

GC: EPPO's Request for the Lifting of Parliamentary Immunity Not Open to Challenge

News

Thomas Wahl

By order of 16 January 2024, the General Court dismissed *Eva Kaili's* action for annulment against the request by the European Chief Prosecutor to lift her parliamentary immunity (Case T-46/23).

Facts of the case

The EPPO is conducting investigations against Greek MEP Eva Kaili and her assistants for mismanagement of parliamentary allowances. By letter of 15 December 2022, sent to the President of the EP, the European Chief Prosecutor *Laura Kövesi* requested, in accordance with Art. 29(2) of Regulation (EU) 2017/1939, the lifting of the privileges and immunities of Ms Kaili, another MEP, and six accredited parliamentary assistants. At the plenary session of the EP of 18 January 2023, EP President *Roberta Metsola* disclosed that request and referred it to the Committee of Legal Affairs. Ms Kaili challenged these acts before the General Court pursuant to Art. 263 TFEU.

The GC's decision

The General Court (GC) dismissed the action as inadmissible in its entirety. It pointed out that the acts in question are not open to challenge according to Art. 263 TFEU. With regard to the European Chief Prosecutor's request for lifting immunity, the GC stressed that it is a preliminary and necessary measure to ensure the effectiveness of investigations. The request is not capable of producing binding legal effects that may affect the applicant's interests by bringing about a distinct change to her legal situation.

With regard to the decision taken by the EP President, the GC similarly argues that it does not produce binding legal effects that may affect the applicant's interests by bringing about a distinct change to her legal situation. Furthermore, the decision also constitutes a preparatory act only. An action for annulment pursuant to Art. 263 TFEU can only be brought against the Parliament's final decision.

Background

Eva Kaili is also one of the main figures who are involved in the Qatargate corruption scandal at the EP (→ [euclid 4/2022, 242-243](#)). She was arrested in this case in December 2022 by Belgian authorities. The EPPO investigations are distinct from that and concern [allegedly fake reimbursement requests](#) at the expenses of the Union budget.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2023, Vol. 18(4) *euclid* p 321
ISSN: 1862-6947
<https://euclid.eu>



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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
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