Request for the waiver of the immunity of Sophie Montel

2018/2076(IMM) - 22/10/2018 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Tadeusz ZWIEFKA (EPP, PL) on the request for waiver of the immunity of Sophie MONTEL (NI, FR).

The request for waiver of the immunity of Sophie Montel forwarded on 21 February 2018 by the French Minister of Justice and Liberties relates to an alleged offence of public incitement to discrimination on grounds of **nationality, race or religion** by word of mouth, in written form or by means of images or electronic public communication by a person or persons unknown, an offence provided for in French law. The judicial inquiry against Sophie Montel was opened in response to the civil action brought on 22 May 2014 by the '*Maison des Potes – Maison de l'Égalité*'.

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.

French law might attribute criminal liability not only to the material author of a publication. The investigators were informed in the course of the investigation by the Front National's then publications director that the contested handbook had been drawn up by the services of the general secretariat.

Sophie Montel was at the time responsible for coordinating elected representatives in the general secretariat. She was not a Member of the European Parliament when the alleged offence took place, but the allegedly offensive materials were still available for consultation by anyone wishing to access.

Parliament considered that:

- the charges are manifestly unrelated to the position of Sophie Montel as a Member of the European Parliament and concern instead activities of a national or regional nature;
- the **alleged actions do not relate to opinions expressed or votes cast by the Member** in the performance of his duties as a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the privileges and immunities of the European Union;
- there is no reason to suspect that the intention underlying the legal proceedings, submitted before the Member assumed her seat in the European Parliament, is to obstruct the parliamentary work of Sophie Montel (*fumus persecutionis*).

On the basis of these considerations, the committee recommended that the European Parliament decide to **waive the immunity** of Sophie Montel.