Request for the waiver of parliamentary immunity of Spyros Danellis

2013/2028(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 that the European Parliament waive the immunity of Spyros DANELLIS (S&D, EL).**

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. The 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.

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 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. 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 manifestly bears no relation to Spyros Danellis' position as Member of the European Parliament, but to his former position as Mayor of Hersonissos. Therefore, 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.

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