



Press and Information

Court of Justice of the European Union

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Judgment in Case C-391/09

Malgožata Runevič-Vardyn and Łukasz Paweł Wardyn v
Vilniaus miesto savivaldybės administracija and Others

The Court of Justice gives a ruling on the manner in which forenames and surnames of citizens of the Union are to be entered on certificates of civil status issued by a Member State

The law of the European Union does not preclude a refusal to amend surnames and forenames appearing on certificates of civil status, on condition that such a refusal is not liable to cause serious inconvenience to those concerned

Mrs Malgožata Runevič-Vardyn, who was born in Vilnius in 1977, is a Lithuanian national. She belongs to the Polish minority in Lithuania. She states that her parents gave her the Polish forename 'Małgorzata' and her father's surname 'Runiewicz'. She explains that her birth certificate issued in 1977 was drawn up in Cyrillic characters and that it was only the birth certificate issued in 2003 which showed her forename and surname registered in their Lithuanian form, namely as 'Malgožata Runevič'. The same forename and surname appear also on the Lithuanian passport which was issued to her in 2002.

In 2007, after living and working in Poland for some time, she married, in Vilnius, a Polish national, Mr Łukasz Paweł Wardyn. On the marriage certificate, which was issued by the Vilnius Civil Registry Division, 'Łukasz Paweł Wardyn' is transcribed as 'Lukasz Pawel Wardyn' – the Lithuanian spelling rules being used without diacritical modifications. His wife's name appears in the form 'Malgožata Runevič-Vardyn' – indicating that only Lithuanian characters, which do not include the letter 'W', were used, including for the addition of her husband's surname to her own surname. The couple are currently living with their son in Belgium.

In 2007, Mrs Malgožata Runevič-Vardyn submitted a request to the Vilnius Civil Registry Division for her forename and surname, as they appear on her birth certificate, to be changed to 'Małgorzata Runiewicz' and for her forename and surname, as they appear on her marriage certificate, to be changed to 'Małgorzata Runiewicz-Wardyn'. Following the refusal of that request, the couple brought an action before the Vilniaus miesto 1 apylinkės teismas (First District Court of the City of Vilnius, Lithuania). That court now asks the Court of Justice whether EU law precludes rules of a Member State which require that surnames and forenames of individuals be entered on the certificates of civil status of that State in a form which complies with the spelling rules of the official national language.

The Court of Justice states, first of all, that the Racial Equality Directive¹ does not apply to Mr and Mrs Wardyn's situation because the scope of that directive does not cover national rules governing the manner in which surnames and forenames are to be entered on certificates of civil status. In that regard, although the directive does indeed make general reference to access to and supply of goods and services which are available to the public, it cannot be held that such national rules come within the concept of a 'service' within the terms of the directive.

Furthermore, as regards the Treaty provisions concerning citizenship of the Union, the Court points out that although, as European Union law stands at present, the rules governing the form in which a person's surname and forename are entered on certificates of civil status are matters coming

¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ 2000 L 180, p. 22).

within the competence of the Member States, the latter must none the less, when exercising that competence, comply with European Union law, and in particular with the Treaty provisions on the freedom of every citizen of the Union to move and reside in the territory of the Member States.

The Court notes that a person's forename and surname are a constituent element of his identity and of his private life, the protection of which is enshrined in the Charter of Fundamental Rights of the European Union and in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Court gives a ruling on Mrs Malgožata Runevič-Vardyn's request that her forename and maiden name be amended on the Lithuanian birth and marriage certificates. Thus, when a citizen of the Union moves to another Member State and subsequently marries a national of that other State, the fact that the surname which that citizen had prior to marriage, and her forename, cannot be amended and entered in documents relating to civil status issued by her Member State of origin except using the characters of the language of that latter Member State cannot constitute treatment that is less favourable than that which she enjoyed before she availed herself of the right of free movement. Hence, **the absence of such a right is not liable to deter a citizen of the Union from exercising the rights of movement** recognised by the Treaty and, to that extent, **does not constitute a restriction.**

With regard to the couple's request that the addition of Mr Wardyn's surname to his wife's maiden name on the Lithuanian marriage certificate be amended (to Wardyn instead of Vardyn), the Court does not exclude the possibility that refusal to make such a change might cause inconvenience for those concerned. However, **such a refusal cannot constitute a restriction of the freedoms recognised by the Treaty unless it is liable to cause 'serious inconvenience' to those concerned at administrative, professional and private levels.** It is for the national court to decide whether the refusal to amend the joint surname of the couple is liable to cause such inconvenience to those concerned. If that is the case, it is a restriction on the freedoms which the Treaty confers on every citizen of the Union. **It will also be for the national court to decide, in those circumstances, whether such a refusal reflects a fair balance between the interests at issue,** that is to say, on the one hand, the couple's right to respect for their private and family life and, on the other hand, the legitimate protection by the Member State concerned of its official national language and its traditions. The Court takes the view, in this case, that **the disproportionate nature of the refusal to accede to the requests for amendment** made by the couple **may possibly appear from the fact that the Vilnius Civil Registry Division entered that name, in respect of Mr Wardyn, on the same certificate in compliance with the Polish spelling rules at issue.**

With regard to Mr Wardyn's request for his forenames to be entered on the Lithuanian marriage certificate in a form which complies with the rules governing Polish spelling, namely, as 'Łukasz Paweł', (and not Lukasz Paweł), the Court notes that the discrepancy between the forms in which the names are entered in Lithuanian and in Polish lies in the omission of the diacritical marks, which are not used in the Lithuanian language. The Court points out in this regard that diacritical marks are frequently omitted in many daily actions for technical reasons (for example, because of the objective constraints inherent in some computer systems). Also, for people who are unfamiliar with a foreign language the significance of diacritical marks is often misunderstood. It is therefore unlikely that the omission of such marks could, in itself, cause actual and serious inconvenience for the person concerned such as to give rise to doubts as to the identity of, and the authenticity of the documents submitted by, that person. Consequently, the Court holds that **a refusal to amend the marriage certificate of a citizen of the Union who is a national of another Member State** in such a way that the forenames of that citizen are entered on that certificate with diacritical marks as entered on the certificates of civil status issued by his Member State of origin and in a form which complies with the rules governing the spelling of the official national language of that latter State **does not constitute a restriction of the freedoms which the Treaty confers on every citizen of the Union.**

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.

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