



**P10\_TA(2025)0068**

## **Request for the waiver of the immunity of Petras Gražulis**

### **European Parliament decision of 6 May 2025 on the request for the waiver of the immunity of Petras Gražulis (2024/2089(IMM))**

(C/2026/589)

*The European Parliament,*

- having regard to the request of the Prosecutor General of the Republic of Lithuania of 16 September 2024 for the waiver of the immunity of Petras Gražulis in connection with criminal proceedings involving him, and announced in plenary on 24 October 2024,
  - having heard Petras Gražulis on 18 March 2025 in accordance with Rule 9(6) 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013, 19 December 2019 and 5 July 2023 <sup>(1)</sup>,
  - having regard to Article 62 of the Constitution of the Republic of Lithuania,
  - 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 (A10-0078/2025),
- A. whereas, by letter of 16 September 2024, the Prosecutor General of the Republic of Lithuania requested the waiver of the immunity of Petras Gražulis, in connection with an alleged offence under Article 170(2) of the Criminal Code of the Republic of Lithuania, namely publicly ridiculing a group of people and expressing contempt for them on grounds of their sexual orientation;
- B. whereas the application states that Petras Gražulis is accused of publicly making remarks ridiculing, denigrating and humiliating a group of people, and expressing contempt for them on account of their sexual orientation, while in the corridors of the Seimas (parliament) of the Republic of Lithuania (hereinafter ‘the Seimas’) on 26 May 2022, during a discussion with a cameraman at the end of the Seimas session on the registration of civil unions, which was filmed and broadcast by the media; whereas the offence of which Petras Gražulis – at that time a member of the Seimas – is accused dates back to 2022; whereas the preliminary investigation took place in 2022 and 2023, and the case was referred to the Vilnius Regional Court in January 2024; whereas, at that time, Petras Gražulis enjoyed immunity as a member of the Seimas, but on 16 November 2023 the Seimas gave its consent to criminal proceedings being brought against him;
- C. whereas Petras Gražulis was elected to the European Parliament in the European elections in June 2024 and was not a Member of the European Parliament at the time of the alleged offence;
- D. whereas the alleged offence and the subsequent request for the waiver of his immunity are not related to an opinion expressed or a vote cast by Petras Gražulis 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;
- E. whereas Article 9, first paragraph, point (a), of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament;

<sup>(1)</sup> 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. judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115. judgment of the General Court of 5 July 2023, *Puigdemont i Casamajó and Others v Parliament*, T-272/21, ECLI:EU:T:2023:373.

- F. whereas, under Article 62 of the Constitution of the Republic of Lithuania, '[t]he person of a Member of the Seimas shall be inviolable. A Member of the Seimas may not be held criminally liable, arrested, nor may his freedom be otherwise restricted without the consent of the Seimas. A Member of the Seimas may not be persecuted for his voting or his speeches at the Seimas. However, he may be held liable according to the general procedure for personal insult or slander';
- G. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- H. whereas, in accordance with Rule 5(2) of the Rules of Procedure, parliamentary immunity is not a personal privilege of the Member but a guarantee of the independence of Parliament as a whole and of its Members;
- I. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, which is to say factual elements indicating that the intention underlying the legal proceedings in question is to undermine the Member's political activity in his capacity as a Member of the European Parliament;
- J. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant <sup>(2)</sup>;
1. Decides to waive the immunity of Petras Gražulis;
  2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authorities of the Republic of Lithuania and to Petras Gražulis.

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<sup>(2)</sup> Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.