

Procedure file

Basic information	
IMM - Members' immunity	2008/2323(IMM)
Request for defence of parliamentary immunity of Aldo Patriciello	Procedure completed
Subject	
8.40.01.03 Members' immunity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		19/01/2009
		PSE SAKALAS Aloyzas	

Key events			
31/03/2009	Vote in committee		Summary
01/04/2009	Committee report tabled for plenary	A6-0196/2009	
22/04/2009	Results of vote in Parliament		
22/04/2009	Decision by Parliament	T6-0233/2009	Summary
22/04/2009	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2323(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 7
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/70655

Documentation gateway					
Committee report tabled for plenary, single reading		A6-0196/2009	01/04/2009	EP	
Text adopted by Parliament, single reading		T6-0233/2009	22/04/2009	EP	Summary

The Committee on Legal Affairs unanimously adopted the report drawn up by Aloyzas SAKALAS (PES, LT) on the request for defence of the immunity and privileges of Aldo PATRICIELLO (EPP-ED, IT). The committee decides not to defend the immunity and privileges of Aldo Patriciello, for the following reasons:

At the sitting of 20 November 2008, the President of Parliament announced that he had received a request for the defence of the parliamentary immunity of Aldo Patriciello. The request relates to the criminal proceedings brought by the Public Prosecutor's Office against Mr Patriciello and currently pending before the District Court of Campobasso. The charges brought by the local public prosecutor alleged that Mr Patriciello, who at the time was an influential point of reference, played a part in a local scandal and allocated a proportion of public funds to uses other than those initially provided for.

Given that the charges brought against Mr Patriciello do not refer to the opinions expressed or votes cast in the performance of his duties as a member of the European Parliament, for the clear reason that embezzlement of public funds or town planning offences cannot be equated with an "opinion" or a "vote", the Committee on Legal Affairs considers that Article 9 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 cannot be applied to him. Likewise, Article 10 of the same Protocol cannot be applied to him, given that the charges brought against Mr Patriciello refer to facts committed in Italy.

In this context, the Committee on Legal Affairs, having heard Mr Patriciello and having examined the reasons for and against defending his immunity, considers that, as it stands, the Protocol does not afford the European Parliament with the means of taking binding action in order to protect Aldo Patriciello and that his immunity cannot be defended.

Request for defence of parliamentary immunity of Aldo Patriciello

The European Parliament decided by 643 votes to 5, with 12 abstentions, not to defend the immunity and the privileges of Aldo PATRICIELLO (Italian MEP). To recall, the request relates to the criminal proceedings brought against him by the District Court of Campobasso as regards embezzlement of public funds and town planning offences. Given that the charges brought against Mr Patriciello do not refer to the opinions expressed or votes cast in the performance of his duties as a member of the European Parliament, the European Parliament decides not to defend his immunity.