

WRITTEN QUESTION E-6392/07

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to the Commission

Subject: Marriages of Italian citizens and foreign nationals in Caravaggio (Italy)

A few days ago the municipality of Caravaggio (Bergamo province, Italy) adopted a decision to the effect that third-country nationals wishing to marry Italians within the municipality have to submit, among the necessary documents, their residence permit. There is no provision of Italian law which states that registry officials responsible for marriages can require presentation of a residence permit as a condition for publishing the banns.

In addition, the Italian law on marriage with third-country nationals lays down a number of requisites, one of which is the nulla-osta (nihil obstat), a document which has to be validated by the Italian embassy or consulate in the country of origin where the request is made abroad, or, where it is made in Italy, by the consulate of the country of origin, with the consul's signature being legitimated by the relevant Prefecture in Italy.

Italian marriage law also permits marriage by proxy, and it is therefore not even necessary that both partners should be physically on Italian territory.

The new rules in Caravaggio, therefore, are adding unnecessary red tape which is obstructing the right of EU citizens to marry and found a family as enshrined in the Charter of Fundamental Rights of the European Union.

Does the Commission not believe that this irregular decision of the municipality of Caravaggio is in breach of Article 9 of the Charter of Fundamental Rights of the European Union?