

**Question for written answer E-002129/2024
to the Commission**

Rule 144

Valentina Palmisano (The Left), Carolina Morace (The Left), Dario Tamburrano (The Left), Mario Furore (The Left), Pasquale Tridico (The Left), Danilo Della Valle (The Left), Gaetano Pedulla' (The Left), Giuseppe Antoci (The Left)

Subject: Transposition of Directive (EU) 2016/343 in Italy and freedom of the press

The Italian Government has recently tabled a draft legislative decree transposing Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, which bans the publication of pre-trial orders until such time as the preliminary investigation or preliminary hearing has concluded.

Recital 16 of Directive (EU) 2016/343 prohibits authorities from presenting a suspect as guilty before a verdict, but does not ban the publication of court documents; Recital 18 thereof recognises the need to disclose information about criminal proceedings for the purposes of the public interest or safety; and Article 11 of the Charter of Fundamental Rights enshrines freedom of expression and information.

This new piece of legislation places disproportionate restrictions on press freedom by limiting the ability of journalists to inform the public about proceedings in the public interest, in breach of Article 6 of Directive (EU) 2016/343, which states that any restrictions must be proportionate and justified, and it remains to be seen whether a journalist could be punished for publishing a pre-trial order or an excerpt or summary of one.

Can the Commission answer the following questions:

1. Does the Commission consider the ban on the publication of pre-trial orders to be compatible with the principles of proportionality set out in Directive (EU) 2016/343 and with the right to press freedom enshrined in Article 11 of the Charter of Fundamental Rights?
2. What does the Commission intend to do ensure that the transposition of the directive does not give rise to unjustified restrictions on freedom of information?

Submitted: 17.10.2024