

**Question for written answer E-002773/2021
to the Commission**

Rule 138

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Subject: Exoneration from liability for the civil service in the national recovery and resilience plan (NRRP)

The Italian government, through the NRRP, is proposing a further extension of the waiver of liability for gross negligence of public officials, which runs counter to the Italian Constitution¹ and to Regulation (EU) 2021/241, which requires a tightening up of judicial control over the management of the funds to be disbursed.

As a matter of urgency, special legislation on public contracts is to be introduced, the aim of which is to enhance the simplifications already made by Decree-Law No 76/2020 and extend their effectiveness until 2023. This legislation will concern, in particular, the limitation of liability for loss of state revenue to cases where the damage was wilfully caused by the person in question, excluding any damage caused by omission or inertia.

If grossly negligent waste of money is found to have taken place, the judiciary will be unable to take action and the cost will be borne by the poorest and weakest taxpayers, who are already suffering from the pandemic and economic crisis.

In view of this:

1. In the Commission's view, does the elimination of the non-intentional criminal offence of loss of revenues to the state caused by public officials, provided for by the NRRP, not mean that this type of offence may not be determined, thereby rendering the provisions of Article 3 of Directive 2017/1371 inapplicable?
2. Does it not consider this to be contrary to Article 22 of Regulation (EU) 2021/241, which provides for enhanced judicial controls over the use of the funds?

¹ Judgment 371/1998 of the Constitutional Court