

Ius Commune Conference 2024

Workshop: Dynamics of Inclusion and Exclusion in EU Citizenship Case Law

Friday, 29 November (14.00 – 16.00)

Room

Participants

Since its establishment, Union citizenship has occupied a special place in EU scholarship and case-law. Through landmark judgments such as *Ruiz Zambrano*, the CJEU has expanded the scope of EU citizenship beyond its initial boundaries. While the latter pertains to nationals of EU Member States, the CJEU has used Articles 20 and 21 TFEU to grant derived residence rights to third-country nationals who maintain a special relationship of dependency with EU citizens. EU citizenship and free movement law also contributes to shaping the concept of family, in cases such as *Coman* and *VMA*, protecting families that may lack recognition in domestic contexts and challenging exclusionary understanding of national identity.

The dynamics of Union citizenship, however, have not always followed an expansionary trajectory. There have been occasions when the CJEU has interpreted rights narrowly, as in *Dano* regarding social assistance or in cases on expulsion. In turn, the CJEU's pivotal role in shaping the contours of citizenship raises the question of what role other actors, such as Member States and the Union legislature, can or should play in this area.

Perhaps as an inevitable consequence of the CJEU's predominance in EU citizenship, the latter appears to have evolved in a fragmented way. This increasing complexity leads to questioning the foundational principles and limits of Union citizenship rights and raises interrogatives on the protection of EU citizens and non-EU citizens.

The panel aims to explore the dynamic nature of this field of law and, ultimately, it seeks to offer critical insights into the evolving landscape of EU citizenship rights and to navigate the tensions between inclusion and exclusion within the EU legal framework, while highlighting the transformative role of CJEU jurisprudence.

Speakers:

- Martijn van den Brink (Maastricht University)
- Pauline Melin (Maastricht University)
- Alessandro Marcia (Maastricht University)
- Fulvia Ristuccia (Maastricht University)