

The rights derived from the European Union Citizenship

Review

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Abstract

Based on the classic definition of “citizenship”, it means the direct legal link between a citizen and a state. However, starting from recent and modern developments, it can be concluded that this concept of citizenship is undergoing constant changes.

This is the result of the weakening of the dependence of the citizen on the state and the changing of the boundaries of this concept from a regional or state concept to a universal one.

After the 1990s various forms of citizenship appeared, one of which is the citizenship of the European Union, but very different from the classical one. This form of citizenship for the first time emerged with the entry into force of the Maastricht Treaty in 1993.

In this paper, the rights of EU citizens included in the Charter of Fundamental Rights of the EU will be analyzed in detail. Within these rights include: the right to vote and to stand as a candidate at elections to the European Parliament; the right to vote and to stand as a candidate at municipal elections; the right of access to documents; the right to petition; freedom of movement and of residence, which are directly related to the EU citizen. In a word, these are rights that can be enjoyed by citizens of R. North Macedonia after full membership in the European Union.

Keywords: European Union, Citizenship, Citizens, Rights

1. Introduction

Before moving to legal developments in the sphere of EU citizenship, the notion of citizenship in general should be defined. According to many definitions, stability is the legal relationship in mutual relations in the area of rights, obligations and responsibilities between the individual and the state. This is a definition that has generally encountered admission among jurists. There is no ambiguity in this definition.

But the notion of EU citizenship is one of the issues that mostly created space for debates within the EU legal system. Traditionally, the notion of citizenship has been criticized for the fact that within the EU more importance was given to the economic aspect than to the politics.

When looking at the role of the notion of citizenship from the aspect of EU integration, one of the important documents before the Maastricht Treaty is the report prepared by Belgian Prime Minister Leo Tindemans. His criticism of what the EU institutions and mechanisms are not sufficiently transparent and that the EU is not functioning “in the vicinity of citizens” has made great rage in

the field of integration.¹ However, the notion of European Citizenship or Citizenship gained it with the entry into force of the Maastricht Treaty in 1993.²

The Maastricht Treaty as a legal act that established the EU based on or built on three main pillars, the citizenship institution, which is an essential part of this work, gave place to the first pillar. The article 8 of the Treaty, which is part of the chapter “Citizenship of the Union”, clearly states the status of citizenship and the rights that the institution brings. Pursuant to this Article, every person holding the nationality of a Member State shall be a citizen of the Union.³ Therefore, it is stated that citizens have the right to exercise the rights and to undergo the obligations arising from the profit of this status. The rights deriving from this status in the Maastricht Treaty were regulated in this form:

Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.

Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State, in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1994 by the Council, action unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.⁴

Whereas, after the entry into force of the Lisbon Treaty, the issue of citizenship and the rights deriving from this institution are regulated in Article 20 TFEU as follows:

I. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

II. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia:

- (a) the right to move and reside freely within the territory of the Member States;
- (b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;
- (c) the right to enjoy, in the territory of a third 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 on the same conditions as the nationals of that State; (d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.⁵

¹Bulletin of the European Communities, Supplement 1/76, Report by Mr. Leo Tindemans, http://aei.pitt.edu/942/1/political_tindemans_report.pdf

² Treaty on European Union, https://europa.eu/european-union/sites/europa.eu/files/docs/body/treaty_on_european_union_en.pdf

³ Treaty on European Union, Article 8, https://europa.eu/european-union/sites/europa.eu/files/docs/body/treaty_on_european_union_en.pdf

⁴ Treaty on European Union, Article 8a, https://europa.eu/european-union/sites/europa.eu/files/docs/body/treaty_on_european_union_en.pdf

⁵ Treaty on the Functioning of European Union, Article 20, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

Whereas freedom of movement and free residence of citizens is regulated in Article 21 of the TFEU as follows: “Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect”.⁶

Similar rights are guaranteed by the EU Charter on Fundamental Rights, which won the legal power with the entry into force of the Lisbon Treaty in 2009.⁷ The fifth part of this Charter, titled "Citizens' Rights" It guarantees these rights: Right to vote and to stand as a candidate at elections to the European Parliament; Right to vote and to stand as a candidate at municipal elections; Right to good administration; Right of access to documents; Ombudsman; Right to petition; Freedom of movement and of residence and Diplomatic and consular protection.⁸

2. The right to move and reside freely within the territory of the Member States

Freedom of movement and residence for persons in the EU is the cornerstone of Union citizenship, established by the Treaty of Maastricht in 1992. The gradual phasing-out of internal borders under the Schengen agreements was followed by the adoption of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the EU.⁹

As mentioned above, the issue is also regulated with the primary sources of EU law, where it is worth highlighting Article 3 (2) TEU where it is foreseen the EU's obligation to offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.¹⁰ On the other side, article 21 of the TFEU guarantees the right of citizens to move and reside freely within the territory of the Member States.¹¹

Historically, this right is guaranteed since the entry into force of the Treaty establishing the European Economic Community in 1958,¹² when at that time the freedom of free movement of workers was guaranteed. Then, with the entry into force of the Treaty of Maastricht and the Treaty of Lisbon, this freedom was broadened in terms of the category of individuals involved. So now this freedom can be enjoyed by every EU citizen and by their family members. In addition to the primary sources of EU law, this freedom in more detail is regulated by directives starting from first Directive 90/365/EEC on the right of residence for employees and self-employed persons who

⁶ Treaty on the Functioning of European Union, Article 21,

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

⁷ Article 6 of TEU “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 adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

⁸ Charter of Fundamental rights of European Union, http://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁹ Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the EU <http://www.europarl.europa.eu/factsheets/en/sheet/147/free-movement-of-persons>

¹⁰ Treaty on European Union, Article 3 (2),

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

¹¹ Treaty on the Functioning of European Union, Article 21,

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

¹² Treaty establishing the European Coal and Steel Community,

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:xy0022&from=EN>

have ceased their occupational activity;¹³ Council Directive 90/366/EEC on the right of residence for students;¹⁴ and Council Directive 90/364/EEC on the right of residence (for nationals of Member States who do not enjoy this right under other provisions of Community law and for members of their families)¹⁵ and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.¹⁶ The Directive is designed to encourage Union citizens to exercise their right to move and reside freely within the Member States, to cut back administrative formalities to the bare essentials, to provide a better definition of the status of family members, and to limit the scope for refusing entry or terminating the right of residence.

So, as seen from this regulation on this freedom, although there is always room for intervention, it can be said that this freedom is detailed in order to enable citizens to move freely without any obstacles within the Schengen area. The area that day and beyond is expanding especially towards the Balkans, part of which aims to be also North Macedonia.

3. Right to vote and to stand as a candidate at elections to the European Parliament and Right to vote and to stand as a candidate at municipal elections

As one of the rights guaranteed to EU citizens, this right is regulated both with primary sources and secondary sources of EU law. Within primary resources, this right is regulated in Article 20 (2) TFEU as follows “the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State”.¹⁷ This right is also guaranteed and regulated by Article 22 (1) TFEU “Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State”.¹⁸ In the framework of the EU Charter of Fundamental Rights, this right is

¹³Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity,

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31990L0365>

¹⁴Council Directive 90/366/EEC on the right of residence for students,

<https://publications.europa.eu/en/publication-detail/-/publication/a978b74e-cdb5-4f78-b537-7f19e7b4afca/language-en>

¹⁵Council Directive 90/364/EEC on the right of residence (for nationals of Member States who do not enjoy this right under other provisions of Community law and for members of their families), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31990L0364>

¹⁶Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32004L0038>,

¹⁷ Treaty on the Functioning of European Union, Article 20 (2),

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

¹⁸ Treaty on the Functioning of European Union, Article 22 (1),

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

regulated under Article 40, namely: “Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State”.¹⁹ While referring to secondary sources of EU law regarding this right, we should approach Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.²⁰ Thus, the directive, in contrast to the above articles, which only guarantee this directive, provides for procedures related to the exercise of this right. Since there is not enough room to analyze all the elements of this directive, I believe that it is worth mentioning only Article 6 which provides for a prohibition on the exercise of this right. Under sub-section 6 of the directive foresees procedures related to the exercise of this right. Since there is not enough room to analyze all the elements of this directive, I believe that it is worth mentioning only Article 6 which provides for a prohibition on the exercise of this right. Under sub-section 6 of the directive “Any citizen of the Union who resides in a Member State of which he is not a national and who, through an individual criminal law or civil law decision, has been deprived of his right to stand as a candidate under either the law of the Member State of residence or the law of his home Member State, shall be precluded from exercising that right in the Member State of residence in elections to the European Parliament”.²¹ From this possibility that this right, although guaranteed for all EU citizens, at the same time foresees limitations for a category of citizens as seen in Article 6 of the directive. If we analyze the legal provisions regarding the conditions for the exercise of this right, there may be a widespreadness of the age requirement where most states provide for a minimum age of 18 years, as opposed to Austria, which foresees the minimum age for exercising this right 16 years of age.²² Another issue that needs to be considered and which makes it important is the possibility or the conditions for the exercise of this right by nationals of a Member State in the Member State where they reside, as well as the conditions or the possibility of using this right from non-resident nationals in their home country or in the State of which they are nationals. Both of these issues are regulated in different forms in the legal systems of member states. For example, some states require that a citizen of their own to be able to exercise the right to vote should be a permanent resident in their territory or be found in the electoral list. And as far as the second issue is concerned, some states like Belgium and Greece guarantee the right of non-resident nationals to use their right to vote active and passive in their state's territory even though they do not have permanent residence in the state parent. When considering these regulations, it is clear that situations of misuse of this right are more than obvious. This is due to the lack of sufficient exchange of data between Member States. When considering these regulations, it is clear that situations of misuse of this right are more than obvious. This is due to the lack of sufficient exchange of data between Member States.²³

¹⁹ Charter of Fundamental rights of European Union, Article 40,
http://www.europarl.europa.eu/charter/pdf/text_en.pdf

²⁰ Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31993L0109>

²¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31993L0109>,

²² The European Parliament: Electoral Procedures, http://www.europarl.europa.eu/ftu/pdf/en/FTU_1.3.4.pdf

²³ The European Parliament: Electoral Procedures, http://www.europarl.europa.eu/ftu/pdf/en/FTU_1.3.4.pdf

Regarding the right to run for parliamentary elections in the European Parliament and local elections in the member states, every citizen of the EU, besides being able to apply in the home country whose citizen he is also eligible to run in a member state where it has its place of residence but always fulfilling the conditions set forth in the legal rules of the country where it plans to appear as a candidate. Granting a foreigner to appear as a candidate even more emphasizes the freedom of movement and free residence within the framework and non-discrimination on a national basis, something strictly prohibited by the EU Treaties.

According to Article 3 of the Directive 93/109/EC “Any person who is a citizen of the Union and is not a national of the Member State of residence, but satisfies the same conditions in respect of the right to vote and to stand as a candidate as that State imposes by law on its own nationals shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence unless deprived of those rights”.²⁴

In addition to the condition of citizenship that is a general condition for all member states, the other conditions vary from state to state. According to sub-section 4 of the same directive, no person may stand as a candidate in more than one Member State at the same election.²⁵ The candidate's proposal can be made by the political party, through the gathering of multiple signatures but also in other ways.

4. European Citizens' Initiative

European citizen's initiative as well as the rights mentioned above is an integral part of European citizenship. The legal basis that regulates this right at the same time foresees the conditions for this right to be exercised. Article 11 (4) of the TEU “Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties”.²⁶ This sub-paragraph does not foresee the procedure for the exercise of this right, and therefore Article 24 (1) of the TFEU provides for an obligation for the EP and the Council acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required for a citizens' initiative.²⁷ As a result of

²⁴ Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, Article 3,

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31993L0109>

²⁵ Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, Article 6,

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31993L0109>

²⁶ Treaty on European Union, Article 11 (4),

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

²⁷ Treaty on the Functioning of European Union, Article 24 (1),

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

this obligation have been approved Regulation (EU) No 211/2011 and Rules 211²⁸ and 218 of Parliament's Rules of Procedure.²⁹

Historically seen in 1996, in the run-up to the Amsterdam Intergovernmental Conference, the Austrian and Italian foreign ministers proposed that a right to submit such initiatives be introduced alongside the right to petition the European Parliament, but the proposal was not retained by the Conference. Provisions for a citizens' initiative very similar to the current regime were originally included in the draft Constitutional Treaty (Article 47(4)). Although the Convention Presidium rejected the inclusion of these provisions in the final text, concerted efforts on the part of civil society organizations allowed them to be maintained. Following the failure of the ratification process for the Constitutional Treaty, similar provisions were reinserted during the drafting of the Lisbon Treaty.³⁰

Following the granting of this right through treaties and detailed regulation by secondary sources of EU law, a considerable number of initiatives have been presented to date and since 2012 more than 68 initiatives of which 21 have been rejected on the grounds that they fall outside the Commission's powers whereas 14 of them have been withdrawn by the initiators. At present there are 8 initiatives that are in the collection phase of signatures and only 4 initiatives have been able to collect the necessary signatures and have been submitted to the Commission, and concrete steps have been taken towards the implementation of the initiatives by giving final answers from the Commission. Regarding citizens' initiatives, court proceedings have also been opened. Six ECIs have been subject to legal action before the General Court of the EU, which found in its most recent judgment, T-646/13 'Minority SafePack v Commission', that the Commission failed to comply with its obligation to explain in detail and justify its reasons to refuse to register an ECI, and in judgment T-754/14 'Michael Efler and others v Commission', on the 'Stop TTIP' initiative, the Court clarified that acts that can be subject to an ECI can extend to other acts such as decision to open trade negotiations.³¹

As for the procedure regarding the submission of an initiative, the following steps should be followed: initially, the Committee of the Initiative should be established, to register the initiative, to collect the necessary signatures, to verify and to sign the signatures, and finally to submit and sign the signatures.

Thus citizens through these initiatives can directly influence the improvement of legal regulation and the establishment of democracy within the EU.

5. The right to petition

Like the rights mentioned above, the right to petition is an integral part of European citizenship.

The legal provisions governing this right are Article 20 of the TFEU

“the right to petition the European Parliament in any of the Treaty languages and to obtain a reply in the same language”.³² As opposed to this provision, Article 227 TFEU provides for the

²⁸ Regulations, (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:065:0001:0022:en:PDF>

²⁹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+RULES-EP+20100705+0+DOC+PDF+V0//EN>

³⁰ <http://www.europarl.europa.eu/factsheets/en/sheet/149/european-citizens-initiative>

³¹ <http://www.europarl.europa.eu/factsheets/en/sheet/149/european-citizens-initiative>

³² Treaty on the Functioning of European Union, Article 20,

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

conditions for filing a petition. According to this article Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly.³³ Every time a petition is presented, care must be taken that the petition case falls within the scope of EU action. In addition to these two provisions, the 44th EU Charter of Fundamental Rights regulates this right in this form “Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State have the right to petition the European Parliament”.³⁴

The procedure for dealing with petitions is laid down in Rules 215 to 218 of, and Annex V (XX) to, Parliament’s Rules of Procedure, which confer such responsibility on a parliamentary committee, the Committee on Petitions.³⁵

For a petition to be counted as regular it must meet two conditions: the formal and material condition.

As far as the material condition is concerned, it is required that the matter which is the subject of the petition should fall within the framework of EU.

The main reasons why petitions are declared inadmissible are that petitioners confuse EU competences, responsibilities and possibilities for action and redress with those of Member States and other international organizations and bodies (such as the UN and the Council of Europe), including in relation to the applicability of the EU Charter of Fundamental Rights.³⁶

From the practice so far it has been proved that the petitions have influenced the improvement of democracy, and the detection of violations made to EU law. Petitions have also been key drivers for undertaking many legislative and political actions within the EU and have enabled more effective implementation of the EU Treaties and the EU Charter of Fundamental Rights.

From the practice so far, petitions are usually presented regarding the issues that fall in the field of human rights and freedoms, environmental protection, migration, etc.

Regarding the manner of filing petitions, there are two ways, but what is mostly followed by EU citizens is the way or the way of the web, more specifically through the petition portal.

6. The right of access to EU Institutions Documents

Like the rights mentioned above, this right is guaranteed both in the EU Treaties and in the EU Charter of Fundamental Rights. The manner of realization of this right is regulated by the Regulation 1049/2001.³⁷

³³ Treaty on the Functioning of European Union, Article 227,
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

³⁴ Charter of Fundamental rights of European Union, Article 44,
http://www.europarl.europa.eu/charter/pdf/text_en.pdf

³⁵ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+RULES-EP+20100705+0+DOC+PDF+V0//EN>

³⁶ <http://www.europarl.europa.eu/factsheets/en/sheet/148/the-right-to-petition>

³⁷ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001R1049>

According to the article 15 (3) of TFEU “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph”.³⁸

Such a right is guaranteed by article 43 by the EU charter of Fundamental Rights under which it is based “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to European Parliament, Council and Commission documents”.³⁹

The regulation in question in Article 2 also guarantees this right “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation”.⁴⁰

If a small analysis of these three articles is made, it can be concluded that the article of the Charter 43 and the regulation in general in relation to Article 15 of the treaty are more limited in terms of the institutions involved. Because they guarantee access to documents of institutions such as the European Parliament, the Council and the Commission. If a citizen wishes to cry in the documents of any other institution, then he should be referred to Article 15 of the TFEU. However, these three legal provisions obligate EU institutions to be more transparent in relation to EU citizens.

According to the above provisions, access to all documents of EU institutions is allowed in principle, but as there are times, there are exceptions.

According to Article 4 of the Regulation 1049/2001: 1. “The institutions shall refuse access to a document where disclosure would undermine the protection of:

(a) the public interest as regards: — public security, — defense and military matters, — international relations, — the financial, monetary or economic policy of the Community or a Member State;

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data:

2. The institutions shall refuse access to a document where disclosure would undermine the protection of: — commercial interests of a natural or legal person, including intellectual property, — court proceedings and legal advice, — the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure.⁴¹

The regulation contains provisions regarding the issue of crying in third party documents. Under the Regulation if a request for access to third country documents is made then the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed.

³⁸ Treaty on the Functioning of European Union, Article 15 (3),

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

³⁹ Charter of Fundamental rights of European Union, Article 43,

http://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁴⁰ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001R1049>,

⁴¹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001R1049>,

Access to documents of member states accepted by EU institutions may also be requested. According to the regulation Commission or the Council does not communicate to third parties a document originating from that State without its prior agreement.

The request for access to documents may be submitted in various forms and in one of the official languages. The response to the claim must be given in the language in which the request is made. However, the requirement for access to the document should be precise, clearly defining the document you want to access. Institutions that accept the access request should receive it immediately and within a 15-day deadline with the possibility to continue for another 15 days to answer. The submission of a request in one of the official EU languages is also guaranteed by Article 41 of the EU Charter of Fundamental Rights entitled The right to good administration.

7. Conclusion

Given the rights analyzed above, it can be concluded that these rights are of extraordinary importance for the citizens and institutions of the EU in particular and for the EU right in general. This is due to the fact that the rights in question are guaranteed by the EU treaties and the EU Charter of Fundamental Rights, namely the EU's positive right. We say that they are of special importance to citizens because EU citizens by using these rights can actively participate in the democratic life of the EU. Citizens using the freedom of movement and free participation in economic life, increasing the workforce, economic growth, providing quality services, education and so on. That is why this right is of extraordinary importance.

As how it belongs to the Right to vote and to stand as a candidate at elections to the European Parliament and Right to vote and to stand as a candidate at municipal elections it can be concluded that EU citizens through this right influence the EU's political life. Choosing their own representatives or being self-defeated in the European Parliament can affect the improvement of legal regulation, raising the voice for issues that affect the general social interests and influence the design of internal and external policies. Through the right to initiate civic initiatives, EU citizens united by different EU countries can directly seek proposals for amending any legislative act or for issuing a bill that does not exist at all. Thus, through this legal instrument, citizens influence the political and legislative life of the EU and the protection of citizens' rights.

As far as the issue of petition is concerned, which is very different from civic initiatives, the individual, by its own right, may request the interception of any action by Through the right to initiate civic initiatives, EU citizens united by different EU countries can directly seek proposals for amending any legislative act or for issuing a bill that does not exist at all. Thus, through this legal instrument, citizens influence the political and legislative life of the EU and the protection of citizens' rights.

As far as the issue of petition is concerned, which is very different from civic initiatives, the individual, by its own right, may request the interception of any action by the institutions of the EU for a matter that affects them directly. It may, in turn, require a review of a situation where his rights have been affected. So in this way the citizen notifies the institutions that in certain areas or is not acting properly or the designated social law domain is not adequately regulated. The right of access to EU institutions documents enables citizens greater control over the activity of institutions, but also obliges institutions to be more transparent in their activities. This creates a strong foundation for the institutions to be closer to EU citizens by enabling or creating opportunities for citizens to present their criticisms and guidelines for the activity they do. Viewed

in general, citizens by realizing these rights directly affect the political, legislative, administrative and democratic life of the EU.

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