INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Sixth Chamber) of 19 January 2012 — Criminal proceedings against Patriciello

(Case C-496/10)

(Article 104(3), first subparagraph, of the Rules of Procedure — Member of the European Parliament — Protocol on Privileges and Immunities — Article 8 — Criminal proceedings for the offence of insulting behaviour — Statements made outside the precincts of the European Parliament — Definition of expression of an opinion in the performance of parliamentary duties — Immunity — Conditions)

Privileges and immunities of the European Union — Members of the European Parliament — Immunity in respect of opinions expressed and votes cast in the performance of their duties — Definition of expression of an opinion in the performance of duties — Application in connection with legal proceedings against a member of the Parliament — Jurisdiction of the national court before which the case was brought (Protocol on Privileges and Immunities of the European Union, Art. 8) (see paras 15-17, 19, operative part)

Re:

Reference for a preliminary ruling — Ufficio del Giudice di Pace di Venafro — Interpretation of Articles 9 and 10 of the Protocol on the Privileges and Immunities of the European Communities (JO 1967 L 152, p. 13) — Member of the European Parliament charged with the offence of insulting behaviour in consequence of his making false accusations against a representative of the forces of order — Definition of expression of an opinion in the performance of parliamentary duties.

Operative part

On a proper construction of Article 8 of the Protocol on the privileges and immunities of the European Union, annexed to the EU, FEU and EAEC Treaties, a statement made by a Member of the European Parliament beyond the precincts of that institution and giving rise to prosecution in his Member State of origin for the offence of insulting behaviour, does not constitute an opinion expressed in the performance of his parliamentary duties covered by the immunity afforded by that provision unless that statement amounts to a subjective appraisal having a direct, obvious connection with the performance of those duties. It is for the court making the reference to determine whether those conditions have been satisfied in the case in the main proceedings.