



TEXTS ADOPTED

P10_TA(2025)0316

Request for the waiver of the immunity of Elisabetta Gualmini

European Parliament decision of 16 December 2025 on the request for the waiver of the immunity of Elisabetta Gualmini (2025/2063(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Elisabetta Gualmini, received by letter dated 27 February 2025 from the Protocol Service of the Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation, transmitting a request from the Belgian Federal Prosecutor's Office in connection with criminal proceedings to be instituted against her, and announced in Parliament on 10 March 2025,
- having heard Elisabetta Gualmini on 4 June 2025 and having regard to the documents submitted by her, in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to the additional information provided by the Belgian Federal Prosecutor by letter dated 27 June 2025,
- 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 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 (A10-0263/2025),
- A. whereas, on 27 February 2025, the Belgian Federal Prosecutor issued a request for the waiver of the immunity of Elisabetta Gualmini, a Member of the European Parliament elected in Italy, in connection with criminal proceedings to be instituted against her;
- B. whereas an ongoing investigation in the context of the so-called Qatargate affair has allegedly revealed the existence of a criminal organisation within the Union institutions, in particular at the European Parliament, the purpose of which was to use its network of influence within the Union institutions, in particular with respect to Members, assistants and officials, with the aim of influencing Parliament's decision-making process in favour of the geopolitical interests of certain third countries;
- C. whereas, according to the request for the waiver of the immunity of Elisabetta Gualmini, it has allegedly emerged in the course of that investigation that Elisabetta Gualmini may have been involved in acts of corruption by accepting that the alleged criminal organisation exercise its influence in order for her to obtain the post of vice-president of her political group in October 2022, in exchange for wielding influence from that post within that political group in the interest of that alleged criminal organisation; whereas the process of appointing a vice-president of the political group in question is, in fact, based on a detailed and established procedure culminating in a decision taken by the political group's plenary in an open and transparent manner; whereas it appears that the post of vice-president of the political group in question became vacant on 12 October 2022; whereas, following the established procedure, the political group appointed Elisabetta Gualmini as its vice-president on 18 October 2022; whereas, just after her appointment, Elisabetta

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.

Gualmini reportedly thanked the presumed leading member of the alleged criminal organisation for the alleged support and advice received in that context; whereas the presumed leader of the alleged criminal organisation held no office within Parliament from 1 July 2019 onwards and, moreover, belonged to a different national political party than Elisabetta Gualmini, but, as is implied in the request, without it being further explained, allegedly wielded a wide-ranging influence over the entire process of the appointment of a vice-president of that political group;

- D. whereas the alleged criminal organisation, through its presumed network of influence, allegedly tried, as suggested in the request, without it being further explained, to impose Elisabetta Gualmini as chair of her political group's meeting on 16 November 2022, the purpose of which was to determine the group's position regarding the political appropriateness of holding a plenary debate on the situation in Qatar and voting on an urgent resolution on that topic; whereas she allegedly requested and/or agreed to receive instructions as to the content of her statements at that meeting and allegedly used arguments dictated to her in the sense that it would be inappropriate to hold a plenary debate on Qatar and to have a resolution on the topic; whereas it became known in the course of the procedure that Elisabetta Gualmini did not, in fact, chair that meeting as that role was assumed by another vice-president of the political group in question, and whereas it seems that the role of Elisabetta Gualmini in that meeting was merely to present the point on the agenda of the political group's meeting on the preparation for the November II 2022 plenary session; whereas, in addition, the conclusion that Elisabetta Gualmini seems to have presented after the discussion that took place at the political group meeting in question contradicted the instructions allegedly received from the alleged criminal organisation;
- E. whereas, according to the request, Elisabetta Gualmini is suspected of having allegedly committed, between 1 July 2019 and 10 December 2022, unlawful acts which may be classified under Belgian law as participation in the activity of a criminal organisation and as passive bribery, criminal offences under, respectively, Articles 324bis and 324ter and Articles 246 to 250 of the Belgian Criminal Code; whereas both the request and the additional information received from the Belgian Federal Prosecutor provide only indications of alleged acts concerning the period from 4 October to 2 December 2022, leaving the period before 4 October 2022 without any substantiation; whereas there is therefore an inconsistency between the period in which the alleged offence was committed and the justification provided in the reasons for the request for the waiver of the immunity;

- F. 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;
- G. whereas the purpose of the parliamentary immunity provided for in Protocol No 7 on the Privileges and Immunities of the European Union 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 Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament are not to be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties; whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union constitutes a special provision intended to protect the freedom of expression and the independence of Members of the European Parliament³;
- I. whereas the alleged offences do not constitute, and the subsequent request for the waiver of the immunity of Elisabetta Gualmini is therefore not related to, an opinion expressed or a vote cast by her 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;
- J. whereas Article 9, first paragraph, point (b), 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 any Member State other than their own, immunity from any measure of detention and from legal proceedings;
- K. whereas, in accordance with Rule 5(2) of Parliament's 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;
- L. whereas it follows from the case-law of the Court of Justice of the European Union that Parliament enjoys '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'⁴;

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

³ Judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543, point 26.

⁴ Judgment of the Court of Justice 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.

- M. whereas any conclusion on the request for the waiver of the immunity of Elisabetta Gualmini needs to be drawn on the basis of the information and explanations provided in this case, in particular those provided by the Belgian Federal Prosecutor; whereas the description of the alleged facts and ensuing conclusions in the request for the waiver, in the absence of more detailed explanations, seem to be inconsistent, to rely on assumptions or insinuations and to disrespect the established political processes within Parliament with regard to the appointment of vice-presidents of political groups and the preparation and conclusion of internal positions within a political group; whereas no clear *quid pro quo* seems to have been demonstrated, and whereas no personal benefit to Elisabetta Gualmini that would result unequivocally from the alleged facts presented in the request has been sufficiently shown;
- N. whereas, moreover, the alleged facts put forward in the request for the waiver of the immunity of Elisabetta Gualmini disrespect the inseparable context and link to the regular political activities of a political group or to the regular political activities conducted by the Members within a political group; whereas political groups in Parliament are formed under and are governed by its Rules of Procedure, play a central role in the internal organisation and work of Parliament as an institution and are instrumental to its core democratic function; whereas, in particular, political groups carry out their duties as part of the activities of the Union, including the tasks allocated to them by Parliament's Rules of Procedure;
- O. whereas the purpose of parliamentary immunity is not to shield wrongdoing but to shield the democratic functioning of Parliament;
- P. whereas, on the basis of the foregoing, the inconsistencies as regards the period in which the alleged offence was committed and the justification provided, the uncertainties as to the elements on which the request for the waiver of the immunity of Elisabetta Gualmini is based, and the reasons for the request, as well as the lack of sufficient evidence or explanations for the alleged wrongdoing, including in the context of the established political processes, raise concerns that the intention behind the proceedings may have been to damage the reputation of the Member concerned and indicate that there is a lack of sufficient elements for Parliament to reach a serious and well-founded ground to waive the immunity of Elisabetta Gualmini;
- Q. whereas it would therefore appear that, in this instance, *fumus persecutionis* can be assumed, i.e. there is 'concrete evidence'⁵ that the intention underlying the legal proceedings in question is to undermine the political activity of Elisabetta Gualmini and, therefore, that of Parliament as a whole, including of its internal

⁵ Judgment of the Court of Justice of 17 September 2020, *Troszczynski v Parliament*, C-12/19 P, ECLI:EU:C:2020:725, paragraph 26.

political decision-making process expressed through the established and regular work of a political group;

1. Decides not to waive the immunity of Elisabetta Gualmini;
2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Kingdom of Belgium and to Elisabetta Gualmini.