



TEXTS ADOPTED

P10_TA(2026)0274

Request for the waiver of the immunity of Grzegorz Braun

European Parliament decision of 15 September 2026 on the request for the waiver of the immunity of Grzegorz Braun (2026/2032(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Grzegorz Braun, received by letter dated 25 February 2026 from the Prosecutor General of the Republic of Poland, transmitting a request from the Prosecutor at the Kraków Branch of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (*Oddział Instytutu Pamięci Narodowej w Krakowie – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*) in connection with criminal proceedings to be brought against Grzegorz Braun and announced in Parliament on 25 March 2026,
- having regard to the fact that Grzegorz Braun 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 105(2) and (5) of the Constitution of the Republic of Poland,
 - 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 (A10-0227/2026),
- A. whereas, by letter of 25 February 2026, the Prosecutor General of the Republic of Poland transmitted a request for the waiver of the immunity of Grzegorz Braun, a Member of the European Parliament elected in Poland, from the Prosecutor at the Kraków Branch of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (*Oddział Instytutu Pamięci Narodowej w Krakowie – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*), in connection with alleged offences that took place in 2025;
- B. whereas, according to the request, on 27 September 2025, during a public debate in Warsaw that was broadcast live and streamed on the internet, Grzegorz Braun allegedly, in public and contrary to the facts, denied the crimes of genocide committed between 1941 and 1944 by officials of the Third Reich at the Nazi-German KL Auschwitz-Birkenau concentration and extermination camp; whereas, according to the request, a viewing of the recording of the debate revealed that the statements allegedly made by Grzegorz Braun concerning the extermination of Jewish prisoners in the gas chambers are manifestly at odds with the historical truth; whereas the alleged act constitutes an offence under Article 55 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation;
- 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

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.

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 Grzegorz Braun was elected to the European Parliament in the June 2024 European elections and therefore was a Member of the European Parliament at the time of the alleged offence;
- 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 Grzegorz Braun 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 State, the immunities accorded to members of the parliament of their Member State;
- I. whereas, pursuant to Article 105(2) and (5) of the Constitution of the Republic of Poland, from the day of announcement of the results of the elections until the day of the expiry of the mandate, a deputy is not to be subjected to criminal accountability without the consent of the Sejm, and a deputy is to be neither detained nor arrested without the consent of the Sejm, except for cases when the deputy has been apprehended in the commission of an offence and in which the detention is necessary for securing the proper course of proceedings;
- J. 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 Grzegorz Braun's political activity as a Member of the European Parliament and thus Parliament's independence;
- K. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;

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

1. Decides to waive the immunity of Grzegorz Braun;
2. Instructs its President to forward this decision immediately to the competent authority of the Republic of Poland and to Grzegorz Braun.