

(English version)

Question for written answer E-001565/25
to the Commission
Valentina Palmisano (The Left)
(17 April 2025)

Subject: Following up on the Commission's examination of complaints arising from proposals to restrict industrial hemp that have since entered into force with Legislative Decree No 48/2025

The provisions laid down by Article 18 of the Italian security bill and mentioned in Written Question E-001510/2024 ⁽¹⁾ have recently entered into force as part of Legislative Decree No 48/2025. This law completely bans the use of hemp inflorescences in Italy, extending this restriction to all their forms and each stage of their supply chain (production, trade, import, processing).

This new measure — which was not communicated to TRIS, a breach of Directive 2015/1535/EU — has only made a bad situation worse. The new legislative decree is at odds with the principles enshrined in Articles 34, 36 and 101 TFEU and with the case-law of the Court of Justice of the European Union (namely cases C-663/18 and C-793/22).

Given the Commission's answer to Question E-001510/2024 ⁽²⁾ ('The analysis of these complaints is ongoing. In that context, the Commission is currently assessing the compliance of these measures with the Treaties and with secondary Union legislation') and in the light of the adoption of Legislative Decree No 48/2025 and of its serious economic repercussions:

1. What urgent measures will the Commission take to prevent the implementation of national legislation which was not notified to TRIS and which undermines the internal market?
2. Having analysed the aforementioned complaints, what conclusions has the Commission reached, and does it hold that this total ban constitutes a breach of EU law?
3. Will the Commission open an infringement procedure if it is indeed established that Legislative Decree No 48/2025 is at odds with EU law?

Submitted: 17.4.2025

Answer given by Mr Hansen on behalf of the European Commission
(10 July 2025)

1. The Commission is currently assessing the conformity of decree-law No 48/2025 ⁽¹⁾ with Directive (EU) 2015/1535 ⁽²⁾ and will be in dialogue with the Italian authorities. The Commission is unable to comment further at this stage.
2. As mentioned in its answer ⁽³⁾ to Question E-001510/2024, the Commission has received multiple complaints regarding a proposed amendment to the Italian law on public security that restricts the movement of hemp inflorescences or products containing such inflorescences. However, the Commission underlines that this amendment is still under examination in the Italian Senate and hence not yet in force. As the Italian Government has recently adopted the above-mentioned decree-law which includes similar provisions ⁽⁴⁾, the Commission is currently assessing its compliance with the Treaties and with secondary Union legislation. The Commission is unable at this stage to provide further information.
3. The Commission refers the Honourable Member to its communications 'EU law: Better results through better application' ⁽⁵⁾ and 'Enforcing EU law for a Europe that delivers' ⁽⁶⁾ which set out in more detail how the Commission ensures the enforcement of EU law, including aspects concerning the resolution of potential breaches of EU law.

¹ https://www.europarl.europa.eu/doceo/document/E-10-2024-001510_EN.html.

² https://www.europarl.europa.eu/doceo/document/E-10-2024-001510-ASW_IT.html.

⁽¹⁾ The decree-law in question (*Disposizioni urgenti in materia di sicurezza pubblica, di tutela del personale in servizio, nonché di vittime dell'usura e di ordinamento penitenziario*) was published in the Italian Official Journal (*Gazzetta Ufficiale*) General Series no 85 of 11 April 2025 (*GU Serie Generale n.85 del 11-04-2025*).

⁽²⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

⁽³⁾ https://www.europarl.europa.eu/doceo/document/E-10-2024-001510-ASW_EN.html.

⁽⁴⁾ The decree-law was converted into law (Legge 9 giugno 2025, n. 80) and published in the Italian Official Journal (*Gazzetta Ufficiale*) General Series no 131 of 9 June 2025 (*GU Serie Generale n.131 del 09-06-2025*).

⁽⁵⁾ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2017_018_R_0002.

⁽⁶⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0518>.