



TEXTS ADOPTED

P10_TA(2026)0027

Request for the waiver of the immunity of Petr Bystron

European Parliament decision of 10 February 2026 on the request for the waiver of the immunity of Petr Bystron (2025/2077(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Petr Bystron, received by letter dated 24 October 2024 from the German Federal Ministry of Justice, transmitting a request from the Chief Public Prosecutor in Munich in connection with criminal proceedings brought against Petr Bystron, and announced in plenary on 3 April 2025,
- having regard to the fact that Petr Bystron is deemed to have renounced his right to be heard, 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,

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.

- having regard to Article 46 of the Basic Law for 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 (A10-0009/2026),
- A. whereas the German Federal Ministry of Justice has transmitted a request from the Chief Public Prosecutor in Munich for the waiver of the immunity of Petr Bystron, Member of the European Parliament elected in Germany, in connection with alleged acts which may amount to fraud under Section 263(1) of the German Criminal Code, regarding an alleged false declaration in connection to the disbursement of a flat-rate allowance;
 - B. whereas, according to the request, Petr Bystron was a member of the German Bundestag from 2017 to July 2024; whereas in his capacity as a member of the German Bundestag, he was entitled, under Section 12(3) of the Members of the Bundestag Act (AbgG), to a flat-rate allowance covering, inter alia, the employment of staff; whereas, on 10 November 2021, Petr Bystron signed an employment contract to engage a staff member as a 'clerical officer/typist' in his constituency office in Munich; whereas it is alleged that by submitting the employment contract to the Bundestag administration, Petr Bystron expressly declared that that staff member would be working as a clerical officer/typist in his constituency office; whereas the request indicates that, in fact, that staff member did not work as a clerical officer/typist; whereas it is alleged that because of the incorrect information in the employment contract, the Bundestag administration assumed, wrongly, that the conditions under Section 12(3) AbgG for disbursement of the flat-rate allowance had been met and therefore gave instructions for salary payments to be made to the staff member (approximately EUR 14 850 in total); whereas, according to the request, those circumstances were known to Petr Bystron and he is thus suspected of intentionally making a false declaration;
 - C. whereas Petr Bystron was elected to the European Parliament in the European elections of June 2024 and was not a Member of the European Parliament at the time of the alleged offence;
 - D. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity of Petr Bystron is not related to, an opinion expressed or a vote cast by him 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;
 - E. 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, Members of the European Parliament are to enjoy, in the territory of their own state, the immunities accorded to members of the parliament of their Member State;

F. whereas Article 46(2), (3) and (4) of the Basic Law for the Federal Republic of Germany provides that:

‘(2) A Member may not be called to account or arrested for a punishable offence without permission of the Bundestag unless he is apprehended while committing the offence or in the course of the following day.

(3) The permission of the Bundestag shall also be required for any other restriction of a Member’s freedom of the person or for the initiation of proceedings against a Member under Article 18.

(4) Any criminal proceedings or any proceedings under Article 18 against a Member and any detention or other restriction of the freedom of his person shall be suspended at the demand of the Bundestag.’;

G. whereas the purpose of the 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, in accordance with Rule 5(2) of the Rules of Procedure, parliamentary immunity is not a personal privilege of a Member but a guarantee of the independence of Parliament as a whole and of its Members;

I. 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;

J. 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 Petr Bystron;

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

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Federal Republic of Germany and to Petr Bystron.