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Questions and Answers about

European Union Citizenship

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1. What rights are granted to EU citizens under the Maastricht Treaty?

The Maastricht Treaty (1992) introduced EU citizenship, granting citizens the rights to:

- Move and reside freely within Member States.
- Vote and stand in municipal and European Parliament elections in any Member State of residence.
- Access consular and diplomatic protection from other Member States when their own country is not represented abroad.

2. Describe the legal framework for acquiring and losing European citizenship.

- Acquisition: Automatically granted to anyone holding the nationality of an EU Member State.
- Loss: Occurs when national citizenship is lost, as EU citizenship is complementary and dependent on national citizenship.
- There is no independent process for acquiring or renouncing EU citizenship.
- National laws determine citizenship, but EU law applies when its loss impacts EU citizenship rights (e.g., Rottmann case).

3. How did the Amsterdam Treaty enhance the rights of EU citizens?

The Amsterdam Treaty (1997) emphasized:

- Protection of fundamental rights.
- Strengthened consular protection.
- Broadened non-discrimination principles, reinforcing EU citizenship beyond economic rights.

4. What was the significance of the Lisbon Treaty for EU citizenship?

The Lisbon Treaty (2007):

- Gave legal force to the Charter of Fundamental Rights.
- Introduced the European Citizens' Initiative (ECI), empowering citizens to propose EU legislation with sufficient support.
- Further entrenched citizenship rights in primary EU law.

5. Explain the complementary nature of EU citizenship in relation to national citizenship.

EU citizenship is complementary, not a replacement:

- It derives from holding nationality of a Member State (Article 9 TEU, Article 20 TFEU).
- The EU cannot regulate national citizenship laws.
- Loss or gain of EU citizenship depends entirely on changes in national citizenship status.

6. What role does the European Court of Justice play in citizenship issues?

The ECJ:

- Ensures Member States respect EU law in citizenship-related matters.
- Uses proportionality tests when national actions affect EU citizenship rights (e.g., *Rottmann* case).
- Expands rights via key rulings (e.g., *Zhu and Chen*, *Grzelczyk*) to ensure rights are upheld regardless of economic status.

7. What are “golden passports”?

- These are citizenship-by-investment schemes where countries grant national (and therefore EU) citizenship in exchange for financial investment without requiring genuine ties to the country.

8. What concerns are associated with investor citizenship schemes?

Key concerns:

- Undermines the integrity of EU citizenship.
- Enables money laundering, tax evasion, and circumvention of extradition.
- Raises security and ethical issues.
- The European Commission has taken legal action against countries like Malta.

9. What mechanisms exist for the loss of citizenship?

- Voluntary renunciation by the individual.
- Involuntary revocation by the state (e.g., for security reasons or fraud).
- Most Member States restrict revocation to dual nationals to avoid statelessness.
- Must comply with proportionality and EU legal principles.

10. How did Brexit affect EU citizenship for UK citizens?

- After Brexit, UK nationals automatically lost EU citizenship:
- They lost rights like free movement and participation in EU elections.
- The ECJ confirmed this was a result of the UK's withdrawal from the EU, not the withdrawal agreement.

11. What rights do EU citizens have concerning movement and residence within the member states?

- The right to move and reside freely across the EU (Article 21 TFEU).
- Enhanced by Directive 2004/38/EC, which simplifies procedures and grants permanent residence after five years.
- Family members also benefit, even if non-EU citizens.

12. What political rights are granted to EU citizens under the Treaty on the Functioning of the European Union (TFEU)?

EU citizens can:

- Vote and stand in European Parliament and local elections in any Member State of residence (Article 22 TFEU).
- Submit petitions to the European Parliament.
- Lodge complaints with the Ombudsman.
- Participate in European Citizens' Initiatives (TFEU and Lisbon Treaty).

13. What was the significance of Directive 2004/38/EC for EU citizens and their family members?

The Directive:

- Consolidated multiple directives on free movement.
- Allowed up to three months of residence without conditions.
- Granted permanent residence after five years.
- Extended rights to family members, including non-EU nationals.
- Strengthened equal treatment and non-discrimination.

14. How did the Schengen Area contribute to the concept of free movement within the EU?

- Abolished internal border checks among member states.
- Established common visa policies, enhanced police cooperation, and shared security data (SIS).
- Institutionalized in EU law by the Amsterdam Treaty.
- Reinforced the practical realization of free movement rights.

15. What principles of equal treatment and non-discrimination are fundamental to EU law?

- Article 18 TFEU: prohibits discrimination based on nationality.
- Directive 2004/38/EC: ensures equal treatment in employment, education, and social benefits.
- The Charter of Fundamental Rights and ECJ case law (e.g., *Grzelczyk*, *Dano*, *Martínez Sala*) enforce broad anti-discrimination protections across the EU.