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Request for the waiver of immunity of Sotirios Zarianopoulos

European Parliament decision of 13 September 2016 on the request for waiver of the immunity of Sotirios Zarianopoulos (2016/2083(IMM))

The European Parliament,

– having regard to the request for waiver of the immunity of Sotirios Zarianopoulos, forwarded on 28 March 2016 by the public prosecutor at the Greek Supreme Court in connection with proceedings proposed by the Thessaloniki public prosecutor for misdemeanours (file ref.: ABM A2015/1606) and announced in plenary on 27 April 2016,

– having regard to the fact that Sotirios Zarianopoulos 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 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 Greece,

– 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 (A8-0233/2016),

A. whereas the public prosecutor at the Greek Supreme Court has requested the waiver of the immunity of Sotirios Zarianopoulos MEP in connection with proceedings relating to an alleged offence;

B. whereas, pursuant to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of the parliament of that state;

C. whereas, pursuant to Article 62 of the Constitution of Greece, during the parliamentary term, no Member of Parliament may be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament;

D. whereas the Greek authorities are proposing to prosecute Sotirios Zarianopoulos for failing to comply with legal obligations jointly with others;

E. whereas the proposed proceedings concern the issuing in 2011 by Thessaloniki City Council of allegedly illegal permits to use public property for the purpose of setting up outside seating areas on pavements, and whereas Sotirios Zarianopoulos is to be prosecuted in his capacity as a former member of that city council;

F. whereas the proposed proceedings are clearly unrelated to Sotirios Zarianopoulos’s status as a Member of the European Parliament, but are related to his former mandate as a member of Thessaloniki City Council;

G. whereas the proposed proceedings do not concern opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament in question 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 proposed proceedings is to cause political damage to the MEP concerned (fumus persecutionis), especially given that the proceedings involve all those who were members of the city council at the time;

1. Decides to waive the immunity of Sotirios Zarianopoulos;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Greek authorities.