

Socializing Europe - solidifying EU citizenship

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Propositions

Socializing Europe – Solidifying EU Citizenship

Tina Oršolić Dalessio

1. The introduction of European Union citizenship and the rights attached to it so far has had no major impact on creating a European *demos* and reducing the perceived lack of democratic legitimacy in the EU.
2. The Treaty on European Union in Article 4(2) explicitly affirms respect for essential state functions. The lack of elaboration of what these functions entail, however, renders the scope and the content of this promise indeterminate.
3. The existence of persisting tensions between opposing interests and goals in the area of social policy explains the difficulty of addressing the development of EU citizens' social rights in a comprehensible manner.
4. Random political bargaining and a case-by-case approach driven by balancing have so far dominated the evolution of the social dimension of Union citizenship at the EU level. This has generated a lack of coherence, legal certainty and legitimacy in this field, thus, making it hard for EU citizenship to live up to its destined role of the *fundamental status* of member states' nationals.
5. Throughout the history of European integration, national highest tribunals have conditioned changes of EU law, including those in the social policy field, upon the preservation of states' sovereign powers. What they failed to do is to provide a clear definition of sovereignty, thus rendering this demand ambiguous, open-ended and highly susceptible to manipulation.
6. National constitutional reviews of primary EU law amendments have become a tedious exercise in copy-pasting the 'sovereignty-related approach' amongst highest national tribunals.

7. The principle of subsidiarity can provide guidance for law and policy makers in the social rights field, and can function as a tool for supplying the social dimension of EU citizenship with the needed coherence, legal certainty and legitimacy.

8. While the negative aspect of subsidiarity has been emphasized in the context of European integration, its positive aspect has been rather neglected. In order to ensure full respect of the principle of subsidiarity and render it a truly effective instrument of EU law, both its positive and its negative side need to be taken into consideration by law and policy makers.