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PAPERS

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European Citizenship Statute

Abstract:

European citizenship is a unique construct that does not exist anywhere else in the world. It began to become a reality with the Maastricht Treaty, when it was created, superimposed on the citizenship of any EU Member State, giving European citizens additional rights. However, this has not yet been fully implemented. Although some European citizenship rights associated with the citizenship of our Member States, the practical application shows deficits. We must address this gap and complete the success of European citizenship by placing it at the centre of the political system. This Renew Position Paper thus proposes a draft for a European Citizenship Statute.

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About Renew Europe Group

The Renew Europe Group is a coalition of progressives, liberals, democrats and reformists, that make up the largest centrist group in the history of the European Parliament. Brought to you from the European Liberal Forum, this new reference series aims to disseminate Renew Europe Group positions to the wider liberal family, policymakers and industry stakeholders, civil society and the general public. While, at the same time, the position papers will raise awareness on a number of issues and policy sectors, from sustainability and climate change, to democracy and the rule of law, human rights and fair competition.

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About ELF

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Introduction

European citizenship has not yet been fully implemented. It is a unique construct that does not exist anywhere else in the world. It began to become a reality with the Maastricht Treaty, when it was created, superimposed on the citizenship of any EU Member State, giving European citizens additional rights. The Charter of Fundamental Rights of the EU reinforced them and opened the door to their connection with the new realities that need to be incorporated, so that the exercise of these rights can reach their full potential.

At present, we have some European citizenship rights associated with the citizenship of our Member States, and this gives us a series of added electoral rights, consular rights, among other direct rights. However, the practical application shows deficits, and young people, who know they are Europeans, are asking to be able to study, hold a degree, work and live normally throughout the EU. For this reason, and because trust is at the heart of the political pact, we must complete the success of European citizenship by placing it at the centre of the political system.

The frontispiece of the citizenship of the Union is formed by articles 20 to 25 of the Treaty on the Functioning of the European Union and the very important case law consequently developed by the ECJ regulate citizenship rights. These rights are superimposed on those that the Member States confer on their citizens, constituting the basis of what we propose to become a Citizenship Statute, as an added value of belonging to the EU.

In principle, European Citizenship rights are linked to the possession of nationality, i.e. they are reserved to nationals of any Member State. However, under certain circumstances, some rights may be extended to other persons taking into account family relationships, rootedness or other conditions, which need to be assessed on a case-by-case basis. There are also rights that, by their nature, are recognized by the legal system for all persons.

Since citizenship rights also have specific regulations in the Member States of residence, it would be desirable to establish European regulations, notably by formalizing the case law, in order to set common minimum or generalized standards to prevent discrimination.

The European Parliament itself, in Resolution P8_TA (2019)0076 of 12 February 2019 on the implementation of the Treaty provisions relating to citizenship of the Union (2018/2111(INI)), sets out criteria aimed at taking concrete initiatives for the consolidation of specific citizens' rights and freedoms within the framework of a Union citizenship statute, similar to the European pillar of social rights, including the fundamental rights and freedoms enshrined in the Charter of Fundamental Rights and the values set out in Article 2 TEU.

The adoption of a European Citizenship Statute must be anchored in the EU Treaties. With special reference to those citizens who would be the holders of such rights, since the ownership will condition the exercise, guarantees and limits of such rights. The Charter of Fundamental Rights, with the same legal status as a Treaty, binds the institutions and bodies of the EU and the Member States when they apply EU law. This is important to take into account when determining the ownership of any right. In fact, there are some rights that are only provided for nationals of the Member States, others in which certain restricted exceptions can be established, some that can be attributed to all persons without exception, as well as rights with diffuse ownership, i.e., that are not attributable to a specific holder because the nature of the right prevents such concreteness.

This Citizenship Statute could constitute the precedent for the adoption of a broader Code of Rights, systematizing the regulations of the Treaties, the Charter of Fundamental Rights and other regulations of EU law, in connection with the constitutional traditions of the Member States and the European Convention on Human Rights, among other international texts that may be binding on the EU or the Member States.

Therefore, considering that on the one hand, citizenship of the Union does not replace, but complements, national citizenship. And on the other hand, that there are rights, freedoms and guarantees that in connection with citizenship rights are laid down in the Treaties on the European Union and on the Functioning of the European Union, the Charter of Fundamental Rights, the case law of the ECJ and other regulations of EU law; Renew proposes to compose a European Citizenship Statute. This Statute will provide European citizens clarity for, as well as enhance their notion of, their citizenship rights in the Union.

Draft Proposal for a European Citizen Statute

Citizen Participation Rights

The right to vote and to stand as a candidate in elections to the European Parliament in the State of residence under the same conditions as nationals of that State.

Holder: European citizens.

Legal basis: Art. 14 TEU, art. 22 TFEU, art. 39 CDF.

Art. 14.1 and Art. 3 of the TEU provides that the European Parliament shall be composed of representatives of the citizens of the Union, by direct universal suffrage, free and secret, for a term of five years. This provision is specified in art. 22 of the TFEU when it attributes the right to vote and to stand as a candidate to any citizen of the Union residing in any Member State, even if not a national of that State, under the same conditions as nationals of that State. All this is reiterated in art. 39 of the Charter of Fundamental Rights of the EU.

It should be noted, therefore, that it is necessary to be a national of a Member State in order to be entitled to this right. However, Article 22.2 TFEU establishes that the Council, acting unanimously and after consulting the European Parliament, may adopt different modalities, as well as establish exceptions, if justified by problems specific to a Member State.

It should also be noted that Article 223 TFEU provides for the possibility of adopting a uniform procedure or in accordance with principles common to all Member States and that it will be the Council, acting unanimously, in accordance with a special legislative procedure, after a majority of the European Parliament has given its opinion, which will establish these new rules. For these rules to enter into force, they must be accepted by the Member States in accordance with their respective constitutional requirements.

Consequently, this right is restricted to nationals of the Member States, regardless of their State of residence.

The right to vote and to stand as a candidate in municipal elections in the State of residence under the same conditions as nationals of that State.

Holder: European citizens
Legal basis: Art. 22 TFEU, art. 40 CDF.

Art. 22 TFEU provides that every citizen of the Union residing in a Member State of which he or she is not a national shall have the right to vote and to stand as a candidate in municipal elections in the State of residence under the same conditions as nationals of that State.

As in the case of elections to the European Parliament, Art. 22 TFEU provides for the possibility of establishing arrangements, to be laid down by the Council acting unanimously after consulting the European Parliament, as well as exceptions, where justified by problems specific to a Member State.

This right is therefore also restricted to European citizens, who are nationals of the Member States, irrespective of the State of residence.

Right to promote a European Citizens' Initiative to ensure the fulfillment of the will of its promoters.

Ownership: European citizens
Legal basis: Art. 11 TEU, art. 24 TFEU.

At least one million EU citizens, nationals of a significant number of Member States, may submit to the European Commission, within the framework of its powers, a proposal on matters on which they consider that a legal act of the Union is required (Art. 11.4 TEU). The European Parliament and the Council are responsible for determining, in accordance with the ordinary legislative procedure, the conditions for exercising this right (Art. 24 TFEU). In this regard, Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the Citizens' Initiative has been adopted, regulating the organizing committee, with at least 7 citizens from at least 7 Member States, as well as the other material and procedural requirements.

Right of petition, for EU citizens or residents, to the European Parliament.

Ownership: European citizens and natural or legal persons who have their legal residence in a Member State.
Legal basis: Arts. 20, 24 and 227 TFEU, art. 44 CDF.

Art. 20 TFEU attributes this right to European citizens. Art. 24 TFEU refers to Art. 227 TFEU and extends it to any natural or legal person residing or having its registered office in a Member State, provided that they are directly concerned by the subject matter of the petition. The Charter of Fundamental Rights of the EU recognizes it, in Art. 44, both to European citizens and to any natural or legal person residing or having its registered office in a Member State of the EU.

Right of consultation and dialogue of the Institutions with citizens and civil society.

Ownership: European citizens and representative associations.
Legal basis: Art. 11 TEU.

It is Art. 11 TEU, in paragraphs 1, 2 and 3, which establishes that the institutions shall provide citizens and representative associations with appropriate channels for the expression and public exchange of their views in all areas of Union action. This implies, for the sake of consistency and transparency, establishing an open, transparent and regular dialogue with representative associations and civil society, as well as wide-ranging consultations with interested parties.

Right to participate in the democratic life of the Union, reinforcing representative democracy with participatory democracy.

Holder: European citizens in representative democracy, legal residents and other persons to be determined in respect of participatory democracy.
Legal basis: Art. 10.1 TEU.

The functioning of the Union is based on representative democracy, by express provision of Art. 10.1 TEU, which does not prevent it from being complemented by the various forms of participatory democracy. Decision-making is proper to representative democracy and is reserved for European citizens. Participation at other levels, mainly consultative, can be extended to legal residents or even to persons from third countries who meet the conditions required in this respect.

Participation in the democratic life in the most open and close way to the citizens.

Ownership: diffuse, each person or collective in its field.
Legal basis: Art. 10.3 TEU.

Art. 10.3 TEU establishes that decisions shall be taken as openly as possible and as closely as possible to the citizens. In this article, since it is a reference to

participation in general, without circumscribing it to representative democracy, but without excluding it, it does not allow to reduce the ownership to European citizens. Each person or group, in the specific democratic sphere to which we may refer, shall have the right to have the decisions that affect him or her taken as openly as possible.

Adoption of measures to promote the balanced representation of women and men on electoral lists.

Holder: European citizens.

Legal basis: Arts. 2 and 3 TEU and art. 23 CDF. It would be a new measure derived from the equality of women and men as a value and as a transversal objective of the EU.

Equality between men and women must be guaranteed in all areas, as stipulated in Art. 23 of the EU Charter of Fundamental Rights. Most Member States incorporate measures to promote the balanced representation of women and men in their electoral laws and in the actions of the Parliament, the Commission and the Council. Equality of women and men is also regulated in Art. 2 TEU, subsumed in the value of equality and common to all Member States. Furthermore, Art. 3 TEU places equality between women and men among the objectives to be promoted by the EU.

Right to citizen participation by digital means, with a high standard of guarantee.

Holder: European citizens exercising their right to vote; legal residents and residents from third countries, each group in its own area.

Legal basis: The TEU or the TFEU do not regulate participation by digital means.

Given the lack of legal basis in the Treaties, this right would have to be resituated taking into account whether we are talking about voting in European or municipal elections, or whether we are referring to the different modalities that participatory democracy can present. There is no doubt that telematic means can facilitate all participatory processes and, therefore, the different areas of application of this right would have to be regulated with due guarantees.

In various Member States, democratic participation by digital means is spreading not only for more or less binding citizen consultations, but also in the exercise of the right to vote in internal elections.

Therefore, if it were a question of regulating the right to vote telematically to elect the European Parliament, it would be necessary to include the regulation in the

future Electoral Law. In all other cases, it would be appropriate to establish it on a case-by-case basis.

Creation of a permanent interactive digital platform to channel political proposals arising from civil society.

Holder: European citizens, legal residents and civil society organizations having their registered office in a Member State.

Legal basis: Art. 11 TEU.

For the purpose of channeling the right of consultation and dialogue with the EU institutions, a permanent interactive digital platform may be created to channel the proposals that may be made, in any field of action of the EU, by European citizens and legal residents, as well as civil society organizations that have their registered office in any EU Member State.

Citizens' Freedoms

Freedom of movement within the territory of the Member States for EU citizens.

Holder: European citizens.

Legal basis: Art. 21.1 TFEU, Art. 45 CDF.

Freedom of movement is a classic citizenship right, introduced in Art. 21.1 TFEU by pro- claiming that every citizen of the Union shall have the right to move within the territory of the Member States. This right is not absolute, since the same article states that it shall be subject to the limitations and conditions laid down in the Treaties and in the rules implementing them.

The Charter of Fundamental Rights of the EU also includes it in Article 45, with the novelty that - in accordance with what was previously established in the Treaties - in addition to granting this right to European citizens in Article 45.1, paragraph 2 of the same article establishes that it may be extended to third-country nationals legally residing in a Member State. This implies that criteria would have to be established to ensure that such extension has a homogeneous character and that there is no discrimination based on national origin or other circumstances. These third country nationals, legal residents in the EU, may have freedom of movement subject to the criteria to be established, in coordination, by the Union and the Member States.

Freedom of residence in the territory of the Member States

Holder: European citizens and legal residents.
Legal basis: Art. 21.1 TFEU, art. 45 CDF.

Similar to freedom of movement, freedom of residence is recognized for European citizens in Art. 21 TFEU. It is also recognized, in art. 45 of the EU Charter of Fundamental Rights, for European citizens in art. 45.1 and with the possibility of extending it to citizens of third countries legally resident in the Member State recognized in the second paragraph of the same article. Also in this case, criteria would have to be established so that such extension would have a homogeneous character without being able to establish discrimination on grounds of national origin or other circumstances.

Right to petition the European Parliament

Holder: European citizens and legal residents.
Legal basis: Art. 20 TFEU, art. 44 CDF.

Art. 20.2.d) TFEU provides that citizens of the Union have the right to petition the European Parliament, that this may be done in one of the languages of the Treaties and that they also have the right to receive a reply in the same language.

The Charter of Fundamental Rights, for its part, in Article 44, extends this right to any natural or legal person residing or having its registered office in a Member State of the Union.

The right to write to any of the institutions and bodies of the Union in any of the official languages of the Member States and to receive a reply in the same language.

Holder: European citizens, extendable to any person.
Legal basis: Art. 24 TFEU and Art. 41.4 CDF.

Art. 24 TFEU limits to European citizens the right to address in writing to any of the Institutions and bodies of the Union in any of the official languages of the Member States, and to receive a reply in the same language.

This right is applicable, according to the Charter of Fundamental Rights of the EU, in its art. 41.1, to everyone, as one of the manifestations of the right to good administration. It is not even necessary to be a legal resident of the EU. Any person,

regardless of nationality or state of origin, present in the territory of the EU, can write to the bodies and institutions in any language of the Treaties and has the right to receive a reply in the same language.

Access to citizenship of the Member States in accordance with the principles of Union law, proportionality, equality, the rule of law and non-discrimination

Ownership: Any person.

Legal basis: Jurisprudence of the Court of Justice of the EU and European Parliament Resolution of 12 February 2019 on the application of the provisions of the Treaty relating to citizenship of the Member States of the European Union, in accordance with the principles of Union law, proportionality, the rule of law and non-discrimination. Treaty provisions relating to citizenship of the Union (2018/2111(INI)). Conferring national citizenship is the prerogative of the Member States, which must be exercised in good faith, in a spirit of mutual respect, transparently, in accordance with the principle of sincere cooperation and in full respect of Union law. The operation of Citizenship by Investment schemes undermines the very essence of Union citizenship as it leads to the commodification of citizenship rights and is incompatible with EU values. In line with the previously expressed position of Parliament, all such CBI schemes should be phased out across the Member States

Without there being provisions in the Treaties that can serve as a direct legal basis for the configuration of this right, it follows from the case law of the Court of Justice of the EU that, in order not to hinder free movement and residence on grounds of nationality, access to citizenship of the Member States has to be possible, in accordance with the principles of Union law, proportionality, the rule of law and non-discrimination.

This would entail the establishment of common and homogeneous principles underpinning the legislation of the Member States for acquiring nationality in each of them. Particularly sensitive in this respect are the issue of minors and family reunification, which should have specific guarantees.

At the same time, citizenship of the Union would be strengthened, in a more inclusive sense, since European citizenship is superimposed on the nationality of any of the Member States.

Recognition of professional competences and qualifications, which must be recognized as equivalent to work in another Member State

Ownership: Any person studying in the EU.

Legal basis: Art. 6.e), art. 165 and art. 166 TFEU.

Art. 6.e) TFEU establishes that the Union shall have complementary competence to that of the Member States in the field of education.

Art. 165 TFEU encourages the Union to promote quality education within the framework of cooperation between Member States. To this end, it stipulates that the Union shall encourage the mobility of students and teachers, in particular by promoting the academic recognition of diplomas and periods of study. This implies, **as the Bologna Process and its related texts intend to**, that not only degrees should be recognized, but also periods of study. **Without a full implementation of the Bologna Process**, the experience of the ERASMUS program is a good, albeit still limited, model in this respect. It would be necessary for the EU to intensify its action in this respect, developing homogeneous and common criteria so that this objective can become a reality.

Art. 166, on the other hand, specifically dedicated to vocational training, complements the provisions of Art. 165, establishing that it is necessary to facilitate access to vocational training and to promote the mobility of educators and trainees, especially young people. This would not be possible and would not be effective without the academic recognition of diplomas and periods of study, also in this field **and thus, the full implementation of the Copenhagen Process and the Osnabrück Declaration**.

In none of these cases is the Union's action limited exclusively to European citizens or legal residents, although it would be appropriate to establish common criteria for non-nationals of the Member States. **These rights should apply to students in all education systems in the Union, regardless of the language in which they study.**

Mobility in the personal development of young people through enhanced learning

Ownership: any young person working in the EU.
Legal basis: Art. 6.e), art.165 and art. 166 TFEU.

Art. 6.e) TFEU establishes that the Union shall have complementary competence to that of the Member States in the field of youth. The age is not specified, so it would be important to establish common criteria **while taking into account both the diversity of European young people's situation and paths of life and the diversity of national youth policies' approaches**, since it is a complementary competence.

Article 165.2 TFEU provides that the Union's action shall be aimed at encouraging the development of youth exchanges. Art. 166.2 TFEU, for its part, provides that the Union shall facilitate access to vocational training and promote the mobility of teachers and persons undergoing training, especially young people **as it is foreseen in the Erasmus + 2021-2027 programme**.

In none of these cases is the Union's action limited exclusively to European citizens, although it would be appropriate, also in this case, to establish common criteria for the inclusion of persons who are not nationals of a Member State. **These rights**

should apply to students in all education systems in the Union, regardless of the language in which they study.

Citizens' Rights to Good Administration

Right to have matters dealt with impartially, fairly and within a reasonable time by the institutions and bodies of the Union

Holder: All persons.
Legal basis: Art. 41.1 CDF.

We are dealing with a right included in the right to good administration, whose ownership can also be understood as diffuse, since any person can be the subject of relations with the institutions and bodies of the Union and it is these who must deal with matters impartially, fairly and within a reasonable time.

When Art. 41 of the EU Charter of Fundamental Rights regulates the right to good administration, it includes, in paragraph 1, that everyone has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union. This is the assimilation of rights that were previously predicated with respect to the courts, which the evolution of doctrine and jurisprudence have also transferred to the functions of any administration.

Right to be heard before an individual measure is taken that adversely affects him/her.

Holder: All persons.
Legal basis: Art. 41 CDF

The Charter of Fundamental Rights, in Art. 41.2 includes, within the right to good administration, the right of every person to be heard before an individual measure is taken against him/ her that adversely affects him/her.

Right to access the file respecting the legitimate interests of confidentiality and professional and commercial secrecy

Holder: All persons.
Legal basis: Art. 41 CDF.

Also in this case, Art. 41.2 of the Charter of Fundamental Rights recognizes, within the framework of the right to good administration, the right of every person to access the file concerning him/herself, while respecting the legitimate interests of confidentiality and professional and commercial secrecy.

The right to have all decisions reasoned

Holder: Diffuse.
Legal basis: Art. 41 CDF.

Regulated as an obligation of the administration, also within the framework of the right to good administration, art 41.2 of the Charter of Fundamental Rights of the EU, allows the adoption, as the other side of the same coin, of the right that every person has to have the administration give reasons for its decisions. Hence, the ownership of this right is diffuse.

Right to compensation for damage caused by the institutions or their agents in the exercise of their functions

Holder: All persons.
Legal basis: Art. 41 CDF.

This right is also included within the right to good administration, in Art. 41.2 of the Charter of Fundamental Rights of the Union.

The Charter recognizes it to all persons, although in accordance with the general principles common to the rights of the Member States, i.e. those that can be derived transversally from their legal systems.

Digital Citizenship Rights

Internet access as a universal right and universal accessibility in the digital environment

Holder: All persons.
Legal basis: Newly created right. In connection with the cybersecurity charter being prepared by the Commission.

It would be a new right, derived from the need for access to telematic media in all areas, to avoid digital divides between territories, between people from different areas, backgrounds and ages, especially women and older people who, unlike young people, have entered less in the use of new technologies.

Relations with administrations, access to information or even interpersonal relationships in times of the pandemic, have generated new demands that cannot be left unattended.

Right to identity in the digital environment, to the management of one's own identity, to the establishment of guarantees to be able to prove one's identity in digital environments

Holder: All persons.

Legal basis: Newly created right. In connection with the cybersecurity charter being prepared by the Commission.

The use of telematic means has put on the table the right to identity in the digital environment, where it can be easily supplanted by hackers and other intruders operating in networks and other digital environments. This means that guarantees must be established to prove one's identity in digital environments in order to prevent identity theft and, at the same time, one can directly manage one's own digital identity.

Data protection in the digital environment, with respect for the principles of legality, loyalty, transparency, integrity, confidentiality

Holder: all persons.

Legal basis: Art. 39 TEU, art. 16.1 TFEU and art. 8 CDF.

The European Union is a pioneer in data protection. Art 39 TEU establishes the competence of the Council to adopt the necessary rules for the protection of personal data in matters of common foreign and security policy, which will also have to be followed by the Member States. This will also be absolutely necessary in the digital environment, the main protagonist today in the processing of personal data.

Article 16.1 TFEU stipulates that everyone has the right to the protection of personal data concerning him or herself. The same article establishes that the Parliament and the Council shall draw up the relevant rules on this subject, addressed to the institutions, bodies, offices and agencies of the Union and to the Member States when carrying out activities which fall within the scope of Union law, and on the

free movement of such data. It also provides that compliance with these rules shall be subject to control by independent authorities.

The Charter of Fundamental Rights of the EU, in art. 8, reproduces what has already been indicated in the articles of the treaties, attributing the right to every person and specifying its content: the data must be processed fairly, for specified purposes, with the consent of the person concerned or by express legal provision. It also includes the right of access to the data collected concerning each individual and the right to rectification.

Right to the digital inheritance of the deceased person

Holder: All persons.

Legal basis: Newly created right.

Digital inheritance is becoming increasingly important in inheritance law. Social networks, digitalized information, digital wills are becoming increasingly relevant. Managing the digital footprint that a person leaves at death should also be a right of the heirs of the deceased, aimed at safeguarding the rights of the deceased and of those who are his or her heirs and, therefore, must have the necessary guarantees.

Rights concerning artificial intelligence, with human supervision and intervention, including the use of neuro-technologies

Holder: All persons.

Legal basis: Newly created right.

In connection with the cybersecurity charter being prepared by the Commission, the development of so-called artificial intelligence generates the right to request human supervision and intervention and to challenge automated or algorithmic decisions, since if they are not controlled they could generate violations of rights in various fields.

Furthermore, the use of neuro-technologies implies reserving individual identity, guaranteeing self-determination and freedom in decision-making, ensuring the confidentiality and security of brain data, and making sure that decisions based on these technologies are not conditioned by computer programs.

Guarantees of Citizenship Rights

Diplomatic and consular protection for EU citizens, when there is no authority in the country (accessible representation), in the same country there is no authority of their State (accessible representation), under the same conditions as nationals of that State

Holder: European citizens.

Legal basis: Arts. 20 and 23 TFEU, art. 46 CDF.

Art. 20.2 c) TFEU grants EU citizens the right to avail themselves, in the territory of a third country in which the Member State of which they are nationals is not represented, of the protection of the diplomatic and consular authorities of any Member State under the same conditions as the nationals of that State. This is reaffirmed in Art. 23 TFEU and Art. 46 of the EU Charter of Fundamental Rights. Article 23 TFEU, moreover, places in the intergovernmental sphere the decision-making to make it effective, although it is provided that the Council, after consulting the European Parliament, may adopt, by means of a special legislative procedure, directives to facilitate such protection.

In the legislative development that this right of citizenship has been obtaining, two relevant things can be observed: One, that the concept of “no representation of the Member State” of which one is a national has been replaced by that of “no diplomatic or consular representation accessible”, since this is the real problem most of the time. The second concerns the fact that, depending on the Member States, in certain circumstances and under certain conditions, protection may be extended to family members or relatives. Common criteria should be established to allow Member States to extend this protection to family members in third countries.

Access to the European Ombudsman in cases of maladministration, except against the Court of Justice and the Court of First Instance acting in its judicial role

Holder: All persons.

Legal basis: Arts. 20 and 24 TFEU, arts. 41 and 43 CDF.

The right to good administration is recognized in Art. 41 of the EU Charter of Fundamental Rights for all persons. Therefore, access to the European Ombudsman in cases of maladministration should be recognized without exclusions.

Obviously, they must be victims of maladministration, a specific case, because Art. 20 and Art. 24 TFEU recognize the general right of access to the Ombudsman for citizens of the Union.

Therefore, art. 43 of the Charter of Fundamental Rights, in regulating the guarantee of the Ombudsman, provides that any citizen of the Union or any natural or legal person residing or having its registered office in a Member State has the right of access to the Ombudsman in cases of maladministration. Exceptions to this system of protection are the Court of Justice and the Court of First Instance acting in its judicial capacity.

Given that the standards on the ownership of this right are different in the Treaties and in the Charter, when linking access to the Ombudsman with maladministration, it is necessary to guarantee, in accordance with art. 53 CDF, the highest level of protection, meaning that it is necessary to recognize access to any person, because the Charter, with Treaty value by ex-press provision of art. 6 TEU, grants the right to good administration to any person present in the territory of the Union.

Right to effective judicial protection, for everyone, including in digital environments. Cause heard fairly and publicly and within a reasonable time, by an independent and impartial judge, previously established by law, with all the guarantees

Holder: All persons.
Legal basis: Arts. 47 to 50 CDF.

Articles 47 to 50 of the Charter of Fundamental Rights of the Union, under the heading “Justice”, regulate the right to effective judicial protection with all the procedural guarantees that go with it, recognizing it for every person.

In accordance with the Charter of Fundamental Rights itself, this right is binding on the Institutions and bodies of the Union and on the Member States when they apply Union law. It is also regulated in art. 6 of the European Convention on Human Rights, so that all of them are also linked to the case law on the same, issued by the Court of Strasbourg. Effective judicial protection is also part of the constitutional traditions common to the Member States; in Spain it is Article 24 of the Constitution which regulates it in detail.

Additional Provisions

Promotion of *active* citizenship and the common values of freedom, tolerance and non-discrimination through education.

Holder: All persons
Legal basis: New creation.

The Paris Declaration -March 2015- *calls for strengthening and developing actions in the field of education whose aims are to promote active citizenship and the common values of freedom, tolerance and non-discrimination, through for instance European civic education.*

Inclusion of a European distinctive mark in passports issued by the Member States

Holder: Diffuse.
Legal basis: New creation.

As a symbol of European citizenship, Member States would have to issue passports to their citizens in such a way that they would visibly and prominently incorporate a European badge.

Institutionalization of Europe Day. May 9, the annual commemoration of the Schuman Declaration, should be a public holiday in all Member States

Holder: Diffuse.
Legal basis: New creation

As a symbol of European citizenship, Member States would have to declare May 9 a public holiday, commemorating the anniversary of the Schuman Declaration.

Issuing a European citizenship document to all European turning 18

Holder: all Europeans turning 18.
Legal basis: New creation.

Each young European, around their 18th birthday, would receive a document explaining the rights attached to the European citizenship. This would be a tangible sign that they are European citizen while providing them with concrete information on their citizenship status.



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