



C/2024/2009

18.3.2024

**Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on
23 November 2023 — JC-T, MT v Wojewoda Mazowiecki**

(Case C-713/23, Wojewoda Mazowiecki)

(C/2024/2009)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicants: JC-T, MT

Defendant: Wojewoda Mazowiecki

Question referred

Must the provisions of Article 20(2)(a) and Article 21(1) TFEU, read in conjunction with Article 7 and Article 21(1) of the Charter of Fundamental Rights of the European Union and Article 2(2) of 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 ⁽¹⁾ be interpreted as precluding the competent authorities of a Member State, where a citizen of the Union who is a national of that State has contracted a marriage with another citizen of the Union (a person of the same sex) in a Member State in accordance with the legislation of that State, from refusing to recognise that marriage certificate and transcribe it into the national civil registry, which prevents those persons from residing in that State with the marital status of a married couple and under the same surname, on the grounds that the law of the host Member State does not provide for same-sex marriage?

⁽¹⁾ OJ 2004 L 158, p. 77.