Request for the defence of parliamentary immunity of Lara Comi

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The Committee on Legal Affairs adopted the report by Eva LICHTENBERGER (Greens/EFA, AT) in which it recommended the **European Parliament to defend the immunity and privileges of LARA COMI (EPP, IT)**.

To recall, Lara Comi, MEP, has requested the defence of her parliamentary immunity in relation to an action brought by the Public Prosecutions Department in Ferrara in response to a complaint alleging aggravated slander as referred to in Article 595(2) and (3) of the Italian Criminal Code and Article 30 of Law No 223 of 6 August 1990 on the basis of statements which she is alleged to have made during a political debate broadcast on television.

During the television programme ‘Servizio pubblico’ of 24 January 2013, Lara Comi debated with Antonio Ingroia, the leader of a political party, matters relating to public procurement and organised crime in connection with the bankruptcy of Coopcostruzioni. In this context, a discussion arose concerning Roberto Soffritti, the former Mayor of Ferrara, who was standing as a candidate in the Italian national elections of February 2013 on the party list of Antonio Ingroia. Mr Soffritti claims that the statements made by Lara Comi concerning him during the debate in question were damaging to his reputation, and he therefore filed a complaint on the grounds of aggravated slander.

For her part, Ms Comi claims that she was speaking in her capacity as a Member of the European Parliament and that she spoke about public procurement, a subject of public interest with which she had always concerned herself as part of her work at the European Parliament.

The committee recalled that Article 8 of the Protocol on the Privileges and Immunities of the European Union, which Lara Comi expressly invokes in her request for defence, stipulates 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. Article 6 of its Rules of Procedure stipulates that, in the exercise of its powers in respect of privileges and immunities, Parliament shall seek primarily to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties.

The Court of Justice has recognised that a statement made by a Member beyond the precincts of the European Parliament may constitute an opinion expressed in the performance of their duties as referred to in Article 8 of the Protocol, taking the view that it is not the place where a statement is made that matters, but the nature and content of the statement.

Given that Lara Comi was invited to the television broadcast at issue in her capacity as a Member of the European Parliament and not as a national representative of a party, the Committee on Legal Affairs recommended the **European Parliament to defend the immunity and privileges of Lara COMI**, recalling that the next day Ms Comi sent her apologies to the complainant.