

Explanatory Note to the Educational video 'European citizen, does it matter?'

[KU Leuven YouTube](#), clip 4 minutes

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In this document, you will find in bold print the text spoken in the educational video (with the elapsed video timing). The explanation is followed by links to further information in the [Case4EU](#) webpages. Each section ends with a *question for critical thinking* in italics. (You will find more questions in the Case4EU learning activities.²)

- **Who is an EU citizen?**

Are you a national of a Member State of the European Union? Then you are automatically a European citizen too, an EU citizen. Does that matter? Of course, it does! (00:05 minutes)

Not everyone born or living in Europe is an EU citizen. The criterion is nationality. Whoever has the nationality of an EU Member State is an EU citizen. For instance, French or Polish citizens are *also* EU citizens (concept of layered identity). The EU Treaty states: 'Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.'³



More information in [Theme: EU Citizenship](#)

Are you an EU citizen? If you are an EU citizen, do you feel like an EU citizen?

- **What is the EU?**

The EU is not a state but a common governance structure enacting a wide range of EU rules that have a direct impact on our daily lives. This is because one country alone cannot achieve certain policy objectives, such as clean air, because polluted air does not stop at national borders, or a strong economy, because in the global economy the influence of individual countries is too weak. Therefore, Member States conferred competences on the European Union to achieve certain objectives together. (00:18 minutes)



¹ Leuven University, Case4EU, www.kuleuven.be/case4EU.

[Contact](#).

² See the documents [Cases](#), section 'Working with the case'.

³ Art. 9 Treaty on European Union (TEU).

The EU is not a state and has no aim of becoming one. Nor is the EU an ordinary international organisation. So, what is it? The EU can be seen as a Union of citizens and states with its own DNA. That DNA consists of EU values, EU objectives and EU principles. The EU is essentially an objective-oriented project. The EU Treaty states in its first article: 'By this Treaty, the High Contracting Parties establish among themselves a European Union [...], on which the Member States confer competences to attain objectives they have in common.'⁴ Only in order to attain these objectives did the Member States confer competences on the EU (principle of conferral).⁵



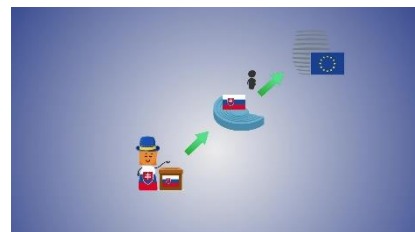
More information in [Theme: The DNA of the EU](#)

Do you think the EU should have more competences because we are stronger together, or do you think each country should pursue more policies independently?

- **What does democracy mean in the EU?**

And because the EU is a democracy, as an EU citizen you can have your say too when EU rules are made. You can do that when you vote in your national elections and for the European Parliament. The way you vote in national elections helps determine how your country chooses to act at EU level.
(00:53 minutes)

The Union functions on the basis of representative democracy. It is a twin-track system consisting of: (a) voting in European parliamentary elections (direct representation) and (b) voting in national parliamentary elections (indirect representation). The second track is often forgotten. Yet elections to national Parliaments have a crucial EU dimension. They determine, for instance, whether more eurosceptic or more europhile political parties come into power. They determine who will represent the country in the European Council and in the Council (see the figure next to the green arrow pointing to the Council). Member State Parliaments and governments are key actors at EU level. National Parliaments exercise control over the way their governments defend a position within the Council.⁶



There is also a certain degree of participatory democracy in the EU. You can voice your opinion in many ways, for instance, through a European citizens' initiative or petitions addressed to the European Parliament.



More information in [Theme: Democracy and the Rule of Law](#)

How do you think democracy in the EU could be strengthened?

⁴ Art. 1 TEU.

⁵ 'Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.' (art. 5,2 TEU).

⁶ 'Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.' (art. 10,2 TEU).

- **Why is the EU relevant to me if I just stay in my own country?**

The EU isn't a distant spectacle. It is your space, an open space without internal frontiers, with free movement of persons, goods, services and capital, and with checks at the external border. (01:13 minutes)

The EU seems a long way off. We do not hear much about EU decisions taken by 'Brussels' or 'Strasbourg' or about the EU legislation adopted there. Yet the EU has a huge impact on our lives. Even if we live and work within one country alone, we should not forget that we live in an open area of 27 Member States without internal frontiers. EU citizens can travel and live freely in the territory of all the Member States, and therefore EU citizens from other countries may come to our country. We live in an 'internal market', an area in which the free movement of persons, goods, services and capital is guaranteed. There are no controls on people crossing the borders between the Member States, but there are checks at the common external borders of the EU.



Cases illustrating the concrete effects of life in an open space without internal frontiers can be found in [The Internal Market module](#).

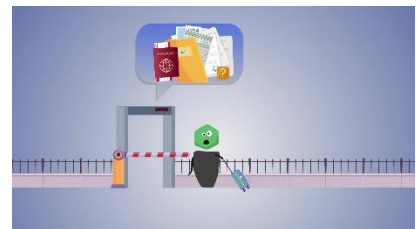
How would you assess the comparative advantages and drawbacks of the internal market? What do you think about the 'brain drain' from poorer to richer Member States?

- **What about non-EU citizens?**

Third-country nationals – people who are not EU citizens – cannot enter just like that. (01.28 minutes)

A 'third country' is a country that is not an EU Member State. (Your 'first country' is the Member State of which you are a national. 'Second countries' may be said to be the other Member States which belong to your community, the EU. 'Third countries' are all the other countries in the world that are not members of the EU.) A 'third-country national' is a national of a third country, for instance a Canadian, Briton, Russian or Afghan.

Free movement of persons within the EU presupposes strong external borders. External borders are for instance the Greece/Turkey or Poland/Ukraine borders. We talk about 'migration' when third-country nationals cross the EU's external borders to stay in the EU. The EU is developing a policy to guard external borders efficiently. At the external borders, third-country nationals are subject to personal checks. They must meet specific conditions and present a visa or residence permit. A visa is an authorisation to cross the external border, enter EU territory and stay there for a certain period of time.



Third-country nationals do not have *EU citizenship rights* (for instance, they cannot vote in European parliamentary elections), but, of course, they do have *human rights* (for instance, the right to human dignity or the rights of the child guaranteed by the Charter of Fundamental Rights of the European Union).

You will find some cases on migrants' rights in the [Migration – Controlled External Borders module](#). See also the definitions in the [Glossary](#).

What do you think of the distinction drawn between EU citizens and third-country nationals?

- **Where do my EU rights come from? What concrete impact do EU rules have on our daily lives?**

EU rules take precedence over national rules, and they give you rights affecting your work, your hobbies, your home and city, what you buy, your food and drink, the air you breathe, safety standards in buildings, cars and trains, your mobile phone charges and even the socket for your phone charger. (01:36 minutes)

The primacy of EU law is necessary to ensure that EU rules are applied equally in all Member States.⁷ All Member States must respect EU law in the same way. Therefore, they cannot apply national rules which conflict with EU rules. If a Member State could undermine EU rules simply by applying its own rules, citizens and businesses could no longer be sure that their EU rights would be respected in that country. Many EU rules have direct effect: citizens can invoke them independently of national rules. EU rules create rights on employment (e.g. working time), product safety, consumer protection, environment, etc. As a policy level, the EU has a big impact on our daily lives. This is because there are many policy areas for which the Member States have conferred competences on the EU to achieve common objectives, for instance in the internal market, transport, etc.



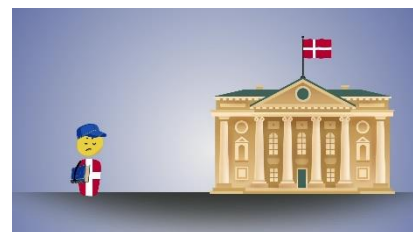
You will find more information in [Theme: EU Rules](#) and an overview of concrete examples of EU rights in [Cases](#).

What are the EU dimensions in your daily life? How can you find out about your EU rights?

- **What does the rule of law mean in the EU?**

Because the EU is founded on the rule of law, you can enforce any EU right in court, even against your own country. The stories of EU citizens fighting for their rights in court teach you what the EU stands for and make you think. (01:58 minutes)

The 'rule of law' is a fundamental EU value (art. 2 Treaty on European Union). The rule of law means that law is the basis for the exercise of public authority. No one is above the law. Everyone must respect the law (including EU law): EU and State authorities, citizens, businesses. Citizens must be able to defend any right which the EU grants them before an independent court in a fair trial. If citizens think their EU rights have been infringed, they can go to court in their country and can even sue their national authorities. The court will rule on the issue entirely independently. The national court applies EU law and, in case of doubt, puts a question ('a preliminary question') to the Court of Justice of the EU. By going to court, citizens can enforce their EU rights and bring abuses to light, thereby acting in the public interest.



⁷ It results from the case-law of the Court of Justice that the primacy of EU law is a cornerstone principle in the EU. See a [1964 Court case](#) and [Declaration 17](#) annexed to the Lisbon Treaty.

More information in [Theme: Democracy and the Rule of Law](#).

Do you think it is right that a citizen can challenge his/her own country if the country is in breach of EU rules? Would you dare to do that?

- **Example: Clean air**

Citizens refusing to put up with unhealthy air in Brussels forced the Brussels government to act by invoking EU environmental rules. (02:14 minutes)

This example refers to the case of Lies Craeynest and other environmental activists.⁸ They took the Brussels Capital Region to court because the limit values for nitrogen dioxide imposed by the EU had been exceeded and there were no sampling points for taking measurements in the most polluted locations. The Court of Justice of the EU ruled that the Brussels authorities had not applied the Air Quality Directive correctly.



Should active citizens try to influence policies combating air pollution or are these policies best left to the government?

- **Example: Equal pay for equal work**

An air hostess defended her EU right to equal pay for equal work and won her case against a major airline. (02:22 minutes)

This story refers to the landmark *Defrenne* case.⁹ Gabrielle Defrenne refused to accept that her male colleagues received a higher salary for equal work or work of equal value and sued Sabena. The Court of Justice of the EU ruled that the principle of equal treatment of men and women cannot be reduced to a vague declaration in the Treaty but is part of the very foundations of the Union. Citizens can rely upon this EU rule directly.



Gender equality is developed further in EU directives.

More information in [Defrenne](#) (in 'Presenting the case' and 'Working with the case'). See also [Theme: Equality and Non-Discrimination](#).

What further action needs to be taken to make 'equal pay for equal work or work of equal value' for women and men a reality?

- **Example: Privacy**

A student defended his right to personal data protection and won against Facebook. (02:30 minutes)

⁸ *Craeynest and Others*, Court of Justice of the European Union, Judgment of 26 June 2019, [Case C-723/17](#).

⁹ *Defrenne II*, Court of Justice of the European Union, Judgment of 8 April 1976, [Case 43/75](#).

This example is about the *Schrems* case.¹⁰ The right to protection of personal data is included in the Charter of Fundamental Rights of the EU. Facebook and the US authorities cannot handle Europeans' personal data without proper safeguards. The Austrian student Maximillian Schrems caught the attention of the world's press with this case.



For cases about privacy in the EU, see the [Digital Transformation and Privacy module](#).

How do you balance privacy against security? Should security services have access to the personal data of all citizens?

- **Example: Equal treatment**

French tourists in Romania invoked their right to equal treatment and paid the same museum entry fee as Romanians. (02:35 minutes)

EU citizens have a right to non-discrimination on grounds of nationality in other EU Member States: in principle, they should be treated equally with the citizens of those countries. This is a cornerstone of the EU.



When citizens are confronted with unequal treatment, they can contact [SOLVIT](#) ('Solutions to problems with your EU rights'). This example concerns a complaint about entry fees to Romanian monasteries: the ticket price was twice as high for non-Romanians as for Romanians.

More information and other examples of the right to equal treatment irrespective of nationality in the module on [The Internal Market – The EU as an Open Area without Internal Frontiers](#).

How far should the EU right to equal treatment regardless of nationality extend? Should we provide equal social benefits to all EU citizens of other Member States residing in our country, or should we limit solidarity to our compatriots? (See the restrictions in the [Free Movement Directive](#))¹¹.

- **Are there any EU duties?**

But EU rights come with EU duties. For example, there can be no discrimination on grounds of nationality, sex, race, religion, disability, age or sexual orientation. (02:43 minutes)

The EU rights enjoyed by some, correspond to the EU duties incumbent on others. For example, the right to equal treatment irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, corresponds to the EU duty not to discriminate on those prohibited grounds.¹²



¹⁰ *Maximillian Schrems v Data Protection Commissioner (Schrems I)*, Court of Justice of the European Union, Judgment of 6 October 2015, [Case C-362/14](#).

¹¹ E.g. art. 7 and 24.

¹² Art. 19 Treaty on the Functioning of the European Union (TFEU), art. 21 Charter of Fundamental Rights of the European Union (CFR). [Council Directive 2000/43](#), '(6) The European Union rejects theories which attempt to determine the existence of separate human races. The use of the term "racial origin" in this Directive does not imply an acceptance of such theories.'

More info in the [Equality and Non-Discrimination module](#) (Theme: [Equality and Non-Discrimination](#) and cases illustrating each prohibited ground of discrimination).

EU duties exist in many other areas, for instance: respecting privacy, granting an annual period of paid leave, providing a two-year guarantee on a purchased product, or respecting environmental standards.

Do you think it should be possible for EU legislation to impose duties, or should such duties be determined solely by your own country?

- **Is 'harmonising as much as possible' one of the EU's objectives?**

As EU citizens, we are "united in diversity". The EU values diversity and respects the national identity of the Member States. (02:57 minutes)

The EU does not aim to harmonise as much as possible. The EU's motto is 'united in diversity'. The EU respects different cultures, languages and traditions. The Union has an obligation to respect the national identities of the Member States (inherent in their fundamental structures, political and constitutional).¹³

Find out more about the EU's [motto](#) in all the official languages. Diversity and inclusion also go hand in hand with the principles of [non-discrimination](#).

How would you assess the balance of diversity and unity in the EU? Would you like more unity or more diversity?

- **EU values**

EU citizens belong to a Union based on common values: respect for human dignity, freedom, democracy, equality, the rule of law, respect for human rights, pluralism, tolerance and solidarity. (03:08 minutes)

These are the values listed in the Treaty on European Union.¹⁴ The challenge is to uphold these (universal) values in the EU — an open space without internal frontiers, with 27 Member States, 24 official languages, 450 million citizens and a great diversity of regions, cultures, traditions, religions... Mutual trust between Member States is only possible if all Member States respect EU values, such as respect for human rights. Awareness of shared values helps underpin a growing EU identity. The self-image of Member States and their citizens is incomplete without an EU dimension. As the EU is a 'union of values', education and critical thinking about EU values are crucial.



More in [Theme: The DNA of the EU](#)

Which EU values do you think are important? Which values should be emphasised more?

¹³ Art. 4,2 TEU.

¹⁴ '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.' (art. 2 TEU).

- **Active EU citizenship**

As an empowered EU citizen, you can take matters into your own hands. Find out! Be critical, participate and – where necessary – stand up for your EU rights. Being a European citizen certainly matters! (03:24 minutes)

Democracy and fundamental rights are essential in our society. They require a commitment from citizens: active citizenship. In the Member States and in the EU, policy decisions cannot simply be taken above our heads, but require participation by empowered, active, informed, and critical EU citizens.¹⁵



Does being an EU citizen matter to you? Do you want to be an active citizen? If so, what does that commitment mean in practice? Can you combine that commitment with your personal life (your work, your studies, your family, your friends, your hobbies...)?

¹⁵ 'Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.' (art. 10,3 TEU).