



TEXTS ADOPTED

P10_TA(2026)0164

Request for the waiver of the immunity of Harald Vilimsky

European Parliament decision of 19 May 2026 on the request for the waiver of the immunity of Harald Vilimsky (2025/2158(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Harald Vilimsky, received by letter of 1 July 2025 from the Permanent Representation of Austria to the European Union, transmitting a request from the Public Prosecutor's Office in Vienna in connection with criminal proceedings to be brought against Harald Vilimsky, and announced in plenary on 9 July 2025,
- having heard Harald Vilimsky on 15 April 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 Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

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: 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.

- having regard to the report of the Committee on Legal Affairs (A10-0125/2026),
- A. whereas the Permanent Representation of Austria to the European Union has transmitted a request from the Public Prosecutor's Office in Vienna for the waiver of the immunity of Harald Vilimsky, Member of the European Parliament elected in Austria, in connection with alleged acts of embezzlement, constituting offences under Article 153(1) and (3) of the Austrian Criminal Code, on the basis of his alleged participation in the offences within the meaning of Article 12 of that Code;
- B. whereas, according to the request, following previous requests from the Public Prosecutor's Office in Vienna in 2021 for the immunity of Harald Vilimsky to be waived as well as the decision of the European Parliament of 11 November 2021 waiving his immunity, and in view of the emergence of new facts, it is appropriate for the waiver of the immunity of Harald Vilimsky also to be requested on the basis of the new evidence ; whereas, according to information gathered from the investigation, Harald Vilimsky is suspected of having abused his power by using funds of his political party FPÖ (Freiheitliche Partei Österreichs - Die Freiheitlichen) for purposes unrelated to its activities on dates in 2013 which have yet to be precisely established, in particular by authorising payments of a private nature and unrelated to the party's activities concerning the installation of a door and lock at his private address, thereby causing damage amounting to a total of EUR 9 434 to the FPÖ's assets;
- C. whereas Harald Vilimsky was elected to the European Parliament in the May 2019 European elections and re-elected in June 2024, and was, therefore, not a Member of the European Parliament at the time of the alleged offences;
- D. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity of Harald Vilimsky 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 57(2) and (3) of the Austrian Constitution provides that:
 - '2. *Members of the National Council may be arrested for a criminal offense only with the consent of the National Council, unless they are caught in the act of committing a felony. Members of*

the National Council are also immune from any search of premises, except with the consent of the National Council.

3. *In all other cases, members of the National Council may be prosecuted for a criminal offence without the consent of the National Council only where the offence is manifestly unconnected with the member's political activity. However, the prosecuting authority shall obtain a decision from the National Council on whether such a connection exists if the member concerned, or one third of the members of the standing committee responsible for such matters, so requests. Upon such a request, the prosecuting authority shall immediately refrain from taking any action or discontinue any action already initiated.'*
- 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 that are 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 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 is to damage Harald Vilimsky'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 Harald Vilimsky;
2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the competent authority of the Republic of Austria and to Harald Vilimsky.

² Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266, paragraph 91.