Request for the defence of parliamentary immunity of Valdemar Tomaševski

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The Committee on Legal Affairs adopted the report drafted by Bernhard RAPKAY (S&D, DE) on the request for defence of the immunity and privileges of Valdemar Tomaševski. It calls on the Commission to intervene with the Lithuanian authorities in order to enforce European Union law.

To recall, on 22 January 2010, the Lithuanian Chief Official Ethics Commission adopted a decision publicly admonishing Valdemar Tomaševski on the basis of the Code of Conduct in relation to political activities conducted as a Member of the European Parliament.

Given that the Chief Official Ethics Commission is not a court of law, and that Mr Tomaševski is therefore not facing legal proceedings within the meaning of Article 8 of the Protocol on the Privileges and Immunities of the European Union, this case does not concern parliamentary immunity.

Valdemar Tomaševski complained about the situation of Poles in Lithuania to José Manuel Barroso, President of the Commission. However, in accordance with Article 2 of the Statute for Members of the European Parliament, ‘Members shall be free and independent’.

The decision in question and the legislation of the Republic of Lithuania on which it is based breach European Union law by not observing the principles of the freedom and independence of Members of the European Parliament established by Article 2 of the Statute for Members of the European Parliament.

Consequently, the committee calls on the Commission, as guardian of the Treaties, to intervene with the Lithuanian authorities in order to enforce European Union law and, if necessary, to initiate a Union law infringement procedure under Article 258 of the Treaty on the Functioning of the European Union against Lithuania.