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Judgment of the General Court in Case T-375/22 | Izuzquiza and Others v Parliament

Transparency: the European Parliament must give access, in the interests of public scrutiny, to information relating to a Member of the European Parliament who has been convicted in a court of law

On 2 July 2019, Ioannis Lagos took up the office of Member of the European Parliament, following his election in Greece. On 7 October 2020, the Court of Appeal of Athens (Greece) sentenced Mr Lagos to 13 years and 8 months' imprisonment and to the payment of a fine, in particular for membership and leadership of a criminal organisation. On 27 April 2021, the European Parliament waived Mr Lagos' immunity at the request of the Greek authorities. Despite his criminal conviction, the waiver of his immunity and his imprisonment, Mr Lagos did not resign from his mandate as a Member of the European Parliament. His conviction did not give rise to any communication from the Greek authorities to the Parliament concerning the withdrawal of his mandate.

On 7 December 2021, three citizens – Ms Luisa Izuzquiza, Mr Arne Semsrott and Mr Stefan Wehrmeyer – sent the Parliament a request for access to documents related to the allowances and expenses granted to Mr Lagos. They were seeking information enabling them to ascertain the actual amounts allocated by the Parliament to Mr Lagos and to understand whether those sums, including those relating to his parliamentary assistance expenses, had contributed, directly or indirectly, to the financing or perpetuation of criminal or unlawful activities.

The Parliament informed the citizens that it had identified documents in the following categories: Mr Lagos' salary, his subsistence allowance, the reimbursement of his travel expenses, the salaries of his accredited and local parliamentary assistants and the reimbursement of the travel expenses of his accredited and local parliamentary assistants. Relying on the Regulation on access to documents¹ and the Regulation on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data², the Parliament decided to refuse to grant the citizens access to the documents requested.

By its judgment today, the General Court **annuls the European Parliament's decision of 8 April 2022, in so far as it refuses the citizens concerned access, on the one hand, to documents relating to reimbursements of travel expenses and subsistence allowances paid by the Parliament to Mr Lagos and, on the other hand, to documents relating to reimbursements of travel expenses paid to his parliamentary assistants.**

The General Court considers that, in the present case, even if the legitimate interest in protecting the privacy and integrity of the individual is affected, priority must be given to the public's right of access to the institutions' documents. The request is intended to facilitate enhanced public scrutiny and accountability with regard to Mr Lagos' access to public funds and to contribute to the transparency of information relating to the sums paid by the Parliament to Mr Lagos and the expenses incurred by him and by his assistants, given the exceptional circumstances giving rise to the present case.

Despite his conviction for having committed serious crimes and even after his arrest and imprisonment, Mr Lagos remained a Member of the European Parliament and therefore continued to receive allowances corresponding to

the exercise of those duties. In that context, **the fact that the citizens may seek to ascertain for what purpose and to which places Mr Lagos and his parliamentary assistants made journeys during a period in which Mr Lagos had already been convicted but not yet imprisoned and which were reimbursed by the Parliament must be regarded as legitimate.**

On the other hand, the General Court rejects the request as regards the documents containing personal data relating to Mr Lagos' salary and general expenditure allowance and the salary of his parliamentary assistants. Information on the amounts paid in this respect **is freely accessible to the public, in particular on the European Parliament website.** Unlike documents relating to travel reimbursements and subsistence allowances, documents relating to salary and expenditure allowances allow no control over the use made of those sums, given that they are paid automatically or as a lump sum.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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¹ [Regulation \(EC\) No 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

² [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.