Request for the waiver of the immunity of Sergei Stanishev

2014/2259(IMM) - 09/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Andrzej DUDA (ECR, PL), and **recommended that the European Parliament waive the immunity of Sergei Stanishev** (S&D, BG).

Members recalled that the Chief Public Prosecutor of the Republic of Bulgaria had 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 the Bulgarian Criminal Code. Mr Stanishev was alleged to have lost, in his former capacity as Prime Minister of Bulgaria, seven documents containing information which constituted State secrets under the Bulgarian Act on the Protection of Classified Information ('the PCI Act'). It was alleged that he passed on these documents to third parties.

The committee recalled that under Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament might 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. Under Article 9 of the Protocol, Members must enjoy, in the territory of their own State, the immunities accorded to members of their parliament.

However, the alleged offence did not have a direct or obvious connection with Mr Stanishev's performance of his duties as a Member of the European Parliament, and nor did 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.

In this case, the committee found no evidence of *fumus persecutionis*, that is to say, a sufficiently serious and precise suspicion that the case had been brought with the intention of causing political damage to the Member concerned.

On the basis of the above considerations and pursuant to Rule 9(3) of the Rules of Procedure, the Committee on Legal Affairs recommended that the **European Parliament should waive the parliamentary immunity of Mr Stanishev.**