Request for the waiver of the immunity of Theodoros Zagorakis

2015/2048(IMM) - 09/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Evelyn REGNER (S&D, AT) and **recommended that the European Parliament waive the immunity of Theodoros ZAGORAKIS** (EPP, EL).

Members recalled that the Deputy Public Prosecutor at the Supreme Court of Greece had requested the waiver of immunity of Theodoros Zagorakis, who was accused of causing bodily harm by negligence and failing to comply with workplace safety regulations.

The prosecution concerned a workplace accident suffered on 13 May 2010 by an employee of the PAOK football club at the club's stadium in Thessaloniki, and is pursued against Theodoros Zagorakis in his capacity as chair and legal representative of the club.

Members recalled that Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union stated that Members of the European Parliament shall enjoy, in the territory of their own state, the immunities accorded to members of the Parliament of that state. Furthermore, Article 62 of the Constitution of the Hellenic Republic provided that, during the parliamentary term, Members of Parliament may not be prosecuted, arrested, imprisoned or otherwise confined without Parliament’s prior consent.

However, the alleged offence clearly had nothing to do with the office of Member of the European Parliament held by Theodoros Zagorakis, but was instead linked to his position as chair of the PAOK football club. There was no reason to suspect that the intention underlying the criminal proceedings was to damage a Member’s political activity (fumus persecutionis), given that the prosecution was initiated a number of years before the Member took office.

Accordingly, the Committee on Legal Affairs recommended that the European Parliament should waive the parliamentary immunity of Mr ZAGORAKIS.