Basic information

2007/2014(IMM) IMM - Members' immunity	Procedure completed
Request for waiver of the immunity of Gian Paolo Gobbo **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	WALLIS Diana (ALDE)	29/01/2007

Key events

Date	Event	Reference	Summary
23/01/2007	Committee referral announced in Parliament		
04/10/2007	Vote in committee		Summary
08/10/2007	Committee report tabled for plenary	A6-0367/2007	
24/10/2007	Decision by Parliament	T6-0456/2007	Summary
24/10/2007	Results of vote in Parliament		
24/10/2007	End of procedure in Parliament		

Technical information

Procedure reference	2007/2014(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/44915

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A6-0367/2007	08/10/2007	
Text adopted by Parliament, single reading		T6-0456/2007	24/10/2007	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for waiver of the immunity of Gian Paolo Gobbo

2007/2014(IMM) - 24/10/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Diana **WALLIS** (ALDE, RU) and decided that the European Parliament **should not defend the immunity and privileges of Gian Paolo GOBBO** (UEN, IT). Members considered that parliamentary immunity within the meaning of Article 9 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and, in so far as it is relevant, Article 68, first subparagraph, of the Italian Constitution, did not cover the facts alleged against Mr Gian Paolo Gobbo.

Parliament recalled that Mr GOBBO is charged – along with many other people, of whom some have been identified and others have not – with the offence of promoting, setting up, leading and participating in a paramilitary association with political objectives, under the title of **'the Greenshirts'**. The aim of the latter was to set up a hierarchically organised body which was trained to take collective action of a violent nature and was also used to intimidate any members of the movement who were opposed to the political directives issued by its leaders and prevent them from engaging in debate inside the movement, thus helping to impose a definite political line on the 'Lega Nord' movement by silencing any expression of dissent within it.

Parliament pointed out that **Article 9 of the Protocol on Privileges and Immunities** only accords Members full protection from legal proceedings in respect of opinions expressed and votes cast by them in the performance of their duties. Participating in a semi-military-style uniformed association which apparently gave the impression that it would seek to achieve its objectives through the potential or actual use of force is clearly contradictory to, and incompatible with, the role and responsibilities attaching to a parliamentary mandate. It cannot therefore be regarded as a legitimate exercise of freedom of speech or as constituting, in general, the normal performance of the duties of members belonging to an elected assembly representing citizens.

The resolution went on to indicate that, pursuant to **Article 10 of the Protocol on Privileges and Immunities**, which is the **sole provision applicable**, during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their national parliament. This does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

In addition, under Article 68 of the Italian Constitution, members of the Italian Parliament do not enjoy immunity from criminal prosecution, except in respect of opinions expressed or votes cast by them in the exercise of their functions, which is not the case in the present instance.

Accordingly, Parliament did not defend the immunity of Mr GOBBO.