

6. Sixth plea in law, alleging breach of the independence of a Member of Parliament.
7. Seventh plea in law, alleging breach of the provisions of the Rules of Procedure of the European Parliament on the procedure capable of leading to the disqualification of a Member of Parliament from holding office (second subparagraph of Rule 3(4) (new) of those Rules). In the applicant's view, even though an additional penalty of ineligibility is provided for under French law for the offence with which he is charged, the French Government sent no opinion to the President of the Parliament regarding that offence, as the procedure requires, and no competent body of the Parliament (the President, the Legal Committee, the Assembly) has asked the French Government to provide an explanation in that regard. The failure to comply with that essential procedural requirement is sufficient to vitiate the report and the contested decision.
8. Eighth plea in law, alleging breach of the applicant's rights of defence. He states that he was not invited when the vote was being taken in the Parliament's plenary session on the request to waive his immunity. He thus had only ten minutes to present his defence, in regard to two cases concerning him, before the Committee on Legal Affairs, after the close of its business, at approximately 18:00.
9. Ninth plea in law, based on the absence of any basis for the charges or for the request for waiver of immunity. There is, he submits, no basis for the initial complaint and the charges pursued by the French prosecuting authorities against him. In that regard, he argues, the report adopted by the Parliament is doubly mendacious. The act of bringing judicial proceedings against the applicant, even though he has himself brought an end to the alleged offence, which he did not commit, and the decision to waive his parliamentary immunity have manifestly nothing to do with justice but are designed to denigrate, harm and persecute him and his movement.

---

**Action brought on 18 January 2017 — Jalkh v Parliament**

(Case T-27/17)

(2017/C 070/38)

*Language of the case: French*

**Parties**

*Applicant:* Jean-François Jalkh (Gretz-Armainvillers, France) (represented by: J.-P. Le Moigne, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the General Court should:

- annul the decision of 22 November 2016 taken by the European Parliament to waive the applicant's parliamentary immunity and to adopt report No A8-3018/2016 of Mr [X];
- order the European Parliament to pay to Mr Jalkh the sum of EUR 8 000 by way of compensation for the non-material damage suffered;
- order the European Parliament to pay all the costs of the proceedings;
- order the European Parliament to pay to Mr Jalkh, by way of reimbursement of recoverable costs, the sum of EUR 5 000.

**Pleas in law and main arguments**

In support of the action, the applicant relies on nine pleas in law.

1. First plea in law, alleging infringement of Article 9 of the Protocol on the privileges and immunities of the European Communities. The applicant is of the view that the Parliament misapplied the rules on immunity of Members of the French Parliament, and that it intentionally confuses Articles 8 and 9 of Protocol No 7 on the privileges and immunities of the European Union.
2. Second plea in law, based on the necessary application of Article 9 of the Protocol on the privileges and immunities of the European Communities. According to the applicant, the French judicial authorities attribute to him statements which he did not make and which those authorities do not dispute come within the scope of his political activities.

3. Third plea in law, alleging breach of the very concept of parliamentary immunity. The applicant takes the view that the European Parliament feigns ignorance of the fact that, in a democracy, parliamentary immunity offers a twofold immunity from legal proceedings: non-liability and freedom from criminal prosecution.
4. Fourth plea in law, alleging failure to follow the consistent decision-making practice of the Committee on Legal Affairs of the European Parliament on:
  - freedom of expression
  - *fumus persecutionis*
5. Fifth plea in law, alleging failure to respect Community legal certainty and frustration of legitimate expectations.
6. Sixth plea in law, alleging breach of the independence of a Member of Parliament.
7. Seventh plea in law, alleging breach of the provisions of the Rules of Procedure of the European Parliament on the procedure capable of leading to the disqualification of a Member of Parliament from holding office (second subparagraph of Rule 3(4) (new) of those Rules). In the applicant's view, even though an additional penalty of ineligibility is provided for under French law for the offence with which he is charged, the French Government sent no opinion to the President of the Parliament regarding that offence, as the procedure requires, and no competent body of the Parliament (the President, the Legal Committee, the Assembly) has asked the French Government to provide an explanation. The failure to comply with that essential procedural requirement is sufficient to vitiate the report and the contested decision.
8. Eighth plea in law, alleging breach of the applicant's rights of defence. He states that he was not invited when the vote was being taken in the Parliament's plenary session on the request to waive his immunity. He thus had only ten minutes to present his defence, in regard to two cases concerning him, before the Committee on Legal Affairs, after the close of its business, at approximately 18:00.
9. Ninth plea in law, based on the absence of any basis for the charges or for the request for waiver of immunity, in that:
  - first of all, the applicant is neither the publishing director of the paper editions of the Front National ('FN') and its federations nor the publishing director of the websites of the FN federations; nor is he, consequently, the publishing director of the FN federation of 66 (Pyrénées-Orientales); thus, the report adopted by the Parliament is doubly mendacious in that regard;
  - next, he is not the author of the leaflet at issue; its authors, however, are known but were not charged when his immunity was waived;
  - furthermore, the act of bringing charges against elected representatives on the ground that they call in their programme for a change of existing legislation is an extremely dangerous antidemocratic aberration since it undermines freedom of opinion in a particularly serious way.

---

**Action brought on 20 January 2017 — Weber-Stephen Products v EUIPO (iGrill)**

**(Case T-35/17)**

(2017/C 070/39)

*Language of the case: English*

**Parties**

*Applicant:* Weber-Stephen Products LLC (Palatine, Illinois, United States) (represented by: R. Niebel and A. Jauch, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

**Details of the proceedings before EUIPO**

*Trade mark at issue:* International registration No 1 258 162 designating the European Union in respect of the word mark 'iGrill'