# Request for the defence of the privileges and immunities of Gabriele Albertini

2014/2096(IMM) - 24/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Andrzej DUDA (ECR, PL) in which it recommended the European Parliament not to defend the immunity and privileges of Gabriele ALBERTINI (EPP, IT) and not to act on his request for reconsideration as regards the civil proceedings instituted against him.

It is recalled that by writ of summons of 12 October 2012, Mr Albertini was summoned before the Court of Brescia by Mr Alfredo Robledo in connection with the statements made by Mr 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.

At the time of facts, the claimant was a prosecutor at the Court of Milan who sought to claim compensation for the damage caused to his personal and professional reputation, honour and status by a series of statements, reported in the two interviews, concerning criminal investigations for which he was responsible (the “derivatives trial”).

In its decision of 21 May 2013, Parliament considered that the facts of the case, as manifested in the writ of summons, indicated that the statements made did not have a direct and obvious connection with Mr Albertini’s performance of his duties as a Member of the European Parliament; whereas Parliament decided, therefore, not to defend Mr Albertini’s immunity.

Mr Albertini requested reconsideration of the decision of 21 May 2013 not to defend his immunity. By decision of 24 February 2014, Parliament decided not to act on this request and not to defend Mr Albertini’ s immunity.

Mr Albertini requested reconsideration of the decision of 21 May 2013 for the second time, providing, supplementary documents relating to his case on several occasions between September 2014 and March 2015.

Members considered that the new supporting documents submitted by Mr Albertini fail to shed light on the link between the statements he made and his duties as a Member of the European Parliament.

Since no evidence of a direct and obvious link with his parliamentary duties has been provided, the earlier conclusion – endorsed twice by Parliament – remains that Mr Albertini, in making the statements in question, was not acting in the performance of his duties as a Member of the European Parliament.

Moreover, the doctrine of *fumus persecutionis* is no longer applicable to his case.

In light of these considerations, the committee recommended that the European Parliament should uphold its decisions of 21 May 2013 and of 24 February 2014, respectively **not to defend** the immunity and privileges of Gabriele Albertini and not to act on his request for reconsideration as regards the civil proceedings instituted against him.