



TEXTS ADOPTED

P8_TA(2015)0192

Request for waiver of the immunity of Jérôme Lavrilleux

European Parliament decision of 19 May 2015 on the request for waiver of the immunity of Jérôme Lavrilleux (2015/2014(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Jérôme Lavrilleux, forwarded on 23 December 2014 by the French Minister of Justice at the request of the Chief Prosecutor at the Paris Court of Appeal, and announced in plenary on 15 January 2015,
 - having heard Jérôme Lavrilleux in accordance with Rule 9(5) 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 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013¹,
 - having regard to Article 26 of the Constitution of the French Republic,
 - 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 (A8-0152/2015),
- A. whereas the Chief Prosecutor at the Paris Court of Appeal has requested the waiver of immunity of Jérôme Lavrilleux, Member of the European Parliament, in connection with

¹ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; 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.

an ongoing judicial investigation into charges of forgery, use of forged documents, breach of trust, attempted fraud and complicity in and concealment of those offences, illegal financing of an election campaign and concealment of and complicity in that offence; and whereas the French judges would like, in this context, to take a custodial or semi-custodial measure against Jérôme Lavrilleux;

- B. whereas 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;
 - C. whereas Article 26, paragraphs 2 and 3, of the French Constitution provides that no Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any other custodial or semi-custodial measure, without the authorisation of the Bureau of the House of which he is a member; that such authorisation shall not be required in the case of a serious crime or other major offence committed *flagrante delicto* or when a conviction has become final; and that the Assembly may request the suspension of detention, of custodial or semi-custodial measures or of proceedings against one of its Members;
 - D. whereas Jérôme Lavrilleux is suspected of having taken part in a system of false invoicing for campaign expenditure;
 - E. whereas the waiver of the immunity of Jérôme Lavrilleux should be subject to the conditions indicated in Rule 9(6) of the Rules of Procedure;
 - F. whereas the alleged charges are not related to the position of Jérôme Lavrilleux as a Member of the European Parliament and arise from his former position as a deputy campaign director in the last presidential election in France;
 - G. whereas the prosecution does not concern opinions expressed or votes cast by Jérôme Lavrilleux as a 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;
 - H. whereas Parliament has found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise presumption that the proceedings were initiated with the intention of causing political damage to the Member;
1. Decides to waive the immunity of Jérôme Lavrilleux;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the French Republic and to Jérôme Lavrilleux.