

concerning § 7 The citizen in the European Union

### Diagram 3

## The rights of the citizens of the European Union

### I. Rights deriving from the citizenship of the union

- mostly regulated in secondary law

- 1) *Freedom of movement and residence* (art. 21(1) FEU Treaty)
  - non-economic mobility
- 2) *Right to vote and to stand as a candidate at municipal elections* (art. 22(1) FEU Treaty)
  - in the member state of residence
- 3) *Right to vote and to stand as a candidate in elections to the European Parliament in the member state of residence* (art. 22(2) FEU Treaty)
- 4) *Right to protection by the diplomatic and consular authorities of any member state* (art. 23 FEU Treaty)
- 5) *Right to petition* (art. 24 sub-sect. 1, 227 FEU Treaty)
- 6) *Right to apply to the Ombudsman* (art. 24 sub-sect. 2, 228 FEU Treaty)
- 7) *Right to communicate with the Union's institutions in any Treaty language* (art. 24 sub-sect. 3 FEU Treaty)
- 8) *Right of access to the documents of the institutions* (art. 15(3) FEU Treaty)
  - implemented in particular by comprehensive information on the website of the Union

### II. (Economic) fundamental freedoms

- economic mobility

- 1) *Free movement of goods* (art. 28 et seq. FEU Treaty)
- 2) *Free movement of persons*
  - a) Free movement of workers (art. 45 et seq. FEU Treaty)
  - b) Freedom of establishment (art. 49 et seq. FEU Treaty)
- 3) *Freedom to provide services* (art. 56 et seq. FEU Treaty)
- 4) *Free movement of capital* (art. 63(1), 64 et seq. FEU Treaty)
- 5) *Free movement of payments* (art. 63(2), 65 et seq. FEU Treaty)

### III. Fundamental rights (human rights)

- at first developed by the European Court of Justice
  - binding to the member states only when they are implementing Union law or encroaching on the economic fundamental freedoms
- 1) *Fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union* (cf. art. 6(1) EU Treaty)
    - a) Fundamental rights closely connected to human dignity (art. 1 et seq.)
    - b) Freedoms (art. 6 et seq.)
    - c) Equality rights (art. 20 et seq.)

- d) Social rights (art. 27 et seq.)
  - e) Citizens' rights (art. 39 et seq.)
  - f) Justice (art. 47 et seq.)
- 2) *Fundamental rights guaranteed directly in the Treaties*
    - prohibition of discrimination on grounds of nationality (art. 18 FEU Treaty)
    - equal treatment of men and women (cf. art. 157 FEU Treaty)
  - 3) *Complementary fundamental rights as general principles of Union law* (art. 6(3) EU Treaty)
  - 4) *In addition (in the near future): Fundamental rights guaranteed in the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) and its protocols*
    - art. 6(2) EU Treaty requires the accession of the European Union to the European Convention; however, a first attempt failed because the ECJ considered the draft accession agreement incompatible with the Treaties (ECJ, opinion 2/2013)