

# Procedure file

Basic information	
IMM - Members' immunity	2007/2014(IMM)
Request for waiver of the immunity of Gian Paolo Gobbo	
Subject 8.40.01.03 Members' immunity	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs		29/01/2007
		ALDE <a href="#">WALLIS Diana</a>	

Key events			
23/01/2007	Committee referral announced in Parliament		
04/10/2007	Vote in committee		Summary
08/10/2007	Committee report tabled for plenary	<a href="#">A6-0367/2007</a>	
24/10/2007	Results of vote in Parliament		
24/10/2007	Decision by Parliament	<a href="#">T6-0456/2007</a>	Summary
24/10/2007	End of procedure in Parliament		

Technical information	
Procedure reference	2007/2014(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/44915

Documentation gateway					
Committee report tabled for plenary, single reading		<a href="#">A6-0367/2007</a>	08/10/2007	EP	
Text adopted by Parliament, single reading		<a href="#">T6-0456/2007</a>	24/10/2007	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2007)6028</a>	21/11/2007	EC	

## Request for waiver of the immunity of Gian Paolo Gobbo

The Committee on Legal Affairs adopted a report drawn up by Diana WALLIS (ALDE, RU) and decided that the European Parliament should not defend the immunity and privileges of Gian Paolo GOBBO (UEN, IT). Members considered that parliamentary immunity within the meaning

of Article 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and, in so far as it is relevant, Article 68, first subparagraph, of the Italian Constitution did not cover the facts alleged against Mr Gian Paolo Gobbo.

At the sitting of 18 January 2007, the President of Parliament announced that he had received a request made on 9 October 2006 by Rita Caccamo, judge at the preliminary hearing before the District Court of Verona (Italy) in criminal procedure No. 81/96 R.G.N.R., for a decision of the European Parliament as to whether parliamentary immunity applies to the facts committed by Mr Gian Paolo Gobbo.

It is recalled that Mr GOBBO is charged ? along with many other people, of whom some have been identified and others have not ? with the offence of promoting, setting up, leading and participating in a paramilitary association with political objectives, under the title of 'the Greenshirts'. The aim of the latter was to set up a hierarchically organised body which was trained to take collective action of a violent nature and was also used to intimidate any members of the movement who were opposed to the political directives issued by its leaders and prevent them from engaging in debate inside the movement, thus helping to impose a definite political line on the 'Lega Nord' movement by silencing any expression of dissent within it.

The Committee pointed out that Article 9 of the Protocol on Privileges and Immunities only accords Members full protection from legal proceedings in respect of opinions expressed and votes cast by them in the performance of their duties. Participating in a semi-military-style uniformed association which apparently gave the impression that it would seek to achieve its objectives through the potential or actual use of force is clearly contradictory to, and incompatible with, the role and responsibilities attaching to a parliamentary mandate. It cannot therefore be regarded as a legitimate exercise of freedom of speech or as constituting, in general, the normal performance of the duties of members belonging to an elected assembly representing citizens.

The report also stresses that, pursuant to Article 10 of the Protocol on Privileges and Immunities, which is the sole provision applicable, during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their national parliament. This does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

In addition, under Article 68 of the Italian Constitution, members of the Italian Parliament do not enjoy immunity from criminal prosecution, except in respect of opinions expressed or votes cast by them in the exercise of their functions, which is not the case in the present instance.

Accordingly, the Legal Affairs Committee, having heard Mr GOBBO, decided not to defend his immunity.

## Request for waiver of the immunity of Gian Paolo Gobbo

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The European Parliament adopted a resolution drafted by Diana WALLIS (ALDE, RU) and decided that the European Parliament should not defend the immunity and privileges of Gian Paolo GOBBO (UEN, IT). Members considered that parliamentary immunity within the meaning of Article 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and, in so far as it is relevant, Article 68, first subparagraph, of the Italian Constitution, did not cover the facts alleged against Mr Gian Paolo Gobbo.

Parliament recalled that Mr GOBBO is charged ? along with many other people, of whom some have been identified and others have not ? with the offence of promoting, setting up, leading and participating in a paramilitary association with political objectives, under the title of 'the Greenshirts'. The aim of the latter was to set up a hierarchically organised body which was trained to take collective action of a violent nature and was also used to intimidate any members of the movement who were opposed to the political directives issued by its leaders and prevent them from engaging in debate inside the movement, thus helping to impose a definite political line on the 'Lega Nord' movement by silencing any expression of dissent within it.

Parliament pointed out that Article 9 of the Protocol on Privileges and Immunities only accords Members full protection from legal proceedings in respect of opinions expressed and votes cast by them in the performance of their duties. Participating in a semi-military-style uniformed association which apparently gave the impression that it would seek to achieve its objectives through the potential or actual use of force is clearly contradictory to, and incompatible with, the role and responsibilities attaching to a parliamentary mandate. It cannot therefore be regarded as a legitimate exercise of freedom of speech or as constituting, in general, the normal performance of the duties of members belonging to an elected assembly representing citizens.

The resolution went on to indicate that, pursuant to Article 10 of the Protocol on Privileges and Immunities, which is the sole provision applicable, during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their national parliament. This does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

In addition, under Article 68 of the Italian Constitution, members of the Italian Parliament do not enjoy immunity from criminal prosecution, except in respect of opinions expressed or votes cast by them in the exercise of their functions, which is not the case in the present instance.

Accordingly, Parliament did not defend the immunity of Mr GOBBO.