


# Procedure file

Basic information	
IMM - Members' immunity	2010/2122(IMM)
Request for the defence of parliamentary immunity of Luigi de Magistris	Procedure completed
Subject	8.40.01.03 Members' immunity

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI <a href="#">Legal Affairs</a>	S&D <a href="#">RAPKAY Bernhard</a>	20/09/2010

Key events			
11/04/2011	Vote in committee		Summary
15/04/2011	Committee report tabled for plenary	<a href="#">A7-0152/2011</a>	
10/05/2011	Results of vote in Parliament		
10/05/2011	Decision by Parliament	<a href="#">T7-0188/2011</a>	Summary
10/05/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2122(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Defence of immunity
Legal basis	Rules of Procedure EP 7
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/03457

Documentation gateway					
Committee report tabled for plenary, single reading		<a href="#">A7-0152/2011</a>	15/04/2011	EP	
Text adopted by Parliament, single reading		<a href="#">T7-0188/2011</a>	10/05/2011	EP	Summary

## Request for the defence of parliamentary immunity of Luigi de Magistris

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The Committee on Legal Affairs adopted unanimously the report drawn up by Bernhard RAPKAY (S&D, DE) calling on Parliament to defend the immunity and privileges of Luigi DE MAGISTRIS (ADLE, IT).

Mr De Magistris requests the defence of his parliamentary immunity following his summons before the Court of Benevento (IT) by Clemente Mario MASTELLA (EPP, IT) in connection with an interview he gave to an Italian newspaper which was published on 31 October 2009. During the interview remarks were made that could be considered to constitute libel and were the object of Mr Mastella's claim for damages and interest amounting to EUR 1 million.

The Committee considers that, in giving the interview in question, Luigi de Magistris was acting in the performance of his duties as Member of the European Parliament and carrying out political activities by expressing his opinion on a matter of public interest to his constituents. To seek to prevent Members of Parliament from expressing their opinions on matters of legitimate public interest and concern and from criticising their political opponents by bringing legal proceedings is unacceptable in a democratic society and in breach of Article 8 of the Protocol, which is intended to protect Members' freedom of expression in the performance of their duties in the interests of Parliament as an institution of the European Union.

As a consequence, the committee recommends that the European Parliament should defend the parliamentary immunity of Luigi De Magistris.

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Parliament considers that, in giving the interview in question, Luigi de Magistris was acting in the performance of his duties as Member of the European Parliament and carrying out political activities by expressing his opinion on a matter of public interest to his constituents. To seek to prevent Members of Parliament from expressing their opinions on matters of legitimate public interest and concern and from criticising their political opponents by bringing legal proceedings is unacceptable in a democratic society and in breach of Article 8 of the Protocol, which is intended to protect Members' freedom of expression in the performance of their duties in the interests of Parliament as an institution of the European Union.

As a consequence, Parliament recommends that the European Parliament should defend the parliamentary immunity of Luigi De Magistris.