

**Question for written answer E-006545/2015
to the Commission**
Rule 130
Fernando Maura Barandiarán (ALDE)

Subject: Reform of the Spanish Criminal Code

On 31 March 2015, the reformed Spanish Criminal Code was adopted, together with the Law on Public Safety. The two laws join forces to undermine the fundamental rights of assembly and peaceful protest, enshrined in Articles 11 and 12 of the EU Charter of Fundamental Rights.

The vague definitions of the new offences and the amendments of the Criminal Code on public order offences and resistance and disobedience to authority could mean that these definitions will be applied to conduct falling within the scope of the rights mentioned above. Furthermore, more serious penalties are introduced if the acts occur in the context of demonstrations, and a lack of respect for authority becomes a criminal offence.

Likewise, the reformed Criminal Code violates Article 48 of the EU Charter of Fundamental Rights, by eliminating misdemeanours as a category of crime, and handling them through administrative channels. This not only leads to higher economic penalties, but these penalties are also imposed without due process. This means the loss of all the guarantees associated with a criminal trial, first among which were the presumption of innocence and the right of defence.

Has the Commission arranged to carry out any kind of action or communication in relation to these reforms?