Abstract

Since antiquity citizens have their participating role in judicial and political functions. The concept underlying the term "citizenship" persists today, "citizenship" designating the legal status that allows a person to take part to state life by direct participation by referendum or indirect participation by delegating powers to the parliament as representatives of its exercise. Etymologically speaking, the term "citizen" refers to those who have civil and political rights, and are subject to certain obligations instead.

The meaning of the concept of citizenship is extended during the development of the state political life being individualized to the nation.

It is necessary to underline that the population of a state or nation finds its identity by means of citizenship, and the other two constituent elements of the state, territory and sovereignty, complete the state-building algorithm.

The theme addressed, the national citizenship as representative of citizenship, is considered to be a future question in exercising the European rights conferred to any state citizen upon the accession of their state to the European Community.

In this respect, European citizenship is considered to be a different kind of collective identity that ignores the territory or nation, the "European citizen" expressing loyalty to the EU institutions and participating in cross-border governance.

Keywords: European citizenship; human rights; political rights; national citizenship;

1. Introduction

The topic addressed focuses on exemplifying the idea that the citizen is the main representative in governing relations, both nationally and internationally. The right to elect and, implicitly, to be elected accounts for the
citizen’s right to participate consistently in power management by identifying themselves in a first ranking institution - of national type, or in a secondary ranking institution – of European type.

Being a citizen extrapolates a series of rights that extend from the nation to the community, which allows the homogenization of legislation that protects individuals regardless of geographical location in Europe.

The document that officially introduced, for the first time, the concept of "citizenship of the Union" was the Maastricht Treaty, came into force in 1993. Amendments to the Maastricht Treaty regarding the European Community Treaty (ECT) can be found in Part II of Art. 8-8E, entitled "Citizenship of the Union", which clearly states the definition of European citizenship as "A citizen of the European Union is every person holding the nationality of a Member State". (Article 8, point 1 of the ECT).

The first direct elections for the European Parliament by universal suffrage took place in 1979. We underline that, until 1979, national parliaments or population elected the European Deputies. The idea was supported by the premise that the direct elections by citizens should confer the Parliament more representativity, and thus legitimacy in carrying out their mandates.

Such a campaign would require voters to look and examine issues and various options on which Parliament should decide, would give candidates who will come out victorious in this campaign a truly European mandate from their voters, and stimulate primarily the emergence of truly European political parties. (Hallstein, Roetter, 1972).

2. Political rights conferred by EU citizenship

The EC Treaty recognized by its provisions the right of EU citizens to vote and implicitly to be elected in European elections, in the residence state, on the one hand, and in the membership state, on the other.

Over time, it was started from some basic rules supporting the typology of elections, which were later amended. We refer to the classic version for bodies of international organizations, which has shown that the solution did not reflect reality, now returning to the idea of direct election of representatives by the people of the member countries.

Since they were founded, in 1979, the European elections were held once every five years, but as any beginning, these elections represented the conscience of the electorate only later on. Consequently, maturity stage started to develop after 2004.

The typology of elections requires a five-year term in order to make the members to vote and choose on an individual and personal basis, and not under the auspices of instructions or orders received. Thus, the quality of MEP is consistent with the position of MP of a Member State, and with that of a member of the national Government or of the European Commission.

Adoption on 20 September 1976, by the Council of the document "Act relative to the election of the European Parliament by direct universal suffrage", thus enshrines the idea that the European Community is the only international organization that experienced in their structure an assembly directly elected by citizens. (Groza, 2008.) Do not forget that although direct elections represent a substantial step in the institutional development of the European Parliament, there still remain differentiated nuances.

Although each EU state organize their suffrage according to their own rules, common behaviour is required:

- Anyone can vote only one time;
- The minimum age for voting is 18;
- Elections are held on the dates fixed by each Member State, since early Thursday to Sunday, during the same week;
- Opening of the polls can only be performed after polling closing in all Member States.

The implementation of the uniform electoral procedure by adopting the resolution of 1982 by the European Parliament developed the pros and cons within the community institutions. Therefore, a new set of proposals is required, on March 10, 1993, outlining the idea that uniformity does not require an identical electoral procedure, only an approximation of its main elements, in particular the principle of proportional representation, taking into account the vote distribution in geographical area of EU member states. (Dragomin, Niță, 2010). The latest regulations are presented in the Lisbon Reform Treaty, Art. 233, which states that:
“European Parliament shall draw up a proposal to establish the necessary provisions for the election of its members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States. The Council decided unanimously in accordance with a special legislative procedure, and after approval by the European Parliament, which shall act by a majority of its MPs laying down provisions. These provisions shall enter into force after being approved by Member States in accordance with their respective constitutional requirements.”

Although general rules are imposed, still many exemptions apply. An example is the exception on the location of nationals of Member States. Initially, candidates must be citizens of the Member States, however Italy was one of the candidate countries, which, in 1989, supported citizens who are in another country, followed by the UK, which was an exception too, allowing any citizen of the Commonwealth Member States and any Irish citizen to apply not only to Parliament, but even for the national parliament. The same exemption was established for Luxembourg, due to the excessive number of foreign residents.

Another exception is the legal age to exercise the electoral right. For minimum age of 18 years, we have countries like Denmark, Finland, Germany, Malta; Netherlands, Portugal, Romania, Slovenia, Spain, Sweden, for the age of 19 years, Austria, for the age of 21 years Belgium, Czech Republic, Estonia, Latvia, Ireland, Lithuania, Poland, the United Kingdom of Great Britain, Luxembourg, for the age of 23 years France, and for 25 years Cyprus, Greece, Italy, etc.

The derogation from the common law allows a Community voter the freedom of movement, so they exercise their right to vote either in the Member State of residence or in the home Member State, but provided that this right be exercised only once. The right to run in the elections can be exploited by nominating citizen candidates by political parties or through participation in the elections as independent candidates.

One consequence resulting from applying the running right is the loss of votes of the existing parties, and the emergence of opposition and protest parties. It is known, in this respect, the success of UK Independence Party (UKIP), in the UK, in 2004 European elections. (Varela, 2008). This shows that the European Parliament elections are not held as true European elections, being listed as "leading national election" (Hix, 2005).

3. Interaction of citizens: elections and interest groups in the exercise of electoral national and European rights

It is shown in field literature that the European Parliament elections have a secondary role as compared to the national elections. The idea was addressed as "secondary ranking national elections" by Reif and Schmit (Karlheinz, Schmitt, 1980), who stated that European elections were actually referring to national political issues.

It was found that the main objective of the national political parties is to reach and remain in the national government, a goal that defines "first rank choices." Besides these choices, the trend is to use any other type of elections, such as the European, local, or regional elections, etc, which are defined as "second rank" national elections.

Based on this finding, Reif and Schmitt (Karlheinz, Schmitt, 1980) have formulated many opinions on the European Parliament elections.

Elections of second rank are less important for political parties, for which voters will develop a minimal interest. Therefore, the European Parliament elections will bring together a small number of voters, since the citizens are motivated to participate.

European elections offer citizens the opportunity to vote sincerely, according to their own decision and not strategically, thus leading to the disappearance of the connotation of useful voting. In this respect, the voters will vote for parties and not for preferential nearest large parties (Oppenhuis, Van der Eijk, Franklin, 1995), leading to an imbalance in the electoral market, big parties losing electoral votes in favour of smaller parties. The dominance of sincere voting can turn the European Parliament into a true microcosm of European citizenship, which is great in terms of representativeness.

European elections allow citizens to express their dissatisfaction with the ruling party = vote against it being known as sanctioning vote.
A main element demonstrating the link between the exercise of first national and then European electoral rights of citizens is the enforcement of electoral procedure. If European elections take place shortly after the national elections, the majority party in the national parliament is in a grace period. The participation in European elections will be low compared to national elections, but the ruling party support can grow as voters change their position in favor of the winners of previous elections.

If European elections take place before national elections, parties are motivated to attract the largest electorate for the upcoming elections, so participation in exercising the right to choose reach a peak. (Tufte, 1975; Miller, Mackie 1973; Mueller, 1970).

It can be seen that the interaction between national and European citizenship influences the strength of government, the right to vote, the right to stand for dignity, the right to vote and the right to be elected, as civil rights propelling the future governing party.

Europeans not only can elect EU representatives and policies in the European Parliament elections but also are decision makers on other matters regarding governance management from a financial, economic, social perspective. On the one hand, national elections determine the composition of EU member governments, which among other things they represent in the EU Council. Therefore, in conclusion, the European Parliament and the Council represent the citizens of the nation states by the presence of representatives of the Member States.


European Elections and lobbying represent for the present historical period the essential ways of connecting the EU and its citizens.

Both means of connection are compatible and necessary. Taken individually, in elections the candidates present their suggestions and they propose them to citizens, who represent the decision-making organism which propels the candidates to the exercise of power, and through lobbying the citizens are the ones who present their proposals to be examined by the politicians.

Therefore, lobbying and elections represent the word and the vote expressed by the citizens of the EU and they both represent an opportunity to influence the resulted policies.

In elections the political parties show to the citizens in their electoral programs with a view to make known and even manipulate them in a desired direction. Thus, the elections for the European Parliament through which the citizens decide directly the Euro-parliamentaries decide the political colour of the Parliament. Also, the national parliamentary elections have an European component, because after them there will result the governments which represent the states in the European Council.

Consequently, the two elections take place in different moments and through different electoral systems; nevertheless, the common denominator resides in the governing political colour.

As can be remarked, the citizens through their European status can influence the European Union’s decisions through the two methods: elections, therefore the exercise of the right to vote and lobbying, a method of involving the opinion of those people who count, through direct contacts among interest groups or their representatives and the institutions whose decisions they want to influence.

Through lobbying the interest groups transmit to the politicians important information for their decision making, thus contributing that the EU make decisions in accordance with the realities.

Participation through interest groups is relatively more developed in the EU than through electoral connection, as compared to what happens at the national level.

If at the national level the exercise of the vote is eloquent in consolidating the decision-making body that will govern, within the European frame the citizens are the ones who sell the electoral proposals to the interest groups.

Under such circumstances, the role of the Parliament is to make known and give power to the diffused and fragmentary interests whose main political influence derives from combining their electoral power and the politicians’ attempt to be reelected (Weiler, Ulrich, Haltern, Mayer, 1995).

On the other hand, the role of the Parliament is important in that through the transfer of competence domains to Europe there happens a weakening effect per se on the national interests that are diffuse and fragmented because of the big difficulty they will experiment in order to get organised at the trans-national level as compared with a more compact body of the interest groups (union grouping, industrial groups, etc). What is more, the weakening of the
European Parliament at the structural level will create a corresponding effect on these interests even though they are under an organised form. We can conclude that in this hypothesis the electoral power weighs little in politics. (Weiler, Ulrich, Haltern, Mayer, 1995).

Both elections and lobbying are competitive processes, they both use material means to transmit political information, either through lobbying or electoral campaigns, they are both managed by the citizens, they are both interested in presenting opinions and their exercise.

We can remark that European citizenship can be found in exercise in different ways, although it cannot be defined and outlined as a defining attribute, that it is justified through the electoral exercise and through the performance of the community decision-making institutions. (Varela, 2009)

European citizenship cannot function but in accordance with the national citizenship, fact that makes them indispensable one to the other. The studies in the field have shown that the national interests are more important than the European ones, the real meaning of this capacity of the individual being given by the will of the electoral rights exercise.

As a consequence, we can state that we cannot individualise the two citizenships, but what really matters if the connection between them, because they function as a unity, elaborating rights and indirectly obligations that do not go beyond the common right area. (Weiler, Ulrich, Haltern, Mayer, 1995)

The factors that allow us to invoke the European citizenship are propelled from the same basis as in the case of the national citizenship, the difference residing only in the legislative formal framework, one being generated by the Treaties, the other being established by the fundamental law of each state, namely, the Constitution.

5. Conclusion

The legal framework of each country sets the context in which any individual can participate in the social life of the country. The main way through which a person can be involved actively in the society to which they belong is exercising the fundamentals rights of citizens, some of these rights being regulated by international laws. At present, Romania is one of the states with a representative democracy - like many other countries around the world. This idea assumes that those who hold power in the state at a given moment were elected by the citizens to exercise this power on their behalf.

Ordinary citizens have no direct influence on the decisions taken and, in fact, the only way that society members can directly influence the political life of the State is the vote. The right to vote and to be elected, regardless of the rank first or second rank electoral process, confers the individual the power exercise as participant. Everyone in society can realize their participation, as a citizen, in the exercise of power so that it can be said that each of the individuals has a very small part of the sovereign people power, and implicitly, of the EU superstate power.

This system attracts more and more critics, and it may not be far the moment when representative democracy will become a form of organization to be found only in history books - at least in Europe. An alternative is considered participatory democracy, a system in which a wide range of decisions is taken directly by citizens. These decisions will include not only the local, but also the national interest, the individual being encouraged to actively participate in the governance of their country.

Thus, we find that the essential reason that will lead to a participatory democracy is evolving dynamics operating in Europe. In the last decade, however, the European Union began to act more like a superstate, being on the verge of becoming even a federal or confederal state, which confers the European citizenship to all its members.

The dialogue between the national and the European citizenship must be restricted to the component of the rights that the citizen indifferent of position must approach. (Nemțoi, 2014)

The geographic area is in this case the condition that allows the invocation of this competence – the citizenship.

The European citizenship represents a real challenge for all those who wrote studies and for those who will continue to study the concept, because we speak about a supra-national citizenship which, for the first time does not connect the citizen to a certain geographic space, to a state, but aims to make the European Union a community public space.

The citizenship expresses an organic ensemble of rights and obligations, and their system form the juridical status or the juridical situation of the citizen.
These rights are predetermined through juridical norms which are in their turn evaluated within general reports organised among states, in the case of European citizenship or in the reports between citizens and the state’s institutions in the case of the national citizenship.

Citizenship has been classified as an element of the juridical capacity, or as a belonging of a person to the state, as a consequence of which that person has rights established through law and obligations acknowledged through the Constitution of the state. In other words, citizenship can be defined as a juridical relation.

The national connection or report with the supra-national one establish for the individual rights and obligations that can be invoked in the light of the two citizenships.

References