Request for the waiver of the immunity of Nicolaus Fest

2022/2056(IMM) - 14/03/2023 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the immunity** of Nicolaus Fest (ID, DE).

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.

Parliament pointed out 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.

It is recalled that the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties.

In the present case, 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.

Therefore, following the recommendation of its Legal Affairs Committee, Parliament decided to waive the immunity of Nicolaus Fest.