## Basic information

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| **2014/2026(IMM)**<br>IMM - Members' immunity | Procedure completed |
| Request for the defence of parliamentary immunity of Alexander Mirsky<br>**Subject**<br>8.40.01.03 Members' immunity | |

## Key players

European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| JURI Legal Affairs | BOULLIER GALLO Marielle (PPE) | 10/03/2014 |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 07/04/2014 | Vote in committee | | |
| 09/04/2014 | Committee report tabled for plenary | A7-0273/2014 | Summary |
| 15/04/2014 | Decision by Parliament | T7-0348/2014 | Summary |
| 15/04/2014 | Results of vote in Parliament | | |
| 15/04/2014 | End of procedure in Parliament | | |

## Technical information

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| **Procedure reference** | 2014/2026(IMM) |
| **Procedure type** | IMM - Members' immunity |
| **Procedure subtype** | Defence of immunity |
| **Legal basis** | Rules of Procedure EP 7 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | JURI/7/15407 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
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| Committee report tabled for plenary, single reading | | A7-0273/2014 | 09/04/2014 | Summary |
| Text adopted by Parliament, single reading | | T7-0348/2014 | 15/04/2014 | Summary |

| Additional information | | |
|---|---|---|
| Source | Document | Date |
| European Commission | EUR-Lex | |

# Request for the defence of parliamentary immunity of Alexander Mirsky

2014/2026(IMM) - 15/04/2014 - Text adopted by Parliament, single reading

The European Parliament **decided to defend the immunity and privileges of Alexander MIRSKY (S&D, LV)**.

It should be recalled that Mr MIRSKY, a Member of the European Parliament, requested the defence of his parliamentary immunity in connection with civil proceedings pending before the Supreme Court of the Republic of Latvia following a speech he made to the European Parliament on 4 April 2011 concerning the closure of Russian-speaking schools in Latvia.

Given that the statements referred to in Mr MIRSKY's request by their nature, their context and their purpose, fall into the category of statements made by Members of the European Parliament at a plenary sitting and cannot but constitute opinions expressed '**in the performance of their duties'**, they are, therefore, fully covered by parliamentary immunity, in accordance with Article 8 of the Protocol, as the most typical case of parliamentary activity referred to in that provision. **The European Parliament therefore decided to defend the immunity and privileges of Alexander MIRSKY.**

Parliament also calls on the Commission to intervene with the Latvian authorities in order to enforce EU primary law - notably, Article 8 of Protocol No 7 on the privileges and immunities of the European Union - and, if necessary, to **initiate a Union law infringement procedure** under Article 258 of the Treaty on the Functioning of the European Union should the Supreme Court confirm the judgment of the Riga District Court, given that the latter completely ignored the applicability of Article 8 of the Protocol on the privileges and immunities of the European Union.

# Request for the defence of parliamentary immunity of Alexander Mirsky

2014/2026(IMM) - 09/04/2014 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Marielle GALLO (EPP, FR) recommending that the European Parliament should defend the immunity and privileges of **Alexander MIRSKY (S&D, LV)**.

It should be recalled that Mr MIRSKY, a Member of the European Parliament, requested the defence of his parliamentary immunity in connection with civil proceedings pending before the Supreme Court of the Republic of Latvia following a speech he made to the European Parliament on 4 April 2011 concerning the closure of Russian-speaking schools in Latvia (and for damages to the applicants because of what they allege to be defamatory statements).

Given that, in the parliamentary committee's opinion, the statements referred to in Mr MIRSKY's request, by their nature, their context and their purpose, fall into the category of statements made by Members of the European Parliament at a plenary sitting and cannot but constitute opinions expressed '**in the performance of their duties'**, they are, therefore, fully covered by parliamentary immunity, in accordance with Article 8 of the Protocol, as the most typical case of parliamentary activity referred to in that provision. The Committee on Legal Affairs recommends that **European Parliament should defend the immunity and privileges of Alexander MIRSKY.**

The parliamentary committee also calls on Parliament to urge the Commission to intervene with the Latvian authorities in order to enforce EU primary law - notably, Article 8 of Protocol No 7 on the privileges and immunities of the European Union - and, if necessary, to **initiate a Union law infringement procedure** under Article 258 of the Treaty on the Functioning of the European Union should the Supreme Court confirm the judgment of the Riga District Court, given that the latter completely ignored the applicability of Article 8 of the Protocol on the privileges and immunities of the European Union.

To this end, Members recall that the Court of Justice has taken the view that immunity under Article 8 of the Protocol must, to the extent that it seeks to protect the freedom of expression and independence of Members of the European Parliament, be considered as an **absolute immunity** barring any judicial proceedings in respect of an opinion expressed or a vote cast in the exercise of parliamentary duties.