



**2018/2111(INI)**

11.1.2019

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Constitutional Affairs

on implementation of the Treaty provisions related to EU citizenship  
(2018/2111(INI))

Rapporteur: Martina Anderson

PA\_NonLeg

## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to the Commission report of 24 January 2017 entitled ‘Strengthening Citizens’ Rights in a Union of Democratic Change – EU Citizenship Report 2017’ (COM(2017)0030),
  - having regard to its resolution of 12 December 2017 on the EU Citizenship Report 2017: Strengthening Citizens’ Rights in a Union of Democratic Change<sup>1</sup>,
  - having regard to Directive 2004/38/EC<sup>2</sup> 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,
  - having regard to the Council conclusions of 9 June 2011 on completion of the process of evaluation of the state of preparedness of Bulgaria and Romania to implement the Schengen acquis (9166/3/11 and 9167/3/11 respectively),
  - having regard to the notification of the United Kingdom’s intention to withdraw from the European Union given by the British Prime Minister to the European Council on 29 March 2017 in accordance with Article 50(2) of the Treaty on European Union (TEU),
  - having regard to its resolution of 13 November 2018 on minimum standards for minorities in the EU<sup>3</sup>,
  - having regard to its resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States<sup>4</sup>,
- A. whereas, in accordance with Article 2 of the TEU, the European Union is founded on respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights;
- B. whereas the EU Charter of Fundamental Rights brings together all the personal, civic, political, economic and social rights enjoyed by EU citizens; whereas the aim of the Charter is to protect European citizens from discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; whereas Article 18 of the Treaty on the Functioning of the European Union (TFEU) prohibits any discrimination on grounds of nationality;
- C. whereas consolidating the rights of citizens and democratic institutions also entails combating all forms of discrimination and gender inequality;

---

<sup>1</sup> OJ C 369, 11.10.2018, p. 11.

<sup>2</sup> OJ L 158, 30.4.2004, p. 77.

<sup>3</sup> Texts adopted, P8\_TA(2018)0447.

<sup>4</sup> OJ C 463, 21.12.2018, p. 21.

- D. whereas the successful exercise of citizenship rights presupposes that Member States uphold all rights and freedoms enshrined in the Charter of Fundamental Rights;
- E. whereas EU citizenship is gained through nationality of a Member State and clearly supplements national citizenship in accordance with Article 9 of the TEU; whereas EU citizenship is additional to and does not replace national citizenship; whereas Member States should make use of their prerogative to grant citizenship in a spirit of fair cooperation, in keeping with the Treaties, which have consolidated the rights and safeguards of EU citizenship, thus endowing the Charter of Fundamental Rights with legal value; whereas Northern Ireland is a special case whereby citizens, as per the EU-UK Joint Agreement of December 2017, should enjoy, access and exercise their rights as EU citizens where they reside; whereas Article 20 of the TFEU provides that any person who holds the nationality of a Member State is also a citizen of the Union, with the rights and obligations enshrined in the Treaties and the Charter;
- F. whereas the right to equal treatment is one of the founding principles of the European Union and a fundamental right of all people; whereas, in establishing citizenship of the Union, Article 9 of the TEU expressly mentions that the Union must observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies;
- G. whereas approximately 8 % of EU citizens belong to a national minority and approximately 10 % speak a regional or minority language; whereas the EU has still not developed a common EU framework to guarantee their rights, which may include benchmarks and sanctions;
- H. whereas, according to the Commission's 2017 EU Citizenship Report, since 2012 a growing number of people have reported experiencing some form of discrimination;
- I. whereas freedom of movement is one of the four fundamental freedoms of the EU, a cornerstone of European integration, and one of the most valued rights of EU citizens; whereas the right to freedom of movement and its exercise is central to EU citizenship; whereas EU citizens may still experience a number of persisting or new barriers to exercising their freedom of movement and residence rights, such as excessive documentation requirements, burdensome procedures for obtaining residence rights, difficulties in accessing health services, or lengthy procedures for obtaining access to work or having professional qualifications recognised; whereas some European citizens have been subjected to expulsions or expulsion orders within the EU;
- J. whereas the creation of the Schengen area and the integration of the Schengen acquis into the EU framework greatly enhances freedom of movement within the EU and is one of the greatest achievements of the European integration process; whereas the Council, in its conclusions of 9 June 2011 (9166/3/11 and 9167/3/11), confirmed the successful conclusion of the evaluation process and the technical readiness of Bulgaria and Romania to accede to the Schengen area;
- K. whereas the European Parliament is the only directly elected EU institution; whereas the principles of representative democracy, accountability and transparency are fundamental pillars of the European Parliament;

- L. whereas European citizens are directly represented in the European Parliament and have a democratic right to stand and vote in European elections, notwithstanding arrangements specific to some Member States as provided for by the Treaties; whereas these rights should be respected even in cases of citizens residing in the territory of another Member State; whereas EU citizens should, in accordance with Article 22 of the TFEU and Article 10 of the TEU, have the right to vote and to stand as a candidate in elections to the European Parliament;
- M. whereas freedom of movement is one of the most important principles of the European Union; whereas European citizens who have exercised their right to freedom of movement may face disenfranchisement or obstacles in voting in European and local elections in host Member States where this right is not facilitated and promoted adequately;
- N. whereas Northern Ireland would be the most distinctly affected by Brexit; whereas the hardening of the border with the Republic of Ireland is a particular concern affecting freedom of movement and EU citizenship rights;
- O. whereas the introduction of European citizenship is an achievement of the European project which has yet to realise its full potential; underlines that this is a unique construction not seen anywhere else in the world;
1. Stresses that the EU has a duty to protect minorities and to guarantee their rights to the same degree as for the majority; notes that Article 2 of the TEU frames the protection of minorities as one of the fundamental values of the EU; further notes that Articles 21 (on non-discrimination) and 22 (on cultural, religious and linguistic diversity) of the Charter of Fundamental Rights acquired legally binding form in the TFEU; notes that all current rights available under the Charter and the European Convention on Human Rights (ECHR), alongside the oversight and protections provided by the Court of Justice of the European Union, are fundamental to citizens in Northern Ireland for the implementation of the Good Friday Agreement;
  2. Emphasises that autochthonous national, ethnic or linguistic minority communities represent a special contribution to European diversity and culture; recalls that preserving and promoting cultural and linguistic diversity within and between Member States is a fundamental value and at the same time a major task of the European Union;
  3. Points out that European citizens are not sufficiently aware of their rights deriving from citizenship of the Union, including the right to vote in European and local elections or to receive consular protection from other Member States' embassies; calls on the Commission and the Member States to promote citizens' participation in democratic life by keeping them fully informed about their voting rights and removing barriers to their participation, and to address issues of accessibility, participation, non-discrimination and equality, so that all EU citizens, including people with disabilities can exercise their fundamental rights in the same way as other citizens;
  4. Notes that there are Member States which do not extend voting rights in European Parliament elections to their nationals, who are European citizens, a practice which limits the diversity of views in the Parliament and diminishes the accountability of the European institutions to European citizens; considers that Member States should ensure

that their nationals receive the protection of all economic, social, political, environmental and democratic rights associated with EU citizenship; points out that there are different practices in the Member States as regards the application of the right enshrined in Article 20(2) of the TFEU; encourages the Member States to extend the voting franchise to the largest extent possible;

5. Calls on the Commission to regularly monitor the application of Directive 2004/38/EC in Member States and to take appropriate measures to remove potential obstacles to the freedom of movement, thereby enabling all EU citizens to enjoy freedom of movement to the full without encountering the obstacle of border checks;
6. Calls on the Council and the European Council to allow all countries that fulfil the necessary technical criteria to become members of the Schengen area, thereby allowing all EU citizens to enjoy freedom of movement unhindered by border checks;
7. Notes that almost 7 million EU citizens currently live in countries outside the EU, and that this number is expected to increase to at least 10 million by 2020; emphasises the need for Member States to support broad democratic participation in the upcoming 2019 European elections; calls for the full and effective implementation of Directive (EU) 2015/637 to ensure consular protection for EU citizens in third countries where their Member States are not represented;
8. Expresses concern at the practices employed by some Member States, such as ‘golden visas’, which grant citizenship to third-country nationals solely in return for investments on the basis of minimal criteria; underlines that EU citizenship should not be reduced to a commodity; calls on Member States to abandon the sale of residence permits and nationality via golden visas and investor programme schemes given the high risk of corruption, abuse and misuse of the Schengen area for criminal purposes; calls on the Commission, in the context of its proposal, to consider closely ‘national schemes for granting EU citizenship to investors’ and to emphasise the procedures that Member States are required to follow in exercising their power to grant citizenship in a manner fully consistent with EU law;
9. Urges Member States to take into account the particular situation of children of EU citizens exercising their rights provided for by the Treaties when those children may face difficulties in satisfying criteria for citizenship under national rules, especially where a requirement of citizenship may involve demonstration of a close connection to the country concerned;
10. Notes with concern that the right to family life of many EU nationals married to, or in a stable relationship with, non-EU nationals can be compromised due to national law or its poor implementation, as is their ability to exercise their rights provided for by the Treaties when travelling within the EU;
11. Urges Member States to be proportionate in any decision with regard to the removal of non-national EU citizens from their territory and recalls that such decisions must relate to the individual concerned, follow due examination of the circumstances and respect fundamental rights;
12. Calls on the Fundamental Rights Agency to start dealing with anti-regional or minority-

language discrimination at local, regional and national level in its work programme;

13. Considers that in order to give substance to the references to minorities and to the equality of all EU citizens made in Articles 2 and 9 of the TEU, respectively, and in order to better realise the potential of EU citizenship, the EU should take steps to guarantee the protection of the founding values of the EU and of the rights of minorities; reiterates the need for a comprehensive EU protection system for autochthonous national, ethnic and linguistic minorities incorporating existing international law instruments and following proven best practices in the EU; considers that such a framework should have its own high standards and be accompanied by a robust monitoring mechanism;
14. Strongly condemns the increasing number of incidents of racism, xenophobia, discrimination and incitement to hatred and the instances of violence perpetrated by neo-fascist and neo-Nazi organisations in a number of EU Member States;
15. Stresses that the safeguarding of the rights and interests of EU-27 citizens living or having lived in the United Kingdom, and of UK citizens living or having lived in the EU-27, must be treated as an absolute priority in the negotiations on the UK's withdrawal; is extremely concerned about the current state of negotiations on the UK leaving the EU and about the disastrous consequences a no-deal scenario would have on the lives of over five million people; calls on the UK and Irish Governments to ensure that the rights, as provided for under the EU Treaties and relevant international agreements, of EU citizens living in Great Britain and Northern Ireland are protected post-Brexit;
16. Asks the Commission to act sternly and swiftly demanding from Member States all relevant data and controls to ensure that the integrity and security of the Schengen system is not compromised.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	10.1.2019
<b>Result of final vote</b>	+: 40 -: 7 0: 0
<b>Members present for the final vote</b>	Asim Ademov, Martina Anderson, Heinz K. Becker, Monika Beňová, Michał Boni, Caterina Chinnici, Rachida Dati, Frank Engel, Laura Ferrara, Romeo Franz, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Cécile Kashetu Kyenge, Monica Macovei, Roberta Metsola, Claude Moraes, Ivari Padar, Judith Sargentini, Birgit Sippel, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
<b>Substitutes present for the final vote</b>	Dennis de Jong, Anna Hedh, Lívia Járóka, Marek Jurek, Jean Lambert, Jeroen Lenaers, Andrejs Mamikins, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Christine Revault d'Allonnes Bonnefoy
<b>Substitutes under Rule 200(2) present for the final vote</b>	Norbert Erdős, Fernando Ruas, Adam Szejnfeld

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

40	+
ALDE	Nathalie Griesbeck, Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Cecilia Wikström
EFDD	Laura Ferrara
GUE/NGL	Martina Anderson, Dennis de Jong, Marie-Christine Vergiat
PPE	Asim Ademov, Heinz K. Becker, Michał Boni, Rachida Dati, Frank Engel, Kinga Gál, Monika Hohlmeier, Lívia Járóka, Jeroen Lenaers, Roberta Metsola, Fernando Ruas, Csaba Sógor, Adam Szejnfeld, Traian Ungureanu, Tomáš Zdechovský
S&D	Monika Beňová, Caterina Chinnici, Ana Gomes, Sylvie Guillaume, Anna Hedh, Cécile Kashetu Kyenge, Andrejs Mamikins, Claude Moraes, Ivari Padar, Christine Revault d'Allonnes Bonnefoy, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Jean Lambert, Judith Sargentini, Bodil Valero

7	-
ECR	Marek Jurek, Monica Macovei, Helga Stevens, Kristina Winberg
ENF	Auke Zijlstra
NI	Udo Voigt
PPE	Norbert Erdős

0	0

### Key to symbols:

+ : in favour

- : against

0 : abstention