

Press conference of Frédéric Baldan et Me Diane Protat Complete Transcript

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SECTION I SUMMARY OF THE PROCEDURE

Frédéric Baldan (FB): Hello everyone. Thank you for coming. We will try to make a very brief point about the procedure.

As you know, I am the first plaintiff in a criminal complaint with civil party application that was filed in the hands of Judge Frédéric Frenay on April 5, 2023, about a year ago. This complaint has evolved in a somewhat surprising way. Initially, I was the only complainant and then, gradually, several people were added as co-complainants or victims. We have gone from ordinary citizens to citizens, more Member States, more MEPs, more political parties. I woke up one day **to about 500 complainants who had joined this case.**

A fairly large group of flight attendants, that means airline pilots and hostesses who have quite significant fears today in terms of air safety and who have joined the cause. This is a case that is really considered to be unprecedented, historic, given the number of victims, given the diversity they have. There are some from all countries, it can be Italy, we have some who come from Holland.

There is really a plurality of nationalities. There are also French people, we must not forget them, I don't believe these people. It is considered really unprecedented, historical.

The merits of the case are considered serious today. We went to Liège for a rather special reason, which is first of all, it was not forbidden to us. We are entitled to refer the matter to the Liège court. In addition to that, it offers, in view of what is called the change of scenery, guarantees of independence superior, as we believe, to the jurisdiction of Brussels. It's so much because the European institutions are based in Brussels and I think that creates proximities that can be annoying. And also because one day, I went to the same courthouse that we went to yesterday. It was for the case of a journalist who was being pursued in a somewhat infamous way by politicians in retaliation. There was a poster in this courthouse that was written by legal and justice professionals who said: I believe in the rule of law. And that was the slogan. And so, if we chose this court, it is also because we wanted to ask the question of justice: Do we believe in the rule of law or do we stop believing in it?

This is really the essence of the procedure and it is the objective we are pursuing today. This case has been the subject of some rather peculiar twists and turns. We discovered, a bit like you, a structure called the EPPO. It is a project of the European Union to create a European Public Prosecutor's Office. It is not a structure that is complete. At the moment, it is still an agency of the European Union that is a bit of a legal UFO, which is trying to replace the Belgian public prosecutor's office, that is to say the public prosecutor. In this, we think that there is a huge problem of competence and legality that we will tell you about later. We'll give you a little anecdote. We interacted with this structure, we tried to see what it corresponded to in real life. My lawyer and I went to their homes.

SECTION II ANECDOTE ABOUT THE EPPO – WHO HAS NO RECORD

We have a somewhat funny anecdote which is, I don't know if you know, but the European Union and these agencies, including the EPPO, must contribute to the creation of an area of rights,

freedom and security. When we went to their home, we wanted to file a pleadings and we wanted to look at the file they had in their hands, which was the file of our case. To make us feel safe, **the EPPO sent us the building's security guards** to evacuate us for the first time. Since we insisted on exercising our rights, at that time, so that we would have a sense of freedom and guaranteed rights, **they sent us the police.**

When we were confronted by the police in a rather curious way, that we hadn't called ourselves, the police didn't see that we had to evacuate the people who were in violation. **The police found that the EPPO had committed an offence against us.** That's to tell you the relationship we have with the EPPO at the moment. We made a second attempt in Luxembourg a few days later. To give you an example, I went to the registry of the investigating judge the same day. I also went to the council chamber on the same day. I was very well received. It only took a few minutes. I went to join my lawyer who was in Luxembourg to go to EPPO Luxembourg. We stayed there for an hour and a half just to file a deed. And you see how threatening and large it is, they sent us eight security guards to prevent us from filing the deed in the file.

So, we have a somewhat problematic relationship with them so far. That's more or less the context in which we went to the hearing. You can imagine the level of tension we are in with the European Public Prosecutor, what is wrongly called, in my opinion, a European Public Prosecutor.

To tell you about the hearing, there is still a fairly large number of lawyers. The opposing parties have taken about 10. To tell you how much fun it can be to go to an audience there. It was a hearing before the council chamber, so it does not yet concern the merits of the case, whether or not there was an offence. That's the judge's investigation later. It concerns all procedural modalities. Yesterday, at the end of this hearing, we came to the conclusion that we had to deal with three subjects, which we will try to develop with Mr. Protat. It is the question of the possible immunity of Mrs von der Leyen, which we claim does not exist, of the competence of the EPPO, because it is considered that they have no jurisdiction at all in the case and that they have interfered in a strictly Belgian case. Then they have the question of the interest of the victims to act.

In this context, we will see whether corruption and the violation of fundamental rights are detrimental to citizens or not. It will be something quite interesting. I propose. Mr Protat, perhaps you are talking about the issue of Mrs von der Leyen's immunity.

Diane Protat (DP): I will do it with pleasure. I'll just say a little word about these adventures because indeed, I didn't threaten anyone. As a lawyer, I would like to say that I have been to the EPPO premises several times, in other European countries, for other cases.

I went to Turin, I went to Paris and every time I approached the EPPO to have access to files, I was received very kindly. My requests were stamped, I had absolutely no difficulty. This adventure may make you smile, but it is not funny either because there is a real infringement of the citizen's right of access to his file, and then of the right to the assistance of the lawyer. I am stunned, and I still am, that the European Public Prosecutor's Office, when I had its clerk on the phone who told me that he had no file. I asked this clerk to come down and stamp me, telling me: **No file held today by the EPPO** and instead, the clerk did not come down, but security, plus finally the police who, when they arrived, found that there was an offence against us which consisted of an assault and prevented the exercise of the rights of the defence and the exercise of the assistance to a lawyer. And we have referred the matter to the UN, as I did last week, there is a special rapporteur who is in charge of issues of the independence of judges and lawyers.

And here, we can see very clearly that there is **a problem of the independence of the EPPO** and the UN also has six weeks to respond to that. I am committed to this principle because the right to a lawyer is also extremely important, as is the right of access to a file. Once these adventures were summarized, we were indeed able to hold this hearing with a question that arises: **what is in the EPPO file?** We'll come back to that.

SECTION III: QUESTION OF MRS VON DER LEYEN'S IMMUNITY

But the first question, as Frédéric Baldan said, is the question of immunity. I think it is very important to see today, and this is historic, that Mrs von der Leyen, while she is in office, has indeed been summoned to a hearing in Belgium. The reality is that the immunities of officials or agents of the European Union are so-called functional immunities. It's not like the President of the Republic, for example, in France, who has immunity for himself and who has immunity against everything. As long as he is in office, it is not the same thing. It is not a woman who has been elected, it is not a lady who has been elected by all of us.

She was elected indirectly by Parliament, we will come back to this, but she is indeed a civil servant. And as such, civil servants benefit from immunities in the context of their acts carried out officially, within the framework of their mission. Now, here, we have two heads of grievance. The first is the issuance in the public service, that is to say that it acted outside its competences. And the second is that she would have acted secretly by text. So it is very clear that if you are acting secretly outside the mandate and powers that the treaty confers on you, then you cannot, de facto for these acts, claim immunity. And on top of that, we realize that the EPPO, which obviously did not declare itself competent within the legal deadline, clearly never properly informed the European institutions.

Frédéric Baldan: And since the EPPO has replaced the Belgian prosecutor's office, it has **prevented the Belgian prosecutor's office from informing the European institutions**. And so today, as we saw thanks to a parliamentary question, the European Commission knows about this case exclusively through an article by journalist David Leloup and has admitted, I think it is Mrs. Kyriakides, the Commissioner for Health, on behalf of the European Commission. They said: We are not officially informed and we are waiting for the Belgian judicial authority to contact us. And since she has been vaporized from the file, one wonders how she could contact them. And why is it so important? Like the fact that the EPPO has never published a press release to say: We are taking up, for example, the case of Mrs von der Leyen, is that if the institutions were aware of it, in compliance with the treaties, they should have asked for the suspension of Mrs von der Leyen. What for? Because his situation is incompatible with the definition of the mission of a commissioner. And the treaties in this respect, we can give you the legal references, they are the 245, 247 of the TEU. Madame has a code of conduct.

It has violated **the fundamental rights of the press, of citizens and of all of us**. And so, from that moment on, she committed an act that is serious and characterized, incompatible with her function. And the procedure is that when you violate the code of ethics of the European Commissioners, there is a history. She will be able to tell you about the Jacques Santerre commission. In reality, the European Commissioner must be suspended. And so, if the work had been done properly and suspended, the question of immunity would not even arise today. And so, it's something that has become quite problematic and which, with the continuity of the decision and what happened at the hearing, has created a problem, even for the candidacy. The council, I can explain to you how it works, we are all going to vote for MEPs. The members of the European Parliament will be put in place and the Council, i.e. the Member States whose president today is Charles Michel, will have to put forward candidates for the presidency of the European Commission. So, in reality, we have a problem with the conditions that must be met to be proposed as a candidate.

So, Mrs von der Leyen, because of the existence of this procedure which will last, in my opinion, beyond 2024, which will end at least in 2025, in fact, **completely invalidates the possibility of proposing her as a candidate**. Legally, this is exactly the case. To complete what has been said about the question of the two prosecutors, if I may say so, about the disappearance of the Belgian prosecutor. We are also here to ask and we hope, we will also make sure that the Belgian prosecutor can be present at the hearing that has been set for 6 December.

Diane Protat: Because yes, it's two seats for one chair. There is a real problem here, which is that the public prosecutor's offices in each state are in charge of representing the general interest. So, we can consider here that there is an interest, in any case, to see that Hungary and Poland, as countries, considered that there was a general interest, there is an interest for them to act. However, the EPPO's only function is to defend the European Union's budget if there has been an attack on the European Union's budget. Insofar as Mrs von der Leyen has said publicly that it was simply the states that had paid, it is not clear what the damage to the European Union budget can be. Unless, I am sorry to say this, but it is still a question that there have been European commissions or officials who have enriched themselves within the framework of these contracts. That can be the first thing. Moreover, to clarify what Mrs von der Leyen said, she said it anyway, so that you can find it on 29 April in Maastricht, in the debate of the candidates for the presidency.

COMPETENT SECTION IV OF THE EPPO

Frédéric Baldan: She said that the financial flows or the flows of money were those of the Member States and that there was no European money in the transaction. That's what she said publicly, it's recorded. We have recorded these remarks and so this public declaration alone completely invalidates what the EPPO has done in terms of the declaration of competences. And we can tell you, the competence of the EPPO has never been demonstrated. This means that the EPPO declares itself competent in support of no element. And we ask ourselves the question, for example, the EPPO opened an investigation, as it said, on October 14, 2022, so that means before the filing of our complaint and during the six months that separated them from the filing of the complaint, why didn't they seize the contracts? That is a problem, because we are in the process of discussing a situation of jurisdictional jurisdiction in relation to a contract that is being refused to provide us. So, this means that even the judge, the president of the Chamber, does not have the contract to possibly know who is competent. As far as we know, it is exclusively the Belgian jurisdiction.

This is the jurisdiction that was chosen not by us, but by the European Commission itself and by Pfizer. So, that means by Mr. Bourla. And today, there is no question of challenging the jurisdiction that they themselves have defined in the contracts. And the proof that it is indeed the jurisdiction that applies is that contracting parties such as the Member States have brought the matter before the Belgian courts and they have not brought the matter before the courts of their own countries. And if I may add, concerning Hungary and Poland and Romania, they have been summoned by the Pfizer companies in Belgium, in Brussels, because there is a clause that brings this whole affair back, I was going to say, to Belgium.

Diane Protat: But if we just go back to the moment, the EPPO claims to be entering into this case. It was a kind of hussar-like intervention that happened unexpectedly and that we didn't expect. And the EPPO comes to say: I am the one who is competent because there would be an attack on the European Union's budget that I do not even propose to demonstrate. And besides, the victims have nothing to do there. The real question that arises is that the victims are reproached for perhaps taking the place of the general interest. But the person who must give his opinion on this question, to know whether he is pursuing his general interest at the Belgian level, **is the public prosecutor. It's a mystery. Why did it disappear?** But the EPPO cannot claim to represent a Belgian public prosecutor's office because it represents a simple sectoral interest, which is the European Union budget. And besides, as they say, competence, if there is an attack on the European Union's budget, but even if it were to demonstrate it, the attack on the European Union's budget would have to be greater than the interests of all the other victims. This is a condition. If there are many other victims, at that time, it is not the particular interest of the Union's budget that must take precedence, but it is the more general interest and it is therefore up to the public prosecutor, in our opinion, to finally come and give his opinion in this case.

It is up to him to say whether he considers that the victims would possibly be inadmissible and to explain why. And possibly also up to him to say whether he intends to sue, on behalf of Belgium, Mrs. von der Leyen.

Frédéric Baldan: Moreover, it would be in the interest of all States to do so. But here, what is quite surprising is to see that in the end, I don't know if you have been informed, there is a press release that was published by the EPPO in which, after the hearing, given their legal difficulties, they make a reverse accusation. So, what do they do? They say: It is Belgium that is non-compliant in terms of rights to be able to apply the OPPO regulations. We are already recalling that there was no unanimity among the Member States on the EPPO regulation, that the way in which it is applied by the EPPO prosecutors, that means Mrs Kövesi in Luxembourg and Mrs Vanderputten in Belgium, is completely contrary to the European treaty. There are even serious problems of constitutionality. This means that in Belgium, all power comes from the nation. We are a kingdom, we have a king. It is the king who appoints the officers of the public prosecutor's office. Justice is administered in the name of the king. So, we have an obvious problem with the EPPO which, Mrs. Kövesi, to my knowledge, has never been appointed by the king.

However, it is giving instructions to what was called yesterday, in a very surprising way for us, the public prosecutor's office. So I ask myself the serious question of how Madame Kövesi, who is neither appointed nor revocable by my king, can give instructions on behalf of the public prosecutor in such a case. That, for me, is not Belgium that is non-compliant, it is the EPPO which is a text contrary to the Treaty and the constitutions, and therefore violates all the principles of EU law. And not just that of Belgium, because not all the Member States of the European Union are members of the EPPO.

Diane Protat: There, I say this in France, there have indeed been challenges to the constitutionality of the EPPO because it eats up on the prerogatives of other judges, and in particular the investigating judges. So, it's not just Belgium, but it's sure that this backlash to explain that it's Belgium's fault, if the procedure becomes so complicated, it's a bit surprising as a statement. In addition to this, there was a hearing before the European Parliament of Mrs Kövesi.

Frédéric Baldan: So, the Parliament has the mission of evaluating the work of the EPPO to avoid abuses of power. I can tell you that I consider Mrs Kövesi to be by jury before Parliament. She clearly lied to parliamentarians during her hearing and she quite quickly evacuated a problem that concerns us in this case, which is the independence of the EPPO. This is something that was emphasized, even during the hearing, by Ms. Vanderputten. This is something interesting because during the hearing of the Chief Prosecutor in Parliament, she admitted to a financial dependence. There are also articles in the press to this effect at the moment, which is that the commission would not give enough money to the EPPO to organize these prosecutions. I remind you that as long as Mrs. von der Leyen has not been suspended and the EPPO has contributed to this, it creates a direct link of subordination between those who are supposed to organize the prosecutions and those who are being prosecuted. So it's something unacceptable. After that, we have dependence, as you said, legislative, because not all the Member States have joined, the transfer of powers has not taken place, they are in a so-called enhanced cooperation.

There is an interest, even a personal one, on the part of the Chief Prosecutor, that the rest of the States that have not joined will join in the future thanks to the Commission. This is a second problem. And the third, which is still a bit violent, is that the EPPO does not have its own IT infrastructure. All right? And so, for the time being, Mrs Kövesi and Mrs Vanderputten, they have decided to store the file that they have requested from the investigating judge, which is supposed to be covered by the secrecy of the investigation, on an IT infrastructure that is managed and administered by Mrs von der Leyen's Commission, which has still not been suspended. There are still problems that are extremely serious. And in reality, in the principles of EU law, we have what is called subsidiarity. The European level is only called upon when it is more effective in achieving the objective of combating offences. And here, in this case, it creates problems of conflicts of interest that did not exist before their intervention. And I have serious doubts about the fact that the Belgian unity authority, and in particular the authority of Liège, would be incapable of carrying out the prosecution.

In fact, they do it very well.

Diane Protat: Precisely, it's a real question and that's why calling on the UN makes sense, because we can imagine that the EPPO, when it works for Europeans to fight against intra-community fraud or goods that would enter European territory, we can understand, but by definition, for a magistrate, when there is a moral and intellectual honesty that magistrates must have, we cannot imagine being the chief prosecutor of the EPPO and prosecuting the president of the European Commission on whom we know we are dependent. That's a question of moral honesty on the part of a prosecutor. So, when there is a question of conflict of interest, they have to step aside. We insist. And so, the referral to the UN on the issue of the independence of judges and lawyers, it is an acute issue here since we are a duo with Mrs. Kövesi and Mrs. von der Leyen. This is an extremely special situation which, by definition, should have led the EPPO to say that it was not the best placed court to judge this independently. Obviously, Belgium is the best placed, but it should also be seen that before the creation of the EPPO in July 2021, who was investigating corruption cases in the European institutions in Brussels?

The Belgian judges, because that's where the offences happened. They know it, they have a skill, they have experience. That was their job before the EPPO came along. So, it is absolutely obvious, a priori, that they are the most independent to be able to act. And when you read the EPPO press release, where the Belgian justice system is finally criticised for having badly implemented the provisions of the EPPO, I dare to smile a little bit too, because in the end, what is being called into question here is Belgium's judicial independence. To tell you, in order to try to explain to the deputy prosecutor, Mrs Vanderputten, why she was not competent, there were so many violations of Belgian regulations, treaties and constitutions and principles, that it took me about 30 pages to explain to her why she was not competent.

Frédéric Baldan: At first glance, she is not very happy to have received such a cobblestone before the hearing. So, there you have it, which contributes to the fact that a priori, she doesn't have a good mood. That's why we hope that at the next hearing, since there is time for reflection and Ms. Kövesi has indicated that these services will no longer have a budget from the end of 2024.

Diane Protat: If she no longer has a budget to investigate, she might as well hand over the reins, and I was going to say, step aside. But I think that the EPPO really needs to think about, but in any case, the question of its independence and the question of whether they are really, contrary to what they claim in press releases, the best placed to judge this case.

Frédéric Baldan: And a priori, we think not. And while knowing that, as I told you, in Belgium, there is an article in the Constitution that provides that it is the king who appoints and dismisses the officers of the public prosecutor's office. That's why the king's attorney is called the king's attorney. It is the king who appoints him. At the EPPO, it is the European institutions that appoint and dismiss the chief prosecutor. This creates a problem that is in our case, as I said before, we have Member States among the complainants, we have MEPs among the complainants and on the other hand, among the people who are accused, we have the President of the Commission. This means that all parties on both sides have the power to dismiss Mrs. Kövesi, the chief prosecutor. That alone is such an inextricable situation that, first of all, we cannot consider that there is a competence of the EPPO, given the conflict of interest, but in addition, the suspension, Mrs von der Leyen, which is not carried out, creates a huge number of problems one after the other in the procedures.

Frédéric Baldan: Because normally, the treaty is about hanging to avoid this situation.

SECTION V ON THE SANTER COMMISSION AND THE ROLE OF THE TREATIES

Diane Protat: Obviously, we may all have understood that if this case had been judged and finished on May 17, some problems would not have occurred in June. From the moment this question is pending, until next January, since the time to plead, the time to have judgments, it is indeed a situation of total incompatibility. We are going to draw the Council's attention to this issue and to the possibility for Mrs von der Leyen to legally maintain her candidacy in the face of the incompatibilities that are currently being targeted. Mr Baldan recalled the history of the Santer Commission. It was in Belgium in the 90s. There was a great scandal and in particular, we were also talking about it in France, that the first woman, Prime Minister in France, who was called Mrs. Edith Cresson, was accused of having taken her dentist with whom she had a special relationship as a parliamentary assistant. Well, I'm going to have given a salary, but she wasn't the only one in the landless commission to have somewhat questionable practices. And as the Commissioners did not resign, it was finally President Jacques Santer who resigned the entire Commission in the face of this corruption scandal.

And after that, so that it doesn't happen again, a code of conduct for stewards was created. I invite journalists to go and see him. Just call it the Code of Conduct for Commissioners. You will have the link at the level of the European institutions to elect its commissioners, that one, it applies directly. That is to say, it is applicable. This is not a promise. It's a promise, obviously, always, that we make to people to be honest and to do the right thing. But nevertheless, it's more than that. It is a direct application code. There are several sections, including section 2, which says that in order to be in office, commissioners must meet the highest standards of ethics and that they must be honest. And the 2.5 adds: they have to be honest and also look like it. And that's very important because in the eyes of the rest, first of all in the eyes of all European citizens, but also in the eyes of the world, what is the independence here? Is there respect by the European Commission and its Commissioners for their code of conduct and the independence of the judiciary? This really raises a question and from a legal point of view, we maintain that this code of direct application prevents the maintenance of the candidacy of Mrs. von der Leyen, who is in a situation of functional incompatibility to continue to exercise her mandate, right now, but also to claim to continue to exercise it for the next five years.

Frédéric Baldan: Yes, and these treaty violations really harm the European Union, which is a legal construct. The European Union is a set of treaties with an institution of people who represent institutions. So, if we no longer respect the treaties, we destroy the European Union. What is really starting to bother us is that the collective desire that there may have been for the construction of an area on the scale of the European continent with several neighbouring countries is in the process of turning into a kind of feeling in relation to multilateral constructions at the level of the Union, precisely because of this kind of behaviour. We cannot with impunity, at the level of the public, without stopping, violate all the treaties, all the provisions by explaining to us that it is applicable to others and not to ourselves. So I think that there is a real urgency at this level to enforce the treaties. It is a question of the rule of law. The law must apply equally to everyone. And so these treaties are made to be respected.

Diane Protat: And by the way, I would add that in the treaties, it is provided that it is the Commission that is the guardian of the treaties. It is supposed to enforce them and not circumvent them.

SECTION VI FOR THE EPPO VICTIMS ARE HOT AIR

Frédéric Baldan: That, on principle. Moreover, this brings us to the quality of the victims because here, we are in a somewhat unique case and it creates procedural problems, which is that, as she told you, Article 17 of the Treaty on European Union provides that the Commission must defend and enforce the European treaties. As a treaty, we Europeans have what is called the Charter of Fundamental Rights, so it's a bit like human rights, if you like. And Mrs von der Leyen has seriously and repeatedly violated, in a very obvious and characterised way, the provisions of this Charter of Fundamental Rights. And so, that's why we are forced to react. The EPPO deputy prosecutor,

I'm not sure I should call the prosecutor, but anyway, Mrs. Vanderputten explained to us that in fact, there is no harm to corruption and the violation of fundamental rights. So, we are a little surprised. His formula, I think, was that **the victims, we are just hot air**. Supposedly, we would make too much noise and that would be our only purpose. It is not about obtaining justice, it is not about preventing corruption, it is not about repairing our damage because we are victims of corruption and the violation of fundamental rights.

Of course, there are many of us. What for? Because they have violated the fundamental rights of a large number of statesmen and organizations. But it's not our fault. We are not the ones who committed any offences. It was not up to us to decide how we were going to carry out this kind of operation.

Diane Protat: I'm bouncing back on that because, as a lawyer, I was still extremely shocked to hear a so-called public prosecutor, at least a prosecutor's office, explain that the victims were hot air. This expression is atrocious. It hurts to hear, but I think it was made perhaps out of anger, because the day before the hearing, indeed, there are now a lot of us as victims. And as I said at the beginning, assuming that we end up proving that there is an attack on the European Union's budget, we will have to weigh this against the interests of all the victims. I'll give an example, but normally, everyone should have been able to see the contracts. Moreover, the contracts, the first one, were at one point made publicly available on the European Commission's website, but only for two hours. Then it was removed. There are people who have attested to this. So, something happened. The normality is that everything should have been published in the name of this right to transparency. **People should have the right to make their own choice by being enlightened and not publishing.**

People have lost a chance to make the choice they wanted, despite the constraints that could affect people, health constraints, the past, etc. Everyone could have made a choice, perhaps different, or moreover comforted themselves in their own choice by seeing these contracts. So, it must be seen that the transparency to be undermined, the violation of transparency has harmed a lot of people. And in reality, when there was this hearing that was set like that, we, this expression, it's a... I call it a hussar-style intervention. The God of EPPO. We only knew on our own, it's difficult, but Belgium's motto is unity and strength. I think that all the victims who had referred the matter to the EPPO have without doing so since there was a press release on October 14, 2022 which said: Faced with an exceptional number of reports. So many, many people, moreover the appeal of various associations, have reported the facts. But in the end, nothing happened. They are told today by the EPPO that there are no suspects. That is what Mrs Kövesi said in the European Parliament.

SECTION VII ABOUT THE NEW COMPLAINANTS

The Belgian justice system has summoned people. But it is all these people who have intervened, it is to argue that the people who are prejudiced today, like Mr. Baldan, are all of us citizens, and that our rights to act are in my opinion superior to those of the EPPO. And that's the approach. And when we talk about 500, they have arrived, they are 500 flight attendants in French and Dutch, pilots, hostesses and stewards, who complain that this lack of transparency could endanger air safety. I will give an example, but pilots cannot fly if they have taken an antihistamine for 48 hours. Normally, there are special procedures at EASA level to check the compatibility of new drugs with the aviation environment, because it is a professional environment. You are in the air, obviously, you are subject to other constraints. The free seafarers and the Dutch collective, which is called Luchwart, I find it difficult to pronounce, they will excuse me, have been taking steps over the past two years to question the transparency of EASA by asking questions by saying: Have you carried out these controls? And there has never been any response.

However, captains and flight attendants are in charge of safety. In the name of transparency, you must have access to this information in the name that EASA must have in order to be able to ensure the safety of flights. And so, what we tried to prove by all these people who came is that this attack on transparency, it harms everyone, it harms the aircrew in their category, but it prejudices, as you have understood, the victims who joined today and who came, who, I tell you, if they had read the contracts, if they had been able to see them, they might have made other choices for themselves, for their families, for their children. There is an attack on transparency that is detrimental to each and every one of us. The one who, Mr. Baldan, was the first to do so is fundamental rights, transparency. But I would also point out that, contrary to what Mrs Vanderputten may claim, it is assumed that it is a personal right. The right to transparency is a way of being able to control the government's action. When you vote as a citizen, your rights as citizens are two things, they are to vote and then to be able to control.

Voting is indeed a personal right. Being able to hold your representatives to account is a personal right because anyone can do it. **There is no pretending by Mrs. Vanderputten come, that in the end, we would be hot air. Especially if this wind is also to exclude the king's prosecutor who should come to give his opinion.** Today, we cannot blame people for taking the place of defending the general interest when it is no longer defended. But even beyond that, it's only a general interest. This is of particular interest to each of us. We all have the right to transparency because its violation has extremely serious consequences.

SECTION VIII DESTRUCTION OF FUNDAMENTAL RIGHTS

Frédéric Baldan: What we really have to collectively realize here is that we are talking about one thing, and that is the destruction of fundamental rights. This means that normally, these rights are guaranteed to us, they are inalienable, they are not there to be taken away, moved. There is even a whole mechanism to try to undermine it in a legal way. It must be legitimate, proportionate, strictly necessary. And you can't use one to destroy another. This is the principle of prohibition of abuse of rights. And here, we really have a kind of holdup of institutions that confer a new right on a multinational. I have attended many hearings in Luxembourg, at the Court of Justice of the European Union, on lawsuits that have been brought by groups of 2000 citizens, by Members of the European Parliament, by a whole series of different parties who have tried to obtain these contracts, such as, for example, the New York Times, which is always the journalist Fanta. There is really a large mass of people who have tried to access these contracts that should not be censored and who are hindered in the exercise of their profession as journalists or in their right to transparency by a new concept, which is that the Commission, which, I remind you, the role of a commissioner and his functions, provides that they must operate independently and not receive any instructions from any third party, the Commission's lawyers nevertheless acknowledged before the CJEU that they had to receive instructions from Pfizer to know under what conditions they could make the contract public.

I would say to you that the European Commissioners, if they have signed or proposed or negotiated such provisions, they have not respected the Commissioners' mandate and they have stepped out of the Commission's role. The Commission's role is to apply the Charter of Fundamental Rights, to make it applicable and for the Member States to respect them in all legal acts. And now, we really have a rupture, which is that the Commission, which should guarantee these rights, has begun to say: I will follow the instructions of the Union Nationale, which is called Pfizer. And this is unacceptable. It is unacceptable that journalists are hindered in obtaining these documents. So, today, we really think we are making demands, and that is why we have a large number of people, and we invite all those who consider themselves victims, whether they are journalists, Member States, MEPs, citizens or others, to come and join the cause if they wish. The procedure does not pay for declaring oneself a victim and for arguing that fundamental rights must take precedence and that this holdup of the European institutions must stop.

SECTION IX ON THE SECRECY OF CONTRACTS

Diane Protat: If I may add one thing, this story of contract secrecy, it is a clause that was obviously imposed by the companies, Pfizer and others, on the European Commission. But this clause violates a fundamental right, which is that of transparency. And this is what the commissioners failed to do since they admitted to putting a clause in a contract that is superior to the treaty, which would therefore become superior to the treaty. A commercial contract, a contract of any kind or an administrative contract, whatever people want to call it, cannot be superior to the Treaty and the Commission cannot take clauses that sell our right to transparency. That's not possible. You cannot create a contract whose provisions directly violate the European treaties. It is not possible for the Commission to sign such clauses and come and tell us: In the end, I will not lift the secrecy because it is Pfizer that imposes it on me. But I'm curious. I have never heard that the European Commission would be exposed to huge penalties if it finally revealed to the public, as it must, the content of the contracts.

I say that, but I haven't heard that there are any particular threats.

Frédéric Baldan: Moreover, we will have to draw a conclusion in terms of the right to health, which is that neither you nor your doctor can be informed of the conditions of the purchase contract, and therefore of the specifications of the product you may have taken. And that creates a huge problem. That is to say, we can no longer correctly establish your diagnosis, since we do not know what the product is in the end that we have sold you, not even because it is not saleable, but injected. And this is an important issue, regardless of any other health consideration that is the patient has a right to know. And so there, we have a clear problem.

SECTION X ON EQUAL TREATMENT BETWEEN SOUTH AFRICANS AND EUROPEANS

Diane Protat: I would add that, in July 2023, a judgment of the Superior Court of Pretoria in South Africa was the first to order the publication of the contracts against Pfizer in the name of the public interest. And so, there are applicants who have also put forward this issue by saying: Listen, if this is a general interest in South Africa for the people of South Africa, why not for us, at the European level? And here, the European Commission answers: No, we don't appreciate the general interest of Europeans in the same way. Listen, there is still a truth from the moment that it is a product that everyone has taken, whether we think well of it or not. Besides, that is not the question. Transparency is for everyone. I would add that there are still political parties from different countries that have joined this cause, but regardless of their colour, each other. Transparency is for everyone. There is no difference to it. And we each still have the right to do so and our experiences. It is the role, I suppose, of the political parties to join this request, to ask for transparency and control.

Frédéric Baldan: I think so too. In a way, fundamental rights are there because they are a presupposition for democracy. There is no democracy without the base, a kind of system of exploitation which are the fundamental rights that organize life in society. And only then do we have the institutions, the vote and that kind of consideration. But it is really an essential notion. And so today, there is really... This is a cry of alarm that has even been raised by the European Union's Ombudsman. And there are several of us who are drawing everyone's attention by saying: Be careful, what is at stake today is the destruction of fundamental rights. This is something particularly dangerous.

SECTION XI ON CONTRACT TRANSPARENCY

Diane Protat: And the European Court also counts because, as promised, to have revealed, there is still a report that is very harsh, which explains that they never had access to the contracts, or

to the exchange of messages and that in the end, 80% of the contract was awarded to a single pharmaceutical company. So, it's still quite clear as a report. And from there, there should have been even more advanced investments by the EPPO a long time ago if they had been sincere. **Because from the outset, you have several institutions that say that the offence is there and has been committed.**

Frédéric Baldan: It's incredible. And so, what we can tell you about the rest, more or less, the decision that has been made, is to postpone the hearing, which could not be held yesterday, in mid-December, at about the beginning of December of this year. The calendar is also likely to be shaken up by different... Because we are in a rather peculiar procedure that no one really understands anymore because it has become so complicated and so going... It is not intended that the person who is responsible for enforcing fundamental rights will violate them himself. It's something that is a bit out of the box, so it creates procedural difficulties. A priori, the timetable is this. Given that I have the particularity of having been a lobbyist, but I am still being struck off the roll at the moment in retaliation, I guess because this came three hours after a press conference that I gave with Michel Rivasi on the subject of SMS gate, and an official who is an N-1 of Mrs. von der Leyen because she works at the general secretariat of the commission and who is in charge of the transparency of documents. That means delivering contracts and delivering text messages.

It started to control my consulting firm and my person, with considerations that were completely far-fetched, outside any legal framework, without respecting the slightest legal deadline. And I ended up suspended in a completely arbitrary way, with differences in treatment compared to, for example, Pfizer, which lied in its statements, which are quite obvious. Since I still have this expertise, my desire is not to try to take advantage of the situation to impact the elections towards one party or the other. I can recognise that of different political colours, there are MEPs who have done their job well and a huge majority who have not done their job. It goes from the left to the right, so I don't have a partisan attitude. Thanks to this expertise, we have discovered a whole series of facts whose knowledge, in my opinion, is not within the reach of the police because we need to know the specificity of this lobbying environment.

SECTION XII A BOOK BY FRÉDÉRIC BALDAN TO BE PUBLISHED ON JUNE 10 OR 11

We collected them, since it is relatively long, it would take me several hundred pages to explain it to you. We collected it in a book, which we didn't publish before the elections so as not to disturb them.

That way, Mrs von der Leyen, she won't blame me for trying to influence the elections in one way or another. If you have any questions, we are at your disposal.

SECTION XIII QUESTIONS FROM JOURNALISTS PRESENT

Question from the journalist present: I have one. You say that Mrs. Van der Leyen, who is the president, must have shown a good image in relation to her conduct as — But she hadn't already shown it before, since she had already sued her for stories. How was it possible for her to be president? She was not even elected.

Frédéric Baldan: It's a designation. They were the ones who appreciated that at the time. These are facts that are the same modus operandi, it is true, but which concern the German jurisdiction and Germany. We're not really going to go back on the conditions that led to her being appointed in the past. The question is that today, we are dealing with serious and blatant violations of the Charter of Fundamental Rights as president of the commission that has the role of ensuring that

they are respected. So, this is a **much more serious situation than her SMS case** in Germany where she hired consulting firms with outlandish expenses.

A case that was not really properly investigated in the end. So this case is special because she became the chair of the commission.

Question journalist present: Me, it was just a fear that precisely-

Frédéric Baldan: But we will only be interested in the current mandate.

Diane Protat: But perhaps they thought that with a better position, behaviour would change and improve.

Question journalist present: The EPPO says that they have done acts that they have been investigating for two years.

Did you see anything they did?

Frédéric Baldan: We saw the police - We saw the police because the last time we tried to see what the EPPO had put in his file, they sent us the police.

Diane Protat: It's because it's a lot of people who, as we said, have referred the matter to the EPPO. We want to know what has actually become of these complaints. It's a real question and that's why the approach was absolutely normal. And I told you, we're happy to have it. But the police were never sent to not give me a file. I've never seen anything like that.

Frédéric Baldan: And to tell you, this is a good reflection of **Mrs. Kövesi's lie** before Parliament who says: I did not have to answer the question, in this case, in the case of text messages and contracts. However, they did intervene in our case and in our case, we do have a suspect against whom we have filed a complaint, we have several. And so, it is incomprehensible that **Mrs. Kövesi affirms**, during the parliamentary control of the EPPO's activity, **that no person is targeted**. So **it's actually aimed at avoiding the suspension of Mrs. von der Leyen in an illegal way**. But it's a real problem. And she constantly tells us that she needs money, especially because she has received hundreds and hundreds of testimonies, in fact, these are reports because the EPPO cannot accept complaints since it is not really a real public prosecutor's office. We don't know how to file a complaint or be a civil party in the hands of the EPPO. I can send a complaint to the public prosecutor, but not the EPPO. The EPPO is a kind of reporting.

And so, when we wanted to consult these files that Mrs. Kövesi was talking about, the hundreds and hundreds of testimonies, we said to ourselves: There are documents. Obviously, **it has not chosen to be transmitted to the Belgian justice** system or to the Belgian judge, even though it has an obligation of loyal cooperation, even if it is competent. And so we consider today that she has a lot of information about the justice system and that it's something serious. Or that his file is a lie and that it does not exist. But I'm telling you, the last time we went together, maybe not the last time, the first time in Brussels, we were greeted by security and then the police. The second time by eight security guards for the two of us, you see the terror I have next to me. She could get up, it would be more illustrative. (Mr. Protat: I would). We were greeted by security and the EPPO still understood their mistake because when they told us: If you don't leave, they didn't want to sign the receipt of our pleadings, we're going to call the police.

Mr. Protat invited them to do so, saying that it would be interesting for the police to be able to observe. At the EPPO in Luxembourg, they told us: We know very well who you are, we know

what happened in Luxembourg and we are asking you to leave. He was even denied access to the toilet, to tell you the truth. It's something quite simple.

Diane Protat: They also explained that they put the letters in the trash. Yes, very. Between the prosecutor who explains that victims are hot air People, the EPPO who tells you: "*We put your letters in the trash to a lawyer, which is quite absurd*".

Frédéric Baldan: We shouldn't forget a detail, which is Mrs. Vanderputten who gave us a... Sorry, excuse me, the prosecutor of the EPPO who was next to her had a very charming word when the president asked him what timetable to set? Because we want conclusions from the European Public Prosecutor's Office, which it considers, in my opinion, wrongly to be the public prosecutor's office. The EPPO said: "*in August, no, we have our holidays*". The president tries to tell them: Yes, but still, we have to conclude. They say: So if it's during our holidays, we're on holiday, so we don't conclude. So, we have a public prosecutor's office, if it is a public prosecutor's office **that refuses to conclude because it is on vacation**. So it's still violent in terms of the exercise of public action.

Diane Protat: It's very complicated because to conclude, they gave his written argument to explain why the victims would be inadmissible. But it must be understood, not all people who have been to the EPPO can be strictly victims. So all the people who have taken this step, it won't work. But the EPPO, instead of taking them into consideration, not only does not take the victims who come to us, but tries to prevent those who are going to form themselves in Belgium. So in reality, **the EPPO is trying to exclude the harm of all citizens**. That's what's not far off. If you do a sincere investigation, you can move forward. Here, not having moved forward for more than 18 months, it's ready to follow since I'm coming back to this question. Indeed, while we cannot answer why Mrs. von der Leyen was appointed President of the European Commission, we can also question from a criminal point of view the repetition of the offences. In France, when a criminal trial begins, the first thing we do, I don't know about Belgium, but we give away people's criminal records. We say so if they have already been implicated for things.

That's what **it's called the personality exam**. I am not sure that it will be successful from a judicial point of view for Mrs von der Leyen.

Question from the journalist present: I have another question about SMS. This is a double question. You have not talked much about SMS and its interference in the context of negotiation. **Have you seen them?** The second question is: do you know whether Mrs von der Leyen was going to exchange text messages with Mr Bancel of Moderna or with the AstraZeneca parties in order to ensure a form of fair competition between suppliers?

Frédéric Baldan: We have a desire for the moment, which is not to harm the presumption of innocence of Mrs. von der Leyen or the other defendants and not to address the substance. Because since we consulted the investigation file because of or thanks to the EPPO, which forced us to have a hearing. We want to be careful about what we say. So, in terms of text messages, what is obvious is that Mrs. Van der Leyen said she no longer had them. Mr Bourla, there have been on two particular occasions, I think, one that Diane can explain to you and one in the European Parliament, **the SMS, they are still in the possession of Pfizer**, which is a listed company, or the Messages, whatever you want to call them, which is obliged to keep them because they relate to the negotiation of the contract for the American Financial Markets Protection Authority, SEC.

Moreover, we would like to know, perhaps also for Pfizer shareholders, **whether or not Mr. Bourla has declared to the SEC that he has a legal dispute in Belgium** in which he is seriously involved and which is starting to gain momentum. Normally, he is obliged to declare himself on this subject. Pfizer must also, in its reports to the SEC of activity, declare that in fact, they do have a problem in Belgium because they came to the hearing yesterday. So, I guess

they're going to have to make it public and make ad hoc statements. So, we are sure that there is always a version. I think that if the Belgian judicial authority, or at least the Belgian magistrates, were not hindered by the EPPO, we would probably already have the contracts and perhaps these copies of text messages. It was a good thing, which is what led us to accuse him of having destroyed them. Therefore, this is why there is no evidence to the contrary of the absence of destruction.

Diane Protat: But to answer this question, as just now, when Mrs. Jeanine Small was heard at the European Parliament (FB: Who is the representative of Mr. Bourla, who refused to appear before the European Parliament). She was questioned by MEPs who asked her questions, including about text messages. Ms. Small said that there were a lot of text messages exchanged, but that it had nothing to do with the contracts. On the other hand, if I remember correctly, if you look at the whole hearing, it wasn't just Pfizer that was invited, there were other pharmaceutical companies. And in my memory, it is the president of Curevac who is asked: And you, how was the negotiation going? And I'm talking under the knife, you can check, but this gentleman answers: **Listen, we haven't had a text message. They didn't get a contract either, apparently.** In any case, I invite you to look since there is the sequel, there are others who answer this question elsewhere.

Question from the journalist present: There may be an offence of favouritism or breach of equal treatment in the case of a public contract.

Frédéric Baldan: In any case, we also have the prevention of illegal taking of interests because we have noted that, in the end, in this irregular procedure of so-called competitive bidding, there is a supplier who has ended up obtaining most of the contract compared to the others. And curiously, it was the one who improperly negotiated directly by message with the president of the commission. I would remind you that she did not have the mandate to do so, that there were, even if they are questionable as to the nature, committees of experts to supervise the operation and that, moreover, Mrs Kyriakides, who is the European Commissioner for Health, answered a parliamentary question on behalf of the European Commission, that these negotiation and steering committees of experts were set up precisely to address the problem of Pfizer's criminal record in this area. corruption, false information, deception, cult commissions. And Mrs. von der Leyen, **she has short-circuited the mechanism put in place by her own committee to avoid the risks of corruption.** So, it's still quite heavy to take in the end.

Diane Protat: And by the way, since Frédéric was raising the issue of Pfizer, to develop it a little bit, one that is a French association that I represent **called BonSens, which has 30,000 members**, who moreover **reported en masse at the time**, to the EPPO, the alleged violations committed by Mrs. von der Leyen. And this French association **which has sued the nullity of contracts from a civil point of view**, with an argument that is simple, which is to say that fraud corrupts everything, it is a Latin adage, it is in all continental law, fraud omnia corrumpit. We took this action and as part of this action, there was a request made by BonSens for international legal assistance to the American courts. Because when you have evidence in a case that can be held in the United States, if you have an interest, you can ask for that mutual assistance. That's what we did. The association Common Sense pleaded in New York before the federal court in New York, against Pfizer, effectively an army of Pfizer lawyers, asking for this mutual assistance. **And Pfizer's lawyers, in this civil moment, responded to the court that the messages were "irrelevant".**

In English, it means not "interesting". Not interesting for whom? That's one of the best questions.

But this procedure finally ended with the American judge, who told us to come back later because we were not sure who was competent, France or Belgium. Now, things are becoming clearer and clearer, because we can provide international mutual aid, but do we still need to know who to help? Here, it is rather Belgium that needs to be helped. So, in the context of this case, it is quite

possible to imagine recourse to American courts. And moreover, since they are there, Pfizer, BioNTec and Mr. Boural, being implicated, they have the obligation to participate in justice. And that's normal for everyone. So, we have arrived at a time when we do not understand why we do not put these SMS on the table and these contracts on the table. All the participants are there, all the accused are there, they have all the documents, they must cooperate with the justice system or it is up to the justice system to easily draw the consequences.

Frédéric Baldan: I remind you in the words of the... I am going to leave the question of 29 April from Mrs von der Leyen in Maastricht, to the question, I do not remember who the speaker is, but someone is asking her during the debate whether **she undertakes to be transparent and to appear in the proceedings against her**. And so, she is a little unsettled. She is a little unsettled, she answers: I am transparent, I am transparent. The judiciary is independent and moreover, the justice system will bring all transparency. I don't know if that means that, according to her, searches are absolutely necessary to have transparency, because as things stand, it doesn't seem to us that they cooperated with the justice system by providing the contracts and the text messages. So, that's a problem. So if anybody else... Another question, Olivier.

Question from the journalist present: You say that you are going to turn to the UN because you have a lot of doubts about the functioning of the EPPO and, even if I understand correctly, about its constitutionality with regard to the Belgian Constitution. Why not directly to the General Court of the Union, the European justice system, to say: We contest this, it's already done. The Germans have already done it for regulations, European regulations for the recovery plan. What for? It would not be possible to go directly to the European justice system to say: There is a problem with what you call a European Public Prosecutor's Office that does not meet many criteria. I do not quite understand why the Member States that nevertheless agreed to the creation of this EPPO did not realise that there was a problem at the outset. And a second question is about contracts. I assume that the Member States that have paid have seen these contracts, why not turn to them when asked to see them?

Diane Protat: It's a lot of questions, we're going to deal with them. (FB: If we forget some, you can repeat them.) First, why not turn to the European courts? The European civil courts in Luxembourg are the General Court of the European Union and the Court of Justice of the European Union. **We have already done it, everyone has done it in the last two years.**

I would remind you, however, that there are Members of the European Parliament whose late Mrs Rivasi and several of them have claimed, they are in fact in European law, what is known as the super-privileged applicant, they have asked the Court of Justice for the contracts. Because for them, obviously, for all the votes of the... There are two civil courts in Luxembourg, the TPE and the CJEU. They were referred to them by MEPs, by 2,000 individuals also together, by journalists, by everyone. And for the past two years, these civil courts, which should have had the obvious good sense to order the production of contracts, because that was their role, have done nothing. They have sine die all the procedures and Frédéric can say it, 2,000 individuals pleaded in October before the General Court of the European Union to have the contracts.

They still do not have a date for trial. Six months later, it hasn't happened. Normally, the civil justice system in Luxembourg should have ordered the production of these contracts from the outset. It is because it does not do so that we are now obliged to turn to them either, because it does not make sense, since the EPPO is part of this European judicial system as an agency. But since they also explain to us that they have no suspects, after a while, we have to go back to the national courts to have an independent justice system and we are not going to continue to break down doors.

Frédéric Baldan: But on the UN, it may be misspecified, what we did at the UN was to denounce the infringement of lawyers' rights and fundamental rights.

Diane Protat: And also, this is what we have denounced, since I believe that as a lawyer, it is an attack and an impediment to exercising my profession. But who can I complain to? Because there is no one above Mrs. Kövesi as a prosecutor. I want to say to myself, maybe for Tom, I don't think it's the president of the Paris Bar who is going to force Mrs. Kövesi to give me her file. On the other hand, there is a special rapporteur at the UN who is in charge of this issue, that of the independence of judges and lawyers. I think we're falling right into it. They have been seized and they have six weeks to tell us whether it is normal for Mrs Kövesi to be the prosecuting authority in this case and whether it is also normal for lawyers to be prevented from accessing a file and exercising their profession, as well as the litigant. So, we hope for interventions.

Frédéric Baldan: Then, in the facts that we will end up adding, we still have doubts about the sincerity and independence of some of the CJEU's judges with regard to Mrs. von der Leyen. What for? There is still a somewhat federalist ideology which is that justice should be captured as a full and exclusive competence of the European Union and no longer a shared competence. They all contribute to it.

We still have doubts. I, for example, attended an event together by a rather legal lobby that was federalist. We found the European Commissioner for Justice, we found the CJEU magistrate we had asked for, who intentionally misjudged us and we can demonstrate that he misjudged us on the basis of intent because we filmed him in a public hearing explaining to us exactly the opposite of the judgment he gave us. So that's why we went there. In fact, it's to question her in the Elise Lucet fashion. And it worked very well because he very kindly explained to us how the opposite of his judgment should be done. The pieces have been immobilized in this regard.

So we think that, yes, there is a problem at this level, that we need an independent court and that, once again, we are in the situation where it is the head, really, the greatest official of the European Union who is being called into question. When it comes to the European Public Prosecutor's Office, we are going to have Mrs Kövesi, so these are civil servants who have been put at very high levels and **it is very difficult to have independent courts** that give us the right while respecting the law and case law.

Diane Protat: I would just like to add a few words about the EPPO. It was nevertheless created in July 2021. And contrary to what is said, the national courts that had investigating judges, in particular Belgium, France, France and Italy, have strongly contested the creation of the EPPO because it directly clashed and encroached on competences. But it's not just countries that are part of it. There are also some who don't. But it's not just countries that are part of it. There are also some that are not part of it.

Frédéric Baldan: There are still four ongoing disputes, according to Ms. Kövesi. And there is another problem which is in the case of ESPES. The OPPO regulations, they pose problems because since they did not obtain the unanimity of the member states and they wrote it more or less as if they had obtained it, there are jurisdictional conflicts that emanate from the text that was It is perhaps difficult to predict without concrete examples. So here, we are experimenting with this text, but there is a problem, which is that the use that is made of it, it goes completely beyond its legal basis. So normally, we can apply this regulation in compliance with the treaties. And in fact, the use that is made of this regulation by the so-called prosecutors of the EPPO **is a use that violates the principles that made it possible to put this regulation in place**. This is why I recalled in my 30-page letter addressed to the EPPO, a fairly large number of recitals. So in fact, the legislator, he created a regulation for them, but he put a lot of consideration, I don't know if it's almost 200.

And so, we remind them, look, **it's a project to create a European Public Prosecutor's Office**, so it's not a finished entity. That's also why there is a reservation to be had about the text.

The deputies, they voted like that, like a project. And then, they have attached a lot of considerations. And what the EPPO is doing today **contravenes a phenomenal number of provisions of their own regulations**.

Question from the journalist present:

But then, the European justice system could say so.

Diane Protat: Because when there is a conflict between the EPPO and a national justice system, what is provided for in the texts is that it is the national justice system that decides on the problem. That's why we're before the Belgian Council Chamber. And that's also why you need to have the Belgian king's prosecutor. Because the provision is that if there is a conflict, it is not at the level of the European Union that we will decide, it is not at the level of the CJEU, it is at the level of national law. And that's why, as I said, the EPPO has referred the matter to the Belgian national courts and to the Council and the Council Chamber, because they have no choice and it is Belgian law that must determine.

Frédéric Baldan: For the moment, it's worse than that. This means that normally, if we had respected the logic, the EPPO, when they wanted to declare themselves competent, they did not do so within the legal deadline, so this is already surprising. **They should have immediately referred the matter to the National Chamber and said:** "We may be in a conflict of competences. So, before the investigating judge conducts his investigation, we decide on the question of jurisdiction in an open manner with the parties." It would have been very good, we could have debated and concluded that they were incompetent. What they did was to wait more than a year when an investigation was carried out to say: In fact, we absolutely want to put this file in the trash. And it becomes really very embarrassing. In addition, **they want to put it in the trash without explaining how they themselves think that the public prosecutor should prosecute the facts.** So, it's something a little annoying. We are really in a kind of legal no man's land where **the law has been completely vaporized, the prosecutor no longer exists.** We don't even know legally how the legal prosecutor disappeared from this case.

For us, he is still in charge, but he no longer speaks, he no longer comes, he is not summoned. It's something quite astounding.

Question from the journalist present: And about the States. No, but because there was a second question on: have the States seen the contracts?

Diane Protat: A priori, I guess so, but I'll tell you, in the BonSens association that I mentioned, which criticized the contracts and tried to have them invalidated. Well, never during this procedure **did Santé publique France produce the contracts. It has never been given.** In France, it was finally decided that this contract, with its clause of attribution to the Belgian courts, was valid. So now, it's all in Belgium. But the French courts, and this is extraordinary, ruled on this without seeing the contract. Public Health France has been asked several times and Public Health France has said: No, I cannot lift the secrecy because it is the secrecy that the Commission imposes on me. He told me: Listen, there is a problem because I, in my national law, also have the right to transparency. It is not the European Union that is going to destroy my national right to transparency. And on this point, from a legal point of view, European law, there is a primacy of European law, but there are judgments that explain why it ceases if European law violates fundamental rights that would be respected at the lower level, i.e. at the level of the States.

So there is also a real difficulty here. **We didn't get them, but I suppose that the states didn't sign with their eyes closed.** That's obvious.

Frédéric Baldan: For those who speak Italian, there is a program on RAI, a kind of documentary that reminded the official who had to sign the contract, said that **the pressure that was put by the commission and Pfizer** was so strong in terms of threats, prosecutions. If there was a privacy leak, I remind you that there should never have been that confidentiality. The officials

admitted in Italy **that they had signed the contract without typing the password that allowed it to be consulted. So, we have a blind signature.** And in addition, there are questions about legality in different Member States, which is the signing of a contract that is produced and not translated and in a foreign language. So, this poses a problem. For me, it's like, for example, if I have someone in Belgium who has to read a document in the French-speaking part, the external part of the document is Dutch, and it is not translated to him and he is not able to speak Dutch, we still ask ourselves questions about the real consent and sincerity of the acts.

Question from the journalist present: Where does it come from and approve it?

Diane Protat: No, but to make you smile too, in France, as we also asked with this work on common sense, we said: Listen, produce the contracts, at a pinch, let's be smart, at least produce the translation, since they were supposed to be in English, because in French law, we have to do procedural acts, it is the ordinance of Villers-Cotterêts, in France. And this is the first time that the Council of State, when we had raised, there is also this difficulty, we don't have the contract, in any case, it's in English, so it can't be valid for French law. Amazingly, the first time I heard all the councillors of the Council of State was the assembled chamber, the selection decision, they all said: Don't worry, we speak English. This is the first time. I am happy to hear this, but France has revolutionized the right to deem valid a contract in English that it has not seen. It's extraordinary. I say this to the attention of the Council of State.

Question from the journalist present: A question we have on the edge. Citizens are asking how they can join the procedure and under what conditions?

Frédéric Baldan: They must first consider themselves harmed, therefore victims, that they explain how, for example, their rights have been violated, that they have been harmed. Perhaps if there are enough of them, it would be good for them if they came together under the banner of a single lawyer or more, no matter who they are.

To make coherent groups, I explain why. This is because the justice system must serve the hearings and if you are concerned about the economy of the means of the Belgian justice system, if the judge has to serve, for example, 10 000 people represented individually in their respective homes, the cost of serving a hearing becomes intolerable. That's why it may be better to either join existing groups or find a lawyer who will make a group appeal and reach several victims.

Question from the journalist present:

You talk about coherent groups. Doesn't it generate a bit of confusion that you have been joined by employees in the airline sector, precisely, who have decided to join your admission project? I have the impression that you are very much about transparency and it is clear that there is a lack of transparency. They, presumably, are more about the composition of the product. Isn't there a risk of confusion about why everyone else

Frédéric Baldan: Actually, it's quite simple. This is precisely what will bother the European Public Prosecutor's Office (EPPO) is that the various victims that we do not control. So actually, when I'm told what the provisions are, I can explain them to you, but you're free to do so and I can't stop you. So, even if I want to try, I can't. So, anyone who considers themselves a victim, you can have a rape, for example. If four other people say that they were raped by the same rapist, they join for more or less the same facts, so we have a somewhat collective procedure. Here, if they believe that they have prejudices that are different from mine, what we will have are victims who have different types of prejudices. And for the moment, I remind you that **it is the EPPO**

that is trying to say that none of the victims has an interest in taking action. So, it's rather favourable for us and annoying for them. Whether people are of different natures, everyone has the right to claim compensation for damage.

Everyone has the right to say: I was a victim of the violation of my fundamental rights or of corruption and to assert their rights in court. So that's a little out of our control, to be honest. It's out of our control.

Diane Protat: I would add that when Mrs. Jeanine Small was heard by the European Parliament in place of Mr. Bourla, she spoke about text messages, but she still publicly acknowledged that she knew that this product did not have antipandemic capabilities ab initio, which implies asking the question of the legitimacy of health constraint measures and their proportionality with the pursuit of this objective. However, you know very well that we can consider that if, in the end, these measures were disproportionate, they infringed on the freedom to come and go, the freedom of assembly, the freedom of each and every one of us and led to discrimination. These are varieties of prejudice that many can claim. As I said, there are also the victims, those who have been vaccinated, who may think that this vaccine has caused them injury and damage, might have made a different choice, as I say, by reading the contracts. Because in these contracts, there is this question. People were told: "Are you going to get vaccinated to protect others". And there, it's a problem of transparency for everyone too, since we haven't given sincere and true information.

And finally, the issue of aviation safety is a cross-partisan issue, which is for everyone. Air safety, everyone wants to feel safe on a plane and it is legitimate that these checks were done by chance. That's their role. As I told you, you can't fly if you've taken an antihistamine. Imagine the question.

Frédéric Baldan: Moreover, the responsibility lies with the driver today. It is the captain who will be responsible for the other institutions because he is the captain. In the end, we'll tell him.

We still have a problem. I said earlier, there is a mechanism for infringing on fundamental rights. **The infringement must be legitimate, proportionate and strictly necessary.** This is the first constraint. And then, the objective, pursued. Otherwise, we are in a case of arbitrary violations of fundamental rights or possibly abuse of rights.

There is another who is the public authority, he is not a citizen. The public authority has the burden of proof. What the von der Leyen Commission has begun to reverse in a somewhat violent way means that normally, it has to demonstrate in a concrete way, such as for example, it wants to obstruct transparency, that it has a legitimate reason. And why does it have the burden of proof, that it has to establish it in a really concrete way? This is because it can see, for example, contracts. Therefore, since it can be aware of the information, it can more easily justify why it does not give it.

What it **does is reverse by saying: You, citizens, justify why you want to exercise your right to transparency.** And so, we have a problem that is today, we realise that these contracts have been hidden, I would remind you, even from most of the Members of the European Parliament who have a mission to monitor the Commission's activity. This is part of the missions of parliamentarians. Moreover, we have among the deputies, if I am mistaken, **someone who is nevertheless in the process of affirming that his parliamentary mission of monitoring the Commission's activity has been hindered.** And so, in fact, these contracts, the Commission itself, it could not have done so.

So I can still say that the European Parliament was misled by voting for a text that could be repressive because it considered that it was legitimate, proportionate and strictly necessary. Except that **if Mrs. von der Leyen hid from them a provision that was likely to say exactly**

the opposite, it means that they were forced to act on an arbitrary basis. And that, in Belgian law, there is Article 151 of the Criminal Code which provides that it is an offence.

Diane Protat: And then, you can also add to me: To avoid confusion, there are political parties that have joined from all countries. There is an Italian called Génération Future, there is honour to the Belgians, a party called Vivant and we have the French, Les Patriotes, it was in the press.

But the issue of transparency is an issue that all parties, the European Political Party, should address. Transparency is for everyone. It's for everyone to see it. This is a fundamental interest of the citizens. As I said at the beginning, democracy is not just about voting, it is about being able to control. And I think it's beneficial for democracy that political parties come, in the name of their members, to say: This is what we are asking for as citizens, we have this right. The right to vote is a personal right, as is the right to control. And I think it's great that all these parties are joining because there's one thing that's fundamental as well. Here, we are talking about vaccines, but at the higher level, **there is a question of control of public action.**

You have understood that Mrs von der Leyen explains that she has not archived her text messages. There is a European regulation on public archives. You can all consult public archives, it allows you to know how decisions were made. Today, they say, but what she says, I don't archive, that they didn't archive the "short leave messages" because on principle, according to them, but it's their idea, that there would be nothing important in text messages. I've sometimes received text messages, there are things in them, there are three lines, it's very important, but we can see that there are scandals right now about WhatsApp files, this, that. **It is clear that public action is done by text message to supposedly be faster. To exclude them on principle from public archiving, but that is to prevent everyone from controlling this public action** in any of them, knowing that the messages, I still guess that giving your work phone to your secretary at the end of the day to put a cable on it and retrieve the messages, I don't see what the difficulty is. But today, the political parties must take up this issue of undermining transparency because citizens will no longer be able to control the mechanisms of public action if we put aside all text messages.

Frédéric Baldan: I remind you that they still have official mailboxes, so they are always able to send emails until proven otherwise. Of course. But what we have to understand is that if we don't set in motion this new mechanism of systematic violation of fundamental rights, we will have a problem. I will give you another example. I believe you know Ms. Eva Kaili, who was made famous recently. Mrs Eva Kaili, she is part of a group of 49 MEPs who have been the subject of secret OLAF reports, which have been kept secret by Mrs Roberta Metsola, who knows Mrs von der Leyen well, who is the President of the European Parliament. The press, there is a section of journalists who have already tried to join the effort to try to obtain a copy of these secret reports, but we do not understand why they are from OLAF. I will tell you the type of abuse we are in, and it affects us for Luxembourg. The Commission is giving us an excuse for not giving us OLAF's reports on Members who have embezzled public funds, 49, **which is the right to privacy of Members.**

So if I want the report and they anonymize the report, it's of no use to me, so I'm not given it. It's a bit violent, because in the European Parliament's directory, there are the names of all the Members, their collaborators, their CVs, you name it. **But on the other hand, when it is in an OLAF report on offences that are attributable to Members of Parliament, then he would have a private life because his professional life is part of his private life.** It's an incredible administrative delirium. And this is what we were told in Luxembourg. **None of the agents we saw at the EPPO headquarters in Brussels and Luxembourg agreed to identify themselves.** They all hid their badges. **We obtained a signature from someone who told us that she did not put her name, surname and capacity out of respect for her privacy.** We are in a delirium in terms of violation of the principle of administrative rights and fundamental rights. It's true that we have this case, but if we don't focus on punishing infractions, it means that we accept

that this principle will be generalized to all cases. And that, we are really fundamentally opposed to it. And that's why we'll go all the way, even if it takes 10 years, we have to be honest.

Diane Protat: And then, it's a question of responsibility. When people are civil servants, why not want to identify themselves very sincerely? It's so that we don't find you. Whereas from the moment you exercise the responsibilities of a civil servant, the police, they have their number. There is no reason not to want to give one's identity. And this is one of the first offences, indeed, to be noted. It is a de facto obligation.

Question journalist present: Just a question for me, actually, to wait for it, the decision of the Council Chamber. Does it simply have to decide on the competent prosecutor's office to continue to prosecute or could it already decide to say your case is admissible or inadmissible and bury it royally?

Frédéric Baldan: Which was agreed, because basically, given the bag of knots that it has become because of the EPPO and the quality of Mrs. Van der Leyen, so it doesn't happen every day. Even for them, it's a bit tricky to understand what the framework is, because they don't have a usual framework, so it's quite complicated. It was agreed between almost everyone, whether it was the opposing parties or the complainants, even the investigating judge and the president and the EPPO, that it was still necessary to feed the reflection in a collective way to know what was the procedure to be applied. We have three criteria that I mentioned at the beginning of the conference, which are questions of immunity, questions of jurisdiction and questions of victims' interests. Basically, we have the task until December, when there will be a new hearing, to enlighten the Council Chamber in a detailed way on what are the considerations of each other on this subject.

Diane Protat: In the meantime, the investigation continues.

Frédéric Baldan: Yes, that's right. In the meantime, it's more complicated than that. **This is because the file is made available to the judge.**

Question from the journalist present: There is no investigator working at the moment.

Frédéric Baldan: Without starting to go into the substance, we can't really answer. But the file is made available to the judge. All right? Therefore, if the judge considers, when he has received the file, that he is still competent to act and that he wants to make requisitions and perform duties, a priori, he will have the right to do so. That is what the chair said. (comment: Right now?) **Normally, we make it available to him, but he has procedural doubts,** I think, and he wants to dispel his doubts to be sure that his action is legal. So, everything to his credit. And so, if he dismisses them, in my opinion, **he is free to make all the arrangements he wants.** This is what was explained to us during the hearing.

Question from the journalist present: But which prosecutor's office? I mean, who's going to...

Frédéric Baldan: There is the no man's land of the prosecutor's office.

Question from the journalist present: Why wasn't the prosecutor there?

Diane Protat: It was a big question that was asked at the hearing, explaining that he had to be there for the next hearing.

Frédéric Baldan: By the way, I invite everyone to write to the legal prosecutor to find out if he is okay first, if he has submitted his resignation to the law because I can give him the address of the Palais-Royal and if he continues to express himself, to carry out his duties because then he must come forward and intervene.

Question journalist present: On the point of view you have just said, it means that after the hearing, both the Liège prosecutor's office and the European prosecutor's office can, according to you, continue to move forward with their investigation if they wish. They have their hands free on both sides in parallel.

Frédéric Baldan: It's not really the prosecutor's office that does the investigation. No, it is the judge who is supposed to ask the prosecutor's office for resources. So, I'm going to say, the mess of the situation is that since we have incompetent people who are declared competent by ousting those who were, basically, we say to ourselves: Yes, but we no longer have a prosecutor's office. How do we carry out the work, the requisitions? It's a real jurisdictional headache, if you will. For the moment, we are a bit without a conclusion. That's why the lawyers of the different parties have a timetable that is not communicated to you, but which serves to specify the different aspects.

Question journalist present: When we read in the press that the EPPO has taken over the investigation and that Poland wants to get out of the investigation, what is really the situation for the reader? **Has the EPPO taken over the investigation or not? And is Poland in the complaint or not?**

Diane Protat: First of all, Poland's lawyers came to the hearing, noted the calendar like everyone else and cannot explain to the judge that they would not be there on December 6. I think they're going to be there. There is no such thing as a

Frédéric Baldan: Moreover, we can still say that a priori, they did not say that they were withdrawing. So the information, in my opinion, is false. They had prepared their case and they also pleaded their case.

Question journalist present: so they have no instructions, let's say, to get out of the case?

Frédéric Baldan: We don't know what they have in terms of instruction, but in any case, we can see that yes, they were with us. They left the courtroom at the same time as us, everyone was able to see them and that they did attend the pleadings, that they did not affirm during their pleadings that their state had decided to withdraw from the case. They even developed considerations in relation to the procedure. I suppose that a state that wanted to withdraw, it would say: I am no longer interested, I am not expressing myself. This is clearly not the case.

Question from the journalist present: So the information that has been widely reported, has the EPPO taken up the case or not?

Diane Protat: No. This is the subject of the decision that will be handed down on December 6. On December 6, we will finally know who is competent to continue this investigation. Is it the EPPO, which will lead to the cancellation of the entire investigation that has been carried out by the Belgian magistrate from the beginning? Or will it be the Belgian investigating judge who will be able to get to the end of this case? But what must be understood is that insofar as the EPPO wanted to stop this case for May 17, to suck it up and not have any more victims around, the fact that there was a postponement because of the complexity of the case to be able to shed light on it, but until December 6, **it effectively implies that the case returns to the hands of the investigating magistrate, of Judge Fresnay,** and if requests are made to him, **it is up to him, in this context, to assess whether he should follow up on them or not.** So, effectively, for six months-

Frédéric Baldan: To tell you how this is a unique procedure and which creates damages, we, for example, are still quite shocked that the file has been made available to the opposing parties as it stands. Because it's still relatively incomplete. I believe that Hungary shares our opinion because it has made a request for additional homework. But we were able to make it known, so it's a bit annoying. But the question that will arise afterwards is even if we are not justified in terms of interest, what will become of the file that has been communicated to all the parties, when the parties will no longer be subject to the secrecy of the investigation?

Question from the journalist present: What file was given?

Frédéric Baldan: The one in the hands of... A file of about 2,000 pages. This is also the case in the hands of Judge Fresnay. Judge Fresnay's file is still made available, normally, to the EPPO and was made available to all the parties who were summoned yesterday. Everyone has that now. That's why we're telling you that we're still subject to the secrecy of the investigation because we had access to the file like all the other parties, it's not just us.

Me Diane Protat: When the judge conducts his investigation, there is a secrecy of the investigation and the parties, even we do not necessarily have access because precisely, when we carry out investigative acts, they must not be disturbed. So it's up to the investigating judge, when he does his investigation, when you ask him: Can we have access?, to tell you yes or no. On the other hand, from the moment the matter is referred to the council chamber, **it is the EPPO that has chosen this hearing.** At that time, all parties must have access, at least, it is the law 15 days before the hearing, to the entire file to be able to present their defense. So, obviously, all the parties who were summoned, Mrs Van der Leyen, the companies Pfizer, BioNTech, Mr Baldan, myself, the various parties that I represent, we had access to this file which was put in our hands. It's the norms of defence, it's the law. So, indeed, there is a question, there is a legal question that arises. From the moment this file was handed over to all the civil parties because it is the law and it is the obligation, I may not be a lawyer in Belgium, but I still took my code of procedure, I did not see that they, the civil parties, have the obligation to then return this file. You have kept yourself incommunicado when you are involved in the investigation. If you are told: Madam, Sir, you are no longer a victim, you are nothing, Quid, indeed, of the file that has been consulted and that has been made available to the civil parties for the hearing. Indeed, there is a real question that will arise on this subject.

Question journalist present: How do you consider the attitude of the investigating judge, if I have understood correctly, to carry out a half-investigation since he did not carry out the acts you requested, namely searches to recover text messages for example?

Frédéric Baldan: In fact, as we have just said, the EPPO forced the hearing. So in fact, if the judge had been free, in my opinion, to conduct his investigation independently and freely, we would not have had this hearing. It is the European Public Prosecutor's Office, and therefore the

EPPO, which has declared itself competent, which, if I must say it bluntly, is trying to sabotage the case. And it was he who forced us, by procedural acts, to go before the Council Chamber. And that's why we tried to get their file, because we understood that obviously, in view of the testimonies, they were hiding important elements from the investigating judge. Something for which now, we have nevertheless notified the judge on this subject, because we are a little shocked, if they have an obligation of loyal cooperation, that they keep elements secret, even for the investigating judge. It's really starting to bother us.

But so I, a priori, see that the magistrate was not able to go to the end. And I think it was raised by a lawyer by the way, people who were involved in the case. And it's true. And I hope that it will also investigate in the defence. I don't see the point of taking an investigating judge if he doesn't do the charge and the discharge. And so that's a problem. So today, we would also like to see if there are elements that contribute to Mrs. von der Leyen's innocence, but we didn't let the judge do that. (journalistic commentary: But so far- FB: Wait)

Question from the journalist present: My question was perhaps quite clear. Personally, I have the impression that the judge is in a way a little self-censored by carrying out certain investigative acts that are easy to carry out, that is to say, retrieving reports that are already in the public domain. But when it comes to carrying out strong investigative acts such as a search, it did not take place.

Frédéric Baldan: In fact, that's what we explained again. In fact, it is that the judge, when he wants to request resources, asks for them from the public prosecutor's office and since the public prosecutor is reported missing, in fact, he has to go and ask the EPPO which does not want to carry them out, a priori.

That's why he's sending us to the chamber. That's why we're very annoyed and say: **Who represents the public prosecutor?** We don't understand. Moreover, I do not consider that the EPPO can be the public prosecutor's office in Belgium. Here, we have a real problem, which is: we just have a slightly floating instruction that no longer has a floor. This is a real problem. This is unprecedented. If we hadn't had this new regulation, the EPPO has, I believe, been in operation since June 2021. And like getting into trouble with four member states of Puglia. We are the fifth with Belgium. Out of 22 initial signatories, **a quarter of the Member States have a problem with the application of this regulation. We see that, in fact, rather,** normally, they are there to help prosecute offences. They must help... In fact, they must promote **cooperation and coordination** between the different courts of the Member States. What we see here is that in fact they have a **disruptive role** and that at no time did they, for example, ask five different European countries to launch proceedings at the same time as them. No, everyone came to Belgium, there is only one jurisdiction, everyone was in the same place. **What are they for? We don't understand..**

Diane Protat: To answer a question as well, if we have any questions, we say that based on public documents, there are still serious and consistent clues that allow us to suspect the commission of offences. You know that sometimes you can also make judgments without going through instructions, for example in direct quotes. From the moment we can think that someone has no immunity because he or she has acted secretly outside of any mandate, we can also imagine acting differently. Because since we bring an instruction tape of free public documents to the party who is accused of producing them. If you like, we're not alone. And the silence in itself is proof. After a while, no one has been producing anything for two years. Nevertheless, we have the European Ombudsman who says so, which is a problem of the European Court of Auditors. Everyone says so. It's obvious at the end of the day. Me, in this case, even beyond the acts of investigation that people may or may not want, but me, from my point of view, even with public and external elements, I am a lawyer, I can say, but I would be really annoyed if I was signed as

a direct quote saying: Finally, with the elements already outside, Isn't that enough? **That's the big question, because by dint of not answering, all these silences contribute to providing proof.** That's what we see, in any case, it's what we can all see today.

Question to the journalist present: I think there is more doubt than now, Ursula does not want to give her text messages. She doesn't do it voluntarily, so it's going to be something to hide. But it is still questionable that it is a citizen who has to appeal to this and that the Member States, with their ministers, do not question what it hides. Could the trial be a stunt and raise questions afterwards?

Frédéric Baldan: As we have explained, there are two Member States with us. The Member States are interested anyway, it depends on which ones. So, indeed, we consider that all Member States should do so.

Diane Protat: Yes, sincerely, it is also a question of the sovereignty of national courts. As soon as there is a principle of subsidiarity, the one who has to investigate, the one who is best placed, obviously, **the EPPO has such a conflict of interest, given the historical situation, that it is not the best** placed. And I also consider it, if you think about it, there is a framework contract, which we have understood. And then we explain that it is each country that has ordered. We see it as follow-on public contracts. So, there was no reason, in the end, necessarily, not to think, not to say: Well, the orders that France has made, it's French law that will judge it. The orders that Italy has made, it is Italy that will judge. There has been a kind of grouping at the level of Brussels which has made things very complex.

Frédéric Baldan: I imagine that a funny question will be asked, which is: When the members of the Council, including Poland and Hungary, who were present at the hearing, will have to vote internally to decide who will be a candidate, it means that we will have among the people who vote people who are plaintiffs in a criminal case against the candidate. **I don't know how they will get rid of this problem.**

Diane Protat: And then, because we talked about political parties, the EPP, which is the European People's Party itself, normally, I suppose that it has, like the others, **a charter of good conduct.** The patriots have shown theirs. The other parties have also all committed to morality and transparency. We can also ask ourselves the question of the values that the European People's Party represents if it maintains Mrs von der Leyen's candidacy on its own.

Question from the journalist present: I have a question sent to me by Verity France. So, from your point of view, doesn't the EPPO's action look like an attempt to bury the case first-class?

Frédéric Baldan: That's what we were saying earlier. If we have to read it flatly, that's about it. It is an interference that tries to bend the case.

Question from the journalist present: And the other states that have disputes with them?

Frédéric Baldan: We don't know at the moment. There are other states that could be candidates to be invited.

Diane Protat: In any case, there are other states that have been sued for payment, in particular Romania by Pfizer and which has been sued for payment in Belgium.

Question from the journalist present: No, what I mean is the other prosecutors' offices, other Member States who are annoyed.

Frédéric Baldan: In fact, they will have the problem of jurisdiction, as explained with the contracts that provide that the jurisdiction is Belgian. So, a priori, they are the ones who risk finding themselves in situations of incompetence when they try to accuse Pfizer, BioNTech and the others.

Question from the journalist present: No, I was saying, there are four other states No, sorry.

Frédéric Baldan: Ok, I see the question. In fact, there are four States for which there have been reports to the Commission of incompatibility or problems of litigation with the EPPO. I don't remember the exact list.

Journalist commentary: There was... But that's public?

Frédéric Baldan: Yes, it's public. It was in the conference of the 24th... Of the 9th, sorry. From the 9th, OK, from Mrs. Kövesi.

Diane Protat: Simply on the question of truth also for the burial of first classes. The reality is that all the victims who have come forward are brave because it is also... Quite simply, there is a question of organization. There are many people who are harmed and especially, I think, people who may have been victims of side effects because they want the truth. In fact, that's the name of this association. This is also the purpose of transparency, it is the truth for all of us. And so, I think it's great, here again, like the parties that have joined, that individuals are taking this courageous step.

Frédéric Baldan: It's a bit to scratch it. No, it's not a big deal, it's free.

Question from the journalist present: No, but throughout the press conference here, you talked a lot about the defense of fundamental rights and your attachment to it. When here, at the cause, there are countries like Hungary, which we can still wonder, which has already been pinned down itself for respecting certain fundamental rights or sympathizers of the extreme right who are supposed to join you in the cause. You are not saying that this merger of participants harms your message?

Frédéric Baldan: First of all, you know, fundamental rights are for everyone. So, just because someone has a particular political ideology doesn't mean they have different fundamental rights. So the right to transparency, for example, you can be left-wing, right-wing, nice, bad. Everyone has the right to it, it's inalienable, it's for everyone. And that's what makes us a society. I don't have a political affiliation, I don't try to have one. For example, the party, I assume that you targeted Florent Philippot's party. I never met him before yesterday, I never spoke to him until yesterday, so I ran into him in the courthouse. That way, it could enlighten those who have made mistakes.

Diane Protat: I ask myself the question, because it's a question, we have to scratch it, but we have to turn it the other way. There were still a number of left-wing MEPs, but all in the European Parliament, who refused transparency. So, we have to ask ourselves the question. Hungary,

human rights, the question, it arises here in Belgium when we see it, when the European Parliament sends the police to a lawyer. Human rights are very important because confusing people. **I, the political parties that are joining, I hope that they are from all walks of life because it is their role to remind people of this transparency.** And those who have sat in the European Parliament, **all those Members who have not asked for light, I hope that they will be replaced by Members who will want to do so.**

Frédéric Baldan: To be clear, we did have an excellent deputy with whom I had a rather special attachment who was Michèle Rivasi, who has died and therefore cannot read it and who no longer wants to act. She has a remarkable action in the context of this case, who was not someone of the extreme right and to whom I was quite close. Normally, there should be a plurality. What strikes me in the end **is that it is even more serious for the political camp that claims to have fundamental rights as its almost exclusive value and that does not come today, where they are in a phase of destruction, to defend them.** For me, it's a real personal problem. I am often criticized for this. I can see, for example, the journalists who did not know the whole name of the parties, because there are really a large number of them. For example, the pilots, the hostesses, I don't know what political or religious convictions they are, but there are an incredible number of them. They are not all from the same horizon. From all countries. But very clearly, these are fundamental rights, they should be transpartisan. And therefore to systematically focus on... These parties or countries, we are neither the nationals nor the members. At least they deserve to have come for the moment and we invite others to come and defend fundamental rights in the same way. There is no reason why they should be put forward as the only defenders of fundamental rights, but anyone is free, even in Belgium. There is Marc Botenga in The European Debut, there are many. So, you can go and question them by asking them why you, seen anyway... It is still obvious today that there is a violation of fundamental rights in relation to this contract and these text messages. Everyone sees it. A child would be able to conclude like a prosecutor. **And so at that moment, one wonders why the others, given the evidence, refuse to come and make a useful cause.** That's crazy.

Diane Protat: I know, because it's public, that the Belgian Living Party, which has deputies in the German-speaking Belgian Parliament, made this request. But they are the only ones. How is it that not all Belgian MPs have done so? But it's an obvious step and Vivant is right to do it. All the parties that do so are right, wherever they come from. The real question is us, to say that Hungary and others are no longer a state of law, we have to question ourselves today.

Frédéric Baldan: Are we going to look at what a Member State is?

Diane Protat: Are we really a state of law?

Frédéric Baldan: The question is being asked today. First of all, these countries, in addition, still remain full members of the European Union, so they cannot be treated separately from the other Member States. A union of 27 countries means 27 countries that have the same rights, so we see it that way too. But very clearly, we are in a situation where it should really go beyond these dichotomous, ideological divides which, in the end, deprive people of intelligent debate. Personally, I don't understand. **I have seen many people make left-right oppositions justifying themselves for not acting. I find it disturbing when it comes to fundamental rights.**

Diane Protat: Yes, I understand what is being said here, it's a way of not acting, of saying: Hey, since I don't like the person who asked for it, I'm not going to do it.

Excuse me, I think that Frédéric Baldan is absolutely right on this issue and it is really the role of all parties to demand to do the same thing as alive, to do the same thing as the patriots or as Generation Future. **In my opinion, that is the meaning of this action. Everyone must demand this transparency.**

Frédéric Baldan: And to inform you, for example, at the European level, which I know better than Almost, so there is the Belgian level. But there was a vote on what is called the EU Digital or COVID Certificate, which is the generalised application of our CST or health pass. It's a measure that has been repressive. Today, it is very obvious that lobbies have intervened to justify its existence. And in reality, when we look at who voted for and who voted against, we don't even have the same representation as at the hearing. So, in Belgium, I will tell you, there are only two deputies, as far as I remember, who voted against, they are Marc Tarabella and Mare Botenga. So, it is rather the far left and the party that is classified as left-wing. So, again, the right-wing parties in some countries voted against it. It is true that they are more in the majority against this provision. But for us, it's a general problem. It is even frightening to see that there is such a mass of politicians from all walks of life who have been able to vote for provisions against fundamental rights.

Frankly, it scares me. This is the opposite of democracy. It's already noon, so if you really want to be very quick so you don't deprive yourself of questions.

Question journalist present: It's really a simple question for the citizens. We can still see, as a Belgian citizen, when there is a big systemic problem. In fact, the word often comes up in your mouth. It's systemic. For example, you spoke earlier about a public servant who refuses to give his name for a private situation. We find this even in the police. Because we are often in demonstrations and we see that the police no longer wear their number. It's systemic. For you, Article 41 is what it is.

Frédéric Baldan: You ask for his legitimation card and you call 1001 if he doesn't show it to you. Yes, but the problem, as we have already said, is all. But that's off topic. The last question and then we leave.

Question from the journalist present: How can we explain the protection that Julia von der Leyen provides? Because we have seen that Charles Michel has had problems for less than that. He was much more in the field in the media, but she, apparently, seems to be really Untouchable.

Frédéric Baldan: Untouchable, I don't know. Now, it has negotiated contracts that want tens of billions, so I guess that creates solidarity. Insofar as we have not applied the necessary texts for the suspension, it poses a real problem. In fact, the suspension, normally, would contribute to the fact that the investigation can be serene, that even for the EPPO, let's admit that it is competent and I would find that delusional, but they themselves would have to ask that it be suspended so as not to harm the investigation because of its function, which is that of the judge.

Diane Protat: You know, in French law, when someone is summoned to court and he takes himself through his lawyer, **we say that he has been affected by the procedure.** She is not untouchable, she is not untouchable. It has arrived safely. You have to realize that she has taken... There were lawyers who came, so it is someone in the highest position of the European Union who has a trial underway in which we find it normal to summon her to the criminal justice system. I think it's difficult, but I don't think she's untouchable. I think that's what we've managed to do, is to get her touched.

Frédéric Baldan: We'll leave it at that. If you want, you can go for a drink at the bar downstairs. It's nicer than in a conference room, those who want to. We can answer your questions a little more if you have other specific ones. And then there you go, we make ourselves available afterwards if you need details. **If you have the will to be factual,** we can try to help you be so

without you intervening for our cause, but at least so that the citizen has access to information in a reliable way. Yes.

End of the conference.

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