

WRITTEN QUESTION P-5537/08
by Maria Grazia Pagano (PSE)
to the Commission

Subject: The Italian Government's legislative decree amending Decree No 5 of 2007 implementing Directive 2003/86/EC and providing for DNA testing

The Italian Government's legislative decree amending Decree No 5 of 2007 implementing Directive 2003/86/EC¹, which was finally approved by the Italian Council of Ministers on 23 September last, obliges relatives applying for family reunification to undergo DNA testing at their own expense where the family link is not clearly proven by a certificate delivered by the competent third-country authorities or where doubts exist as to the certificate's authenticity.

Written Question E-4287/08, which I tabled on 16 July, questioned the compatibility of these provisions with Community law.

Commissioner Jacques Barrot's reply of 11 September 2008 to my question states that, while DNA tests as such are not contrary to the directive, nevertheless 'their 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'.

Would the Commission state whether the decree which has now been enacted by the Italian authorities is or is not compatible with Community law?

¹ OJ L 251, 3.10.2003, p. 12.