


Procedure file

| Basic information | |
|---|------------------------------|
| IMM - Members' immunity | 2013/2014(IMM) |
| Request for the waiver of parliamentary immunity of Spyros Danellis | Procedure completed |
| Subject | 8.40.01.03 Members' immunity |

| Key players | | | |
|---------------------|------------------------------------|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | JURI Legal Affairs | Vers/ALE LICHTENBERGER Eva | 22/01/2013 |

| Key events | | | |
|------------|-------------------------------------|---|---------|
| 24/04/2013 | Vote in committee | | |
| 30/04/2013 | Committee report tabled for plenary | A7-0159/2013 | Summary |
| 21/05/2013 | Results of vote in Parliament |  | |
| 21/05/2013 | Decision by Parliament | T7-0196/2013 | Summary |
| 21/05/2013 | End of procedure in Parliament | | |

| Technical information | |
|----------------------------|---------------------------|
| Procedure reference | 2013/2014(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/7/11733 |

| Documentation gateway | | | | | |
|---|--|------------------------------|------------|----|---------|
| Committee report tabled for plenary, single reading | | A7-0159/2013 | 30/04/2013 | EP | Summary |
| Text adopted by Parliament, single reading | | T7-0196/2013 | 21/05/2013 | EP | Summary |

Request for the waiver of parliamentary immunity of Spyros Danellis

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 Members immunity, the committee recommends that the European Parliament should waive the parliamentary immunity of Spyros Danellis.

Request for the waiver of parliamentary immunity of Spyros Danellis

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

To recall, Spyros Danellis is accused of dereliction of duty, as he is alleged to have omitted, as Mayor of Hersonissos in the Prefecture of Iraklion, 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.

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.

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