



TEXTS ADOPTED

P10_TA(2026)0165

Request for the waiver of the immunity of Angelika Niebler

European Parliament decision of 19 May 2026 on the request for the waiver of the immunity of Angelika Niebler (2025/2175(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Angelika Niebler, submitted by the European Chief Prosecutor by a letter dated 21 July 2025 and confirmed by a letter dated 1 September 2025, in connection with a preliminary investigation to be brought against Angelika Niebler, and announced in Parliament on 10 September 2025,
- having heard Angelika Niebler 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 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office¹, and in particular Article 29(2) thereof,
- having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010,

¹ OJ L 283, 31.10.2017, p. 1.

- 6 September 2011, 17 January 2013 and 19 December 2019²,
- 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 (A10-0127/2026),
- A. whereas, by letter dated 21 July 2025 and confirmed by letter dated 1 September 2025, the European Chief Prosecutor submitted a request for the waiver of the immunity of Angelika Niebler, Member of the European Parliament elected in Germany, in connection with alleged offences that occurred between 2017 and 2025;
- B. whereas, according to the request, based on information provided by a private party who worked for Angelika Niebler from August 2021 until September 2023, Angelika Niebler, in the period from 2017 onwards, namely from the 8th to the 10th parliamentary terms, allegedly improperly claimed the reimbursement of travel expenses for journeys to Strasbourg and Brussels, allegedly temporarily deployed accredited parliamentary assistants and local assistants for private purposes or purposes not linked to the role of Member of the European Parliament or to the performance of parliamentary duties, and, furthermore, allegedly employed a local assistant whose salary was paid by the European Parliament for Angelika Niebler yet who allegedly worked exclusively for a former Member of the European Parliament of the same party; whereas according to the request, on the basis of the information provided, there is an initial suspicion of Angelika Niebler having used parliamentary assistance expenses contrary to Article 29(2) of the Decision of the Bureau of 11 September 2023 concerning the Implementing Measures for the Statute for Members of the European Parliament³; whereas,

² 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.

³ Decision of the Bureau of 11 September 2023 concerning the Implementing Measures for the Statute for Members of the European Parliament and repealing the Decision of the Bureau of 19 May and 9 July 2008 (OJ C, C/2024/2814, 26.4.2024, ELI: <http://data.europa.eu/eli/C/2024/2814/oj>).

therefore, the alleged actions could constitute the criminal offence of fraud under Section 263(1) and (3) of the German Criminal Code;

- C. whereas Angelika Niebler was elected to the European Parliament in the May 2014 European elections and re-elected in May 2019 and June 2024 and was, therefore, 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 Angelika Niebler is 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;
- 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 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 the 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 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 any conclusion needs to be drawn on the basis of the information and explanations provided in the case in question; whereas there are serious uncertainties as to the elements and

motives underlying the complaint that has led to the request for the waiver of immunity, including its anonymous nature, which precludes a meaningful assessment of the complaint and makes it impossible to rule out the possibility that the complaint might have been initiated by a private individual with a direct political motivation to compromise Angelika Niebler; whereas, furthermore, the timing and selective nature of the complaint reinforce those concerns, particularly in the light of Angelika Niebler's prominent political role; whereas the inconsistencies in the request, including a conspicuous lack of precision as to the exact financial sums in question, as well as the specific circumstances of the alleged misconduct, raise concerns that the intention behind the proceedings may be to damage the reputation of Angelika Niebler;

- J. whereas it would therefore appear that, in this instance, *fumus persecutionis* can be assumed, i.e. there is 'concrete evidence'⁴ that the intention underlying the legal proceedings is to damage Angelika Niebler's political activity in her capacity as a Member of the European Parliament and thus Parliament's independence;
- K. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant⁵;
- 1. Decides not to waive the immunity of Angelika Niebler;
- 2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the European Public Prosecutor's Office and to Angelika Niebler.

⁴ Judgment of the Court of Justice of 17 September 2020, *Troszczynski v Parliament*, C-12/19 P, ECLI:EU:C:2020:725, paragraph 26.

⁵ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.