Chrome

Chapter XX

The Inconvenience of Names: Opinion of Advocate General Sharpston in *Grunkin and Paul*

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Full information of the Opinion

Case C-353/06 *Stefan Grunkin and Dorothee Regina Paul v Leonhard Matthias Grunkin-Paul and Standesamt Stadt Niebüll* ECLI:EU:C:2008:246, Opinion of AG Sharpston.

1. Introduction

It would be too predictable to begin this chapter on Advocate General (AG) Sharpston's Opinion in *Grunkin and Paul* with the famous Shakespearean quote, 'What's in a name?',[1] though it is the obvious question to ask in such a context. Indeed, what is *in* the name in this case is pertinent – the referred question to the CJEU concerned whether a registered compound surname, made up of the child's maternal and paternal surnames, should be recognised uniformly across different EU Member States. This was despite the differing domestic naming conventions and the EU's principles of non-discrimination on nationality and equal treatment, protected by virtue of Union citizenship status.[2] Naming conventions fall under private international law, which AG Sharpston helpfully demystified as 'a branch of the domestic law of each legal system' and provides for a mechanism of determining 'what courts or other authorities should have jurisdiction, what substantive law should apply and what effects or recognition should be given to decisions taken'.[3] The Court has often had to grapple with questions of competence, and this is no exception in the context of rights under Union citizenship status.

The Opinion (and subsequent judgment) in *Grunkin and Paul* followed from only two earlier cases on names – *Konstantinidis* and *Garcia Avello*[4] – and became the third important decision in what is now a portfolio of cases on names and their recognition in light of EU citizenship rights. What is important in terms of the Opinion of AG Sharpston, however, is that whilst she pleaded for a more uniform approach to cases on names in anticipation of further similar questions arising before the Court, the Court nonetheless stuck to strictly deciding the case on its very specific facts in the Judgment. Therefore, as a whole, the judgment in *Grunkin and Paul* does contribute to the development of a judicial narrative in judgments on names. However, it was not before the Court delivered clarification on certain nuances in such questions, distinguishing the situation in particular from *Garcia Avello*. The lasting impression of AG Sharpston's Opinion in this area is of her mutual recognition approach to cases on names as a solution to the conflict of laws issue, which became more important in later cases.

2. Background, context, and facts

The case concerned a child born in Denmark in 1998, Leonhard Matthias, to German parents, Stefan Grunkin and Dorothee Paul. Both parents had German nationality, as did the child. Leonhard Matthias lived most of his life in Denmark, initially with both parents, and then just with his mother, who remained in Denmark after the parents' separation. He regularly visited his father in Germany when

[1] William Shakespeare, *Romeo and Juliet* (Penguin 2015).
[2] Treaty of Functioning of the European Union (TFEU) [2016] OJ C202/47, Articles 18 and 20 TFEU.
[3] Case C-353/06 *Stefan Grunkin and Dorothee Regina Paul v Leonhard Matthias Grunkin-Paul and Standesamt Stadt Niebüll* ECLI:EU:C:2008:246, Opinion of Advocate General Sharpston, para 37.
[4] Case C-168/91 *Christos Konstantinidis v Stadt Altensteig - Standesamt and Landratsamt Calw - Ordnungsamt* EU:C:1993:115; Case C-148/02 *Carlos Garcia Avello v Belgian State* EU:C:2003:539. The Opinions in both cases were delivered by AG Jacobs. [CROSS-REF TO KONSTANTINIDIS AND GARCIA AVELLO CHAPTER BY KOCHENOV].

the father moved. Leonhard Matthias, did not, however, have Danish citizenship, because of Denmark's *jus sanguinis* rather than *jus soli* rules on acquiring citizenship.[5]

Leonhard Matthias' surname was originally registered by the Danish authorities as Paul, with Grunkin as a middle name. After a few months this was changed in accordance with the Danish law to 'Grunkin-Paul'. In Denmark, jurisdiction over surnames is determined on the basis of the country of habitual residence (in this case, Denmark), rather than nationality of the individual concerned (German). For this reason, a compound surname with both maternal and paternal surnames was allowed, as per Danish law, for the German national.

However, the German authorities refused to register Leonhard Matthias' surname as Grunkin-Paul when the family sought to do so. The decision was based on the German law, dictating that surnames must be determined by the law of the country of the individual's nationality (in this case, Germany), and only exceptionally by another country if the parent (or other person conferring the name) holds that country's nationality. Neither parent had Danish nationality, so the German law applied. Furthermore, Germany did not allow for compound surnames like Grunkin-Paul, and required them to choose either Grunkin or Paul.

It is important to note that several years earlier, an Opinion had already been delivered by AG Jacobs involving the same family.[6] However, in case *Standesamt Stadt Niebüll*,[7] which was factually identical, the Court ruled that the reference for preliminary ruling did not meet the admissibility criteria. Accordingly the *Amtsgericht* had no jurisdiction to proceed with a reference under Article 267 TFEU when exercising administrative functions. The merits of recognising the surname Grunkin-Paul in Germany were not considered by the Court. However, AG Jacobs in his Opinion focused on both the admissibility of the reference and the substance of the dispute.

Since the substantial questions on registration of names in *Standesamt Stadt Niebüll* and in *Grunkin and Paul* were the same, the Opinion of AG Jacobs in the former case was of particular interest. AG Sharpston referred to his Opinion in her own. Notably, having been the AG in the only other two cases on names, AG Jacobs maintained the position that whilst rules on surnames is an exclusive Member State competence, the exercise of this competence must be consistent with EU law.[8] He cited EU citizenship rights to non-discrimination and free movement as the principles underpinning this perspective, and that it would be 'totally incompatible' with the rights under this status not to maintain consistency between the surnames for Leonhard Matthias in Denmark and Germany.[9]

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[5] *Jus sanguinis* determines nationality on the basis one or both parent's own nationality, whilst *jus soli* bases nationality on the place of birth.
[6] Case C-96/04 *Standesamt Stadt Niebüll* EU:C:2005:419, Opinion of AG Jacobs.
[7] Case C-96/04 *Standesamt Stadt Niebüll* EU:C:2006:254.
[8] Case C-168/91 *Christos Konstantinidis v Stadt Altensteig - Standesamt and Landratsamt Calw - Ordnungsamt* ECLI:EU:C:1992:504, Opinion of AG Jacobs; Case C-148/02 *Carlos Garcia Avello v Belgian State* ECLI:EU:C:2003:311, Opinion of AG Jacobs.
[9] Para 56 of the Opinion of AG Jacobs.

It was within this context that AG Sharpston then delivered her Opinion in case *Grunkin and Paul* just under three years later. The reference for preliminary ruling submitted to the Court in case *Grunkin and Paul* sought clarification on whether the principle of non-discrimination on the grounds of nationality (Article 12 EC, now Article 18 TFEU) as protected under EU citizenship (Article 18 EC, now under Article 20 TFEU) would render the German law on nationality and surnames in breach of EU law. If it was, it would allow Leonhard Matthias to have his surname registered as Grunkin-Paul in the Member State of his nationality consistent with what was already registered legally for almost a decade in Denmark.

3. The Opinion of AG Sharpston

The Opinion of AG Sharpston addressed the question referred to the Court above in three parts, with some extra embellishments as is the ways (and freedom) of AGs. First, she considered whether the question was within the scope of EU law; second, whether there was discrimination on the grounds of nationality, or an obstacle to free movement under EU citizenship; and third, if there was discrimination or any obstacles to free movement, whether or not they were justified. It was a careful discussion of issues pertaining to principles related to the questions referred, as well as the subject matter of names and conflict of laws issues that are raised in this same context. The Judgment of the Court was structured in the same way, but it is notable that the reasoning provided by the Court was quite different from that of AG Sharpston.[10]

The judgment of the Court did not directly engage with all the points that AG Sharpston called for, such as offering a consistent approach to issues regarding conflict of laws on names. This was significant because the Court later revisited the same or similar issues raised in both *Garcia Avello* and *Grunkin and Paul* without necessarily having a consistent precedent in its approach to rely upon.[11] AG Sharpston opined that a legislative or conventional solution was preferable in the context of issues regarding registered names, but the Court did not clarify its position on this. By correctly predicting that these questions were likely to arise again in future, there was greater depth in the discussion on the effect of this judgment and its Opinion on future case law on names below.

Overall, the Opinion of AG Sharpston focused on developing what can be conceived of as a mutual recognition approach to the recognition of names across Member States. She made a clear point to note the controversial boundaries that were potentially being pushed in terms of private international law matters (like names), which were complex, and advised not to intrude on these. Her way around this is was to focus on precedent in case *Garcia Avello*, especially and the scope of the Treaty regarding these matters. She then went on to note that by expanding on the scope of the principle of mutual recognition to situations outside the Internal Market, the child's best interests in having a

[10] Case C-353/06 *Stefan Grunkin and Dorothee Regina Paul v Leonhard Matthias Grunkin-Paul and Standesamt Stadt Niebüll* ECLI:EU:C:2008:559.
[11] See Case 208/09 *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* ECLI:EU:C:2010:806; Case C-391/09 *Malgožata Runevič-Vardyn and Łukasz Paweł Wardyn v Vilniaus miesto savivaldybės administracija and Others* ECLI:EU:C:2011:291; Case C-438/14 *Nabiel Peter Bogendorff von Wolffersdorff v Standesamt der Stadt Karlsruhe and Zentraler Juristischer Dienst der Stadt Karlsruhe* ECLI:EU:C:2016:401.

consistent surname across Member States could also be maintained, and would not cause undue inconvenience.

The Court agreed with her analysis as to whether the question fell within the scope of the Treaty, which would only be logical given the previous Opinions of AG Jacobs and judgments on matters concerning names.[12] However, the judgment in *Grunkin and Paul* then diverged from AG Sharpston's discourse on questions of equal treatment in terms of the different rules chosen by the Member States when governing registration of names. Instead of adopting her mutual recognition approach, it determined the outcome entirely on the basis of free movement and obstacles to it under EU citizenship status.

4. Analysis

The Judgment of the Court did not place as much emphasis on the various questions of nationality law determining names that AG Sharpston considered important to avoid future situations of a similar nature.[13] In particular, in lieu of the legislative or convention-based solution to recognition of names across Member States, as advocated by AG Sharpston,[14] the Court decided *Grunkin and Paul* on the quite specific fact-based scenario presented to it. AG Sharpston noted that it was not about adjudicating between two Member States' laws (like in *Garcia Avello* between the laws of Belgium and Spain). Instead, she argued that the Court should be concerned with considering the compatibility of German law on names with EU law.[15] Clearly, it was easier to satisfy the question of scope in this case, because of the cross-border element of the child moving between Denmark and Germany to see his parents.

This analysis considers the questions referred in *Grunkin and Paul* in turn, first considering scope, then the two Articles in the Treaty most relevant to Union citizenship – Article 18 TFEU on non-discrimination on the grounds of nationality and Article 20 TFEU on rights to free movement and residence under Union citizenship status, respectively. The final section will conclude by considering the effect of this Opinion and judgment on future case law, which as alluded to above, is richer because of *Grunkin and Paul*.

4.1. Scope of the Treaty

The question of whether the reference fell within the scope of the Treaty was a simple and straightforward. It was clearly indicative of the precedence also set by *Garcia Avello* as to competence over names under EU law, very much consistent with AG Sharpston's views that Leonhard Matthias' surname registration did fall squarely within the scope of EU law.[16] By recognising that names are an

[12] The exception is Case C-168/91 *Konstantinidis* (n 4) and its Opinion from AG Jacobs (n 8), where neither the Court nor the AG mentioned EU citizenship status, perhaps as they both preceded the Treaty of Maastricht coming into effect, where EU citizenship was first introduced.
[13] Case C-353/06 *Grunkin and Paul* (n 10).
[14] Para 45 of the Opinion of AG Sharpston.
[15] Para 50 of the Opinion of AG Sharpston.
[16] Para 55 of the Opinion of AG Sharpston.

exclusive competence of Member States, the Court was able to respect the boundaries of private international law by requiring that national legal authorities respected EU law when exercising its exclusive competences, but not intruding in the substantive law concerning the competence itself.

As already noted, AG Sharpston also cautioned against intrusion into private international law given that names are:

> 'clearly an area in which it behoves the Court to tread softly, and with care. But just because it must tread softly, that does not mean that it must fear to tread at all.'[17]

This is certainly how the Court handled the question posed to it. AG Sharpston emphasised that there was no question of legality over dictating whether Germany should or should not allow compound names like Grunkin-Paul,[18] nor was it about the choice to use nationality or habitual residence to determine which jurisdiction applies for naming conventions. It was merely a question of compatibility of the German rules with EU law.

What was notable here was the factual situation of the child's parents being separated in different Member States. It meant that there was a clear cross-border element as Leonhard Matthias travelled between Denmark and Germany regularly. Criticism of the test applied by the Court of requiring a cross-border element before a situation falls within the scope of the Treaty aside,[19] it inherently made this case easier to justify coming under the scope of EU law. This was in stark contrast to *Garcia Avello*, where the Court spoke more of a potential obstacle to free movement between Member States. As noted earlier, there was no adjudication between which jurisdiction would apply as in *Garcia Avello* between laws of Belgium or Spain. Therefore, the question of scope and jurisdiction was fairly straightforward in *Grunkin and Paul*, and the Opinion of AG Sharpston and judgment of the Court agreed it was within the scope of EU law.

4.2. Article 18 TFEU (non-discrimination on the grounds of nationality)

In two short paragraphs, the Court plainly dismissed the idea that this had anything to do with non-discrimination on the grounds of nationality.[20] This was because other Germans determining their surnames on the basis of German law would be treated the same way. However, this fairly swift dismissal of issues of non-discrimination on nationality grounds belies the consideration of equal treatment more generally, which was made by AG Sharpston in her Opinion.

AG Sharpston considered an alternative scenario in which Denmark had *jus soli* rules for nationality, rather than *jus sanguinis*. In that case, Leonhard Matthias would be granted Danish nationality, as well as German, and there would be no question of conflict of laws. He would have

[17] Para 41 of the Opinion of AG Sharpston.
[18] Para 48 of the Opinion of AG Sharpston.
[19] AG Sharpston described the cross-border test as 'strange and illogical'. See Case C-34/09 *Ruiz Zambrano* (C-34/09) EU:C:2011:560, Opinion of AG Sharpston, para 86.
[20] Paras 24-25 of the Judgment.

had a valid surname under the Danish legal system, acceptable in Germany, by virtue of him holding Danish nationality. This alternative scenario thus raised the question of the equal treatment of Danish nationals in Germany, thus putting individuals who do not gain the nationality of their Member State of birth (as is the reality of the situation faced by Leonhard Matthias) at a disadvantage. AG Sharpston argued that this was why there would be an issue of equal treatment, and perhaps a breach of the principle.[21]

Recognising a potential breach of equal treatment by the German authorities in their non-recognition of the Grunkin-Paul surname, AG Sharpston highlighted some precedence from other jurisdictions that may justify this. She cited Lithuanian naming conventions and the strong cultural values embedded in their policy which would not allow for the registration of a foreign name. She also focused on the European Court of Human Rights (ECtHR) jurisprudence which set a precedent for national linguistic rules that justified what may amount to discrimination on national language grounds.[22] None of this was addressed by the Court. Instead, it used free movement principles inherent in the Union citizenship case law to justify allowing the child to register his surname consistently in both his Member State of nationality, as well as his Member State of residence.[23]

4.3. Article 20 TFEU (EU citizenship status)

Most of the Court's judgment was dedicated to elucidating the finer details of how the status of EU citizenship in this situation helped Leonhard Matthias in his parents' quest to have his compound surname recognised in Germany. In particular, as was commonplace for the Court in cases on EU citizenship during that decade, the focus was entirely on eliminating obstacles to free movement despite a quite clear link to the protection of fundamental rights, in this case, to the right to private and family life under Article 8 ECHR and later, Article 7 of the Charter of Fundamental Rights.[24] Reservations about this emphasis on free movement in lieu of fundamental rights aside, the Court heavily relied on the precedent set in case *Garcia Avello* as to what may amount to a 'serious inconvenience', administratively, on both a personal and professional level if surnames are not consistent in one legal system versus another.[25]

Agreeing with AG Sharpston that the case was not about the choice of domestic naming conventions being based either on habitual residence or nationality, the Court also agreed that there was a breach of EU law. It was as an obstacle to free movement, though, as opposed to equal treatment,[26] and thus required justification. The Court decided to focus on very specific observations raised by the German Government and intervening Member States, and methodologically dismissed

[21] Matthias Lehmann, 'What's in a Name? Grunkin-Paul and Beyond' (2008) 10 Yearbook of Private International Law 135, 142.
[22] Paras 84-85 of the Opinion of AG Sharpston.
[23] Normally this would be considered his home State and host State respectively, but here does not reflect reality for Leonhard Matthias. As noted earlier, he has lived for most of his life - as a German national - almost exclusively in Denmark, a detail that has proven to be of importance later on.
[24] Adrienne Yong, *The Rise and Decline of Fundamental Rights in EU Citizenship* (Hart 2019) 71.
[25] Para 23 of the Judgment.
[26] Para 24 of the Judgment.

each in turn.[27] Whilst this was painstakingly thorough, it did obscure the fact that AG Sharpston rightly called for a more unified approach, and it did not take away from the Court's contribution towards adding further clarification to what in later years becomes a more confusing situation.

The Court swiftly dealt with observations about the legitimacy and importance of using the 'connecting factor of nationality' to determine a surname.[28] In particular, it rejected the notion that this was to ensure continuity and stability – an easy dismissal given that there was no continuity if Leonhard Matthias was not able to bear the compound surname in both Denmark and Germany. It also dismissed the argument about ensuring siblings have the same name, for it was not relevant to the situation at hand, though this surely was a very possible future hypothetical the Court avoided getting into.

The heart of the analysis was in the specifics of German private international law on names, and the fact that the connecting factor of nationality for determination of surnames was 'not without exception'.[29] As the Court noted, had either of Leonhard Matthias' parents acquired Danish nationality, then the Grunkin-Paul surname would have been allowed.[30] AG Sharpston's similar point was made employing the well-known argument of a genuine link with the "host" Member State (Denmark), to argue in favour of allowing Leonhard Matthias to register his surname consistently in his "home" Member State (Germany).[31] Her considerations of the child's best interest, to allow him to register his surname uniformly across the EU, was entirely absent from the considerations in the Judgment itself, though perhaps implicit in the notion of it being a serious inconvenience to identity to have different surnames across Member States.

Finally, the Court found no public policy reason to disallow the surname Grunkin-Paul from being registered in Germany.[32] This was, perhaps, a very fleeting nod to the points raised by AG Sharpston on domestic naming conventions and linguistic culture before the ECtHR. The Court did not clearly accept an expanded scope of either Union citizenship rights nor fundamental rights protection so as to include mutual recognition of previously registered (and accepted) surnames, leaving the ground ripe for further case law on names. Only two years after the judgment in case *Grunkin and Paul*, AG Sharpston was asked again to deliver an opinion on names. This happened in *Sayn-Wittgenstein*,[33] next case in the saga.[34]

[27] Paras 30-38 of the Judgment.
[28] Para 31 of the Judgment.
[29] Para 34 of the Judgment.
[30] Para 37 of the Judgment.
[31] Para 87 of the Opinion of AG Sharpston.
[32] Para 38 of the Judgment.
[33] Case 208/09 *Ilonka Sayn-Wittgenstein* (n 11).
[34] Case 208/09 *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* ECLI:EU:C:2010:608, Opinion of AG Sharpston.

4.4. Effect on future case law

Much of the commentary on *Grunkin and Paul*, before the next cases on names were decided,[35] focused on the question on how Member States should determine names – by habitual residence or by nationality.[36] As already noted, in her Opinion, AG Sharpston called for the extension of mutual recognition to situations concerning names to avoid any issues of conflict of laws,[37] which did not manifest in the judgment. However, what *Grunkin and Paul* did do was cement the fact that obstacles to free movement was the main way forward, according to the CJEU, when determining issues concerning names. Therefore, the three succeeding judgments are mostly on whether the relevant justifications to breaches of free movement were acceptable.

Case *Sayn-Wittgenstein*, which followed, concerned an adopted Austrian child in Germany inheriting a title of nobility in her surname, "Fürstin von Sayn-Wittgenstein", from her adoptive German father. Such noble titles were banned in Austria and 15 years after the claimant had officially changed her name following her adoption, she was asked to correct it. AG Sharpston approached her analysis in this case slightly differently than *Grunkin and Paul*, perhaps as an acknowledgement to what the Court eventually decided in that Judgment itself.

This time, AG Sharpston made more of the notion of a "serious inconvenience" as an obstacle to free movement to the individual whose name would differ across Member States, if not recognised. A proportionality assessment was also suggested to determine whether it would be justified not to recognise their name consistently across Member States.[38] However, AG Sharpston stated that it may be disproportionate to require the claimant in question to change her name after 15 years, given how widely and how long she had used it. By contrast, the Court decided that whilst the Austrian rule was a breach of equal treatment, it could be justified on grounds of public policy.[39]

Subsequently, proportionality assessments and justifications became central to Court's judgments on names. The triptych of cases in the 2000s – *Garcia Avello*, *Grunkin and Paul*, and *Sayn-Wittgenstein* – effectively cemented the idea of serious inconveniences to free movement under Union citizenship as part of the adjudication around names before the Court.[40] Thereafter, in *Runevič-Vardyn and Wardyn*, this came to a head in light of the Lithuanian constitutional values in regards to names. It has been argued, however, that 'the usual distinction between strict and soft proportionality

[35] Case 208/09 *Ilonka Sayn-Wittgenstein* (n 11); Case C-391/09 *Malgožata Runevič-Vardyn* (n 11); Case C-438/14 *Nabiel Peter Bogendorff von Wolffersdorff* (n 11).
[36] Lehmann (n 22); Costanza Honorati, 'Free Circulation of Names for EU Citizens?' (2009) 2 Diritto dell'Unione Europea 379.
[37] Honorati (n 36).
[38] Paras 62-68 of the Opinion of AG Sharpston.
[39] Para 94 of the Judgment.
[40] Hanneke van Eijken, 'Case C-391/09, *Malgožata Runevic-Vardyn and Lukasz Pawel Wardyn* v. *Vilniaus miesto savivaldybes administracija and Others*, Judgment of the Court (Second Chamber) of 12 May 2011' (2012) 49 CML Rev 809, 816.

tests…[and] the seemingly random manner in which this distinction is being drawn is potentially problematic'.[41]

The problematic nature of this lack of consistency on the Court's part manifested in the latest case on names, *Bogendorff von Wolffersdorff*. Legal foundations were laid in the preceding case law for the Court to decide matters based on a serious inconvenience in terms of free movement under EU citizenship status. The reasoning used in case *Grunkin and Paul* featured heavily, not only as to a serious inconvenience, but also when considering arguments concerning administrative convenience. It was not considered to be a sufficient reason to justify a breach of EU law under Article 20 TFEU to try to avoid creating an unduly long and unwieldy name. Whilst the Court was less partial as to the outcome in terms of whether not recognising the six-part surname "Graf von Wolffersdorff Freiherr von Bogendorff" for Peter Mark Emanuel and his daughter could be justified, it was clear this had to be subject to the relevant proportionality assessments.

An important feature of the cases on names post-2010 is the fact that the Charter of Fundamental Rights became binding in 2009, that is, after the judgment in case *Grunkin and Paul* had been handed down, but before case *Sayn-Wittgenstein* was decided. The subsequent cases *Runevič-Vardyn* and *Bogendorff von Wolffersdorff* both refer to a person's identity as part of the right to private and family life under Article 7 of the Charter, and formed part of the proportionality assessments. Though free movement still reigns supreme as the main guiding principle under the status of EU citizenship, it is a noteworthy observation that fundamental rights are explicitly raised and highlighted.

Lastly, it is prudent to recall that AG Sharpston's preference for a legislative or conventional approach to names in her Opinion in *Grunkin and Paul*. Her pleas for consistency have been lost to the Court's insistence on a 'stone-by-stone approach',[42] which may have provided some flexibility to the judges, but adds to the legal uncertainty in the area of names. As AG Sharpston noted, names may be an area the Court needs to tread carefully, not to mention that the Charter becoming binding raised the legal significance of national identity and cultural values as manifestations of fundamental rights. What this saga on names does show is how wide reaching the implications are in this area.[43] AG Sharpston's early contribution in her Opinion in *Grunkin and Paul* set an important and solid precedence, and her words have made a lasting impression.

5. Additional reading

Honorati C, 'Free Circulation of Names for EU Citizens?' (2009) 2 Diritto dell'Unione Europea 379

[41] Adam Łazowski, Eglė Dagilytė and Panos Stasinopoulos, 'The Importance of Being Earnest: Spelling of Names, EU Citizenship and Fundamental Rights' (2015) 11 Croatian Yearbook of European Law & Policy 1, 33.
[42] Koen Lenaerts, 'EU Citizenship and the European Court of Justice's 'Stone-by-Stone' Approach' (2015) 1 International Comparative Jurisprudence 1.
[43] For example, recognition of names is compared with recognition of same-sex marriage across the Union, see Martijn van den Brink, 'What's in a Name Case? Some Lessons for the Debate Over the Free Movement of Same-Sex Couples within the EU' (2016) 17 German Law Journal 421.

Jacobi H A, 'A Furstin by any Other Name - European Citizenship and the Limits of Individual Rights in the E.C.J.' (2011) 17 Columbia Journal of European Law 643

Łazowski A, Dagilytė E, Stasinopoulos P, 'The Importance of Being Earnest: Spelling of Names, EU Citizenship and Fundamental Rights' (2015) 11 Croatian Yearbook of European Law & Policy 1

Lehmann M, 'What's in a Name? Grunkin-Paul and Beyond' (2008) 10 Yearbook of Private International Law 135

Lenaerts K, 'EU Citizenship and the European Court of Justice's 'Stone-by-Stone' Approach' (2015) 1 International Comparative Jurisprudence 1

van den Brink M, 'What's in a Name Case? Some Lessons for the Debate Over the Free Movement of Same-Sex Couples within the EU' (2016) 17 German Law Journal 421

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