

(English version)

**Question for written answer E-003494/25
to the Commission**

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(9 September 2025)

Subject: Recognition of changes to gender identity without surgery

The Advocate-General of the Court of Justice of the European Union, Jean Richard de la Tour, recently published rather bizarre conclusions stipulating that Member States must recognise gender identity changes even in the absence of surgery or medical treatment.

Following his opinion, EU law would preclude any national legislation requiring a legal or health procedure to authorise the change of sex and name, making it mandatory for the Member States to record the new identity directly in birth certificates and official documents.

Such an approach raises important issues with regard to respect for national competences, legal certainty and security in identification systems. It also risks affecting access to dedicated facilities, demographic statistics and civil registry management, among other things.

In view of the above:

1. Does the Commission think that making it mandatory to recognise identity changes without any medical or legal requirement could undermine the legal certainty and reliability of official documents?
2. What impact does it think these conclusions will have on the exclusive competences of Member States in matters of civil status?
3. What tools can it put in place to counter this opinion?

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Answer given by Ms Lahbib on behalf of the European Commission
(3 November 2025)

In a procedure before the Court of Justice, the Advocate General issues an Opinion in complete impartiality and independence ⁽¹⁾. Subject to the exceptional situation in which the oral part of the procedure is reopened, the parties are not authorised to put forward observations, in particular in response to the Advocate General's Opinion, once the President of the formation of the Court has declared the hearing closed ⁽²⁾. The Commission does not comment on Opinions issued in pending cases and awaits the ruling by the Court.

⁽¹⁾ Article 252 of the Treaty on the Functioning of the European Union.

⁽²⁾ Practice directions to parties concerning cases brought before the Court, OJ L, 2024/2173, 30.08.2024, paragraph 87.