

**Request for the defence of parliamentary immunity of Lara Comi**

**European Parliament decision of 4 February 2014 on the request for defence of the immunity and privileges of Lara Comi (2014/2014(IMM))**

*The European Parliament,*

- having regard to the request made by Lara Comi on 16 October 2013 for defence of her immunity in connection with legal proceedings pending before the Court of Ferrara,
  - 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 2011<sup>1</sup>,
  - having regard to its decision of 14 January 2014 on the request for defence of the immunity and privileges of Lara Comi,
  - having regard to Rules 6(3) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0067/2014),
- A. whereas Lara Comi, MEP, has requested the defence of her parliamentary immunity in response to a summons to appear before the Court of Ferrara with which she was served on 1 October 2013 in respect of an action for damages brought in connection with statements allegedly made by her during a televised political debate;
- B. whereas Ms Comi had already asked, on 30 July 2013, for her parliamentary immunity to be upheld in connection with an action brought by the Public Prosecutions Department in Ferrara in response to a complaint alleging aggravated slander on the basis of the statements which are now the subject of this decision;
- C. whereas Article 8 of the Protocol on the Privileges and Immunities of the European Union, which Ms 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

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<sup>1</sup> 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).

or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;

- D. whereas in the exercise of its powers in respect of privileges and immunities, Parliament seeks primarily to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties;
  - E. whereas Parliament has wide powers of discretion regarding the line of action to take in response to a request for defence of the parliamentary immunity of one of its Members;
  - F. 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 his or her 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 statement;
  - G. whereas the immunity from legal proceedings enjoyed by Members of the European Parliament includes immunity from civil proceedings;
  - H. whereas Ms 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;
  - I. whereas in modern democracies political debate takes place not only in Parliament but also through communications media ranging from press statements to the Internet;
  - J. whereas in the television broadcast in question Ms 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;
  - K. whereas the next day Ms Comi sent her apologies to the complainant, and whereas those apologies were subsequently repeated in another national television broadcast;
  - L. whereas the statements at issue in this matter are the same as those in respect of which, by its decision of 14 January 2014, it upheld Ms Comi's immunity from criminal proceedings pending before the Court of Ferrara;
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.