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P-001830/2024

Answer given by Ms Johansson
on behalf of the European Commission
(12.11.2024)

1. While the Commission is aware of the case, as a general rule, it does not discuss with Member States individual cases which are in the course of being examined by their competent authorities or courts.
2. Under EU law (the Facilitators Package, composed of Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA), the element of financial or material gain is not part of the main offence of facilitation of unauthorised entry. Article 1 of Council Directive 2002/90/EC includes this element only for the facilitation of unauthorised 'residence'. Council Framework Decision (Article 1.3) includes aggravated offences committed for financial gain, but only where the offence is committed as an activity of a criminal organisation or endangers the lives of persons subject to the offence.
3. Reference to the first answer is to be made. As guardian of the Treaties, the Commission is monitoring the implementation of EU law in the Member States. However, it is not aware of any elements pointing to a systematic breach in Italy of the right to interpretation in the framework of the Asylum Procedures Directive (2023/32/EU).