



TEXTS ADOPTED

P10_TA(2026)0272

Request for the waiver of the immunity of Matej Tonin

European Parliament decision of 15 September 2026 on the request for the waiver of the immunity of Matej Tonin (2026/2030(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Matej Tonin, received by letter dated 12 February 2026 from the Slovenian Permanent Representation to the European Union, transmitting a request from the Specialised Public Prosecutor's Office of the Republic of Slovenia in connection with criminal proceedings to be brought against Matej Tonin and announced in Parliament on 9 March 2026,
- having heard Matej Tonin on 3 June 2026 and having regard to the documents submitted by him, 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,

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 Article 83 of the Constitution of the Republic of Slovenia,
 - 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 (A10-0217/2026),
- A. whereas the Slovenian Permanent Representation to the European Union has transmitted a request from the Specialised Public Prosecutor's Office of the Republic of Slovenia for the waiver of the immunity of Matej Tonin, Member of the European Parliament elected in the Republic of Slovenia, in connection with alleged offences that took place in 2023;
- B. whereas, according to the request, Matej Tonin, in his capacity as member of the Slovenian Parliamentary Committee for the Oversight of Intelligence and Security Services (the 'KNOVS'), together with three other members of the KNOVS, allegedly abused his office by obtaining information from the police under the pretext of parliamentary oversight regarding whether any covert investigative wiretapping measures had been carried out against several individuals; whereas that alleged abuse of office was carried out following media reports from October 2023 linking those individuals to a bribery case involving the Slovenian National Motorways Company; whereas the request indicates that the alleged abuse of office consisted in the fact that, while acting as public officials, Matej Tonin and the three other members of the KNOVS performed a specific act, namely the oversight of the police, but did so not in the manner intended by law but rather with the intent of securing benefits for themselves and others; whereas, more specifically, the request further alleges that Matej Tonin and the three other members of the KNOVS sought to unlawfully obtain information both for themselves and for the individuals concerned on whether the police had conducted, in 2022, surveillance of the users of several telephone numbers connected to the bribery case, with whom they were associated and with whom they had communicated by telephone; whereas on 7 November 2023, Matej Tonin and another member of the KNOVS allegedly conducted illegal unannounced checks at the headquarters of a Slovenian General Police Directorate, and whereas on the same day, Matej Tonin, in alleged violation of the applicable law, allegedly sent an email to the individuals concerned, indicating that no wiretapping measures had been carried out against them in 2022; whereas Matej Tonin and the three other members of the KNOVS also allegedly obtained information on whether pre-trial proceedings were underway against the individuals concerned through the use of wiretapping; whereas, given that Matej Tonin and the three other members of the KNOVS allegedly communicated with the users of said telephone numbers, they would have considered it important to know whether those

individuals were being wiretapped as they themselves could allegedly have been recorded in such wiretaps; whereas the request indicates that, based on the evidence gathered, in February 2025 the investigating judge concluded that there was reasonable grounds to believe that Matej Tonin had committed the alleged offences, and that conclusion was subsequently upheld by a three-judge panel; whereas the alleged actions constitute an offence of abuse of office under Article 257(1) of the Slovenian Criminal Code in conjunction with Article 20(2) thereof;

- C. whereas the purpose of 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;
- D. 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;
- E. whereas Matej Tonin 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;
- F. 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;
- G. whereas the alleged offence does not constitute, and the subsequent request for the waiver of the immunity of Matej Tonin 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;
- H. 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;
- I. whereas Article 83 of the Constitution of the Republic of Slovenia provides that:

'No deputy of the National Assembly shall be criminally liable for any opinion expressed or vote cast at sessions of the National Assembly or its working bodies.

No deputy may be detained nor, where such deputy claims immunity, may criminal proceedings be initiated against him without the

permission of the National Assembly, except where such deputy has been apprehended committing a criminal offence for which a prison sentence of over five years is prescribed.

The National Assembly may also grant immunity to a deputy who has not claimed such immunity or who has been apprehended committing such criminal offence as referred to in the preceding paragraph.’;

- J. whereas the request specifically details the alleged individual actions of Matej Tonin in his former capacity as a member of the KNOVS, and whereas the merits of the case are to be determined by the Slovenian judicial authorities in accordance with national law; whereas the request appears to stem from a broader investigation into alleged unlawful practices by members of the KNOVS and does not appear to target Matej Tonin’s political activity as a Member of the European Parliament;
- K. 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 Matej Tonin’s political activity as a Member of the European Parliament and thus Parliament’s independence;
- L. 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 Matej Tonin;
- 2. Instructs its President to forward this decision immediately to the competent authority of Republic of Slovenia and to Matej Tonin.

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