

Basic information

2001/2099(REG)

REG - Parliament's Rules of Procedure

Immunity of Italian members and Italian authorities practices on the subject

Subject

8.40.01.03 Members' immunity

Geographical area

Italy

Procedure completed

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs and Internal Market	MACCORMICK Professor Sir Neil (V/ALE)	11/10/1999

Key events

Date	Event	Reference	Summary
14/06/2001	Committee referral announced in Parliament		
19/02/2002	Vote in committee		
19/02/2002	Committee report tabled for plenary	A5-0213/2002	
10/06/2002	Debate in Parliament		
11/06/2002	Decision by Parliament	T5-0291/2002	Summary
11/06/2002	End of procedure in Parliament		
30/10/2003	Final act published in Official Journal		

Technical information

Procedure reference	2001/2099(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules
Legal basis	Rules of Procedure EP 3
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/14770

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0213/2002	19/02/2002	
Text adopted by Parliament, single reading		T5-0291/2002 OJ C 261 30.10.2003, p. 0030-0102 E	11/06/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Immunity of Italian members and Italian authorities practices on the subject

2001/2099(REG) - 11/06/2002 - Text adopted by Parliament, single reading

The background to this matter involves the privileges enjoyed by Italian parliamentarians. According to Italian constitutional practice, the Italian Senate or Parliament may declare upon request by one of its Members that a certain case falls under the privilege of absolute immunity under Italian law, which is substantially the same as Article 9 of the Protocol. The national court concerned must then comply with that declaration and stay proceedings against the Member, unless it decides to challenge it in the Constitutional Court. The question at stake is whether the European Parliament should have the right to do the same for an Italian MEP as the Italian Parliament can do for a national MP. In adopting a report by Neil MACCORMICK (Greens, UK), Parliament decided that the cases of Francesco Speroni and Alfonso Marra raise a prima facie case of absolute immunity and that the competent court should be put on notice to transmit to Parliament the documentation necessary to establish whether the cases in question involve absolute immunity under Article 9 of the Protocol in respect of opinions expressed or votes cast by members in question in the performance of their duties. The competent court should be invited to stay proceedings pending a final determination by Parliament.