

AMENDMENT FORM

Suggestion for amendment of Article 7

By **Robert Maclennan**

Status : **Alternate**

Article 7: Citizenship of the Union

7.1 Every national of a Member State shall *also* be a citizen of the *Union*. *All* citizens of the Union shall be equal before the law.

7.2 Citizens of the Union shall enjoy the rights *as set out in the Charter* and be subject to the duties provided for in this *Constitution*. *These* rights **and duties** shall be exercised in accordance with the conditions and limits defined by this Constitution and by the measures adopted to give it effect. They shall, **inter alia**, have :

- *the right to judicial protection against the violation of a fundamental right or freedom guaranteed by the Charter or as defined by the ECHR by an institution of the Union or violation by another citizen in exercising such a claim, right or freedom ;*
- the right to move and reside freely within the territory of the Member States ;
- the right to vote and 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 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.

7.3 *Delete*

Explanation:

7.1 The second sentence of the Praesidium's draft is almost apologetic in tone. The idea that EU citizenship is a supplement to and not a substitute for national citizenship, if needed, can better be rendered by the addition of the word 'also' in the first sentence.

In the last sentence, the reference to 'women and men' is incongruous. What other kind of citizen could there reasonably be?

7.2 It is sensible, to add an explicit reference to the Charter as being the place where citizens can find all their rights. It is necessary to provide citizens of the Union with judicial remedy for the violation of their fundamental rights by the Union or its servants and by other citizens claiming such freedoms (e.g. freedom of religion) as a justification for limiting the rights of the individual (e.g. family rights)

7.3 is elided with the revised 7.2 in the interests of comprehension.