

# 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  |
|                     |  <a href="#">Legal Affairs</a> |  <a href="#">GARCÍA DEL BLANCO</a><br><a href="#">Ibán</a> | 12/07/2021 |

| Key events |                                     |                              |         |
|------------|-------------------------------------|------------------------------|---------|
| 27/01/2022 | Vote in committee                   |                              |         |
| 03/02/2022 | Committee report tabled for plenary | <a href="#">A9-0017/2022</a> |         |
| 15/02/2022 | Decision by Parliament              | <a href="#">T9-0019/2022</a> | 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 |  | <a href="#">A9-0017/2022</a> | 03/02/2022 | EP |         |
| Text adopted by Parliament, single reading          |  | <a href="#">T9-0019/2022</a> | 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.