Request for the defence of parliamentary immunity of Luigi de Magistris

2011/2189(IMM) - 28/03/2012 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE), and called on the European Parliament not to defend the immunity of Luigi de MAGISTRIS (ADLE, IT).

The request to defend the parliamentary immunity of Luigi de Magistris is made in connection with proceedings before an Italian court.

To recall, the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Lamezia on behalf of Mr Antonio Saladino in connection with statements made by Luigi de Magistris in an interview published in the Italian newspaper Il Fatto Quotidiano on 9 March 2011. According to the writ of summons, statements made in that interview constitute libel, resulting in a claim for damages.

The statements were made and the interview was published at a time when Luigi de Magistris was a Member of the European Parliament.

In accordance with Article 8 of the of the Protocol on the Privileges and Immunities of the European Union

Members of the European Parliament shall 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.

However, the facts of the case indicate that the statements made do not have a direct, obvious connection with Luigi de Magistris's performance of his duties as a Member of the European Parliament.

The statements made by Luigi de Magistris in this case relate to allegations of improper conduct of third parties in connection with criminal investigations which he was conducting before he became a Member of the European Parliament. The statements therefore appear to be rather far removed from the duties of a Member of the European Parliament and hardly capable, therefore, of presenting a direct link with a general interest of concern to citizens.

Accordingly, the committee **recommends that the European Parliament should not defend the immunity and privileges of Luigi de MAGISTRIS.**