

EUROPEAN LANDMARKS REGARDING THE CITIZENSHIP

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Abstract: *At the European Union level, several regulations concerning European citizenship are briefly examined in this paper. Furthermore, the study delves into the institution of citizenship as reflected in the Constitutions of various member states, including Romania, focusing on its general aspects within the framework of constitutional law. Particular attention is given to the evolution of citizenship rights and obligations, both at a national and EU level, highlighting the intersection of national sovereignty and transnational governance. The analysis also explores the implications of these regulations for individual rights, political participation, and the legal status of citizens within the broader European context.*

Key words: *citizenship legislation, European citizenship, EU member state.*

1. General presentation

The institution of citizenship represents a fundamental pillar in the architecture of the modern state, closely tied to notions of national identity, civic rights and obligations, and membership within a political community. In the European context, citizenship takes on multiple dimensions, combining the national regulations of each member state with the supranational legal framework of the European Union. This paper aims to explore how citizenship is defined and regulated in the constitutions of various member states within the European space.

European Union: European Union (EU) citizenship represents a fundamental legal concept, enshrined in the Maastricht Treaty of 1992, which introduced a supranational dimension to the traditional notion of citizenship. It does not replace the national citizenship of member states but complements it, granting citizens of EU member states a set of additional rights and obligations specific to the status of EU citizenship. Article 20 of the Treaty on the Functioning of the European Union stipulates that any person

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holding the nationality of a member state is also a citizen of the Union. This status entails a series of fundamental rights, including the right to move and reside freely within the territory of the member states, the right to participate in European Parliament elections and municipal elections in the country of residence, regardless of national citizenship, as well as the right to diplomatic and consular protection from any EU member state when outside the Union, if the citizen's home country is unable to provide assistance.

The Republic of Austria: The Citizenship in Austria is governed by both the Federal Constitution of Austria and the Austrian Citizenship Act. Article 6 of the Federal Constitution emphasizes that there is a single Austrian citizenship, providing the constitutional framework for the acquisition and loss of citizenship. According to Article 6 of the Austrian Constitution, the authority to regulate citizenship lies with the federal government, with the federal states having a limited role in these processes. This article establishes the fundamental principle that Austria maintains a singular citizenship and clarifies that procedural details regarding citizenship acquisition are outlined in special laws. The Austrian Citizenship Act thoroughly regulates all normative and procedural aspects related to citizenship status, providing a comprehensive legal framework for the acquisition and loss of citizenship. (See: Constitution, 2013, and legislation).

The Kingdom of Belgium: Belgian citizenship is governed by the Constitution and national legislation, particularly the Belgian Nationality Code, which outlines the procedures for acquiring and losing citizenship. Article 8 of the Belgian Constitution establishes the general framework, stating that all matters related to citizenship are governed by civil law, thereby granting the legislator the authority to define the conditions and modalities by which citizenship can be acquired, retained, or lost. The Belgian Constitution does not provide specific details on the process of obtaining citizenship but sets forth the principle that citizenship is the foundation for exercising civil and political rights. The Belgian Nationality Code specifies various pathways to acquiring citizenship, such as by birth, descent, adoption, or naturalization. Civil law provides detailed regulation of eligibility criteria, which include residency requirements, social and economic integration, as well as procedures for naturalization or renunciation. Thus, citizenship can be acquired by individuals who meet the conditions stipulated by the applicable legislation, including those related to integration into the Belgian community and proficiency in the country's official languages. (See: Constitution, 2005, and legislation).

The Republic of Bulgaria: Citizenship in Bulgaria is governed by both the country's Constitution and specific national legislation, such as the Bulgarian Citizenship Act. Article 25 of the Bulgarian Constitution provides the general framework, stipulating that an individual becomes a Bulgarian citizen if at least one parent is a Bulgarian citizen. The Constitution also protects citizenship acquired by birth, explicitly stating that no individual can be deprived of their Bulgarian citizenship if obtained by birth, thus safeguarding individuals from statelessness. The Constitution mandates that all procedures concerning the acquisition, retention, and loss of citizenship are regulated by law, granting the Bulgarian Citizenship Act a crucial role in defining the criteria for

naturalization and other forms of citizenship acquisition. (See: Constitution, 2008, and legislation). **The Czech Republic:** Citizenship in the Czech Republic is governed by both the Constitution of the Czech Republic and specific legislation, with Act No. 186/2013 on Citizenship playing a central role. Article 12 of the Constitution establishes the general framework, emphasizing that the acquisition and loss of citizenship are regulated by law, and no individual may be deprived of Czech citizenship against their will. National legislation outlines the procedures through which citizenship may be acquired by birth, descent, naturalization, or other means provided by law. A key aspect of Czech legislation is the strict criteria for permanent residence and integration required to obtain citizenship through naturalization. (See: Constitution, 2013, and legislation). **The Republic of Croatia:** Citizenship in the Republic of Croatia is governed by the Croatian Constitution and the Croatian Citizenship Act. Article 9 of the Constitution provides the general legal framework, stipulating that the acquisition and loss of citizenship are regulated by law. The Constitution ensures the right of Croatian citizens not to be deprived of their citizenship against their will and provides for their protection, both domestically and abroad. The Croatian Citizenship Act, adopted in 1991 and subsequently amended, outlines in detail the procedures by which citizenship may be acquired, whether by birth, descent, or naturalization. Naturalization requires the fulfilment of strict conditions, such as permanent residency and integration into Croatian society. (See: Constitution, 2013, and legislation). **The Kingdom of Denmark:** Citizenship in Denmark is governed by both the Constitution of the Kingdom of Denmark and specific legislation. Article 44 of the Constitution stipulates that the acquisition of citizenship by foreigners must be approved through a special law passed by the Danish Parliament. According to Danish citizenship law, citizenship can be acquired either by birth or through naturalization. Children born to at least one Danish citizen automatically acquire citizenship. Additionally, the 2015 reform introduced the possibility of holding dual citizenship, allowing Danish citizens to acquire another nationality without relinquishing their Danish citizenship and offering the same benefit to foreigners who obtain Danish citizenship. (See: Constitution, 1953, and legislation). **The Hellenic Republic:** Citizenship in Greece is governed by both the Constitution of the Hellenic Republic and the Greek Nationality Code, which together form a robust legislative framework defining the rights and obligations of citizens. Article 4 of the Greek Constitution stipulates that citizenship is granted in accordance with national law and guarantees equal rights and obligations for all citizens, regardless of gender. The Constitution also provides mechanisms for revoking citizenship in special cases, such as the acquisition of another citizenship or involvement in activities contrary to national interests. The Greek Nationality Code outlines the ways in which citizenship can be acquired, whether by birth, descent, or naturalization. (See: Constitution, 2008, and legislation). **The Republic of Estonia:** Citizenship in Estonia is governed by the Constitution of the Republic of Estonia and the Estonian Citizenship Act, which define the rights, obligations, and criteria for the acquisition and loss of citizenship. Article 8 of the Constitution stipulates that Estonian citizenship acquired by birth is inalienable,

thereby protecting citizens from involuntary loss of citizenship. The Constitution ensures that no one can be deprived of citizenship acquired by birth, thus reinforcing the legal protection of citizens. The Estonian Citizenship Act also regulates the naturalization process, which imposes strict requirements such as long-term permanent residence (at least 8 years), proficiency in the Estonian language, and a pledge of loyalty to the state. Estonia does not officially allow dual citizenship, except in specific cases for individuals born with dual nationality, who are required to choose one citizenship by the age of 18. (See: Constitution, 2015, and legislation). **The Republic of Finland:** Citizenship in Finland is governed by the Constitution of Finland and the Nationality Act, which establish the rights and obligations of citizens, as well as the procedures for acquiring and losing citizenship. The Finnish Constitution provides a general framework for the protection of citizens' rights, including participation in political life and protection from extradition. The Nationality Act defines the methods of acquiring citizenship by birth or descent (*jus sanguinis* principle), but also allows for citizenship to be obtained through naturalization or declaration by permanent residents who meet the legal requirements, including proficiency in the Finnish language. (See: Constitution, 1999, and legislation). **The French Republic:** French citizenship is governed by the 1958 Constitution of the French Republic, which provides a general framework for regulating the status of citizens and delegates to the legislature the authority to establish detailed rules on the acquisition, loss, and protection of citizenship. According to Article 34, citizenship is a domain that must be regulated by law, including provisions for the deprivation of citizenship in cases of serious offenses, such as terrorism. The French Civil Code details the methods of acquiring citizenship, such as by birth, naturalization, or marriage, adhering to the traditional principles of *jus sanguinis* and *jus soli*. In exceptional cases, citizenship may be revoked if an individual is convicted of acts that harm national interests. (See: Constitution, 2008, and legislation). **The Federal Republic of Germany:** German citizenship is governed by the Basic Law of the Federal Republic of Germany, adopted in 1949. Article 16 of the Constitution stipulates that no German citizen may be deprived of their citizenship against their will, unless such a measure does not result in statelessness. Additionally, German citizens cannot be extradited to another country, thereby strengthening the legal protection and fundamental rights of German citizens. Recent reforms in 2024 to the Citizenship Act have introduced significant measures to modernize the naturalization process, allowing, for the first time, dual citizenship for naturalized individuals—an essential shift from the previous regime, which required renunciation of prior citizenship. (See: Constitution, 2014). **The Republic of Ireland:** Citizenship in Ireland is governed by the Constitution of Ireland and relevant national legislation, providing a complex framework for the acquisition and loss of citizenship. Article 9 of the Constitution states that citizenship can be acquired by birth, descent, or in accordance with laws established by the state. A significant amendment is the 27th Amendment (2004), which limits the application of the *jus soli* principle. The right to citizenship for such individuals is now contingent upon one of the parents being either an Irish citizen or having the right to permanent residency in Ireland. (See: Constitution,

2019). **The Italian Republic:** Citizenship in Italy is governed by the Constitution of the Italian Republic and specific legislation, particularly by Law No. 91/1992 on Citizenship. Article 22 of the Italian Constitution establishes the principle of the inviolability of citizenship, stipulating that no one can be deprived of Italian citizenship for political reasons, reflecting the protection of fundamental rights in a democratic state. Italian law primarily applies the *jus sanguinis* principle, whereby citizenship is acquired by descent from Italian parents, regardless of the place of birth, and allows for the possibility of holding dual citizenship. The acquisition of Italian citizenship through naturalization is available to individuals who meet the residency and integration requirements set forth by law, while in exceptional cases, *jus soli* applies to children born in Italy to stateless parents. (See: Constitution, 2020, and legislation). **The Republic of Latvia:** Latvian citizenship is governed by the Constitution of the Republic of Latvia and the Citizenship Law, which define the conditions for the acquisition and loss of citizenship. While the Constitution does not include specific details regarding citizenship, it grants the legislature the authority to regulate this matter through ordinary laws. The Citizenship Law, updated in 2013, ensures that Latvian citizenship is primarily acquired based on the *jus sanguinis* principle, meaning citizenship is passed through descent from Latvian parents, regardless of place of birth. The law also allows for naturalization for individuals who meet the residency, integration, and Latvian language proficiency requirements, with a minimum period of five years of permanent residence. Latvia recognizes dual citizenship, particularly for citizens who acquire the nationality of other European Union or NATO member states. (See: Constitution, 2016, and legislation). **The Republic of Lithuania:** Citizenship in Lithuania is governed by the Constitution of Lithuania and the Citizenship Law. According to Article 12 of the Constitution, Lithuanian citizenship is primarily acquired by descent (*jus sanguinis*), and individuals holding Lithuanian citizenship cannot simultaneously hold the citizenship of another state, except as specified by law. Despite efforts to allow dual citizenship through referendums held in 2019 and 2024, the necessary constitutional changes were not adopted due to the failure to meet the required quorum. The Citizenship Law, updated in 2016, provides that citizenship can be obtained through naturalization, a process requiring a minimum of 10 years of legal residence, proficiency in the Lithuanian language, and passing an exam on the country's Constitution. Additionally, the law offers the possibility of reclaiming citizenship for Lithuanian descendants who lost their citizenship due to historical events, such as the Soviet and Nazi occupations. (See: Constitution, 2019, and legislation). **The Grand Duchy of Luxembourg:** Luxembourgish citizenship is governed by the Constitution of the Grand Duchy of Luxembourg and the Citizenship Law of 2017, as subsequently amended. Article 9 of the Constitution delegates to the legislature the authority to establish detailed rules for the acquisition, retention, and loss of citizenship. The Citizenship Law introduces various pathways to acquiring citizenship, such as by birth and naturalization. A key feature of Luxembourg's legislation is its permissiveness towards dual citizenship, allowing naturalized individuals to retain their previous nationality. For naturalization, candidates must meet strict requirements, including a

minimum of five years of legal residence. (See: Constitution, 2020, and legislation). **The Republic of Malta:** Maltese citizenship is governed by the Constitution of the Republic of Malta and the Citizenship Act, both of which establish the criteria for acquiring and losing citizenship. Article 22 of the Maltese Constitution delegates to the legislature the responsibility for regulating these processes, emphasizing that the acquisition of citizenship must comply with legal provisions. The Maltese Citizenship Act, which is regularly updated, allows citizenship to be acquired by birth, descent, naturalization, or marriage. Since 2000, Malta has permitted dual citizenship, removing previous restrictions that required renunciation of Maltese citizenship upon obtaining another nationality. A distinctive feature of the legislation is the Individual Investor Programme, which offers the possibility of obtaining Maltese citizenship in exchange for significant economic contributions, such as investments in the state and residence. (See: Constitution, 2016, and legislation). **The Kingdom of the Netherlands:** Citizenship in the Netherlands is governed by the Constitution of the Kingdom and the Dutch Nationality Act. Article 2 of the Constitution stipulates that detailed regulations concerning citizenship are established through national legislation. The Dutch Nationality Act provides that citizenship can be acquired by birth, if one of the parents is a Dutch citizen, or through the acknowledgment of paternity. Citizenship can also be obtained through naturalization, a process requiring a minimum of five years of legal residence in the Netherlands, fulfilment of integration requirements, and passing a language proficiency test. (See: Constitution, 2008, and legislation). **The Republic of Poland:** Citizenship in Poland is governed by the Constitution of the Republic of Poland and the 2009 Citizenship Act. According to Article 34 of the Constitution, Polish citizenship is acquired by birth if both parents are Polish citizens, or through other means established by law. The 2009 Citizenship Act clarifies the procedures for acquiring citizenship through naturalization, marriage, and descent, with an emphasis on the *jus sanguinis* principle, which facilitates the acquisition of citizenship for descendants of Polish citizens, even if they reside abroad. (See: Constitution, 2009, and legislation). **The Portuguese Republic:** Portuguese citizenship is governed by the Constitution of the Portuguese Republic and the Citizenship Law, adopted in 1981 and subsequently amended to reflect modern requirements. Article 4 of the Constitution states that Portuguese citizenship is granted to individuals who meet the criteria set forth by law. The law establishes that citizenship can be acquired by birth or descent, in accordance with the *jus sanguinis* principle, as well as through naturalization under conditions specified by legislation. Recent amendments to the Citizenship Law have introduced more inclusive measures, allowing the acquisition of citizenship by the grandchildren of Portuguese citizens without the need for residence in Portugal, provided they demonstrate effective ties to the Portuguese community. Additionally, the law grants citizenship to children born in Portugal to foreign parents who have had legal residence for at least one year (See: Constitution, 2005, and legislation). **The Slovak Republic:** Slovak citizenship is governed by the Constitution of the Slovak Republic and the Citizenship Act, which define the criteria and procedures for acquiring, retaining, and losing citizenship. Article 5 of the

Constitution states that the acquisition and loss of citizenship are regulated by law, ensuring that no one can be deprived of Slovak citizenship against their will, thus providing legal protection against statelessness and arbitrary revocation of citizenship. The Citizenship Act allows citizenship to be acquired by birth, descent, or naturalization. A recent amendment to the law facilitates access to citizenship for descendants of Slovak or former Czechoslovak citizens, without requiring proficiency in the Slovak language or culture. (See: Constitution, 2017).

The Republic of Slovenia: Slovenian citizenship is governed by the Constitution of the Republic of Slovenia and the Slovenian Citizenship Act. Article 12 of the Constitution states that citizenship is regulated exclusively by law, and the detailed methods for acquiring and losing citizenship are established by national legislation. Slovenia primarily applies the *jus sanguinis* principle, which allows citizenship to be acquired by descent, regardless of place of birth. Citizenship can also be acquired through naturalization, which requires strict conditions, including a legal residence of at least 10 years and proficiency in the Slovenian language. (See: Constitution, 2016, and legislation).

The Kingdom of Spain: Spanish citizenship is governed by the Constitution of Spain and the Spanish Civil Code. Article 11 of the Constitution states that Spanish citizenship is acquired, retained, and lost in accordance with the law, emphasizing that no person of Spanish origin can be deprived of their citizenship against their will. Spanish Civil Code outlines various ways to acquire citizenship, including by birth, descent and naturalization. Naturalization involves strict requirements, such as a minimum of 10 years of legal residence, with exceptions for citizens of certain countries, such as those from Latin America, who can obtain citizenship after only two years of residence. Spain also allows dual citizenship, though it is primarily limited to citizens from countries with strong historical and cultural ties, such as Latin American nations and a few other states. (See: Constitution, 2011, and specific legislation).

The Kingdom of Sweden: Swedish citizenship is governed by the Constitution of Sweden, specifically through the Instrument of Government, one of the country's four fundamental laws. The Constitution provides the general legal framework, leaving the details of citizenship to be regulated by the Swedish Citizenship Act. The Swedish Citizenship Act allows citizenship to be acquired by birth, descent, or naturalization. The naturalization process requires a minimum of five years of legal residence in Sweden (with some exceptions), along with additional integration requirements, including proficiency in the Swedish language. Sweden permits dual citizenship, an important feature that allows naturalized citizens to retain their previous nationality, provided the other state's legislation allows it (Constitution, 1974, and legislation).

The Hungarian Republic: Citizenship in Hungary is governed by the Fundamental Law of Hungary (the 2011 Constitution) and the Citizenship Act. Article G of the Constitution stipulates that Hungarian citizenship is primarily acquired by birth or descent, thereby offering legal protection to individuals who obtain citizenship by origin. It further states that no one can be deprived of citizenship acquired by birth. The Citizenship Act also regulates other means of acquiring citizenship, including through naturalization, which requires a minimum of eight years of continuous residence in

Hungary, proficiency in the Hungarian language, and social integration. Hungary also permits dual citizenship. (See: Constitution, 2016, and legislation). **Romania:** Romanian citizenship is governed by the Constitution of Romania and the Romanian Citizenship Law (Law No. 21/1991). Article 5 of the Constitution stipulates that Romanian citizenship can be acquired, retained, and lost in accordance with organic law. The Constitution guarantees that citizenship acquired by birth cannot be revoked under any circumstances, thereby protecting the fundamental rights of citizens born on Romanian territory. The Citizenship Law allows Romanian citizenship to be acquired by birth, adoption, or upon request, and Romania recognizes dual citizenship, allowing its citizens to hold citizenship from other countries. Additionally, Romanian citizens are also European Union citizens, enjoying extended rights such as freedom of movement and the right to vote in European Parliament elections.

2. Conclusions

An analysis of both constitutional provisions and the organic laws governing citizenship in European Union member states reveals a diversity of approaches reflecting the legal traditions of each state, as well as the influence of their specific historical and political contexts. However, there are several key common elements that highlight the coherence and convergence of these regimes within the European framework. The principle of *jus sanguinis* is a core element in defining citizenship in many EU member states, including Romania, Hungary, Poland, and Greece. This principle allows children to acquire citizenship regardless of their place of birth, emphasizing the importance of descent and historical continuity. At the same time, in numerous cases, national legislation incorporates *jus soli* in a limited way, particularly to ensure the integration of certain categories of individuals born within the state's territory, such as stateless children or those of resident foreigners. In conclusion, within the European Union, there is a widespread practice of protecting citizens, but also a diversity of legal solutions aimed at reflecting the specificities of each society. Citizenship policies are evolving in the context of global migration dynamics and the imperative of integrating foreigners while upholding the fundamental values of democracy, the rule of law, and the protection of human rights. This legal flexibility ensures a balance between national sovereignty and the common principles established by European legislation.

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