

Dara Ponsati Obiols

Membre del Parlament Europeu

To the attention of David Maria SASSOLI
President of the European Parliament
BRU - SPAAK 09B011
BRUSSELS

Brussels, 26 February 2021

Dear Mr. President,

As you are aware, I, together with my colleagues Carles Puigdemont and Antoni Comin, have written to you on several occasions to inform you about the many irregularities that have affected the proceedings taking place in the Committee on Legal Affairs on the requests of the waiver of our immunity and to warn you that these could endanger the position of this Parliament. Therefore, I am very saddened to inform you that one of these irregularities, the appointment of a single rapporteur to deal with our three immunity cases, has given rise to a very serious situation regarding the report by the Committee on Legal Affairs that recommends the waiver of my immunity.

The report, which was approved on 23 February 2021 by the Committee, falsely states that the request for the waiver of my immunity is in connection to criminal proceedings for an alleged offence of sedition and for an alleged offence of misuse of public funds, whereas the request for the waiver of my immunity refers exclusively to an alleged offence of sedition. The reference to this “additional” offence is a direct consequence of my case having been assigned to the same rapporteur as the case of my colleagues Carles Puigdemont and Antoni Comin, whose requests for waiver do concern these two offences, and consequently, of the lack of a specific assessment of the particularities of my case by the rapporteur and the Committee.

Yesterday, after this revealing blunder was made public in the press, a correction was hurriedly published alongside the report. This is not a minor linguistic error which can be remedied by means of an erratum, but a serious error affecting the substance of my immunity case, which can thus only be remedied through a procedure similar to that followed for the adoption of the text containing the error.

In any case, the correction does not, of course, remedy the situation that the incorrect reference evidences, i.e., that neither the rapporteur nor the Members of the Committee that voted in favour of the report on my immunity had studied my case before drafting and voting the report, which was dealt with in a pack with that of my colleagues, exactly as I denounced would happen. In particular:

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- On 11 May 2020 and 14 May 2020 my lawyer, on my behalf, wrote to the Chair of the Committee to indicate that my case should be assigned to a different rapporteur from that of the cases of my colleagues, in application of Section 8 of the Principles for the application of Rule 9 of the Rules of Procedure. The request went unanswered.
- On 16 November 2020 my lawyer, on my behalf, filed a document with written observations to the Committee presenting in detail the legal arguments against the appointment of the same rapporteur to deal with my case. The observations were never answered nor, as far as I am aware, taken into consideration.
- On 19 November 2020 I, together with my colleagues, wrote to you to inform you about the lack of neutrality of the Chair of the Committee and the irregularities that were occurring in the proceedings, including the assignment of the cases to a single rapporteur.

Furthermore, given the specific issues related to an accusation of sedition – an accusation especially problematic as pointed out by German courts, the UN WGAD, Amnesty International, and even the Spanish government – I have reasons to believe that had the report on my case been produced with appropriate attention to my case, the vote in the JURI committee might well have been different. In sum, the manner in which the Committee has dealt with my immunity case has gravely affected my right to good administration protected under article 41 of the Charter of Fundamental Rights.

In light of this, I must convey to you my absolute indignation with the situation, which is a scandal and an embarrassment to the institution that could have been prevented if the request for the waiver of my immunity had been treated with impartiality, as is this Parliament's obligation.

I trust that you will undertake all necessary actions to remedy the situation and ensure that the decision this Parliament reaches regarding my immunity case fully respects my fundamental rights.

Looking forward to hearing from you.

Kind regards,



Clara Ponsati i Obiols