



La Commissione europea registra due iniziative dei cittadini europei sui diritti dei cittadini dell'Unione dopo la Brexit e ne respinge una sul blocco della Brexit

Bruxelles, 22 marzo 2017

Oggi la Commissione europea ha registrato due iniziative dei cittadini europei riguardanti i diritti dei cittadini dell'Unione nel contesto del recesso di uno Stato membro dall'UE e ha respinto una terza proposta dal titolo "Stop Brexit".

La prima, in vista dell'imminente recesso del Regno Unito dall'UE, invita la Commissione a separare la cittadinanza UE dalla cittadinanza dello Stato membro ("Cittadinanza UE per gli europei: uniti nella diversità nonostante lo jus soli e lo jus sanguinis"), e la seconda invita la Commissione a sostenere il diritto dei cittadini dell'Unione di spostarsi e risiedere liberamente all'interno dell'Unione europea ("Mantenimento della cittadinanza europea"). La Commissione ha invece respinto in quanto inammissibile una terza proposta che la invita a impedire l'uscita del Regno Unito dall'UE ("Stop Brexit").

Le decisioni della Commissione riguardano l'ammissibilità giuridica delle iniziative proposte e non la sostanza delle iniziative, che in questa fase non è ancora stata esaminata.

La Commissione ha ritenuto per contro conformi ai requisiti per la registrazione, di cui al regolamento pertinente, le iniziative dei cittadini europei "**Cittadinanza UE per gli europei: uniti nella diversità nonostante lo jus soli e lo jus sanguinis**" e "**Mantenimento della cittadinanza europea**".

Entrambe le iniziative europee invitano la Commissione a proteggere lo status e i diritti di cittadinanza UE nel contesto del recesso del Regno Unito dall'Unione europea. La Commissione attribuisce grande importanza alla questione di offrire certezza e sicurezza ai 4 milioni di cittadini (3,2 milioni di cittadini dell'UE nel Regno Unito e 1,2 milioni di cittadini del Regno Unito nell'UE) che non sono certi del loro futuro a seguito della decisione del Regno Unito di lasciare l'UE. Sebbene la Commissione non possa proporre atti di diritto derivato allo scopo di concedere la cittadinanza UE alle persone fisiche che non possiedono la cittadinanza di uno Stato membro dell'Unione, i diritti dei cittadini dell'UE nel Regno Unito e i diritti dei cittadini del Regno Unito nell'UE dopo il recesso del Regno Unito saranno al centro dei prossimi negoziati di cui all'articolo 50. La Commissione farà tutto quanto in suo potere per impedire che i cittadini dell'UE siano utilizzati come merce di scambio nei negoziati con il Regno Unito.

Nel caso dell'iniziativa "**Stop Brexit**", la Commissione ha constatato che le condizioni per la registrazione non erano soddisfatte. L'articolo 50, paragrafo 1, del trattato sull'Unione europea (TUE) consente infatti esplicitamente a uno Stato membro di recedere dall'Unione conformemente alle proprie norme costituzionali. Pur rammaricandosi per il recesso del Regno Unito dall'Unione europea, la Commissione rispetta il risultato del referendum.

Prossime tappe

La registrazione formale dell'iniziativa "Mantenimento della cittadinanza europea" avrà luogo il 2 maggio mentre la registrazione dell'iniziativa "Cittadinanza UE per gli europei" avverrà il 27 marzo. In entrambi i casi la registrazione segna l'inizio di una raccolta di firme a sostegno della proposta di iniziativa da parte degli organizzatori che durerà un anno.

Contesto

Prevista dal trattato di Lisbona come strumento per consentire ai cittadini di influire sul programma di lavoro della Commissione, l'iniziativa dei cittadini europei è stata istituita nell'aprile del 2012 con l'entrata in vigore del regolamento riguardante l'iniziativa dei cittadini che attua le disposizioni del trattato. Ai sensi del trattato ogni cittadino ha il diritto di partecipare alla vita democratica dell'Unione mediante l'iniziativa dei cittadini europei. Le procedure e le condizioni richieste per l'iniziativa dei cittadini dovrebbero essere chiare, semplici e di facile applicazione. L'impegno di coinvolgere i cittadini nella realizzazione di un'Europa migliore è stato ribadito dal Presidente Juncker nel suo [Discorso sullo stato dell'Unione](#) del settembre 2016.

Come previsto dal regolamento (UE) n. 211/2011 riguardante l'iniziativa dei cittadini, per essere ammissibile l'azione proposta non deve esulare manifestamente dalla competenza della Commissione di presentare una proposta legislativa ai fini dell'applicazione dei trattati e non deve essere presentata

in modo manifestamente ingiurioso, avere un contenuto futile o vessatorio né essere manifestamente contraria ai valori dell'Unione.

Una volta registrata ufficialmente, un'iniziativa dei cittadini europei consentirà a un milione di cittadini provenienti da almeno un quarto degli Stati membri dell'UE di invitare la Commissione europea a proporre atti giuridici nei settori di sua competenza.

Se, e solo se, un'iniziativa registrata raccoglie le firme per almeno un milione di dichiarazioni di sostegno convalidate in almeno sette Stati membri entro un anno dalla registrazione, la Commissione deve decidere se intervenire o meno e spiegare le ragioni della sua scelta.

Per ulteriori informazioni

[Testo integrale della proposta di iniziativa "Cittadinanza UE per gli europei: uniti nella diversità nonostante lo jus soli e lo jus sanguinis"](#) (EU citizenship for Europeans: United diversity in spite of jus soli and jus sanguinis) (disponibile il 27 marzo 2017)

[Testo integrale della proposta di iniziativa "Mantenimento della cittadinanza europea"](#) (Retaining European Citizenship) (disponibile il 2 maggio 2017)

[Testo integrale della proposta di iniziativa "Stop Brexit"](#) (disponibile il 21 marzo 2017)

[Altre iniziative dei cittadini europei per le quali è in corso la raccolta delle firme](#)

[Sito web dell'iniziativa dei cittadini europei:](#)

[Regolamento riguardante l'iniziativa dei cittadini:](#)

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EU Citizenship for Europeans: United in Diversity in Spite of *jus soli* and *jus sanguinis*

It is often believed that the “**Will of the People**” is expressed by selecting national representatives through democratic elections. Perhaps this is why politicians have been so focused on pushing the mentality of “*us vs them*” in order to stand out as leaders who care about ‘their people’ first. But what if national representatives do not represent and act on what the citizens *believe*? What if “the people” were never given a chance to define themselves before being represented? What if the Will of the People is to *not be divided* as ‘us’ and ‘them’ through national elections, but rather to *willingly cross national boundaries and unite as “We, the Citizens” through an international initiative*?

“*The Union is founded on the values of respect for human dignity, **freedom**, democracy, equality, the rule of law and respect for **human rights**, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which **pluralism**, non-discrimination, tolerance, **justice**, **solidarity** and equality between women and men prevail.*” ([Article 2 TEU](#)). This European Union was set up [with the aim of ending the frequent and bloody wars between neighbours](#) after the the Second World War, but recent spikes in **nationalism** throughout various countries have threatened these values and the stability of the EU itself. In other words, the Union could disintegrate thanks to the very forces and feelings that it was meant to keep in check (but never to extinguish). **Brexit** will take away the EU citizenship and rights of *ALL* British Europeans (approx. [65,110,000](#)) despite the fact that only [17,410,742](#) (26.74%) voted in favour of this. For the sake of **European solidarity** and to fight back waves of nationalism, we need to *flock [against] Brexit*.

How?

In the same way that we have a choice to interpret “**birds of a feather flock together**” as a good thing (“**let us come together**”) or a bad thing (“**leave them alone**”), we also have a choice that is perhaps unique in the history of international relations.

As [Article 1 TEU](#) declares: “*By this Treaty, the HIGH CONTRACTING PARTIES **establish among themselves a EUROPEAN UNION**, hereinafter called ‘the Union’, on which the Member States confer competences to attain objectives they have in common. This Treaty marks **a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.***”

Citizenship of the European Union is similarly established by [Article 20 TFEU](#) while [Article 47 TEU](#) explicitly recognises the legal personality of the European Union as an independent entity. This means that EU Citizenship is an exclusive competence of the Union and just because citizenship is acquired *through* nationality, it does not mean it’s the *same as* nationality.

In Annex 1 Section A of [European Council document 92/C 348/01](#), the Heads of Government and the European Council agreed that: “*The provisions of Part Two of the Treaty establishing the European Community relating to citizenship of the Union give nationals of the Member States **additional rights and protection** as specified in that Part. They do not in any way take the place of national citizenship. The question whether an individual possesses the nationality of a Member State will be settled solely by reference to the national law of the Member State concerned.*”

Additionally, in Annex 3 of that same document, the Kingdom of Denmark provided unilateral remarks that: “*Citizenship of the Union is a **political and legal concept which is entirely different***

from the concept of citizenship within the meaning of the Constitution of the Kingdom of Denmark and of the Danish legal system. Nothing in the Treaty on European Union implies or foresees an undertaking to create a citizenship of the Union in the sense of citizenship of a nation-state.”

All of this suggests that Member States and Nation-States may retain the exclusive power to grant and revoke **nationality** of their own citizens, but **Citizenship** of the European Union is something different that belongs to the European Union.

For at least the past 200 years, most people acquire political membership and the rights to citizenship through the *accident of birth* and the concepts of [jus soli](#) (“right of soil”) and [jus sanguinis](#) (“right of blood”). Perhaps only those migrants who go through the complex process of [naturalization](#) [which varies in all countries] understand the amount of time, money, and effort that it takes to gain rights that others are simply born with. But 2017 is providing **the people[s] of Europe** with a unique opportunity to take the [initiative](#) to *define themselves across national boundaries*. It’s a chance for UK nationals to stand up for their own rights and for all EU citizens to fight for one of their own, because this revocation of rights could happen to them as well. It could also help EU citizens remain in the UK but this will admittedly only work if we *all* come together and demand it. So this is a time for solidarity and a chance for citizens to stand up and fight for a political idea without any violence because this legal concept is *already protected by an [International Court of Justice](#) which has repeatedly declared that “[citizenship of the Union is intended to be the fundamental status of nationals of the Member States.](#)”*



Brussels, 22.3.2017
C(2017) 2001 final

COMMISSION DECISION

of 22.3.2017

**on the proposed citizens' initiative entitled "EU Citizenship for Europeans: United in
Diversity in Spite of jus soli and jus sanguinis"**

(Only the English text is authentic)

COMMISSION DECISION

of 22.3.2017

on the proposed citizens' initiative entitled "EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis"

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative¹, and in particular Article 4 thereof,

Whereas:

- (1) The subject-matter of the proposed citizens' initiative entitled "EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis" refers to the following "The nature and purpose of Citizenship of the Union, particularly in relation to nationality. Withdrawal of Member State from the Union and its effects. Citizens' Rights guaranteed by EU Law".
- (2) Citizenship of the Union shall be additional to and not replace national citizenship. Holding the nationality of a Member State is a prerequisite for being a citizen of the Union. Citizenship of the Union of a person is therefore conditional on the membership of the Union of at least one of the states of which that person is a national.
- (3) This link between nationality of a Member State of the Union and the citizenship of the Union is established in the Treaties. There is no legal basis in the Treaties which would empower the EU institutions to adopt a legal act of the Union for the purpose of implementing the Treaties aiming at granting citizenship of the Union to persons who do not hold the nationality of a Member State of the Union.
- (4) Nevertheless, a legal act of the Union for the purpose of implementing the Treaties can be adopted in the field of rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States of the EU. Such a legal act may therefore confer certain similar rights to those linked to citizenship of the Union on citizens of a state that has withdrawn from the Union pursuant to Article 50 TEU.
- (5) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.
- (6) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.

¹ OJ L 65, 11.3.2011, p. 1.

- (7) For those reasons, it is appropriate to consider that the proposed citizens' initiative, inasmuch as it aims at a proposal for a legal act of the Union for the purpose of implementing the Treaties in the field of rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States of the EU and in particular conferring certain similar rights to those linked to citizenship of the Union on citizens of a state that has withdrawn from the Union pursuant to Article 50 TEU, does not fall manifestly outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) of the Regulation.
- (8) The proposed citizens' initiative entitled "EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis" should therefore be registered. Statements of support should be collected for this proposed citizens' initiative, inasmuch as it aims at a proposal for a legal act of the Union for the purpose of implementing the Treaties in the field of rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States of the EU and in particular conferring certain similar rights to those linked to citizenship of the Union on citizens of a state that has withdrawn from the Union pursuant to Article 50 TEU.

HAS ADOPTED THIS DECISION:

Article 1

- (1) The proposed citizens' initiative entitled "EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis" is hereby registered.
- (2) Statements of support for this proposed citizens' initiative may be collected, based on the understanding that it aims at a proposal for a legal act of the Union that would ensure that, following the withdrawal of a Member State in accordance with Article 50 TEU, the citizens of that country can continue to benefit from similar rights to those which they enjoyed whilst that country was a Member State.

Article 2

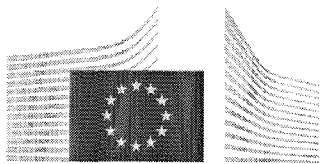
This Decision shall enter into force on 27 March 2017.

Article 3

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative entitled "EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis", represented by [*Personal data deleted following the consultation of the organisers*] acting as contact persons.

Done at Brussels, 22.3.2017

For the Commission
Frans TIMMERMANS
Vice-President



EUROPEAN
COMMISSION

Brussels, 22.3.2017
C(2017) 2000 final

COMMISSION DECISION

of 22.3.2017

on the proposed citizens' initiative entitled "Stop Brexit"

COMMISSION DECISION

of 22.3.2017

on the proposed citizens' initiative entitled "Stop Brexit"

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative¹, and in particular Article 4 thereof,

Whereas:

- (1) The subject-matter of the proposed initiative entitled "Stop Brexit" refers to the following "The process of Brexit is doing enormous damage to the United Kingdom the damage will continue to fracture British society". The main objectives of that proposed initiative are: "Stay in the European Union".
- (2) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.
- (3) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.
- (4) The right of any Member State to withdraw from the European Union is enshrined in Article 50(1) of the Treaty on European Union (TEU), according to which any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.
- (5) There is no legal basis in the Treaties which would allow for the adoption of a legal act of the Union for the purpose of implementing the Treaties in order to prevent a Member State from withdrawing from the Union.
- (6) For these reasons, the proposed citizens' initiative entitled "Stop Brexit" manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties within the meaning of Article 4(2)(b) of the Regulation, read in conjunction with Article 2, point 1, thereof.

HAS ADOPTED THIS DECISION:

Article 1

The registration of the proposed initiative entitled "Stop Brexit" is hereby refused.

¹ OJ L 65, 11.3.2011, p. 1.

Article 2

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative called "Stop Brexit", represented by [Personal data deleted following the consultation of the organisers] acting as contact persons.

Done at Brussels, 22.3.2017

For the Commission
Frans TIMMERMANS
Vice-President