Request for the defence of the immunity of Stefano Maullu

2023/2038(IMM) - 09/11/2023 - Text adopted by Parliament, single reading

The European Parliament decided not to defend the privileges and immunities of Stefano Maullu (former Member, IT).

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.

These proceedings are based on declarations made by Stefano Maullu and published in an Italian newspaper on 5 April 2018. The 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. The comment included allegations perceived by the targeted person as insulting.

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.

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.

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.

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

Therefore, following the recommendation of its Legal Affairs Committee, the European Parliament decided not to defend the privileges and immunities of Stefano Maullu.