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Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the European Year of Citizens (2013)**

{SEC(2011) 996 final}

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• General Context**

Union citizenship, provided for in Article 20 of the Treaty on the Functioning of the European Union (TFEU), is conferred automatically upon all Member States' nationals and grants them an additional set of rights, which include the right to move and reside freely within the territory of other Member States than the one of which they are nationals.

The right to move and reside freely within the territory of the Member States, enshrined in Article 21 TFEU and in Article 45 of the Charter of Fundamental Rights of the European Union, is one of the most highly valued individual rights granted by EU law. Freedom of movement is virtually synonymous with Union citizenship<sup>1</sup>, constituting the most tangible expression of the benefits related to Union citizenship.

More broadly, the exercise of the right to free movement contributes to giving concrete significance to Union citizenship in the daily life of citizens: those citizens who extend aspects of their lives beyond national borders by travelling to other Member States or settling there are compelled to find out about and take advantage of the broad range of rights granted under EU law in cross-border situations: their rights as consumers in other Member States, their rights to have access to education, to obtain recognition of their professional qualifications, to access healthcare and acquire or preserve social security rights.

The rights granted to Union citizens to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence are of primary importance in this context, since they provide Union citizens with the means to participate in the democratic life of the Union, whilst at the same time contributing to their integration into the society of the Member States of residence.

Moreover, in a broader context, Union citizenship is closely related to the democratic principles of the European Union<sup>2</sup> which set the framework for the participation of citizens in the democratic life in the Union.

#### **• Grounds for and objectives of the proposal**

In 2009, an estimated 11.9 million Union citizens were living in another Member State than their own and many more might exercise this right at some point in their lives: a Eurobarometer survey conducted in 2009<sup>3</sup> showed that more than one third (35%) of European citizens would consider working in another Member State. However, as demonstrated by the same survey, close to one in five Europeans see too many obstacles to working in another Member State. Another 2009 study<sup>4</sup> found that lack of information is

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<sup>1</sup> Eurobarometer Qualitative survey "European Citizenship – Cross-border mobility", August 2010.

<sup>2</sup> Title II TEU, in particular Articles 9, 10 and 11.

<sup>3</sup> Flash Eurobarometer survey 263 "The Internal Market: Awareness – Perceptions – Impacts", April 2009

<sup>4</sup> Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries, commissioned by the European Commission, January 2009

(together with language difficulties) the most important barrier to cross-border commuting, which constitutes, besides trans-national migration, the main form of geographic labour mobility within the EU.

These findings were confirmed by a 2010 survey investigating the experiences of European citizens having actually exercised their right to free movement<sup>5</sup>. Discussing possible ways to make intra-EU mobility easier, respondents stressed the need for Union citizens to dispose of practical, country-specific information on their rights when residing in other Member States than their own. This survey also showed that the information citizens need in order to exercise their right to free movement is not strictly limited to the conditions for using this right as such: amongst the administrative issues which people had looked at prior to moving to another Member State, the two items mentioned most often were social security and welfare and the recognition of academic diplomas.

It is clear that citizens who wish to study, work, retire, live in another Member State need to be adequately informed about the different rights available to them in cross-border situations and to be able to effectively enjoy them in practice. Without this knowledge citizens are not able to make informed decisions about making use of their free movement rights.

More broadly, citizens' awareness of their rights to free movement and more generally of their rights as Union citizens is crucial to enable individuals, businesses and society as a whole to benefit from the full range of opportunities available in the single market.

The significant gaps in citizens' awareness of their rights were demonstrated by a 2010 Eurobarometer survey<sup>6</sup> which showed that, although Europeans are broadly aware of their status as Union citizens (79% claim some familiarity with the term 'citizen of the European Union'), they lack concrete knowledge about the exact meaning of rights attached to this status. More specifically, only 43% know the meaning of the term 'citizen of the European Union' and almost half of European citizens (48%) indicate that they are 'not well informed' about their rights.

In the EU Citizenship Report 2010 "Dismantling the obstacles to EU citizens' rights"<sup>7</sup>, the Commission identified main obstacles which citizens still encounter in their daily lives when they seek to exercise their rights as Union citizens and outlined 25 concrete actions to remove these obstacles. In the context of this exercise, the Commission concluded that Union citizens are prevented from enjoying their rights because they lack awareness of them and announced its intention to step up the dissemination of information to Union citizens about their rights as such and in particular about their free movement rights. The designation of 2013 as the European Year of Citizens, leading to the organisation of targeted events on EU citizenship and citizen-related EU policies during this year, is thus listed in the EU Citizenship Report 2010 as one of the actions to implement in order to remedy this lack of awareness.

The overall purpose of the proposed European Year of Citizens is to ensure that all Union citizens are aware of the rights available to them in a cross-border context by virtue of their Union citizenship status, so as to enable them to make informed decisions about whether to make use of their right to free movement and to facilitate the effective exercise of this right. The European Year will aim, more specifically, at:

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<sup>5</sup> Eurobarometer Qualitative survey "European Citizenship – Cross-border mobility", August 2010

<sup>6</sup> Flash Eurobarometer survey 294 'EU citizenship', March 2010

<sup>7</sup> COM (2010) 603 final of 27.10.2010

- raising Union citizens' awareness of their right to move and reside freely within the European Union and more generally the rights guaranteed to Union citizens in cross-border situations, including their right to participate in the democratic life of the Union;
  - raising Union citizens' awareness of how they can tangibly benefit from EU rights and policies while living in another Member State, and at stimulating their active participation in civic fora on Union policies and issues;
  - stimulating a debate about the impact and potential of the right to free movement, as an inalienable aspect of Union citizenship, in particular in terms of strengthening societal cohesion and mutual understanding between Union citizens and the bond between citizens and the Union.
- **Consistency with other policies and objectives of the Union**

The proposed European Year of Citizens draws upon the existing strong link and positive association in citizens' minds between the right to free movement and Union citizenship with a view to giving Union Citizenship concrete significance. It thus gives effect to the Commission's political objective to put citizens at the heart of the EU policy agenda and to help Union citizenship become a tangible reality in their daily lives.

The proposed European Year delivers on the commitment made by the European Commission President José Manuel Barroso, in his 3 September 2009 political guidelines for the new Commission, to reinforce EU citizenship by revitalising the link between citizens and the EU and by giving real effect to their rights.

It also delivers on the call of the European Parliament's resolution of 15 December 2010 on the situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon. In this resolution the European Parliament calls upon the Commission to make 2013 the European Year of Citizenship in order to give momentum to the debate on European citizenship and inform Union citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon.

Consequently, the plan for the European Year of Citizens 2013 was presented on 18 January 2011 to the Interinstitutional Group on Information.

In this vein, the proposed European Year is also in line with the Stockholm Programme<sup>8</sup>, which puts the citizen at the heart of European policies in the field of freedom, security and justice and focuses its actions on 'building a citizen's Europe', including by ensuring the full exercise of the citizens' right to free movement.

The objective of the proposed European Year is further consistent with the objectives of the Europe 2020 strategy, to the extent that facilitating free movement and workers' mobility has been acknowledged in the "Youth on the Move" and the "Agenda for new skills and jobs" flagship initiatives<sup>9</sup> as well as the 2006 "European Year of Workers' Mobility" and the

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<sup>8</sup> OJ (2010/C 115/01) - Notices from E.U. Institutions, Bodies, Offices and Agencies – European Council - The Stockholm Programme – an Open and secure Europe serving and protecting Citizens

<sup>9</sup> COM (2010) 477 final of 15.9.2010 and COM (2010) 682 final of 23.11.2010

ensuing "European Job Mobility Action Plan"<sup>10</sup> as a way of addressing the consequences of demographic change on the labour market and increasing the employability of people and the competitiveness of European economies.

More generally, free movement either enables, as a necessary prerequisite, or stimulates the cross-border exercise by citizens of a broad range of EU rights, such as their social security rights, their right to look for a job and work, their rights as passengers or tourists or their rights as consumers to access goods and services in other Member States. Facilitating free movement can therefore contribute, in ter alia, to the objectives pursued by the recent Commission initiative for the relaunch of the single market<sup>11</sup>, as it can encourage citizens to fully benefit from opportunities offered by the single market. In addition, the European Year would also directly boost awareness about these opportunities and rights as such, as it would aim to provide citizens with information about all relevant rights available to them in cross-border situations.

Moreover, the proposed European Year would both build on the EU Citizenship Report 2010 and significantly contribute to the realisation of the objectives pursued by this report, namely to remove persisting obstacles to the effective enjoyment of Union citizens' rights.

Based on evidence of the main problems citizens are confronted with when they seek to exercise their rights as Union citizens in particular in cross-border situations, this report identified not only the obstacles persisting in relation to free movement itself but also a number of issues of direct interest for citizens who consider exercising their right to free movement, where the EU needs to step up its efforts to disseminate information and remove remaining obstacles within the limits of its competencies. Such issues include property rights of international couples, the cross-border recognition of civil status documents, the protection of suspected and accused persons in criminal proceedings, taxation problems in cross-border situations, cross-border health care and eHealth technology issues, passenger and tourist rights, consumer rights, the recognition of academic diplomas and professional qualifications, social security issues, the exercise of electoral rights and awareness of the meaning of Union citizenship.

The European Year of Citizens can therefore draw extensively on the findings of the EU Citizenship Report 2010 so as to better focus its aims and actions on the most relevant issues with a view to facilitating free movement of Union citizens.

At the same time, the European Year can support the process launched by the Commission for the further identification of obstacles and solutions for their elimination, within the limits of the European Union's competencies, and provide the framework for the publication in 2013 of an action plan toward completing the removal of persistent obstacles standing in the way of citizens' enjoyment of their rights as Union citizens, as announced in the EU Citizenship Report 2010. By contributing to this exercise, aimed at ensuring that Union citizens are effectively able to use their rights under EU law, the European Year of Citizens can contribute to fulfilling the objective of Article 20(2) TFEU, according to which Union citizens "shall enjoy" their rights under the Treaties, including their right to free movement.

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<sup>10</sup> COM (2007) 773 final of 6.12.2007

<sup>11</sup> Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions "Towards a Single Market Act – For a highly competitive social market economy: 50 proposals for improving in our work, business and exchanges with one another", COM (2010) 608 final, of 27.10.2010

A European Year of Citizens in 2013 will also provide a very timely opportunity to give visibility to Union citizenship and its concrete benefits for individuals, as that year will mark the 20<sup>th</sup> anniversary of the establishment of Union citizenship by the Treaty of Maastricht. Furthermore, by demonstrating the concrete impact of Union policies in citizens' lives, the European Year will highlight the importance of citizens' contribution in giving tangible effect to their rights and more generally in shaping the European project. Combined with awareness raising on citizens' electoral rights in their Member State of residence, this will also be crucial in view of the European Parliament elections in 2014. The impact of such awareness raising actions would be multiplied through close coordination and synergies with relevant actions implemented by other EU institutions, notably the European Parliament, and by Member States in the run up to these elections.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

- **Consultation of interested parties**

In the context of the public consultation carried out by the Commission on "EU citizens rights – the way forward", which was concluded on 15 June 2010, and the conference on this theme that took place on 1 and 2 July 2010, civil society organisations strongly supported the idea of focusing EU policies on the meaning of Union citizenship and on the rights attached to it and on ways for Union citizenship to acquire real significance in peoples' lives. Key civil society stakeholders have further expressed strong support for awareness raising actions aimed at bridging the gap between legal rules guaranteeing free movement of Union citizens and the obstacles citizens are confronted with in reality.

The Commission also presented the plan of a European Year of Citizens on 15 December 2010 in the framework of its regular dialogue with civil society. In this context, it received positive feedback regarding in particular actions focusing on certain aspects of the exercise of rights attached to Union citizenship, such as encouraging citizens' societal engagement and active involvement in giving effect to participative democracy.

- **Collection and use of expertise**

Relevant data were collected through a number of recent Eurobarometer surveys and studies referred to above, in the section "Grounds and objectives of the proposal".

- **Impact assessment**

An ex-ante evaluation was carried out.<sup>12</sup>

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<sup>12</sup> SEC(2011)xxx

### 3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The European Year is aimed at raising awareness among multipliers and the general public on Union citizens' rights, with a view to facilitating the exercise of the right to free movement and residence.

To this end, it will raise Union citizens' awareness of their right to free movement and more generally the rights guaranteed to them in cross-border situations, including their right to participate in the democratic life of the Union.

In addition, it will raise Union citizens' awareness on how they can benefit from EU rights and policies when extending their lives beyond national borders, including by stimulating their participation in civic fora on Union policies and issues.

Moreover, the European Year will seek to launch a debate about the impact and potential of the right to free movement, as an inalienable aspect of Union citizenship, in particular in terms of strengthening societal cohesion and mutual understanding between Union citizens and the bond between citizens and the Union.

- **Legal basis**

Article 20(2) TFEU provides that citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties, and that they shall have, *inter alia*, the right to move and reside freely within the territory of the Member States.

The right of Union citizens to free movement and residence is further enshrined in Article 21(1) of the Treaty, which reads as follows:

"Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect".

The main purpose of the proposal for a Decision on the European Year of Citizens is to facilitate the exercise by Union citizens of their right to move and reside freely within the territory of the Member States by enhancing their awareness about their rights as Union citizens. Its objective falls therefore within the ambit of Article 21(1) of the Treaty. At the same time, the proposal can be instrumental in giving effect to the objective of Article 20(2) TFEU, which prescribes that Union citizens "shall enjoy" their rights under the Treaties, including their right to free movement.

This proposal consequently finds its legal basis in Article 21(2) TFEU, which provides that, if action by the Union should prove necessary to attain this objective and the Treaties have not provided the necessary powers, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1.

- **Subsidiarity principle**

The main issue which the proposed European Year seeks to address is Union citizens' lack of adequate awareness and concrete knowledge about their right to free movement and residence

as well as other rights they are entitled to as Union citizens, in particular in cross-border situations. The lack of visibility of Union citizenship and its concrete benefits for individuals, which lies at the heart of this issue, is of a transnational nature. Although Member States retain the primary responsibility for raising citizens' awareness of their rights as Union citizens, adequate actions to address this problem require multilateral partnerships, transnational exchanges of information and experience and Union-wide awareness-raising and dissemination of good practices. Therefore, the objectives of the proposed European Year can be better achieved at Union level.

- **Proportionality principle**

As indicated in the ex-ante evaluation which accompanies this proposal<sup>13</sup>, the actions to be implemented in the proposed European Year do not go beyond what is necessary to achieve its objectives. The proposal respects therefore the principle of proportionality, as set out in that Article 5 TEU.

- **Impact on fundamental rights**

The right of Union citizens to free movement and residence is enshrined in Article 45 of the Charter of Fundamental Rights of the EU. To the extent that it aims at facilitating the exercise of this right, the proposed European Year will have a significant positive impact in terms of enhancing the effective implementation of the Charter.

#### **4. BUDGETARY IMPLICATION**

No additional funding is sought for the European Year. The flexibility for annual priority-setting based on the budget lines and programmes of the Directorate General for Communication provides sufficient financial margin for running the Year on a EUR 1 million scale.

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<sup>13</sup> SEC(2011)xxx

Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the European Year of Citizens (2013)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 21 (2) thereof

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>14</sup>,

Having regard to the opinion of the Committee of the Regions<sup>15</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Article 20(1) of the Treaty provides for citizenship of the Union as additional to national citizenship of the respective Member States, stipulating that every person holding the nationality of a Member State shall be a citizen of the Union. The second paragraph of Article 20 specifies that citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties, and that they shall have, *inter alia*, the right to move and reside freely within the territory of the Member States. The right of Union citizens to free movement and residence is further enshrined in Article 21 of the Treaty.
- (2) The entry into force of the Lisbon Treaty strengthened the status of Union citizenship and complemented the rights attached to it, including by introducing a new right, the Citizens' Initiative, which enables one million citizens, from a significant number of Member States, to ask the Commission to present a proposal in any of the EU's areas of responsibility.
- (3) The rights inherent to citizenship of the Union are incorporated in the Charter of Fundamental Rights of the European Union. According to the Charter's Preamble, the Union 'places the individual at the heart of its activities, by establishing a citizenship of the Union and by creating an area of freedom, security and justice'. Chapter V of the Charter sets down "Citizens' rights", including, in its Article 45, the right of every

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<sup>14</sup> OJ C , , p. .

<sup>15</sup> OJ C , , p. .

citizen of the Union to move and reside freely within the territory of the Member States.

- (4) Accordingly, the Stockholm Programme<sup>16</sup> puts the citizen at the heart of European policies in the field of freedom, security and justice. It focuses its actions on 'building a citizen's Europe', including by ensuring the full exercise of the citizens' right to free movement.
- (5) In its "Resolution of 15 December on the situation of fundamental rights in the European Union (2009) - effective implementation after the entry into force of the Treaty of Lisbon"<sup>17</sup> the European Parliament called on the Commission to devote the 2013 European Year to citizenship in order to give momentum to the debate on Union citizenship and inform Union citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon.
- (6) Since its introduction in the 1957 Treaty of Rome as one of the four fundamental freedoms, the right to free movement and residence has demonstrated its value as one of the pillars for the creation of a single market for the benefit of both Member States' economies and of individual citizens.
- (7) In particular, free movement and workers' mobility help addressing the consequences of demographic change on the labour market, while also increasing the employability of people and improving the competitiveness of European industries. At the same time, free movement either enables, as an essential condition, or stimulates the exercise by citizens of a broad range of rights available to them under Union law, such as their rights as consumers to access goods and services or their rights as passengers and tourists. Facilitating free movement has therefore the potential to enhance citizens' possibilities to fully benefit from the single market, whilst being a key driver for growth.
- (8) The right to move and reside freely within the territory of the Member States is highly valued by Union citizens as a core individual right deriving from Union citizenship. As such, it demonstrates and promotes a better understanding of the value of European integration, as well as citizens' participation in shaping the European Union. When extending aspects of their lives beyond national borders by travelling to other Member States or settling there, citizens become aware and take advantage of the broad array of rights granted to them under Union law in cross-border situations. Exercising the right to free movement and residence therefore contributes to making Union citizenship a tangible reality in the daily life of citizens.
- (9) Despite the fact that the right to free movement and residence is firmly anchored in primary Union law and substantially developed in secondary law, a gap still remains between the applicable legal rules and the reality confronting citizens when they seek to exercise this right in practice. Aside from an uncertainty over the advantages of being mobile, Union citizens perceive too many practical obstacles with regard to living and working elsewhere in the Union.

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<sup>16</sup> COM 2009 262 final of 10.6.2009

<sup>17</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2010-0483>

- (10) In the EU Citizenship Report 2010 "Diminishing the obstacles to EU citizens' rights"<sup>18</sup>, the Commission addressed the main obstacles which citizens still encounter in their daily lives when they seek to exercise their rights as Union citizens, in particular in cross-border situations and outlined 25 concrete actions to remove these obstacles. One of the obstacles identified in this context was lack of information. The Commission concluded, in the EU Citizenship Report 2010, that Union citizens are prevented from enjoying their rights because they lack awareness of them and announced its intention to step up the dissemination of information to Union citizens about their rights, in particular about their right to free movement.
- (11) Given that the right to free movement significantly improves individuals' lives, it is vital that information about the existence of this right and the conditions for exercising it is available as broadly as possible. As all Union citizens are potential beneficiaries of this right, awareness raising efforts should be made across the Union.
- (12) However, to enable Union citizens to make informed decisions about whether to exercise their right to free movement, it does not suffice to raise their awareness about the right to free movement itself; it is essential that Union citizens are also adequately informed about other rights available to them under Union law in a cross-border context. This information will also enable them to fully enjoy these rights, if they decide to make use of their right to free movement.
- (13) In particular, Union citizens considering whether to make use of their right to free movement should be informed about their rights to acquire or preserve social security rights by virtue of the Union rules on coordination of social security systems; these rules ensure that they will not lose out on their social security rights when choosing to move within Europe. They should further be informed about their right to obtain recognition of their professional qualifications and about the social and civic competences which form part of the European framework of "Key Competences for lifelong learning"<sup>19</sup> and which can equip them to fully participate in civic life and empower them to exercise their rights under Union law.
- (14) In this context, citizens should also be better informed of their rights as passengers travelling by any transport mode across the European Union and of their consumer rights across borders. If they are confident that their rights as consumers are effectively protected, they will contribute more to the development of the European-wide market for goods and services to its full potential and better enjoy its benefits. In the same vein, citizens should be better informed about rules on general product safety and market surveillance, so as to be aware of how their health and their rights are protected throughout the EU, particularly when it comes to threats or risks that they cannot deal with as individuals. It would be further important to enhance citizens' awareness of their rights to cross-border health care, so that they are able to fully benefit from safe and good quality healthcare across European borders.
- (15) Awareness of the electoral rights guaranteed to Union citizens is of primary importance in this respect. Union citizens should be fully aware of their right to vote

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<sup>18</sup> COM (2010) 603 final.

<sup>19</sup> Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning, OJ L 394, 30.12.2006, p. 10.

and stand as candidates in the municipal and European Parliament elections in their Member State of residence. At the same time, political participation can contribute to the integration of Union citizens into the society of their chosen Member States of residence.

- (16) Enhanced citizens' awareness of the benefits of these rights for them individually and for society can also contribute to a stronger sense of belonging and adherence to the Union.
- (17) A European Year of Citizens in 2013 will provide a very timely opportunity to raise the awareness of the general public about the rights attached to Union citizenship and thus to contribute to the objective of facilitating the exercise of the right to free movement.
- (18) The year 2013 will be the 20<sup>th</sup> anniversary of the establishment of Union citizenship by the Treaty of Maastricht, which entered into force on 1<sup>st</sup> November 1993. The European Year of Citizens will be marked by the follow up to the EU Citizenship Report and of an action plan toward completing the removal of remaining obstacles standing in the way of citizens' enjoyment of their rights as Union citizens. This European Year will give visibility to Union citizenship and its concrete benefits for individuals, including by demonstrating the tangible impact of Union policies in citizens' lives, in particular in terms of removing obstacles to the enjoyment of their rights.
- (19) Raising awareness about citizens' rights, including their electoral rights in their Member State of residence, is also important in view of the European Parliament elections in 2014. The impact of such awareness raising actions should be multiplied through close coordination and exploitation of synergies with relevant actions implemented by other Union institutions, notably the European Parliament, and by Member States in the run up to these elections.
- (20) In order to optimise the effectiveness and efficiency of the activities envisaged for the year of implementation (2013), it is important to carry out a set of preparatory actions with full respect for Article 49(6) of the Financial Regulation<sup>20</sup>.
- (21) This European Year should make full use of existing participatory tools and the rights enshrined in Articles 10 and 11 of the Treaty on European Union to stimulate citizens' involvement in the process of implementing the 2013 action plan for the removal of obstacles to the enjoyment of their rights and, more broadly, in defining Union policies that give concrete effect to their rights. European civil society organisations will have a central role in this respect.
- (22) The primary responsibility for raising citizens' awareness of their rights as Union citizens rests with Member States; action at Union level complements and supplements national actions in this respect, as highlighted in the political declaration

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<sup>20</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (the Financial Regulation) OJ L 248, 16.9.2002, p. 1. - Regulation as amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390, 30.12.2006, p. 1).

"Communicating Europe in Partnership" signed on 22 October 2008 by the European Parliament, the Council and the Commission<sup>21</sup>.

- (23) Given the scale of the proposed action, and in particular due to the need for multilateral partnerships, transnational exchange of information and Union-wide awareness-raising and dissemination of good practices, the objectives of the proposed European Year can be better achieved at Union level. The Union may therefore adopt relevant measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.
- (24) Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests<sup>22</sup> and (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities<sup>23</sup> and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)<sup>24</sup>.
- (25) Union funding for other activities than those funded under the budget of the European Year may be given through existing Union programmes or the Structural Funds, in particular the "Europe for Citizens" programme and the "Fundamental Rights and Citizenship" programme,

HAVE ADOPTED THIS DECISION:

#### *Article 1*

##### **Subject-matter**

The year 2013 shall be designated as the 'European Year of Citizens' (hereinafter referred to as 'the European Year').

#### *Article 2*

##### **Objectives**

The general purpose of the European Year shall be to enhance awareness of the rights attached to Union citizenship, in order to help citizens make full use of their right to move and reside freely within the territory of the Member States. In this context, the European Year shall focus, among others, on the opportunities for civic participation and access to rights by

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<sup>21</sup> OJ C 13, 20.1.2009, p.3.

<sup>22</sup> OJ L 312, 23.12.1995, p. 1.

<sup>23</sup> OJ L 292, 15.11.1996, p. 2.

<sup>24</sup> OJ L 136, 31.5.1999, p. 1.

Union citizens residing in another Member State than their own, by students, workers, consumers, and providers of goods and services across the Union.

On this basis, the specific objectives of the European Year shall be:

- to raise Union citizens' awareness of their right to move and reside freely within the European Union and more generally the rights guaranteed to Union citizens in cross-border situations, including their right to participate in the democratic life of the Union;
- to raise Union citizens' awareness of how they can tangibly benefit from Union rights and policies while living in another Member State, and to stimulate their active participation in civic fora on Union policies and issues;
- to stimulate a debate about the impact and potential of the right to free movement, as an inalienable aspect of Union citizenship, in particular in terms of strengthening societal cohesion and mutual understanding between Union citizens and the bond between citizens and the Union.

### *Article 3*

#### **Initiatives involved**

1. The measures to be taken to achieve the objectives set out in Article 2 may include the following initiatives organised at Union, national, regional or local level linked to the objectives of the European Year:
  - information, education and awareness raising campaigns targeted at the general public and more specific audiences;
  - exchange of information, sharing of experience and good practices of national, regional, local administrations and other organisations;
  - conferences and events to promote debate and raise awareness of the importance and benefits of the right to free movement and residence and more generally citizens' rights as Union citizens;
  - use of the existing multilingual participatory tools to stimulate citizens' contributions in giving tangible effect to their rights and more generally in achieving the objectives of the European Year;
  - strengthening of the role and visibility of the multilingual Europe Direct and Your Europe web portal as key elements of a 'one-stop-shop' information system on Union citizens' rights;
  - strengthening of the role and visibility of problem solving tools, such as SOLVIT, to allow Union citizens to better make use of and defend their rights.
2. Details of the initiatives referred to in paragraph 1 are set out in the Annex.

3. The Commission and the Member States may identify other activities as contributing to objectives of the European Year and allow the name of the European Year to be used in promoting those activities insofar as they contribute to achieving the objectives set out in Article 2.

#### *Article 4*

### **Coordination at Union level and implementation**

The Commission shall cooperate closely with Member States and bodies and associations which represent local and regional interests, in particular the Committee of Regions.

The Commission shall also cooperate closely with the European Economic and Social Committee.

The Commission shall convene meetings of representatives of European organisations or bodies active in the field of defending citizens' rights and stakeholders to assist the Commission in implementing the European Year at Union level.

The Commission shall implement this Decision at Union level.

#### *Article 5*

### **Financial provisions**

1. Measures which are Union-wide in nature, referred to in part A of the Annex, shall give rise to a procurement contract or the award of grants financed from the general budget of the Union.
2. Measures which are Union-wide in nature, referred to in part B of the Annex, may be subsidised by the general budget of the Union.

#### *Article 6*

### **International cooperation**

For the purpose of the European Year, the Commission may cooperate with appropriate international organisations.

#### *Article 7*

### **Protection of the Union's financial interests**

1. The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. The Commission is authorised to carry out checks and verifications in situ under this Decision, in

compliance Council Regulation (Euratom , EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities. If needed, investigations shall be carried out by the European Anti-Fraud Office and shall be governed by Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) <sup>(25)</sup>.

2. For the Union actions financed under this Decision, the notion of irregularity referred to in Article 1(2) of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a provision of Union law or any breach of a contractual obligation resulting from an act or omission by an economic operator which has, or would have, the effect of prejudicing the general budget of the Union by an unjustified item of expenditure.
3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, particularly non-compliance with the provisions of this Decision or of the individual decision or contract granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has undergone significant change that conflicts with its nature or with its implementing conditions.
4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial assistance and demand repayment of sums already paid.
5. Any amount unduly paid shall be repaid to the Commission. Interest shall be added to any sums not repaid in due time under the conditions laid down in the Financial Regulation<sup>26</sup>.

#### *Article 8*

#### **Monitoring and evaluation**

By 31 December 2014, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the initiatives provided for in this Decision.

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<sup>25</sup> OJ L 136, 31.5.1999, p.1.

<sup>26</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (the Financial Regulation) OJ L 248, 16.9.2002, p. 1. - Regulation as amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390, 30.12.2006, p. 1).

*Article 9*

**Entry into force**

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX

### MEASURES REFERRED TO IN ARTICLE 3

As a guiding principle, the implementation of the European Year will be built around a broad Union-wide information campaign which can be complemented by actions of the Member States. Both Union and national actions can also involve civil society and other stakeholders with a view to create ownership of all key actors. The implementation will be carried out through the following measures:

#### **A. DIRECT UNION INITIATIVES**

Financing will generally take the form of direct purchase of goods and services under existing framework contracts. Part of the financing can be devoted to the provision of linguistic services (translation, interpretation, multilingual information).

##### *Information and promotion campaigns including:*

- Production and dissemination of audiovisual and print material which reflect the messages outlined in Article 2;
- high visibility events and fora for exchanging experience and good practices;
- measures to publicise the results and raise the profile of Union programmes, schemes and initiatives contributing to the objectives of the European Year;
- the establishment of an information website on Europa ([http://europa.eu/index\\_en.htm](http://europa.eu/index_en.htm)) which is dedicated to the actions implemented in the context of the European Year.

#### **B. CO-FINANCING UNION INITIATIVES**

No co-financing initiatives are foreseen.

#### **C. INITIATIVES NOT RECEIVING ANY UNION FINANCIAL AID**

The Union will grant non-financial support, including written authorisation to use the label, once developed, and other materials associated with the European Year, to initiatives carried out by public or private organisations, in so far as they provide assurances to the Commission that the initiatives in question are or will be carried out during 2013 and are likely to make a significant contribution to achieving the objectives of the European Year.

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