Request for the waiver of the immunity of Jean-François Jalkh

2016/2115(IMM) - 10/11/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Kostas CHRYSOGONOS (GUE/NGL, EL) on the request for waiver of the immunity of Jean-François JALKH (ENF, FR) forwarded on 14 April 2016 by the French Minister of Justice and Liberties in connection with a judicial inquiry (file No 14142000183) opened against Mr Jean-François Jalkh at the Nanterre Regional Court in response to an application with joinder filed by the '*Maison des potes – Maison de l'égalité*' association on grounds of public incitement to racial or religious discrimination.

In brief, Jean-François Jalkh was accused by the '*Maison des potes – Maison de l'égalité*' association in an application filed with the Nanterre Regional Court on 22 May 2014. The complaint concerned statements made in a brochure entitled 'Handbook for Front National local councillors', published on 19 September 2013 and posted on the official website of the Front National federation on 30 November 2013, that encouraged any National Front candidates elected to the post of local councillor in the elections held on 23 and 30 March 2014 to recommend, at the first sitting of their new local council, that priority should be given to French people ('*priorité nationale*') when allocating social housing. Members recalled that Jean-François Jalkh was the Front National's publications director and had editorial control over all the federation's websites.

The committee recalled that Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State.

The Court of Justice has held that for a Member of the European Parliament to enjoy immunity, an opinion must be expressed by the Member in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. Such link must be direct and obvious.

Jean-François Jalkh was not a Member of the European Parliament when the alleged offence took place. In addition, the charges are manifestly unrelated to the position of Jean-François Jalkh as a Member of the European Parliament and concern instead activities of a purely national or regional nature.

Furthermore, the alleged actions do not relate to opinions expressed or votes cast by the Member of the European Parliament 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 and there is no suspicion of any attempt to obstruct the parliamentary work of Jean-François Jalkh (*fumus persecutionis*).

Therefore, Members called on the European Parliament to waive the immunity of Jean-François Jalkh.