Basic information

2011/2189(IMM) IMM - Members' immunity	Procedure completed
Request for the defence of parliamentary immunity of Luigi de Magistris **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	RAPKAY Bernhard (S&D)	11/10/2011
	Shadow rapporteur ZWIEFKA Tadeusz (PPE)	

Key events

Date	Event	Reference	Summary
26/03/2012	Vote in committee		
28/03/2012	Committee report tabled for plenary	A7-0075/2012	Summary
29/03/2012	Decision by Parliament	T7-0103/2012	Summary
29/03/2012	Results of vote in Parliament		
29/03/2012	End of procedure in Parliament		

Technical information

Procedure reference	2011/2189(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Defence of immunity
Legal basis	Rules of Procedure EP 7
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/06862

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A7-0075/2012	28/03/2012	Summary
Text adopted by Parliament, single reading		T7-0103/2012	29/03/2012	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Request for the defence of parliamentary immunity of Luigi de Magistris

2011/2189(IMM) - 28/03/2012 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Bernhard RAPKAY (S&D, DE), and called on the European Parliament not to defend the immunity of Luigi de MAGISTRIS (ADLE, IT).

The request to defend the parliamentary immunity of Luigi de Magistris is made in connection with proceedings before an Italian court.

To recall, the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Lamezia on behalf of Mr Antonio Saladino in connection with statements made by Luigi de Magistris in an interview published in the Italian newspaper Il Fatto Quotidiano on 9 March 2011. According to the writ of summons, statements made in that interview constitute libel, resulting in a claim for damages.

The statements were made and the interview was published at a time when Luigi de Magistris was a Member of the European Parliament.

In accordance with Article 8 of the of the Protocol on the Privileges and Immunities of the European Union

Members of the European Parliament shall 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.

However, the facts of the case indicate that the statements made do not have a direct, obvious connection with Luigi de Magistris's performance of his duties as a Member of the European Parliament.

The statements made by Luigi de Magistris in this case relate to allegations of improper conduct of third parties in connection with criminal investigations which he was conducting before he became a Member of the European Parliament. The statements therefore appear to be rather far removed from the duties of a Member of the European Parliament and hardly capable, therefore, of presenting a direct link with a general interest of concern to citizens.

Accordingly, the committee **recommends that the European Parliament should not defend the immunity and privileges of Luigi de MAGISTRIS.**

Request for the defence of parliamentary immunity of Luigi de Magistris

2011/2189(IMM) - 29/03/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 432 votes to 161 with 24 abstentions a decision with which it decides **not to defend the immunity and privileges of Luigi de MAGISTRIS (ADLE, IT).**

The request to defend the parliamentary immunity of Luigi de Magistris is made in connection with proceedings before an Italian court.

To recall, the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Lamezia on behalf of Mr Antonio Saladino in connection with statements made by Luigi de Magistris in an interview published in the Italian newspaper Il Fatto Quotidiano on 9 March 2011, when he was a Member of the European Parliament. According to the writ of summons, statements made in that interview constitute libel, resulting in a claim for damages.

However, the facts of the case indicate that the statements made do not have a direct, obvious connection with Luigi de Magistris's performance of his duties as a Member of the European Parliament.

The statements made by Luigi de Magistris in this case relate to allegations of improper conduct of third parties in connection with criminal investigations which he was conducting before he became a Member of the European Parliament. The statements therefore appear to be rather far

removed from the duties of a Member of the European Parliament and hardly capable, therefore, of presenting a direct link with a general interest of concern to citizens.

Accordingly, Parliament decides not to defend the parliamentary immunity of Mr. de MAGISTRIS.