

(English version)

**Question for written answer E-000922/25
to the Commission
Raquel García Hermida-Van Der Walle (Renew)
(5 March 2025)**

Subject: Implementation of Court of Justice of the European Union (CJEU) rulings

Almost seven years after the landmark judgment by the CJEU in the Coman case recognising that the term ‘spouse’ includes same-sex spouses under the right to freedom of movement, Romania has still not implemented this judgment.

A pre-infringement procedure ⁽¹⁾, also known as EU Pilot, launched in 2020 by the Commission against Romania has not yet led to full implementation of the judgment.

Romania has also yet to implement the Mirin judgment of October 2024 on the recognition of a name and gender change acquired in another Member State ⁽²⁾.

1. Regarding the implementation of the Coman ruling, when can same-sex spouses of Romanian citizens obtain permanent residency in Romania in a timely and effective manner, as required by EU law?
2. Does the Commission consider the pre-infringement procedure to be the right instrument (compared to a formal infringement procedure) to ensure Romania’s compliance with the CJEU ruling in the Coman case, if five years later the Romanian authorities have still not implemented it and the issue at stake seems to be of a political rather than technical nature?
3. Has the Commission given Romania a deadline for the implementation of the Mirin ruling and will the Commission be more determined to take firmer action than it has done so far regarding the implementation of the Coman ruling, if Romania again fails to comply?

Submitted: 5.3.2025

**Answer given by Ms Lahbib on behalf of the European Commission
(7 May 2025)**

The Commission will continue to use all the means at its disposal to ensure the correct application of EU free movement law, including addressing specific difficulties preventing LGBTIQ people and their families from enjoying their rights. In each specific case, the Commission makes use of the tools considered most effective for ensuring the protection of rights.

The Commission has been raising awareness about the *Coman* judgment ⁽¹⁾ (C-673/16) since its delivery by the Court, and has been monitoring its implementation in all Member States, in particular through discussions in dedicated fora.

The Commission is in contact with Romania regarding its application of EU free movement law. While the impact of the provisions of national law under discussion may be greater for rainbow families, they have a broader scope and must be addressed in their entirety.

The Commission understands that a draft legislation relevant to these discussions is currently under discussion in the Romanian Parliament, and will continue to closely monitor the developments.

The Commission is also closely monitoring the implementation of the *Mirin* judgment ⁽²⁾ (C-4/23), delivered on 4 October 2024. The Commission contacted Romanian authorities in February 2025 inquiring about the measures to be taken in that regard. A reply is still pending.

¹ On the Commission website, it is mentioned that pre-infringement procedures are used for cases of a ‘technical nature’ and ‘where it is likely to lead to swifter compliance than a formal infringement procedure’ — https://ec.europa.eu/commission/presscorner/detail/en/memo_12_12.

² In this judgment, the CJEU ruled that Romania should recognise and register the legal gender recognition and change of name obtained abroad on the applicant’s birth certificate to ensure the right to free movement.

⁽¹⁾ C-673/16, *Coman*, ECLI:EU:C:2018:385.

⁽²⁾ C-4/23, *Mirin*, ECLI:EU:C:2024:845.