

Request for the waiver of the immunity of Ana Gomes

2017/2096(IMM) - 30/11/2017 - Text adopted by Parliament, single reading

The European Parliament **decided not to waive the immunity of Ana Gomes.**

The request for the waiver of Ana Gomes' parliamentary immunity, presented by a prosecutor of the Vila Real Public Prosecution Service attached to the *Peso de Régua* District Court in connection with statements made by her in an interview with the *Diário de Notícias*, published by that newspaper on the Internet on 29 April 2016.

The newspaper article indicated that investigations were under way in relation to the Viana shipyards and that Ana Gomes was concerned about the sale of the Atlântida ferry.

Parliament recalled that **Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union** provides that Members of the European Parliament may 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.

It also stated that the **European Court of Justice** has ruled that a statement made by a Member outside the European Parliament may constitute an opinion expressed in the performance of his duties within the meaning of Article 8 of Protocol No 7, where it contains a subjective assessment having a direct and obvious connection with the performance of that Member's duties in the European Parliament.

Parliament considered that Ana Gomes' statements during the interview were made in the performance of her duties as a Member of the European Parliament and within her remit as Vice-Chair of the Committee of Inquiry to investigate alleged contraventions and maladministration in the implementation of Union law in relation to money laundering, tax avoidance and tax evasion.

In addition, the comments made by Ana Gomes are directly related to her observations during the 'TVI24-Cara a Cara' televised debate between her and Carlos Abreu Amorim that was broadcast on 29 November 2013, concerning which the European Parliament upheld her immunity.

Parliament considered that Ana Gomes' statements fall within the sphere of activities of the European Parliament and decided not to waive her immunity.