Request for the waiver of the immunity of Nicolaus Fest

2022/2056(IMM) - 08/03/2023 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Ilana CICUREL (Renew, FR) on the request for waiver of the immunity of Nicolaus Fest.

As a reminder, the Chief Public Prosecutor of Berlin has requested the waiver of the parliamentary immunity of Nicolaus Fest, Member of the European Parliament, with a view to opening an investigation into alleged insult within the meaning of Section 185 of the German Criminal Code. The complainant filed a complaint against Nicolaus Fest which relates to declarations made and published by Nicolaus Fest on Twitter.

Members considered that the allegations against Nicolaus Fest, and the subsequent request for waiver of his immunity, are not related to an opinion expressed or vote cast by him in the performance of his duties as a Member of the European Parliament, but to the fact that, in response to a tweet, he posted a tweet presenting allegations perceived by the targeted person as insulting.

In the present case, the Parliament has not been able to establish that there was *fumus persecutionis*, i.e. factual elements indicating that the possible legal proceedings in question will be initiated with the intention of damaging the political activity of the Member and, consequently, of the European Parliament.

In the light of these considerations, the committee responsible recommended that the European Parliament decide to **waive the immunity** of Nicolaus Fest.