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Request for defence of the immunity of Stefano Maullu

European Parliament decision of 9 November 2023 on the request for defence of the privileges and immunities of Stefano Maullu (2023/2038(IMM))

(C/2024/2839)

The European Parliament,

— having regard to the request by Stefano Maullu of 17 March 2023, announced in plenary on 29 March 2023, for the defence of his privileges and immunities in connection with criminal proceedings pending before the Ordinary Court of Venice, Italy,

— having heard Stefano Maullu in accordance with Rule 9(6) 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 ([1]),

— having regard to Rule 5(2) and Rules 7 and 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0318/2023),

A. whereas Stefano Maullu, Member of the European Parliament from 13 July 2015 until 1 July 2019, elected in Italy, has requested the defence of his parliamentary immunity in connection with criminal proceedings against him pending before the Ordinary Court of Venice for having offended the honour and prestige of the Chief Public Prosecutor at the Court of Appeal of Brescia, under Articles 595(1), (2) and (3) of the Italian Criminal Code, and Article 13 of Italian Law No 47 of 8 February 1948;

B. whereas these proceedings are based on declarations made by Stefano Maullu and published in an Italian newspaper on 5 April 2018; whereas these declarations contained a comment concerning an interview on the topic of firearms that the Chief Public Prosecutor at the Court of Appeal of Brescia had given to another Italian newspaper; whereas this comment included allegations perceived by the targeted person as insulting;

C. whereas, in accordance with Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members and whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;

D. whereas a statement made by a Member outside the European Parliament may constitute an opinion expressed in the performance of their duties, within the meaning of Article 8 of Protocol No 7, only if its nature and content has a direct and obvious connection with the performance of that Member's duties in the European Parliament;

([1]) Judgment of the Court of Justice of 21 October 2008, *Marra* v *De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch* v *Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch* v *Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

E. whereas, in this case, the alleged offence does not concern opinions expressed or votes cast in the performance of the duties of Stefano Maullu in his capacity as Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

F. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union is applicable only to Members of the European Parliament; whereas Stefano Maullu was a Member of the European Parliament until 1 July 2019; whereas ceasing to be a Member of the European Parliament consequently entails the loss of the related immunity, the duration of which is limited, under Article 9 of Protocol No 7, to that mandate ([2]);

1. Decides not to defend the privileges and immunities of Stefano Maullu;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent Italian authorities and to Stefano Maullu.

([2]) Order of the General Court of 15 December 2017, *Marion Le Pen* v *European Parliament*, T-284/17, paragraph 28, ECLI:EU:T:2017:939.