EU CITIZENSHIP AND FEDERALISM

Kochenov’s definitive collection examines the under-utilised potential of EU citizenship, proposing and defending its position as a systemic element of EU law endowed with foundational importance. Leading experts in EU constitutional law scrutinise the internal dynamics in the triad of EU citizenship, citizenship rights and the resulting vertical delimitation of powers in Europe, analysing the far-reaching constitutional implications. Linking the constitutional question of federalism and citizenship, the volume establishes an innovative new framework where these rights become agents and rationales of European integration and legal change, located beyond the context of the internal market and free movement. It maps the role of citizenship in this shifting landscape, outlining key options for a Europe of the future.

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CONTENTS

List of Contributors page xvii
Preface xxi
Foreword xxv
Table of Cases xxix
Table of TEU, TFEU and CFR Provisions lii
Table of the Provisions of Regulations 1612/68 and 492/2011 and Directive 2004/38 lvii
List of Abbreviations lix

Introduction 1

1 On Tiles and Pillars: EU Citizenship as a Federal Denominator 3
DIMITRY KOCHENOV

I Decommodication of Personhood in the European Union? 3
II The ‘Federal Association of States and Citizens’ 16
III Market Citizenship: A Logical Impossibility 35
IV Reintroducing Dignity into the Structural Fabric of the Legal System 44
V Extending the Analysis: The Chapters That Follow 52
VI On Tiles and Pillars: Predicting the Future 78

PART I Citizenship within the EU Federal Context 83

2 The Origins and the Potential Federalising Effects of the Substance of Rights Test 85
MARTIJN VAN DEN BRINK

I Introduction 85

vii
II The Protection of the Substance of Rights in the Case Law of the
ECJ 87
III The substance of EU Citizenship Rights 90
IV Reinforcing the Vertical Dimension of EU Citizenship 92
V The Substance of Which Rights? 95
VI Conclusion 106

3 Some Reflections on Member State Nationality:
A Prerequisite of EU Citizenship and an Obstacle to Its
Enjoyment 107
MACIEJ SZPUNAR AND MARÍA ESTHER BLAS LÓPEZ
I Introduction 107
II Globalisation, Europeanisation and Member State
Nationality 108
III Some Reflections Concerning Nationality as an Obstacle to the
Enjoyment of EU Citizenship 120
IV Conclusion 124

4 The European Federalisation Process and the Dynamics of
Fundamental Rights 125
JOSÉ LUIS DA CRUZ VILAÇA AND ALESSANDRA
SILVEIRA
I Introduction 125
II Waiting for a Federal Big Bang? Revisiting the Federalising Process
Theory 128
III Delimitation of Competences and Federative Balance 133
IV Fundamental Rights and Sense of Community 136
V Conflicts of Competence and System Survival 142
VI Conclusion 145

5 Recasting EU Citizenship as Federal Citizenship: What Are
the Implications for the Citizen When the Polity Bargain
Is Privileged? 147
NIAMH NIC SHUÍBHNE
I Introduction 147
II The EU as a Federal Polity 149
CONTENTS

III Recasting EU Citizenship Case Law as Federal Citizenship Case Law 160

IV EU Citizenship as Federal Citizenship: The Value Added – and the Value Lost 168

V Conclusion 176

6 Transfiguring European Citizenship: From Member State Territory to Union Territory 178

Loïc Azoulai

I From Metonymy to Metaphor 178
II From European Territory to Social Integration 182
III From Social Integration to the Territory of the Union 193
IV Conclusion 202

7 Earned Citizenship – Understanding Union Citizenship through Its Scope 204

Eleanor Spaventa

I Introduction 204
II From the Market to the Market: The (Ir)Relevance of the Inactive Citizen 206
III Ruiz Zambrano and the Substance of the Rights Test – A Hasty Retreat and a Problematic Doctrine 209
IV Earned Citizenship 219
V Normative Justifications and Moral Imperatives 221
VI Conclusions 223


Daniel Sarmiento and Eleanor Sharpston

I Introduction 226
II Free Movement and Its Limits: When the Court Said ‘Enough’ 228
III Citizenship and Rights 231
IV Citizenship and Democracy 235
V Citizenship and the Rule of Law 238
VI Conclusion: From a Market–Based Citizenship to Constitutional Citizenship: A Task for Citizens, Not Only Courts 241
## CONTENTS

### 9 Going Home? ‘European’ Citizenship Practice Twenty Years After 243
**ANTJE WIENER**

I Introduction 243

II Citizenship Practice Theory – A Heuristic Device 249

III Renegotiating Normativity: Who Has Access to Contestation? 259

IV Conclusion 267

### PART II EU Citizenship Rights and the Vertical Division of Powers in the EU 269

#### 10 The Political Side of EU Citizenship in the Context of EU Federalism 271
**FEDERICO FABBINI**

I Introduction 271

II EU Citizenship and Political Rights 273

III Extending EU Citizens’ Electoral Rights: Promises and Pitfalls 277

IV Federalism, Citizenship and Democracy 281

V The Case Law of the ECJ and the Development of EU Citizens’ Political Rights 285

VI Treaty Reform: Between States’ Consent and Popular Will 289

VII Conclusion 292

#### 11 Reframing Public Health Governance: From Risk to Citizenship and Participation 294
**MARK L. FLEAR**

I Introduction 294

II Framing EU Public Health Governance as a Matter of Risk 297

III Reframing EU Public Health Governance as a Matter of EU Citizenship 308

IV Conclusion 315
CONTENTS

12 The Federal Implications of the Transformation of the Market Freedoms into Sources of Fundamental Rights for the Union Citizen 316
   Alina Tryfonidou
   I Introduction 316
   II Morality Issues 319
   III Direct Taxation Cases 325
   IV Right to Receive Healthcare Services and Goods in the Territory of Another Member State 329
   V Immigration Control and Family Reunification Rights of Migrant Union Citizens 333
   VI Analysis 337
   VII Conclusion 340

13 Perspectives on Social Citizenship in the EU: From Status Positivus to Status Socialis Activus via Two Forms of Transnational Solidarity 341
   Dagmar Schiek
   I Introduction 341
   II Towards Transnational Social Citizenship 343
   III The EU as a Case Study for Transnational Social Citizenship 354
   IV Conclusion 368

14 A Citizenship Right to Stay? The Right Not to Move in a Union Based on Free Movement 371
   Sara Iglesias Sánchez
   I Introduction 371
   II Territorial Rights: Right to Stay, Right to Remain, Right Not to be Displaced 373
   III The Citizenship of the Union and the Transformation of the Right to Stay 377
   IV The Right to Stay in One’s Own Country: An EU Citizenship Right or a Fundamental Right? 387
   V Concluding Remarks 392
15 ‘Scelestus Europeus Sum’: What Protection against Expulsion Does EU Citizenship Offer to European Offenders? 394
MICHAL MEDUNA

I EU Citizenship and Public Order – Introduction 394
II A Tale of Four Institutions 397
III Federalising Potential of EU Citizenship 407
IV Future of the public Policy / Security Derogation – Conclusion 413

16 EU Sexual Citizenship: Sex Beyond the Internal Market 417
ULADZISLAU BELAVUSAU

I Introduction 417
II Sexual Citizenship: Normative Investigation 419
III EU Sexual Rights: Three Bricks at the Foundation of Sex in the Union 427
IV Conclusions: Mobile Citizenship and Sex Mobilisation via EU Law 441

17 EU Citizenship and the European Federal Challenge through the Prism of Family Reunification 443
STANISLAS ADAM AND PETER VAN ELSUWEGE

I Introduction 443
II A Fragmented Legal Landscape 446
III The Undesirable Effects of Fragmented Legal Regimes 452
IV Tackling Reverse Discrimination? 456
V Rights’ Protection from the Perspective of Comparative Federalism 462
VI Conclusion 466

18 The Right to Stay at Home: A Basis for Expanding European Family Rights 468
GARETH DAVIES

I Introduction 468
II The Right to Stay at Home 469
III Life without Family 474
IV Difficult Family Members 481
V Conclusion 487
CONTENTS

19 EU Citizenship and the Right to Care 489
NATHAN CAMBIEN

I Introduction 489
II The Right to Care as a Trigger for More Extensive Protection in ECJ Case Law 490
III The Legal Foundations of the Right to Care in EU Law 491
IV Defining the Limits of the Right to Care 498
V Concluding remarks 506

20 Union Citizenship and Disability: Restricted Access to Equality Rights and the Attitudinal Model of Disability 509
CHARLOTTE O’BRIEN

I Introduction 509
II The EU as Driver for Member States’ Attitudinal Model 512
III The EU as Cheerleader for Member States’ Attitudinal Model 528
IV Altering the Federal Dynamic and the Functional Direction: The EU as Potential Protector 535
V Conclusion 536

21 Data Privacy Rights and Citizenship: Notes on Federalism All the Way Up 540
BILYANA PETKOVA

I Introduction 540
II The Importance of Privacy in the European Legal Order 542
III National Institutions’ Impact on EU Data Privacy: Toward Privacy Federalism All the Way Up? 545
IV The Intersection of Data Privacy and Citizenship Rights 556
V Conclusion 559

22 The Federal Entrenchment of Citizens in the European Union Member States’ Criminal Laws: Or How EU Citizenship Is Shaping Criminal Law 561
HANNEKE VAN EIJKEN AND TONY P. MARGUERY

I Introduction 561
II The Need to Protect a Federal Citizenship beyond the Cross-Border Logic as a Rationale for the AFSJ 564
CONTENTS

III To What Extent Does EU Criminal Law Affect EU Citizens? 568
IV The Impact of EU Citizens’ Rights on Criminal Law 573
V Conclusion 582

23 The Right of EU Citizens to Diplomatic and Consular Protection: A Step Towards Recognition of EU Citizenship in Third Countries? 584
PATRIZIA VIGNI
I Introduction 584
II The Right to Diplomatic and Consular Protection 586
III The EU as International Defender of EU Citizens 604
IV Conclusion 610

PART III Broader Implications and Limitations 613

24 Individual Rights, Interstate Equality, State Autonomy: European Horizontal Citizenship and Its (Lonely) Playground from a Trans-Atlantic Perspective 615
FRANCESCA STRUMIA
I Introduction 615
II Federalism and the Discourse of Citizenship in the US and the EU – Act I 617
III Federalism and the Discourse of Citizenship in the US and the EU – Act II 625
IV EU Horizontal Citizenship 631
V Post-National Citizenship and Political Citizenship in the EU: A Horizontal Perspective 636
VI Conclusion 641

25 EU Citizenship and Fundamental Rights: Contradictory, Converging or Complementary? 642
DOMINIK DÜSTERHAUS
I Introduction 642
II A Contradiction? Citizenship and Fundamental Rights 643
III Fundamental Rights and Member State Action 647
IV On the Protective Potential of Citizenship Rights 650
V Links to the Rights: Triggering Rules in the Field of Citizenship 656
CONTENTS

VI Protecting the Citizens: The Limits of Interpretation 661
VII Conclusion 664

26 Reverse Solange: Union Citizenship as a Detour on the Route to European Rights Protection against National Infringements 665
JOHANNA CROON-GESTEFELD

I Introduction 665
II EU Fundamental Rights Protection against Member State Violations – Current Proposals 667
III Union Citizenship as a Door-Opener for Rights Protection? 671
IV The Reversibility of the Solange Approach 676
V The Danger of Reverse Results 680
VI Conclusion 683

27 Union Citizenship Re-Imagined: The Scope of Intervention of EU Institutions 685
JOŽE ŠTRUS

I Introduction 686
II Circumstances Establishing the Link with EU Law 687
III Negative Effect on the exercise of Union Citizenship Rights: A Central Connecting Factor with EU Law? 693
IV The Right Institutions for the Job: The Role of EU and National Institutions in Ensuring the Effectiveness of Union Citizenship Rights 700
V Conclusion 704

28 Frontiers of EU Citizenship: Three Trajectories and Their Methodological Limitations 705
DANIEL THYM

I Introduction 705
II Frontiers of Union Citizenship 706
III Methodological Background 707
IV Aspirational Citizenship 710
V Citizenship as a Legal Creation 717
VI Citizenship as a Social Fact 724
VII Conclusion 728
Contents

29 EU Citizenship and Its Relevance for EU Exit and Secession  731
Phoebus L. Athanassiou and Stéphanie Laulhé Shaelou

I Introduction  731
II Withdrawal in Toto of a Member State from the EU – Concept and Consequences  733
III Secession of Part of the Territory of an EU Member State – Concept and Relevance of Public International Law in an EU Context  735
IV The Concept of EU Citizenship and Its Relevance in EU Exit or Secession Scenarios  740
V EU Citizenship as a Non-Legal Consideration in EU Exit or Secession Scenarios  747
VI Concluding Remarks  749

Epilogue on EU Citizenship: Hopes and Fears  751
Koen Lenaerts and José A. Gutiérrez-Fons

I Introduction  751
II The Idea of ‘Democracy’  753
III The Right to Move as an EU Citizen in the Light of Demiocracy  757
IV Ruiz Zambrano, Delvigne and the EU Constitutional Balance  762
V Concluding Remarks  779

Index  782
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PREFACE

This book is the result of finding EU citizenship and federalism in everything, from the purring of an orange cat to the folds in the dresses of dates. It is the result of speaking about citizenship and federalism with everyone I have met in a countless number of universities, restaurants, libraries and bars on both sides of the Atlantic. It is long.

This book was, in fact, meant to be a blog post of 700 words, and I am very happy that it grew. The blog post was about a very obvious idea: if the EU is to graduate into the more complex world of real constitution-alism from the occasional outgrowths of its preoccupation with the Internal Market, then it could well be citizenship status and the rights attaching thereto that would supply the pillars of this newly remodelled edifice, guiding the allocation of competences and providing the Union with a renewed rationale. Some Court of Justice case law, especially Eman and Sevinger, Rottmann and Ruiz Zambrano, the history of federations around the world, the lack of logic or justice behind the ‘standard’ idea of the Union, the seeming absurdity of the scope of application of the Charter of Fundamental Rights of the EU – all pointed towards this very basic idea which, shared by many, should make sense and could guide the Union of the future, informing the Union’s organisation and its activities. The blog post was supposed to start an online exchange. If EU citizenship and its rights really do come to play the crucial role in restructuring the Union away from the absurd ideas, such as having to take a bus across a non-existent frontier to save one’s family from being split up – which rights would be the most instrumental in articulating the renewed idea of EU law, building its (just) substance, not merely its pro forma (market) rules?

I am delighted that the blog post did not pass ‘peer-review’ as it were – oh, academia! With my blogging attempt rejected, I decided to turn to the old-fashioned medium of the printed word and compile an edited collection instead: there is still life without blogging. From the moment the first chapters reached my mailbox, it became abundantly clear that
investigating the interface between citizenship and federalism under the lens of rights offers plentiful opportunities for a truly rewarding thought experiment. The emphasis on citizenship and rights can guide EU development.

Working with the authors contributing to this collection has been the most delightful experience in my academic life so far, and I would like to thank all of them for bearing with their editor’s demands, reading each other’s chapters, and, often, rewriting, rewriting and rewriting again. I am also grateful to all the authors whose chapters did not make it through the review process. In addition to the authors, endless gratitude is due to all the magnificent scholars who helped with peer review, and with the author’s workshop hosted in Oslo, or who otherwise supported this project. Numerous colleagues and friends can be mentioned, including, but not limited to, Carlos Closa, Stephen Coutts, Maria Fletcher, Laurence W. Gormley, Christophe Hillion, Ulli Jessurun d’Oliveira, Jurian Langer, Orla Linskey, Leandro Mancano, Jeanne Pia Mifsud Bonnici, Paul Nemitz, Síofra O’Leary, Sir Richard Plender, Eva-Maria Poptcheva, Robert Schütze, Alexander Somek, Peter Sprio, Antonello Tancredi, Brigit Toebes, Gijsbert Vonk and Anja Wiesbrock (who kindly facilitated the author’s workshop). This volume would not be possible without the assistance of Elena Basheska, Ryan Chavez, Anna Gnap, Aleksandra Markowska, Harry Panagopulos, Suryapratim Roy, Jacquelyn Veraldi and, above all, Justin Lindeboom, who was my right hand while working on the manuscript, providing indispensable input from TAP Coffee 114 and numerous other Fitzrovia cafés while I was working at Black and Bloom in Groningen (thank you, Gerben, Nina), Think! Coffee in Mercer Street in New York, Notes (St. Martin’s in the Fields) in London, Rojo’s Roastery in Princeton (thank you, Jess, Andrew) and, above all, Il Circolo dei Lettori in Turin. My brother Grisha sketched the birds unable to fly and thus forced to take a bus for the cover. Sinéad Maloney, Finola O’Sullivan, Elizabeth Spicer and Chloe Harries at Cambridge University Press made this book possible through swift contracting, wholehearted support and infinite patience. The Woodrow Wilson School at Princeton University, where I was Martin and Kathleen Crane Fellow in Law and Public Affairs in the 2015–2016 academic year, provided an ideal environment for finishing the manuscript: correcting the proofs at the top floor of the gorgeous Minoru Yamasaki building and being part of a remarkable community of scholars, including Kim Lane Scheppelle, Zaid Al-Ali, Jan-Werner Müller and Sherally Munshi, has been a true privilege. Princeton air is truly...
infested with ideas, wrong ones at times, but also good ones. Putting some of them on paper, I wrote EU Citizenship Law: Ius Tractum of Many Faces, a monograph to be published by Hart Publishing, Oxford, which is a natural accompanying volume to this edited collection.

My special thanks are due to H.E. Bea ten Tusscher, the Dutch ambassador to Norway, who graced a select group of contributing scholars with enlightened conversation and a glass of champagne at her residence in Oslo and opened the authors’ workshop in the Norwegian capital, as well as to Advocates General Eleanor Sharpston and Maciej Szpunar, Judge José Luis da Cruz Vilaça and Judge Koen Lenaerts, the President of the Court of Justice of the European Union, who, in addition to contributing chapters, supported, together with William Valasidis and L’Amicale des référendaires, the launch of this volume at the Court of Justice in Luxembourg, thus helping to bring the word out that a bright future for the Union and its citizenship is obviously possible, even in these turbulent times.

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