

4th Criminal Chamber, judgment [sentenza] of 2 July 2020 No 24800, legally summarised as follows:
«On telephone interceptions. In compliance with Article 23 of Legislative Decree [decreto legislativo] No 52 of 5 Apr. 2017, and Article 44 of Legislative Decree No 108 of 21 June 2017, the Public Prosecutor [Pubblico Ministero] must officially notify the relevant foreign authority of the interceptions under way as soon as it is certain that the intercepted telephone is within the territory of a EU Member State. (Applying that principle, the Court held free from errors the contested measure, which had excluded a violation of the provisions mentioned above in a case where the Public Prosecutor had not acquired the required certainty, due to the fact the intercepted telephone had moved abroad for an extremely short period of time and that the interceptions were carried out by the judicial police, that periodically made reports to the Public Prosecutor, this is why it was excluded that the latter could have a direct and immediate knowledge of the presence outside of the Italian territory of the intercepted telephone » (Rv. 279519-01)