

# Request for the defence of parliamentary immunity of Gabriele Albertini

2012/2240(IMM) - 29/04/2013 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE) in which it recommends that the European Parliament should not defend the immunity and privileges of Gabriele ALBERTINI (EPP, IT).

To recall, the request by Gabriele Albertini relates to a writ of summons filed against him before the Court of Milan on behalf of Alfredo Robledo, in connection with statements made by Gabriele Albertini in a first interview published by the Italian newspaper *Il Sole 24 Ore* on 26 October 2011 and in a second interview published by the Italian newspaper *Corriere della Sera* on 19 February 2012. Both interviews were given at a time when Gabriele Albertini was a Member of the European Parliament, following his election in the 2004 and 2009 European Parliament elections.

However, the Court has also recently held that “a statement made by a Member of the European Parliament **beyond the precincts of that institution and giving rise to prosecution in his Member State of origin** for the offence of making false accusations **does not constitute an opinion expressed in the performance of his parliamentary duties** covered by the immunity afforded by that provision unless that statement amounts to a subjective appraisal having a direct, obvious connection with the performance of those duties”.

The Committee considers that the facts of the case, as manifested in the writ of summons, show that the statements made do not have a direct and obvious connection with Gabriele Albertini’s performance of his duties as a Member of the European Parliament (they constitute subjective appraisals concerning facts dating back to 2005 and relating to the function of Gabriele Albertini as mayor of the City of Milan). The European Parliament is not dealing with these facts in any respect, nor with the methods of investigation applied by the investigator concerned. Therefore, the opinion expressed by Gabriele Albertini appears to be rather far removed from his duties of a Member of the European Parliament and hardly capable of representing a direct link with a general interest of concern to citizens.

The committee therefore considers that, in granting the two interviews in question, Gabriele Albertini was not acting in the performance of his duties as Member of the European Parliament.

On the basis of the abovementioned considerations and pursuant to Article 6(3) of the Rules of Procedure, after considering the reasons for and against defending the Member’s immunity, the committee recommends that the **European Parliament should not defend the parliamentary immunity of Gabriele Albertini.**