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P9_TA(2023)0021

Request for defence of the privileges and immunities of Helmut Geuking

European Parliament decision of 2 February 2023 on the request for defence of the privileges and immunities of Helmut Geuking (2022/2052(IMM))

(2023/C 267/04)

The European Parliament,

— having regard to the request by Helmut Geuking, dated 11 May 2022 and announced in plenary on 18 May 2022, for the defence of his privileges and immunities in connection with the civil proceedings pending before the Hamburg Regional Court (reference number 324 O 276/20),

— having heard Helmut Geuking in accordance with Rule 9(6) of its Rules of Procedure,

— having regard to Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 [1],

— having regard to Rule 5(2) and Rules 7 and 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0013/2023),

A. whereas Helmut Geuking, Member of the European Parliament, has requested the defence of his parliamentary immunity in connection with civil proceedings before the Hamburg Regional Court;

B. whereas a German company, one of its subsidiaries and an expert in company reorganisations hired by the latter are suing Helmut Geuking for injunctive relief, monetary compensation and damages, in connection with statements he made against the complainants from the European Parliament premises in Brussels and in a video published on YouTube and in a local German newspaper in May and June 2020 respectively; whereas in those statements Helmut Geuking allegedly criticised the German company for having filed for insolvency for the subsidiary company and for having laid off 200 employees without a severance package while at the same time sponsoring a German football team for an amount equivalent to the indemnities that, in his opinion, should have been paid to the employees that were dismissed;

C. whereas, in the meantime, the video statement has been deleted by Helmut Geuking;

D. whereas the immunity from legal proceedings enjoyed by Members of the European Parliament also covers immunity from civil proceedings;

E. whereas, in order to be effective, this protection must cover both the application for interim relief and the main proceedings;

F. whereas Parliament has broad discretion as to the direction it wishes to give to a decision following a request from its Member for the defence of immunity [2];

G. whereas Article 8 of Protocol (No 7) 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';

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[1] Judgment of the Court of Justice of 21 October 2008, *Marra* v *De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch* v *Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch* v *Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

[2] Case T-42/06, *Gollnisch* v *Parliament*, cited above, paragraph 101.

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H. whereas the statements made by Helmut Geuking were clearly made in his capacity as full Member of the Committee on Employment and Social Affairs of the European Parliament, which is the committee responsible for employment policy and all aspects of social policy including working conditions, social security, social inclusion and social protection and workers' rights (*inter alia*) and whereas it is therefore apparent that those statements were made in the context of the exercise of his mandate as a Member of the European Parliament;

I. whereas, moreover, in this case the amount of damages claimed by the complainants, including prohibitory injunction, damages and monetary compensation, amount to EUR 620 000 and therefore appear to resemble 'punitive damages', i.e. the amount asked is to be primarily intended as a deterrent against a repetition of the statement by Helmut Geuking and to prevent potential imitators from making similar statements; whereas the video statement was promptly deleted by Helmut Geuking; whereas, moreover, at the time the statements were made by Helmut Geuking, a public debate had already been taking its course through various media reports, with the applicants in the civil proceedings leaving those reports seemingly without a response;

J. whereas 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;

K. whereas, pursuant to Rule 5 of its Rules of Procedure, in the exercise of its powers in respect of privileges and immunities, Parliament shall act to uphold its integrity as a democratic legislative assembly and to ensure the independence of its Members in the performance of their duties;

1. Decides to defend the privileges and immunities of Helmut Geuking;

2. Instructs its President to forward this decision and the report of its committee responsible to the competent German authorities and to Helmut Geuking.