

(English version)

Question for written answer E-002537/19
to the Commission
Rosa D'Amato (NI)
(8 August 2019)

Subject: 'Sicurezza bis' Decree

Decree-Law No 53 of 14 June 2019, which was definitively approved on 5 August 2019, introduces into Italian law a number of rules which will allow the Minister of the Interior to close Italian ports to NGO vessels that assist migrants and to prosecute their crews for 'facilitating illegal immigration'.

First, those measures appear to conflict with obligations arising from the generally recognised rules of international law, with which Italian law is required by the Constitutional Charter to comply.

More specifically, these provisions breach the values enshrined in the Treaties and in the Charter of Fundamental Rights of the European Union, which the Commission is committed to defending as founding principles of the Union.

1. Are the measures introduced by the Decree-Law not contrary to the principles of solidarity and human dignity as enshrined in Article 2 TEU?
2. Is not the attempt to criminalise saving lives at sea manifestly contrary to Article 78 TFEU and Article 18 of the Charter of Fundamental Rights of the European Union on the right of asylum?
3. What tools does the Commission have to prevent Member States from violating the rule of law and human rights?

Answer given by Mr Avramopoulos on behalf of the European Commission
(7 November 2019)

Italian law No 77 on urgent provisions on public order and security was adopted on 8 August 2019 ⁽¹⁾. The Commission's services are currently examining its compliance with Union law.

Should the legal assessment reveal non-compliance with Union law, the Commission recalls that, in its role as Guardian of the Treaties, it may take the necessary action, including where appropriate infringement procedures.

⁽¹⁾ Official Gazette No 186 of 9 August 2019.