Official Journal
of the European Union

EN
C series

C/2023/1229

21.12.2023

P9_TA(2023)0207

Request for waiver of the immunity of Alexis Georgoulis

European Parliament decision of 1 June 2023 on the request for waiver of the immunity of Alexis Georgoulis (2023/2056(IMM))

(C/2023/1229)

The European Parliament,

— having regard to the request for waiver of the immunity of Alexis Georgoulis from the General Prosecutor at the Brussels Court of Appeal in connection with criminal proceedings dated 7 July 2022 and transmitted by the Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation by letter dated 30 March 2023 and announced in plenary on 17 April 2023,

— having regard to the fact that Alexis Georgoulis has renounced his right to be heard under Rule 9(6) of its Rules of Procedure,

— having regard to Articles 8 and 9 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), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0202/2023),

A. whereas the General Prosecutor at the Brussels Court of Appeal has requested the waiver of the immunity of Alexis Georgoulis, Member of the European Parliament elected in Greece, in connection with criminal offences;

B. whereas the acts allegedly committed by Alexis Georgoulis constitute criminal offences of rape, currently classified as an attack on sexual integrity covered by Article 417/11 of the Belgian Criminal Code, and of intentional assault and battery within the meaning of Article 398 of the Belgian Criminal Code;

C. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a 'defendant' ([2]);

D. whereas parliamentary immunity is not a personal privilege of the Member, but a guarantee of the independence of Parliament as a whole and of its Members, and 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;

E. whereas the alleged offences do not constitute opinions expressed or votes cast 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;

([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]) Judgment of the General Court of 30 April 2019, *Briois* v *Parliament*, T-214/18, ECLI:EU:T:2019:266.

F. whereas, by virtue of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament and, in the territory of any other Member State, immunity from any measure of detention and from legal proceedings; whereas immunity cannot be claimed when a Member is found in the act of committing an offence, nor prevent the European Parliament from exercising its right to waive the immunity of one of its Members;

G. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his immunity ([3]); whereas Alexis Georgoulis has stated that he has no objection to the waiver of his parliamentary immunity;

H. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, which is to say factual elements indicating that the judicial investigation in question was initiated with the intention of damaging the political activity of the Member in his capacity as a Member of the European Parliament;

1. Decides to waive the immunity of Alexis Georgoulis;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Kingdom of Belgium and to Alexis Georgoulis.

([3]) Judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440, paragraph 28.