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ECJ ruling on Oriol Junqueras' rights as MEP

Press Release from EFA MEPs Alyn Smith (Scotland) & Diana Riba (Catalonia)

The European Free Alliance Group in the European Parliament has welcomed today's opinion from the European Court of Justice's Advocate General in favour of Greens/EFA MEP Oriol Junqueras.

The Advocate General stated that an MEP's mandate comes solely from the electorate and cannot be conditional on the completion of any subsequent formality.

Oriol Junqueras was elected to the European Parliament earlier this year whilst in pre-trial detention in Spain for his role in organising a referendum on self-determination. The Spanish state requires MEPs to take an oath of allegiance to the Spanish constitution in the Spanish parliament before receiving their accreditation. Junqueras was denied permission to attend the ceremony by Spanish authorities.

Today's ECJ opinion effectively means that Oriol Junqueras was an MEP from the moment of his election and enjoyed immunity which only the Parliament itself may wave or defend. The full court will now consider the case in due course, but today's opinion is an important step forward.

President of the EFA Group in the European Parliament, SNP MEP **Alyn Smith** said:

"This opinion from the Advocate General of the ECJ is an important and very welcome development.

"We will have to wait for the final ruling but this does move us a step closer to getting Oriol Junqueras his rights and privileges as an MEP properly reinstated. Indeed, they should never have been taken away in the first place.

"Oriol Junqueras was democratically elected to the European Parliament by over a million of his fellow European citizens and should not have been prevented from taking up his mandate by the Spanish authorities.

"Dialogue is the only solution to the differences between Spain and Catalonia, not locking up democrats."

EFA MEP **Diana Riba** (Esquerra Republicana de Catalunya) said:

"The Advocate General's opinion supports what we've been saying all along which is that an MEP's mandate is acquired at the moment a candidate is elected by the people and that this process should not be subject to

any internal formality in a member state such as swearing an oath to the constitution.

"According to the Advocate General, Oriol Junqueras' immunity as an MEP started at the moment the new European Parliament was constituted. This means that if this opinion is confirmed in the full ruling, Oriol Junqueras should have been freed to exercise his mandate as an MEP.

"In any case, today's opinion from the Advocate General is a clear warning to the Spanish authorities not to obstruct an MEP from taking up their democratic mandate."

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