

Procedure file

Basic information		
IMM - Members' immunity	2013/2279(IMM)	Procedure completed
Request for the defence of parliamentary immunity of Mario Borghezio		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		16/12/2013
		S&D RAPKAY Bernhard	

Key events			
20/03/2014	Vote in committee		
24/03/2014	Committee report tabled for plenary	A7-0245/2014	Summary
02/04/2014	Results of vote in Parliament		
02/04/2014	Decision by Parliament	T7-0257/2014	Summary
02/04/2014	End of procedure in Parliament		

Technical information	
Procedure reference	2013/2279(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/7/14637

Documentation gateway					
Committee report tabled for plenary, single reading		A7-0245/2014	24/03/2014	EP	Summary
Text adopted by Parliament, single reading		T7-0257/2014	02/04/2014	EP	Summary

Request for the defence of parliamentary immunity of Mario Borghezio

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) in which it called on the European Parliament not to defend the request for defence of the immunity and privileges of Mario BORGHEZIO (IT, NI).

Members recalled that Mario Borghezio (MEP) requested the defence of his parliamentary immunity in connection with proceedings before the Court in Milan in connection with statements he is alleged to have made in a radio interview of 8 April 2013.

They recalled that according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament may not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Members stressed however that this right does not authorise slander, libel, incitement to hatred, questioning the honour of others, or any utterance contrary to Article 21 of the Charter of Fundamental Rights of the European Union.

According to the notice served by the Prosecutors Office, the statements in question are punishable, that is to say for repeated public defamation and spreading discriminatory ideas founded on superiority or racial hatred.

Given that the statements alleged to have been made exceed the tone generally encountered in political debate and are, moreover, profoundly unparliamentary in nature (contrary to Article 21 of the Charter of Fundamental Rights of the European Union and cannot therefore be deemed to have been made in the performance of the duties of a Member of the European Parliament), Members called on the European Parliament not to defend the immunity and privileges of Mario Borghezio.

Request for the defence of parliamentary immunity of Mario Borghezio

The European Parliament decided by 529 votes to 61, with 18 abstentions, not to defend the request for defence of the immunity and privileges of Mario BORGHEZIO (IT, NI).

Parliament recalled that Mario Borghezio (MEP) requested the defence of his parliamentary immunity in connection with proceedings before the Court in Milan in connection with statements he is alleged to have made in a radio interview of 8 April 2013.

It recalled that according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament may not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Parliament stressed however that this right does not authorise slander, libel, incitement to hatred, questioning the honour of others, or any utterance contrary to Article 21 of the Charter of Fundamental Rights of the European Union.

According to the notice served by the Prosecutors Office, the statements in question are punishable, that is to say for repeated public defamation and spreading discriminatory ideas founded on superiority or racial hatred towards the Rom ethnic group.

Given that the statements alleged to have been made exceed the tone generally encountered in political debate and are, moreover, profoundly unparliamentary in nature (contrary to Article 21 of the Charter of Fundamental Rights of the European Union and cannot therefore be deemed to have been made in the performance of the duties of a Member of the European Parliament), the European Parliament decided not to defend the immunity and privileges of Mario Borghezio.