Request for the waiver of the immunity of Jean-Marie Le Pen

2016/2108(IMM) - 18/10/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) and recommended that the European Parliament waive the immunity of Jean-Marie Le PEN (NI, FR).

Members recalled that two applications for waiver of the immunity of M. Le Pen have been forwarded in 2016 by the General Public Prosecutor at the Paris Court of Appeal, pertaining to incitement to racial hatred. The facts relate particularly to publicly inciting racial hatred in a video clip published on the internet on 6 June 2014.

Article 8 of the Protocol on the Privileges and Immunities of the European Union stipulates that Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties. Members noted that the purpose of this provision is to ensure that Members of the European Parliament have the right of freedom of expression, but **this right does not provide carte blanche for slander, defamation, and incitement to hatred.** They recommended that the European Parliament **waive the immunity of Jean-Marie LE PEN**, stating also that there is no connection between the statement at issue and the parliamentary work of M. Le Pen, nor is there evidence suggesting *fumus persecutionis*, i.e. an attempt to prevent M. Le Pen from performing his parliamentary work.