



TEXTS ADOPTED

P10_TA(2026)0237

Request for the waiver of the immunity of Ilhan Kyuchyuk

European Parliament decision of 7 July 2026 on the request for the waiver of the immunity of Ilhan Kyuchyuk (2026/2000(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Ilhan Kyuchyuk, submitted by the European Chief Prosecutor on 24 November 2025 in connection with an ongoing investigation concerning Ilhan Kyuchyuk, and announced in plenary on 15 December 2025,
- having heard Ilhan Kyuchyuk on 3 June 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, ELI:
<http://data.europa.eu/eli/reg/2017/1939/oj>.

- 6 September 2011, 17 January 2013 and 19 December 2019²,
- having regard to Article 70(1) of the Constitution of the Republic of Bulgaria,
 - 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 (A10-0194/2026),
- A. whereas on 24 November 2025 the European Chief Prosecutor submitted a request for the waiver of the immunity of Ilhan Kyuchyuk, Member of the European Parliament elected in Bulgaria, in connection with an ongoing investigation into several alleged criminal offences involving the misuse of Union funds;
- B. whereas, according to the request, an investigation conducted in Bulgaria by the European Delegated Prosecutor allegedly found that all local assistants of Ilhan Kyuchyuk worked in offices managed by a national political party, with most work-related expenses covered by that party while Ilhan Kyuchyuk allegedly paid only their salaries; whereas it is also alleged that many local assistants held public roles within that party for which they received separate remuneration; whereas the investigation concerns a period of more than 10 years;
- C. whereas, according to the request, the alleged facts could constitute criminal offences of '[n]on-procurement fraud – false/incorrect/incomplete statements/documents', as well as the misappropriation of Union funds and corruption, offences punishable under Article 248a of the Bulgarian Criminal Code; whereas the request also refers to 'involvement in acts against the sovereignty and security of the European Union';
- D. whereas Ilhan Kyuchyuk was elected to the European Parliament in the May 2014 European elections and re-elected in May 2019 and again in June 2024, and was, therefore, a Member of the European Parliament at the time of the alleged offences;
- E. whereas Article 8 of Protocol No 7 on the Privileges and Immunities

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.

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;

- F. whereas the alleged offences do not constitute, and the subsequent request for the waiver of the immunity of Ilhan Kyuchyuk 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;
- G. 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;
- H. whereas Article 70(1) of the Constitution of the Republic of Bulgaria provides that a 'Member of the National Assembly shall be immune from detention or criminal prosecution except for the perpetration of a criminal offence, and in such case the permission of the National Assembly or, in between its session, of the Chairperson of the National Assembly, shall be required.';
- I. 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;
- J. 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;
- K. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant³;
- L. whereas the request for the waiver of immunity has been submitted by the European Chief Prosecutor following an investigation by the European Delegated Prosecutor in Bulgaria; whereas it is public knowledge that the Bulgarian European Prosecutor was temporarily suspended in March 2025, pending an investigation into potential misconduct, and whereas in February 2026 the College of the European Public Prosecutor's Office found the Bulgarian European Prosecutor guilty of serious misconduct; whereas, as noted in the request for the waiver of immunity, Ilhan Kyuchyuk is a member of

³ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

the Bulgarian political party Movement for Rights and Freedoms; whereas it would seem that Ilhan Kyuchyuk came under attack in Bulgaria by a political opponent within that party in relation to a situation in that party which Ilhan Kyuchyuk publicly denounced; whereas Ilhan Kyuchyuk seems to have been subjected to unfounded accusations and attacks in Bulgaria at the time when his name was put forward to become the Chair of the European Parliament's Committee on Legal Affairs; whereas he seems to have been exposed to gravely disproportionate anti-corruption checks in Bulgaria but no wrongdoing was ever found;

- M. whereas the grave doubts surrounding the request for the waiver of immunity after the finding of serious misconduct on the part of the Bulgarian European Prosecutor – under whose supervision the investigation giving rise to the request was made – combined with the context in which the request was made, the conspicuous lack of precision of the facts under investigation and of the alleged criminal offences as presented in the request, as well as the disproportionate reputational impact, constitute a set of serious and objective indications that the investigation may have been initiated with the motivation to deliberately compromise Ilhan Kyuchyuk;
 - N. whereas it would therefore appear that, in this instance, *fumus persecutionis* can be assumed, i.e. that the intention underlying the legal proceedings is to damage Ilhan Kyuchyuk's political activity in his capacity as a Member of the European Parliament and thus Parliament's independence;
1. Decides not to waive the immunity of Ilhan Kyuchyuk;
 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 Ilhan Kyuchyuk.