

# **THE EVOLUTION OF THE STATUS OF EU CITIZENS IN THE HOST STATE AND THE STATE OF ORIGIN IN LIGHT OF THE CASE-LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION – A SUMMARY**

EU citizenship has been introduced in the Maastricht Treaty, which had entered into force on November 1, 1993. In 2018, therefore, this legal institution will have existed for a total of twenty five years. This long of a period is sufficient enough to evaluate the institution's development and its effects on the legal status of the citizens of the Member States of the European Union. However, it should be noted that the legal status of EU citizenship is not a fully formed institution, but rather, an ongoing process which is primarily shaped by the relevant case-law of the Court of Justice.

This doctoral dissertation verifies the general thesis on the changing model of integration connected with holding the status of an EU citizen in light of the evolution of the relevant case-law of the Court of Justice. The aforementioned case-law bears a direct influence on the nature of the relationship between EU citizens and both their host states and their states of origin. The dissertation goes on to verify additional theses formulated in the Introduction, which shape the considerations of the subsequent chapters.

The research undertaken has been divided into nine chapters, while the research findings have been included in the Conclusion to the dissertation. The First Chapter has the form of an extended introduction. It presents the history of the institution of EU citizenship, its character, and correlation with the citizenship of the state of origin. The chapter also provides brief commentaries on terms formed during the preceding stage of European integration, which nonetheless bear significance for understanding case-law in regard to EU citizenship.

The subsequent three chapters focus on the process of delineating the scope of rights of EU citizens in regard to host states in the case-law of the Court of Justice. This process has been divided into three stages of development. The first cutoff point is the signing and entering into force of Directive 2004/38, and the second – the ruling in Case C-140/12 Brey. Chapter Five discusses relevant case-law in regard to the relationship of migrating EU citizens with their state of origin, and in particular the

consequences of applying the real link test. Chapter Six evaluates the influence of EU citizenship on the rulings of the Court of Justice in the scope of the free movement of persons in the internal market.

The unifying factor behind the issues described in the subsequent chapters is the right to the private and familial life of EU citizens. Chapter Seven goes into the development of the rights of the family members of migrating EU citizens. The scope of possibilities of traveling and residing with family members bears a direct influence on the status of migrating EU citizens. Chapter Eight discusses Court of Justice case-law pertaining to the spelling of first and last names of EU citizens. In this regard, member states bring up arguments on their constitutional identity, with the aim of influencing the scope of protection of individuals stemming from EU law itself. The last chapter goes into detail on the so-called *Zambrano* doctrine, or the possibility of issuing the derivative right of residence to family members of a EU citizen in cases when refusal thereof could prevent said EU citizen from enjoying the substance of the rights