

THE LEGAL EFFECTS OF THE EUROPEAN UNION CITIZENSHIP

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Abstract

The citizenship of the European Union is a reality or a concept? The consecration of the citizenship of the European Union by the Maastricht Treaty has been accompanied by the specific rights allowed to the citizens of the Member States. At the present, the Treaty on the Functioning of the European Union and the Charter of fundamental rights of the European Union mention the definition of the citizen of the European Union, the features and role of its citizenship: „Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship”. In the Preamble of the Treaty on the European Union, the Member States affirm that they are „resolved to establish a citizenship common to nationals of their countries”.

The Court of Justice of the European Union has stated the importance of this concept and its application in relationship with the specific rights of the citizens of the Member States: „Union citizenship is destined to be the fundamental status of nationals of the Member States”.

The concept has a certain applicability in different fields as Internal Market or European Union's area of freedom, security and justice with legal effects in terms of rights and obligations. The citizenship of the European Union does exist but its added value will be tangible at the moment when our ID cards or passports will contain a reference to that; if the citizens of the Member States express their interest in this regard and the political commitment will be evinced, the national citizenship could be replaced with the European Union citizenship on the moment of the Treaties revision's, but, nowadays, according to art. 4. 2 of the Treaty on the European Union, „The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government”.

In conclusion, the citizenship of the European Union must be analyzed in a dynamic evolution taking into account its development, the interest and commitment of the Member States and their citizens and the future of the European Union.

Keywords: *the citizenship of the European Union, rights, ID cards, Member States, Court of Justice of the European Union equal treatment, future, integration, legal effects.*

1. General remarks

Since antiquity the citizenship allowed to a person belonging to a territory governed by an authority has been a source of rights and obligations for that person as individual placed closer or farther from the powerhouse depending on the type of government.

The citizenship represents one of the features of a state as subject of international public law, but European Union (EU) as international intergovernmental organization has created the same relationship with the citizens of its Member States proving the desire of a deep integration.

The establishment of the European Union in the same time with the citizenship of the European Union through the Maastricht Treaty¹ has demonstrated a clear trend for the evolution of this subject of international public law representing a new step within the process

of the European integration; European Union is the solely international intergovernmental organization having created a specific citizenship².

According with the Treaties and the case-law of the Court of Justice of the European Union (CJEU), the European citizenship allows different rights for the citizens of the Member States³ being a concept with legal effects and without a legal mention on the national identity cards; setting up such mention depends on the interest of the citizens and the political commitment on that.

The legal effects of the consecration of such citizenship are underlined establishing the list of the rights allowed to the citizens of the Member States by the Treaties, legal acts adopted by the EU institutions on the basis of the Treaties and the case-law of the Court of Justice from Luxembourg; the EU institutions and the Member States are obliged to observe their correct and efficient application.

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¹ Augustin Fuerea, *Manualul Uniunii Europene* (6th edition, revised, Universul Juridic, Bucharest, 2016), 68. „An unional citizenship” has been established by this Treaty.

² <https://www.uantwerpen.be/en/conferences/the-future-of-eu-citizenship-2017/about-the-conference/abstracts/additional-materials/>, accessed March 10, 2018: EU Citizenship as ‘Inter-National’ Citizenship – A Republican Intergovernmental Approach, Richard Bellamy: „EU citizenship often seen as ‘transformative’ of national citizenship”.

³ The rights conferred on the Union citizenship has been recognized also by the European Court of Human Rights (see case of *Matthews v. The United Kingdom*, Application no. 24833/94, judgment, 18 February 1999, para.14: “Although Gibraltar is not part of the United Kingdom in domestic terms, by virtue of a declaration made by the United Kingdom government at the time of the entry into force of the British Nationality Act 1981, the term “nationals” and derivatives used in the EC Treaty are to be understood as referring, inter alia, to British citizens and to British Dependent Territories citizens who acquire their citizenship from a connection with Gibraltar”).

1.1. Related definitions:

The international legal instruments adopted in the field of human rights ensure and guarantee the respect of those rights for everyone and in the specific cases it is identified the category of persons who are considered by these legal texts; the citizen represents one of those categories.

The main definitions relevant for the analysis of the European Union citizenship can be the following:

- “*The human being*” or “*everyone*”⁴ is used within the international human rights legal instruments the person or the individual, who is in a dynamic process of recognition as a subject of public international law. In the specialized doctrine, it is mentioned that “the position and activity of the individual within the macro and micro-social groups to which he belongs can be explained sociologically with the concepts of status and role of the individual”, and “the status of the individual is defined as all the rights and duties of the individual within an existing group”⁵.

The preamble of the Charter of Fundamental Rights of the European Union uses the term of individual in connection with the European citizenship: “It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice”. In the meantime, the provisions of the Charter guarantee specific rights to “everyone” (for example art.11.1: “Everyone has the right to freedom of expression”).

- The *citizenship* expresses the belonging of a person to a particular state or to another subject of international law - namely the European Union⁶.

The Romanian Constitution of 2003, republished, regulates, in art. 5, the Romanian citizenship, which “is acquired, is preserved or is lost under the conditions stipulated by the organic law” and “cannot be

withdrawn from the person who acquired it by birth”; moreover, the Universal Declaration of Human Rights guarantees, in art. 15 that: (1) “everyone has the right to a nationality”; (2) “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.

- The “Union citizen means any person having the nationality of a Member State”⁷, according to art. 2.1. 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.

- The *national*⁸ is a term used by the European Union law to designate the natural or legal person having the citizenship, or the nationality of a state in accordance with its domestic law.

The art.9 of the Treaty on the European Union (TEU) uses the both terms – citizen and national: “*Every national of a Member State shall be a citizen of the Union*”. The Treaty on the Functioning of the European Union (TFEU) provisions on the four fundamental freedoms mention also the term “national” or “nationality”⁹ one of the reasons being the fact that these freedoms have been guaranteed, firstly, by the Treaty of Rome on the establishing the European Economic Community when the citizenship of the European Union was not yet introduced, for example:

- Art. 45.2 TFEU: “Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment”;

⁴ Art. 2.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, November 4, 1950: „Everyone’s right to life shall be protected by law”.

Universal Declaration of Human Rights, December 10, 1948: Article I “All human beings are born free and equal in dignity and rights”; Article 3 “Everyone has the right to life, liberty and security of person”.

⁵ Nicolae Popa, Ioan Mihăilescu, Mihail Eremia, *Sociologie juridică*, (Editura Universității din București, Bucharest, 1999), 34.

⁶ http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_4.1.1.html, accessed March 10, 2018: „In case C-135/08 Janko Rottmann v Freistaat Bayern, Advocate General Poiares Maduro at the CJEU explained the difference (paragraph 23): ‘Those are two concepts which are both inextricably linked and independent. Union citizenship assumes nationality of a Member State but it is also a legal and political concept independent of that of nationality. Nationality of a Member State not only provides access to enjoyment of the rights conferred by Community law; it also makes us citizens of the Union. European citizenship is more than a body of rights which, in themselves, could be granted even to those who do not possess it. It presupposes the existence of a political relationship between European citizens, although it is not a relationship of belonging to a people’ ”.

⁷ Decision, CJEU, *Janko Rottmann v Freistaat Bayern*, March 2, 2010, C-135/08, ECLI:EU:C:2010:104: „It is not contrary to European Union law, in particular to Article 17 EC, for a Member State to withdraw from a citizen of the Union the nationality of that State acquired by naturalisation when that nationality was obtained by deception, on condition that the decision to withdraw observes the principle of proportionality”.

⁸ In the French language, the term is „*ressortissant*” which is also mentioned in the Romania Accession Treaty (ratified by the Law no 157/2005) as „*ressortisant*”.

⁹ Roxana-Mariana Popescu, „ECJ Case-Law on the Concept of „Public Administration” used in Article 45 paragraph (4) TFEU”, *The International Conference – CKS 2017 – Challenges of the Knowledge Society Bucharest*, 12th - 13th May 2017, 11th Edition, “Nicolae Titulescu” University Publishing House, 528: “The provisions of the EU treaties refer to citizenship, and not nationality, and condition the EU citizenship of the existence of citizenship of a Member State (Art. 9 TEU and art. 20 paragraph (1) sentences 2 and 3 TFEU: „any person holding the nationality of a Member State is citizen of the Union. The citizenship of the Union does not replace the national citizenship but it is additional to it”). Thus, in strictly constitutional terms, the citizenship of the Union, established by the Treaty of Maastricht of 1992 and developed by the Treaty of Lisbon of 2007, it is not comparable to that given to a citizen of one of the 28 Member States. EU citizenship puts people under the protection of EU law (according to Augustin Fuerea, *Dreptul Uniunii Europene – principii, acțiuni, libertăți*, Universul Juridic Publishing House, Bucharest, 2016, p. 193). EU citizenship confers a number of rights to citizens of the Member States and strengthens the protection of their interests”.

– Art. 49 TFEU: “restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited”;

– Art. 56 TFEU: “restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended”.

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, provides that “third-country national means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty” (now art. 20 TFEU)¹⁰. In this regard, art.15.3 of the Charter of Fundamental Rights of the European Union uses the same word: “*Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union*”.

Initially, the citizenship has been defined using the term “nationality” which is still used by some national supreme laws (for example, the Sweden’s Constitution)¹¹.

• According with the Directive 2004/38/EC , the “*Family member*” means:

“(a) the spouse;

(b) the partner with whom the Union citizen has contracted a registered partnership, on the basis of the legislation of a Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State;

(c) the direct descendants who are under the age of 21 or are dependants and those of the spouse or partner as defined in point (b);

(d) the dependent direct relatives in the ascending line and those of the spouse or partner as defined in point (b)”.

1.2. The legal effects of the citizenship of the European Union:

As the Court of Justice of the European Union stated, the “Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for”¹², while “As regards Article 20 TFEU, the Treaty provisions on citizenship of the Union do not confer any autonomous right on third-country nationals. Any rights conferred on third-country nationals by the Treaty provisions on Union citizenship are not autonomous rights of those nationals but rights derived from the exercise of freedom of movement by a Union citizen. The purpose and justification of those derived rights are based on the fact that a refusal to allow them would be such as to interfere with the Union citizen’s freedom of movement by discouraging him from exercising his rights of entry into and residence in the host Member State”¹³.

The art.20 of the Treaty on the functioning of the European Union mentions that the citizens of the Union have „*inter alia*” the following rights¹⁴:

„ (a) the right to move and reside freely within the territory of the Member States;

(b) the right to vote and to stand as candidates in elections to the European Parliament¹⁵ and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;

(c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;

(d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language”.

¹⁰ Decision, CJEU, March 8, 2011, *Gerardo Ruiz Zambrano, v Office national de l’emploi (ONEm)*, C-34/09, ECLI:EU:C:2011:124: „Article 20 TFEU is to be interpreted as meaning that it precludes a Member State from refusing a third country national upon whom his minor children, who are European Union citizens, are dependent, a right of residence in the Member State of residence and nationality of those children, and from refusing to grant a work permit to that third country national, in so far as such decisions deprive those children of the genuine enjoyment of the substance of the rights attaching to the status of European Union citizen”.

¹¹ Ștefan Deaconu, *Drept constituțional*, (3rd edition – revised, C.H. Beck, Bucharest, 2017), 122.

¹² Decision, CJEC, Septembrie 20, 2001, *Rudy Grzelczyk and Centre public d’aide sociale d’Ottignies-Louvain-la-Neuve*, C-184/99, ECLI:EU:C:2001:458 para. 31.

¹³ Decision, CJEC, May 8, 2013, *Kreshnik Ymeraga, Kasim Ymeraga, Afijete Ymeraga-Tafarshiku, Kushtrim Ymeraga, Labinot Ymeraga v Ministre du Travail, de l’Emploi et de l’Immigration*, C-87/12, ECLI:EU:C:2013:291 para.34-35.

¹⁴ See Ștefan Deaconu, 143. See Augustin Fuerea, *Dreptul Uniunii Europene – principii, acțiuni, libertăți*, (Universul Juridic, Bucharest, 2016), 193.

¹⁵ Article 39.1 Right to vote and to stand as a candidate at elections to the European Parliament of the Charter of Fundamental Rights of the European Union: “Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State”.

WHITE PAPER ON THE FUTURE OF EUROPE. Reflections and scenarios for the EU27 by 2025, European Commission COM(2017)2025 of 1 March 2017, p. 25: „Illustrative snapshots: Citizens travelling abroad receive consular protection and assistance from EU embassies, which in some parts of the world have replaced national ones. Non-EU citizens wishing to travel to Europe can process visa applications through the same network”.

The articles 21- 24 of the same Treaty explain the content of each of the mentioned rights:

- „Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect”¹⁶.

- The Directive 2004/38/EC above-mentioned is named „the Citizenship directive” and „lays down: (a) the conditions governing the exercise of the right of free movement and residence within the territory of the Member States by Union citizens and their family members; (b) the right of permanent residence in the territory of the Member States for Union citizens and their family members; (c) the limits placed on the rights set out in (a) and (b) on grounds of public policy, public security or public health”¹⁷.

- „Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State, in which he resides, under the same conditions as nationals of that State”¹⁸.

- „Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall adopt the necessary provisions and start the international negotiations required to secure this protection”¹⁹.

In this regard, it has been adopted the Council Directive (EU) 2015/637 of 20 April 2015 on the coordination and cooperation measures to facilitate

consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC²⁰ which must be transposed by the Member States by 1 May 2018.

The effectiveness of this right must take into account the commitment of the third country for recognizing the consular protection of other state than the state of the nationality/citizenship²¹.

- „The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States from which such citizens must come”.

The conditions for using citizens' initiative have been stated by the Regulation (EU) no 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative²².

- „Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 227”²³.

The European Parliament represents the interests of the people or the citizens of the Union because this institution is „composed of representatives of the Union's citizens” (art. 14.2 TEU) and the „citizens are directly represented at Union level in the European Parliament” (art.10.2 of the TEU).

- „Every citizen of the Union may apply to the Ombudsman established in accordance with Article

¹⁶ Decision, CJEU, May 5, 2011, *Shirley McCarthy v Secretary of State for the Home Department*, C-434/09, ECLI:EU:C:2011:277: „Article 21 TFEU is not applicable to a Union citizen who has never exercised his right of free movement, who has always resided in a Member State of which he is a national and who is also a national of another Member State, provided that the situation of that citizen does not include the application of measures by a Member State that would have the effect of depriving him of the genuine enjoyment of the substance of the rights conferred by virtue of his status as a Union citizen or of impeding the exercise of his right of free movement and residence within the territory of the Member States”.

Article 45 Freedom of movement and of residence of the Charter of Fundamental Rights of the European Union:”1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States. 2. Freedom of movement and residence may be granted, in accordance with the Treaties, to nationals of third countries legally resident in the territory of a Member State”.

¹⁷ This Directive has been transposed in Romania through the Government Emergency Ordinance no 102/2005 on the free movement on the Romanian territory of the citizens of the European Union Member States and the European Economic Area and the Switzerland citizens.

¹⁸ See the art. 5 of the Romanian Law no. 115/2015 on the election of the local public administration's authorities.

Article 40 Right to vote and to stand as a candidate at municipal elections of the Charter of Fundamental Rights of the European Union: “Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State”.

¹⁹ Article 46 Diplomatic and consular protection of the Charter of Fundamental Rights of the European Union: „Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State”.

²⁰ https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/know-your-rights/citizens-rights/diplomatic-and-consular-protection_en, accessed March 10, 2018.

²¹ Laura Magdalena Trocan, „Protecția cetățenilor Uniunii Europene de către autoritățile diplomatice și consulare în țările terțe”, *Probleme actuale ale spațiului politico-juridic al UE, (2013 edition, October 24-25 2013, Politicile europene în domeniul drepturilor omului: Cetățenia europeană-Implicațiile Cartei Drepturilor Fundamentale ale Uniunii Europene asupra spațiului juridic din România*, Supplement of *Revista Română de Drept European*, Wolters Kluwer), 168.

²² <http://ec.europa.eu/citizens-initiative/public/welcome>, accessed March 10, 2018: „The European citizens' initiative allows one million EU citizens to participate directly in the development of EU policies, by calling on the European Commission to make a legislative proposal”.

²³ Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly”.

Article 44 Right to petition of the Charter of Fundamental Rights of the European Union:” Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament”.

228”²⁴.

„By the Decision of the European Ombudsman on Records Management in the Office of the European Ombudsman, 13 March 2017, „the European Ombudsman decided to promote the principle of online public registers by adopting the following provisions:

8.1 For the purpose of coherence in the EU administration, sound financial management and service to the public users, the European Ombudsman takes steps to further the use of a corporate public documents and data register and/or portal for the EU administration.

8.2 Pending the outcome of the above-mentioned actions, the Ombudsman implements, for its organization, the principle of online public registers through publication of core business documents on its online cases section, through direct and full publication of all documents adopted in relation to strategy, policy and high level management, and through the publication of its document filing plan.”²⁵

- „Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 13 of the Treaty on European Union in one of the languages mentioned in Article 55(1) of the Treaty on European Union and have an answer in the same language”²⁶.

In different parts of the Treaties, the EU citizens benefit from other rights (see art. 10.3 TEU: “Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen”) or those rights are developed and explained in the context of EU policies and actions; the Charter of Fundamental Rights of the European Union ensures also the respect of other rights allowed to the EU citizens such as: “Right of access to documents - Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium” (art. 42).

The pursuit of these rights is assured by the European Union on the principle of equal treatment for all citizens in accordance with the art. 9 of the TEU which states: „in all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies”.

3. The future development of the citizenship of the European Union concept

One of the most important challenges for the development of the European citizenship’s is represented by the creation of the specific ID cards. The Directorate general for internal policies (Policy department: citizens' rights and Constitutional affairs) has published in 2016 “*The legal and political context for setting up a European identity document Study*”.

On the “legal and political feasibility of a European Identity document”, this Study mentions the existence of the constitutional European Union’s principles:

- “There is no legal basis in the Treaties to legislate in connection with a European ID card, with the sole purpose of enhancing citizens’ participation in democratic processes at the EU level. Legal basis for action at the EU level is provided in connection with the enhancement of free movement rights, which rights however cannot be seen in isolation from other EU citizenship rights (principle of conferral).

- Given that there are factors hindering the exercise of democratic participation rights by EU citizens which cannot be overcome by the Member States alone (principle of subsidiarity), EU action is necessary. While shaping the concept of a European ID card it should be assessed whether or not it is the most appropriate and least onerous tool to resolve the issues identified (principle of proportionality).

- The process of setting up a European ID card cannot be seen in isolation from data protection legislation and rules applicable to interoperability of electronic identification schemes. In terms of data protection, the storage of, access to and control of personal data are the main issues to consider. The need to ensure the interoperability of a European ID card with electronic identification schemes at the national level should also be addressed.

- Considering the variety of actors involved in decision-making processes at the EU level and thus the plethora of interests, it is crucial for the introduction of a European ID card to be backed by a sufficient level of political will. Member States’ views might be controversial on many points, including the amount of data to be stored on the card or the link of the card with databases”.

The Union’s competence to regulate in connection with ID cards is set out in art. 77(3) of the TFEU which provides that within a special legislative

²⁴ „A European Ombudsman, elected by the European Parliament, shall be empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role. He or she shall examine such complaints and report on them”.

Article 43 European Ombudsman of the Charter of Fundamental Rights of the European Union: “Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role”.

²⁵ <https://www.ombudsman.europa.eu/en/resources/publicregister.faces>, accessed March 10, 2018.

²⁶ Article 41 Right to good administration of the Charter of Fundamental Rights of the European Union: „4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language”

procedure the Council may adopt provisions concerning ID cards²⁷, in cases where EU level action would become necessary to facilitate the exercise of the rights under Article 20(2) (a) of the TFEU.

In the field of data protection, at the level of the European Union the following acts have been adopted:

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC;

- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

The third European Commissions' report²⁸ on the EU citizenship – “*EU Citizenship Report 2017 - Strengthening Citizens' Rights in a Union of Democratic Change Justice and Consumers*” provides also that “On 8 December 2016, the Commission adopted an Action Plan on document security setting out specific actions to improve the security of travel documents, including that of national identity cards issued by Member States and of residence documents for EU nationals residing in another Member State and their family members”.

The report provides with information about the EU priorities for 2017–2019 in different action fields such as:

- “Promoting EU citizenship rights and common values:

1. In 2017 and 2018 conduct an EU wide information and awareness raising campaign on EU citizenship rights including on consular protection and electoral rights ahead of the 2019 European elections.
2. Take action to strengthen the European Voluntary Service²⁹ and promote the benefits and integration of volunteering in education. By 2020, invite the first 100,000 young Europeans to volunteer with the European Solidarity Corps (...).
3. Safeguard the essence of EU citizenship and its inherent values.”

- „Promoting and enhancing citizens' participation in the democratic life of the EU:

1. Intensify Citizens' Dialogues and encourage public debates, to improve public understanding of the impact of the EU on citizens' daily lives and to encourage an exchange of views with citizens.
2. Report in 2017 on the implementation of EU law on local elections to ensure that EU citizens can effectively exercise their voting rights at local level.
3. In 2018, promote best practices which help citizens vote and stand for EU elections, including on retaining the right to vote when moving to another Member State and cross-border access to political news, to support turnout and broad democratic participation in the perspective of the 2019 European elections”.

- „Simplifying travel, living and working across the EU for citizens:

1. Submit a proposal for setting up a ‘Single Digital Gateway’ to give citizens easy, online access to information, assistance and problem solving services and the possibility to complete online administrative procedures in cross-border situations by linking up relevant EU and national-level content and services in a seamless, user-friendly and usercentric way³⁰.
2. Further facilitate and promote Euwide multimodal travel in order to make mobility of EU citizens more efficient and user-friendly, through the specification of Euwide multimodal travel information services and improvements to the interoperability and compatibility of systems and services”.

- „Strengthening security and promoting equality:

1. In the first quarter of 2017 finalise the study on EU policy options to improve the security of EU citizens' identity cards and residence documents of EU citizens residing in another Member State and of their non-EU family members.
2. In 2017 assess how to modernise the rules on emergency travel documents for unrepresented EU citizens, including the security features of the EU common format, to guarantee that citizens can effectively exercise their right to consular protection.
3. Carry out in 2017 a campaign on violence against women and actively support the accession of the

²⁷ Regulation (EU) no. 910/2014 taking full legal effect on 1 July 2016 creates an EU-wide recognition system of electronic identification.

²⁸ Article 25 TFEU: „The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union”.

²⁹ https://europa.eu/youth/EU/Voluntary-activities/european-voluntary-service_en, accessed March 10, 2018.

³⁰ <file:///C:/Users/oanas/Desktop/PART-2017-156445V1.pdf>, accessed March 10, 2018: Proposal for a Regulation of the European Parliament and of the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) no 1024/2012 COM(2017) 256 final: „This Regulation: lays down rules for the establishment and operation of a single digital gateway to provide citizens and businesses with easy access to high quality, comprehensive information, effective assistance and problem solving services and efficient procedures regarding Union and national rules applicable to citizens and businesses exercising or intending to exercise their rights derived from Union law in the field of the internal market, within the meaning of Article 26(2) TFEU; (b) facilitates the use of procedures by users from other Member States and supports the implementation of the "once only" principle; (a) lays down rules for reporting on obstacles in the internal market based on the collection of user feedback and statistics from the services covered by the gateway”.

Union to the Istanbul Convention alongside Member States and present proposals to address the challenges of work-life balance for working families.

4. Act to improve the social acceptance of LGBTI people across the EU by implementing the list of actions to advance LGBTI equality and actively support the conclusion of the negotiations on the proposed horizontal Anti-Discrimination Directive”.

4. Conclusions

The citizenship of the European Union represents a concept ensured by the European Union law, namely the Treaties and specific legal acts having legal effects recognized and observed by the Court of Justice of the European Union.

The existence of this citizenship depends on the citizenship/nationality of one of the Member States in accordance with the art.20.1 of TFEU, “*citizenship of the Union shall be additional to and not replace national citizenship*”³¹; for that, in the Brexit’s context, the withdrawal of the United Kingdom implies the deprivation for its citizens of the rights guaranteed at the moment by the European Union citizenship³².

The legal effects of the EU citizenship can be underlined and identified at the moment when a citizen wants to benefit from one of the rights allowed by the EU law³³; the effectiveness of those rights is evident and relevant in different economic, political and social sectors³⁴ - the right to work or to study in any Member State in the same conditions as the nationals of that state; the legal possibility to be involved in the activities EU’s institutions or to have access at their actions in certain conditions³⁵. The similar rights for the third countries family members are also observed on the basis of the EU citizenship even they do not receive automatically this legal status.

The existence of the EU citizenship represents an important characteristic of the Union which makes EU a special or *sui generis* international intergovernmental organization proving a deep integration of the Member States within the Union.

The main challenge for the citizens³⁶, national and European leaders³⁷ aims to set up the European identity document which will prove the Union’s citizenship³⁸.

In a globalization framework, keeping the citizenship does not preclude the economic, social and cultural advantages of such context and the citizenship of the European Union does not affect the respect of “the cultural and linguistic diversity”³⁹ and the “national identities”⁴⁰.

³¹ Ștefan Deaconu, 143: “The European Union citizenship subsumes the Romanian citizenship”.

³² http://europa.eu/rapid/press-release_MEMO-18-1361_en.htm, accessed March 10, 2018 : „The European Council (Article 50) of 15 December 2017 stated that while an agreement on a future relationship can only be finalised and concluded once the United Kingdom has become a third country, the EU will be ready to engage in preliminary and preparatory discussions with the aim of identifying an overall understanding of the framework for the future relationship, once additional guidelines have been adopted to this effect”.

For the period settled by the Withdrawal Agreement, both categories of citizens – of EU 27 and UK will benefit from the specific rights as European citizens: „A professional who had his or her professional qualifications recognised in the country (an EU Member State or the United Kingdom) where he or she currently resides or, for frontier workers, where he or she works, will be able to continue to rely on the recognition decision there for the purpose of carrying out the professional activities linked to the use of those professional qualifications. In addition, if he or she has already applied for the recognition of his or her professional qualifications before the end of the transition period, his or her application will be processed domestically in accordance with the EU rules applicable when the application was made”.

³³ WHITE PAPER ON THE FUTURE OF EUROPE, p.24: “Citizens have more rights derived directly from EU law”.

³⁴ The legal effects of the EU citizenship can be analyzed in the recent decisions of the CJEU which seem to reduce the full application of this concept:

Decision, CJEU, *Jobcenter Berlin Neukölln v Nazifa Alimanovic, Sonita Alimanovic, Valentina Alimanovic, Valentino Alimanovic*, September, 15, 2015, C-67/14, ECLI:EU:C:2015:597: „Article 24 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 and Article 4 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Commission Regulation (EU) No 1244/2010 of 9 December 2010, must be interpreted as not precluding legislation of a Member State under which nationals of other Member States who are in a situation such as that referred to in Article 14(4)(b) of that directive are excluded from entitlement to certain ‘special non-contributory cash benefits’ within the meaning of Article 70(2) of Regulation No 883/2004, which also constitute ‘social assistance’ within the meaning of Article 24(2) of Directive 2004/38, although those benefits are granted to nationals of the Member State concerned who are in the same situation”.

The same decision has been stated in the case-law C-333/13, *Elisabeta Dano, Florin Dano v Jobcenter Leipzig*.

³⁵ WHITE PAPER ON THE FUTURE OF EUROPE, p.13: „However, Europe and its Member States must move quicker to interact with citizens, be more accountable and deliver better and faster on what has been collectively agreed”.

³⁶ WHITE PAPER ON THE FUTURE OF EUROPE, p.12: „However, citizens’ trust in the EU has decreased in line with that for national authorities”.

³⁷ Preamble of the Treaty on the European Union states that the Member States are „resolved to establish a citizenship common to nationals of their countries”.

³⁸ <https://www.uantwerpen.be/en/conferences/the-future-of-eu-citizenship-2017/about-the-conference/abstracts/additional-materials/>, accessed March 10, 2018:

EU Citizenship as ‘Inter-National’ Citizenship – A Republican Intergovernmental Approach, Richard Bellamy: „EU citizenship often seen as ‘transformative’ of national citizenship”: „Union citizenship has to be consistent with sustainability of national citizenship as determined by stakeholders in long-term political decisions about character of state and economy. Otherwise can become itself a source of domination”.

³⁹ Art. 3.3 TEU: „It shall respect its rich cultural and linguistic diversity”.

⁴⁰ Art. 4.2 TEU: “The Union shall respect the equality of Member States before the Treaties as well as their national identities”.

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