Repatriation of mortal remains

European Parliament resolution on the adoption of measures concerning the repatriation of mortal remains (2003/2032(INI))

The European Parliament,

− having regard to Rule 163 of its Rules of Procedure,

− having regard to the report of the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs (A5-0362/2003),

A. whereas there is at present no EU-wide provision uniformly governing the repatriation of mortal remains from one Member State to another,

B. whereas in the absence of any such provision, cross-border transportation of mortal remains is governed by two instruments of international law (the 1937 Berlin Agreement and the Strasbourg Agreement concluded in 1973 under the auspices of the Council of Europe), to which only some of the Member States have acceded and which are in many respects obsolete,

C. noting that, pursuant to the above agreements, the death of a Community citizen in a Member State other than his country of origin results in more complex procedures, a longer period of time before burial or cremation takes place and higher costs than if the death had occurred in the deceased person’s country of origin,

D. whereas, in view of the growth in intra-Community tourism, the increasing number of retired people who choose to live in a country other than their own and, more generally, greater intra-Community mobility, which is encouraged, the number of Community citizens who die in a country other than their country of origin is bound to increase,

E. whereas the Commission has recently stated once again that ‘Union citizens should, mutatis mutandis, be able to move between and reside in Member States in similar conditions to nationals of a Member State moving around or changing their place of residence in their own country’, and that exercising the right to freedom of movement and freedom of residence should be facilitated to the utmost ‘by reducing administrative formalities to an absolute minimum’(1),

F. noting that, as things stand at present, it is still far from true that a Community citizen who dies in a Member State other than his own is treated in the same way as a national who dies in his home country, as has been pointed out by a number of MEPs who, in questions to the Commission and the Council, have drawn attention, for example, to the fact that a zinc coffin is required for the repatriation of a corpse from Salzburg to Freilassing (a distance of 10 km) but not for the transfer of a body from Ivalo to Helsinki (a distance of 1 120 km)(2),

1. Points out that freedom of movement and residence is a fundamental right within the EU, that such a right exists within a wider context (that of the internal market, within which borders cannot exist and within which such freedom cannot be curtailed), and that that right is furthermore enshrined in the Charter of Fundamental Rights of the European Union, which the European Convention proposed to incorporate into the new Constitution;

2. Considers that the repatriation of mortal remains without excessive cost or bureaucracy in the event of the death of a Community citizen in a country other than the one in which either burial or cremation is to take place may be regarded as a corollary of the right of each EU citizen to move and reside freely within the territory of the Member States;


(2) See in particular Written Questions E-0935 and E-0210/02.
3. Considers the provisions of the Strasbourg Agreement, which impose strict rules on the cross-border transfer of mortal remains, to be the source of indirect discrimination stemming from the fact that they apply essentially to 'non-nationals' and hence run counter to the Community scheme of things;

4. Calls upon the Commission, in its capacity as guardian of the Treaties, to ascertain whether or not the above instrument of international law is compatible with Community law and, if necessary, to take whatever action is required in order to ensure that Community law is upheld;

5. Calls furthermore upon the Commission to see that the standards and the procedures applied in the cross-border transportation of corpses are harmonised throughout the EU and to endeavour to ensure that, as far as possible, Community citizens are treated in the same way as nationals in their home country;

6. Instructs its President to forward this resolution to the Council and Commission, and the European Federation of Funeral Services.