Citizenship of the Union. 2nd report

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OBJECTIVE: Presentation of the second Commission report on citizenship of the Union. SUBSTANCE: Citizenship of the Union conferred by the Maastricht Treaty is meant to make the process of European integration more relevant to European citizens by increasing their participation, strengthening the protection of their rights and promoting the idea of European identity. The second report on citizenship of the Union drawn up in accordance with Article 8e(1) of the Treaty on European Union covers the period 1994-1996. During this time, progress has been made towards the implementation of the rights specifically related to citizenship. The necessary legislative framework for the new rights has been adopted but in practice some of the rights are not yet fully applied. (1) the right to vote and stand for election to the European Parliament and municipalities in the Member State of residence: these provisions were implemented by Directives 93/109/EC (elections to the European Parliament) and 94/80/EC (municipal elections). However, in this area the report notes that progress has been uneven. Hence, Sweden, Finland and Austria have partially transposed the directive concerning the right to vote in municipal elections while Belgium and France are now being taken to task by the Commission for failing to transpose the directive. (2) The right of individual citizens to consular and diplomatic protection: this provision establishes the right to protection by the diplomatic or consular authorities of any Member State in third countries where the citizen's Member State is not represented. The potential impact of this ruling is not negligible since according to the report there are only five non-EU countries where all Member States are represented (Russian Federation, Japan, USA, China and Switzerland). On the other hand there are 17 countries where only two Member States are represented. Concerning legislation in 1995 the Council adopted Decision 95/553EC concerning the protection of citizens by diplomatic and consular representations together with a second decision on the implementing measures to be adopted by consular officials. However, the report also indicates that not all the Member States have introduced the necessary arrangements to implement these decisions. Furthermore, under a decision adopted in 1996 the representatives of the governments of the Member States meeting within the Council laid down rules for the deliverance of an emergency travel document (ETD) which may be issued for one return journey to EU nationals who find themselves in distress in a third country (because for example their travel documents have been lost or stolen); (3) the right to petition the European Parliament and to apply to the Ombudsman: these are non- judicial means of protecting individual citizens. The right of petition may be the exercise not only by all citizens of the Union but all natural or legal persons residing or having their registered office in a Member State. Article 138d of the Treaty indicates that petitions must fall within the Community's field of activity. From 1993 to 1997, a total of 4131 petitions were addressed to the European Parliament, of which 2239 were ruled admissible (899 concerning citizens' rights). With regard to the Ombudsman, Article 138e of the Treaty empowers him to receive complaints concerning instances of maladministration in the activities of the Community Institutions or bodies. At the end of December 1996, he had received 1140 complaints regarding transparency, access to information, fraud, environmental issues, Commission contracts and recruitment procedures. (4) right of residence and free movement: in this respect the report takes the view that the situation is unsatisfactory since difficulties are constantly been encountered by those wishing to exercise their right of freedom of movement and residence. The right of residency is still subject to different provisions applicable to various category of citizens (2 regulations and 9 directives). In order to remedy matters and clarify the situation, the report advocates a total revision of all relative legislation. It is also necessary to review Article 8a of the Treaty to give it a specific legal basis authorizing revision of the current legislation. In particular the report takes the view that it is necessary to transfer into the field of Community activities (Pillar I) questions relating to justice and internal affairs (Pillar III - Intergovernmental cooperation). Finally the report considers that greater awareness of citizens' rights should be created and access improved. The Commission considers in particular that an effort should be made: - concerning a constant flow of information to ensure that citizens have access to straightforward and reliable information about their rights. To this end, the 'Citizens' First' initiative could play an increasing role since over 600 000 people have contacted the service by telephone

or through Internet concerning problems of freedom of movement, recognition of diplomas, etc.. - by the Commission and Member States to enforce these rights more effectively. For this purpose the report recommends the introduction of rapid and effective channels of redress to cut down on legal formalities (e. g. easily identifiable national contact points which could be contacted by citizens in their country of residence). In addition, bodies could be set up to achieve amicable settlements. However, such solutions would not replace infringement proceedings against countries failing to implement the relevant legislation which is to date the only binding means of achieving compliance by Member States with Community rules in this area.