

Tuesday 21 May 2013

- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 ⁽¹⁾,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0159/2013),
- A. whereas the Deputy Prosecutor at the Supreme Court of the Hellenic Republic has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Spyros Danellis, in connection with possible legal action concerning an alleged offence;
 - B. whereas, according to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;
 - C. whereas Article 62 of the Constitution of the Hellenic Republic provides that, during the parliamentary term, Members of Parliament may not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament;
 - D. whereas Spyros Danellis is accused of dereliction of duty, as he is alleged to have omitted, as Mayor of Hersonissos in the Prefecture of Iraklion, to take steps to close an establishment operating in his municipality despite the existence of a decision by the sanitary authorities which required such steps to be taken;
 - E. whereas the alleged actions do not constitute opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
 - F. whereas the accusation manifestly bears no relation to Spyros Danellis' position as Member of the European Parliament but to his former position as Mayor of Hersonissos;
 - G. whereas there is no reason to suspect the existence of a *fumus persecutionis*, bearing in mind in particular that Spyros Danellis is not the only accused in the case in question;
1. Decides to waive the immunity of Spyros Danellis;
 2. Instructs its President to forward this decision and the report of its competent committee immediately to the Prosecutor at the Supreme Court of the Hellenic Republic and to Spyros Danellis.

P7_TA(2013)0197

Request for waiver of the parliamentary immunity of Spyros Danellis (II)

European Parliament decision of 21 May 2013 on the request for waiver of the immunity of Spyros Danellis (II)
(2013/2028(IMM))

(2016/C 055/25)

The European Parliament,

- having regard to the request for waiver of the immunity of Spyros Danellis, forwarded on 11 December 2012 by the Deputy Prosecutor at the Supreme Court of the Hellenic Republic (ref. 4825/2012) in connection with the decision of

⁽¹⁾ Judgment of 12 May 1964 in Case 101/63, *Wagner v Fohrmann and Krier* (ECR 1964, p. 195); judgment of 10 July 1986 in Case 149/85, *Wybot v Faure and others* (ECR 1986, p. 2403); judgment of 15 October 2008 in Case T-345/05, *Mote v Parliament* (ECR 2008, p. II-2849); judgment of 21 October 2008 in Joined Cases C-200/07 and C-201/07, *Marra v De Gregorio and Clemente* (ECR 2008, p. I-7929); judgment of 19 March 2010 in Case T-42/06, *Gollnisch v Parliament* (ECR 2010, p. II-1135); judgment of 6 September 2011 in Case C-163/10, *Patriciello* (ECR 2011, p. I-7565).

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the Cretan Three-Member Court of Appeal of 9 and 16 October 2012 (ref. 1382/2012) and announced in plenary on 6 February 2013,

- having heard Spyros Danellis in accordance with Rule 7(3) of its Rules of Procedure,
 - having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage, and Article 62 of the Constitution of the Hellenic Republic,
 - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 ⁽¹⁾,
 - having regard to Rules 6(2) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0160/2013),
- A. whereas the Deputy Prosecutor at the Supreme Court of the Hellenic Republic has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Spyros Danellis, in connection with possible legal action concerning an alleged offence;
- B. whereas, according to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;
- C. whereas Article 62 of the Constitution of the Hellenic Republic provides that, during the parliamentary term, Members of Parliament may not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament;
- D. whereas Spyros Danellis is accused of falsely accusing a third party of an unlawful act with the intent of having him prosecuted for it, and of making false statements about a third party which could damage that party's reputation and good name, knowing such statements to be untrue;
- E. whereas said alleged false statements and accusations relate to the sale of the fruit of olive and other trees uprooted on expropriated land by a contractor carrying out public works in the context of the construction of a dam in the municipality of Hersonissos in the Prefecture of Iraklion, of which Spyros Danellis was mayor;
- F. whereas the alleged actions do not constitute opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- G. whereas the accusation manifestly bears no relation to Spyros Danellis' position as Member of the European Parliament, but to his former position as Mayor of Hersonissos;
- H. whereas there is no reason to suspect the existence of a *fumus persecutionis*, bearing in mind in particular that Spyros Danellis is far from being the only accused in the case in question;
1. Decides to waive the immunity of Spyros Danellis;
 2. Instructs its President to forward this decision and the report of its competent committee immediately to the Prosecutor at the Supreme Court of the Hellenic Republic and to Spyros Danellis.

⁽¹⁾ Judgment of 12 May 1964 in Case 101/63, *Wagner v Fohrmann and Krier* (ECR 1964, p. 195); judgment of 10 July 1986 in Case 149/85, *Wybot v Faure and others* (ECR 1986, p. 2403); judgment of 15 October 2008 in Case T-345/05, *Mote v Parliament* (ECR 2008, p. II-2849); judgment of 21 October 2008 in Joined Cases C-200/07 and C-201/07, *Marra v De Gregorio and Clemente* (ECR 2008, p. I-7929); judgment of 19 March 2010 in Case T-42/06, *Gollnisch v Parliament* (ECR 2010, p. II-1135); judgment of 6 September 2011 in Case C-163/10, *Patriciello* (ECR 2011, p. I-7565).