

Procedure file

Basic information	
IMM - Members' immunity	2016/2028(IMM)
Request for the defence of the privileges and immunities of Mario Borghezio	
Subject 8.40.01.03 Members' immunity	
Procedure completed	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	 DZHAMBAZKI Angel	18/02/2016

Key events			
12/10/2016	Vote in committee		
20/10/2016	Committee report tabled for plenary	A8-0312/2016	Summary
25/10/2016	Results of vote in Parliament		
25/10/2016	Decision by Parliament	T8-0397/2016	Summary
25/10/2016	End of procedure in Parliament		

Technical information	
Procedure reference	2016/2028(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Defence of immunity
Legal basis	Rules of Procedure EP 7
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/05852

Documentation gateway					
Committee report tabled for plenary, single reading		A8-0312/2016	20/10/2016	EP	Summary
Text adopted by Parliament, single reading		T8-0397/2016	25/10/2016	EP	Summary

Request for the defence of the privileges and immunities of Mario Borghezio

The Committee on Legal Affairs adopted the report by Angel DZHAMBAZKI (ECR, BG), and recommended that the European Parliament not defend the immunity and privileges of Mario BORGHEZIO (ENF, IT).

Members recalled that the issue concerns criminal proceedings pending before the Court of Milan. According to the notice served by the Public Prosecutors Office, Mr Borghezio is alleged to have advocated ideas founded on superiority and racial or ethnic hatred during a radio programme, which behaviour is punishable under Article 1(a) of Italian Law No 205/1993. During the radio programme in question, Mario Borghezio was asked to comment on the appointment and competence of a new member of the Italian Government, namely the new Minister for Integration.

Members noted that 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. They also noted that the Court of Justice has held, that, in order to enjoy immunity, an opinion must be expressed by a Member of the European Parliament in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. The facts of the case, as manifested in the documents provided to the Committee on Legal Affairs and in the hearing before the latter, indicate that the statements he made during the interview have no direct and obvious connection with his parliamentary activities. Furthermore, the statements are contrary to Article 21 of the Charter of Fundamental Rights of the European Union.

Accordingly, the committee called on Parliament not to defend the immunity and privileges of Mario Borghezio.

Request for the defence of the privileges and immunities of Mario Borghezio

The European Parliament decided not to defend the privileges and immunities of Mario BORGHEZIO (ENF, IT).

Parliament recalled that the issue concerns criminal proceedings pending before the Court of Milan, for statements made during a radio programme, when he commented on the appointment and competence of a new member of the Italian Government, namely the new Minister for Integration (Cécile Kyenge), and advocated ideas founded on superiority and racial or ethnic hatred.

The resolution noted that 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. It also noted that the Court of Justice has held, that, in order to enjoy immunity, an opinion must be expressed by a Member of the European Parliament in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. Since the facts of the case indicate that the statements made during the interview have no direct and obvious connection with Mario Borghezios parliamentary activities, and since the statements are contrary to Article 21 of the Charter of Fundamental Rights of the European Union, the European Parliament decided not to defend the immunity and privileges of Mario Borghezio.