



TEXTS ADOPTED

P10_TA(2025)0259

Request for the waiver of the immunity of Grzegorz Braun

European Parliament decision of 13 November 2025 on the request for the waiver of the immunity of Grzegorz Braun (2025/2122(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Grzegorz Braun, received by letter dated 2 June 2025 from the Prosecutor General of Poland, transmitting a request from the District Public Prosecutor's Office in Wrocław in connection with criminal proceedings brought against Grzegorz Braun, and announced in Parliament on 16 June 2025,
- having heard Grzegorz Braun on 13 October 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 2023¹,

- having regard to Article 105(2) and (5) of the Constitution of the Republic of Poland,
 - 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 (A10-0216/2025),
- A. whereas, by letter dated 2 June 2025, the Prosecutor General of Poland has transmitted a request from the District Public Prosecutor's Office in Wrocław for the waiver of the immunity of Grzegorz Braun, Member of the European Parliament elected in Poland, in connection with several alleged offences that occurred in 2025 and in 2023;
- B. whereas, according to the request, on 16 April 2025, on the premises of the District Hospital in Oleśnica, Grzegorz Braun allegedly, together with other persons, prevented a gynaecologist from leaving her office and carrying out her professional duties at the hospital's gynaecology and obstetrics ward; whereas the alleged action constitutes the offence of deprivation of liberty under Article 189(1) of the Polish Criminal Code;
- C. whereas Grzegorz Braun allegedly violated the bodily integrity of the gynaecologist by pushing and restraining her with his hands during and in connection with the performance of her professional duties at the hospital, which included the provision of medical services; whereas the gynaecologist was entitled to the protection provided for public officials in connection with the provision of healthcare services in that facility; whereas the alleged action constitutes an offence under Article 222(1) of the Polish Criminal Code;
- D. whereas Grzegorz Braun allegedly insulted the gynaecologist, using words commonly considered offensive, during and in connection with

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, *Puigdemont i Casamajó and Others v Parliament*, T-272/21, ECLI:EU:T:2023:373.

the performance of her professional duties; whereas the alleged action constitutes an offence under Article 226(1) of the Polish Criminal Code;

- E. whereas Grzegorz Braun allegedly committed slander against the gynaecologist by imputing to her conduct that could undermine the public trust necessary for practising as a doctor and by publicly humiliating her, comparing her to a Nazi criminal who murdered children; whereas the alleged action constitutes an offence under Article 212(1) of the Polish Criminal Code;
- F. whereas, on 18 March 2025, in front of No 4 Market Square in Opole, Grzegorz Braun allegedly damaged 10 posters placed on five metal frames by applying black paint to form the words 'STOP PROPAGANDA OF PERVERSION', causing losses totalling PLN 5 327.19 to the Rainbow Opole Association; whereas the alleged action constitutes an offence under Article 288(1) of the Polish Criminal Code;
- G. whereas, on 14 December 2023, Grzegorz Braun allegedly publicly incited, via the internet, hatred on grounds of religious differences and the commission of the offences of interfering with a religious ceremony, as defined in Article 195(1) of the Polish Criminal Code, and of offending religious feelings, as defined in Article 196 of that Code, by giving an interview on social media concerning, among other things, the alleged use of a fire extinguisher on 12 December 2023 in the Sejm of the Republic of Poland to extinguish the candles on a Hanukkah menorah, which in itself constitutes an offence with regard to which Parliament waived his immunity by a decision taken on 6 May 2025; whereas during the interview, and in relation to that event, Grzegorz Braun allegedly made a statement expressing his approval of and publicly encouraging such behaviour, also describing Hanukkah as a satanic and racist celebration which poses a threat to Polish Catholics and which must be countered; whereas the alleged actions constitute an offence under Article 255(1) of the Polish Criminal Code, in conjunction with Article 256(1) and Article 11(2) of that Code;
- H. whereas Grzegorz Braun was elected to the European Parliament in the European elections of June 2024; whereas Grzegorz Braun was, therefore, a Member of the European Parliament at the time of the alleged offences referred to in recitals B to F; whereas Grzegorz Braun was not a Member of the European Parliament at the time of the alleged offence referred to in recital G;
- I. whereas the alleged offences do not constitute, and the subsequent request for the waiver of the immunity of Grzegorz Braun is not related to, an opinion expressed or a vote cast by Grzegorz Braun 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;

- J. whereas Article 9, first paragraph, point (a), of Protocol No 7 on the Privileges and Immunities of the European Union provides that, during the sessions of the European Parliament, its Members are to enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
 - K. whereas, pursuant to Article 105(2) and (5) of the Polish Constitution, from the day the election results are announced until the day their mandate expires, a deputy cannot be subjected to criminal accountability without the consent of the Sejm, and can be neither detained nor arrested without the consent of the Sejm, except in cases where they have been apprehended in the commission of an offence and in which their detention is necessary to secure the proper course of proceedings;
 - L. 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;
 - M. whereas, in accordance with Rule 5(2) of its Rules of Procedure, the immunity provided for in Protocol No 7 on the Privileges and Immunities of the European Union is not a personal privilege of the Member but a guarantee of the independence of Parliament as a whole, and of its Members;
 - N. whereas, in this case, Parliament 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;
 - O. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;
1. Decides to waive the immunity of Grzegorz Braun;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Poland and to Grzegorz Braun.

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