

**Question for written answer E-014391/2013
to the Commission**
Rule 117
Susy De Martini (ECR)

Subject: Discrimination on grounds of nationality between German citizens and citizens of other Member States in extradition to third countries

In the Federal Republic of Germany, extradition to non-EU countries is regulated by Article 16 of the Constitution (Grundgesetz), under which German citizens may be extradited in only two cases: a) under a European arrest warrant, or b) following a request from the international criminal courts.

Extradition of German citizens to non-EU countries is prohibited by Article 16. Extradition of non-German European citizens living in Germany is permitted.

That means that the regulations on extradition between third countries and the Federal Republic of Germany apply exclusively to foreign citizens, including Europeans, who are in Germany, but they never apply to German citizens.

This is blatant and direct discrimination in favour of German citizens, against other European citizens living in Germany.

This rule has already led to an actual case of discrimination on the grounds of nationality, against one Mr Piscioti, an Italian national, who was arrested in Germany on arrival in Frankfurt, on the basis of an extradition request issued by the United States for breaching competition rules, which is not even a crime in many EU Member States.

Mr Piscioti has already had his rights violated as he has not been able to enjoy the constitutional protection afforded only to German citizens by Article 16, and he risks having his rights further violated if the German legal authorities grant the extradition request.

In view of the above and Article 18 of the Treaty on the Functioning of the European Union, which prohibits discrimination on grounds of nationality, Article 21, which guarantees the right to the free movement of persons, and Article 56, which guarantees the right to the free movement of services:

1. Is the Commission aware of the discrimination under Article 16 of the German Constitution and of Mr Piscioti's situation?
2. What inquiries have already been made and what steps taken in order to determine whether there has been any breach of EU law by the Federal Republic of Germany?
3. What further action will the Commission take and what will it do to determine the compatibility of German law with EU law, and to guarantee that the principle of non-discrimination on grounds of nationality is fully implemented?