



TEXTS ADOPTED

P10_TA(2026)0194

Request for the waiver of the immunity of Fulvio Martusciello

European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Fulvio Martusciello (2025/2099(IMM))

The European Parliament,

- having regard to the request for the waiver of the immunity of Fulvio Martusciello, received by letter dated 6 May 2025 from the Belgian Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation, transmitting a request, dated 16 April 2025, from the Belgian Federal Prosecutor's Office in connection with criminal proceedings to be instituted against Fulvio Martusciello, and announced in Parliament on 21 May 2025,
- having heard Fulvio Martusciello on 24 March 2026, 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 2019¹,
- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of

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.

Procedure,

- having regard to the report of the Committee on Legal Affairs (A10-0154/2026),
- A. whereas on 6 May 2025 the Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation transmitted a request from the Federal Prosecutor, dated 16 April 2025, for the waiver of the immunity of Fulvio Martusciello, a Member of the European Parliament elected in Italy, in connection with criminal proceedings to be instituted against him concerning alleged corruption;
- B. whereas a broad investigation concerning the company Huawei allegedly yielded serious evidence of the existence of a criminal organisation whose purpose was allegedly to influence the decisions of the Union institutions by engaging in the corruption of Members of the European Parliament; whereas that investigation appears to have brought to light several acts of alleged corruption presumed to have been committed on a regular basis from 2021 until 2024; whereas the corruption scheme allegedly took various forms, including the invitation of Members of the European Parliament to events supported by Huawei, supposedly in return for taking political positions in favour of that company, and excessive gifts such as food and travel expenses or regular invitations to football matches outside the framework of the European Parliament;
- C. whereas, according to the request for the waiver of immunity, in February 2021 several Members of the European Parliament sent a letter to three Commissioners with a view to influencing Union policy on the roll-out of 5G in Europe, particularly in connection with support for non-Union companies such as Huawei; whereas the investigation appears to have been able to establish a clear path from the letter's creation to its dissemination, impact and invoicing, seemingly confirming that the letter was part of a circuit that went beyond the exertion of influence or lobbying and instead allegedly formed part of a corrupt arrangement; whereas it is alleged that the principal supporter of drafting the letter was Fulvio Martusciello who is the letter's first signatory and who was allegedly paid, through complex financial circuits that sought to disguise the alleged arrangement, to engage in corruption in the exercise of his political influence;
- D. whereas it is also alleged that Fulvio Martusciello was actively engaged in furthering the interests of Huawei, potentially as part of the alleged corrupt arrangement, by tabling amendments to a draft resolution on Union competition policy that appear to have been formulated in the interest of Huawei and drawn up between January 2021 and March 2021 – that is to say, in the same time frame as the creation and dissemination of the letter referred to in Recital C – and

by facilitating the participation in the Huawei Academy of students from his constituency in order to gain votes to enable his re-election to Parliament;

- E. whereas Fulvio Martusciello was re-elected to the European Parliament in the June 2024 European elections and was, therefore, a Member of the European Parliament at the time of the alleged offence;
- F. whereas Parliament cannot assume the role of a court and, in a waiver of immunity procedure, a Member cannot be regarded as a defendant²;
- G. whereas the purpose of the parliamentary immunity provided for in Protocol No 7 on the Privileges and Immunities of the European Union 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;
- H. 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 the European Parliament as a whole and of its Members;
- I. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament are not to be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties; whereas the alleged offence does not concern an opinion expressed or vote cast by Fulvio Martusciello in the performance of his duties within the meaning of Article 8 of that Protocol;
- J. whereas Article 9, first paragraph, point (b), of Protocol No 7 on the Privileges and Immunities of the European Union provides that, during the sessions of the European Parliament, its Members are to enjoy, in the territory of any Member State other than their own, immunity from any measure of detention and from legal proceedings;
- K. whereas the investigation concerned many individuals, not only Fulvio Martusciello; whereas the request for the waiver of the immunity of Fulvio Martusciello appears to stem from a wider investigation into alleged corrupt practices and does not appear to target his political activity; whereas Parliament has found no evidence of *fumus persecutionis*, that is to say it does not appear that the intention underlying the proceedings is to damage Fulvio Martusciello's political activity as a Member of the European

² Judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

Parliament and thus Parliament's independence;

1. Decides to waive the immunity of Fulvio Martusciello;
2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Kingdom of Belgium and to Fulvio Martusciello.