Basic information

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

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

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.