


| Basic information | |
|---|---------------------|
| 2016/2028(IMM) IMM - Members' immunity | Procedure completed |
| Request for the defence of the privileges and immunities of Mario Borghezio Subject 8.40.01.03 Members' immunity | |

| Key players | | | |
|---------------------|------------------------------|------------------------|------------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | JURI Legal Affairs | DZHAMBAZKI Angel (ECR) | 18/02/2016 |

| Key events | | | |
|------------|-------------------------------------|---|-------------------------|
| Date | Event | Reference | Summary |
| 12/10/2016 | Vote in committee | | |
| 20/10/2016 | Committee report tabled for plenary | A8-0312/2016 | Summary |
| 25/10/2016 | Decision by Parliament | T8-0397/2016 | Summary |
| 25/10/2016 | Results of vote in Parliament |  | |
| 25/10/2016 | End of procedure in Parliament | | |

| Technical information | |
|-----------------------------------|-------------------------|
| Procedure reference | 2016/2028(IMM) |
| Procedure type | IMM - Members' immunity |
| Procedure subtype | Defence of immunity |
| Legal basis | Rules of Procedure EP 7 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | JURI/8/05852 |

| Documentation gateway | | | | |
|---|-----------|------------------------------|------------|-------------------------|
| European Parliament | | | | |
| Document type | Committee | Reference | Date | Summary |
| Committee report tabled for plenary, single reading | | A8-0312/2016 | 20/10/2016 | Summary |
| Text adopted by Parliament, single reading | | T8-0397/2016 | 25/10/2016 | Summary |

Request for the defence of the privileges and immunities of Mario Borghezio

2016/2028(IMM) - 25/10/2016 - Text adopted by Parliament, single reading

The European Parliament decided not to defend the privileges and immunities of Mario BORGHEZIO (ENF, IT).

Parliament recalled that the issue concerns criminal proceedings pending before the Court of Milan, for statements made during a radio programme, when he commented on the appointment and competence of a new member of the Italian Government, namely the new Minister for Integration (Cécile Kyenge), and advocated ideas founded on superiority and racial or ethnic hatred.

The resolution noted that Members of the European Parliament may 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. It also noted that the Court of Justice has held, that, in order to enjoy immunity, an opinion must be expressed by a Member of the European Parliament in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. Since the facts of the case indicate that the statements made during the interview have no direct and obvious connection with **Mario Borghezio's** parliamentary activities, and since the statements are contrary to Article 21 of the Charter of Fundamental Rights of the European Union, the European Parliament decided **not to defend the immunity and privileges of Mario Borghezio**.

Request for the defence of the privileges and immunities of Mario Borghezio

2016/2028(IMM) - 20/10/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Angel DZHAMBAZKI (ECR, BG), and recommended that the European Parliament not defend the immunity and privileges of Mario BORGHEZIO (ENF, IT).

Members recalled that the issue concerns criminal proceedings pending before the Court of Milan. According to the notice served by the Public Prosecutor's Office, Mr Borghezio is alleged to have advocated ideas founded on superiority and racial or ethnic hatred during a radio programme, which behaviour is punishable under Article 1(a) of Italian Law No 205/1993. During the radio programme in question, Mario Borghezio was asked to comment on the appointment and competence of a new member of the Italian Government, namely the new Minister for Integration.

Members noted that Members of the European Parliament may 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. They also noted that the Court of Justice has held, that, in order to enjoy immunity, an opinion must be expressed by a Member of the European Parliament in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. The facts of the case, as manifested in the documents provided to the Committee on Legal Affairs and in the hearing before the latter, indicate that the statements he made during the interview have no direct and obvious connection with his parliamentary activities. Furthermore, the statements are contrary to Article 21 of the Charter of Fundamental Rights of the European Union.

Accordingly, the committee called on Parliament **not to defend the immunity and privileges of Mario Borghezio**.