



28.8.2013

NOTICE TO MEMBERS

Subject: Petition 1542/2012 by Denis Gallo (living in CR), on EU Identification card request

1. Summary of petition

The petitioner asks for an issuance of a European ID card given that the Czech Republic where he lives is not providing him with one, it appears due to a name change. In an extensive manner he is describing how without an ID card he has no rights, can't travel, can't get any health service etc. The petitioner is volunteering for setting up an EU - ID Office. He suggests that the EU citizenship and its EU ID supersede any national Citizenship and its national ID and not the other way round as it is now.

2. Admissibility

Declared admissible on 7 May 2013. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 August 2013

Before the Lisbon Treaty, EU competence in the area of identity cards was restricted to one aspect: ensuring that Member States issue their own citizens with a travel document (either passports or identity cards). Article 18(3) of the EC Treaty explicitly precluded any other EU competence.

The latter provision of the EC Treaty was not carried over to the Lisbon Treaty. Article 77(3) of the Treaty on the Functioning of the European Union authorises the Council, acting unanimously in accordance with a special legislative procedure after consulting the Parliament, to adopt provisions concerning passports, identity cards, residence permits or any

other such document if action by the EU should prove necessary to facilitate the exercise of the right of EU citizens to move and reside freely within the EU.

The European Union does not issue identity cards and a proposal on a common European identity card is currently not foreseen in the Commission work programme. It is of the sole responsibility of the Member States to issue identity documents to their nationals. Some Member States do not issue identity cards¹. They only deliver passports. This is in line with EU law. Directive 2004/38/EC on the right of citizens and their family members to move and reside freely within the territory of the Member States provides that "Member States shall, acting in accordance with their laws, issue to their own nationals, and renew, an identity card or passport stating their nationality"². It is also for the Member States to determine who their nationals are and hence to decide to whom they deliver such identity documents. The Commission has no competence in this respect. To be complete, it is to be noted that Article 20 of the Treaty on the Functioning of the European Union provides that citizenship of the Union shall be additional to and not replace national citizenship.

In its 2013 EU Citizenship Report³ the Commission is putting forward twelve concrete actions to remove obstacles citizens encounter when seeking to enjoy their EU rights, notably in cross border situations. Action 3 in particular concerns the simplification of formalities for EU citizens and their family members living in other Member States with regards notably to their identity and residence documents. Several options, including the feasibility of more uniform documents will be evaluated.

Conclusion

The Commission is currently not in a position to follow-up on the petitioner's suggestion of a common EU identity card and for the setting-up of an EU-ID office.

¹ For example the United Kingdom, Ireland and Denmark do not issue ID cards.

² OJ 158/77 of 30.04.2004, article 4 – we underline.

³ 2013 EU Citizenship Report COM(2013) 269 final.