




# Procedure file

| Basic information                                     |                                |                     |
|---|--------------------------------|---------------------|
| IMM - Members' immunity                               | <a href="#">2022/2054(IMM)</a> | Procedure completed |
| Request for the waiver of the immunity of Nicolas Bay |                                |                     |
| Subject<br>8.40.01.03 Members' immunity               |                                |                     |

| Key players         |   |  |            |
|---------------------|---|--|------------|
| European Parliament | Committee responsible   | Rapporteur   | Appointed  |
|                     |  <a href="#">Legal Affairs</a> |  <a href="#">HALICKI Andrzej</a> | 13/07/2022 |

| Key events |                                     |   |         |
|------------|-------------------------------------|---|---------|
| 31/01/2023 | Vote in committee                   |   |         |
| 31/01/2023 | Committee report tabled for plenary | <a href="#">A9-0015/2023</a>  |         |
| 02/02/2023 | Results of vote in Parliament       |  |         |
| 02/02/2023 | Decision by Parliament              | <a href="#">T9-0022/2023</a>  | Summary |

| 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                               |  |                              |            |    |         |
|---|--|------------------------------|------------|----|---------|
| Committee report tabled for plenary, single reading |  | <a href="#">A9-0015/2023</a> | 31/01/2023 | EP |         |
| Text adopted by Parliament, single reading          |  | <a href="#">T9-0022/2023</a> | 02/02/2023 | EP | Summary |

## Request for the waiver of the immunity of Nicolas Bay

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 Members political activity and thus the European Parliament.

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