Basic information

2014/2095(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Viktor Uspaskich **Subject** 8.40.01.03 Members' immunity	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	JURI Legal Affairs	REGNER Evelyn (S&D)	03/09/2014

Key events

Date	Event	Reference	Summary
24/03/2015	Vote in committee		
24/03/2015	Committee report tabled for plenary	A8-0061/2015	Summary
25/03/2015	Decision by Parliament	T8-0086/2015	Summary
25/03/2015	Results of vote in Parliament		
25/03/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2095(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/01174

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A8-0061/2015	24/03/2015	Summary

Text adopted by Parliament, single reading		T8-0086/2015	25/03/2015	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for the waiver of the immunity of Viktor Uspaskich

2014/2095(IMM) - 25/03/2015 - Text adopted by Parliament, single reading

The European Parliament decided to **waive the immunity of Viktor USPASKICH** (ADLE, LT).

It is recalled that the request for waiver of the immunity of Viktor Uspaskich was forwarded on 21 July 2014 by the Lithuanian judicial authorities in connection with criminal proceedings pending before the court of appeal of the Republic of Lithuania.

The Vilnius Regional Court found Viktor Uspaskich guilty of infringing the Lithuanian Criminal Code? He was sentenced to four years' imprisonment.

Both Viktor Uspaskich and the Public Prosecutor's Office subsequently appealed, so that the same legal proceedings on the basis of which the immunity of Viktor Uspaskich has already been waived are now pending on appeal.

At the appeal stage of the proceedings a further decision by the European Parliament is required because, pursuant to Article 62 of the Constitution of the Republic of Lithuania, a Member of the national Parliament (Seimas) may not be held criminally liable without the consent of the Seimas.

The Parliament considered that the charges against Viktor Uspaskich do not relate to an opinion expressed or vote cast by him in the performance of his duties as a Member of the European Parliament and that Article 8 of the Protocol is therefore not applicable.

According to the Members, the facts laid down in the initial accusation remain the same. Once again it has not proved possible to establish any sufficient connection between the new facts adduced and the procedure against Viktor Uspaskich for false accounting. Moreover, no convincing evidence is available to demonstrate *fumus persecutionis* and whereas the offences of which Viktor Uspaskich is accused have nothing to do with his work as a Member of the European Parliament.

Therefore, Parliament decided to waive the immunity of Mr Uspaskich.

Request for the waiver of the immunity of Viktor Uspaskich

2014/2095(IMM) - 24/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) in which it recommended the European Parliament to **waive the immunity** of Viktor USPASKICH (ADLE, LT).

The Prosecutor-General's Office of the Republic of Lithuania was instructed on 11 June 2014 to ask the European Parliament to waive the immunity of its Member Viktor Uspaskich to enable the punishment to which Vilnius Regional Court had sentenced him on 12 July 2013 to be executed.

The Vilnius Regional Court found Viktor Uspaskich guilty of infringing the Lithuanian Criminal Code and was sentenced to four years' imprisonment.

At the appeal stage of the proceedings a further decision by the European Parliament is required because, pursuant to Article 62 of the Lithuanian Constitution, a Member of the national Parliament (Seimas) may not be held criminally liable without the consent of the Seima.

The criminal proceedings at issue are identical, in terms of content, with the proceedings on the basis of which the European Parliament decided in 2010 to waive the parliamentary immunity of Viktor Uspaskich. At that time he was charged, in essence, with having, illegally and with disregard for the duty to monitor properly the financing of the party which he chaired, headed an organised group with the aim of committing a number of criminal offences. For example, fictitious books were kept in order to conceal revenue and expenditure.

According to Members, Viktor Uspaskich refers to WikiLeaks documents as new evidence, but these documents were already discussed as part of the defence-of-immunity procedure initiated on 5 April 2011 and they neither constitute conclusive evidence nor are relevant.

The committee noted that once again it has not proved possible to establish any sufficient connection between the new facts adduced and the procedure against Viktor Uspaskich for false accounting. Moreover, no convincing evidence is available to demonstrate *fumus persecutionis* and whereas the offences of which Viktor Uspaskich is accused have nothing to do with his work as a Member of the European Parliament.

In light of the foregoing considerations, the committee recommended that the European Parliament should waive the parliamentary immunity of Mr Uspaskich.