

Abstract

Protecting an Individual from Deprivation of Citizenship of the Union

This master's thesis poses a central research question of whether the factual relationship between the European Union and a Union citizen is of such quality that it gives rise to the factual relation in the form of the genuine link, respectively, whether the legal relationship between the same subjects is of such quality that it gives rise to the legal relation in the form of the direct bond. As for the genuine link, the assessment is constructed on the basis of two aspects, namely—the mutual societal attachment of Union citizens to the European Union, and the shared political interests of Union citizens, in the sense of shared concern in politics and of shared political objectives. On the other hand, in terms of the direct bond, the legal relationship between the European Union and a Union citizen is examined through two prisms, namely—the autonomy of the form-status of Union citizenship, and the nonvicariousness of the content-rights of Union citizenship.

The actual assessment of the factual relationship is conducted on the data from the Eurobarometer, and turnouts of the European Parliament elections in 2019 and of national elections by that time. The examination of the legal relationship is performed by virtue and postulates of the normative legal theory with an emphasis on the theory of legal relationships, logical argumentation, and legal analysis of the rights of a Union citizen. The research shows that the mutual societal attachment and shared political interests are not to be proven. Moreover, albeit the sole existence of Union citizenship between the emergence and termination is of an autonomous character, in its entirety, it is still more than dependent on the life and death—the emergence and termination of the nationality of a Member State. Nonetheless, what is proven is a nonvicarious nature of a particular right of a Union citizen—the right of European citizens' initiative. On the basis of the developed research, the author comes to the conclusion that neither the genuine link nor the direct bond is to be found in Union citizenship. Therefore, neither is the factual relationship between the European Union and a Union citizen of such quality that it gives rise to the factual relation in the form of the genuine link, nor is the legal relationship between same subjects of such quality that it gives rise to the legal relation in the form of the direct bond.

Keywords

Citizenship of the Union

Union citizenship

EU citizenship

Autonomy

Nonvicariousness

Genuine link

Statelessness