

**Question for written answer E-007049/2012  
to the Commission**  
Rule 117  
**Alajos Mészáros (PPE)**

**Subject:** Breach of rights derived from EU citizenship in connection with civil registry documents

In its answer to my question concerning the compatibility of provisions on registers of births and deaths with European law (E-008365/2011) the Commission acknowledged the importance of EU law to protect citizens who have exercised their right to move and reside freely so they are not placed at a disadvantage because their names are not registered in identical form. However, the Commission did not establish whether the breach of EU law that we mentioned was in fact present, referring inter alia to the amendment of the law and to the fact that – in its opinion – the Slovak authorities should upon request issue civil registry documents to persons of different ethnicity with the name in the person's mother tongue.

In our view, the Court of Justice judgments in – among others – the Garcia Avello<sup>1</sup> and Malgožata Runevič-Vardyn/Lukasz Paweł Wardyn<sup>2</sup> cases led to an important legal development in EU law with regard to civil registry documents, whereby in certain circumstances more may be required than that citizens' names be registered in identical form within the territory of the EU.

Current Slovak legislation, in spite of repeated amendments<sup>3</sup>, and – on the basis of the complaints we have received – current administrative practice<sup>4</sup>, does not in all cases allow the deceased relations' (grandparents') death certificates to be issued in accordance with the spelling and writing conventions of the minority language. This fact is likely to cause significant private or professional disadvantage to people whose names appear in civil registries and official documents using the naming and spelling rules of the minority language, as the documents issued using the spelling and writing conventions of the official (state) language and the minority language (mother tongue) may differ perceptibly.

It becomes difficult for the people in question – because of the difference in the documents – to prove the unity of the family and existing family relationships, and thus to enforce inheritance claims or property rights in another Member State concerning deceased relatives.

In the light of the above, has the Commission's view changed concerning a breach of EU law?

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<sup>1</sup> ECR, case C-148/02.

<sup>2</sup> ECR, case C-391/09, grounds 72–76. It is a need of everyday life that families should be able to provide evidence of the links between different family members; here the Court highlights the question whether the difference may be regarded as the result of a deliberate decision. In line with the Court's practice, it would be a breach of EU law if the members of a single family were entered differently in the civil registry.

<sup>3</sup> Section 19(10) and (11) of Law no. 154/1994 as amended by Law no. 204/2011, in the case of an indirect family relationship (e.g. grandparents) does not permit the issuance of minority [language] documents.

<sup>4</sup> Practice (0118130, 0154419 c. 6/2012) shows that the grandparents' name appears in the published documents only in the state language: Bartalová appears in the extracts instead of Bartal, Eduard for Ede, Bondorová for Bondor.