



TEXTS ADOPTED

P10_TA(2026)0088

Request for the waiver of the immunity of Grzegorz Braun

European Parliament decision of 26 March 2026 on the request for the waiver of the immunity of Grzegorz Braun (2025/2192(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Grzegorz Braun, received by letter dated 4 September 2025 from the Prosecutor General of Poland, transmitting a request from the Kraków Branch of the Institute of National Remembrance, Commission for the Prosecution of Crimes against the Polish Nation (Oddział Instytutu Pamięci Narodowej w Krakowie - Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu) in connection with criminal proceedings brought against him and announced in Parliament on 6 October 2025,
- having regard to the fact that Grzegorz Braun 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 and 19 December 2019¹,

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

- 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 (A10-0076/2026),
- A. whereas, by letter dated 4 September 2025, the Prosecutor General of Poland has transmitted a request from the Kraków Branch of the Institute of National Remembrance, Commission for the Prosecution of Crimes against the Polish Nation (Oddział Instytutu Pamięci Narodowej w Krakowie - Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu), 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;
 - B. whereas, according to the request, it is alleged that on 10 July 2025 in Jedwabne (Podlaskie Province), during a radio interview, Grzegorz Braun publicly and contrary to the facts denied the crimes of genocide committed between 1941 and 1944 by officers of Germany's Third Reich in the concentration and extermination camp KL Auschwitz-Birkenau in Auschwitz; whereas the alleged action constitutes an offence under Article 55 of the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation;
 - C. whereas, according to the request, it is alleged that on 14 July 2025 in Warsaw, and via a podcast interview, Grzegorz Braun publicly and contrary to the facts denied the crimes of genocide committed between 1941 and 1944 by officers of Germany's Third Reich in the concentration and extermination camp KL Auschwitz-Birkenau in Auschwitz; whereas the alleged action constitutes an offence under Article 55 of the Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation;
 - D. whereas Grzegorz Braun was elected to the European Parliament in the European elections of June 2024, and therefore was a Member of the European Parliament at the time of the alleged offences;
 - E. 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 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;

- F. 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 the parliament of their Member State;
 - G. whereas, pursuant to Article 105(2) and (5) of the Constitution of the Republic of Poland, 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 neither be detained nor arrested without the consent of the Sejm, except in cases where they have been apprehended while committing an offence and in which their detention is necessary to secure the proper course of proceedings;
 - H. 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;
 - I. whereas, in accordance with Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole, and of its Members;
 - J. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, that is to say factual elements indicating that the intention underlying the legal proceedings in question is to undermine Grzegorz Braun's political activity as a Member of the European Parliament;
 - K. whereas Parliament cannot assume the role of a court and, 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.