



TEXTS ADOPTED

P10_TA(2025)0206

Request for the waiver of the immunity of Ilaria Salis

European Parliament decision of 7 October 2025 on the request for the waiver of the immunity of Ilaria Salis (2024/2086(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Ilaria Salis, dated 10 October 2024, submitted by the Budapest-Capital Regional Court in connection with criminal proceedings pending before that court, and announced in Parliament on 22 October 2024,
- having heard Ilaria Salis on 13 February 2025 and having regard to the documents submitted by her, in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to additional information provided by the Budapest-Capital Regional Court,
- 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 2023¹,

¹ 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,

- 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 (A10-0183/2025),
- A. whereas, on 10 October 2024, the Budapest-Capital Regional Court submitted a request for the waiver of the immunity of Ilaria Salis, a Member of the European Parliament elected in Italy, in connection with criminal proceedings pending before that court;
 - B. whereas, according to the request, members of an organisation set up in Germany decided in 2022 to carry out violent coordinated attacks in Budapest against far-right sympathisers, or unidentified persons perceived or suspected to be such, and planned those attacks for 11 February 2023, and the days before and after this day, which celebrates the so-called Day of Honour, a yearly event in Budapest that commemorates an attempted breakout by besieged Nazi troops in 1945 and which is a meetup point for Europe's neo-Nazi scene; whereas, according to the request, Ilaria Salis travelled to Hungary to participate in those coordinated attacks and took part in them on 10 and 11 February 2023; whereas there were reports of altercations and incidents of violence committed by the individuals celebrating the so-called Day of Honour; whereas the Budapest-Capital Regional Court has mentioned that it was nevertheless not aware of any violent acts committed by any participant of the 2023 commemoration of the so-called Day of Honour that would have led to any action being taken against such participant, other than Ilaria Salis and two other defendants in the case;
 - C. whereas, according to the request, Ilaria Salis, one of the three defendants in the case, was charged with three counts of attempted battery causing life-threatening bodily harm in the framework of a criminal organisation, in accordance with the first part of Section 164(8) and in violation of Section 164(1) of Act C of 2012 on the Hungarian Criminal Code, twice as a joint offender and once as an accomplice; whereas the acts allegedly committed by Ilaria Salis therefore constitute criminal offences under the Hungarian Criminal Code;
 - D. whereas Ilaria Salis was elected to the European Parliament in the European elections in June 2024;
 - E. whereas the alleged offences do not constitute, and the subsequent request for the waiver of the immunity of Ilaria Salis is not related to, an opinion expressed or a vote cast by Ilaria Salis in the performance

of her duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

- F. whereas Article 9, first paragraph, 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 Member State, the immunities accorded to members of their parliament and, in the territory of any other Member State, immunity from any measure of detention and from legal proceedings;
- G. whereas, in accordance with Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a personal privilege of the Member, but a guarantee of the independence of the European Parliament as a whole and of its Members;
- H. whereas it follows from the case-law of the Court of Justice of the European Union that Parliament has a 'broad discretion when deciding whether to grant or to refuse a request for waiver of immunity (...), owing to the political nature of such a decision'¹;
- I. whereas, in exercising that broad discretion, Parliament found in this particular case that Ilaria Salis was subjected to harsh detention conditions and measures in the course of the criminal proceedings against her; whereas it appears that the Budapest-Capital Regional Court is not aware of any violent acts committed by any other participant, in particular those commemorating the so-called Day of Honour in 2023, that would have led to any action being taken against them; whereas it appears, therefore, that there is doubt which could not have been dissipated as to the information received; whereas the underlying purpose of the proceedings and ensuing request therefore appears to be to silence Ilaria Salis because of her long-standing political opinions and activism, in particular in opposing the yearly neo-Nazi commemoration authorised to take place in Budapest, which are also at the base of her engagement and political activity in her capacity as a Member of the European Parliament;
- J. whereas it would therefore appear that, in this instance, *fumus persecutionis* can be assumed, which is to say that there is 'concrete evidence'² that the intention underlying the legal proceedings in question is to undermine Ilaria Salis' political activity in her capacity as a Member of the European Parliament;

¹ Judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23, paragraph 59 and the case-law cited.

² Judgment of the Court of Justice of 17 September 2020, *Troszczynski v Parliament*, C-12/19 P, ECLI:EU:C:2020:725, paragraph 26.

- K. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant¹;
1. Decides not to waive the immunity of Ilaria Salis;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority in Hungary and to Ilaria Salis.

¹ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.