Request for the waiver of parliamentary immunity of Spyros Danellis

2013/2014(IMM) - 30/04/2013 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Eva Lichtenberger (ADLE, AT) in which it recommends the European Parliament to waive the immunity of **Spyros DANELLIS (S&D, EL)** who is accused of dereliction of duty for having, allegedly, in his former position as Mayor of Hersonissos (Prefecture of Iraklion), omitted 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.

The committee considers that 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.

According to Article 9 of Protocol No 7, Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State. 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.

However, the accusation relates to actions by Mr Danellis in his former capacity as Mayor of Hersonissos, and has no connection with his office of Member of the European Parliament.

Mr Danellis has been heard, and there is no reason to suspect the existence of a *fumus persecutionis*.

On the basis of these considerations, after considering the reasons for and against waiving the Member's immunity, the committee recommends that the **European Parliament should waive the parliamentary immunity of Spyros Danellis**.