

Request for the waiver of the immunity of Jean-François Jalkh

2016/2115(IMM) - 22/11/2016 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Jean-François JALKH (ENF, FR).

The request was forwarded on 14 April 2016 by the French Minister of Justice and Liberties in connection with a judicial inquiry opened against Jean-François Jalkh at the Nanterre Regional Court in response to an application with joinder filed by the '*Maison des potes – Maison de l'égalité*' association on grounds of **public incitement to racial or religious discrimination**.

Parliament recalled that Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State.

For its part, the Court of Justice has held that for a Member of the European Parliament to enjoy immunity, an opinion must be expressed by the Member in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. Such link must be direct and obvious.

Jean-François Jalkh was not a Member of the European Parliament when the alleged offence took place. In addition, the charges are manifestly unrelated to the position of Jean-François Jalkh as a Member of the European Parliament and concern instead activities of a purely national or regional nature.

Furthermore, since the alleged actions do not relate to opinions expressed or votes cast by the Member of the European Parliament in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union and since there is no suspicion of any attempt to obstruct the parliamentary work of Jean-François Jalkh (*fumus persecutionis*), Parliament decided to waive the immunity of Jean-François Jalkh.