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Press and Information

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Judgment of the Court of Justice in Case C-353/06

*Stefan Grunkin and Dorothee Regina Paul v Standesamt Niebüll*

**GERMANY MAY NOT REFUSE TO RECOGNISE THE SURNAMES OF ITS NATIONALS AS ALREADY REGISTERED IN THE MEMBER STATE OF BIRTH AND RESIDENCE**

Leonhard Matthias Grunkin was born on 27 June 1998 in Denmark, the child of Dorothee Paul and Stefan Grunkin who at the time were married and are both of German nationality. The child also has German nationality and has lived in Denmark since he was born. His surname, composed of the surnames of both his father and his mother, was entered on his Danish birth certificate. In Denmark it is possible to have such a double-barrelled surname.

In 2006 the parents of the child applied to have him registered in the family register held in Niebüll, Germany, with the surname Grunkin-Paul. However, the German authorities refused to register that name on the ground that the surnames of German citizens fall to be determined by German law, which does not allow a child to bear a double-barrelled surname.

The parents brought an action before the Amtsgericht Flensburg against that decision of the German authorities. That court asks the Court of Justice whether Community law precludes national law from requiring a citizen of the European Union to bear a different surname according to the Member State in which he happens to be.

The Court points out, first, that although the rules governing a person's surname are matters coming within the competence of the Member States, the latter must none the less, when exercising that competence, comply with Community law. In addition, the situation of Leonhard Matthias falls within the scope of Community law because he is a national of one Member State and is lawfully resident in the territory of another Member State.

Secondly, the Court states that having to use a surname, in the Member State of which the person concerned is a national, that is different from that conferred and registered in the Member State of birth and residence **is liable to hamper the exercise of the right, established in Article 18 EC, to move and reside freely within the territory of the Member States.**

Many everyday dealings require proof of identity, which is normally provided by a passport. As Leonhard Matthias has only German nationality, the issuing of that document falls within the competence of the German authorities alone. Therefore, if the German authorities refuse to recognise Leonhard Matthias' surname as determined and registered in Denmark, the child will

be issued with a passport by those authorities in a name that is different from the name he was given in Denmark.

Such a discrepancy in surnames in the various German and Danish documents is liable to cause serious inconvenience for Leonhard Matthias at both professional and private levels, in particular inasmuch as it is likely to give rise to doubts as to his identity and the authenticity of the documents submitted or the veracity of their content.

In those circumstances, and having regard to the fact that the restrictive German provisions have not been duly justified, the Court rules that the right of European citizens to move and reside freely within the territory of the Member States precludes the German authorities from refusing to recognise Leonhard Matthias' surname as determined and registered in Denmark.

*Unofficial document for media use, not binding on the Court of Justice.*

*Languages available: FR DE EN ES EL IT NL PL PT*

*The full text of the judgment may be found on the Court's internet site  
<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-353/06>  
It can usually be consulted after midday (CET) on the day judgment is delivered.*

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*Pictures of the delivery of the judgment are available on EbS "Europe by Satellite",  
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