

## **Case C-208/09**

**Ilonka Sayn-Wittgenstein**

**v**

**Landeshauptmann von Wien**

(Reference for a preliminary  
ruling from the Verwaltungsgerichtshof (Austria))

(European citizenship — Freedom to move and reside in the Member States — Law of a Member State with constitutional status abolishing the nobility in that State — Surname of an adult, a national of that State, obtained by adoption in another Member State, in which that adult resides — Title of nobility and nobiliary particle forming part of the surname — Registration by the authorities of the first Member State in the register of civil status — Correction of the entry by the authorities on their own initiative — Removal of the title of nobility and nobiliary particle)

Opinion of Advocate General Sharpston delivered on 14 October 2010 . . . . I - 13695

Judgment of the Court (Second Chamber), 22 December 2010 . . . . . I - 13718

## Summary of the Judgment

*Citizens of the European Union — Right of free movement and residence in the territory of the Member States — National laws of constitutional status prohibiting the bearing of a title of nobility*

(Art. 21 TFEU)

Article 21 TFEU must be interpreted as not precluding the authorities of a Member State from refusing to recognise all the elements of the surname of a national of that State, as determined in another Member State, in which that national resides, at the time of his or her adoption as an adult by a national of that other Member State, when that surname includes a title of nobility that is not permitted in the first Member State under its constitutional law, provided that the measures adopted by those authorities in that context are justified on public policy grounds, that is to say, they are necessary for the protection of the interests which they are intended to secure and are proportionate to the legitimate aim pursued.

It does not appear disproportionate for a Member State to seek to attain the objective of protecting the principle of equal treatment by prohibiting any acquisition, possession or use, by its nationals, of titles of nobility or noble elements which may create the impression that the bearer of the name is the holder of such a rank. In those circumstances, such a refusal cannot be regarded as a measure unjustifiably undermining the freedom to move and reside enjoyed by citizens of the Union.

(see paras 93-95, operative part)