


# Procedure file

Basic information		
IMM - Members' immunity	<a href="#">2008/2298(IMM)</a>	Procedure completed
Request for waiver of the immunity of Massimo D'Alema		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> <a href="#">Legal Affairs</a>		25/06/2008
		PPE-DE <a href="#">LEHNE Klaus-Heiner</a>	

Key events			
03/11/2008	Vote in committee		Summary
06/11/2008	Committee report tabled for plenary	<a href="#">A6-0422/2008</a>	
18/11/2008	Results of vote in Parliament		
18/11/2008	Decision by Parliament	<a href="#">T6-0538/2008</a>	Summary
18/11/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2298(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/6/63955

Documentation gateway					
Committee report tabled for plenary, single reading		<a href="#">A6-0422/2008</a>	06/11/2008	EP	
Text adopted by Parliament, single reading		<a href="#">T6-0538/2008</a>	18/11/2008	EP	Summary

The Legal Affairs Committee adopted the report drafted by Klaus-Heiner LEHNE (EPP-ED, DE), and decided not to waive the immunity of Massimo D'ALEMA (former Italian MEP).

It is recalled the request for waiver of the immunity of Massimo D'Alema, forwarded by the Public Prosecution Service at the Court of Milan on 30 May 2008, and announced in plenary sitting on 16 June 2008.

By letter of 28 May 2008 to Hans-Gert Pöttering, President of the European Parliament, the Public Prosecution Service at the Court of Milan applied for authorisation to use in criminal proceedings 'indirect' telephone conversations between an individual under investigation and the former Member of the European Parliament, Massimo D'Alema. The criminal proceedings in question concern the attempted takeover of the Banca Nazionale del Lavoro, in connection with which a group of persons suspected of having violated Italian legal provisions laying down penalties for the offences of market manipulation and insider trading, have been placed under investigation and brought to trial.

During the preliminary investigations, telephone intercepts were carried out in accordance with the provisions of the Italian Code of Criminal Procedure. The calls intercepted included conversations between the persons under investigation and a number of Italian members of parliament, including Massimo D'Alema, who was a Member of the European Parliament at the time. In order to use these conversations. It is necessary to waive the immunity of Mr D'Alema, since he was an MEP at the time.

The Committee decided not to authorise the use of the telephone intercepts in question and not to waive the immunity of Massimo D'Alema.

## Request for waiver of the immunity of Massimo D'Alema

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The European Parliament adopted, by 543 votes to 43 with 90 abstentions, a resolution on the request for waiver of the immunity of Massimo D'ALEMA (former Italian Member). The report had been tabled for consideration in plenary by Klaus-Heiner LEHNE (EPP-ED, DE) on behalf of the Legal Affairs Committee.

To recall, a request for waiver of the immunity of Massimo D'Alema, forwarded by the Public Prosecution Service at the Court of Milan on 30 May 2008, was announced in plenary sitting on 16 June 2008. This involved the use in criminal proceedings of 'indirect' telephone conversations between an individual under investigation and the former Member of the European Parliament.

Having considered the arguments both in favour and against waiving immunity, Parliament decided not to authorise the use of the telephone intercepts in question and not to waive the immunity of Massimo D'Alema.