



Plenary sitting

A8-0291/2018

26.9.2018

REPORT

on the request for waiver of the immunity of Georgios Kyrtsos
(2018/2069(IMM))

Committee on Legal Affairs

Rapporteur: Laura Ferrara

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the request for waiver of the immunity of Georgios Kyrtzos (2018/2069(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Georgios Kyrtzos, forwarded on 28 March 2018 by the Deputy Prosecutor General at the Supreme Court of Greece, in order to allow criminal proceedings against him for the offence of failing to pay amounts owing to the State (Criminal Case Files ABM: IG 2017/11402 and EG 10-17/337, submitted with Document 1160350 of 28 March 2018), and announced in plenary on 2 May 2018,
 - having heard Georgios Kyrtzos in accordance with Rule 9(6) 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, 6 September 2011 and 17 January 2013¹,
 - 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 (A8-0291/2018),
- A. whereas the Prosecutor's Office at the Supreme Court of Greece has requested the waiver of the immunity of Georgios Kyrtzos, Member of the European Parliament, in connection with criminal proceedings referring to the non-payment of amounts owing to the State (exceeding EUR 200 000), under the provisions of Article 25(1) and (6) of Law 1882/1990, as replaced by the provisions of Article 23(1) of Law 2523/1997 and Article 25(1) of Law 1882/90 as replaced by Article 34(1) of Law 3220/2004, Article 3(1) of Law 3943/2011, Article 20 of Law 4321/2015 and, finally, Article 8 of Law 4337/2015;
- B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of the parliament of that State;

¹ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008 *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23.

- C. whereas Article 62 of the Constitution of the Hellenic Republic provides that, during their parliamentary term, members of parliament may not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by parliament;
 - D. whereas Georgios Kyrtzos has been acting as legal representative (CEO) of the company 'Free Sunday Publishing House Ltd.' since 29 June 2009;
 - E. whereas Georgios Kyrtzos, in his capacity as legal representative of Free Sunday Publishing House Ltd., is accused of failing to pay six hundred and twenty-seven thousand seven hundred and fifty-two euros and sixty five cents (EUR 627 752.65) owed to the State;
 - F. whereas the alleged offence clearly has no direct link with the office of Georgios Kyrtzos as a Member of the European Parliament, but instead relates to his former position as manager of his newspaper company;
 - G. whereas, for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union, the prosecution does not concern opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament in question;
 - H. whereas there is no reason to suspect that the intention underlying criminal proceedings is to damage a Member's political activity (*fumus persecutionis*);
- 1. Decides to waive the immunity of Georgios Kyrtzos;
 - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Greek authorities and to Georgios Kyrtzos.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	24.9.2018						
Result of final vote	<table><tr><td>+: </td><td>15</td></tr><tr><td>–: </td><td>0</td></tr><tr><td>0: </td><td>0</td></tr></table>	+:	15	–:	0	0:	0
+:	15						
–:	0						
0:	0						
Members present for the final vote	Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Heidi Hautala, Sylvia-Yvonne Kaufmann, António Marinho e Pinto, Emil Radev, Evelyn Regner, Pavel Svoboda, Axel Voss, Tadeusz Zwiefka						
Substitutes present for the final vote	Sergio Gaetano Cofferati, Pascal Durand, Jytte Guteland						
Substitutes under Rule 200(2) present for the final vote	John Howarth						