3. European Parliament decision on the request for defence of the immunity and privileges of Umberto Bossi (2004/2101(IMM))

The European Parliament,

— having regard to the request by a barrister acting for Mr Umberto Bossi, for defence of his immunity in connection with criminal proceedings pending before the Milan Magistrates' Court, of 7 May 2004, announced in plenary sitting on 22 July 2004,

— 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 Rules 6(3) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A6-0210/2005),

A. whereas Umberto Bossi was a Member of the European Parliament in the fourth legislative term (start of mandate on 19 July 1994, mandate verified on 15 November 1994, mandate expired on 19 July 1999) and in the fifth legislative term (start of mandate on 20 July 1999, mandate verified on 15 December 1999, mandate expired on 10 June 2001 for incompatibility),

B. whereas Members of the European Parliament are to enjoy in their own state immunity from legal proceedings equivalent to that of a Member of the Parliament of that state (2),

C. whereas in the case covered by the judgment of the Milan Magistrates' Court Umberto Bossi used violence against, and threatened, officers of the Italian police, who were conducting a search of the premises of the Milan headquarters of the Lega Nord, ordered by the Verona Public Prosecutor,

D. whereas at that time Umberto Bossi was a member of the Italian Parliament and the Italian Constitutional Court decided, on 17 May 2001, that he did not enjoy parliamentary immunity, finding that insults and acts of resistance and violence are in no way acts in which parliamentary privilege may apply,

E. whereas in such a case only Article 10(a) of the above Protocol can be applied and it appears that Members of the Italian Parliament do not enjoy Parliamentary immunity in respect of legal proceedings in such circumstances,

1. Decides not to defend the immunity and privileges of Umberto Bossi in connection with the criminal proceedings pending before the Milan Magistrates' Court.

(2) Article 10(a) of the Protocol on the Privileges and Immunities of the European Communities.