Request for the waiver of the immunity of Ana Gomes

2014/2045(IMM) - 11/11/2014 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the report by Heidi HAUTALA (Greens/EFA, FI) calling on the European Parliament not to waive the immunity of Ana **GOMES** (S&D, PT).

To recall, Members noted that the Deputy Attorney General of the Portuguese Republic forwarded the request for the waiver of the parliamentary immunity of Ana Gomes, made by a public prosecutor of the Lisbon Department of Investigation and Criminal Proceedings in connection with allegedly defamatory statements made by Ms Gomes during a television debate.

They recalled that according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not 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.

However, in the television broadcast in question, Ana Gomes spoke as a Member of the European Parliament to discuss matters in which she had taken an interest at European level.

In drawing attention to the decision of the Portuguese Government on the privatisation of the naval shipyards of Viana do Castelo – a decision which also led to an investigation by the European Commission on infringement of the EU rules on state aid –, she was fulfilling her mandate as a Member of the European Parliament.

Recalling that the Court of Justice has recognised that a statement made by a Member beyond the precincts of the European Parliament may constitute an opinion expressed in the performance of their duties as referred to in Article 8 of the Protocol, and that in modern democracies political debate takes place not only in Parliament but also through communications media, Members recommended that the European Parliament should **not waive the parliamentary immunity of Ms Ana Gomes**.