Request for the waiver of the immunity of Lampros Fountoulis

2018/2269(IMM) - 04/04/2019 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Lampros FOUNTOULIS (NI, EL).

As a reminder, the Deputy Prosecutor of the Hellenic Supreme Court requested the waiver of the immunity of Lampros Fountoulis, Member of the European Parliament, in connection with a possible legal action concerning an alleged offence.

The request of the Deputy Public Prosecutor of the Supreme Court of Greece relates to proceedings concerning alleged breach of Article 45 and Article 232A of the Greek Criminal Code, which concern joint violation of a court ruling.

Lampros Fountoulis is accused of failing to comply with the interim ruling No 3603/2015 of the Athens single-judge court of instance ordering the removal of all cameras from the ground floor and entrance of the building located at 73, Odos Grammou, Maroussi (Attica) and the payment of a fine of EUR 600 for each future infringement of the ruling of 25 May 2015.

In support of its decision to waive parliamentary immunity, Parliament recalled that it was not its responsibility to take a stance on the guilt or otherwise of the Member and that the purpose of parliamentary immunity was to protect Parliament and its Members from legal proceedings relating to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties.

However, the prosecution does not concern opinions or votes cast by him in the performance of his duties as a Member of the European Parliament. Moreover, there is no reason to suspect that the intention underlying criminal proceedings is to damage a Member’s political activity or reputation and thus the independence of Parliament (*fumus persecutionis*).