

WRITTEN QUESTION E-1416/05
by Karl von Wogau (PPE-DE)
to the Commission

Subject: Exchange of personal data between Member States in connection with criminal proceedings

An Italian court has convicted and passed a final sentence on a German citizen in a criminal case. The convicted person has fled the law. In letters rogatory the Italian authorities sought to obtain the address of the convicted person in Germany. A mix-up then occurred and the address of another person, who has the same surname and whose first name is identical apart from one letter, was given. The middle name of this person is, though, completely different. This irreproachable person, who works as teacher at a school in Germany and can demonstrate by means of entries in school registers that he could not have been in Italy at the time of the crime, received notification that 'his' conviction by an Italian court had been entered in the German federal central register. He complained and demanded that the entry be deleted and the situation rectified vis-à-vis the Italian authorities. The entry was subsequently accordingly deleted. Furthermore, the federal Justice Ministry set out the situation in a letter of 7 February 2003 to the Italian Justice Ministry, leaving it to them to likewise make a correction in the Italian criminal register. In January 2004 the innocent German citizen was again summoned to a hearing. However, no further action is being taken by the German Justice Ministry. The wrongly accused German citizen is afraid that he may be arrested if he travels to Italy. He also takes the view that he himself should not have to incur costs, as a result of clearly mistaken personal data having been passed on, in order to demonstrate his obvious innocence and cause the Italian authorities to rectify the situation. He considers that his freedom of movement is restricted by the threat of arrest in Italy.

Does the Commission agree that the freedom of movement of this manifestly innocent German citizen is being restricted? What does the Commission propose in order to put an end to this situation?