


# Procedure file

Basic information	
IMM - Members' immunity	2016/2070(IMM)
Request for the waiver of the immunity of Rolandas Paksas	Procedure completed
Subject	
8.40.01.03 Members' immunity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Legal Affairs</a>	 <a href="#">DZHAMBAZKI Angel</a>	20/04/2016

Key events			
12/06/2017	Vote in committee		
12/06/2017	Committee report tabled for plenary	<a href="#">A8-0219/2017</a>	Summary
14/06/2017	Results of vote in Parliament		
14/06/2017	Decision by Parliament	<a href="#">T8-0257/2017</a>	Summary
14/06/2017	End of procedure in Parliament		

Technical information	
Procedure reference	2016/2070(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/8/06347

Documentation gateway					
Committee report tabled for plenary, single reading		<a href="#">A8-0219/2017</a>	12/06/2017	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T8-0257/2017</a>	14/06/2017	EP	Summary

## Request for the waiver of the immunity of Rolandas Paksas

The Committee on Legal Affairs adopted the report by Angel DZHAMBAZKI (ECR, BG) on the request for waiver of the immunity of Rolandas PAKSAS(EFDD, LT).

As a reminder, the Prosecutor General of the Republic of Lithuania requested the waiver of the parliamentary immunity of a Member of the European Parliament, Rolandas Paksas, in connection with criminal investigations.

The request by the Prosecutor General relates to suspicions against Rolandas Paksas of having agreed to accept a bribe on 31 August 2015 in exchange for influencing public authorities and state officials to exercise their powers, which would constitute an offence under the Lithuanian Criminal Code.

Members recalled that pursuant to Article 4 of the Law on the status and working conditions of the Members of the European Parliament elected in the Republic of Lithuania, Members of the European Parliament shall enjoy the same personal immunity in the territory of the Republic of Lithuania as a Member of the Seimas of the Republic of Lithuania, unless otherwise provided for in the EU legislation.

The purpose of the Prosecutor-Generals request to the European Parliament to waive the parliamentary immunity of Rolandas Paksas is to make it possible to notify him of the allegations made against him, to interview him as a suspect, to take other measures restricting his freedom under Lithuanian law, and to continue the criminal proceedings brought against him with a view to obtaining a final judgment in this case in accordance with national law.

Members recalled that parliamentary immunity is not a Members personal privilege but a guarantee of the independence of Parliament as a whole and of its Members. The purpose being to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties.

Therefore, where such proceedings do not concern the performance of a Members duties, immunity should be waived unless it appears that the intention underlying the legal proceedings may be to damage a Members political activity and thus Parliaments independence (fumus persecutionis).

Based on the extensive and detailed information provided in this case, there is no reason to suspect that the proceedings relating to Rolandas Paksas are motivated by an intent to damage his political activity as a Member of the European Parliament. Therefore, the committee on legal affairs recommended the European Parliament to waive the immunity of Rolandas Paksas.

## Request for the waiver of the immunity of Rolandas Paksas

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The European Parliament decided to waive the immunity of Rolandas PAKSAS(EFDD, LT).

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The request relates to suspicions against Rolandas Paksas of having agreed to accept a bribe.

The purpose of the Prosecutor-Generals request to the European Parliament to waive the parliamentary immunity of Rolandas Paksas is to make it possible to notify him of the allegations made against him, to interview him as a suspect, to take other measures restricting his freedom under Lithuanian law, and to continue the criminal proceedings brought against him with a view to obtaining a final judgment in this case in accordance with national law.

Parliament recalled that parliamentary immunity is not a Members personal privilege but a guarantee of the independence of Parliament as a whole and of its Members. The purpose being to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties by avoiding damaging a Members political activity and thus Parliaments independence (fumus persecutionis).

Given that there is no reason to suspect that the proceedings relating to Rolandas Paksas are motivated by an intent to damage his political activity as a Member of the European Parliament, Parliament decided to waive the immunity of Rolandas Paksas.