

Procedure file

Basic information	
IMM - Members' immunity	2012/2240(IMM)
Request for the defence of parliamentary immunity of Gabriele Albertini	
Subject 8.40.01.03 Members' immunity	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		18/09/2012
		S&D RAPKAY Bernhard	

Key events			
24/04/2013	Vote in committee		
29/04/2013	Committee report tabled for plenary	A7-0149/2013	Summary
21/05/2013	Results of vote in Parliament		
21/05/2013	Decision by Parliament	T7-0195/2013	Summary
21/05/2013	End of procedure in Parliament		

Technical information	
Procedure reference	2012/2240(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/7/10699

Documentation gateway					
Committee report tabled for plenary, single reading		A7-0149/2013	29/04/2013	EP	Summary
Text adopted by Parliament, single reading		T7-0195/2013	21/05/2013	EP	Summary

Request for the defence of parliamentary immunity of Gabriele Albertini

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) in which it recommends that the European Parliament should not defend the immunity and privileges of Gabriele ALBERTINI (EPP, IT).

To recall, the request by Gabriele Albertini relates to a writ of summons filed against him before the Court of Milan on behalf of Alfredo Robledo, in connection with statements made by Gabriele Albertini in a first interview published by the Italian newspaper Il Sole 24 Ore on 26 October 2011 and in a second interview published by the Italian newspaper Corriere della Sera on 19 February 2012. Both interviews were

given at a time when Gabriele Albertini was a Member of the European Parliament, following his election in the 2004 and 2009 European Parliament elections.

However, the Court has also recently held that a statement made by a Member of the European Parliament beyond the precincts of that institution and giving rise to prosecution in his Member State of origin for the offence of making false accusations does not constitute an opinion expressed in the performance of his parliamentary duties covered by the immunity afforded by that provision unless that statement amounts to a subjective appraisal having a direct, obvious connection with the performance of those duties.

The Committee considers that the facts of the case, as manifested in the writ of summons, show that the statements made do not have a direct and obvious connection with Gabriele Albertini's performance of his duties as a Member of the European Parliament (they constitute subjective appraisals concerning facts dating back to 2005 and relating to the function of Gabriele Albertini as mayor of the City of Milan). The European Parliament is not dealing with these facts in any respect, nor with the methods of investigation applied by the investigator concerned. Therefore, the opinion expressed by Gabriele Albertini appears to be rather far removed from his duties of a Member of the European Parliament and hardly capable of representing a direct link with a general interest of concern to citizens.

The committee therefore considers that, in granting the two interviews in question, Gabriele Albertini was not acting in the performance of his duties as Member of the European Parliament.

On the basis of the abovementioned considerations and pursuant to Article 6(3) of the Rules of Procedure, after considering the reasons for and against defending the Members' immunity, the committee recommends that the European Parliament should not defend the parliamentary immunity of Gabriele Albertini.

Request for the defence of parliamentary immunity of Gabriele Albertini

The European Parliament decided not to defend the immunity and privileges of Gabriele ALBERTINI (EPP, IT).

To recall, Gabriele Albertini was summoned before the Court of Milan on behalf of Alfredo Robledo in connection with statements made in interviews published in Italian newspapers when Gabriele Albertini was a Member of the European Parliament. According to the writ of summons, statements made in those interviews constitute libel, resulting in a claim for damages.

However, the facts of the case, as manifested in the writ of summons, do not have a direct and obvious connection with Gabriele Albertini's performance of his duties as a Member of the European Parliament. Parliament is in no way concerned by these facts. Therefore, the opinion expressed by Gabriele Albertini appears to be unrelated to his duties as a Member of the European Parliament and hardly capable of representing a direct link with a general interest of concern to citizens.

Parliament considers that Gabriele Albertini, in granting both interviews in question, was therefore not acting in the performance of his duties as a Member of the European Parliament.

As a result, it has decided not to defend the parliamentary immunity of Gabriele Albertini.