

Request for the waiver of parliamentary immunity of Alexander Alvaro

2013/2106(IMM) - 03/06/2013 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Eva LICHTENBERGER (Greens /EFA, AT) in which it **recommends that the European Parliament should waive the immunity of Alexander ALVARO (ADLE, DE).**

The Cologne Public Prosecutor's office in Germany intends to initiate investigation proceedings against Alexander ALVARO as it considers that there are sufficient factual indications to suggest that Mr ALVARO is liable to prosecution for involuntary manslaughter under Section 222 of the German Criminal Code and for causing bodily harm by negligence under Section 229 of the German Criminal Code. This follows a road traffic accident which resulted in the death of one person and serious injuries sustained by three further people, including Mr ALVARO himself.

The Cologne public prosecutor has requested the waiver of Mr ALVARO's immunity in order to conduct investigations related specifically to Mr ALVARO's involvement in the accident, in particular as regards the question whether it could have been avoided by Mr Alvaro. The public prosecutor explains that investigations in this respect have not yet been conducted in view of Mr ALVARO's immunity and cannot be conducted in the context of investigations against the other participants in the accident.

The committee considers that the alleged activities on the grounds of which the Cologne Chief Public Prosecutor intends to carry out an investigation against Alexander ALVARO are manifestly not opinions expressed or votes cast by the Member in the performance of his duties within the meaning of Article 8 of the Protocol on Privileges and Immunities. Article 9 of the Protocol is therefore the relevant provision for assessing the request for waiver of Mr Alvaro's immunity.

In the present case, the Committee has found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member. The proceedings clearly have not been brought with the sole aim of damaging the Member's reputation. To what extent the handling of the case in detail by the German authorities might be subject to criticism has no bearing on the question as to whether or not the Member's immunity should be waived.

On the basis of the above considerations, after considering the reasons for and against waiving the Member's immunity, the committee recommended that the **European Parliament should waive the parliamentary immunity of Alexander ALVARO.**