

# EUROPEAN PARLIAMENT

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## MOTION FOR A RESOLUTION

pursuant to Rule 108 of the Rules of Procedure

by Maurizio Turco, Marco Pannella, Marco Cappato, Gianfranco Dell'Alba, Benedetto Della Vedova, Olivier Dupuis, Elspeth Attwooll, Danielle Auroi, Roberto Bigliardo, Freddy Blak, Alima Boumediene-Thiery, Theodorus Bouwman, Hiltrud Breyer, André Brie, Nicolas Clegg, Daniel Cohn-Bendit, Dorette Corbey, Neil MacCormick, Chris Davies, Antonio Di Pietro, Pere Esteve, Jillian Evans, Carlo Fatuzzo, Hélène Flautre, Pernille Frahm, Laura González Álvarez, Koldo Gorostiaga, Ian Stewart Hudgton, Christopher Huhne, Salvador Jové Peres, Jean Lambert, Paul Lannoye, Alain Lipietz, Caroline Lucas, Sarah Ludford, Liz Lynne, Cecilia Malmström, Helmuth Markov, Claudio Martelli, Miguel Mayol i Raynal, Erik Meijer, Reinhold Messner, Luisa Morgantini, William Newton Dunn, James Nicholson, Camilo Nogueira, Gérard Onesta, Josu Ortuondo Larrea, Marit Paulsen, Yves Pietrasanta, Frédérique Ries, Didier Rod, Isidoro Sanchez Garcia, Luciana Sbarbati, Michel-Ange Scarbonchi, Olle Schmidt, Inger Schörling, Patsy Sørensen, Bart Staes, Fodé Sylla, Astrid Thors, Claude Turmes, Lousewies van der Laan, Matti Wuori and Eurig Wyn

calling on the Commission to initiate the action mentioned in Article 7(1) of the EU Treaty in respect of the Italian Republic, on the grounds of failure to maintain the full complement of members required by the constitution within the Constitutional Court and the Chamber of Deputies

**Resolution calling on the Commission to take the action mentioned in Article 7(1) of the EU Treaty in respect of the Italian Republic, on the grounds of failure to maintain the full complement of members required by the constitution within the Constitutional Court and the Chamber of Deputies**

*The European Parliament,*

- having regard to Articles 6 and 7 of the TEU,
- having regard to the European Convention on Human Rights and Fundamental Freedoms,
- having regard to the Italian Constitution,
- having regard to Rule 108(1) of the EP Rules of Procedure,

**AS REGARDS THE CONSTITUTIONAL COURT**

- A. whereas between 21 November 2000 and 24 April 2002 the Constitutional Court sat in the absence of the full complement of 15 members required by the constitution, and met and deliberated with 13 members,
- B. whereas the constitution explicitly establishes the number of members of the Court (Title VI, Section I, Article 135) and whereas, in the event of a judge's post becoming vacant for any reason, it must be filled within one month of becoming vacant (Article 5(2) of the Constitutional Law of 22 November 1967, No 2),

**AS REGARDS THE CHAMBER OF DEPUTIES**

- C. whereas since 30 May 2001 the Chamber of Deputies has been sitting in the absence of the full complement of 630 members required by the constitution, and has been meeting and deliberating with 618 members,
- D. whereas the constitution explicitly establishes the number of members of the Chamber of Deputies (Title I, Section I, Article 56) and whereas electoral law TU 361/1957, as amended by Law 277/1993, and the implementing regulation therefor (Presidential Decree No 14 of 5 January 1994) cover all possible eventualities as regards the filling of all the seats and the means of filling seats which become vacant during the course of a parliamentary term,

**FINAL REMARK**

- E. whereas the Constitutional Court and the Chamber of Deputies perform an essential role within the Italian legal system in ensuring respect for the rule of law, democracy, human rights and fundamental freedoms within Italy, and in particular for the Italian Constitution, international obligations and Community law,
- 1. Calls on the Commission, pursuant to Article 7(1) of the EU Treaty, to ask the Council to determine that the Italian Republic has breached and is continuing to breach, in a serious and consistent manner, the principles of liberty, democracy, respect for human rights and

fundamental freedoms, and the rule of law, principles which are common to the Member States of the European Union.