

AMENDMENT FORM

Suggestion for amendment of Article 7:

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on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Article 7: Citizenship of the Union

1. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship; it shall not replace it. All citizens of the Union, women and men, shall be equal before the law.
2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in this Constitution. They shall have:
 - the right to move and reside freely within the territory of the Member States;
 - the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections in their Member State of residence under the same conditions as nationals of that State;
 - the right to enjoy, in the territory of a third country in which the Member State of which they are a national is not represented, the protection of the diplomatic and consular authorities of any Member State

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~~– SEE ARTICLES 39-46 of the CHARTER~~

- ~~2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in this Constitution. They shall have:
 - ~~– the right to move and reside freely within the territory of the Member States;~~
 - ~~– the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections in their Member State of residence under the same conditions as nationals of that State;~~
 - ~~– the right to enjoy, in the territory of a third country in which the Member State of which they are a national is not repre-~~~~

on the same conditions as the nationals of that State;

- the right to petition the European Parliament, to apply to the Ombudsman, and to write to the institutions and advisory bodies of the Union in any of the Union's languages and to obtain a reply in the same language.

3. These rights shall be exercised in accordance with the conditions and limits defined by this Constitution and by the measures adopted to give it effect.

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- ~~— the right to petition the European Parliament, to apply to the Ombudsman, and to write to the institutions and advisory bodies of the Union in any of the Union's languages and to obtain a reply in the same language.~~

~~3. These rights shall be exercised in accordance with the conditions and limits defined by this Constitution and by the measures adopted to give it effect.~~

Explanation:

- *Under the proviso that the Charter for Fundamental Rights is inserted in toto at the beginning of the Constitution, most of this provision (para 2-3) becomes superfluous: the Citizens' Rights are already all included, in the same wording, in **Articles 39-46 of the Charter** (which itself is drawn from Articles 18-22, 255 of the EC Treaty). There is no need to duplicate!*
- *Para 1, second sentence (equality before the law, also of women and men) is already included, in an even better wording, in **Article 20, 21 and 23 of the Charter**, which are **all directly effective prohibitions. In addition, we propose to underline the importance of equality, in particular of equality between women and men, both in the Preamble of the Constitution and in Article 2 para 1, second sentence laying down the values of the Union.***
- *Only Article 7(1) of the Praesidium text – **the definition of Union citizenship** – is not yet included in the text of the Charter. **We suggest to include this provision, which is drawn from Article 17 of the EC Treaty, at the end of the text of the Charter.** This was also recommended by Convention Working Group II "Charter" (see page 6 of its Final Report): "The Group signals that if, as advocated by a large majority of the Group, incorporation is achieved by insertion of the Charter text in the first part of the Constitutional Treaty, it would then become necessary to combine, in an appropriate manner, in that Treaty the Charter articles on citizens' rights and the provisions on citizenship of the EC Treaty having constitutional importance; this should be considered as a technical operation raising no political problems." For an example of how this technical operation could be put in practice, see Article 51 in the EPP Discussion Paper (Frascati text, as amended, 27 January 2003).*