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European citizenship:
from the treaties
to the “Europe for Citizens” programme

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ABSTRACT

La cittadinanza è uno dei temi cruciali per la definizione dei beneficiari dei diritti civili e sociali all'interno di un ordinamento giuridico; in una comunità politica, infatti, è necessario individuare quali sono i titolari di particolari diritti e, quindi, chi ha piena capacità giuridica.

Il concetto di cittadinanza è molto antico e nel corso dei secoli ha subito importanti trasformazioni. Secondo l'ordinamento politico di riferimento, la cittadinanza ha rappresentato l'elemento fondamentale per distinguere i cittadini dagli stranieri: la cittadinanza nel corso del tempo ha acquisito il significato di appartenenza a una determinata comunità politica e ai diritti connessi a essa; per questa ragione, come l'analisi storico-giuridica insegna, la cittadinanza non può essere considerata come un elemento statico e immutabile.

Ad esempio, nella *polis* greca l'individuo era ammesso a far parte della comunità politica non sulla base di uno *status* personale ma sulla virtù civica che permetteva al cittadino di diventare un membro attivo: il cittadino greco aveva un obbligo morale nella partecipazione al bene comune della comunità, cioè solo la partecipazione attiva nella vita della *polis* portava al riconoscimento dello *status* di cittadino.

Nel mondo romano, invece, in un primo tempo lo *status civitatis* era riconosciuto sulla base dell'appartenenza a una determinata "gens", basandosi quindi sullo *status familiae*. Con la progressiva espansione dello Stato romano prima e dell'impero poi, si venne a creare la distinzione tra cittadinanza piena (*optimo jure*) e semi-cittadinanza (*civitas sine suffragio*) per arrivare infine al riconoscimento della cittadinanza a tutti gli abitanti dell'impero: nel mondo romano si ha un'evoluzione dei criteri per la concessione della cittadinanza che si basano più sulla residenza in un determinato territorio che sulla partecipazione alla vita della comunità. Con il crollo dell'impero la cittadinanza comincia a tendere all'universalismo e alla realizzazione dell'individuo come persona: in epoca feudale, infatti, la comunità politica non è l'unico luogo della realizzazione del cittadino.

Nel passaggio dal mondo antico a quello moderno, la cittadinanza si caratterizza come "appartenenza" a uno Stato-nazione: la cittadinanza diventa l'elemento fondamentale

per beneficiare dei diritti sociali e politici e assume il significato di appartenenza, anche come unione spirituale, dei cittadini a uno Stato.

In questo senso, l'analisi sociologica alla fine della Seconda guerra mondiale descrive la cittadinanza come piena appartenenza a una comunità politica da cui discendono diritti civili, politici e sociali: la cittadinanza diventa così un elemento fondamentale per l'inclusione di nuovi attori all'interno della comunità politica. Nel diritto internazionale la storica sentenza *Nottebohm* della Corte di Giustizia Internazionale del 1955 ha rappresentato la base per la definizione dei criteri inerenti all'acquisizione della cittadinanza: per essere cittadino l'individuo deve avere un "legame effettivo" con lo Stato, cioè deve dimostrare di avere interessi o legami affettivi o economici con quello Stato, e in questo senso la cittadinanza assume un carattere prettamente nazionale.

Nel corso degli ultimi decenni, tuttavia, a causa del processo di globalizzazione e della crescita nei rapporti economico-commerciali e delle relazioni internazionali, il modello classico di Stato è entrato in una fase di crisi, e di conseguenza, lo stesso concetto di cittadinanza deve essere ridefinito alla luce dei nuovi cambiamenti. A questo proposito diversi autori hanno proposto alcuni modelli di cittadinanza che si slegano da quello tradizionale dello Stato-nazione; la cittadinanza è stata studiata, di conseguenza, alla luce dell'introduzione dei modelli post-nazionale, transnazionale e multiculturale.

Partendo da questo contesto, oggi l'analisi della cittadinanza risulta interessante soprattutto nell'ambito europeo: con l'introduzione dello *status* di cittadinanza europea nel 1992 il concetto di cittadinanza ha acquisito un nuovo spessore e un nuovo valore.

La cittadinanza europea si aggiunge alla cittadinanza degli Stati Membri e ha lo scopo principale di rafforzare la tutela dei diritti e degli interessi dei cittadini, come stabilito dal trattato di Maastricht: secondo il trattato, infatti, chiunque abbia la cittadinanza di uno Stato Membro è cittadino dell'Unione e l'introduzione di questo *status* rappresenta il punto di arrivo di un lungo processo di estensione dei diritti fondamentali a tutti i cittadini degli Stati Membri dell'Unione Europea.

La nuova configurazione della cittadinanza si discosta dal tradizionale legame Stato-cittadino in quanto l'Unione Europea non si può definire uno Stato, un super-Stato o una Federazione secondo le definizioni del diritto internazionale. Il concetto di cittadinanza europea rappresenta un tema molto interessante per capire il processo d'integrazione dell'Unione e come si sia evoluto il concetto di appartenenza a una

comunità politica: non solo la cittadinanza europea non si basa più sulla condizione del legame con uno Stato, ma sull'appartenenza a una comunità di cittadini che cooperano tra loro per supportare il processo d'integrazione dell'Unione.

Il riconoscimento dello *status* di cittadino europeo ai cittadini degli Stati Membri rappresenta un'evoluzione del riconoscimento del ruolo dei cittadini stessi nel sistema dell'Unione: il cittadino non è più solo il "lavoratore", cioè un soggetto economico che attraverso l'esercizio dei diritti di libera circolazione e stabilimento permette lo sviluppo del sistema europeo, ma è diventato un vero e proprio attore politico necessario per la crescita dell'Unione Europea.

Tuttavia, l'introduzione del concetto di cittadinanza europea comporta diverse problematiche inerenti alla definizione del nuovo modello introdotto dal Trattato di Maastricht. La particolare struttura politica dell'Unione Europea non corrisponde alla forma di Stato secondo il diritto internazionale e il tradizionale legame Stato-cittadino non può essere il parametro nella valutazione della cittadinanza europea. Nonostante sia concessa sulla base della cittadinanza di uno Stato Membro e quindi sull'appartenenza a uno Stato, la cittadinanza europea rappresenta la volontà delle istituzioni europee che i cittadini si riconoscano non in uno Stato ma in una comunità politica europea e che sia creato uno spazio di diritti comuni.

Lo *status* di cittadino europeo è strettamente collegato a una serie di diritti civili previsti dai trattati che permettono all'individuo di beneficiare delle possibilità offerte dall'Unione Europea. Tra questi, il diritto di libera circolazione delle persone e la libertà di stabilimento hanno rappresentato la base fondamentale per lo sviluppo del sistema europeo dal punto di vista economico, in quanto hanno favorito la mobilità dei lavoratori; questi diritti, inoltre, sono stati indispensabili anche per lo sviluppo dei trattati e per le interpretazioni della Corte Europea di Giustizia.

Tra i principali diritti politici introdotti dai trattati si possono trovare il diritto di voto attivo e passivo alle elezioni del Parlamento europeo e alle elezioni amministrative del Comune di residenza, il diritto di presentare petizioni al Parlamento europeo e denunce al Mediatore in caso di cattiva amministrazione, il diritto di presentare iniziative dei cittadini e il diritto di accedere ai documenti europei e di comunicare con le istituzioni nella propria lingua. Un ulteriore beneficio che ricade nella sfera del diritto internazionale è il diritto di protezione diplomatica e consolare in caso lo Stato Membro

di cui si ha la cittadinanza non sia rappresentato nel territorio di un Paese terzo. Questi rappresentano i diritti principali di cui godono i cittadini europei grazie allo *status* introdotto a Maastricht; con l'evoluzione e il riconoscimento del cittadino europeo all'interno del sistema Unione questi diritti sono stati sviluppati costantemente dai trattati con l'intento di favorire l'integrazione europea.

La cittadinanza europea, tuttavia, si è evoluta negli ultimi due decenni anche grazie all'azione innovatrice della Corte Europea di Giustizia: attraverso i diversi casi inerenti alla cittadinanza europea, la Corte ha evoluto la figura del cittadino-lavoratore in cittadino-attore politico come simbolo della necessaria integrazione e partecipazione attiva. Nonostante nei trattati non sia indicato l'interesse a costruire un'organizzazione politica più solida e integrata nel prossimo futuro, la Corte Europea ha assunto il ruolo di "costruzione costituzionale", anticipando spesso l'evoluzione che sarebbe stata adottata nei trattati in un secondo momento.

La Corte ha affrontato la materia del problema dell'acquisizione della cittadinanza nel caso *Micheletti* del 7 luglio 1992: l'acquisto della cittadinanza europea non avviene in modo autonomo ma dipende dalle leggi nazionali degli Stati Membri. La conclusione fondamentale di questo caso ha portato la Corte ad affermare che l'acquisizione della cittadinanza rientra nelle competenze di ciascun Stato Membro, in conformità al diritto internazionale, ma che questo esercizio deve rispettare il diritto comunitario. Da questo ragionamento si può capire che per la Corte nessuno Stato Membro può imporre limiti all'esercizio della competenza in materia di cittadinanza di un altro Stato Membro che considera l'individuo come cittadino di uno Stato terzo: questo rappresenta un allontanamento dalla regola del diritto internazionale per cui la cittadinanza può essere conferita solo in presenza di un legame effettivo tra il cittadino e lo Stato. Gli Stati Membri inoltre, nell'esercizio della competenza in materia di cittadinanza, devono rispettare il diritto comunitario e non possono imporre limiti alla cittadinanza europea o all'esercizio dei diritti derivati da tale *status*: questo sottolinea la prevalenza del diritto europeo nelle situazioni riguardanti i diritti del cittadino europeo.

Nel caso *Chen* del 19 ottobre 2004 la Corte analizza l'acquisizione della cittadinanza europea e il diritto di libera circolazione tra gli Stati Membri. In questo caso viene ripresa la conclusione di *Micheletti* secondo la quale gli Stati Membri hanno il potere decisionale in materia di cittadinanza, ma devono rispettare il diritto dell'Unione: in

Chen la Corte punta a una graduale eliminazione delle restrizioni alla cittadinanza europea da parte degli Stati. La base dell'interpretazione della Corte risiede nelle libertà di circolazione e stabilimento che non riguardano solo gli attori economicamente attivi, come i lavoratori, ma sono estesi anche agli altri cittadini europei e ai loro familiari. Nel caso *Chen* la Corte adotta un atteggiamento "costituzionale-creativo". La libertà di circolazione e stabilimento, infatti, viene estesa anche a un familiare cittadino di uno Stato terzo extra-UE anche se tecnicamente non si verifica l'esercizio del diritto di circolazione: secondo la Corte la cittadinanza di uno Stato Membro è una condizione sufficiente per beneficiare dei diritti collegati alla cittadinanza europea, anche se non si risiede nel territorio dello Stato di cui si ha la cittadinanza.

Nel caso *Rottmann* del 2 marzo 2010, la Corte affronta il tema della perdita dello *status* di cittadino europeo in seguito alla perdita della cittadinanza nazionale. Riprendendo il ragionamento esposto nel caso *Micheletti*, la Corte ribadisce che in materia di cittadinanza, sia l'acquisto sia il ritiro sono competenza degli Stati Membri; tuttavia, in caso di perdita della cittadinanza di uno Stato Membro si perde anche lo *status* di cittadino europeo e in questo caso la competenza ricade nell'ambito del diritto dell'Unione: questa interpretazione della Corte sembra considerare la cittadinanza europea come una condizione "aggiuntiva", e non più solamente "derivata" della cittadinanza nazionale, conferendo così un nuovo valore alla cittadinanza europea.

L'introduzione della cittadinanza europea, inoltre, avrebbe avuto il ruolo di allargare le possibilità di azione dei cittadini nel processo decisionale e nella vita democratica europea: l'introduzione di diritti volti alla creazione di un dialogo aperto e chiaro tra cittadini e istituzioni europee e di nuove opportunità di partecipazione attiva, come l'iniziativa dei cittadini, rappresentano un passo importante verso l'inclusione del cittadino europeo all'interno del sistema politico e decisionale dell'Unione.

Nonostante l'introduzione della cittadinanza europea rappresenti un'innovazione importante, la crisi economica del 2008 e le sue conseguenze nell'economia mondiale, le migrazioni di massa e il continuo processo di globalizzazione hanno rallentato il processo d'integrazione dell'Unione e hanno evidenziato i punti deboli del sistema europeo. La crescita dei movimenti euroscettici e antieuropeisti inoltre incrementa il senso di disinteresse e di allontanamento dei cittadini, provocando così un grave deficit democratico che mette a rischio la sopravvivenza dell'Unione stessa: in questo contesto

lo studio della cittadinanza europea potrebbe rappresentare una possibile soluzione volta all'inclusione e alla partecipazione dei cittadini europei nella vita democratica. La cittadinanza attiva, infatti, rappresenta per le istituzioni europee uno strumento per avvicinare i cittadini alle istituzioni: solo la partecipazione democratica e l'esercizio dei diritti previsti dai trattati permetterebbero lo sviluppo e l'integrazione dell'Unione Europea.

In questo senso l'introduzione della possibilità di presentare iniziative dei cittadini con il Trattato di Lisbona del 2007 rappresenta un elemento fondamentale per la partecipazione attiva nel processo decisionale. Il diritto di iniziativa permette ai cittadini (almeno un milione proveniente da un numero consistente di Stati Membri) di presentare proposte su questioni ritenute importanti o che necessitano un intervento diretto delle istituzioni europee, come stabilito dagli articoli 11.4 TUE, 24.1 TFUE e dal Regolamento 211/2011. L'introduzione del diritto di iniziativa dei cittadini è stato accolto positivamente e utilizzato in modo considerevole negli ultimi tre anni; tuttavia, la Commissione non sempre ha accettato le proposte presentate e solo tre iniziative hanno ricevuto l'approvazione, ossia *Right2Water*, *One of Us* e *Stop vivisection*: anche in questi casi, però, la Commissione ha assunto un atteggiamento cauto e non sempre è intervenuta direttamente.

Le conclusioni della Commissione possono rappresentare un rischio nel corretto uso del diritto di iniziativa in quanto i cittadini potrebbero perdere fiducia in questa possibilità, aumentando il deficit democratico e la distanza tra cittadini e istituzioni europee.

Infatti, se l'introduzione di ulteriori diritti politici, come la possibilità di presentare un'iniziativa dei cittadini alla Commissione Europea, hanno favorito l'inclusione dei cittadini nella vita politica dell'Unione, il deficit democratico e la scarsa partecipazione alle elezioni del Parlamento europeo mostrano come i cittadini non si sentano coinvolti o non abbiano interesse a realizzare il progetto di integrazione europea.

In questo contesto i cittadini possono essere inclusi maggiormente nel processo decisionale attraverso le possibilità offerte dal Quadro Finanziario Pluriennale (QFP) e le tecniche del nuovo emergente settore dell'europrogettazione. I cittadini europei possono partecipare attivamente attraverso i programmi stabiliti dal QFP ottenendo fondi europei per la realizzazione di attività o azioni orientate alla risoluzione o al miglioramento di determinanti settori o questioni che richiedono un intervento da parte

delle istituzioni europee. Il settore emergente dell'europrogettazione fornisce gli strumenti necessari per realizzare proposte e progetti ben strutturati ed efficaci per realizzare quelle azioni che i cittadini ritengono opportune. In questo modo i cittadini possono partecipare attivamente alla vita democratica dell'Unione proponendo misure inerenti problemi specifici che toccano sia questioni legate alla vita di tutti i giorni sia tematiche più tecniche legate, ad esempio, al mondo della ricerca scientifica. Le proposte dei cittadini presentate alla Commissione, oltre a permettere ai cittadini europei di partecipare alla vita democratica, permettono alle istituzioni di studiare quali sono le questioni aperte che richiedono un intervento e quali sono le lacune che devono essere colmate per migliorare sia il sistema europeo sia il rapporto con i cittadini.

L'europrogettazione adotta come base operativa il Project Cycle Management (PCM), un insieme di strumenti come il Quadro logico e diverse tipologie di analisi, che identifica tutte le fasi di realizzazione di un progetto. Il PCM si divide in sette fasi principali: la *programmazione*, che prevede l'analisi del contesto di base dal punto di vista sociopolitico ed economico, l'*identificazione* dei problemi, dei bisogni e delle idee di azione, la *formulazione* delle idee progettuali attraverso l'uso del quadro logico, il *finanziamento*, che prevede l'esame della proposta presentata per concedere le risorse economiche necessarie per la realizzazione del progetto, l'*implementazione*, in cui il progetto approvato e finanziato può essere realizzato, e la fase finale di *valutazione e rendicontazione*, che consiste in una verifica delle fasi del progetto, del raggiungimento degli obiettivi stabiliti e dei risultati attesi. Il PCM si basa inoltre su un importante strumento di analisi, il Quadro logico, che rappresenta un mezzo fondamentale per l'analisi degli attori coinvolti, degli obiettivi da raggiungere, delle attività da pianificare e per la scelta delle strategie da adottare per la buona riuscita del progetto. Una volta conclusa la fase di analisi, è possibile creare la matrice o la tabella delle attività previste nel progetto: questa fase rappresenta il cuore della progettazione in quanto applica i risultati delle varie analisi nella creazione di azioni da implementare.

L'insieme degli strumenti del PCM e del Quadro logico sono fondamentali per partecipare e raggiungere gli obiettivi previsti dal Quadro Finanziario Pluriennale. Questo piano europeo settennale, nel periodo 2014-2020, applica le disposizioni previste dalla strategia Europa2020, la quale aspira alla soluzione delle problematiche legate agli effetti della crisi economica, ai tassi di disoccupazione e ai livelli di

istruzione e sviluppo tra gli Stati Membri: nello specifico questa strategia adottata dalle istituzioni europee mira alla realizzazione di un'economia basata sulla sostenibilità, l'inclusione e l'innovazione.

Tra i vari programmi previsti nel QFP "Europa per i cittadini" rappresenta il più importante mezzo per la realizzazione di azioni volte alla riflessione sul concetto di cittadinanza europea, di partecipazione attiva e d'inclusione nel processo democratico decisionale.

Con questo programma le istituzioni europee mirano alla sensibilizzazione dei cittadini riguardo al tema della cittadinanza europea per colmare il deficit democratico (come dimostrato dai risultati sull'affluenza alle urne alle elezioni del Parlamento europeo): le istituzioni europee puntano a una maggiore inclusione dei cittadini in modo da poter migliorare il sistema politico dell'Unione Europea.

A questo proposito, nella fase finale della tesi verrà presentata una proposta progettuale come esempio: il progetto qui descritto rappresenta un'opportunità ulteriore nella partecipazione dei cittadini alla vita democratica dell'Unione.

Nell'esempio di e-form, il formulario necessario per la presentazione di un progetto, verranno proposte una serie di attività che mirano a far riflettere un gruppo di giovani tra i 15 e i 20 anni provenienti da diversi Stati Membri sul concetto di cittadinanza europea, sui diritti a essa collegati, sull'importanza della cittadinanza attiva e sulle varie possibilità di partecipazione democratica nel processo decisionale dell'Unione. A tal proposito il progetto proporrà una serie di azioni come la visita alla Commissione Europea, le conferenze con alcuni rappresentanti della Commissione, i laboratori sui diritti e sulla possibilità di presentare iniziative dei cittadini, con lo scopo di far conoscere quali sono i diritti dei cittadini previsti dai trattati e quali sono le opportunità di essere cittadini attivi del sistema Unione.

L'obiettivo principale di questo lavoro è dimostrare l'importanza del concetto di cittadinanza europea per la realizzazione del processo d'integrazione dell'Unione: il sistema europeo può crescere dal punto di vista economico, politico e sociale attraverso l'azione di cittadini attivi e più consapevoli dei propri diritti.

Il processo di integrazione europea e di armonizzazione dei diversi ordinamenti degli Stati Membri è un percorso difficile che richiede una costante partecipazione da parte dei cittadini e delle istituzioni europee: attraverso la creazione di un dialogo più aperto e

chiaro, l'allargamento dei diritti civili e politici e l'incremento delle possibilità di partecipazione attiva dei cittadini, il deficit democratico può essere ridotto permettendo così lo sviluppo dell'integrazione politica dell'Unione Europea.

Questo lavoro analizza il concetto di cittadinanza europea partendo dalla base giuridica dei trattati e dei casi giurisprudenziali della Corte Europea di Giustizia per arrivare a un esempio di progetto nell'ambito del programma "Europa per i cittadini", con un collegamento all'iniziativa dei cittadini e al settore emergente dell'europrogettazione.

Con quest'approccio s'intende studiare la nascita e lo sviluppo della cittadinanza europea necessaria nel processo di integrazione dell'Unione Europea; il Trattato di Maastricht, con l'introduzione del concetto di cittadinanza europea, ha creato un nuovo spazio in cui i cittadini possono beneficiare di diritti civili e politici per partecipare attivamente al processo decisionale e alla vita democratica.

Lo studio della cittadinanza europea può rappresentare una risposta concreta alla mancanza di un senso di identificazione nelle istituzioni europee e alla crescita dei movimenti euroscettici o antieuropeisti: una maggiore consapevolezza dei propri diritti derivanti dallo *status* di cittadino europeo può essere la svolta necessaria per favorire il processo di integrazione dell'Europa e la costruzione di un sistema più solido e inclusivo con il coinvolgimento dei cittadini stessi.

Il problema della scarsa identificazione porterebbe, infatti, al distacco e al disinteresse dei cittadini verso la vita democratica dell'Unione: questo rappresenta un problema rilevante per la sopravvivenza del progetto di integrazione in quanto potrebbe ritardare o annullare il processo di costruzione di un'Europa più forte dal punto di vista politico.

Dopo una prima analisi del concetto di cittadinanza europea e della base giuridica, la tesi studierà il diritto di iniziativa dei cittadini che rappresenta un'importante innovazione del sistema europeo introdotta dal Trattato di Lisbona nel 2007: questa nuova possibilità rappresenta un progresso nell'inclusione dei cittadini nella vita democratica e nel processo decisionale dell'Unione.

L'importanza della partecipazione attiva è stata ribadita più volte dalle istituzioni europee, in particolare dalla Commissione, in quanto garantirebbe il funzionamento e lo sviluppo del sistema dell'Unione. L'impegno istituzionale del Parlamento, della Commissione e della Corte di Giustizia per includere i cittadini nella vita democratica e la tutela dei diritti civili e politici sono passi fondamentali per la crescita dell'Europa e

per l'integrazione politica. Con l'introduzione della cittadinanza europea il cittadino diventa un attore politico attivo nella vita democratica dell'Unione Europea: attraverso l'esercizio dei diritti derivati da questo *status* e la partecipazione attiva, il cittadino europeo può diventare il protagonista nel processo d'integrazione dell'Unione.

Parole chiave: Unione Europea, cittadinanza, cittadinanza europea, diritti civili, diritti politici, Europrogettazione

INTRODUCTION

The concept of citizenship is a challenging subject that has been analysed from different points of view, providing numerous historic, constitutional or political interpretations by several authors. The idea of citizenship is an ancient question that has evolved and transformed its characteristics according to the political and social situations in history¹: the *status* of citizen has been always connected with a specific legal condition and it has been linked with the “individual”, the “population” or the “State”.² Citizenship has been crucial to define which were (and are today) the subjects involved in the political community and which were those excluded (for example foreigners or members of the community without civil rights): this distinction is fundamental to determine, then, which are citizens’ rights and obligations.³

The traditional definition of citizenship is linked to the condition of belonging of an individual to a State, with a related set of rights and obligations.⁴ Moreover, this concept can be studied through the identification of three fundamental elements that are the belonging to a community, the *status* related to a set of rights and the results of a historic process.⁵ It should be underlined that citizenship is not only a judicial construction but also a political instrument that allows people to become the actors of a political community.⁶

For example, in classical Roman law the *status civitatis* was granted on the basis of the belonging to a specific class, according to the *status familiae*: the *status* of citizen and the enjoyment of the related rights was a privilege only for a restricted part of the population. With the enlargement of the Roman Empire, citizenship was granted on the

¹ CORDINI Giovanni, *Elementi per una teoria giuridica della cittadinanza. Profili di diritto pubblico comparato*, ed. CEDAM, Padova, 1998, p. 3-5

² *ivi*, p. 11

³ *ivi*, p. 3-5

⁴ DEL GIUDICE Federico (a cura di), *Dizionario storico del diritto italiano ed europeo*, ed. Essestampa, Napoli, 2000, p. 58-60

⁵ COSTA Pietro, *La cittadinanza. Un tentativo di ricostruzione archeologica*, in ZOLO Danilo (a cura di), *La cittadinanza. Appartenenza, identità, diritti.*, ed. Laterza, Bari, 1994, p. 47 *et seq.*

⁶ RIGO Enrica, *Cittadinanza, trasformazioni e crisi di un concetto*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 12-13

basis of residence, even if there was the distinction between the real citizenship (*optimo jure*) and a condition of semi-citizenship (*civitas sine suffragio*), with limited possibility of action.⁷ The crisis of the Roman Empire led to a redefinition of the idea of citizenship in the light of religious principles: the citizen did not belong anymore to a universal political community but was part of different societies, according to the divisions of the feudal system, under the common values of the “Respublica Christiana”.⁸ With the birth of the modern form of State, citizenship has been considered as the element to explain the national belonging: thanks to this new condition, there is a distinction between the idea of citizenship and its legal definition.

In the modern idea of citizenship of the post-Second World War period, which found its basis on sociological studies⁹, citizenship can be described as the belonging and the participation to a community, with a political involvement of citizens in the civic life. This *status* would lead to the creation of civil, political and social rights, under a system of equity; however, these considerations have a basis in the connection of citizenship to the national model, that is to say citizenship is strictly linked to the belonging of a State. The relation established in the XIX and XX centuries between State sovereignty and nationality is a crucial element for the creation of the modern State, in which the State itself has an important role in the definition of the identity of the individual; for this reason the traditional definition of citizenship is influenced by nationality: citizenship, in this context, seems to be a consequence of the belonging to a State and of the connection with the nation-State.¹⁰

Today the condition of citizenship has to be analysed in the light of the new models proposed by different authors that represent the overcome of the traditional standards in the definition of citizenship. In the last decades the most prominent models have been the “post-national citizenship”¹¹, in which citizens’ rights are not linked to the territory

⁷ CORDINI Giovanni, *op. cit.*, p. 12-15

⁸ *ibidem*

⁹ See MARSHALL Thomas H., *Citizenship and Social Class*, 1949

¹⁰ MARGIOTTA Costanza, VONK Olivier, *Nationality law and European citizenship: the role of dual nationality*, in *EUI Working Papers*, RSCAS 2010/66, Robert Schuman Centre for advanced studies, EUDO Citizenship Observatory, <http://eudo-citizenship.eu>, 2010, p. 4

¹¹ See SOYSAL Yasemin Nuhoglu, *Limits of Citizenship. Migrants and Postnational Membership in Europe*, ed. Chicago University Press, Chicago, 1994

and the national origin, the “transnational citizenship”¹², representing the need to grant rights in order to create an international democracy and a universal form of citizenship, and the “multicultural citizenship”¹³, in which the traditional definition of nation is criticised and there is the introduction of a new model based on multicultural societies.

In this context, with the introduction of different perspectives, the analysis of the European citizenship represents an important step in the definition of what is citizenship today and which is the possible scenario for the future.¹⁴

The introduction of the European citizenship with the Treaty of Maastricht in 1992 represents a new *status* and a rupture with the traditional concept of citizenship.¹⁵

The special feature of the European Union, which is not a State, a super-State or a Federation, is the basis for the peculiarity of the European citizenship: the European citizen does not belong to a State (in the traditional meaning) and consequently EU citizenship is not based on nationality or on the link with a State.¹⁶

In 1992 the Treaty of Maastricht introduced the *status* of European citizenship, which is a particular condition that is added to Member States nationality: European citizenship is an additional *status* to the Member States’ one and is not an independent condition. This introduction has improved and increased the set of civil and political rights for the citizens¹⁷ and it offered the possibility to foster the process of political integration of the European Union. The introduction of the European citizenship represents the answer of EU institutions, at the beginning of the 1990s, to end of Cold War and the new globalised scenario; moreover, it was important in the definition of the role of “people” in the European community: for this reason, for the integration of the European system, the new emergent entity should have a clear relation with its “members”.¹⁸

¹² See BAUMBÖCK Rainer, *Transnational Citizenship. Membership and rights in International Migration*, ed. Edward Elgar, Aldershot, 1994

¹³ See KYMLICKA Will, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, ed. Oxford Univeristy Press, Oxford, 1995

¹⁴ RIGO Enrica, *op. cit.*, p. 25-26

¹⁵ MARGIOTTA Costanza, VONK Olivier, *op. cit.*, p. 4

¹⁶ TRIGGIANI Ennio, *Le nuove frontiere della cittadinanza europea*, in *Collana di Studi sull’integrazione europea*, vol. 3, ed. Cacucci, Bari, 2011, p. X-XIII

¹⁷ MARGIOTTA Costanza, VONK Olivier, *op. cit.*, p. 4

¹⁸ SHAW Jo, *The Interpretation of European Union Citizenship*, in *The Modern Law Review*,

Some authors suggested that European citizenship is not only an additional *status* to Member States citizenship (as affirmed in the Treaties), but should be considered as a condition of dual nationality with its own legal *status* and specific related rights established by European law (and not by Member States legislation).¹⁹ European citizenship, due to its post-national characteristics and to the particular condition of the European Union, is based on a political connection among European citizens and not to a State. In fact, the cooperation of citizens should be directed to the creation of new forms of civic and political cooperation at a European level: European citizenship is not based on the presence of State or of a single “national” population, but it is linked to the need to realise a European political area with specific rights (and obligations) for European citizens’ cooperation.²⁰

The idea of “European citizenship”, set on the Treaty of Maastricht in 1992, can be considered as a channel for the construction of a new kind of identity in a multicultural context.

Even if it does not exist a European definition for the EU citizenship, as the Treaties refer to national jurisdictions and to a kind of citizenship that is additional to Member States’ one, this idea could have a strong symbolic value against the national claims: the institutional divide could be shortened increasing the feeling of belonging to a European community among citizens.²¹

The process of European integration, started in 1957 with the Treaty of Rome, has been slow and cautious due to the presence of the interests in maintaining the national power and the control over territories. The new system born in 1957 represented an innovative order based on an economic area of free trade among Member countries without internal customs and on a peaceful condition after the disaster of the Second World War. The achievement of economic goals, such as the creation of a common market born as a customs union and the realization of a single currency area under the euro, is in fact the

vol. 61, May 1998 n. 3, ed. Blackwell Publishers, Oxford, 1998, p. 293-295

¹⁹ NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 111-112

²⁰ *ivi*, p. 112

²¹ TRIGGIANI Ennio, *op. cit.*, p. X-XIII

major action for the strengthening of the European system, assuring peace and cooperation at economic and political level.

This order, however, requires today a revision of the methods: the EU Commission, the Council of the European Union, the Parliament, the Court of Justice have taken several steps towards the integration of Europe and, thanks to the evolution of the treaties, directives and judgments, they have anticipated the pace aiming at the fortification of the EU system.

However, today citizens must be involved in the process as Europe is tackling a critical and decisive moment for its existence: a stronger participation of citizens in the democratic process and an intensification of the feeling of European citizenship idea could be the glue to realise a stronger cooperation among Member States.

This work aims at analysing the idea of European citizenship from the legal point of view, that is to say the legal basis we can find in the treaties and in several judgements of the Court of Justice, to a different approach in the application of the concept of European citizenship, linked to the right of initiative and the rising sector of euro-project design. This method intends to understand the birth and the growth of the idea of European citizenship, linked to the process of European integration, and the value it has acquired in the last decades. The idea of an EU citizenship could represent an answer to the lack of identification in the European institutions and to the emergence of the sceptic movements against the project of the integration: a stronger consciousness among citizens could be a fundamental step towards the construction of an effective and more inclusive European system. The problem of non-identification in a political community (in this case Europe) develops a sense of detachment from political decision process and a sense of disaffection about the democratic life: this is a dangerous question that could delay the project of integration or, worst, lead to the abandonment of the construction of a stronger European Union from the political point of view.

Furthermore, after a moment of reflection about the idea of citizenship and its legal basis, there will be a second passage on the analysis of the right of citizens' initiative, that is to say the innovation of the Treaty of Lisbon that gives to citizens the possibility to participate in the decisional process through democratic involvement and participation.

However, if the citizens' initiative is a real tool for democracy in the European Union, the proposals presented to Commission in the last years have not be very successful as only a few have been adopted by the EU institution: this great opportunity risks to be underestimate and to be forsaken because of the difficulty of its implementation.

For this reason, we can consider another way that could help the democratic process: euro-project design. This recent sector represents a new way to participate democratically in the decisional process: giving citizens the possibility to propose actions in a particular subject, there could be an increase in the cooperation at an international level. Through the formation of proposals, different actors from all the Member States, such as public or private entities, organisations and individuals, can require a grant to support a plan of activities or measures; the cooperation among different countries, in particular among different citizens, should increase the benefits of the European Union at economic, political or social level, creating more "economies of scale" in different sectors, and should enlarge the sense of inclusion in the European system. The main objective of the final part is demonstrate, in fact, that euro-project design has two major advantages: first, it is useful for citizens and different entities to propose their ideas and projects to the EU Commission, aiming at the improvement of politics; second, it is functional for European institutions that can profit of the ideas coming from different subjects of Member States to promote and create more efficient and specific measures or policies on different matters.

This work is divided into three major parts and nine chapters.

In the first part there will be an analysis of the legal basis of European citizenship, that is to say the EU treaties and the judgments of the Court of Justice, which have developed this idea during the process of European integration, and the way to benefit from this *status*.

In chapter 1 there will be an outline on the matter of European citizenship, with a definition of the problem of the acquisition of EU citizenship and the problems linked to the differences between the concept of nationality and citizenship in each Member State of EU. After that, the development of EU citizenship in the treaties will be analysed through a study of the Treaty of Maastricht, which introduced the *status* of European citizen and which represents the official birth of the EU citizenship, and a study of the

Treaty of Lisbon, which has increased citizens' rights and introduced some innovations such as the possibility of citizens' initiative.

In chapter 2, after the overview on the fundamental treaties, the question of citizens' rights will be deepened through an examination of the legal basis. The rights will be studied in three different perspectives: first, an outlook on the right of free movement and residence, with the element of non-discrimination of different nationalities between European citizens; second, a view on the relation between citizens and the European institutions, their democratic participation with the right to vote in European and municipal elections, the possibility to petition the European Parliament and the Ombudsman, and their right to access the European governmental documents in their own language; third, the bond between EU citizenship and International Law will be examined with a particular attention on the right of consular protection of European citizens outside Europe.

In chapter 3, some important judgments of the Court of Justice will show the gradual evolution of the *status* of European citizenship and of its related rights; the Court has represented the stability of the European system, but with some significant judgments it has anticipated the creation of the idea of the European citizenship and it is still working towards a stronger European integration, even if in the Treaties there is no intention to create, in the near future, a stronger political integration, that is to say a federal state or a super-state organisation. In this chapter there will be a presentation of three different case studies, which will show the position of the ECJ. The first one is the *Micheletti* judgment of 1992, in which the Court presents the problem of free circulation and free residence, and established the predominance of EU citizenship in the case a Member State refuses to recognize the *status* of another Member State citizen when he has a dual citizenship. Then, the second case is exemplified by *Chen* judgment that presents the question of free circulation and the differences of the acquisition of the European citizen *status*, linked to the relation with parents or relatives who are not citizens of EU. The third and last case study is the *Rottmann* judgment that poses the problem of the acquisition of EU citizenship and the loss of the *status* of EU citizen: in this example the Court of Justice gives its interpretation about a stateless condition, still affirming which is the role of the Court and of European law facing the national jurisdictions.

The second part of this work will focus on the right of citizens' initiative, an innovation of the Treaty of Lisbon which gives to citizens the possibility to present proposals on different subjects in order to push the Commission for adopting specific new measures: this is an important element of democracy in the European system as it promotes citizens participation in the decisional process.

In chapter 4 the attention will be on the legal basis of the right of citizens' initiative. The major references of this innovation are: first, article 11.4 of the Treaty on the European Union, which presents the basic characteristics for an initiative supported by one million of citizens coming from different Member States; second, article 24.1 of the Treaty on the functioning of the European Union that indicates which are the EU institutions involved when there is a petition of citizens; third, EU Regulation n. 211/2011 that indicates the process for the creation of a citizens' petition, according to the disposals of the previous articles.

In chapter 5 an in-depth analysis will study how a European citizens' initiative works, starting from the process for the presentation of a petition, according to EU Regulation 211/2011. Subsequently, after an examination of the value and the importance of the proposal for reform towards a stronger democratic participation, there will be a report on the successful initiatives presented to the EU Commission that have been accepted and used to adopt specific measures.

In chapter 6, after the overview of the legal basis and the functioning of the initiative, the value of this innovation will be presented: in this part we will see the significance of citizens' involvement in the decisional process, as a sign of democracy, but also as a resource for EU institutions, which can profit from the suggestion coming from EU population to adopt and implement more specific measures, assuring in this way the improvement of the system of the European Union itself. In the last part of the chapter, there will be a reflection on the condition of democratic participation in the European political process: the introduction of the citizens' initiative is certainly a democratic success for EU institutions that are, in some cases, unable to deal with new emergencies and scenarios. This slowness of EU political bodies and the difficulty in the presentation of a petition, present the problem of citizens' involvement in the democratic life of EU. In this context there is a new sector that can give an answer to this fragility of EU

system in its way to integration and that could give the possibility to participate actively with other methods and tools: euro-project design.

In the third part there will be an introduction on euro-project design techniques and methods with a link to the idea of European citizenship; after the analysis of the legal basis of citizenship in the EU and an outlook over citizens' initiative possibility, euro-project design represents the practical approach of this work: when citizens' petition fails, there are several possibilities to participate in different EU programmes to improve or to present new solutions and innovations for the strengthening of the European Union system.

In chapter 7 there will be an introduction on the techniques of euro-project design and the basic step to realise a well-organized project to obtain a grant from the EU Commission. The presentation starts with an introduction of the Project Cycle Management (PCM), which represents the fundamental structure to identify the preliminary elements to create a successful plan; the principal phases of the PCM are the programming of the actions plan, the identification of the problems to solve and the target, the formulation of the project, the financing, that is to say the study of the costs and of the economic resources required, the implementation of the project and a final evaluation. Then, the logic framework approach will be useful to proceed in the stakeholder analysis, in the examination of the problems, of the objectives and of the strategies to be applied in the realisation of the project. Subsequently, the logic framework will be useful in the creation of the matrix and the division of the plan of activities into work packages, representing every single action set in the project.

In chapter 8, after the study of the fundamental techniques of euro-project design, the attention will be focused on a presentation of the programme *Europe for citizens*, which is the link with the idea of European citizenship to this practical approach. The overview on the legal basis of the programme, represented by the Europe 2020 strategy and the Council Regulation 390/2014 that describes *Europe for citizens* programme, will be deepened with the study of the aims of the programme, namely the general and specific objectives, with a link to active citizenship and the right of citizens' petition to EU institutions.

In chapter 9, the work will end with an example of proposal for a *Europe for citizens* call; in this part there will be the realization of a plan of activities and an analysis of the

programme objectives, with a link to the concept of European citizenship and to active democratic participation in the EU decisional process. The example of e-form for the project will be implemented with the previous techniques of project design and will be a simulation for the presentation of a project to the EU Commission, as a model of democratic participation for citizens.

The major purpose of this analysis is to show the importance of the concept of European citizenship for the implementation of the EU integration: with more conscious and active citizens, the European system could grow at economic, political and social level. The process of European integration and the harmonisation of the jurisdictions among Member States is definitely a slow and difficult route that has to be improved constantly to reach the goal of integration, as it is set in the founding Treaties. That is the reason why a stronger consciousness and the participation of citizens in the decisional and democratic process could help EU institutions could be useful tools for European development.

PART I

THE LEGAL BASIS OF EUROPEAN CITIZENSHIP

CHAPTER 1. EUROPEAN CITIZENSHIP: AN OVERVIEW

1.1. Citizenship and national identity in the European Union

SUMMARY: 1.1.1. Definition of the problem. - 1.1.2. Nationality and citizenship in the European Union

1.1.1. Definition of the problem

The *status* of citizen implies the existence of a legal connection between a State and an individual: the allegiance of him/her to the State involves both the “loyalty” of the citizen to his/her State and the responsibility of the State in the protection of its citizens.²² In the study of the European citizenship there is the problem of the description of the *status* introduced by the Treaty of Maastricht in 1992 because its characteristics present new assets that overcome the traditional standards in the definition of citizenship.

According to International Law, the regulation of the question of citizenship is a competence of the State²³ in order to decide the issues of nationality²⁴ and to reduce the double nationality²⁵. The State has the power to decide and regulate the conditions for citizenship acquisition as it has been affirmed by the Permanent Court of International Justice in the case *Nationality Decrees Issued in Tunis and Morocco*²⁶ and by the International Court of Justice in *Nottebohm* case²⁷. In the last one, in particular, there

²² FORLATI Serena, *La cittadinanza nel diritto internazionale*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, 2015, p. 65

²³ *ibidem*; KOCHENOV Dimitry, *Double Nationality in the EU: An Argument for Tolerance*, in *European Law Journal*, 2011, p. 5-6

²⁴ Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws (1930) (L.N. Doc. C 24 M. 13.1931.V.), affirms at article 1: ‘it is for each state to determine under its own law who are its nationals’.

²⁵ KOCHENOV Dimitry, *op. cit.*, p. 5-6

²⁶ *Nationality Decrees Issued in Tunis and Morocco*, Judgment of 7th February 1923, P.C.I.J., B series, n. 4, p. 24

²⁷ *Nottebohm Case* (second phase), Judgment of April 6th, 1955: I.C. J. Reports 1955

was a focus on the possible criteria for the regulation of citizenship; this case has represented the basis for the definition of the standards to follow and the judgment stated that “nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties. [...] Conferred by a State, it only entitles that State to exercise protection vis-à-vis another State, if it constitutes a translation into juridical terms of the individual’s connection with the State which has made him its national”²⁸: the regulation of the matter of citizenship is a competence of the State.

At an International Law level, the problem of citizenship is considered a fundamental right of people and for this reason in the Universal Declaration of Human Rights it is affirmed that “everyone has the right to nationality” (article 1) and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality” (article 2).²⁹

In the definition of European citizenship there is the problem of the particular condition of the European Union; in fact, it is not a single State, there is no unique political control and all the Member States continue in the pursuit of their national claims: for this reason the application of the rule of the “genuine link” represents a problem in the Union case.

The question of the non-State form of the European Union is strictly linked to the fundamental theme of this work: citizenship and European citizen *status*.

The innovation of the Treaty of Maastricht has changed the criteria in the definition of citizenship as it is not granted on the basis of belonging to a State (or nationality); the transnational features of EU citizenship underline the values and the characteristics of the new model introduced at the beginning of the 1990s.

The EU institutions established the concept of European citizenship, a condition acquired by every inhabitant of each Member State, at article 9 of the Treaty of European Union: “Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship” and at article 20 TFEU (*Ex art. 17EC*) “Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union.

²⁸ *ivi*, p. 23

²⁹ FORLATI Serena, *op. cit.*, p. 66-67

Citizenship of the Union shall be additional to and not replace national citizenship.” This means that the condition of European citizens is acquired if the individual is a Member State national and this special *status* cannot replace national citizenship³⁰ as it is an additional condition to this one.

The principal and traditional types of acquisition nationality are determined according to *jus sanguinis*, *jus soli* and *jus domicilii*, on the basis of national legislations.

The *jus sanguinis* gives the *status* of citizen of the State to those who are born from other State citizens (one or both of the parents), that is to say that this kind of acquisition is related to descent; today every Member State of European Union adopt this type, even if there are some restrictions in different countries such as Cyprus, Denmark, Ireland, Malta, Portugal, United Kingdom, Slovenia.³¹

The *jus soli* guarantees the acquisition of citizenship to those who are born in the national territory; this typology is divided in *pure jus soli* that allows citizenship acquisition automatically to those born in the State, in *double jus soli* that gives citizenship to a child of foreigner parents born in the national territory, as in the case of Belgium, France, Greece, Luxembourg, Netherlands, Portugal and Spain, and in *conditioned jus soli*, that is to say the right to citizenship linked to a specific period of residence in the national territory of the parents.³²

The *jus domicilii* is represented by the process of naturalisation through the period of residence in the national territory; this method, used by the State to concede citizenship, is at discretion of the internal legislation as the State itself decides the requisites for citizenship acquisition. In the European Union the conditions of *jus domicilii* are different from a State to one other; for example, in Belgium the period of uninterrupted residence should be at least of three years, in Austria, Italy, Lithuania, Slovenia, Spain the residence should last ten years, but the EU average is a maximum of five years. Even for this typology there is a *pure* form, that is to say that the period of residence should be continuous and uninterrupted, and a *conditioned* form that presents additional characteristics such as renounce to the citizenship of the former State of residence: this

³⁰ NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 111-112

³¹ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, ed. Laterza, 2014, p.15

³² *ivi*, p.16

is the case for example Austria, Czech Republic, Denmark, Estonia, Latvia, Lithuania, Spain and Germany, even if in the last case there are several exceptions in case of dual citizenship.³³

There is another controversial type of citizenship acquisition that is the so-called “Maltese model”³⁴, based on the *jus pecuniae*: this kind of acquisition is not linked to the requisites of residence or belonging to national identity set by legislation, but it is a sort of luxury good as foreign adult people are allowed to obtain Maltese citizenship, and consequently European citizenship, paying 650.000 €.

When an individual acquires the nationality of a Member State of the Union through of the methods listed above, he/she obtain automatically the *status* of European citizen as it has been established in the Treaty of Maastricht: European citizenship it is, consequently, an additional and complementary element of national citizenship.

However, the fact that EU is not a single State, but an international and intergovernmental organisation, highlights the matter of citizenship acquisition: there is no unique population according to traditional definition of State, and there is a puzzle of different territories in the EU area with different governments. For this reason, the *status* of European citizen cannot be acquired as a national citizenship. Moreover, the process of globalisation has increased the transnational movement of people, facilitating rapid travel and communication with a decrease of the need to change nationality; the “genuine link” affirmed in *Nottebohm* case has become anachronistic and cannot be applied to the European citizenship case³⁵: citizenship should not be connected with the traditional form of State, but with a “legal community” that is the EU system.³⁶

Commonly, citizenship is given by State to people who reside or have a relation with the national territory according to the internal legislation, following the *criteria* of *jus sanguinis*, in which the individual is considered a citizen if one or both the parents are State nationals, and of *jus soli*, where citizenship is acquired if the individual is born in

³³ *ivi*, p.16

³⁴ *ivi*, p.15

³⁵ SLOANE Robert, *Breaking the Genuine Link: The Contemporary International Legal Regulation of Nationality*, in *Harvard International Law Journal*, vol. 50, number 1, 2009, p. 33

³⁶ TRIGGIANI Ennio, *Le nuove frontiere della cittadinanza europea*, in *Collana di Studi sull'integrazione europea*, vol. 3, ed. Cacucci, Bari, 2011, p. X-XIII

the national territory.³⁷ The problem of citizenship is also linked to the question of the regulation of rights, as the condition of citizen is related to the idea of a *social dimension*³⁸ of citizenship, that is to say social security, healthcare, education, work training, inclusion, residence. The idea of a social dimension is linked also to the requirement of a political community as reference or a central government that are absent in the European case. The State has the power and the authority to protect citizens' rights, that is to say the *effective control* over a delimited territory.³⁹

Even if there is not a single State, the *status* of European citizens is accorded to Member States nationals. This represents the first step for the construction of a European identity and a European community, which means the basis for the creation of a stronger Union. The lack of a central political authority leaves Europe in a condition of division in the coordination of Member States population and in the management of different cultures, and this situation of division is also strongly linked to the problem of multiculturalism in the EU. Multiculturalism, in fact, could represent an obstacle or a slowdown in the realisation of a European community of people, but even an instrument for the achievement of more effective economic, political and social policies: one of the most important characteristics of European Union is the diversity of its actors, that is to say Member States are the guardians of their national cultural heritage, but at the same time cultural differences could be useful for the integration of the European system.⁴⁰

Even if it is difficult to coordinate different realities, multiculturalism could be the key for European growth from the political and social point of view. Cultural differences among Member States have blocked not only the emergence of a sense of European belonging, but also the sense of solidarity among European peoples. The birth of a European *demos* is not linked to the founding of the European Union system or to

³⁷ FOCARELLI Carlo, *Diritto internazionale I, il sistema degli Stati e i valori dell'umanità*, ed. CEDAM, 2012, p. 26

³⁸ RONCHETTI Laura, *La cittadinanza regionale come cittadinanza sostanziale*, in www.issirfa.cnr.it > Studi e interventi - ISSN 2240-7405, p. 2

³⁹ *ivi*, p. 2

⁴⁰ PASTORE Baldassare, *Identità culturali e convivenza nell'Unione Europea*, I quaderni europei, Catania, 2014

further phases⁴¹: this is the reason why there is the need of a definition of the idea of European citizenship at EU level. The innovative *status* established in the Treaty of Maastricht has a symbolic value as today there is not a single State and no real European population, but only Member States citizens; nevertheless, it has been conceived to increase the set of fundamental rights for citizens.

The European citizenship institution creates a new legal basis, linked not only to the State but to a larger European jurisdiction, that can prevail in some occasions over the national citizenship: once EU citizenship *status* allows the exercise of citizens' rights, the legal basis is enlarged and the State is obliged to adopt policies or measures to guarantee the rights that have been established at European level. The special political condition of the EU system is associated also with the lack of a real European identity, which is one of the obstacles in the pursuit of European integration: in this context the idea of European citizenship represents the possibility to create a Union community and a European identity as the basis for a possible future political integration.

What is crucial in the analysis of European citizenship is its value in the redefinition of the traditional meaning of citizenship (according to the International Law); in addition European citizenship has been fundamental for the Union to enlarge the number of beneficiaries of civil and political rights and to highlight the role of the citizen who is not only an economic subject but also a political and active actor of the process of European integration.⁴²

The concept of European citizenship was then introduced by the Treaty to give an answer to the democratic deficit, that is the scarce participation of citizens in the decisional life of the Union; this gap between citizens and EU institutions could have severe effects on the legitimacy of the European project and for this reason the European citizenship has been introduced in 1992 in order to support the activities of the European system and to realise an area of cooperation among citizens: an increase in

⁴¹ MASTROIANNI IANNI Rosaria, *Considerazioni a margine del recente libro di Costanza Margiotta, Cittadinanza europea. Istruzioni per l'uso*, in *Ordines*, fascicolo 1, 2015, p. 4

⁴² MORVIDUCCI Claudia, *I diritti dei cittadini europei*, ed. Giappichelli, 2014, p. 4

democratic participation, provided by the creation of a set of citizens' rights, could be the instrument for the survival and the improvement of the European Union.⁴³

The idea of European citizenship can be still considered only a symbol of the will of EU institutions about the creation of a stronger Union; moreover, the problem of the difficult description of this *status*, due to different legislations in the acquisition among Member States, represents a big obstacle in the study of this subject. Nevertheless, the Treaty of Maastricht and EU institutions, included the Court of Justice, has taken several steps forward in the definition of European citizenship to create a harmonisation of the different jurisdictions, encouraging the development of this new *status*.⁴⁴

1.1.2. Nationality and citizenship in the European Union

In the general meaning, the words *citizenship* and *nationality* are used as synonyms because they are related to the dimension of citizens and of their rights; nevertheless, they refer to different aspects according to Member States legislations and cultures: the misinterpretation of the two words is connected, basically, with a linguistic problem due to the differences of meaning among Member countries.

In the preparatory works of the Treaty of Maastricht two different terms have been used, “nationality” and “citizenship”. In English the relation between these two words is unclear, due to the cultural heritage: in the United Kingdom, in fact, “nationality” is used to define the formal link between the individual and the State, and “citizenship” is the most privileged *status* to be acquired.⁴⁵ In French the two words are reflected on *nationalité* and *citoyenneté*, in German *Staatsangehörigkeit* and *Bürgerschaft*, in Dutch *nationaliteit* and *burgerschap*, in Spanish *nacionalidad* and *ciudadanía*: the meanings follow the distinction of the English words of the formal link between State and person

⁴³ BARBER Nicholas W., *Citizenship, nationalism and the European Union*, in *European Law Review*, 2002, p. 4

⁴⁴ MORVIDUCCI Claudia, *op. cit.*, p. 4

⁴⁵ EDWARD David, LANE Robert, *European Union Law*, ed. Edward Elgar, Cheltenham (UK), 2013, p. 428: In the UK the term ‘citizen’ was unknown in law before 1949; it was introduced by the British Nationality Act 1948, prior to which there existed only British subjects (a status enjoyed without distinction throughout the Commonwealth) and aliens.

(nationality) and the legal *status* (citizenship).⁴⁶ In the Italian version of the two words, on the contrary, there is a controversial meaning: in fact, “citizenship” and “nationality” can be both translated with “cittadinanza”, as the word “nazionalità” has an ethnic connotation and is inadequate to translate the concept of “nationality”.⁴⁷

According to some Italian authors, in fact, the concept of *citizenship* is linked to the legal belonging to a State and the *status* of citizens is based on the citizen’s rights; on the other hand, the idea of *nationality* refers to the “spiritual belonging” from a political point of view inside a specific community, that is to say a social identification by the common language, cultural heritage, religion, race.⁴⁸ Moreover, we can find additional definition of these two concepts⁴⁹: *citizenship* can be referred to the belonging of an individual to a State and his/her political-juridical relation with the system in which he/she lives⁵⁰; *nationality* represents, on the contrary, a “passive position” of citizens towards the State and a tool in the distinction between citizens and foreigners.⁵¹

The ambiguous definitions of the two words can lead to a misinterpretation; for this reason, in this work, it would be more appropriate to follow the definition of *citizenship* as “a legal status and relation between an individual and a state that entails specific legal rights and duties” and *nationality* as “legal relationship between a person and a state (country) as recognised in international law”.⁵²

The idea of citizenship and nationality as synonyms has been crucial for the development of the modern State form⁵³ and there is a sign of the complementarity of these two concepts in 1789 *Declaration of the Rights of Men and of the Citizen*, in

⁴⁶ DE GROOT Gerard-René, *Towards a European nationality law*, in *Electronic Journal of Comparative Law*, vol. 8.3 (October 2004), <http://www.ejcl.org/>, p. 3

⁴⁷ *ibidem*

⁴⁸ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, ed. Laterza, 2014, p.8

⁴⁹ BELTRAME DE MOURA Aline, *Il profilo della cittadinanza europea: le integrazioni attraverso i diritti e le prospettive di sviluppo politico dell'Europa*, in *Revista Ius Gentium Teoria e Comércio Direito Internacional*, 2009, p. 39

⁵⁰ COSTA Pietro, *Cittadinanza*, Ed. Gius. Laterza & Figli, Roma - Bari, 2005, p. 3

⁵¹ TRIGGIANI Ennio, *La cittadinanza europea per la “utopia” sovranazionale*, in *Studi sull'integrazione europea* n.3/2006, ed. Cacucci, Bari, 2007, p. 460.

⁵² <http://eudo-citizenship.eu/databases/citizenship-glossary/glossary#Cithip>

⁵³ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, ed. Laterza, 2014, p.8

which *citizenship* and *nationality* represent the belonging to a State and the political relation between this one and the citizen.

The relation between these two ideas have been fundamental during 19th and 20th centuries as the State form is essential for the identity of the citizen and for the exercise of rights: the equation *citizenship-nationality* justifies the common use of the two words as synonyms.⁵⁴

The introduction of the concept of European citizenship represents the overcome of the traditional usage of the terms “citizenship” and “nationality”; in the European Treaties, in fact, the word “nationality” refers to the formal relation between a person and a State in spite of the definition of the national law, and the word “citizenship (of the Union)” indicates the created *status* of European citizen.⁵⁵

This distinction is important to underline the new value and connotation of the European citizenship. The introduction of the Treaty of Maastricht was based on the need to highlight the role of European citizens in the political life of the Union, creating a set of rights to ensure the democratic participation of citizens.⁵⁶ Moreover, it underlines the particular condition of the new *status* that is not linked anymore to the allegiance to a territory but intends to create a European area to benefit from the rights established by the Treaties⁵⁷, completing the rights enjoyed by nationals of Member States.⁵⁸ The problem of the relation of citizenship and nationality lays in the incorrect methodological sequence that defines both the terms from a State point of view and then attributes the State concept (with the link to nationality) to the European citizenship: for

⁵⁴ *ivi*, p. 8

⁵⁵ DE GROOT Gerard-René, *Towards a European nationality law*, in *Electronic Journal of Comparative Law*, vol. 8.3 (October 2004), <http://www.ejcl.org/>, p. 3

⁵⁶ SHAW Jo, *The Interpretation of European Union Citizenship*, in *The Modern Law Review*, vol. 61, May 1998 n. 3, ed. Blackwell Publishers, Oxford, 1998, p. 295-

⁵⁷ TRIGGIANI Ennio, *Le nuove frontiere della cittadinanza europea*, in *Collana di Studi sull'integrazione europea*, vol. 3, ed. Cacucci, Bari, 2011, p. X-XIII; BAGLIONI Lorenzo Grifone, *La cittadinanza europea: diritti, pratiche, appartenenze*, in *Società Mutamento Politica*, vol. 1, n. 1, p. 83

⁵⁸ CLOSA Carlos, *Citizenship of the Union and nationality of Member States*, in *Common Market Law Review* 32, 1995, p. 488 et seq.

this reason the two words should be redefined in the light of the new context introduced with the citizenship of the Union.⁵⁹

European citizenship has been added to the Member State nationality as a completion of the civil and political rights of citizens; for this reason this *status* has a *dual* connotation as it derives from the Member State citizenship: this is a fundamental element in the analysis of the institution of the EU citizenship because it is linked to the problem of national identity and to the acquisition of citizens' rights.

The institution of European citizenship is an improvement of the traditional idea of citizenship and presents some innovations in comparison with other kinds of citizenship. There are three kinds of citizenship developed in the last two centuries that are strictly connected with the form of State and that can be compared with EU citizenship, which represents a peculiar case. First, there is the traditional form of citizenship, that is to say the legal and political relation between the citizens and the State. Second, we can find the *federal citizenship*, as in Switzerland, that prevails on the national citizenship without withdrawing it. And third, there is the *multinational citizenship*⁶⁰, a special kind of citizenship that has a political and social purpose in reaction to globalisation and post-colonialism: it is given by *multinational States* (i.e. Bolivia and Ecuador) to include indigenous population in the democratic life and process, as a reaction to the colonial heritage. This kind of citizenship aims at the inclusion of the State inhabitants, recognising their cultural, linguistic, political and even jurisdictional differences; the central government controls the different areas and adopt policies and measures to encourage cooperation and a proper coordination among the groups' claims.⁶¹

The institution of European citizenship moves away from these different kinds of citizenship because it does not present the basic characteristics. In the first case European citizenship cannot be compared to the traditional definition of citizenship as the European one is not linked to a State formally structured, according to the

⁵⁹ *ibidem*

⁶⁰ MARGIOTTA Costanza, *op. cit.*, p. 9

⁶¹ BALDIN Serena, *La rifondazione di Ecuador e Bolivia e l'emersione costituzionale della tradizione meticcia*, Forum di Quaderni Costituzionali, inserito nel progetto di ricerca *L'emersione di paradigmi di sviluppo sostenibile e solidale. Dall'America latina qualche suggerimento per l'Europa?*, Università degli Studi di Trieste, 2013, pp. 17-18

classification of International Law. The second example that is the *federal citizenship*, cannot be equated to Union citizenship as the European Union is not a federation of States, but a supranational organisation: it cannot be related to the traditional idea of State. The third and last type of citizenship cannot be associated to European citizenship because the *multinational citizenship* has been instituted with political and social purposes of indigenous population integration as a reply to globalisation: even if they both work towards the cooperation of different social realities, the European Union cannot be compared to the Southern American form of State due to the historical heritage.

This analysis shows that the institution of European citizenship has broken the traditional connection between citizenship and nationality: the innovative meaning of citizenship has evolved not only from the linguistic point of view, but it also creates the possibility for a future political improvement of the institution of citizenship itself, even if the idea of nationality as the belonging to the State is still used as a tool for State citizens or foreigners classification.⁶²

The link between citizenship and nationality has been transformed by the introduction of European citizenship and the traditional connection between State and citizen in the matter of acquisition has transformed at the light of the development of multiculturalism question in the European area.

The introduction of the EU citizenship with the Treaty of Maastricht represents an innovative interpretation of the national identity, of the role of State, of the importance of the political community and of the acquisition of rights: the European citizenship has become a symbol of the integration process and the possibility for the realisation of a stronger political Union. As Ugo Villani wrote: “the concept of European citizenship represents a change in the perspective, it is an ideological turning point in the European integration process that work towards the realisation not only of the economic coordination, but also of the political Union. In this context the individual is not only an individual who participates in the economic activities of the State, but also a political subject.”⁶³

⁶² MARGIOTTA Costanza, *op. cit.*, p. 9-11

⁶³ VILLANI Ugo, *La cittadinanza dell'Unione Europea*, da *Studi in ricordo di Antonio Filippo Panzera*, vol. II, Cacucci Editore, Bari, 1995, in *La cittadinanza europea*, ed. Giuffrè, 2013, p.17

1.2. Development of European citizenship in the Treaties

SUMMARY: 1.2.1. The evolution of the European citizen from 1957 to the early '90s. – 1.2.2. The Maastricht Treaty and the birth of European citizenship. – 1.2.3. The Lisbon Treaty and the growth of citizens' rights

1.2.1. The evolution of the European citizen from 1957 to the early '90s.

In the study of the creation of European citizenship, after an overview on the problems and the questions related to the *status* of EU citizen and on the transformation of the national identity, it is important to examine in depth the evolution of the system of the European Union, from its birth to our days, and the developments accomplished with the improvement of the Treaties.

This is fundamental in the examination of the European citizenship because from the foundation of the European Economic Community in 1957 until today the role of Member States and EU institutions has changed; even the role of the individual has evolved from being an economic subject in a free trade system of cooperating countries to a political subject with the *status* of citizen and the possibility to exercise politic, social and civil rights.

After the Second World War the European situation and the need of reconstruction led some of the most industrialized countries to create an economic cooperation with the aim of re-establishing democratic States and secure economic order; this reaction to the disaster of the war worked towards the restoration of peace and wealth among European countries. The project started thanks to the promotional activities of some prominent politicians, coming from the most influent countries, such as the French foreign Minister Robert Schuman, the entrepreneur Jean Monnet, the German Chancellor Konrad Adenauer, the Italian Prime Minister Alcide De Gasperi and the Italian politician Altiero Spinelli. The fundamental idea was the creation of an area of industrial cooperation in the coal and steel production between the former enemies during Second World War, France and Germany, plus the major industrialized countries of the 1950s, Italy, Belgium, the Netherlands and Luxembourg: in 1951 these States signed in Paris the founding Treaty of the European Coal and Steel Community (ECSC)

as there was the need to include the Franco-German production of coal and steel in an international organisation opened to other participants under the control of a High Authority.⁶⁴

This area of industrial cooperation was the basis for the creation of the European economic integration through the cooperation among States in a free trade order. The success of the activities of the ECSC led to several meetings focusing on the possibility of an economic cooperation in trade system, in the management of nuclear energy and of transports. After a discussion in Messina in 1955, on the 25th March 1957 the Members of the ECSC signed the Treaty of Rome creating the European Economic Community and the EURATOM (European Atomic Energy Community) that entered into force in 1958.

These forerunner of today European Union were founded with the aim of economic collaboration under a free trade system in the management of some critical sectors, with the control of the institutions typical of international organisations: there were a common Assembly and a common Court of Justice for the EEC and the ESCS, and separated institutions as the Commissions and the Councils of Ministers for the two organisations. This asset was maintained until the 1st July 1967 when the Treaty of the 9th April 1965 on the “fusion of the executive institutions” unified the Commissions and the Councils of the EEC and ESCS.⁶⁵

During the early 1960s the Member States worked towards the realisation of a common area of free market in a free movement system for goods, services and workers.⁶⁶ This is a crucial element in this analysis of citizenship as the role of workers in the European system has changed profoundly from the birth of the European order until today: to achieve the economic integration in the European area there was the need to deal with the free circulation of people, namely workers.

According to Margiotta, in the after-war period citizenship was related not only to nationality but also to work: this connection between work and nationality has led to an improved form of citizenship and a new form of State, the social or *Welfare State*.⁶⁷

⁶⁴ TESAURO Giuseppe, *Diritto dell'Unione Europea*, ed. CEDAM, 2012, p.5

⁶⁵ TESAURO Giuseppe, *Diritto dell'Unione Europea*, ed. CEDAM, 2012, p.7

⁶⁶ *ivi*, p.8

⁶⁷ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, ed. Laterza, 2014, p.22

Belonging to traditional liberalism, starting from John Locke philosophy, the *status* of citizens was strictly linked to property. During the 19th century, thanks to labour movements and the transformations in the productive sector of goods and capital, even the figure of worker obtained the *status* of citizen, with the possibility to exercise the civil rights. This is an important element in the examination of the birth of the European Economic Community: the need of a more integrated system, aiming at the improvement of economic cooperation among Member States, led to a definition of the role of the worker-citizen in the European system. The realisation of free circulation measures for workers in the EEC system created the basis for the construction of a primary European citizenship: the worker can be considered a “trade citizen” or a “privileged foreigner”;⁶⁸ this definition is related to the exercise of citizens’ rights through work and the consequent recognition of the worker as a citizen.

Thanks to the Italian position during the late 1950s, Member States adopted measures to redistribute the labour force among European countries; the Italian strong unemployment was equilibrated by the high demand of unskilled labour in the near States: the economic development of the European area was supported by coordinated policies among EEC Members and through migration. In this context the management of free circulation of workers during the 1950s-60s was a necessary requirement for the economic and industrial growth of European countries.⁶⁹

During the 1960s some important steps have been taken in the subject of free circulation as some directive introduced non-discriminatory policies in hiring workers from EEC Member States. Even if in the Treaty of Rome the right to free circulation of people, specifically workers, had been stated, there were still some complications due to national preferences, that is to say there were discriminatory treatments between national citizens and Member States/foreign citizens.

The process of workers’ free circulation has been developed in three different phases during the 1960s. In the first period from 1961 to 1964 it was planned according to the Council Regulation n.15 of 1961 that stated the principle of *priority*⁷⁰ of the national worker: EEC Member States citizens were allowed to free circulate in order to work in

⁶⁸ *ivi*, p.24

⁶⁹ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, ed. Laterza, , 2014, p.27

⁷⁰ TESAURO Giuseppe, *Diritto dell'Unione Europea*, ed. CEDAM, 2012, p.477

other European countries, but the national worker had the precedence on other workers coming from European countries. In addition, the right to work in a Member State was subordinated to the release of a residency permit. In the second phase, from 1964 to 1968, the principle of *priority* has been abolished as it was in contrast with the aims of the European Economic Community, namely the economic growth through the free circulation; thanks to the Regulation n.38 of 1964 this principle has been eliminated, but Member States had still the possibility to suspend the application of right to freely circulates depending on the condition of internal work demand (i.e. labour force excess). The third level of the process, from 1968 to 2004, the right to freely circulate for workers has been achieved thanks to Council Directive 68/360/EEC and the Regulation n.1612 of 1968: the first abolished the restrictions of residency for workers and their families, and the other one realised the right of circulation in the European system.⁷¹

Thanks to this legislation evolution, workers can move freely in European countries and have the right of the *national treatment*, that is to say the Member State worker is considered as a national worker with the possibility to benefit from the social and fiscal advantages, as it is stated in article 7 of the Regulation n.492 of 2011.⁷² Nevertheless, even if the *national treatment* led to the prohibition of clear or hidden discriminations and the Court of Justice controls the presence of treatment differences, with some exceptions to the free circulation as in the case of Anita Groener⁷³ of 1989, that represent still an obstacle to worker integration and that are limitations due to a lack of harmonisation among European legislations. In the case *Anita Groener against Minister for Education and City of Dublin Vocational Educational Committee* a Dutch teacher applied for a place in an Irish public school. The legislation provides for a test of Irish language knowledge in case of application for a public job (due to the protection of the linguistic heritage), that could represent a limitation in the *national treatment*. As Mrs Groener did not pass the exam, she was not allowed to teach in Irish schools: this case shows a limitation to free circulation in case national jurisdiction needed to safeguard

⁷¹ *ivi*, pp.476-479

⁷² *ivi*, p.480

⁷³ Case C-379/87, Groener, *Racc.* p.3967, judgment of the 28th November 1989

specific subjects; however, the Court of Justice underlines that this particular treatment must be achieved without discrimination among Member States workers.

Another step towards the realisation of total free circulation of people was the Schengen Agreement, signed the 14th June 1985 by Belgium, France, Luxembourg, Netherlands and West Germany. This pact among European countries aimed at the gradual abolition of borders' checks, with a consequent simplification in travelling around the Members of the Agreement. This new system was implemented during the 1990s and was absorbed in the EU law with the Treaty of Amsterdam, signed in 1997 and come into force in 1999; the new order, which include also some non-EU countries such as Iceland, Norway, Switzerland, represents an additional element in the circulation of people and not only of workers. Born as a non-EU arrangement, the Schengen Agreement has been extended by the Schengen Convention that proposed the abolition of internal border controls and created the Schengen Area.

The system of the European Economic Community was born with the aim of creating a cooperation area of European States in order to maintain peace and democracy continuing, at the same time, the pursuit of the economic growth at industrial level and the process of social and political integration. The primary measures of the system were in fact linked to the free circulation of goods, services and workers: through the collaboration and the creation of economies of scale, the EEC Member States have worked towards the economic growth. But for workers' right to freely circulate the EU law has had to make several steps in the management of the subject: from the initial principle of *priority* to the principle of *national treatment*, the role of European worker has evolved and has been included in a more integrated system. The goals achieved in the first thirty years of life of the European Community were initially related only to workers, but the steps made in EU law, thanks to EU institutions and especially the Court of Justice, created the basis for the recognition of the European citizen figure.

1.2.2. The Treaty of Maastricht and the birth of European citizenship

The European system has evolved slowly and cautiously from the Treaty of Rome in 1957 until today thanks to the influence of the Court of Justice. As the European Economic Community was born with the aim of economic collaboration and of the

protection of social and civil rights guaranteeing peace and democracy, the Court of Justice has managed several questions about the new EU subjectivity in the international scenario.

The EEC needed to be recognised by the other international actors, namely States and international organisations, becoming a new international subject as the European system could not (and cannot still today) be equated to a State. The process necessary for international recognition was divided into two phases and led by the Court of Justice. In a first level, during the 1960s, the Court aimed at the *de-constitutionalisation* of national jurisdictions; at the end of the decade, it started the process of *constitutionalisation* of European law, as a solution for the lack of intervention in the safeguard of fundamental rights. Thanks to some historic judgement such as *Van Gend en Loos*⁷⁴ and *Costa/Enel*⁷⁵, the Court of Justice affirmed that the European law created rights and obligations on individuals, sustaining the EEC system as an international subject and finally the superiority, in some cases, of European law over the national jurisdiction.⁷⁶

The Court was conditioned to the protection of the economic interests set in the institutional treaties, but to pursue this it had to enlarge the area of its control even to subjective rights: the Court had to manage even the individual social rights to guarantee the normal functioning of the economic integration.

The Treaty of Maastricht, signed the 7th February 1992 and come into force the 1st November 1993, represented a crucial moment in the construction of today European Union: the Court of Justice became the protector of the fundamental rights and the principles of freedom, democracy, human rights and the rule of law have been recognised as founding values of the European Union.⁷⁷

The Treaty transformed the structural nature of European organisation, from the Community with the aim of economic cooperation to a more integrated Union of States with an enlargement of the spheres of intervention in three fundamental areas. The text arranges the European organisation in the “three pillars structure”: the first one is the

⁷⁴ Case 26/62, *Van Gend en Loos*, *Racc.* p.197, judgment of the 5th February 1963

⁷⁵ Case 6/64, *Costa c. Enel*, *Racc.* p.1127, judgment of the 15th July 1964

⁷⁶ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, , p.52

⁷⁷ *ivi*, p.59

fusion of the European communities, of the EEC and of the EURATOM to coordinate better policies in the economic strategic sectors, the second one is represented by the realisation of the “Common Foreign and Security Policy” with the regulation of foreign and military questions, and the last one is the “Justice and Home affairs” that aims at the cooperation between European States police and jurisdiction in the fight against crime.

At the same time the Member States decided to introduce in the Treaty the concept of *European citizenship* as an evolution of the process of European integration at economic, political and social level. Even if the EU citizenship represented in the primary phases only a symbol of a new possible order, for Member States there was the need for the creation of the sector of citizens’ rights, as European citizenship could not be only an “empty box”.⁷⁸

The Treaty of Maastricht introduced for the first time the idea of an EU citizenship at article 9 of the Treaty of the European Union and from 1993 this *status* was added to Member States citizenship. The new institution, consequently, represented a new set of privileges that were added to the national citizens’ rights: the Treaty stated not only the right to freely circulate, which was still the basis of the creation of this kind of citizenship, but also those political and administrative rights related to free residency and free movement right. From 1993 the European citizen not only could circulate freely around Member States, but also could vote and been elected at administrative and European elections in the country of residence, benefit from consular protection of every Member State in the case his national consulate were not present abroad, present petitions to the European Parliament and address to the European Mediator.⁷⁹

Reading the Treaty on European Union we can notice the evolution in the attention to the new role of European citizens in the EU system: the major subject is anymore only the worker, but is the citizen. The EU institutions, from the Treaty of Maastricht, are more involved in EU citizens’ life and as it is stated at article 1.2 of the Treaty on European Union “This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen”.

⁷⁸ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l’uso*, p.59

⁷⁹ *ivi*, p.58

Before the 1992 agreement there was the feeling of a sort of *democratic deficit* and a situation of institutional fragility, due also to the lack of innovations in the sector of civil rights. Even if the weakness of the democratic participation in the EU system, due more to an insufficient consciousness of rights among citizens than to a bureaucratic slowness, in the Treaty the political rights of the citizen marked the change in the nature of the EU organisation: from the economic interests to the pursuit of the creation of a more integrated community.⁸⁰

The establishment of the political rights related to European citizenship create the conditions for a development of the role of the citizen, but the consciousness of the citizen *status* can be perceived in particular circumstances.

Every single right can be seen from different perspectives and in the primary phases of the EU citizenship, the individual can notice his condition more from an external situation, due to the lack of the *status* perception. That is to say, when an individual is out of the European area in a country without his State representative institutions, the perception of the European citizenship becomes clear. On the contrary, when the individual is inside the EU system he has a different perspective and he can notice that he is a *quasi-citizen*⁸¹: he can travel freely in the European area, he can reside in a different Member State and, thanks to the principle of non-discrimination, he can exercise the political rights; however, his condition of *quasi-citizenship* is related to the impossibility to vote in the national elections (when he resides in another State). Therefore, the true mark of the European citizenship is the possibility to participate in the democratic life of the EU system, as the EU Parliament elections are used more to approve or reject national governments than to reflect on the creation of a more integrated European community, even at political level.⁸²

The importance of the Treaty of Maastricht, according to this analysis, is the introduction of the *status* of EU citizen as a recognition and a symbol of the institutions' will for the integration of the system of the European Union: this Treaty has evolved the role of citizen, from the condition of worker who could freely circulate in the EU area looking for a job in another country, to the *status* of citizen who possess different

⁸⁰ *ivi*, p.59

⁸¹ *ivi*, p.60

⁸² MARGIOTTA Costanza, *La cittadinanza europea, istruzioni per l'uso*, p.60

political and social rights and who can exercise his liberties in the democratic life through participation. The adoption of this text represents the crucial point of this analysis: it shows the need to create a link between citizen and State and not to base the *status* on an existing connection between the two parts, so it can be considered as the symbol of the process of European construction.⁸³

The further level was the recognition of fundamental rights related to the introduction of European citizenship, which represents a special condition: the figure of the European citizen is transforming its nature, thanks to the improvements in the founding treaties, from the workers of the 1950s to the European citizens with the recognition of civil rights.

1.2.3. The Lisbon Treaty and the growth of citizens' rights

After the Maastricht Treaty there was the need to achieve the citizens' political rights. The first opportunity to improve the innovative introductions of the Treaty of 1992 in the question of citizenship and in the regulation of free circulation of people in the European area⁸⁴ is the Treaty of Amsterdam, signed the 2nd October 1997 and come into force the 1st May 1999. The measures proposed to implement the recognition of rights to European citizens were the *federalist goal*, that is to say the strengthen of the European institutions that represent the European electorate according to different theories of integration such as Thomas H. Marshall's idea of the lack of European sense of belonging or Jessurun D'Oliveira's suggestion of *proto-cosmopolitan citizenship* in the context of multicultural societies and the jurisdictional equality among Member States in the sector of political rights.⁸⁵

At the beginning of the new millennium, the European system was still evolving and adapting its nature to the historical events; with the terrorist attacks of the 11th September 2001 and the consequent political and military questions, the European

⁸³ ADAM Roberto, *Prime riflessioni sulla cittadinanza dell'Unione*, da *Rivista di diritto internazionale*, ed. Giuffrè, Milano, 1992, in *La cittadinanza europea*, ed. Giuffrè, 2013, p.37

⁸⁴ LIPPOLIS Vincenzo, *La cittadinanza europea dopo il trattato di Amsterdam*, da DEL VECCHIO A., (a cura di), *La cittadinanza europea dopo il Trattato di Amsterdam*, Giuffrè, Milano, 1999, in *La cittadinanza europea*, ed. Giuffrè, 2013, p.47

⁸⁵ *ivi*, pp.49-50

institutions felt that the process of integration had to be quickened through a revision of the treaties: in 2003 the project of a European Constitution came alive. The major purposes of the text were the fusion of the founding Treaties, the re-definition of the role of EU institutions and a strengthening in the protection of citizens' rights, peace and democracy. A step forward was made with the inclusion in the European system of some fundamental rights in which every citizen can identify and that reflect the purpose of article 3 of TEU affirming that "1. The Union's aim is to promote peace, its values and the well-being of its peoples; 2. The Union shall offer its citizens an area of freedom [...]; 3. [...] It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child".

The next level in the evolution of the *status* of European citizen, in fact, was the insertion of the Charter of Fundamental Rights of the European Union, a text proclaimed by the EU Parliament, the Council of Ministers and the Commission the 7th December 2000: this underlines the need in the EU system of a codification of fundamental rights, due to the lack of specific legislation in the EU law. The Court of Justice has supported the cause of civil rights from the birth of the EEC and the Treaty of Maastricht represented a new stage of the institution of citizenship, but only the Charter started the negotiates for the adoption of clearer measures in the question of citizens' rights⁸⁶. This Chart, having no legal status in 2000, would have been absorbed in the Treaty of Lisbon in 2007 and become part of the EU law.

The failure of the Constitutional project, due to the negative results in the French and Dutch referenda in 2005, led in fact to a redefinition of the European system: the Treaty of Lisbon, signed 13th December 2007 and come into force the 1st December 2009, represented the crucial moment for the construction of today European Union.

The language and the formal structure of the Treaty display the will to abandon the Constitutional purposes, at the moment, in order to give to the Treaty of Maastricht a complete realisation: even if there are not real innovations in the Treaty of Lisbon, there are the affirmation and a stronger will to implement the conquests of the early 1990s.

The crucial points of the Treaty of Lisbon are the strengthening of European and national Parliaments' power as a sign of stronger democratic representation of citizens'

⁸⁶ MARGIOTTA Costanza, *Cittadinanza europea, istruzioni per l'uso*, p.61

will, in addition to the set of a greater cooperation among national and EU institutions and the definition of competencies. Moreover, the Treaty regulated the matter of qualifying majority vote for more subjects in order to accelerate the adoption of specific measures; then it instituted the figure of the European Council President with a mandate two years and half long and it increased the competencies to regulate those sectors linked to everyday life of European citizens such as freedom, security, justice, health care, energy policies, trade policies, humanitarian aids, sport and tourism.⁸⁷

One of the most important and interesting innovations of the Treaty of Lisbon is the citizens' initiative, which can be considered as a real tool of active participation in the democratic life and in the decisional process of the European system. This instrument is based on the possibility for citizens, in a group of one million people coming at least from seven Member States, to present to the European Commission a proposal of reform or of intervention in a specific question with a public and general value: from this moment the citizens of the European Union can participate actively with the presentation of propositions, not only through the elections of the representatives for the EU Parliament.

Furthermore, even if the institution of European citizenship did not evolve from 2009 as the Treaty kept the formulation of *dual citizenship* (EU citizenship is added to the national one), from the agreements in Lisbon there was an improvement in the protection of political and fundamental rights. The Chart of Fundamental Rights, in fact, became mandatory and a source of European law in the defence of rights. In addition, the EU institutions focused also on the political rights and they declared their intention in the pursuit and preserving of: the democratic values (with a more inclusive attitude for citizens' participation), the citizens' fundamental rights, the principle of solidarity among people and Member States, the necessary security to keep peace and political stability and the liberties of European citizens, namely political, economic and social freedoms.⁸⁸

As we can see, the Treaty of Lisbon did not transform the institution of European citizenship set in the Treaty of Maastricht, but it focused on the defence of rights: this is

⁸⁷ http://ec.europa.eu/archives/lisbon_treaty/glance/index_it.htm

⁸⁸ *ibidem*

an alternative way, pursued by EU institutions, to achieve the realisation of a European integration through the definition of citizens' rights.

Even if the *status* of European citizen seems to be merely a symbol of integration, the improvement in the explanation of the citizens' rights and the plan of protection of these manifest the aim to create the *European citizen*, with the related obligations and rights. We have seen that the evolution, from the birth of Europe in 1957 to the Treaty of Lisbon, has transformed the consideration of the individual in the European system: he has improved from the worker who needs to circulate in Member States to the citizen with the right to participate actively in the decisional process of European Union.

At this moment, the famous quotation of Massimo D'Azeglio after the realisation of the Kingdom of Italy in 1861 "We have made Italy. Now we must make Italians" can be used about the question of European integration process: today can we say "we have made Europe, now we must make European citizens"?

According to Vincenzo Lippolis we can give a positive answer as Europe has become a real presence in Member States everyday life and in the international scenario, but it has an institutional divide to defeat: the presence of the duo citizenship-national identity is an obstacle in the creation of a sense of belonging to European Union. Nevertheless, the introduction of the *status* of European citizen represents an important step in the process of integration: as Jürgen Habermas wrote in 1991 there is a systemic integration at economic level and administrative at international level, but the political integration is created at a national level. This is the real question linked to the institution of European citizenship⁸⁹: the total realisation of the European identity can be achieved with the creation of a stronger political Union.

⁸⁹ LIPPOLIS Vincenzo, *La cittadinanza europea dopo il trattato di Amsterdam*, da DEL VECCHIO A., (a cura di), *La cittadinanza europea dopo il Trattato di Amsterdam*, Giuffrè, Milano, 1999, in *La cittadinanza europea*, ed. Giuffrè, 2013, p.45

CHAPTER 2. THE RIGHTS OF EUROPEAN CITIZENS

2.1. Citizenship and free movement

SUMMARY: 2.1.1. Right to free movement and residence. – 2.1.2. Right of non-discrimination for European citizens

2.1.1. Right to free movement and residence

One of the most important and crucial element of the European Union system is the right of free movement⁹⁰: in 1957 this represented the indispensable condition in the creation of the European Economic Community because from this point onwards, citizens could have the right to freely move in the whole European area encouraging the economic development and the improvement of the system in Europe Member States. Consequently to the introduction of the concept of European citizenship in the Union system in 1992 and with the Treaty of Maastricht, there was the need to implement the set of rights granted to citizens. Member States nationals have the right to freely move as a fundamental condition to benefit from the rights established in the Treaties: it is for this reason that the possibility of free circulation has been at the centre of an important and productive series of legislations.

In the first phases of the building of the European Community, the right to freely circulate represented one of the crucial instruments in the construction of the common trade: the elimination of obstacles and let people freely circulate, goods and capitals among Members States was the major aim of the organisation. Nevertheless, at the beginning this right was admitted only for the workers with the citizenship of a Member State: the right, in fact, firstly was not linked to the concept of citizenship but to the condition of economic involvement so, it was connected to the sphere of work and services.⁹¹ These limitations were the implementation of the common trade and the

⁹⁰ TESAURO Giuseppe, *Diritto dell'Unione Europea*, ed. CEDAM, 2012, chapter V, p. 476-486

⁹¹ *ibidem*

economic development among Member States could be achieved through the free movement of workers, in order to redistribute the labour force and profiting from it.⁹²

The condition of free movement linked to worker has been kept in the European system until the early 1990s with the introduction of the concept of European citizenship. At the same time, European institutions recognise the important role of the right of free movement sine it was strictly connected with a set of rights concerning economic and fiscal question.⁹³

Further on, to the importance of an equal treatment among Member States citizens in matters concerning the access to work and wages.

With the advent of the Treaty of Maastricht, the European Court of Justice enlarged the target of the right of free circulation conceding it also to workers' relatives, in order to favour family reunifications also to tourists (due to the increase of tourism in the European area and the frequency of travels) and students. The condition to benefit from right to freely circulate was the presence of a healthcare insurance and of sufficient economic resources.⁹⁴

With the Treaty of Maastricht, the right to freely circulate in the Member States' territory for all European citizens was affirmed at article 8A, become article 21.1 of the TFEU:

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.

The right introduced in 1992 only allowed to those people economically active, was then granted to those people with the *status* of European citizen. Consequently, all limitations and obstacles were reduced and free circulation became the basis for the

⁹² MORVIDUCCI Claudia, *I diritti dei cittadini europei*, ed. Giappichelli, 2014, p. 97-99

⁹³ CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 24-30

⁹⁴ *ibidem*

European law jurisdiction, with the interpretation of the ECJ and the possible intervention of the Parliament and of the Council.

As stated by article 21.1 of the TFEU, the right of free circulation is strictly connected to the right to free residence in the territory of a Member State at the same conditions established for right to freely circulate. This two crucial rights of the European system could be considered as a single right because the free circulation of workers should be guarantee by the possibility to reside in the territory of a Member State.

The rights of article 21.1 of the TFEU are connected with the *status* of European citizen and this element has represented a controversial question in the recognition of the subjects that can benefit from these two fundamental rights: with an interpretation of the ECJ of the case *Baumbast* in 2002, the Court has affirmed that the right of residence in a Member State territory “is conferred directly on every citizen of the Union by a clear and precise provision of the EC Treaty. Purely as a national of a Member State, and consequently a citizen of the Union, Mr Baumbast therefore has the right to rely on Article 18(1) EC.”⁹⁵ Thanks to this interpretation, the Court has affirmed that the right of free circulation and residence derives from the Treaty and represents the core of the European Union system; moreover, this interpretation explains that thess rights are the legal basis to verify national and Union acts concerning the exercise of the fundamental rights.⁹⁶

Among the limitations to the right of free circulation and free residency, there are the public security, the requirement of an healthcare insurance and sufficient economic resources.

These are the obstacles in the exercise of the rights, as affirmed also in the Directives 90/364 of the 1990 and 93/96 of the 1993 about subjects economically inactive: these conditions were established in order to avoid that these subjects could become a burden for the State of residence.

The goals achieved by the jurisprudence of the ECJ, with the cases *Baumbast* and *Grzelczyk*, show the interest of European institutions in the implementation of the rights of free circulation and residence and in the simplification of the limits and the requirements to enjoy from these rights.

⁹⁵ Baumbast case C-413/99, judgment of the 17th September 2002, point 84

⁹⁶ MORVIDUCCI Claudia, *op. cit.*, p. 104-105

In 2004 there was an important evolution of the question of free circulation and residence rights thanks to the issue of the Directive 2004/38/EC of the European Parliament and Council; the Directive has revoked the previous directives of the early 1990s and has affirmed a new set of conditions to benefit from these rights with a focus on the problem of European citizens' relatives free circulation. The evolution of the subjects involved (from the worker to the European citizen), shows the route followed by the EU institutions in the implementation of these rights and the definition of the new target. The work of the Court of Justice is the main basis for the creation of the new conditions to enjoy right to freely circulates, but in the recent jurisprudence, the Directive 2004/38 has represented the fundamental reference for the application of the rights established by the Treaties: the Directive represents the minimum basis that every Member State should apply in the regulation of the rights of free circulation and residence.⁹⁷

2.1.2. Right of non-discrimination for European citizens

One of the most important clauses in the Treaty on European Union is article 9 that affirms:

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. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

This crucial article states the principle of equal treatment among European citizens by EU institutions and bodies in all their activities⁹⁸. The right of equality can be connected to the statements of the Chart of fundamental rights as the Treaty of Maastricht

⁹⁷ See also CLOSA Carlos, *Citizenship of the Union and nationality of Member States*, in *Common Market Law Review* 32, 1995, p. 495-497

⁹⁸ MORVIDUCCI Claudia, *op. cit.*, p. 63-64

reaffirmed the people equality, but at the same time limited the right to the sphere of European citizens.⁹⁹

This article shows the intention of European institutions to follow the route of the democratic life improvement and to create a more equal system; in addition, the Court of Justice has affirmed that the principle of equality, and the consequent non-discrimination, represents a general principle of the European Union, which imposes Member States to treat citizens as if they were the Member State nationals.¹⁰⁰

Article 9 reaffirms the right of equality that can be found in the fundamental and founding principles of the European Treaties. The attitude of institutions could not be arbitrary and could not accept favouritisms in citizens' rights administration: in case of bad governance, in fact, European citizens can apply to the Ombudsman or appeal for the competent Courts. For this reason the principle of equality should be considered by the institutions as a reference in the adoption of the proper attitude in the relation with citizens.¹⁰¹

The most important goal that the European Union should achieve is the recognition of the need of non-discrimination of citizens according to their public visibility or their political influence: this could be the real implementation of the principle of equality.

Nevertheless, it is difficult for European institutions to guarantee a complete equal treatment, as in the case of the elections at the European Parliament: the objective of the institutions should be the realisation of an appropriate dialogue with citizens as they should justify the decisions taken.¹⁰²

Part of the literature on the European legislation affirms that article 9 of the TEU has been useful for the affirmation of the *status* of European citizen: the principle of equality for European citizens represents the basis to enjoy the rights established in the Treaties and it is a crucial element for the construction of a more integrated and democratic Union.

⁹⁹ See TRIGGIANI Ennio, *Cittadinanza dell'Unione e integrazione attraverso i diritti*, in MOCCIA Luigi (a cura di), *Diritti fondamentali e cittadinanza dell'Unione europea*, ed. Franco Angeli, Milano, 2010

¹⁰⁰ See LANG Alessandra, *Commento all'articolo 21 TFUE*, in TIZZANO A. (a cura di), *Trattati dell'Unione europea*, 2^a ed. Giuffrè, Milano, 2014

¹⁰¹ MORVIDUCCI Claudia, *op. cit.*, p. 63-64

¹⁰² *ivi*, p. 65-68

2.2. Citizenship and EU institutions

SUMMARY: 2.2.1. Right to vote in European and municipal elections. – 2.2.2. Right to petition the European Parliament and the Ombudsman. – 2.2.3. Language rights and access to European governmental documents

2.2.1. Right to vote in European and municipal elections

The European Union during the last sixty years has evolved from an organisation based on economic cooperation and a duty-free system into a more structured Union. The presence of representative institutions, as the European parliament among the central bodies of the Union, has been an important goal for the inclusion of citizens in the decisional process.¹⁰³ EU institutions has recognised the role and the importance of the citizens for the improvement and the implementation of the European Union itself.

One of the most important element of European democracy in the Union, is the right to vote for European citizens and more in detail, the Union citizen can vote or stand as a candidate both in the municipal elections of the Member State in which he/she resides and in the European Parliament elections¹⁰⁴; this principle is stated at article 22 of the TFEU:

1. 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. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; [...].

¹⁰³ See VILLANI, *La cittadinanza dell'Unione europea*, in *Studi in ricorso di Antonio Filippo Panzera*, Bari, 1995

¹⁰⁴ CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 45-54

2. [...], 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 in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; [...].

The European Parliament is one of the central institutions of the European system. Together with the Council, it exercises legislative and budgetary functions. Further on the functions of political control and consultation and it elects the President of the Commission, as affirmed at article 14.1 of the TEU.

Originally it was an Assembly and then the European Parliament with a Decision of the 30th March 1962; in a first moment it was composed by Member States representatives so the citizens' representation was indirect (the Member of European Parliament was elected by national Parliaments). With an Act of the European Council of the 20th September 1976, the elections of 1979 saw for the first time the direct participation of Member States citizens at the elections. Moreover, thanks to a Declaration of the European Council of the 11th December 2008 the number of the Member of Parliament has been increased from 736 in the period 2009-2014 to 751 (750 Members plus the President) in the period 2014-2019, as stated at article 14.2 of the TEU.¹⁰⁵

The right to vote and to stand as a candidate at European Parliament elections represents an important instrument of representative democracy¹⁰⁶: with the representation of European citizens in the Parliament the interests of Member States can be heard and can influence the development of the European Union.¹⁰⁷ This right can be exercised by every single European citizen in his/her Member State of residence, be treated as a national in case he/she does not have the Member State citizenship.¹⁰⁸

¹⁰⁵ TESAURO Giuseppe, *Diritto dell'Unione Europea*, ed. CEDAM, 2012, p. 22-23

¹⁰⁶ CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 51-54

¹⁰⁷ See NASCIMBENE Bruno, ROSSI DAL POZZO Francesco, *Diritti di cittadinanza e libertà di circolazione dell'Unione europea*, Cedam, Padova, 2012

¹⁰⁸ MORVIDUCCI Claudia, *op. cit.*, p. 279-282

European citizens has misused this possibility and have shown a sense of disillusionment in the participation to the decisional process: the reports on active citizenship and on the results of the elections of the last twenty years, have shown that European citizens have lost their confidence in the European system with severe consequences on the conditions for the development of the Union.¹⁰⁹

Another important innovation of the Treaty of Maastricht has been the introduction of the right to vote at municipal election¹¹⁰: this element concern a sensitive matter of Member States' sovereignty about the configuration of local political bodies¹¹¹.

The process of vote in municipal elections for Member States residents has started in 1972 with a Convention of the Council of Europe, then improved at the summit of Paris in 1974: a set of special rights that include civil and political rights in order to simplify the circulation in the European area and facilitate the integration in the new Member State of residence. In 1985 the European Parliament pushed the Commission for the presentation of a legislative reform concerning the right of vote at municipal elections for residents in Member States: the proposal presented in 1988 is the legal basis of the subsequent article 8B of the Treaty of Maastricht.

The introduction of this right led to a redefinition of internal jurisdiction in the matter of voting rights as it represented a new scenario for local political authorities. It is the Directive 94/80/EC, come into force in 1996, that explains the characteristics of the vote at municipal elections: according to the equality principle, European citizens can participate actively or passively in municipal elections of their residence Member country. Nevertheless the conditions to access to voting right are linked to national legislations in those matters such as age or limitation to vote. Local bodies cannot ask European citizens for a minimum period of residence, but require the registration in the local lists in the municipality of residence.¹¹²

This right has been applauded as a fundamental right since its definition in the Treaty of Maastricht but in the reality, European citizens have not applied this right due to a lack

¹⁰⁹ NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 119-120

¹¹⁰ CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 45-51

¹¹¹ MORVIDUCCI Claudia, *op. cit.*, p. 273-274

¹¹² *ivi*, p. 275-276

of interest in the democratic participation and to a lack of information about the possibilities granted by the Treaties¹¹³. In order to involve citizens in the democratic process, EU institutions should reorganise the rights of political association (with the possibility to found parties) as they are the basis to benefit from the right to vote.

2.2.2. Right to petition the European Parliament and the Ombudsman

The European law grant to European citizens a set of rights that can be enjoyed from all the residents in Member States territory; the legal basis of these rights are the Charter of fundamental rights and article 24 of the TFEU that regulate the citizens' initiative, the right to petition the Parliament, the right to apply to the Ombudsman and the right to communicate with the EU institutions in one of the official languages of the Union (as mentioned at article 55.1 of the TEU¹¹⁴).

The possibility to present a petition to the European Parliament has been the first instrument to involve Member States citizens in the Union decisional process. This typical tool of representative democracies is one of the possibilities, in the European system, of participatory democracy¹¹⁵.

Before the introduction of this right in the Treaty of Maastricht at article 8D and 138D EC, the right to petition was established at article 128 of the internal Regulation of the European Parliament, adopted in 1981 after the first direct elections of the Parliament.

¹¹³ *ivi*, p. 279

¹¹⁴ Treaty on the European Union, article 55.1 provides that: "This Treaty, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States

¹¹⁵ NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 117-118; CONDINANZI Massimo, *Commento all'art. 24 TFUE*, in TIZZANO A. (a cura di), *Trattati dell'Unione europea*, 2^a ed. Giuffrè, Milano, 2014, p. 147; CONDINANZI Massimo, LANG Alessandra, NASCIBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 62-65

The text stated that every Community citizen has the right to present a petition to the Parliament, as a single individual or in representation of an association.¹¹⁶

The Parliament asked an intervention of the Council and the Commission for a stronger implementation of the right and for an evolution of the Treaties; it is in 1987 that the Parliament established a commission *ad hoc* in order to develop and improve the question for a future introduction of this right in the Treaties.¹¹⁷

In 1992, the Treaty of Maastricht absorbed the article of the Parliament Regulation and, at the same time, enlarged the target of reference for the article in fact, every European citizen or resident in a Member State territory can present a petition to the Parliament (as a single individual or as an association) concerning the competencies of the Union and the matter directly linked to the European system. At a first glance, there was a problem in the interpretation of the articles as the competencies of the Union concerning the right to petition were not clear and well defined. For this reason the Parliament accepted to analyse a petition even in the case this was not linked to a Union competency, giving also non-mandatory conclusions (for example in matters connected to foreign and security policies).

After the Treaty of Lisbon, the right of petition is explained by article 227 of the TFEU that provides:

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.

Today, to be valid, the petition has to be written in one of the official languages of the Union and should indicate the data of the person or association presenting the petition. To continue, this has to be examined by a competent commission that has the role to

¹¹⁶ MORVIDUCCI Claudia, *op. cit.*, p. 79-80

¹¹⁷ CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 62-65

prepare a report for the Parliament: this can decide to issue a resolution or consult the Council and the Commission.

The right of petition is an important instrument that allow European citizens to communicate directly with EU institutions in those matter that relevant for everyday life of citizens: nevertheless, the sense of disaffection against petitions and democratic participation shows the consciousness for citizens of the weak influence of petitions in the European system.¹¹⁸

Another important right that European citizens have from the introduction of the Treaty of Maastricht, is the right to apply to the European Mediator, or Ombudsman referring to the Scandinavian body with the role to control the work of administrations.¹¹⁹ At first, as for the right of petition, the question of the Ombudsman was structured in an internal Regulation of the European Parliament and today it is established by article 228 of the TFEU (*ex* 138E of the Treaty of Maastricht) that affirms:

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.

The important element in this analysis is the fact that the European Ombudsman is elected by the Parliament for five years: in a first moment, even if the Mediator was an independent body, it was strictly connected with the Parliament as it was its source of

¹¹⁸ *ivi*, p. 80-82

¹¹⁹ TESAURO Giuseppe, *op. cit.*, p. 59; CONDINANZI Massimo, *Commento all'art. 24 TFUE*, in TIZZANO A. (a cura di), *Trattati dell'Unione europea*, 2^a ed. Giuffrè, Milano, 2014, p. 147; CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 65-68; NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 117-118

information and control of the good administration (especially in the control of the Commission work).

The major role of the Ombudsman is to conduct inquiries on his/her “own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings.”¹²⁰

In case of maladministration the Ombudsman can refer the matter to the subject involved in order to find a solution and then it has the role to inform the Parliament: the Ombudsman can intervene in case of bad administration of Community bodies but not in case of complaints or appeals against the activities of Member States.

From the Treaty of Lisbon the role of the Mediator has been increased since it has to cooperate with the EU institutions and its major aim is the reduction of the institutional divide between citizens and the EU bodies. Moreover, it should intervene in the prevention or in the regulation of those cases that could lead to jurisdictional appeals.

From Lisbon the role of the Ombudsman has become more independent from the Parliament, even if it has to present an annual report on its activity: the Mediator represents an important body in the solution of controversial questions concerning the citizens and bad administration, but often it is undervalued from its minor role among European institutions.

One of the most important innovations of the Treaty of Lisbon is the citizens’ initiative that completes the set of political rights of EU citizens giving them the possibility to actively participate in the decisional process; this right will be analysed in detail in the II

¹²⁰ Treaty of the Functioning of the European Union, article 228.1b affirms: “In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he shall refer the matter to the institution, body, office or agency concerned, which shall have a period of three months in which to inform him of its views. The Ombudsman shall then forward a report to the European Parliament and the institution, body, office or agency concerned. The person lodging the complaint shall be informed of the outcome of such inquiries.”

Part of this dissertation, as it represents a crucial element for the participation of citizens in the democratic life of the Union.¹²¹

2.2.3. Language rights and access to European governmental documents

The system of the European Union is based on the cooperation among different Member States that have different cultural heritages and different languages; to include all European citizens in the decisional process and in the access to the document of the Union, the system had to adopt an equality treatment on the matter of languages as it is affirmed at article 55 of the TEU.

The right to communicate with European bodies in the own language had been established in the Treaty of Amsterdam with article 21 EC, in order to guarantee the right to transparency about the work of the EU institutions, as explained today by article 15 of the TFEU¹²².

The right of transparency, and the consequent right to communicate with EU institutions in any of the official languages of the Union, is an efficient tool to involve citizens in the decisional process, to improve the relations between citizens and the institutions and to assure a proper management of the European system¹²³.

¹²¹ CONDINANZI Massimo, *Commento all'art. 24 TFUE*, in TIZZANO A. (a cura di), *Trattati dell'Unione europea*, 2^a ed. Giuffrè, Milano, 2014, p. 147; CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 73-76; NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 122-123

¹²² Treaty of the Functioning of the European Union, article 15 affirms: “1. In order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible. [...] 3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph.”

¹²³ MORVIDUCCI Claudia, *op. cit.*, p. 86

As affirmed at article 24 of the TFEU, the target of the right are European citizens¹²⁴ but, with the absorption of the Charter of fundamental rights in the European law, it seems that even the residents in Member States territories can benefit from this right as it happens for the petition to Parliament and to apply to the Ombudsman rights. Moreover, according to article 41 of the Charter¹²⁵, even natural or legal persons without European citizenship and who do not reside in the European area can communicate with EU institutions using in of the official languages of the system.

The right to transparency and to the access to European documents is stated in the Charter of fundamental rights and has been supported by the EC Regulation n. 1049/2001 of the European Parliament and of the Council of the 30th May 2001. The Treaty of Lisbon has improved and implemented the statements of the Charter with article 15 of the TFEU¹²⁶: the European institutions should increase the transparency of their work and guarantee a clear communication with European citizens through a technological development of tools and devices to communicate.

In 2009 the European Council has adopted an internal Regulation affirming its involvement in publishing the conclusions of the consultations even in the case they are not open to the public. European institutions have an important role in the creation of a

¹²⁴ Treaty on the Functioning of the European Union, article 24.4 provides that: “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.”

¹²⁵ Charter of fundamental rights, article 41 affirms: “1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union; 2. This right includes: (a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken; (b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy; (c) the obligation of the administration to give reasons for its decisions. 3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States. 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.”

¹²⁶ Treaty on the Functioning of the European Union, article 15 provides that: “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph.”

clear and strong dialogue with European citizens in order to increase their involvement in the decisional process: in this context the right of transparency and the possibility to access to European documents could be a step towards the reduction of the sense of distance between central institutions and citizens.¹²⁷

¹²⁷ See also CONDINANZI Massimo, *Commento all'art. 24 TFUE*, in TIZZANO A. (a cura di), *Trattati dell'Unione europea*, 2^a ed. Giuffrè, Milano, 2014, p. 147; CONDINANZI Massimo, LANG Alessandra, NASCIMBENE Bruno, *Cittadinanza dell'Unione e libera circolazione delle persone*, second edition, ed. Giuffrè, Milano, 2006, p. 73-76; NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 122-123

2.3. EU Citizenship and International Law

SUMMARY: 2.3.1. Consular and diplomatic protection of European citizens

2.3.1. Consular and diplomatic protection of European citizens

According to the literature, the role of international law is to guarantee a control on the global community and, consequently, its core responsibility is the protection of the individual; in fact, through the definition of State borders, international law can individuate which are the involved authorities in inter-State relations and which have a role in the control of a defined territory.

The determination of a *political structure* is fundamental for the establishment of the jurisdiction involved in the protection of the human being: the historic evolution of international law has led to the protection of the individual apart from his/her citizenship through the safeguard of human rights.¹²⁸

In this context, the institution of diplomatic protection represents the major tool to guarantee the security of individuals from violations of States; in the case *Mavrommatis* of 1924, for example, the Permanent Court of International Justice has affirmed that a State is entitled to protect its citizens according to the rules of international law in case the subjects are injured by acts violating the international law itself.¹²⁹

In 2006 the International Law Commission has prepared the Draft Articles on Diplomatic Protection¹³⁰ that affirms at article 1 that “diplomatic protection consists of the invocation by a State, through diplomatic action or other means of peaceful settlement, of the responsibility of another State for an injury caused by an

¹²⁸ FOCARELLI Carlo, *op. cit.*, p. 415-416

¹²⁹ Permanent Court of International Justice, judgment of the 30th August 1924, in *Publications de la Cour Permanente de Justice internationale, série A*, n. 2, p. 12: “It is an elementary principle of international law that a State is entitled to protect its subjects, when injured by acts contrary to international law committed by another State, from whom they have been unable to obtain satisfaction through the ordinary channels. By taking up the case of one of its subjects and by resorting to diplomatic action or international judicial proceedings on his behalf, a State is in reality asserting its own rights - its right to ensure, in the person of its subjects, respect for the rules of international law.”

¹³⁰ *Documents officiels de l'Assemblée générale*, 61^{ème} Session, Suppl. n. 10.A/61/10

internationally wrongful act of that State to a natural or legal person that is a national of the former State with a view to the implementation of such responsibility.”¹³¹ In order to give protection to a State national, the international law requires the presence of an international law rule violation by a State against a citizen of another State, which asks for reparation or the stop of the violation itself.

Even the European system, with the introduction of article 8C in the preparatory works for the Treaty of Maastricht, affirms its involvement in the protection of citizens according to the existing rules of international law.

The evolution and the implementation of citizens’ protection in the Union has been long and cautious due to different positions of Member States; for example, during the realisation of the Treaty there was a Spanish proposal affirming that every Union’s citizen, when he/she is in a third country, can benefit from the protection of the Union and from each Member State at the same conditions of national citizens. This position required a direct intervention of the Union for protecting all European citizens and Member States have to apply the principle of treatment equality when protecting other Member States citizens: the Union could not support this idea as it could not directly protect “its citizens” as it is not a single State. Moreover, the possibility for citizens to ask protection from any of the Member States, even in the case his/her national State has a representation abroad, could have led to a “diplomatic protection shopping”¹³².

The definition of protection at article 8C was based on a sort of “humanitarian protection” and not to the diplomatic protection *stricto sensu*: the kind of protection supported by the initial proposals was based more on a consular one, which can be granted even with the absence of a violation. In the solution of a possible protection shopping, European institutions referred to the existing possibility of protection proxy in those case citizens’ State authorities are not represented abroad with the designation of a protecting State, as affirmed in the Vienna Convention on Diplomatic Relations of

¹³¹ Draft Articles on Diplomatic Protection of the International Law Commission, 2006, article 1, in FORLATI Serena, *La cittadinanza nel diritto internazionale*, in ZAGATO Lauso (a cura di), *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015

¹³² MORVIDUCCI Claudia, *op. cit.*, p. 291-294

the 18th April 1961 and in the Vienna Convention on Consular Relations of the 24th April 1963¹³³.

In order to implement article 8C of the Treaty of Maastricht, Member States have decided to adopt a decision realised at an intergovernmental level: the Decision 95/553/EC concerning diplomatic and consular protection for European citizens has been issued by Governments representatives of Member States the 19th December 1995.¹³⁴ The text of the Decision reaffirms the principle of “humanitarian protection” by consular and diplomatic representations abroad, even in case of absence of an international law violation. In fact, the Decision guarantees protection and assistance in case of death, serious accident or illness, arrest or detention, a violent crime and of relief and repatriation of Union’s citizens, but also the protection and the assistance in case a European citizen asked for a diplomatic authority aid, as affirmed at article 5¹³⁵. The protection is accorded with the presentation of a valid document and once the Member State’s citizenship is confirmed, the diplomatic authority can protect the European citizen treating him/her as a national of their State of reference.

This important right stated in the Treaty of Maastricht underlines the need of protection of individuals and especially of European citizens as the globalised world led people to move and travel with more frequency; the need of cooperation among State representative bodies abroad is linked to the fact that there are permanent diplomatic representations only in three countries in the world, that are United States, Russian

¹³³ Vienna Convention on Diplomatic Relations of the 18th April 1961, article 6 affirms: “Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.”; in the Vienna Convention on Consular Relations of the 24th April 1963, article 8 provides that: “Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.”

¹³⁴ Decision 95/553/EC, in *G.U.* L314 of the 28th December 1995

¹³⁵ *ivi*, article 5 provides that: “1 . The protection referred to in Article 1 shall comprise: (a) assistance in cases of death;

(b) assistance in cases of serious accident or serious illness; (c) assistance in cases of arrest or detention; (d) assistance to victims of violent crime; (e) the relief and repatriation of distressed citizens of the Union.

2. In addition, Member States' diplomatic representations or consular agents serving in a non-member State may, in so far as it is within their powers, also come to the assistance of any citizen of the Union who so requests in other circumstances.

Federation and China. This is an important element, especially when it is required an immediate intervention and citizen's State diplomatic authority is not represented abroad, that led EU institutions to a redefinition of the protection and to an improvement of the Treaties; moreover, it must be considered that in case of an immediate intervention *in loco* in vast countries it may be possible an intervention of different Member States' representations¹³⁶ so it is important to assure protection even for non-nationals.

The Decision 95/553/EC came into force in 2002 and until 2006 the situation in the European area did not changed as there was not an evolution in the Treaties. When the Chart of fundamental rights absorbed the right of diplomatic and consular protection and then became part of the Treaty of Lisbon there was the controversial question between the Decision 95/553/EC and the Chart concerning the international negotiates between States about protection.¹³⁷

For this reason, from 2006 there was a debate about protection of European citizens and the Commission presented the Green Paper in order to regulate the non-mandatory acts and the different guidelines over Union citizens' security. The basic questions that led to this report of the Commission were the increase of European citizens' movements (to work or for tourism) and the lack of proper diplomatic representations of all Member States. The most important points of the Green Paper concern an improvement of information about the diplomatic and consular protection abroad, through leaflets and lists of diplomatic representations, the perfection of protection for citizens who reside and work in third countries¹³⁸, the grant of protection even for European citizens'

¹³⁶ LA ROSA Rosanna, *La protezione diplomatica nell'Unione Europea: un esempio di evoluzione delle norme internazionali in materia*, in LA ROSA Rosanna, *Studi sull'integrazione europea*, ed. Cacucci, Bari, 2009, in A.A.V.V., *La cittadinanza europea*, ed. Giuffrè, 2013, p. 140

¹³⁷ *ibidem*

¹³⁸ Green Paper on Diplomatic and consular protection of Union citizens in third countries, Brussels, 28.11.2006, COM(2006)712 final, point 3.1: "Protection of European citizens working and living in third countries: By its Decision 88/384/EEC setting up a prior communication and consultation procedure on migration policies in relation to non-member countries¹⁶, the Commission established a consultation procedure between Member States aimed at promoting the inclusion of a maximum of common provisions in bilateral agreements, and improving the protection of Community nationals working and living in third countries."

relatives who are not Member States nationals¹³⁹, a quicker and proper identification and repatriation of bodies¹⁴⁰ and a simplification of the procedures for loans. In the meanwhile, EU institutions suggest that Member States diplomatic representations should cooperate in case of disaster.

The document of the Commission has been applauded by the Parliament and it has been used as a fundamental reference for the reform of the Treaties: in fact, the Green Paper would have been useful later in the realisation of the Treaty of Lisbon, underlining that the protection should not be limited to consular assistance.

With the Treaty of Lisbon, the diplomatic and consular protection has been included in article 23 TFEU, which absorbed the previous article 20 of the TEC:

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.

¹³⁹ *ivi*, point 3.2: “Union citizens’ family members who are not nationals of a Member State: The need for joint protection of citizens and members of their families who are not EU nationals emerged in the Lebanon conflict in July this year, with the procedures for evacuating and repatriating via Cyprus family members of citizens whose Member

State was not represented. It is time to put an end to the considerable difficulties that citizens and their families face in such situations and therefore to lay down arrangements for joint protection of distressed citizens and family members who are not nationals of an EU Member State.”

¹⁴⁰ *ivi*, point 3.3: “Identifying and repatriating remains: [...] The third country local authorities can require a series of formalities, such as obtaining a mortal remains certificate (issued by the consular authority) or health and police certificates confirming death and causes of death, compliance with certain public health requirements concerning the coffin, or a certified translation of the administrative documents. The families of victims therefore have to cope with the complex procedures and costs of repatriation. [...]With regard to the costs of repatriating remains, a complementary action could be to set up a European compensation system. Identifying remains is a necessary prerequisite for their repatriation. In this connection, the Commission will encourage research and development of effective tools for analysing DNA which are less costly than those currently available.”

The evolution of the Treaty is linked to the expression “shall adopt the necessary provisions”; moreover, as affirmed at the comma 2, the Council with a previous consultation of the Parliament can adopt directives, through an ordinary legislative procedure, aiming at the cooperation and the coordination to allow protection to a European citizen.

Thanks to article 23 of the TFEU, the European citizen can ask the protection of Member States diplomatic representations *in loco*, not only when their national diplomatic bodies are not present in the territory of the third State, but also when the national representation is too far-off to be reached in a day.

From Lisbon, EU institutions have the direct role to adopt measures about citizens protection, without following the intergovernmental method of the Decision 95/553/EC: the importance of the change lies in the different influence of decisions and directives in the European law, as the last one have to be absorbed in Member State legislations, with important effects on the control of the directive application for EU institutions.

The problem of European Union protection is linked to its particular non-State *status*, even if article 47 of the TEU affirms the international subjectivity of the Union¹⁴¹. As in the Treaties there are not references to future improvements of the question, the European Union role in citizens’ protection is limited in the coordination of Member States procedures for protection and, only in extraordinary cases, the citizen can ask for the assistance of Union representations in third countries, with the previous agreement of the Member State concerned: the diplomatic and consular protection in the European Union system is a fundamental right that guarantees the protection of the individual, but the Treaties can be improved for a stronger cooperation among Union Members with the realisation of a common protection policy.¹⁴²

¹⁴¹ Treaty on the European Union, article 47 states: “The Union shall have legal personality.”

¹⁴² MORVIDUCCI Claudia, *op. cit.*, p. 304-307

CHAPTER 3. CASE STUDIES OF EUROPEAN CITIZENSHIP IN THE JURISDICTION OF THE COURT OF JUSTICE

3.1. Micheletti judgement and the first phases of EU citizenship

SUMMARY: 3.1.1. The EU citizenship predominance. - 3.1.2. The problem of national connection with the State

3.1.1. The EU citizenship predominance

The birth of today European citizenship is linked to the Treaty of Maastricht that introduced this new *status* at article 9.¹⁴³ Even though the Treaty has represented the will of Member States, this innovation has been achieved also thanks to the influence of the European Court of Justice, which has evolved the *status* of citizen from the condition of worker to a political actor of the democratic life of the Union.¹⁴⁴

From the foundation of the EEC to our days, the Court has supported the role of the European system in the international scenario affirming its position of international subject through some important judgments such as the case *Van Gend en Loos* (1963), *Poulsen and Diva Navigation* (1992) and *Racke* (1998). In addition, and in parallel, the Court has stated the superiority of Community Law over the national one in some cases such as *Costa c. Enel* (1964), *Frontini* (1973), *Simmenthal* (1978), and *Granital* (1984), as a sign of the integration purpose of the European organisation.

The Court of Justice is one of the major actors in the European Union as, from 1957, it has anticipated important questions that would have been established by the treaties in a second moment: this “creative” role of the Court has prepared the route for the European integration and also has contributed in the formation of European citizen figure.

¹⁴³ Treaty on the European Union, title II, article 9: 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. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

¹⁴⁴ BAGLIONI Lorenzo Grifone, *La cittadinanza europea: diritti, pratiche, appartenenze*, in *Società Mutamento Politica*, vol. 1, n. 1, p. 67

One of the first and most important judgments in the subject of citizenship is the case *Micheletti*. The judgment, whose premises had anticipated some articles of the Treaty of Maastricht, is dated July 1992 and it is the first case focused on the matter of European citizenship: Mr Micheletti can be considered the first real European citizen, who could benefit from the rights, related to the question of citizenship established by European Law, that national jurisdictions cannot limit.¹⁴⁵

Mr Micheletti, born in Argentine from Italian parents and having both the Argentine and the Italian nationality according to art. 5 of Law 123 of 21st April 1983 (*Gazzetta Ufficiale della Repubblica Italiana*) asked and obtained the 13th January 1989 from the Spanish Ministry of Education and Science, after having moved to Spain, the recognition of his degree in dentistry thanks to a cooperation accord between Spain and Argentine.¹⁴⁶ On the 3rd March 1989, Mr Micheletti applied for a temporary Community residence card presenting for that purpose a valid Italian passport issued by Italian Consulate in Argentina: the same month, he received from Spanish authorities the requested card with a valid period of six months.¹⁴⁷ Before the ending of card validity, Mr Micheletti asked for a permanent residence card to Spanish authorities as a Community national in order to start his career of dentist in Spain.¹⁴⁸

This request created a problem in the issue of the document due to an internal jurisdictional block, which led the national Court to ask the European Court of Justice for an interpretation of the articles of the Treaty of Rome referring to free movement and free establishment of persons.

The problem of the issue of a permanent residency card for Mr Micheletti was related to the interpretation of national jurisdiction by Spanish authorities: art. 9 of the Spanish Civil Code states that in case of dual nationality, where neither one is Spanish, the nationality corresponds to the one of the habitual residence State for the person concerned before the arrival in Spain.¹⁴⁹ For this reason the Delegacion del Gobierno en Cantabria refused Micheletti's request for a permanent residency card. Nevertheless, the

¹⁴⁵ MARGIOTTA, *op. cit.*, p.81

¹⁴⁶ Micheletti Case C-369/90, judgment of the 7th July 1992, *Racc.* p.I-4258, points 2-3

¹⁴⁷ *ivi*, point 3

¹⁴⁸ *ivi*, point 4

¹⁴⁹ *ivi*, point 5

national judge, seized by Mr Micheletti to make a reference for a preliminary ruling, asked to the Court of Justice if Spanish authorities could ignore the Italian citizenship of Mr Micheletti and, consequently, forbid the exercise of Community rights of free movement and residency for Member States nationals who possess a dual citizenship, with a non-member State one.

The European Court analysed the case and expressed its interpretation about the problem raised by the Spanish judge. The first fundamental element in the study of this case is the reference to art. 52 of the Treaty of Rome, which admits free establishment to persons who are “nationals of a Member State”.¹⁵⁰ a person with a Member State citizenship can benefit from the rights accorded to Member State nationals, such as the free circulation and the possibility of free establishment in European countries.

According to the Court, which found the basis of the interpretation in art. 52 itself, a Member State cannot restrict the effects of the *status* of the citizen coming from another Member State because it represents an obstacle to the exercise of Community rights. Furthermore a Member State, in this case Spain, cannot impose specific conditions such as the principle of the habitual residency to confine the practice of rights as there could be strong differences among Member States in contrast with the principle of cooperation and the tendency to the harmonisation of European jurisdictions. In fact, the answer of the Court to the Cantabria Court of Justice is:

The provisions of Community law on freedom of establishment preclude a Member State from denying a national of another Member State who possesses at the same time the nationality of a non-member country entitlement to that freedom on the ground that the law of the host State deems him to be a national of the non-member country.

¹⁵⁰ Treaty of Rome (founding the EEC), the 25th March 1957; article 52 affirms: “Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be progressively abolished in the course of the transitional period. Such progressive abolition shall also extend to restrictions on the setting up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State. [...]”

The conclusion of the ECJ in *Micheletti* case is fundamental in the definition of European citizenship at the beginning of the 1990s: in the Treaties there are not the conditions for a direct acquisition of the European citizenship as an autonomous *status* and the access to citizenship is regulated by national legislations as European citizenship is an additional condition to Member States nationality.¹⁵¹

In *Micheletti* case the ECJ affirmed that the regulation of citizenship is a competence of State, according to International Law, but at the same time Member States have to respect the European Law.¹⁵² This judgment has had two important consequences. First, a Member State cannot restrict the citizenship granted by another Member State when the legislation of the first one considers the citizen as third country national: this is an element of rupture with the rule of International Law of the necessity of a “genuine link” with the State to allow the *status* of citizen.¹⁵³ Second, this case affirmed the obligation for Member States to respect the European law in the exercise of citizenship regulation¹⁵⁴: this was a fundamental element as the reasoning of the Court declared that the *status* of European citizen has created a new set of rights in European Law and for this reason, in the exercise of the regulation of citizenship, Member States cannot subordinate the recognition of European rights to the International Law rule of the effective connection with the State.¹⁵⁵ *Micheletti* judgment dismissed the rule of International Law in order to introduce new logical solutions for the solution of the questions linked to the European integration¹⁵⁶. The “genuine link” in fact is inadequate and anachronistic in the new context of the European citizenship as it has broken the traditional standards in the management of citizenship¹⁵⁷: even if EU citizenship is

¹⁵¹ NICOLIN Stefano, *La cittadinanza europea*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p. 112-113

¹⁵² *ibidem*

¹⁵³ FORLATI Serena, *La cittadinanza nel diritto internazionale*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, 2015, p. 65, 70-71

¹⁵⁴ NICOLIN Stefano, *op. cit.*, p. 112-113

¹⁵⁵ MORVIDUCCI Claudia, *I diritti dei cittadini europei*, ed. Giappichelli, 2014, p. 19-20

¹⁵⁶ KOCHENOV Dimitry, *Two Sovereign States vs. a Human Being: CJEU as a Guardian of Arbitrariness in Citizenship Matters*, in <http://eudo-citizenship.eu/commentaries/254-has-the-european-court-of-justice-challenged-member-state-sovereignty-in-nationality-law?start=2>

¹⁵⁷ SLOANE Robert, *Breaking the Genuine Link: The Contemporary International Legal Regulation of Nationality*, in *Harvard International Law Journal*, vol. 50, number 1, 2009, p. 33

dependent on national citizenship and this one influences the European *status*, the Union citizenship has introduced new elements in the relation between citizen and State, widening the opportunity of action of European citizens.¹⁵⁸

The doctrine of the ECJ suggests that there are different limits to the absolute and exclusive competence of Member States in the regulation of citizenship; in *Micheletti* case, the Court affirmed the importance of the European Law in the exercise of citizenship management by Member States, even if this provision does not imply that Member States have always accepted obligations towards each other Member country in the field of nationality.¹⁵⁹ The conclusion of the ECJ in *Micheletti*, however, has established the standards of the respect of European law for the exercise of the competence on nationality: the rule in this case has been interpreted as a warning to Member States that the Court could apply limitations in the exercise of the regulation of citizenship.¹⁶⁰

3.1.2. The problem of double citizenship and of national connection with the State

Micheletti judgment represents a turning point in the matter of citizenship both from the European perspective and from the International Law point of view. In this judgment we can find an evolution of the question of nationality: the requirement of a national connection with the State has been overcome through the tool of European citizenship *status*.¹⁶¹ The ECJ, with *Micheletti* judgment, created an “autonomous standard”¹⁶² that

¹⁵⁸ MARGIOTTA Costanza, VONK Olivier, *Nationality law and European citizenship: the role of dual nationality*, in *EUI Working Papers*, RSCAS 2010/66, Robert Schuman Centre for advanced studies, EUDO Citizenship Observatory, <http://eudo-citizenship.eu>, 2010, p. 4

¹⁵⁹ JESSURUN D'OLIVEIRA Hans Ulrich, *Annotation Case C-369/90 Micheletti* [1992], in *Common Market Law Review* 30, 1993, p. 635

¹⁶⁰ CLOSA Carlos, *Citizenship of the Union and nationality of Member States*, in *Common Market Law Review* 32, 1995, p. 514

¹⁶¹ SLOANE Robert, *Breaking the Genuine Link: The Contemporary International Legal Regulation of Nationality*, in *Harvard International Law Journal*, vol. 50, number 1, 2009, p. 33; TRIGGIANI Ennio, *Le nuove frontiere della cittadinanza europea*, in *Collana di Studi sull'integrazione europea*, vol. 3, ed. Cacucci, Bari, 2011, p. X-XIII

moved away from the traditional attitude in citizenship acquisition and recognition, especially from the jurisprudence of the International Court of Justice with the historic case *Nottebohm*.

Frederich Nottebohm was born the 16th September 1881 in Hamburg and, consequently, he had the German citizenship. He lived in Guatemala from 1905 until 1943 but he never became a citizen of the Central American State. On the 9th October 1939, Nottebohm applied to become a citizen of Liechtenstein; the application was approved and he was naturalised citizen of Liechtenstein. Then he returned to Guatemala with his new passport and informed the local administration of his nationality change. When he tried to return to Guatemala once again in 1943, the Guatemalan authorities did not recognise his naturalisation as they considered him still a German national. During that period, Guatemala supported the United States in the Second World War and this could explain the attitude of Guatemalan government facing Nottebohm's appeal. Later, all his possessions in Guatemala were confiscated and he was extradited to the United States, where he remained until the end of the war. After his release, he went to Liechtenstein to spend the rest of his life. The Government of Liechtenstein tried to give Nottebohm diplomatic protection against unjust treatment by the government of Guatemala and petitioned the International Court of Justice, which refused the plea of Liechtenstein.

In the judgment of 1955 the ICJ has stated that nationality “serves above all to determine that the person upon whom it is conferred enjoys the rights and is bound by the obligations which the law of the State in question grants to or imposes on its nationals”¹⁶³ and that it is the State to have the right to grant the *status* of citizen. Moreover, the Court affirmed that nationality “is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties.”¹⁶⁴ The ICJ, through the expression “genuine connection” to define the “effective nationality”, created the basis

¹⁶² DE VIDO Sara, *The relevance of double nationality to conflict-of-laws issues relating to divorce and legal separation in Europe*, in *Cuadernos de Derecho Transnacional* (Marzo 2012), Vol. 4, Nº 1, pp. 222-232, p. 224

¹⁶³ *Nottebohm Case* (second phase), Judgment of April 6th, 1955: I.C. J. Reports 1955, p. 20

¹⁶⁴ *ivi*, p. 23

for the management of the question of citizenship in case of double nationalities.¹⁶⁵ The major purpose in the use of these terms by the ICJ is the identification of the State authorised to apply diplomatic protection: only the State, according to International Law, is responsible in the administration of the citizenship grants and acquisitions and for the International Court it is fundamental the existence of a solid connection between a State and its nationals.¹⁶⁶

The ECJ in *Micheletti* judgment, on the contrary, did not find the legal basis in the “genuine connection” between State and citizens: Mr Micheletti in fact applied for a Community residence card in Spain submitting a valid Italian passport as he was an Italian citizen according to *jus sanguinis*. Even if he had never resided in Italy, he can benefit from the rights of free circulation and residence as he was a Member State citizen. In *Nottebohm* case the ICJ stated that the major criteria to establish a “genuine connection” between a State and a citizen are “the habitual residence [...], the centre of his interests, his family ties, his participation in public life, the attachment shown by him for a given country [...]”¹⁶⁷.

In *Micheletti* case, on the contrary, the ECJ affirmed that there are not any “genuine connection[s]” between Mr Micheletti and Italy as he has not any of characteristics enrolled by the International Court: according to ICJ *Nottebohm* case, Micheletti could not enter in Spain and benefit from Member State citizens’ rights as he could not be considered a Member State (in this case Italian) national due to the lack of the “genuine connection” between him and Italy.

Nevertheless, the conclusion of the ECJ led to the affirmation of the competence of Member States in the regulation of citizenship following the general rule of International Law: the State is the responsible in the sector of acquisition and loss of the citizens *status*, as it is stated even in *Nottebohm* judgment¹⁶⁸, because citizenship is within the jurisdiction of a State.

¹⁶⁵ SLOANE Robert, *op. cit.*, p. 29

¹⁶⁶ FORLATI Serena, *La cittadinanza nel diritto internazionale*, in ZAGATO Lauso, *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, 2015, p. 76-79

¹⁶⁷ *Nottebohm Case*, p. 22

¹⁶⁸ *ivi*, p. 20: “Nationality serves above all to determine that the person upon whom it is conferred enjoys the rights and is bound by the obligations which the law of the State in question grants to or imposes on

However, in *Micheletti* case the ECJ stated, in fact, that “Under international law, it is for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality”, and the legislation of a Member State cannot “restrict the effects of the grant of the nationality of another Member State by imposing an additional condition for recognition of that nationality with a view to the exercise of the fundamental freedoms provided for in the Treaty”¹⁶⁹.

The ECJ, in this judgment, did not follow the ICJ standard of the “genuine connection”: the European Court affirmed that in case of double nationality, specifically when a person has both a Member State and a non-Member State citizenship, there is the prevalence of the Member State citizenship over the other one and consequently the citizen can benefit from the rights established by the Treaties. In *Micheletti*, the Court did not look for a connection between Micheletti and the Italian government, according to the criteria of residence or interests link with the State: when a person acquires a Member State nationality, he/she can benefit from the rights guaranteed by the European Union law and another Member State cannot impose restrictions on the exercise of citizens’ rights.¹⁷⁰ In addition, in the case of double nationality of both a Member State and a non-Member State, there is a prevalence of the European *status*: according to the Treaties, the acquisition of a Member State nationality allows the inclusion of a person among the European Union citizens, even if he/she continues to maintain significant relations with a non-European State.¹⁷¹ This reasoning of the ECJ represents the innovation supported also by European institutions, preparing the basis for a development of the European citizen *status*: the conclusion of the Court has defined the criteria for the acquisition of a second (European) citizenship for a possible further harmonisation of nationality laws among Member States, preparing the basis for the acquisition of a legal autonomy of European citizenship.¹⁷²

its nationals. This is implied in the wider concept that nationality is within the domestic jurisdiction of the State.”

¹⁶⁹ *Micheletti* Case C-369/90, judgment of the 7th July 1992, *Racc.* p.I-4258, points 10

¹⁷⁰ YAKUT Badur, *The ECJ case law concerning articles 17 and 18 of the EC Treaty and the subsequent effect on the right to move freely*, <http://dergiler.ankara.edu.tr>, p. 149-150

¹⁷¹ DE VIDO Sara, *op. cit.*, p. 226

¹⁷² MARGIOTTA Costanza, VONK Olivier, *op. cit.*, p. 20

3.2. Chen judgment and the free movement

SUMMARY: 3.2.1. The affirmation of the right to free movement. -
3.2.2. The principle of effectiveness and the interpretation of the ECJ

3.2.1. The affirmation of the right to free movement

Another important case in the European law is ECJ *Chen* judgment of the 19th October 2004; in this case the European Court has reaffirmed the conclusions of *Micheletti* judgment, that is to say that Member States have the competence in the regulation of citizenship according to internal legislation respecting, at the same time, European Law and the provisions of the Treaties.¹⁷³ In *Chen* case, the ECJ has reaffirmed also the right of free movement in the European area for European citizens and their relatives (coming from a non-Member State). Moreover, the Court has expanded its competencies in the regulation of citizenship with the attempt at constitutionalising the European citizenship *status*¹⁷⁴; in the conclusions of the Court, in some cases¹⁷⁵, there is the tendency to go further in granting supra-national rights to European citizens and to overcome the national competences about citizenship.¹⁷⁶

The European Court has affirmed, through the analysis of the Treaties, that the European citizenship is related to the exercise of the civil rights that have inspired the founding of the European Union and consequently each Member State, in order not to obstacle the European integration process, cannot impose limitations on the fundamental freedoms of citizens.¹⁷⁷

¹⁷³ Micheletti Case C-369/90, judgment of the 7th July 1992, *Racc.* p.I-4258

¹⁷⁴ KING David H., *Chen v. Secretary of State: Expanding the Residency Rights of Non-Nationals in the European Community*, 29 *Loyola of Los Angeles International and Comparative Law Review & Comp. L. Rev.* 291, 2007, p. 301

¹⁷⁵ Garcia Avello case C-148/02, judgment of the 2nd October 2003, in *Racc.*, 2003, p. I-1635; *Chen* case C-200/02, judgment of the 19th October 2004, in *Racc.*, 2004, p. I-9951

¹⁷⁶ KRUMA Kristine, *EU citizenship: unresolved issues*, in *RGSL working papers no. 22*, Riga, 2004, p. 7

¹⁷⁷ See *Micheletti* case

The case *Chen* is peculiar due to the innovative conclusions of the ECJ as it aimed at the gradual removal of the possibility for Member States to impose restrictions on free movement.¹⁷⁸

Mr and Mrs Chen are Chinese citizens who have moved to United Kingdom to avoid China's "one-child" policy. For this reason, in May 2000 Mrs Chen entered in United Kingdom and then gave birth to her second child Catherine in Belfast the 16th September 2000; the mother and her child live today in Cardiff, Wales. The reference to the section 6.1 of the Irish Nationality and Citizenship Act of 1956, amended in 2001, provides that Ireland allows "any person born on the island of Ireland to acquire Irish nationality [...] and a person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to citizenship of any other country".¹⁷⁹ In this way, as suggested by lawyers, Catherine obtained automatically the Irish citizenship (and consequently also the *status* of European citizen).¹⁸⁰ Mrs Chen took up residence in Ireland in order to obtain herself the Irish citizenship after the birth of Catherine: the Irish nationality represented for Mrs Chen the possibility to establish her residence in the United Kingdom as the Immigration Act affirmed that "Irish nationals do not as a general rule have to obtain a permit to enter and reside in the United Kingdom"¹⁸¹. Nevertheless, Mrs Chen was not allowed to benefit of the right of residence in the UK, when her child is entitled to free move in UK and Ireland. As it is stated in the judgment, Catherine is "dependent both emotionally and financially on her mother, that her mother is her primary carer"; moreover, Catherine receives private medical services and child-care services, she cannot acquire Chinese nationality due to the acquisition of Irish citizenship and her mother's employment guarantees that the appellants do not rely on public funds and are insured against ill health.¹⁸²

The British Secretary of State for the Home Department rejected the applications by Catherine and Mrs Chen for a long-term permit to reside in the United Kingdom as the child of eight months of age cannot exercise any right established by EC Treaty and due

¹⁷⁸ KING David H., *op. cit.*, p. 301

¹⁷⁹ *Chen* case C-200/02, judgment of the 19th October 2004, in *Racc.*, 2004, p. I-9951, points 7-8

¹⁸⁰ KING David H., *op. cit.*, p. 293

¹⁸¹ *Chen* case, point 12

¹⁸² *ivi*, point 13

to the impossibility for Mrs Chen to reside in UK under the Regulation 5 of EEA Regulations.¹⁸³

Chen judgment represents an important case in the work of the ECJ as it presents different aspects of the problem of European citizenship and the exercise of civil rights; the ECJ has challenged the national sovereignty of control of domestic migration and citizenship policy.¹⁸⁴

In its reasoning the ECJ refers to Articles 8 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) that confer, in some specific circumstances, “upon a young minor who is a national of a Member State, and is in the care of a parent who is a national of a non-Member country, the right to reside in another Member State where the minor receives childcare services.”¹⁸⁵ Moreover, the Court affirmed that “the situation of a national of a Member State who was born in the host Member State and has not made use of the right to freedom of movement cannot [...] be assimilated to a purely internal situation, thereby depriving that national of the benefit in the host Member State of the provisions of Community law on freedom of movement and of residence”¹⁸⁶: this expression represents an element of superiority of the European law over the internal legislation, as the possession of a Member State citizenship guarantees the *status* of European citizen and consequently the related civil rights.

According to the Court, Catherine has the right to reside for the duration of the care services, as the Directive 73/148/EEC stated at article 4.2¹⁸⁷; but the quest for a long-term permit to reside in Member States finds its basis in articles 1¹⁸⁸ and 2 of Directive

¹⁸³ *ivi*, point 14

¹⁸⁴ FELDBLUM Miriam, *Managing Membership: New Trends in Citizenship and Nationality Policy*, in *From Migrants To Citizens: Membership In A Changing World*, ed. Alexander Aleinikoff & Douglas Klusmeyer, 2000, p. 489-490

¹⁸⁵ *Chen* case, point 16

¹⁸⁶ *ivi*, point 19

¹⁸⁷ Council Directive 73/148/EEC of the 21st May 1973, article 4.2 stated: “The right of residence for persons providing and receiving services shall be of equal duration with the period during which the services are provided. Where such period exceeds three months, the Member State in the territory of which the services are performed shall issue a right of abode as proof of the right of residence”.

¹⁸⁸ Council Directive 90/360, articles 1 states: “Member States shall grant the right of residence to nationals of Member States who do not enjoy this right under other provisions of Community law and to

90/360¹⁸⁹ and article 18 EC¹⁹⁰: as a pure Member State citizen, Catherine Chen is entitled to benefit from the rights set by European law and the residence is under the limitations and conditions imposed by the Treaties.

For this reason one of the conclusion of the ECJ in *Chen* judgment is: “Accordingly, in circumstances like those of the main proceedings, Article 18 EC and Directive 90/364 confer on a young minor who is a national of a Member State, is covered by appropriate sickness insurance and is in the care of a parent who is a third-country national having sufficient resources for that minor not to become a burden on the public finances of the host Member State, a right to reside for an indefinite period in that State”¹⁹¹ and later in the judgment “those same provisions allow a parent who is that minor's primary carer to reside with the child in the host Member State”.¹⁹² The final decision of the ECJ is:

In circumstances like those of the main proceedings, Article 18 EC and Council Directive 90/364/EEC of 28 June 1990 on the right of residence confer on a young minor who is a national of a Member State, is covered by appropriate sickness insurance and is in the care of a parent who is a third country national having sufficient resources for that minor not to become a burden on the public finances of the host Member State, a right to reside for an indefinite period in that State. In such circumstances, those same provisions allow a parent who is that minor's primary carer to reside with the child in the host Member State.

members of their families as defined in paragraph 2, provided that they themselves and the members of their families are covered by sickness insurance in respect of all risks in the host Member State and have sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during their period of residence.”

¹⁸⁹ Council Directive 90/360, articles 2 states: “The following shall, irrespective of their nationality, have the right to install themselves in another Member State with the holder of the right of residence: (a) his or her spouse and their descendants who are dependants [...]”

¹⁹⁰ EC Treaty, article 18 states: “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 this Treaty and by the measures adopted to give it effect.”

¹⁹¹ *Chen* case C-200/02, judgment of the 19th October 2004, in *Racc.*, 2004, p. I-9951, point 41

¹⁹² *ivi*, point 47

The right to free movement and the possibility to reside in the territory of a Member State represent the legal basis in the interpretation formulated by the ECJ in the solution of *Chen* case: in this sense, the safeguard of the fundamental civil rights of the European area could represent a tool in the strengthening of the European integration process. This judgment shows that the reasoning of the Court aims at the affirmation of the European citizenship and, at the same time, at the protection of the civil rights connected to this *status*: the conclusion of the Court in *Chen* case underlines that the introduction of the European citizenship, even if it was conceived as a complement of Member State nationality, could lead to important modifications on Member States nationality laws (as in the case of Ireland after 2004).¹⁹³

3.2.2. The principle of effectiveness and the interpretation of the ECJ

The principle of effectiveness, in the European law, has been developed by the European Court of Justice through a slow and long procedure, but it has often pushed forward the purposes of the Treaties in order to develop and improve the integration of the European system. The legal basis of the principle of effectiveness for the ECJ is article 4 of TEU¹⁹⁴: this principle represents a fundamental element in the relation between Member States and European law and shows the prevalence, in the

¹⁹³ MARGIOTTA Costanza, VONK Olivier, *Nationality law and European citizenship: the role of dual nationality*, in *EUI Working Papers*, RSCAS 2010/66, Robert Schuman Centre for advanced studies, EUDO Citizenship Observatory, <http://eudo-citizenship.eu>, 2010, p. 17

¹⁹⁴ Treaty on the European Union, article 4 states: “1. In accordance with Article 5, competences not conferred upon the Union in the Treaties remain with the Member States. 2. 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. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State. 3. Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties. The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union. The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives.

competencies established by the Treaties, of the European law over the national legislation. This tool has been an important constituent of the affirmation, at a supranational and international level, of the European system and the Court used it in the process of European integration. The particular condition of the European Union, which is an international organisation with some supranational characteristics, is independent from national and international entities, but at the same time it is influenced by Member State's legislations and by International Law.

The case *Baumbast* and *Garcia Avello* are representative judgments of the innovative attitude of the ECJ: in these cases the Court affirms its creative role in the interpretation of European Law concerning the question of citizenship, free movement and residence.

The case *Garcia Avello* shows, and reaffirmed, the reasoning of the Court about the impossibility for Member States to create obstacles in the exercise of citizens' rights.

As expressed in the judgment, the Spanish citizen Mr Garcia Avello and his Belgian wife Mrs Weber live in Belgium where they got married in 1986; their children, have the double nationality and they are both Spanish and Belgian citizens. According to the national legislation, the Belgian Public Officer imposed to register the surname of Garcia Avello's children using the patronymic "Garcia Avello". In 1995, Mr Garcia Avello and his wife appealed to the Belgian Minister of Justice to change their children's surname in "Garcia Weber", following the Spanish rule in the regulation of surnames (the surname is composed of the first surname of the father and the surname of the mother); in addition, Garcia Avello's children had been registered at the Spanish Embassy with the surname "Garcia Weber".

Belgian authorities proposed to use only the surname of the father or to change the surname in "Garcia", but Mr Garcia Avello refused and the Belgian Council of State decided to appeal the European Court of Justice for an interpretation of the question in the light of articles 17¹⁹⁵ and 18¹⁹⁶ EC, as the use of the Spanish rule could create obstacles in the social life of Garcia Avello's children in Belgium.

¹⁹⁵ EC Treaty, article 17 states: "1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship. 2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby."

The ECJ responded that, as affirmed in article 17 EC, every Member State national has in addition the *status* of European citizen and consequently he/she can benefit from the rights set in the Treaties. The European law is competent in those questions linked to the fundamental liberties in the European area, especially the freedom to move and reside in different Member States: the regulation of the question of surnames is connected with the national legislation, but in the case of double citizenship (and at least one is a Member State nationality) every single Member country has to respect the European law avoiding discriminations or the application of limits to citizens' rights.

For this reason, Mr Garcia Avello's children cannot be discriminated in the choice of the surnames as they are citizens of a Member State and consequently the State of residence (in this case Belgium) cannot restrict the regulation of another Member country: in a period of strong migration it is difficult to found the basis of the surnames regulation only in the legislation of the State of residence and, especially in the European Union, there cannot be obstacles or limitation in the exercise of civil rights.

Another important case in the jurisprudence of the Court is *Baumbast* judgment, concerning the rights for European citizens and their relatives. In 1990 Mr Baumbast, a German citizen, married a Colombian citizen in the United Kingdom and, with their daughters, obtain a temporary residence permit valid for five years. In May 1995 Mrs Baumbast applied for her family and herself for long-term residence permit in the UK, but in January 1996 the Secretary of State for the Home Department refused her demand. Nevertheless the Immigration Adjudicator affirmed that according to art. 12 of the Regulation 1612/68¹⁹⁷ about free circulation of workers in the Community area, even though Mr Baumbast cannot be defined a worker, his daughters can benefit of the

¹⁹⁶ EC Treaty, article 18 states: "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 this Treaty and by the measures adopted to give it effect."

¹⁹⁷ Regulation 1612/68, art. 12 stated: "The children of a national of a Member State who is or has been employed in the territory of another Member State shall be admitted to that State's general educational, apprenticeship and vocational training courses under the same conditions as the nationals of that State, if such children are residing in its territory.

Member States shall encourage all efforts to enable such children to attend these courses under the best possible conditions."

right of residence and consequently even Mr and Mrs Baumbast can reside in the United Kingdom territory.

The legal basis of this reasoning, later supported also by the ECJ, is the Regulation 1612/68 that allows to attend schools for Member State citizens' children, in the case that the Member State parent has a job or had worked in the territory of a Member State: the descendants of the workers and citizens of the Union have to be recognised as relatives and consequently have the right to benefit from the European citizens' civil rights.¹⁹⁸ The Court continues then the interpretation of the European law and affirms that the *status* of European citizen and the exercise of the related rights cannot be limited by Member States, even in the case the people involved (in this case Mr Baumbast) are not working: thanks only to his *status* of European citizen (he is a German national), Mr Baumbast can profit of the residence right according to articles 17¹⁹⁹ and 18 CE.²⁰⁰

The importance of *Chen* case is linked to the right of free movement, that is one of the founding rights of the European Union system. In a first time, the Union was based on the free movement of workers and this right was associated to economic activities.²⁰¹ From the 1970s the ECJ has expanded the right of free movement also for family members of workers, that is to say husband or wife, children, grandchildren under the age of twenty-one or financially dependent, and the dependent relatives.²⁰²

In the recent years, then, the Court has increased the enlargement of the beneficiaries of the right to free movement and *Chen* case represents a particular exception in the

¹⁹⁸ Baumbast case C-413/99, Judgment of the 17th September 2002, *Racc.*, pp. I-7136

¹⁹⁹ Article 17 EC states: "1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship. 2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby."

²⁰⁰ Article 18 EC states: "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 this Treaty and by the measures adopted to give it effect."

²⁰¹ KING David H., *op. cit.*, p. 296

²⁰² VAN DER MEI Anne Pieter, *Freedom of Movement for Indigents: A Comparative Analysis of American Constitutional Law and European Community Law*, 19 Arizona Journal of International and Comparative Law, 2002, p. 830

interpretation of this right by the Court itself. According to the UK Court, the question of Catherine and Mrs Chen is a purely internal situation as the young girl and her mother did not use the right of free movement: Catherine received the Irish nationality in Belfast (Northern Ireland), so in the UK territory. In its interpretation the Court did not agree with the decision of the UK Court and affirmed, making an exception for Catherine and her mother, that in addition to the right of free movement between Member States, “another sufficient condition is having the nationality of the State other than the one you are residing in”²⁰³: the Court affirmed in this way that there is a change in the standards concerning citizenship questions and that nationality of a Member State is sufficient to enjoy from the rights related to European citizenship *status*.²⁰⁴ The ECJ, then, decided that Catherine and her mother have the right to reside in the UK and this decision is important because it applies free movement to Catherine’s situation and it admits a “derivative” right of residency for Mrs Chen.²⁰⁵

The realisation of a new legal area and of a new matter to be regulated led the European Court to affirm and to safeguard the *status* of European citizen and his/her rights through the continuous interpretation of the founding Treaties: the realisation of the political integration of the European Union can be based on the creation of EU citizens and the Court has a fundamental role in the interpretation and in the implementation of the major purposes of the Treaties. In the conclusion of *Chen* case the Court has based its reasoning not only on the previous case-law, but on its “judicial activism” that is the creative power of the European Court²⁰⁶ in order to affirm the prevalence of European Law in those questions concerning citizenship and the enjoyment of the basic rights of the Union, the free movement and residence. Nevertheless, the attitude of “invention” of the ECJ has not been approved by different Member States: the case *Chen* highlights the gaps in the current residence system of the European area and underlines the role that European citizenship has acquired thanks to the interpretations of the ECJ.²⁰⁷

²⁰³ KING David H., *op. cit.*, p. 300

²⁰⁴ VANVOORDEN Kristien, *Case-200/02, Zhu and Chen v. Secretary of State for the Home Department*, in *Columbia Journal of European Law*, 12, 2005, p. 312

²⁰⁵ HOFSTOTTER Bernhard, *A Cascade of Rights, or Who Shall Care for Little Catherine? Some Reflections on the Chen Case*, *European Law Review* 30, 2005, p. 557

²⁰⁶ HOFSTOTTER Bernhard, *op. cit.*, p. 548-551

²⁰⁷ KING David H., *op. cit.*, p. 303-307

3.3. Rottmann judgment and the problem of citizenship acquisition

SUMMARY: 3.3.1. The acquisition of European citizenship. - 3.3.2.
The problem of stateless condition: the solutions of the ECJ

3.3.1. The acquisition of European citizenship

One of the most interesting examples of the problem of European citizenship acquisition, and the problems related to the loss of a Member State nationality with the consequent stateless condition, is represented by the *Rottmann* judgment of March 2010 by the ECJ. In this case the Court followed the reasoning that had led to the conclusion of the case *Micheletti*, affirming that the question of citizenship fell within the competence of European Union law: the Court needed to bring *Rottmann* case within the ambit of EU law in order to avoid that Member States could interfere with European citizenship by applying internal rules concerning nationality.²⁰⁸

In this judgment there is the analysis of the problem of the acquisition of citizenship: from 1992 with the Treaty of Maastricht, every Member State national has the additional *status* of European citizen that does not substitute the State nationality according to article 17.1 EC.²⁰⁹ The regulation of acquisition or loss of nationality is still a Member State competence, but it should respect the European law as stated at article 17.2 EC in the protection of the rights connected with the European citizenship.²¹⁰

In *Rottmann* judgment the problem of the acquisition of a Member State citizenship is related to an attitude of deception, which has serious consequences with the possibility of withdrawing the new acquired nationality; moreover, when a person loses both the acquired nationality and his/her original citizenship can become a stateless person with

²⁰⁸ KOCHENOV Dimitry, *A real European citizenship: a new jurisdiction test: a novel chapter in the development of the union in Europe*, in *Columbia Journal of European Law*, vol. 18, 2011, p. 75

²⁰⁹ Article 17.1 EC states: “Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship”.

²¹⁰ Article 17.2 EC states: “2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.”

severe consequence according to International Law, as he/she cannot benefit from diplomatic protection of any State.

Janko Rottmann was born in Graz (Austria) and originally he was a Republic of Austria citizen by birth. In 1995 Austria entered in the European Union and, consequently, Dr Rottmann became a European citizen; in the same year, he moved to Munich (Germany) after having been involved in Austria in an investigation that suspected him of having used fraud on an occupational basis in the exercise of his profession.

Dr Rottmann denies this fault, but in February 1997 the Criminal Court of Graz issued a national warrant for his arrest. In February 1998, Dr Rottmann applied for German nationality, but during the naturalisation procedure he did not mention the trial against him in Austria. Nevertheless, the naturalisation document was issued on February 1999 and consequently, as stated by Austrian law, he lost his Austrian citizenship.

In August 1999 the city of Munich was informed by Austrian authorities that a warrant for Rottmann's arrest was issued in Graz; in addition, the Criminal Court of Graz advised German bodies that had been already questioned as an accused person. In the light of these new conditions, the Freistaat Bayern withdrew the naturalisation of Dr Rottmann with retroactive effects as he had not disclosed that he had been subject to a judicial investigation in Austria and that, consequently, he had obtained German nationality by deception.²¹¹

As noticed by the *Bayerischer Verwaltungsgerichtshof*, the loss of German naturalisation, which was compatible with German law, would be to render Dr Rottmann stateless, as he had already lost his original Austrian nationality in the process of naturalisation. This situation represents an important and interesting case study about the problems linked to European citizenship and the problems related to International Law and the regulation of stateless people. In its judgment the Administrative Court of the Land of Bavaria affirmed that “the importance of the rights conferred through that citizenship of the Union should be taken into consideration by the competent German authority when exercising its discretion. According to that Court, the effect of assuming that it existed, in European Union law, an obligation to refrain from withdrawing naturalisation obtained by deception would be to strike at the heart of the sovereign

²¹¹ Rottmann case C-135/08, Judgment of the 2nd March 2010, *Racc.*, pp. I-1467, points 22-28

power of the Member States, recognised by Article 17.1 EC, to define the detailed rules for the application of their nationality law”.²¹²

It is not clear, at this moment, whether the *status* of being stateless and the loss of the European citizenship, which had been validly acquired, linked to the withdrawal of the naturalisation are compatible with European law, especially with article 17 EC.²¹³

Rottmann represents the affirmation of the conclusions of the previous cases concerning the application of EU law in those questions linked to the *status* of European citizen; Union citizenship has always been considered a “subordinate” or “dependent” form of citizenship as it is conceded to those who have Member States’ nationality. However the ECJ has developed its role and it has affirmed that Member States, when regulating the problems related to citizenship, have to respect the EU law.²¹⁴

In this case the Court did not exceed its competences as it left to national Courts the possibility to proceed with the question regarding the principle of proportionality and it tried to avoid the stateless *status* for an individual.²¹⁵ However, the loss of the *status* of European citizen and the loss of the related rights, after the withdrawal of the nationality, should fall within the competencies of the European law; Member States are required to consider also the proportionality of their decisions, belonging to the gravity of the actions of the individual involved.²¹⁶

²¹² *ivi*, point 32

²¹³ Article 17 EC states: “1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship. 2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.”

²¹⁴ DAVIES Gareth, *The entirely conventional supremacy of Union citizenship and rights*, in <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/254-has-the-european-court-of-justice-challenged-member-state-sovereignty-in-nationality-law?showall=&start=1>

²¹⁵ DE GROOT Gerard René, SELING Anja, *The consequences of the Rottmann judgment on Member State autonomy - The Court’s avant-gardism in nationality matters*, in <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/254-has-the-european-court-of-justice-challenged-member-state-sovereignty-in-nationality-law?showall=&start=6>

²¹⁶ GOLYNKER Oxana, *The correlation between the status of Union citizenship, the rights attached to it and nationality in Rottmann*, in <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/254-has-the-european-court-of-justice-challenged-member-state-sovereignty-in-nationality-law?showall=&start=4>

The reasoning in *Rottmann* is important for the impact of the European law on Member States sovereignty and nationality law; in its interpretation it seems that the Court considers European citizenship as an additional *status* rather than a “derivative” condition: for this reason, the loss of a Member State nationality represents a limitation on the rights related to European citizenship²¹⁷ and the question falls within EU law.

3.3.2. The problem of stateless condition: the solutions of the ECJ

The particular condition of Dr Rottmann after the withdrawal of the German naturalisation led him to present a petition about his possible stateless condition; once the German authorities rejected his demands, Dr Rottmann appealed for a revision and at this moment the Court involved in this case asked the ECJ for an interpretation in the light of European law: as Dr Rottmann had lost Austrian nationality due to the procedure of naturalisation, with the withdraw of the German nationality he would have lost also the European citizenship becoming a stateless person.

The answer of the Court reaffirmed the reasoning of some previous judgments (*Micheletti* and *Chen*) that the regulation of the criteria of citizenship acquisition or loss, according also to the International Law, is a competence of Member States²¹⁸, as it is stated also in the Decision of the Heads of State and Government, a meeting within the European Council at Edinburgh on 11 and 12 December 1992²¹⁹.

²¹⁷ DOUGAN Michael, *Some comments on Rottmann and the "personal circumstances" assessment in the Union citizenship case law*, in <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/254-has-the-european-court-of-justice-challenged-member-state-sovereignty-in-nationality-law?showall=&start=3>

²¹⁸ *Micheletti*, case C-369/90, judgment of the 7th July 1992, in *Racc.*, p. I-4239, point 10; *Chen* case C-200/02, judgment of the 19th October 2004, in *Racc.*, 2004, p. I-9951, points 37

²¹⁹ Decision of the Heads of State and Government, meeting within the European Council at Edinburgh on 11 and 12 December 1992, states: “The provisions of Part Two of the Treaty establishing the European Community relating to citizenship of the Union give nationals of the Member States additional rights and protection as specified in that Part. They do not in any way take the place of national citizenship. The question whether an individual possesses the nationality of a Member State will be settled solely by reference to the national law of the Member State concerned.”

In addition it made a reference to Declaration n. 2 on nationality of a Member State, annexed by the Member States to the final act of the Treaty on European Union²²⁰, as a tool for the interpretation of the EC Treaty to adopt the sphere *ratione personae* of it, that is to say the subjects involved in the question.

An interesting case in the jurisprudence of the Court is *Grzelczyk* judgment C-184/99 of the 20th September 2001. In this case the ECJ affirmed once again the principle of non-discrimination and that the *status* of European citizen “is destined to be the fundamental *status* of nationals of the Member States”.²²¹ In 1999 *Grzelczyk*, who resided in Belgium since 1995 within the Directive 93/96/EEC about residence right for students, asked for the *minimex* (the minimum means of subsistence) as he had scarce economic resources; Belgian authorities denied the grant of this benefit as *Grzelczyk* was a student and not a worker: the *minimex*, then, was allowed for Member States citizens only within the Regulation 1612/68, namely Member States workers. With an important decision, the Court sustained that the condition of “student” cannot restrict the benefit from European citizens’ rights and cannot deprive the person concerned of this *status*; for this reason if Belgian students are allowed to obtain this financial aid, even students from other Member States should benefit from the *minimex*: article 18 of EC Treaty²²² states the right to freely circulate for Member States citizens but the Court admitted the new role of the European citizenship *status*, with the possibility to prevail in some circumstances. In this case, the expression of the Court about the future of European citizenship, which is “destined to be fundamental status of nationals of the Member States”²²³ highlights the way that the Court has followed since the introduction of European citizenship in 1992 to implement the integration process.

²²⁰ Declaration No 2 on nationality of a Member State, annexed by the Member States to the final act of the Treaty on European Union states: “The Conference declares that, wherever in the Treaty establishing the European Community reference is made to nationals of the Member States, the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned. [...]”

²²¹ *Grzelczyk* case C-184/99, judgment of the 20th September 2001, in *Racc.*, p. I-6229, point 31

²²² EC Treaty, article 18 states: “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 this Treaty and by the measures adopted to give it effect.”

²²³ *Grzelczyk* case C-184/99, point 31

In *Rottmann*, the Court has continued the reasoning pursued since *Micheletti* and, as the European citizenship will be the fundamental *status* of Member States nationals, the question of European citizenship is a competence of the EU law and cannot be managed by Member States alone.²²⁴ Moreover, according to the Court and to the comments of different governments, the withdraw of a Member State nationality (obtained with fraud) is compatible with European law, even in the case this decision could lead to a situation of statelessness. This conclusion is supported by the reference to the Convention on the Reduction of Statelessness, done at New York on 30 August 1961, which entered into force on 13 December 1975, especially to article 7²²⁵ and article 8²²⁶, affirming that a person can lose the citizenship whether he/she has obtained it by deception.

Even if the condition of statelessness should be avoided in the resolution of this matters, both the International law and the European law allow the privation of nationality in the case this one had been obtained with fraud and the decision of withdraw has not to be considered as an arbitrary act (situation that is partially conflicting with the International Law standard in the presence of a stateless person): the major references used by the Court are in fact the Universal Declaration of Human Rights (adopted by the General Assembly of the United Nations on 10 December 1948), with article 15²²⁷ and the European Convention on nationality of 6 November 1997 article 3²²⁸ and article 4²²⁹.

²²⁴ VAN EIJKEN Hanneke, *European Citizenship and the Competence of Member States to Grant and to Withdraw the Nationality of their Nationals*, in *Merkourios, Utrecht Journal of International and European Law*, Volume 27/Issue 72, Case Note, 2010, p. 69

²²⁵ Convention on the Reduction of Statelessness, done at New York on 30 August 1961, which entered into force on 13 December 1975, article 7 provides as follows: “1. (a) If the law of a Contracting State permits renunciation of nationality, such renunciation shall not result in loss of nationality unless the person concerned possesses or acquires another nationality; [...]”

²²⁶ Convention on the Reduction of Statelessness, article 8 states: “1. A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless. 2. Notwithstanding the provisions of paragraph 1 of this article, a person may be deprived of the nationality of a Contracting State: (a) in the circumstances in which, under paragraphs 4 and 5 of article 7, it is permissible that a person should lose his nationality; (b) where the nationality has been obtained by misrepresentation or fraud”.

²²⁷ The Universal Declaration of Human Rights (adopted by the General Assembly of the United Nations on 10 December 1948), Article 15 of the Universal Declaration of Human Rights, provides that: “1.

The fundamental condition in the regulation of citizenship withdraw, according to European law, is the principle of proportionality, that is to say the final decision should be measured on the conditions that created the question, in the respect of civil rights: it is important for the Court to verify if the adopted measures are justified by the violation committed by the person concerned.

The ECJ affirmed that the withdraw is compatible with the European law, but also that it is a decision of the Member State to re-grant the original nationality before the revoke of the naturalisation obtained with deception.²³⁰ The final decision of the ECJ is:

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.

The importance of *Rottmann* lays in the application of the approach of *Micheletti* case in which Member States' decisions about the conferral or the withdrawal of nationalities

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.”

²²⁸ The European Convention on nationality of 6 November 1997, article 3 affirms: “1. Each State shall determine under its own law who are its nationals. 2. This law shall be accepted by other States in so far as it is consistent with applicable international conventions, customary international law and the principles of law generally recognised with regard to nationality.”

²²⁹ The European Convention on nationality of 6 November 1997, article 4 provides: “The rules on nationality of each State Party shall be based on the following principles: a. everyone has the right to a nationality; b. statelessness shall be avoided; c. no one shall be arbitrarily deprived of his or her nationality; [...]”

²³⁰ *Rottmann* case C-135/08, Judgment of the 2nd March 2010, *Racc.*, pp. I-1467, points 57-58: “57. With regard, in particular, to that last aspect, a Member State whose nationality has been acquired by deception cannot be considered bound, pursuant to Article 17 EC, to refrain from withdrawing naturalisation merely because the person concerned has not recovered the nationality of his Member State of origin. 58. It is, nevertheless, for the national court to determine whether, before such a decision withdrawing naturalisation takes effect, having regard to all the relevant circumstances, observance of the principle of proportionality requires the person concerned to be afforded a reasonable period of time in order to try to recover the nationality of his Member State of origin.”

should be undertaken respecting the EU law: the ECJ in its judgment, in fact, affirmed that Member States do not have a complete freedom to regulate the questions concerning nationality as the conferral or the withdrawal must be done in the light of the European law.²³¹ Once again the Court has established its position about European citizenship and, through a long and cautious route with a productive and important series of judgments, it has improved the *status* of citizen born in 1992 and prepared the basis for a major integration of citizens in a European community.

Rottmann show the controversial role of the ECJ in the recognition and affirmation of European citizenship; it offers the standard of proportionality to national Courts and governmental authorities in the regulation of the loss or acquisition of citizenship. The jurisprudence of the ECJ shows the way followed by the Court in the strengthening of the *status* of European citizen: the Court, promoting the reasoning established in *Micheletti*, seems to have a “constitutional” power in the construction of a euro-polity. Nevertheless, *Rottmann* and the subsequent cases do not represent the final stage of the Court’s case law on the relation between European law and national citizenship: the question of the constitutional role of the Court and of the definition of the limits of European citizenship is still open.²³²

²³¹ KOCHENOV Dimitry, *op. cit.*, p. 78

²³² SHAW Jo, *Concluding thoughts: Rottmann in context*, in <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/254-has-the-european-court-of-justice-challenged-member-state-sovereignty-in-nationality-law?showall=&start=7>

PART II

**ACTIVE CITIZENSHIP: THE INTRODUCTION OF
CITIZENS' INITIATIVE**

CHAPTER 4. THE LEGAL BASIS OF THE CITIZENS’ INITIATIVE

4.1. Article 11.4 TEU and article 24.1 TFEU

The system of the European Union, born in 1957 as the European Economic Community, has profoundly improved thanks to the evolution of the founding Treaties and to the action of European institutions, especially the Commission and the European Court of Justice.

The possibility to directly vote national representatives in the European Parliament since 1976 (thanks to an Act of the Council) and the emergence of the figure of the European citizen in 1992 represent the will of Union bodies to involve Member States nationals in the democratic life of the EU system.

As it is said in *EU citizenship report 2010* by the EU Commission, the idea of European citizenship, introduced by the Treaty of Maastricht, enlarged the political sphere of the economic nature of the European integration: the EU has evolved (and it is still evolving) from a purely economic union with free trade and cooperation purposes to a political entity, with characteristics of a quasi-State.²³³ In fact, the institution of the *status* of European citizen, which is additional to the Member State nationality, guarantees a set of rights within the European law and consequently EU institutions have a stronger role in the safeguard of them and of the role of the citizen in EU system. In particular, the European citizen from 1992 is anymore linked only to the sphere of work, but becomes the individual who can benefit from the civil rights of free movement in the European area established by the Treaties. Moreover, the Union citizen can see an increase of his/her political rights, that is to say he/she has the possibility to participate directly in the decisional process.

The most recent improvement of European Treaties is the Treaty of Lisbon of 2007, came into force in 2009, explains which are citizens’ rights at article 20.2 of the

²³³ EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens’ rights*, Brussels, 2010, p. 2

TFEU²³⁴ and put the citizen at the centre of democratic life of the European Union.²³⁵ In addition, those rights inherent the EU citizenship are protected by the Charter of Fundamental Rights of the EU, which represents another step in terms of European institutions responsibility toward fundamental rights.²³⁶

One of the major and most important innovations introduced by the Treaty of Lisbon is the citizens' initiative that introduces important elements to benefit and to exercise political rights in the EU.

The legal references of the new right to present a citizens' initiative can be found at article 11.4 of the Treaty on the European Union:

Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union.

²³⁴ Treaty on the Functioning of the European Union, article 20.2 provides: "Citizens of the Union shall enjoy the rights and be subject to the duties provided in the Treaties. They shall have, *inter alia*: (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 Parliament 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. These rights shall be exercised in accordance with the conditions and the limits defined by the Treaties and by the measures adopted thereunder.

²³⁵ EU Commission, October 2013, *The European Union explained: Justice, citizenship and fundamental rights*, Brussels, 2013, p. 3-5

²³⁶ EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 2-3

and at article 24.1 of the Treaty on the Functioning of the European Union:

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.

These two articles represent a new tool for European institutions to support the closeness with EU citizens and to reduce the institutional divide, through the introduction of instruments for direct democratic participation, for example the right to petition the EU institutions or the possibility of citizens' initiatives.

The principle of representative democracy, which is the basis of European law, became a stronger value through the right of active or passive elections at the European Parliament. The institution of the citizens' initiative, thanks to the improvement achieved by the Treaty of Lisbon, represents the accomplishment of democratic values that are the basis of the European system and a tool of transparency to include European citizens in the decisional process of the Union.²³⁷

The citizens' initiative represents a tool for participation in the democratic life, which differs from the representative democracy of the elected national representatives at the European Parliament. This right of initiative, as Claudia Morviducci affirms, cannot be considered "fundamental" for European Union functioning as it is the realisation of the founding values of the EU, based on the principle of transparency and the will to include representative groups and the civil society²³⁸ in the decisional process²³⁹: this

²³⁷ CONDINANZI Massimo, *Commento all'articolo 24 TFUE*, in TIZZANO A. (a cura di), *Trattati dell'Unione europea*, 2^a ed., Giuffrè, Milano, 2014, in A.A.V.V., *La cittadinanza europea*, ed. Giuffrè, 2013, p. 147

²³⁸ In the White Book on governance of the EU Commission (p. 15, note 9) the civil society is defined as the ensemble of trade-unions, employers' associations, NGOs, citizens' associations that operate for the local and municipal question (even with the contribution of the Church or of religious communities), from MORVIDUCCI Claudia, *I diritti dei cittadini europei*, ed. Giappichelli, 2014, p. 74

²³⁹ MORVIDUCCI Claudia, *I diritti dei cittadini europei*, ed. Giappichelli, 2014, p. 73-74

right, consequently, can be considered the implementation of the set of rights of the Treaties rather than an additional right to those cited at article 20.2 TFEU.

The major purpose of the introduction of citizens' initiative is the need to create a stronger and more inclusive dialogue between citizens and the EU institutions, as the Commission proposed in the five principles for good governance, which are openness, participation, responsibility, efficiency and coherence, in order to create a more democratic system.

Even if article 11 is very cautious, as it explains that citizens' initiatives can be applied only within the competences of European law and that the Commission has the power to decide whether the proposal is valid or not, this right represents the tool for citizens to exercise their political power and have an active role in the decisional process of the Union, as they are involved in the EU legislative proposals.²⁴⁰ The legal basis of citizens' initiative are article 11.4 TEU and article 24.1 TFEU, but it is the EU Regulation n. 211/2001 of the Parliament and of the Council of the 15th February 2011 that expressed the necessary conditions to present an initiative to the Commission and to exercise directly citizens' democratic power.

²⁴⁰ *ivi*, p. 76

4.2. EU Regulation n. 211/2011

If article 11.4 TEU and article 24.1 TFEU introduced the right to present a citizens' initiative and are the basis to the application of specific Regulations, it is the EU Regulation n. 211/2011 of the Parliament and of the Council of the 15th February 2011, entered into force the 1st April 2012, that describes which are the conditions to realise an efficient proposal to the EU Commission.

One of the basic meanings of the introduction of citizens' initiative is the creation of a network of people who share the same idea about different topics related to citizens' everyday life: this tool could help an European debate about the sensitive matters for citizens, having a direct contact with the institutional bodies of the European system.²⁴¹

The presentation of a citizens' initiative is a complex procedure which is divided in different phases: the creation of a citizens committee, the registration of the proposal, the collection of subscribers' support schedules, the validation of the support declarations, the examination of the Commission and a public audit in order to involve professionals and the concerned people in the topics presented.

According to article 1 of the Regulation a "citizens' initiative" is a proposal, supported by at least one million of subscribers²⁴² coming from a quarter of the Member States, presented to the EU Commission in order to obtain a response with a specific measure on the questions raised: the topic, which should be within the competences of the Commission, should be solved with a legislative action by European institutions.²⁴³

The plan proposed to the Commission starts with the work of the organisers, who are the natural people forming a preparatory committee of seven people coming from seven different Member States. These people must be European citizens with the legal age to vote at European Parliament elections (this is a problem as each Member State has its own legislation about the definition of the legal age to vote): they are the connection

²⁴¹ EU Commission, 31st March 2015, *Report from the Commission to the European Parliament and the Council, Report on the application of Regulation (EU) No 211/2011 on the citizens' initiative*, Brussels, 2015, p. 2

²⁴² European Parliament and Council Regulation 211/2011 of the 16th February 2011, article 2: the subscribers are those citizens who supported the citizens' initiative drawing up the support schedule

²⁴³ *ivi*, article 1

between citizens and European institutions and they are the referents for the presentation of the proposal at the European Parliament.

According to the *Report on the application of Regulation EU No 211/2011 on the citizens' initiative* of March 2015, the most active Member countries (according to residence and nationality data of the committees) are France, Germany, United Kingdom, Italy and Belgium and the committees representatives are more active in the range of age between 21 and 30 years followed by two groups between 31-40 years and 41-50 years: this show that in the realisation of a citizens' initiative the most influent Member States are the most industrialised countries in the European area and that young people are more enthusiastic about the presentation of proposals.

Before the organisers could collect subscribers support schedules, the initiative proposal has to be registered by the EU Commission and then the organisers have one year to gather the necessary subscribers' support. To register the proposal, the committee has to provide to the Commission all the information concerning the object and the goals of the plan²⁴⁴, in order to facilitate the promotion of the proposal among European citizens. The information are registered in one of the official languages of the Union and then published in a specific portal created by the Commission.

The registration by the Commission is allowed only whether there is a committee of citizens with referent people within, the proposal promotes subjects that are within the competencies of the European Commission, the text of the proposal is not futile or offensive and it is not contrary to the fundamental values of the European Union.²⁴⁵

After the registration, the organisers can translate the information provided to other languages of the European Union and then the proposal is published. From this point, the organisers can start to collect the support declarations from those citizens interested in the proposal by a year of time. The subscribers must have the legal age to vote at EU Parliament elections, but this is a typical national competence as each Member State has its own legislation to decide the minimum age to vote: this element has been criticised by several committees and groups of organisers as the differences in the necessary documents to validate the declaration of support from a Member State to another can dissuade citizens from participate in the initiative. For this reason the EU Commission,

²⁴⁴ *ivi*, article 4.1

²⁴⁵ *ivi*, article 4.2 (a, b, c, d)

as a reference of the minimal requisites and continues its action in inviting Member States to simplify the procedures²⁴⁶, has included the attachment III²⁴⁷ in the Regulation 211/2011.

The gathering of subscribers' support documents can be collected through paper copies or using the specific online portals and the results have to be saved in the archives of the Member States participating in the proposal.²⁴⁸ To be considered valid, the collection of support documents have to respect a minimum number of subscribers participating in the application; according to the Regulation, the initiative has to be subscribed at least in a quarter of the Member States, at the moment of the registration, by the minimum number of people as indicated in the Annex I²⁴⁹: generally, the minimum number corresponds to the Members of European Parliament elected in each Member State then multiplied for 750.²⁵⁰

²⁴⁶ EU Commission, 31st March 2015, *Report from the Commission to the European Parliament and the Council, Report on the application of Regulation (EU) No 211/2011 on the citizens' initiative*, Brussels, 2015, p. 6-7

²⁴⁷ *ivi*, Annex III: in Part A for those Member States that do not require the number of the identification document (Belgium, Denmark, Estonia, Finland, Germany, Ireland, the Netherlands, Slovakia, United Kingdom), there is the requirement of the data (names, referent people data) of the organisers, the registration number provided by the Commission, the web references, the title, the object and the purposes of the proposal, then the name and surname of the subscribers, their residence, their birthplace and the date, their nationality, the signature and the date of signing; in Part B for those Member States that need the number of the identification document (Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Greece, Hungary, France, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia, Spain, Sweden) there is the requirement of the same data in addition to the number of the identification document; in Part C there is the list of the documents required for each Member State.

²⁴⁸ European Parliament and Council Regulation 211/2011 of the 16th February 2011, article 6

²⁴⁹ Annex I of European Parliament and Council Regulation 211/2011 of the 16th February 2011 lists the minimum number for each Member State: Austria 12 750, Belgium 16 500, Bulgaria 12 750, Croatia 9 000, Cyprus 4 500, Czech Republic 16 500, Denmark 9 750, Estonia 4 500, Finland 9 750, France 54 000, Germany 74 250, Greece 16 500, Hungary 16 500, Ireland 9 000, Italy 54 000, Latvia 6 000, Lithuania 9 000, Luxembourg 4 500, Malta 3 750, the Netherlands 18 750, Poland 37 500, Portugal 16 500, Romania 24 750, Slovenia 5 250, Slovakia 9 750, Spain 37 500, Sweden 13 500, United Kingdom 54 000.

²⁵⁰ European Parliament and Council Regulation 211/2011 of the 16th February 2011, article 7

At the end of the collection of support documents, the organisers give them to the competent authorities in order to examine the validity of the files:²⁵¹ each Member State designate which are the bodies adept for the verification of the documents and communicate to the EU Commission the list of them.²⁵² In three months, the controlling authorities has to examine the schedules for subscribers' support and have to issue a certificate in which they announce the number of valid support declarations for each Member State.

Once this procedure has been accomplished and all the points established by the Regulation 211/2011 are respected, the organisers can present the proposal to the EU Commission with additional data about the funding sources (if it is the case).²⁵³

Once the Commission receives the citizens' initiative, it publishes the proposal in its specific register, meet the organisers and the committee of citizens in order to give them the possibility to explain in detail which are the questions and the goals of the proposal. Within three months, the EU Commission declares through a communication its legal and political conclusions about the citizens' initiative proposed and, whether it thinks that is convenient, its intention to apply a specific measure on the topics raised in the initiative.

The committee of citizens, then, can organise a public audit and both the Commission and the Parliament ensure that this event is organised in the European Parliament itself with the presence of a group of representatives from Commission.²⁵⁴

According to the *Report on the application of Regulation (EU) No 211/2011 on the citizens' initiative*, the fact that three citizens' initiatives have been achieved represents for the Commission an important goal. Nevertheless this tool is still imperfect and can be improved: the Commission is conscious of the necessity to solve different aspects that can represent an obstacle in the use of the right of initiative for citizens.

Even if the Treaties of the Union (TEU and TFEU) have strengthen both the European citizenship and the participation in the democratic life of the European system, the Commission intends to correct those barriers that slow the process introduced by the

²⁵¹ *ivi*, article 7.1

²⁵² *ivi*, article 15

²⁵³ *ivi*, article 9

²⁵⁴ *ivi*, article 11

Treaty of Lisbon. For this reason the Commission aims at solving the lack of the *status* of legal person for citizens' committees, at the harmonisation of legislations in order to give each Member State citizens the same possibilities to support an initiative and the same rights, at the reduction of the time to collect support declarations (to shorten the process), at verifying the translations of the proposals, at the improvement of the whole procedure, at the inclusion of more professionals and concerned people at the public events and at an amelioration of the communication between the organisers and the Commission during each phase of the initiative presentation.²⁵⁵

The tool of citizens' initiative is an efficient instrument that gives the possibility to participate in the democratic life and in the decisional process of the Union. Article 11.4 TEU, article 24.1 TFEU and the EU Regulation 211/2011 are the legal basis for the realisation of a citizens' proposal, which is an important innovation of the Treaty of Lisbon in the enlargement of political rights. Moreover, European institutions have a decisive role in the development and in the protection of the rights, as a sign of the affirmation of a European citizenship and of the realisation of the process of European integration: the improvement of the participation in democratic life for European citizens without barriers and discriminations is still, however, a goal to achieve.

²⁵⁵ EU Commission, 31st March 2015, *Report from the Commission to the European Parliament and the Council, Report on the application of Regulation (EU) No 211/2011 on the citizens' initiative*, Brussels, 2015, p. 14-16

CHAPTER 5. HOW EUROPEAN CITIZENS' INITIATIVE WORKS

5.1. The proposal for reform: towards a stronger democratic participation

The introduction of citizens' initiative in the Treaty of Lisbon adds an important value to civil rights of EU citizens and completes the set of political rights established by the Treaties: the reform of Lisbon pushed forward the democratic participation of European people in the decisional process.

As it is stated at article 14.2 TEU²⁵⁶, the European Parliament is composed by Union citizens' representatives and each European citizen has the right to participate in the democratic life of EU system as affirmed at article 10 TEU²⁵⁷. On the other hand the citizens' initiative, explained at article 11.4 TEU, is tool of active participation that confirms the principle of participatory democracy.²⁵⁸

According to the Treaties, one million citizens who are nationals of a large number of Member States can invite the EU Commission through an initiative to present appropriate measures on those matters that are sensitive for European citizens and that require an improvement. The introduction of article 11.4 TEU, of the legal basis about the citizens' initiative with article 24.1 and the Regulation 211/2011, give the possibility to participate in the political life, but this must be considered as a right of *pre-initiative*, a power similar to the one of the Council and the Parliament: citizens can present a proposal of reform to the EU Commission, but it is this one to decide whether the matters raised by the initiative require the adoption of specific policies.²⁵⁹

²⁵⁶ Treaty on the European Union, article 14.2 affirms: "The European Parliament shall be composed of representatives of the Union's citizens. They shall not exceed seven hundred and fifty in number, plus the President. Representation of citizens shall be digressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats."

²⁵⁷ Treaty on the European Union, article 10.3 affirms: "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."

²⁵⁸ MORVIDUCCI Claudia, *op. cit.*, p. 74

²⁵⁹ NICOLIN Stefano, *La cittadinanza europea*, par. 4, in ZAGATO Lauso (a cura di), *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p.120

The importance of a participatory democracy, added to the traditional representative one, is underlined also in the White Book of the Commission about the principles that guarantee good governance; the two principal elements are openness and participation. The Commission affirms that EU institutions, cooperating with Member States, should adopt a more open attitude and explain in a comprehensible and clear language what the European Union does and what the decisions adopted in the EU system are about: this principle is crucial in closing the distance between European institutions and citizens and, consequently, reduce the institutional divide in order to raise citizens' confidence about the process of integration.

Then, the Commission emphasises the importance of participation of citizens in the decisional process in order to increase the reliance on EU institutions and so to implement the European system established in the Treaties: for this reason, central authorities should involve European citizens in the realisation of EU policies.

Therefore, participatory democracy, expressed in the Treaties and granted by EU institutions, is the fundamental instrument to close the distance between citizens and institutions themselves, which are legitimated by the principle of representative democracy through the right to vote (and being elected). In this context, the central authorities give to citizens and to civil associations the possibility to express their thoughts and their proposal to improve the European system.²⁶⁰

According to the Treaties, European citizens had already the right to present petitions to the European Parliament on those matters that touch citizens' everyday life; nevertheless, the effects of the petitions presented have been often undervalued by EU institutions and, consequently, they did not be relevant for the creation of specific measures: even if the petitions were submitted by organisations (and not by individuals), they did not have the necessary political weight.

For this reason, the Commission and all EU institutions hope that involvement of at least one million people through the citizens' initiative could be more significant in the adoption of targeted policies.²⁶¹

The core questions of the new right of initiative open a debate among EU institutions about the central characteristics for the presentation of a proposal, that are the minimum

²⁶⁰ MORVIDUCCI Claudia, *op. cit.*, p.74-75

²⁶¹ *ivi*, p. 76-77

number of proposers and of Member States involved, and the direct or indirect application of the proposal by the Commission. The problem of minimum number reflects the importance of the use of this right by a large number of citizens, against a lobbyist attitude that would grant advantages only for a restricted area of individuals: for the European Parliament²⁶², the integration purpose can be achieved thanks to the cooperation among the largest number of Member States, as a sign of the realisation of democracy in the EU area.

The problem of direct application by the Commission of the citizens' proposal represented a fundamental point in the regulation of this right introduced in Lisbon. Even if it could represent the complete realisation of democratic will, the application of a citizens' initiative has to be controlled in order to verify if the matters raised are competence of EU institutions according to the Treaties and if they are respectful of European law. In a first moment, there was a discussion between Northern Member States supporting the idea of a free citizens' initiative with less limitations as possible and the other Member pushing for the introduction of a long procedure and of severe controls²⁶³: in the end, there was the prevalence of citizens' initiative controls.

The instrument of the initiative, launched by the Treaty of Lisbon, represents an important opportunity both in the implementation of political rights of European citizens and a tool for the inclusion of citizens in the decisional and democratic process of the EU system, with fundamental effects on the route to the integration of the European area.

Even if the Treaties granted to citizens the possibility to present petitions on important matters to the European Parliament before Lisbon, the right to petition has been misused and has not led to the achievement of significant goals.

On the contrary, the citizens' initiative is a more efficient instrument (with some limitations) in the involvement of European citizens in the democratic process of the EU system: this instrument complete in fact the political rights of citizens as it is the basis

²⁶² As affirmed in *La citoyenneté* by the European Parliament, in MORVIDUCCI Claudia, *I diritti dei cittadini europei*, ed. Giappichelli, Torino, 2014, p. 77

²⁶³ Commission of the European Communities, *Green Book, Right of European citizens' initiative*, the 11th November 2009 COM (2009)622 def., in MORVIDUCCI Claudia, *op. cit.*, p. 77

for the participatory democracy, added to the representative one ensured by the right of active and passive vote in the European area.

The initiative is fundamental for the European Union in the realisation of the integration process. In order to be valid, the initiative has to be supported at least by one million people coming from a large number of Member States and this condition should increase both the cooperation and the creation of common strategies in those topics that are considered relevant by citizens.

The construction of a European network on specific question that touch everyday life is crucial in the realisation of the real integration of different Member States populations in a single European community. Through the exercise of democracy, European citizens can actively participate in the decisions of EU institutions and these ones could benefit from the ideas and the proposals raised by the European community: the citizens' initiative possibility has a stronger impact on the EU Commission, which could be more disposed to implement the Treaties and adopt new policies, and on the community itself as it could feel a stronger sense of belonging to the European Union.

5.2. A report on successful initiatives

The citizens' initiative, introduced by the Treaty of Lisbon in the European system in 2009, is a strong and relevant instrument for citizens' participation in the democratic life of the Union. To implement this participatory democracy tool, the Commission has launched a new legislation in order to put in place procedures and conditions facilitating the use of this mechanism. According to the *Report on European citizenship* (2010), in the Union there are approximately 110.000 foundations operating on those issues of a global nature such as research, environment, health and employment that are the heart of EU citizens' concerns.²⁶⁴

The right of initiative, according to the Commission, has been a success because citizens have used from 2012 to 2015 several times this opportunity: in the period indicated the Commission has received 33 initiatives, plus 20 initiatives that have not been registered due to Commission refusal. The justification of this attitude is explained by the questions raised in the initiatives, which do not concern European institutions competency.

The number of the successful proposal that have obtained an answer from the Commission, however, show the difficulty to present an initiative and the lack of interest of EU institutions in adopting new measures on the topics raised by citizens. Among the 53 initiatives presented to Commission, 6 initiatives are still open²⁶⁵, 11 have been retired²⁶⁶, 13 of them²⁶⁷ have had an insufficient support and 20 do not fulfil

²⁶⁴ EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 21

²⁶⁵ Mum, Dad & Kids – European Citizens' Initiative to protect Marriage and Family, Wake up Europe! Taking action to safeguard the European democratic project, Vi vill att WHO:s rekommendationer efterföljs. Cannabis ska bli avkriminaliserat med reglering, Stop plastic in the Sea, Fair Transport Europe – equal treatment for all transport workers, For a socially fair Europe! Encouraging a stronger cooperation between EU Member States to fight poverty in Europe

²⁶⁶ MoveEurope, Turn me Off, Teach for Youth, Kündigung Personenfreizügigkeit Schweiz, On the Wire, New Deal 4 Europe – For a European special plan for sustainable development and employment, European Initiative for Media Pluralism, End Ecocide in Europe, Let me vote, EU Directive on Dairy Cow Welfare, Single Communication Tariff Act

²⁶⁷ An end to front companies in order to secure a fairer Europe, European Free Vaping Initiative, Weed like to talk, European Initiative for Media Pluralism, Do not count education spendings as part of the

the conditions laid down in article 4.2 of Regulation 211/2011: most of the case, the refusal of the Commission is due to the lack of competency, according to the Treaties, of the Commission itself in the questions of the proposal. In addition, as Maria Cristina Marchetti suggests, the withdraw of some initiatives by the organisers could cover a tactic to represent the same initiative in a more convenient moment.²⁶⁸

In this work it is not possible to analyse in detail every single initiative presented to the Commission, so the focus will be only on the successful proposals. In fact, among the large amount of initiatives presented in the last four years, only three citizens' initiatives have received a communication of the Commission, with the explanation of what it intends to do about the matters presented; the three successful initiatives are: Right2Water, One of Us and Stop vivisection.²⁶⁹

The first initiative presented to EU Commission has been *Fraternité 2020 – Mobility. Progress. Europe.*, registered in the symbolic date of the 9th May 2012: this proposal was supported by a network of young people who have experienced the Erasmus programme and who asked for an improvement of the European mobility programmes (Erasmus, European Civil Service). The proposal was a competence of the Commission but unfortunately it did not reach the minimum number of supporters and did not pass the limit of one million of signatures.

The second citizens' initiative (the first successful one) presented and registered the 10th May 2012 is *Right2Water* that represents the typical model and the starting point of this important innovation of the Treaty of Lisbon.

Presented by the European Federation of Public Service Unions (EPSU), which is an umbrella organisation regrouping at least 270 associations and eight millions of workers in European public services, it appealed the Commission to present a new legislation

deficit! Education is an investment!, ACT4Growth, Unconditional Basic Income (UBI) – Exploring a pathway towards emancipatory welfare conditions in the EU, “30 km/h – making the streets liveable!”, Central public online collection platform for the European Citizen Initiative, Suspension of the EU Climate&Energy Package, Pour un egestion responsable des déchets, contre les incinérateurs, High Quality European Education for All, Fraternité 2020 – Mobility. Progress. Europe.

²⁶⁸ MARCHETTI Maria Cristina, *L'Europa dei cittadini. Cittadinanza e democrazia nell'Unione Europea*, ed. Franco Angeli, 2015, p. 95

²⁶⁹ <http://ec.europa.eu/citizens-initiative/public/welcome>

affirming the right for citizens in the access to drinkable water and sanitary services, as it had been affirmed by the United Nations.²⁷⁰

The organisers and supporters, through this initiative, asked that EU institutions and Member States guarantee to citizens the right to drinkable water and to have access to sanitary services; then, they asked that the management of water-supply do not follow liberalisation and trade methods; finally, that the European Union improve its role in the protection of the access to drinkable water and sanitary services.²⁷¹

The controversial context that led to this initiative is given by the lack of clear Union policies about the matter of water. It was the Council of Europe that reaffirmed the point of view of the United Nations, and the European Union has followed partially the reasoning: the Council (of Ministers of the EU) adopted a specific directive²⁷² about water and then, with the inclusion of the Charter of fundamental rights in the European law, there was the affirmation of the basic rights for citizens'. Nevertheless, EU institutions could not directly intervene in those situations that limit or blocked the access to water: the Charter is mandatory so both Member States and EU bodies are obliged to adopt it safeguarding the established rights. This is the starting point of the citizens' initiative *Right2Water*.

In the communication about the initiative, the Commission affirms that EU authorities have introduced different requirements about water quality to benefit from clean, drinkable water; moreover, the necessary infrastructures to have an access to water have been improved by institutions. The problem of economic interests in the management of water is strictly linked to national legislations and the Union system cannot intervene directly: the role of EU bodies is to control the administration of water, guaranteeing parity of rights in the whole European area.

The *Right2Water* initiative is the first proposal that has received an answer from the Commission; it has been supported by 1.857.605 European citizens closing the

²⁷⁰ UN Assembly Resolution 64/292 of the 3rd August 2010 affirms that the access to drinkable water and sanitary services is a fundamental human right; the Resolution has been improved during a UN conference about sustainable development in 2012 (Rio+20)

²⁷¹ Communication of the EU Commission about citizens' initiative Right2Water, Bruxelles, 19.3.2014, COM(2014) 177 final, p. 2

²⁷² EU Directive 2000/60/CE about the matter of water provides that water cannot be a trading product, but a good to be protected guaranteed.

procedure before the deadline thanks to the online collection of supporters' signatures (95% have been received through the web). What is important in the presentation of this initiative is also its financial support that was 100.000€ at the beginning. The Commission nevertheless has affirmed the competency of Member States national jurisdictions, even if it supported the Chart of the fundamental rights.

For this reason the Commission has responded to the initiative looking for still existing gaps giving general goals to achieve in the future. Then, it states its involvement in the improvement of EU legislation about water quality, according to the goals of the Action Plan for Environment; then it is involved in a public audit about the Directive on drinkable water in order to increase the access to it and in the development of urban water management. Moreover, the Commission intends to establish a dialogue with the organisations concerning transparency on the water managing and to cooperate with existing initiatives to better define the sectors needing an improvement by the institutions. Finally, it supports new approaches in the public sector and in those Member States areas that need a reorganisation of water management, aiming at the recognition of the access to drinkable water and sanitary services as a crucial right for a sustainable development.²⁷³

The second citizens' initiative that has received an answer from the Commission is *One of Us*, concerning the need of legal protection for human dignity, especially for the right of life and of the safeguard of human embryos. It has been presented the 28th February 2014 with the support of 1,7 million of people in eighteen different Member States. On the 9th April 2014 the organisers have been received by the Commission and the 10th April they had a public audit at the European Parliament.

The initiative asked the Commission to recognise the importance and the value of human embryos, referring to the case *Brüstle* of the ECJ²⁷⁴, as they are the starting point of human life; moreover, the Commission should forbid the financing of those activities that destroy human embryos for scientific research in the sector of development and healthcare.

²⁷³ Communication of the EU Commission about citizens' initiative Right2Water, Bruxelles, 19.3.2014, COM(2014) 177 final, p. 13-14

²⁷⁴ ECJ case C-34/10, *Brüstle* against Greenpeace

In his communication²⁷⁵, the Commission underlines the importance of scientific research using human embryonic staminal cells in order to solve important diseases as cancer, diabetes, Alzheimer, Parkinson, some kinds of blindness and heart attacks. The control over this sector is a Member States' competency and the Commission cannot intervene directly; nevertheless, it can verify the respect of the fundamental rights set in Treaties and can support different action plan, for example, with the programme Horizon2020. This reference to a European programme is important because underlines the connection between citizens' initiative and more specific programmes of the Union: the Commission answered to organisers that the existing Horizon 2020 will be implemented in order to guarantee a proper use of embryos in scientific research.

In its conclusions, the Commission reaffirms the articles of the Chart of fundamental rights and of the TEU referring to the protection of human dignity and of the right to life; moreover, it clarifies the increase and the development of the quality and control standards set for the Horizon2020 programme, in order to improve bio-medical research. The Commission, then, rejects the hypothesis to forbid the financing of embryo research (and the possible destruction) as it supports scientific studies and aims at the implementation of the objectives set by the World Health Organisation: if the initiative *One of Us* favoured the increase of different standards in scientific research, the Commission cannot stop the financing of important activities in the bio-medical sector.

The last citizens' initiative that has received an answer from the EU Commission is *Stop vivisection*, presented the 3rd March 2015 with the support of 1,17 million of people. In this proposal, the organisers asked to the Commission to revoke EU Directive 2010/63/EU concerning the protection of animals used for scientific purposes and to present a plan to forbid scientific experiments on animals; at the same time, it promotes biomedical research using specific methods for humans.²⁷⁶ On the 11th May 2015 the organisers have been received by the Commission and, the same day, they had a public audit at the European Parliament.

²⁷⁵ Communication of the EU Commission, Bruxelles, 28.5.2014, COM(2014) 355 final

²⁷⁶ Communication of the EU Commission, Bruxelles, 3.6.2015, C(2015) 3773 final, p. 2

In the communication of the Commission there are references to the involvement of EU institutions in the protection of animals and in the safeguard of animals welfare, as it is affirmed at article 13 TFEU²⁷⁷ concerning the competencies of the Union.

According to the Commission, the Directive 2010/63/EU aims at the research of alternative methods in the medical and biological sector, promoting and supporting (in case these are scientifically valid) the implementation of them in the EU system: in this act, the Commission does not eliminate the experiments on animals for scientific purposes but affirms the need to research alternative procedures in order to safeguard human health, underlining that this kind of test have to respect the high quality requirements established by the European Union. Moreover, as it is said in “Europe 2020 strategy” about health and in the Action Plan for Environment, EU institutions aim at reducing the use of animals and at the improvement of the existing methods.

The standards of experiments on animals follow the criteria of the “three R” that are Replace, Reduce, Refine; to implement this method, the researches should be in a continuous evaluation by competent authorities according the principle of human and animal well-being, there should be a strengthening of personnel education requirements and there should be detailed statements about the procedures.²⁷⁸

In this context, the initiative *Stop vivisection* asked the Commission to revoke the directive 2010/63/EU both for ethical reasons and because, according to the organisers, the approach that exploits animals for scientific experiments is not predictive about the effects of bio-medical discoveries on human beings.

The answer of the Commission supports partially the questions raised by the initiative: it sustains the gradual abandoning of experiments on animals for scientific purposes in favour of alternative and innovative methods, but at the same time it affirms that there are no scientific evidences about the scarce utility in using animals.

²⁷⁷ Treaty on the Functioning of the European Union, article 13 provides that: “In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.”

²⁷⁸ Communication of the EU Commission, Bruxelles, 3.6.2015, C(2015) 3773 final, p. 3-5

For this reason, the Commission has supported the presentation of this initiative, because it follows some of the principles stated in the TFEU about animals' welfare; the initiative has shown the gaps in the matter of using animals in scientific research but the Commission cannot limit experiments on animals or block this method. Nevertheless, the Commission encourages the use of alternative and safer procedures and the gradual elimination of vivisection: the Directive 2010/63/EU, from the Commission point of view, has already started the process to achieve the goals raised by *Stop vivisection* initiative and consequently it sustains the ideas of the proposal.²⁷⁹

As we have seen, the right to present citizens' initiative has been productive in the European system and has involved more citizens in sensitive matters. These three successful initiatives, and those that are still open, represent the realisation of an important tool of participatory democracy.

However, the attitude of the Commission to keep distance from citizens' initiative could show an indifference in the benefit from the ideas and proposals for an improvement of the system, a cautious approach in receiving the initiatives or a lack of interest in the evolution of the Treaties (and consequently of the Union): for this reason EU institutions should have a clear dialogue with citizens and implement this possibility supporting the presentation of initiatives, if they aim at the construction of a European community participating in the democratic process.

²⁷⁹ *ivi*, p. 7-10

CHAPTER 6. CITIZENS' INITIATIVE: A TOOL FOR CITIZENS AND EUROPEAN INSTITUTIONS

6.1. The importance of citizens' involvement in the decisional process

The introduction of the possibility to present to EU Commission a citizens' initiative in the Treaty of Lisbon has increased and completed the set of political rights established in the founding treaties: not only Member States nationals can vote or be elected in the European Parliament or in local governmental bodies, but they can also participate actively in the decisional process thanks to the principle of participatory democracy.

This represents a crucial element in the realisation of the integration both at a political and at a social level in the European Union. The Treaty of Lisbon, in fact, has created the conditions for the strengthening of the Union: from 1957, European institutions has improved the system through the evolutions of the founding Treaties or thanks to pioneering interpretations especially thanks to the European Court of Justice, but after Lisbon European citizens can benefit from more civil rights and can easily exercise these as a result of the simplification of procedures.

European citizens can freely move and reside in Europe, can benefit from consular and diplomatic protection abroad where there is not the representation of a citizen's Member State, can present petitions to the Parliament, can freely access to European documents and, after 2009, can exercise the right to present a citizens' initiative to the Commission. This set of rights is at the same time the realisation of the founding values of European Union, that are the creation of an area of economic cooperation in a free trade and duty-free order and the construction of an organisation guaranteeing peace and solidarity, and the representation of the will of EU institutions to achieve the integration at political and social level.

At this point, nevertheless, EU institutions cannot manage alone the process of integration of the European area: for this reason it is crucial the intervention of citizens in the decisional process through participatory democracy tools, for example citizens' initiative.

European citizens are to be considered real political actors of the European system²⁸⁰ and their role is fundamental for the survival of the European Union itself.

Today, however, EU institutions have to tackle a democratic deficit and a strong sense of disaffection against both central institutions and the project of a stronger Union.

The negative trend at the elections of the European Parliament, which starts from 62% of voters in 1979 with the first direct election of the Parliament and decreased constantly in the last twenty years reaching 43% in 2009²⁸¹ and then 42,61 in 2014²⁸², show a slow and dangerous process of disaffection against European institutions²⁸³. The trend does not seem to stop at next elections and so EU authorities should intervene: a decline of citizens' participation in the decisional process represents a serious question about the implementation of EU Treaties and that is the reason why European institutions should recover citizens' consensus and their reliance in order to continue the process of integration.

In addition, according to a research of 2010 about active citizenship characterisation, there are socio-demographic elements that influence the participation of citizens in the EU democratic life.

As affirmed in the study²⁸⁴, the active citizenship seems to be influenced by factors such as the type and years of education, gender, age, income, domicile, main activity, use of mass media, GDP: these sectors should be the starting point for EU institutions' actions in order to guarantee the more citizens' participation as possible.

The role of the European citizen has evolved from the birth of the European system in 1957 to nowadays and has seen an increase of the civil rights to benefit from. The European citizens has transformed from the worker, who can circulate in the European area, into the citizen-political actor in the more inclusive European Union: with the Treaty of Maastricht and its introduction of the concept of European citizenship, the

²⁸⁰ EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 17

²⁸¹ <http://cise.luiss.it/cise/2014/04/07/evoluzione-dellaffluenza-alle-elezioni-europee-dal-1979-al-2009/>

²⁸² <http://www.europarl.europa.eu/elections2014-results/it/election-results-2014.html>

²⁸³ EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 17

²⁸⁴ MASCHERINI Massimiliano, MANCA Anna Rita, HOSKINS Bryony, *The characterization of Active Citizenship in Europe*, in *JRC Scientific and Technical reports*, JRC-IPSC, Luxembourg, 2009

Member State nationals have obtained additional rights guaranteed by the European Treaties and law. This represents the intention, and a primary route, of the integration at political and social level of the Union: the presence of an integrated and cooperative European community, in fact, should facilitate the realisation of this project.

In this context the European citizen has the right and the obligation (if he/she believes in the European construction) to actively participate in the democratic process, creating networks of people in the European area and supporting through petitions or initiatives the actions of the EU institutions: at this point, not only central authorities have the responsibility to work toward the integration, but also citizens should be present in the decisional process giving a direct support following a vertical axis, from the base of the Union community to the top of European institutions.

6.2. The citizens' initiative as a resource for EU institutions

The citizens' initiative is certainly an innovative tool for the European Union as it is the realisation of the principle of participatory democracy: thanks to this right and through the exercise of active democracy, European citizens are involved in the decisional process and can contribute in the integration of the Union.

Definitely, the active participation in the democratic process (allowed by the Treaties) is the core of the European system and represents its vital strength: it is through democratic participation that the European community and the Union area can become more integrated.

On the other hand, citizens' initiative and citizens' participation are also important for European institutions as they can profit from the proposals submitted to improve or implement the Treaties, solving some of the questions of today Union. In fact the right of citizens' initiative, which should be defined more correctly citizens' *pre-initiative*²⁸⁵, gives to the EU institutions, and especially the Commission, new ideas and solutions about those matter concerning everyday life of European people: the suggestions coming from the base of the system (that are citizens) are the starting point for the introduction of new measures or policies and for the improvement both of the Treaties and of the Union itself.

Nevertheless, even if the Treaties have established a new set of civil and political rights for citizens and the EU institutions work to guarantee and safeguard the goals achieved by Europe during the last sixty years, today the Union system suffer from a dangerous disease for its survival that is the sense of disaffection of citizens against the political life of the European Union.

The problem of the low interest in the political life of the Union is one of the most important challenges that European institutions have to deal with. For this reason, from the Treaty of Lisbon, the Commission has affirmed its involvement in explaining what the Union does and which are the goals to achieve: it can do that through a clear and

²⁸⁵ NICOLIN Stefano, *La cittadinanza europea*, par. 4, in ZAGATO Lauso (a cura di), *Introduzione ai diritti di cittadinanza*, ed. Cafoscarina, Venezia, 2015, p.120

open communication with citizens and the representative organisations, as it is affirmed at article 11.1, 2, 3 of the TEU²⁸⁶ that is a sort of preface to citizens' initiative right.

The system of the Union has evolved from 1957 to nowadays and today EU institutions have the responsibility to support the creation of a European community or "civil society". The philosophical basis of the European system differs from the United States model of participatory democracy, in which society is the association of free and rational citizens at political level who debate for the development of the political association itself. The European civil society is founded on Rousseau and Marx thoughts and that finds its foundation in the social involvement, in contrast to the economic interests, to the individual profit and to the bureaucratic State²⁸⁷: for this reason, in today Europe central institutions should support the realisation of a community representing citizens and civil associations that are not a State representation²⁸⁸ profiting of the "bottom-up" power of citizens' initiative.

The results of European Parliament elections, with 42,6% of affluence, show that EU institutions have to recover the reliance of citizens and re-establish a productive dialogue with Member States nationals. Moreover, the results of a research on the characterisation of active citizenship in the Union show that the kind and the years of education, surfing the web and a good income have a strong influence on participation in the democratic life; surprisingly, the most active citizens in Europe is the class from 44 to 55 years, when young people are scarcely dynamic in the EU system.²⁸⁹ According to the report on European citizenship, for the elections of the Parliament,

²⁸⁶ Treaty on the European Union, article 11 provides: "1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. 3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent."

²⁸⁷ MARCHETTI Maria Cristina, *L'Europa dei cittadini. Cittadinanza e democrazia nell'Unione Europea*, ed. Franco Angeli, 2015, p. 69

²⁸⁸ As affirmed by the European Economic and Social Committee in 1999, in MARCHETTI Maria Cristina, *L'Europa dei cittadini. Cittadinanza e democrazia nell'Unione Europea*, ed. Franco Angeli, 2015, p. 70-71

²⁸⁹ MASCHERINI Massimiliano, MANCA Anna Rita, HOSKINS Bryony, *The characterization of Active Citizenship in Europe*, in *JRC Scientific and Technical reports*, JRC-IPSC, Luxembourg, 2009, p. 17-35

more information should be “provided on the impact of the European Union on daily life, [...] on the programmes and objectives of candidates and parties” and the date of elections should be common for the whole European area.²⁹⁰

European institutions, with the presented results, should work towards the creation of a proper communication between citizens and the central bodies: the Commission, the Council and the Parliament should create a virtuous circle, profiting from the ideas and the proposals (the bottom-up process) of citizens to improve the European system itself and, consequently, continue the safeguarding of the fundamental rights and the granting of the civil and political life connected with the *status* of European citizen.

²⁹⁰ EU Commission, 27th October 2010, EU citizenship report 2010, *Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 17

6.3. Overview on the possibilities of active citizenship in the EU

SUMMARY: 6.3.1. The problems of citizens' initiative and the crisis of active citizenship - 6.3.2. Euro-project design: a new way to actively participate in the EU life?

6.3.1. The problems of citizens' initiative and the crisis of active citizenship

The citizens' initiative, founded in Lisbon with article 11.4 TEU, article 24.1 TFEU and applied thanks to EU Regulation 211/2011, has been applauded as the first experiment of "transnational direct democracy"²⁹¹ in the world, as it allows citizens to participate actively in the decisional process. Moreover, citizens' initiative can be considered as a tool to strengthen the role of civil society²⁹², a possibility to enlarge the European community²⁹³ and an instrument to solve the democratic deficit of Union institutions through a bottom-up method²⁹⁴.

Certainly, citizens' initiative is an important innovation of the Treaty of Lisbon and represents the European citizens' political rights completion: not only people from Member States can be represented in EU institutions such as the Parliament or in those association with a lobbyist purpose, but also can participate actively submitting proposals on sensitive matters.

Nevertheless, this procedure has its own peculiar limitations due to both technical questions in the presentation process and to the definition of the democratic model to be used as a reference: the success of this possibility is confirmed in some reports of the Commission, as it is shown also by the presentation of different proposals and the admission of few of the initiatives, but the procedure can be improved and citizens can be more involved in the process.

²⁹¹ Berg, Kaufmann et al., 2008; Bouza Garcia, del Rio 2012; Greenwood, 2012, in MARCHETTI Maria Cristina, *op. cit.*, p.89

²⁹² De Clerck-Sachsse 2012; Bouza Garcia, del Rio 2012; Greenwood, 2012, in MARCHETTI Maria Cristina, *op. cit.*, *ibidem*

²⁹³ Bouza Garcia, 2012, in MARCHETTI Maria Cristina, *op. cit.*, *ibidem*

²⁹⁴ Sigalas, 2012; Chytila 2012; Hristova-Valtcheva, 2008; Monaghan 2012, in MARCHETTI Maria Cristina, *op. cit.*, *ibidem*

Starting from the technical problems, the Regulation 211/2011 says that the gathering of subscribers' support can be done using both paper copies and online formats: the organisers, at the beginning, have to create an online platform through a service provider. The difficulties in the collection of the subscribers' signatures has led the Commission to allow the organisers to use its server; moreover, the certification of signatures online is difficult for national authorities, especially for those citizens voting abroad, and some of the organisers have claimed the loss of a large number of signatures on the online system.²⁹⁵

Another relevant problem of citizens' initiative is the role of the Commission; in fact, it has both a competence *ex ante*, that is the power to decide whether to accept a proposal or not, and a competence *ex post*, that is the decision to start or not an ordinary legislative process to realise the questions raised by the initiative. The literature over this innovation of the Treaty of Lisbon has applauded it as the equivalent of the popular initiative law in national jurisdictions, but in the reality it does not limit the power of legislative initiative of the Commission stated at article 17 of the TEU²⁹⁶: citizens' initiative is rather an invitation to the realisation of specific measures on the topic raised in the proposal. This element represents a significant limitation on the possibility for citizens to participate directly in the democratic life; it must be remarked that the Commission has a quasi-exclusive power of legislative initiative, with some exceptions that confer to the Parliament, the Council and citizens (from Lisbon) to present an invitation for the realisation of a legislative proposal²⁹⁷ as affirmed at articles 225²⁹⁸ and 241²⁹⁹ of the TFEU.

²⁹⁵ MARCHETTI Maria Cristina, *op. cit.*, p.100

²⁹⁶ Treaty on the European Union, article 17 states: “1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. [...]; 2. Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Treaties so provide.

²⁹⁷ MARCHETTI Maria Cristina, *op. cit.*, *ibidem*

²⁹⁸ Treaty on the Functioning of the European Union, article 225 provides: “The European Parliament may, acting by the majority of its component Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Treaties. If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons”.

Furthermore, the citizens' initiative has to face the bureaucratic system of the Union and the long procedure of law adoption. The problem of the form of the proposal, in fact, represents an obstacle both in the presentation and in the approval by the Commission. The Regulation 211/2011 does not clarify whether the initiative should be like a petition or a legislative draft; the Annex II of the Regulation indicates the necessary information to register a proposal but the organisers can choose any form they want: this can be an obstacle both for subscribers, who can be confused in the goals to achieve, and for the Commission consent, as it has an arbitrary role in the examination of the received initiatives.

An interesting and controversial point is the presence of a limitation to intervene in those matters that are not competence of the Commission, as affirmed in the Treaties. It has happened, in fact, that the Commission has rejected some of the initiatives presented by citizens as the matters raised were not competence of the Commission. Nevertheless, it must be observed that it has the power to propose modifications of the Treaties according to article 48 of TEU³⁰⁰ and consequently the Commission could, in theory, accept even those initiatives concerning matters that are not a direct competence of the Commission.³⁰¹

²⁹⁹ Treaty on the Functioning of the European Union, article 241 provides: "The Council, acting by a simple majority, may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals. If the Commission does not submit a proposal, it shall inform the Council of the reasons".

³⁰⁰ Treaty on the European Union, article 48 affirms: "1. The Treaties may be amended in accordance with an ordinary revision procedure. They may also be amended in accordance with simplified revision procedures. 2. The Government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of the Treaties. These proposals may, inter alia, serve either to increase or to reduce the competences conferred on the Union in the Treaties. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified. [...] *Commas 2 to 5 describe the ordinary revision procedure*; 6. The Government of any Member State, the European Parliament or the Commission may submit to the European Council proposals for revising all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union relating to the internal policies and action of the Union. [...] *Commas 6 to 7 describe the simplified revision procedure*."

³⁰¹ MARCHETTI Maria Cristina, *op. cit.*, p.100-102

The rise of movements against the system of the European Union is another crucial problem for active participation of citizens. The populist techniques of ultra-right parties are nourishing the sense of disaffection of citizens against the central institutions, with a consequent detachment from the active participation and an influence on those who cannot have a clear dialogue with the EU system due to the lack of instruments (i.e. low level of education, incapability to find information about the European Union, scarce use of mass media). Moreover, the critique of the neoliberal approach used by EU institutions coming from left Eurosceptic groups represents the basis to a reflection on what is Europe today and which are its fundamental goals to achieve.

The major problem of the citizens' initiative is still its characterisation because its nature is hybrid and for this reason it is difficult to give a proper definition of it. The Treaties affirm that the initiative right is a tool of participatory democracy and can be connected to the other forms of participation in the democratic process within the European Union (i.e. citizens' petitions to the Parliament); on the contrary, the reality shows that citizens' initiative, even if it presents common points with popular initiative law and the referendum, it cannot be considered a proper tool of direct democracy: it is based on characteristics of direct democracy and uses a direct approach, but in the reality it is an instrument of participatory democracy.³⁰² The fundamental innovation of citizens' initiative, more correctly, is its nature of "transnational democracy", an attempt to mix the cooperation among Members States and the characteristics of direct democracy.

According to Kaufmann and Berg (2013) "the ECI has been labelled the first instrument of super-democracy, as it offers a direct, transnational and digital form of citizen participation. [...] The ECI has put up a "direct" democratic umbrella across the European Union, inviting and requiring a new approach to citizen participation in principle. The ECI has given the concept of transnational "European Union Citizenship" a new reality beyond existing freedoms and channels of influence, opening the door to the world of formal agenda-setting and decision-making by the people."³⁰³

Nevertheless, as Bouza Garcia and Greenwood affirmed in 2012 "the ECI is thus primarily a new agenda-setting tool that formalises an existing form of collective action,

³⁰² *ibidem*

³⁰³ *ivi*, p. 104

i.e. signature collection campaigns as a way to put political pressure on political institution, at the EU level. In this sense it has the potential to increase political communication and coordination across Europe, but it will not radically transform the functioning of the European political system.³⁰⁴

The citizens' initiative leads to a necessary debate on the decisional processes in the European Union and the presence of different subjects such as institutions or individuals that are concerned. Even if there are several limitations and questions to solve, citizens' initiative represents an important and innovative tool to strengthen the European democracy and the creation of a European community network for the achievement of the process of integration.

6.3.2. Euro-project design: a new way to actively participate in the EU life?

According to article 15 of the TEU³⁰⁵, the European Council has the role to present proposals for the development of the European Union giving the general and political directions to follow. However, among European institutions the Commission has the prevalent role of proposing appropriate initiatives for the improvement of the system, as it is affirmed at article 17.1 of the TEU³⁰⁶.

In fact, the Commission has the competence to prepare the multiannual programming of the Union, which indicates which are the goals to be achieved in a determined period for the development of the European area. After the beginning of the millennium, the Commission launched the "Lisbon Strategy" for the period 2000-2010 with the aims to

³⁰⁴ *ivi*, p. 105

³⁰⁵ Treaty on the European Union, article 15 provides: "1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions. 2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. [...]"

³⁰⁶ Treaty on the European Union, article 17.1 provides: "The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. [...] It shall initiate the Union's annual and multiannual programming with a view to achieving inter-institutional agreements."

support and increase employment, sustain economic reforms and social cohesion within a kind of economy based on the know-how and education³⁰⁷. Unfortunately this plan has not been achieved due to the different types of economic progress among Member States, weak governance, the excess of fragmentation in the interventions, scarce visibility of the results but, most of all, the impossibility to foresee one of the most serious economic crisis of the last century with its severe consequences.

For this reason, the Commission has announced in 2010 a new kind of approach that is the “Europe 2020 Strategy”, which aim at the reaffirmation of the European economy on the international scenario through a smarter, inclusive and sustainable model of economic development.³⁰⁸

The financial sustainability of the multiannual programmes is ensured by national income (73,4%), duties of the European area (14,1%), resources based on the VAT (11,3%) and other sources (1,2%); within the programming of the period 2014-2020, the European budget will be spent by institutions for a smarter and more inclusive growth (48%), a sustainable development (37%), the affirmation of European Union in the international scenario (7%), the administration (6%) and for security and citizenship purposes (2%).³⁰⁹

The EU Commission can distribute the financial resources of the European budget to those beneficiaries indicated in specific bans in order to finance activities or to create proposals aiming at the improvement of the integration process of the European Union.

As we have seen, the Commission gives different possibilities to citizens, associations and organisation allowing them to participate in the decisional process proposing new solutions for European development: the petition to the Parliament and the innovation of citizens’ initiative after the Treaty of Lisbon are the major tools for participatory democracy. Nevertheless, EU institutions in today situation need an aid coming from the most concerned target of everyday life European system, namely European citizens.

In this context we can find another possibility to actively participate in the democratic life of the Union, represented by the recent professional sector of euro-project design.

³⁰⁷ http://www.europarl.europa.eu/summits/lis1_it.htm

³⁰⁸ http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/priorities/index_it.htm

³⁰⁹ PESCE Federica, *Funzionamento, politiche e programmi comunitari*, <http://www.detales.net/wp/story-detail/?dnum=lincmOkmE9QsyOT9lszMud8XnYYMeaMUPekRZMYslhXLs9TerB9NG1347025605>

The euro-project design can be considered as an useful tool both for citizens, as they are more involved in the ideation and realisation of proposals in sensitive matters, and for EU institutions, as the financial resources can be distributed in those sectors requiring the intervention of the central bodies: it is an important opportunity for the Union to develop and to improve the whole area through democratic inclusion.

The European Commission, in order to support the goals established by the “Europe 2020 Strategy”, has promoted a series of different plans. All the programmes are structured by a Regulation that clarifies, for each programme, which are the priorities, the objectives of the programme and the actions that the Commission support financially; the techniques for the preparation of a proposal and the fundamental characteristics of the set of programmes are described in a General Regulation (or “umbrella” Regulation).

The Commission has two major ways of financing projects. First, the indirect (or structural) funding, with the intermediations of national authorities such as States or regions, aims at the reduction of disparities among different regions of Members States, supported by the European Funds for Regional Development and the European Social Fund. Second, the direct funding, which is managed directly by the Commission, is based on several programmes such as Horizon2020, Erasmus+, Life, Creative Europe, Europe for Citizens, which are the most relevant programmes with the participation of a large number of organisations and citizens.

Euro-project design gives the opportunity for citizens and for different organisation to obtain a funding to support different activities that can be productive both for the organisers and for European institutions: it is a technical sector that, through well-defined procedures for the realisation of well-organised and efficient projects, represents an opportunity to get an economic support directly from the EU Commission. The chance given by euro-project design to implement activities through a financing from the Commission can be compared with the prevalent form of participatory democracy of the Union, which is citizens’ initiative.

Both euro-project design and citizens’ initiative are possibilities to establish a direct dialogue with the European Commission on specific topics and both of them use direct democracy instruments to present a proposal to EU institutions: this is also one of the

major ambitions of Commission to develop the system of the Union and involve more citizens in the decisional process.

Nevertheless, citizens' initiative has the limitation of minimum number in each Member State, even if it concerns matters that touch everyday life of European citizens, and the realisation of a proposal is not well-described by Regulation 211/2011: the differences of initiatives' forms and the difficulty to access to the basic information of the proposal for all European citizens can represent an obstacle in the use of the right to present an initiative to the Commission.

On the contrary, the programmes that require the techniques of euro-project design are well described in the Regulation of reference: the priorities, the goals and the objectives, the activities that are supported by the Commission are clarified so the project manager can easily create a proposal. Moreover, both of them use digital tools to present an initiative or a proposal, but there are strong differences in the access: the direct funds programmes of the Commission have their own portal for the reception of information, the realisation of the project and the presentation to the Commission of the proposal; on the contrary, citizens' initiative, as it has been complained by some organisers, has not its own portal for the collection of subscribers' support and this is an obstacle in the use of this right.

Even if citizens' initiative involve a large number of citizens on sensitive matter for the Union and the programmes for euro-project design, on the contrary, concern groups of citizen according to their interests, we can easily say that both the citizens' initiative and the opportunities of euro-project design are instruments of participatory democracy. Nonetheless, the programmes linked to euro-project design seem to be the most efficient, inclusive and quick instrument in the participation to the plan of the Commission towards the integration of the European Union system.

European citizens have several opportunities to participate in the decisional process of the Union and today they also have an important and decisive role in the development of the European Union: through the creation of networks of citizens in different matters, the European community can grow and evolve in a more integrated system.

PART III

**EUROPEAN CITIZENSHIP AND EURO PROJECT
DESIGN: A PROJECT EXAMPLE**

CHAPTER 7. INTRODUCTION ON METHODS AND TECHNIQUES OF EURO-PROJECT DESIGN

7.1. Project Cycle Management

SUMMARY: 7.1.1. An introduction to PCM and Euro-project design.
– 7.1.2. Programming. - 7.1.3. Identification. - 7.1.4. Formulation. -
7.1.5. Financing. - 7.1.6. Implementation. - 7.1.7. Evaluation

7.1.1. An introduction to PCM and Euro-project design

From 1957 with the birth of the European Economic Community until the Treaty of Lisbon, the European system has intensely evolved. It started as an organisation based on economic cooperation in a duty-free and free-trade order limited to six countries; then it has transformed into a more political union with an increase in the number of Member States and in the competencies of the central bodies.

The Treaties, for this reason, have explained the will of the central institutions to develop the Union promoting and supporting a series of actions that aim at the strengthening of the system; the intention to improve the Union can be found in fact both in the Treaties and in the programmes established by the Multiannual Financial Framework³¹⁰. The Treaty on the Functioning of the European Union, at Title XVIII “Economic, social and territorial cohesion”, has affirmed the possibility of financial aid in order to achieve an internal harmonisation of the different orders. At article 174 (*Ex Article 158 TEC*), the TFEU provides that “In order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion.”: this is the starting point

³¹⁰ http://ec.europa.eu/budget/mff/highlights/index_en.cfm#study. The Multiannual Financial Framework is a type of budget that support different important initiatives for economic and social growth of the European Union; for the period 2014-2020 it promotes the increase of employment, the mobility of students in Member States, the development of culture, the reduction of scientific gap between research and market, the encouragement of entrepreneurial culture, the improvement of a European connection, the competitiveness of European system in the world economy, and the creation of an open and safer Union for European citizens.

and at the same time the fundamental goals to achieve in order to accomplish the Union development and integration. Moreover, the Treaty underlines the importance of cooperation among Member States as a crucial element for the realisation of Union' objectives, as affirmed at article 175 of the TFEU³¹¹, in the light of the previous article stating the fundamental objectives for the Union improvement.

However, the most interesting clause of this Title of the TFEU is article 177 (*Ex Article 161 TEC*) stating that:

Without prejudice to Article 178, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and consulting the Economic and Social Committee and the Committee of the Regions, shall define the tasks, priority objectives and the organisation of the Structural Funds, which may involve grouping the Funds. The general rules applicable to them and the provisions necessary to ensure their effectiveness and the coordination of the Funds with one another and with the other existing Financial Instruments shall also be defined by the same procedure.

In this article, institutions announce their involvement in defining the priorities and the objectives to distribute funds, in order to support the development of the Union: in this context Euro-project design represents an important instrument to realise a plan of actions in specific sectors concerning European citizens' life and the competencies of the Union in order to favour the development of the European system.

³¹¹ Treaty on the functioning of the European Union, Title XVIII "Economic, social and territorial cohesion", article 175 (*Ex Article 159 TEC*) affirms: "Member States shall conduct their economic policies and shall coordinate them in such a way as, in addition, to attain the objectives set out in Article 174. The formulation and implementation of the Union's policies and actions and the implementation of the internal market shall take into account the objectives set out in Article 174 and shall contribute to their achievement. [...] If specific actions prove necessary outside the Funds and without prejudice to the measures decided upon within the framework of the other Union policies, such actions may be adopted by the European Parliament and the Council acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions."

EU institutions has confirmed the need to include civil society in the decisional process as a key element for the advance of the European area, and for this reason the founding Treaties have been integrated with a set of civil and political rights for citizens: the European citizen, from 1992, has become one of the fundamental actors of the growth and the integration of the European Union.

The European citizen can participate in the decisional process through the exercise of his/her political rights, which are the possibility to vote at European Parliament elections, the possibility to petition the Parliament and to apply to the Ombudsman and, most important, the possibility to submit a citizens' initiative to the Commission.³¹² However, thanks to an evolution of the Treaties, EU institutions have also created the conditions for another type of citizens' participation that is the application of Euro-project design techniques for the presentation of a project aiming at the achievement of the European Union fundamental goals, such as development, inclusion and integration within the programmes of the Multiannual Financial Framework.³¹³

Euro-project design can be considered as an alternative way to implement the Treaties and European institutions' acts: starting from a Council and Parliament Regulation, which explains the objectives, the priorities and the activities allowed, European citizens (grouped in organisations, associations or simple groups of individuals) can submit to the European Commission a project aiming at the realisation of a series of activities concerning specific sectors that should be improved.

The European Commission, in order to explain and clarify which are the technical basis for the realisation of a well-structured and productive project, has published the guide *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*. To better understand the methods of project design, we can start from the definition of project according to the guide of the Commission:

A project is a series of activities aimed at bringing about clearly specified objectives within a defined time-period and with a defined budget.

³¹² Treaty on the European Union article 11; Treaty on the functioning of the European Union articles 20, 21, 22, 23, 24.

³¹³ http://ec.europa.eu/budget/mff/highlights/index_en.cfm#study.

A project should also have: 1. Clearly identified stakeholders, including the primary target group and the final beneficiaries; 2. Clearly defined coordination, management and financing arrangements; 3. A monitoring and evaluation system (to support performance management); 4. An appropriate level of financial and economic analysis, which indicates that the project's benefits will exceed its costs.

*Development projects are a way of clearly defining and managing investments and change processes.*³¹⁴

The projects³¹⁵ submitted to the Commission should be the result of the combination of European Union's development policy priorities and the partner's development priorities, that is to say they should comprise both European institutions' and European citizens' interests described in the Regulation of the programme.

The form of a programme depends on the definition of the responsible authorities, that is to say the area or sector they choose as basis for the proposal: in fact, a programme can cover a whole sector, a focus on a part of the sector, be a "package" of projects with a common theme or define which are the essential elements of a project.³¹⁶

In order to explain how should be structured a good project, the European Commission has adopted the Project Cycle Management (PCM)³¹⁷ in 1992 as the basic tool for project design management. This method, based on the Logical Framework approach, has led to the realisation of different guides, especially after the publication of the EC Development Policy document in April 2000.

³¹⁴ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 8

³¹⁵ For a further definition of project see CRESCENZI Marco, D'ANDREA Paola, *Cultura, strategia e tecniche della progettazione*, in HINNA Alessandro, *Gestire e organizzare nel terzo settore, Soggetti, strategie, strumenti*, ed. Carocci Faber, Roma, 2008, p. 179-185

³¹⁶ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 8

³¹⁷ See CRESCENZI Marco, D'ANDREA Paola, *Cultura, strategia e tecniche della progettazione*, in HINNA Alessandro, *op. cit.*, p. 185-187; A.A.V.V., *A Project Cycle Management and Logical Framework Toolkit – A practical guide for Equal Development Partnerships*, www.equal.ecotec.co.uk

The reasons that led to update the different guides can be resumed in six points, representing the intention of EU institutions to implement the system of project design in order to simplify and standardise the process; these basic elements are:

1. The explanation and the definition of the European Development Policies, with a focus on the choice of aid delivery modalities (that is to say the projects and the sectors supported by programmes and budgetary aid);
2. The cooperation of institutions at organisational level during the phases of project identification and formulation;
3. the redefinition of the phase of “financing”, as it is not a single stage of the process but it depends on the phases of “identification” or “formulation”, which are determined by the European Regulation under which the projects are financed;
4. The inclusion of additional information on operational tasks and responsibilities at each phase of the process;
5. The establishment of the “Quality Frame” that is a set of basic quality standards that can be applied then during the project cycle, especially through the identification, the formulation and implementation stages;
6. The revision of the guidelines on the Logical Approach Framework, providing references to additional instruments that can be useful for the PCM.³¹⁸

The Project Cycle Management is the key instrument to apply the provisions of European Regulations on different matters. To access to European programmes, European citizens need the tools to realise a good project: the quality of a proposal is defined by its relevance, feasibility and effectiveness and how much they are coherent with the conditions established by EU programmes.³¹⁹

To support the participation of citizens through this alternative route, the EU institutions have provided different guidelines that should be guarantee the connection between the goals that central authorities want to achieve and the interest of citizens. Due to its schematic nature, the PCM represents the most efficient tool for the realisation of a project; in fact, it aims at supporting good management practices and productive decision making through the phases of programming, identification, formulation,

³¹⁸ *ivi*, p. 1-4

³¹⁹ A.A.V.V., *A Project Cycle Management and Logical Framework Toolkit – A practical guide for Equal Development Partnerships*, www.equal.ecotec.co.uk

financing, implementation and evaluation: this plan of intervention permit the consistency and the clarity of the project design approach, allowing the realisation of a quality project.³²⁰ Obviously, the PCM does not described the conditions to participate to European programmes, as the financial procedures are explained in official EU documents dealing with Financial Regulations, but represent only a tool to present a proposal to the Commission, as an answer to the European agenda.

One of the different European Union policies is to increase the use of its budgetary aid and sector policy support programmes and, most important, to transfer the responsibility for projects to local partners such as governments, local governments and non-public entities. In fact, the project represents the most appropriate aid delivery method, with effects on the decentralisation of the cooperation with non-public entities (NGOs, private sector and civil society groups), on the promotion of innovation and learning thanks to “pilot” projects that can support new good practices models, on the supporting of regional and international cooperation to favour investments and the improving of Member States capacities.³²¹

Project Cycle Management describes the management of activities and decision-making procedures during the realisation of a project; the PCM guarantees that projects are “supportive of overarching policy objectives of the EU and of development partners, relevant to an agreed strategy and to the real problems of target groups/beneficiaries, feasible, meaning that objectives can be realistically achieved within the constraints of the operating environment and capabilities of the implementing agencies, and that benefits generated by projects are likely to be sustainable.”³²² In order to achieve this aims, the PCM requires the active participation of the key stakeholders, the incorporation of key quality assessment criteria in each stage of the project cycle, the production of documents to support an informed decision-making and the use of Logical Framework Approach. The *Logical Framework Approach* is an important tool

³²⁰ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, <http://www.particip.com>

³²¹ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 13-15

³²² *ivi*, p. 17

for the analysis and the management of a project and it is used by most multi- and bi-lateral aid agencies, international NGOs and governments.³²³

To access to the programmes established by the European Union, the institutions provide a series of “call for proposals” belonging to the different themes of the programmes to identify the thematic budget sectors to improve such as environment, scientific research, culture, education, employment and even the European identity. The target is the non-public sector, that is to say that partners involved are those subjects without a direct access with EU institutions; European programmes in fact could create new spheres of communication between institutions and citizens and these can participate, indirectly, to the decisional process of the European system: this is the reason why Euro-project design can improve the possibility to participate democratically submitting to institutions new ideas and proposals.

Project Cycle Management is a complex and creative procedure that involves negotiations and decisions of key stakeholders in specific sectors: through this approach, European citizens can actively participate in the decisional process of EU presenting projects and innovations useful for the improvement of European institutions policies in those matters concerning sensitive questions of everyday life or important issues for the development of the European system from a social and economic point of view.

7.1.2. Programming

The first stage of the Project Cycle Management is *programming*. During this phase, there is an analysis both of national and technical context in order to define which are the relevant questions and which could be the opportunities or the obstacles for the international cooperation. This first step requires an examination of socio-economic indicators and of the priorities of national donors involved in the realisation of the project.³²⁴

³²³ CRESCENZI Marco, D'ANDREA Paola, *Cultura, strategia e tecniche della progettazione*, in HINNA Alessandro, *op. cit.*, p. 184-194

³²⁴ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 6-10

The aim of the phase of *programming* is the identification and the organisation of the most important objectives and priorities; then participants, in fact, should cooperate starting from these common elements representing the basis for the creation of the project. Subsequently, the *programming* phase is useful in the formation of a programming plan, with the basis for specific and well-structured projects, which should be feasible and coherent with the programmes of reference.³²⁵

In fact, for each priority found there should be precise strategies, based on previous experiences, in order to clarify the goals to achieve through the realisation of the project.³²⁶

In the case of European programmes, the multi-annual programming documents, defined by the different Regulations, represent the preliminary texts that are part of the strategic framework concerning the Member State/regional partner.

During this stage, the programming documents should set out the global objectives and the strategic choices for European cooperation, on the basis of EU's and Member States' priorities and needs; then, the specific objectives and the expected results should be defined for each cooperation area. Moreover, the indicators of results should be the improvements that can be achieved in the medium term.

The ideas for the realisation of the projects should be formulated according to general criteria and different conditions such as the geographical area, the suitable partners, the proper duration of the project, the macroeconomic support, the possibility of technical assistance, the supply of equipment.³²⁷

The phase of programming should study the major analytical elements of the Logical Framework Approach that are the identification of the key stakeholders and their interest, needs and capacities, the identification and the analysis of the development problems or opportunities, the identification of development objectives connected to the priority problems and the identification of a productive strategy for the development of the project, belonging to the European objectives.³²⁸

³²⁵ *ibidem*

³²⁶ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 24

³²⁷ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 6-10

³²⁸ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 25-27

The first phase of PCM is important, finally, to analyse the context, the fundamental objectives and goals for the realisation of a project, but, most of all, it is crucial to the definition of the criteria and of the basis on which they will be realised.

7.1.3. Identification

The second stage of the PCM is *identification*³²⁹: in this part there is an analysis of the specific actions to undertake for the realisation of the project. The study should involve the key stakeholders for each action in order to define the questions to deal with and the possible solutions to solve these problems. In a second moment, the ideas for the project are examined in the light of coherence with beneficiaries' interests and the European programme of reference: the actions to be implemented should be feasible and relevant, otherwise the creation of a well-structured project would be difficult. This part is important to decide the actions that should be developed in the following stage of *formulation*³³⁰ and the possibilities of financing.

The source of project ideas should be the cooperation of partners who, supporting their own interests and proposals to solve different problems, create the fundamental basis to achieve the objectives and goals set in the preliminary phases.

According to the guide of the Commission, the overall objective and the project ideas should be defined starting from the priorities and the targets detected at a national level during the stage of programming.³³¹

In the phase of *identification*, the key considerations that could guarantee the relevance and the feasibility of project ideas should be the valuation of policy and programming framework, the analysis of the stakeholders involved, the study of problems including the possibility of crosscutting issues such as gender, environment and governance, the assessment of on-going initiatives and of the experience acquired with previous projects. Then, it should include the examination of preliminary objectives and

³²⁹ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 10-14

³³⁰ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 24

³³¹ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 27

strategies, the study of resource, costs and of the economic, financial, environmental, technical and social issues, and finally the capability to manage, coordinate and finance the project.³³²

The PCM tools that can be used during this stage are quality assessment criteria, providing a checklist of key issues which should be achieved, with a focus on the relevance and feasibility of project ideas, the Logical Framework approach (useful for stakeholders, problems and objectives analysis), Institutional capacity assessment to define the key questions needing for an institutional intervention, participatory approaches, the Preparation terms of reference, the Action programme and the economic financial analysis.³³³

7.1.4. Formulation

In the phase of *formulation* the project ideas that are considered relevant for the realisation of the project are then developed in operative plans; the involved stakeholder, at this stage, prepare a detailed plan for the project, starting from the ideas raised in during the previous phases.³³⁴

The project idea is then verified according to its feasibility, whether the project could be successful, and sustainability, linked to the possible benefits for each group of beneficiaries in case of project approval: starting from this evaluation, the organisers can decide to require a financing proposal and to start the research for financial resource for the implementation of the project.³³⁵

During this phase the partners and the local stakeholders should take a lead role in order to guarantee the ownership of the ideas and the responsibility to continue in the realisation of the project. Moreover, donors in this part take a supportive role in financing and in the management of feasibility design studies, including the contribution to technical assistance.

³³² *ivi*, p. 29

³³³ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 14-19

³³⁴ *ibidem*

³³⁵ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 24

During the phase of *formulation* the role and the responsibilities of different stakeholders are influenced by several factors such as the level of integration and inclusion of local institutions structures (to build local capacity), the competence to coordinate and manage the project, including the financial management, the internal control and the reporting framework, the ability of stakeholders to participate in the formulation process.³³⁶

The same assessment criteria and standards used during the phase of *identification* are applied for the analysis during the *formulation* stage. In this phase, however, there is a focus on the feasibility of the project, on the implementation arrangements and on the study of sustainability and risks. For this reason, to realise a well-structured project the organisers should applied professional and technical assistance to verify if the standards to be applied are relevant or applicable to the project or the programme in question.³³⁷

A project is considered relevant when it demonstrates that the priority needs are respected and included in the draft. The project should be coherent with development and cooperation policies established at European level and consistent and supportive of Partner Government policies; moreover, it should be clear on the identification of key stakeholder and target groups and on the definition of the basic problems. A project is considered feasible when it is well designed and can produce tangible and sustainable benefits for target groups: in fact, the resource, the costs, the coordination and the management of the project should be clear at this stage.

7.1.5. Financing

In the phase of *financing* the proposals are examined by competent authorities, which decide whether support or not the project presented. The financing bodies and the partners involved decide how to realise the project and the financing procedure itself

³³⁶ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 33

³³⁷ *ivi*, p. 35

through the issue of a mandatory document, which defines the conditions of the financial support and of the realisation of the project.³³⁸

This phase is crucial for the implementation of the project as it requires economic and financial aid to be realised: without the contribution of donors' resources it would be difficult (or impossible) to prepared and then apply a project.³³⁹

After the drafting of the proposal, the project is analysed and the competent authorities have to control whether the project respects the fundamental goals and objectives, if the activities and the actions are relevant (in the light of the programme of reference) and feasible and if the financing is convenient and the cost are sustainable.³⁴⁰ After the financing proposal, the authorities decide if it is suitable the funding the plans presented: in case of approval, the project can be economically supported by the donors involved such as, for example, organisations, associations, public bodies.

7.1.6. Implementation

The phase of *implementation* represents the moment in which the project is realised: the conditions set in the preliminary stages for the creation of the project and the elements raised are collected and applied on the basis of the dispositions of the financing plan.

During this phase there is also the definition of the contracts for technical assistance, for supplying, for the staff involved and for the implementation of the work plans. The people in charge of this point have to verify, with the aid of the beneficiaries' groups and the other subjects involved, the progress of the project realisation, the goals achieved comparing them with the expected results and finally whether the project is accomplishing the objectives set during the first phases of programming and identification.³⁴¹

³³⁸ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 24

³³⁹ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 21-26

³⁴⁰ *ibidem*

³⁴¹ A.A.V.V., *A Project Cycle Management and Logical Framework Toolkit – A practical guide for Equal Development Partnerships*, p. 41-44

In case the project has not achieved its basis points, it can be re-oriented, that is to say the project can be adapted to the new conditions and the objectives can be re-defined and corrected in the light of the modifications occurred from the moment of the formulation of the project.³⁴²

The *implementation* stage is usually based on three different moments. First, there is the inception period, in which there is the conclusion of contracting arrangements, the supplying of resource, the establishment of working relationship with the stakeholders, the review and the revise of the project plan. Second, there is the main implementation period, in which the project has already been realised and on an on-going basis there is the obtaining and the distribution of resources (including the personnel), the implementation of the actions, the delivery of results, the monitoring and the review of the progress, the revise of the plans and the report on the progress of the project. Third, the last stage is the phase-out period, in which there is the delivery of responsibilities to local partners, the verification of the maintenance of plans, the confirmation of the level of relevance of skills and of the cost requirements.³⁴³

During the phase of implementation the project managers have to undertake three set of tasks. First, there is the monitoring and review moment, to track the progress of the project in terms of expenditures, implementation of activities, achievement of results and the management of risks. Second, there is the possibility of planning and re-planning, that is to say the project should be modified in the light of what actually happens during the phase of implementation. Third, the reporting on physical and financial progress should inform stakeholders of the use of economic resources and, if it is the case, of the modifications occurred during the implementation.³⁴⁴

7.1.7. Evaluation

During the *evaluation*, which is the last phase of the PCM, the key financial organisation and partners examine the project in order to verify which objectives have

³⁴² Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 25

³⁴³ *ibidem*

³⁴⁴ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 39-42

been achieved and to study the experience that could be useful for the realisation of future projects. It must be said that this schematic distinction of PCM phases has to be read as a purely identification of the most important stages for the realisation of a project: this is true most of all for the *evaluation* stage as in reality there are different moments to evaluate the project progress.³⁴⁵

The basic principles to evaluate a project are the impartiality and the independence of the examination of the process, the credibility of the evaluation through the assistance of skilled and independent experts, the participation of stakeholders in the process of evaluation and the usefulness of the examination results that should inform decision makers with relevant, clear and concise information.³⁴⁶

The evaluation manager has different tasks in order to examine the project that are the responsibility to identify the topics to be evaluated, to design the evaluation preparing also the terms of reference, to draft the documents for the evaluation study and to produce high quality evaluation report with the necessary recommendations. The evaluation is usually achieved by a reference group that has to comment the terms of reference established by the evaluation manager, to be the mediator between the participants and the financing authorities, to advise on the quality of intervention and to give a feedback on the findings for future project design.

The basic instruments to support the evaluation of a project are the terms of reference, the project's Logical Framework matrix to assess which are the goals achieved, the financing agreement, the internal and external monitoring reports produced during the implementation and, finally, the evaluation report that should highlight the most important criteria for the examination of the project, belonging to the nature of the proposal.³⁴⁷

According to the European Commission criteria for the evaluation of a project there are:

³⁴⁵ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 25

³⁴⁶ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 46

³⁴⁷ *ivi*, p. 47

1. Relevance, that is the coherence of project objectives to the problems supposed to be solved, the importance of the quality of project preparation and design (the logic of the planning process and the internal logic and coherence of project design);
2. Efficiency, that is the fact that project results have been achieved using appropriately financial resources and that the goals have been achieved through quality actions;
3. Effectiveness, that is the assessment of the project contribution, with a particular focus on the benefits for target groups (established in the preliminary phases of the project design);
4. Impact, that represents the effects of the project on the target groups and on the creation of specific policies;
5. Sustainability, that is the assessment of the prospect of the benefits produced by the project and that assure to continue to flow once the funding has ended; this aspect is linked to management capacities (on the economic, social, cultural, technological, environmental level) of the beneficiaries.³⁴⁸

The Project Cycle Management is a fundamental instrument for the creation of a project: thanks to its schematic structure, project managers and even citizens can realise their own proposal, if all the phases and the objectives of the programmes are respected.

³⁴⁸ *ivi*, p. 49

7.2. Logical framework approach

SUMMARY: 7.2.1. An introduction to Logical Framework Approach.
– 7.2.2. Stakeholder analysis. - 7.2.3. Problem analysis. - 7.2.4.
Analysis of the objectives. - 7.2.5. Analysis of strategies

7.2.1. An introduction to Logical Framework Approach

The Logical Framework Approach was created in the late 1960s in order to support the US Agency of International Development during the realisation of projects, especially during the phases of project planning and of evaluation. This approach has been developed as an answer to three basic matters connected with projects creation: planning was too unclear and did not have any clear definition about objectives (in order to verify the success or the failure of a project), the management responsibilities were vague and the phase of evaluation was most of the time imprecise.³⁴⁹

The Logical Framework Approach is an efficient and productive instrument that facilitates project planning and management; the European Union has adopted this tool as a fundamental part of its Project Cycle Management system since 1992 as it provides a set of techniques useful for the realisation of a well-structured project.³⁵⁰

This particular approach, due to its analytical nature, guarantee the identification of the relevant concepts and ideas for the realisation of a project, in fact it can be considered an “aid to thinking”³⁵¹ as it allows to analyse and organise the information, to study the weak points and clarify the proposals of decision makers.

The application of the Logical Framework Approach has to be complemented by professional experience or by analytical competencies, in order to apply the tools for the assessment of institutional capacity, economic and financial analysis, and the study of the environmental impact; moreover, it should be used to promote the participation and the cooperation of the involved stakeholders.

³⁴⁹ CRESCENZI Marco, D’ANDREA Paola, *Cultura, strategia e tecniche della progettazione*, in HINNA Alessandro, *op. cit.*, p. 184-194

³⁵⁰ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 57

³⁵¹ *ibidem*

This Approach has to be considered as the completion of the Project Cycle Management, especially in European project design, as it provides the fundamental tools for the accomplishment of the different stages of the PCM. The Logical Framework Approach, in fact, is crucial during the *identification*, in the analysis of the existing situation and in the investigation of the relevance of project objectives and strategies, and during the *formulation*, in the support of the preparation of a proper project plan (with clear objectives, measurable results and defined strategies); moreover, it is important also during the *implementation*, as it provides the key management tools to plan, control and monitor the project process, and in the final stage of *evaluation*, as it offers a summary of which objectives have been achieved.³⁵²

The Logical Framework Approach is divided in two different stages that are the *analytical process*, and the creation of the Logical Framework Matrix that include the *production* of the analytical process, with a deeper analysis of goals to achieve and potential risks.

During the analysis phase there are four main elements to study that are the stakeholders analysis, which is the profile of the main subjects involved (with a particular focus on gender or disabled people), the problem analysis, to outline the main problems and the relation between cause-effect, the objectives analysis, which depicts an improved situation of the future, and the final analysis of strategies, in order to adopt the most efficient and productive actions for the realisation and the achievement of the projects goals.³⁵³ During the planning stage of the Logical Framework Approach, in which the results of the analysis are transformed into a practical plan to be implemented, there are three important moments. First, the Logical framework matrix is prepared, involving further examinations and refinement of ideas. Second, the activities and the resources are defined and scheduled; third, the budget of the project is prepared.

The interaction of PCM tools and Logical Framework Approach represents the fundamental element for the realisation of a project, starting from the problems and the subjects involved to the final provision and goals to achieve: they are the most efficient

³⁵² *ivi*, p. 58

³⁵³ *ivi*, p. 60

instruments, adopted by the European institutions, for the management and planning of a high-quality project.³⁵⁴

7.2.2. Stakeholder analysis

The *stakeholders* can be defined as those individuals, groups of people, institutions or firms that have a relevant interest in the participation to a project. The fundamental premise of stakeholders is their different capacities and interests, that is why at this stage there should a study of the competencies and the needs of each group of stakeholders in order to recognise the most efficient strategies during the problem identification.³⁵⁵

The crucial questions of this phase are “Who will benefit or suffer from the project actions?” and “Whose are the problems or the opportunities analysed at this stage?”: the answer to these questions could help to maximise the benefits of the project at social, economic and institutional level, to minimise negative impacts and to better identify the target of the project.³⁵⁶

The most important parts of the stakeholders analysis are the identification of the general development problem or opportunity that has to be considered, the identification of those groups of people that have a significant interest in the realisation of the project, the investigation of their roles according to their different interests and capacities (strengths and weaknesses), the identification of the extent of cooperation (or conflict) among the stakeholders involved, and finally the interpretation of information that should be included in the project design.³⁵⁷

These stages are necessary to ensure that resources are properly targeted and equally distributed in order to accomplish the objectives and the goals of the project; then, the management and the coordination of arrangements should be appropriate to support

³⁵⁴ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 33-35

³⁵⁵ HINNA Alessandro, *Misurazione e rendicontazione come strumenti di governance e accountability*, in HINNA Alessandro, *op. cit.*, p. 245-246

³⁵⁶ European Commission EuropeAid Co-operation Office, *Project Cycle Management handbook*, p. 35-37

³⁵⁷ *ivi*, p. 9

stakeholders' participation and the conflict of stakeholders interests should be used to establish efficient strategies.³⁵⁸

In project design there are different words to identify the group of stakeholders, but each one have a particular distinction as the European Union has explained in its guidelines to project management:

1. Stakeholders are the individuals and the institutions that could be interested – directly or indirectly, positively or negatively – in a particular project or programme;
2. Beneficiaries are those who benefit from the implementation of the project and they are divided into *target group(s)* that are those affected by the project and its purposes (for example the staff from partner organisations), and *final beneficiaries*, who benefit from the realisation of the project in the long term;
3. Project partners that are those involved in the implementation of the project and those who can be also stakeholders or the target group.³⁵⁹

The stakeholders analysis and the problem study are strictly connected as they represent the initial part of what can be considered the “situation analysis”; for this reason, they should be conducted together rather than one after the other because they examine the different parts of the fundamental elements in order to create and manage a project.

The study of the basic context is important even for the preparation of the Logical Framework Matrix as the stakeholder analysis (and the problem analysis) gives the preliminary information to undertake the decisions to plan the project.³⁶⁰

7.2.3. Problem analysis

The problem analysis is an important phase of the Logical Framework Approach as it identifies the negative elements of an existing situation and defines the cause-effect relationship between the identified problems.

This analysis is divided into three major steps that are the definition of the background and of the subjects, the identification of the problems met by target groups and beneficiaries and finally the visualisation of the identified problems in the form of a

³⁵⁸ *ivi*, p. 61

³⁵⁹ *ivi*, p. 62

³⁶⁰ *ibidem*

diagram, usually called “problem tree” or “hierarchy of problems” to clarify and analyse the cause-effect relationship.

This method aims at identifying the bottlenecks that have a high priority for stakeholders and should be overcome: an efficient problem analysis should provide the fundamental elements to develop a set of actions and strategies to achieve the relevant project objectives.³⁶¹

The creation of a problem tree should be ideally a participatory group event, that is to say that stakeholders should participate in order to identify individual problems; usually it requires the use of piece of paper to write down problem statements that are sorted then into a cause-effect relationship on a visual display. At first there should be a brainstorm about problems that stakeholders consider to be a priority; among the problems raised, stakeholders choose an individual starter problem and then the related problems. At this point, the establishment of a hierarchy of cause and effects should help to decide which problems are directly causing the starter problem (they should be put below it in the diagram) and which are direct effects of the starter problem (they should be put above it). All the problems are sorted in the same way and in case two or more of them produce a single effect they should be placed at the same level in the diagram; the problems then are linked through cause-effect arrows to show the key links. In the end, the diagram should be revised in the light of the relevance of the problems and of its validity and completeness.³⁶²

In the realisation of the problem tree there are usually two main obstacles that are an imprecise definition and analysis of the relevant problems and the formulation of them using the expression “lack of...” The scarce identification of problems could create difficulties in the dialogue among stakeholders on the different matters that should be improved; for example the statement “inadequate management competencies” should be explained in order to better understand the basic problem and, for instance, in this case the “inadequate management competencies” could be connected (and explained) through “insufficient financial control”. For this reason a proper identification of the

³⁶¹ *ivi*, p. 67

³⁶² *ibidem*

problems could guarantee a more efficient, productive and rapid analysis of the context and, consequently, the realisation of the project.³⁶³

Moreover, the identification of problems in the sense of “lack of...” does not represent real problems, but the absence of a desired situation: the risk is to establish solutions or strategies for an “absent problem” when the real problem could be simply a particular or a side aspect of it.³⁶⁴

In the diagram below, there is an example of problem tree concerning the problem of the scarce participation in the democratic life of the European Union; this problem could be caused by the scarce mobility of young people, due to limited possibilities (financial resources or specific programmes), by the scarce consciousness of the European values as a result of insufficient education and information about the civil and political rights of European citizens, and by a scarce sense of European identity due to an insufficient interest about the European Union life. This diagram represents the basis for the analysis of the context and could be useful in the following phases of project planning.

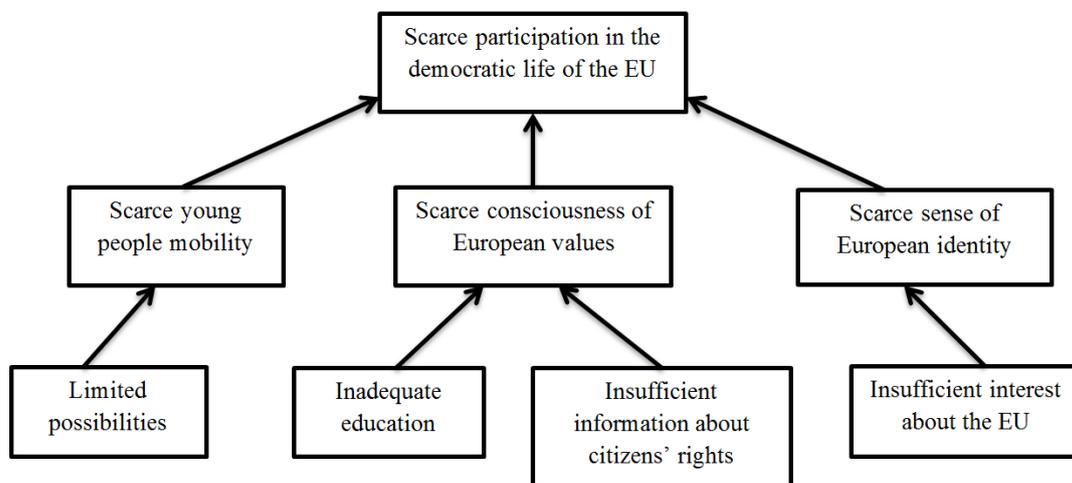


Figure 1, An example of "problem tree" concerning democratic participation in the EU system

The problem tree should provide a simplified and clear version of reality and it represents the existing negative situation, which is the basis and starting point to the formulation of objectives and strategies to solve the problems raised during this phase:

³⁶³ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 38

³⁶⁴ *ibidem*

the problem analysis is, most of the times, the most difficult moment of project design as it should be well-organised to be productive.³⁶⁵

7.2.4. Analysis of the objectives

The analysis of objectives is a methodological instrument used to illustrate the future situation once the identified problems have been solved or remedied, to verify the hierarchy of objectives and, finally, to describe the relationship between measures and goals.³⁶⁶

The negative context set by the problem tree, during this stage, should be converted into positive solutions and expressed as positive achievements.³⁶⁷ Taking as an example the previous problem tree, the expression “scarce participation in the democratic life of the EU” is converted into “increased participation in the democratic life of the EU”: the positive achievements are in fact the real *objectives* of the project and they should be presented in a diagram showing the relationship between means and ends. Using this technique, the diagram should provide a clear outline of the desired future situation and all the possibilities to tackle with the problems rose during the previous analysis.³⁶⁸

The main steps of the analysis of the objectives are the reformulation of all negative situations of found during the problem analysis into positive conditions that are desirable and realistically achievable, the check of the relationship between means and goals to guarantee the validity and the completeness of objectives structure. At the end of the analysis of objectives there could be a revise of statements, some objectives could be added if relevant or remove if they are not suitable.

³⁶⁵ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 68

³⁶⁶ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 39

³⁶⁷ *ibidem*

³⁶⁸ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 69

At this point, the analysis can be represented in a diagram, through the “objective tree” which should be the positive version of the “problems tree”: the objective tree is the transformation of the existing negative situation into a future desirable context.³⁶⁹

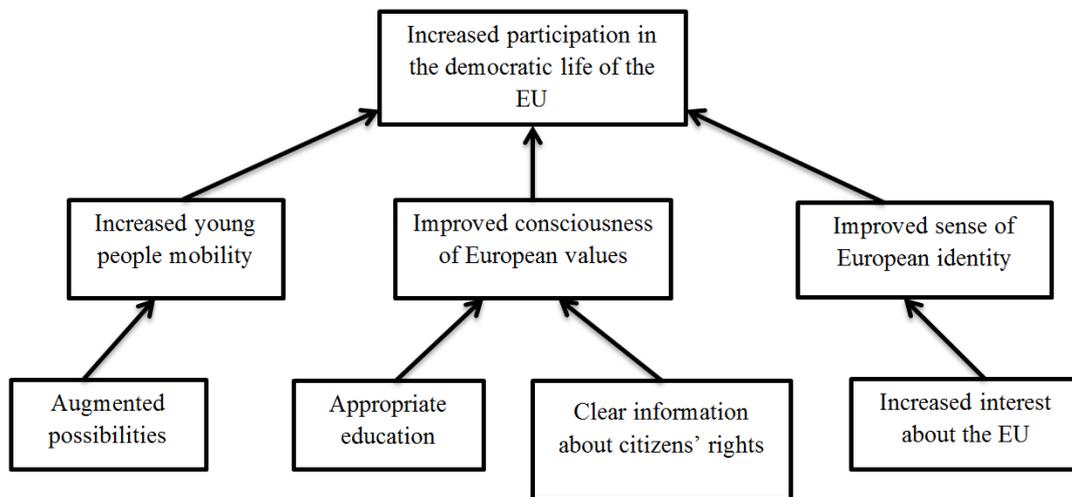


Figure 2, An example of "objectives tree" concerning democratic participation in the EU system

In this example, we can see that the previous problem tree has been transformed in the objectives tree, which is the basis for the actions planning: the statements of this scheme, in fact, propose the fundamental aspects for the identification of the most efficient activities that could help the accomplishment of project objectives. Once the diagram is completed, the objective tree should provide a concise representation of the new situation to reach and the goals to achieve: this tool is important for the analysis of the context and the consequent presentation of ideas for the project planning.

The analysis of objectives should be realised with the cooperation of the stakeholders and the information gained during the stakeholder analysis should be taken into account; this should help in the consideration of priorities, in the assessment of how realistic the achievement of goals could be and in the identification of additional means that could be required to accomplish the goals previously established.³⁷⁰

³⁶⁹ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 40

³⁷⁰ *ibidem*

7.2.5. Analysis of strategies

The final stage of the analysis process is the study of the strategies to be applied in order to achieve the objectives of the project. The analysis of strategies is important to decide which objectives (from the objectives tree) will be included in the project and which ones will be eliminated from it; moreover, it is important to better identify which are the general and the specific objectives and what kind of action should be implemented, whether it should be a simple intervention in a specific sector or a project composed of a series of intervention plans.³⁷¹

The stakeholder analysis, the problem examination and the study of the potential objectives of a project represent the primary stage of the analysis of the context for the realisation of a project; the issues and the options, however, need to be examined deeply in order to determine the likely goals to achieve before the realisation of a detailed project plan.³⁷²

The analysis of strategies should consider the identification of the relevant objectives, of the positive opportunities that can be created with the project, how the actions are supported at a local level and which are the capacities of institutions, of the costs and the most efficient choices in the use of financial resources. The analysis, then, should focus on which strategies could have a positive impact on the needs and interests studied in the primary phase of the analysis of the context and on those ones that could have a negative effect and should be avoided.³⁷³

The analysis of strategies is one of the most challenging phases of this examination of the conditions for the realisation of a project as it involves the synthesis of a large amount of information to undertake efficient decisions and implement productive strategies; for this reason in this phase stakeholders should balance their interests and demands.

The choice of strategies or alternatives during this phase is conducted by the identification of different means-ends as possible alternative options of the project, the

³⁷¹ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 40

³⁷² EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 70

³⁷³ *ibidem*

elimination of those objectives that are not desirable, achievable or that are pursued by other projects in the same matter, the definition of the effects for affected groups and by the feasibility of each different alternative. After this stage, there should be the selection of a solution as main project strategy and, in the case it could not be reached, there should be the introduction of additional criteria (changing the structure of the objectives tree).³⁷⁴

The main criteria in the selection of the most efficient strategies include the expected impact to key policy objectives (i.e. economic integration or citizens' participation), the benefits for target groups (women and men, young and old, disabled and able), the cost implications and the economic cost-benefit, the contribution to institutional capacity building, technical feasibility and the impact.

These elements are important for the inclusion of helpful actions for the achievement of the project objectives; the chosen strategies will be fundamental for the creation of the Logframe Matrix helping also the identification of the overall objective, the purpose and the expected results.³⁷⁵

³⁷⁴ EU Integration Office, Government of the Republic of Serbia, *Guide to the Logical Framework Approach*, Belgrade, 2011

³⁷⁵ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 71

7.3. From Logical framework to work packages

SUMMARY: 7.3.1. Creation of the Logical framework matrix. - 7.3.2. Plan of activities and work packages

7.3.1. Creation of the Logical framework matrix

The results of the stakeholders, problems, objectives and strategies analysis represent the basis for the realisation of the Logical Framework Matrix, which will be useful for the following step of the activities plan creation; the matrix, in fact, should provide a general and concise idea of the project and it is the basis to undertake specific measures and implement actions in order to achieve the goals set in the analytical phase.³⁷⁶ The matrix should include only the pillars of the project planning that are the project overall objective, the main purpose and the results; the plan of activities could be included in the matrix or can be described separately in order to facilitate the regular check of the plan: usually the plan of activities is presented through the Gantt chart³⁷⁷ as it clearly describes which are the actions to be implemented for the achievement of project goals, but they are presented also in the Logframe matrix.

The matrix is a chart divided into four columns and four lines in its basic form. On the left side of the scheme, the first column has to include the overall objective (or general objective), the purpose (or the specific objective), the expected results and the plan of activities (according to the project manager's will). Starting from these points, it is possible to give a brief description of the project (second column), to define the indicators of the quality and the extent of the contribution of the points indicated on the

³⁷⁶ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 57

³⁷⁷ <http://www.gantt.com/>, the Gantt chart is a tool of project management for the description of activities (tasks or events) displayed against time, created in the mid-1890s by the Polish engineer Karol Adamiecki and improved by the American engineer and management consultant Henry Gantt. The scheme is composed by a list of activities, on the left, and the time scale on the top: each activity is represented by a bar that defines the start date, the duration and the end date of the activity. The chart is an important instrument to understand which are the activities, when they should begin and finish, how long they are scheduled to last, where there could be overlap of different activities and, finally, the start and the end of the whole project.

left side; moreover, the sources of verification to report the proper implementation of each point and the assumptions that describe the external factors that may impact on the objectives and on the results are explained in the following columns.³⁷⁸

The realisation of the Logframe matrix is an “iterative process”³⁷⁹ as in case of new parts introduction the information that had been previously collected need to be reviewed and revised in the light of the new conditions: the creation of the matrix is a work-in-progress as it requires continuous revision.

The overall objective describes the impact of the long term effects on society and on the target groups and it connects the project to the programme of reference: the general objective cannot be implemented through a single project but should be accomplished with a series of programmes and projects.

The purpose (or the specific objective) focuses on the problem to be solved through the realisation of the project and it is defined belonging to the benefits for each target group, as a result of the application of the project. It should be a single specific goal in order to guarantee the proper realisation of the project: more than one specific objective, in fact, could represent an internal contradiction of stakeholders’ interests and, consequently, a slowdown in the definition of the most efficient activities to apply.³⁸⁰

The expected results are those advantages and benefits that the project offers to each target group: the expected results have to be coherent with the demands of stakeholder during the phase of Problem analysis. The activities, finally, are identified as those goods and/or services provided by the implementation of the project.³⁸¹

There is general sequence in order to create the matrix that starts with the project description with a top-down progression (in the figure below stages 1, 2, 3, 4), then the statement of the assumptions with the consideration of external factors with a bottom-up succession (in the figure phases 5, 6, 7), followed by the definitions of indicators and of sources of verification through a “working across” method (phases 8 to 13).

³⁷⁸ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 73

³⁷⁹ *ibidem*

³⁸⁰ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 44

³⁸¹ *ivi*, p. 43

	Project description	Indicators	Sources of verification	Assumptions
Overall objective	1	8	9	
Purpose	2	10	11	7
Results	3	12	13	6
Activities	4			5

Figure 3, An example of Logical Framework Matrix

The first column of the chart represents the logic of “means-ends” for the realisation of the project and is called also the “intervention logic”. The vertical logic of the Logframe matrix should follow some necessary and sufficient conditions to create the basic form of the project: the achievement of the purpose is necessary but not sufficient to accomplish the overall objective, the production of results is necessary but could be not sufficient to achieve the purpose, the definition of project activities should be necessary and sufficient to produce the expected results and, finally, the inputs should be necessary and sufficient to complete the activities plan. The creation of the first column can be achieved thanks to the objective tree as it clearly represents the hierarchy of means and of the ends: this should be a simple but fundamental stage for the definition of the basic conditions of a well-organised project.³⁸²

The fourth column is based on assumptions, which are the external factors that can influence (and determine) the success of a project and are not under the control of project managers. This stage is crucial for the definition of the feasibility of a project: the assumptions have an impact on the project implementation and they clarify the sustainability of the expected benefits from the achievement of the objectives. Once the activities have been accomplished and in the case the assumptions are true, the results of the project can be achieved; once these are fulfilled, the project purpose can be realised and, consequently, there could be the contribution for the achievement of the overall objective of the project.³⁸³ The assumptions become part of the project monitoring and

³⁸² EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 74-76

³⁸³ *ivi*, p. 78

management once they have been analysed and tested: this stage is fundamental to verify whether the project is feasible or not and which are the assumptions that will be absorbed in the plan as instruments for project control.

Once the description of the project and the assumptions are set, project managers have to define which are the indicators to measure and report the accomplishment of the objectives and the sources of verification of the quality and the impact of expected results and activities. The indicators should be independent for each objective of the intervention logic (overall objective, purpose, results) and should give qualitative and quantitative information about these objectives; concerning the activities, indicators are not a summary of the plan of activities but the instrument to identify the measurable effects of the activity implementation.³⁸⁴ The sources of verification can be considered as the formulation of the indicators: this condition is important to test if the indicators can be realistically measured (according also to expense of time, money and effort).³⁸⁵ The sources of verification should determine how the information should be collected (through reports, special studies, surveys, observations), who should collect and provide the information (specific offices, survey teams, project managers), when these should be provided (monthly, annually): the answer to these questions is important for this phase of definition of the monitoring elements, which are fundamental for the good implementation of the project and, whether it is the case, for the revision and redefinition of some of the intervention logic objectives.³⁸⁶

7.3.2. Plan of activities and work packages

Once the Logframe matrix has been completed, the identified activities can be better described thanks to another tool of project design that is the Gantt chart.³⁸⁷ This particular scheme is important to identify the logical sequence, the expected duration and management responsibilities: the schedule of activities is necessary for the specification of resources and of costs, helping to undertake the most efficient and productive decisions for the realisation of the project.

³⁸⁴ *ivi*, p. 82

³⁸⁵ *ibidem*

³⁸⁶ *ivi*, p. 83

³⁸⁷ See <http://www.gantt.com/>

During the analysis and planning stages the description of the activities should provide only the general idea of the actions to implement as a detailed description could be unsuitable; in fact, during these preliminary phases there are not proper considerations about necessary resources and costs due to the lack of cost-benefit analysis.³⁸⁸

The Gantt chart, for this reason, is the best way to show which are the activities to be realised as there are all the conditions to prepare an appropriate set of activities or actions for the achievement of the project objectives: the activity schedule, which could be included in the matrix, should be connected to the establishment of project results and it can be realised using the objectives of the Logframe matrix and the information collected in the analytical phases.³⁸⁹

The format of activity schedule should include detailed information about the duration of the project, possible dependencies and responsibilities. The chart should describe in detail how the activities are planned, indicating the start and the finish of project activities and their expected duration during the first year in weeks or months; for the subsequent years the schedule can be more indicative information providing the timing of activities in months or quarters according to the complexity and the duration of the project. These preliminary estimates could be revised after the beginning of the project implementation and should be constantly reviewed and controlled during the realisation of the project.

Once the activities are scheduled, it is possible to transform each activity in a work package that is to say that every single activity defined in the matrix is the basis for the definition of an action in order to achieve the objectives for the project. Starting from the matrix, it is possible to create an “activities tree” on the model of the objectives one: the overall objective gives a general idea of the context in which the project should improve a specific question and it is strictly linked to the purpose, which is the crucial objective of the project; in order to achieve the purpose there are different expected results that can be accomplished thanks to the set of actions. At this point each activity is divided in a “sub-action” that should guarantee and facilitate the realisation of the activities: the work packages can be considered as single “blocks” that aim at the

³⁸⁸ EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 84

³⁸⁹ *ibidem*

achievement of an objective with specific human, financial and material resources. The work packages created are the fundamental elements for the realisation of a detailed and complete scheme of activities: they are the single units for the implementation, step by step, of the project.

The preparation of a detailed activity schedule can be realised through a specific approach that includes eight major steps thanks to the help of the Gantt chart.

The first phase is based on the list of the main activities, which are identified through the Logframe analysis and which are a concise idea of what the project should do to achieve the results. In a second stage, the activities should be broken into manageable tasks or sub-activities in order to simplify the management of each action; the breakdown should be sufficiently detailed in order to estimate the time, the required resources and the people responsible of the implementation of the project. The third phase is important to clarify both the sequence (in what order the activities should be undertaken) and the dependencies (whether an activity is dependent on the completion of another activity).³⁹⁰

Then, in a fourth stage, there should be the estimate of the duration and the completion of the activities: this is a problematic point as the assessment of realistic timing cannot be defined properly and it could be revised continuously. One of the common problems in the preparation of the schedule of activities is, in fact, to underestimate the required time due to the exclusion of fundamental tasks, the scarce definition of activities interdependence or the intent to achieve too rapidly the results set in the Logframe matrix.³⁹¹

The fifth phase is based on the summary of the main activities, with the description of timing and tasks, in order to provide an outline of the main activity to be implemented. The successive stage is the definition of the milestones that provide the basis to monitor and control the project implementation; the milestones are the key events that guarantee

³⁹⁰ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 58; EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, Brussels, 2004, p. 86

³⁹¹ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *op. cit.*, p. 58-59; EU Commission, *Aid delivery methods, vol. 1 Project Cycle Management Guidelines*, p. 86-87

a measure of the progress of the project realisation, for example the estimated dates for the completion of each activity.

The seventh phase is represented by the definition of the expertise; once the tasks have been clarified it is possible to require a technical intervention: this is an important point to provide the check of the feasibility of an action plan belonging to the human resources available.

The final stage is the allocation of the tasks among the work team and it identifies the people in charge and responsible for the accomplishment of the milestones; the task provision should include the capabilities, skills and experience of each member of the team in order to facilitate the action of the people involved in the implementation of the project.³⁹²

The Gantt chart below is an example of the basic format to apply in the creation of an activity schedule. On the left, there are the detailed definitions of the activities and the work packages necessary for the implementation of the project (in the example the activities do not follow a detailed plan); each activity and work package has a determined duration, which can be expressed in weeks or months, as indicated by the black bar: through this scheme it is possible to have a clear idea of the structure of the whole project.

ACTIVITIES	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	...
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Project realisation	[Black bar spanning from month 1 to month 17]																	
Work package 1	[Black bar spanning from month 1 to month 6]																	
Action 1.1	[Black bar spanning from month 1 to month 6]																	
Work package 2						[Black bar spanning from month 6 to month 16]												
Action 2.1						[Black bar spanning from month 7 to month 11]												
Action 2.2										[Black bar spanning from month 10 to month 16]								
Work package 3															[Black bar spanning from month 15 to month 19]			
Action 3.1															[Black bar spanning from month 15 to month 17]			
...																		

Figure 4, An example of Gantt chart

³⁹² *ibidem*

After the realisation of the Gantt chart for the activities, it is possible to create another scheme, based on the same model, to define and clarify the required resources and the expected costs for the achievement of the project objectives. The schedule can be realised using the Gantt chart and should include all the resources required in the project, their cost per unit, the wages of the staff or of the people involved in the project management, the costs expected in the short term and total project costs. This is a crucial phase as it is the first moment to realise the project budget and it represents the basis to ask the financial resources necessary for the realisation of the project.³⁹³

³⁹³ Presidenza del Consiglio dei Ministri, Dipartimento della Funzione Pubblica, *Project Cycle Management, manuale per la formazione*, Quaderni Formez, Roma, 2002, p. 61

CHAPTER 8. PRESENTATION OF “EUROPE FOR CITIZENS” PROGRAMME

8.1. Overview of the programme: the legal sources

SUMMARY: 8.1.1. Europe 2020 strategy and the Euro-project design.
- 8.1.2. Council regulation 390/2014: the basis of “Europe for citizens” programme

8.1.1. Europe 2020 strategy and the Euro-project design

The Europe 2020 strategy³⁹⁴ has been launched by European institutions in 2010 as an answer to the contemporary crisis and to those questions that could represent an obstacle and a slowdown in the integration process of the European area.³⁹⁵ In fact the economic and financial crisis in 2008 has had serious consequences on the economic orders of Member States, highlighting their structural weakness, and on the euro system generating doubts on the credibility of the economic and monetary Union.³⁹⁶

The process of European integration is based on a series of initiatives aiming at the coordination of efforts in the political sectors of action beyond the competencies of the Members States. During the 1990s, European institutions adopted different measures such as economic policy guidelines to guarantee economic union among Member States, or employment strategies to reduce the unemployment and to support the harmonisation of national labour markets³⁹⁷. At the beginning of the millennium, European initiatives have been led by the Lisbon strategy for the period 2000-2010, which was a challenging plan aiming at the transformation of Europe into the most

³⁹⁴ See EU Commission, *Communication “Europe 2020”, A strategy for a smart, sustainable and inclusive growth*, COM(2010) 2020, of the 3rd March 2010, Brussels; EU Commission DG Communication, *Europa 2020: la strategia europea per la crescita*, in *Le politiche dell’Unione Europea*, Brussels, 2012; <http://ec.europa.eu/europe2020/index>

³⁹⁵ EU Commission, *Communication “Europe 2020”, A strategy for a smart, sustainable and inclusive growth*, COM(2010) 2020, of the 3rd March 2010, Brussels, p. 5

³⁹⁶ HEUSE P., ZIMMER H., *The Europe 2020 strategy*, in *Economic Review, issue ii*, pp. 21-45, 2011

³⁹⁷ *ivi*, p. 21-22

competitive and dynamic economy in the world. This kind of strategy was based on economic growth through the improvement of the labour market, a stronger social cohesion, the modernisation of social models to implement structural reforms and to strengthen competitiveness and the creation of the conditions for economic growth.³⁹⁸

The strategy of Lisbon was born as a possible solution to the globalisation process, the ageing of population and for the improvement of the economy.³⁹⁹

Nevertheless, European institutions could not forecast one of the most severe economic crisis of the last century, which had delayed the achievement of the economic and social goals, showing the weak points of the European Union.⁴⁰⁰ Member States with an insufficient progress, in fact, were less competitive and, according to the goals of the Lisbon strategy, had lower innovation or growth potential and lower levels of employment and productivity.⁴⁰¹ The fact that several Member States could not achieve the goals of the Lisbon strategy led this plan to failure: for example, the expected 70% of employment in the EU area stayed under 65% and the demanded 3% of research and development stopped at 1,8%.⁴⁰² Moreover, the continuous globalisation process, the severe consequences of the economic crisis of 2008 and the slowdown in production and development, led to a reformulation of a European strategy to find a solution for the new international scenario.⁴⁰³

In this context, European institutions have launched in 2010 the “Europe 2020 strategy” with a series of goals to be achieved within ten years.⁴⁰⁴ This new plan is based on the same pillars of the previous strategy that are economic growth, competitiveness and improvement of the labour market; in addition, Europe 2020 strategy starts from the

³⁹⁸ *ibidem*

³⁹⁹ BONGARDT Annette, TORRES Francisco, *The Competitiveness Rationale, Sustainable Growth and the Need for Enhanced Economic Coordination*, in *Intereconomics, Review of European Economic Policy*, vol. 45 n. 3, 2010, pp. 136-170

⁴⁰⁰ EU Commission, *Communication “Europe 2020”, A strategy for a smart, sustainable and inclusive growth*, COM(2010) 2020, of the 3rd March 2010, Brussels, p. 5

⁴⁰¹ BONGARDT Annette, TORRES Francisco, *op. cit.*, p. 140-141

⁴⁰² EU Commission, *Documento di lavoro dei servizi della Commissione, Documento di valutazione della strategia di Lisbona*, SEC(2010) 114 definitivo, of the 2nd February 2010, Brussels, p. 3

⁴⁰³ EU Commission DG Communication, *Europa 2020: la strategia europea per la crescita*, in *Le politiche dell’Unione Europea*, Brussels, 2012, p. 3

⁴⁰⁴ *ibidem*

financial crisis and the structural weaknesses of Member States to improve the European system and accomplish both the process of integration and the economic growth.⁴⁰⁵

The Europe 2020 strategy is based on three main priorities, which highlight the crucial goals to achieve in order to ensure the development of the European Union; these priorities are:

1. Smart growth, to develop an economic model based on knowledge and innovation;
2. Sustainable growth, to support an efficient economic development in the use of resources, with a focus on green economy and competitiveness;
3. Inclusive growth, to improve the labour market supporting the increase of the level of employment and the social and territorial inclusion.⁴⁰⁶

These priorities, according to European institutions, could determine how should be Europe in 2020; for this reason, the Commission has added further objectives to be achieved:

1. 75% people between 20 and 64 years should be employed;
2. 3% of European GDP should be invested in research and development sectors;
3. The goals “20/20/20” on climate and environment have to be accomplished (20% greenhouse gas emissions lower than 1990, 20% of energy from renewables, 20% increase in energy efficiency);⁴⁰⁷
4. The rate of school leaving should be reduced below 10% and 40% of young people should have a degree;
5. 20 million people should not be any more at risk of poverty.⁴⁰⁸

These goals can be achieved thanks to the implementation of seven flagship initiatives to boost growth and jobs; within each initiative, EU and Member States authorities have to coordinate their efforts in order to accomplish the goals established by the Commission. Each flagship initiative should implement and support the realisation of

⁴⁰⁵ BANELIENE Ruta, *Evaluation of the efficiency of economic policy under the Europe-2020 strategy in small European Union countries*, in *Ekonomika* vol. 92(2), 2013, p. 7-8

⁴⁰⁶ EU Commission, *Communication “Europe 2020”, A strategy for a smart, sustainable and inclusive growth*, COM(2010) 2020, of the 3rd March 2010, Brussels, p. 5

⁴⁰⁷ <http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/targets/index>

⁴⁰⁸ *ibidem*; EU Commission DG Communication, *Europa 2020: la strategia europea per la crescita*, in *Le politiche dell’Unione Europea*, Brussels, 2012, p. 3

the three main priorities set in the Europe 2020 strategy. For the achievement of the smart growth objective, the Commission has launched the initiatives “Digital agenda for Europe”, with a focus on the use of the ITC, the “Innovation Union”, focusing on the improvement of the access to financial resources to support innovative ideas about growth and employment, and “Youth on the Move”, aiming at the improvement of the educational system and at facilitating the access to the labour market for young people.⁴⁰⁹ The achievement of the sustainable growth goal can be achieved thanks to the initiatives “Resource efficient Europe”, concerning the improvement of the use of renewable or low emission resources and the development of energy efficiency, and “An industrial policy for the globalisation era”, aiming at the creation of a stronger industrial basis to ensure the activity of small and medium enterprises as an answer to the globalisation process.⁴¹⁰ To accomplish the goal of inclusive growth, the Commission has launched the initiatives “An agenda for new skills and jobs”, to modernize labour market and to support the lifelong learning, also with transnational mobility, as an instrument for social inclusion and for the increase of participation in the work market, and the “European platform against poverty”, aiming at the social and territorial inclusion to support the proper distribution of resources and the reduction of poverty rates.⁴¹¹

The strategy Europe 2020 is more cautious than the previous Lisbon strategy, which failed due to weak governance at EU level, scarce coordination and different levels of growth among Member States.⁴¹² The Europe 2020 strategy, starting from the same assumptions of the need of economic growth and social inclusion, aims at the achievement of different goals to exit the crisis and starting a new growth process. Nevertheless there are different points of criticism and some problematic aspects of this strategy such as the lack of evaluation of the previous strategy, the absence of

⁴⁰⁹ EU Commission, *Communication “Europe 2020”, A strategy for a smart, sustainable and inclusive growth*, COM(2010) 2020, of the 3rd March 2010, Brussels, p. 6;

⁴¹⁰ *ibidem*

⁴¹¹ *ibidem*

⁴¹² BONGARDT Annette, TORRES Francisco, *op. cit.*, p. 142-144

considerations on the environmental and economic crisis, the tensions and the weak governance.⁴¹³

The scarce evaluation of the economic and financial context of the crisis, the consideration of the environmental crisis as something separated from the economy, the ambiguous expressions (it is difficult to define what is a “smart” growth) and the lack of a proper governance at a EU level could slow the accomplishment of the goals set in this strategy: it is for this reason that the analysis should focus more on the financial crisis and on the proper distribution of resources.⁴¹⁴

The EU Commission has launched additional instruments to achieve the goals of the Europe 2020 strategy, beyond the flagship initiatives, that are connected with the Multiannual Financial Framework (MFF) for the period 2014-2020. The MFF is a modern kind of budget that support different important innovations and the European added value for economic and social growth; for the period 2014-2020 it promotes the increase of employment, the mobility of students in Member States, the development of culture, the reduction of scientific gap between research and market, the encouragement of entrepreneurial culture, the improvement of a European connection, the competitiveness of European system in the world economy, and the creation of an open and safer Union for European citizens.⁴¹⁵

In order to implement these objectives, the Commission has established a wide range of programmes to realise and apply EU policies; in addition it grants several funds to provide financial support for the realisation of different activities to a large number of beneficiaries (students, scientists, farmers, NGOs, businesses, towns, regions and others). Among the different programmes of the MFF 2014-2020 there are Erasmus+ (for students’ mobility), Horizon2020 (for scientific research and the reduction of the gap between research and market), Life programme (for the improvement of EU environment and climate policies), Creative Europe (for the support of cultural activities), and Europe for Citizens (for the support of activities aiming at the increase of

⁴¹³ POCHET Philippe, *What's Wrong with EU2020?*, in in *Intereconomics, Review of European Economic Policy*, vol. 45 n. 3, 2010, pp. 136-170

⁴¹⁴ *ivi*, p. 149

⁴¹⁵ http://ec.europa.eu/budget/mff/highlights/index_en.cfm#study

EU citizens' awareness of the EU system, its values and history).⁴¹⁶ These are some of the most well-known programmes and those with a stronger participation of citizens and professionals: not only they are fundamental for the realisation of innovative actions and the improvement of specific sectors (i.e. environment, scientific research, education, culture), but also they include European citizens in the process of integration of the European Union. It is in this context that the techniques of project management could help citizens to actively participate, thanks to these programmes, to the development of the Union: euro-project design could be both an important instrument of participatory democracy for EU citizens and a crucial element for the improvement of the whole European Union.

8.1.2. Council regulation 390/2014: the basis of “Europe for citizens” programme

Among the different plans established by the EU Commission within the MFF in the period 2014-2020, we can find an important programme, aiming at the increase of citizens' awareness of how the European institutions and EU system work and of the concept of European citizenship: it is the “Europe for citizens” programme.

This plan has been established, for the period 2014-2020, by the Council regulation 390/2014 that represents the legal basis for the realisation of projects and activities

⁴¹⁶ http://ec.europa.eu/budget/mff/programmes/index_en.cfm; the other programmes established by the Commission within the MFF 2014-2020 are: Asylum, Migration and Integration Fund; Civil Protection Mechanism; Cohesion Fund; Common Agricultural Policy; Common Foreign and Security Policy; Connecting Europe Facility; Consumer Programme; Copernicus; Competitiveness of Enterprises and SMEs (COSME); Customs, Taxation and Fight against Fraud; Creative Europe; Development Cooperation Instrument; Employment and Social innovation Programme; EU Aid Volunteers; EU Civil Protection and European Emergency Response Coordination Centre; European Instrument for Democracy and Human Rights; European Maritime Affairs and Fisheries; Erasmus+; European neighbourhood Instrument; Europe for Citizens; Food and feed; Galileo; Guarantee fund for External actions; Health; Horizon2020; Humanitarian aid; Instrument for Nuclear Safety Cooperation (INSC); Instrument for Pre-accession Assistance; Instrument contributing to stability and peace; Internal Security Fund; IT systems; ITER; Justice Programme; Less developed regions; Life programme; Macro-financial assistance; More developed regions; Nuclear decommissioning assistance programmes; Outmost and sparsely populated regions; Partnership Instrument; Rights, Equality and Citizenship; Rural Development; Territorial cooperation; Transition regions; Youth employment initiative.

within this programme. As the other Regulations of European programmes, the text starts with the analysis of the social and legal context that have led to the creation of this kind of actions plan.

The Council Regulation 390/2014, linked to articles 10⁴¹⁷ and 11 of the TEU⁴¹⁸, affirms the importance of citizens' participation in the democratic process; moreover, the EU institutions should inform EU citizens and the representative associations about the possibilities for an active participation, supporting a clear and open dialogue between citizens and institutions.⁴¹⁹ Citizens' active participation is important also within the Europe 2020 strategy as it is a crucial element for the social inclusion and the starting point for the improvement of the process of integration.

The European citizenship, from its introduction in 1992 with the Treaty of Maastricht, has represented an added value from the point of view of social and political rights; nevertheless, EU institutions are not able to provide efficient solutions to the different problems of everyday life or to those questions linked to inclusion and integration. During the process of evolution of the European Union into a more integrated system, some decisions of central institutions have not been applauded by EU citizens and even the achieved goals in sustainable growth, prices stability, consumer and environment

⁴¹⁷ Treaty on the European Union, article 10 provides that: "1. The functioning of the Union shall be founded on representative democracy. [...] 3. 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. 4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union."

⁴¹⁸ Treaty on the European Union, article 11 provides that: "1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. 3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent. 4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union.

⁴¹⁹ Council Regulation 390/2014 of the 16th February 2014, recital 1

protection, peace and stability of the European area and the promotion and defence of the fundamental rights have not found the interest of EU citizens.⁴²⁰

For this reason, European institutions underline the need to reduce the divide with citizens in order to increase their participation in the democratic life of the Union; to involve EU citizens in the construction of a close Union, EU institutions have allowed a series of actions that should support the inclusion of citizens in the political process: it is the case, for example, of the citizens' initiative introduced by the Treaty of Lisbon and implemented thanks to the Regulation n. 211/2011. Moreover, the Decision n. 1904/2006/EC has defined a primary action plan to support and improve the dialogue between citizens, the civil society associations and institutions, and develop their active participation in the democratic process of the Union.⁴²¹ The success of the programme "Europe for citizens" during the period 2007-2014 has shown the necessity to repeat and improve the plan of actions for the strengthening of citizens participation; for this reason the new programme includes, for example, activities such as citizens' meetings, discussions on the questions linked to citizenship, initiatives promoting a stronger awareness of European history.⁴²²

The question of European Remembrance is a crucial strand of "Europe for citizens" programme; according to a Parliament resolution of 2nd April 2009 about totalitarianism and to Council conclusions about international crimes, the focus should be on the remembrance of the consequences of the Second World War in order to avoid the repetition of the same faults and to improve the measures to ensure peace and stability in the European area.⁴²³ The European remembrance is crucial to highlight the importance of a strong European system as it can guarantee the protection of fundamental rights and the values of democracy, peace and stability.

As stated in the regulation 390/2014, the accomplishment of the goals of citizens participation in the democratic life of the Union and the promotion of awareness about the European system cannot be pursued by single Member States: belonging to the

⁴²⁰ *ivi*, recital 3

⁴²¹ Parliament and Council Regulation n. 1904/2006/EC of the 12th December 2006; it launched the "Europe for citizens" programme for the period 2007-2014 supporting the active participation of citizens.

⁴²² Council Regulation 390/2014 of the 16th February 2014, recital 6

⁴²³ *ivi*, recital 9-11

principle of subsidiarity⁴²⁴, Member States have not the required elements to face the questions rose in the programme but the Union can support properly the actions for the improvement of the consciousness of the European system among citizens, for the promotion of the European citizenship and the development of the means for democratic and active participation to the life of the EU.⁴²⁵

⁴²⁴ Treaty on the European Union, article 5 provides that: “1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States. 3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. [...]”

⁴²⁵ Council Regulation 390/2014 of the 16th February 2014, recital 17-19

8.2. Aims of the programme and link with the “active citizenship”

SUMMARY: 8.2.1. General and specific objectives of the programme. - 8.2.2. Active citizenship and the possibility of citizens' initiative

8.2.1. General and specific objectives of the programme

The programme “Europe for citizens” for the period 2014-2020 is based, as all the programmes launched by the Commission, on two pillars that provide the objectives to be achieved that are general objectives and specific objectives.

The programme “Europe for Citizens” is divided into two major strands that represent the basis for two different approaches for the improvement of the concept of European citizenship; the two strands are “European Remembrance” and “Democratic engagement and civic participation”.

The first one underlines the value of Europe as a peace project; according to the Commission the memories of the past are the basis for the construction of the future European Union. For this reason the programme supports those initiatives which reflect on the causes of totalitarian regimes and on the different historical perspectives, because the remembrance of the past is the pre-requisite for the realisation of a stronger and integrated European Union.⁴²⁶

The second strand aims at strengthening the general understanding of how European Union policies and decisional process work; it also encourages the close involvement of European citizens and of civil society in European policy-making⁴²⁷: the active participation represents a crucial element for the improvement and implementation of the integration process of the Union.

The general goal of the programme, aiming at the reduction of the divide between EU institutions and citizens, is founded on two major strands: first, the programme aims at the improving of the awareness of citizens about the European history and diversity;

⁴²⁶ http://ec.europa.eu/citizenship/about-the-europe-for-citizens-programme/future-programme-2014-2020/index_en.htm

⁴²⁷ *ibidem*

second, it promotes European citizenship for a stronger civic and democratic participation in the political life of the Union.⁴²⁸

These general objectives are connected to two main specific goals that complete the definition of the expectations for the improvement of the European Union. These specific objectives are: first, the programme aims at the awakening of European remembrance, history and common values of the Union among citizens and at the promotion of peace and of Union purposes through debates and the development of networks; second, it supports democratic participation of citizens in the Union political life encouraging the awareness of the decisional process functioning and the social inclusion in the Union.⁴²⁹

Nevertheless, the EU Commission and the committee of the programme establish every year different priorities to be accomplished according to the general objectives of the programme: participants have to respect the indications of the Commission when they are submitting a project as they are the fundamental elements for the achievement of the different goals set by the Regulation.⁴³⁰

The Regulation 390/2014 defines also the programme structure and which are the actions required for the achievement of the objectives. The two strands of the programme are completed by a series of actions that should be realised at a transnational or Union level: the two components include also different actions aiming at the analysis, the dissemination and the information about the results of the projects.

The programme “Europe for Citizens” supports those experiences promoting mutual learning and cooperation such as citizens meetings, twinning towns and twinning networks; it encourages the projects realised thanks to transnational partnerships with the participation of different subjects and the experiences based on the use of social media or ITC. The programme, moreover, ensures its structural support to those organisations that pursue the Union interests defined at article 177 of the Regulation 1268/2012⁴³¹ that aim at the creation of “Europe for Citizens” help desks, and promotes

⁴²⁸ Council Regulation 390/2014 of the 16th February 2014, article 1

⁴²⁹ *ivi*, article 2

⁴³⁰ EU Commission and EACEA, *Europe for Citizens, Guide to the programme*, valid from January 2014, http://ec.europa.eu/citizenship/index_en.htm, http://eacea.ec.europa.eu/citizenship/index_en.php

⁴³¹ Commission delegated Regulation n. 1268/2012 of the 29th October 2012 on the rules of application of Regulation n. 966/2012 and of the financial rules applicable to the general budget of the Union, article

activities analysis focused on those studies linked to the objectives of the programme. The programme, finally, encourages the activities promoting a stronger awareness of European values, linked to the results of efficient initiatives, such as meetings, conferences, classes and workshops at a European level.⁴³²

8.2.2. Active citizenship and the possibility of citizens' initiative

The “Europe for Citizens” programme is one of the different measures included in the Multiannual Financial Framework. Even if it is a small programme with a limited budget, it supports several initiatives that are useful for the strengthening of the European citizenship and the consequent consciousness of the related social and political rights. The core of the programme is the support to the active participation of European citizens as a fundamental element for the construction of a more integrated system.

The European Commission has adopted different strategies in order to facilitate active citizenship as it is a fundamental element to increase social cohesion and to reduce the democratic deficit across European area.⁴³³ The process of recognition of the European citizen's status and the related fundamental rights has been completed by the Treaty of Lisbon, which has introduced an important political right: citizens' initiative.⁴³⁴ This tool is crucial for the active participation of European citizens in the decisional process of the Union through the submission to the EU Commission of proposals on sensitive questions that touch everyday life; this element is underlined also by the new definition of the European Parliament members as “representatives of the Union's citizens”⁴³⁵ and

177 provides that: “A body pursuing an aim of general Union interest is: a) a body involved in education, training, information, innovation or research and study in European policies, any activities contributing to the promotion of citizenship or human rights, or an European standards body; b) an entity representing non-profit bodies active in the Member States, in the candidate countries or in the potential candidate countries and promoting principles and policies consistent with the objective of the Treaties”

⁴³² Council Regulation 390/2014 of the 16th February 2014, article 3

⁴³³ MASCHERINI Massimiliano, MANCA Anna Rita, HOSKINS Bryony, *The characterization of Active Citizenship in Europe*, in JRC Scientific and Technical reports, JRC-IPSC, Luxembourg, 2009, p. 5

⁴³⁴ Treaty on the European Union, article 11.4

⁴³⁵ Treaty on the European Union, article 14.2

not simply as the representatives of the peoples of Member States brought together in the Community⁴³⁶: European citizens have transformed into political actors with an important role and influence in the democratic life of the Union.

Nevertheless, the scarce involvement of the EU Commission in the presented citizens' initiatives⁴³⁷ and the rise of movements against the system of the European Union are severe problems for active participation of citizens. The populist approach of ultra-right parties is increasing the sense of disaffection of citizens against the central institutions, with a consequent detachment from the active participation and an influence on those who cannot have a clear dialogue with the EU system due to the lack of instruments⁴³⁸: the scarce participation at the Parliament elections in 2014 (as shown by the negative trend of the last two decades)⁴³⁹ highlight the need for European institutions, and even for European citizens, to clarify the role of citizens in the Union system and to involve their active participation in the decisional process for the survival of the European integration project.

The European Union has intensely developed from 1957 and, during its evolution, it has created the basis for a new figure that is the European citizen. The *status* of European citizen, introduced in 1992, has been complemented by the affirmation of a set of civil rights (based on the possibility to freely circulate and reside in the EU area) and of political rights (i.e. right to petition the Parliament, right of citizens' initiative) that should ensure the development of the Union into a more integrated system, with the active participation in the democratic process. EU citizens "who are taking advantage of the European project by extending aspects of their life beyond national borders, through travel, study, work, marriage, retirement, buying or inheriting property, voting, or just shopping online from companies established in other Member States", should fully benefit from their civil rights established by the Treaties⁴⁴⁰.

⁴³⁶ Treaty establishing the European Community, article 189

⁴³⁷ MARCHETTI Maria Cristina, *op. cit.*, p.100-102

⁴³⁸ BECK Ulrich, *La crisi dell'Europa*, Bologna, ed. Il Mulino, 2012, p. 9-10

⁴³⁹ <http://www.europarl.europa.eu/elections2014-results/it/election-results-2014.html>, EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 17

⁴⁴⁰ EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 3

However there is still a gap between the applicable legal rules and the reality, especially in cross-borders situation; moreover, the Commission has received a large number of complaints⁴⁴¹ about the obstacles for the full enjoyment of citizens' rights and this element explains a possible cause of the increasing of the sense of disaffection for the European system.⁴⁴² For this reason EU institutions should support the development of those possibilities involving citizens in the democratic life of the Union, as a condition for its survival and for the implementation of the European project.

In this context, after the analysis of the possibility to submit a proposal thanks to the right of citizens' initiative, the tools of euro-project design and the several programmes linked to the Multiannual Financial Framework could be considered as an additional and innovative way to participate actively in the decision-making process and in the democratic and political life of the European Union.

⁴⁴¹ In 2009, the Europe Direct Contact Centre had received 25,721 enquiries from citizens on cross border issues (travelling, buying and selling, studying, working and living in other Member States): EDCC activity report 2009, http://ec.europa.eu/europedirect/docs/statistics/edccreport_year_2009_light.pdf

⁴⁴² EU Commission, 27th October 2010, *EU citizenship report 2010, Dismantling the obstacles to EU citizens' rights*, Brussels, 2010, p. 3

CHAPTER 9. AN EXAMPLE OF PROPOSAL FOR “EUROPE FOR CITIZENS” PROGRAMME

9.1. An example of e-Form

In this part there will be an example of e-Form, which is the draft for a proposal to be presented to the EU Commission. The main theme of this dissertation, that is European citizenship, can be developed also through the possibilities provided by the Multiannual Financial Framework and the tools of Euro-project design. In fact the example of project plan within the programme “Europe for citizens” (provided below) represents a further elaboration of the concept of European citizenship and underlines the importance of active participation of citizens in the political and democratic life of the Union.

Due to the scarce information and awareness of the European citizens’ rights, it is crucial for the survival and the improvement of the European Union system the inclusion of citizens in the decision-making process; the participation to this kind of programmes through the presentation of proposals on different subjects could be an additional way to involve citizens and to strengthen their political role in the Union.

The example of e-Form provides all the necessary information for the realisation of a project and it represents the basis for the subsequent implementation of the activities established by the organisers. It has been realised using the techniques of the Project Cycle Management and the Logical Approach, as they are necessary to analyse the context, the problems and the goals to be accomplished.

The e-Form is divided into six parts; after having defined the title of the project, the language, the deadline of the call for proposals and the table with partners’ names and PICs, it identifies:

1. Part A and B, in which there will be the definition of the partners (fundamental data), their activities and their role in the project;
2. Part C, with the description of the project (timetable, venues, characteristics of the participants, a short description of the project and the tables indicating the budget);
3. Part D, explaining the technical capacity of the applicant organisation that is to say its competency in the management of the project;

4. Part E represents the most important part of the e-Form as it clarifies how project fits in with the objectives of the programme, the activity plan, the dissemination of the results of the project, the impact and the involvement of citizens in the project;

5. Part F provides the timetable of the activities (the detailed plan) and the expected results for each activity.

The project example should highlight the importance of citizens' participation in the democratic life, but also the necessity to inform young people of the European citizens' rights: the target group of the project will include, in fact, youngsters between 15 and 20 years of age as they are the future European citizens. The project, following the objectives of the programme "Europe for citizens", aims at involving young people in different activities to stimulate their reflections about the concept of European citizenship and the importance of active participation of citizens in the democratic life of the Union, to fill the gaps in the awareness of the civil and political rights linked to the *status* of European citizen.

The plan of activities is based on the visit to the EU Commission, on meetings with some lecturers for the DG of the Commission and on two workshop on European citizenship and the importance of active participation in the decisional process and on the rights of European citizens and the possibility to present a citizens' initiative: the activities have been chosen to involve actively young participants in the realisation of some drafts, as an exercise of active participation in the decisional and democratic process of the Union.

This project represents an example of what can be realised in order to improve the sense of belonging to a European community and the sense of cohesion among EU citizens; moreover, the activities should stimulate among the young participants the necessary reflections to become active and responsible citizens of the Union.

EUROPE FOR CITIZENS (example of e-form)

Programme: EUROPE FOR CITIZENS
Sub-programme: Strand2: Democratic engagement and civic participation
Programme Guide / Call for Proposals: Europe for Citizens - Programme Guide 2014-2020
Action: 2.3: Civil Society Projects

Project title *: Younger generations for European Union
 Project acronym *: Young4EU
 Language used to complete the form *: English

LIST OF PARTNER ORGANISATIONS

Partner n.	PIC	Role	Organisation name	Type of organisation	City	Country
P1	992547023	Applicant Organisation	Lycée Emile Jacqmain	School	Brussels	Belgium
P2	946908181	Partner	Europski Dom Slavonski Brod	Youth association	Slavonski Brod	Croatia
P3	946670919	Partner	Bureau Information Jeunesse	Youth association	Lorient	France
P4	968542137	Partner	European School	School	Munich	Germany
P5	944920748	Partner	Kinisi Ethenonton – International Civil Service	Youth association	Athens	Greece
P6	945612306	Partner	Europai Hallgatok Halozatanak Egyesulete (AEGEE-Budapest)	Youth association	Budapest	Hungary
P7	951237846	Partner	Newpark Comprehensive School	School	Blackrock	Ireland
P8	934215687	Partner	IIS Marie Curie	School	Turin	Italy
P9	946578231	Partner	Liceul Dacia	School	Bucarest	Romania
P10	991947090	Partner	OpportUNITY International	Youth association	Newcastle	United Kingdom

Figure 5, Table of participants: names

PART A AND B (Applicant organisation and Partners)

P1 - LYCÉE EMILE JACQMAIN (BELGIUM)

Part A

A.1 Organisation

Partner number: P1

PIC number: 992547023

Role in the application: Applicant organisation

Full name of the organisation: Lycée Emile Jacqmain

Business name: Lycée Emile Jacqmain

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: No

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The 'Lycée Emile Jacqmain' in Brussels was founded in 1922 by the mayor Emile Jacqmain. It is part of the public network of school and adopts a traditional teaching method favouring the study of scientific subjects. The school has an international vocation as it motivates students to work in groups with 'Amnesty International' thanks to an internal 'station'. Young people can develop an international attitude and the participation in the project is an important opportunity for them to compare themselves with a multicultural atmosphere and to improve their awareness about the concept of European citizenship.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

The role of the organisation concerns the well-management of the project. It will be in charge of the administrative organisation of the activities and it will ensure the good quality of them. Moreover, it will be in charge of the coordination of the practical

aspects of the project: it will define the conditions to access to the hotel and to the conference centre, it will inform other participants about the costs of the hotel and the timetable of the activities in the conference centre. Finally, the applicant organisation will be the responsible for the project realisation and it will be in charge of the financial resources administration.

P2 - EUROPSKI DOM - SLAVONSKI BROD (CROATIA)

Part A

A.1 Organisation

Partner number: P2

PIC number: 946908181

Role in the application: Partner Organisation

Full name of the organisation: Europski Dom - Slavonski Brod

Business name: Europski Dom - Slavonski Brod

Part B Organisation and activities

B.1 Structure

Status: Private

Non-profit organisation: Yes

NGO: Yes

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

Europe House Slavonski Brod is a NGO founded in September 1998; it encourages European and global integration supporting the cultural, political and economic life of Croatia in the European Union. It aims at the creation of a culture of understanding, tolerance and dialogue and for this reason Europe House Slavonski Brod is working with primary and secondary schools, students, young workers who are interested in the

training of young people, promoting a feeling of personal responsibility for peace, human rights, environmental and cultural heritage protection.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

Europe House Slavonski Brod will be in charge of the organisation of the visit at the European Commission and of the workshops; it will contact the guides of the visit and the guest lecturers from the DGComm (Communication) and the DGSG (Secretariat General) for the meetings during the week, as the themes will be the information about the role of European Union and about the European citizen *status*, with a focus on the related rights.

B.3 Other EU grants

Please list the projects for which the organisation or department responsible for the management of this application has received financial support from the EU Programme during the last three years.

- Homo Europeanus, Overcoming the Knowledge Deficit - Europe for Citizens 2014-2020
- Boost Your Employability! (BYE!) - Erasmus +
- It's Your Turn for Social Changes! - Erasmus+

P3 - BUREAU INFORMATION JEUNESSE LORIENT (FRANCE)

Part A

A.1 Organisation

Partner number: P3

PIC number: 946670919

Role in the application: Partner Organisation

Full name of the organisation: Bureau Information Jeunesse de Lorient

Business name: Bureau Information Jeunesse de Lorient

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: Yes

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The Bureau Information Jeunesse (BIJ) of Lorient belongs to the network (European, national and regional) of Youth Information centres whose missions are to welcome, inform and support young people from 15 to 30 years in their research and projects. The Lorient Youth Information Office offers practical information such as useful addresses, information about legislation, business, employment, daily life, health, housing, international, entertainment, travels. The BIJ organizes also projects and workshops including forums on summer job, health prevention, workshops, week of international mobility, Europe Day, trades cafes.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

The quality of the information received during the realisation of the project has to be controlled and tested. For this reason the BIJ of Lorient has to organise the final surveys at the end of all the activities. To verify the success of the activities that students will do during the week of the project, this organisation will have to publish, on the dedicated website, all the results and all the information collected from the tests. This task will be shared with other participants of the project.

P4 – EUROPEAN SCHOOL OF MUNICH (GERMANY)

Part A

A.1 Organisation

Partner number: P4

PIC number: 968542137

Role in the application: Partner Organisation

Full name of the organisation: European School of Munich

Business name: European School of Munich

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: No

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The European School of Munich (ESM) was founded in 1977. The ESM follows the curriculum of all European Schools, which leads to the European Baccalaureate, a graduation diploma that qualifies university studies in any country of the European Union. This school provides a multilingual and multicultural education and support the creation of an open, positive, respectful and tolerant environment to stimulate and facilitate an attitude of continuous education among its students. The school is based on self-evaluation at regular intervals and provides planning documents in order to define the steps to develop its educational approach; moreover, the school aims at encouraging the life of the school through the celebration of students' differences as the basis for the construction of a more integrated system.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

Due to its experience in organising student debates, the European School of Munich will be in charge of the coordination and the preparation of the debates during the workshops and, at the same time, it will be responsible for the good management and implementation of them.

P5 - KINISI ETHELONTON SERVICE CIVIL INTERNATIONAL HELLAS (GREECE)

Part A

A.1 Organisation

Partner number: P5

PIC number: 944920748

Role in the application: Partner Organisation

Full name of the organisation: Kinisi Ethelonton Service Civil International – Hellas

Business name: Kinisi Ethelonton Service Civil International – Hellas

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: Yes

NGO: Yes

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The Kinisi Ethelonton Service Civil International Hellas is a non-profit NGO based in Athens that represents the Greek branch of Service Civil International; it is an international voluntary movement that aims at promoting peace, solidarity and intercultural cooperation among different populations through the organization of international volunteering projects. This organisation tries to create and strengthen a

cooperation of people from different cultural and social backgrounds and, at the same time, it aims at the solution of different social problems involving the participation of citizens.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

As for the Bureau Information Jeunesse in Lorient, the Kinisi Ethelonton Service Civil International Hellas has to organise the final surveys at the end of all the activities. Cooperating with the BIJ, it will provide surveys and then collect the results in order to reorganise the information about the success and the coherence of the project.

P6 – EUROPAI HALLGATOK HALOZATANAK EGYESULETE (HUNGARY)

Part A

A.1 Organisation

Partner number: P6

PIC number: 945612306

Role in the application: Partner Organisation

Full name of the organisation: Europai Hallgatok Halozatanak Egyesulete (AEGEE-Budapest)

Business name: Europai Hallgatok Halozatanak Egyesulete (AEGEE-Budapest)

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: Yes

NGO: Yes

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

AEGEE-Budapest is a member of AEGEE-Europe, which is an international youth organisation. Our members regularly participate in various youth conferences, exchange

programmes around Europe. Our organisation also organises international and local events as well such as trainings, camps, debates and all the members are used to working in an international environment. Besides the fixed working groups (International Politics, Education, PR, FR, HR) we also have several projects where our members can organise programmes in various topics.

Our organisation believes in European integration, works with volunteer students, so it is a good opportunity to become a part of this European project and now our members can stay in a foreign country for a longer term as well. We believe that Hungarian students should use their possibilities, and get their own European perspective.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

As for the Bureau Information Jeunesse and the Kinisi Ethelonton, the organisation has to organise the final surveys at the end of all the activities. Cooperating with the two previous partners, it will provide surveys and then collect the results in order to reorganise the information about the success and the coherence of the project.

P7 - NEWPARK COMPREHENSIVE SCHOOL (IRELAND)

Part A

A.1 Organisation

Partner number: P7

PIC number: 951237846

Role in the application: Partner Organisation

Full name of the organisation: Newpark Comprehensive School

Business name: Newpark Comprehensive School

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: Yes

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The Newpark School is an encouraging community in which students are provided with the chance to accomplish their goals; it supports an atmosphere for a constructive and creative learning for students of all backgrounds, ethnicities and abilities. Newpark is prominent in the preparation of its students with a balanced outlook on life, work and leisure. Newpark's comprehensive educational system offers different courses such as the Junior Certificate Programme, the Transition Year Programme, the Leaving Certificate Programme, the Leaving Certificate Applied Programme and the Leaving Certificate Vocational Programme. In 1995 it established a partnership with the French government that led to the provision of a European Section for students with a French family background or a potential for language acquisition.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

The Newpark School will be in charge of the coordination and the preparation of the workshops during the week; it will be also the mediator of the different possible debates and it will support the good implementation of the meetings: the students of Newpark School will be the group leaders during the focus groups, sharing this role with the Italian students from IIS Marie Curie.

P8 – IIS MARIE CURIE (ITALY)

Part A

A.1 Organisation

Partner number: P8

PIC number: 934215687

Role in the application: Partner Organisation

Full name of the organisation: IIS Marie Curie

Business name: IIS Marie Curie

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: No

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The “Istituto Superiore Marie Curie” was founded in 2003, drawing inspiration from the physicist Marie Curie. Despite its traditional educational approach, the school represents a new reality since it offers to its students several courses on scientific, linguistic and pedagogical subjects. The aims of the school are the promotion of innovation, the spread of scientific knowledge and the development of critical thinking by giving to its students the tools to strengthen their consciousness of the European citizenship. The school has supported many initiatives, such as contests, conferences and projects at a national and European level. The projects managed by the school in the past tackled a broad range of subjects, from the environmental questions to everyday life matters.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

The IIS Marie Curie will be in charge, as the Newpark School, of the coordination and the preparation of the workshops during the week; it will be also the mediator of the debates and it will ensure the proper realisation of the meetings: the students of IIS Marie Curie will be the group leaders (in cooperation with Irish students) during the focus groups.

P9 – LICEUL DACIA BUCAREST (ROMANIA)

Part A

A.1 Organisation

Partner number: P9

PIC number: 946578231

Role in the application: Partner Organisation

Full name of the organisation: Liceul Dacia

Business name: Liceul Dacia

Part B Organisation and activities

B.1 Structure

Status: Public

Non-profit organisation: No

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

The mission of Liceul Dacia is to provide students with an education and a training system planned to help them grow and become responsible global citizens. Moreover, the school focusses on encouraging an environment where diversity is considered a strength and differences are seen as an advantage. This is why the school participation in the project is thought as a chance for students to have an experience in a multicultural context and to become more conscious of what means being citizens of the European Union.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

Liceul Dacia will be responsible of the preparation of the different topics to be discussed during the workshops; according to its experience, it will provide the basis for the reflections during the workshops that could be useful for the realisation of an example of citizens' initiative linked to the problem of the awareness of European citizens' rights among young people. This task will be shared with English students.

P10 - OPPORTUNITY INTERNATIONAL (UNITED KINGDOM)

Part A

A.1 Organisation

Partner number: P10

PIC number: 991947090

Role in the application: Partner Organisation

Full name of the organisation: OI – OpportUNITY International

Business name: OI – OpportUNITY International

Part B Organisation and activities

B.1 Structure

Status: Private

Non-profit organisation: Yes

NGO: No

Type of organisation: Civil society organisation

B.2 Aims and activities of the organisation

1) Please provide a short presentation of your organisation (key activities, affiliations etc.) relating to the domain covered by the project. (max. 1000 characters)

OpportUNITY is a not-for-profit organisation aiming at the inspiration and support of young people. It pursued its mission by ensuring equal access to education, healthier lifestyles and stronger social cohesion. The association promotes lifelong learning through the organisation of informal activities such as sport, media and performing arts. This organisation focuses on different issues such as employment, social inclusion or gender equality in relation to the role of the performing arts. In the past years it supervised several creative projects at a national level and these initiatives have allowed civil society, in particular youngsters, to develop an independent approach of learning and creativity.

2) Please describe the role of the organisation in the project. (Max. 1000 characters)

OpportUNITY will be responsible of the preparation of the different topics to be discussed during the workshops; according to its experience, it will provide the basis for the reflections during the workshops that could be useful for the realisation of an

example of citizens' initiative linked to the problem of the awareness of European citizens' rights among young people. This task will be shared with Romanian students.

Other EU grants

Please list the projects for which the organisation, or department responsible for the management of this application has received financial support from the EU Programme during the last three years.

- “NEWomen” - Erasmus + - Strategic Partnerships in the field of youth (Key Action 2)

Please list other grant applications submitted by your organisation, or the department responsible, for this project proposal. For each grant application, please mention the EU Programme concerned and the amount requested.

- “Training for Trainers” - Erasmus + - Strategic Partnerships in the field of education, training, and youth (Key Action 2)

PART C. Description of the project

Please indicate the total duration of the project from preparation to evaluation

C.1. Timetable of the project

Start date * : 03/10/2016 End date * : 07/10/2016

C.2. Venue(s) of the activities*

The activities should take place in any of the eligible countries to the Programme

The activities set by the project will take place in Brussels (Belgium).

In particular, participants will be hosted at Meininger Hotel - Brussels (Quai du Hainaut 33 Molenbeek, 1080 Brussels), which is a former brewery transformed into a four-star hotel. This will be the meeting point for participants on the first day; after their arrival, participants will be provided with the Brussels Card to use public transports (buses and subway). The meetings and the workshops will take place at the Diamant Conference Center (80 Bd. A. Reyers LN / 1030 Brussels).

During the week, participants will visit the European Commission and then they can have an informal tour in Brussels.

C.3. Participants (Please complete for all the organization involved both applicant and partners

Partner number	Name of the organisation municipality	Country	Participant by target group (number)						Total number of participants
			Distribution by age group			Disadvantaged participants*	Women	Men	
			<30*	30-60*	>60*				
1	Lycée Emile Jacqmain	Belgium	12	2			10	4	14
2	Europski Dom Slavonski Brod	Croatia	12	2			8	6	14
3	Bureau Information	France	12	2			5	9	14
4	European School	Germany	12	2			6	8	14
5	Kinisi Ethenonton	Greece	12	2			7	7	14
6	Europai Hallgatok	Hungary	12	2			9	5	14
7	Newpark School	Ireland	12	2			4	10	14
8	IIS Marie Curie	Italy	12	2			7	7	14
9	Liceul Dacia	Romania	12	2			6	8	14
10	OpportUNITY International	United Kingdom	12	2			10	4	14
Total			120	20			72	68	140

Figure 6, Table of participants: characteristics

C.4. Short description of the project, including its aims in English, in French or in German (max 2000 characters)

The project aims at encouraging EU citizenship with a focus on EU citizens' rights, on the importance of active participation in the democratic life of the Union and on the possibility to be actively involved in the decision-making process through different opportunities such as the citizens' initiative. The project is dedicated to a precise target group: young people between the age of 15 and 20 who come from European high schools or youth associations. The project lasts five days and takes place in Brussels where ten groups are due to arrive on the 3rd October 2016. In the afternoon of the 3rd October the activities planned for the week will be presented to

participants. On the following day, participants will visit the European Commission and in the afternoon they will have a meeting with a lecturer from the DGSG about the functioning of the EU and the concept of European citizenship. On the 5th October, participants will have a meeting with a lecturer from the DGComm about the rights of European citizens and the possibility to present a citizens' initiative; in the afternoon they will realise a citizens' initiative draft with the information received during the morning. On the 6th October there will be a workshop aiming at the reflection about the idea of European citizenship and the importance of active participation in the decisional process with the realisation of a draft on the possible solutions and the desirable improvements of the EU institutions; in the afternoon there will be a final survey to test the success of the project, the presentation of the proposals realised during the morning and, finally, a multicultural party as a chance for interaction. The main reason behind the choice of this project lies in the aim of strengthening the civic and democratic participation of young people through active and direct experiences as an important element for the increase of awareness about the concept of EU citizenship.

C.5. Budget

A. Project activities

Total number of participants per event	Number of involved countries	Amount
126/150	10	30.000€
126/150	10	30.000€
126/150	10	30.000€
Subtotal		90.000€

B. Preparatory activities

Number of participants	Amount
≤ 5	2.250€
Subtotal	2.250€
Total costs (A+B)	92.250€

Figure 7, Table of budget and preparatory activities costs

PART D. Technical capacity

D.1 Experience of the project organisers in the field concerned. (max 2000 characters)

The Lycée Emile Jacqmain in Brussels has an international vocation as it encourages its students to work in groups with ‘Amnesty International’ thanks to an internal ‘station’. This high school represents a new educational reality offering to its students the chance to study following the traditional method or through pilot classes focused on scientific and linguistic subjects.

The school has already participated to European Calls choosing, each time, the programmes that were more appropriate for the school needs. Over the time the teachers and the personnel of the high school have developed their organisational and technical capacities in order to properly manage the realization of the projects.

Thanks to the previous experiences, the Lycée Emile Jacqmain has decided to make a step further and to deal with the issue of European citizenship by developing a proposal within the EU programme “Europe for Citizens”.

The participation to this programme could be a great opportunity to improve the know-how and the skills for the management of a project and to implement the school competencies in coordinating a transnational cooperation.

PART E. Project implementation and Award criteria

E.1 Consistency with the objectives of the action and of the programme

Please tick relevant box(es)

General objectives of the Programme targeted by your project:

- To contribute to citizens' understanding of the Union, its history and diversity.*
- To foster European citizenship and to improve conditions for civic and democratic participation at Union level.*

Specific aims of the Programme targeted by your project:

- Raise awareness of remembrance, common history and values and the Union's aim that is to promote peace, its values and the well-being of its peoples by stimulating debate, reflection and development of networks*
- Encourage democratic and civic participation of citizens at Union level, by developing citizens' understanding of the Union policy making-process and promoting opportunities for societal and intercultural engagement and volunteering at Union level.*

Annual priorities of the Programme targeted by your project (please don't select it if your project is not concerned by one of those priorities):

- Debate on the Future of Europe*

State how your project fits in with the objectives (general and specific), themes and features you have selected (Max. 3500 characters)*

The financial crisis of 2008 and its effects on Member States' economies, the lack of a strong Union from a political point of view and the rise of euro-sceptic movements represent the challenges that European institutions have to deal with: Europe is facing a difficult situation and Member States citizens are not completely aware of the rights linked to the *status* of European citizen.

In this context, the "Europe for citizens" programme is crucial for the strengthening of the idea of European citizenship, encouraging democratic and civic involvement and supporting the participation of citizens in the political process of the Union.

Our "Young4EU" project starts from the provisions concerning European citizenship

set in the Treaty on European Union. In particular, Article 9 states that ‘in all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions’ and Article 11(1) affirms that the institutions shall give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

In the light of this, our project fits with the general objectives of “Europe for citizens” programme as it encourages the reflection on the EU citizenship among young people who represent the future of the Union. Moreover, the project aims at increasing the participation of youngsters in the EU civic and democratic life and at reducing the divide between youngsters and EU institutions. Therefore, the fundamental strength of this project is the application of the key objectives of the “Europe for citizens” programme in a restricted environment that targets young people between 15 and 20 years old.

More in detail, the three major activities included in the project correspond to three precise objectives:

1. The visit to the European Commission shall increase the consciousness among participants of how the Union works, in order to promote a closer relation with EU institutions and to encourage their participation in the democratic and civic life of the Union.
2. The two meetings with DG lecturers and the workshop on citizens’ initiative will give participants the chance to develop the awareness about European citizens’ rights and about the possibilities to actively participate in the decisional process, such as the citizens’ initiative.
3. The final workshop will give participants the possibility of discussing the results of the activities of the week and the possibility of suggesting new solutions for the reduction of the ‘institutional divide’ that exists between EU institutions and citizens of the Union, with a focus on the importance of active citizenship.

In conclusion, the expected results of the project are a reflection on the idea of European citizenship and on the possibilities and opportunities for young people as European citizens, a stronger awareness of the functioning of the Union and a set of proposals for an improvement of the European Union and for an increased democratic participation of young people in the EU system.

E.2. Activity plan / work programme of the project (Max. 3500 characters)

- *The working methods applying within implementation of the project.*
- *The appropriateness of the activities foreseen in the work programme to reach the project's needs and objectives.*
- *The European dimension of the project.*

Our project aims at the achievement of needs and objectives required by the programme through a set of specific activities for each day of the week. The plan of action aims at the development of a critical reflection about European citizenship among young participants in the project, supporting the idea of the importance to create a stronger and cohesive Europe. The plan of activities of the week is:

1. the tour of the EU Commission represents a chance to discover directly how EU institutions work and how citizens can communicate with them in order to reduce the ‘institutional divide’;
2. the meeting with a lecturer from the DGSG will provide an explanation of the functioning of the EU and of the concept of European citizenship, giving fundamental information for the implementation of the project activities;
3. the meeting with a lecturer from the DGComm about the rights of European citizens and about the possibility to present a citizens’ initiative will provide the information for the creation of a citizens’ initiative draft during the dedicated workshop;
4. the final workshop and focus group on the idea of European citizenship and the importance of active participation will be useful for the realisation of different drafts concerning the possible solutions and the desirable improvements of the EU institutions determined by participants during the activities of the week.

In our project “Young4EU” we have tried to set a plan of activities in order to answer to the needs and the objectives of the “Europe for citizens” programme. The activities will take place in Brussels as it can be considered the political and institutional capital of the European Union. Through the method ‘learning by doing’ young participants of the project will be able to reflect on the concept of EU citizenship and to give suggestion for an institutional improvement.

The selection of participants is based on the current position of Member States facing the problems of European Union. In “Young4EU” project, we have selected those countries that present a rise of Euro-scepticism in their territory. Our choice aims at

providing the tools for a stronger cohesion among countries, the construction of a more inclusive Europe and of a more responsible future generation of EU citizens, which is the objective of Europe2020 strategy and ‘Europe for citizens’ programme.

E.3 Dissemination (Max. 3500 characters)

- *The dissemination plan foreseen by the project in order to allow an effective transfer and exchange of the expected results.*
- *How the project will create a multiplier effect among a wider audience beyond those directly involved in the project activities.*

The effects of our “Young4EU” project are thought to involve not only the direct participants, but also a wider number of young people between the age of 15-20 years, as well as the civil society. In order to achieve this, we have identified a set of instruments that will help to disseminate the impact of our project.

First, the activities and their results will be visible through the creation of a website (www.young4eu.com) that will be designed by a professional before the beginning of the project. In addition, there will be a specific section for an interactive chat: we believe that the chat could be an important tool to arouse the curiosity of the website’s visitors, especially the younger ones, and to ensure the creation of a network. The objective is, in fact, to open a debate and stimulate reflections through the use of new technological tools. Visitors of the website could use the chat to share their opinion, debate on the topics raised by the project activities and on further topics concerning the European Union that they may find interesting to discuss.

Second, through the publication of the citizens’ initiatives drafts and of the proposals for the improvement of specific topics, the visitors of the website could develop more structured projects to be presented to the Commission. Moreover, the publication of the documents realised during the workshops will be able to attract the attention of the civil society, raise awareness and encourage people to dwell on what European citizenship actually means and, at the same time, be the basis for an improvement of the EU institutional system.

Third, after the week of the project, each school and association will be in charge of the organisation of an event in its country of origin in order to involve the other boys and girls of the schools or the associations who did not have the possibility to participate. The event could be a conference, a meeting, a school assembly or a workshop,

according to the demands of the organisations. The aim of the event is to spread the results of the project and, consequently, to encourage the debate on the concept European citizenship and its values among young people and the civil society, with the ultimate intention of promoting democratic and civic participation.

E.4. Impact and Citizens involvement (Max. 3500 characters)

- *What are the expected mi/long-term effects produced by the project.*
- *How the participants will be involved in the proposed activities.*
- *Percentage of participants not involved within NGOs/Institutional or social activities before their involvement in the project.*

The identified target group for the realisation of the project involves young people between the age of 15 and 20, who come from youth associations and high schools from ten different Member States.

From a quantitative point of view, a number of 120 youngsters, with 20 adults (teachers or supervisors), will have a direct role during the week of the project. The planned activities have been chosen, however, to have also an indirect impact on more than 140 people reaching a larger audience. In order to involve a wider public, a set of additional activities has been planned to spread project results after the week of the project: the creation of a dedicated website, the upload of the drafts and the proposals realised during the workshops, and the organisation of a public events in each Partner country with the support of the school or the association that has participated in the project.

From a qualitative point of view, the expected result is the creation of a closer relation between EU institutions and young people through the promotion of a series of activities designed to stimulate a reflection on EU citizens' rights and on the possibilities to be involved in the democratic life. For this reason, participants will be asked to join in first person the project and to make a personal contribution for the good implementation of the planned activities.

During the European Commission tour participants will have the opportunity to deepen their knowledge about the Union seeing with their own eyes how it works. The realisation of a citizens' initiative draft and of proposals for European institutions, on the topics of EU citizenship and active participation, will encourage young participants to get involved in first person in a reflection about the EU political life. Finally, from the last activity, which involves participants in a workshop, the expected result aims at

developing a critical reflection on the rights of European citizens and on what can be done to ameliorate the awareness of them among Member States population, with a consequent increase in youngsters' engagement and interest at a Union level.

The medium-term effects of the project are:

- to stimulate young participants' interest and reflection through direct experience and the organisation of creative activities;
- to provide them an important chance for intercultural engagement and transnational confrontation as they come from different national backgrounds;
- to contribute to the improvement of participants' consciousness about the Union and its policy-making process;

The expected long-term effects of the project are:

- to encourage participants to feel more European;
- to promote European citizenship improving the conditions for civic and democratic participation at a Union level;
- to disseminate the results of the project through the website and the local events, reaching indirectly a wider European audience.

We have also planned to test the impact of the project by providing participants with a final survey; the aim is to test participants' knowledge after the realisation of the project and to test whether the expected results have been achieved.

PART F. Timetable of activities

Event number: 1				
Date		Type of Activity	Venue of the activity	Number of people indirectly reached
Start	End			
03/10/2016	03/10/2016	Arrival and welcome meeting	Diamant Conference Centre, Brussels	140
Content (in brief)				
<p>During the morning participants will arrive in Brussels</p> <p>15.00-17.30: Presentation of the project (plan of the activities, purposes and expected results) and preparation of the groups for the workshops</p> <p>18.00: Happy hour to give the participants the opportunity for interaction</p> <p>20.00: Dinner</p>				
Expected results				
<p>The expected result from the activity of the first day is the creation of a cohesive network among the participants in order to prepare the work for the week. The participants will share their goals, their skills, their background and their objectives linked to the expectations about the project.</p>				

Event number: 2				
Date		Type of Activity	Venue of the activity	Number of people indirectly reached
Start	End			
04/10/2016	04/10/2016	Tour at European Commission; meeting	European Commission; Diamant Conference Centre	140
Content (in brief)				
<p>9.00–15.00: European Commission Tour. Division of participants into 4 groups; each visit will be 90 minutes long.</p>				

9.00–15.00: Tour of the City of Brussels (for the groups who have already visited the Commission)

15.30-18.00: Meeting with a lecturer from the DGSG with an explanation of the functioning of the EU and of the concept of European citizenship

20.00: Dinner

Expected results

Through the tours participants will be provided with a large number of about the history and the functioning of the European Union and the Commission. The meeting with the lecturer will complete the information after the tour of the Commission and will be useful to clarify the core topic of the project that is European citizenship. Plus, these elements can represent a starting point to become more aware of complex system of the European Union.

Event number: 3

Date		Type of Activity	Venue of the activity	Number of people indirectly reached
Start	End			
05/10/2016	05/10/2016	Workshop on the citizens' initiative	Diamant Conference Centre	140

Content (in brief)

9.00-12.00: Meeting with a lecturer from the DGComm about the rights of European citizens and about the possibility to present a citizens' initiative

12.00-13.00: Preparation of the groups of the workshop: participants will be divided into 10 groups of 12 students for each one, with the identification of two leaders

13.00-15.00: Lunch pause

15.00-17.45: Workshop: realisation of a citizens' initiative draft

17.45-19.30: Presentation of the proposals (10 minutes per group)

20.00: Dinner

Expected results

Participants will be provided with the necessary information to realise a draft for a citizens' initiative. To create a draft participants should reflect about EU citizens' rights,

the possibility to create useful networks and the possibility to present an initiative: in order to prepare a draft, participants should identify the sensitive topics related to EU citizenship including then the information received during the Commission tour and the lectures. Participants will be more conscious about their rights and the possibility to realise an initiative.

Event number: 4				
Date		Type of Activity	Venue of the activity	Number of people indirectly reached
Start	End			
06/10/2016	06/10/2016	Workshop on active citizenship	Diamant Conference Centre	140
Content (in brief)				
<p>9.00-13.00: Workshop and focus group on the idea of European citizenship and the importance of active participation in the decisional process with the realisation of a draft on the possible solutions and the desirable improvements of the EU institutions</p> <p>13.00-15.00: Lunch pause</p> <p>15.00-16.00: Final survey on the activities of the project (test)</p> <p>16.00-17.30: Presentation of the drafts (10 minutes per group)</p> <p>18.00: Final multicultural party and dinner</p>				
Expected results				
<p>The final workshop should give the possibility to supply guidelines and suggestions for the improvement of the weak points of the EU system identified by youngsters. The drafts presented could be collected as useful resources for EU institutions for their internal development. The final survey will be useful to verify the achievement of the fundamental objectives and the success of the project.</p>				

Figure 8, Tables of activities

CONCLUSION

The concept of citizenship has an ancient connotation that has changed over the centuries according to the different legal orders and the political forms of governments (such as *polis*, Empire, State). Following the International Law rules, the matter of citizenship is strictly linked to the control of the State and, in particular, from the post-Second World War period there was the affirmation of the necessity of a “genuine link” between the State and its citizens, as expressed in the ICJ *Nottebohm* case.

The introduction of the European citizenship with the Treaty of Maastricht has represented an important innovation both for the European system and for the traditional concept of citizenship: thanks to this new *status* European citizens can benefit from a set of fundamental civil and social rights and they have acquired a new important role in the Union from the political point of view. European citizenship represents a point of rupture with the traditional standards that establish who are the citizens of a State: even if it is an additional *status* to Member States nationality, European citizenship does not follow the condition of territoriality due to lack of “European State” and it was born to ensure the fundamental rights set by European law.

The introduction of European citizenship has evolved the role of European citizens in the Union: in a first time in fact the European system was based on economic activities and the worker was the main subject of the Community. From 1992, the European citizen has become an important political actor of the European Union system: not only he/she could enjoy a set of fundamental rights but also, as different authors sustain, he/she could reduce the gaps of the democratic deficit of the Union through the exercise of the political rights. Then, the idea of an EU citizenship could represent an answer to the lack of identification in the European institutions and to the emergence of the sceptic movements against the project of the integration: a stronger consciousness among citizens could be a fundamental step towards the construction of an effective and more inclusive European system. The problem of non-identification in a political community (in this case Europe) develops a sense of detachment from political decision process and a sense of disaffection about the democratic life: this is a dangerous question that could delay the project of integration or, worst, lead to the abandonment of the construction of a stronger European Union from the political point of view.

The concept of European citizenship has been improved thanks to the evolution of the Treaties and the encouragements of the Parliament, that supported the complete representation of Member States citizens at the Union level. Nevertheless, the most important actor in the affirmation of the concept of European citizenship, and of the related rights, is the European Court of Justice that has applied a creative interpretation fostering the idea of a full recognition of the *status*, the role and the fundamental rights of European citizens.

In particular, the Court has developed the idea of European citizenship in three important cases. In *Micheletti* the ECJ analysed the problem of free movement and free residence affirming the predominance of the EU citizenship in the case a Member State refuses to recognize the *status* of another Member State citizen when he has a dual citizenship: Member States cannot impose limitations on the exercise of the rights established by the European Law, connected with the *status* of European citizen. In *Chen* the Court has taken a step forward in the interpretation of the right of free movement and residence affirming that European citizenship is an innovative *status* that could break the traditional standards for the acquisition of citizenship: the modern State form is in crisis and the ECJ has interpreted the EU citizenship as a possible tool for the integration of the European Union. In *Rottmann* the Court analysed the problem of the acquisition of EU citizenship and the loss of the *status* of EU citizen: in this example the Court of Justice gives its interpretation about a stateless condition, still affirming which is the role of the Court and of European law facing the national jurisdictions.

The affirmation of European citizenship has been supported also to favour the participation of citizens in the decisional process of the Union: in order to reduce the democratic deficit and the institutional divide, European institutions have encouraged the active participation of citizens in the democratic and political life of the EU; the major aim is the strengthening of the process of integration of the European area, necessary for its survival and development.

European citizens, through the exercise of the rights of free movement and free residence in the European area, can improve and strengthen the whole economic system of the Union; moreover, they can improve the process of integration participating actively in the democratic life: for this reason EU institutions have created different possibilities to support the role of political actor related to the *status* of European

citizen. One of the most important innovations in this sense was the possibility of citizens' initiative introduced in 2007 by the Treaty of Lisbon: citizens have the power to present proposals on different topics concerning everyday life or on those sensitive matters requiring an improvement and an intervention of the Union's central bodies.

However, if the citizens' initiative is a real tool for democracy and active participation of citizens in the European Union, the proposals presented to Commission in the last years have not been very successful as only a few have been adopted by the EU institution: this great opportunity risks to be underestimated and to be forsaken because of the difficulty of its implementation.

In this context the techniques of Euro-project design could represent an additional instrument to encourage democratic participation of citizens in the Union: giving citizens the possibility to propose actions in a particular subject, there could be an increase in the cooperation at an international level. The cooperation among different countries, in particular among different citizens, should increase the benefits of the European Union at economic, political or social level and should enlarge the sense of inclusion in the European system. In addition euro-project design has two major advantages: first, it is useful for citizens and different entities to propose their ideas and projects to the EU Commission, aiming at the improvement of policies; second, it is functional for European institutions that can profit of the ideas coming from different subjects of Member States to promote and create more efficient and specific measures or policies on different matters.

European citizenship, since its introduction by the Treaty of Maastricht, has transformed the traditional concept of citizenship as it broke the classical relation State-citizen presenting new standards for the definition of citizens, that is to say the main beneficiaries and the political subjects involved. At the same time, European citizenship is important as it has increased the fundamental rights for the definition of the EU citizen as an important political actor of the Union: through the exercise of his/her rights the EU citizen can support the strengthening of the European system and the improving of the process of integration. For this reason the study of European citizenship could be useful today to understand which could be the actors involved and the possible solutions for the survival and the development of the European Union.

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