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Committee on Civil Liberties, Justice and Home Affairs

2011/0217(COD)

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AMENDMENT
162

Draft report
Antigoni Papadopoulou
(PE480.579v01-00)

on the proposal for a decision of the European Parliament and of the Council on the European Year of Citizens (2013)

Proposal for a decision
(COM(2011)0489 – C7-0217/2011 – 2011/0217(COD))

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Amendment 162
Antigoni Papadopoulou

Proposal for a decision
–

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

DECISION No .../2012/EU
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

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

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.

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[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

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[1] OJ C , , p. .

[2] OJ C , , p. .

(-1) The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. Those principles are fundamental to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men should prevail. Every citizen of the Union has and should enjoy the rights provided for in the Treaty on the Functioning of the European Union (TFEU), the Treaty on European Union (TEU) and the Charter of Fundamental Rights of the European Union.

(1) ***The Treaty of Maastricht (1992) introduced the concept of 'citizenship of the Union' and the year 2013 will mark the 20th anniversary of the establishment of Union citizenship.*** Article 20(1) of the Treaty ***on the Functioning of the European Union (TFEU) and Article 9 of the Treaty on European Union (TEU) provide*** 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. ***Article 20(2) of TFEU*** specifies that citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties ▌***. Article 21 of TFEU enshrines the right of Union citizens to free movement and residence.***

▌(4) ▌ The Stockholm Programme[1] 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 ***through promotion of citizens' rights, notably the right to free movement and rights which allow citizens to participate actively in the democratic life of the Union***.

(5) In its "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[2], the European Parliament called on the Commission to ***make 2013*** the ▌ European Year ***of Citizens*** in order to give momentum to the debate on Union citizenship***, including its terminology, content and scope,*** and inform Union citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon***, and of the means available to have them enforced***.

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1 OJ C 115, 4.5.2010, p. 1.
2 OJ C 169 E, 15.6.2012, p. 49.

(5a) 2013 should be designated as the European Year of Citizens. The European Year of Citizens would provide a very timely opportunity to raise the awareness of the general public about the rights and responsibilities attached to Union citizenship. It should aim to raise the awareness of citizens that rights attached to Union citizenship are also guaranteed to them when they decide to exercise their right to move and reside freely in another Member State, for example as students, workers, job-seekers, volunteers, consumers, entrepreneurs, young people or retired persons. In that context awareness-raising should be mainstreamed geographically, demographically and socially, and should also focus on the removal of the remaining obstacles. Throughout, the message should be conveyed that Union citizens themselves also have a critical role to play in strengthening these free movement rights through their civic and democratic participation.

(5b) 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 those rights, if they decide to make use of their right to free movement.

(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.

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(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 ***linked to*** 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 ▌Union.▌

(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.

(10) In its EU Citizenship Report 2010 of 27 October 2010 entitled"Dismantling the obstacles to EU citizens' rights"[1], 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.

[1] COM (2010) 603 final.

(10a) ***The TEU and the TFEU confer on every citizen of the Union the right to move and reside freely within the territory of the Member States, the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections in his or her Member State of residence, under the same conditions as nationals of that state, the right to enjoy protection by the diplomatic or consular authorities of any Member State in a third country in which his or her own country is not represented on the same conditions as nationals of that State, the right to petition the European Parliament, to apply to the European Ombudsman and to address institutions of the Union as well as a series of rights in various fields such as the free movement of goods and services, consumer protection and public health, equal opportunities and equal treatment, access to employment and to social protection. The Treaty of Amsterdam in 1999 and the Treaty of Lisbon in 2009 further strengthened the rights associated with Union citizenship.***

(10b) The Treaty of Lisbon introduced new rights, notably the citizens' initiative[1], which enables at least 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, thereby further allowing citizens to be actively engaged in the political life of the Union and to participate directly in shaping the development of EU legislation.

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[1] ***Regulation (EU) No. 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ L 65, 11.3.2011, p. 1).***

(10c) ***Since 1979, when the first direct elections were held, the European Parliament has acted as a direct interface between citizens and the Union. The European Parliament and its Members play a crucial role in communicating the rights and benefits of Union citizenship, in bringing citizens' concerns to the fore in the formulation of policy, as well as in promoting active participation of citizens. Raising awareness about citizens' rights, gender equality, participation of women and men in the democratic life of the Union, including their electoral rights, as voters and as candidates, in their Member State of residence, as well as about the scope of the European Parliament's powers in the legislative process, 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, European political parties and foundations, and by Member States in the run up to these elections.***

▌

(13) In ***addition***, 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***, including those concerning cross-border healthcare,*** by virtue of the Union rules on coordination of social security systems***. These*** rules ***should*** ensure that they will not lose out on their social security rights when choosing to move within Europe. **Furthermore** ***they*** should further be informed about ▌ recognition of their ***educational, academic and*** professional qualifications and about the social and civic competences which form part of the European framework of "Key Competences for lifelong learning"[1] and which can equip them to fully participate in civic life and empower them to exercise their rights under Union law.

[1] Recommendation 2009/962/EC 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).

(14) ***Citizens*** should also be better informed of their rights as passengers travelling by any transport mode across the Union and of their consumer rights across borders. If ***citizens*** are confident that their rights as consumers are effectively protected, they will ***be in a position to*** contribute ▌ to the development of the Union market for goods and services***, which will thereby achieve*** its full potential ***more effectively for the benefit of citizens***. ***Similarly***, 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 ***Union***, particularly when it comes to threats or risks that they cannot deal with as individuals. ***Moreover, it*** would be important to enhance citizens' awareness of their rights to cross-border healthcare ***and accompanying measures, such as eHealth and telemedicine***, so that they are able to fully benefit from safe and good quality healthcare across ***Union*** borders.

(14a) This Decision should contribute to the realization of the objectives of the Europe 2020 strategy, to the extent that facilitating free movement of persons and workers' mobility is an important means of addressing the consequences of demographic change on the labor market and increasing the employability of people and the competitiveness of European industries.In the long-term it should also support research and innovation in the Union, against the current backdrop of alarmingly high unemployment figures in individual Member States.

(14b) The information, education and awareness-raising campaigns organised in the framework of the European Year of Citizens should also take into consideration the needs of more specific audiences and vulnerable groups. Information should be free and accessible, in all official languages of the Union*. It should be* ***provided in simple language and in collaboration with local, regional and national authorities, the media, civil society associations and NGOs. All these different stakeholders could consider initiatives such as essay competitions, development of action plans and guides, on-line fora or campaigns in schools and universities.***

(14c) The active role of citizens and the associations representing them are central to the functioning of the Union. Articles 10 and 11 of TEU stress the importance of participative democracy in all its aspects and the role citizens and their representative associations have in making known and publicly exchanging their views in all areas of Union action. All institutions of the Union should promote active democratic participation in the decision-making process by means of an open, transparent and regular dialogue with the civil society in order to ensure that the Union's actions are coherent and transparent. Citizens' active participation should also be facilitated by access to documents and information, good governance and administration.

(14d) Education policy plays an important role in informing citizens, particularly young people, about the concept of Union citizenship and the rights attached to it. It also helps to promote multilingualism, the mobility of students, teachers, persons undergoing vocational training and their instructors, and in fostering social and civic competences in accordance with the Recommendation of the European Parliament and of the Council on key competences for lifelong learning, which can equip them to participate fully in civic life and empower them to comprehensively exercise their rights under Union law. Specific actions may be implemented to raise awareness about opportunities to volunteer, to study abroad, to do an internship in another Member State or to take part in Union education exchange programmes.

(14e) European Year of Citizens will be marked by the 2013 EU Citizenship Report that will inform on progress made since the 2010 EU Citizenship Report and propose further actions to remove persistent obstacles standing in the way of EU citizens' enjoyment of their rights. On the basis of this report the Council may adopt provisions to strengthen or to add to the rights attached to Union citizenship.

(14f) Citizens of the Union should also be made aware of the multilingual Your Europe portal, which is a one-stop-shop information point on the rights of citizens and businesses in the EU.

(14g) The "Europe Direct" Information Centres, as a local interface between the Union and its citizens, should be close partners of the European Parliament in the awareness-raising campaigns, by facilitating local and regional debate about the Union, transmitting and distributing information material to the public and offering the opportunity to send feedback to the Union institutions.

(14h) All initiatives launched for the purpose and within the European Year of Citizens should aim at increasing mutual understanding between Union citizens, Union institutions and the Member States. This implies raising awareness of citizens' rights among the staff of public authorities, whether at Union, national, regional or local level.

(14i) Since it was founded, the Council of Europe has played a leading role in the educational and cultural domain by promoting and establishing European cultural networks and through intercultural dialogue and the promotion of linguistic diversity. The Union should therefore develop synergies with the Council of Europe's work in this field in connection with the European Year of Citizens in 2013.

▌ (22) The primary responsibility for raising citizens' awareness of their rights as Union citizens rests with ***the*** Member States***. This includes providing information about the Union and targeted reporting on the activities of all Union institutions.*** Action at Union level complements and supplements national***, regional and local*** actions in this respect, as highlighted in the political declaration "Communicating Europe in Partnership" signed on 22 October 2008 by the European Parliament, the Council and the Commission[1]. ***The Union institutions and the Member States should strengthen cooperation with the media and undertake to provide them with high-quality information on the Union.***

▌

[1] OJ C 13, 20.1.2009, p.3.

(22a) In order to optimise the effectiveness and efficiency of the activities envisaged for the European Year of Citizens, it is important to carry out a set of preparatory actions during 2012 with full respect for Article 49(6) of 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) [1].

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(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[2] 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[3] 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)[4].

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1 OJ L 248, 16.9.2002, p. 1.
2 OJ L 312, 23.12.1995, p. 1.
3 OJ L 292, 15.11.1996, p. 2.
4 OJ L 136, 31.5.1999, p. 1.

(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 ***2007-2013*** "Europe for Citizens" programme and the ***2007-2013 specific programme*** "Fundamental Rights and Citizenship" ***as part of the general programme "Fundamental Rights and Justice", the "Lifelong Learning" programme, including the Erasmus programme, the "Youth on the Move" initiative and the "MEDIA" programme.***

(25a) For the benefit of future European Years, a thorough evaluation of the measures carried out as part of the European Year of Citizens should be prepared. Such a report should include ideas and best practices for future action on how to most effectively reach out and involve citizens basing itself, where possible, on comparable quantitative data obtained from the European Year of Citizens.

(25b) Since the objectives of the European Year of Citizens cannot be sufficiently achieved by the Member States due to the need for multilateral partnerships, transnational exchange of information and the Union-wide awareness-raising and dissemination of good practices, and can therefore, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DECISION:

Article 1

Subject-matter

The year 2013 shall be designated as the 'European Year of Citizens' ▌.

Article 2

Objectives

1. The general ***objective*** of the European Year of Citizens (hereinafter: European Year) shall be to enhance awareness ***and knowledge*** of the rights ***and responsibilities*** attached to Union citizenship, in order to ***enable*** citizens ***to*** 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 ***also promote the enjoyment*** by Union citizens ***of the other rights attached to Union citizenship***.

2. On ***the*** basis ***of paragraph 1***, the specific objectives of the European Year shall be:

(a) to raise Union citizens' awareness of their right to move and reside freely within the European Union and ***in this context of all other*** rights guaranteed to Union citizens ***without discrimination, including their right to vote in local and European elections in any Member State in which they reside***;

(b) to raise ***awareness amongst*** Union ***citizens, including young people, about*** how they can tangibly benefit from Union rights***, as well as about*** policies ***and programmes that exist to support the enjoyment of these rights***;

(c) to stimulate a debate about the impact and potential of the right to free movement ***and residence***, as an inalienable aspect of Union citizenship, ***with a view to stimulating and*** strengthening ***active civic and democratic participation of Union citizens, notably in civic fora on Union policies and European Parliament elections, thereby reinforcing*** societal cohesion***, cultural diversity, solidarity, equality between women and men, mutual respect and the sense of a common European identity among Union citizens, based on the core values of the Union, as enshrined in the Treaties and the Charter of Fundamental Rights of the European 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:

(a) information, ***media coverage,*** education and awareness raising campaigns targeted at the general public and more specific audiences;

(b) exchange of information ***and*** sharing of experience and good practices ***between Union,*** national, regional ***and*** local ***authorities*** and other ***public*** organisations ***and civil society organisations***;

(c) conferences***, hearings - also via the Internet -*** and ***other*** events to promote debate and raise awareness of the importance and benefits of the right to free movement and residence***,*** and more generally ***on the concept of Union citizenship and the rights attached to it***;

(d) use of the existing multilingual participatory tools to stimulate ***civil society organisations' and*** citizens' ***active involvement*** in ▌ the European Year***, including such direct democracy tools as the citizens' initiative and public consultations***;

(e) strengthening ▌ the role and visibility of ***existing tools in place, including modern information and communication technology tools, for informing citizens, such as*** the multilingual Europe Direct and Your Europe web portal as key elements of a 'one-stop-shop' information system on Union citizens' rights;

(f) strengthening of the role and visibility of problem solving tools, such as SOLVIT, ***in order*** to allow Union citizens to better make use of and defend their rights ***under Union law;***

(g) providing information to citizens about the European Parliament's Committee on Petitions and the European Ombudsman in order to allow Union citizens to better make use of and defend their rights under Union law; and

(h) promotion of the EU Citizenship Report which will be based on a thorough debate and active contributions by citizens and stakeholders, and which will identify further obstacles preventing Union citizens from fully enjoying Union citizenship rights and promote appropriate strategies to remove them.

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 set out in Article 2 and allow the name of the European Year to be used in promoting those activities insofar as they contribute to achieving those objectives.

3a. In the context of initiatives organised in the framework of the European Year of Citizens, consideration shall be given to identifying obstacles to the citizens' enjoyment of their Union rights and to ***promoting appropriate ways and strategies*** to remove these obstacles, as well as to ***promoting*** cross-cultural understanding and fighting against discrimination. Therefore, synergies shall be sought with existing tools and programmes in the field of fundamental rights, citizens' rights, employment and social affairs, education and culture.

Article 4

Coordination at Union level and implementation

1. The Commission shall cooperate closely with Member States***, the European Parliament, the European Economic and Social Committee and the Committee of Regions, as well as with local and regional authorities*** and ***with*** bodies and associations which represent local and regional interests ▌.

▌***2.*** The Commission shall convene meetings of representatives of European organisations***, civil society associations*** or bodies active in the ***fields*** of ***citizenship and*** defending citizens' rights***, education and culture,*** and ***other*** stakeholders***,*** to assist the Commission in implementing the European Year at Union level.

3. ***The Commission shall endeavor to exploit possible synergies between different thematic European Years, by evaluating achievements, monitoring persistent gaps, providing statistical data, when appropriate, thus ensuring effective implementation of the aims of European Years.***

4. 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***, in particular with the Council of Europe***.

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 ***with*** 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 need be, 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)[1].

[1] OJ L 136, 31.5.1999, p.1.

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 being 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.

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***, to serve as a basis for future union policies, measures and actions in this field. Pursuant to the experience of the European Year of Citizens, that report shall also present ideas and best practices on how to better inform citizens of their rights, even after the end of the European Year of Citizens***.

Article 9

Entry into force

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

Article 9a

Addressees

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*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 ***may*** also involve civil society***, which has substantial experience in the field in question,*** 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***, sign language and Braille***).

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) which is dedicated to the actions implemented in the context of the European Year.
- ***the inclusion of information on the European Year in the newsletters, brochures, information material and websites of education institutions and associations, NGOs, and trade unions.***

B. CO-FINANCING UNION INITIATIVES

Union programmes, such as the 2007-2013 Europe for Citizens could be used to co-finance activities under the European Year of Citizens. Other Programmes such as the 2007-2013 specific programme"Fundamental Rights and Citizenship" as part of the general programme "Fundamental Rights and Justice" will set information on EU rights as a priority criteria for projects.

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.

Or. en