

**Question for written answer E-004290/2014
to the Commission**

Rule 117

Herbert Dorfmann (PPE)

Subject: Protection of minors

European Directive 2011/93/EU of the European Parliament and of the Council has been incorporated into Italian law through Italian Legislative Decree No 39 of 4 March 2014.

Article 2 of that decree stipulates that: 'A criminal record certificate (...) must be asked for by the party seeking to employ an individual for carrying out professional activities or organised voluntary activities (...).' and 'Employers who fail to meet this obligation (...) shall be liable to pay an administrative fine of between 10 000.00 euros and 15 000.00 euros.'

1. Does the Commission believe that the Italian decree falls in line with the European directive, Article 10(2) of which entitles employers to ask for information, but does not make this an obligation which would effectively translate into a further bureaucratic procedure?
2. Does it believe that the inclusion of organised voluntary activities falls in line with the European directive? The Italian State's interpretation would entail, for example, an amateur sports club in a small village being required to ask the chairman, together with all the coaches and people involved in the day-to-day running of the club, to voluntarily provide a criminal record certificate, even though the club will in all likelihood already know, due to the close personal ties that exist within it, who has a criminal record within the meaning of the directive. This provision was originally included in the directive in order to relieve any doubts that employers may have had over potential employees, but here has been transformed into a bureaucratic procedure that effectively renders any voluntary work in its current form practically impossible, thereby contradicting the spirit of the European Union that was made clear for all to see during the European Year of Volunteering in 2011, to name one example.