EU citizenship report 2010: dismantling the obstacles to EU citizens' rights

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The European Parliament adopted a resolution on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights.

Parliament welcomes the EU Citizenship Report 2010 and calls on the Commission to ensure that the legislative and non-legislative measures provided for in the report are put forward as soon as possible. It recalls that Union citizens – regardless of their disabilities – have, inter alia, the right to move and reside freely within the territory of the Member States, the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, the right to the provision of consular protection by the diplomatic and consular authorities of another Member State in third countries, and the right to petition the European Parliament, to apply to the European Ombudsman, and to address the EU institutions and advisory bodies in any of the Treaty languages.

Right to petition the European Parliament: noting that, although the right to petition the European Parliament is expressly provided for in the Treaties, it is not sufficiently well known or used, and therefore Parliament calls for improved, active communication to citizens about their right to petition in one of the official languages of the European Union. The resolution calls on the Commission to join it in doing more to advertise the right to petition through their offices in the Member States, their decentralised information networks.

European Citizens' Initiative (ECI): the resolution calls for the effective, transparent and accountable implementation of the ECI Regulation (which will apply from 1 April 2012) and, in particular, calls on the EU institutions and Member States to put in place all the necessary administrative and practical arrangements in a timely manner, to take an active role and participate effectively in informing citizens about this new instrument. Members take the view, moreover, that the Committee on Petitions, on account of its experience of direct contact with citizens, should be given the responsibility of holding public hearings for organisers of successful European citizens' initiatives.

Fundamental rights: the Commission is called upon, when preparing its annual report on the application of the EU Charter of Fundamental Rights, to focus not only on the application of the Charter, but also on all EU Treaty articles relating to fundamental rights and on the situation of fundamental rights in the European Union.

Right of access to information: Members call on all Union institutions, bodies, offices and agencies to ensure that the right of access to documents is guaranteed by improving transparency and making access to documents and information easy, user-friendly and comprehensible, including through the provision of barrier-free technologies, so as to enable citizens to participate more closely in the decision-making process. They point in this context to the central importance of the work of the European Ombudsman in upholding the right of access to Union institutions' documents.

The resolution recognises the right of access to information as one of the cornerstones of democracy and stresses that access to information must not lead to the violation of other fundamental rights such as the right to privacy and data protection. Members take the view that greater access to information on investigations and infringement files could be provided by the Commission without jeopardising the

purpose of the investigations and that an overriding public interest might well justify access to these files, particularly in cases where fundamental rights, human or animal health and the protection of the environment against irreversible damage may be at stake.

Free movement: Members encourage the Commission to continue its current efforts to ensure that Member States transpose and implement the FMD fully and correctly, making full use of its power to launch infringement proceedings. Member States are invited to **remove existing legal and practical barriers** to the free movement of citizens and not to introduce cumbersome, unjustified administrative procedures or to tolerate unacceptable practices restricting the application of that right.

Members reiterate their previous calls for the Member States to ensure freedom of movement for all EU citizens and their families, **without discrimination on grounds of sexual orientation or nationality**. It calls on the Member States to implement fully the rights granted under Directive 2004/38/EC1 not only to different-sex spouses, but also to registered partners, members of the household of an EU citizen and partners who are in a duly attested stable relationship with an EU citizen, including members of same-sex couples. In plenary, Parliament calls on the Member States to remove obstacles to the free movement of EU citizens and to take action to guide and advise mobile workers regarding employment opportunities and living and working conditions in the EU, through existing tools such as (EURES).

Members call on those Member States which have decided, under the EU Accession Treaty for **Romania and Bulgaria**, to introduce a seven-year moratorium, until 1 January 2014, on the right to free movement within the EU for workers from those two countries, or to continue applying transitional arrangements restricting access by Romanian and Bulgarian nationals to their labour markets, to review their decisions as soon as possible.

Fiscality: the resolution calls for better coordination between Member States dealing with problems such as double taxation and lack of harmonisation of pension taxation for EU citizens, and calls, therefore, on the Member States to enhance and update their bilateral cooperation agreements.

Mass expulsions: the resolution highlights the fact that mass expulsions represent a breach of the FMD, in addition to contravening the basic values and principles underpinning the European Union. It urges Member States to abolish policies and to annul and repeal laws that discriminate, either directly or indirectly, against the Roma and other minority groups on the grounds of race and ethnicity, and calls on them to stop all instances of persecution, eviction and expulsion, or of confiscation of the assets of any minority group.

Disabled persons: Parliament recalls that the almost 80 million people with disabilities in the European Union still face obstacles, insurmountable in many instances, when, in various ways, they exercise their right of free movement as citizens of the Union. It calls, accordingly, on the EU institutions and the Member States to identify and eliminate obstacles and barriers restricting the ability of people with disabilities to benefit from the rights of EU citizens, and to make it easier for people with disabilities to gain access to all means of transport, infrastructure facilities, public education and information, without delays or extra costs.

Cross-border healthcare: the resolution calls on the Commission and the Member States – with regard to the Commission's proposals to facilitate better access to cross-border healthcare, and given that patients' right to information is fundamental – to inform EU citizens more fully about their rights and the means available for enforcing them, including practical aspects such as the reimbursement of costs on the basis of the European health insurance card. It calls on the Commission and the Member States to make the greatest possible use of the existing potential for telemedicine and e-health services by 2020, while also complying fully with European data protection provisions. Members warmly welcome the Commission's initiative of developing a new system for the electronic exchange of social security data, and call accordingly for enhanced cooperation between national social security systems.

On-line purchasing and mobile telephony: Parliament notes that the greatest obstacles preventing citizens from benefiting from the larger product range and competitive prices available in the single market are a lack of knowledge of consumer rights in other EU countries and a lack of information for consumers making online purchases in other Member States. Moreover, it notes the disparities between Member States with regard to mobile telephony and internet accounts and emphasises that reductions in roaming charges have come about solely as a result of EU legislation. Members call on the Commission to look on the development of the **digital single market as a priority**.

Members call for the publication of cost prices in each Member State for SMS and MMS messages, calls charged by the minute and internet connections, in order to promote the establishment of European flat rates, thereby making it possible to reduce mobility costs.

Banking services: Members take the view that access to banking services for EU citizens who establish themselves in another Member State should be further facilitated. They urge the Commission to take the necessary legislative measures to ensure access for all EU citizens to a **basic payment account** and stress the need to improve the transparency of banking fees.

Obstacles to mobility: Members take the view that an updated Qualifications Directive should focus on eliminating obstacles to educational mobility, paying special attention to young people, while simultaneously streamlining the sources of information currently available to professionals and ensuring coordination with the 'Your Europe' portal. They urge the Commission to streamline the provision of information on mobility for EU students, teachers and researchers by setting up a **one-stop-shop** system.

Parliament takes the view that the establishment of a physical and **online one-stop shop** for citizens, 'Your Europe', is of great importance for individuals seeking advice or redress, whether they are long-term or new residents. It also proposes that a specific, very regularly updated **internet portal** be set up to allow national, regional and local authorities to flag up those sectors of the economy looking for manpower, in order to facilitate voluntary mobility.

As regards **cross-border workers**, who suffer a great deal from administrative red tape in Member States, as being in need of better, more targeted information about their social and professional rights, the Commission encouraged to produce information material outlining in clear and simple terms the rights enjoyed by all EU citizens moving, working, studying, shopping, travelling and exercising their political rights across borders.

Civil status issues: underlining the importance of administrative cooperation on civil-status issues, Members point out that any Union citizen recognised as the parent of a child born in or out of wedlock must be informed, in the event of separation, about his or her scope for redress in order to obtain visiting rights, except in cases where, by common agreement between the parents' and child's home countries, it has been established that this would place the child at genuine risk. It calls for the appointment of a mediator or, at the very least, a children's mediator in every Member State, who would have sufficient powers to access any documents and review court decisions. Members call on those Member States which have not done so to ratify the Council Decision of 12 July 2010 authorising enhanced cooperation in the area of the law applicable to divorce and legal separation.

Electoral rights: the resolution recognises that there are a number of obstacles preventing EU citizens' full enjoyment of their electoral rights when residing in a country other than their own, whereas this is the most tangible political right of Union citizens and its exercise must be free of all discriminatory and obstructive formalities. Parliament stresses that, inter alia, more direct participation by citizens through European political parties is a decisive step towards achieving 'more' Europe and a more authentic democracy.

Lastly, Parliament welcomes the Commission's proposal to declare **2013 as the 'European Year of Citizens'** and proposes that the Commission launch a Union-level competition in 2012 to design a logo for the European Year of Citizens.