

**Question for written answer E-003329/2023
to the Commission**

Rule 138

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Subject: Judicial liability and separation of functions

On the basis of the fundamental premise that all proceedings must be conducted ‘in conditions of equality...before an impartial court’, as enshrined in Article 111 of the Italian Constitution, and considering:

- the need for judges to be impartial and public prosecutors to represent the general interest of the public;
- that judges have very limited liability in the event of error;
- that the Court of Justice of the European Union has already ruled that the limitation of judges’ liability to cases of intentional fault or gross negligence is incompatible with EU law;
- that in the past, the Court has asked Italy to recognise civil liability in cases of clear violation of the law arising from the ‘interpretation of provisions of law or the assessment of facts and evidence’.

Can the Commission say:

1. What it makes of the call to extend judges’ liability for errors committed while exercising their profession?
2. What it makes of the call for a separation of different judicial functions, making a distinction between judicial and prosecuting roles, with a view to supporting a healthy and natural spirit of rivalry between the two, preventing corporatism and ensuring impartiality?

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