

Request for the defence of the parliamentary immunity of Lara Comi

European Parliament decision of 14 January 2014 on the request for defence of the immunity and privileges of Lara Comi (2013/2190(IMM))

The European Parliament,

- having regard to the request by Lara Comi of 30 July 2013 for defence of her immunity in connection with the criminal proceedings pending before the Court of Ferrara, announced in plenary sitting on 9 September 2013,
 - having heard Lara Comi on 5 November 2013 pursuant to Rule 7(3) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, 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 the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011¹,
 - having regard to Rules 6(3) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0469/2013),
- A. whereas Lara Comi, MEP, has requested the defence of her parliamentary immunity in relation to an action brought by the Public Prosecutions Department in Ferrara in response to a complaint alleging aggravated slander as referred to in Article 595(2) and (3) of the Italian Criminal Code and Article 30 of Law No 223 of 6 August 1990 on the basis of statements which she is alleged to have made during a political debate broadcast on television;
- B. whereas Article 8 of the Protocol on the Privileges and Immunities of the European Union, which Lara Comi expressly invokes in her request for defence, stipulates that 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;
- C. whereas Rule 6 of its Rules of Procedure stipulates that, in the exercise of its powers in respect of privileges and immunities, Parliament shall seek primarily to uphold its integrity

¹ Judgment of 12 May 1964 in Case 101/63, *Wagner v Fohrmann and Krier* (ECR 1964, p. 195); judgment of 10 July 1986 in Case 149/85, *Wybot v Faure and others* (ECR 1986, p. 2403); judgment of 15 October 2008 in Case T-345/05, *Mote v Parliament* (ECR 2008, p. II-2849); judgment of 21 October 2008 in Joined Cases C-200/07 and C-201/07, *Marra v De Gregorio and Clemente* (ECR 2008, p. I-7929); judgment of 19 March 2010 in Case T-42/06, *Gollnisch v Parliament* (ECR 2010, p. II-1135); judgment of 6 September 2011 in Case C-163/10, *Patriciello* (ECR 2011, p. I-7565).

as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties;

- D. whereas Parliament has wide powers of discretion regarding the line of action which it chooses to adopt in response to a request for defence of the parliamentary immunity of one of its Members¹;
 - E. whereas the Court of Justice has recognised that a statement made by a Member beyond the precincts of the European Parliament may constitute an opinion expressed in the performance of their duties as referred to in Article 8 of the Protocol, taking the view that it is not the place where a statement is made that matters, but the nature and content of the statement²;
 - F. whereas Lara Comi was invited to the television broadcast at issue in her capacity as a Member of the European Parliament and not as a national representative of a party, which was incidentally already represented by another guest, in accordance with the national provisions intended to ensure balanced attendance by political spokespersons in televised debates held during election campaigns, as in the case at issue;
 - G. whereas in modern democracies political debate takes place not only in Parliament but also through communications media ranging from press statements to the Internet;
 - H. whereas in the television broadcast in question Lara Comi spoke as a Member of the European Parliament to discuss political issues, including public procurement and organised crime, in which she had always taken an interest at European level;
 - I. whereas the next day Ms Comi sent her apologies to the complainant, which were subsequently repeated in another national television broadcast;
- 1. Decides to defend the immunity and privileges of Lara Comi;
 - 2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the appropriate authorities of the Italian Republic and to Lara Comi.

¹ Case T-42/06 *Gollnisch v Parliament*, paragraph 101.

² *Patriciello*, judgment cited, paragraph 30.