



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank you for sending the Opinion of the Assembly of the Portuguese Republic, on the European Commission's Report on progress towards effective EU Citizenship for the period 2007-2010 {COM(2010) 602 final}. Please accept my apologies for the extremely long delay of this response.

The European Commission welcomes the positive assessment and the constructive comments expressed in this Opinion regarding the report concerned. This report, taking stock of major developments that occurred in the field of EU Citizenship in the period 1 July 2007 - 30 June 2010, accompanied the EU Citizenship Report 2010 "Dismantling obstacles to EU citizens' rights". The aim thus pursued was to give concrete expression to the Commission's commitment to removing the obstacles that prevent European Union citizens from fully enjoying the rights conferred to them by EU law. At the same time, the Commission's intention was to open a debate on how to fully use the potential of EU citizenship with a view to delivering concrete benefits to Europeans' daily lives. The active contribution of national Parliaments in this debate is crucial.

This Opinion expresses the view that it might be beneficial if the Union could establish parameters and principles which could be accepted as binding in generic terms by all Member States in respect of the acquisition or loss of citizenship, so that as much harmonisation as possible could be achieved in this area, which is of such relevance and significance for the building of Europe.

In this respect, I would like to recall that, according to the law of the European Union, the conditions for obtaining and forfeiting citizenship of the Member States are regulated exclusively under the national law of the individual Member States. The Commission has therefore no competence to establish any parameters or principles regarding the conditions for the acquisition or loss of the nationality of Member States, since they do not fall within the ambit of European Union law.

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I would however wish to underline that, the European Court of Justice, in its judgment of 2 March 2010 in Case C-135/08, Rottmann, specified the provision formulated in its settled case-law according to which the Member States must, when exercising their powers in the sphere of nationality, have due regard to European Union law. In particular, the Court stated that this provision enshrines the principle that, in respect of citizens of the Union, the exercise of this power, in so far as it affects the rights conferred and protected by the legal order of the Union, is amenable to judicial review carried out in the light of European Union law.

In light of the principles stated in this judgment, the Commission is paying close attention to its implications as regards the implementation of national legislations on acquisition and loss of nationality.

I hope that these clarifications address the questions raised in your Opinion, and I look forward to deepening the political dialogue with the Portuguese Parliament.

Yours faithfully,

*Maroš Šefčovič
Vice-President*