

Wednesday 24 June 2015

P8_TA(2015)0235

Request for the waiver of the immunity of Udo Voigt

European Parliament decision of 24 June 2015 on the request for waiver of the immunity of Udo Voigt (2015/2072(IMM))

(2016/C 407/15)

The European Parliament,

- having regard to the request for waiver of the immunity of Udo Voigt, forwarded on 9 February 2015 by the presiding judge at the Kammergericht of Berlin (Ref. (3) 161 Ss 189/14 (14/15)) and announced in plenary on 25 March 2015,
 - having heard Udo Voigt 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 2013 ⁽¹⁾,
 - having regard to Article 46 of the Basic Law of the Federal Republic of Germany,
 - 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 (A8-0192/2015),
- A. whereas the presiding judge at the Kammergericht of Berlin has submitted a request for waiver of the parliamentary immunity of Udo Voigt in connection with legal action concerning an alleged offence;
- B. whereas, under Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members enjoy, in the territory of their own state, the immunities accorded to members of the parliament of that state;
- C. whereas, under Article 46(2) of the Basic Law of the Federal Republic of Germany, a member of parliament may not be called to account or arrested for a punishable offence without parliamentary permission, save in certain specific circumstances;
- D. whereas Udo Voigt is accused of incitement and collective insults in a publication issued by the National Democratic Party of Germany at the time of the 2006 FIFA World Cup, for which he was responsible as the party chair;
- E. whereas the charges are clearly unrelated to Udo Voigt's position as a Member of the European Parliament and arise from his position as Chair of the National Democratic Party of Germany;
- F. whereas the alleged actions do not relate to opinions expressed or votes cast by the 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, bearing in mind also that the accusation relates to actions carried out in 2006, which is well before Udo Voigt was elected to the European Parliament in 2014;
- G. whereas Udo Voigt claims that the length of the proceedings, which were initiated in 2006, demonstrates a desire to obstruct his parliamentary work; whereas, however, the present request for waiver of immunity is explained by further proceedings which were initiated by a remedy introduced by Udo Voigt himself, and the principle of *nemo auditur propriam turpitudinem allegans* therefore applies to this objection;

⁽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.

Wednesday 24 June 2015

- H. whereas there can be no suspicion of any attempt to obstruct the parliamentary work of Udo Voigt (*fumus persecutionis*) behind the proceedings, as they were initiated a number of years before he assumed his seat in the European Parliament;
1. Decides to waive the parliamentary immunity of Udo Voigt;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Kammergericht of Berlin and to Udo Voigt.
-