

**AMENDMENT FORM**

**Suggestion for amendment of Article 33**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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<b>PRAESIDIUM</b>	<b>TIMOTHY KIRKHOPE MEP</b>
<b><u>Article 33: The principle of democratic equality</u></b>  The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.	<b><u>Article 33: The principle of democratic equality</u></b>  The <u>Community</u> 's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the <u>Community</u> 's institutions.

**AMENDMENT FORM**

**Title VI: The Democratic life of the Union**

**Suggestion for amendment of Article : Article I-44: The principle of democratic equality**

**By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Rein Lang, Lord Maclellan**

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**Article I-44: The principle of democratic equality**

In all its activities, the Union shall observe the principle of the equality of citizens. [*Last sentence deleted.*]

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**Explanation:**

*The statement that each of us may fondly expect "equal attention from the Union's institutions" sounds rather alarming.*

## AMENDMENT FORM

### Suggestion for amendment of Article 44, Part I of the Constitution

**By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle**

**Status :   Tiilikainen, Kiljunen, Vilén- Members  
              Peltomäki, Takkula and Helle - Alternates**

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#### **Article I-44: The principle of democratic equality**

In all its activities, the Union shall observe the principle of the equality of citizens **and the equality of Member States.** ~~All shall receive equal attention from the Union's Institutions.~~

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#### **Explanation (if any) :**

The scope and purpose of this article is still unclear to us. As a starting point for title VI it should, however, cover also the other leading principle in this respect namely that of equality between Member States. In this way, a necessary recognition is given to the dual nature of the Union as the Union of citizens and Member States. This dual nature is a founding element of the Union, and mentioning it in the Chapter concerning the democratic life of the Union is essential.

It is especially warranted following the introduction of a new article 45 concerning the principle of democratic representation, which explains both how citizens and how Member States are represented in the Union. It is therefore absolutely necessary to maintain, that the principle of equality is applied in relation to these both.

## **AMENDMENT FORM**

### **Suggestion for amendment of Article I-44: The principle of democratic equality**

**By Mr : dr. Dimitrij Rupel Janez Lenarčič**

**Status :           Member                   Alternate**

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#### **Article I-44: The principle of democratic equality**

The Union's operation shall be founded on the DUAL principle of the equality of ITS citizens and ITS MEMBER STATES. (who shall receive equal attention from the Union's institutions= SHALL BE DELETED).

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#### **Explanation:**

The scope and purpose of this article is unclear. As a starting point for title VI it should, however, cover also the other leading principle in this respect namely that of equality between Member States. In this way, a necessary recognition is given to the dual nature of the Union as the Union of citizens and Member States.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 33

Déposée par Madame ou Monsieur : M. Louis Michel, M. Karel de Gucht, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention ainsi que par Monsieur Patrick Dewael, observateur

Qualité : - Membre - Suppléant

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- Supprimer l'article 33
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### Explication éventuelle :

*Cette disposition ne fait rien d'autre que de rappeler le principe d'égalité en droit qui est déjà affirmé dans l'article 20 de la Charte. Dès lors que la Charte doit être intégrée dans la IIe partie de la Constitution, il y a lieu d'éviter les redondances.*

## **FICHE AMENDEMENT**

### **Proposta di emendamento all'Articolo 33, Parte I**

**Déposée par:**

**Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Karel De Gucht, Mr Alain Lamassoure, Mr Peeter Kreitzberg, Mr Algirdas Gricius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam, and Mr Eugenijus Maldeikis**

**Qualité: - Membres**

**Déposée par :**

**Mrs Elena Paciotti, Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Patrick Dewael, Mr Ibrahim Ozal and Mr Gintautas Sivickas. Mme Elena PACIOTTI**

**Qualité: - Suppléants**

**Vers. IT**

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### **Articolo 33: Il principio di uguaglianza democratica**

***Soppresso***

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**Motivazione:**

*La Carta dei Diritti fondamentali sancisce, all'articolo 20, l'uguaglianza davanti alla legge. L'Articolo 23 della Carta sancisce l'uguaglianza fra uomini e donne. L'Articolo 41 afferma che ogni persona ha il diritto ad un'amministrazione imparziale.*

*La bozza di articolo 2 della Costituzione parla già del rispetto della democrazia: esso dovrebbe menzionare anche l'uguaglianza.*

*La presente bozza di articolo non sembra invece aggiungere nulla riguardo al merito. Anzi, l'affermazione secondo la quale ognuno di noi dovrebbe aspettarsi "uguale attenzione dalle istituzioni dell'Unione" suona alquanto allarmante.*

*Come osservazione generale, se il presente titolo volesse dare un apporto utile alla Costituzione, dovrebbe stabilire senza perifrasi che l'Unione è una democrazia parlamentare e disporre un ruolo rilevante per la società civile e le parti sociali.*

## FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 33

Proposition d'amendement à la Partie I

Déposée par : Dominique de Villepin

Qualité : - Membre

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### ~~Article 33 : Principe d'égalité démocratique~~

~~Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens. Ceux-ci bénéficient d'une égale attention de la part des institutions de l'Union.~~

### Article 33 : Dialogue des institutions de l'Union avec les parlements nationaux

- La vie démocratique de l'Union s'exprime notamment à travers un dialogue régulier entre les institutions de l'Union et les parlements nationaux.
- Ce dialogue s'organise au sein du Congrès qui réunit les représentants des parlements nationaux et du Parlement européen. Ces réunions se tiennent à Strasbourg sous la présidence du Président du Parlement européen.
- Le Congrès débat chaque année de l'état de l'Union.
- Les réunions du Congrès ne donnent pas lieu à l'adoption de résolution et se tiennent dans le respect des compétences du Parlement européen.

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### Explication éventuelle :

Le principe d'égalité est déjà reconnu à l'article 20 de la Charte des droits fondamentaux

## **AMENDMENT FORM**

**Suggestion for amendment of Article :33**

**By Ms / Mr : Ernâni Lopes and Manuel Lobo Antunes**

**Status : - Member and Alternate**

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**Article 33: The principle of ~~democratic~~ equality**

The Union's operation shall be founded on the **dual** principle of the equality of its citizens, ~~who shall receive equal attention from the Union's institutions~~ and its Member States.

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**Explanation : we believe that the adequate legal formulation is “principle of equality”. The redaction we propose is clearer and straight to the point. It is essential to state that the principle of equality also applies to Member states.**



## AMENDMENT FORM

**Suggestion for amendment of Article :33**

**By Mr :M. Attalides**

**Status : - Member**

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*Substitute text of article 33 with the following text :*

*Citizens relations to the institutions shall be based on the principle of equality. Citizens shall receive equal attention from the Union's institutions.*

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**Explanation (if any) : The Union's operation is founded on many principles other than the equality of citizens.**

## **AMENDMENT FORM**

### **Suggestion for amendment of Article 33 : The principle of democratic equality**

**By Mr Roche**

**Status : - Member**

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#### **Article 33: The principle of democratic equality**

**All citizens shall be treated equally in their dealings with the Union's institutions.**

~~The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.~~

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#### **Explanation (if any) :**

It should be clear that this Article is about how the Union's institutions relate to citizens, not about the fundamental nature of the Union as a union of peoples and States.

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 33**

**By Mr : Joschka Fischer**

**Status : - Member**

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### **~~Artikel 33: Grundsatz der demokratischen Gleichheit~~**

~~Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.~~

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### **Explanation :**

**Der Artikel ist vor dem Hintergrund des Artikel 20 der Grundrechtecharta überflüssig. Die Organe der Union sind durch Artikel 51 der Grundrechtecharta an den Gleichheitssatz gebunden.**

## AMENDMENT FORM

**Suggestion for amendment of Article : 33**

**Suggestion for Part III**

**By Ms / Mr :           G.M. de Vries  
                              T.J.A.M. de Bruijn**

**Status :           Members                   Alternate**

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The Union's operation shall be founded on the principle of the equality of citizens, ~~who shall receive equal attention from the Union's institutions.~~

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**Explanation (if any) :** What is meant by 'equal attention from the Union's institutions'? Furthermore, the Dutch Government would like to point out that this article and others (see below) are a repetition of what is already laid down in the Charter of Fundamental Rights. If the Charter would become an integral part of the Constitution, such a repetition is obviously undesirable. Therefore, if the Charter would become an integral part of the Constitution this article and the articles 35, 35a, 36(3), 36a(1), 37 will have to be deleted and/or adjusted. See for further background information the relevant declaration of the Dutch Permanent Representative (CONV 659/03).

## AMENDMENT FORM

Suggestion for amendment of Article : 33a

Suggestion for protocol :

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status :    - Member            ~~–Alternate~~

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### ~~Artikel 33a: Grundsatz der demokratischen Gleichheit~~

~~Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.~~

### Artikel 33a: Demokratie in der Union

*Alle Macht der Europäischen Union geht von ihren Bürgerinnen und Bürgern und von ihren Mitgliedstaaten, deren verfassungsmäßige Ordnung demokratischen Grundsätzen entspricht, aus.*

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### Explanation (if any) :

**Streichung.** Bereits die Grundrechtecharta führt den Grundsatz der Gleichheit aller Personen ein; davon wird auch die Gleichheit aller Bürger umfasst. Die Grundrechtecharta wird gemäß Art. 5 integraler Bestandteil der Verfassung.

**Statt dessen** sollte im ersten Artikel dieses Titels das Prinzip der Demokratie in der Union definiert werden:

- das Prinzip der doppelten Legitimation aller Unionsgewalt, die einerseits bei den Bürgerinnen und Bürgern und andererseits bei den Mitgliedstaaten liegt, sowie
- das Homogenitätsgebot, wonach auch die verfassungsmäßige Ordnung der Mitgliedstaaten selbst demokratischen Grundsätzen entsprechen muss.

Der Artikel sollte entsprechend seinem neuen Inhalt umbenannt werden.

## AMENDMENT FORM

Suggestion for amendment of Article :33 (part 3)

Suggestion for protocol :

By Mr David Heathcoat-Amory, Mr Bonde

Status :X      - Member                      - Alternate

N.B. '( )' denote text deleted ' \_\_\_\_\_ 'denotes text added

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### Article 33: The principle of democratic equality

*(DELETE: The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.)*

INSERT: **Citizens of Member States shall receive equal attention from the institutions of the European Union**

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**Explanation (if any) :**            There is an ambiguity over the word “citizen”; as the wording stands, nationality is unclear. The amendment clarifies that we are talking about citizens of EU Member States.

This form of citizenship, moreover, must take precedence over citizenship of the Union.

## **AMENDMENT FORM**

### **Suggestion for amendment of Article 33: The principle of democratic equality**

### **Suggestion for Part I of the Constitution, Title IV: The democratic life of the Union**

**By Mr : dr. Dimitrij Rupel Janez Lenarčič**

**Status :        - Member                      - Alternate**

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#### **Article 33: The principle of democratic equality**

The Union's operation shall be founded on the DUAL principle of the equality of ITS citizens and ITS MEMBER STATES. (who shall receive equal attention from the Union's institutions= SHALL BE DELETED).

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#### **Explanation:**

The scope and purpose of this article is unclear. As a starting point for title VI it should, however, cover also the other leading principle in this respect namely that of equality between Member States. In this way, a necessary recognition is given to the dual nature of the Union as the Union of citizens and Member States.

## AMENDMENT FORM

**Suggestion for amendment of Article : 33**

**By Mr. Frans Timmermans**

**Status : Member of the European Convention**

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The Union's operation shall be founded on the principle of the equality of citizens and of natural or legal persons residing in a Member State, who shall receive equal attention from the Union's institutions.

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### **Explanation:**

There is no need to limit the provisions in this article to the Union's citizens, therefore excluding persons naturally or legally residing in a Member State.



## AMENDMENT FORM

**Suggestion for amendment of Article 33: (Title VI: The democratic life of the Union, part I of the Constitution)**

**By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen**

**Status :**      **Tiilikainen, Kiljunen, Vanhanen - Members**  
                    **Peltomäki, Korhonen - Alternates**

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### **Article 33:    The principle of democratic equality**

The Union's operation shall be founded on the **dual** principle of the equality of **its** citizens **and its Member States.**~~, who shall receive equal attention from the Union's institutions.~~

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#### *Explanation:*

The scope and purpose of this article is unclear. As a starting point for title VI it should, however, cover also the other leading principle in this respect namely that of equality between Member States. In this way, a necessary recognition is given to the dual nature of the Union as the Union of citizens and Member States.

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : Artigo 33.º**

**Déposée par Monsieur Luís Queiró**

**Qualité : Suppléant**

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**Suprimir Artigo**

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### **Explication éventuelle :**

*O artigo é de suprimir. Na verdade, encontramos afloramentos bem mais interessantes e melhor redigidos nas disposições iniciais do Tratado. Permito-me recordar, entre outros, o artigo 6.º do Tratado, que estabelece o princípio da não discriminação ou o artigo 7.º (cidadania) que, na parte final do n.º 1, estabelece o princípio da igualdade dos cidadãos «perante a lei».*

## AMENDMENT FORM

Suggestion for amendment of Article 33:

By Mr Georges Jacobs - UNICE

Status: observer

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p><b><u>Article 33: The principles of democratic equality</u></b></p> <p>The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.</p>	<p><b><u>Article 33: The principles of democratic equality</u></b></p> <p>The Union's operation shall be founded on the principle of the equality of citizens.</p>

### Explanation:

**The last part of the sentence is redundant with the principle of equality of citizens and does not bring any added value, whilst making the text unnecessarily heavy and confusing.**

## AMENDMENT FORM

**Suggestion for amendment of Article : 33**

**Suggestion for Title VI**

**By Ms : Prof. Danuta Hübner**

**Status : Member**

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<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b>Article 33: The principle of democratic equality</b>  The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.	<del>Article 33: The principle of democratic equality</del>  <del>The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.</del>

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**Explanation (if any) :**

This is to some extent repetition of the article 7.1 of the constitutional Treaty.

## AMENDMENT FORM

Suggestion for amendment of Article : 33

~~Suggestion for Part III~~

By ~~Ms~~/ Mr : Hain

Status :    - Member            - ~~Alternate~~

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The Union's operation shall be founded on the principle of the equality of its citizens, who shall receive equal attention from the Union's institutions.

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### Explanation (if any) :

*In Article 35a and elsewhere, the text makes clear that the citizens referred to are those of the Union. This should be made clear here too.*

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : 33**

**Déposée par Madame ou Monsieur : Gianfranco FINI**

**Qualité : - Membre**

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Il funzionamento dell'Unione si fonda sul principio dell'uguaglianza dei cittadini **dell'Unione**. ~~Tutti beneficiano di uguale attenzione da parte delle istituzioni dell'Unione.~~

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**Explication éventuelle :**

**AMENDMENT FORM**

**Suggestion for amendment of Article : Art 33**

**Suggestion forPart III**

**By Ms / Mr : Mr Bonde, Mr Dalgaard (Alternate), Mr Skaarup, Mr Zahradil.**

**Status :    X - Member                      X- Alternate**

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Article 33: The principle of democratic equality

The Union's operation shall be founded on the principle of the equality **AMONG MEMBER STATES AND** citizens, who shall receive equal attention from the Union's institutions. **ALL POLITICAL VIEWS SHALL BE TREATED EQUALLY.**

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**Explanation (if any) :**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 33

Déposée par Madame ou Monsieur :

**Maria Eduarda Azevedo (membre)**  
**António Nazaré Pereira (suppléant)**

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Article 33

Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens **qui doit être respecté par toutes les** institutions de l'Union.



## AMENDMENT FORM

### Suggestion for amendment of Article 33

**By Mr : Józef Oleksy**

**Status : Member**

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#### **Article 33: The principle of ~~democratic equality~~ equality of citizens**

The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.

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#### **Explanation (if any) :**

*The notion of democratic equality suggests that a non-democratic equality also exists. This article deals with the equality of citizens and that should be reflected in the name of the principle.*

## AMENDMENT FORM

### Suggestion for amendment of Article 33

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives, and Mr Sören Lekberg, Mr Ingvar Svensson and Mr Kenneth Kvist, national parliament representatives.

Status :     - Member: Hjelm-Wallén and Lekberg  
              - Alternate: Petersson, Svensson and Kvist

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### Article 33: The principle of democratic equality

~~The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.~~ **All the institutions of the Union shall respect the principle of democratic equality of citizens.**<sup>1</sup>

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<sup>1</sup>This language is more direct and precise.

## AMENDMENT FORM

### Title VI: The democratic life of the Union

#### Suggestion for amendment of Article : 33

**By Members:** Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Karel De Gucht, Mr Peeter Kreitzberg, Mr Algirdas Gricius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; **and Alternate Members:** Ms Lone Dybkjaer, Mr Valdo Spini, Mrs Elena Paciotti, Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Patrick Dewael, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

**Status :** Members and alternate members.

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#### Article 33: The principle of democratic equality

*Delete*

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#### Explanation:

*The Charter of Fundamental Rights speaks, in Article 20, about equality before the law. Article 23 of the Charter speaks of equality between men and women. Article 41 says that every person has the right to impartial administration.*

*Draft Article 2 of the Constitution already speaks of our respect for democracy: it should also mention equality.*

*It is not self-evident that this draft Article adds anything of merit. In fact, the statement that each of us may fondly expect "equal attention from the Union's institutions" sounds rather alarming.*

*As a general remark, if this title is to bring something useful to the Constitution it must surely establish beyond peradventure that the Union is a parliamentary democracy, as well as offering substantive functions for civil society and the social partners.*

## AMENDMENT FORM

**Vorschlag für die Änderung von:** Artikel 33, Teil I, Titel VI des Verfassungsentwurfs (CONV 650/03)

**von Herrn:** Prof. Dr. Jürgen Meyer, Delegierter des Deutschen Bundestages

**Status:** - Mitglied -

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**Ziel:** Streichung von Artikel 33

### **~~Art. 33: Grundsatz der demokratischen Gleichheit~~**

~~Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.~~

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### **Begründung:**

Die Charta der Grundrechte der Europäischen Union (EuGRC) soll in Teil 1 der Europäischen Verfassung integriert werden. Um Doppelungen zu vermeiden, ist Artikel 33 zu streichen. Der Grundsatz der Gleichheit der Bürger, normiert in Artikel 33 Satz 1, findet sich bereits in Artikel 20 EuGRC, der das allgemeine Gleichheitsgebot vorsieht. Die Aussage des Artikels 33 Satz 2 ist in Artikel 41 Absatz 1 EuGRC enthalten.

## AMENDMENT FORM

**Suggestion for amendment of:** Article 33, Part I, Title VI of the draft Constitution (CONV 650/03)

**By:** Professor Jürgen Meyer, delegate of the German Bundestag

**Status :** - Member -

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### **Aim:**

To remove Article 33.

### **Article 33: The principle of democratic equality**

~~The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.~~

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### **Explanation :**

The Charter of Fundamental Rights of the European Union is to be incorporated in Part I of the European Constitution. In order to avoid duplications, Article 33 should be removed. The principle of the equality of citizens, set out in the first part of Article 33, is already provided for in Article 20 of the Charter of Fundamental Rights on equality before the law. The content of the second part of Article 33 is included in Article 41, paragraph 1 of the Charter of Fundamental Rights.

## **I. FICHE D'AMENDEMENT**

**Proposition d'amendement à l'article:** 33, Partie I, Titre VI du projet de Traité constitutionnel (CONV 650/03)

**Déposée par:** Monsieur le Professeur Jürgen Meyer, délégué du Bundestag allemand

**Qualité:** - Membre -

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**Objectif:** Suppression de l'article 33

### **~~Article 33: Principe d'égalité démocratique~~**

~~Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens. Ceux-ci bénéficient d'une égale attention de la part des institutions de l'Union.~~

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### **Explication:**

La Charte des droits fondamentaux de l'Union européenne (CDFUE) doit être intégrée dans la première partie du Traité constitutionnel européen. Pour éviter les répétitions, il faut supprimer l'article 33. Le principe de l'égalité des citoyens, stipulé dans la première phrase de l'article 33, est déjà contenu dans l'article 20 de la CDFUE, qui prévoit le devoir général d'égalité. L'affirmation de la deuxième phrase de l'article 33 est déjà contenue à l'article 41, paragraphe 1 de la CDFUE.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 33**

**Déposée par MM. Haenel, membre titulaire, et Badinter, membre suppléant**

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Suppression

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#### **Explication éventuelle :**

Le principe d'égalité démocratique n'est qu'une composante du principe de l'égalité en droit, déjà contenu dans la Charte des droits fondamentaux.

L'article 33 est donc inutile, sauf à être interprété comme imposant une représentation égale de chaque citoyen au sein des institutions et interdisant donc une pondération favorable aux États les moins peuplés au sein du PE, ce qui ne serait pas acceptable.

## AMENDMENT FORM

### Suggestion for amendment of Article : 33

By Mr Hannes FARNLEITNER  
Mr Reinhard Eugen BÖSCH

Mr Gerhard TUSEK  
Mr Eduard MAINONI

Status : - Members

- Alternate Members

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### Article 33: The principle of democratic equality

The Union's operation shall be founded on the **dual** principle of the equality of **its** citizens, ~~who~~  
~~shall receive equal attention from the Union's institutions~~ **and its Member States.**

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### Explanation (if any) :

*The scope and purpose of this article is unclear. As a starting point for title VI it should, however, cover also the other leading principle in this respect namely that of equality between Member States. In this way, a necessary recognition is given to the dual nature of the Union as the Union of citizens and Member States.*



## FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 33 (Titre VI)

Déposée par MM. Santer, Helminger et Fayot (Titulaires, Luxembourg) ainsi que Mme Wagener et M. Schmit (Suppléants, Luxembourg)

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### Article 33 : Principe d'égalité démocratique

~~Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens. Ceux-ci~~ Tous les citoyens sont égaux devant le droit de l'Union et bénéficient d'une égale attention de la part des institutions de ~~l'Union~~ celle-ci.

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Explication éventuelle :

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : 33**

**Déposée par Madame : Cristiana MUSCARDINI**

**Qualité : Membre**

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### **Art. 33**

Il funzionamento dell'Unione si fonda sul principio dell'uguaglianza dei cittadini. Tutti beneficiano **degli stessi diritti** (**eliminare:** "di uguale attenzione") da parte delle istituzioni dell'Unione.

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**Explication éventuelle :**

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article: 33 „Grundsatz der demokratischen Gleichheit“**

**Déposée par Monsieur: Joachim Wuermeling**

**Qualité: Suppléant**

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<i>Texte du Praesidium</i>	<i>Amendement proposé</i>
Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.	<del>Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.</del>

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### **Begründung:**

Der vorgeschlagene Art. 33 erscheint entbehrlich. Satz 1 bringt die Bindung an den Gleichheitssatz zum Ausdruck, die sich bereits unmittelbar aus diesem selbst ergibt. Welchen darüber hinausgehenden Regelungsgehalt Satz 2 haben soll, bleibt unklar.

## AMENDMENT FORM

Suggestion for amendment of Article : 33 doc

Suggestion for Part III

By Ms / Mr : Voggenhuber, MacCormick, Lichtenberger,

Status :    - Member            - Alternate

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### **~~Article 33: The principle of democratic equality~~**

~~The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.~~

### **Article 33: European democracy**

**European democracy manifests itself on five levels: the freedom of individuals, their involvement in the public sphere and in their codetermination; the self-regulation of towns and municipalities; the autonomy of the regions; the sovereignty of Member States and the common Union.**

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Explanation (if any) :

## AMENDMENT FORM

Suggestion for amendment of Article : T6Briesch.doc

By Ms SIGMUND, Mr BRIESCH and Mr FRERICHS

Status : Alternates

Draft articles submitted by the Praesidium	Proposed amendments
<p style="text-align: center;"><b>Title VI:</b> <b>The democratic life of the Union</b></p> <p style="text-align: center;"><i>Article 33:</i> <i>The principle of democratic equality</i></p> <p>The Union's operation shall be founded on the principle of the equality of citizens, who shall receive equal attention from the Union's institutions.</p> <p style="text-align: center;"><i>Article 34:</i> <i>The principle of participatory democracy</i></p> <ol style="list-style-type: none"><li>1. Every citizen shall have the right to participate in the democratic life of the Union.</li><li>2. The Union institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.</li></ol>	<p style="text-align: center;"><b>Title VI</b> <b>Participatory democracy</b></p> <p style="text-align: center;"><i>Article 33</i> <i>The principle of participatory democracy</i></p> <ol style="list-style-type: none"><li>1. The Union's operation shall be founded on the principle of the equality of citizens.</li><li>2. Every citizen shall have the right to participate, by the appropriate means, in the democratic life of the Union.</li><li>3. Participatory democracy is an integral part of the European model of society. It complements representative democracy and helps to reinforce the democratic legitimacy of the Union.</li></ol> <p style="text-align: center;"><i>Article 34</i> <i>Civil dialogue</i></p> <ol style="list-style-type: none"><li>1. The institutions of the Union shall ensure transparency and shall implement information procedures, hearings and consultation procedures which enable representative civil society organisations to be involved in the shaping, implementation and monitoring of Community policies.</li></ol>

<p>3. The Union institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.</p>	<p>2. The Union shall facilitate the dialogue between representative civil society organisations on the development of the Union and its policies and shall ensure a regular and structured dialogue between them and the institutions of the Union.</p> <p>3. In accordance with Article 23 of this Treaty, the European Economic and Social Council is the focus for dialogue between civil society organisations and the Union.</p> <p style="text-align: center;"><i><b>Article 34 bis</b></i> <i><b>Social dialogue</b></i></p> <p>(text to be inserted)</p>
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**justification:**

The draft of Articles 33 to 37 does not tackle the principle of representative democracy and the role of the European Parliament, which is, however, an essential part of the democratic life of the Union. Title VI essentially sets out to lay down a number of principles designed to increase the opportunities available to ordinary citizens to participate in the democratic life of the Union.

The heading of Title VI should, therefore, be amended and Article 33 should be amplified so as to enunciate clearly the principle of participatory democracy, the essential complement to representative democracy.

The principle of participatory democracy means citizens exercising their right to participation through representative civil society organisations acting in the framework of appropriate consultation procedures and structures. This should be clearly stated in Article 34.

At the same time, a constitutional basis should also be created for civil dialogue, which needs to be defined. Civil dialogue should thus be taken to mean the dialogue between representative European civil society organisations and the dialogue between all these organisations and the Union institutions.

If this civil dialogue is to be effective, its framework and venue also needs to be stated. Without prejudice to its structure and powers, the EESC's nature and membership make it a suitable forum for civil dialogue.

Social dialogue is an integral part of participatory democracy, but it must be clearly distinguished from dialogue with the civil society organisations. The social dialogue players and their responsibilities are clearly defined. Under the TEC, the European organisations of social partners have quasi-legislative powers. For these reasons, the EESC considers that the specific nature of social dialogue also needs to be recognised in Part I of the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : T6Briesch.doc

By Ms SIGMUND, Mr BRIESCH and Mr FRERICHS

Status : Alternates

Vom Konventspräsidium vorgelegter Entwurf	Vorgeschlagene Änderungen
<p><b>Titel VI</b> <b>Das demokratische Leben der Union</b></p> <p><b>Artikel 33</b> <b><i>Grundsatz der demokratischen Gleichheit</i></b></p> <p>Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.</p> <p><b>Artikel 34</b> <b><i>Grundsatz der partizipatorischen Demokratie</i></b></p> <ol style="list-style-type: none"><li>1. Jeder Bürger hat das Recht, am demokratischen Leben der Union teilzunehmen.</li><li>2. Die Organe der Union geben den Bürgern und den repräsentativen Verbänden in geeigneter Weise die Möglichkeit, ihre Ansichten zu allen Bereichen des Handelns der Union öffentlich bekannt zu geben und</li></ol>	<p><b>Titel VI</b> <b>Die partizipatorische Demokratie</b></p> <p><b>Artikel 33</b> <b><i>Grundsatz der partizipatorischen Demokratie</i></b></p> <ol style="list-style-type: none"><li>1. Der Arbeitsweise der Union liegt der Grundsatz der Gleichheit der Bürger zugrunde.</li><li>2. Jeder Bürger hat das Recht, in geeigneter Weise am demokratischen Leben der Union teilzunehmen.</li><li>3. Die partizipatorische Demokratie ist ein wichtiger Bestandteil des europäischen Gesellschaftsmodells. Sie ergänzt die repräsentative Demokratie und trägt zur Erhöhung der demokratischen Legitimität der Union bei.</li></ol> <p><b>Artikel 34</b> <b><i>Der zivile Dialog</i></b></p> <ol style="list-style-type: none"><li>1. Die Organe der Union sorgen für Transparenz und wenden Verfahren für die Information, Anhörung und Konsultation an, um die repräsentativen Organisationen der Zivilgesellschaft in die Gestaltung, Umsetzung und Weiterverfolgung der Gemeinschaftspolitiken einzubinden.</li></ol>

auszutauschen.	
3. Die Organe der Union pflegen einen offenen, transparenten und regelmäßigen Dialog mit den repräsentativen Verbänden und der Zivilgesellschaft.	<p>2. Die Union ermöglicht den Dialog zwischen den repräsentativen Organisationen der Zivilgesellschaft über ihre Entwicklung und die Gemeinschaftspolitiken und stellt einen strukturierten, regelmäßigen Dialog zwischen diesen Organisationen und den Institutionen sicher.</p> <p>3. Gemäß Artikel 23 der Verfassung ist der Europäische Wirtschafts- und Sozialrat der Ort des Dialogs zwischen der organisierten Zivilgesellschaft und der Union.</p> <p style="text-align: center;"><b>Artikel 34 a</b> <b>Der soziale Dialog</b></p> <p>(Text einfügen)</p>

### **Erläuterung:**

Die vorgeschlagenen Artikel 33 bis 37 berühren nicht den Grundsatz der repräsentativen Demokratie und die Rolle des Europäischen Parlaments, die aber ein wichtiger Baustein im demokratischen Leben der Union ist. In Titel VI werden in erster Linie einige Grundsätze festgeschrieben, die die Möglichkeiten der Mitwirkung der Bürger am demokratischen Leben der Union verbessern sollen.

Die Bezeichnung von Titel VI sollte daher geändert und Artikel 33 ergänzt werden, um dem Grundsatz der partizipatorischen Demokratie als einem unentbehrlichen Element neben der repräsentativen Demokratie eine feste Grundlage zu geben.

Der Grundsatz der partizipatorischen Demokratie beinhaltet, dass die Bürger ihre Partizipationsrechte durch repräsentative Organisationen der Zivilgesellschaft ausüben, die im Rahmen geeigneter Konsultationsverfahren und -strukturen handeln. Dies sollte in Artikel 34 klar zum Ausdruck gebracht werden.

Im gleichen Sinne sollte auch dem zivilen Dialog eine verfassungsmäßige Grundlage gegeben und sein Inhalt näher bezeichnet werden. Unter zivilem Dialog ist der Dialog zwischen den repräsentativen europäischen Organisationen der Zivilgesellschaft ebenso zu verstehen wie der Dialog zwischen all diesen Organisationen und den Institutionen der Union.

Um den zivilen Dialog zum Tragen zu bringen, braucht er einen Rahmen und einen Ort. Unbeschadet seines Aufbaus und seiner Zuständigkeiten bietet sich der EWSA von seiner Zweckbestimmung und seiner Zusammensetzung her als Ort des zivilen Dialogs an.

Der soziale Dialog ist ein elementarer Bestandteil der partizipatorischen Demokratie, ist jedoch klar vom Dialog mit den Organisationen der Zivilgesellschaft zu unterscheiden. Die Akteure, die am sozialen Dialog teilnehmen, und ihre Kompetenzen sind eindeutig festgelegt. Gemäß dem EGV besitzen die europäischen Organisationen der Sozialpartner quasi-legislative Befugnisse. Aus diesen Gründen ist der EWSA der Ansicht, dass dem sozialen Dialog aufgrund seiner besonderen Merkmale ebenfalls ein Platz in Teil 1 der Verfassung einzuräumen ist.



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**FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : T6Briesch.doc**

**Déposée par Mme SIGMUND, M. BRIESCH et M. FRERICHs**

**Qualité : Observateurs**

Projet d'articles présenté par le Présidium	Amendements proposés
<p><b>Titre VI</b></p> <p><b>La vie démocratique de l'Union</b></p> <p><i>Article 33</i></p> <p><i>Principe d'égalité démocratique</i></p> <p>Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens. Ceux-ci bénéficient d'une égale attention de la part des institutions de l'Union.</p>	<p><b>Titre VI</b></p> <p><b>La démocratie participative</b></p> <p><i>Article 33</i></p> <p><i>Principe de la démocratie participative</i></p> <p>1. Le fonctionnement de l'Union est fondé sur le principe d'égalité des citoyens.</p> <p>2. Tout citoyen a le droit de participer, par les voies appropriées, à la vie démocratique de l'Union</p> <p>3. La démocratie participative est une partie intégrante du modèle européen de société. Elle complète la démocratie représentative et contribue à renforcer la légitimité</p>

<p style="text-align: center;"><b>Article 34</b> <b><i>Principe d'une démocratie participative</i></b></p> <p>4. Tout citoyen a le droit de participer à la vie démocratique de l'Union.</p> <p>5. Les institutions de l'Union donnent, par les voies appropriées, aux citoyens et aux associations représentatives la possibilité de faire connaître et d'échanger publiquement leurs opinions sur tous les domaines d'action de l'Union.</p> <p>6. Les institutions de l'Union entretiennent un dialogue ouvert, transparent et régulier avec les associations représentatives et la société civile.</p>	<p>démocratique de l'Union.</p> <p style="text-align: center;"><b>Article 34</b> <b><i>Le dialogue civil</i></b></p> <p>1. Les institutions de l'Union assurent la transparence et mettent en œuvre des procédures d'information, d'audition et de consultation qui permettent aux organisations représentatives de la société civile d'être impliquées dans le processus de formation, de mise en œuvre et de suivi des politiques communautaires.</p> <p>2. L'Union facilite le dialogue entre les organisations représentatives de la société civile sur son évolution et sur les politiques communautaires et garantit un dialogue structuré et régulier entre celles-ci et les institutions.</p> <p>3. Conformément à l'article 23 de la Constitution, le Conseil économique et social européen est l'enceinte du dialogue entre la société civile organisée et l'Union.</p> <p style="text-align: center;"><b>Article 34 bis</b> <b><i>Le dialogue social</i></b></p> <p>(texte à insérer)</p>
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**Explication:**

Le projet d'articles 33 à 37 n'aborde pas le principe de la démocratie représentative et le rôle du Parlement européen qui constitue pourtant un rouage essentiel dans la vie démocratique de l'Union. Le Titre VI vise essentiellement à établir un certain nombre de principes destinés à accroître les .../..

possibilités de participation des citoyens à la vie démocratique de l'Union.

L'intitulé du titre VI devrait donc être modifié et l'article 33 complété afin que soit clairement affirmé le principe de la démocratie participative, complément indispensable de la démocratie représentative.

Ce principe de la démocratie participative implique que les citoyens exercent leurs droits de participation par l'intermédiaire d'organisations de la société civile représentatives agissant dans le cadre de procédures et structures de consultation appropriées. Ceci devrait être clairement affirmé dans le cadre de l'article 34.

Ce faisant, il convient également de donner un fondement constitutionnel au dialogue civil et d'en préciser la nature. Par dialogue civil, il faut ainsi entendre le dialogue entre les organisations européennes représentatives de la société civile et celui entre l'ensemble de ces organisations et les institutions de l'Union.

Afin que ce dialogue civil puisse être effectif, il est aussi nécessaire d'en préciser le cadre et le lieu. Sans préjudice de sa structure et de ses compétences, le CESE a vocation, par sa nature et sa composition, à être l'enceinte de ce dialogue civil.

Le dialogue social est une partie intégrante de la démocratie participative, mais il doit être distingué nettement du dialogue avec les organisations de la société civile. Les acteurs qui participent au dialogue social et leurs compétences sont clairement définis. Au titre du TCE, les organisations européennes de partenaires sociaux disposent de pouvoirs quasi-législatifs. Pour ces raisons, le CESE est d'avis que la spécificité du dialogue social doit également être reconnue dans la partie I de la Constitution.

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## AMENDMENT FORM

Suggestion for amendment of Article : I-44

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status :    - Member            - ~~Alternate~~

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### *~~Artikel I-44: Grundsatz der demokratischen Gleichheit~~*

*~~Die Union achtet in ihrem gesamten Handeln den Grundsatz der Gleichheit ihrer Bürger. Die Bürger genießen ein gleiches Maß an Aufmerksamkeit seitens der Organe der Union.~~*

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Explanation (if any) :

**Streichung.** Bereits die Grundrechtecharta führt den Grundsatz der Gleichheit aller **Personen** ein; davon wird auch die Gleichheit aller **Bürger** umfasst. Die Grundrechtecharta bildet gemäß Art. I-5 integraler Bestandteil der Verfassung.