

Request for the waiver of parliamentary immunity of Marine Le Pen

2012/2325(IMM) - 02/07/2013 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the immunity of Marine LE PEN (NI, FR)**.

To recall, the Chief Prosecutor at the Lyon Court of Appeal sent a request to Parliament to waive the parliamentary immunity of Marine LE PEN in the context of a legal action concerning an alleged offence of **incitement to hatred**, discrimination or violence against a group of persons on grounds of their religious affiliation.

Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State. This immunity thus covers opinions expressed by the Member while carrying out her duties.

However, the European Court of Justice has held “a statement made by a Member of the European Parliament beyond the precincts of that institution and giving rise to prosecution in his Member State of origin for the offence of making false accusations **does not constitute an opinion expressed in the performance of his parliamentary duties** covered by the immunity afforded by that provision unless that statement amounts to a *subjective appraisal having a direct, obvious connection with the performance of those duties*”.

The case does not fall within the scope of Marine LE PEN’s political activities as Member of the European Parliament as it concerns instead activities of a purely national or regional nature given that the speech was made to electors in Lyon as part of her campaign to be elected president of Front National and was thus distinct from her activity of Member of the European Parliament.

Given that there is no reason to suspect the existence of a *fumus persecutionis*, the European Parliament decided to waive the parliamentary immunity of Marine LE PEN.