



EUROPESE COMMISSIE
DIRECTORAAT-GENERAAL JUSTITIE EN CONSUMENTENZAKEN

Directoraat D: Gelijkheid en burgerschap van de Unie
Eenheid D3: Burgerschap van de Unie en vrij verkeer
Adjunct-eenheidshoofd

Brussel,
JUST/D3/RS/mb(2017)s5126979

De heer Gabor Landman
Gabor_Landman@yahoo.com

*European Commission
Directorate-General for Justice and Consumers
Directorate D. Equality and Union citizenship
D.3: Union citizenship rights and free movement. Deputy Head of Unit*

Dear Mr. Landman,

I am writing to you in response to your complaint of 1 March 2016, which is registered with reference CHAP(2016) 0897 (please mention this characteristic in all further correspondence). I apologize for this late answer.

You complain that as a Dutch citizen you have been discriminated against by the police authorities of Targu Mures, Romania. Under Article 120(2) of the Romanian Constitution and Articles 19 and 76(1) and (2) of Law 215/2001, Romanian nationals belonging to a national minority have the right to receive written and oral answers from administrative authorities in their mother tongue when their national ethnic minority represents at least 20 % of the population. In the city of Targu Mures, 49.6% of the population is ethnic Hungarian. However, the Romanian judicial authorities have ruled in your case that this rule does not apply, as you are a Dutch citizen and do not belong to the Hungarian ethnic minority in Romania. In your view, this



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interpretation is contrary to Article 18 of the Treaty on the Functioning of the European Union and Directive 2004/38/EC.

Article 21(1) of the Treaty on the Functioning of the European Union provides that every citizen of the Union has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. Those limitations and conditions are set out in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. You can download this guideline in Dutch via <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:229:0035:0048:N L:PDF>.

Article 24(1) of that directive provides that, without prejudice to specific provisions expressly provided for in the Treaty and secondary law, every Citizen of the Union residing in the territory of a host Member State on the basis of Directive 2004/38/EC shall enjoy, within the scope of the Treaty, the same treatment as the nationals of that host Member State. That provision reflects the general principle of non-discrimination on grounds of nationality, enshrined in Article 18 of the Treaty on the Functioning of the European Union.

In a case concerning the question whether the possibility of using German before the civil courts of the Province of Bolzano, Italy, can be reserved exclusively for Italian nationals domiciled in that region, the Court of Justice of the European Union held that Articles 18 and 21 of the Treaty on the Functioning of the European Union must be interpreted as precluding



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national legislation which the right to use a language other than the official state in civil matters pending before courts of a Member State having their seat in a specific territorial entity of that Member State, granted only to nationals of that State who are domiciled in that territorial entity¹. This ruling confirmed similar conclusions of an earlier judgment on criminal proceedings.

On the basis of the information contained in your complaint, the Commission has doubts as to whether the language regime applicable to the communication of the authorities in Targu Mures, Romania, and the corresponding administrative practices constitute the correct application of EU law, as interpreted in the case-law of the Court.

In the light of the above, the Commission will contact the Romanian authorities in order to obtain clarification on the relevant Romanian legislation and administrative practices. These contacts also relate to issues raised in your complaint. We will keep you informed of the results of this procedure in relation to your complaint.

I hope to have been of service to you with this information

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Respectfully

(electronic signature) Monika Mosshammer

¹ Judgment of the Court of 27 March 2014 in Case C-322/13 *Grauel Rüffer v Pokorná* [2014] ECR 2014, p. I-189).

² Judgment of the Court of 24 November 1998 in Case C-274/96 *Bickel and Franz* [1998] ECR 1998, p. I-563).



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