

<b>Subject-matter concerned</b>	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - linked to Article 4, 5 of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
<b>Decision date</b>	04.03.2014.
<b>Deciding body (in original language)</b>	Administratīvā apgabaltiesa
<b>Deciding body (in English)</b>	Administrative regional Court
<b>Case number (also European Case Law Identifier (ECLI) where applicable)</b>	Case No. A420383312 (archive No. AA43-1382-14/17)
<b>Parties</b>	Applicant: a natural person (name of person is anonymised)/ fiziskā persona (vārds anonimizēts) Defendant: Office of Citizenship and Migration Affairs (OCMA) / Pilsonības un migrācijas lietu pārvalde
<b>Web link to the decision (if available)</b>	<a href="https://manas.tiesas.lv/eTiesas/">https://manas.tiesas.lv/eTiesas/</a>
<b>Legal basis in national law of the rights under dispute</b>	Official Language Law, entered into force on 01.09.2000. / Valsts valodas likums. Cabinet Regulation No. 114, adopted 2 March 2004 „Regulation on the writing and the use of personal names in Latvian as well as their identification” / Ministru Kabineta 2004.gada 2.Marta noteikumi Nr.114 “Noteikumi par personvārdu rakstību un lietošanu latviešu valodā, kā arī to identifikāciju”.
<b>Key facts of the case</b> (max. 500 chars)	The applicant’s (parents’ nationality is not indicated in the judgement) child, who is both a Latvian and a German citizen, was born in Germany where he was registered with the name “Mark”. Later the child was granted also citizenship of the Republic of Latvia, but his name according to the decision of OCMA was registered as “Marks”. The applicant appealed the decision of OCMA in court.

<b>Main reasoning / argumentation</b> (max. 500 chars)	<p>The applicant pointed that OCMA had acted contrary to the European Union law and has not complied with the Article 21 of TFEU Treaty. Although the difference is just in one letter, it is very significant, taking into account that the child also is of German origin, causes negative associations, e.g. with Karl Marx.</p> <p>OCMA pointed that the reproduction of the name in Latvian is not a refusal to recognize the name, but the adaptation to the characteristics of Latvian grammar. Adding endings is not comparable with the change of the name, or the refusal to register a name. Besides, the third page of the passport of the child includes the original form of his name in Latin transliteration.</p>
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	<p>The dispute is whether the applicant's name registration in the Population Register in such a form could lead to the restrictions on free movement (e.g. when traveling between countries, it could be difficult to prove at the airport that he is the same person whose name is on flight ticket) protected by the Article 21 of TFEU Treaty. If a citizen of the European Union was born in one of the Member States and his name in the civil register (including birth certificate) of that Member State is determined and registered in accordance with the laws of that Member State, then such person's name must be recognized in all other Member States, incl. at the country of the person's citizenship. And if there is a restriction, is it justified by objective considerations and proportionate to the legitimate aim determined in the national law?</p> <p>Issue to be considered is whether the portrayal of the applicant's name "Mark" in Latvian by adding the ending "s" has created sufficiently serious difficulties.</p>
<b>Results (e.g. sanctions) and key consequences or implications of the case</b> (max. 500 chars)	<p>The court concluded that the appeal is unfounded and the application must be dismissed. The court pointed that the possibility of any inconvenience in the future cannot be completely excluded in connection with the different spelling of the applicant's name in the documents issued by Germany and Latvia. However, the court now finds no potential serious difficulties. Consequently, the Court concludes that the restriction is not disproportionate and thus there is no violation of the Article 21 of TFEU Treaty detectable. Furthermore the child's name in its original form is included on the third page of the child's passport.</p>
<b>Key quotations in original language and translated into English with reference details</b> (max. 500 chars)	<p>"4.8.[..]</p> <p><i>Pieteicējs ir vienlaikus Vācijas un Latvijas pilsonis, un šobrīd nav konstatējama nepārprotami ciešāka pieteicēja saikne ar vienu vai otru valsti. Dzīves laikā iegūstot izglītības vai citus dokumentus, pieteicējs varēs lūgt tajos iekļaut abas personvārda rakstības formas, (..). Turklāt apstākļos, kad personas rīcībā ir abu valstu izsniegti personu apliecinoši dokumenti, turklāt Latvijas pasē norādīta arī personvārda oriģinālforma, iespējamās šaubas par pieteicēja personas identitāti personvārda nesakritības dēļ ir viegli kļiedējamas."</i></p>

	<p>“4.8. [...] The applicant is both German and Latvian citizen, and currently closer relationship of the applicant with one or the other country is not identifiable. During lifetime in acquiring education or other documents, the applicant will be able to request the inclusion in the documents in writing both forms of his name (...). Furthermore, in circumstances where the person has identity documents issued by two countries, and moreover, the Latvian passport includes the original form of the name, any doubts about the applicant’s identity in connection with the discrepancy about the names can be easily dispelled.</p>
<p><b>Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.</b></p>	<p>Yes, Article 45.</p>