Request for the defence of the privileges and immunities of Mario Borghezio

2016/2028(IMM) - 20/10/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Angel DZHAMBAZKI (ECR, BG), and recommended that the European Parliament not defend the immunity and privileges of Mario BORGHEZIO (ENF, IT).

Members recalled that the issue concerns criminal proceedings pending before the Court of Milan. According to the notice served by the Public Prosecutor's Office, Mr Borghezio is alleged to have advocated ideas founded on superiority and racial or ethnic hatred during a radio programme, which behaviour is punishable under Article 1(a) of Italian Law No 205/1993. During the radio programme in question, Mario Borghezio was asked to comment on the appointment and competence of a new member of the Italian Government, namely the new Minister for Integration.

Members noted 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. They also noted that the Court of Justice has held, that, in order to enjoy immunity, an opinion must be expressed by a Member of the European Parliament in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties. The facts of the case, as manifested in the documents provided to the Committee on Legal Affairs and in the hearing before the latter, indicate that the statements he made during the interview have no direct and obvious connection with his parliamentary activities. Furthermore, the statements are contrary to Article 21 of the Charter of Fundamental Rights of the European Union.

Accordingly, the committee called on Parliament **not to defend the immunity and privileges of Mario Borghezio.**