

(English version)

**Question for written answer E-001046/26
to the Commission
Raquel García Hermida-Van Der Walle (Renew)
(12 March 2026)**

Subject: Continued discrimination and legal uncertainty as a result of the non-implementation of CJEU rulings

Over the past few years, the Court of Justice of the European Union (CJEU) has issued landmark judgments in the areas of freedom of movement and family life ⁽¹⁾, legal recognition of transgender identity ⁽²⁾, and the protection of the human dignity of LGBTIQ+ people ⁽³⁾. However, Member States have often not implemented the necessary changes in national legislation. As a consequence, LGBTIQ+ people's fundamental rights are still being violated in some Member States.

Now, the CJEU has ruled on the principle of legal gender recognition for people exercising their freedom of movement in the EU ⁽⁴⁾.

1. Does the Commission agree that its role as Guardian of the Treaties requires taking action against Member States that breach EU law and do not ensure judgments are implemented effectively and promptly, rather than merely 'monitoring the situation' in such cases? If so, can the Commission explain why the court rulings in footnotes 1, 2 and 3 have not been fully implemented yet?
2. Can the Commission provide an overview of the correspondence between the Commission and relevant Member State(s) for each of the court cases?
3. If the latest ruling is not directly implemented in the Member States, will the Commission show less hesitation and commit to directly and fully enforcing this CJEU ruling rather than only taking selective action?

Submitted: 12.3.2026

**Answer given by Mrs Lahbib on behalf of the European Commission
(3 June 2026)**

As established by the case-law of the Court of Justice, it is for the national courts in the national procedure that gave rise to the preliminary ruling to apply the interpretation of the Court of Justice.

In the context of preliminary rulings, there is no formal correspondence comparable to Article 260 of the Treaty on the Functioning of the European Union between the Commission and the Member States whose national court raised the question.

As noted in the LGBTIQ+ ⁽¹⁾ Strategy 2026-2030 ⁽²⁾, EU free movement law, particularly Directive 2004/38/EC ⁽³⁾ together with fundamental rights under the Charter of Fundamental Rights ⁽⁴⁾, upholds the right of all EU citizens and their family members, including same-sex spouses and partners and their children, to move and reside freely within the EU.

The Commission, as guardian of the Treaties, is committed to ensuring the proper application of EU law, including EU free movement rules and relevant judgments of the Court of Justice.

In addition, the Commission not only monitors the individual Member State's compliance with the judgment but also ensures that all other Member States equally apply the standard set by the Court of Justice ⁽⁵⁾.

¹ Judgment of the Court of Justice of 5 June 2018, *Coman and others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*, C-673/16, ECLI:EU:C:2018:385; Judgment of the Court of Justice of 14 December 2021, *V.M.A. v Stolichna obshtina, rayon 'Pancharevo'*, C-490/20, ECLI:EU:C:2021:1008; Judgment of the Court (Grand Chamber) of 4 October 2024, *M.-A.A. v Direcția de Evidență a Persoanelor Cluj, Serviciul stare civilă, Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date din Ministerul Afacerilor Interne, Municipiul Cluj-Napoca*, C-4/23, ECLI:EU:C:2024:845; Judgment of the Court (Grand Chamber) of 25 November 2025, *Jakub Cupriak-Trojan, Mateusz Trojan v Wojewoda Mazowiecki*, C-713/23, ECLI:EU:C:2025:917; Order of the Court (Tenth Chamber) of 24 June 2022, *Rzecznik Praw Obywatelskich*, C-2/21, ECLI:EU:C:2022:502.

² Judgment of the Court (First Chamber) of 13 March 2025, *VP v Országos Idegenrendészeti Főigazgatóság*, C-247/23, ECLI:EU:C:2025:172.

³ Judgment of the Court (Fifth Chamber) of 26 June 2025, *Makeleio and Zougla v Ethniko Symvoulío Radiotileorasis (ESR)*, Joined Cases C-555/23 and C-556/23, ECLI:EU:C:2025:484.

⁴ Judgment of the Court (Second Chamber) of 12 March 2026, *K. M. H. v Obshtina Stara Zagora*, C-43/24, ECLI:EU:C:2026:183.

⁽¹⁾ Lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ+) people.

⁽²⁾ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2026-2030_en.

⁽³⁾ 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77.

⁽⁴⁾ https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.

⁽⁵⁾ 2022 Commission Communication on 'Enforcing EU law for a Europe that delivers', page 7.

To that end, the Commission published, in December 2023, guidance on the right of free movement of EU citizens and their families ⁽⁶⁾, which provides for the necessary clarifications on specific issues that have been identified when applying EU free movement law, including with regards to rainbow families, and building amongst others on the *Coman and Others* ⁽⁷⁾ and *Stolichna obshtina, rayon "Pancharevo"* ⁽⁸⁾ judgments of the Court of Justice.

⁽⁶⁾ https://commission.europa.eu/publications/guidance-right-free-movement-eu-citizens-and-their-families_en

⁽⁷⁾ Judgment of the Court of 5 June 2018, *Coman and Others*, C-673/16, ECLI:EU:C:2018:385.

⁽⁸⁾ Judgment of the Court of 14 December 2021, *Stolichna obshtina, rayon "Pancharevo"*, C-490/20, ECLI:EU:C:2021:1008.