

LESSON 2 – CITIZENSHIP OF THE EUROPEAN UNION

Introduction

Belong to the EU has direct and indirect effects to the citizens of the Member States where in its extension it displays its activity.

What rights have any citizen of the Union by the fact of being so? Do I have to do something to flaunt those rights? It involves giving up national rights?

All these questions and many more will be covered in this factsheet, where we want to bring to participants the identity of European citizenship reflecting the rights and prerogatives of the European.

We will do so with the following content:

1. The Fundamental Rights of the European Union.
 - 1.1. Charter of Fundamental Rights of the European Union.
 - 1.2. The Fundamental Rights and the European Union Agency for Fundamental Rights.
2. The citizenship of the Union.
 - 2.1. Right of free circulation and residence.
 - 2.2. Rights of active and passive suffrage.
 - 2.3. Right of diplomatic and consular protection.
 - 2.4. Right of petition to the European Parliament.
 - 2.5. Right to file claims with the European Ombudsman.
 - 2.6. Right to address in writing to any of the Institutions.
3. Protection of the derivatives rights of the citizenship of the Union.
 - 3.1. Jurisdictional mechanisms.
 - 3.2. Non-jurisdictional mechanisms.
4. The Citizen Initiative.

1. The Fundamental Rights of the European Union.

1.1. Charter of Fundamental Rights of the European Union¹.

With the evolution of the life of the European Union was being highlighted the need to provide it with a regulatory text that involved the rights granted to the citizens of Europe. And so, on the one hand, to grant them a defined legal

¹ ESCOBAR HERNÁNDEZ, CONCEPCIÓN, *“Instituciones de la Unión Europea”*, Tirant Lo Blanch, 2012, Valencia

support in case they had to request their compensation before the courts as, on the other hand, to give visibility to the commitment of the EU human rights and freedoms.

Different attempts were carried out, but this desire did not crystallize until December 2000, when the Charter of Fundamental Rights of the European Union was submitted for consideration to the Council, European Parliament and European Commission, as well as espoused together in Nice.

The Charter is a text that recasts the rights recognized in the Member States and the Union. But it does not arise new rights or freedoms, or either modified or gives new powers to the European institutions.

Its value is made direct to the institutions, but also to States members when the latter Act by Community powers, based on the European public order.

1.2. The Fundamental Rights and the European Union Agency for Fundamental Rights².

[The Charter of Fundamental Rights](#) includes an introductory preamble and fifty-four articles distributed in seven chapters, which address the inalienable rights of European citizens around the areas of [dignity](#), [freedoms](#), [equality](#), [solidarity](#), [citizenship](#), [justice](#) and a set of [general provisions](#).

In the area of Fundamental Rights, it is interesting to highlight the work carried out by [the EU Agency for Fundamental Rights](#), a body of aid and advice to the Institutions in this area, which is independent of them, generating an objective position on the basis of its job.

The Agency carries out tripartite activities, beyond those of help and advice alluded to:

- Large-scale surveys (for example, the most comprehensive survey conducted on gender-based violence against women in all EU Member States: 42,000 women).
- Comparative studies of the legal and social field (for example, the study conducted on data protection or minors and justice).
- Manuals for justice professionals (for example on non-discrimination or asylum, borders and immigration).

Over a multiannual framework, the Agency defines its [nine thematic work areas](#)³, conforming different projects around them.

² At [EU-Lex](#) you can download the abstract of the Charter of Fundamental Rights and its full text (24 official idioms) and get access to different related documents.

³ Access to justice; victims of crime, including compensation to victims; information society and, in particular, respect for privacy and the protection of personal data; integration of the Roma population; judicial cooperation, except in criminal matters; rights of the child; discrimination; immigration and integration of migrants, control of borders and visas, and asylum, and racism, xenophobia and related intolerance.

2. The citizenship of the Union.

Originally, the European Economic Community (EEC), current European Union, was conceived as an union of nations that pursued an economic purpose, it means that did not exist, as at present, the European consciousness of the citizen, with the rights that this entails to them as nationals of the Member States.

Indeed, it was not until the Maastricht Treaty in 1992 that European citizenship was institutionalized for the first time (without prejudice to the subsequent reforms of the Treaties that had an impact on that status of the European citizen).

After the reforms of the Treaties that have been influencing the statute of the citizen of the Union, its regulation, in the legal sense, is found in [the Treaty on the Functioning of the European Union \(TFEU\)](#).

The Treaty establishes that being a citizen of the EU is inherent in being a national of a Member State, which means that it is an essential requirement to be a national of the Member State, because of the citizenship of the Union does not substitute the nationality from an specific Member State, it is an added and automatic value that is obtained by holding such nationality, which will imply a plus of rights for citizens.

These rights to which we allude in superior lines are outlined in articles 20 to 24 of the TFEU, which we will briefly discuss below.

2.1. Right of free circulation and residence.

This right implies that every EU citizen has the freedom to move and reside in the territory of any of the Member States, with the only impediments that may arise from the security and public order of the Member State concerned.

Do you want to know how to live or move around the EU? On the website of the [European Commission](#) you can find out.

2.2. Rights of active and passive suffrage.

Active suffrage implies the fact to be able to be elected in elections and active suffrage is the power to elect, that is, to be able to vote in those elections.

EU citizens, irrespective of their nationality, have that double right in both the European Parliament (European Institution) elections and the elections in the municipality of the Member State of the Union where they have their residency.

Do you want to know how you can vote and / or be a candidate? Check the [European Commission](#) website and discover it.

2.3. Right of diplomatic and consular protection.

This is a right that charges the virtuality when a citizen of the Union is outside of the territory of the EU. It implies that, when in the third State in which it is

found, there is no representation of the Member State of the citizenship - neither does it have an honorary embassy or consul, directly or through another State that represents it -, identifying as a citizen of its State Member can benefit from the diplomatic and consular protection of any of the Member States with a presence in that third State.

Do you want to know where you can go if you need protection abroad and how to apply? At the [Consular Protection website](#) of the European Commission you can find it.

2.4. Right of petition to the European Parliament.

It implies the right of every citizen of the Union to address the European Parliament in order to present a petition or claim on a matter that is his or her own, within the competencies held by that Institution.

At the [European Commission website](#) you can see how a claim can be presented to the European Parliament.

2.5. Right to file claims with the European Ombudsman.

If a citizen believes that some body or institution of the EU (excluding the Court of Justice), acts in an incorrect manner, he / she can denounce that bad practice before the European Ombudsman.

Therefore, if you are prejudiced in the rights that you have recognized you can submit a petition to the European Parliament and if you are affected by a problem of bad administration, you will do so before the European Ombudsman.

On the website of the [European Ombudsman](#), you will see how a complaint can be presented to the Ombudsman.

2.6. Right to address in writing to any of the Institutions.

In general, any citizen can address the organs of the Union in any official language of the Union, and has the right to be answered in the same language.

These are the 24 official languages of the EU.

3. Protection of the derivatives rights of the citizenship of the Union.

Completing the national protection mechanisms that Member states provide to citizens to safeguard their rights, the European level also contains a strong guarantee component, which includes jurisdictional and non-jurisdictional protection mechanisms.

3.1. Jurisdictional mechanisms.

When in the context of a dispute relating to the application or interpretation of Union law that has been submitted to the Court of Justice of the European

Union, there is an issue related to human rights, this Court will be competent to rule on them.

It must be said that this protection mechanism is not exclusive in relation with the national systems for the protection of Human rights.

3.2. Non-judicial mechanisms.

To close this guarantee system of Human rights there are two non-judicial mechanisms that we have already mentioned:

- The possibility of filing a complaint with the Ombudsman⁴, recognized in article 228 TFEU for any citizen of the Union and any foreigner (natural or legal person) having his residence or registered office in the territory of a Member State, in cases of bad administration in the action of the Institutions, bodies or bodies of the Union, excluding the Court of Justice of the European Union in the exercise of its jurisdictional functions.
- The possibility of exercising the right of petition before the European Parliament⁵, set out in article 227 TFEU, which allows the possibility of submitting a petition to the European Parliament, individually or collectively, by natural or legal persons residing or residing its headquarters in European territory, in relation to any act carried out in the scope of EU action that directly affects them.

4. The Citizen Initiative⁶.

The European Citizens' Initiative is an instrument of participatory democracy that allows citizens the possibility to urge the Commission, within the scope of its competences, to present proposals for the adoption of a legislative act of the Union, for the purposes of the application of the Treaties.

The requirements of this procedure are the following:

- That it be supported by, at least, one million citizens of the Union;
- That this million of citizens being nationals of a "significant number of Member States", which means in practice that this million must reside in at least one quarter of the Member States of the Union, and
- That the proposal that is proposed to be formulated to the Commission is within the framework of its powers.

Check [The European citizens' initiative](#) website to know how you can participate in.

⁴ On the website of [the European Ombudsman](#) you can download the form to submit the claim to the European Ombudsman

⁵ [Form](#) to file a petition with the European Parliament

⁶ This mechanism is based on the TEU (art.11.4), the TFEU (art. 24), [the Regulation \(EU\) No. 211/2011](#) on the citizens' initiative and the [Regulation of the European Parliament](#) (art. 218).

ADICIONAL CONTENT

Websites

[The citizenship of the Union](#)

[The Rights of the Union and how to exercise them](#)

[Glossary of European citizenship](#)

[The European citizens' initiative](#)

Videos

[My Rights as European citizen](#)

[Get the picture: Fundamental Rights](#)

[Forum: The European Year of Citizens](#)

[Human Rights](#)

[Europe for Citizens](#)

[The Rights of the European travellers](#)

[Is Europe protecting enough the Fundamental Rights?](#)

[Survey of European minorities and discrimination](#)

[A decade of protection of Fundamental Rights: The EU Agency](#)



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