Request for the waiver of the immunity of Eva Kaili

2023/2007(IMM) - 06/02/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 372 votes to 220, with 43 abstentions, a decision to waive the immunity of Eva Kaili (NI, GR).

As a reminder, the European Chief Prosecutor requested waiver of the parliamentary immunity of Eva Kaili in the context of an ongoing investigation relating to facts that may constitute a serious offence of incitement to defraud the financial interests of the European Union, committed repeatedly, which has resulted in losses in excess of EUR 120 000 and EUR 150 000, punishable by a term of imprisonment of five to 15 years.

The alleged irregularities of which Eva Kaili is deemed to have been aware relate in particular to:

- the failure by one of her accredited parliamentary assistants (APA) to fulfil her obligations to be present at her place of work between 28 September 2015 and 2 July 2019 and to performance of her duties;

- the submission of mission order requests and expenses claims, as well as reimbursements received for missions not carried out by four of Eva Kaili’s APAs between February 2016 and March 2018 in the case of the first assistant, between May 2015 and February 2020 in the case of the second, between December 2015 and April 2019 in the case of the third, and between October 2014 and February 2020 in the case of the fourth APA;

- the paying over of part of an APA’s salary/mission expenses to Eva Kaili, allegedly at the latter’s request, between 28 September 2015 and 2 July 2019.

Parliament considered that the alleged offence does not concern opinions expressed or votes cast by Eva Kaili in the performance of her duties as a Member of the European Parliament.

In this case, Parliament has found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Member’s political activity and thus the European Parliament.

Consequently, following the recommendation of its Legal Affairs Committee, the European Parliament has decided to waive the immunity of Eva Kaili.