Request for defence of parliamentary immunity of Aldo Patriciello

2008/2323(IMM) - 31/03/2009

The Committee on Legal Affairs unanimously adopted the report drawn up by Aloyzas SAKALAS (PES, LT) on the request for defence of the immunity and privileges of Aldo PATRICIELLO (EPP-ED, IT). The committee decides not to defend the immunity and privileges of Aldo Patriciello, for the following reasons:

At the sitting of 20 November 2008, the President of Parliament announced that he had received a request for the defence of the parliamentary immunity of Aldo Patriciello. The request relates to the criminal proceedings brought by the Public Prosecutor's Office against Mr Patriciello and currently pending before the District Court of Campobasso. The charges brought by the local public prosecutor alleged that Mr Patriciello, who at the time was an influential point of reference, played a part in a local scandal and allocated a proportion of public funds to uses other than those initially provided for.

Given that the charges brought against Mr Patriciello do not refer to the opinions expressed or votes cast in the performance of his duties as a member of the European Parliament, for the clear reason that embezzlement of public funds or town planning offences cannot be equated with an "opinion" or a "vote", the Committee on Legal Affairs considers that Article 9 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 cannot be applied to him. Likewise, Article 10 of the same Protocol cannot be applied to him, given that the charges brought against Mr Patriciello refer to facts committed in Italy.

In this context, the Committee on Legal Affairs, having heard Mr Patriciello and having examined the reasons for and against defending his immunity, considers that, as it stands, the Protocol does not afford the European Parliament with the means of taking binding action in order to protect Aldo Patriciello and that **his immunity cannot be defended**.