



TEXTS ADOPTED

P8_TA(2015)0060**Request for waiver of the immunity of Sergei Stanishev****European Parliament decision of 11 March 2015 on the request for waiver of the immunity of Sergei Stanishev (2014/2259(IMM))**

The European Parliament,

- having regard to the request for waiver of the immunity of Sergei Stanishev, forwarded by the Chief Public Prosecutor of the Republic of Bulgaria on 24 November 2014 in connection with legal proceedings pending before the Sofia City Court (ref. CCAN No C-280/2013), and announced in plenary on 15 December 2014,
- having heard Mr Stanishev in accordance with Rule 9(5) of its Rules of Procedure,
- having regard to Articles 8 and 9 of Protocol No 7 to the Treaty on the Functioning of the European Union on the Privileges and Immunities of the European Union, and to 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 70 of the Constitution of the Republic of Bulgaria,
- having regard to Rules 5(2), 6(1) and 9 of its Rules of Procedure,

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.

- having regard to the report of the Committee on Legal Affairs (A8-0045/2015),
- A. whereas the Chief Public Prosecutor of the Republic of Bulgaria has forwarded a request from the Public Prosecutor’s Office of the City of Sofia for authorisation to continue criminal proceedings against Sergei Stanishev with regard to an offence under Article 358(1), in conjunction with Article 26(1), of the Bulgarian Criminal Code;
- B. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament may not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;
- C. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament must enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
- D. whereas, under Article 70(1) of the Constitution of the Republic of Bulgaria, a Member of the National Assembly is immune from detention or criminal prosecution except for the perpetration of a criminal offence, and whereas in such cases the permission of the National Assembly or, should the latter be in recess, of the Speaker of the National Assembly, is required, save in the case of detention *in flagrante delicto*; whereas, under Article 70(2) of the Constitution of the Republic of Bulgaria, permission to initiate a criminal prosecution is not required where the Member of the National Assembly has given his or her consent thereto in writing;
- E. whereas it is for Parliament alone to decide whether immunity is or is not to be waived in a given case; whereas Parliament may reasonably take account of the Member’s position in reaching its decision on whether or not to waive his or her immunity¹;
- F. whereas the alleged offence does not have a direct or obvious connection with Mr Stanishev’s performance of his duties as a Member of the European Parliament, and nor does it constitute an opinion expressed or a vote cast in the performance of his duties as a Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- G. whereas pre-trial investigations against Sergei Stanishev had already started long before he became a Member of the European Parliament, and whereas the proceedings in question are, therefore, not connected in any way with his position as a Member of the European Parliament;
- H. whereas, in his time firstly as Prime Minister and subsequently as a member of the National Assembly, Sergei Stanishev submitted two written statements to the Speaker of the National Assembly in which he consented to criminal proceedings being opened against him in accordance with Article 70(2) of the Constitution of the Republic of Bulgaria;
- I. whereas in this case Parliament has found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member concerned;
- 1. Decides to waive the immunity of Sergei Stanishev;

¹ Case T-345/05 *Mote v Parliament* (cited above), paragraph 28.

2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of the Republic of Bulgaria and to Sergei Stanishev.