



TEXTS ADOPTED

P10_TA(2026)0167

Request for the waiver of the immunity of Alvisé Pérez

European Parliament decision of 19 May 2026 on the request for the waiver of the immunity of Alvisé Pérez (2025/2236(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Alvisé Pérez (Luis Pérez Fernandez) submitted by the Supreme Court of Spain by letter of 31 October 2025 in connection with criminal proceedings and announced in plenary on 12 November 2025,
- having regard to the fact that Alvisé Pérez 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,
- 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 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: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 (A10-0129/2026),
- A. whereas, by letter dated 31 October 2025, the President of the Supreme Court of Spain submitted a request for the waiver of the immunity of Alvisé Pérez, Member of the European Parliament elected in Spain, in connection with alleged offences that occurred in 2024;
- B. whereas the request states that, between 7 April 2024 and 27 May 2024, Alvisé Pérez allegedly maintained links with an advisor acting on behalf of natural and legal persons with a view to obtaining economic benefits through tax optimisation schemes with the aim of creating a 'portfolio' to raise funds to finance the electoral campaign of the political party founded by Alvisé Pérez called '*Se Acabó La Fiesta*' (The Party is Over); whereas, according to the request, the advisor who set up this 'portfolio' is alleged to have paid an advance sum of EUR 100 000 to Alvisé Pérez for that political party in view of the European elections; whereas the alleged facts may constitute offences of illegal funding of a political party under Article 304a(1) of the Spanish Criminal Code and an electoral offence under Article 149(1) of Spanish Organic Law No 5/1985 of 19 June 1985 on the general electoral system; whereas the investigation procedure was initiated by order of 20 September 2024;
- C. whereas Alvisé Pérez was elected to the European Parliament in the June 2024 European elections 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 Alvisé 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 if they are found in the act of committing an offence. They cannot be charged or prosecuted*

without the prior authorisation 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 that are carried out in the performance of parliamentary duties and which cannot be separated from those;
 - 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 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 authority 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.