



TEXTS ADOPTED

P10_TA(2026)0236

Request for the waiver of the immunity of Siegbert Frank Droese

European Parliament decision of 7 July 2026 on the request for the waiver of the immunity of Siegbert Frank Droese (2026/2019(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Siegbert Frank Droese, received by letter dated 15 January 2026 from the German Federal Ministry of Justice and Consumer Protection, transmitting a request dated 2 December 2025 from the Dresden Regional Court and announced in plenary on 11 February 2026,
- having regard to the fact that Siegbert Frank Droese is deemed to have renounced his right to be heard, in accordance with Rule 9(6) of its Rules of Procedure,
- having regard to Article 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 46 of the Basic Law for the Federal Republic

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.

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 (A10-0193/2026),
- A. whereas on 15 January 2026 the German Federal Ministry of Justice and Consumer Protection transmitted a request from the Dresden Regional Court for the waiver of the immunity of Siegbert Frank Droese, Member of the European Parliament elected in Germany, in connection with an appeal lodged by him in criminal proceedings;
- B. whereas by judgment of the Dresden Local Court of 26 April 2024 Siegbert Frank Droese was convicted of two separate counts of insult and ordered to pay a fine; whereas Siegbert Frank Droese lodged an appeal against that judgment by means of a written submission from his defence counsel on 3 May 2024;
- C. whereas Siegbert Frank Droese was elected to the European Parliament in the June 2024 European elections; whereas he was not a Member of the European Parliament at the time of the conviction by judgment of the Dresden Local Court of 26 April 2024, nor at the time of lodging an appeal against it; whereas, following the election of Siegbert Frank Droese to the European Parliament and according to the request from the Dresden Regional Court, the conduct of the appeal proceedings requires that the immunity of Siegbert Frank Droese be waived;
- D. whereas the acts underlying the alleged offences occurred before Siegbert Frank Droese became a Member of the European Parliament and, therefore, do not constitute, and the subsequent request for the waiver of his immunity 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 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 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 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 Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;
- J. whereas it appears that, in this instance, *fumus persecutionis*, i.e. that the intention underlying the legal proceedings is to damage the Member's political activity as a Member of the European Parliament and thus Parliament's independence, cannot be assumed;
1. Decides to waive the immunity of Siegbert Frank Droese;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Federal Republic of Germany and to Siegbert Frank Droese.

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