

Requiem national citizenship in the context of the European Union's constitutional right?!

Valentin-Stelian BĂDESCU, Ph.D

The LUMINA University of South-East Europe
Bucharest, Romania

Associated researcher at the
Institute of Legal Research of the Romanian Academy

Lawyer, Bucharest Bar
valentinbadescu@yahoo.com



*„I swear to be loyal Romanian country and people,
to defend national rights and interests,
to observe the Constitution and laws of Romania”
(Article 20 of the Romanian Citizenship Law, no. 21/1991)*

Abstract: Romanian people, culture and nation are inseparable processes, building permanent and homeland symbols, flag, anthem, emblem, nationality, Carpathians, the Danube and the right part of Romanian culture. I was challenged to perform this action legal research related to the news of the death of close to Romanian citizenship and patriotism both in the national political struggle and, especially, law, for several reasons. First, what he had written years ago about citizenship, during the formation of modern states, sovereign, as a form of existence of a nation, appears today in the age of globalization and Europeanization, outdated, anachronistic. A man, 61, as am I, who write these lines, thinks about his own death more often than one, say, 30. I do not think necessarily physical death which the state and citizenship umbilical link between citizens and the political form of social organization with legal cover, but the spiritual joining the souls of men and vibrate when, honestly sung the national anthem.

Keywords: citizenship; nation; state; country; patriotism; European citizenship; constitutional law; European Union law.

Argumentum

Requiem is known, is a religious service for the departed soul. Many composers have tried to extract Requiem church canon and deliver music to the world. In fact, caring for souls who went close not only to the priests and not only manifested in the church. In general, the composers took the Latin text and the classic structure of the service by adding them to music. If the church is only a potentiated music mystical meanings of words, outside the church, the kingdom of music, the ratio changes. Outside the church, found composers to write music or words above measure - there are passages in the Requiem sites that make you wonder if words are just an occasion for music, for truth is more of them [1]. The title comes from the first words of religious ceremony: "*Requiem aeternam dona eis, Domine*" (Rest in peace and them, God), "requiem" is the accusative form of the noun "Requiem" which means rest and gave later, "recreation".

I was challenged in conducting this research approach closely related legal news of the death of Romanian citizenship and national patriotism both in the political struggle and, especially, law, for several reasons. First, what you wrote years ago about citizenship during formation of modern states, sovereign form of existence as a nation, appears today in the age of Europeanization and globalization, outdated, anachronistic. A man, 60 years old, as I, who write these lines, thinks about his own death more often than one, say, 30. I do not think necessarily physical death which the state and citizenship umbilical link between citizens and the political form of social organization with legal cover, but the spiritual joining the souls of men and vibrate when honestly sings national anthem.

In this article there are moments that are rather reflections of the intellectual to the idea of death and dying in his state in particular. These are times when prayer interrogation mix to strengthen faith. Not only because, after all, each of us lost a loved one at a time and often thinks that soul, but because in the footsteps of every thought is lost and in the shadow of thought to our own loss, with all his anxiety. About this sentiment (or whatever else it be) I speak now.

In Requiem our citizenship comes from the depths, as a serious vibration of the strings of the heart and go towards the light, towards the final release by human voice. It is, in fact, the route that we all want for our souls and the souls of those who come after us. I cannot describe my citizenship Requiem, but I think the Italians, French or any European think alike, without disturbing force of a genius, what happens to us, meaning "we", the amount of those who left, those we are here and those to come. I think my voice is not unique and I would like to draw your attention to a sense of a Romanian Christian for membership in this millennial generation is an illustration of the sublime, one of the most beautiful experiences, however, one of the most uplifting feelings experienced by me, ever.

Romanian citizenship law, European Union law and international law, as we try to address briefly in our study is part of a long tradition as other precepts in the three monotheistic religions, Judaism since, with the Abrahamice religions Christianity and Islam form of divine revelation and compelling books these religions are similar but some differences as we try to develop further, starting even with the genesis and definition of citizenship.

1. About Citizenship

During the latter, citizenship is the leitmotif of human rights issues, which is the natural course of their implementation consistent. But not once used against his vocation presumed, sometimes came to play an ideological instrument when not direct legal, political interests justifying and encouraging, albeit indirect moral models, the opposite in fact sheet genuine humanistic values. However, only the latter coagulated human nature, whose philosophical foundation implies the idea of natural law.

Slipping estranged from the talk - you go through its own postmodernism - is one of political and legal practice, to the extent that one is first mentality axiological-obfuscation, marking a value relativism social effects of entropy [2].

However the approach is likely to be redundant with respect to procurement enshrined in knowledge and understanding of citizenship issues, we first make some, though limited, considerations on the genesis of citizenship and the state as a historical phenomenon objective against which arose in political and philosophical field of legal thinking, the idea of citizenship. We will thus act reductionist superposition of both frameworks, thus avoiding a careful look at all, but interested in serving ideological pressure on the idea of citizenship, thus constrained to a deflection reified its defining axiological status. Let us inquire, therefore, in a manner seemingly rhetoric, which is itself citizenship? Does she reified status, working in the given register, the phenomenon or somehow the other extreme and sometimes she accepted a empire [3] historical and universalist. Of course, the above question received in the field of legal knowledge expected answers. We still we remind here - to illustrate the thesis set out in the notes to the topic - some of those clarifications accents. Thus, it was recognized that a prerequisite for membership in the population of a state is legal bond (*vinculum juris*) the nationality of a group of individuals living in a given territory and public power that exerts its power over that territory attributes [4].

Citizenship. Words used often incomprehensible to most. That Bible illiterate called DEX, says that citizenship is: 1. *legal condition of citizen, citizen situation. Nationality. (~ A person.)* 2. *Synonyms citizens sf, art. citizens, G.-D. art. citizenship; pl. citizens, 2. As a legal citizen; quality of being a citizen.* 3. *Giving ~. A gain-Double-condition of being a citizen of two countries,* indicating the origin of the word in Latin branch

of the civitas, which suggest the idea of fortress, fortification, meaning assigned state primary stages of its existence. Subsequently meaning was extended to citizens.

In a world that has learned that originality is only good in the modern sense, the concept of citizen was first used in the French Declaration of Rights of Man and Citizen of 1789. This Statement introduced contemporary notion of citizenship liquidating Obedience, legend - a person's active participation in political life, providing citizens with a set of rights and obligations, and the state with a set of obligations to citizens. Although the term citizenship legislation has existed since 1795, it began to be established only in 1948. Consistent individual citizen is receiving citizenship term used with other meanings more or less restricted: individual, national, subject, active citizen. Currently, most constitutions and laws use the term to refer to this affiliation citizenship. Initially, citizenship was designated by the term nationality can be met within that today the French Constitution (1958), in Article 34 [5].

In legal doctrine, one of the most controversial issues about the nature of citizenship is the legal position. Citizenship is a legal affiliation of an individual to a state, and which are related to citizenship rules apply as far as possible to legal persons. Citizenship occurs in two ways: as a political institution in the right objective and as a legal condition (status) in the subjective right. In this sense, citizenship can be regarded as personal status, a tacit agreement synallagmatic, a unilateral act of power, a legal situation, a contractual relationship, a legal relationship, part of a person's marital status, etc.

In the first sense, citizenship is a set of legal rules governing social relations grouped around the need to ensure the fullness of rights and obligations under the Constitution and laws of those persons who, through their feelings and interests are closely intertwined destinies State. Being a complex matter, is an institution of constitutional law as an expression of political sovereignty. Under the sovereignty of the State establishes the legal status of its citizens and only citizens have the right to participate in execution of power in the institutionalized forms of direct democracy (suffrage, referendum, popular initiative) or of representative democracy

In the second sense, it focuses on the idea of law subject whose legal position within certain ratios characterize and only here speak of a person's citizenship (The acquisition and loss of nationality). By some concluding statements should specify that the concept of citizenship has many connotations legal, depending on the nature of legal relations that occur: relations of international law, European Union law relationships, relationships Romanian constitutional law, administrative law relations, relationships and family law. Thus, the complex, synthesis, the legal concept of citizenship is generated by the multitude and nature of these branches of law which gives specific legal status and coverage by integrating into a single unit features prints them what the various branches of law, European and international level. So it is the legal regulation of Romanian citizenship.

2. The legal regime of Romanian citizenship

Romanian citizenship is a part, intrinsic legal capacity of person, because only one who has Romanian citizenship is recognized and protected all the rights and freedoms stipulated by Romanian law - "that is general legal capacity". Legal capacity is the premise of acquiring the status of a subject of rights and obligations in any legal relationship. It consists of the ability to use and exercise capacity and it appears that differ from one branch to another law according to state interests or specific regulatory objectives of the branch. For example, traditionally, in public law, where Parliament is bicameral, one of the rooms is considered "Upper House" and the Senate. For this reason, the legal capacity to be elected senator is aged 33 years (formerly of revision age was 35 years) and the Chamber of Deputies minimum age is 23 years. It can be concluded that the legal nature of Romanian citizenship is that it is an element of general legal capacity of the individual.

Regarding the legal status of Romanian citizenship will show that the legal rules governing the acquisition and loss of nationality are rules of constitutional law. Also, the legal rules that define the scope of rights, freedoms and duties arising from the status of Romanian citizen are all rules of constitutional law. Analyzing these legal norms we find that some are found in the Romanian Constitution - art. 5, 17, 19 in the citizenship law no. 21/1991 with subsequent amendments, or European Convention on Nationality, adopted in Strasbourg on 6 November 1997 and ratified by the Romanian Parliament by Law no. 396/2002, act of international law as part of domestic law under Art. 11 (2) of the Constitution etc.

Roman laws regarding citizenship were taken into consideration Romanian reality, historical traditions, psychology individuals belonging to the country of origin, the Romanian homeland. Even those ethnic groups that are on national minorities in Romania and Romanian nationals have faith and fulfillment of belonging to the Romanian homeland. They continued to last in the Romanian space, and when they went to other countries, most nostalgic return to their country of birth. Romanian Citizenship Law no. 21/1991, is based *Jus sanguinis*, with only one element of *jus soli* for children whose parents are unknown, born in Romania. In this case, unable to determine whether the child was conceived by at least one Romanian citizen, he is considered Romanian citizen until proven otherwise [6].

3. Principles of Romanian citizenship

The analysis of legal rules that form the legal institution of citizenship can be identified several principles of Romanian citizenship. These are:

A. Only Romanian citizens are holders of all rights provided by the Constitution and laws. The analysis of this principle is clear that foreigners and stateless persons not equally enjoy these rights and freedoms as Romanian citizens who have full rights and freedoms that an individual may have in the Romanian space. This difference has its foundation in legal ties, political and moral state full of Roman citizen, in the feeling each of the two state-citizen subjects as the other one owes loyalty, protection, guarantee fidelity. Should not be generalized because there is nothing but Romanian citizens residing abroad and who, according to art. 17 of the Romanian Constitution are not required to perform those duties that are incompatible with their absence from the country. The group of these rights is included:

- the right to vote and to be elected representative bodies. These rights are eminently political rights only belong exclusively to citizens;

- the right to reside in Romania and to move freely within that territory;

- the right to be owner of land in Romania. We have to mention that according to the Law for the revision of the current Constitution, foreign citizens and stateless persons may acquire the right of private ownership of land under the terms resulting from Romania's accession to the European Union and other international treaties to which Romania is a party, on the basis of reciprocity, as provided by organic law and the legal inheritance (Article 44 paragraph 2). It is a constitutional optical obvious change in Western European democratic principles on the free movement of capital, one of the four fundamental freedoms of the EU Common Market.

- the right to be employed in any capacity for which fulfills the conditions required by law. For public office or dignity, civil or military, it requires that individuals have only Romanian citizenship and residence in the country (Article 16 paragraph 3 of the Constitution). Revision of the Constitution Act amended this paragraph, in that it removed the condition of having only Romanian citizenship for holding a public office or dignity because, given the country's integration into the family big modern democracy was not justified interdiction of these functions by Romanian citizens who have a different nationality, usually the countries of the European civilization. It introduced a new paragraph of this article, which states that Romania's accession to the European Union, EU citizens who meet the requirements of the organic law have the right to elect and be elected in local public administration authorities (Article 16, paragraph 4). This paragraph enshrine a right belonging to citizens of the European Union, closely linked to the development of democracy at the level of the administrative-territorial basis, justified against those who, under the conditions stipulated by the organic law, results that were integrated into the social and economic life local communities.

- the right not to be extradited or expelled from Romania. Romanian citizen can not be extradited to a foreign state request for tracking or trial in a criminal case or in the execution of the sentence. He also can not be expelled from Romania. However, the revision of the Constitution Act introduced a new paragraph, paragraph 2 of Article 19, which regulates that, notwithstanding the provisions of paragraph 1 Romanian citizens can be extradited under international conventions to which Romania is a party, in law and on the basis of reciprocity. Create a space legal certainty within the European Union, as well as the fight against terrorism, drug trafficking, women and children in general international crime, I suppose, in terms agreed by international treaties, the possibility of extradition of a citizen who participated to such offenses. For this purpose to introduce this paragraph, considering that by their specific, such offenses require, necessarily, investigation and prosecution of all participants, regardless of nationality, within a single jurisdiction. No

applicable law. 302/2004, amended by Law no. 222/2008 (which is based in Tampere Framework Decision on cooperation in criminal matters and execution of the European arrest warrant under which Romanian citizens can be extradited. The law was passed in pursuance of the obligation of implementing Romania aquis- Europe's result and obligations under the Treaty of European Union accession of Romania and Bulgaria.

- the right to be protected diplomatically when they are abroad. Romanian citizenship involves the Romanian state obligation to protect its citizens when they, being abroad - temporary or resident - also need help against the violation of their rights.

B. Only citizens are held to meet all the obligations established by the Constitution and laws of the country. Romanian citizen, holder of rights and freedoms, is both obliged to fulfill the duties stipulated by the Constitution and laws of the country. This is all the more as Romanian citizenship involves civic responsibility.

According to this principle, some obligations stipulated by the Constitution and laws belong exclusively to Romanian citizens, as only they can hold all rights and obligations. People who have this quality are not held to perform certain duties, only incumbent Romanian citizens solely responsible for economic and social development of Romania, to defend the independence, sovereignty and integrity. These obligations are:

a) the obligation of fidelity to the country;

b) the obligation of military service by men. The text of the new Constitution no longer provides this obligation. Bring to load the organic law establishing the conditions for doing military duties that will return all Romanian citizens, men and women. We are in the presence of a constitutional text supple, allowing regulation of military duties depending on the alliances that Romania will become part of military training and requirements in such a context.

c) the duty to defend the homeland.

C. Romanian citizens feel equal in rights and duties, regardless of race, nationality, ethnic origin, language, religion, sex, political affiliation, wealth or social origin and irrespective of how they acquired citizenship.

D. Citizenship is exclusively a matter of state. This principle emerges most clearly from constitutional and legal provisions according to which the determination of rights and duties of Romanian citizens, ways of acquiring and losing the Romanian citizenship is a prerogative of the state.

E. Marriage produces no legal effect on the citizenship of spouses. About this principle we will deal in detail in the next section.

This is, briefly, as was traditional Romanian citizenship family and traditional marriage or other important institutions of the Romanian law. Only quite recently, very close to nowadays, about history, emerged and European citizenship. What is EU citizenship?

4. About European citizenship

Nothing new under the sun, as Ecclesiastes says or variations on the same theme as supporting musicians! Citizenship of the European Union (EU) was introduced by the Treaty of Maastricht (signed in 1992, entered into force in 1993). The European citizenship complements national citizenship and confers rights such as the right to vote in European elections, freedom of movement and the right to consular protection from embassies of other EU countries.

Any national of a Member State of the European Union (EU) is a European citizen. In this respect, EU citizenship complements national citizenship, but not replace it. As part of the Treaty on European Union, EU citizenship confers nationals of Member States a series of rights. These include the right to refer to the European Ombudsman, the right to initiate legislative proposals (ECI), the right to vote and stand in local and European elections. Also, Union citizens enjoy freedom of movement and residence within the EU, as well as diplomatic and consular protection outside the Union from any Member State.

The concept of European citizenship as a distinct concept was first introduced by the Maastricht Treaty, and has been extended by the Treaty of Amsterdam. Before the Maastricht Treaty in 1992, the European Community treaties provide guarantees on the free movement of persons economically active, but not for others. Treaty of Paris of 1951, which set up the European Coal and Steel Community, established freedom of movement for workers in these industries, and the Treaty of Rome in 1957 introduced the right to

free movement of workers and services. Historically, the main advantages of being a citizen of an EU country has the right to free movement between Member States. However, with the creation of European citizenship, have emerged and certain political rights. Treaty on the Functioning of the European Union provides that citizens are "*directly represented at Union level in the European Parliament*" and "*participate in the democratic life of the Union*" (Treaty on European Union, Title II, Art. 10). Are given in particular the following rights:

- *vote in the European elections*: the right to vote and stand for election to the European Parliament in any EU Member State (Article 22)

- *voting in municipal elections*: the right to vote and stand in local elections in an EU country other than the State of nationality (Article 22)

- *European access to government documents*: the right of access to European Parliament, Council and Commission documents (Article 15)

- *petitions to Parliament and Ombudsman*: the right to petition the European Parliament and the right to appeal to the European Ombudsmen to bring attention to cases of maladministration in the Union institutions and bodies, except legal bodies (Article 24)

- *language rights*: the right to address and to call on the EU institutions in one of the official languages and to receive an answer in the same language (Article 24)

- *the right to move and reside*: a right to move and reside freely within the Union and the right to work in any position (including national public services, except those public sector jobs involving the exercise of powers conferred by public law and protect the general interests of national and local authorities (Article 21), but for which there is no single definition).

- *freedom from discrimination based on citizenship*: the right not to be discriminated against on grounds of nationality within the scope of the Treaty (Article 18)

- *right to consular protection*: the right to protection by the consular authorities of other Member States, when in a non-EU state there is a European citizen diplomatic authority (Article 23): this is because not all Member States maintain embassies in every country in the world.

5. Evolution of the concept of citizenship of the European Union

5.1 Maastricht Treaty (TEU). The first regulation on Union citizenship [7] was introduced by the TEU (Maastricht Treaty) under the ECT (Part II, art. 17 to 22, TEU) which states that "the Union shall establish a citizenship and then specification, Union citizen is any person holding the nationality of a Member State". EU citizenship complements national citizenship without its substitute, making it possible to exercise some of the rights of Union citizens on the territory of the Member State of residence (and not only in the country of origin, as specified above TEU) [8]. Therefore: a) is necessary and sufficient for a person to be nationals of a Member State to benefit from EU citizenship; b) citizenship of the Union shall complement and add to the citizens.

A declaration annexed to the Treaty on European Union (TEU) states that, „*nationality of a Member State shall be determined solely by reference to the national legislation of that Member State*”. Therefore, each Member State to indicate which persons are its citizens. By this treaty the European Union shall respect fundamental rights, as they are guaranteed by the European Convention on Human Rights and result from the constitutional traditions common to the Member States, as general principles of Community law (Art. 6 para. 2). The TEU establishes the following categories of rights for EU citizens, complementary to national citizenship, which strengthens the protection of their interests: 1. every citizen of the Union has the right to move and settle freely in Member States 3 (art. 18 TEC); 2. any citizen of the Union residing in a Member State who is not a citizen shall have the right to vote and to be elected in local elections in the Member State in which he resides, under the same conditions as nationals of that State (art. 19 TEC); 3. any citizen of the Union shall enjoy the protection of the diplomatic and consular authorities of any Member State within the territory of a third State, the Member State to which it belongs as a citizen is not represented, under the same conditions as nationals of that State (art. 20 TEC) [9]; 4. every citizen has the right to petition the European Parliament (Art. 21 TEC); 5. any citizen of the Union may apply to the European Ombudsman to examine cases of maladministration by the Community institutions and bodies / union (art. 21 TEC); 6. any citizen of the Union may write to any institution or body of the Community / Union in one of the languages mentioned in the Treaty 5, and his answer in the same language. Council has the right, ruling unanimously, after

consulting Parliament, to adopt new provisions aimed at completing the above rights. Provisions recommended for adoption by the Member States shall be adopted according to their constitutional rules [10].

5.2 The Treaty of Amsterdam. The Treaty of Amsterdam (signed in 1997, entered into force in 1999), as a guarantee of recognition Union citizenship, reaffirms that the European Union is founded on the principles of liberty, respect fundamental rights and freedoms, and the rule of law principles common to all Member States; respect for human rights as a condition of membership of a State of the Union (Art. 49 TEU). These principles form at the same time, the common heritage of values set by statute and of the Council of Europe European Convention on Human Rights [11]. Also, TA provides that the Union respects fundamental rights as guaranteed by the European Convention on Human Rights, signed in Rome in 1950, and the results from the constitutional traditions common to the Member States as general principles of EU law. As a complement to EU citizens' rights provided by the TEU, recognizing them through TA, right to information. So any European citizen and any natural or legal person, having its registered office in a Member State has the right of access to European Parliament, Council of the European Union, within the rationale of public or private interest (art. 21 paragraphs 3 TEC).

In this context concerns, between the year of signature and entry into force of TA, respectively, in 1998, the European Commission set up an information service "Europe Direct" to inform citizens about the opportunities and rights conferred by citizenship European [12]. By TA establish a security policy on compliance by Member States fundamentale8 rights, establishing penalties for infringement of these rights, so that if a member state of the European Union and seriously violates the principles underlying persistent Union, the Council may decide to suspend certain rights resulting from the application of this Treaty (TEU amended by TA) to the Member State concerned, including the right to vote in the Council of the representative of the government of that Member State (Art. 7 TEU).

The Preamble TEU, as amended by TA, Member States confirmed attachment to fundamental social rights as defined in the European Social Charter of 1961, revised in 1996 [13], Community Charter of Fundamental Social Rights of Workers 1989 [14]. This book is regarded as a political tool, whose aim is to guarantee certain social rights, such as those related to employment, training and equal opportunities. The Member States of the European Union fundamental rights are respected and democratic values as set out in both the domestic fundamental rules (constitutions) and the rules of international law, namely, the conventions to which they are parties, for example [15]: 1. Convention HR (1950); 2. Universal Declaration of Human Rights (1948) [16]; 3. European Social Charter (1961, revised 1996); 4. Community Charter of Fundamental Social Rights of Workers (1996).

5.3 The Treaty of Nice. Union's commitment to fundamental rights and democratic values enshrined in those Conventions was reaffirmed officially on 7 December 2000, when it was officially proclaimed the European Union Charter of Fundamental Rights of the European Parliament, the Council and the Commission at the Intergovernmental Conference (IGC) on the Treaty of Nice. The Charter was adapted on 12 December 2007 in Strasbourg (one day before it signed the Treaty of Lisbon). All the above provisions, their entry into force, were followed by directives, most of them already transposed into the legal systems of the Member States, which have significantly influenced important areas of European legal and political life [17].

5.4 Citizenship of the Union under the Treaty of Lisbon. Currently, according to the Lisbon Treaty, EU citizenship is governed by the following provisions: 1. Title II TEU newly entitled "Provisions on democratic principles" (art. 9 to 11 TEU); 2. The second part, entitled "Non-discrimination and citizenship of the Union" (Art. 20-22 TFEU) and of art. 15 par. 3 TFEU; 3. Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted on 12 December 2007 in Strasbourg, because according to art. 6 TEU - new paragraph. 1 "Charter has the same legal value as the Treaties", achieving the legal force of primary legislation of EU law. 4. European Convention on Human Rights and Fundamental Freedoms because, according to art. 6 para. Two new TEU, the Union shall accede to the Convention.

5.5 EU citizenship under the Treaty on European Union, as amended by the Treaty of Lisbon. In Title II TEU newly entitled "Provisions on democratic principles" are set out principles on which the Union is founded and which respects and that directly EU citizens, as follows:

a) **the principle of equality of EU citizens**, according to which citizens receive equal attention from its institutions, bodies, offices and agencies. Union citizen is any person holding the nationality of a Member State. Citizenship of the Union shall be additional to national citizenship, not replace it (art. 9 TEU new);

b) **representative democracy**, according to which citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and the Council by their governments, which, in turn, be responsible democratic national parliaments, or to their citizens (art. 10 TEU new). According to the principle of representative democracy, EU citizens have the following privileges:

- *every citizen has the right to participate in the democratic life of the Union*. Decisions are taken as openly and at a level as close as possible to the citizens (art. 10 para. 3);

- *aims to forming European political awareness and expressing the will of Union citizens* by contributing to political parties at European level (Art. 10 para. 4);

- *citizens and representative associations are given the opportunity the institutions to make their views known and to exchange opinions publicly* in all areas of Union action (art. 11 para. 1);

- *at the initiative of at least one million citizens who are nationals of a significant number of Member States, the Commission may be invited to submit, within its powers, an appropriate proposal on matters where citizens consider that a legal act is required the Union*, the application of treaties (Art. 11 para. 4) [18]. EU citizens are directly involved in the life of the Union by their representation in national parliaments actively participating in "the life of the Union".

Therefore, representative democracy is highlighted and active contribution of national parliaments to the functioning of the Union, as follows:

a) through being informed by the Union institutions and receive notifications of draft legislative acts of the Union in accordance with the Protocol on the role of national parliaments in the European Union;

b) the principle of subsidiarity in accordance with the procedures laid down in the Protocol on subsidiarity and proportionality;

c) participation, in the area of freedom, security and justice, in the evaluation mechanisms of the implementation of EU policies in this area;

d) by taking part in the revision procedures of the Treaties (in accordance with Art. 48 TEU new);

e) by being notified of applications for accession to the EU (according to Art. 49 TEU new);

f) by taking part in the inter-parliamentary cooperation between national parliaments and the European Parliament (in accordance with the Protocol on the role of national parliaments in the EU).

5.6 "Non-discrimination and citizenship of the Union", the Treaty on the Functioning of the European Union. Lisbon Treaty added to Title II of the TFEU (ex Title II, TCE, entitled "Citizenship") and the term "discrimination" that directly Union citizenship. The scope of the Treaties, the Union:

a) prohibits any discrimination on grounds of nationality (Art. 18 para. 1 TFEU);

b) may be adopted by the European Parliament and the Council, rules designed to prohibit such discrimination in accordance with the ordinary legislative procedure (Art. 18 para. 2 TFEU);

c) may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the Council, acting unanimously in accordance with a special legislative procedure and with the approval of Parliament (Art. 19 TFEU). Union citizens' rights established by the TEU (introduced TEC), and subsequent TA, are reproduced with certain developments in the Treaty of Lisbon. Please note that EU law / community does not provide its own system of awarding Union citizenship, it follows automatically from the nationality of a Member State. Union citizenship does not replace national citizenship is added to it (art. 20 para. 1 TFEU). Moreover, EU citizens have rights evolutiv¹⁹ character as the Council may adopt provisions aim to complement rights (acting unanimously in compliance with a special legislative procedure and with the approval of Parliament). Completing rights provisions shall enter into force only after being approved by Member States in accordance with their respective constitutional requirements (Art. 25 TFEU) [19].

In addition to the obligations laid down in the Treaties, Union citizens enjoy, among other things:

a) *the right to move and reside freely within the territory of the Member States*. This right shall be exercised subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give it effect (art. 20 par. 2 a TFEU). If action by the Union should prove necessary to attain this objective and the Treaties have not provided the necessary powers in this respect, the European Parliament and the Council, acting unanimously with the ordinary legislative procedure, may adopt provisions to facilitate the exercise of those rights. In order to exercise the right to move and reside freely within the Member States and if the Treaties have not provided the necessary powers in this respect, the Council (acting in accordance with a special legislative procedure) may adopt measures concerning social security and protection social (Art. 21 TFEU).

b) *the right to elect and be elected* concerns every citizen residing in a Member State and who is a citizen of it. This right has two aspects: local elections and elections to the European Parliament:

- the right to vote and to be elected in local elections (municipality) in the Member State where he resides, under the same conditions as nationals of that State (art. 20 par. 2 letter b TFEU). This right shall be exercised under the conditions adopted by the Council (acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament); Those rules (eg directives adopted by the Council) may provide for derogations where specific problems of a Member State so warrants. - The right to vote and to be elected Committee²⁰ Parliament elections in the Member State where he resides, under the same conditions as nationals of that State. This right shall be exercised:

- without prejudice to art. 223 para. 1 TFEU and the provisions adopted for its implementation;

- the conditions adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; Those rules (eg directives adopted by the Council) may provide for derogations where specific provisions of a Member State so warrants. Implementing rules derogatory nature, illustrate:

- Directive 93/109 / C of the Council of 06. 12. 1993 establishes the principles for the exercise of the right to participate in elections to the European Parliament freedom to choose between receiving State and State of nationality and equal treatment national citizens; a derogation where the proportion of Union citizens voting is over 20% of national citizens entitled to vote; in this case, that State may impose as a condition for non-national term residence 5 years to vote and 10 years to be eligible; this exemption applies only to Luxembourg [20];

- Directive 94/80 / EC of 19.12.1994²⁴ provides the same principles and possible exemptions for participation in municipal elections; also, it allows Member States to reserve some functions nationals in municipal executives and prohibit nationals participating in elections or choosing one of the parliamentary assemblies (for bicameral parliaments).

c) *the right to enjoy, in the territory of a Member State countries whose nationals are not represented, to protection by the diplomatic or consular authorities of any Member State under the same conditions as nationals of that State*. Member States shall take the necessary and international negotiations required to secure this protection.

The Council, acting unanimously with a special legislative procedure and after consulting the European Parliament, may adopt directives establishing the coordination and cooperation measures necessary to facilitate such protection (art. 20 par. 1 letter c and 23 TFEU). In this sense, was adopted by Council Decision 95/533 / EC of 1995 on the protection of EU citizens by diplomatic and consular representations. Diplomatic and consular protection is granted in case of death, accident or serious illness, arrest or detention, assistance to victims of violence, support and repatriation of EU citizens in need, with the agreement of the concerned citizen and reimbursement of expenses by him incurred. Diplomatic or Consular Assistance by an embassy or consulate of another State requires the consent of the State of residence, according to international law. This problem can be solved on the basis of negotiations, agreements of the Union, on the one hand and on the other Member States with third countries, a problem that has not been addressed so far [21].

d) *the right to petition* the European Parliament, to the European Ombudsman (according to Art. 288 TFEU) and *the right to address the institutions and advisory bodies of the Union* in any of the Treaty languages and to obtain a reply in the same limbă³⁰ (Article . 20 para. 1 d and 24 TFEU). Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State has the right to address, individually or in association with other citizens or other persons, a petition on a matter related to the activities of the Union and who are directly concerned (Art. 227 TFEU).

e) *the right to submit a citizens' initiative* within the meaning of art. 11 TEU, including the minimum number of Member States from which citizens must come presenting such an initiative (Art. 24 TFEU). Citizens' Initiative is "a legislative initiative" that, according to art. 11 TEU propose EU citizens on matters where they consider it necessary for a legal act of the Union, for implementing the Treaties. Article 11 TEU takes into account both the number of citizens and the number of states that "at least one million citizens who are nationals of a significant number of states". To implement such an initiative it requires adoption of a legislative act detailing procedures for application of the provision [22]. The provisions for the procedures and conditions required for such initiatives are adopted by Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure (Art. 24 TFEU).

f) *the right of access to documents of the institutions, bodies, offices and agencies*, regardless of the medium in which these documents are subject to the principles and conditions set by art. 15 para. 1 TFEU. The right of access of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State.

Regarding the general principles and limitations (conditions) established by art. 15 TFEU, which, for reasons of public or private interest governing this right of access to documents, these regulations are established by the Council, acting in accordance with the ordinary legislative procedure (Art. 15 TFEU). Each institution, body, office or agency shall ensure transparency in their work and shall, in its rules of procedure specific provisions regarding access to its documents, according to regulations established by the Council. Publication of documents on legislative procedures is provided by the European Parliament and the Council, as provided by regulations adopted by the Council.

5.7 Charter of Fundamental Rights of the European Union. Charter of Fundamental Rights of the European Union was solemnly adopted on 7 December 2000 (the IGC) in Nice, was then adjusted to 12 December 2007 in Strasbourg, because then the Lisbon Treaty (entered into force 1 December 2009), to provide that "the Union recognizes the rights, freedoms and principles set out in the Charter" and that "it has the same legal value as the Treaties", according to art. 6 para. 1 TEU, but shall not include in the treaty text of the Charter.

The book includes, in a single text, all the social, economic, civil and political that can benefit all European citizens. These rights are divided into six main chapters:

Chapter I, Dignity (including articles relating to human dignity, right to life, right to integrity, prohibition of torture and inhuman or degrading treatment or punishment, prohibition of slavery and forced labor);

Chapter II, Freedoms (includes articles on: the right to liberty and security, respect for private and family life, personal data protection, the right to marry and right to found a family, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association, freedom of the arts and sciences, right to education, freedom of choice of occupation and employment rights, freedom to conduct business, ownership, asylum, protection of the likelihood displacement, expulsion or extradition);

Chapter III Equality (includes articles on: equality before the law, non-discrimination, cultural, religious and linguistic diversity, equality between men and women, children's rights, the rights of the elderly, people with disabilities integrity);

Chapter IV Solidarity (includes articles on: the right of workers to information and consultation within undertakings, the right to negotiation and collective action, the right of access to placement services, protection against unjustified dismissal, equal and fair working conditions, prohibition of child labor and protection of young people at work, family life and professional, social security and social assistance, health care, access to services of general economic interest, consumer protection);

Chapter V Civil rights (including articles on:

right to vote and stand in elections to the European Parliament, the right to vote and run in municipal elections, the right to good administration, access to documents, Ombudsman, freedom of movement and of residence and diplomatic protection consular);

Chapter VI, Justice (includes articles on: the right to effective remedy and to a fair trial, presumption of innocence and right of defense, principles of legality and proportionality of criminal offenses and penalties, the right not to be tried and punished by two or in criminal proceedings for the same offense);

Chapter VII General provisions (including articles regarding: the scope, the scope of the rights guaranteed level of protection, prohibition of abuse of rights).

Charter of Fundamental Rights has its origins in the European Convention on Human Rights. It is presented as a true compendium of rights of citizens Uniunii³³, covering both fundamental rights and freedoms contained in general in the European Convention, but also social, inspired by the European Social Charter adopted by the Council of Europe and "new rights" which take the evolution of European societies in various fields such as bioethics, the environment and children's rights [23].

In this sense, the Charter reaffirms in its preamble, with the powers and tasks of the Union and the principle of subsidiary, the rights arising mainly: - from the constitutional traditions; - international obligations common to the Member States; - the European Convention on Human Rights and Fundamental Freedoms; - the Social Charters adopted by the Union and the Council of Europe; - the Court of Justice of the European Union and the European Court of Human Rights [24].

5.8 European Convention for the Protection of Human Rights and Fundamental Freedoms.

European Convention for the Protection of Human Rights and Freedoms fundamentale³⁵ is known as the European Convention on Human Rights. The Convention is a catalog of fundamental rights, developed by the Council of Europe on 4.11.1950 in Rome. Settlement of violations of the rights guaranteed by the Convention and its annexed Protocols, to the exclusion of any other right, from the Member States of the Council of Europe, the competence of the European Court of Human Rights - ECHR.

The Union shall accede to the European Convention on Human Rights and Fundamental Freedoms. Accession to the Convention does not alter the Union's competences as defined in the Treaties (Art. 6 para. 2 TEU). Fundamental rights, as guaranteed by the Convention, and as they result from the constitutional traditions common to the Member States, as general principles of EU law (Art. 6 § 3 TEU).

Giving legal force of the EU Charter of Fundamental Rights, adopted on 7 December 2000 in Nice, adapted by the European Council on 12 December 2007 in Strasbourg, strengthens the confidence of citizens of the Member States - by recognizing the rights, freedoms and principles - the powers that Union citizenship European has developed since the Maastricht Treaty in 1993. to support this concern, to strengthen the rights of EU citizens, the Union accedes, the Treaty of Lisbon, the European Convention on Human Rights and fundamental Freedoms document legal importance [25], which makes these rights, the foundation of European Union citizenship.

Conclusions

When I am as happy as words that come to mind whenever a talk about European citizenship, in my opinion the greatest illusion of the world at this time, I will write an article about it. Until then, to explain why I was simply hard to write, I invite you to reflect with me and you, my readers and judges!

First, that right is, despite appearances sometimes invoked one of the most complex areas and forms of human knowledge and therefore the most difficult and specific investigation, as far as its leading role in organizing and providing social development. Indeed, he is among the few cases in which science, technology and art joins coexist, intersect and combine in a single equation, yielding three interrelated color but retains specific search, identification, expression and expression of Savoie's (legal) doctrine, case law and the science of law [26].

Then, major legislative reforms, such as those known to Romania in recent decades by recoding private law and criminal law, EU law for accession receiving and integrating European Union-globalization phenomenon and expression of requirements, including legal, appropriate reactions involving plan theory and practice of law. They require the perception and expression of the impact theory, adoption and deployment of a complex scientific investigation, lasting but indispensable, to guide the subsequent process of developing and perfecting the law, including in the sensitive area of citizenship.

The first refers to the gradual formulation of the new doctrine, designed to provide the necessary theoretical explanations of the new legislative complex, as a prerequisite absolutely indispensable to understanding and explaining appropriate in letter and spirit, new legal texts. Likewise, we should act and the new "jurisprudential doctrine" that only after a major revival can redefine the role, content and challenges within the legal system. The transition from the old "jurisprudence" to the actual law proved to be a tortuous, long, still in progress, to be quickly accomplished and anchored in new parts of the legal system. Finally, all

such developments will be the subject of the legal phenomenon assessments theoretical reconceptualization operations, valuation and construction, so that knowledge of the law, from three perspectives, to be consistent, meaningful and relevant, and science relaunched Romanian law. All these priorities are reflected in legal research - scientific and doctrinal.

Therefore, assuming that the theme of our research approach to the issue Romanian citizenship between tradition and reform, try to answer such requirements. In addition, the choice in these circumstances the European Union's constitutional right crosses broad reform gives special significance. This paper, with undeniable pluses and minuses of a sensitive accuracy in Romanian doctrine of constitutional law can be improved and perfected all the time, like any work of man who fails to reveal the full range of meanings of these endless legal institutions which is citizenship.

Finally, back on our land and in a slight contemporaneity, I'm not sure if literacy, jolting neurons, delay of understanding, illumination from behind the forehead is closely determining the place (within the meaning was Alexandrian-size!). I neither possible to redeem a people shy custom in training, like ours, and make them grow on no other than the cerebral bark, branches of the letter of love and learning, the homeland and the people. It's old rhyme "book / part". She put herself basis folk wisdom that created the well-known Rope hint of wishful thinking, sustained with so much passion schools, academies and parents: "You wisdom you have" [27].

But meditation does not say is what you, if you have a bunch some book? For all her book provokes deep trouble. I mean it was synonymous quite a few times with wrongdoing. Sometimes downright historic. Such as, for example misfortune famous Library of Alexandria (founded by Ptolemy I in 288 BC), the most famous "outbreak" culture of Greco-Roman civilization of ancient Egypt, which contained more than 400,000 scrolls. And that, she also has "benefited" from centuries of envy not know how many arson or negligence. Last alleged perpetrators of this terrible crime are Caliph Omar as. Who in AD 640, after a long siege, managed, finally, to conquer Alexandria. Apparently, conquering Arabs heard of a library magnificent, containing all knowledge of the world (you realize the immensity of them if, for six hundred years ago, during the civil war between Caesar and Pompey - the year 48 BC. hr. - it has over 900,000 papyrus!). But Caliph Omar, all moved by this vast collection of books and wise, although he himself came from a dynasty of enlightened people, ordered the burning of all books, without exception. Because, as considered "wise" if they were contrary to the teachings of the Koran, then were heretical and, if they have been in agreement with it, then, of course, were superfluous. As a result, they were collected and used as fuel for - they say - 4,000 public baths in the city. And there were so many that were heated with BAIES establishments and BAIES Alexandria for six months. However, Romania will endure and its citizens, as they are literate or not the book will love their homeland

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- [2] Ioan Humă, Dreptul natural, justă măsură a drepturilor omului, în Studii și cercetări juridice nr. 2/2012, p. 167.
- [3] *empireu* s.n. 1. (In myth. Greco-Roman) uppermost part of the vault heavenly abode where they had their gods and where the eternal fire; resident gods. Empiree = Elysium Gardens, v. Elizeu. 2. (Christian theology) Last sky, the spiritual light, the happy and inhabited by God that surrounds the physical universe; the happy abode, chapel. 3. vault of heaven, firmament. <http://www.dexx.ro/index.php?a=term&d=Dictionar+explicativ>
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- [5] Idem, p. 142.
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- [8] Ioana Nely Militaru, *Cetățenia Uniunii Europene potrivit Tratatului de la Lisabona*, articol preluat la data de 10.12.2014 de pe site-ul: <http://www.tribunajuridica.eu/arhiva/An1v1/nr1/art%204.pdf>, *Juridical Tribune* Volume 1, Issue 1, June 2011, pp. 59-70.
- [9] Union legislation but many conditions for exercising these rights. For a stay longer than three months require a certificate of stay. Entering the territory of another Member State can not be prohibited only for reasons of security and public health, and the prohibition must be justified (art. 18 TEC was 8A).
- [10] I. N. Militaru, *op. cit.*, p. 59.
- [11] Eduard Dragomir, Dan Niță, *Cetățenia europeană*, Editura Nomina Lex, București, 2010, p. 106.
- [12] Europe Direct network is one of the main tools used by the European Commission for informing citizens and communicating with them locally. The network comprises at EU level 480 Europe Direct Information Centres, European Documentation Centre 400 and 700 members of Team Europe. In Romania, the 30 Europe Direct Information Centres, European Documentation Centre 14 and over 20 policy experts Team Europe is the European Commission's interface with citizens at local level and their mission to promote informed and active European citizenship. These networks provide general and specialized information on EU and referring to specialized information sources, raise public awareness and promote debate on European issues.
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- [16] A fost aprobată și proclamată de către Adunarea Generală a ONU, la data de 10.12.1948.
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- [25] The Convention was concluded in Rome on 4.11.1950 (entered into force on 9.3.1953), amended by protocols no. 3 of 05.06.1963, no. 5 of 20.01.1966 and no. 19.03.1985 and completed 8 of Protocol. 2 of 06.05.1963, which are part of it. The Convention was ratified by Romania by Law no. 30/1994 regarding the ratification of the European Convention on Human Rights and Fundamental Freedoms (...) and the Additional Protocols to the Convention (published in the Official Gazette no. 135 of 31.05. 1994).
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