

**Question for written answer E-002103/2023/rev.1
to the Commission**
Rule 138
Ignazio Corrao (Verts/ALE)

Subject: A mother's violation of the principle of habitual residence upon the birth of her child

In a case concerning Italian citizen Emilio Vincioni and his partner, already raised in two previous questions to the Commission (No E-000605/2020¹ and No E-003695/2020²), Italy's courts have ruled that, even many months after the birth of the couple's child, Italy is still their country of habitual residence.

According to the Commission, if the mother's original intention had been to return to Italy (and therefore both parents habitually resided there), using the parents' place of habitual residence as the basis for determining their child's country of habitual residence would be an acceptable solution³.

The new proposal for a regulation on the recognition of parenthood within the EU establishes that the habitual residence of the mother at the time of her child's birth is a 'key principle'⁴, one that has been violated in this case by an act of unilateral retention.

Greece has refused to let the child travel to Italy and is stringing out urgent court proceedings, especially those concerning the girl's repatriation⁵ and her parents' rights.

In the light of the above, and of international standards for the protection of minors:

1. Since the Commission last gave an answer, have there been any developments in the case?
2. In view of its assessment of the relevant legislation, what is the Commission's position on this and other similar cases?
3. Does it plan to report any potential violations (especially of child protection legislation) to the competent authorities in Greece?

Submitted: 3.7.2023

¹ https://www.europarl.europa.eu/doceo/document/E-9-2020-000605_EN.html

² https://www.europarl.europa.eu/doceo/document/E-9-2020-003695_EN.html

³ Case C-111/17, addendum of 18.4.2017, paragraph 40.

⁴ See recital 51 and Article 17 paragraph 1.

⁵ Pursuant to the Hague Convention and the Brussels IIa Regulation (Regulation (EC) No 2201/2003), replaced from early August 2022 by Council Regulation (EU) 2019/1111. An appeal has been lodged with the Greek Supreme Court.