

**Question for written answer E-002919/2020
to the Commission**

Rule 138

Christine Anderson (ID), Gunnar Beck (ID)

Subject: Plans to introduce the criminal offence of 'denigrating the European Union' in Germany

The German Government has tabled a bill in the German Parliament to establish a new criminal offence of 'denigrating the European Union and its symbols' (Section 90c of the German Criminal Code). It reads:

'Whosoever publicly, at a gathering or through the dissemination of written materials pursuant to Section 11(3), denigrates the flag or anthem of the European Union shall be sentenced to up to three years' imprisonment or fined. Whosoever removes, destroys, damages, renders unusable, defaces or otherwise insults by mischief a publicly displayed European Union flag shall incur the same penalty. The attempt shall be punishable.'

1. Can the Commission provide a list of the EU symbols established by the Treaties?
2. What is the Commission's assessment of the compatibility of the proposed Section 90c to be added to the German Criminal Code with the Charter of Fundamental Rights of the EU, and in particular with the guarantee of the fundamental rights of freedom of thought and freedom of expression pursuant to Articles 10 and 11 thereof, and with the ban on discrimination pursuant to Article 21 thereof, insofar as the proposed criminal offence imposes discriminatory restrictions on certain forms of political expression and political opposition, thereby seeking to quash dissenting political views, particularly those critical of the EU?