



TEXTS ADOPTED

P10_TA(2026)0106

Request for the waiver of the immunity of Daniel Obajtek

European Parliament decision of 28 April 2026 on the request for the waiver of the immunity of Daniel Obajtek (2025/2172(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Daniel Obajtek, received by letter dated 21 July 2025 from the Prosecutor General of the Republic of Poland, transmitting a request from the Warsaw Regional Public Prosecutor's Office in connection with criminal proceedings to be brought against Daniel Obajtek and announced in Parliament on 8 September 2025,
- having heard Daniel Obajtek on 12 February 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: 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 (A10-0115/2026),
- A. whereas, by letter dated 21 July 2025, the Prosecutor General of the Republic of Poland transmitted a request from the Warsaw Regional Public Prosecutor's Office for the waiver of the immunity of Daniel Obajtek, Member of the European Parliament elected in Poland, in connection with an alleged offence under Article 233(1) of the Polish Criminal Code, as well as Article 49 thereof, read in conjunction with Article 3 of the Press Act of 26 January 1984;
 - B. whereas, according to the request for the waiver of immunity, on 15 May 2024 the Warsaw Regional Public Prosecutor's Office opened an investigation into a case of alleged perjury; whereas, according to this request, this presumed perjury was alleged to have been committed on 11 May 2023 by two persons, including Daniel Obajtek in his capacity as a witness, having been informed of the criminal liability incurred in the event of perjury, in proceedings before the Regional Court for Warsaw-Śródmieście in Warsaw in connection with the civil action for libel brought by the plaintiff against the defendant for an offence under Article 212(2) of the Polish Criminal Code;
 - C. whereas, according to the request, Polski Koncern Naftowy ORLEN Spółka Akcyjna has a contract for the distribution of the weekly magazine 'NIE', published by the limited liability company URMA, at all points of sale at ORLEN petrol stations; whereas on 10 March 2023 issue 10 of that magazine was distributed; whereas on 14 March 2023, in Warsaw, in his capacity as Chairman of the Board of Directors of Polski Koncern Naftowy ORLEN Spółka Akcyjna, Daniel Obajtek allegedly demanded - on the grounds that the cover of that week's magazine displayed an image of Pope John Paul II holding a crucifix with a naked doll instead of Jesus and that its reporting took a dim view of the measures taken by Pope John Paul II to address the sexual exploitation of minors by members of the clergy - that issue 10/2023 of 'NIE' magazine be urgently removed from the shelves of all outlets belonging to Polski Koncern Naftowy ORLEN Spółka Akcyjna and no longer sold, thereby restricting sales of the magazine which Polski Koncern Naftowy ORLEN Spółka Akcyjna had undertaken to distribute, an act that constitutes an offence under Article 49, read in conjunction with Article 3 of the Press Act of 26 January 1984;
 - D. whereas Daniel Obajtek was elected to the European Parliament in the European elections of June 2024 and was, therefore, not a Member of the European Parliament at the time of the alleged offences or when the criminal investigation was opened into them;

- E. whereas the alleged offences do not constitute, and the subsequent request for the waiver of the immunity of Daniel Obajtek 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, deputies 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, 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;
 - I. 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;
 - 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 Daniel Obajtek'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 Daniel Obajtek;
 2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the appropriate authority of the Republic of Poland and to Daniel Obajtek.

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