



TEXTS ADOPTED

P8_TA(2015)0194

Request for waiver of the immunity of Theodoros Zagorakis

European Parliament decision of 19 May 2015 on the request for waiver of the immunity of Theodoros Zagorakis (II) (2015/2071(IMM))

The European Parliament,

- having regard to the request for waiver of the immunity of Theodoros Zagorakis, forwarded on 10 March 2015 by the Deputy Public Prosecutor at the Supreme Court of Greece in connection with proceeding No ABM Δ2011/5382, B2012/564, pending before the first-instance court of Thessaloniki and announced in plenary on 25 March 2015,
- having regard to the fact that Mr 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, 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 (A8-0151/2015),

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.

- A. whereas the Deputy Public Prosecutor at the Supreme Court of Greece has requested the waiver of the 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 prior leave granted by parliament;
 - D. whereas Mr Zagorakis is accused of being responsible for financial irregularities between 2007 and 2012 at the PAOK football club, of which he was president at the time;
 - E. whereas the alleged offence clearly has no link with Mr Zagorakis's post as a Member of the European Parliament, but rather is connected to his position as president of the PAOK football club;
 - F. whereas the prosecution does not concern opinions expressed or votes cast in the performance of duties as a Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
 - G. whereas there is no reason to suspect that the intention underlying the criminal proceedings is to damage the Member's political activity (*fumus persecutionis*), given that the prosecution was initiated a number of years before the Member took up his post;
1. Decides to waive the immunity of Theodoros Zagorakis;
 2. Instructs its President to immediately forward this decision, and the report of the committee responsible, to the Public Prosecutor's Office at the Supreme Court of Greece and to Theodoros Zagorakis.