



Procedure file

Basic information	
IMM - Members' immunity	2021/2082(IMM)
Request for the waiver of the immunity of Álvaro Amaro	Procedure completed
Subject 8.40.01.03 Members' immunity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 Ibán GARCÍA DEL BLANCO	12/07/2021

Key events			
27/01/2022	Vote in committee		
03/02/2022	Committee report tabled for plenary	A9-0017/2022	
15/02/2022	Decision by Parliament	T9-0019/2022	Summary

Technical information	
Procedure reference	2021/2082(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/9/06292

Documentation gateway					
Committee report tabled for plenary, single reading		A9-0017/2022	03/02/2022	EP	
Text adopted by Parliament, single reading		T9-0019/2022	15/02/2022	EP	Summary

Request for the waiver of the immunity of Álvaro Amaro

The European Parliament decided by 684 votes to 7, with 4 abstentions, to waive the immunity of Álvaro Amaro (EPP, PT).

As a reminder, the judge of the Guarda District Court submitted a request for the waiver of Álvaro Amaro's parliamentary immunity with a view to initiating criminal proceedings against him for misappropriation of public funds by a political office holder, an offence allegedly committed between mid-2007 and mid-2013 and punishable under Article 26 of the Portuguese Criminal Code and Articles 3(i) and 11 of Portuguese Law 34/87 of 16 July 1987.

In his capacity as Mayor of Gouveia during the period 2005-2013, Álvaro Amaro is alleged to have committed, jointly and in agreement with others, breaches of the rules on budgetary control and public procurement and of the principles of non-discrimination, transparency and proper management of public funds, thereby violating the obligations inherent in his public functions, with the alleged aim of benefiting himself and the other defendants.

Parliament noted that the actions in question did not concern opinions or votes cast by Álvaro Amaro in the exercise of his duties as a Member of the European Parliament. The offences of which Álvaro Amaro is accused took place before his election to the European Parliament. Moreover, in the present case, Parliament has not been able to establish that there was *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceeding may be to damage a Member's political activity and thus the European Parliament.

Therefore, following the recommendation of its Legal Affairs Committee, Parliament considered that Álvaro Amaro's parliamentary immunity could be waived.