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

2017/2020(IMM) - 12/06/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) on the request for waiver of the immunity of **Jean-Marie LE PEN** (NI, FR).

As a reminder, the Prosecutor-General at the Paris Court of Appeal requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jean-Marie Le Pen, in connection with allegations that he made a statement during a radio broadcast amounting to incitement to discrimination, hatred or racial violence, which is a criminal offence under the French Criminal Code.

Members recalled that Article 8 of Protocol No 7 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.

For Members of the European Parliament, this absolute immunity implies that opinions cannot be challenged, whether expressed during official Parliament meetings or elsewhere, for example in the media, when there is ‘a link between the opinion expressed and parliamentary duties’.

In accordance with Rule 5(2) of its 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**.

On the basis of the information provided in this case, there is no reason to suspect that the proceedings relating to Jean-Marie Le Pen are motivated by an intent to damage his political activity as a Member of the European Parliament. There is also no evidence to suspect any form of *fumus persecutionis* (the intention underlying the legal proceedings may be to damage a Member’s political activity and thus Parliament’s independence), the Committee on Legal Affairs recommended the **European Parliament to waive the immunity of Jean-Marie Le Pen**.