

Immunity of Italian members and Italian authorities practices on the subject

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The background to this matter involves the privileges enjoyed by Italian parliamentarians. According to Italian constitutional practice, the Italian Senate or Parliament may declare upon request by one of its Members that a certain case falls under the privilege of absolute immunity under Italian, which is substantially the same as Article 9 of the Protocol. The national court concerned must then comply with that declaration and stay proceedings against the Member, unless it decides to challenge it in the Constitutional Court. The question at stake is whether the European Parliament should have the right to do the same for an Italian MEP as the Italian Parliament can do for a national MP. In adopting a report by Neil M^AcCORMICK (Greens, UK), Parliament decided that the cases of Francesco Speroni and Alfonso Marra raise a prima facie case of absolute immunity and that the competent court should be put on notice to transmit to Parliament the documentation necessary to establish whether the cases in question involve absolute immunity under Article 9 of the Protocol in respect of opinions expressed or votes cast by members in question in the performance of their duties. The competent court should be invited to stay proceedings pending a final determination by Parliament.