Wednesday 24 October 2007

P6_TA(2007)0456

Immunity and privileges of Gian Paolo Gobbo

European Parliament decision of 24 October 2007 on the request for consultation on the immunity and privileges of Gian Paolo Gobbo (2007/2014(IMM))

The European Parliament,

— having regard to the request made by the judge at the preliminary hearing before the District Court of Verona (Italy) for consultation on the parliamentary immunity of Gian Paolo Gobbo, in connection with criminal procedure No. 81/96 R.G.N.R., announced in plenary sitting on 18 January 2007,

— having heard Gian Paolo Gobbo in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Articles 9 and 10 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities and 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 12 May 1964 and 10 July 1986 [1] of the Court of Justice of the European Communities,

— having regard to Article 68 of the Constitution of the Italian Republic,

— having regard to Article 3 of Italian Law No. 140 of 20 June 2003,

— having regard to Rules 6(1) and 7(13) of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A6-0367/2007),

A. whereas Gian Paolo Gobbo is a Member of the European Parliament whose credentials were verified by Parliament on 15 January 2007,

B. whereas Mr Gobbo is charged — along with many other people, of whom some have been identified and others have not — with the offence of promoting, setting up, leading and participating in a paramilitary association with political objectives, under the title of 'the Greenshirts',

C. whereas, according to the Italian Prosecutors' Office, the Greenshirts' aim was to set up a hierarchically organised body which was trained to take collective action of a violent or threatening nature and was also used to intimidate any members of the movement who were opposed to the political directives issued by its leaders and prevent them from engaging in debate inside the movement, thus helping to impose a definite political line on the 'Lega Nord' movement by silencing any expression of dissent within it,

D. whereas Article 9 of the Protocol on Privileges and Immunities only accords Members full protection from legal proceedings in respect of opinions expressed and votes cast by them in the performance of their duties,

E. whereas participating in a semi-military-style uniformed association which apparently gave the impression that it would seek to achieve its objectives through the potential or actual use of force is clearly contradictory to, and incompatible with, the role and responsibilities attaching to a parliamentary mandate and cannot therefore be regarded as a legitimate exercise of freedom of speech or as constituting, in general, the normal performance of the duties of members belonging to an elected assembly representing citizens,

[1] Case 101/63 *Wagner* v *Fohrmann and Krier* [1964] ECR 195 and Case 149/85 *Wybot* v *Faure and others* [1986] ECR 2391.

F. whereas, pursuant to Article 10 of the Protocol on Privileges and Immunities, which is the sole provision applicable, during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their national parliament; whereas this does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members,

G. whereas under Article 68 of the Italian Constitution, members of the Italian Parliament do not enjoy immunity from criminal prosecution, except in respect of opinions expressed or votes cast by them in the exercise of their functions, which is not the case in the present instance,

1. Considers that parliamentary immunity within the meaning of Article 9 of the Protocol on the Privileges and Immunities of the European Communities and, in so far as it is relevant, Article 68, first subparagraph, of the Italian Constitution does not cover the facts alleged against Mr Gian Paolo Gobbo, and therefore decides not to defend his immunity and privileges;

2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the appropriate authorities of the Italian Republic.

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Mobilisation of the EU Solidarity Fund

European Parliament resolution of 24 October 2007 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the EU Solidarity Fund according to point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2007)0526 — C6-0286/2007 — 2007/2179(ACI))

The European Parliament,

— having regard to the Commission proposal to the European Parliament and to the Council (COM(2007)0526 — C6-0286/2007),

— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management [1], and in particular point 26 thereof,

— having regard to the report of the Committee on Budgets (A6-0393/2007),

1. Approves the decision annexed to this resolution;

2. Instructs its President to arrange for publication of that decision in the Official Journal of the European Union;

3. Instructs its President to forward this resolution, including its annex, to the Council and Commission.

[1] OJ C 139, 14.6.2006, p. 1.