Basic information

2014/2096(IMM) IMM - Members' immunity	Procedure completed
Request for the defence of the privileges and immunities of Gabriele Albertini **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	DUDA Andrzej (ECR)	24/09/2014

Key events

Date	Event	Reference	Summary
24/03/2015	Vote in committee		
24/03/2015	Committee report tabled for plenary	A8-0058/2015	Summary
25/03/2015	Decision by Parliament	T8-0087/2015	Summary
25/03/2015	Results of vote in Parliament		
25/03/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2096(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Defence of immunity
Legal basis	Rules of Procedure EP 7
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/01240

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A8-0058/2015	24/03/2015	Summary

Text adopted by Parliament, single reading		T8-0087/2015	25/03/2015	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for the defence of the privileges and immunities of Gabriele Albertini

2014/2096(IMM) - 24/03/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Andrzej DUDA (ECR, PL) in which it recommended the European Parliament not to defend the immunity and privileges of Gabriele ALBERTINI (EPP, IT) and not to act on his request for reconsideration as regards the civil proceedings instituted against him.

It is recalled that by writ of summons of 12 October 2012, Mr Albertini was summoned before the Court of Brescia by Mr Alfredo Robledo in connection with the statements made by Mr Albertini in a first interview published by the Italian newspaper *Il Sole 24 Ore* on 26 October 2011 and in a second interview published by the Italian newspaper Corriere della Sera on 19 February 2012.

At the time of facts, the claimant was a prosecutor at the Court of Milan who sought to claim compensation for the damage caused to his personal and professional reputation, honour and status by a series of statements, reported in the two interviews, concerning criminal investigations for which he was responsible (the “derivatives trial”).

In its decision of 21 May 2013, Parliament considered that the facts of the case, as manifested in the writ of summons, indicated that the statements made did not have a direct and obvious connection with Mr Albertini’s performance of his duties as a Member of the European Parliament; whereas Parliament decided, therefore, not to defend Mr Albertini’s immunity.

Mr Albertini requested reconsideration of the decision of 21 May 2013 not to defend his immunity. By decision of 24 February 2014, Parliament decided not to act on this request and not to defend Mr Albertini’s immunity.

Mr Albertini requested reconsideration of the decision of 21 May 2013 for the second time, providing, supplementary documents relating to his case on several occasions between September 2014 and March 2015.

Members considered that the new supporting documents submitted by Mr Albertini fail to shed light on the link between the statements he made and his duties as a Member of the European Parliament.

Since no evidence of a direct and obvious link with his parliamentary duties has been provided, the earlier conclusion – endorsed twice by Parliament – remains that Mr Albertini, in making the statements in question, was not acting in the performance of his duties as a Member of the European Parliament.

Moreover, the doctrine of *fumus persecutionis* is no longer applicable to his case.

In light of these considerations, the committee recommended that the European Parliament should uphold its decisions of 21 May 2013 and of 24 February 2014, respectively **not to defend** the immunity and privileges of Gabriele Albertini and not to act on his request for reconsideration as regards the civil proceedings instituted against him.

Request for the defence of the privileges and immunities of Gabriele Albertini

2014/2096(IMM) - 25/03/2015 - Text adopted by Parliament, single reading

The European Parliament upheld its decisions of 21 May 2013 and of 24 February 2014, respectively, **not to defend the immunity and privileges of Gabriele Albertini** (EPP, IT) and **not to act on his request for reconsideration** as regards the civil proceedings instituted against him.

It is recalled that the **request for defence** relates to the allegedly defamatory opinions expressed by Mr Albertini in a written question that he put to the Italian Minister of Justice on 22 October 2012 with a view to establishing whether the conduct of Alfredo Robledo, a prosecutor who had initiated an investigation into facts involving the municipality of Milan and relating to Mr Albertini’s functions as mayor of that city back in 2005, constituted a breach of professional ethics and was hence subject to disciplinary proceedings.

The request for reconsideration relates to a writ of summons filed against Mr Albertini before the Court of Brescia by Mr Robledo, in connection with allegedly defamatory statements made by Mr Albertini in a first interview published by the Italian newspaper *Il Sole 24 Ore* on 26 October 2011 and in a second interview published by the Italian newspaper *Corriere della Sera* on 19 February 2012.

In its decision of 21 May 2013, Parliament considered that the facts of the case, as manifested in the writ of summons, indicated that the statements made did not have a direct and obvious connection with Mr Albertini's performance of his duties as a Member of the European Parliament; whereas Parliament decided, therefore, not to defend Mr Albertini's immunity.

Mr Albertini requested reconsideration of the decision of 21 May 2013 not to defend his immunity. By decision of 24 February 2014, Parliament decided not to act on this request and not to defend Mr Albertini's immunity.

Mr Albertini requested reconsideration of the decision of 21 May 2013 for the second time, providing, supplementary documents relating to his case on several occasions between September 2014 and March 2015.

Members considered that the new supporting documents submitted by Mr Albertini fail to shed light on the link between the statements he made and his duties as a Member of the European Parliament.

Since no evidence of a direct and obvious link with his parliamentary duties has been provided, the earlier conclusion – endorsed twice by Parliament – remains that Mr Albertini, in making the statements in question, was not acting in the performance of his duties as a Member of the European Parliament.

Members recalled that the doctrine of *fumus persecutionis* – that is, a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member concerned – only applies to immunity cases falling within Article 9 of the Protocol, namely to legal proceedings relating to offences other than those perpetrated by means of opinions expressed or votes cast, which, in turn, are solely covered by Article 8 of the Protocol. Since Mr Albertini is a former Member of the European Parliament, Article 9 is no longer applicable to his case.

In light of these considerations, Parliament upheld its decisions of 21 May 2013 and of 24 February 2014, respectively **not to defend** the immunity and privileges of Gabriele Albertini and not to act on his request for reconsideration as regards the civil proceedings instituted against him.