Request for the waiver of the immunity of Nils Ušakovs

2023/2091(IMM) - 11/04/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 400 votes to 186, with 13 abstentions, a decision not to waive the immunity Nils Ušakovs (S&D, LV).

As a reminder, the Prosecutor at the Anti-Corruption Coordination Section of the Criminal Justice Department of the Riga Public Prosecutor's Office requested the waiver of the immunity of Nils Ušakovs, Member of the European Parliament, elected in Latvia, with a view to bringing criminal proceedings against him for a criminal offence of obtaining a bribe before committing an unlawful act in the interest of a third party by using his official position, the offence of acquiring property of another by the use, in bad faith, of trust and deceit (fraud), on a large scale and in an organised group, and, finally, as a public official holding a position of responsibility and using his official position in bad faith, committing intentional acts with intent to cause serious consequences.

During the period from 22 July 2017 to 17 September 2017, Nils Ušakovs, in his capacity as Mayor of Riga City Council, invested therefore with public authority in a position of responsibility, and representative of Riga City Council as a shareholder in Riga Transport, among other things allegedly demanded a bribe from the indirect owner of a minibus transport company equivalent to 50% of the amounts which that company received from Riga City Council for carrying passengers entitled to concessionary fares.

Nils Ušakovs was elected to the European Parliament at the European elections in May 2019.

Parliament stated that the alleged offence does not concern opinions expressed or votes cast by Nils Ušakovs in the performance of his duties as a Member of the European Parliament.

The resolution stressed that Nils Ušakovs could not have carried out this criminal offence, i.e. receipt of a bribe, allegedly because the indirect owner of the minibus transport company did not agree to pay such a large sum. Moreover, the investigation was not able to establish with certainty the precise place and time of the alleged offences.

Furthermore, the offences of which Nils Ušakovs is accused were allegedly committed in 2017 whereas the Prosecutor General of the Republic of Latvia did not submit the request for waiver of immunity until 23 May 2023. There is no convincing justification for such a delay in taking action.

Parliament stated that the concordance of this concrete evidence raises a serious doubt that the intention may have been to undermine Nils Ušakovs' political activity, and in particular his activity as a Member of the European Parliament. There are also uncertainties as to the evidence on which the request for waiver of immunity is based and serious doubts surrounding the procedure, including the motivation underlying the request for waiver of immunity.

Therefore, in this case, it would appear that *fumus persecutionis* can be assumed, i.e. there is 'concrete evidence' that the intention underlying the legal proceedings in question is to undermine Nils Ušakovs' political activity, including his activity as a Member of the European Parliament.

Against this background and in line with the recommendation of its Legal Affairs Committee, the European Parliament has decided not to waive the immunity of Nils Ušakovs.