

EN

E-001571/2025

Answer given by Mr Hansen
on behalf of the European Commission
(2.7.2025)

1. The Commission has received multiple complaints regarding a proposed amendment to the Italian law on public security that would restrict the movement of hemp inflorescences or products containing such inflorescences. The Commission understands that while this amendment is under examination in the Senate, the Italian Government has recently adopted a decree-law which includes similar provisions¹. As the investigation of the complaints is ongoing, the Commission is unable to provide the Honourable Members with further information in this regard.

2. The Court of Justice of the European Union (CJEU) has held that the non-notification of a technical regulation under Article 5 of Directive (EU) 2015/1535² entails the risk of creating hindrances to intra EU trade and that a national court is required to refuse to apply a national technical regulation that was not notified under that provision³. As mentioned in reply to the first question, the Commission is currently assessing the compliance of the Italian measure with Union law.

3. National courts are tasked with implementing EU law and have the power or even the obligation (courts of last instance) to refer a matter to the CJEU if a case pending before them raises questions involving the interpretation of EU law⁴. It is up to the national courts to review the decisions taken by national authorities in individual cases; the Commission has no authority in this regard. For more information on how the Commission ensures the application, implementation and enforcement of EU law and the tools at its disposal to this effect, the Commission refers the Honourable Members to its communications ‘EU law: Better results through better application’⁵ and ‘Enforcing EU law for a Europe that delivers’⁶.

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. 1–15.

³ Judgment of the Court of 30 April 1996 in Case C-194/94, *CIA Security International*, ECLI:EU:C:1996:172, para.55.

⁴ See Opinion 1/09 of the Court (Agreement creating a Unified Patent Litigation System) of 8 March 2011, EU:C:2011:123, paragraphs 80 and 83.

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>.