

**ECONOMIC AND SOCIAL
CONSULTATIVE ASSEMBLY**

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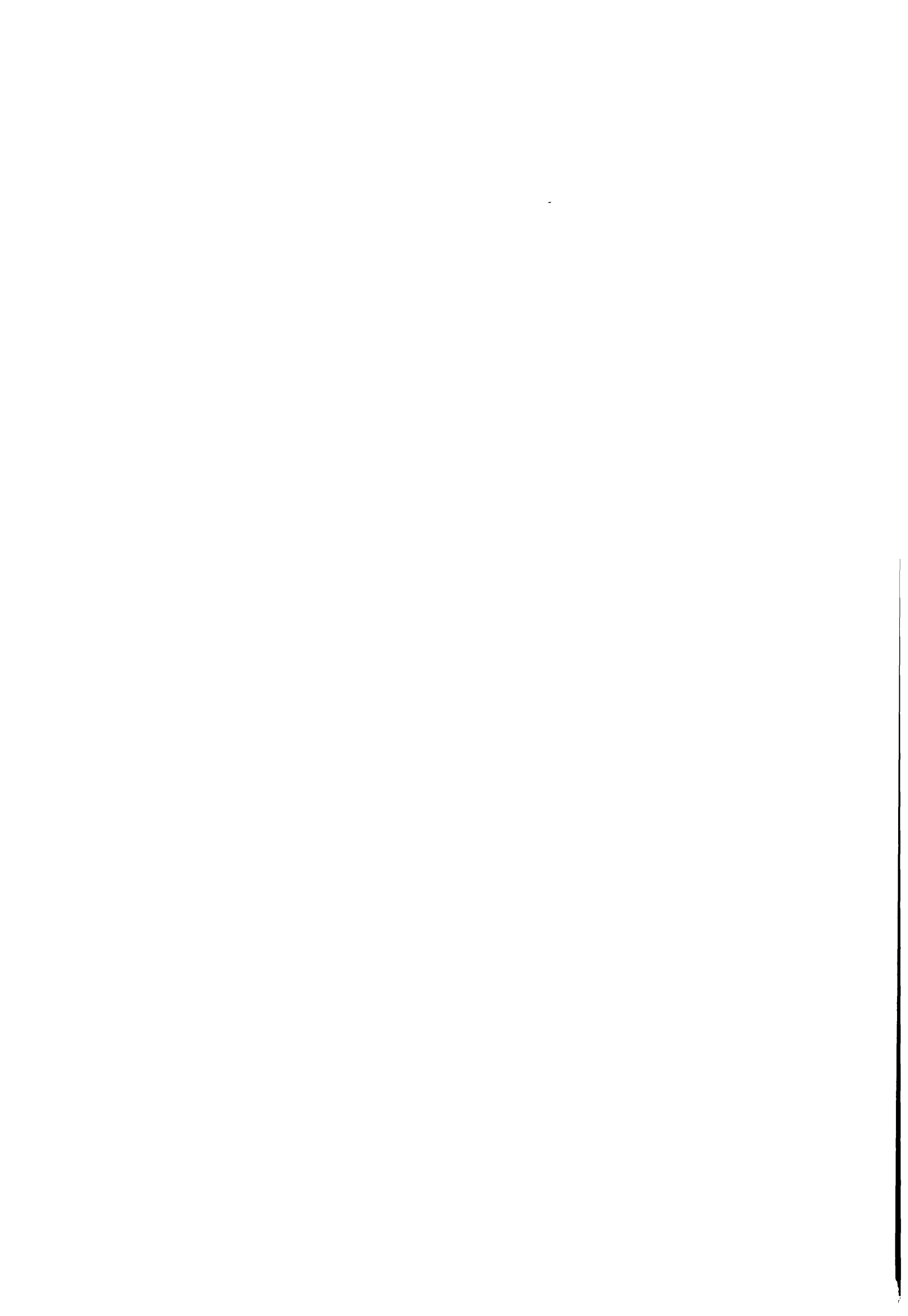
The Citizens' Europe

*EUROPEAN
COMMUNITIES*

*ECONOMIC AND
SOCIAL COMMITTEE*

Brussels 1992





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FOREWORD

The current debate and recent referenda on European Union have made it clear that the general public want a Europe that is closer to their real daily needs. They want a citizens' Europe.

As a follow-up to the influential Opinion on "Basic Community Social Rights", and at the express initiative of its former President François STAEDLIN, the Economic and Social Committee considered it essential to register its views and thoughts on the "Citizens' Europe".

The Opinion and Information Report published below have been drawn up after a year's reflection and debate on the subject. The proposals set out reflect a very large consensus of opinion in the Committee and are the result of team-work involving the Rapporteur Mrs Beatrice RANGONI MACHIAVELLI, the Co-Rapporteur Tom JENKINS, and the sub-committee Chairman Mr Philip NOORDWAL.

The key message put forward is that European citizenship is more than the sum of 12 national citizenships; it is "added value", enriching and adding to them all.

OPINION
of the
Economic and Social Committee
on

The Citizens' Europe

Procedure

On 25 April 1991, acting under Article 24 of the Rules of Procedure, the Economic and Social Committee decided to draw up an Information Report on *The Citizens' Europe* and a Sub-Committee was set up in accordance with Article 17 of the RP.

The Sub-Committee adopted the Information Report unanimously on 18 March 1992.

On 27 May 1992 the Economic and Social Committee, acting under the fourth paragraph of Article 20 of its Rules of Procedure, decided to draw up an Opinion on

The Citizens' Europe.

The Sub-Committee, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 16 July 1992. The Rapporteur was Mrs RANGONI MACHIAVELLI. The Co-Rapporteur was Mr JENKINS.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion by a majority vote with five abstentions.

General comments

European citizenship must represent more than just the sum of twelve national citizenships.

As the European Community moves towards closer Union, its policies and actions must be rooted in a Union-wide form of democratic legitimacy and popular consent. This is why the European Parliament has repeatedly stressed that European Union and Community Citizenship are inter-linked: they must go hand in hand. The Economic and Social Committee has frequently likewise argued, notably in the context of the "1992" process, that the aim of the European Community is not exclusively to achieve an internal market. It is to achieve a better quality of life and closer relations. A "Citizens' Europe" is the real goal, in which the quality of everyday life is improved and better guaranteed by constitutional arrangements with a "European dimension".

In this connection of a European Union taking shape as "an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured" (Article 8a), the "Citizens' Europe" which most easily springs to mind is one in which individual citizens may move to, reside in and work or become established in any Member State, on the basis of equal opportunities, mutual recognition of qualifications and diplomas and equal treatment as regards social protection, welfare and education. Much of this is now regarded as "acquis communautaire", even if in practice the exercise of such common established rights and accompanying duties and obligations will require more time and attention.

At the same time, a "Citizens' Europe" comprises everyday "freedoms", rights and duties, but also goes beyond them; it is about constructing a firm and durable, transnational model of citizenship. It is about filling the "democratic deficit" at European level, developing a civic and social "Union", enabling Europe's citizens better to control their own

destinies, and about reinforcing the European Parliament and other democratic institutions whose role is to represent European citizens and defend their rights, duties and interests.

Under the Maastricht Treaty, European citizenship is *officially established in terms of both the rights and duties imposed thereby*. But notions of what European citizenship really means remain hazy or at best only partially expressed.

A Citizens' Europe is not an "identikit", all-inclusive, all-embracing "melting pot".

The key to a Citizens' Europe is its unity and diversity of culture, its pluralism of thought and tradition, its Christian heritage and appreciation of other faiths as well as of humanistic and secular values and principles, and its fundamental attachment to liberty, peace, social justice, tolerance, human rights and the Rule of Law. The "soul" of Europe is in fact imbued with humanistic principles (notably the right to human dignity), such principles constituting the bedrock and driving force of democracy. The Citizens' Europe "idea" is firmly rooted in these common democratic values and respect for human dignity. These common values inspired the contemporary European idea and the concept of trans-national democracy which, unlike the confines of narrow nationalism, can give full expression to diversity, choice and quality, and can better assure a true and peaceful understanding between peoples.

These common democratic values, and their local, regional, national and supranational expression, are the "just" foundations of a Citizens' Europe. Economic and social rights are indissolubly linked to civil and political rights: together these citizens' rights and accompanying duties constitute the cornerstone of a free, democratic society founded on respect for human rights.

A dynamic, efficient and democratically-accountable European Union logically invokes the notion of Community Citizenship, based on these values expressed and upheld through a basic *Community legal framework* which should fully recognize and protect human rights and basic social rights together with fundamental freedoms.

The Citizens' Europe "ethos" is also central to the widening and deepening of the EC. Deepening is a logical pre-condition for widening. At the same time, as a "European Union" of democracies, the Citizens' Europe is seen as a source of protection by the emerging democracies to the east, and as a dynamic "area" in the development of closer ties with EFTA countries. This "attractiveness," and the inevitable perspective of a "wider Europe", should be the source of enrichment and motivation for a "deeper" form of Union, as sought by most prospective Members, in order to ensure the efficiency, durability and democratic control of the whole process which they want to join. The "deeper" Citizens' Europe must therefore take shape, in parallel to the widening of the Community horizon. This further stage of development, building on the common democratic and civic values outlined earlier, needs to be considered according to the principles of consensus and social justice by which the Citizens' Europe should set its standards and for which it should strive.

This is why "social policy goals and priorities form an integral part of a People's Europe"¹ and why "EC social policy has a crucial role to play (and) must be allowed to do so on a firmer and clearer footing than hitherto"². The Committee in this context called upon the 1991 intergovernmental conference to take account of the need for "balance and parity" between the social and economic aspects of the Treaty and revisions to it, and to allow a more complete use of Articles 100a and 118a in order to tackle cross-border labour market problems and promote basic social rights throughout the EC.³ The slow progress at Council in applying the EC Social Charter and Social Action Programme has shown that there is still insufficient agreement or political will to achieve this vital and integral goal of a Citizens' Europe. The Maastricht Protocol on Social Policy may help "unblock" the deadlock, in so much as the heads of government of the signatories to it and to the Social Charter may have recourse to the EC "institutions, procedures and mechanisms" in order to apply many of the key policies of the Charter on the basis of qualified majority voting. It is indeed a matter for regret that more progress has not been made to date in applying the Social Charter and Social Action Programme, and that not all "Euro-citizens" from the twelve Member States will be able to benefit from new provisions stemming from the Maastricht "Agreement on Social Policy concluded between the Member States of the European Community with the exception of the United Kingdom". This "Agreement" could also bring about increased flexibility - which would be welcomed - in allowing for appropriate European social policy measures to be drawn up and implemented through agreement between representative organizations, and not exclusively through legislative action initiated by the Commission.

It should also be noted that the Committee and European Parliament alike have consistently argued in favour of a substantial widening of the Social Charter, in order to cover both "workers" and other social groups and individual citizens through generally applicable, basic societal rights.

A Citizens' Europe, built on strong democratic and civic foundations and "in pursuit of social justice (in) an area of liberty allowing for private initiative and the development of collective undertakings"⁴, should also help achieve higher standards in education and training, in commerce and design, in economic activity and social wellbeing.

For a Europe "without frontiers" should be a continual springboard of ideas, of cross-referencing, of "networking", of cross-fertilisation, of contact and access to what is best being done or conceived. This qualitative approach for a dynamic Citizens' Europe should also apply to the achieving of better services, improved health protection and welfare, more consumer protection and a cleaner environment. The Community's commitment to high standards in these fields is clearly laid down in Article 100a (3) of the Treaty, which states that "The Commission, in its proposals concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection." This is reaffirmed in Articles 129a and 130r of the Maastricht Treaty. Measures in these fields will no doubt increase as a result of qualified majority voting in Council, and should be

accompanied by the closer involvement of European citizens and their environmental and consumer protection agencies in monitoring the rights, obligations and standards laid down. There should also be easier EC-wide access to the courts for European citizens as consumers.

Good use both of the Structural Funds and of a new Cohesion Fund would also require greater participation by "European citizens" through their various action services, special interest groups, socio-professional organisations and appropriate structures to be provided.

Likewise, a Europe of free thought, free movement, freedom of information and the right to privacy, must be asserted. A Citizens' Europe must stand for transparency and for freedom of information in a context of respect for the individual, as well as for freedom of access to the ideas, media and cultures of third countries. It must not degenerate into a "fortress" of controls and checks on its citizens (or on other persons legally resident in Member States).

In all this, it is vital for a Citizens' Europe to educate its young citizens and prepare their future, to broaden their horizons, to enable better participation in and access to the European dimension, to help them become more "Europe conscious". This is one area where practical progress has been achieved in recent years, notably through new EC exchange programmes for young people. However many young people remain outside and untouched by such EC schemes, and are often excluded from the mainstream of European society in general (the unemployed, those in precarious jobs, in poverty, on the margins of society). More thought must be given on how to assure all young people a stake in a Citizens' Europe, in the Europe of today and tomorrow. EC activity in this context should be stepped up, notably as regards jobs and school:

- The time has surely come for specific EC resources to be set up to address youth unemployment, together with the promotion of cohesive EC-wide policies on the right to training and of clearer support measures for entry into the labour market.
- The EC might also be more imaginative in promoting the "European dimension" at school. For example, in addition to exploiting the EC competences established at Maastricht as regards pedagogical material, language teaching and the encouragement of mobility throughout Europe, perhaps the EC and the competent national authorities might consider involving all young Europeans at secondary and training school in the organisation of a biennial "Young Europe Convention". The starting point would be to support secondary and training schools throughout the Community in holding elections from amongst their pupils to regional Young European Councils. These Councils could in turn select delegates for the "Young Europe Convention" itself. The advantage

1 ESC Opinion on Social Developments in the Community in 1987 (OJ C 208 of 8 August 1988), point 3.4.

2 ESC Opinion on Social Developments in the Community in 1989 - OJ C 225 of 10 September 1990, point 5.3.

3 Ibid

4 ESC resolution on an EC Action Programme 1989-1992, OJ C6 of 7 January 1989, point 1.3.

of such an EC initiative would be to 'get through to' and directly involve young people at all levels, from local to trans-national, in debating and registering their views on Europe. Perhaps the Commission and European Youth Forum could give some consideration to this suggestion.

We must continue to promote a Europe of "solidarity" between generations and citizens as well as with the world as a whole. The Committee reiterates its support for designating 1993 as the "European Year for Older People" and for the building out of Articles 24 and 25 of the Social Charter in order to promote a Community Charter of the Fundamental Rights of Older People, together with an Action Programme of measures to promote inter-generational solidarity. The Committee also reiterates its views about the need for action aimed at integrating people with disabilities.

Recommendations

To back up the political and historic importance of the conclusions reached by governments at the Maastricht Summit, citizens must be kept more fully informed and involved in the building of the European Union. Decisions should be made at the level (European, national, regional or local) where the maximum democratic control and effectiveness is ensured⁵ To this end, the Committee considers that Union-wide action should focus on the following:

- 1) The need for "European Union" accession to the European Convention for the Protection of Human Rights and Freedoms, together with the incorporation into the Treaty of the "Declaration of Fundamental Rights and Freedoms" of the European Parliament.
- 2) The need for a Treaty provision banning discrimination on grounds of sex, colour, race, opinions and beliefs.
- 3) The need, on the basis of the elimination of obstacles and practical application of the "four freedoms" (free movement of persons, goods, services and capital), to assert equality of rights and duties for all citizens of the Union.
- 4) The need for proper democratic accountability at European level guaranteed through appropriate legislative powers for the European Parliament, transparent Council decision-making procedures, full appreciation of

Community law through an independent Court of Justice, and the defence and development of "open" European administration.

- 5) The need for the European Parliament to be elected according to a uniform electoral system providing proper representation of various political currents.
- 6) The need for the Economic and Social Committee - a European projection of similar national organs of social dialogue - and the new Committee of the Regions - a European projection of regional competences - to carry out and develop their functions independently, but to similar purpose, putting participatory democracy and their representative status to work in the interests of the European Union.
- 7) The need for the Treaty unequivocally to enable the proper application of the Social Charter and Social Protocol Agreement to all citizens concerned throughout the "European Union" as a whole.
- 8) The need for a similar EC commitment to wider social and societal rights⁶ in fields including the environment, consumer protection, protection of the citizens against abusive practices on the part of the public authorities, cultural heritage and data protection, and concerning vulnerable disadvantaged groups and the disabled, the role of socio-professional groups and safeguarding the family⁷. The "right of conscience" should also be upheld.
- 9) The need for an adequate EC Budget in keeping with "European Union" and directed towards making an efficient contribution to economic and social cohesion, to training and to reducing unemployment.
- 10) The need to devise European policies for employment and vocational training, involving social dialogue and the increasingly active participation of other interest groups.
- 11) The case for using the European Year of the Elderly (1993) as an EC initiative which, without overlooking the need to improve the wellbeing of today's senior citizens, also launches the policies needed to improve conditions for the elderly of tomorrow.
- 12) The proposal to organize a biennial "Young Europe Convention".

* * * *

Citizenship is a token of belonging to a community in which each member takes part in implementing the wishes of the whole, submitting oneself to them without loss of personal freedom, since one is obeying rules which one has had a say in drawing up. A democratic society can only be freely constructed around positive values shared by citizens who are equal in freedom. European citizenship is therefore not simply the sum of 12 national citizenships, but constitutes an "added value", enriching and adding to them all.

* * * *

5 In keeping with the general view registered concerning "subsidiarity".

6 Individual rights enjoyed by specific groups of categories of citizens, such as the elderly, the disabled, the sick, etc.

7 Conclusions of the meeting of the Council of Ministers for family affairs of 29 September 1989 (see OJ No. C 277/2, 1989).

INFORMATION REPORT
of the
Sub-Committee
on

The Citizens' Europe

Rapporteur: Mrs RANGONI MACHIAVELLI

Co-Rapporteur: Mr JENKINS

Procedure

On 25 April 1991, acting under Article 24 of the Rules of Procedure, the Economic and Social Committee decided to draw up an Information Report on "The Citizens' Europe" and a Sub-Committee was set up in accordance with Article 17 of the RP.

This Sub-Committee was made up as follows:

Chairman:	Mr	NOORDWAL
Rapporteur:	Mrs	RANGONI-MACCHIAVELLI
Co-Rapporteur:	Mr	JENKINS
Members:	Mr	ARENA
	Mr	BERNS
	Mr	BORDES-PAGES
	Mr	BURNEL
	Mr	de KNEGT
	Mr	HILKENS
	Mr	JASCHICK
	Mr	LANDABURU DA SILVA
	Mr	LIVERANI
	Mr	McGARRY
	Mr	MERCIER
	Mr	PERRIN-PELLETIER
	Mr	PETROPOULOS
	Mr	PROUMENS
	Mr	ROSEINGRAVE
	Mr	SANTILLAN
	Mr	SCHADE-POULSEN
	Mr	SCHMITZ
	Mr	SILVA
	Mr	STRAUSS
	Mr	WHITWORTH
Experts:	Mr	PINDER (for the Rapporteur)
	Mr	BERETTA (for the Co-Rapporteur)
	Mrs	HERTOGS (for Group II)
	Mr	WARD (for Group III)

The Sub-Committee met on the following dates:

29 May 1991,
8 July 1991,
19 September 1991,
2 October 1991,
12 November 1991,
22 January 1992 and
18 March 1992.

The Sub-Committee adopted the Information Report unanimously on 18 March 1992.

Foreword

Citizens are individuals seen in the context of the full range of their personal, civic, vocational, economic, social and family rights and duties, applied with a view - here examined - to a transnational Community based on freedom and justice shared by all.

a) General Overview - What sort of Citizens' Europe?

Purpose of the Information Report

European citizenship must represent more than just the sum of twelve national citizenships.

As the European Community moves towards closer Union, its policies and actions must be rooted in a Union-wide form of democratic legitimacy and popular consent. This is why the European Parliament has repeatedly stressed that European Union and Community Citizenship are inter-linked: they must go hand in hand. The Economic and Social Committee has frequently likewise argued, notably in the context of the "1992" process, that the aim of the European Community is not exclusively to achieve an internal market. It is to achieve a better quality of life and closer relations (Article 2 of the Treaty). A "Citizens' Europe" is the real goal, in which the quality of everyday life is improved and better guaranteed by a "European dimension", in the context of a European Constitution.

In this connection and that of a European Community taking shape as "an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured" (Single European Act, Article 13), the "Citizens' Europe" which most easily springs to mind is one in which individual citizens may move to, reside in and work or become established in any Member State, on the basis of equal opportunities, mutual recognition of qualifications and diplomas and equal treatment as regards social protection, welfare and education. Much of this is now regarded as "acquis communautaire", even if in practice the exercise of such common established rights and accompanying duties and obligations will require more time and attention.

At the same time, a "Citizens' Europe" comprises everyday "freedoms", rights and duties, but also goes beyond them; it is about constructing a firm and durable, transnational model of citizenship. It is about filling the "democratic deficit" at European level, developing a civic and social "Union", enabling Europe's citizens better to control their own destinies, and about reinforcing the European Parliament and other democratic institutions whose role is to represent European citizens and defend their rights, duties and interests.

With a view to the second phase of democratic and institutional strengthening of the Union (1996), the main thrust of this report is to present these general themes and to highlight the following specific points:

1. *The need for EC accession to the European Convention for the Protection of Human Rights and Freedoms, together with the incorporation into the Treaty of the Declaration of Fundamental Rights and Freedoms of the European Parliament.*

2. *The need in particular for a Treaty provision banning discrimination on ground of sex, colour, race, opinions and beliefs.*
3. *The need, on the basis of the elimination of obstacles and practical application of the "four freedoms" (free movement of goods, persons, services and capital), to assert equality of rights and duties for all citizens of the Union.*
4. *The need for proper democratic accountability at European level guaranteed through legislative powers for the European Parliament, transparent Council decision-making procedures, and full appreciation of the rule of law through the Court of Justice.*
5. *The need for the European Parliament to be elected according to a uniform electoral system providing proper representation of all political currents.*
6. *The need for the Treaty unequivocally to enable the proper application of the Social Charter and Social Protocol Agreement to all citizens concerned throughout the "European Union" as a whole.*
7. *The need for a similar EC commitment to wider social and societal rights¹ in fields including the environment, consumer protection, cultural heritage, vulnerable and disadvantaged groups, privacy, data protection, the role of socio-professional groups and safeguarding the family².*
8. *The need for an EC Budget in keeping with "European Union" and capable of making a greater contribution to economic and social cohesion and to training and the alleviation of unemployment.*
9. *The need to devise Community policies for employment and vocational training, involving social dialogue and the increasingly active participation of other interest groups.*
10. *The need for the Economic and Social Committee and the new Committee of the Regions to carry out and develop their functions independently, but to similar purpose, putting participatory democracy and their representative status to work in the interests of the European Union.*
11. *The proposal to organize a quadrennial "Young Europe Convention".*

Background

The notion of European citizenship has been expressed over the years in varying degrees of elucidation:

As early as 1973, the *Copenhagen Summit* issued a Communiqué on European Identity.

The *1974 Paris Summit* gave consideration to granting European citizens specific rights within a "Community legal area".

In 1975, the influential *TINDEMANS Report* on European Union included a chapter on a "People's Europe" and on rights and solidarity.

The *1984 Fontainebleau Summit* gave consideration to a new Community dimension closer to the citizens.

In 1985 the *ADONNINO Report* (Ad Hoc Committee on a People's Europe) made proposals on freedom of movement for Community citizens, right of establishment, right of residence, etc.

The *1985 Milan Summit* approved these proposals and issued a mandate to the Commission to pursue them.

In 1988, the Commission published a *Communication on a People's Europe* concentrating on awareness of European identity, symbols, culture, youth exchanges, a European dimension to education, the environment, "1992" and citizenship.

In December 1989, the *Community Charter of the Fundamental Social Rights of Workers*, endorsed by the Heads of Government of 11 Member States, stressed in its preamble the need to ensure "equal treatment" and "to combat every form of discrimination, including discrimination on grounds of sex, colour, race, opinions and beliefs."

The run-up to "1992" and the intergovernmental conference on Union indeed helped to concentrate minds and accelerate some specific political action:

In June 1990 the *Dublin Summit* discussed European Union and Community citizenship, notably as regards human rights, political and social rights, free movement.

In October 1990 the *Spanish Government* subsequently presented its proposals (endorsed by the Commission) on Union and European Citizenship. It focused on "supplementing" rather than replacing national citizenship, on fundamental rights, and on a parallel development of Community competences on social matters, health, education, culture, environment and consumer protection.

In November 1990 the *European Parliament* proposed a *Resolution* on Community citizenship to the intergovernmental conference, calling for the inclusion in the new Treaty of a declaration of fundamental rights and freedoms based on the European Convention for the Protection of Human Rights and Fundamental Freedoms and on constitutional rights in Member States, and incorporating rights specific to Union citizenship such as the right to move and reside freely throughout the Union.

In December 1990 the *Rome Summit* expressed support for the concept of European citizenship, with specific reference to civic rights, social and economic rights, protection of EC citizens outside the Community borders, and an ombudsman for the defence of citizens' rights.

1 Individual rights enjoyed by specific groups of categories of citizens, such as the elderly, the disabled, the sick, etc.

2 Conclusions of the meeting of the Council of Ministers for family affairs of 29 September 1989 (see OJ No. C 277/2, 1989).

In May 1991 the "Initial Contributions" by the Commission to the intergovernmental conference on political union included a chapter on Union citizenship which proposed a definition of the concept, EC accession to the European Convention on the Protection of Human Rights and Fundamental Freedoms, a general principle prohibiting discrimination on the grounds of nationality, basic civic and social rights and obligations, an EC ombudsman, etc.

In May 1991, the ETUC Congress likewise adopted a report and declaration on EC Citizenship, highlighting the link between citizens' rights and trade union rights.

In November 1991, the European Parliament BINDI Report on Union Citizenship outlined the concept of a new "additional" form of citizenship, re-proposing the list of human rights and fundamental freedoms which should be enshrined in the Treaties, and stressing basic civic and social rights, notably the right to vote in any Member State, unlimited free movement within the Union and guaranteed diplomatic protection by any Member State.

The whole process has culminated, as a result of the Maastricht Summit of December 1991, in the notion of 'Union Citizenship' now being incorporated in the Treaty. This includes the right of each citizen to move and reside freely within the territory of the EC, to vote and stand as a candidate at municipal and European Parliamentary elections in the Member State of residence, to be entitled to diplomatic or consular protection by any Member State, to be able to petition the European Parliament, and to have access to an EC Ombudsman. The firm commitment to a single European currency by 1999 is also of vital practical importance to an authentic Union of Citizens. So too is the limited, but fundamental, step forward, under the revised version of Article 189 of the Treaty, empowering the European Parliament, "acting jointly with the Council", to "make regulations and issue directives, take decisions, make recommendations or deliver opinions" in certain fields of Community activity. Whilst the "democratic deficit" still exists, some progress in the right direction has been made. The new Committee of the Regions is also a step forward, as is the recognition of the role of the Economic and Social Committee and its budgetary autonomy.

European citizenship is now *officially established in terms of both the rights and duties imposed thereby*. But notions of what European citizenship really means remain hazy or at best only partially expressed. This report does not pretend conclusively to fill this gap, nor to supply an exhaustive list of European Citizens' rights and duties. It does however seek to contribute to the on-going debate and to express at this historic juncture the standpoint of Europe's socio-professional representatives on what sort of Citizens' Europe we might envisage.

A Europe of cultural diversity and common values

A Citizens' Europe is not an "identikit", all-inclusive, all-embracing "melting pot".

The key to a Citizens' Europe is its unity and diversity of culture, its pluralism of thought and tradition, its appreciation of Christian heritage and appreciation of other faiths as well as of humanistic and secular values and principles, and its fundamental attachment to liberty, social justice, tolerance, human rights and the Rule of Law. The Citizens' Europe "ethos" is firmly rooted in these common democratic values and respect for human dignity. These common values inspired the contemporary European idea and the concept of transnational democracy which, unlike the confines of narrow nationalism, can give full expression to diversity, better access to choice and quality, and which can better assure a true understanding between peoples.

These common democratic values, and their transnational expression, are the "ethical" foundations of a Citizens' Europe - the first stage as such of its realisation. Economic and social rights are indissolubly linked to civil and political rights: together these citizens' rights constitute the cornerstone of a free, democratic society founded on respect for human rights.

European social and sociological research ought to be developed and supported with the aim of increasing an understanding of the influence of cultural patterns, of attitudes and behaviour on the role of government and concepts of regional, national and European identity.

A "Civic Europe"

A dynamic, efficient and democratically-accountable European Union logically invokes the notion of Community Citizenship, based on these values expressed and upheld through a basic Community legal framework which should fully recognize and protect human rights and fundamental freedoms.

The changes to the Treaty, incorporating Union Citizenship, need to be analyzed and amplified in this sense, and in relation to the (non-binding) European Convention on Human Rights and Fundamental Freedoms of the Council of Europe. This would constitute the second stage in the consolidation of a Citizens' Europe.

A "wider" and "deeper" Europe

"The European Community has undoubtedly acted as a political magnet and a reference point for Eastern Europe in the recent and often dramatic social, civic and democratic events (...) a magnet as a People's Europe in which civic standards and democratic behaviour are guaranteed by the Rule of Law, by individual awareness and by social responsibilities. In an increasingly interdependent international setting, accountable self-determination will require a supranational democratic framework, for which the People's Europe is an embryo in terms both of basic rights and free movement - two vital aspects of liberty hitherto lacking in Eastern Europe. The Community has a responsibility to uphold and extend these rights..."³

3 ESC Opinion on Social Developments in the Community in 1989 (OJ C 225 of 10 September 1990), points 3.1. and 3.2.

As the Committee has frequently argued, the widening and deepening of the EC must be complementary, not conflictual, and the Citizens' Europe "ethos" is central to this. Deepening is a logical pre-condition for widening. At the same time, as a unique transnational union of democracies, the Citizens' Europe is seen as a source of protection by the emerging democracies to the east, and as a dynamic "area" in the development of closer ties with EFTA countries. This "attractiveness," and the inevitable perspective of a "wider Europe", should be the source of enrichment and motivation for a "deeper" form of Union, as sought by most prospective Members, in order to ensure the efficiency, durability and democratic control of the whole process which they want to join.

An authentic and continually evolving Citizens' Europe must therefore be accorded a more concrete form, in parallel to the widening of the Community horizon. This third stage of development, building on the common democratic and civic values outlined earlier, needs to be considered according to the principles of consensus and social justice by which the Citizens' Europe should set its standards and for which it should strive.

A "Social Europe"

"Social policy goals and priorities(...) form an integral part of a People's Europe"⁴. In this context "EC social policy has a crucial role to play (and) must be allowed to do so on a firmer and clearer footing than hitherto"⁵. This is why the Committee called upon the 1991 intergovernmental conference to take account of the need for "balance and parity" between the social and economic aspects of the Treaty and revisions to it, and to allow a more complete use of Articles 100a and 118a in order to tackle cross-border labour market problems and promote basic social rights throughout the EC⁶

The grindingly slow progress at Council in applying the EC Social Charter and Social Action Programme indicated that there was insufficient political will on the part of some national governments to achieve this vital and integral goal of a Citizens' Europe. The Protocol on Social Policy resulting from the Maastricht Summit may help "unblock" the deadlock, in so much as the heads of government of the 12 Member States "authorise" the 11 Member States signatories to the Social Charter to have recourse to the EC "institutions, procedures and mechanisms" in order to apply many of the key policies of the Charter on the basis of qualified majority voting. But it is to be regretted that, within the new Treaty on Union, not all "Euro-citizens" from the 12 Member States will be able to benefit from the Social Charter of Fundamental Rights and the new provisions for its application. It should also be noted that the Committee and European Parliament alike have consistently argued in favour of a substantial widening of the Social Charter, in order to cover both "workers" and other social groups and individual citizens through generally applicable, basic societal rights.

A Europe of higher standards, achievement and protection

A Citizens' Europe, built on strong democratic and civic foundations and "in pursuit of social justice (in) an area of liberty allowing for private initiative and the development

of collective undertakings"⁷, should help achieve higher standards in education and training, in commerce and design, in economic activity and social wellbeing.

For a Europe "without frontiers" should be a continual springboard of ideas, of cross-referencing, of "networking", of cross-fertilisation, of contact and access to what is best being done or conceived. This qualitative approach for a dynamic Citizens' Europe should also apply to the achieving of better services, better health protection and welfare, better consumer protection and a better environment.

The Community's commitment to high standards in these fields is clearly laid down in Article 100a (3) of the Treaty, which states that "The Commission, in its proposals ... concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection." This "quality requirement", in the words of Pascal Fontaine, "is a guarantee that the basis for common action will not be the lowest common denominator in the Member States, but that it will, on the contrary, constrain governments with backward policies in this area to align themselves on the highest standards."⁸

- In terms of environmental protection, the incorporation into the Treaty of the "polluter should pay" principle, and the recognition of EC competence concerning the evaluation of environmental impact, together constitute a substantial EC-wide and EC-controlled set of rights and obligations. Progress in this field will no doubt increase as a result of qualified majority voting in Council, and should be accompanied by the closer involvement of European citizens and their environmental protection agencies in monitoring the rights, obligations and standards laid down.
- With respect to Community competence for consumer protection, now reaffirmed in the Treaty, the European core of consumer guarantees, already registered, must be extended, as the internal market of some 340 million consumers takes shape. This should be accompanied by easier EC-wide access to the courts for consumers and their representatives.

A Europe of free thought, free movement, freedom of information and the right to privacy

Whilst such rights exist in varying degrees in the Member States, the only firm EC action or protection is in the free movement of persons, capital and goods. The "free movement" of personal data is now massively on the increase and European citizens are in obvious need of protection in this area. A Citizens' Europe must stand for transparency and for freedom of information as well as freedom of access to the ideas, media and cultures of third countries. It must not

4 ESC Opinion on Social Developments in the Community in 1987 (OJ C 208 of 8 August 1988) point 34.

5 OJ C 225 of 10 September 1990, op. cit, point 5.3.

6 Ibid.

7 ESC Resolution on an EC Action Programme 1989-1992, OJ C 6 of 7 January 1989, point 1.3.

8 Pascal Fontaine "A Citizen's Europe: Europe on the move", Commission publication CC-60-91-773, Brussels, Luxembourg 1991, page 24

degenerate into a "fortress" of controls and checks on its citizens (or on other persons legally resident in Member States).

A Europe of economic and social cohesion

Strengthening the Community's economic and social cohesion has become the natural consequence of the frontier-free market and should run parallel to it. This implies a far-reaching effort to reduce differences in living standards and equal economic opportunity between regions, one which was partly set in motion in February 1988 when the Community decided to double the budget appropriations for structural expenditure⁹.

The appropriations rising to ECU 14 billion by 1993 for the development of less-favoured areas and for the integration of young and long-term unemployed people into the labour market are a modest necessity for a Community whose "essential objective" is constantly to improve the living and working conditions of its citizens.

The decision at Maastricht, to "reaffirm that the promotion of social and economic cohesion is vital to the full development and enduring success of the Community", is welcome, as is the agreement to set up the "Cohesion Fund" by the end of 1993 for EC financial contributions to projects concerning the environment or trans-European Networks in Member States with a per capita GNP of less than 90% of the Community average.

Good use both of the Structural Funds and of the new Cohesion Fund would require greater participation by "European citizens" through their various action services, pressure groups and socio-professional organisations.

A "Young Europe"

It is vital for a Citizens' Europe to nurture its young citizens and prepare their future, to broaden their horizons, to enable better participation in and access to the European dimension, to help them become more "Europe conscious".

This is one area where practical progress has been achieved in recent years, notably through new EC exchange programmes for young people such as Youth for Europe, ERASMUS, LINGUA, COMET, PETRA, EUROTECNET and (further afield) TEMPUS. The European Youth Forum, the European University Institute, the College of Europe... are also commendable examples of involving and preparing young people for *their* future Europe. Those fortunate enough to participate in such schemes should become "messengers of Europe" and report back to schools, higher education and training institutes and to other fora involving less privileged young people.

For indeed, many young people remain outside and untouched by such EC schemes, and often excluded from the mainstream of European society in general (the unemployed, those in precarious jobs, in poverty, on the margins of society). More thought must be given on how to assure *all* young people a stake in a Citizens' Europe, in the Europe of today and tomorrow.

EC activity in this context should be stepped up, notably as regards jobs and school:

- Whilst the Maastricht Summit rightly highlighted EC competences as regards training and education, it must be noted with regret that youth unemployment in the EC is again on the increase, at double the rate for the labour force as a whole (16% as against just over 8%), young people accounting for around 35% of the total number of unemployed across the Community and for 30% of the long-term unemployed. The time has surely come for specific EC resources to be set up to address youth unemployment, together with the promotion of cohesive EC-wide policies on the right to training and of clearer support measures for entry into the labour market.
- At the same time, the EC might be more imaginative in promoting the "European dimension" at school. For example, in addition to exploiting the EC competences established at Maastricht as regards pedagogical material, language teaching and the encouragement of mobility throughout Europe, perhaps the EC and the competent national authorities might consider involving all young Europeans at secondary and training school in the organisation of a quadrennial "Young Europe Convention". The starting point would be to support secondary and training schools throughout the Community in holding elections from amongst their pupils to regional Young European Councils. These Councils could in turn select delegates for the "Young Europe Convention" itself. The advantage of such an EC initiative would be to 'get through to' and directly involve young people at all levels, from local to trans-national, in debating and registering their views on Europe. Perhaps the Commission and European Youth Forum could give some consideration to this suggestion.

A Europe of "Solidarity" between generations and citizens

As we move towards 1993, the designated European Year of the "Elderly and Solidarity between Generations", the Committee would reiterate that a Citizens' Europe must be sensitive to the needs of all age groups in the development of a more efficient, competitive, but also more caring society. The European Community has a role to play here, even if a clear Community competence in this field has not yet been established. A Citizens' Europe must likewise be more attentive at all competent levels to the needs and role of people with disabilities. There should be formal and informal programmes for life-time education to take account of the needs of all these groups.

A Europe of "Solidarity" with the rest of the world

European integration must embody a sense of responsibility and solidarity towards all the peoples of the world, helping to make and preserve peace, the promotion of freedom and human rights, and the economic and social progress of the less developed countries.

⁹ Pascal Fontaine "A Citizen's Europe", op. cit, page 18.

There can be no "fortress Europe": Europe must listen to and work with all countries, particularly its neighbours in North Africa and Eastern Europe, together with others which have been shaped by European culture, such as the nations of Latin America.

b) The various stages towards a Citizens' Europe

Stage 1: The "Treaty on the Union"

. Union Citizenship and a Community Legal Area

Within the scope of the Treaty prior to Maastricht, it was difficult to locate any particular notion of transnational, Community citizenship, other than perhaps in Article 7, which states that "any discrimination on grounds of nationality shall be prohibited". The "ever closer union" envisaged in the preamble was among the "peoples of Europe", not the "citizens of Europe".

Now, as a result of Maastricht, the "Treaty on European Union" has a specific chapter on Citizenship of the Union, thereby recognizing the link between European Union and Community citizenship, and incorporating this concept within the new Treaty.

The Treaty on the Union is quite clear here:

"This Treaty marks a new stage in the process creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizens".¹⁰

It goes on to explain, if not to define, the term "citizenship" as follows :

"Citizenship of the Union is hereby established.

Every person holding the nationality of a Member State shall be a citizen of the Union.

Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby".¹¹

The specific rights directly provided by the Treaty (primary legislation) are presented as follows:

- Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States (...).
- Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. (...).
- Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State (...).

- Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State (...).
- Every citizen of the Union shall have the right to petition the European Parliament (...).
- Every citizen of the Union may apply to the Ombudsman".¹²

The establishment through the Treaty of such "new" Union citizens' rights would represent a major step forward in terms of European citizenship. Most points listed had already been proposed or supported both by the European Parliament and the Economic and Social Committee¹³, as well as by the European Commission. They should be accompanied by a specific list of corresponding duties, which must include respect for the rights of others and the obligation not to discriminate against any person resident in the Community on grounds of sex, colour, race, opinions and beliefs.

The Treaty on the Union stops short, however, of a Community legal framework giving full protection of human rights and fundamental freedoms.

Stage 2: Fundamental Rights and Freedoms

The Committee, in this connection, has already clearly stated its position in favour of:

"a trans-national display of the Community's firm attachment to basic civic and democratic rights, for example, EC accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms - a fitting condition and protective rallying point for future membership".¹⁴

The European Parliament, for its part, has called:

"for the incorporation into the Treaties of the declaration of fundamental rights and freedoms approved by the European Parliament on 12 April 1989; (...) for the Court of Justice to have jurisdiction for the protection of these fundamental rights vis-à-vis the Community with the possibility of direct access to the Court of Justice for Community citizens after national appeal procedures have been exhausted (for the Community to ...) accede to the European Convention on Human Rights"¹⁵

10 Treaty on European Union - Common Provisions, Article A.

11 Ibid., Part 2, Citizenship of the Union, Article 8.

12 Treaty on European Union, op. cit., Citizenship, Articles 8a-8d.

13 See for example the ESC Opinion on voting rights (OJ C 71 of 20 March 1989).

14 OJ No. C 255 of 10 September 1990, op. cit. point 5.4.

15 See Second Interim Report of the Committee on Institutional Affairs on the Intergovernmental Conference (MARTIN), Doc. A 3-166/90 of 25 June 1990, point 16 "Fundamental Rights and Freedoms and a Citizens' Europe"; plus Interim Report on "Union citizenship" (BINDI) Doc. A3-0139/91 of 23 May 1991, Resolution, Point M.1.

Likewise, the European Commission's "Initial Contributions" to the intergovernmental conference on political union also proposed that:

"Every Union citizen shall be entitled to invoke the rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, which the Union accepts."¹⁶

The new Treaty on the Union stresses that Member States' systems of government are "founded on the principles of democracy", and goes on to mention that "the Union shall respect fundamental rights as guaranteed by the European Convention"¹⁷, but it does not actually propose direct accession to the Convention.

The European Parliament's Declaration of Fundamental Rights and Freedoms¹⁸, which identifies citizenship on the basis of transnational rights, confirms traditional rights and adds new ones; the traditional rights (right to life, security, equality before the law, freedom of thought and expression, and particularly the right of movement, association and petition) link up with rights connected with access to information and confidentiality of occupational and working-condition data, conservation of the environment and consumer protection.

Emphasis is also put on the importance of the Community acceding to the Convention, in order to guarantee the exercise of rights, for instance in cases where their exercise may be impeded by transnational aspects.

Some of these rights have already been discussed. Others are dealt with below.

Stage 3: Basic Community Social Rights and Societal Rights¹⁹

. "concurrent competence"

In the current situation, a clear reference point for primary or secondary EC legislation in this field is provided by the *Community Charter of Fundamental Social Rights*²⁰, which sets out the need for EC-wide policies on free movement, employment conditions, living and working conditions, social protection, freedom of association and collective bargaining, vocational training, equal treatment for men and women, information, consultation and participation of workers, health protection and safety at the workplace, protection of children and adolescents, of elderly persons and of disabled persons.

It was hoped that the Treaty on the Union could further implementation of the Community Charter of Fundamental Social Rights, and highlight and speed up the decision-making process necessary for the adoption of basic social and "societal" rights identified earlier as an "integral" part of a People's Europe.

Except for the right of free movement for all EC citizens, now firmly incorporated in the body of the Treaty, the Maastricht Treaty on the Union does not in fact provide a new mechanism which might facilitate the proper application of the Social Charter throughout the twelve Member States.

The Protocol Agreement on Social Policy appended to the Treaty on the Union does, however, provide for qualified

majority voting amongst eleven Member States for Directives in the following policy fields:

- improvement in particular of the working environment to protection workers' health and safety;
- working conditions;
- the information and consultation of workers;
- equality between men and women with regard to labour market opportunities and treatment at work;
- the integration of persons excluded from the labour market²¹.

Whilst these new provisions might represent a major breakthrough for eleven Member States, the Committee finds it hard to accept that, in a Union of twelve, the "European citizens" of one particular Member State should be treated in a discriminatory manner. Moreover, the legal implications of 12 Member States "authorising" eleven to have recourse to the "institutions, procedures and mechanisms" of the European Community, in order collectively to promote basic social rights throughout most though not all of the Union, remain rather dubious. The Social Charter and the Social Protocol Agreement should apply to all citizens concerned throughout the Union as a whole.

It is nonetheless worth noting that, as regards the social provisions set out in the Social Protocol Agreement under Article 2(1), it is stated that "*the Community shall support and complement Member States' activities*" in the given fields²². This is in line with the concept of "concurrent competence" and "subsidiarity" (first proposed by the European Parliament in its 1984 "Draft Treaty establishing the European Union" - Spinelli). Hence Article 3b of the Treaty on the Union clearly states:

"In the areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community."²³

16 SEC(91) 500, Article X.2.

17 Treaty on European Union, op. cit., Common Provisions, Article F.

18 OJ No. C 120, May 1989, page 51. The "General Provisions" of the Declaration are set out in Appendix I.

19. See footnote 1.

20 See Community Charter of Fundamental Social Rights of Workers - Workers Commission Cat. No. CB-57-89-483 (ISBN 92-826-).

21 Treaty on European Union, Protocol on Social Policy and Agreement, Annex IV.

22 Treaty on the Union, op. cit., Article 2.1.

23 Ibid., Article 3b of the Provisions Amending the EEC Treaty. It might also be worth recalling the European Parliament's definition of "subsidiarity":

"The Union shall only act to carry out those tasks which may be undertaken more effectively in common than by Member States acting separately, in particular those whose execution requires action by the Union because their dimension or effects extend beyond national frontiers.

(EP Draft Treaty Establishing the European Union, Article 12).

The official and perhaps legal interpretation of "subsidiarity", especially as it relates to social policy fields of action potentially subject to qualified majority voting under Article 2 of the Social Protocol Agreement, is evidently of crucial significance to the development of the Citizens' Europe and will certainly be the subject of more vigorous debate.

The Committee and Parliament have also argued for a substantial widening of the EC Social Charter, in order to include the following, broader societal rights:

"(...) A. *Generally Applicable Standards*

- *right of all sections of society to social security cover;*
- *right of all sections of society to social welfare, safety and health protection;*
- *right to education;*
- *right to protection of privacy and the integrity of the personal sphere, in particular in connection with the use of computerized systems and data banks;*
- *right to protection of personal property and definition of the restrictions placed thereon by society;*
- *right to equality of opportunity and treatment, and elimination of any form of discrimination;*
- *rights of the child, mother and family to legal and economic protection;*
- *rights of the elderly;*
- *right of workers, producers and consumers to form associations freely for the purpose of setting up undertakings such as cooperatives and mutual societies founded on the solidarity principle;*
- *right of consumers to health protection; full and objective financial information and free choice of goods and services;*
- *right to protection of the environment;*
- *right of preservation of the cultural heritage;*²⁴

The Treaty on European Union has made headway on some of these matters, notably as regards qualified majority voting on environmental policy decisions, on EC competence for consumer protection, and in recognizing appropriate EC competences in the fields of public health and culture. More effort and mobilization of citizens' and socio-professional groups are required in order to make more rapid progress towards the practical implementation of these new competences.

Stage 4: Towards a genuine application of European Citizens' rights **. accountability**

It would appear from inter-ministerial negotiations on European Citizenship that a majority of the Member States tend to prefer not to incorporate the various rights proposed

into the Treaty in a way which would ensure their direct applicability. There is certainly as yet no majority to insert the EC Social Charter or the Parliament's Declaration of Fundamental Rights and Freedoms into the revised Treaty.

In terms of secondary legislation, however, recent developments in the *Court of Justice* could lead to a decisive breakthrough of European Citizens' rights. Indeed the EC advocate general has recently stated that, in his view, any citizen who has suffered a loss as the result of his or her government failing to implement EC law, or being in breach of any EC Directive, would be entitled to compensation.

If the Court of Justice adopts this as a general legal guideline, the precedent set could lead to individual EC citizens being able to take legal action themselves against their governments, for failure to implement Community rules.

c) A Citizens' Europe: resuming the initiative after Maastricht

Socio-economic aspects

The Maastricht conclusions represent a further step towards the achievement of a Citizens' Europe, with the Treaty establishing the concept of European Citizenship.

The Committee continues, as in the past, to see the objectives of the Community's Social Charter as linked with those of the Citizens' Europe in that the Social Charter lays down a legal framework on which to base the rights and duties common to both.

A legal framework of Community rights does not in itself guarantee their effective implementation, but does indicate a set of common standards for different cultures and, above all, for different conditions thereby contributing significantly to a balance between the two socio-economic processes underpinning the Community: the market and the on-going dialogue between its economic and social components.

The major changes on the world scene, the current redistribution of economic and social power and the changing pattern of development raise new and complex questions, the solution to which will depend to a large extent upon the capacity for dialogue of those representing the various social interests, categories and groups concerned.

The Maastricht agreement committing the Commission, *inter alia*, to consulting the social partners before submitting proposals in the field of social policy, is of undoubted importance. However, many other interest groups (farmers, craftsmen, traders, small and medium-sized businesses, the professions, consumer and ecological groups, and representatives of cooperatives, mutual societies, non-profit associations and families) are expressing a legitimate wish to increase their capacity for participation in decision-making on economic and social development.

²⁴ See ESC Opinion on Basic Community Social Rights - OJ No. C 126/4-12, III, A.

Democracy, development and social justice are intimately linked; consequently economic growth must be in a position to offset the profound economic and social imbalances which still exist between the various regions and groups of citizens. It needs to be borne in mind that, while the European standard of living has risen significantly, millions of citizens within Community borders continue to live under conditions of severe poverty and social exclusion. The benefits of liberal market forces will not be equally distributed throughout the EC. The right to equal opportunity should be applied irrespective of location in the Community. Priority ought to be given by the EC to identifying possible ways of enhancing the quality of life *inter alia* by means of technological innovation.

Any society which allows a permanently disadvantaged underclass to grow within it will create groups of "non-citizens" who do not identify with the values on which that society is based and will eventually constitute a pool of alienated individuals wide open to organized crime and political extremism.

There is a very real danger that economic development will take little heed of economic and social cohesion in a Europe exposed to ever-fiercer world competition.

At the current stage, as ambitious European union goals, such as a single currency and a common foreign policy, are set, the establishment of a framework of citizens' rights could help gear all Community initiatives in to the aim of balanced development and full implementation of the union Treaty.

Legal aspects

Since agreement on legal definitions tends to facilitate the emergence of more comparable socio-economic conditions throughout the Community, it responds to the need to guarantee citizens' enjoyment of the four freedoms in the internal market.

This means removing legal obstacles such as the delayed embodiment in national law of Community directives, or procedures which from one State to another - or even within individual States - apply differently to home citizens and those from other Community countries.

The barriers erected by disparities in areas such as language rights, the approach to equality of opportunity between the sexes and races, or concerning physical handicap, divergent forms of vocational training and differing rules for access to employment in the public and semi-public sectors must all be dismantled.

All these aims can only be achieved gradually, but the on-going process of bringing national legislation into line with Community standards can only benefit from the definition of an overall framework.

Such standards should ensure equal rights for all citizens. This should also facilitate the creation of conditions in which it would be more difficult for individual or collective entities, whether public or private, to evade their responsibilities.

* * * * *

Citizenship is a token of belonging to a community in which each member takes part in implementing the wishes of the whole, submitting himself to them without loss of personal freedom, since he is obeying rules which he himself has had a say in drawing up. A democratic society can only be freely constructed around positive values shared by citizens who are equal in freedom.

European citizenship is therefore not simply the sum of 12 national citizenships, but constitutes an "added value", enriching and adding to them all.

* * * * *

APPENDIX I: EUROPEAN PARLIAMENT'S DECLARATION OF FUNDAMENTAL RIGHTS AND FREEDOMS

GENERAL PROVISIONS

Article 1 (Dignity)

Human dignity shall be inviolable.

Article 2 (Right to life)

Everyone shall have the right to life, liberty and security of person.

No-one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 3 (Equality before the law)

1. *In the field of application of Community law, everyone shall be equal before the law.*
2. *Any discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status shall be prohibited.*
3. *Any discrimination between European citizens on the grounds of nationality shall be prohibited.*
4. *Equality must be secured between men and women before the law, particularly in the areas of work, education, the family, social welfare and training.*

Article 4 (Freedom of thought)

Everyone shall have the right to freedom of thought, conscience and religion.

Article 5 (Freedom of opinion and information)

1. *Everyone shall have the right to freedom of expression. This right shall include freedom of opinion and the freedom to receive and impart information and ideas, particularly philosophical, political and religious.*
2. *Art, science and research shall be free of constraint. Academic freedom shall be respected.*

Article 6 (Privacy)

1. *Everyone shall have the right to respect and protection for their identity.*
2. *Respect for privacy and family life, reputation, the home and private correspondence shall be guaranteed.*

Article 7 (Protection of family)

The family shall enjoy legal, economic and social protection.

Article 8 (Freedom of movement)

1. *Community citizens shall have the right to move freely and choose their residence within Community territory. They may pursue the occupation of their choice within that territory.*
2. *Community citizens shall be free to leave and return to Community territory.*
3. *The above rights shall not be subject to any restrictions except those that are in conformity with the Treaties establishing the European Communities.*

Article 9 (Right of ownership)

The right of ownership shall be guaranteed. No one shall be deprived of their possessions except where deemed necessary in the public interest and in the cases and subject to the conditions provided for by law and subject to fair compensation.

Article 10 (Freedom of assembly)

Everyone shall have the right to take part in peaceful meetings and demonstrations.

Article 11 (Freedom of association)

1. *Everyone shall have the right to freedom of association, including the right to form and join political parties and trade unions.*

Article 12 (Freedom to choose an occupation)

1. *Everyone shall have the right to choose freely an occupation and a place of work and to pursue freely that occupation.*
2. *Everyone shall have the right to appropriate vocational training in accordance with their abilities and fitting them for work.*
3. *No one shall be arbitrarily deprived of their work and no one shall be forced to take up specific work.*

Article 13
(Working conditions)

1. *Everyone shall have the right to just working conditions.*
2. *The necessary measures shall be taken with a view to guaranteeing health and safety in the workplace and a level of remuneration which makes it possible to lead a decent life.*

Article 14
(Collective social rights)

1. *The right of negotiation between employers and employees shall be guaranteed.*
2. *The right to take collective action, including the right to strike, shall be guaranteed subject to obligations that might arise from existing laws and collective agreements.*
3. *Workers shall have the right to be informed regularly of the economic and financial situation of their undertaking and to be consulted on decisions likely to affect their interests.*

Article 15
(Social welfare)

1. *Everyone shall have the right to benefit from all measures enabling them to enjoy the best possible state of health.*
2. *Workers, self-employed persons and their dependants shall have the right to social security or an equivalent system.*
3. *Anyone lacking sufficient resources shall have the right to social and medical assistance.*
4. *Those who, through no fault of their own, are unable to house themselves adequately, shall have the right to assistance in this respect from the appropriate public authorities.*

Article 16
(Right to education)

Everyone shall have the right to education and vocational training appropriate to their abilities.

There shall be freedom in education.

Parents shall have the right to make provision for such education in accordance with their religious and philosophical convictions.

Article 17
(Principle of democracy)

1. *All public authority emanates from the people and must be exercised in accordance with the principle of the rule of law.*

2. *Every public authority must be directly elected or answerable to a directly elected parliament.*
3. *European citizens shall have the right to take part in the election of Members of the European Parliament by free, direct and secret universal suffrage.*
4. *European citizens shall have an equal right to vote and stand for election.*
5. *The above rights shall not be subject to restrictions, except where such restrictions are in conformity with the Treaties establishing the European Communities.*

Article 18
(Right of access to information)

Everyone shall be guaranteed the right of access and the right to corrections to administrative documents and data concerning them.

Article 19
(Access to the courts)

1. *Anyone whose rights and freedoms have been infringed shall have the right to bring an action in a court or tribunal specified by law.*
2. *Everyone shall be entitled to have their case heard fairly, publicly and within a reasonable time limit by an independent and impartial court or tribunal established by law.*
3. *Access to justice shall be effective and shall involve the provision of legal aid to those who lack sufficient resources otherwise to afford legal representation.*

Article 20
(Non bis in idem)

No one shall be tried or convicted for offences for which they have already been acquitted or convicted.

Article 21
(Non-retroactivity)

No liability shall be incurred for any act or omission to which no liability applied under the law at the time when it was committed.

Article 22
(Death penalty)

The death penalty shall be abolished.

Article 23
(Right of petition)

Everyone has the right to submit written complaints and petitions to the European Parliament.

The procedures shall be laid down by the European Parliament.

*Article 24**(Environment and Protection of Consumers)*

1. *The following shall form an integral part of Community policy:*

- *the preservation, protection and improvement of the quality of the environment;*
- *the protection of consumers and users against the risks of damage to their health and safety and against unfair commercial transactions.*

2. *The Community institutions shall be required to adopt all the measures necessary for the attainment of these objectives.*

FINAL PROVISIONS*Article 25**(Field of application)*

1. *This Declaration shall afford protection for every citizen in the field of application of Community law.*

2. *Where certain rights are set aside for Community citizens, it may be decided to extend all or part of the benefit of these rights to other persons.*

3. *A Community citizen within the meaning of this Declaration shall be any persons possessing the nationality of one of the Member States.*

*Article 26**(Limits)*

The rights and freedoms set out in this Declaration may be restricted within reasonable limits necessary in a democratic society only by a law which must at all events respect the substance of such rights and freedoms.

*Article 27**(Degree of protection)*

No provision in this Declaration shall be interpreted as restricting the protection afforded by Community law, the law of the Member States, international law and international conventions and accord on fundamental rights and freedoms or as standing in the way of its development.

*Article 28**(Abuse of rights)*

No provision in this Declaration shall be interpreted as implying any right to engage in any activity or perform any act aimed at restricting or destroying the rights and freedoms set out therein.

* * * *

APPENDIX II: SUMMARY OF COMMUNITY'S CHARTER OF FUNDAMENTAL SOCIAL RIGHTS

1. *Free movement of workers throughout the EC*
 - plus family
 - recognition of diplomas or equivalent occupational qualifications
 - improvement of living and working conditions of frontier workers
 2. *The right to choose and engage in an occupation*
 - fair remuneration
 - equitable wage
 - terms of employment
 - access to public placement services
 3. *Improvement of living and working conditions*
 - working time
 - regulation of collective redundancies and bankruptcies
 - weekly rest period
 - conditions of employment according to law, collective agreement or contract of employment
 4. *Social protection*
 - adequate social protection
 - sufficient resources and social assistance
 5. *Freedom of association and collective bargaining*
 - freedom to join or not a trade union
 - collective agreements
 - social dialogue at European level
 6. *Vocational training*
 - every worker of the EC must be able to have access to vocational training
 7. *Equal treatment for men and women*
 - must be assured and developed further
 8. *Information, consultation and participation of workers*
 - must be developed taking account of national practices
 - shall apply to companies of a European dimension
 - particularly in cases of technological change, restructuring, collective redundancy procedures
 9. *Health protection and safety at the workplace*
 - harmonisation of conditions while maintaining improvements made
 - appropriate training, information and consultation
 10. *Protection of children and adolescents*
 - minimum employment age (15 years)
 - equitable remuneration
 - following compulsory education, entitlement to vocational training and access to employment
 - working time conditions (night work prohibited)
 11. *Elderly persons*
 - retirement and pension entitlement, sufficient resources, medical and social assistance
 12. *Disabled persons*
 - social and professional integration
 - training, accessibility, mobility, transport, housing.
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European Communities - Economic and Social Committee

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