

Basic information	
2022/2054(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Nicolas Bay	
Subject 8.40.01.03 Members' immunity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	HALICKI Andrzej (EPP)	13/07/2022

Key events			
Date	Event	Reference	Summary
31/01/2023	Vote in committee		
31/01/2023	Committee report tabled for plenary	A9-0015/2023	
02/02/2023	Decision by Parliament	T9-0022/2023	Summary
02/02/2023	Results of vote in Parliament		

Technical information	
Procedure reference	2022/2054(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/09281

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A9-0015/2023	31/01/2023	
Text adopted by Parliament, single reading		T9-0022/2023	02/02/2023	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for the waiver of the immunity of Nicolas Bay

2022/2054(IMM) - 02/02/2023 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the parliamentary immunity** of Nicolas BAY (NA, FR).

As a reminder, the Public Prosecutor of the Court of Appeal in Rouen (Normandy, France) requested the waiver of the immunity of Nicolas Bay, Member of the European Parliament for France, with a view to conducting a preliminary investigation in connection with criminal charges of alleged incitement to hatred or violence on the grounds of origin, ethnicity, nation, race or religion, by word, text, image or electronic public communication.

On 5 May 2021, Nicolas Bay published a video on his Twitter account and on Facebook, filmed in front of the Guinchainville mosque construction site (Normandy, France), which allegedly contained assertions linking the construction of mosques to the dissemination of political Islam on French territory and the perpetration of terrorist acts.

At the time the comments in the video were recorded, Nicolas Bay was a candidate in regional elections for the Normandy Regional Council.

Parliament stated that the alleged offences do not concern opinions expressed or votes cast by Nicolas Bay 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 and instead concern activities of a regional nature.

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.

Therefore, following the recommendation of its Legal Affairs Committee, Parliament considered that Nicolas Bay's parliamentary immunity should be waived.