



TEXTS ADOPTED

P8_TA(2015)0191

Request for waiver of the immunity of Viktor Uspaskich

European Parliament decision of 19 May 2015 on the request for waiver of the immunity of Viktor Uspaskich (2014/2203(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Viktor Uspaskich, forwarded on 1 October 2014 by the Prosecutor General of Lithuania and announced in plenary on 12 November 2014,
- having heard Viktor Uspaskich in accordance with Rule 9(5) of its Rules of Procedure,
- having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013¹,
- having regard to Article 62 of the Constitution of the Republic of Lithuania,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A8-0149/2015),

A. whereas the Prosecutor General of Lithuania has requested the waiver of the

¹ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23.

parliamentary immunity of Viktor Uspaskich, Member of the European Parliament, in connection with a pre-trial investigation concerning an alleged criminal offence;

- B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament shall enjoy, in the territory of their own state, the immunities accorded to members of the parliament of that state;
 - C. whereas Article 62 of the Constitution of the Republic of Lithuania and Article 22(3) of the Statute of the Seimas state that criminal proceedings may not be instituted against a Member of the Seimas, and that she or he may not be arrested or subjected to any other restrictions of personal freedom without the consent of the Seimas, except in cases of *flagrante delicto*;
 - D. whereas Viktor Uspaskich is accused of having committed the offence of contempt of court under Article 232 of the Criminal Code of the Republic of Lithuania;
 - E. whereas there is no evidence of *fumus persecutionis*, that is to say a well-founded suspicion that the legal proceedings have been instituted with the intention of causing political damage to the Member;
1. Decides to waive the immunity of Viktor Uspaskich;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Prosecutor General of Lithuania and to Viktor Uspaskich.