

**Question for written answer E-002730/2012  
to the Commission**

Rule 117

**Edit Bauer (PPE) and Kinga Gál (PPE)**

**Subject:** The compatibility of the practice of citizenship withdrawal with Union law

In the case of the amendment of Law No 40/1993 Tt. on the prohibition of dual citizenship in Slovakia, the Commission stated in its latest response (P-005994/2011) that 'Member States must, when exercising their powers regarding nationality, have due regard to European Union law' and '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'.

As the taking on of another citizenship involves the *ex lege* loss of Slovakian citizenship, official bodies do not issue decisions, and neither administrative nor judicial appeals are possible. As an example of a whole series of similar cases, we can mention the case of L.G., who took Hungarian citizenship as a final year law student in Hungary. The person concerned wrote to the Slovakian authorities expressing the wish to take on a position as a civil servant in Hungary. The person's argument – as the case involves interests protected by the legal order of the Union with respect to the freedom of employment – is supported by the special rules on the recognition of legal qualifications and by the legality of the demand for citizenship.

The person concerned received no justified decision regarding the loss of their Slovakian citizenship and only became aware of this fact from the notice received in connection with the termination of their health insurance and from the police decision<sup>1</sup> notifying them to hand in their identity documents. The authority with competence in the matter rejected the concerned party's request for a reasoned decision and for certification of the loss of citizenship by making reference to Slovakian regulations<sup>2</sup>.

This regulation is clearly in contravention of EU law, in view of the Court's case law<sup>3</sup> and Articles 41 and 47 of the European Union's Charter of Fundamental Rights, with special regard to the obligation to give reasons for administrative decisions – deemed an essential condition of effective legal remedy – and to the provision of judicial review. On the basis of the Court's case law<sup>4</sup>, the principle of effectiveness demands that national procedural rules should not make the enforcement of rights arising from EU law impossible.

What action does the Commission intend to take in order to remedy the violation of EU law in connection with this regulation?

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<sup>1</sup> National health insurance: 2700CC4410; Police: ORPZ-LV-OPP1-4-010/2011

<sup>2</sup> ObU-NR-OVVS4-2012/00141

<sup>3</sup> Court, Heylens, 222/86; Johnston, 222/84

<sup>4</sup> Court, Unibet, C-432/05, P 82; Rewe, 33/76