Basic information

2013/2028(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of parliamentary immunity of Spyros Danellis **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	LICHTENBERGER Eva (Verts/ALE)	22/01/2013

Key events

Date	Event	Reference	Summary
24/04/2013	Vote in committee		
30/04/2013	Committee report tabled for plenary	A7-0160/2013	Summary
21/05/2013	Decision by Parliament	T7-0197/2013	Summary
21/05/2013	Results of vote in Parliament		
21/05/2013	End of procedure in Parliament		

Technical information

Procedure reference	2013/2028(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/11968

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A7-0160/2013	30/04/2013	Summary
Text adopted by Parliament, single reading		T7-0197/2013	21/05/2013	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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**.

Request for the waiver of parliamentary immunity of Spyros Danellis

2013/2028(IMM) - 21/05/2013 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of **Spyros DANELLIS** (S&D, EL).

To recall, 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.

Parliament 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 and that 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.

Consequently, **Parliament decided to waive the immunity of Spyros Danellis**.