

Abstract: Separatist tendencies in individual EU Member States and the potential impact on the free movement of persons in the EU

This thesis deals with the separatist tendencies within the Member States of the European Union. It is therefore a case when a certain region within a Member State decides to secede from it. This needs to be distinguished from a situation when a whole Member State decides to withdraw from the Union. The aim of this thesis is to analyze the various possible scenarios in the case where there is a separation of that region from the Member State. It deals with it in the context of the regions potential continuity within the Union and furthermore it examines the differences between the two most important cases of possible internal secession in the EU of today: Catalonia and Scotland. The thesis evaluates the most probable scenarios in both cases and the consequent impact of such subjective secession of the regions on citizens and their rights in the EU context, in particular the free movement of persons. The first chapter deals with the definition of separatism and general characteristics of the practical behavior of the regions and the state they secede from in the context of the EU. It looks especially at the relationship between the original country and the separatist region and the EU and the region respectively. It mentions Kosovo as an example. The second chapter follows with an analysis of the internal enlargement of the EU and the consequences that this step would mean in the context of the primary law. It deals with the problem from the point of view of the International Law and it is trying to analyze possible analogy. Furthermore, this chapter offers a few possible models of establishment of the Union as such that could be applied and it analyzes the subsequent applications of the models and its ability to resolve the problem of internal enlargement. Finally, it deals with the practical issues of internal enlargement using art. 49 TEU. The third chapter is where the practical part begins. The case study is analyzing the Catalan secession problem with a brief historical overview, analysis of the possible separation from Spain and a probable scenario in the case if such a thing would happen. The fourth chapter deals with the situation in Scotland in a similar way, again analyzing the historical context and studying the better relation between the Scottish and the British government as shown on the example of the referendum. Then again it offers the possible scenarios for the separation and ultimately it highlights the differences between the

two cases (Catalonia and Scotland). The fifth and last chapter analyzes the subjective impact on citizens in the case of the internal secession of a region and it highlights the paradoxical scenarios that may occur. It also deals with the suitability of the preliminary agreement on the free movement of persons between the EU and the separatist entity. The conclusion of the work then highlights the issue of the absence of a precedent and it deals with the negative attitude of the Union in the question of the automatic continuity of membership. But it also considers the different situations in both of the surveyed regions and it shows confidence in the smooth continuity of law, even in the case of leaving the Union, which is inevitable.