Basic information

2026/2033(IMM) IMM - Members' immunity	Procedure completed
Request for the waiver of the immunity of Francisco Assis **Subject** 8.40.01.03 Members' immunity	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	JURI Legal Affairs	TARCZYŃSKI Dominik (ECR)	15/04/2026

Key events

Date	Event	Reference	Summary
07/09/2026	Vote in committee		
09/09/2026	Committee report tabled for plenary	A10-0229/2026	
15/09/2026	Decision by Parliament	T10-0275/2026	Summary
15/09/2026	Results of vote in Parliament		

Technical information

Procedure reference	2026/2033(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/10/05576

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A10-0229/2026	09/09/2026	

Text adopted by Parliament, single reading		T10-0275/2026	15/09/2026	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Request for the waiver of the immunity of Francisco Assis

2026/2033(IMM) - 15/09/2026 - Text adopted by Parliament, single reading

The decision concerns the request to waive the parliamentary immunity of Francisco Assis, Member of the European Parliament elected in Portugal, in order to allow national judicial authorities to pursue a pretrial investigation into an alleged offence of aggravated defamation linked to statements made in 2022.

BACKGROUND

On 18 March 2026, the criminal investigative judge in Almada, belonging to the District Court of Lisbon, requested the waiver of the immunity of Francisco Assis in connection with an ongoing pretrial judicial investigation. The investigation follows a complaint alleging that, on 31 March 2022, while President of the Economic and Social Council of Portugal, Francisco Assis issued a press release criticising the complainant's continued presence at the Presidency of the Council of Ministers of Portugal, describing him as a collaborator with the autocratic and criminal power in the Kremlin and calling for measures to address a serious institutional anomaly in light of the Russian invasion of Ukraine. The alleged acts may constitute aggravated defamation under the Portuguese Criminal Code. The Public Prosecutor's Office initially closed the preliminary investigation, considering that no offence had been committed and that the statements fell within the right to freedom of expression, noting that both parties are public figures and must be more resilient to criticism. The complainant then requested the nullity of that order and the opening of a pretrial investigation, which requires the waiver of immunity. The decision is based on Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Article 6(2) of the 1976 Act on the election of Members of the European Parliament by direct universal suffrage, Article 157(2) and (3) of the Constitution of the Portuguese Republic, and the Parliament's Rules of Procedure. Parliament recalls that immunity protects its Members in relation to activities carried out in the performance of parliamentary duties, that it is a guarantee of parliamentary independence rather than a personal privilege, and that Francisco Assis was not a Member of the European Parliament at the time of the alleged offence.

CONTENT

Parliament finds that the alleged offence does not concern opinions expressed or votes cast by Francisco Assis in the performance of his duties as a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union. It notes that, under Article 9 of the Protocol, Members enjoy on their national territory the immunities accorded to members of the national parliament, and recalls the relevant provisions of the Portuguese Constitution on authorisation for legal proceedings against Members of the Assembly of the Republic. Parliament takes note that the statements at issue were initially assessed by the Public Prosecutor's Office as being made in the context of the fundamental right to freedom of expression and that the merits of the case are to be determined by the Portuguese judicial authorities in accordance with national law. It finds no evidence of fumus persecutionis, i.e. no indication that the legal proceedings are intended to damage Francisco Assis' political activity as a Member of the European Parliament or Parliament's independence. Parliament underlines that it cannot assume the role of a court and that, in a waiver of immunity procedure, a Member cannot be regarded as a defendant.

On this basis, the European Parliament decides to waive the immunity of Francisco Assis and instructs its President to forward this decision immediately to the competent authority of the Portuguese Republic and to Francisco Assis.

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