

E-1133/10EN

Answer given by Ms Reding
on behalf of the Commission
(4.5.2010)

In April 2009, the Commission wrote to the French authorities concerning the difficulties which British citizens who concluded a civil partnership in the United Kingdom were confronted with in France as they could not benefit from its recognition in France or conclude a "Pacte Civil de Solidarité" as they were not considered as single for that purpose. In that letter, the Commission stressed that the impact of such a situation at the personal, administrative, patrimonial or economic levels would be likely to prevent the citizens of the Union concerned from fully enjoying their right of residence in France. It also indicated that these difficulties would raise questions in relation to Union law, in particular as regards the principle of non-discrimination on the basis of nationality and the right of residence of EU citizens.

In order to solve these difficulties, the Assemblée Nationale adopted on 28 April 2009 an amendment whereby "the conditions for forming a registered partnership and the effects of such a partnership as well as the causes and effects of its dissolution are subject to the substantive law of the State of the registering authority"¹. It is not for the Commission to interpret this national provision. However, it is the Commission's understanding that this amendment was supposed to end the difficulties described above.

The Commission, on 29 October 2009, wrote again to the French authorities in order to inform them about complaints that it had received with regard to continued difficulties concerning tax issues. The Commission underlined the importance for the French authorities to assure that the amended French legislation becomes fully effective.

Ever since, the Commission has not received any complaints or information implying that these difficulties persist or that there may be any new issues.

The Commission is ready to take up the matter again with the French authorities, should difficulties arise in the application of the law.

¹ {0>Amendment published in the Official Journal on 13 May 2009.<}0{>Amendment published in the Official Journal on 13 May 2009.<0}