


Procedure file

Basic information		
IMM - Members' immunity	2013/2106(IMM)	Procedure completed
Request for the waiver of parliamentary immunity of Alexander Alvaro		
Subject 8.40.01.03 Members' immunity		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs	Verts/ALE LICHTENBERGER Eva	15/04/2013

Key events			
29/05/2013	Vote in committee		
03/06/2013	Committee report tabled for plenary	A7-0188/2013	Summary
11/06/2013	Results of vote in Parliament		
11/06/2013	Decision by Parliament	T7-0238/2013	Summary
11/06/2013	End of procedure in Parliament		

Technical information	
Procedure reference	2013/2106(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 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/12836

Documentation gateway					
Committee report tabled for plenary, single reading		A7-0188/2013	03/06/2013	EP	Summary
Text adopted by Parliament, single reading		T7-0238/2013	11/06/2013	EP	Summary

Request for the waiver of parliamentary immunity of Alexander Alvaro

The Committee on Legal Affairs unanimously adopted the report by Eva LICHTENBERGER (Greens/EFA, AT) in which it recommends that the European Parliament should waive the immunity of Alexander ALVARO (ADLE, DE).

The Cologne Public Prosecutors office in Germany intends to initiate investigation proceedings against Alexander ALVARO as it considers that there are sufficient factual indications to suggest that Mr ALVARO is liable to prosecution for involuntary manslaughter under Section 222 of the German Criminal Code and for causing bodily harm by negligence under Section 229 of the German Criminal Code. This follows a road traffic accident which resulted in the death of one person and serious injuries sustained by three further people, including Mr ALVARO himself.

The Cologne public prosecutor has requested the waiver of Mr ALVAROs immunity in order to conduct investigations related specifically to Mr ALVAROs involvement in the accident, in particular as regards the question whether it could have been avoided by Mr Alvaro. The public prosecutor explains that investigations in this respect have not yet been conducted in view of Mr ALVAROs immunity and cannot be conducted in the context of investigations against the other participants in the accident.

The committee considers that the alleged activities on the grounds of which the Cologne Chief Public Prosecutor intends to carry out an investigation against Alexander ALVARO are manifestly not opinions expressed or votes cast by the Member in the performance of his duties within the meaning of Article 8 of the Protocol on Privileges and Immunities. Article 9 of the Protocol is therefore the relevant provision for assessing the request for waiver of Mr Alvaros immunity.

In the present case, the Committee has found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member. The proceedings clearly have not been brought with the sole aim of damaging the Members reputation. To what extent the handling of the case in detail by the German authorities might be subject to criticism has no bearing on the question as to whether or not the Members immunity should be waived.

On the basis of the above considerations, after considering the reasons for and against waiving the Members immunity, the committee recommended that the European Parliament should waive the parliamentary immunity of Alexander ALVARO.

Request for the waiver of parliamentary immunity of Alexander Alvaro

The European Parliament decided to waive the immunity of Alexander ALVARO (ALDE, DE).

To recall, the Cologne Public Prosecutors office in Germany intends to initiate investigation proceedings against Alexander ALVARO as it considers that there are sufficient factual indications to suggest that Mr ALVARO is liable to prosecution for involuntary manslaughter under Section 222 of the German Criminal Code and for causing bodily harm by negligence under Section 229 of the German Criminal Code. This follows a road traffic accident which resulted in the death of one person and serious injuries sustained by three further people, including Mr ALVARO himself.

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Parliament has found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the case has been brought with the intention of causing political damage to the Member. The proceedings clearly have not been brought with the sole aim of damaging the Members reputation. To what extent the handling of the case in detail by the German authorities might be subject to criticism has no bearing on the question as to whether or not the Members immunity should be waived.

Consequently, the European Parliament decided to waive the parliamentary immunity of Alexander ALVARO.