Basic information

2014/2259(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Sergei Stanishev **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	DUDA Andrzej (ECR)	20/01/2015

Key events

Date	Event	Reference	Summary
09/03/2015	Vote in committee		
09/03/2015	Committee report tabled for plenary	A8-0045/2015	Summary
11/03/2015	Decision by Parliament	T8-0060/2015	Summary
11/03/2015	Results of vote in Parliament		
11/03/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2259(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/02414

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A8-0045/2015	09/03/2015	Summary
Text adopted by Parliament, single reading		T8-0060/2015	11/03/2015	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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.**

Request for the waiver of the immunity of Sergei Stanishev

2014/2259(IMM) - 11/03/2015 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Sergei Stanishev (S&D, BG).

It 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.

Parliament 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.

Accordingly, Parliament **decided to waive the immunity of Mr. STANISHEV**.