1. Approves the Commission proposal;
2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
4. Instructs its President to forward its position to the Council and Commission.

P6_TA(2006)0479

Request for defence of immunity of Gabriele Albertini

European Parliament decision on the request for defence of the immunity and privileges of Gabriele Albertini (2006/2099(IMM))

The European Parliament,
— having regard to the request by Gabriele Albertini for defence of his immunity in connection with the criminal proceedings brought against him before the District Court of Milan, made on 25 April 2006, announced in plenary sitting on 27 April 2006,
— having heard Gabriele Albertini 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 Rules 6(3) and 7 of its Rules of Procedure,
— having regard to the report of the Committee on Legal Affairs (A6-0378/2006),
1. Decides to defend the immunity and privileges of Gabriele Albertini;
2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the appropriate authorities of the Italian Republic.


P6_TA(2006)0480

Request for defence of immunity of Gabriele Albertini

European Parliament decision on the request for defence of the immunity and privileges of Gabriele Albertini (2006/2122(IMM))

The European Parliament,
— having regard to the request by Gabriele Albertini for defence of his immunity in connection with the criminal proceedings brought against him before the District Court of Milan, made on 28 April 2006, announced in plenary sitting on 15 May 2006,
— having heard Gabriele Albertini 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 Rules 6(3) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A6-0383/2006),

A. whereas Gabriele Albertini is a Member of the European Parliament who was elected in the sixth direct elections of 10 to 13 June 2004 and whereas his credentials were verified by Parliament on 14 December 2004 (2),

B. whereas during the sessions of the European Parliament its Members enjoy in the territory of their own State the immunities accorded to members of their parliament and whereas immunity cannot be claimed when a Member is caught in the act of committing an offence; whereas this does not prevent the European Parliament from exercising its right to waive the immunity of one of its Members (3),

C. whereas the provision applicable to the case in question is Article 68, second subparagraph, of the Italian Constitution, which allows criminal proceedings to be brought against Members of Parliament without any special formalities, given that it provides that, without the leave of the Chamber to which the Member belongs, a search may not be carried out on either the person or the domicile of a Member of Parliament and a Member may not be arrested or otherwise deprived of his or her personal freedom or kept in detention, except to enforce a final conviction or where the Member is caught in the act of committing a crime for which arrest is mandatory in case of flagrante delicto,

D. whereas the charges brought against Gabriele Albertini by the Public Prosecutor’s Office of the District Court of Milan relate to the tabling of blank amendments under the budgetary procedure of the Milan City Council with a view to filling them in later in the light of the amendments tabled by the opposition, so as to avoid tabling amendments after the deadline, which would be inadmissible,

E. whereas tabling blank amendments may be regarded as being an aspect of politics and political life and whereas, so long as the final act to which they refer has not been adopted, such amendments are simply acts of internal procedure with no external effect, in particular and above all from the point of view of criminal law, since the tabling of such amendments amounts to an impossible crime and in any case to a nonexistent crime,

F. whereas, in other proceedings (Case No 9384/03 R.G.N.R.), the same District Court of Milan, called upon to consider allegations similar to those made against Gabriele Albertini but then made by Gabriele Albertini himself against his political opponents, held that there was no case to answer and dismissed the case,

G. whereas the fact that the self-same court has adopted a diametrically opposed attitude in two substantially similar cases amounts to unreasonable unequal treatment which leads to the suggestion that Gabriele Albertini is being unfairly prosecuted,

H. whereas the issue at stake is extremely delicate and its consequences for the prerogatives of the European Parliament are unacceptable, as there is no justification for unequal treatment of Gabriele Albertini, which raises the question of a fumus persecutionis,


(3) Article 10 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965.
I. whereas any case of political persecution of one of its Members is an attack on the integrity of the European Parliament as a political institution democratically elected by the peoples of Europe, and amounts to a contempt of Parliament,

J. whereas the discriminatory attitude of the Italian court is damaging to Gabriele Albertini,

K. whereas, if the Statute for Members of the European Parliament had already entered into force, which it has not yet, although the European Parliament has endorsed it twice, in its resolutions of 5 December 2002(1) and 17 December 2003(2), the proceedings against Gabriele Albertini could have been suspended,

1. Regrets that, as it stands, the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 does not afford the European Parliament the means of taking binding action in order to protect Gabriele Albertini, and therefore decides not to defend his immunity;

2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the Public Prosecutor's Office at the District Court of Milan in connection with criminal case No 8629/05 R.G.


P6_TA(2006)0481

Request for defence of immunity of Gérard Onesta

European Parliament decision on the request for defence of the immunity and privileges of Gérard Onesta (2006/2121(IMM))

The European Parliament,

— having regard to the request by Monica Frassoni for defence of the immunity of Gérard Onesta in connection with the criminal proceedings brought against the latter before the Third Chamber of the Court of Criminal Appeals of Toulouse, France, made on 17 May 2006, announced in plenary sitting on 31 May 2006,

— having heard Gérard Onesta 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 26 of the Constitution of the French Republic,

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

— having regard to the report of the Committee on Legal Affairs (A6-0386/2006),

A. whereas Gérard Onesta is a Member of the European Parliament who was elected in the sixth direct elections of 10 to 13 June 2004 and whereas his credentials were verified by Parliament on 14 December 2004(2),