




# Procedure file

Basic information	
IMM - Members' immunity	2022/2054(IMM)
Request for the waiver of the immunity of Nicolas Bay	Procedure completed
Subject	
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

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.