

**Action brought on 17 January 2020 — Junqueras i Vies v Parliament****(Case T-24/20)***Language of the case: Spanish***Parties**

*Applicant:* Oriol Junqueras i Vies (Sant Joan de Vilatorrada, Spain) (represented by: A. Van den Eynde Adroer, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant requests the General Court to declare that the application bringing an action against the contested measures, together with the documents annexed thereto, was submitted in good time, to admit the application and, on the merits, to declare the contested measures, which are the subject of the present proceedings, null and void, and also to order the defendant to pay the costs.

**Pleas in law and main arguments**

The present action is brought against (i) the decision of the European Parliament announced by President Sassoli in the plenary session of 13 January 2020, that, taking into account the decision of the Junta Electoral Central (Central Electoral Commission, Spain) of 3 January 2020 and pursuant to the decision of the Tribunal Supremo (Supreme Court, Spain) of 9 January 2020, the parliamentary seat of Mr Oriol Junqueras i Vies is vacant with effect from 3 January 2020, in accordance with the Rules of Procedure of the European Parliament, and against (ii) the rejection, by that decision, of the urgent request to protect the immunity of Mr Junqueras i Vies, submitted on his behalf on 20 December 2019 (20.12.2019) by Ms Riba i Giner (MEP).

In support of his action, the applicant relies on five pleas in law.

First plea in law, alleging infringement of Article 41(1) and (2) of the Charter of Fundamental Rights of the European Union ('the Charter'), on the basis that Article 13(3) of the European Electoral Act (1976) and Rule 4(7) of the European Parliament's Rules of Procedure are to be interpreted as meaning that there must be a procedure in accordance with those rights which allows the objections to the declaration that Mr Oriol Junqueras i Vies' parliamentary seat is vacant to be put forward and challenged.

Second plea in law, alleging infringement of Article 39(1) and (2) of the Charter, Article 14(3) TEU, Article 1(3) of the European Electoral Act (1976), the principle of sincere cooperation in Article 4(3) TEU (in this case by the Tribunal Supremo), the principle of the primacy of EU law, Article 9(2) of Protocol 7 on Privileges and Immunities and Article 6 of the Rules of Procedure of the European Parliament, on the ground that no practical effect has been given to the judgment of the Court of Justice of the European Union of 19 December 2019 in Case C-502/19 concerning Mr Oriol Junqueras i Vies, which required waiver (lifting of immunity) to be sought from the European Parliament. In the alternative, it is submitted that Article 13(3) of the European Electoral Act and Rule 4(7) of the European Parliament's Rules of Procedure must be interpreted as meaning that the European Parliament may uphold the objections to the vacancy of the parliamentary seat laid down in those provisions where it is possible to consider the plea without engaging in any assessment of the Member State's domestic law.

Third plea in law, alleging infringement of Article 39(1) and (2) of the Charter and Rule 4(7) of the Rules of Procedure of the European Parliament, as the Member State's decisions on which the declaration that the seat is vacant is based are not final decisions.

Fourth plea in law, alleging infringement of Article 39(1) and (2) of the Charter, Article 3 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Article 9

(first paragraph at (a) and (b)) of Protocol 7 on Privileges and Immunities and Rule 6 of the Parliament's Rules of Procedure, by unlawfully impeding the effectiveness, as regards Mr Oriol Junqueras i Vies, of the immunities to which he is entitled.

Fifth plea in law, alleging infringement of Article 9 (first paragraph at (a)) of Protocol 7 on Privileges and Immunities, Article 39(1) and (2) of the Charter, Article 3, First Protocol, ECHR, Rule 6 of the European Parliament's Rules of Procedure and Article 13(3) of the European Electoral Act (1976), since the Spanish legislation requires a prior petition for waiver of immunity before proceedings may be brought against elected members of Parliament, the Tribunal Supremo's case-law to the contrary being *contra legem* and established *ad hoc* and *ad hominen*, without there being any precedent, as the Tribunal Supremo itself recognises.

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