Request for waiver of the immunity of Massimo D'Alema

2008/2298(IMM) - 03/11/2008

The Legal Affairs Committee adopted the report drafted by Klaus-Heiner **LEHNE** (EPP-ED, DE), and decided not to waive the immunity of Massimo **D'ALEMA** (former Italian MEP).

It is recalled the request for waiver of the immunity of Massimo D'Alema, forwarded by the Public Prosecution Service at the Court of Milan on 30 May 2008, and announced in plenary sitting on 16 June 2008.

By letter of 28 May 2008 to Hans-Gert Pöttering, President of the European Parliament, the Public Prosecution Service at the Court of Milan applied for authorisation to use in criminal proceedings 'indirect' telephone conversations between an individual under investigation and the former Member of the European Parliament, Massimo D'Alema. The criminal proceedings in question concern the attempted takeover of the Banca Nazionale del Lavoro, in connection with which a group of persons suspected of having violated Italian legal provisions laying down penalties for the offences of market manipulation and insider trading, have been placed under investigation and brought to trial.

During the preliminary investigations, telephone intercepts were carried out in accordance with the provisions of the Italian Code of Criminal Procedure. The calls intercepted included conversations between the persons under investigation and a number of Italian members of parliament, including Massimo D'Alema, who was a Member of the European Parliament at the time. In order to use these conversations. It is necessary to waive the immunity of Mr D'Alema, since he was an MEP at the time.

The Committee decided not to authorise the use of the telephone intercepts in question and not to waive the immunity of Massimo D'Alema.