

**Priority question for written answer P-001818/2024
to the Commission**
Rule 144
Krzysztof Śmiszek (S&D)

Subject: Violation of Article 21 of Treaty on the Functioning of the European Union (TFEU) regarding children of same-sex parents in Poland

In Poland, birth certificates for the children of two same-sex parents cannot be transcribed, resulting in municipalities issuing documents listing only one parent. On 24 June 2022, the Court of Justice of the European Union (CJEU) ordered in Case C-2/21¹ that, based on the right to freedom of movement (Article 21 TFEU), Poland must issue documents allowing children to travel with both same-sex parents.

Since then, families have asked Polish municipalities to correct these documents to include both parents' names, citing the CJEU ruling, but their requests have been denied. Three complaints about this were submitted to the Commission over a year ago, with the following reference numbers:

- 03/07/2023, CPLT(2023)01910;
- 05/07/2023, CPLT(2023)02024;
- 12/09/2023, CPLT(2023)02272.

To date, no response has been received, and Poland has not implemented any legal measures to address the rights of families with same-sex parents, leaving the situation unchanged.

In light of the above:

1. At what stage is the Commission's work on the aforementioned complaints?
2. Does the Commission have an expected date for their examination?
3. What further actions is the Commission planning to take, in regard to safeguarding the implementation of both the CJEU order C-2/21 and the fundamental EU right to free movement of its citizens?

Submitted: 25.9.2024

¹ Order of the Court of Justice of 24 June 2022, *Rzecznik Praw Obywatelskich v K.S. and Others*, Case C-2/21, ECLI:EU:C:2022:502.