

Question for written answer E-002906/2024

to the Commission

Rule 144

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Subject: New measures adopted by the Italian Government that restrict freedom of information

The Italian Council of Ministers has approved the ‘Draft Legislative Decree on the presumption of innocence and the right to be present at the trial in criminal proceedings’. That act introduces a ban on the publication of ‘orders applying personal pre-trial measures until the preliminary investigation has concluded or until the end of the preliminary hearing’. In transposing Directive 2016/343 into national legislation, the Italian Government has placed significant restrictions on reporting on judicial matters, hence limiting the possibilities for journalists to inform the public on the activities of the judiciary.

These restrictions are undermining the freedom of the press and the right of citizens to be properly informed, as they are liable to have a dissuasive effect on journalists, exposing them to a greater risk of potential defamation claims¹. What is more, Directive 2016/343 does not ban the publication of judicial documents, but in fact emphasises the need to respect the freedom of the press and the right to information so as to safeguard the public interest.

In the light of the above:

1. Does the Commission consider the ban on the publication of personal pre-trial orders to be compatible with the principles enshrined in Directive 2016/343 and with Article 11 of the Charter of Fundamental Rights?
2. What steps will it take to prevent undue restrictions being imposed on the freedom of information?

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¹ See 2024 Rule of Law Report. Chapter on the situation of the rule of law in Italy, p. 31.