

Decision on the request for waiver of the immunity of José Manuel Fernandes

2019/2005(IMM) - 12/11/2019 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Ibán GARCÍA DEL BLANCO (S&D, ES) on the request for waiver of the parliamentary immunity of José Manuel FERNANDES (EPP, PT).

The Porto Department of Criminal Investigation and Prosecution has requested the waiver of the immunity of José Manuel Fernandes, Member of the European Parliament, in connection with a possible legal action concerning an alleged crime of malfeasance, provided for in and punishable under Portuguese Law 34/87 of 16 July, which carries a prison sentence of two to eight years.

José Manuel Fernandes, in his capacity as Mayor of Vila Verde and in the performance of his tasks in that role and in collusion with others, is under investigation for allegedly violating the general principles of public procurement rules by putting a company in a more favourable position than its competitors, as this company was awarded the tender on 22 December 2008.

Given that Parliament has found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Member's political activity, the committee recommended that the European Parliament waive the immunity of José Manuel Fernandes.