Basic information

2014/2045(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Ana Gomes **Subject** 8.40.01.03 Members' immunity	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	JURI Legal Affairs	HAUTALA Heidi (Verts/ALE)	10/07/2014

Key events

Date	Event	Reference	Summary
10/11/2014	Vote in committee		
11/11/2014	Committee report tabled for plenary	A8-0025/2014	Summary
13/11/2014	Decision by Parliament	T8-0046/2014	Summary
13/11/2014	Results of vote in Parliament		
13/11/2014	End of procedure in Parliament		

Technical information

Procedure reference	2014/2045(IMM)
Procedure type	IMM - Members' immunity
Procedure subtype	Waiver of immunity
Legal basis	Rules of Procedure EP 6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/00714

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, single reading		A8-0025/2014	11/11/2014	Summary
Text adopted by Parliament, single reading		T8-0046/2014	13/11/2014	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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**.

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**.