

# **Seminar 9. Human, Fundamental and Citizenship rights in the EU**

23 September 2019

Dr Cristina Blasi

---



# Summary

---

- ▶ ECtHR
- ▶ Charter of Fundamental Rights
- ▶ Freedom of movement and establishment in the EU
- ▶ European Citizens' Initiative
- ▶ Petitions' right
- ▶ European Ombudsman



# Sources

## Sources according to Art. 6 TEU

### The EU Charter of Fundamental Rights (CFR)

The Charter is a specific EU instrument for the protection of the fundamental rights of people living in the EU. It contains provisions on:

- Dignity;
- Freedoms;
- Equality;
- Solidarity;
- Citizens' rights;
- Justice.

There are explanations relating to the interpretation of the Charter.

### The European Convention on Human Rights (ECHR) ...

The Convention is an instrument of the Council of Europe (see *Chart 2/3*).

According to Art. 6(2) TEU, the EU shall accede to the ECHR; see also Protocol No 8; pending *Opinion 2/13* on the draft accession agreement.

### The constitutional traditions common to the Member States

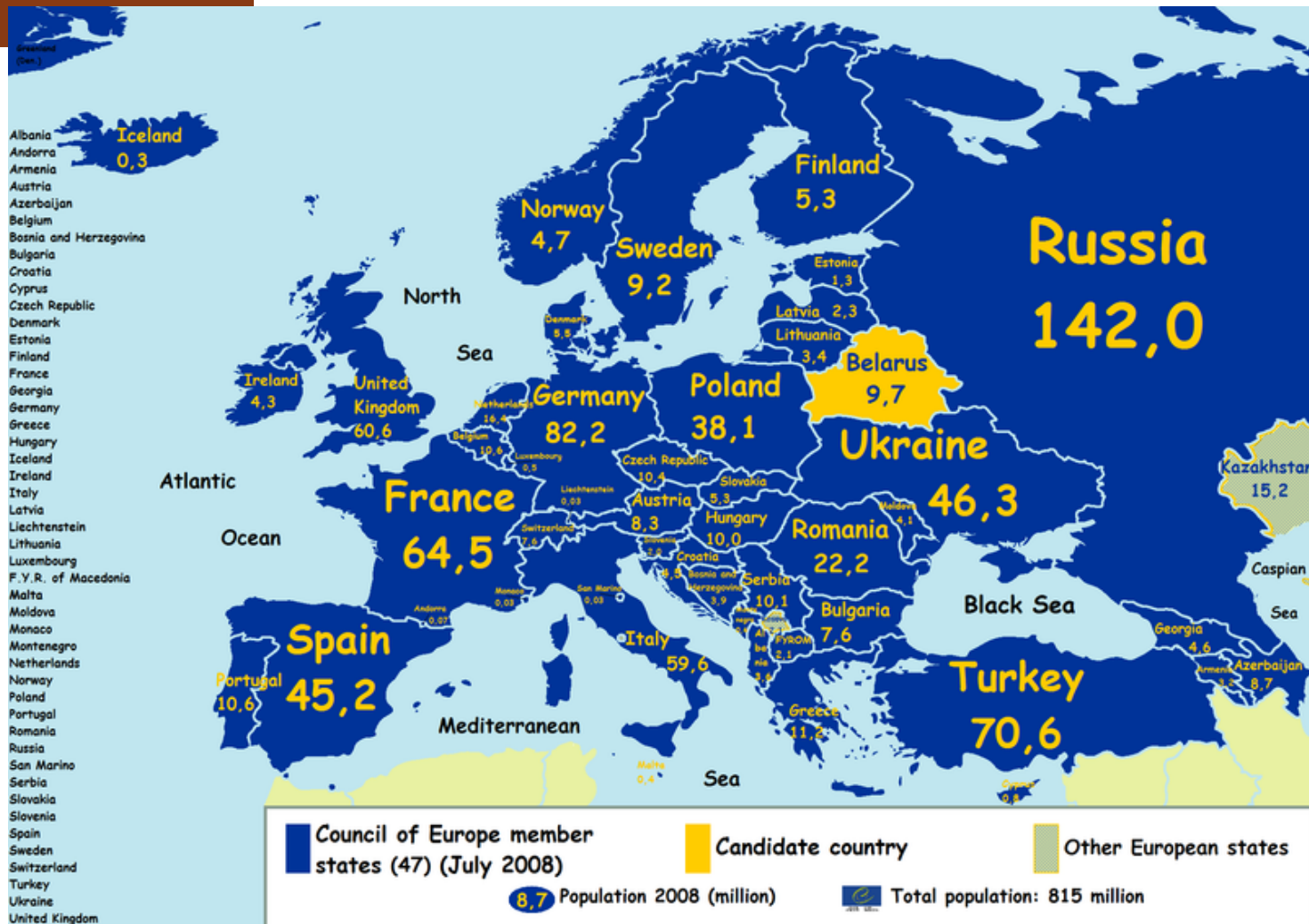
...

# Council of Europe

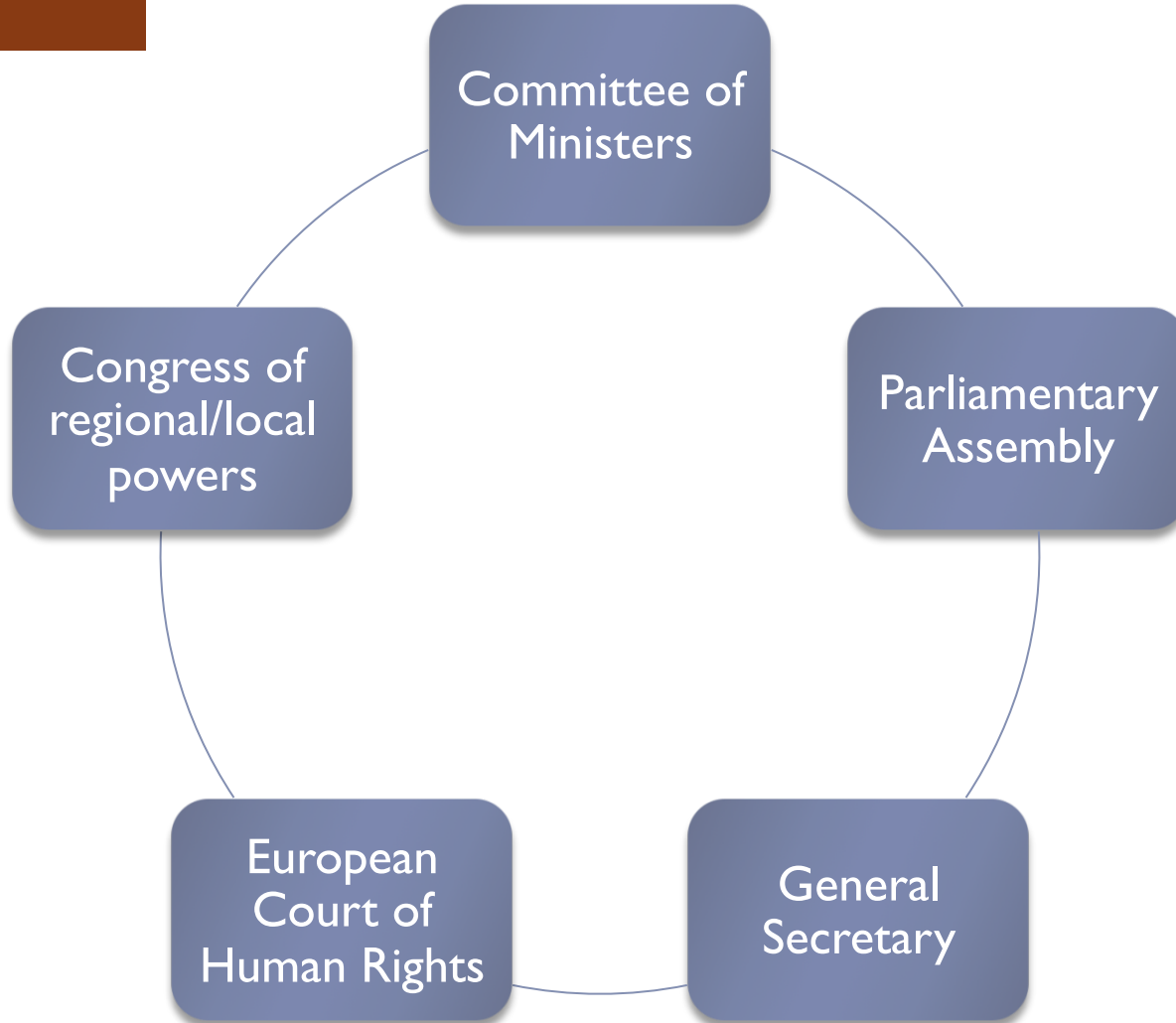




# Members of the Council of Europe



# Structure



# Committee of Ministers

---

- ▶ [http://www.coe.int/T/CM/MFA\\_en.asp#TopOfPage](http://www.coe.int/T/CM/MFA_en.asp#TopOfPage)

# Parliamentary Assembly

---

- ▶ <http://www.assembly.coe.int/nw/xml/AssemblyList/MP-Alpha-EN.asp>



# History of the ECtHR

---

- ▶ VIDEO 2016 (ENG, 14min)
- ▶ <https://www.youtube.com/watch?v=EPWGdhgQlgk&list=PLT-6qb4oU5filNe8Cp23qVZ5kNHEX747X&index=0>



# Admissibility conditions

---

- ▶ <https://www.youtube.com/watch?v=mcbDDhs5ZVA>



# Casos del TEDH

---

## Caso VO c. Francia

Demanda no. 53924/00

Decisión 4.06.2004



## Decision ECtHR

---

- ▶ “the interpretation of Article 2 in this connection has been informed by a clear desire to strike a balance, and the Convention institutions’ position in relation to the legal, medical, philosophical, ethical or religious dimensions of defining the human being has taken into account the various approaches to the matter at national level. This has been reflected in the consideration given to the diversity of views on the point at which life begins, of legal cultures and of national standards of protection, and the State has been left with considerable discretion in the matter”
-



# Casos del TEDH

---

## Caso PRETTY c. Reino Unido

Demanda núm.  
2346/2000  
Decisión 29.04.2002



**UAB**

Universitat Autònoma  
de Barcelona



gty.im/  
109134121

Colección  
Gamma-Rapho

# Charter of Fundamental Rights

---

- ▶ <https://www.youtube.com/watch?v=V-CxBx6kSrA>



# 10 years with the Charter of Fundamental Rights

---

- ▶ <https://www.youtube.com/watch?v=M4KxjkHqn4o>





# EU citizenship rights

---

## TFEU

- Art. 20
- Art. 21
- Art. 22
- Art. 23
- Art. 24

## Charter of Fundamental Rights

- Art. 7
- Art. 21
- Art. 24
- Art. 33
- Art. 34
- Art. 45
- Art. 46



# EU secondary legislation

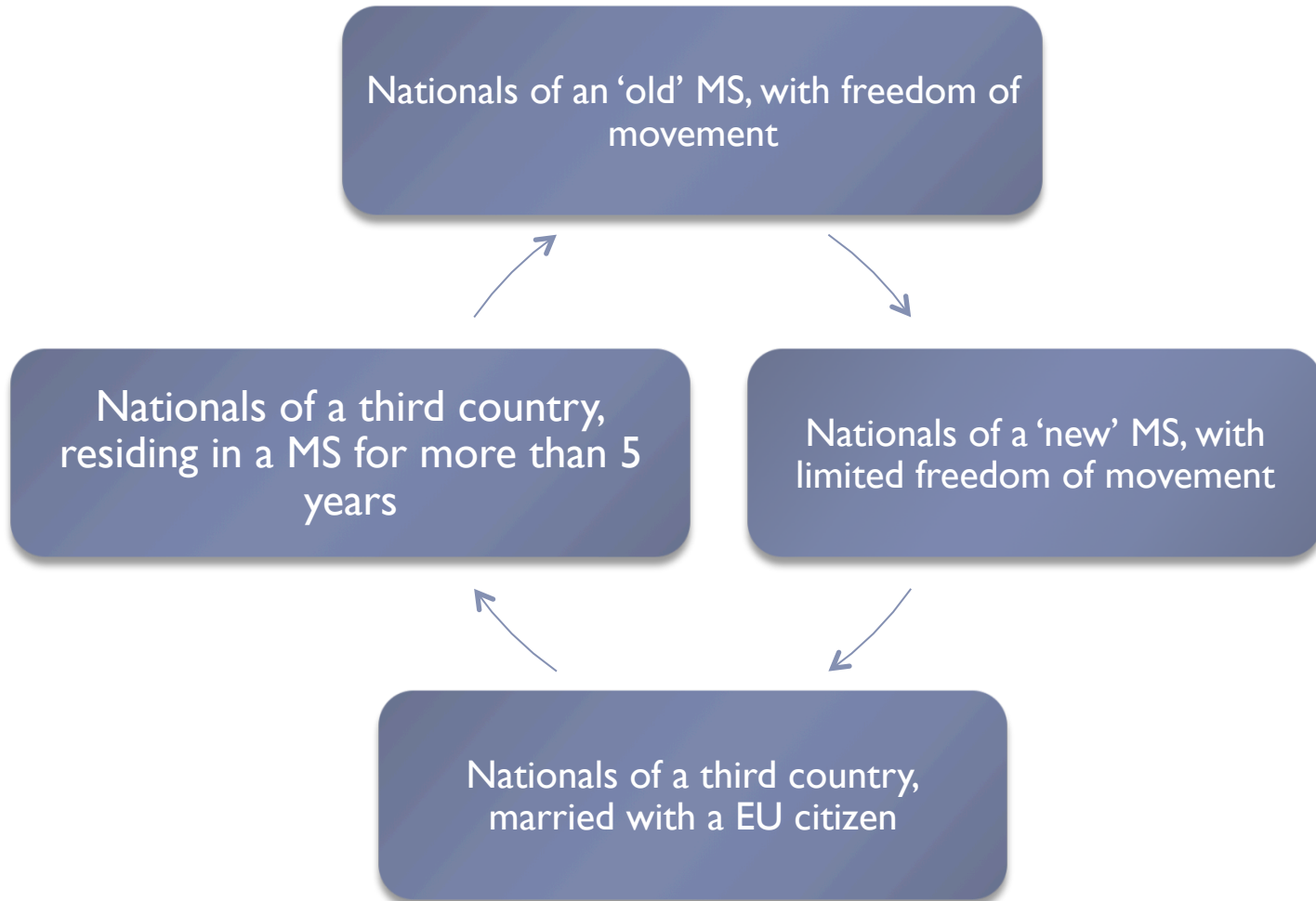
---

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States



Regulation (EC) No 883/2004 —  
on the coordination of social  
security systems

# Categories of EU citizens



## ACTIVITY 5

---

- ▶ **DIRECTIVE 2004/38 (p. 1-18)**
  - ▶ In which circumstances could EU citizens and their family be expelled from the host Member State?
  - ▶ List what is considered “family member” according to Directive 2004/38:
  - ▶ Could a EU citizen enter another Member State with their driving licence as identification?
  - ▶ For how long can EU citizens reside in another Member State without having to prove the conduction of an activity there? What activities should they demonstrate if they wish to stay longer than such period of time?
- 





# Expulsion

---

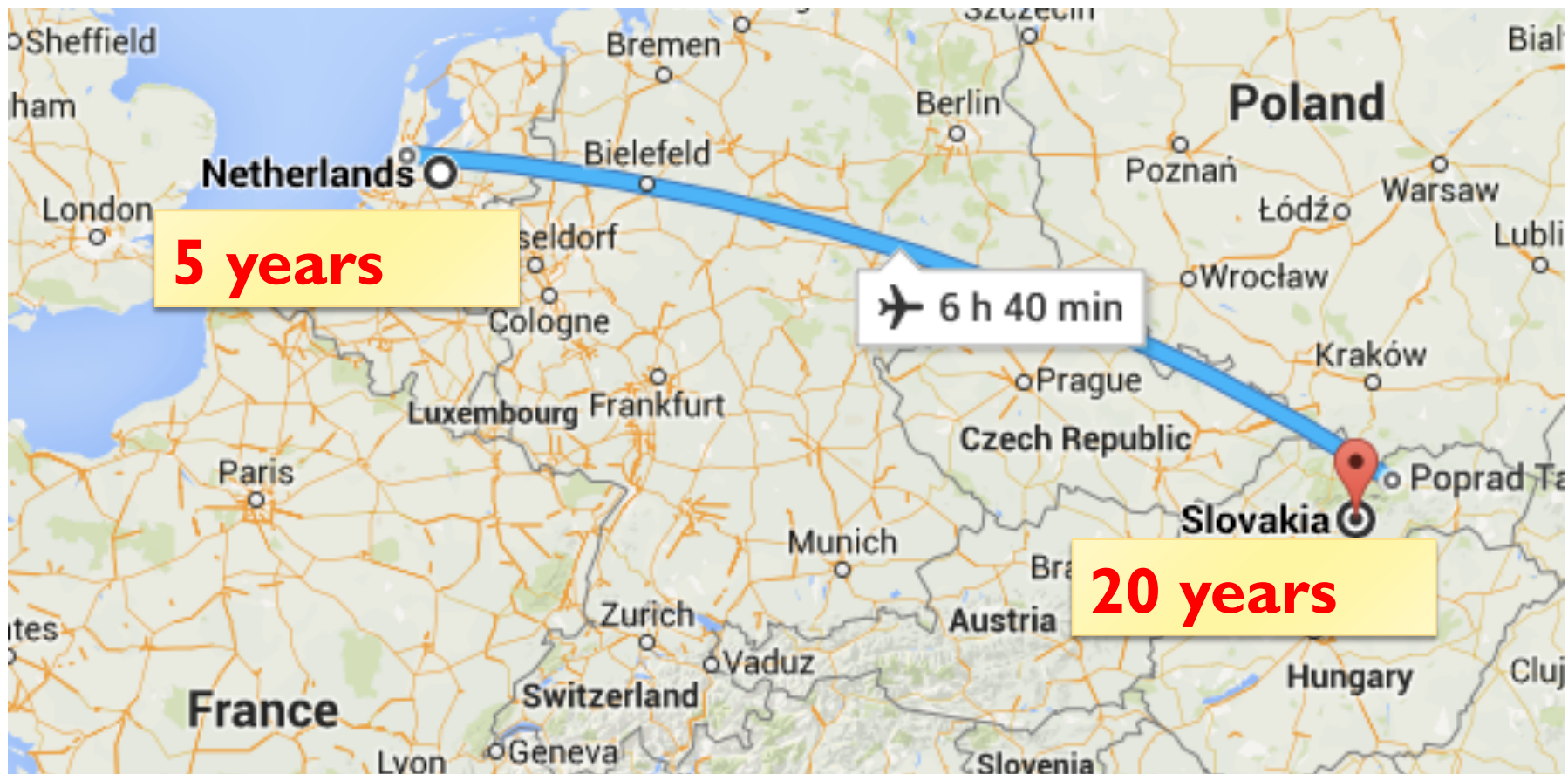


Grounds of public policy, public security or public health

Imperative grounds of public security if minor or 10-year residence

Grounds of diseases with epidemic potential

# Example



# Protection of EU citizens beyond the EU

---

Art. 35 TEU  
Art. 46 Charter  
Arts. 20 y 23 TFEU



Art. 8 Vienna  
Convention



Decision 95/553/  
EC  
Decision 96/409/  
CFSP

# Categories third-country nationals

---

<b>Persons with freedom of movement</b>	Family members of EU citizens
<b>Persons with rights granted by international agreements with the EU</b>	Family members of citizens of the European Economic Area (EEA)
	Turkish citizens and their family
	Citizens of countries with bilateral agreements with the EU <sup>18</sup>
<b>Short-term and long-term migrants</b>	Family members of third-country nationals
	Long-term residents in the EU
	Blue-card holders and their family
	Posted workers
	Researchers
	Students
	Seasonal workers
	Intra-corporate transfers
<b>Persons who need protection</b>	Asylum seekers
	Persons with subsidiary protection status
	Persons enjoying temporary protection
	Refugees
	Victims of human trafficking
<b>Migrants in irregular situation</b>	Irregular residents coming from third countries
	Irregular residents coming from third countries with postponed expulsion



# Third country nationals' treatment

---

- ▶ **Directive 2003/109**  
status of non-EU  
nationals who are long-  
term residents

- ▶ **Same rights as EU citizens if 2 CONDITIONS**
  - ▶ 1) they should have enjoyed a legal residence in a Member State for at least 5 years (Article 5), and
  - ▶ 2) they need to have their own medical insurance covering their health and that of their family.
-

- ▶ Proposal for a **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** on standards for the qualification of **third-country nationals or stateless persons** as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents,
  - ▶ COM(2016) 466 final, 13.7.2016
- 




# In one single document

---


standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection



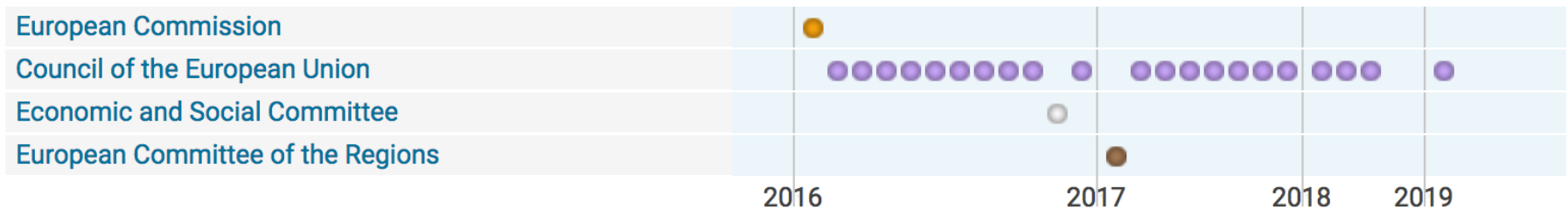
uniform status for refugees or for persons eligible for subsidiary protection



content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents



# State of play





# The European Citizens' Initiative

Preparation and setting up of the citizens' committee



Registration of the proposed initiative



Max. 2 months

Certification of your online collection system



Max. 1 month

Collection of statements of support on paper and / or online



Max. 12 months

Verification of statements of support



Max. 3 months

Submission of the initiative to the Commission

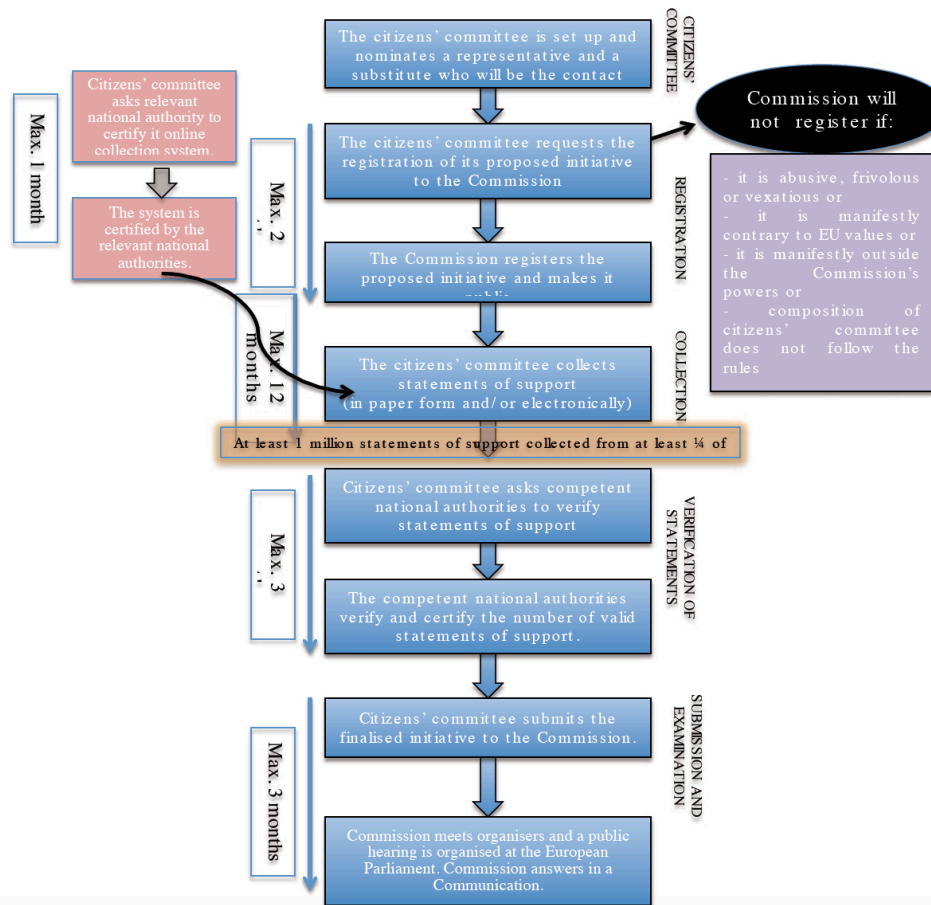


Examination, public hearing in the European Parliament and answer by the Commission



Max. 3 months

If the Commission decides to follow your initiative -> the legislative procedure starts



# The right to petition before the European Parliament

## **Art. 227 TFEU**

“Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union’s fields of activity and which affects him, her or it directly”.



# Conditions

---



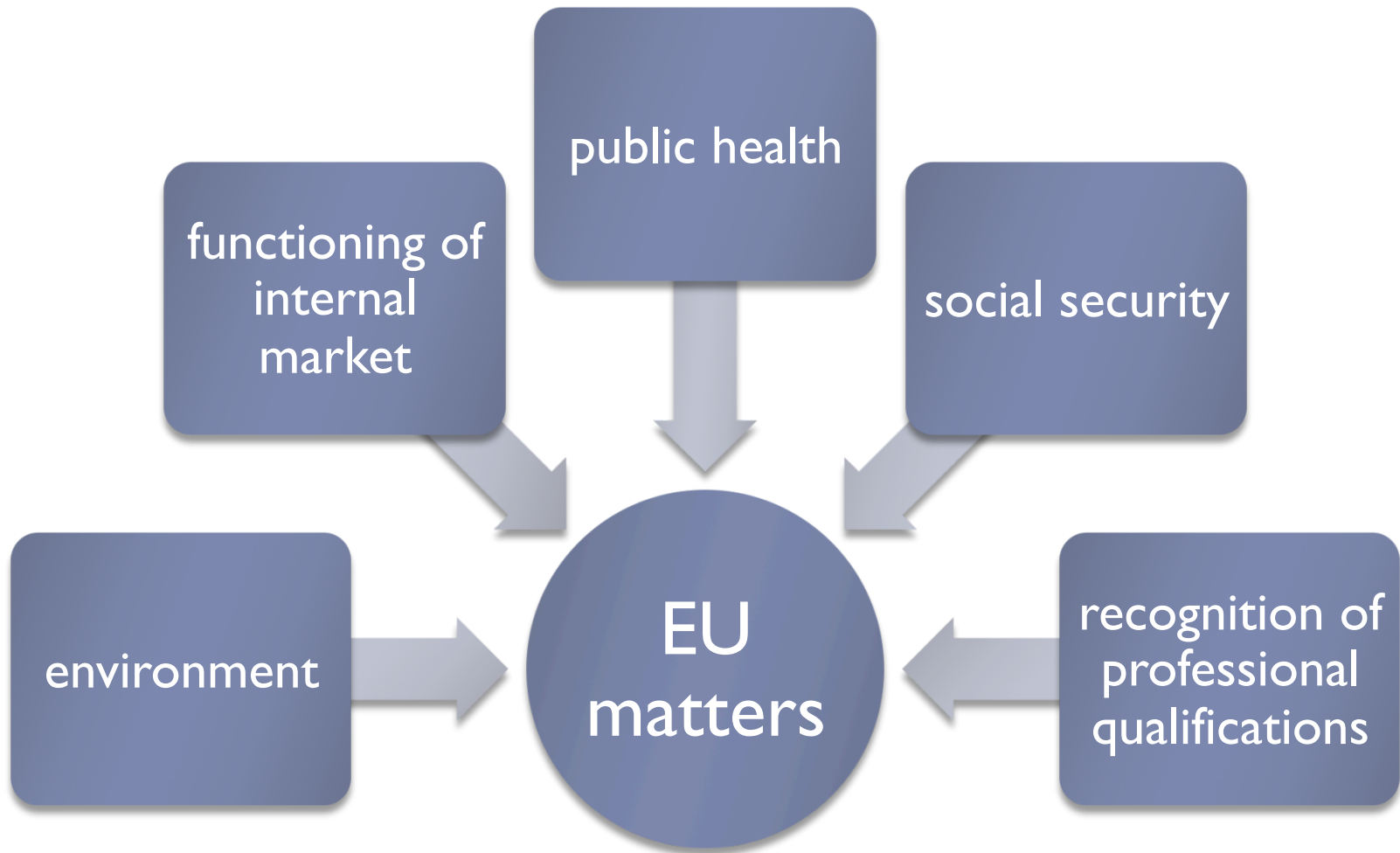
EU citizens

person who resides in a  
MS

company with a registered  
office within the EU

# Examples

---



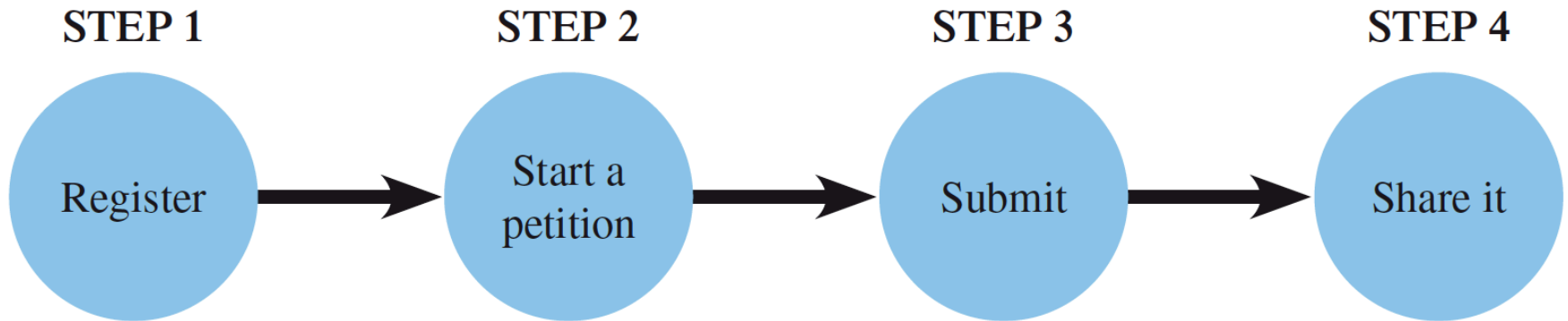
# Procedural issues

---

- ▶ <https://petiport.secure.europarl.europa.eu/petitions/en/main>
- ▶ **OPTIONS**
- ▶ - send a petition
- ▶ -support a petition

# Send a petition

---



# SUPPORT A PETITION

## **Petition No 2707/2014 by J. P. Fréché (French) on the transatlantic free trade agreement (TTIP-CETA-TISA)**

Deadline for support: 01-07-2016 - Status: Available to supporters

### **Petition data**

Summary title: Petition No 2707/2014 by J. P.

Fréché (French) on the transatlantic free trade agreement (TTIP-CETA-TISA)

Petition number: 2707/2014

Topics: Trade

Country: European Union

Name of association:

### **Petitioner data**

Name: E. P.

### **Petition Summary**

The petitioner states his firm opposition to the signing of the Transatlantic Free Trade Agreement with the United States and of the CETA with Canada, which he considers to be a betrayal of European democratic ideals. He calls for a new way of thinking able to change the nature of trade, in order to ensure improved nature conservation and greater prospects for future generations.



[Print PDF](#)



# Support a petition

**Initials::** E. P.

**Date of admissibility:** 2015-09-02 00:00:00.0

**Number of supporters:** 14

**Deadline for support:** 2016-07-01

**Status:** Available to supporters

**Comment**  

**By supporting this petition you will be entitled to receive information about the further treatment of the petition. The committee on Petitions of the European Parliament will however treat all petitions submitted in accordance with its rules and the requirements of the treaties. The committee will base its considerations and decisions only on the merits of the content of the petition, irrespective of the numbers of signatories or supporters.**

SUPPORT

# Action of the Petitions' Committee

---



start an  
investigation

forward the  
petition to other  
committees

draft a report to  
be voted in a  
plenary session