Basic information

2016/2108(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Jean-Marie Le Pen **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	REGNER Evelyn (S&D)	14/06/2016

Key events

Date	Event	Reference	Summary
12/10/2016	Vote in committee		
18/10/2016	Committee report tabled for plenary	A8-0301/2016	Summary
25/10/2016	Decision by Parliament	T8-0395/2016	Summary
25/10/2016	Results of vote in Parliament		
25/10/2016	End of procedure in Parliament		

Technical information

Procedure reference	2016/2108(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/06829

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A8-0301/2016	18/10/2016	Summary
Text adopted by Parliament, single reading		T8-0395/2016	25/10/2016	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

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

2016/2108(IMM) - 25/10/2016 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Jean-Marie Le PEN (NI, FR).

Parliament recalled that two applications for waiver of the immunity of M. Le Pen have been forwarded in 2016 by the General Public Prosecutor at the Paris Court of Appeal, pertaining to incitement to racial in a video clip published on the internet.

It pointed out that Article 8 of the Protocol 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. It noted that the purpose of this provision is to ensure that Members of the European Parliament have the right of freedom of expression, but **this right does not provide carte blanche for slander, defamation, and incitement to hatred.**

Parliament decided to waive the immunity of M. Le PEN, and remarked that there is no connection between the statement at issue and the parliamentary work of M. Le Pen.

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

2016/2108(IMM) - 18/10/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) and recommended that the European Parliament waive the immunity of Jean-Marie Le PEN (NI, FR).

Members recalled that two applications for waiver of the immunity of M. Le Pen have been forwarded in 2016 by the General Public Prosecutor at the Paris Court of Appeal, pertaining to incitement to racial hatred. The facts relate particularly to publicly inciting racial hatred in a video clip published on the internet on 6 June 2014.

Article 8 of the Protocol 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. Members noted that the purpose of this provision is to ensure that Members of the European Parliament have the right of freedom of expression, but **this right does not provide carte blanche for slander, defamation, and incitement to hatred.** They recommended that the European Parliament **waive the immunity of Jean-Marie LE PEN**, stating also that there is no connection between the statement at issue and the parliamentary work of M. Le Pen, nor is there evidence suggesting *fumus persecutionis*, i.e. an attempt to prevent M. Le Pen from performing his parliamentary work.