Basic information

2017/2199(IMM) IMM - Members' immunity	Procedure completed
Request for the defence of the privileges and immunities of Eleonora Forenza **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	LEBRETON Gilles (ENF)	02/10/2017

Key events

Date	Event	Reference	Summary
07/12/2017	Vote in committee		
08/12/2017	Committee report tabled for plenary	A8-0398/2017	Summary
12/12/2017	Decision by Parliament	T8-0479/2017	Summary
12/12/2017	Results of vote in Parliament		
12/12/2017	End of procedure in Parliament		

Technical information

Procedure reference	2017/2199(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/11070

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A8-0398/2017	08/12/2017	Summary
Text adopted by Parliament, single reading		T8-0479/2017	12/12/2017	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Request for the defence of the privileges and immunities of Eleonora Forenza

2017/2199(IMM) - 08/12/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Gilles LEBRETON (ENF, FR) on the request for defence of the privileges and immunities of Eleonora FORENZA (GUE/NGL, IT).

As a reminder, Gabriele Zimmer, Member of the European Parliament and President of the GUE/NGL group, requested, under Articles 8 and 9 of Protocol No 7, the defence of the parliamentary immunity of Eleonora Forenza, Member of the same group, who was searched, then detained by German police along with a number of other activists following a demonstration held in the context of the G20 summit in Hamburg on 8 July 2017.

The Committee on Legal Affairs takes the view that the facts of the case, as established on the basis of Gabriele Zimmer's request and the hearing of Eleonora Forenza, show that the German police subjected Eleonora Forenza to a body search and then detained her despite being fully aware of her status as a Member of the European Parliament.

Since Eleonora Forenza was in a Member State other than her own, **she fulfilled all the conditions required for the immunity referred to in Article 9, first paragraph, point (b) of the Protocol to apply to her case**. It follows, therefore, that the German police, by searching and detaining Eleonora Forenza, knowingly infringed the privileges and immunities she enjoys.

Given the circumstances of the case, it is clear that Eleonora Forenza was not found in the act of committing an offence, so the exception laid down in Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union does not apply and she is therefore fully covered by her parliamentary immunity in this case.

Accordingly, having examined the arguments for and against the defence of Eleonara Forenza's immunity, the Committee on Legal Affairs recommended that the European Parliament **defend the privileges and immunities of Eleonora Forenza**.

Request for the defence of the privileges and immunities of Eleonora Forenza

2017/2199(IMM) - 12/12/2017 - Text adopted by Parliament, single reading

The European Parliament **decided to defend the privileges and immunities** of Eleonora FORENZA (GUE/NGL, IT).

As a reminder, Gabriele Zimmer, Member of the European Parliament and President of the GUE/NGL group, requested, under Articles 8 and 9 of Protocol No 7, the defence of the parliamentary immunity of Eleonora Forenza, Member of the same group, who was searched, then detained by German police along with a number of other activists following a demonstration held in the context of the G20 summit in Hamburg on 8 July 2017.

The request was made pursuant to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union.

Parliament considered that the case in question does not concern any opinion expressed by a Members of the European Parliament, but rather conduct deemed to pose a danger to public order (alleged participation in a riot) and that therefore, Article 9 of Protocol No 7 clearly applies in this case.

Parliament recalled that under Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members are to enjoy, in the territory of their own State, the immunities accorded to members of their parliament, and, in the territory of any other Member State, immunity from any measure of detention and from legal proceedings. Eleonora Forenza, as an Italian MEP visiting Germany, therefore enjoyed such immunity.

It follows that the German police, aware that it was arresting a Member of the European Parliament, knowingly infringed the privileges and immunities she enjoys.

Given the circumstances of the case, it is clear that Eleonora Forenza was not found in the act of committing an offence, so the exception laid down in Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union does not apply and she is therefore fully covered by her parliamentary immunity in this case.