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Judgment of the Court in Case C-689/21 | Udlændinge- og Integrationsministeriet (Loss of Danish nationality)

Denmark may make the retention of Danish nationality dependent on the existence of a genuine connection with that country

However, where the person concerned does not hold the nationality of another Member State, so that the loss of Danish nationality would also entail the loss of Union citizenship, he or she must be able to have the proportionality of that loss examined

Denmark may, in principle, provide that its nationals born abroad who have never lived on its territory lose Danish nationality at the age of 22. However, that measure must have due regard to the principle of proportionality when it also entails the loss of European citizenship. This is the case if the person concerned does not hold the nationality of another Member State. EU law precludes the permanent loss of Danish nationality and therefore of European citizenship without the person concerned having been notified or informed of this, or having had the opportunity to request an individual examination of the consequences of that loss.

The daughter of a Danish mother and an American father has held, since her birth in the United States, Danish and American nationality. After reaching the age of 22, she applied in Denmark to retain her Danish nationality. The competent authority informed her that she had lost Danish nationality at the age of 22. According to Danish law, a person born abroad who has never lived in Denmark and who has also not resided there in circumstances indicating a sufficiently close attachment to that country is to lose his or her Danish nationality upon reaching the age of 22, unless he or she would thereby become stateless. The person concerned may apply to retain his or her nationality, but only between his or her 21st birthday and 22nd birthday. Failing that, he or she may apply only for naturalisation, albeit under less stringent conditions for former Danish nationals.

The applicant in the main proceedings has brought an action for annulment of the Danish authorities' decision. Those proceedings are pending before the High Court of Eastern Denmark, Denmark, which asks the Court of Justice about the compatibility of the Danish legislation with EU law.

In today's judgment, the Court recalls that it is for each Member State to lay down the conditions for acquisition and loss of nationality. However, where the loss of nationality would, as in the present case, also lead to the loss of citizenship of the Union, due regard must be had to EU law and, in particular, to the principle of proportionality.

The Court's answer to the question referred is that **EU law does not preclude, in principle, legislation of a Member State under which its nationals,**

- **born outside its territory,**
- **who have never lived there and**

- **have not resided there in circumstances demonstrating a genuine link with that Member State**

lose, by operation of law, the nationality of that Member State at the age of 22, which entails, for persons who are not also nationals of another Member State, **the loss of their citizenship of the Union** and the rights attaching thereto.

However, it is for the national authorities and the national courts to determine whether the loss of the nationality of the Member State concerned, **when it entails the loss of citizenship of the Union, has due regard to the principle of proportionality.**

Therefore, in order for such legislation to be compatible with EU law, the **following conditions must be met:**

- **The persons concerned must be given the opportunity to lodge, within a reasonable period, an application for the retroactive retention or recovery of the nationality.** The competent authorities must then examine the proportionality of the consequences of the loss of that nationality from the point of view of EU law and, where appropriate, allow the retroactive retention or recovery of the nationality.
- **The period for lodging such an application must extend, for a reasonable length of time, beyond the date on which the person concerned reaches the age in question and cannot begin to run unless those authorities have duly informed that person of the loss of his or her nationality or of the imminence of that loss, and of his or her right to apply, within that period, for the retroactive maintenance or recovery of that nationality.**
- **Failing that, those authorities must be in a position to carry out such an examination, as an ancillary issue, in the context of an application by the person concerned for a travel document or any other document showing his or her nationality.**

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355

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