

## EUROPEAN CITIZENSHIP IN CONTEXT OF LISBON TREATY

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**ABSTRACT:** *European Union is a sui generis institutional building which aims to assert its position and role in different fields: political, economic, social, and cultural and to translate into life his political and society project. Broadening and deepening cohesion between Member States are the two axes of development and strengthening of the EU. In this respect, it is considered that the objectives of European Union can be achieved only if the member states act for realization in real life of the concept of European citizen, with its own identity, conscious and convinced that belongs to European culture, a common system of values that have to protect and promote it.*

*The first regulation on Union citizenship was introduced by the Maastricht Treaty, which stipulates that " it is introduce a citizenship of the Union" and continuing stating, is a citizen of the European Union every person holding the nationality of a Member State ".*

*Lisbon Treaty comes and complete the concept of European citizenship, as a corollary of developments started with the Maastricht and following Amsterdam and Nice.*

*This paper aims to identify the innovations that the Lisbon Treaty and their interpretation in the context of the debate on this treaty constitutionalism.*

**KEY WORDS:** *european citizenship, Lisbon Treaty, constitutionalism.*

**JEL CLASSIFICATION:** *K00*

### 1. EUROPEAN CITIZENSHIP AND EUROPEAN IDENTITY

In the literature of European politics, the term identity has come to have different meanings and reached such a level of generality that seems to have lost its function.

Therefore the question arises whether the concept of European identity is relevant; the extent to which Europe needs an identity, who needs to build and why. (Camia, 2010)

Europe builds on the growing sense of European identity, of belonging to a common system of values that gives the specification of Europe, is based on individual and social progress and allows expression of solidarity as an expression of choice for a "*common European good.*"<sup>1</sup>

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<sup>1</sup>Popi Cătălin-Cornelius, (2006), „Redescoperind Europa Christiana. Identitate europeana, specific cultural si pastoratie crestina în Europa relativismului Accente pastoral-misionare din perspectiva întrebării: „Care este locul creștinismului în edificarea Europei unite?”, Alba Iulia.

Europe's concern to provide identity comes from the belief that in order to manifest, individuals need a sense of belonging and understanding that united Europe cannot be sustained only by elites.

In this respect, Alfonso Mattera is convinced that the EU's objectives can be achieved only if it actually works for the manifestation of a "European citizen" with its own identity, conscious and convinced that belongs to European culture, a common system of values need to protect and promote it.<sup>2</sup> (Dufranc, 1994)

Result of European civilization and culture, European identity is a complex concept that incorporates often conflicting issues (spirituality - materialism, freedom - responsibility etc.) and consists of common characteristics of different cultures, ethnicities, peoples composing it and of their characteristics specificities. (Herlea, 2010)

EU is a sui generis design which aims to assert its position and role in different fields: political, economic, social, cultural and to translate into political life and society project. Broadening and deepening cohesion between Member States are the two axes of development and strength of the EU. In fact, the definition of the European Union is based on values: is destined to be a member of the European Union any state which lies geographically in Europe and their policies and actions based on European values mentioned above.

European political identity means loyalty to European institutions, political system, involvement in European decision-making, the possibility of expressing the will not only by vote, but also by other mechanisms, such as the petition, the legislative initiative. Active involvement of European citizens in the European political process as citizens to consider European law makers is likely to convince them that democracy is possible beyond the nation state.

Notion of European citizenship implies that EU citizens enjoy, in this quality, the same rights that are granted to its own citizens in traditional domestic law. Note that the structure of European Union involves the exercise of certain rights in the European Union and exercising others at the level of member states.

After the European Council in Fontainebleau in 1984 another notion developed namely the Europe of citizens. The basic idea is that the citizen should be placed in the center of the European project to develop a sense of appearance to the European Union. In this way the ad hoc Committee on European citizens called ADONNTNO Committee, created at the initiative of Fontainebleau European Council of 25-26 June 1984 proposed "measures to strengthen and promote the identity and image of the Community to its citizens in the world".

Among the special rights recognized in the perspective of the people's Europe appear undoubtedly special rights of European citizenship and establishes a genuine political citizenship. But we find also rights resulting from economic integration, such as free access to employment in a chosen country which enshrines new rights widening the domain, such as the right to culture or protection environment. These fits better whit the widest conception (modern) of citizenship. But this design kidnaps large part of its

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<sup>2</sup>Michael Dufranc, (1994), „Confédération - fédération et identité, in rev. „Les Cahiers Universitaires Paneuropéens”, nr.1, Paris, 1994, p. 45, apud Andrei Marga, op. cit., pg. 64.

specific citizens' rights because the citizen no longer distinguishable from the rights of any other human being.

## 2. EUROPEAN CITIZENSHIP BEFORE LISBON TREATY

The first regulation on Union citizenship<sup>3</sup> was introduced TEU (Maastricht Treaty) in TCE (Part II, art. 17-22, TEU) which expressly provides that "establish a citizenship of the Union" and followed with specification, that is a citizen of the European Union every person holding the nationality of a Member State ". (Militaru, 2011)

EU citizenship complements national citizenship, not replace it, making it possible to exercise some of the rights of Union citizens in the Member State where he is resident (and not only in the country of origin, as specified above TEU). Therefore:

1. is necessary and sufficient for a person to be nationals of a Member State to qualify for citizenship of the Union;

2. Citizenship of the Union shall complement and add to citizens.

A declaration annexed to the Treaty on European Union (TEU) states that the nationality of a Member State shall be determined solely by reference to the national legislation of the Member State concerned ". Therefore, each Member State has to indicate that people are 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 (Article 6 para. 2).

By TEU establishes the following categories of rights for EU citizens, complementary to national citizenship, which strengthens the protection of their interests:

1. every citizen has the right to move and settle freely within the territory of the Member States (Article 18 TEC);<sup>4</sup>

2. any citizen of the Union residing in a Member State that is not a national shall have the right to elect and be elected in municipal elections in the Member State in which he resides, under the same conditions as nationals of that State ( art. 19 TEC);

3. every citizen enjoys the protection of the diplomatic and consular authorities of any Member State in the territory of a third country, the Member State to which it belongs as a national is not represented, under the same conditions as nationals of that State (Article 20 TEC);<sup>5</sup>

4. every citizen has the right to petition the European Parliament (Article 21 TEC);

5. any citizen of the Union may apply to the European Ombudsman to examine cases of maladministration in the institutions and bodies of the Community / Union (Article 21 TEC);

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<sup>3</sup>European Convention on Nationality (adopted by the Council of Europe in Strasbourg on 06.11.1997, in force from 01.03.2000), ratified by Romania (Law no. 396/2002, published in Official Gazette., Part I, no . 490/9.07.2002), does not define it but he explains, noting that citizenship means the legal bond between a person and a State and does not indicate the person's ethnic origin.

<sup>4</sup>Union legislation mention many conditions for exercising these rights. For a stay longer than three months requires a certificate of residence. Entering the territory of another Member State can be prohibited only for reasons of public health and safety, and the prohibition be justified (art. 18 TEC was 8A).

<sup>5</sup>Member States establish the necessary rules among themselves and start the international negotiations will be needed to ensure this protection (Article 20 TEC was. 8C).

6. any citizen of the Union may write to any institution or Community body / union in one of the languages mentioned in the Treaty<sup>6</sup>, and the answer in the same language.

Council has the right, acting unanimously, after consulting the European Parliament to adopt new provisions that aim to complement the above rights. Recommended provisions for adoption by Member States shall be adopted according to constitutional rules.

*Treaty of Amsterdam (TA)*

The Treaty of Amsterdam (signed in 1997, entered into force in 1999), as a guarantee of citizenship recognition Union reaffirms that the European Union is founded on the principles of freedom, respect human rights and fundamental freedoms and the rule of law, principles common to all Member States, respect for human rights (Militaru, 2011) as a condition of membership of a State of the Union (Article 49 TEU). These principles formed at the same time, the common heritage of values set by the Statute of the Council of Europe and the European Convention on Human Rights.

Also, the TA mention that the Union shall respect 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 Community law.

In addition to EU citizens' rights under the TEU, recognizing them through TA, the right to information. So that any EU citizen and any natural or legal person established in a Member State is entitled to access to European Parliament, Council of the European Union, within the public or private reasons (Article 21 paragraph 3 TEC).

In the context of 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 upon them by European citizenship.

The TA establish a political guarantee of compliance by Member States as basic sites, establishing penalties for infringement of these rights, so that if a member state of the European Union seriously and persistently violates the principles on which the based Union Council may decide to suspend certain of the rights deriving from the application of this Treaty (TEU as amended by TA) to the Member State in question, including the voting rights of the representative of the government of that Member State (Article 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, the Community Charter of Fundamental Social Rights of Workers of 1989. This book is regarded as a political tool whose purpose is to guarantee certain social rights, such as those related to employment, vocational training opportunities.

*Treaty of Nice*

Union's commitment to fundamental rights and democratic values enshrined in the conventions mentioned above was reiterated formally on 7 December 2000, when it was solemnly proclaimed the Charter of Fundamental Rights of the European Union to the

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<sup>6</sup>Referred to in art. 314 EC, which provides that, under accession treaties are equally authentic versions of this Treaty in the following languages: Danish, English, Finnish, Greek, Irish, Portuguese, Spanish and Swedish.

European Parliament, the Council and the Commission to the Intergovernmental Conference (IGC) on the Treaty of Nice. Charter was adopted on 12 December 2007 in Strasbourg (the day before the signing of the Treaty of Lisbon).

All the above provisions were followed by entering into force of directives, mostly already implemented in the legal systems of the Member States, which have significantly influenced important areas of European legal and political life.

### 3. EUROPEAN CITIZENSHIP AFTER THE LISBON TREATY

In Title II of TEU newly entitled 'Provisions on democratic principles' laid down the principles on which the Union is founded and which respects and directly targeting EU citizens, as follows:

a) the principle of equality of citizens of the Union, according to which citizens receive equal attention from its institutions, bodies, offices and agencies. Citizenship of the Union shall be additional to national citizenship and shall not replace it (art. 9 new of TEU);

b) representative democracy, whereby 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 in the Council by their governments, which, in turn, respond democratically to the national Parliaments, or to their citizens (Art. 10 of TEU again).

According to the principle of representative democracy, Union citizens shall have the following powers:

- Every citizen has the right to participate in the democratic life of the Union. Decisions are taken as openly and as closely 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 (Article 10 para. 4);

- Citizens and representative associations are given the opportunity to present opinions and exchange views in public in all areas of Union action (Art. 11 para. 1);

- On 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, to submit any appropriate proposal on matters where citizens consider that a legal act necessary the Union, the application of the Treaties (art. 11 para. 4).

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 to the functioning of national parliaments Union as follows:

a) through being informed by the institutions of the Union 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) by taking part, within the area of freedom, security and justice, in the evaluation of the implementation of the Union policies in that area;<sup>7</sup>
- d) by taking part in the revision procedures of the Treaties (in accordance with art. TUE 48 new);
- e) by being notified of applications for accession to the EU (in accordance with art. TUE 49 new);
- f) participation in inter-parliamentary cooperation between national parliaments and the European Parliament (in accordance with the Protocol on the role of national parliaments in the EU).

"Non-discrimination and citizenship of the Union," the Treaty on the Functioning of the European Union The Lisbon Treaty added to Title II of the TFEU (formerly Title II, TEC, entitled "Citizenship") and the term "discrimination" directly targeting EU citizenship. Within the scope of the Treaties, the Union:

- a) prohibits any discrimination on grounds of nationality (Article 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 the European Parliament (Article 19 TFEU).

Union citizens' rights established by TEU (in the TEC), and later by BP, are repeated with certain developments in the Lisbon Treaty. Please note that EU law / community does not provide a proper award of Union citizenship, which automatically derives citizenship of a Member State. (Popescu & Diaconu, 2009, pp. 277) Union citizenship does not replace national citizenship is added to it (art. 20 par. 1 TFEU).

Moreover, EU citizens have rights evolutiv character as the Council may adopt provisions to strengthen or complement Rights (acting unanimously in compliance with a special legislative procedure and with the approval of the European Parliament). Completing rights provisions enter into force after their approval by the Member States in accordance with their respective constitutional requirements (Article 25 TFEU).

In addition to obligations under treaties, EU citizens, enjoys among others:

- a) the right to move and reside freely within 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 para. 2 letter. Has 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 ordinary legislative procedure, may adopt provisions to facilitate the exercise of those rights.

In order to exercise the right of free movement and residence in Member States where the Treaties have not provided the necessary powers in this respect, the Council

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<sup>7</sup>In accordance with art. 70 TFEU and involvement in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Articles 88 and 85 of that Treaty.

(acting in accordance with a special legislative procedure) may adopt measures concerning social security and protection social (Article 21 TFEU).

b) the right to elect and be elected concern every citizen of the Union residing in a Member State and not its nationals. This right has two aspects: local elections and European Parliament elections:

- The right to elect and be elected in local elections (municipal) in the Member State in which he resides, under the same conditions as nationals of that State (Art. 20 para. 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), these arrangements (for example, directives adopted by the Council) may provide for derogations where problems specific to a Member State so warrants.

- The right to vote and to be elected to the European Parliament<sup>8</sup> elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised:

- Without prejudice to art. 223 para. 1 TFEU<sup>9</sup> 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, these arrangements (for example, directives adopted by the Council) may provide for derogations where specific provisions of a State Member warrants.

Of implementing rules derogatory nature, illustrate:

- Council Directive 93/109/EC of 06. 12. 1993<sup>10</sup>, establishes the principles for the right to participate in elections to the European Parliament the freedom to choose between receiving State and the State of nationality and equal treatment with national citizens, it provides an exception if the proportion of EU citizens who voting rights representing more than 20% of national citizens entitled to vote, in this case, the State may impose as a condition for non-national for a period of stay of 5 years to 10 years to vote and to be eligible, this exemption apply only to Luxembourg; (Popescu & Diaconu, 2009, pp. 278)

- Council Directive 94/80/EC of 19.12.1994<sup>11</sup> provides the same principles and possible exemptions for participation in municipal elections, however, it allows Member States to reserve some functions nationals municipal executives and prohibit nationals participating in elections or elections one of the parliamentary assemblies (for bicameral parliaments). (Popescu & Diaconu, 2009, pp. 278)

c) the right to enjoy, in the territory of a 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 under the same conditions as nationals of that State.

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<sup>8</sup>Law no. 33/2007 on the organization and conduct of elections to the European Parliament, dated 16.01.2007 (Official Gazette, Part I, no. 28 of 16. 01. 2007).

<sup>9</sup>These provisions provide for Parliament to develop a project to establish the necessary provisions to allow election of its members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States (Article . 223 para. 1 TFEU).

<sup>10</sup>Council Directive 93/109/EC lays down rules for exercising the right to vote and to be elected to the European Parliament for citizens of the Union residing in a Member State in which they are not nationals.

<sup>11</sup>Directive 94/80/EC of 19 December 1994 laying down the procedures for exercising the right to vote and to be elected in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

Member States shall adopt the necessary provisions and start the 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 para. 1 lit. C and 23 TFEU).

In this regard, the Council adopted Decision 95/533 / EC of 1995<sup>12</sup> 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 for victims of violence, support and repatriation of EU citizens in need, with the agreement of the concerned citizen and return it by spending incurred. Diplomatic or consular assistance by an embassy or consular office of another Member State of residence requires agreement under international law. This problem can be solved on the basis of negotiations, EU agreements on the one hand and on the other<sup>13</sup> Member States with third countries, a problem which so far has not been addressed. (Popescu & Diaconu, 2009, pp. 278-279)

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<sup>14</sup> and to obtain a reply in the same language<sup>15</sup> (Article. 20 para. 1 lit. 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 persons, a petition on a matter related to the activities of the Union and which concerns directly (Article 227 TFEU).

e) the right to present a citizens' initiative within the meaning of Art. 11 TEU, including the minimum number of Member States from which citizens must come to have such an initiative (Article 24 TFEU). Initiative is a "legislative initiative" that, according to art. 11 TEU, a proposed EU citizens on matters they deem it necessary legal act of the Union to implement 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 the procedures for application of the provision. (Dragomir & Niță, 2009, pp. 52-53)

Provisions for the procedures and conditions required for such an initiative is taken by the European 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, whatever their medium where these documents are subject to the principles and conditions

<sup>12</sup>The decision was taken by the Governments of the Member States, meeting within the Council of 19 December 1995 on the protection of EU citizens on diplomatic and consular representations. See in this regard and GD. 868/2008 on the protection of EU citizens by diplomatic and consular missions.

<sup>13</sup>As required by the provisions of art. 23 TFEU.

<sup>14</sup>"Treaty languages" are referred to in Article 55 para. 1 TEU.

<sup>15</sup>These rights shall be exercised under the conditions and limits defined by the Treaties and by the measures adopted to implement them (art. 20 par. Latter. TFEU).

set out in art. Article 15. 1TFUE. Access right of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State.

In the general principles and limits (conditions) established by art. 15 TFEU, on grounds of public or private interest governing this right of access to documents, which are established by regulations of the Council, acting in accordance with the ordinary legislative procedure (Art. 15 TFEU).

Each institution, body, office or agency shall ensure that its proceedings are transparent and shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents, in accordance with regulations established by the Council. Publication is provided documents relating to the European Parliament and the Council, as provided in the regulations adopted by the Council. This wording which some have described it as "confused and haphazard" was not improved by the Treaty of Amsterdam.

In fact, the Maastricht and Amsterdam treaties, although based on the two concepts, establishes a set of rights that is closer to the concept of citizenship in the traditional sense, than the citizens of Europe.

European citizenship is fundamentally distinct from national ye that, the wording of the Treaty of Amsterdam, a "complete [...] and not replace" (EC Treaty, Art. 17 new, para. I).

Article 17 states that the provisions of the Treaty, EU citizens enjoy certain rights but, equally, they have a number of obligations, without, however, specifying them, from which we deduce that the obligations are correlative entitlements.

The second "news" brought by the Amsterdam Treaty refers to Article 21 of the Treaty establishing the European Community, which states that every citizen of the Union may apply to institutions and can be answered in one of the 20 official languages Community.

The most important changes, however, refer to Article 18 of the Treaty establishing the EC, which states, on the right of free movement and residence rights, the Council may take decisions institution aimed at promoting exercise these rights, stating under the co-decision procedure laid down in Article 251<sup>16</sup> (Kovar & Simon, 1993)of the Treaty establishing the EC.

Some authors, based on the fact that you can not call citizen than in relation to a State, EU citizenship currently considered as "complementary" to national citizenship, which is primary because the EU is not a state. EU is not even a corporation, to say that Europeans are members alone "citizens"!

However, by transforming the legal character of the EU Lisbon Treaty transforms the notion of EU citizenship. Thus, Article 17b.1 TEC / TUE replaces the statement "EU citizenship will be complementary to national citizenship" with "EU citizenship will be additional to national citizenship". The key sentence says that 500 million Europeans from EU countries will receive a new citizenship, separate from the national one. In federal states such as Germany, a Bavarian will have 3 people: Bavarian, German and European! Moreover, the rights and obligations of citizenship "European" are superior to those of

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<sup>16</sup>B.R. Kovar, D. Simon, (1993) „La citoyenneté européenne”, în Cahieres droit europ., p. 287; „Substanța drepturilor care se alătură cetățeniei Uniunii poate fi considerată ca fiind, într-o mare măsură, o consacrare a unui anumit *acquis comunitar*”.

national citizenship, and if a conflict of interest, against the prevailing national laws of the EU.

Since most states do not allow multiple citizenship, thus EU citizenship will be considered upper primary and national citizenship. The "quality" of EU citizens will be obliged to respect the laws and authority, to be superior to national authority and challenge the EU could become a criminal offense!

Member States retain their national constitutions, but they are subordinate to the EU Constitution. National sovereignty of states will disappear, as happened in the U.S., where the Federal Constitution takes precedence over the constitutions of the Member States.

EU citizenship confers a number of rights of citizens of Member States and strengthens the protection of their interests. Thus systematized, they are:

- freedom of movement;
- The right of residence and establishment;
- the right to work and study in all Member States;
- the right to vote and stand in European Parliament and local elections in the State of residence, under the same conditions as those provided for the citizens of that state;
- the right to petition the European Parliament;
- the right to apply to the European Ombudsman cases of maladministration examination of community affairs the opportunity Community institutions and bodies (except the Court of Justice of the European Communities);
- entitlement to the territory of a third State, the diplomatic and consular protection by the diplomatic or consular authorities of another Member State if the State from which has no diplomatic or consular representation in the State.

#### 4. CONCLUSIONS

European citizenship<sup>17</sup> is based on certain principles, rights and provisions to ensure increased participation of European citizens. In this regard, there are four fundamental provisions of the treaty: recognizing the rights enshrined in the Charter of Fundamental Rights of the European Union (TEU, art. 6), equality of all citizens (TEU, art. 9), functioning representative democracy European Union (TEU art. 10) and participatory (TEU, art. 11.4), and ensuring dialogue and transparency between the EU and citizens (TEU, art. 11). Thus, in the foreground of analysis, European citizenship is a citizenship based on rights. Rights referred to are those set out in the Charter of Fundamental Rights of the European Union (TEU, art. 6), and social rights conferred by the European Social Charter (Turin, 1961), and those assigned by the Community Charter of Fundamental Social Rights workers in 1989 (TFEU, art. 151). Charter of Fundamental Rights of the European Union is recognized in the Treaty of Lisbon as the guarantor of the rights of all citizens. (Bărbulescu, et al., 2010)

Charter is said to represent "the general principles of the Union" (TEU, art. 6.3). A central aspect is the recognition of the Treaty of equal legal value as the Treaties Charter and the European Union:

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<sup>17</sup>See [http://circa.europa.eu/irc/opoce/fact\\_sheets/info/data/citizen/citizens/article\\_7174\\_ro.htm](http://circa.europa.eu/irc/opoce/fact_sheets/info/data/citizen/citizens/article_7174_ro.htm)

"The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adopted on December 12, 2007, in Strasbourg, which has the same legal value as the Treaties" (TEU Art. 6.1).

Charter of Fundamental Rights of the European Union is organized into seven "titles": dignity, freedoms, equality, solidarity, citizens' rights, justice and general provisions concerning the interpretation and application of the Charter.<sup>18</sup>

Level of analysis aimed at combating social exclusion and ensuring that the rights of all citizens. In this sense, the book is an extensive list of rights that EU citizens have and the criteria under which can not be prevented from enjoying compliance. As follows:

"It prohibits any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation "(Charter, Art. 21.1).

These issues are reflected both in the TEU (eg, art. 3 and art. 9), and in the TFEU, which states EU involvement in supporting and supplementing Member States in several areas such as equality between women and men and combating social exclusion (TFEU, art. 151):

"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men "(TEU, art. 2).

In this context, combating social exclusion and social cohesion works closely with citizens' rights as they are enshrined in the Charter. Social exclusion, as it is defined by the European Union, involves exclusion from the rights and opportunities of citizen participation. Thus, children in a situation of social exclusion, for different reasons. and poverty have little access to labor market opportunities to earn a low income and low participation in community life.

"People experiencing social exclusion limited access to representative institutions so often feel powerless and possibility to control the decisions that affect their everyday lives" (European Commission, 2004, Joint Report on Social Protection and Social Inclusion, p 10).

To ensure social inclusion and cohesion are necessary as the rights of citizens and their active participation in the functioning of the European Union. Increasing the representation of institutions and increasing citizen participation, are key elements of the Lisbon Treaty.

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<sup>18</sup>See also A guide to the Treaty of Lisbon. Insight European Union, Law Society, <http://www.lawsociety.org.uk/accessibility.law>

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**LEGISLATION**

- Law no. 33/2007 on the organization and conduct of elections to the European Parliament, dated 16.01.2007 (Official Gazette, Part I, no. 28 of 16. 01. 2007).
- Council Directive 93/109/EC.
- Directive 94/80/EC
- European Convention on Nationality, ratified by Romania (Law no. 396/2002, published in Official Gazette., Part I, no. 490/9.07.2002).