

Basic information**2008/2234(INI)**

INI - Own-initiative procedure

Problems and prospects concerning European citizenship

Subject

1 European citizenship

1.10 Fundamental rights in the EU, Charter

1.20 Citizen's rights

Procedure completed

Key players

European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE	Civil Liberties, Justice and Home Affairs	GACEK Urszula (PPE-DE)	15/09/2008
	Committee for opinion		Rapporteur for opinion	Appointed
	IMCO	Internal Market and Consumer Protection	IOTOVA Iliana (PSE)	07/10/2008
	CULT	Culture and Education	The committee decided not to give an opinion.	
	JURI	Legal Affairs	GERINGER DE OEDENBERG Lidia Joanna (PSE)	03/11/2008
	AFCO	Constitutional Affairs	DEMETRIOU Panayiotis (PPE-DE)	10/09/2008
European Commission	Commission DG		Commissioner	
	Justice and Consumers		BARROT Jacques	
	FEMM	Women's Rights and Gender Equality	PANAYOTOPOULOS-CASSIOTOU Marie (PPE-DE)	23/10/2008
	PETI	Petitions	The committee decided not to give an opinion.	

Key events

Date	Event	Reference	Summary
15/02/2008	Non-legislative basic document published	COM(2008)0085 	Summary
23/09/2008	Committee referral announced in Parliament		
16/03/2009	Vote in committee		Summary
23/03/2009	Committee report tabled for plenary	A6-0182/2009	
01/04/2009	Debate in Parliament		
02/04/2009	Decision by Parliament	T6-0204/2009	Summary
02/04/2009	Results of vote in Parliament		
02/04/2009	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2234(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55-p4 Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/66783

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee opinion	FEMM	PE416.326	20/01/2009	
Committee opinion	JURI	PE416.531	21/01/2009	
Committee opinion	AFCO	PE415.126	22/01/2009	
Committee opinion	IMCO	PE415.326	26/01/2009	
Committee draft report		PE419.850	05/02/2009	
Amendments tabled in committee		PE420.097	18/02/2009	
Committee report tabled for plenary, single reading		A6-0182/2009	23/03/2009	
Text adopted by Parliament, single reading		T6-0204/2009	02/04/2009	Summary
European Commission				
Document type	Reference	Date	Summary	
	COM(2008)0085			

Non-legislative basic document		15/02/2008	Summary
Document attached to the procedure	SEC(2008)0197 	15/02/2008	Summary
Commission response to text adopted in plenary	SP(2009)3508	13/10/2009	

Problems and prospects concerning European citizenship

2008/2234(INI) - 15/02/2008 - Document attached to the procedure

This staff working document supplements the Commission's fifth report on Citizenship of the Union (1 May 2004 – 30 June 2007). It contains additional information relating to the chapters of the report as follows:

Chapter 1: Introduction

- **Previous reports on citizenship:** the Commission's Fifth Report on Citizenship of the Union was preceded by four reports. To recall, the First Report covered a brief period (1 Nov - 21 Dec 1993) immediately following the coming into force of the Maastricht Treaty. The Second Report (1994-1996) identified raising citizens' awareness and enforcement of their rights as key challenges. The Third Report (1997-2001) highlighted advances made in the area of public information as well as dedicating space to fundamental rights. The Fourth Report (1 May 2001-30 April 2004) focused on key legislative developments in the areas of free movement and residence and electoral rights and took stock of advances with regard to fundamental rights and equal treatment. The Fifth Report covers the first three years of an EU of 25 Member States as well as the subsequent enlargement to Bulgaria and Romania. Taking the baton from the Annex to the Fourth Report, which took note of the European Parliament's request that all rights pertaining to Union citizenship – including "the judicial dimension" - should be taken into account in the reporting exercise, the Commission hereby makes reference to the adoption on 4 November 2005 by the European Council of the Hague programme which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010.
- **Perception of Union Citizenship: public opinion surveys (Eurobarometer):** a 2007 Flash Eurobarometer public opinion survey commissioned by the European Commission gauged the perception and awareness of Union citizenship in the 27 Member States. It reveals that 78% of EU citizens have heard about the term "citizen of the European Union" while 41% say that they know what Union citizenship means. The less well known rights remain electoral rights relating to European Parliament elections (54%). These results have remained largely stable over the past 5 years. However, there is a persisting gap between citizens' awareness of the existence of individual rights and their actual knowledge of the content of such rights. Only 31% of respondents consider themselves well informed about their rights. While this is relatively low, it represents a 9% increase over 5 years. Significantly, **more than half (51%) of respondents have never heard of the European Union Charter of Fundamental Rights** and only 8% claim to know what it is.

Chapter 2: Citizenship of the Union

- **Information, Communication and Education:** the need and demand for information on EU issues has continued to increase. Three citizen-centred key initiatives geared towards improving communication and information has been adopted by the Commission: the Action Plan to improve communicating European by the Commission, the Plan-D for Democracy, Dialogue and Debate and the White Paper on a European Communication Policy, which seek to improve the way that the Commission communicates its activities to citizens. These initiatives set out a long-term plan to reinvigorate European democracy and help the emergence of a European public sphere, where citizens are given the information and the tools to actively participate in the decision making process and gain ownership of the European project.
- **Assistance in the enforcement of rights, advice and problem solving services:** a host of EU services cover different citizens' needs, ranging from general information (Europe Direct), to specific information for citizens exercising their free movement rights (the Your Europe portal), to more targeted-oriented websites (such as Eures for workers, Ploteus for students etc) as well as advice services (like the Citizens Signpost Service) and problem solving services (such as SOLVIT and FIN-NET). The main development in this area relates to the "Dialogue with Citizens website" which was merged in 2005 with the "Dialogue with business" website and the Public-service.eu site to create a new portal called "**Your Europe**" for citizens and businesses.
- **Education, Training, Youth and Active Citizenship:** the work programme **Education & Training 2010** is geared at ensuring "that the learning of democratic values and democratic participation by all is effectively promoted in order to prepare people for active citizenship". An intensive reflection process was initiated by the Commission with the support of its Centre for Research on Lifelong Learning. A **research project on Active Citizenship for Democracy** was carried out. The Commission also supported a significant number of **education projects to foster active citizenship**. The **Lifelong learning Programme 2007-2013** will closely link with the Union's policy priorities, and will include civic education and Active Citizenship as an area to focus on. As the promotion of active European citizenship is one of the key priorities of the **Youth in Action programme 2007 – 2013**, a particular action was established to facilitate the structured dialogue with young people by means of seminars at regional, national and European level; youth events of the Presidencies of the European Union and European Youth Week. The first **Community action programme to promote active European citizenship** was adopted to promote the values and objectives of the European Union and to bring citizens closer to the Union. **The Europe for citizens' programme** responds to the need to improve citizen's participation in the construction of Europe.

Chapter 3: Free Movement and rights of residence

- **Statistics on citizens who have exercised their right of free movement:** as of 1 January 2006, there were approximately 8.2 million EU citizens who were exercising their right to reside in a Member State of which they were not nationals.
- **The European Year of Workers' Mobility 2006:** the 2006 European Year of Workers' Mobility initiated a wide-ranging debate to sensitise all relevant stakeholders to the rights of workers in the area of freedom of movement, to the tools that exist (such as the European Job Mobility portal EURES) and to promote freedom of movement.

Chapter 7: Equal Treatment

- **Actions to combat discrimination:** the European Commission launched the following initiatives in the period 2004-2007: the 2007 European Year of Equal Opportunities for All. The European Union has carried out a Europe-wide information campaign "For Diversity – Against Discrimination" since 2003. The campaign comprises pan-European, national and regional measures. Since 2001, the European Commission has maintained a permanent structural dialogue with civil society organized in the Platform of European Social NGOs ("Social Platform"). Under the Community Action Program against discrimination 2001-2006 and the Program for Employment and Social Solidarity PROGRESS (2007-2013) four bigger umbrella organizations of NGOs, five smaller European organisations representing people with disabilities and a network of Roma NGOs receive Community funding for the same purpose. Based on a Council Decision dated 23 March 2007, the European Community was among the first signatories of the United Nations Convention on the Rights of Persons with Disabilities which reinforces the rights of disabled citizens. The adoption of this Convention constitutes a landmark for the European Community in that it will, for the first time, become party to a comprehensive UN human rights treaty. Lastly, the Commission has also joined forces with the Council of Europe in the context of the 2006-2007 Council of Europe campaign "All different-all equal". It is worth noting that the fight against discrimination has been listed as one of the areas for cooperation in the Memorandum of Understanding signed in May 2007 between the EU and the Council of Europe.

Problems and prospects concerning European citizenship

2008/2234(INI) - 02/04/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 578 votes to 64, with 14 abstentions, a resolution on problems and prospects concerning European Citizenship, in response to the Commission's Fifth Report on Citizenship of the Union.

Citizenship initiative: MEPs welcome the fact that the Treaty of Lisbon makes it possible for one million Union citizens from different Member States collectively to invite the Commission to submit legislative proposals. They call on the Commission to prepare transparent and easily understandable procedures implementing the "citizenship initiative", so that Union citizens are able to effectively initiate legislation immediately after the Treaty of Lisbon enters into force. The Commission should incorporate this right of initiative into its policies regardless of the final status of the Treaty.

Right of citizens to move and reside freely: the Parliament recalls that the right of free movement is a linchpin of Union citizenship and therefore finds it highly disturbing that no Member State has yet fully and properly implemented the Free Movement Directive. It calls on the Commission to check carefully in order to ascertain that laws and practices in force in individual Member States do not violate the rights conferred on Union citizens by the EC Treaty and the Free Movement Directive, especially as regards the concepts of 'sufficient resources', 'an unreasonable burden on the social assistance system of the host Member State', 'serious grounds of public policy or public security', and 'imperative grounds of public security'.

Moreover, MEPs recommend that the Commission continue to use all available means to achieve the lifting of the remaining **transitional arrangements** imposed on new Member States as soon as possible.

The Commission is called upon to **propose further consolidated and clarified directives** improving free movement and other rights for Union citizens in other fields, including in the area of professional mobility, the portability of pensions and social rights and the mutual recognition of degrees and professional qualifications.

Member States and local authorities are called upon to take **further measures to facilitate the movement of Union citizens** between Member States, especially with regard to practical issues such as issuing residence papers, work permits, the transfer of vehicle registrations, recognition of personal and vehicle insurance policies issued in another Member State, the transfer of medical records, clear rules on the reimbursement of medical expenses.

Lastly, MEPs call on the Member States to refrain from adopting legislative acts imposing **penalties that would be excessively harsh or discriminatory** in relation to Union citizens, such as, for example, detention in the event of removal from the territory of a host Member State, invoking an aggravating circumstance on the grounds that a Union citizen who had committed an offence had previously resided illegally in another Member State, or automatic removal of a Union citizen because he or she had been convicted of a criminal offence.

Informing citizens: MEPs consider it vital to adopt an effective approach to information and communication aimed at making Union citizens aware of their rights and obligations and helping them to assume an active role in EU decision-taking. They stress the need to launch **information campaigns** that promote Union citizenship rights among young people, such as setting up a **"citizenship programme" in schools and universities**, with a view to preparing the younger generation for active citizenship.

In this context, Member States are called upon to **incorporate the European dimension into school syllabuses at primary and secondary levels**. Moreover, European universities should take all financial measures within their means to increase the percentage of students who take part in exchanges within the Erasmus programme.

Communicating at local level: the Parliament notes that, while structural support for Brussels-based think-tanks and research institutes is important, such organisations do little to inform individuals other than those who are already informed. Moreover, the Commission is called upon to refocus its funding on non-Brussels based regional and local civil society and social partner organisations.

Information about electoral rights: MEPs regret the low number of Union citizens resident in Member States other than their own who take advantage of the right to vote or stand in either European or local elections in their place of residence. They urge the Commission, Member States and local authorities, in view of the imminent 2009 European elections, to launch **pan-European, effective information campaigns** about the electoral rights of Union citizens and give practical advice on how to exercise them at local level.

Non-nationals: the resolution calls on Member States to review their citizenship laws and explore the possibilities of making it easier for non-nationals to acquire citizenship and enjoy full rights, thereby overcoming discrimination between nationals and non-nationals, notably for Union citizens. MEPs believe that stateless persons permanently resident in the Member States should have the right to vote in local elections and that the EU and the Member States have a shared responsibility to promote the inclusion of the Roma as Union citizens.

Moreover, the resolution stresses that problems of language or communication skills should not be used as grounds to deny access to social rights to which an individual may be entitled as a resident of a Member State, including the right to social benefits granted by a national or local authorities.

European area of justice: the resolution recommends that the European area of justice be completed in order to ensure that the cross-border aspects of citizenship relating to personal and family life can be effectively protected by common rules in the field of private international law. To that end, it urges the Commission to develop a coherent approach and to put forward the necessary legislative proposals.

Diplomatic and consular protection: MEPs call on the Commission and the Council to adopt further directives and other measures to strengthen the Community acquis in the field of diplomatic and consular protection and to enact legally binding rules for the implementation of Article 20 of the EC Treaty. The Commission is called upon to set up a free European telephone number, to be shown in the passport, by means of which in an emergency Union citizens can obtain details in their own language of the Member States' consulates so as to secure the assistance they require.

The EU should also take further measures to protect its citizens in third countries, including taking action to prevent a Union citizen being subject to the death penalty.

Visa-free travel: the resolution calls on the Commission to continue to negotiate visa-free travel to third countries on behalf of all Member States and Union citizens. MEPs note the injustice inherent in some Union citizen being subject to visa requirements while others are able to travel under national visa waiver programmes.

Problems and prospects concerning European citizenship

2008/2234(INI) - 15/02/2008 - Non-legislative basic document

PURPOSE: presentation of the 5th report on citizenship of the Union (1 May 2004 to 30 June 2007).

BACKGROUND: Article 22 of the EC Treaty requires the Commission to report to the European Parliament and the Council every 3 years on the application of the provisions of Part Two of the Treaty which deal with Citizenship of the Union. This 5th report assesses the application of these provisions during the period 1 May 2004 to 30 June 2007 in the light of the development of the Union and considers the need for strengthening the rights conferred on Union citizens.

CONTENT: the report focuses on the legal core of citizens' rights, namely the right to move and reside within the EU (Article 18), the right to vote and stand as a candidate in European and municipal elections in the Member State of residence (Article 19), the right to diplomatic and consular protection in third countries (Article 20), the right to petition the European Parliament (EP) and the right to apply to the Ombudsman (Article 21). Furthermore, it takes stock of advances in areas closely related to citizenship in the wider sense, such as equal treatment in terms of nationality and the protection of fundamental rights.

European citizenship in figures: more and more European citizens study, get married, live or work in a Member State of which they are not nationals. As of 1 January 2006, there were approximately 8.2 million EU citizens who were exercising their right to reside in another Member State. The results of the 2007 Flash Eurobarometer public opinion survey on European Union citizenship reveal that Europeans are largely aware of their status as citizens of the Union but would like to be better informed about their rights. More than three-quarters of EU citizens have heard about the term "citizen of the European Union" and are aware that Union citizenship is acquired automatically by being a national of a Member State. 90% know that they are simultaneously Union citizens and Member State nationals. Compared to 2002, this year approximately 8% more Europeans claim to be familiar with the term "citizen of the Union" and to know what it entails while 15% more respondents are aware that Union citizenship is acquired automatically by being a national of a Member State. However less than a third (31%) of respondents feel "well informed" about their rights as Union citizens.

The **main issues** raised in the 5th report are as follows:

- **Acquisition or loss of nationality:** the Commission is aware of questions related to persons belonging to the Russian-speaking minority in Estonia and Latvia who are considered to be "non-citizens" and to the situation of "erased persons" in Slovenia. Another issue which has been raised concerns the extension of citizenship to nationals of another country on the basis, inter alia, of their membership of an ethnic community. The Commission has no power to deal with the question of the acquisition or loss of nationality. However, within its remit, the Commission has sought to contribute to solutions linked to this issue by promoting integration and by using the Community instruments at its disposal such as ensuring that Member States strictly implement EC anti-discrimination legislation.

- **Free movement and the right of residence:** the most important development in this area was the entry into force, on 30 April 2006, of Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (see [COD/2001/0111](#)). Citizens will only be able to fully exercise their strengthened rights if they are fully informed of them. This is why between June 2006 and February 2007, 19 **infringement procedures** were opened for **non-communication** of national implementing measures. Certain problem areas of incorrect implementation of the Directive have, however, already been identified such as: third country family members who continue to encounter problems, not only with regard to authorisation of their entry but also with the issuing of residence cards. The Commission used and will continue to use its powers in order to ensure compliance with the Directive.

Many complaints concern obstacles to free movement encountered by Union citizens travelling to another Member State due to the **documents demanded by border authorities and air carriers**. In June 2005 the Commission invited all Member States to verify that national legislation and practice, including the rules and regulations applied to and by airlines, are in accordance with EC law. Following the Commission's intervention, there were essentially no further complaints in this particular area.

- **Electoral rights:** as regards the European Parliament elections, the Commission noted a drop in the participation (45% in 2004, 50% in 1999 and 56% in 1994). An increase of participation of Union citizens living in a Member State other than their State of origin can be noted. This increase is explained by citizens' greater mobility within the EU and by Member States' efforts to inform them of their rights. However, fewer of them are standing as candidates: 62 in 1999 versus 57 in 2004 (of whom three were elected). Consequently, the Commission proposed to amend Directive 93/109 by introducing measures that lighten the burden on candidates and Member States while providing the necessary guarantees against abuses. Measures were also taken to clarify the situation on political parties at European level and their funding. A total of ten political parties at European level receive funding via the Regulation, which is administered by the EP. The budget for the purposes of the political parties at European level was fixed at EUR 10.4 million in 2007.

- **Effective participation of Union citizens in the political life of their Member State of residence:** to ensure that Union citizens are able to exercise their electoral rights in their Member State of residence in municipal and European elections, under the same conditions as nationals, the Commission is assessing the legislation of those Member States whose national legislation does not allow non-national Union citizens to become members of political parties and/or to found political parties. The Commission will request the Member States concerned to eliminate such restrictions. Previous reports on citizenship highlighted the concerns of many Union citizens about the fact that in most Member States, non-national Union citizens are deprived of the right to participate in national or regional elections in their country of residence. The Commission invites Member States to examine this issue in order to promote participation of Union citizens in the political life of their country of residence.

- **Diplomatic and consular protection:** the *acquis* in the area of diplomatic and consular protection is very limited (in particular Decision 95/553 regarding protection for citizens of the EU by diplomatic and consular representations which only came into force in May 2002 due to the cumbersome legislative procedures required for its adoption in Member States). Union citizens are increasingly travelling to and living in third countries. The limited representation of Member States in third countries (in 107 out of 166 third countries a maximum of 10 Member States are represented) and the experience gained from recent crises (namely the Asian tsunami and the Lebanon crisis) illustrated that there is room for improvement in cooperation between consular and diplomatic authorities. This is why the Commission adopted a Green Paper on diplomatic and consular protection of Union citizens in third countries (see [INI/2007/2196](#)) as well as an Action Plan for the years 2007-2009 proposing a series of measures to enhance this protection.

- **Right to petition the European Parliament and the Ombudsman:** the EP received 1002 petitions in 2004 (623 of which were admissible), 1032 petitions in 2005 (628 admissible) and 1021 petitions in 2006 (667 admissible). Between one quarter and one third of petitions are linked or give rise to, infringement proceedings. Complaints may also be sent to the European Ombudsman concerning instances of maladministration in the activities of the Community institutions or bodies. The Ombudsman has continued to witness an increase in complaints, largely due to the accession of the new Member States: 3726 complaints were received in 2004, 3920 in 2005 and 3830 in 2006.

- **Rendering citizens' rights effective:** the Commission continues to receive numerous questions based on alleged violation of their rights, in particular the right of free movement. The success of the **SOLVIT** mechanism, established in July 2002, should be mentioned. SOLVIT helps Union citizens and businesses find fast and pragmatic solutions to problems arising from the incorrect application of EC law by national administrations, within a deadline of ten weeks. Since its creation, SOLVIT case flow has increased from 12 to 70 new cases per month. The average resolution rate is around 80% and case handling time over the period 2004-2007 has been around 65 calendar days. The majority of complaints (66%) are submitted by citizens and concern residence rights, visa, social security, recognition of professional qualifications and taxation. SOLVIT performs very well but Member States need to ensure that their national SOLVIT centres are sufficiently staffed, which is currently not the case in almost half of the centres.

- **Fundamental rights:** while most rights enshrined in the Charter of Fundamental Rights of the EU are not limited to Union citizens, certain rights are linked to citizenship of the Union, i.e. electoral rights (Articles 39 and 40), the right to move and reside freely (Article 45) and the right to diplomatic and consular protection (Article 46). The Council created a major instrument in the field of citizenship on 19 April 2007, when it adopted Decision 2007/252 /EC establishing for the period of 2007-2013 the specific programme '[Fundamental rights and citizenship](#)'. The Programme constitutes a new boost for the EU fundamental rights and citizenship policies, one of its main aims being the promotion of a European society based on respect of fundamental rights, including the rights derived from Union citizenship. Community funding under the Programme may be either in the form of grants or through public procurement contracts. The European Union Agency for Fundamental Rights came into existence on 1 March. 2007. It will provide assistance and expertise relating to fundamental rights to the relevant Community institutions and its Member States and raise awareness about fundamental rights.