

RULE OF LAW AND PROTECTION OF FUNDAMENTAL RIGHTS
IN THE EUROPEAN UNION

concerning § 2 VI The citizen in the European Union

Diagram 2

The rights of the citizens of the European Union

I. Rights deriving from the citizenship of the Union (art. 20 et seq. FEU Treaty)

- citizenship of the Union builds on citizenship in a member state and complements it but does not replace it
 - 1) Freedom of movement and residence (art. 21(1) FEU Treaty)
 - 2) Right to vote and to stand as a candidate at municipal election in the member state of residence (art. 22(1) FEU Treaty)
 - 3) Right to vote and to stand as a candidate in elections to the European Parliament in the member state of residence (art. 22(2) FEU Treaty)
 - 4) Right to protection by the diplomatic and consular authorities of any member state (art. 23 FEU Treaty)
 - 5) Right to petition (art. 24 sub-sect. 2, 227 FEU Treaty)
 - 6) Right to apply to the Ombudsman (art. 24 sub-sect. 3, 228 FEU Treaty)
 - 7) Right to communicate with the Union's institutions in any Treaty language (art. 24 sub-sect. 4 FEU Treaty)
 - 8) Right of access to the documents of the institutions (art. 15(3) FEU Treaty)

II. (Economic) fundamental freedoms

- cross-border economic mobility in the European internal market
 - 1) Free movement of goods (art. 28 et seq. FEU Treaty)
 - 2) Free movement of persons
 - a) Free movement of workers (art. 45 et seq. FEU Treaty)
 - b) Freedom of establishment (art. 49 et seq. FEU Treaty)
 - 3) Freedom to provide services (art. 56 et seq. FEU Treaty)
 - 4) Free movement of capital (art. 63(1), 64 et seq. FEU Treaty)
 - 5) Free movement of payments (art. 63(2), 65 et seq. FEU Treaty)

III. Fundamental rights (human rights)

- binding the member states only when implementing Union law or encroaching on economic fundamental freedoms
 - 1) Fundamental rights guaranteed in the Charter of Fundamental Rights (cf. art. 6(1) EU Treaty)
 - rights closely connected to human dignity (art. 1 et seq.)
 - freedoms (art. 6 et seq.)
 - equality rights (art. 20 et seq.)
 - social rights (art. 27 et seq.)
 - citizens' rights (art. 39 et seq.)
 - justice (art. 47 et seq.)
 - 2) Fundamental rights outside the Charter of Fundamental Rights
 - prohibition of discrimination on grounds of nationality (art. 18 FEU Treaty)
 - equal treatment of men and women (cf. art. 157 FEU Treaty)
 - complementary fundamental rights as general principles of Union law (cf. art. 6(3) EU Treaty)
 - in the future also the rights guaranteed in the European Convention on Human Rights (cf. art. 6(2) EU Treaty)