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THE TRIUMPH OF STATUS OVER SOVEREIGNTY: ANALYSIS OF THE EUROPEAN COURT OF JUSTICE'S JUDGMENTS FROM *COMAN* TO *CUPRIAK-TROJAN*

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Abstract

The judgment in *Cupriak-Trojan and Trojan* represents a pivotal step in the evolution of EU citizenship, consolidating a shift from a purely migration-based understanding of free movement toward a status-oriented conception grounded in dignity, continuity, and equality. Building on *Coman*, the Court of Justice affirms that a marriage lawfully concluded in one Member State cannot lose its legal relevance when EU citizens move or return to another Member State, as such "limping marriages" would undermine the substance of Article 21 TFEU. By reading free movement in conjunction with Articles 7 and 21 of the EU Charter, the Court limits national sovereignty in family law to the definition of marriage, while requiring recognition of its cross-border effects where EU rights are engaged. The ruling thus recalibrates the balance between national autonomy and Union values, confirming EU citizenship as a constitutional guarantee of legal certainty and respect for family life across the Union.

Keywords

European Union; marriage; recognition; free movement; citizenship

INTRODUCTION

This article analyses a proposal on the increasing divergence between national definitions of marriage (reserved competence) and the unifying force of European Union citizenship (shared competence), highlighting the tension where the fundamental right to free movement collides with national public policy. In accordance with the principle set out in Articles 4(1) and 5(2) TEU (TEU, 2012, Art. 4(1); Art. 5(2)), competence in matters of marriage and family law remains, as a rule, vested in the Member States. Important determinations concerning access to marriage, its definition, and its legal effects are governed by national constitutional and statutory orders. The European Union's competence in this field is limited to judicial cooperation in civil matters with cross-border implications under Article 81 TFEU (TFEU, 2016, Art. 81), which explicitly excludes harmonisation of family status.

Thus, the substantive regulation of marital status, access to marriage, divorce, and parental responsibility remains governed by national law, subject only to limited European Union involvement in areas of private international law where a cross-border element exists under existing legislation. A number of Member States constitutionally or statutorily entrench a gender-specific conception of marriage. Article 18 of the Constitution of the Republic of Poland (Constitution of the Republic of Poland, 1997, Art. 18) defines marriage as "a union of a man and a woman." Article 48(1) of the Romanian Constitution defines the family as founded on the "freely consented marriage of spouses," a formulation interpreted by the Romanian Constitutional Court as excluding same-sex marriage (Constitutional Court of Romania, Decision No. 580/2016). Comparable provisions exist in Hungary, Slovakia, and Latvia, reflecting a broader *constitutionalisation* of a traditional conception of marriage in parts of Central and Eastern Europe. Other Member States, including the Netherlands, Belgium, Spain, France, Germany, and the Nordic states, have extended access to marriage to same-sex couples through legislative reform, thereby eliminating distinctions between heterosexual and homosexual spouses for the purposes of domestic family law. This divergence has resulted in a fragmented legal landscape within the Union, in which marital status is not uniformly recognised across Member States.

Union citizenship, by contrast, constitutes a fundamental status of nationals of the Member States. Articles 20 and 21 TFEU, read in conjunction with Directive 2004/38/EC, confer directly effective rights of free movement and residence, accompanied by derivative rights for family members designed to ensure that EU citizens are not deterred from exercising mobility by the disruption of family life. The guarantee EU citizens the right to move and reside freely within the territory of the Member States, under conditions that allow for the preservation of a normal family life. These rights are autonomous concepts of EU law and must be interpreted uniformly across the Union as they constitute core elements of the EU legal order.

The interaction between these two spheres of competence generates a structural tension. While Member States retain the authority to define marriage and family relationships under their domestic legal orders—including the decision whether or not to permit same-sex marriage—the exercise of EU free movement rights may trigger **obligations of recognition** that constrain the effects of national family law. As the Court of Justice of the European Union has made clear, where national rules on marital status would otherwise impede or render ineffective the enjoyment of free movement rights, Member States may be required to recognize a family relationship lawfully created in another Member State **for the purposes of EU law**, without being compelled to alter their internal conception of marriage itself (Case C-673/16 *Coman and Others*).

SETTING THE LEGAL SCENARIO

Background

The judgment of the EU Court of Justice in *Cupriak-Trojan and Trojan*, delivered on November 25, 2025 established a recognition of all marriages across EU. The case concerns a same-sex married couple seeking recognition of their marriage in Poland for civil status purposes. Mr Cupriak-Trojan, who holds both Polish and German nationality, and Mr Trojan, a Polish national, married in Berlin in June 2018 in accordance with German law. At the time of the proceedings, they were living in Germany but intended to move to Poland and reside there as a married couple. Following the marriage, Mr Cupriak-Trojan adopted his spouse's surname as part of his own, a change that was accepted by the Polish civil registry. However, when the couple requested the transcription of their German marriage certificate into the Polish civil register, the Head of the Warsaw Civil Registry Office refused. The refusal was based on the ground that Polish law does not recognize marriage between persons of the same sex and that transcription would therefore be contrary to the fundamental principles of the Polish legal order. (Case C-73/23, Cupriak-Trojan and Trojan v. Wojewoda Mazowiecki, 2025) (Case C-73/23, 2025)

That refusal was upheld on administrative appeal and subsequently by the Provincial Administrative Court in Warsaw. The national courts reasoned that transcription would effectively introduce same-sex marriage into Polish law, contrary to the Constitution and family law legislation. They also held that the refusal did not infringe EU law or the European Convention on Human Rights, considering the matter to fall outside the scope of EU free movement rights. The spouses appealed to the Supreme Administrative Court,

arguing that the non-recognition of their marriage constitutes a disproportionate restriction on their right as EU citizens to move and reside freely within the European Union. They submit that the existence of two conflicting civil statuses—married in Germany but unmarried in Poland—discourages or prevents them from exercising their freedom of movement and from maintaining a consistent family life across Member States. (Case C-73/23, 2025)

The referring court explains that, under Polish law, the transcription of a foreign civil status document involves a faithful reproduction of its content and results in an independent Polish civil status record with full legal effect. While acknowledging that family law falls within Member State competence, the court questions whether Poland's refusal to transcribe the marriage certificate unlawfully restricts EU citizens' free movement rights, particularly in light of the Court of Justice's case-law recognising the right of same-sex spouses to enjoy family life for the purposes of EU law. The Supreme Administrative Court identifies two possible interpretations of EU law. Either the refusal to transcribe the marriage certificate unlawfully interferes with the couple's right to family life and constitutes discrimination based on sexual orientation, thereby restricting free movement, or EU law does not preclude such a refusal, provided that the spouses can still rely on their foreign marriage certificate for evidentiary purposes and are not formally prevented from residing in Poland. In that context, the referring court seeks clarification from the European Court of Justice on whether Articles 20(2)(a) and 21(1) TFEU, read together with the Charter of Fundamental Rights and Directive 2004/38, preclude a Member State from refusing to recognize and transcribe a same-sex marriage lawfully concluded in another Member State, where such refusal prevents the spouses from residing in that State as a married couple under a common surname, solely because national law does not allow same-sex marriage. (Case C-73/23, 2025)

The Pillars of EU Citizenship.

The interaction between EU free movement law and the Charter is placing increasing pressure on Member States whose constitutional identity is closely tied to a traditional conception of marriage. In Romania and Poland, the obligation to recognise same-sex spouses for EU-law purposes has exposed tensions between national constitutional self-understanding and supranational legal commitments. The resulting legal configuration reflects neither full harmonisation nor unqualified deference to national identity, but rather a model of conditional accommodation. Member States retain competence over the internal definition of marriage, yet are constrained, when EU citizens exercise their free movement rights, to recognise cross-border family relationships, as refusal would undermine Union citizenship, disproportionately interfere with family life, or constitute unjustified discrimination. The best way for the EU Court was to further analyse Article 21 TFEU as the cornerstone of Union citizenship and the Charter of Fundamental Rights, in a synergistic reading: free movement, family life, and non-discrimination.

Article 21(1) TFEU (TFEU, 2016, Art. 21(1)) constitutes the primary legal basis for the right of every Union citizen to move and reside freely within the territory of the Member States. Unlike market-based freedoms, this provision is autonomous and citizenship-driven, reflecting the constitutional evolution of the European Union from an economic community into a union of citizens. The Court of Justice has consistently characterized Article 21 TFEU as conferring directly effective rights on individuals, capable of being invoked against Member States where national measures undermine the substance or practical effectiveness of free movement. However, the right enshrined in Article 21 TFEU is not unconditional. The Treaty provides that it must be exercised "under the conditions laid down in the Treaties and by the measures adopted to give them effect," most notably Directive 2004/38 (Directive 2004/38/EC, 2004). This clause preserves Member State regulatory autonomy in areas such as civil status, family law, and public order, while simultaneously requiring that such autonomy be exercised in conformity with EU law. Member States may therefore regulate the modalities of residence and recognition, but they may not do so in a manner that empties Article 21 TFEU of its *effet utile*. In the Court's case-law, a national measure constitutes a restriction of Article 21 TFEU where it is liable to deter a Union citizen from exercising their right to move or reside freely, even if it applies without distinction. The fragmentation of a citizen's civil status across Member States—being considered married in one and unmarried in another—falls squarely within this logic. Such divergence creates legal uncertainty and imposes a tangible burden on cross-border life, thereby undermining the very objective of Union citizenship. (Frattone, 2019)

The scope of Article 21 TFEU has been progressively interpreted to include not merely physical movement, but the conditions under which that movement can be meaningfully exercised. The Court has recognized that free movement would be illusory if Union citizens were forced to sacrifice their family life when crossing borders. Consequently, the right to move and reside freely encompasses the right to lead a "normal family life" in both the host Member State and the Member State of nationality upon return. In this context, refusal by a Member State to recognize a lawful family bond established in another Member State may amount to a serious interference with free movement. While EU law does not harmonize marriage or impose an obligation on Member States to introduce same-sex marriage, it does require that national rules do not obstruct the exercise of EU citizenship rights. The decisive question is therefore not whether the Member State must create a new institution under national law, but whether it may deny any legal recognition of a status lawfully acquired elsewhere where such denial produces restrictive effects under Article 21 TFEU.

Synergistic reading. The interpretation of Article 21 TFEU cannot be isolated from the EU Charter of Fundamental Rights, which has the same legal value as the Treaties. In cases concerning family status and personal identity, Articles 7 and 21 of the Charter play a central interpretative role. Article 7 of the Charter guarantees respect for private and family life. The Court has repeatedly affirmed that stable relationships between same-sex partners fall within the concept of "family life" for the purposes of EU law. Where a Member State's action prevents a couple from being recognized as a family unit in the context of residence and civil status, it directly interferes with Article 7 rights. Such interference must therefore be justified, proportionate, and genuinely necessary to protect a legitimate interest. Article 21(1) of the Charter reinforces this protection by prohibiting discrimination on grounds of sexual orientation. While a Member State may legitimately reserve the institution of marriage to opposite-sex couples under national constitutional identity, it may not rely on that choice to justify unequal treatment in the enjoyment of EU citizenship rights. A refusal to recognize a same-sex marriage concluded abroad, where such refusal uniquely affects same-sex couples and not opposite-sex couples, raises a strong presumption of indirect discrimination.

Read together, Article 21 TFEU and Articles 7 and 21 of the Charter form a coherent normative framework. Article 21 TFEU provides the structural right of movement and residence; Article 7 ensures that this right is exercised without sacrificing family life; and Article 21 of the Charter ensures that access to free movement is not conditioned on sexual orientation. This synergistic reading does not compel Member States to alter their substantive family law. Rather, it obliges them to ensure functional recognition of personal statuses lawfully acquired in another Member State as such recognition is necessary to safeguard EU citizenship rights. The refusal to recognize or transcribe a same-sex marriage, where it results in the denial of marital status for residence and identity purposes, risks transforming Member State competence into a tool for undermining Union law.

Article 21 TFEU, while subject to conditions laid down by the Treaties and secondary legislation, imposes clear limits on national discretion. When interpreted in light of Articles 7 and 21 of the Charter, it requires Member States to avoid measures that deter free movement, disrupt family life, or result in discrimination on the basis of sexual orientation. In cases concerning same-sex marriages lawfully concluded in another Member State, the decisive issue is not the harmonisation of marriage law, but the preservation of the substance of Union citizenship itself. The net effect is a differentiated legal landscape: national authorities remain competent to regulate marriage within their own legal systems, yet are simultaneously bound, when EU citizens exercise their right to free movement, to give effect to cross-border family relationships insofar as this is necessary to ensure the practical effectiveness (*effet utile*) of EU citizenship. This conditional recognition—limited to residence rights, associated social entitlements, and other EU-linked legal effects—lies at the heart of the growing divergence between national conceptions of marriage and the unifying force of Union citizenship.

The Coman precedent

The dispute in *Coman* arises at the intersection of Union citizenship, free movement, and national identity in family law. Mr Coman, a Union citizen, exercised his right to free movement by residing and working in Belgium, where he lawfully married his same-sex partner, Mr Hamilton, a third-country national. The subsequent refusal by Romanian authorities to recognise that marriage for residence purposes upon Mr

Coman's intended return to Romania exposes a structural tension within EU law: the coexistence of Member State competence over civil status and the supranational obligation to ensure the effectiveness of Union citizenship rights. Romania's position was grounded in its Civil Code, which does not recognize same-sex marriage. On that basis, Romanian authorities limited Mr Hamilton's residence to three months, denying him family reunification rights. This refusal transformed a purely national rule on marriage into a restriction on the cross-border exercise of free movement. The dispute therefore does not concern the introduction of same-sex marriage into Romanian law, but rather the consequences of non-recognition for the effectiveness of EU citizenship. The main **limitation** was that the *Coman* caselaw was narrowly focused on residence rights for a third-country national and explicitly did not require the host Member State to define marriage differently.

But the major **finding** was that the term "spouse" in Article 2(2)(a) of Directive 2004/38/EC (Free Movement Directive) includes same-sex spouses for the purpose of granting a residence card to a non-EU spouse. In this regard the first preliminary question addresses whether the term "spouse" in Article 2(2)(a) of Directive 2004/38 includes a same-sex spouse lawfully married under the law of another Member State. This question is fundamental because the directive establishes a hierarchy of family members, granting automatic residence rights to spouses while affording only discretionary protection to other family members. (CJEU, Press Release No. 80/18, 2018) An exclusion of same-sex spouses from the scope of "spouse" would allow Member States to neutralise free movement rights through domestic family law definitions. Such an outcome would undermine the uniform application of EU law and fragment Union citizenship along national moral or constitutional lines. The reference to the Charter (Charter of Fundamental Rights of the European Union, 2012, Art. 7; Art. 9; Art. 21)—particularly Articles 7 (family life), 9 (right to marry), and 21 (non-discrimination)—signals that "spouse" must be interpreted autonomously and dynamically, in light of fundamental rights and contemporary social realities.

The crucial link was that *Coman* established the principle that Member States must recognize the status conferred by another Member State solely for the purpose of ensuring free movement, thus detaching "spouse" from national definitions for EU law purposes. (Frattone, 2019) Thus, the second question logically follows: if a same-sex spouse falls within the concept of "spouse," must the host Member State grant a right of residence exceeding three months? Denial of such a right would effectively strip the recognition of marriage of any practical effect. The Court has consistently held that measures which render the exercise of free movement, excessively or meaningless, constitute restrictions prohibited by EU law. From an argumentative standpoint, a Union citizen cannot be expected to exercise free movement, if doing so, requires abandoning family life or living under a diminished legal status. The refusal to grant residence to a same-sex spouse therefore interferes not only with Directive 2004/38 but with the very substance of Article 21 TFEU. (Tryfonidou, 2019)

The third and fourth questions introduce a fallback scenario: if same-sex spouses are excluded from the definition of "spouse," can they at least qualify as "other family members" or durable partners under Article 3(2) of the directive? While this provision obliges Member States to "facilitate" entry and residence, it stops short of conferring a genuine right. These alternative highlights a critical normative distinction. Treating a lawfully married same-sex spouse as merely a partner in a durable relationship downgrades the legal and symbolic status of the marital bond. It subjects family life to administrative discretion and unequal treatment, particularly in Member States that provide no alternative form of legal recognition. Such an approach risks entrenching structural discrimination based on sexual orientation, contrary to Article 21 of the Charter.

Thus, the Court of Justice of the European Union has held that concepts such as "spouse" and "family member" under Directive 2004/38 are autonomous concepts of EU law. In *Coman and Others* (Case C-673/16), the Court ruled that the term "spouse" is gender-neutral for the purposes of EU free movement law, obliging a Member State to recognise a same-sex marriage lawfully concluded in another Member State where such recognition is necessary to ensure the effective exercise of free movement rights. The Court emphasised that this obligation is functional and limited, and does not require Member States to amend their internal definition of marriage. Free Movement as a catalyst for legal recognition, as illustrated by the Coman case law, demonstrates how free movement operates as a transformative force in EU law. While Member States retain competence over marriage, that competence ends where it obstructs the effective exercise of

Union citizenship. The preliminary questions referred to the Court of Justice ultimately ask whether Member States may invoke national family law to hollow out EU free movement rights. From an argumentative perspective, a negative answer would have reduced Union citizenship to a conditional status, contingent on conformity with domestic moral norms. By contrast, an interpretation that includes same-sex spouses within the scope of Directive 2004/38 affirms that free movement, family life, and equality are indivisible components of the EU legal order. (Tryfonidou, 2019)

Moreover, this EU-law framework operates alongside the European Convention on Human Rights. While Article 12 ECHR does not impose a duty on States to open marriage to same-sex couples, the European Court of Human Rights has consistently held that same-sex couples enjoy "family life" within the meaning of Article 8 ECHR and that States must provide some form of legal recognition and protection. The complete absence of any such framework has been found incompatible with the Convention. (ECHR, 1950, Art. 8; Buhuceanu and Others v. Romania, 2023)

THE CJEU'S REASONING IN CUPRIAK-TROJAN AND TROJAN

The Existence of a Restriction on Free Movement.

At the heart of the dispute lies the question of whether a Member State's refusal to recognise or enforce a same-sex marriage lawfully concluded in another Member State constitutes a restriction on the free movement rights guaranteed by Articles 20 and 21 TFEU. The Court's reasoning leaves little room for doubt: such a refusal amounts to a genuine obstacle to the exercise of Union citizenship. The Court found that refusing to register or recognize the marriage, restricted the applicants' ability to effectively exercise their free movement rights. Without recognition of their status, the couple would face immense legal and practical difficulties (e.g., succession, tax, social security, and medical decisions) whenever they moved between Member States. This disparity constitutes a barrier to mobility.

Union citizenship is the "fundamental status" of nationals of the Member States, and Article 21(1) TFEU confers on each citizen a primary and individual right to move and reside freely within the Union. Crucially, this right is not exhausted by physical movement across borders. As the Court has consistently held, it includes the right to lead a normal family life, both in the host Member State and in the Member State of origin upon return. Where a citizen has created or strengthened family life during a genuine period of residence in another Member State, the effectiveness of Article 21 TFEU requires continuity of that family life.

The Polish authorities' refusal to recognise the marriage concluded in Germany fractures that continuity. By forcing the spouses to live as married persons in one Member State and as unmarried persons in another, the refusal generates serious administrative, professional, and private inconvenience. This fragmentation of civil status is not a marginal inconvenience; it affects access to social protection, property rights, identity documents, and legal certainty in everyday life. As the Court observes, such consequences are liable to deter Union citizens from exercising their right to move and reside freely or from returning to their Member State of origin after having exercised that right. Accordingly, the refusal to recognise or transcribe the marriage constitutes a restriction on free movement within the meaning of Article 21 TFEU, triggering the need for objective justification and proportionality review.

The Legal Status vs. Legal Definition Distinction.

Or, in other words, the national competence vs. EU obligation, towards the Court reiterated that, while family law remains a matter of national competence, the Member States must exercise that competence consistently with their obligations under EU law, particularly the Treaty provisions on freedom of movement. The CJEU ruled that the status of "spouse" acquired under the law of one Member State must be recognised by other Member States when two EU citizens exercise their freedom of movement. This is a consequence of the principle of mutual trust and the effectiveness of Article 21 TFEU.

The conceptual core of the ruling lies in the Court's clear distinction between recognising **a legal status** and **redefining a legal institution**. Member States retain competence over marriage and may decide whether or not to allow same-sex marriage under their national law. EU law does not harmonise

marriage and does not require Member States to introduce same-sex marriage domestically. However, that competence does not extend to denying, for EU-law purposes, recognition of a civil status lawfully acquired in another Member State where such denial undermines Union citizenship rights. The obligation imposed by Articles 20 and 21 TFEU is therefore functional, not constitutive. Poland is not required to alter its definition of marriage, but it is required to recognise the marital status of its nationals when that status was lawfully established abroad in the exercise of free movement.

This distinction ensures respect for national competence while safeguarding the *effet utile* of EU law. Recognition operates only insofar as necessary to enable the exercise of rights conferred by the Treaties, notably the right to return to the Member State of origin without forfeiting family life. The Court thus rejects the argument that recognition amounts to an indirect introduction of same-sex marriage into national law. Instead, it frames recognition as a limited, EU-law-mandated acknowledgement of a factual and legal situation already validly created elsewhere in the Union.

Public Policy and National Identity Defence.

The referring state argued that its constitutional definition of marriage (as between a man and a woman) falls under the "public policy" or "national identity" exceptions (e.g., Article 4(2) TEU). Thus, Poland invoked public policy and national identity, arguing that recognition or transcription of same-sex marriages would conflict with the fundamental principles of its legal order. The Court firmly rejects this defence. First, public policy derogations from fundamental freedoms must be interpreted strictly and may be relied upon only where there is a genuine and sufficiently serious threat to a fundamental interest of society. The mere recognition of a same-sex marriage for the purposes of EU free movement does not meet this threshold. It does not alter national marriage law, does not impose new obligations on third parties, and does not undermine the domestic institution of marriage.

Second, while Article 4(2) TEU requires respect for national identity, that principle cannot be invoked to neutralise the core content of Union citizenship. The Court reiterates that recognition of a marriage concluded abroad for EU-law purposes does not infringe upon national constitutional identity. Rather, it represents a limited adjustment necessary to reconcile national autonomy with supranational obligations freely accepted by the Member States. Moreover, the Charter of Fundamental Rights reinforces this conclusion. Any restriction on free movement must comply with Article 7 (respect for private and family life) and Article 21(1) (non-discrimination on grounds of sexual orientation). The refusal to recognise the marriage leaves the couple in a legal vacuum and disproportionately interferes with their family life. It also results in differential treatment between heterosexual and same-sex couples, which cannot be justified by abstract references to public morality or constitutional tradition. Recognition of the status for EU law purposes does not force the state to change its domestic law or definition of marriage. It simply requires the state to provide a legal basis for the acquired status to have effect. This compromise limits the impact on the state's claimed essential identity.

The Obligation of Transcription/Registration.

The final and decisive issue concerns the procedural dimension: whether the Member State is obliged to transcribe or register the foreign marriage certificate. The Court's answer is pragmatic and rights-oriented. In principle, Member States enjoy discretion in choosing the procedures by which they recognise marriages concluded abroad. Transcription into the civil register is only one possible method. However, that discretion is not unlimited. Where transcription is the **only** procedure provided by national law for effective recognition of a marriage, refusal to allow transcription renders the exercise of EU rights impossible or excessively difficult. The Court finds that this is precisely the situation in Poland. While foreign marriage certificates may formally have probative value, the absence of transcription leaves recognition at the discretion of individual authorities, leading to inconsistent outcomes and legal uncertainty. Such discretionary recognition fails to provide the certainty and reliability required for the effective enjoyment of rights under Article 21 TFEU. The Court noted that if registration/transcription is the sole procedural means by which a marriage can produce legal effects (as was the case in the referring state), then the Member State is obliged to provide a mechanism that ensures non-discriminatory recognition of the same-sex marital status for the purpose of EU rights. This does not mandate the use of the exact same procedure or register, but mandates an effective equivalent.

Furthermore, the Court identifies a clear violation of the principle of non-discrimination. Heterosexual couples are able to obtain transcription of foreign marriage certificates, whereas same-sex couples are categorically excluded from that procedure. Where a Member State establishes a single mechanism for recognition, it must apply that mechanism without distinction based on sexual orientation. As a result, EU law requires transcription where it is the only means of recognition available. If national law cannot be interpreted in conformity with this obligation, national courts must disapply the conflicting provisions to ensure the full effectiveness of Articles 20 and 21 TFEU and Articles 7 and 21 of the Charter.

CONCLUSION

The judgment in *Cupriak-Trojan and Trojan* marks a decisive moment in the *constitutional* evolution of Union citizenship. Building on, yet moving distinctly beyond *Coman*, the Court of Justice has clarified that the free movement of EU citizens cannot be reconciled with a legal order in which their most fundamental personal status—marital and family identity—dissolves at internal borders. The case thus confirms a shift from a narrow, migration-focused understanding of free movement toward a broader, status-oriented conception of EU citizenship, one that demands continuity, dignity, and equality across the Union. Where *Coman* addressed the derivative residence rights of a third-country national spouse, *Cupriak-Trojan* confronts a more profound question: whether two EU citizens may lose their marital status simply by returning to, or residing in, another Member State. The Court's answer is unambiguous. A marriage lawfully concluded in one Member State cannot be reduced to a contingent or fragile status that evaporates upon crossing an internal EU border. Allowing such a "limping marriage" would undermine the very substance of Article 21 TFEU, transforming free movement into a right exercised at the expense of personal identity.

In this sense, *Cupriak-Trojan* elevates continuity of civil status to a structural requirement of Union citizenship. The Court no longer frames recognition merely as a tool to facilitate residence, but as a necessary condition for preserving family life and legal certainty for mobile EU citizens. This leap—from migration rights to status recognition—signals the maturation of EU citizenship doctrine, one in which citizens are not treated as abstract economic actors but as individuals whose lives, relationships, and identities must be protected across borders. Central to this development is the Court's robust reliance on the Charter of Fundamental Rights. By reading Article 21 TFEU in conjunction with Articles 7 and 21 of the Charter, the Court makes clear that refusals of recognition grounded solely in sexual orientation are incompatible with the Union's constitutional values. Non-recognition is no longer framed as a neutral by-product of national competence, but as a form of differential treatment that directly interferes with family life and equality.

The judgment also draws a precise—yet transformative—line around national sovereignty. Member States retain the power to define marriage within their domestic legal orders. Nothing in *Cupriak-Trojan* compels Poland, Romania, or Hungary to open marriage to same-sex couples under national law. However, the Court makes equally clear that this definitional autonomy does not extend to controlling the *effects* of a marriage validly created elsewhere when such control undermines EU rights. This distinction between definition and effect represents the emergence of a *de facto* European minimum standard of recognition. While not harmonising family law, the Court ensures that Member States cannot deploy domestic definitions as barriers to free movement. In parallel, the judgment continues the steady erosion of the public policy defence. Invocations of constitutional identity or moral tradition are subjected to strict scrutiny and must yield where they conflict with fundamental rights and the effectiveness of Union citizenship. Public policy is no longer a broad shield for exclusion, but an exception of last resort, ill-suited to justify blanket refusals rooted in sexual orientation.

The practical consequences of *Cupriak-Trojan* are particularly acute for "no-recognition" states. Poland, Romania or Hungary now faces the obligation to design administrative mechanisms capable of giving legal effect to foreign same-sex marriages without formally redefining marriage under domestic law. Whether through alternative registers, annotations, or functional recognition mechanisms, these states must ensure certainty, uniformity, and non-discrimination. Politically, the ruling deepens existing fault lines. Human rights organisations and pro-integration actors have welcomed the judgment as a milestone for equality and EU citizenship. Conversely, governments invoking national identity are likely to frame the decision as judicial overreach. Yet this tension is not new; it is inherent in a Union founded on shared values and mutual trust. The Court's role is not to resolve political disagreement, but to ensure that constitutional commitments to free movement and fundamental rights are not hollowed out by national resistance.

Looking ahead, *Cupriak-Trojan* opens the door to further litigation. Its logic is not confined to marriage alone. Registered partnerships and civil unions, where they constitute legally recognised family statuses, may increasingly fall within the protective scope of Article 21 TFEU and the Charter. Moreover, the administrative complexity of maintaining parallel systems of non-recognition may, over time, exert pressure toward substantive harmonisation. What begins as *de facto* recognition for EU-law purposes may ultimately catalyse de jure reform at the national level. In navigating the minefield between national family law and EU free movement, *Cupriak-Trojan and Trojan* firmly asserts the primacy of Union citizenship. The judgment confirms the CJEU's role as the ultimate guarantor of fundamental rights for EU citizens, ensuring that those rights do not depend on the accident of geography or the variability of national family law. EU citizenship emerges not merely as a legal status facilitating mobility, but as a constitutional promise: that citizens may pursue family life with dignity, equality, and legal security throughout the Union. In this sense, the ruling represents the triumph of status over sovereignty—not the abolition of national competence, but its re-calibration in light of a shared European commitment to human dignity and free movement without legal jeopardy.

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The author(s) declare no competing interests.

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Not applicable. This study analysed publicly available institutional documents and did not involve human participants.

Informed Consent

Not applicable.

Data Availability

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Use of Generative AI

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