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## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

**Request for defence of Mr Valdemar Tomaševski's parliamentary immunity**

P7\_TA(2010)0252

**European Parliament decision of 6 July 2010 on the request for defence of the immunity and  
privileges of Valdemar Tomaševski (2010/2047(IMM))**

(2011/C 351 E/22)

*The European Parliament,*

- having regard to the request by Valdemar Tomaševski for defence of his immunity, forwarded to the President of the European Parliament on 2 February 2010 and announced in plenary sitting on 24 March 2010,
  - having heard Valdemar Tomaševski in accordance with Rule 7(3) of its Rules of Procedure,
  - having regard to Articles 8 and 9 of the Protocol (No 7) on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
  - having regard to the Statute for Members of the European Parliament adopted on 28 September 2005,
  - having regard to Rules 6(3) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0214/2010),
- A. whereas Valdemar Tomaševski is a Member of the European Parliament,
- B. whereas Valdemar Tomaševski is not facing legal proceedings within the meaning of Article 8 of the Protocol, so that this case does not concern parliamentary immunity,
- C. whereas the Code of Conduct for State Politicians (hereinafter 'the Code of Conduct'), introduced by Law No X-816 of 19 September 2006, which is enforced by the Chief Official Ethics Commission of the Republic of Lithuania, a political body established by Law No X-1777 of 1 July 2008, states explicitly that it is also applicable to Members of the European Parliament elected in Lithuania,
- D. whereas, on 22 January 2010, the Lithuanian Chief Official Ethics Commission adopted a decision publicly admonishing Valdemar Tomaševski on the basis of the Code of Conduct in relation to political activities conducted as a Member of the European Parliament,

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- E. whereas, in accordance with Article 2 of the Statute for Members of the European Parliament <sup>(1)</sup>, 'Members shall be free and independent',
  - F. having regard to the principle of the precedence of Union law,
  - G. whereas the decision in question and the legislation of the Republic of Lithuania on which it is based breach European Union law by not observing the principles of the freedom and independence of Members of the European Parliament established by Article 2 of the Statute for Members of the European Parliament,
  - H. whereas the Commission, as guardian of the Treaties, should now initiate infringement proceedings against the Republic of Lithuania under Article 258 of the Treaty on the Functioning of the European Union,
    - 1. Calls on the Commission to intervene with the Lithuanian authorities in order to enforce European Union law and, if necessary, to initiate a Union law infringement procedure under Article 258 of the Treaty on the Functioning of the European Union;
    - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Commission and to the relevant authorities of the Republic of Lithuania.
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<sup>(1)</sup> OJ L 262, 7.10.2005, p. 1.