

## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

**By Ms. Dybkjær**

**Status :    - Member            X Alternate**

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Article 6: Non-discrimination on grounds of nationality **and sex**

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality **and sex** shall be prohibited

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**Explanation (if any) :**

The Union needs an article with direct effect concerning gender equality. Discrimination on the basis of sex is exactly as unacceptable and wide-reaching as discrimination on the basis of nationality.

## FICHE AMENDEMENT 2 (FINAL)

Proposition d'amendement à l'Article : I-4

Déposée par Madame ou Monsieur : Borrell, Carnero y López Garrido

Qualité : - Membre - Suppléant

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2. En el ámbito de aplicación de la presente Constitución, y sin perjuicio de las disposiciones particulares que prevé, se prohíbe toda discriminación ejercida por razón de nacionalidad, **raza, origen social, sexo, orientación sexual, discapacidad, creencias o convicciones.**

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Explication éventuelle :

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 4**

**By Ms / Mr : J. Kohout**

**Status : - Member**

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4.2 Delete

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

Provision about non-discrimination on the ground of nationality (and on other grounds) is covered by the Charter which shall become part of the Constitution.

## AMENDMENT FORM

**Suggestion for amendment of Article : I-4**

**By Mr : Hain**

**Status :    - Member            -**

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1. *OK.*

2. In the field of application of this Constitution, and without prejudice to any of its specific provisions, any discrimination between citizens of the Union on grounds of nationality shall be prohibited.

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Explanation (if any) :

2.    *Repeated amendment:* *A clause stipulating non-discrimination on grounds of nationality would have very wide-ranging consequences if applied to all nationalities, as opposed to only those of the Union.*

**Proposition d'amendement à l'Article 6**

**Déposée par Madame Elena Paciotti**

**Qualité : Suppléante**

**IT Version**

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**Articolo 6: Non discriminazione in base alla nazionalità**

*Soppresso*

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**Explication éventuelle:**

*Questa disposizione è già contenuta nell'articolo 21 paragrafo 2 della Carta dei diritti fondamentali*

**Proposition d'amendement à l'Article 6**

**Déposée par Madame Elena Paciotti, Suppléante**

**EN Version**

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**Article 6: Non-discrimination on grounds of nationality**

*Suppressed*

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**Explication éventuelle:**

*This provision is already present in article 21 paragraph 2 of the Charter of Fundamental Rights*

## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

**By Ms / Mr : Marie Nagy**

**Status :    - Member            - Alternate**

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### **Article 6: Non-discrimination on grounds of nationality**

~~In the field of application of this Constitution and without prejudice to any of its specific provisions,  
any discrimination on grounds of nationality shall be prohibited.~~

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**Explanation (if any) :**

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 6**

*Déposée par Monsieur Dominique de Villepin*

**Qualité : Membre**

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#### **Article 6: Non-discrimination en raison de la nationalité**

Dans le domaine d'application de la présente Constitution, et sans préjudice des dispositions particulières qu'elle prévoit, est interdite toute discrimination exercée en raison de la nationalité.

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**Explication éventuelle :**



## FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art. 6

Déposée par Madame Cristiana MUSCARDINI

Qualité : Membre

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Aggiungere alla fine, dopo "*nazionalità*": "**e alla disabilità**"

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## AMENDMENT FORM

**Suggestion for amendment of Article 6 :**

**By Mr Joschka Fischer**

**Status :    - Member**

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### **Artikel 6: Verbot von Diskriminierungen aufgrund der Staatsangehörigkeit**

~~Unbeschadet besonderer Bestimmungen dieser Verfassung ist in ihrem Anwendungsbereich jede Diskriminierung aus Gründen der Staatsangehörigkeit verboten.~~

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**Explanation (if any) :**

*Kommentar: Diese Bestimmung findet sich bereits in der Grundrechtecharta Art. 21 Abs. 2 und sollte daher gestrichen werden.*

## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

**By Ms SIGMUND, Mr BRIESCH and Mr FRERICHs, observers**

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**Article 6: Amend the title and the text of the article as follows:**

Non-discrimination ~~on grounds of nationality~~

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on the grounds of nationality, sex, ethnic or racial origin, belief, religion; sexual orientation, disability and age shall be prohibited.

## **AMENDMENT FORM**

### **Suggestion for amendment of Article: 6**

**By Ms / Mr : Mr.** Ms. Irena Belohorska – member, Jan Zahradil – member, Mr. Jens-Peter Bonde - member, Mr. David Heathcoat-Amory - member, Mr. William Abitbol - alternate, Mr. Peter Skaarup - member, Mr. Per Dalgaard - alternate, Mr. Esko Seppänen – alternate, and Mr. John Gormley - alternate.

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### **Delete article 6**

## AMENDMENT FORM

### Suggestion for amendment of Article 6:

By Elmar BROK, Jozsef SZAJER, Erwin TEUFEL, René VAN DER LINDEN,  
Frantisek KROUPA, Jacques SANTER, Teresa ALMEIDA GARRETT, Peter ALTMAIER,  
Jan FIGEL, Piia Noora KAUPPI, Hanja MAIJ-WEGGEN, Reinhard RACK,  
Joachim WÜRMELING

on behalf of the EPP Convention Group

Status: Members and Alternates

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*Text of the Praesidium*

*Proposed Amendments*

#### **Article 6: Non-discrimination on grounds of nationality**

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

#### **~~Article 6: Non-discrimination on grounds of nationality~~**

~~In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.~~

– **SEE ARTICLE 21(2) of the CHARTER**

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#### **Explanation:**

*Under the proviso that the Charter for Fundamental Rights is inserted in toto at the beginning of the Constitution, this important provision becomes superfluous here: it is already included, in exactly the same wording, in **Article 21(2) of the Charter** (which itself is drawn from Article 12 of the EC Treaty). There is no need to duplicate!*

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : 6**

**Déposée par Monsieur : Antonio Tajani**

**Qualité : - Membre**

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"Articolo 6 : Non discriminazione"

Nei settori di applicazione della presente Costituzione e fatte salve le disposizioni particolari da essa previste è vietata qualsiasi discriminazione in base alla nazionalità, il sesso, la razza o l'origine etnica, le religioni o le convinzioni personali, le disabilità e l'età.

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**Explication éventuelle :**

AMENDMENT FORM

Suggestion for amendment of Article : 6

By MM : Kiljunen and Vanhanen

Status :        - Members

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In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

**All persons shall be equal before the law.**

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**Explanation (if any) :**

*Equal status before the law cannot be restricted to the citizens of the Union (as set out in article 7 of the presidency draft).*

**AMENDMENT FORM**

**Suggestion for amendment of Article 6**

**By Prof Peter Serracino-Inglott - Member**

**Mr John Inguanez - Alternate**

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It is recommended that this article be suppressed.

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**Explanation (if any) :**

In its present form, this article will give rise to misunderstanding and the supposition that other forms of discrimination are not being expressly forbidden despite the Charter of Fundamental Rights.



## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 6

Déposée par Madame ou Monsieur : Mme PALACIO

Qualité : - Membre - Suppléant

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#### ~~[Article 6: Non-discrimination en raison de la nationalité~~

~~Dans le domaine d'application de la présente Constitution, et sans préjudice des dispositions particulières qu'elle prévoit, est interdite toute discrimination exercée en raison de la nationalité].~~

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#### Explication:

L'article 6 reprend le contenu de l'actuel article 12 du TCE et le transcrit littéralement. Le Presidium est conscient du fait que l'inclusion de cet article 6 peut provoquer une certaine controverse. En effet, sa rédaction actuelle ne le limite en rien, en théorie, aux citoyens des Etats membres, à savoir, de l'Union. Le Presidium semble préférer le maintenir en soulignant l'importance que l'article 12 du TCE a eu dans la construction jurisprudentielle de la Cour de justice.

Néanmoins, le principe de la non-discrimination est en fait déjà repris, avec un caractère général (c'est à dire, pas uniquement pour les citoyens de l'Union) dans la Charte des Droits fondamentaux (article 21.2), à laquelle on a justement octroyé pleine valeur juridique dans l'article 5. Par ailleurs, rien empêche d'appliquer cet article aussi aux personnes morales.

C'est pour cela que l'on pourrait envisager d'inclure cette clause de non-discrimination en raison de la nationalité comme nouveau paragraphe dans la liste des droits du citoyen qui se trouve à l'article 7.

## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

**By Ms / Mr : Johannes Voggenhuber, Eva Lichtenberger**

**Status :    - Member            - Alternate**

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### **Article 6: Non-discrimination on grounds of nationality**

~~In the field of application of this Constitution and without prejudice to any of its specific provisions,  
any discrimination on grounds of nationality shall be prohibited.~~

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

**By Mr Kirkhope MEP**

**Status : Member**

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Article 6: Non-discrimination on grounds of nationality

In the field of application of this **simplifying Treaty** and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be avoided **wherever reasonable and possible**.

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**Explanation (if any) :**

## AMENDMENT FORM

### Suggestion for amendment of Article 6

**By:** Danuta Hübner

**Status:** Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b><u>Article 6: Non-discrimination on grounds of nationality</u></b>  In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.	<b><u><del>Article 6: Non-discrimination on grounds of nationality</del></u></b>  <del>In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.</del>
<b>Explanation:</b> 1. Deleted as a consequence of the inclusion of the CFR into the second part of the Treaty. Should the CFR be annexed to the Treaty as a Protocol, this Article could be maintained.	

**AMENDMENT FORM**

**Suggestion for amendment of Article 6**

**By Michael Frendo - Member**

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It is recommended that this article be deleted.

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**Explanation (if any) :**

In its present form, this article will give rise to misunderstanding and the supposition that other forms of discrimination are not being expressly forbidden despite the Charter of Fundamental Rights.

## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

**By Mr : CUSHNAHAN**

**Status : - Alternate (European Parliament Delegation)**

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### **Article 6: Non-discrimination**

1. In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited. *Without prejudice to any of its specific provisions, any discrimination on the grounds sex, ethnic or racial origin, belief, religion, sexual orientation, disability and age shall be prohibited*

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

*The scope of article 6 on non discrimination should be widened to include the grounds of discrimination covered by current article 13 TEC*

**AMENDMENT FORM**

**Suggestion for amendment of Article 6**

**By     Dolores Cristina**

**Alternate**

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It is recommended that this article be suppressed.

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**Explanation (if any) :**

In its present form, this article will give rise to misunderstanding and the supposition that other forms of discrimination are not being expressly forbidden despite the Charter of Fundamental Rights.

## AMENDMENT FORM

**Structural and terminological suggestion for amendment of Articles 1/1, 1/2, 6 and 9/6:**

**By Mr. Jozsef Szajer**

**Status: Member, National Parliament, Hungary**

### **Article 1: Establishment of the Union**

1. Reflecting the will of the ~~{peoples}~~ **citizens, nations** and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be administer certain common competences on a federal basis.
2. The Union shall respect the ~~{national}~~ identities of its Member States **and of its nations**.

### **Article 6: Non-discrimination on grounds of citizenship and nationality**

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds **of citizenship and** of nationality shall be prohibited.

### **Article 9:**

6. The Union shall respect the ~~{national}~~ identities of its Member States, inherent in their fundamental...

### **Explanation**

The differences between the concepts of state and nation, citizenship and nationality are blurred in the constitutional proposal, which could lead to confusion. The text of the draft uses the term 'nation' and 'nationality' as an equivalent to the concepts of 'state' and 'citizenship', even though they cover different concepts. This kind of difference is especially significant for the new Central European countries, where statehood and nationality usually differ more significantly than in the cases of the present member states. However also in the cases of present member states one can find many examples of the presence of national minorities, and instances where the state frameworks do not correspond with the nations or peoples in which they are included. From a constitutional point of view it is very important to mark a clear difference between these concepts.



## AMENDMENT FORM

**Suggestion for amendment of Article : 6**

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

**Status :    - Member            ~~Alternate~~**

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**Streichung**

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**Explanation (if any) :**

Das Verbot der Diskriminierung aufgrund der Staatsangehörigkeit ist bereits in Art. 21 Abs. 2 der Grundrechtecharta enthalten. Diese ist gemäß Artikel 5 integraler Bestandteil der Verfassung.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 6:**

**Déposée par**     M. Olivier DUHAMEL  
                          Mme Linda McAVAN  
                          M. Luis MARINHO  
                          Mme Anne VAN LANCKER  
                          M. Klaus HÄNSCH

**Qualité:**    - Membres

                          Mme Pervenche BERÈS  
                          Mme Maria BERGER  
                          M. Carlos CARNERO  
                          Mme Elena PACIOTTI  
                          Mme Helle THORNING-SCHMIDT

**Qualité:**    - Suppléants

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### **Article 6: Non-discrimination en raison de la nationalité**

**A supprimer**

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### **Explication éventuelle:**

*Cette clause figure déjà dans l'article 21 paragraphe 2 de la Charte des droits fondamentaux.*

## **AMENDMENT FORM**

**Suggestion for amendment of Article 6**

**By: Mr Józef Oleksy**

**Status: Member**

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Proposed Amendments:

Art. 6: *delete*

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Explanation:

This is a consequence of including the Charter in the Treaty.

**AMENDMENT FORM**

**Suggestion for amendment of Article 6 para 1**

**By Mr : MacCormick, Neil**

**Status : - Alternate**

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Delete four words and insert 29 words

Article 6: non discrimination ~~on grounds of nationality~~

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on the grounds of nationality shall be prohibited.

*Without prejudice to any of its specific provisions, any discrimination on the grounds of sex, ethnic or racial origin, belief, religion, sexual orientation, disability and age shall be prohibited.*

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**Explanation (if any) :** Self-explanatory

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : 6**

**Déposée par Madame ou Monsieur : Rt Hon David Heathcoat-Amory, MP**

**Qualité : - Membre *X* - Suppléant**

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6 Delete

### **Explication éventuelle**

**As drafted, this article has unconsidered consequences. It ends all forms of disqualification based on nationality. For instance : nationality requirements for entry to the civil service ; EU quotas, for instance over fisheries ; asylum white lists ; visas ; service in armed forces, law courts, national parliaments ; and so on. The article is a blanket statement that allows substantial legal challenge. It may also as set out take precedence over certain opt-outs of lesser treaty standing, for instance restrictions on property ownership.**

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article : 6**

**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**

**Qualité : - Membre - Suppléant**

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#### **Suppression de l'article**

#### **Article 6: ~~Non-discrimination en raison de la nationalité~~**

~~Dans le domaine d'application de la présente Constitution, et sans préjudice des dispositions particulières qu'elle prévoit, est interdite toute discrimination exercée en raison de la nationalité.~~

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#### **Explication éventuelle :**

L'article 6 relatif à la non - discrimination sur base de la nationalité reprend une disposition qui figure aussi dans la Charte des droits fondamentaux. Si la Charte est intégrée dans la 2<sup>e</sup> partie du Traité, il y aura dès lors redondance. On notera également que la Charte assure une protection supplémentaire par rapport à l'article 6 du projet du Praesidium puisqu'elle énonce en son article 52 que toute limitation de l'exercice des droits et libertés qu'elle reconnaît doit respecter le contenu essentiel desdits droits et libertés.

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : 6**

**Déposée par Monsieur :** Hannes FARNLEITNER

**Qualité :** - Membre

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Art 6 is *Redundant* –see explanation

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### **Explication:**

As the **Charter itself contains provisions on equality and non-discrimination as well as on citizens' rights** we should **avoid any duplication** which might cause legal uncertainties.

This is also reflected in the Final Report of Working Group II (*"The Group signals that if, as advocated by a large majority of the Group, incorporation is achieved by the insertion of the Charter text in the first part of the Constitutional Treaty it would then become necessary to combine, in an appropriate manner, in that Treaty the Charter articles on citizens' rights and the provisions on citizenship of the EC Treaty having constitutional importance; this should be considered as a technical operation raising no political problems."*). See also explanation concerning Art 7 .

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 6**

**Déposée par Monsieur Eckstein-Kovács Péter**

**Qualité : - Membre suppléant**

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**Article 6 Changement du titre : Non-discrimination**

#### **Article 6 Nouvelle Para 2**

Dans le domaine d'application de la présente Constitution, et sans préjudice des dispositions particulières qu'elle prévoit, est interdite toute discrimination fondée sur le sexe, la race ou l'origine ethnique, la religion ou les convictions, un handicap, l'âge ou l'orientation sexuelle.

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## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 6**

*Déposée par Monsieur : William ABITBOL*

**Qualité : Suppléant**

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#### **Article 6 :**

L'Union promeut et défend la liberté de tous les ressortissants des Etats qui la composent d'accéder à l'ensemble des droits politiques, économiques et sociaux qui leur sont ouverts par la citoyenneté européenne.

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#### **Explication éventuelle :**

Ce texte remplace l'ensemble du texte original de l'article visé

## AMENDMENT FORM

Suggestion for amendment of Article 6: Non-discrimination on grounds of nationality

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

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### Article 6: Non-discrimination on grounds of nationality

~~In the field of application of this Constitution and without prejudice to any of its specific provisions,  
any discrimination on grounds of nationality shall be prohibited.~~

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

This concept should be situated in the Article on Citizenship of the Union

**AMENDMENT FORM**

**Suggestion for amendment of Article : 6**

**By Mr Hain**

**Status : Member**

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In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination between nationals of Member States on grounds of nationality shall be prohibited.

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**Explanation (if any) :**

*As currently drafted, the principle of non-discrimination could extend beyond the boundaries of the Union. So needs to be re-drafted to make clear that the principle applies to nationals (i.e. legal and natural persons) of the Union. However, we will need to consider carefully the implications for CFSP.*

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 6**

**By Ms / Mr : Ms Androula Vassiliou**

**Status : - Member**

**- Alternate ✓**

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**Explanation (if any) :**

**I do not intend to propose an amendment to article 6. In fact, I should like to express my agreement with the proposed article, since it emphasizes the importance of “nationality”. In this respect, I believe that this article should remain as proposed.**

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article : 6**

**Déposée par M. Hubert HAENEL, membre, et M. Robert BADINTER, suppléant.**

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### **Article 6 : Non discrimination en raison de la nationalité**

Supprimé.

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### **Explication éventuelle :**

Dès lors que la Charte des droits fondamentaux est intégrée dans la Constitution, cet article est inutile.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 6

Déposée par M. Hubert HAENEL, membre, et M. Robert BADINTER, suppléant.

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#### Article 6 : Symboles de l'Union

La devise de l'Union est « PAIX, LIBERTE, SOLIDARITE ».

L'emblème de l'Union est le drapeau bleu frappé d'un cercle d'étoiles d'or.

L'hymne de l'Union est l'Hymne à la joie de Ludwig van Beethoven.

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#### Explication éventuelle :

Il est souhaitable d'inscrire dans la Constitution les symboles de l'Union.

## **AMENDMENT FORM**

**Suggestion for amendment of Article 6:**

**By Mr. Henrik Dam KRISTENSEN**

**Status: Member**

After "nationality" add:

", sex, race, ethnic or social origin, belief, religion, sexual orientation, disability or age."

***Danish version:***

Tilføj efter "nationalitet":

", køn, race, etnisk eller social oprindelse, tro, religion, seksuel orientering, handicap eller alder."

## AMENDMENT FORM

### Suggestion for amendment of Article : I-4

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

Status :    - Member            - ~~Alternate~~

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#### Artikel I-4: Grundfreiheiten und Nichtdiskriminierung

(1) Der freie Personen-, Waren-, Dienstleistungs- und Kapitalverkehr sowie die Niederlassungsfreiheit werden innerhalb der Union und von der Union gemäß dieser Verfassung gewährleistet.

(2) Unbeschadet besonderer Bestimmungen dieser Verfassung ist in ihrem Anwendungsbereich jede Diskriminierung aus Gründen der Staatsangehörigkeit verboten.

(3) *Unbeschadet besonderer Bestimmungen dieser Verfassung ist in ihrem Anwendungsbereich jede Diskriminierung aus Gründen des Geschlecht, der Rasse, der Hautfarbe, der ethnischen oder sozialen Herkunft, der genetischen Merkmale, der Sprache, der Religion oder Weltanschauung, der politischen oder sonstigen Anschauung, der Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt, einer Behinderung, des Alters oder der sexuellen Ausrichtung verboten*

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#### Explanation (if any) :

Ziel der Union ist nicht nur die Beseitigung der Diskriminierungen aufgrund der Staatsangehörigkeit. Gemäß dem Titel dieser Bestimmung sollten hier alle von der Union verfolgten Gleichstellungsziele als Diskriminierungsverbot aufgeführt werden.



## **AMENDMENT FORM**

**Suggestion for amendment of Article I -4**

**By Mr Proinsias De Rossa**

**Status :    - Member**

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Add new intent:

**3. In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of sex shall be prohibited.**

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**Explanation (if any) :**

This amendment will ensure real equality of women and men in all areas of application of the Constitution.