



TEXTS ADOPTED

P10_TA(2026)0107

Request for the waiver of the immunity of Tomasz Buczek

European Parliament decision of 28 April 2026 on the request for the waiver of the immunity of Tomasz Buczek (2025/2193(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Tomasz Buczek, submitted by the District Court of Tarnobrzeg, Second Criminal Chamber, by letter dated 12 September 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 plenary on 6 October 2025,
- having heard Tomasz Buczek on 23 March 2026 and having regard to the documents submitted by him, 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,

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 Article 105(2) and (5) of the Constitution of the Republic of Poland,
 - 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 (A10-0116/2026),
- A. whereas, by letter dated 12 September 2025, the District Court of Tarnobrzeg, Second Criminal Chamber, submitted a request for the waiver of the immunity of Tomasz Buczek, Member of the European Parliament elected in Poland, in connection with a private indictment filed against him for an alleged offence under Article 217(1) of the Polish Criminal Code;
 - B. whereas, according to the request for waiver of immunity, on 21 September 2024 an election rally was held in Tarnobrzeg at which Tomasz Buczek was present; whereas the private prosecutor took part in the abovementioned rally, in particular by expressing her views on political topics, including the activities of Tomasz Buczek; whereas, according to the request, Tomasz Buczek allegedly snatched the miniature megaphone that the private prosecutor was holding in her hands in order to make herself heard, and whereas that action was allegedly so violent that the megaphone is no longer in working order;
 - C. whereas Tomasz Buczek's conduct is alleged to constitute an offence against physical integrity, as provided for in Article 217(1) of the Polish Criminal Code;
 - D. whereas Tomasz Buczek was elected to the European Parliament in the European elections in June 2024 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 Tomasz Buczek 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 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 the 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 Tomasz Buczek'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 Tomasz Buczek;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of Poland and to Tomasz Buczek.

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