Thursday 1 December 2011

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Request for the waiver of the parliamentary immunity of Georgios Toussas

P7_TA(2011)0524

European Parliament decision of 1 December 2011 on the request for waiver of the immunity of Georgios Toussas (2011/2057(IMM))

(2013/C 165 E/09)

The European Parliament,

— having regard to the request for waiver of the immunity of Georgios Toussas received from Judge Ilias Stavropoulos of the Piraeus Court of First Instance, Section 7, dated 9 February 2011 and announced in plenary sitting on 9 March 2011,

— having heard Georgios Toussas on 19 September 2011 in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Article 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 and 19 March 2010 [1],

— having regard to the provisions of Article 62 of the Constitution of the Hellenic Republic,

— having regard to Rules 6(2) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0410/2011),

A. whereas the judge at the Piraeus Court of First Instance, Section 7, has requested the waiver of the immunity of Georgios Toussas, Member of the European Parliament, in order to enable him to conduct the criminal proceedings started as a result of the instructions issued by the Public Prosecutor's Office of the Piraeus Magistrates' Court concerning an alleged breach of trust resulting in damages exceeding EUR 147 000 (Article 390 of the Greek Penal Code and Article 1 of Law 1608/1950) and for which a judicial inquiry was ordered (Articles 246, 248 and 250 of the Greek Code of Criminal Procedure);

[1] Case 101/63 *Wagner* v *Fohrmann and Krier* [1964] ECR 195; Case 149/85 *Wybot* v *Faure and others* [1986] ECR 2391; Case T-345/05, *Mote* v *Parliament* [2008] ECR II-2849; Joined Cases C-200/07 and C-201/07 *Marra* v *De Gregorio and Clemente* [2008] ECR I-7929; Case T-42/06 *Gollnisch* v *Parliament* (OJ C 134, 22.5.2010, p. 29).

B. whereas the judge intends to summon Georgios Toussas to testify as a defendant in that case and to answer the abovementioned charges against him pursuant to Articles 270, 271 and 273 of the Greek Code of Criminal Procedure;

C. whereas it is therefore advisable to recommend that parliamentary immunity be waived in the case in question;

1. Decides to waive the immunity of Georgios Toussas;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the appropriate authorities of the Hellenic Republic and to Georgios Toussas.

Request for the defence of the parliamentary immunity of Luigi de Magistris

P7_TA(2011)0525

European Parliament decision of 1 December 2011 on the request for defence of the immunity and privileges of Luigi de Magistris (2011/2076(IMM))

(2013/C 165 E/10)

The European Parliament,

— having regard to the request by Luigi de Magistris of 31 March 2011, announced in plenary on 6 April 2011, for the defence of his immunity in connection with proceedings pending before the Court of Naples, Italy,

— having regard to the written submissions made by Luigi de Magistris in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Article 8 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 2011 ([1]),

— having regard to Rules 6(3) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0412/2011),

A. whereas a Member of the European Parliament, Luigi de Magistris, has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court,

B. whereas the request by Luigi De Magistris relates to a writ of summons filed against him before the Court of Naples on behalf of Bagnolifutura SpA, a company domiciled in Naples engaged in design and in soil remediation, in connection with press releases issued by him and published on his website,

([1]) Case 101/63 *Wagner* v *Fohrmann and Krier* [1964] ECR 195, Case 149/85 *Wybot* v *Faure and Others* [1986] ECR 2391, Case T-345/05 *Mote* v *Parliament* [2008] ECR II-2849, Joined Cases C-200/07 and C-201/07 *Marra* v *De Gregorio and Clemente* [2008] ECR I-7929, Case T-42/06 *Gollnisch v Parliament* (not yet published in the ECR) and Case C-163/10 *Patriciello* (not yet published in the ECR).