

FICHE AMENDEMENT

Proposition d'amendement à l'Article 7

Déposée par Monsieur William ABITBOL

Qualité :Suppléant

Article 7 :

1. La nationalité d'un des Etats membres confère à son détenteur la citoyenneté de l'Union.
Tous les citoyens de l'Union sont égaux devant celle-ci.

2. Les citoyens de l'Union ont le droit de séjourner et de circuler librement sur le territoire des Etats membres et, selon certaines conditions, d'y travailler et de s'y établir.
Ils sont électeurs et éligibles dans le pays où ils résident à l'occasion des élections municipales et européennes.
Ils ont le droit de pétition, celui de s'adresser au Médiateur de l'Union.
Toutes les institutions de l'Union répondent aux citoyens de l'Union dans la langue de ceux-ci.

Explication éventuelle :

Ce texte remplace l'ensemble du texte original de l'article visé

FICHE AMENDEMENT 3 (FINAL)

Proposition d'amendement à l'Article : I-8

Déposée par Madame ou Monsieur : Borrell, Carnero y López Garrido

Qualité : - Membre - Suppléant

1. Toda persona que ostente la nacionalidad de un Estado miembro posee la ciudadanía de la Unión, que se añade a la ciudadanía nacional sin sustituirla. **Los residentes titulares de un estatuto de larga duración en la Unión y nacionalidad de un país tercero pueden acceder a la ciudadanía europea, en los términos establecidos por la ley.**

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 8

By Ms / Mr : J. Kohout

Status : - Member

8.2 delete

Explanation (if any) :

The rights of the citizens are covered by the Charter which is to become a part of the Constitution.

Proposition d'amendement à l'Article 7

Déposée par Madame Elena Paciotti

Qualité : Suppléante

IT Version

Articolo 7: Cittadinanza dell'Unione

1. E' cittadino dell'Unione chiunque abbia la cittadinanza di uno Stato membro. La cittadinanza dell'Unione *completa* la cittadinanza nazionale, e non *la* sostituisce. (*12 parole soppresse*)
La cittadinanza europea può essere attribuita a cittadini di Paesi non membri dell'Unione o ad apolidi che risiedono legalmente da più di cinque anni sul territorio dell'Unione e ne condividono i valori.
2. I cittadini dell'Unione *partecipano alla sua vita politica, nelle forme e nei modi previsti dalla Costituzione. Essi* godono dei diritti e sono soggetti ai doveri previsti dalla *Carta dei diritti fondamentali.*
3. *Soppresso.*

Explication éventuelle:

1. *La cittadinanza dell'Unione può essere estesa a tutti coloro che vi risiedono legalmente, ne condividono i valori e fanno quindi parte della società.*
2. *E' opportuno non ripetere con altre parole i diritti già chiaramente iscritti nella Carta dei diritti fondamentali, per non ingenerare equivoci. È invece opportuno sottolineare la partecipazione dei cittadini alla vita politica dell'Unione.*
3. *Il paragrafo 3 è superfluo: la regola è ovvia e comunque è già presente nelle disposizioni della Carta dei diritti fondamentali.*

Proposition d'amendement à l'Article 7

Déposée par Madame Elena Paciotti, Suppléante

EN Version

Article 7: Citizenship of the Union

1. Every national of a Member State shall be a citizen of the Union. *(1 sentence deleted)*. Citizenship of the Union shall **complete** national citizenship, **and** shall not replace it. *(14 words deleted)*. **European citizenship can be attributed to citizens of Countries that are not members of the Union or to stateless persons who have been legally resident in Union territory for more than five years, and who share its values.**

2. Citizens of the Union **shall take part in the political life of the Union, in accordance with the directives contained in the Constitution.** They shall enjoy the rights and be subject to the duties provided for in the Charter of Fundamental Rights.

3. **Suppressed.**

Explication éventuelle:

1. *Citizenship of the Union can be extended to all those who are legally resident in it, who share its values, and who are, thus, a part of the society.*

2. *We should not use other words to repeat the rights that are already clearly stated in the Charter of Fundamental Rights, so as not to create misconceptions. We should, however, underline the participation of the citizens in the political life of the Union.*

3. *Paragraph 3 is superfluous: the norm is obvious and, in any case, is already present in the provisions contained in the Charter of Fundamental Rights.*

AMENDMENT FORM

Suggestion for amendment of Article : 7

By Ms / Mr : Marie Nagy

Status : - Member - Alternate

Article 7: Citizenship of the Union

1. Every national of a Member State **and every recognised stateless person or refugee** 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 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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Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 7

Déposée par Monsieur Dominique de Villepin

Qualité : Membre

Article 7: La citoyenneté de l'Union

1. Possède la citoyenneté de l'Union toute personne ayant la nationalité d'un Etat membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. Les citoyens de l'Union sont égaux devant la loi.

2. Les citoyennes et citoyens de l'Union jouissent des droits et sont soumis aux devoirs prévus par la présente Constitution. Ils ont:
 - le droit de circuler et de séjourner librement sur le territoire des Etats membres;
 - le droit de vote et d'éligibilité aux élections au Parlement européen ainsi qu'aux élections municipales dans l'Etat membre où ils résident, dans les mêmes conditions que les ressortissants de cet Etat;
 - le droit de bénéficier, sur le territoire d'un pays tiers où l'Etat membre dont ils sont ressortissants n'est pas représenté, de la protection des autorités diplomatiques et consulaires de tout Etat membre dans les mêmes conditions que les nationaux de cet Etat;
 - le droit de pétition devant le Parlement européen, de s'adresser au médiateur de l'Union, ainsi que d'écrire aux institutions et aux organes consultatifs de l'Union dans une des langues de l'Union et de recevoir une réponse dans la même langue.

3. Ces droits s'exercent dans les conditions et limites définies par la présente Constitution, et par les dispositions prises pour son application.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 7

By Mr Andrew Duff, Mr Dimitrij Rupel, Mr Paul Helminger and Mr István Szent-Iványi and Mr Lamberto Dini.

Status : Members and alternate member.

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 shall be exercised in accordance with the conditions and limits defined by this Constitution and by the measures adopted to give it effect.
- 7.3 *Delete*
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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 *The detailed provisions of citizenship are laid down in the Charter and are not necessary to be repeated here on condition that the Charter is incorporated prominently in Part One. It is sensible, in that case, to add an explicit reference to the Charter as being the place where citizens can find their rights.*

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

AMENDMENT FORM

Suggestion for amendment of Article 7 :

By Mr Joschka Fischer

Status : - Member

Artikel 7: Die Unionsbürgerschaft

(1) Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt. Die Unionsbürgerschaft tritt zur nationalen Staatsbürgerschaft hinzu, ohne diese zu ersetzen. ~~Alle Unionsbürgerinnen und Unionsbürger sind vor dem Gesetz gleich.~~

(2) ~~Die Unionsbürgerinnen und Unionsbürger haben die in dieser Verfassung vorgesehenen Rechte und Pflichten. Sie~~

~~— haben das Recht, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten;~~

~~— besitzen in dem Mitgliedstaat, in dem sie ihren Wohnsitz haben, das aktive und passive Wahlrecht bei den Wahlen zum Europäischen Parlament und bei den Kommunalwahlen, wobei für sie dieselben Bedingungen gelten wie für die Angehörigen des betreffenden Mitgliedstaats;~~

~~— genießen im Hoheitsgebiet eines Drittlandes, in dem der Mitgliedstaat, dessen Staatsangehörigkeit sie besitzen, nicht vertreten ist, den Schutz der diplomatischen und konsularischen Stellen eines jeden Mitgliedstaats unter denselben Bedingungen wie Staatsangehörige dieses Staates;~~

~~— haben das Recht, eine Petition an das Europäische Parlament zu richten, sich an den Bürgerbeauftragten der Union zu wenden sowie Schreiben in einer der Sprachen der Union an die Organe und die beratenden Einrichtungen der Union zu richten und eine Antwort in derselben Sprache zu erhalten.~~

(3) ~~Die Ausübung dieser Rechte erfolgt im Rahmen der Bedingungen und Grenzen, die in dieser Verfassung und in den Bestimmungen zu ihrer Durchführung festgelegt sind.~~

Explanation (if any) :

Im Sinne der Kürze des Verfassungstexts können Absatz 1 Satz 2 und Absatz 2 entfallen, da sie die Bestimmungen der Grundrechtecharta übernehmen.

AMENDMENT FORM

Suggestion for amendment of Article: 7

By Ms / Mr : Mr. Ms. Irena Belohorska – member, Jan Zahradil – member, Mr. Jens-Peter Bonde - member, Mr. David Heathcoat-Amory - member, Mr. William Abitbol - alternate, Mr. Peter Skaarup - member, Mr. Per Dalgaard - alternate, Mr. Esko Seppänen – alternate, and Mr. John Gormley - alternate.

Article 7: Citizen in the Europe of Democracies

1. The Europe of Democracies respects the national citizenship.
2. Citizens in the Europe of Democracies shall enjoy the rights and be subject to the duties provided for in this agreement. They shall have:
 - the right to move and reside freely within the territory of the Member States under observance of the legislation 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 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 Treaty and by the measures adopted to give it effect.

AMENDMENT FORM

Suggestion for amendment of Article 7:

By Elmar BROK, Jozsef SZAJER, Erwin TEUFEL, René VAN DER LINDEN, Frantisek KROUPA, Jacques SANTER, Teresa ALMEIDA GARRETT, Peter ALTMAIER, Jan FIGEL, Piia Noora KAUPPI, Hanja MAIJ-WEGGEN, Reinhard RACK, Joachim WÜRMEILING

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

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.~~

~~– 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.

~~sent, 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.~~

~~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).*

AMENDMENT FORM

Suggestion for amendment of Article : 7: Citizenship of the Union

By the Earl of Stockton MEP

Status : - Member - Alternate

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 (New) ; both at European and national level.

Explanation (if any) : *Upholding the principle of subsidiarity.*

AMENDMENT FORM

Suggestion for amendment of Article 7

By Mr : Jan KOHOUT

Status : - Member

Art. 7.1.

The principle of equality (second sentence) is also enshrined in the Charter.

The exact meaning of "equality before the law" should be made clear. Art. 6 refers to "application of the Constitution", while Art. 7.1 mentions "equality before the law". Laws are internal national acts.

Art. 7.2.

The first sentence mentions the rights and duties of EU citizens, but the following text defines only the rights.

The provisions of **Art. 7.2 and Art. 3** are closely related and should be put together in a single clause.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 7

By MM : Kiljunen and Vanhanen

Status : - Members

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. **[delete]**

2. and 3. as in Presidency draft

Explanation (if any) :

Amendments submitted by Teija Tiilikainen and Antti Peltomäki 17 February 2003

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 [...] 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 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.

Commentary:

Reference to "women and men" in para. 1 is redundant.

Paragraph 2 reproduces the Title V in the Charter of Fundamental Rights and it should still be reconsidered whether it needs to be taken in the Constitution at all.

AMENDMENT FORM

Suggestion for amendment of Article 7

By Mr. Ivan Korčok (SK)

Status : - Member

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 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.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7

Déposée par Madame ou Monsieur : Mme PALACIO

Qualité : - Membre - Suppléant

Article 7: La citoyenneté de l'Union

1. Possède la citoyenneté de l'Union toute personne ayant la nationalité d'un Etat membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. Toutes les citoyennes et tous les citoyens de l'Union sont égaux devant la loi.
 2. Dans les domaines d'application de cette Constitution, et sans préjudice des dispositions particulières qu'elle prévoit, est interdite toute discrimination exercée en raison de la nationalité.
 3. Les citoyennes et citoyens de l'Union jouissent des droits et sont soumis aux devoirs prévus par la présente Constitution. Ils ont notamment:
 - le droit de circuler et de séjourner librement sur le territoire des Etats membres;
 - le droit de vote et d'éligibilité aux élections au Parlement européen ainsi qu'aux élections municipales dans l'Etat membre où ils résident, dans les mêmes conditions que les ressortissants de cet Etat;
 - le droit de bénéficier, sur le territoire d'un pays tiers où l'Etat membre dont ils sont ressortissants n'est pas représenté, de la protection des autorités diplomatiques et consulaires de tout Etat membre dans les mêmes conditions que les nationaux de cet Etat;
 - le droit de pétition devant le Parlement européen, de s'adresser au médiateur de l'Union, ainsi que d'écrire aux institutions et aux organes consultatifs de l'Union dans une des langues de l'Union et de recevoir une réponse dans la même langue.
 4. Ces droits s'exercent dans les conditions et limites définies par la présente Constitution, et par les dispositions prises pour son application.
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Explication :

L'article 6 est reproduit ici comme nouveau paragraphe 2.

L'option d'éliminer tous les paragraphes de cet article sauf le premier serait probablement la plus logique une fois que la Charte fait partie intégrante de la Constitution (le Chapitre V de la Charte reproduit tous ces droits des citoyens de l'Union).

AMENDMENT FORM

Suggestion for amendment of Article : 7

By Mr : Gianfranco FINI

Status : - Member

Articolo 7: Cittadinanza dell'Unione

1. E' cittadino dell'Unione chiunque abbia la cittadinanza di uno Stato membro. La cittadinanza dell'Unione si aggiunge alla cittadinanza nazionale, e non sostituisce quest'ultima. Tutti cittadini dell'Unione, uomini e donne, sono uguali dinanzi alla legge.

 2. I cittadini dell'Unione godono dei diritti e sono soggetti ai doveri previsti dalla presente Costituzione, segnatamente:
 - il diritto di circolare e di soggiornare liberamente nel territorio degli Stati membri;
 - il diritto di **elettorato attivo e passivo** [~~voto e di eleggibilità~~] alle elezioni del Parlamento europeo e alle elezioni **locali** [~~comunali~~] nello Stato membro in cui risiedono, alle stesse condizioni dei cittadini di detto Stato;
 - il diritto di godere, nel territorio di un paese terzo nel quale lo Stato membro di cui hanno la cittadinanza non è rappresentato, della tutela da parte delle autorità diplomatiche e consolari di qualsiasi Stato membro, alle stesse condizioni dei cittadini di detto Stato;
 - il diritto di petizione dinanzi al Parlamento europeo, di rivolgersi al mediatore dell'Unione, di scrivere alle istituzioni o agli organi consultivi dell'Unione in una delle lingue dell'Unione e di ricevere una risposta nella stessa lingua.

 3. Tali diritti sono esercitati secondo le condizioni e i limiti definiti dalla presente Costituzione e dalle disposizioni adottate per la loro attuazione; **la legge europea stabilisce limiti per evitarne il duplice esercizio**
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Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7§1

Déposée par M. Ben Fayot et M. Elio Di Rupo

Qualité : Membre

Article 7§1 :

« 1. Possède la citoyenneté de l'Union toute personne ayant la nationalité d'un Etat membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. Toutes les citoyennes et tous les citoyens de l'Union sont égaux devant la loi. Peuvent acquérir la citoyenneté de l'Union les personnes ressortissantes d'Etats tiers ou apatrides qui résident légalement pendant 5 ans sur son territoire. »

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 7

By Ms / Mr : Johannes Voggenhuber, Eva Lichtenberger

Status : - Member - Alternate

Article 7: Citizenship of the Union

1. Every national of a Member State **and every recognised stateless person or refugee** 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 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.~~
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 7

By Mr Kirkhope MEP

Status : Member

Article 7: Citizenship

1. Citizenship of a Member State shall also confer citizenship of the European Community. Citizenship of the European Community shall not replace national citizenship.

2. Citizens of the **Community** shall enjoy the rights and be subject to the duties provided for in this **simplifying Treaty**. 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 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 **Community** in any of the **Community'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 **simplifying Treaty** and by the measures adopted to give it effect.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 7

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member ~~Alternate~~

Artikel 7: Die Unionsbürgerschaft

(1) Unionsbürgerin oder Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt **oder sich rechtmäßig seit 5 Jahren im Gebiet der Europäischen Union aufhält**. Die Unionsbürgerschaft tritt zur nationalen Staatsbürgerschaft hinzu, ohne diese zu ersetzen. ~~Alle Unionsbürgerinnen und Unionsbürger sind vor dem Gesetz gleich.~~

(2) ~~Die Unionsbürgerinnen und Unionsbürger haben die in dieser Verfassung vorgesehenen Rechte und Pflichten. Sie~~

- ~~• haben das Recht, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten;~~
- ~~• besitzen in dem Mitgliedstaat, in dem sie ihren Wohnsitz haben, das aktive und passive Wahlrecht bei den Wahlen zum Europäischen Parlament und bei den Kommunalwahlen, wobei für sie dieselben Bedingungen gelten wie für die Angehörigen des betreffenden Mitgliedstaats;~~
- ~~• genießen im Hoheitsgebiet eines Drittlandes, in dem der Mitgliedstaat, dessen Staatsangehörigkeit sie besitzen, nicht vertreten ist, den Schutz der diplomatischen und konsularischen Stellen eines jeden Mitgliedstaats unter denselben Bedingungen wie Staatsangehörige dieses Staates;~~
- ~~• haben das Recht, eine Petition an das Europäische Parlament zu richten, sich an den Bürgerbeauftragten der Union zu wenden sowie Schreiben in einer der Sprachen der Union an die Organe und die beratenden Einrichtungen der Union zu richten und eine Antwort in derselben Sprache zu erhalten.~~

(3) ~~Die Ausübung dieser Rechte erfolgt im Rahmen der Bedingungen und Grenzen, die in dieser Verfassung und in den Bestimmungen zu ihrer Durchführung festgelegt sind.~~

Explanation (if any) :

Abs. 1:

Die Unionsbürgerschaft sollte unter bestimmten Voraussetzungen auch Drittstaatsangehörigen offen stehen.

Unabhängig davon muss das Gleichbehandlungsgebot nicht nur für Unionsbürgerinnen und Unionsbürger, sondern für jede Person gelten, siehe Art. 20 Grundrechtecharta: "Alle Personen sind vor dem Gesetz gleich". Eine besondere Bestimmung an dieser Stelle ist daher unnötig.

Abs. 2:

Ergibt sich bereits aus Kapitel V der Grundrechtecharta (Art. 39-46). Diese ist gemäß Artikel 5 integraler Bestandteil der Verfassung.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 7:

Déposée par M. Olivier DUHAMEL,
Mme Linda McAVAN,
M. Luis MARINHO,
Mme Anne VAN LANCKER,
M. Klaus HÄNSCH

Qualité: - Membres

Mme Pervenche BERÈS,
Mme Maria BERGER,
M. Carlos CARNERO,
Mme Elena PACIOTTI,

Qualité: - Suppléants

Article 7: La citoyenneté de l'Union

1. Possède la citoyenneté de l'Union toute personne ayant la nationalité d'un Etat membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. **(14 mots supprimés)**.
 2. Les citoyennes et citoyens de l'Union jouissent des droits et sont soumis aux devoirs prévus par la présente Constitution **et notamment dans la Charte des droits fondamentaux. (Reste à supprimer)**
 3. **A supprimer.**
-

Explication éventuelle:

Les tirets du paragraphe 2 ainsi que le paragraphe 3 sont superflus car les droits et les règles annoncés font partie de la Charte des droits fondamentaux.

AMENDMENT FORM

Suggestion for amendment of Article 7

By: Mr Józef Oleksy

Status: Member

Proposed Amendments:

Art. 7: delete

Explanation:

This is a consequence of including the Charter in the Treaty.

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.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7

Déposée par Madame ou Monsieur : Rt Hon David Heathcoat-Amory, MP

Qualité : - Membre *X* - Suppléant

7.1 Delete

Explication éventuelle

Citizenship is an attribute of statehood. You cannot be a citizen of a treaty.

This provision as it stands may affect, inter alia, the status of courts martial ; the person of the Crown and its institutions (including hospitals); the privileges of parliaments and diplomats, not least the immunities that arise therefrom. Even if retained, more consideration needs to be given to the consequences of this article.

7.2 Delete from « Citizens of the Union » to « this Constitution ». Insert « This treaty sets out certain rights and consequences, which are held by all subjects and citizens of the member states of the European Communities »

Explication éventuelle

The original sets the Union up as the awarder of rights and privileges rather than the member states, and as requiring duties in return

7.2 Delete from « Citizens of the Union » to « this Constitution ». Insert « Member State citizens shall enjoy certain rights and privileges »

Explication éventuelle

The original suggests the Union rather than member states is the awarder of rights and privileges, and as requiring duties in return

7.2 Delete « Union's languages » ; insert «official languages of the member states of the Union »

Explication éventuelle

The official languages of the member states should be recognised as the bedrock of communication, even if the official response is delayed

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7

Déposée par Madame ou Monsieur : M. Louis Michel, M. Karel de Gucht, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

1. Possède la citoyenneté de l'Union toute personne ayant la nationalité d'un Etat membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. Toutes les citoyennes et tous les citoyens de l'Union sont égaux devant la loi.

2. Les citoyens de l'Union jouissent des droits et sont soumis aux devoirs prévus par la Constitution.

Suppression des paragraphes 2 et 3 du Praesidium

Explication éventuelle :

L'article 7 §2 et 3 relatif à la citoyenneté reprend des droits qui figurent aussi dans la Charte des droits fondamentaux. Si la Charte est intégrée dans la 2^e partie du Traité, il y aura dès lors redondance. On notera également que la Charte assure une protection supplémentaire par rapport à l'article 7 du projet du Praesidium puisqu'elle énonce en son article 52 que toute limitation de l'exercice des droits et libertés qu'elle reconnaît doit respecter le contenu essentiel desdits droits et libertés

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7

Déposée par Monsieur : Hannes FARNLEITNER

Qualité : - Membre

1. *Redundant or*

[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. **In the field of application of this Constitution**, all citizens of the Union, women and men, shall be equal before the law.]

2.

Redundant – see explanation

Explication:

As the **Charter itself contains provisions on equality and non-discrimination as well as on citizens' rights** we should **avoid any duplication** which might cause legal uncertainties.

This is also reflected in the Final Report of Working Group II (*“The Group signals that if, as advocated by a large majority of the Group, incorporation is achieved by the 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.”*).

If Art. 7 para 1 should nonetheless be inserted in the proposed form, we propose the abovementioned amendment to **avoid uncertainties and misinterpretations**.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7 (1er alinéa)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 7 (1er alinéa)

1. Possède la citoyenneté de l'Union toute personne ayant la nationalité d'un Etat membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. Toutes les citoyennes et tous les citoyens de l'Union sont égaux devant **toutes les lois de l'Union et de ses Etats membres.**

Explication :

La formule « devant la loi » est ambiguë. La précision introduite par l'amendement sera utile pour aider les citoyens à faire valoir leurs droits quand des dispositions nationales méconnaissent l'égalité de tous les Européens devant la loi.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7

Déposée par Monsieur : Danny Pieters

Qualité : - - Suppléant : Kamer van Volksvertegenwoordigers - België

Toevoegen in artikel 7, sub 2) van een bijkomend liggend streepje:

“het recht om in alle communicatie met de Unie en zijn instellingen en adviesorganen, de officiële taal van de Unie van zijn keuze te gebruiken en gebruikt te zien; alsmede het recht om in de officiële taal van zijn keuze kennis te kunnen nemen van alle wetten, besluiten, documenten en overige informatie waartoe hij geacht wordt toegang te kunnen hebben”.

Bij aanneming van amendement 1, in het vierde liggend streepje de woorden *“in een van de officiële talen van de Unie”* en *“in die taal”* schrappen, want overbodig bij aanneming van het eerste amendement.

Explication éventuelle :

Dit amendement wordt uitvoerig onderbouwd door het aan alle Conventieleden reeds eerder overgemaakte boekje “De talen van de Europese Unie” (2002, Kamer van Volksvertegenwoordigers van België).

AMENDMENT FORM

Suggestion for amendment of Article 7 :

By Pervenche Berès, Olivier Duhamel, Jacques Floch, Elena Paciotti et Anne Van Lancker :

Status : Member

ARTICLE 7 : CITOYENNETÉ DE L'UNION

1. *Toute* personne ayant la nationalité d'un Etat membre *possède la double citoyenneté, nationale et européenne*. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas.

2. *La citoyenneté européenne peut être attribuée aux ressortissants des pays non membres de l'Union ou apatrides résidant légalement plus de cinq ans sur le territoire de l'Union et qui en partagent les valeurs.*

3. *Les citoyennes et citoyens de l'Union jouissent des droits et sont soumis aux devoirs prévus par la présente Constitution, notamment ceux énoncés dans la Charte des droits fondamentaux.*

Alinéa 2 : *supprimer*

Explanation (if any) :

Les droits afférents à la citoyenneté européenne sont déjà cités dans la Charte des droits fondamentaux. Cet article doit donc se limiter à la définition de cette citoyenneté. Nous proposons à cet égard la formulation ci-dessus, permettant de progresser vers la citoyenneté de résidence.

AMENDMENT FORM

Suggestion for amendment of Article 7: Citizenship of the Union

By Mr Dick Roche, Representative of the Government of Ireland
Status : Member

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. **In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.**
 3. 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 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 **Treaty** language ; **and**
 - **the right to good administration**
-

Explanation (if any) :

We believe that the current proposed Article 6 better belongs in this Article setting out the basic entitlements of EU citizenship.

The fourth indent of Article 7(2) should make it clear that what is meant is 'Treaty' languages as set out in Article 314 TEC.

An additional indent should make it clear that citizens also enjoy a right to good administration in their dealings with the Union (Charter, Article 41).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 7

Déposée par M. Hubert HAENEL, membre, et M. Robert BADINTER, suppléant.

Article 7: La citoyenneté de l'Union

~~Il est institué une citoyenneté de l'Union européenne. Est citoyen de l'Union toute personne ayant la nationalité d'un État membre. La citoyenneté de l'Union s'ajoute à la citoyenneté nationale et ne la remplace pas. Tous les citoyens de l'Union jouissent des droits prévus par la Constitution.~~

§ 2 et 3 supprimés.

Explication éventuelle :

1. Modifications rédactionnelles.

2 et 3. Dès lors que la Charte des droits fondamentaux est intégrée dans la Constitution, ces dispositions font double emploi et sont inutiles.

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 7(4)

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Incluir un nuevo punto 4 que diga: "4. Los nacionales de terceros países residentes de larga duración en la UE son titulares de los derechos de ciudadanía referidos en esta Constitución de acuerdo con el Estatuto correspondiente."

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 7

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Añadir al punto 2 el siguiente guión:

“- a pronunciarse en referéndum europeo y a ejercer el derecho de iniciativa legislativa popular en los términos fijados en esta Constitución”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : I-8

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel I-8: Die Unionsbürgerschaft

(1) Unionsbürgerin und Unionsbürger ist, wer die Staatsangehörigkeit eines Mitgliedstaats besitzt *oder sich rechtmäßig seit 5 Jahren im Gebiet der Europäischen Union aufhält*. Die Unionsbürgerschaft tritt zur nationalen Staatsbürgerschaft hinzu, ohne diese zu ersetzen.

(2) Die Unionsbürgerinnen und Unionsbürger haben die in dieser Verfassung vorgesehenen Rechte und Pflichten. *Sie*

~~haben das Recht, sich im Hoheitsgebiet der Mitgliedstaaten frei zu bewegen und aufzuhalten;
besitzen in dem Mitgliedstaat, in dem sie ihren Wohnsitz haben, das aktive und passive Wahlrecht bei den Wahlen zum Europäischen Parlament und bei den Kommunalwahlen, wobei für sie dieselben Bedingungen gelten wie für die Angehörigen des betreffenden Mitgliedstaats;~~

~~genießen im Hoheitsgebiet eines Drittlandes, in dem der Mitgliedstaat, dessen Staatsangehörigkeit sie besitzen, nicht vertreten ist, den Schutz der diplomatischen und konsularischen Stellen eines jeden Mitgliedstaats unter denselben Bedingungen wie Staatsangehörige dieses Staates;~~

~~haben das Recht, Petitionen an das Europäische Parlament zu richten, sich an den Bürgerbeauftragten der Union zu wenden sowie Schreiben in einer der Sprachen der Union an die Organe und die beratenden Einrichtungen der Union zu richten und eine Antwort in derselben Sprache zu erhalten.~~

~~(3) Diese Rechte werden unter den Bedingungen und innerhalb der Grenzen ausgeübt, die in dieser Verfassung und in den Bestimmungen zu ihrer Durchführung festgelegt sind.~~

Explanation (if any) :

Absatz 1:

Der Konvent sollte die Forderung der Parlamentarischen Versammlung des Europarates [vgl. Punkt 14 der Resolution 1314 (2003) der vom 29.1.2003] aufgreifen und die Unionsbürgerschaft umfassender als bisher definieren, indem er sie auch an den dauerhaften rechtmäßigen Aufenthalt anknüpft.