

WRITTEN QUESTION P-5338/08
by Maria Grazia Pagano (PSE)
to the Commission

Subject: Statements by Commissioner Barrot on the Italian Government's draft legislative decree amending Legislative Decree No 5/2007 implementing Directive 2003/86/EC

The Italian Government's draft legislative decree amending Legislative Decree No 5 implementing Directive 2003/86/EC¹, which was forwarded to the Commission on 2 August 2008, obliges relatives applying for reunification to undergo DNA testing at their own expense.

On 14 July 2008, a question to the Commission raised strong concerns, in particular about the fact that such tests are to be carried out at the applicant's expense.

In his reply to Question E-4287/08, which was forwarded to me on 11 September 2008, Commissioner Jacques Barrot stated that DNA tests as such were not contrary to the directive, but that 'practical modalities should not hamper third-country national family members from exercising their right to family reunification. This could be the case if the fees of such tests are to be paid by the applicant and are fixed at an excessively high level'.

However, in a note dated 23 September 2008, 5 p.m., Jacques Barrot, Commission Vice-President responsible for justice, stated – in contradiction with a statement he had made only a few hours earlier – that the text of the draft decree on family reunification received in July 2008 'did not seem to pose any problems of compatibility with Community law'.

The contradictory statements made by the Commissioner – expressing a favourable opinion in correspondence with Italian Minister Roberto Maroni and the opposite view in his reply to me – is a matter of concern.

The final text approved by the Italian Government on 23 September 2008 did not comprise any change in this respect and will therefore, similarly, be viewed favourably.

Will the Commission clarify its actual position on the matter?

¹ OJ L 251, 3.10.2003, p. 12.