

**Question for written answer E-002920/2020
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 - part 2

We refer to Written Question E-002919/2020 and the German Government's plans to introduce a new criminal offence of 'denigrating the European Union and its symbols' (Section 90c of the Criminal Code).

1. What view does the Commission take of the justification put forward by the German Government when tabling its bill, namely that an attack on the European Union's symbols in itself constitutes an attack on an object which enjoys legal protection, in breach of Union and constitutional law?
2. Is the bill consistent with the principle of proportionality in respect of criminal offences and penalties, as laid down in Article 49 of the Charter of Fundamental Rights, in that the penalty for denigrating the European Union is the same as that for the offence, prohibited under Section 180 of the Criminal Code, of promoting sexual acts on the part of minors, namely up to three years' imprisonment or a fine?
3. In the Commission's view, subject to what conditions do EU legal safeguards no longer prevent the criminalisation of the expression of civil grievances without damaging third parties, as provided for in Articles 10, 11 and 21 of the Charter of Fundamental Rights?