Basic information

2007/2121(REG) REG - Parliament's Rules of Procedure	Procedure completed
Verification of the credentials of Beniamino Donnici **Subject** 8.40.01.02 President, members, mandates, political groups	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	JURI Legal Affairs	GARGANI Giuseppe (PPE-DE)	23/04/2007

Key events

Date	Event	Reference	Summary
03/05/2007	Vote in committee		
22/05/2007	Committee report tabled for plenary	A6-0198/2007	
23/05/2007	Debate in Parliament		
24/05/2007	Decision by Parliament	T6-0209/2007	Summary
24/05/2007	Results of vote in Parliament		
24/05/2007	Committee referral announced in Parliament		
24/05/2007	End of procedure in Parliament		

Technical information

Procedure reference	2007/2121(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/6/49315

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A6-0198/2007	22/05/2007	
Text adopted by Parliament, single reading		T6-0209/2007	24/05/2007	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Verification of the credentials of Beniamino Donnici

2007/2121(REG) - 24/05/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Giuseppe **GARGANI** (EPP-ED, IT) by 406 votes for, 125 against and 36 abstentions. The report concerned the verification of credentials of Mr Beniamino Donnici. The European Parliament **declared the mandate as Member of the European Parliament of Beniamino Donnici** to be **invalid,** and it **confirmed the validity of the mandate of Achille Occhetto, in total opposition to the decision made by the electoral authorities in Italy.**

To recall, at the June 2004 elections to the European Parliament, Mr Beniamino Donnici was a candidate on the Società civile DI PIETRO-OCCHETTO list, which had won two seats in two constituencies. Mr Achille Occhetto (who was first on the list of the candidates who had not been elected in either constituency) declared that he would withdraw as a candidate for election to the European Parliament. Those elected in the first constituency were Mr Giulietto Chiesa (who came immediately after Mr Achille Occhetto on the list) and Mr Beniamino Donnici (who was third on the list in the other constituency and was promoted to the top of the list of those who had not been elected). Following the parliamentary elections held in Italy, Mr Antonio Di Pietro stood down as an MEP, since he had been elected as a Member of the Italian Parliament. Mr Achille Occhetto asked to be allowed to replace Mr Antonio Di Pietro as the first of those who had not been elected in the Italy South constituency and he revoked his earlier decision to withdraw. Thus the National Electoral Office for the European Parliament at the Court of Appeal declared Mr Achille Occhetto elected as a Member of the European Parliament in his capacity as the first of those who had not secured election in that constituency. By means of an appeal submitted to the Lazio Regional Administrative Tribunal, Mr Beniamino Donnici challenged the action taken by the National Electoral Office. This was rejected by the Regional Tribunal but accepted on appeal by the Council of State, which annulled the proclamation of Mr Achille Occhetto as a Member of the European Parliament.

The European Parliament considered that Mr Achille Occhetto's withdrawal was not in accordance with the spirit and the letter of Article 6 of the 1976 Act concerning the election of the representatives of the European Parliament, pursuant to which representatives shall not be bound by any instructions and shall not receive a binding mandate. It stated that the concept of Members' freedom and independence was most definitely a key principle. Parliament also referred to Article 2 of the **Members' Statute (due to come into force in 2009**) stating that Members shall be free and independent and that agreements concerning the resignation from office of a Member before or at the end of a parliamentary term shall be null and void. It referred, too, to its role as a representative of Europe's citizens, its duty to uphold the sacrosanct principles of the will of the people and to its own independence. These do not allow the individual Member States to interfere with the European Parliament's composition.

Parliament concluded that Mr Achille Occhetto's withdrawal was null and void, since it is essential to the validity of his successor's mandate, and Parliament issued a negative opinion when verifying Mr Beniamino Donnici's credentials. Parliament felt that it was not bound by the decision taken by the Council of State since the latter went against the principles laid down in the 1976 Act - principles in respect of which Parliament's may be said to have a reserved jurisdiction. Parliament may legitimately deny the validity of Mr Beniamino Donnici's mandate and, at the same time, ignore the decision taken by the Italian court, since the latter goes against the spirit and the letter of the 1976 Act. Mr Achille Occhetto's mandate is thus safeguarded.