

**Question for written answer E-008365/2011**  
**to the Commission**  
Rule 117  
**Alajos Mészáros (PPE)**

**Subject:** Compatibility of provisions on registers of births and deaths with European law

The Slovak legislation currently in force<sup>1</sup> does not allow the name of a deceased relative to appear on a birth or death certificate as it would in accordance with the rules of the original minority language. In addition, given names which have a Slovak equivalent must be written in the Slovak form.

The EU respects the linguistic diversity<sup>2</sup> and national identities<sup>3</sup> of the Member States, and the judgments of the Court regard safeguarding the Member States' official languages as a matter of public interest<sup>4</sup>. The Court has also established that the rules governing how names shall appear in registers of births and deaths fall within the jurisdiction of the Member States<sup>5</sup>. However, in exercising this competence, the Member States must respect EU law, in particular the right of every EU citizen to freedom of movement.

A national law on registers of births and deaths constitutes a restriction of free movement – which is safeguarded under EU law – if it is liable to cause serious inconvenience at administrative, professional or private levels.<sup>6</sup>

The Slovak law in question is liable to cause serious inconvenience to the exercise of freedom of movement, as members of minorities are likely to experience problems when seeking to enforce inheritance, copyright or other claims in other Member States where these concern ascendants whose names appear in registers of births and deaths in a different sequence or with different given names.

What action does the Commission, as guardian of the Treaties, intend to take in order to rectify this situation?

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<sup>1</sup> Law 154/1994 on registers of births and deaths

<sup>2</sup> Article 22 of the Charter of Fundamental Rights of the European Union

<sup>3</sup> Article 4 (2) TEU

<sup>4</sup> European Court of Justice Judgment C-397/87

<sup>5</sup> European Court of Justice Judgment C-391/09 (63)

<sup>6</sup> European Court of Justice Judgment C-391/09 (76)