REPORT

on the request for waiver of the immunity of Theodoros Zagorakis (2015/2048(IMM))

Committee on Legal Affairs

Rapporteur: Evelyn Regner
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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the request for waiver of the immunity of Theodoros Zagorakis
(2015/2048(IMM))

The European Parliament,

– having regard to the request for waiver of the immunity of Theodoros Zagorakis, which was forwarded by the Deputy Public Prosecutor at the Supreme Court of Greece on 19 December 2014 in connection with proceeding No E2010/3844 pending before the single-magistrate criminal court of Thessaloniki and announced in plenary on 28 January 2015,

– whereas Theodoros Zagorakis waived his right to a hearing, in accordance with Rule 9(5) of its Rules of Procedure,

– having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and to Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

– having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011¹,

– having regard to Article 62 of the Constitution of the Hellenic Republic,

– having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

– having regard to the report of the Committee on Legal Affairs (A8-0044/2015),

A. whereas the Deputy Public Prosecutor at the Supreme Court of Greece has requested the waiver of immunity of Theodoros Zagorakis, Member of the European Parliament, in connection with possible legal action concerning an alleged offence;

B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states 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;

C. whereas 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 Parliament’s prior consent;

D. whereas Theodoros Zagorakis is accused of causing bodily harm by negligence and failing to comply with workplace safety regulations;

E. whereas the prosecution concerns a workplace accident suffered on 13 May 2010 by an employee of the PAOK football club at the club's stadium in Thessaloniki, and whereas the accused is Theodoros Zagorakis in his capacity as chair and legal representative of the club;

F. whereas the alleged offence clearly has nothing to do with the office of Member of the European Parliament held by Theodoros Zagorakis, but is instead linked to his position as chair of the PAOK football club;

G. whereas the prosecution does not concern opinions expressed or votes cast in the performance of the duties of Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

H. whereas there is no reason to suspect that the intention underlying the criminal proceedings is to damage a Member’s political activity (fumus persecutionis), given that the prosecution was initiated a number of years before the Member took office;

1. Decides to waive the immunity of Theodoros Zagorakis;

2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the Public Prosecutor's Office at the Supreme Court of Greece.
RESULT OF FINAL VOTE IN COMMITTEE

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<th>Date adopted</th>
<th>9.3.2015</th>
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| Result of final vote | +: 12  
                        | -: 0    
                        | 0: 0    |
| Members present for the final vote | Marie-Christine Boutonnet, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Mary Honeyball, Dietmar Köster, Evelyn Regner, Pavel Svoboda, Tadeusz Zwiefka |
| Substitutes present for the final vote | Daniel Buda, Jytte Guteland, Virginie Rozière |