Request for the waiver of the immunity of Gianluca Buonanno

2016/2003(IMM) - 26/05/2016 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Gianluca BUONANNO (ENF, IT).

To recall, the Deputy Public Prosecutor of the Ordinary Court of Vercelli forwarded a request for authorisation to acquire data from telephone companies relating to telephone records for a number used by a Member of the European Parliament elected with respect to Italy, Gianluca Buonanno, in connection with criminal proceedings initiated before the Ordinary Court of Vercelli on behalf of that Member in relation to telephone threats he claims to have received from an unknown caller on his mobile telephone number on 14 April 2015.

Parliament considered that Article 4 of Law No 140 of 20 June 2003 laying down provisions giving effect to Article 68 of the Constitution and concerning the prosecution of persons in high offices of state, inter alia, states that when it is required to acquire data concerning the telephone traffic of a Member of Parliament the competent authority should request authorisation from the chamber of which that person is a Member.

The request for waiver of the immunity of Gianluca Buonanno concerns the access by the investigating authority to the phone call records of the Member’s mobile telephone number on the date on which he claims to have received threatening telephone calls.

Parliament recalled that the objective of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union is primarily to safeguard the independence of Members by ensuring that pressure, in the form of threats of arrest or legal proceedings, is not brought to bear on them during the sessions of the European Parliament. In the present case it incontestably appears that no pressure has been brought to bear on the Member concerned, since the proceedings relate to alleged threats reported by the Member himself as the victim of threats made by telephone.

According to Members, in the light of the above it would appear that it should not have been necessary for the Deputy Public Prosecutor of the Ordinary Court of Vercelli to request authorisation from the European Parliament to order the acquisition of the data concerning Gianluca Buonanno’s telephone traffic of 14 April 2015. However, it seems appropriate for the sake of legal certainty to accede as a precaution to the request for authorisation forwarded by the Deputy Public Prosecutor of the Ordinary Court of Vercelli.

Therefore, Parliament decided to waive the parliamentary immunity of the Member concerned.