

Tuesday 12 March 2019

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Request for waiver of the immunity of Dominique Bilde

European Parliament decision of 12 March 2019 on the request for waiver of the immunity of Dominique Bilde (2018/2267(IMM))

(2021/C 23/28)

The European Parliament,

- having regard to the request for waiver of the immunity of Dominique Bilde, forwarded on 19 October 2018 by the Ministry of Justice of the French Republic on the basis of a request made by the Prosecutor-General at the Paris Court of Appeal and announced in plenary on 12 November 2018, in connection with a case pending before the Examining Magistrates pertaining to a judicial inquiry on grounds of alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of assistants,
 - having heard Jean-François Jalkh, replacing Dominique Bilde, in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Article 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 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 (A8-0166/2019),
- A. whereas the Examining Magistrates at the Paris Regional Court have requested the waiver of the parliamentary immunity of Dominique Bilde in order to hear her in connection with alleged offences;
- B. whereas the request for waiver of the immunity of Dominique Bilde relates to alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of assistants of Members of the European Parliament affiliated to the Front National;
- C. whereas a judicial investigation was launched on 5 December 2016, following a preliminary investigation initiated after a denouncement by the then President of the European Parliament on 9 March 2015 regarding a certain number of parliamentary assistants of Members of the European Parliament affiliated to the Front National;
- D. whereas during a search conducted at the headquarters of the Front National in February 2016, a number of documents were seized in the office of the treasurer of the Front National, which bore witness to the party's desire to make 'savings' through the European Parliament's defrayal of the remuneration of employees of the party by virtue of their capacity as parliamentary assistants; whereas, at this stage in the investigation, it emerged that eight parliamentary assistants carried out virtually no parliamentary assistance work, or did so only as a very small proportion of their overall duties;

(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.

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- E. whereas it emerged that Dominique Bilde's full-time parliamentary assistant from 1 October 2014 to 31 July 2015 was one of the assistants who carried out virtually no parliamentary assistance work; whereas in the Front National's establishment plan published in February 2015, the job title of Dominique Bilde's parliamentary assistant was 'national planning officer', and he worked in the Policy Watch and Planning Unit under the responsibility of another Member of the European Parliament; whereas his contract as a parliamentary assistant was followed by two contracts in connection with the activities of the Front National for the period from August 2015 to 31 December 2016; whereas during the period covered by his contract as a parliamentary assistant, he also performed the following duties: Secretary-General of the *Collectif Marianne*, Secretary-General of the *Collectif Mer et Francophonie* and candidate in the March 2015 departmental elections in the department of Doubs;
- F. whereas the European Parliament suspended payment of the parliamentary assistance expenses related to the contract of Dominique Bilde's parliamentary assistant;
- G. whereas the Examining Magistrates consider it necessary to hear Dominique Bilde;
- H. whereas Dominique Bilde refused to answer the questions put by the investigators when she was heard by them in August 2017, and refused to appear before the Examining Magistrates at a hearing preparatory to her being charged with breach of trust which was due to be held on 24 November 2017, invoking her parliamentary immunity;
- I. whereas, with a view to carrying out the questioning of Dominique Bilde in connection with the charges brought against her, the competent authority lodged an application for her immunity to be waived;
- J. whereas, pursuant to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of their parliament;
- K. whereas Article 26 of the French Constitution states 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. 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';
- L. whereas there is no evidence of nor any reason to suspect *fumus persecutionis*;
1. Decides to waive the immunity of Dominique Bilde;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Minister of Justice of the French Republic and to Dominique Bilde.
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