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*Committee on Civil Liberties, Justice and Home Affairs*

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## **DRAFT REPORT**

on Problems and prospects concerning European Citizenship  
(2008/2234(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Urszula Gacek

**CONTENTS**

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION .....	3

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on Problems and prospects concerning European Citizenship (2008/2234(INI))

*The European Parliament,*

- having regard to the Charter of Fundamental Rights of the European Union, and in particular Chapter V thereof entitled 'Citizens' Rights',
  - having regard to the Report from the Commission entitled "Fifth Report on Citizenship of the Union (1 May 2004 – 30 June 2007)" (COM(2008)0085),
  - having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>1</sup> (the Free Movement Directive),
  - having regard to the opinion of the Committee of the Regions of 9 October 2008 on Citizens' Rights: Promotion Of Fundamental Rights And Rights Derived From European Citizenship<sup>2</sup>,
  - having regard to Rule 45 and Rule 112(2) of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on the Internal Market, Committee on Legal Affairs, Committee on Constitutional Affairs and Committee of Women's Rights and Gender Equality (A6-0000/2009),
- A. whereas the common market and economic integration are nearing true completion, although the legal basis for EU citizenship is still at the development stage,
- B. whereas Article 17 of the EC Treaty introduced by the Maastricht Treaty states that 'every person holding the nationality of a Member State shall be a citizen of the Union', and that principle was further developed by the Treaty of Amsterdam which stipulates that 'citizenship of the Union shall complement and not replace national citizenship',
- C. whereas EU citizenship is therefore an addition to the citizenships of the Member States and, as such, its granting is regulated by each Member State on the basis of its own laws, which differ among the Member States,
- D. whereas all EU citizens are entitled to vote and stand for election in local and European elections in the Member State of their residence under the same conditions as citizens of that Member State,
- E. whereas recourse to Parliament's Committee on Petitions and to the European Ombudsman is an important non-judicial means of redress available to EU citizens,

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<sup>1</sup> OJ L 158, 30.4.2004, p. 77.

<sup>2</sup> CdR 78/2008.

- F. whereas the enlargement of the European Union has resulted in a considerable increase in the number of EU citizens residing outside their Member State of origin,
1. Welcomes the fact that the Treaty of Lisbon makes it possible for one million EU citizens from different Member States collectively to invite the Commission to submit legislative proposals, and believes that such a legal right will significantly raise awareness of EU citizenship among Europeans; calls on the Commission to prepare transparent and easily understandable procedures implementing the "citizenship initiative", so that EU citizens are able to effectively initiate legislation immediately after the Treaty of Lisbon enters into force; while it hopes that it will not be necessary, stresses that the Commission should incorporate this right of initiative into its policies regardless of the final status of the Treaty;
  2. Is concerned by the poor implementation of current directives, which causes many problems relating to free movement and other rights of EU citizens, and calls on all parties to correctly and fully transpose and implement the Community *acquis*;
  3. Calls on the Commission to revise its 'Europe for Citizens' Programme to improve communication with the average EU citizen and to ensure broad dissemination; 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; calls on the Commission to refocus its funding on non-Brussels based regional and local civil society organisations and to introduce, in the future, programmes similar to very successful "Youth in Action Programme 2007-2013" to help local and regional governmental authorities to inform their residents of their rights as EU citizens;
  4. Calls on European universities to take all financial measures within their means to increase the percentage of students who take part in exchanges within the Erasmus programme;
  5. Welcomes the Commission's initiative to promote knowledge of the new rules set out in the Free Movement Directive, including the publication of the Guide to the Directive, and calls on the Commission to ensure that this information is made widely available to local and regional authorities, which are the first source of information for many citizens and as it is at local levels where most problems and infringements of EU citizens' rights take place;
  6. Considers that stateless persons permanently resident in Member States are in a unique position in the European Union; is concerned that some Member States impose unwarranted demands on them or demands which may not be strictly necessary in order to obtain citizenship; in this regard calls on those Member States to systematically bring about just solutions, based on the recommendations of international organisations;
  7. Reminds the Member States, local authorities and immigrants that all the points of the Council Common Basic Principles for Immigrant Integration Policy in the European Union<sup>1</sup> must be applied equally;

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<sup>1</sup> Council Document 14615/04 of 19 November 2004.

8. Reminds the Member States and local authorities that the concept of EU citizenship includes the principle of non-discrimination of all EU citizens, and not only of citizens of a particular Member State; urges the Commission to further its analysis of the situation of intra-EU migrants and to take appropriate action in order to ensure that they genuinely enjoy rights as EU citizens;
9. Points out that EU citizenship involves duties and not only rights; draws particular attention to the duty to comply with the laws of the of the State in which the EU citizen concerned resides and to respect the cultures of other people;
10. Stresses that problems of language or communication skills should not be used as grounds to deny access to social rights to which an individual maybe entitled as a resident of a Member State, including the right to social benefits granted by a national or local authorities;
11. Calls on the Commission to investigate the role and behaviour of national child welfare services to ensure that the principles of equality and non-discrimination between EU citizens are respected; stresses that parents should be allowed to speak in their mother tongue to their children and that nationality or language should not be used as grounds to deny to parents access to their child;
12. Re-iterates its call for Member States to respect the right of EU citizens to travel within the EU with either a valid national identity card or a passport and not to prevent such movement on the grounds of security or for other reasons, especially in the area of air and sea travel;
13. Calls on Member States and local authorities to take further measures to facilitate the movement of EU citizens between Member States, especially with regard to practical issues such as 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, among many other issues, which very often do not function properly despite efforts to harmonise them at EU level;
14. Calls on the Commission to make funding available for the training of Member States' local and regional civil servants who deal with intra-EU migrants in the basics of the EC legislation that applies in their respective fields, and to help administrations in answering questions concerning possible differences and conflicts between national and EC legislation; in this respect welcomes the SOLVIT on-line problem-solving network provided by the Commission and calls for it to be further strengthened and promoted;
15. Recalls the provisions of the Free Movement Directive which give EU citizens the right to reside in another Member State, provided they are not a burden on the social assistance system; notes, however, that Member States should comply with the rulings of the EJC<sup>1</sup>, which have provided interpretation, for the purposes of the Directive, on the meaning of the expression "sufficient resources";

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<sup>1</sup> Among others cases: C-424/98, *Commission v Italian Republic*, and C-184/99, *Grzelczyk*,

16. Calls on the Commission to propose further consolidated and clarified directives improving free movement and other rights for EU 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;
17. Regrets the low number of EU citizens resident in Member States other than their own who take advantage of the right to vote or stand in either European or municipal elections in their place of residence; notes the practical obstacles that too often confront potential voters in the exercise of their rights; urges the Commission, Member States and local authorities to launch effective information campaigns about the electoral rights of EU citizens and give practical advices on how to exercise them at local level;
18. Notes that there are significant discrepancies for EU citizens living in a Member State other than their own with respect to voting rights in national parliamentary elections in their country of origin; deplores the fact that many EU citizens thus find themselves disenfranchised both in their country of origin and in their adopted country; urges Member States to cooperate in order to enable voters residing outside their Member State of origin to exercise their full electoral rights in their Member State of residence, by providing a sufficient number of polling stations and by facilitating easier registration of voters;
19. Recalls that on the basis of Article 20 of the EC Treaty, EU citizens in the territory of a third country in which the Member State of which they are a national is not represented are entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State, and emphasises the importance of such a provision as a point of principle, insofar as it is intended to acknowledge the external dimension of EU citizenship;
20. Calls on those Member States which have not already done so to print Article 20 of the EC Treaty inside their national passports alongside national information, as called for by the Barnier report and the Council Conclusions of 15 June 2006; calls on the Commission to provide passport-issuing offices in each of the Member States with a brochure setting out these rights and a general outline of the measures which support Article 20 of the EC Treaty; requests that the brochure be distributed to individuals who collect their new passports;
21. Calls 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;
22. Welcomes the presentation by the Commission of an action plan for the period 2007-2009 in its Communication of 5 December 2007 on effective consular protection in third countries: the contribution of the European Union (COM(2007)0767); calls on the Member States and the Commission to further implement the recommendations of the Commission Green Paper of 28 November 2006 on diplomatic and consular protection of

Union citizens in third countries (COM(2006)0712), and those of Parliament's resolution on the same topic of 11 December 2007<sup>1</sup>;

23. Calls on the Union to take further measures to protect its citizens in third countries, including taking action to prevent an EU citizen being subject to the death penalty;
24. Calls on the Commission to continue to negotiate visa-free travel to third countries on behalf of all Member States and EU citizens; notes the injustice inherent in some EU citizen being subject to visa requirements while others are able to travel under national visa waiver programmes;
25. Considers that the status of the right to petition as a fundamental right of EU citizens would, at the very least, require the Commission to give sufficient reasons for not following a recommendation by Parliament;
26. Calls on the Council and the Commission to develop closer cooperation with Parliament's Committee on Petitions and the European Ombudsman so that every EU citizen is able to exercise their rights more effectively;
27. Instructs its President to forward this resolution to the Council, the Commission, governments and parliaments of Member States.

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<sup>1</sup> Texts Adopted, P6\_TA(2007)0592.