



TEXTS ADOPTED

P9_TA(2023)0060

Request for waiver of the immunity of Ioannis Lagos

European Parliament decision of 14 March 2023 on the request for waiver of the immunity of Ioannis Lagos (2022/2019(IMM))

The European Parliament,

- having regard to the request by the Supreme Court Prosecutor of the Hellenic Republic dated 8 December 2021 and transmitting a request for waiver of the immunity of Ioannis Lagos submitted by the Public Prosecutor at the Athens Court of First Instance in connection with criminal proceedings, announced in plenary on 14 February 2022,
- having heard Ioannis Lagos 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 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 2019¹,
- 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

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.

Procedure,

- having regard to the report of the Committee on Legal Affairs (A9-0053/2023),
- A. whereas the Public Prosecutor at the Athens Court of First Instance requested the waiver of the immunity of Ioannis Lagos, Member of the European Parliament elected for Greece, in order to launch criminal proceedings against him on the grounds of a message posted by Ioannis Lagos on the social media platform Twitter;
- B. whereas on 6 December 2020, Ioannis Lagos published on his Twitter account a message, alongside a photograph of a Jewish monument in Larissa, containing allegedly racist comments and allegedly constituting an indirectly encouraging behaviour that might result in acts of discrimination, hatred or violence;
- C. whereas on 8 December 2020, the Greek Observatory of the Helsinki Accords filed a complaint against Ioannis Lagos on account of his tweet;
- D. whereas Ioannis Lagos, by publishing that message on Twitter, is allegedly guilty of public incitement to violence and hatred against persons identified on the basis of race, colour, or national or ethnic origin in a manner that endangers public order and poses a threat to the physical integrity of the aforementioned persons, which constitutes a criminal offence under Article 1(1) of Greek Law 927/1979, as amended by Article 1 of Greek Law 4285/2014;
- E. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant¹;
- F. whereas, pursuant to Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members and whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
- G. whereas the message and picture in question were not published on Ioannis Lagos' Twitter account linked to his official profile as a Member of the European Parliament;
- H. whereas the alleged offence does not concern opinions expressed or votes cast by Ioannis Lagos in the performance of his duties as a Member of the European Parliament within the meaning of Article 8

¹ Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

of Protocol No 7 on the Privileges and Immunities of the European Union;

- I. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
 - J. whereas Article 62 of the Constitution of the Hellenic Republic provides *inter alia* that, during the parliamentary term, the Members of Parliament shall not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament;
 - K. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Member's political activity and thus the European Parliament;
- 1. Decides 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.