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Judgment of the Court in Case C-491/21 | Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date

Citizenship: the refusal by a Member State to issue to one of its nationals, in addition to a passport, an identity card serving as a travel document, on the sole ground that he or she is domiciled in another Member State, is contrary to EU law

That refusal restricts the right to freedom of movement within the European Union, creating a difference in treatment between citizens domiciled abroad and those domiciled in that Member State

Since 2014, a Romanian lawyer has been domiciled in France and carries out his professional activities in both France and Romania. In 2017, he applied to the Romanian authorities to be issued with an identity card, whether simple or electronic, as a travel document enabling him to travel to France. That application was rejected on the ground that he was domiciled abroad.

Hearing that case, the High Court of Cassation and Justice (Romania) referred a question to the Court of Justice for a preliminary ruling.

In its judgment, the Court of Justice holds that **the refusal to issue an identity card on the sole ground that the person concerned is not domiciled in Romania constitutes a restriction on the right to move and reside freely within the European Union in respect of Romanian nationals domiciled in another Member State.**

The Romanian legislation **establishes a difference in treatment between Romanian citizens domiciled abroad and those who are domiciled in Romania.** The former only have a passport as a travel document, while the latter may have an identity card and a passport.

EU law ¹ does not require Member States to issue two identity documents that may serve as travel documents to their nationals. However, it does not allow the Member States to treat less favourably those nationals who have exercised their right to move and to reside freely within the European Union, without justification based on objective considerations of public interest.

Such legislation cannot be justified either by the need to confer probative value on the address of domicile indicated on the identity card, or by the effectiveness of the identification and checking of that address by the competent national authority.

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.

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

The [full text and, as the case may be, the abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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¹ [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.