

**Priority question for written answer P-000374/2023
to the Commission**

Rule 138

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Subject: Request for clarification from the Commission as to whether Italy's criminal immunity shield is in breach of Directive 2010/75/EU on industrial emissions

Italian Decree-Law No 2 of 5 January 2023 on urgent measures for plants of national strategic interest provides for the reintroduction of the *scudo penale*, a form of criminal immunity shield. It stipulates that prohibitory sanctions that would jeopardise a plant of strategic interest's business continuity in full or in part cannot be imposed if the facility has rectified the organisational shortcomings that led to the offence by adopting organisational models designed to prevent such an offence from happening again. Among the plants declared to be of strategic national interest is the former Ilva plant in Taranto.

By reintroducing this, the Italian Government is effectively reinstating the right to continue production – using highly polluting practices directly linked to the increase in deaths, cancers and other illnesses – at this former Ilva steel plant, despite the fact that it has already been the subject of numerous rulings by the Constitutional Court, Taranto Criminal Court and European Court of Human Rights.

In view of this:

Does the Commission believe that the Decree-Law is in conformity with European legislation, and Directive 2010/75/EU on industrial emissions in particular?

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