

ECJ: Lifting of immunity for Puigdemont and His Associates Null and Void



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News

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In its [judgment](#) of 5 February 2026, the [ECJ](#) [set aside](#) a judgment of the General Court and annulled three decisions by the European Parliament (EP) to waive the immunity of *Carles Puigdemont*, *Antoni Comín* and *Clara Ponsatí*. According to the ECJ, deciding upon appeal ([Case C-572/23 P](#)), the EP's decision must be considered invalid, because the appointment of the EP's rapporteur for the case was contrary to the requirement of impartiality.

Background to the case

The case before the ECJ concerns three Catalan politicians who were elected to the EP in 2019 after criminal proceedings had been initiated against them in Spain on charges of alleged rebellion and embezzlement of public funds in connection with the 2017 independence referendum in Catalonia, for which the politicians were responsible. The Spanish judiciary had requested the EP to waive their immunity, which it did in 2021.

The ECJ's decision

The ECJ has now ruled that the appointment of the rapporteur who reported on the requests to waive immunity breached the requirement of impartiality. While the EP had established rules to avoid close ties, it failed to consider that the rapporteur belonged to the same political group as members of a party that had instigated the criminal proceedings.

The ECJ clarified that the EP should also have prevented a rapporteur from acting who belonged to a political group with a factual connection to the criminal proceedings. Membership of the political group in question could give rise to doubts as to impartiality. The General Court in the previous instance ([Case T-272/21](#)) had not sufficiently taken this into account.

As the rapporteur was not impartial, the reports should have been regarded as null and void. Decisions based on these reports are therefore also null and void. Parliament must now start the whole process again from the beginning.

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