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## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

**Defence of the immunity and privileges of Luigi de Magistris**

P7\_TA(2011)0188

**European Parliament decision of 10 May 2011 on the request for defence of the immunity and  
privileges of Luigi de Magistris (2010/2122(IMM))**

(2012/C 377 E/25)

*The European Parliament,*

- having regard to the request by Luigi de Magistris for defence of his immunity in connection with proceedings pending before an Italian court, as submitted on 5 July 2010 and announced in plenary sitting on 7 July 2010,
  - having heard Luigi de Magistris, in accordance with Rule 7(3) of its Rules of Procedure,
  - having regard to Article 8 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965, and to Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
  - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008 and 19 March 2010 <sup>(1)</sup>,
  - having regard to Rules 6(3) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0152/2011),
- A. whereas a Member of the European Parliament, Luigi de Magistris, has requested the defence of his parliamentary immunity in connection with proceedings before an Italian court,
  - B. whereas the request by Luigi de Magistris relates to a writ of summons filed against him before the Court of Benevento on behalf of Clemente Mario Mastella, a Member of the European Parliament, in connection with an interview Mr de Magistris gave to an Italian newspaper on 31 October 2009,
  - C. whereas, according to the writ of summons, a fragment of that interview ('Mastella was implicated in one of my investigations and tried to stop me') constitutes libel, resulting in a claim for damages of EUR 1 000 000 plus costs,
  - D. whereas the interview was given at a time when Luigi de Magistris was a Member of the European Parliament, after standing successfully in the 2009 European Parliament elections,

<sup>(1)</sup> Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195, Case 149/85 *Wybot v Faure and Others* [1986] ECR 2391, Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, Joined Cases C-200/07 and C-201/07 *Marra v De Gregorio and Clemente* [2008] ECR I-7929, and Case T-42/06 *Gollnisch v Parliament*.

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- E. whereas, in accordance with Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament may 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,
- F. whereas, in accordance with Parliament's established practice, the fact that the legal proceedings have been brought under civil or administrative law, or contain certain aspects falling under civil or administrative law, does not *per se* preclude the application of the immunity afforded by that article,
- G. whereas, in giving the interview in question, Luigi de Magistris was acting in performance of his duties as Member of the European Parliament and carrying out political activities by expressing his opinion on a matter of public interest to his constituents,
- H. whereas attempts to prevent Members of Parliament from expressing their opinions on matters of legitimate public interest and concern, and from criticising their political opponents, by bringing legal proceedings are unacceptable in a democratic society and represent a breach of Article 8 of the Protocol on the Privileges and Immunities of the European Union, which is intended to protect Members' freedom of expression when performing their duties in the interests of Parliament as an institution of the European Union,
1. Decides to defend the immunity and privileges of Luigi de Magistris;
  2. Instructs its President to forward this decision immediately to the competent authority of the Italian Republic and to Luigi de Magistris.

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## Defence of the immunity and privileges of Bruno Gollnisch

P7\_TA(2011)0189

### European Parliament decision of 10 May 2011 on the request for defence of the immunity and privileges of Bruno Gollnisch (2010/2097(IMM))

(2012/C 377 E/26)

*The European Parliament,*

- having regard to the request by Bruno Gollnisch for defence of his immunity in connection with criminal proceedings pending before a French court, as submitted on 10 June 2010 and announced in plenary sitting on 14 June 2010,
- having heard Bruno Gollnisch on 26 January 2011, in accordance with Rule 7(3) of its Rules of Procedure,
- having regard to Article 9 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965, and to Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008 and 19 March 2010 <sup>(1)</sup>,
- having regard to Article 26 of the Constitution of the French Republic,
- having regard to Rules 6(3) and 7 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A7-0154/2011),

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<sup>(1)</sup> Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195, Case 149/85 *Wybot v Faure and Others* [1986] ECR 2391, Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, Joined Cases C-200/07 and C-201/07 *Marra v De Gregorio and Clemente* [2008] ECR I-7929, and Case T-42/06 *Gollnisch v Parliament*.