

**C-168/91 Konstantinidis [1993] ECR I-01191**

**Facts:** A Greek national who resided in Germany worked a self-employed masseur and assistant hydrotherapist. When he married, his name was incorrectly transcribed in Roman characters at the Registry Office. He later sought to have this corrected on the basis that it could cause confusion with other masseurs, and that this contravened the principle of non-discrimination, impinging therefore on his freedom to establish himself and freedom to provide services under Arts. 49 and 56 TFEU.

**Held:** The Court went back to fundamental principles, re-asserting that the aim of Art. 49 TFEU was to prohibit any discrimination on grounds of nationality resulting from national laws, regulations or practices, and ensure that a Member State accords to nationals of other Member States the same treatment as it accords to its own nationals.

The Court analysed this in terms of a discrimination framework to determine whether the national rules on transliteration were capable of putting the applicant at a disadvantage in law or in fact in comparison with a national of the host Member State. It was held that the national rule breached Art. 49 TFEU only in so far as its application caused a Greek national such a degree of inconvenience as in fact to interfere with his freedom to exercise the right of establishment. Such interference would occur (and would be sufficiently substantial) if there was a serious risk of confusion caused by the phonetic distortion.