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

2014/2096(IMM) - 25/03/2015 - Text adopted by Parliament, single reading

The European Parliament upheld its decisions of 21 May 2013 and of 24 February 2014, respectively, **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 the **request for defence** relates to the allegedly defamatory opinions expressed by Mr Albertini in a written question that he put to the Italian Minister of Justice on 22 October 2012 with a view to establishing whether the conduct of Alfredo Robledo, a prosecutor who had initiated an investigation into facts involving the municipality of Milan and relating to Mr Albertini's functions as mayor of that city back in 2005, constituted a breach of professional ethics and was hence subject to disciplinary proceedings.

The request for reconsideration relates to a writ of summons filed against Mr Albertini before the Court of Brescia by Mr Robledo, in connection with allegedly defamatory 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.

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.

Members recalled that the doctrine of *fumus persecutionis* – that is, a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member concerned – only applies to immunity cases falling within Article 9 of the Protocol, namely to legal proceedings relating to offences other than those perpetrated by means of opinions expressed or votes cast, which, in turn, are solely covered by Article 8 of the Protocol. Since Mr Albertini is a former Member of the European Parliament, Article 9 is no longer applicable to his case.

In light of these considerations, Parliament upheld 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.