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Legal Status of the individual in the process of European integration

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Key words: Individual legal status, EU law impact on traditional status, new status, EU unitary definition of status.

Summary: 1. Aim of the paper. 2. Process of European integration and individual Legal Status. 3. Fundamental status in EU, citizenship. 4. EU citizenship as fundamental status: new way for a EU Social Model? 5. What the selection of the individual's status by the EU legal system is not. 6. Individual legal Status in European Union, linking voluntary adhesion and "functionalization to the EU goal". 7. Looking for Unitary» definition of EU Individual's Legal Status.

Abstract: *UE introduces or amends laws ordering them on status of whom the law's addressed to under EU law the individuals are defined by virtue of their activities and they are regarded as being of direct interest to EU law: without reference to any connection they may have with any other specific individual; they may benefit in some measure from EU law because of relationship they enjoy with another person.*

EU law impacts on traditional status (i.e. status of parent/child, workers' family members etc.). It also creates new status connected with economic rules, market organisation and free circulation (f.i. status of consumer, etc.). Also EU gives a new dignity to no traditional status (i.e. status of partner homosexual or common law husband/mother) promoting as family member in some Member States (i.e. Italy).

At the moment the EU legal system does not have a composite reflection on how the EU law impacts person and how it is able to change traditional categories of individual status.

Paper analysis relations between EU institutional settings and individuals in view of the EU Law integration process. It will provide answers to the following research questions: has the process of EU integration changed the juridical traditional definition of individual status? Has the legal status concept a new function? Which role has been played by EU Law on a new modern function

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of individual status? Under EU Law, is it possible to build a unitary definition of status of person out and over the Member states legal system?

1. - Aim of the paper. Why a reflection on "vetus" institute like status? For two empirical evidences.

Until now the expression of individual legal status, starting from the Roman law still returns and survives in the juridical idioms and law constantly, but the meaning is still vague.

I'm not able to investigate if the status concept was born before historical societies or if it was only like a simplification of reality, prepared by the jurists and law scholars. In any case this concept survives changing overtime the references in the law and the social identification of groups²

Elements now able to weigh on the way of seeing individual legal status comes from the EU Legal system.

They are strengths that function during the changing times. Across time and law traditions there are several concepts of individual legal status that have something in common, this is the description of people 's group in relationship with the State and other private and public persons.

The second reason is that the EU Court of Justice used the phrase "fundamental status" about citizens' and also in other sentences status: see ECJ 20.09.2011, C-184/99, Grzelczk.; ECJ 17.09.2002, C-413/99, Baumbast and R, Racc., I-7091, p. 82. And the Court of Justice used the phrase "individual legal status", i.e. C-256/11, 15.11.2011; C-162/09, 7.10.2010; C-34/09, 8.03.2011; C-371/102, 9.11.2011.; C-329/11,6.12.2011; C-277/10, 9.02.2012; C-149/10,16.09.2010; C-325/09, 21.07.2011; C-177/10,8.09.2011; C-296/09, 9.12.2010; C-104/09,30.09.2010: C-516/09, 10.03. 2011 etc.

Selection of the individual's status by the EU legal system is not the same as the categorization of persons in Europe's historical past, but it does have its roots there (see § 6).

The EU Court of Justice identified the existence of the Community legal system, through the direct recognition of individual rights by the European Community Treaties.

Primarily concerned with economic actors and the free market, it now extends into a lot of aspects of the lives of citizens, enacts provisions which regulate matters that have an impact on work, circulation, market, family law, children's' positions, on the status of persons indeed.

2. Process of European integration and individual Legal Status. The process of European integration has been accompanied by structural and economic changes which has influenced the Individual's Legal Status in different manners. The paper

2 A. CICU,(1965),*Il concetto di status'*. Scritti minori di Antonio Cicu, vol. 1, I, Milano, 181.

aims to analyze how the individual status of the European citizens – and of third-country nationals presents in EU - are engraved deeply by the present EU law. This altered the traditional Individual's Legal Status of European private law: i.e. status of worker, of citizen, status of immigrant and emigrant, and it sets up a "new" Individual's Legal Status i.e. status of family members different from the traditional notion grounded on mononuclear and heterosexual family.

The EU Court of Justice identified the existence of the EU legal system, through the direct recognition of individual rights by the European Union. Primarily concerned with economic actors and the free market, it now extends into a lot of aspects of the lives of its citizens, enacts provisions which regulate matters that impact families, children and generally on individual's Legal Status indeed.

Protection of individual rights national and EU Courts is the best method for EU integration. To guarantee the existence of the EU legal system, the Court does not rely on Members States but attributes subjectivity to individuals instead. Thus, for performance of its law and market, EU postulated some legal status (including a worker and producer), and at the same time widely modified them.

EU individual rights are contributing to create and redraw the Legal Status of person at the light of the European process of integration. It follows then that the individual rights and the legal individual positions (Status) can prove useful in support of integration.

Some scholar remembers as the individual rights has a temporally and occasional character³ and able to identify relevant selection of interest by a juridical legal system⁴.

On the contrary Individual's Legal Status is a long living personal condition. It is able to organize individual rights and duties and preliminary condition (or better justification) for the regulation of multiplex events regarding the individual's life and private and public individual activities.

Thus, the attention to the individual's status and the network of private actors in relations among them within the EU legal order is crucial to understanding the development of the EU legal system.

Also, the EU rules that take into account the typology of the persons addressed, and classify them by economic affairs which have organized specific rules⁵.

Under EU law the individuals are defined by virtue of their activities or status and they are regarded as being of direct interest to EU law in two way:

3 P. RESCIGNO, (1973) *Situazione e status nell'esperienza del diritto. Riv. Di dir. Civ.*, , L, 209.

4 A. PALAZZO, (2003) 'Interesse legittimi e tutela dei diritti del privato'. *Aa. Vv.*, Nuove forme di tutela delle situazioni giuridiche soggettive, Atti della Tavola rotonda in memoria di Lorenzo Migliorini (Perugia, 7 dicembre 2001), Torino, 23.

5 M. A. LIVI, F. MACARIO,(1996) 'Profili generali'. *I soggetti. Diritto privato europeo*, (Edit by) N. Lipari, Padova, 113.

a) without reference to any connection they may have with any other specific individual (as concerns the requirement of a certain activity or status, their activities might have involved, for example, exercising a right of free movement as a worker, or as a student or freedom to provide, or (indeed receive) a service or freedom of establishment). Or they may have the status of retired persons or merely that of persons not otherwise enjoying rights under Community law who have sufficient resources to avoid becoming a burden on the social assistance system»⁶;

b) They may benefit in some measure from EU law because of the relationship they enjoy with another person e.g. as somebody's family member. Such persons may be said to enjoy "derived" rights, not necessarily because the rights they enjoy are conferred any less directly by the EU legal system, but rather because the interest that EU law has in conferring rights upon them derives from the relationship which these individuals enjoy with another person, whose benefit is the main interest of EU law.

Thus European Union law impacts on "traditional" Individual's Legal Status (i.e. status of parent and child, workers' family members, status of partner, status of wife/husband) and it also creates new Individual's Legal Status connected with economic rules, market organisation and free circulation (f.i. status of consumer, status of producer, family member etc.). Also, the European Community in the time, the EU today give a new dignity to the secret status (as they were defined by Alpa)⁷: status of homosexual or the common law husband or common law mother. The EU law promotes their dignity: The first disappears as secret status and second has the dignity of family members.

The EU legislator introduces or amends laws ordering them on the Individual's Legal Status of whom the law's addressed to, even though.

It is very common to think about the EU law in an economic manner⁸.

The person is the centre of the EU action, on the contrary. And in any case, individuals are the first addressee of these rules.

But, at the moment the European legal system does not have a composite reflection on how the EU law impacts the person and how it is able to change the traditional categories of individual status. And in any case, for the member states legal systems it is now impossible to analyze and regulate the Individual's Status of the people and citizens without taking into consideration the EU rules that have direct or indirect effects on the legal status of the person.

6 G. BARRETT, (2003), Family matters: European community law and third-country family members, *Common Market Law Review*, 40, 369–421.

7 G. ALPA (1993), 'Status e capacità', La terza, Roma_Bari, 37.

8 A. BLAIR (2005), 'European Union since 1945', Longman Pearson, Harlow.

Thus the paper implements an analysis on the relations between EU institutional settings and individuals, in view of the European Law integration process. In particular, it will provide answers to the following questions: has the process of European integration changed the juridical traditional definition of Individual status? Has the legal status concept a new function? Which role has been played by EU Law on a new modern function of individual status? Under EU Law, is it possible to build a unitary definition of legal status of person above and beyond the Member states legal system? And also, is the selection of the individual's status by the EU legal system and their increased numbers synonymous of new privileges? Is the selection of the individual's status by the EU legal system and their increased numbers an instrument only of formal equality? Is the selection of the individual's status by the EU legal system and their increased numbers going back to the past?

We can say immediately "no". Why? Because the selection of the individual's status by the EU legal system is not the same as the categorization of persons in Europe's historical past, but it does have its roots there.

What does the selection of the individual's status by the EU legal system not only do? No formal equality. No synonymous of new privileges. It is not an instrument only for formal equality (as in the legal systems built after the French Revolution) and synonymous of new privileges. We try to explain.

3. Fundamental status in EU, citizenship.

According to the freedom of circulation the identification of individuals' legal status is regarded as being of direct interest to European Union law.

The direct relationship between the right of free movement and individual legal status of persons exists. Free movement of citizens means the possibility of seeking a job in another country; working in that country without special work permission; living there not only for that purpose; remaining even after the end of employment and of enjoying treatment equal to national workers in the access to employment, in working conditions and in all other social and tax advantages that may help integration in the host country.

But the free movement of workers as now guaranteed also to EU citizens also means the right of residence, social advantages, right to stipulate contracts (not only work contracts), and the extension of certain rights also to workers' family members.

For these reasons free movement - not only of workers but now citizens - has a direct and indirect effect on the individual legal status of person, national family law, contracts law and no discrimination on the contracts different from employment contracts (i.e. sale , rent contracts, etc.), and respect of the fundamentals and social rights.

Thus the regulation of the rights usually connected with the status of person — typically — is a way to engrave deeply on the social position of the persons.

Within the domain of European Union law, EU citizenship seems to have the same elements for a jointly fundamental status.

Generally being a worker or self-employed persons, some EU rights can be gained under Treaties articles. These depend on certain situations being fulfilled. Most of the Treaty freedoms and much secondary legislation contain specific provisions on anti-discrimination. This appears as a focused structure of EU rights distinctive of the fundamental individual legal status of citizenship.

Close to these fundamental status are, worker or self-employed persons and citizenship lawfully resident in other Member States may still have the option of their basic status as EU citizens, as above-mentioned.

Thus could be of relevant examining significance to the EU Court of the Justice (C-413/99 - Baumbast and R. v Secretary of State for the Home Department, Case C-413/99, Reports of Cases 2002 I-07091; Case C-503/09, Lucy Stewart v. Secretary of State for Work and Pensions, 21 July 2011) and introduces the expression "fundamental status".

Of course, in the first sense the EU citizenship is without doubt connected with all the conditions characterizing status of citizenship under national law, and "Citizenship of the Union, established by Article 17 EC, is not, however, intended to extend the scope "*ratione materiae*"(also known as subject-matter jurisdiction) of the Treaty to also include internal situations which have no link with Community law⁹. Thus "Fundamental status" cannot, then, signify some usurpation of Members States citizenship, but the national citizenship could be a limitation for the freedoms established by the Treaties incorporated in the notion of EU citizenship.

This paper does not take in consideration the problem of the reference to the "duties" of EU citizenship as 20 TFEU ex art. 17 TEC makes.

Many believe that duties not should be at the essence of EU citizenship. Because EU citizenship is commonly associated with the EU rights immediately based on the Treaties. The topic is controversial and in any case the approach of this paper is more connected with the counterpoint to the rights that the ECJ has held Articles 17 and 18¹⁰.

In any case, EU citizenship is explicitly not planned to replace Member States citizenship, but is in accumulation thereto¹¹: in the case Baumbast, pronouncing EU citizenship as a fundamental status, it is "enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality". The case cited remembers also that Article 21(1) TFEU (formerly 18(1) TEC) is directly effective, that is, it confers on individual's rights which are enforceable before national courts".

Indeed, EU citizenship is not free loading on the set of laws by which Member states citizenship applies. ECJ has consistently held that EU citizenship is of no relevance in just internal situations¹², but remarking the above reflexion on the non

9 Case C-148/02 Carlos Garcia Avello v Etat belge[2003] ECR I-1 1613; Joined Cases C-64/96 and C-65/96 Uecker and Jacquet [1997] ECR I-3171, paragraph 23.

10 Case C-413/99 Baumbast and R, [2002] ECR I-7091

11 Article 17(1) TEC

12 Case C-184/99 Grzelczyk [2001] ECR I-6193, paragraph 31, Baumbast e R, cited.

discrimination as main aims of the EU as an instrument right to building a "European Union welfare state" ex art. 2 and 3 TFEU.

Discrimination founded on Member States citizenship is the main genus that EU law (until it was only Community), intends to get rid of. If national citizenship becomes a ground for discrimination it befall mistaken, and any case divergent to the aims of the Union and the Treaties. As such, national citizenship must fall away, revealing this back up, egalitarian, EU citizenship. Union citizenship is fundamental in the sense that it is the safety net once national citizenship leads to erroneous results. See for instance the ECJ approach.

And how I said in a lot of sentences where EU Court of Justice used the expressions of Status: I propose as an explanation for the case law, that in ECJ expressions of Status means eliminating discrimination.

In 200/02 Chen (2004), the ECJ threw out the UK's unmeritorious argument that a baby could not avail herself of EU citizenship because the resources that would satisfy the requirements of Article 7(1) (b) of the Directive belonged to her mother. The Court takes a realistic appreciation of fact situations to eliminate discrimination in fact and in law for any nationality discrimination.

The reconsideration is high but it does not spill over into internal situations. The consideration above could be extended to the question of the surname of the child (Case C-148/02, Carlos Garcia Avello v. Etat Belge)¹³, because according with EU law rules the free circulation of citizens, the status of the person circulates with the person himself/herself. For instance it could happen that if a Member state's legal system permits the legal recognition of a child by a couple of same sex, the legal recognition of the child must be realised in a Member state that does not have the same permissive legislation. Thus this paper shows that in the light of EU law and the EU legal systems that they influences indirectly in a "paidocentric"¹⁴ relationship between parents and children, also if this area of rules are not part of the EU harmonization process, and extends the analysis to the relevance or irrelevance of the sexual orientation of the parent and in reaction with the children's rights

By "fundamental status" the EJC has revealed itself to be concerned with discrimination as a general principle of EU law. It has, consequently, engaged an expansive approach to the direct applicability of Articles 12, 20 TFEU and 21 TFEU. In addition, its way of thinking looks upon the limits used of the exercise of citizenship rights and the fact situations that will be completely internal is designed such that nationality based discrimination is eliminated. Recourse to EU nationality as a fundamental state, thus, is not a different way of saying that EU citizenship has enriched internal citizenship, in an anti-discriminatory manner.

Opinion of Mr Advocate General La Pergola delivered on 1 July 1997. - Maria Martinez Sala v Freistaat Bayern clears the aspect: "(20). The prohibition of discrimination on grounds of nationality is laid down in the Treaty and interpreted

13 Case C-148/02 Carlos Garcia Avello v Etat belge, cited.

14 R. CIPPITANI (2013), 'Riforma dello status e fonti comunitarie', R. Cippiatni, S.Stefanelli (Edit by) La Parificazione degli status di filiazione, Iseg srl. Roma--Perigia_Mexico, 119.

by the Court as a general principle. It is a principle which, potentially, applies throughout the area of application of the Treaty, although it applies 'without prejudice to' and therefore through particular provisions laid down for putting it into effect in one or another sector of the Community legal order: for example, the free movement of workers and the freedom to provide services or the right of establishment. The creation of Union citizenship unquestionably affects the scope of the Treaty, and it does so in two ways. First of all, a new status has been conferred on the individual, a new individual legal standing in addition to that already provided for, so that nationality as a discriminatory factor ceases to be relevant or, more accurately, is prohibited. Secondly, Article 8a of the Treaty attaches to the legal status of Union citizen the right to move to and reside in any Member State. If we were to follow the reasoning adopted by the Governments represented at the hearing, then despite its explicit wording, Article 8a would not afford Union citizens any new right of movement or residence. In the present case, however, it is not necessary to examine the foundation of that view. If - as in this case - a Community citizen is in any event granted the right to reside in a Member State other than his Member State of origin, his right not to be discriminated against in relation to nationals of the host State continues to exist for as long as he is resident there: even if the person concerned is unable to rely on the directive on the right of residence, that right derives directly and autonomously from the primary rule of Article 8, which in the application of the Treaty is relevant in conferring on the person concerned the status of Union citizen. That individual status will always and in any circumstances be retained by the nationals of any Member State: consequently, in this case, it does not matter whether leave to reside in the host State was derived from the directive or from the domestic law of the Member State concerned"¹⁵.

A lot of EJC judgments take this direction. In this sense also, *Lucy Stewart v. Secretary of State for Work and Pensions*¹⁶; that clearly explicated: "(80) The status of citizen of the Union is destined to be the fundamental status of nationals of the Member States, enabling those among such nationals who find themselves in the same situation to receive, as regards the material scope of the Treaty, the same treatment in law irrespective of their nationality, subject to such exceptions as are provided for in that regard"¹⁷. (81) Situations falling within the material scope of EU law include those involving the exercise of the fundamental freedoms guaranteed by the Treaties, in particular those involving the freedom to move and reside within the territory of the Member States, as conferred by Article 21 TFEU¹⁸. (82) In the case of the main proceedings, it is common ground that Ms Stewart has, in her capacity as a citizen of the Union, exercised her freedom to move and to stay in a Member State other than her Member State of origin.(83) In as much as a citizen of the

¹⁵ Case C-184/99 *Grzelczyk* [2001] ECR I-6193, paragraph 31; *D'Hoop*, paragraph 28; and Case C-544/07 *Rüffler*[2009] ECR I-3389, paragraph 62

¹⁶ Case C-503/09, *Lucy Stewart v. Secretary of State for Work and Pensions*, 21 July 2011

¹⁷ Case *Grzelczyk* cited, paragraph 33; Case *D'Hoop* cited, paragraph 29; and *Rüffler*, cited paragraph 63.

Union must be granted, in all Member States, the same treatment in law as that accorded to nationals of those Member States who find themselves in the same situation, it would be incompatible with the right to freedom of movement were citizens to receive, in the Member State of which they are nationals, treatment less favourable than that which they would enjoy if they had not availed themselves of the opportunities offered by the Treaty in relation to freedom of movement¹⁹".

The novelty of this approach starting with the reflexion over the notion of "citizen as fundamental status" is that it extends not only to workers and jobseekers and the other classifications of people created by the other substantive Treaty rights. The corpus of European Union law actually betrayed a general principle of anti-discrimination within EU law.

The nature of the Court's reasoning in cases like *Martinez Sala* and *Trojani* shows the way EU citizenship has been used as a way of further buttressing protection in Community law against discrimination based on nationality.

This is also reflected in the way the Court has policed the restrictions may legitimately place on the exercise of citizenship rights. Directive 2004/38 codified much of the Court's case law and earlier Residency Directives.

Starting from the analysis of the reality of domestic laws - thinking of the Spanish, Portuguese, Belgian, Dutch, Swedish, Norwegian and Icelandic - and from the respect of the fundamental rights of the person, the remark has to value how the European Union law impacts on traditional status of parent and child and on workers' family members, status of partner, status of wife, status of husband, and taking into account how the protection of rights of family members occurs in the decisions of the EU Court of Justice is not based on an unilateral favour of formal unity of the family, but on the protection of vulnerable people in need of solidarity, bearing duties and responsibilities of the holders of family status.

The right of free circulation of citizens has some effects also in relation of the parent responsibility, presumption of paternity, or declaratory action and disownment of paternity. Many aspects of children's lives are, however, not properly within the competence of the EU, but the free market has generated unwanted side-effects for children. In 2000 the Community adopted a Regulation on jurisdiction and recognition and enforcement in matrimonial matters and in matters of parental responsibility for children of both spouses (Brussels II) The regulation adopted by the E.U. in 2003 (Brussels II bis) extended the scope of Brussels II to all decisions on parental responsibility (which was an improvement on Brussels II) and included provisions on jurisdiction and the return of the child in cases of child abduction. These Regulations have not only a procedural effect, but also substantial effects; see f.i. the notion of parental responsibility.

4. EU citizenship as fundamental status: new way for a EU Social Model?

¹⁹ Case *D'Hoop* cited, paragraph 30, and C-224/02 *Pusa* [2004] ECR I-5763, paragraphs 18; in this direction also C-184/99, *Grzelczk*, cited.

According with the above consideration, the fact is freedom of movement and the individual status can be separated from the sociality that accompanies one's pre-border crossing status and his/her settlement in another Member State.

The analysis will be done taking strongly into account the Jurisprudence of the EU: "(32) According to settled case-law, a benefit may be regarded as a social security benefit as long as it is granted to the recipients, without any individual and discretionary assessment of personal needs, on the basis of a legally defined position and relates to one of the risks expressly listed in Article 4(1) of Regulation No 1408/71²⁰. (35) With regard to determining the precise nature of the benefit at issue in the main proceedings, it follows from the Court's settled case-law that the required EU law be applied uniformly implies that the concepts to which that law refers should not vary according to the particular features of each system of national law but rest upon objective criteria defined in a context specific to EU law. In accordance with that principle, the concepts of sickness and invalidity benefits in Article 4(1) (a) and (b) of Regulation No 1408/71 are to be determined, for the purpose of applying the regulation, not according to the type of national legislation containing the provisions giving those benefits, but in accordance with EU rules which define what those benefits shall consist of²¹. (36) In that regard, in order to distinguish between different categories of social security benefit, the risk covered by each benefit must also be taken into consideration²²"(Case C-503/09, *Lucy Stewart v. Secretary of State for Work and Pensions*, 21 July 2011).

Or taking in account the legislation of second level, the Preamble to Council Regulation 1612/68 (now Directive 2004/38 explicitly referred above) to "the fundamental right of workers to improve their standard of living which must be exercised in freedom and dignity"²³.

'Social' regulation of Private law²⁴ is correlated to distributive justice and to the insufficient resources of part of the people excluded from acceding to essential services, the greater bargaining power of the service provider, or the inadequate financial and educational endowment of consumers to best measure their preferences. In the same area of the market, public ownership models based on tax-financed subsidies have usually been superseded by privatized models²⁵, in which

20 Case C-286/03 *Hosse* [2006] ECR I-1771, paragraph 37; Joined Cases C-396/05, C-419/05 and C-450/05 *Habelt and Others* [2007] ECR I-11895, paragraph 63; and Case C-228/07 *Petersen* [2008] ECR I-6989, paragraph 19.

21 Case 69/79 *Jordens-Vosters* [1980] ECR 75, paragraph 6.

22 Case C-406/04 *De Cuyper* [2006] ECR I-6947, paragraph 27.

23 Dora Kostakopoulou, (2014), 'European Union Citizenship Rights and Duties: Civil, Political and Social', Forthcoming in E. Isin and P. Neyers (eds.), *Global Handbook of Citizenship Studies* (London: Routledge, Forthcoming, 2014)

24 C. JOERGES, E.U. PETERSMANN and Edited, (2006). 'Constitutionalism, Multilevel Trade Governance and Social Regulation' (Studies in International Trade Edited by Law, 9), Oxford.

25 R. LA PORTA, F. LOPEZ-DE-SILANES and R. VISHNY, (1998), Law and finance. *J. Political Economy*, 106: 1113-1155.

the contractor may be contractually bound by a universal service obligation or at the least an obligation to ensure that vulnerable groups may enjoy the service at a lower tariff²⁶.

Instrument of European private law may change the regulate approach on the Markets both Product market and Labour Market²⁷

For instance, in the case of Labour Market, EU countries differ to a considerable degree in the way they regulate their labour markets (see, e.g. OECD, 1994, 2004). While common law countries depend more on markets and contracts, civil law countries depend more on regulation.

This area of analysis has a strong relationship with the workers' right of free movement, typical EU individual right. This right has existed since the foundation of the European Community in 1957. Today it is part of the more general right to free movement of persons, one of the fundamental freedoms guaranteed by European law to EU citizens.

For the EU countries that joined the EU on 1 May 2004 (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia) and on 1 January 2007 (Bulgaria, Romania), the right of free movement of workers may be restricted during a transitional period of maximum seven years after accession. For the first two years following accession, access to labour markets of the EU incumbent Member States will depend on their national law and policy (in particular Denmark, Italy, France, United Kingdom, Netherlands, Spain, Portugal and Ireland). At the moment, three Member States - Germany, Austria, and the United Kingdom – continue applying national measures on labour market access. These national measures will irrevocably end on 30 April 2011 at the latest. Free movement of workers guaranteed to EU citizens means the possibility of job searching in another country, of working there without any need of a work permit, of living there for that purpose, of remaining there even after the employment has finished and of enjoying treatment equal to national workers in the access to employment, in working conditions and in all other social and tax advantages that may help integration in the host country.

But free movement of workers guaranteed to EU citizens also means “right of residence”, social advantages, right to stipulate contracts (not only work contracts), and the extension of certain rights also to workers' family members. (“Free movement of workers – achieving the full benefits and potential” (COM (2002)694)). Thus the free movement right of workers has a direct and indirect effect on the status of person and respect of the fundamentals and social rights, but also on national family law, contracts law and discrimination on the contracts different from employment contracts (i.e. sale , rent contracts, etc.).

26 F.CAFAGGI, H.M. WATT, (2009). 'The Regulatory Function of European Private Law', Elgar, Cheltenham, Northampton

27 V. COLCELLI, (2013), 'Private law instruments as way of EU regional integration', Mario i. Álvarez Ledesma y Roberto Cippitani (Coord.), *Derechos Individuales e Integración regional* (antología), Roma – Perugia – México, 2013,575-597.

Thus the regulation of the rights usually connected with the status of person — typically — is a way to engrave deeply on the social position of the persons²⁸.

"The Court sought to shelter the various aspects of workers' lives from discrimination on the grounds of nationality and to promote their integration into the fabric of the host society by upholding family reunification rights, granting them the same tax and social advantages that nationals of the host Member State enjoy and protecting them from differential conditions of employment and from dismissal. It also ensured that their children and their spouses had access to educational opportunities, housing and trade union participation. In other words, both secondary legislation and case law sought to shelter their whole life, that is, both its economic and social dimensions, from the disadvantages that accompanied, and continue to accompany, 'alienage'. True, one might argue here that this protective layer of legislation had one objective only, namely, to eliminate restrictions in the exercise of free movement rights in order to promote the single market ideal and guarantee economic productivity. Yet, this argument fails to capture the complexity of free movement in the European Union since it essentially disentangles it from its context and its socio-political aspects."²⁹

For the period of three months³⁰ and five years of residence, the presence of other member States becomes a play of conflict for a number of claims: a) states' right to maintain the integrity of their welfare system; b) to shelter it from the claims of 'outsider insiders', c) claims to equal treatment that EU citizenship law; d) policy has generated situations that have exceeded the liberalising trend of the free market ideology. It is easy to say the judicial way does not guaranty their rights. The EU country of destination as EU citizenship is not adequate for the complete progress of the social dimension of European Union citizenship.

"Possible social citizenship duties that might find their way into the TFEU's provisions on EU citizenship in the future are: a) a duty addressed to both the Member States and the Union to promote the equal standing of all citizens in the EU by taking all possible measures to promote labour market participation and to fight poverty, homelessness and social exclusion; b) a duty on the part of the Member States and the Union to promote inclusive access to the resources, rights and opportunities needed for participation in the democratic life of the Union; c) an institutional equality duty applying to all levels of policy making and a horizontal

28 The Free Movement of Workers in the Countries of the European Economic Community, Bull. EC 6/61, pp. 5-10, p. 6; European Council (1968) Regulation 1612/68 on Free Movement of Workers OJ Special Edition 475, OJ L257/2.

29 D. KOSTAKOPOULOU, 'European Union Citizenship Rights and Duties: Civil, Political and Social', Forthcoming, E. Isin and P. Neyers (eds.), *Global Handbook of Citizenship Studies* (London: Routledge, Forthcoming, 2014)

30 The residence of Member states citizen is unqualified during the first three months.

(i.e., citizen) duty of non-discrimination on any of the prohibited grounds (Articles 18 and 19 TFEU) and d) a solidarity duty³¹.

In any case the EU law, as interpreted by the Court of Justice, recognises the relevance - in the field of social security, for example - of international agreements which confer on citizens of a Member State more extensive rights than those deriving from Community provisions, such as those contained, for example, in Regulation (EEC) No 1408/71. The individual concerned may not be denied the rights provided for by the more favourable provisions of such international agreements³². The same applies in this case to the European Convention on Social and Medical Assistance, signed in Paris on 11 December 1953, of which Germany is a signatory. The right not to be expelled, as laid down therein, of necessity entails the right to reside in the host State. That therefore constitutes a legal ground justifying the presence of the plaintiff in Germany, even for Community law purposes.

Thus according with above sustained: citizenship status, free movement, individual well-being in regional migration flows in the light of income distribution and sustainability of national welfare states. What are the consequences of the freedom of movement on the levels of well-being of individuals and on the sustainability of national welfare states in the scenario of full implementation of the EU citizenship status? To what extent would regional migration flows be driven by fiscal competition? Would more generous welfare state contexts attract low-income immigrants in search for stronger protection? How will this reverberate on inequality and growth of the origin and destination regions? It is not too easy for me to give a response to these questions without an economic formation., The problem is that it is not neutral and indifferent for the EU Court of Justice and EU secondary legislation to take into account some effect of the expression "Status".

5. What the selection of the individual's status by the EU legal system is not.

The individual legal status topic has a long historical tradition, and this concept/idea was born: from Roman ages to Middle Ages, up until the French Revolution³³. Thus it could strengthen the populist approach to the European Union politics through the traditional relationship among individual legal status, privileges and discrimination.

31 D. KOSTAKOPOULOU, (2014) 'European Union Citizenship Rights and Duties: Civil, Political and Social', citd.

32 Case C-227/89 Ludwig Rönfeldt v Bundesanstalt für Angestellte [1991] ECR I-323 and Case C-475/93 Jean-Louis Thévenon and Stadt Speyer-Sozialamt v Landesversicherungsanstalt Rheinland-Pfalz [1995] ECR I-3813)

33 L. VIOLA, (1999) 'Lo stato giuridico della persona in prospettiva storica.' G. Lauriola (Edit by) Scienza e filosofia della persona in Duns Scoto, Alberobello, AGA, 25-45.

The EU Individual legal positions concern persons and goods in relationship with the legal system and individuals. Individual's Legal Status in the EU legal system could be defined as a public personal condition from which comes rights, duties and it also justifies a lot of activities and facts regarding the individual's life³⁴. It is not an instrument for formal equality (as in the legal systems building after the French Revolution) and no synonymous of new privileges.

The EU concept of individual legal status is not to conform to the academic hypothesis about the status called "Organic". The theory was born in Italy during the second half of the nineteenth century starting from the Hegel's organic theory of the State, and the individual legal status exists as for the affiliation of the main social and collective groups of family and citizens³⁵.

In the EU legal system it is relevant the concept of family and citizens. This evidence could help to explain what the individual legal status is in the European legal system. It is not for three reasons: first of all for theory the individual connected with market regulation are not individual legal status. To explain these conditions the theory above mentioned does not fit. It is possible to say these are not preliminary conditions for the EU law application, and we do not care about them.

In any rate the organic theory of the individual legal status has to be related to the supranational dimension, not to a national approach. Reference to the European Union legal system is way to cross over this theory, and is not able to explain the multilevel complex of the EU reality. First of all the main individual legal status used by the organic theory of individual legal status is the family as a collective group of which to be a member. The family collective group is of large relevance in the EU legal system too. However this system puts forth the problem of identification what is considered the genotypic form of family we have to refer to³⁶. The EU legal system relates to Member State legal systems the concept of the family and family member as one preliminary condition that applies to the free movement (see Dir. n.34/1998). To do this, the EU legal system compares the traditional notion of family and familiar relationships ground on heterosexual marriage to new formulations of marriage not common to every Member States. Thus we can say that a new modelling of family and family members in the EU legal system is increasing. Meanwhile in the internal legal systems the family as a centre of interest - different and additional compare to the traditional - is vaguer indeed³⁷.

34 P. RESCIGNO, (1973) Situazione e status nell'esperienza del diritto. *Riv. Di dir. Civ.*, L, 209.

35 A. CICU, (1965) 'Il concetto di status. Scritti minori di Antonio Cicu', vol. 1, I, Milano, Giuffrè, 181.

36 R. SACCO, 'Introduzione al diritto comparato', UTET, TORINO, 1980, 39-40..

37 L. LEMMI,(1994) 'Una nota sul concetto di status'. P. Cendon (edit by), Scritti in onore di Rodolfo Sacco, La comparazione giuridica alle soglie del 3° millennio, II, Milano, 663, for the author if the status worth to designate what we now refer to as a person's ability (and that of the juridical act), then it is a concept that has lost its reason for being in the right now,

The only other individual legal status present in the organic theory is the citizen's condition. If the reference to the family as collective group affiliation isn't possible anymore for no more unitary definition of that, the reference for the application of the organic theory of individual legal status to EU status is the citizen's concept.

Problems exist: The concept of EU citizenship was born only after the 1992. Before the 1992 the main preliminary condition for applying the Community law and the free movement rights was the status of worker, not citizen indeed. The status of worker was derived from a formal or informal contract, as Henry Maine³⁸ said underlining that this condition could be limited during the human life.

To explain what the individual legal status, in the contemporary age and especially in the EU legal system is reference to the contract only is not enough. In any case trying to explain could be important. The reason is that it is not possible to use the concept of status by jurists, Courts and national or EU legislators to expend it to every personal situation.

It could be really dangerous for the people's freedom and democracy.

In the next paragraph I will try to explain the dilatation about what could be considered individual legal status is so high that every meaning connected to individual legal status disappears losing any relevance without any consequence. In fact, the dilatation will generate a new underhand form of discrimination and privileges under the veil of the non relevance.

6. Individual legal Status in European Union, linking voluntary adhesion and "functionalization to the EU goal". To answer what the individual legal status is in the EU legal system and also in the sentences of the EU Court of Justice (....EU citizenship is the fundamental status of the EU individual, by Articles 17-18 of the TEU) it is important to remember as in the EU legal system, the selection of relevant interests in horizontal legal relationships arises for the same reason and in the same way as the qualification of rights in vertical legal relationships, that is, to consolidate the EU legal system.

It analyses the network of private actors and the relations among them within the EU legal order. Familiar private law instruments such as tort or contract now appear as only a small part of many possible tools harnessed with the aim of obtaining allocative efficiency or distributive justice and are synthetically described as the correction of market failures.

unless you keep life this conceptual category is only one source of uncertainty and confusion, misunderstanding and duplication.

38 H.S. MAINE, (1861), 'Ancient Law. Its Connection with the Early History of Society and its Relations to Modern Ideas, 163-165, from P. Stein, Legal Evolution. The Story of an Idea, Cambridge - New York, 1980, 85.

All European Union laws regulate relationships—whether vertical or horizontal—but not generic relations. These relationships aim to pursue the *primauté* of the EU and conserve its legal system and internal market and, in horizontal relationships, to consolidate the EU legal system—initially structured by the regulation of vertical relationships.

The EU legal system has also typical civil law principles, the recovery of sums paid but not due and contract liability but also the concept of Individual legal Status, which are aimed at guaranteeing that the economic order sought by the Union is maintained.

Therefore, horizontal relationships in the EU legal system, in view of the functions assigned to legal protection, are selected and adjusted to ensure the existence and survival of the EU legal system. Relationships are aimed at conserving the legal system which was established by the Treaties and which, even within the interstices of the rules, the Court of Justice originally encoded and continues to interpret.

The selection of the individual's status by the EU legal system, is functional to its building and working, underlines the trend to a new form of welfare state, thus the individual's status is not synonymous of privilege in a historical manner and also not only an instrument of formal equality as in the legal systems built after the French Revolution. «Il principio di eguaglianza è nato (...) dalle ceneri politiche e filosofiche degli status personali di stampo feudale dell'epoca medievale e moderna, e in un rapporto di piena ed aperta contrapposizione con essi» .

The coming of welfare state imposed creation of rules direct to the social promotion and for the protection of weak persons through the demarcation of the diversity and peculiarity but no more in a discriminatory manner. Thus, taking distance from the tradition of the concept, the individual's status does not strengthen situations of privilege ground on subjection and is forced no more only in the formal relationship of the liberal state.

The evolution of society and of the legal systems brings to light the acknowledgment of the individual's status as the legal system's responsibility to remove the obstacles in order to apply the equality principle in a substantial manner and not formal, actually.

In the EU legal system, the reference to an individual's status as an operativeness condition of EU law and EU individual rights confirms the public interest to supervise their identification.

The mutation of meaning of public interest in the referring juridical system chanced also the personal condition for the identification of individual's status. This is the actual difficulty for its real definition. In the EU legal system the public interest is its aim. In the articles 2 and 3 TFEU the opening up of obstacles to equality is functionalized to the construction of the legal system itself, in which the number of the individual's status is not endless, but delimited to the individual

precondition for the operativeness of the EU law and not discordant from the necessary promotion of the centrality of person in the member states legal systems and in the European Union welfare state.

As a matter of fact, the reference to the EU legal system reinforces the idea of the status as a gathering and synthesis between private law and public law, where according to the different areas there is a greater or lesser degree of self-determination of the individual within dominated areas / determined by a public interest. Tracing the presence of the latter is crucial in understanding the function of the status in contemporary reality and not letting it be limited to a subjective; it tends to expand it beyond the function that is to be given. Sorting EU reinforces the idea that the concept of status describes the ever-changing balance between freedom of will and freedom of movement on one hand, that essentially a matter of private law, and the social objectives of the welfare state expressed in terms of public law.

To realize the aim mentioned above and to avoid new privileges or discrimination, Maine's reflection cannot be forgotten.

According to the actual explanation of diverse personal conditions and the further and new private relationship incidental to them, it does not seem to be that of a movement from Status to Contract, but it is. Starting from this limited point of view, the actual definition of individual legal status - as different personal conditions and preliminary position within the application of EU law, it could not seem to be movement from Status to Contract because more personal relations engrave them.

The analysis which Maine proposed is that persons are free to make contracts and form associations with whomever they choose, but by self mitigating your own affairs,, there is a shaping of free will in their own interests. As matter of fact, the interests which rule their regarding are not those of the parties alone. Supreme reflection over the stability of society, or the general convenience of third persons, takes priority over the autonomy more often than not when left to the individual in their own affairs.

But Maine's contract has been declared to contain some generalizations. The movement from Status to agreement is more in line with EU goals.

The protection of weak persons (minority, consumers, immigrants, non heterosexual couples, etc.) or the other collective groups by EU which it has selected to aim its goals is only possible if the collective groups agree with their selection. The individual legal status in the EU legal system must ground theirs operativeness on the will of EU public protection, but also in the individual awareness that this is to guarantee that the economic order sought by the Union is maintained in the light of building a "European Union welfare state" ex art. 2 and 3 TFEU.

Also out of the agreement, and not within the range of relevance of jurisprudence of the EU Court and the EU legislation, are personal relationships, contractual o non contractual partnerships for citizens and non citizens.. For instance, a limitation of the effective excise of the free movement right is a choice to avoid a lot of consequences of EU citizens status according to their deep

connections. The exercise of free circulation, at the moment is a choice and is voluntary self adhering to the preliminary conditions which apply the EU law regarding traditional and non traditional status (i.e. status of parent/child, workers' family members, status of partner homosexual or common law husband/mother, etc.), new status connected with economic rules, market organisation and free circulation (f.i. status of consumer, etc.).

For private persons, the other choice at the moment is voluntary self adhering for bring a direct action, where appropriate, before the EU Court of Justice or National Courts. In the Commission's Notice of 13 February 1993 over cooperation between national Courts and the Commission which concerns applying the old articles 85 and 86 EC³⁹, the EU Commission explains that natural persons and enterprises are entitled access to all legal remedies provided by Member States, in the same conditions that Member States apply in the case of violation of domestic rules. Thus, EU individual legal status is strengthened when the judges apply rules concreting and conforming to the objectives pursued by the European Union. The effective protection of individual rights regarding the EU legal system derives from the possibility of using them in actions before national courts⁴⁰. It is for "the legal system of each Member State to determine which court has jurisdiction to hear disputes involving individual rights derived from Community law, but at the same time the Member States are responsible for ensuring that those rights are effectively protected in each case"⁴¹.

7. Looking for *Unitary*» definition of EU Individual's Legal Status.

In accordance with the relevance of the concept of the individual legal status under EU Law, it may be possible to think about the existence of a "unitary" definition of Individual's Legal Status above and beyond the Member States legal system.

The definition as above demonstrated comes to the EU as an open cluster of positive or negative indifferent positions in which a person is as part of social relationships⁴² relevant to the EU law because its centre is on prerogatives and duties by EU legal system postulated to regulate personal and economic affairs. Do to the free movement throughout the EU boundaries, the individual's status is postulated by the EU law for performance of itself, and circulates too.

Thus the reflection over the singular individual's status (worker, consumer, family member etc.) could introduce another consequence: a new remark for a joint

³⁹ OJ C39/6, 1993.

⁴⁰ C-208/90, Theresa Emmont v Minister for Social Welfare, ECR, 1991, p. I-4269.

⁴¹ C-179/84, Bozzetti v Invernizzi, , ECR, 1985, p.2317.

⁴² W. G. FRIEDMANN, (1962) 'Some reflections on status and freedom', Essays in honour of Roscoe Pound, Indianapolis, 222.

reconstruction of individual's status under the EU light. During this time there is an increasing demand of this (see Conclusion of general advocate Pergola⁴³)

Indeed, due to the fact that the legal status of person (i.e. wife, brother, son, daughter, of EU citizens or third-country nationals present in the EU) is the personal condition postulated for performance of EU law and for the enjoyment of the same EU rights, it could not be considered in a different manner in each Member States legal system.

For the Member states legal systems it is now impossible to analyze and regulate the status of their persons and their citizens without taking into consideration the EU rules that directly or indirectly have an effect or address the legal status of the person.

At the moment the European legal system does not have a composite reflection on how the EU law impacts the person and how it is able to change the traditional categories of the individual status according to time and place, and how to examine the evidence of what the EU law has actually been at a particular time.

In the light of the above mentioned analysis, it could be a setting of Principles of the European Law of persons. It would be able to give coherence to the various EU legislative and case law-solutions. This solution and the obstacle to effectiveness of the free circulation in the EU does not to EU Institution: in this sense the "Draft Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 Commission Staff Working Documents: Impact Assessments".

In fact the real problem for effectiveness of the circulation of status of persons is i.e. the Administrative obstacles of the free circulation of individual legal status. The EU has the Legal bases to realize effectiveness to the circulation of Individual status: see Articles 21(2) and 114(1) TFEU.

The above considerations in the object of the "Draft Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012. "Certain formalities for the legalisation of documents also represent an obstacle or an excessive burden. Given the possibilities offered by the use of new technologies, including digital signatures, the Union should consider abolishing all formalities for the legalisation of documents between Member States. Where appropriate, thought the EU should be given to the possibility of creating, in the long term, authentic European documents."

43 C-336/94 Dafeki, Racc., I_6761

F.i. Civil Registry and its document has not a secondary importance. Keep in mind however that the principle of oneness of status has to be applicable to the Act of Civil Status. An oneness notion of individual's status is already operative for the EU functionaries and how the document formed by the Member state Civil Registry is not only an obstacle to free circulation but sometimes are really an impediment for the creation of a status with EU relevance.

Relevant exemplum is that it is impossible in the Italia Civil Registry to

Introduce marriage that is not ground on the traditional legal principle.

As said, European Union law has an impact on the "traditional" Individual's Legal Status (i.e. status of parent and child, workers' family members, status of partner, status of wife/husband) and it also creates a new Individual's Legal Status, and i.e. it take in account a notion of the family and its members is taken into account by the EU and is relevant for the application of the Dir. 2004/38/CE. For the Directive 2004/38/EC's definition of "Family Member"(a) The spouse;(b) the partner with whom the Union citizen has contracted a registered partnership, on the basis of the legislation of a [EU/EEA] Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State;(c) The direct descendants who are under the age of 21 or are dependents and those of the spouse or partner as defined in point (b);(d) The dependent direct relatives in the ascending line and those of the spouse or partner as defined in point (b)". The EU law and its jurisprudential relationships enter into the issues of family member care and in the light of free movement effectively raise them: but i.e. in Italy the status of registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State has not relevance. The historic facts of the birth, death, marriage, divorces, etc. precedes their bureaucratic registration. But it is not always in this manner, also if the safeguard of the family, the respect of family life, and the right to marry and have a family are EU Fundamental rights. The notion of family member has relevance in particular to a connection to the right of asylum, expulsion of emigrant, family reunification and other aspects because the life of the persons is connected with the mission of the EU legal system.

If the status is set up as a prerequisite for the enjoyment of a right of an individual within the Union and the Union set, cannot take recourse to a principle of unique status within the EU, because the "pre-conditions "for the enjoyment of EU rights cannot change depending on where the same subject or different subjects who are facing the same conditions are. This mixes up the principle of equality of European citizens. The notion of unitary status is that which is already operational in secondary legislation and is directly related to EU officials. In this context, the application is known, for example, the independent concept of the family and especially parent-child relationships. On the subject, of the Statute of the EU, for example, employees are expected to a family allowance for dependent children as well as the pension for orphans (see Articles. 1 and 2 of Annex VII to the Staff Regulations do art. 80 of the Statute) .

In order to determine the condition of the son of the official beneficiary one must detect the relations of filiations or matrimonial bed and not established it between the adoptive child and the official EU or between the child and the official's spouse as long as it is actually being maintained by the same official (Art. 2, par. 2 of Annex VII cit.). Remember the Court of First Instance that the criterion for determining the condition of a dependent child is still "the emotional commitment to satisfy in whole or in part the essential needs of the child, in particular with regard to housing, food, clothing, education, care and medical expenses.". The divorce or custody of a child to the spouse who is not an official does not negate the condition of dependent child

The principle of uniqueness would apply, therefore, to the acts of civil status, as well as the status of the person as defined in the member state of origin. This is because the existence of such status and pre-conditions to determine this depends on the existence and enjoyment of the benefits and rights established in the European Union, whether for admission and residence or other benefits too - and not only - character of pay and pensions. In its judgment *Dafeki*, in fact, the subject of the judgment of equivalence is an act of civil status. Likewise also noteworthy is *García Avello*, the obligation to object recognition seems to be the status of the person (linked to the right to a name) purchase in your country of origin (paragraphs 31 and 45). "The judgments *Dafeki* and *García Avello* and conclusions *Niebuß* delineate an obligation for the State of destination - that is, for the State of the Forum - to meet in a particular case, the clarification of status in the state of origin, without checking whether the law applied then set up status that is competent according to the conflicting rules of the State of destination."

It should be recalled how the Court of Justice has established matters in the judgment in *Dafeki*, that in the absence of legislation to harmonize the matter, with reference to the value of the extraterritorial certificate of civil status of a country, the administration and the courts of the Member State of destination or residence of citizens have an obligation to abide by the contents of the documents of civil status issued by the country of origin, even when compared to the mere recognition of the probative value of that document, as submitted, or as recognition of the validity of the act.

In addition, the reference made is not limited to the state of origin of the person as to the training of the condition to be respected in the Member State where the person is bound, being inherent to the concept of European citizenship and its close connection with the principle freedom of movement the opportunity to acquire personal and family status in Member States other than their own.

At the same time the non Registration does not give a formal/documental existence to the individual legal status that could be influenced, used, or presupposed for the operativeness of EU Law or "*c'est a dire*" (clarification) of its aims.

This fact has a relevant consequence to EU and member States costs: "6.17 Its accompanying Impact Assessment (ADD 1) seeks to illustrate the scale of the problem encountered by citizens and businesses moving within the EU. Whilst

acknowledging the difficulty of quantifying the number of public documents circulating between Member States and subject to some form of legalisation or equivalent administrative formality, the Commission estimates that, each year, approximately 1.4 million apostilles are issued at a cost of more than €25 million. It suggests that the costs to EU citizens and businesses of legalisation other than by apostille are likely to be in the range of €2.3 million to €4.6 million and that the production of certified copies of public documents and certified translations amounts to €75-€100 million and €100-€200 million respectively each year"⁴⁴

The unification of the EU Individual legal status is not only a relevant problem for respecting individual rights and fundamental rights but also an economic weight for the EU legal system⁴⁵.

44 Draft Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012

45 R.ARNOLD, (2013) 'Protección de los derechos fundamentales (en Europa)', MarioMario I. Álvarez Ledesma y Roberto Cippitani (Coord) Diccionario analíticode derechos humanose integración jurídica, Iseg, Roma-Perugia-México, 563.