



TEXTS ADOPTED

P10_TA(2026)0110

Request for the waiver of the immunity of Alvis Pérez

European Parliament decision of 28 April 2026 on the request for the waiver of the immunity of Alvis Pérez (2025/2222(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Alvis Pérez (Luis Pérez Fernández), submitted by the Supreme Court of Spain by letter dated 7 October 2025, in connection with criminal proceedings to be brought against him and announced in Parliament on 22 October 2025,
- having heard Alvis Pérez on 24 March 2026, 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,
- having regard to Article 71(1) and (2) of the Spanish Constitution,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of

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.

Procedure,

- having regard to the report of the Committee on Legal Affairs (A10-0119/2026),
- A. whereas, by letter dated 7 October 2025, the President of the Supreme Court of Spain requested the waiver of the immunity of Alvis Pérez, Member of the European Parliament elected in Spain, in connection with alleged offences that occurred in 2024;
- B. whereas the request indicates that in January and in February 2024 the administrator of a Telegram channel called '*Alvis Pérez Chat*' allegedly published statements indicating the names of 'those responsible for the ideological persecution known as hate crimes', referring in particular to the delegated public prosecutor for hate crimes in Valencia; whereas the statements published on that channel generated an immediate reaction from numerous followers of the channel, who sent more than 1 500 comments to that delegated public prosecutor, mostly of an insulting nature; whereas the alleged conduct might constitute the offences of harassment or stalking, incitement to commit assault against an authority or a public official, coercion and/or spreading hate via social media, pursuant to Article 172-ter and to Article 18(1) of the Spanish Criminal Code in connection with Article 553 of the Spanish Criminal Code;
- C. whereas Alvis Pérez was elected to the European Parliament in the European elections of June 2024 and was, therefore, not a Member of the European Parliament at the time of the alleged offences;
- D. whereas the alleged offences do not constitute, and the subsequent request for the waiver of the immunity of Alvis Pérez 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, its Members are to enjoy, in the territory of their own Member State, the immunities accorded to members of the parliament of their Member State;
- F. whereas Article 71(1) and (2) of the Spanish Constitution provides that:
 - '(1). Deputies and senators shall enjoy absolute privilege in respect of opinions expressed in the performance of their duties.
 - (2). During their term of office, deputies and senators shall also have immunity and may only be arrested only if they are found in the act of committing an offence. They cannot be charged or prosecuted without the prior authorization of the relevant legislative chamber';

- 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 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;
 - I. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, that is to say it does not appear that the intention underlying the legal proceedings in question is to damage Alvisé Pérez's political activity as a Member of the European Parliament and thus Parliament's independence;
 - J. 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 Alvisé Pérez;
 - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authorities of the Kingdom of Spain and to Alvisé Pérez.

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