



# Procedure file

Basic information		
IMM - Members' immunity	<a href="#">2010/2284(IMM)</a>	Procedure completed
Request for the waiver of parliamentary immunity of Bruno Gollnisch		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Legal Affairs</a>		01/12/2010
		S&D <a href="#">RAPKAY Bernhard</a>	
		Shadow rapporteur	
		PPE <a href="#">ZWIEFKA Tadeusz</a>	

Key events			
11/04/2011	Vote in committee		Summary
15/04/2011	Committee report tabled for plenary	<a href="#">A7-0155/2011</a>	
10/05/2011	Results of vote in Parliament		
10/05/2011	Decision by Parliament	<a href="#">T7-0190/2011</a>	Summary
10/05/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2284(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 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/04662

Documentation gateway					
Committee report tabled for plenary, single reading		<a href="#">A7-0155/2011</a>	15/04/2011	EP	

## Request for the waiver of parliamentary immunity of Bruno Gollnisch

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The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) calling on the European Parliament for waiver of the immunity of Bruno GOLLNISCH (NI, FR).

The Prosecutor at the Court of Appeal of Lyon is asking the European Parliament to waive the immunity of its Member, Bruno Gollnisch, in connection with a criminal investigation by that court. The investigation concerns an action and claim for compensation (plainte avec constitution de partie civile) brought by the International League Against Racism and Anti-Semitism (hereinafter, the LICRA) on 26 January 2009 against an unnamed person for incitement to racial hatred (see on this point [IMM/2010/2097](#)).

The Public Prosecutor is requesting the waiver of Bruno Gollnisch's parliamentary immunity to enable the LICRA's complaint to be investigated and, if appropriate, to enable Bruno Gollnisch to be brought before the Court of First Instance, the Appeal Court and the Court of Cassation.

The French authorities state that Bruno Gollnisch, citing his immunity from prosecution as a Member of the European Parliament, refused to reply to the summons issued by the investigators and subsequently by the investigating magistrate. During his hearing before the Committee on Legal Affairs, Bruno Gollnisch claimed that he was threatened with arrest on several occasions and that police officers were sent to that effect to the building of the Regional Council, whereas his demand for immunity had not yet been examined.

Mr Gollnisch asks the European Parliament to defend his immunity as Member of the Parliament because the case in question concerns, in his view, the issue of freedom of expression of his political opinions. However, given that the proceedings concern an offence allegedly committed in France, whose citizenship Bruno Gollnisch enjoyed at the material time, the defence of *fumus persecutionis* i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member does not hold. The committee believes the case does not come within the scope of Bruno Gollnisch's political activities as Member of the European Parliament. It concerns instead activities of a purely regional and local nature of Bruno Gollnisch as regional councillor for Rhône-Alpes, a mandate to which he was elected by direct universal suffrage and which is distinct from that of Member of the European Parliament.

As a result, the Committee recommends that the European Parliament should waive the parliamentary immunity of Bruno Gollnisch.

## Request for the waiver of parliamentary immunity of Bruno Gollnisch

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The European Parliament decided by 511 votes to 56, with 65 abstentions, to waive the immunity of Bruno GOLLNISCH (NI, FR).

The request to waive immunity follows a request by a French public prosecutor to bring Bruno Gollnisch before the Court of First Instance, the Appeal Court and the Court of Cassation, so that a complaint alleging incitement to racial hatred can be investigated. More specifically, the waiver of the immunity of Bruno Gollnisch relates to an alleged offence of incitement to racial hatred as a result of a press release issued on 3 October 2008 by the Rhône-Alpes Region 'Front National' Group, of which Bruno Gollnisch was President.

Mr Gollnisch asks the European Parliament to defend his immunity as Member of the Parliament because the case in question concerns, in his view, the issue of freedom of expression of his political opinions. However, given that the proceedings concern an offence allegedly committed in France, whose citizenship Bruno Gollnisch enjoyed at the material time, the defence of *fumus persecutionis* i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member does not hold. Parliament believes the case does not come within the scope of Bruno Gollnisch's political activities as Member of the European Parliament. It concerns instead activities of a purely regional and local nature of Bruno Gollnisch as regional councillor for Rhône-Alpes, a mandate to which he was elected by direct universal suffrage and which is distinct from that of Member of the European Parliament.

As a result, the European Parliament has decided to waive the parliamentary immunity of Bruno Gollnisch.