



TEXTS ADOPTED

P10_TA(2026)0192

Request for the waiver of the immunity of Daniel Attard

European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Daniel Attard (2025/2097(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Daniel Attard, received by letter dated 6 May 2025 from the Belgian Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation, transmitting a request, dated 16 April 2025, from the Belgian Federal Prosecutor's Office in connection with criminal proceedings to be instituted against Daniel Attard, and announced in Parliament on 21 May 2025,
- having regard to the additional information provided by the Federal Prosecutor and the Investigating Judge during an exchange of views on 15 July 2025, and the reply provided on 18 September 2025 by the Federal Prosecutor following a further written request for information; having regard to the fact that a request for the waiver of a Member's immunity must meet certain standards, in particular, it must be formulated clearly, including with regard to the legal framework on which the request is based, and must provide clear and sufficient elements and information for Parliament to be in a position to examine the request in order to reach a conclusion and to conclude that examination as quickly as possible, also bearing in mind the relative complexity of the case,
- having heard Daniel Attard on 3 December 2025 and having regard to the documents submitted by him, in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to the letter of 5 March 2026 from the Federal Prosecutor correcting erroneous allegations against Daniel Attard originally included in the reply provided on 18 September 2025,
- 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,
 - having regard to the report of the Committee on Legal Affairs (A10-0152/2026),
- A. whereas on 6 May 2025 the Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation transmitted a request from the Federal Prosecutor, dated 16 April 2025, for the waiver of the immunity of Daniel Attard, a Member of the European Parliament elected in Malta, in connection with criminal proceedings to be instituted against him;
- B. whereas a broad investigation concerning the company Huawei allegedly yielded serious evidence of the existence of a criminal organisation whose purpose was allegedly to influence the decisions of Union institutions by engaging in the corruption of Members of the European Parliament; whereas that investigation appears to have brought to light several acts of alleged corruption presumed to have been committed on a regular basis from 2021 until 2024; whereas the corruption scheme allegedly took various forms, including the invitation of Members of the European Parliament to events supported by Huawei, supposedly in return for taking political positions in favour of that company, and excessive gifts such as food and travel expenses or regular invitations to football matches outside the framework of the European Parliament;
- C. whereas, according to the request for the waiver of immunity, on 25 September 2024 Daniel Attard attended a football match at a stadium in Brussels, together with his accredited parliamentary assistant, a Huawei representative and two other people; whereas, according to the request, they were present in a box rented at a cost of EUR 45 000 per season by Huawei, allegedly through an intermediary company allegedly for the purpose of facilitating contact with certain Members of the European Parliament; whereas

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.

the defrayal of the costs incurred in attending the football match – the exact amount of which was unknown to the authority requesting the waiver of immunity – does not appear to have been declared by Daniel Attard to the European Parliament;

- D. whereas it was not until the Federal Prosecutor provided additional information in reply to a written request for further information that it was indicated that the alleged actions of Daniel Attard could amount to passive public bribery, a criminal offence under Article 246(1) of the Belgian Criminal Code;
- E. whereas Daniel Attard was elected to the European Parliament in the June 2024 European elections and was, therefore, a Member of the European Parliament at the time of the alleged offence;
- F. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;
- G. whereas the purpose of the parliamentary 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 Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament are not to be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties; whereas the alleged offence does not concern an opinion expressed or vote cast by Daniel Attard in the performance of his duties within the meaning of Article 8 of that Protocol;
- J. whereas Article 9, first paragraph, point (b), 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 any Member State other than their own, immunity from any measure of detention and from legal proceedings;
- K. whereas any conclusion regarding the immunity of Daniel Attard needs to be drawn on the basis of the request for the waiver of

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

immunity and on the basis of the information and explanations provided in this case, including the replies given by the Federal Prosecutor, both during the exchange of views and in the additional information provided in writing; whereas there is a flagrant scarcity of concrete elements in the request for the waiver of the immunity; whereas the subsequent oral and written exchanges with the Federal Prosecutor did not disperse the considerable uncertainty as to the various elements contained in the request for the waiver of the immunity of Daniel Attard; whereas the allegations first communicated in the reply of 18 September 2025 turned out to be based on mistaken identity, as revealed in the letter of 5 March 2026, which further exacerbated the serious doubts surrounding the line of argument underlying the initial request;

- L. whereas, on the basis of the foregoing, the sum of information presented did not allow Parliament to confidently arrive at a sufficiently informed decision to waive the immunity of Daniel Attard; whereas the considerable uncertainty as to the various elements of this case could, moreover, be of such a nature as to indicate the existence of *fumus persecutionis*;
- 1. Decides not to waive the immunity of Daniel Attard;
- 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Kingdom of Belgium and to Daniel Attard.