecutor and announced in Parliament on 8 September 2025,
- having heard Patryk Jaki on 23 March 2026, in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to Articles 8 and 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019¹,
- having regard to Article 105(2) and (5) of the Constitution of the Republic of Poland,

¹ 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; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

- 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 (A10-0108/2026),
- A. whereas, by letter dated 6 August 2025, the District Court for Warsaw-Śródmieście submitted a request for the waiver of the immunity of Patryk Jaki, Member of the European Parliament elected in Poland, in relation to criminal proceedings brought before it for an alleged offence subject to private prosecution;
 - B. whereas, according to the request, during the period from 5 June 2024 to 7 June 2024, acting in quick succession in pursuit of a premeditated plan, and with direct intent, Patryk Jaki allegedly slandered the private prosecutor – a judge – in the following manner: (i) during an election campaign meeting in Będzin on 5 June 2024, in an exchange with one of the persons present at the meeting, Patryk Jaki allegedly made statements about the private prosecutor claiming that the latter unknowingly authorised the use of Pegasus spyware, and (ii) on 7 June 2024 Patryk Jaki then allegedly disseminated the recording of that exchange throughout the country via mass media (i.e. the social media platforms Instagram, Facebook and X (Twitter)), claiming that the private prosecutor had neglected his duties as a judge related to performing unspecified ‘inquiries and checks’ regarding the method of operational surveillance in the context of considering requests for operational surveillance orders, that he improperly exercised his profession as a judge, and that he was biased due to his being under the influence of a political party;
 - C. whereas Patryk Jaki therefore allegedly slandered the private prosecutor with direct intent to humiliate him in the public eye and damage his reputation, as well as cause him to lose the trust necessary for the performance of his duties as a judge; whereas the alleged actions could constitute an offence under Article 212(1), in conjunction with Articles 212(2) and 12(1), of the Polish Criminal Code;
 - D. whereas Patryk Jaki was elected to the European Parliament in the European elections of June 2019 and was, therefore, a Member of the European Parliament at the time of the alleged offence;
 - E. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity of Patryk Jaki is not related to, an opinion expressed or vote cast by him in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
 - F. whereas Article 9, first paragraph, point (a), of Protocol No 7 on the Privileges and Immunities of the European Union provides that, during the sessions of the European Parliament, its Members are to

enjoy, in the territory of their own Member State, the immunities accorded to members of the parliament of their Member State;

- G. whereas, pursuant to Article 105(2) and (5) of the Constitution of the Republic of Poland, from the day the election results are announced until the day their mandate expires, a deputy cannot be subjected to criminal accountability without the consent of the *Sejm*, and can be neither detained nor arrested without the consent of the *Sejm*, except in cases where they have been apprehended in the commission of an offence and in which their detention is necessary to secure the proper course of proceedings;
 - H. whereas the purpose of the immunity provided for in Protocol No 7 on the Privileges and Immunities of the European Union is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
 - I. whereas, in accordance with Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;
 - J. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, that is to say it does not appear that the intention underlying the legal proceedings in question is to damage Patryk Jaki's political activity as a Member of the European Parliament and thus Parliament's independence;
 - K. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;
1. Decides to waive the immunity of Patryk Jaki;
 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 Patryk Jaki.

² Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.