Basic information

2016/2003(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Gianluca Buonanno **Subject** 8.40.01.03 Members' immunity	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	REGNER Evelyn (S&D)	14/12/2015

Key events

Date	Event	Reference	Summary
23/05/2016	Vote in committee		
23/05/2016	Committee report tabled for plenary	A8-0180/2016	Summary
26/05/2016	Decision by Parliament	T8-0231/2016	Summary
26/05/2016	Results of vote in Parliament		
26/05/2016	End of procedure in Parliament		

Technical information

Procedure reference	2016/2003(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/05469

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A8-0180/2016	23/05/2016	Summary
Text adopted by Parliament, single reading		T8-0231/2016	26/05/2016	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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.

Request for the waiver of the immunity of Gianluca Buonanno

2016/2003(IMM) - 23/05/2016 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Evelyn REGNIER (S&D, AT) in which it recommended the European Parliament to waive the immunity of **Gianluca BUONANNO (ENF, IT)**.

The report stated that 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.

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.

Members 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, they called on the European Parliament to waive the parliamentary immunity of the Member concerned.