Request for the waiver of the immunity of Ana Gomes

2014/2045(IMM) - 13/11/2014 - Text adopted by Parliament, single reading

The European Parliament decided not to waive the immunity of Ana **GOMES** (S&D, PT).

To recall, on 18 June 2014, the Deputy Attorney General of the Portuguese Republic forwarded the request for the waiver of the parliamentary immunity of Ana Gomes in connection with criminal proceedings pending before the second section of the Lisbon Department of Investigation and Criminal Proceedings (ref. NUIPC 8773/13.4TDLSB).

The affair concerned allegedly defamatory statements made by Ms Gomes during a television debate in which she 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.

Parliament 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.

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, Parliament decided **not to waive the parliamentary immunity of Ms Ana Gomes**.