

**Question for written answer E-005311/2014
to the Commission
Rule 117
Cristiana Muscardini (ECR)**

Subject: Change of surname of children resident in Germany and Austria without the knowledge of a father of different nationality

In Germany and Austria, unmarried fathers are not automatically accorded natural rights over their children as in the remaining countries in the Union. Such children therefore suffer prejudice and discriminatory treatment compared with children born within a marriage.

We have also received documented reports that the surnames of bi-national children born outside Germany and Austria are being changed in these countries. This means the paternal surname is being replaced with the maternal surname without the knowledge of the father and the identity documents changed accordingly.

The outcome is that children carry one surname in their country of birth and another in Germany or Austria.

Can the Commission answer the following:

1. Does it agree that, although supported by the family law of the two countries concerned, this practice is a breach of the right to a name and personal identity enshrined in the European judicial system?
2. If so, does it not consider it necessary to ask the two Member States concerned to adhere to the principles of non-discrimination and the right to personal identity, in particular in the case of minors, shared throughout the Union?