Tuesday 27 April 2021

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Request for waiver of the immunity of Ioannis Lagos

European Parliament decision of 27 April 2021 on the request for waiver of the immunity of Ioannis Lagos (2020/2219(IMM))

(2021/C 506/21)

The European Parliament,

— having regard to the request for waiver of the immunity of Ioannis Lagos, forwarded on 2 October 2020 by the Prosecutor at the Supreme Court of Greece, in connection with possible criminal charges by the Prosecutor of the Athens Court of First Instance (case file: ABM PB2020/65), and announced in plenary on 19 October 2020,

— having heard Ioannis Lagos in accordance with Rule 9(6) of its Rules of Procedure,

— having regard to Article 8 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 [1],

— 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 (A9-0135/2021),

A. whereas the Prosecutor at the Supreme Court of Greece has submitted a request for waiver of the parliamentary immunity of Ioannis Lagos on the grounds of certain acts committed by Ioannis Lagos during a speech to the European Parliament on 29 January 2020;

B. whereas Ioannis Lagos has been accused of the alleged desecration of the national symbol of Turkey perpetrated during the plenary debate of 29 January 2020 on the migration situation at the Greek-Turkish border and the EU's common response to it;

C. whereas the act of desecration of a national symbol constitutes an offence under (1) Article 1(1) of Law 927/1979, as implemented by Law 4285/2014 and (2) Article 155, together with Articles 1, 12, 14, 26, 27, 51, 53, 57 and 79 of the Criminal Code of Greece;

D. whereas parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;

E. whereas, firstly, Parliament cannot be equated with a court, and, secondly, in the context of a procedure for the waiver of immunity, a Member of the European Parliament cannot be regarded as an 'accused' [2];

F. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union stipulates that 'Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties';

G. whereas Ioannis Lagos performed his actions during a plenary session of the European Parliament, within the precincts where the plenary sitting itself was being conducted, in the performance of his duties as a Member of the European Parliament;

H. whereas the actions by Ioannis Lagos were therefore made in the context of his duties as a Member of and his work at the European Parliament;

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[1] 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; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

[2] Judgment of the General Court of 30 April 2019, *Briois* v *Parliament*, T-214/18, ECLI:EU:T:2019:266.

Tuesday 27 April 2021

1. Decides not to waive the immunity of Ioannis Lagos;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Hellenic Republic and to Ioannis Lagos.