

**Question for written answer P-005994/2011**  
**to the Commission**  
Rule 117  
**Edit Bauer (PPE)**

Subject: Reconciling ex lege withdrawal of citizenship with EU citizenship

On 26 May 2010 the National Council of the Slovak Republic amended law No Tt. 40/1993 on citizenship of the Slovak Republic. As a result of this amendment, people who choose voluntarily to take up citizenship of another country will lose ex lege their Slovak citizenship. On the basis of the consistent case law of the Court of Justice of the European Union, issues concerning the granting and withdrawal of citizenship fall within the competence of the Member States<sup>1</sup>. In its judgment on the Janko Rottmann case<sup>2</sup>, the Court stated that the Member States must take Union law into account 'when exercising their competence in matters of citizenship'<sup>3</sup>. The judgment shows that Union law – and especially the provisions concerning EU citizenship as the fundamental status of the Member States<sup>4</sup> – requires that, when citizenship is withdrawn, the values protected by the Union's legal order be taken into account, in particular in cases where such provisions entail the withdrawal of EU citizenship. In such cases, Community law requires judicial review and respect of the legal principle of proportionality<sup>5</sup>.

On the basis of the Slovak regulations, in cases where citizenship of another Member State is voluntarily taken up, the ex lege withdrawal of Slovak citizenship clearly does not satisfy the provisions of Union law. This infringement is considered as particularly grave in cases where a Slovak citizen wishes to take up the citizenship of a third country and thus loses their EU citizenship ex lege without the opportunity to apply the legal principle of proportionality or the possibility of judicial review being ensured.

Has the Commission taken these situations into account in its statements to date? What action does the Commission, as Guardian of the Treaties, intend to take in order to resolve this unlawful situation as soon as possible?

---

<sup>1</sup> Judgment of the Court of Justice C-179/98, section 23.

<sup>2</sup> Judgment of the Court of Justice C-135/08.

<sup>3</sup> Judgment of the Court of Justice C-135/08, section 45.

<sup>4</sup> Judgment of the Court of Justice C-135/08, section 43.

<sup>5</sup> Judgment of the Court of Justice C-135/08, sections 48 and 55.