


Basic information	
<b>2017/2096(IMM)</b> IMM - Members' immunity Request for the waiver of the immunity of Ana Gomes <b>Subject</b> 8.40.01.03 Members' immunity	Procedure completed

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">JURI</div> Legal Affairs		FERRARA Laura (EFDD)	20/06/2017

Key events			
Date	Event	Reference	Summary
20/11/2017	Vote in committee		
23/11/2017	Committee report tabled for plenary	<a href="#">A8-0363/2017</a>	<a href="#">Summary</a>
30/11/2017	Decision by Parliament	<a href="#">T8-0459/2017</a>	<a href="#">Summary</a>
30/11/2017	Results of vote in Parliament		
30/11/2017	End of procedure in Parliament		

Technical information	
<b>Procedure reference</b>	2017/2096(IMM)
<b>Procedure type</b>	IMM - Members' immunity
<b>Procedure subtype</b>	Waiver of immunity
<b>Legal basis</b>	Rules of Procedure EP 6
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	JURI/8/10238

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		<a href="#">A8-0363/2017</a>	23/11/2017	<a href="#">Summary</a>
Text adopted by Parliament, single reading		<a href="#">T8-0459/2017</a>	30/11/2017	<a href="#">Summary</a>

# 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 '*TV124-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.

# Request for the waiver of the immunity of Ana Gomes

2017/2096(IMM) - 23/11/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Laura FERRARA (EFDD, IT) on the request for waiver of the immunity of Ana GOMES (S&D, PT).

As a reminder, a prosecutor of the Vila Real Public Prosecution Service attached to the *Peso de Régua* District Court has requested waiver of the parliamentary immunity of Ana Gomes 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.

The acts allegedly committed by Ana Gomes constitute three offences, that is to say affront to an organisation, service or legal person and against two parties.

After recalling Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union, Rule 5 of the European Parliament's Rules of Procedure and case law by the **Court of Justice of the European Union**, Members 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 '*TV124-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.

Believing that Ana Gomes' statements fall within the sphere of activities of the European Parliament, the Committee on Legal Affairs recommended that **Members do not lift the immunity of Ana Gomes.**