



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Petitions*

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**2011/0344(COD)**

16.7.2012

# **OPINION**

of the Committee on Petitions

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme (COM(2011)0758 – C7-0438/2011 – 2011/0344(COD))

Rapporteur: Adina-Ioana Vălean

PA\_Legam

## SHORT JUSTIFICATION

The Rights and Citizenship Programme 2014-2020 is the successor of three previous programmes: Fundamental Rights and Citizenship, Daphne III, the Sections "Antidiscrimination and Diversity" and "Gender Equality" of the Programme for Employment and Social Solidarity (PROGRESS).

The Programme is expected to promote the rights attached to European citizenship, the principles of non-discrimination, equality between women and men, the right to the protection of personal data, the rights of the child, the rights deriving from the Union consumer legislation.

The Committee on Petitions receives a considerable number of petitions in relation to the objectives covered by the Programme. Some petitioners and organizations highlight the importance of funding and raise concerns about the difficulty to access the funds. Therefore, a judicious, accessible and transparent allocation of funds is needed. Funding should be made available not only to "key European level networks", but also to national projects submitted by small non governmental organisations.

The rapporteur asks for a better recognition of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Convention is the first international human rights instrument that the EU adhered to. Numerous petitions bear witness to the difficulties encountered by people with disabilities and to the fact that they do not enjoy the fundamental freedoms and rights laid out in the Convention. The Committee on petitions is one of the actors involved in the establishment of a framework for the implementation of the Convention, pursuant to article 33.2 and has the role of protecting the rights of people with disabilities.

Specific reference should be made to the Charter of Fundamental Rights of the European Union. The areas of racism and xenophobia, gender mainstreaming and the prevention of violence against women, children and young people should be added as specific objectives of the Programme.

## AMENDMENTS

The Committee on Petitions calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

## Amendment 1

### Proposal for a regulation Citation 1

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 19(2), 21(2), 114, 168, 169 and 197 thereof,

*Amendment*

Having regard to ***the Treaty on European Union, in particular Articles 2, 3 and 9 thereof, and*** the Treaty on the Functioning of the European Union, and in particular Articles ***8, 10***, 19(2), 21(2), 114, 168, 169 and 197 thereof,

## Amendment 2

### Proposal for a regulation Citation 1 a (new)

*Text proposed by the Commission*

Having regard to the Charter of Fundamental Rights of the European Union,

*Amendment*

***Having regard to the Charter of Fundamental Rights of the European Union,***

## Amendment 3

### Proposal for a regulation Recital 1

*Text proposed by the Commission*

(1) The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States. Every citizen of the Union has the rights provided for in the Treaty. The Charter of Fundamental Rights of the European Union, which with the entry into force of the Lisbon Treaty became legally binding across the Union, reflects the fundamental rights and freedoms to which persons are

*Amendment*

(1) The European Union is founded on the principles of ***respect for human dignity***, liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States. Every citizen of the Union has the rights provided for in the Treaty. The Charter of Fundamental Rights of the European Union, which with the entry into force of the Lisbon Treaty became legally binding across the Union, reflects the fundamental rights and

entitled in the Union. Those rights should be promoted and respected if they are to become a reality. The full enjoyment of those rights should be guaranteed and any obstacles should be dismantled.

freedoms to which persons are entitled in the Union. Those rights should be **properly publicised**, promoted and respected if they are to become a reality. The full enjoyment of those rights should be guaranteed and any obstacles should be dismantled.

## Amendment 4

### Proposal for a regulation Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) As stated in the preamble to the Charter of Fundamental Rights of the European Union, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity, which are fundamentally important to the exercise of citizenship.***

## Amendment 5

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

*Amendment*

(3) Citizens should be able to exercise fully the rights deriving from the citizenship of the Union. They should be able to exercise their right to move and reside freely in the Union, their right to vote for and stand as a candidate in European Parliament and municipal elections, their right to consular protection and their right to petition the European Parliament. They should feel at ease about living, travelling and working in another Member State, trusting that their rights are protected, no matter where in the Union they happen to be.

(3) ***EU*** Citizens should be able to exercise fully the rights deriving from the citizenship of the Union ***and from international Conventions ratified by the European Union, such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).*** They should be able to exercise their right to move and reside freely in the Union, their right to vote for and stand as a candidate in European Parliament and municipal elections ***in the country in which they reside***, their right to consular protection and their right to petition the European Parliament ***in any of the Treaty languages***. They should feel at ease about living, travelling, ***studying*** and working in

another Member State, trusting that their rights are protected, no matter where in the Union they happen to be.

## **Amendment 6**

### **Proposal for a regulation Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Citizens and civil society organisations should be made more aware of their basic political rights and encouraged to exercise them more frequently so as to assert their interests in the Union. Encouraging citizens to take a more active role in democracy at EU level will strengthen European civil society and foster the development of a European public.***

## **Amendment 7**

### **Proposal for a regulation Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) Citizens and businesses should also benefit fully from the internal market. Consumers should be able to enjoy the rights deriving from the consumer legislation and businesses should be supported to exercise the freedom to conduct business in the internal market. The development of contract and consumer legislative instruments provides practical solutions for businesses and consumers to address cross-border problems, aiming to offer them more choices and to make it less costly for them to conclude contracts with partners in another Member State, while providing a high level of consumer protection.

(4) **EU** Citizens and businesses should also benefit fully from the internal market. Consumers should be able to enjoy the rights deriving from the consumer legislation and businesses should be supported to exercise the freedom to conduct business in the internal market. The development of contract and consumer legislative instruments provides practical solutions for businesses and consumers to address cross-border problems, aiming to offer them more choices and to make it less costly for them to conclude contracts with partners in another Member State, while providing a high level of consumer protection.

## Amendment 8

### Proposal for a regulation Recital 5

#### *Text proposed by the Commission*

(5) Non-discrimination based on sex, racial or ethnic origin religion or belief, disability, age or sexual orientation and equality between women and men are values common to the Member States. Combating all forms of discrimination is an ongoing goal which requires coordinated action, including by the allocation of funding.

#### *Amendment*

(5) Non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, **tolerance, solidarity** and equality between women and men are values common to the Member States. Combating all forms of discrimination is an ongoing goal which requires coordinated action, including by the allocation of funding.

## Amendment 9

### Proposal for a regulation Recital 7

#### *Text proposed by the Commission*

(7) Violence against women in all its forms constitutes a violation of fundamental rights and a serious health scourge. Such violence is present throughout the Union and coordinated action is necessary in order to address it. Taking action to combat violence against women contributes to the promotion of equality between women and men.

#### *Amendment*

(7) Violence against women in all its forms constitutes a violation of fundamental rights and a serious health scourge. Such violence is present throughout the Union and coordinated action is necessary in order to address it. Taking action to **prevent and** combat violence against women contributes to the promotion of equality between women and men.

## Amendment 10

### Proposal for a regulation Recital 8

#### *Text proposed by the Commission*

(8) The Treaty requires the Union to promote the protection of the rights of the child pursuant to Article 3(3) of the Treaty on European Union, while combating discrimination. Children are vulnerable, in

#### *Amendment*

(8) The Treaty requires the Union to promote the protection of the rights of the child pursuant to Article 3(3) of the Treaty on European Union, while combating discrimination. Children are vulnerable, in

particular in a situation of poverty, social exclusion, disability or specific situations putting them at risk. Action should be taken to promote the rights of the child and contribute to the protection of children from harm **and** violence, which pose a danger to their physical or mental health.

particular in a situation of poverty, social exclusion, disability or specific situations putting them at risk. Action should be taken to promote **and defend** the rights of the child and contribute to the protection of children from harm, violence **and any violation of their personal integrity**, which pose a danger to their physical or mental health, **and which, owing to rapid developments in modern communications technology, have become more varied and harder to pinpoint.**

## Amendment 11

### Proposal for a regulation Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8a) Not least in the light of current demographic trends, efforts should be made to combat all forms of age discrimination, whether against the young or the old. The best way to combat discrimination of this kind, which deprives our society of a significant source of social, economic and intellectual human capital, would be through measures promoting long-term solidarity between generations, as the Union is required to do under Article 3(3) of the Treaty on European Union.***

## Amendment 12

### Proposal for a regulation Recital 10

*Text proposed by the Commission*

*Amendment*

Supporting and promoting the rights of persons within the Union, tackling discrimination and inequalities and promoting citizenship contribute to the promotion of the specific objectives and flagship initiatives of the Europe 2020

Supporting and promoting the rights of persons within the Union, tackling discrimination and inequalities and promoting **Union** citizenship contribute to the promotion of the specific objectives and flagship initiatives of the Europe 2020



Strategy.

Strategy.

### **Amendment 13**

#### **Proposal for a regulation Recital 13**

*Text proposed by the Commission*

(13) The Commission Communications ‘The EU Budget Review’<sup>12</sup> and ‘A budget for Europe 2020’ underline the importance of focusing funding on actions with clear European added value, i.e. where the Union intervention can bring additional value compared to action of Member States alone. Actions covered by this Regulation should contribute to the development of mutual trust between Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law. Funding activities should also contribute to achieving effective and better knowledge of Union law and policies by all those concerned and provide a sound analytical basis for the support and the development of Union legislation and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the European Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

*Amendment*

(13) The Commission Communications ‘The EU Budget Review’<sup>12</sup> and ‘A budget for Europe 2020’ underline the importance of focusing funding on actions with clear European added value, i.e. where the Union intervention can bring additional value compared to action of Member States alone. Actions covered by this Regulation should contribute to the development of mutual trust between Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law. Funding activities should also contribute to achieving effective and better knowledge of Union law and policies by all those concerned and provide a sound analytical basis for the support and the development of Union legislation and policies, ***as well as for their enforcement and proper implementation***. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the European Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

### **Amendment 14**

#### **Proposal for a regulation Article 3**

*Text proposed by the Commission*

The general objective of the Programme shall be to contribute to the creation of an

*Amendment*

The general objective of the Programme shall be to contribute to the creation of an

area, where the rights of persons, as enshrined in the Treaty on the Functioning of the European Union **and** the Charter of Fundamental Rights of the European Union, are promoted and protected.

area, where the rights of persons, as enshrined in the Treaty on the Functioning of the European Union, the Charter of Fundamental Rights of the European Union **and the United Nations Convention on the Rights of Persons with Disabilities**, are **fully respected**, promoted and protected.

## Amendment 15

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

*Text proposed by the Commission*

a) to contribute to **enhancing the exercise** of rights deriving from the citizenship of the Union;

*Amendment*

a) to contribute to **improving knowledge and raising awareness** of rights deriving from the citizenship of the Union **and the promotion of active citizenship; encouraging people to exercise them more frequently;**

## Amendment 16

### Proposal for a regulation

#### Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**Ia. to focus on better and adequately funded communication both at European, national and local level.**

## Amendment 17

### Proposal for a regulation

#### Article 4 – paragraph 1 – point b

*Text proposed by the Commission*

(b) to promote the effective implementation of the principles of non discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age **or** sexual orientation, including equality between women and

*Amendment*

(b) to promote the effective implementation of the principles of non discrimination on the grounds of sex, racial or ethnic origin, **nationality**, religion or belief, disability, age or sexual orientation, including equality between women and

men and the rights of persons with disabilities and of the elderly;

men and the rights of persons with disabilities and of the elderly ***and to combat the aforementioned discriminations;***

#### **Amendment 18**

##### **Proposal for a regulation Article 4 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) to promote gender mainstreaming in all its activities;***

#### **Amendment 19**

##### **Proposal for a regulation Article 4 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) to prevent and combat violence against women, children and young people, as well as to provide support for victims and groups at risk;***

#### **Amendment 20**

##### **Proposal for a regulation Article 4 – paragraph 1 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

***(bc) to combat racism, xenophobia and similar forms of intolerance;***

#### **Amendment 21**

##### **Proposal for a regulation Article 4 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) To prevent and combat violence against women, children and young people as well as all hate crime and violence and to provide support for victims and groups at risk***

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. to identify and eliminate obstacles and barriers restricting access by the disabled to benefit from EU citizens rights.***

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) to facilitate equal rights for workers from all Member States to compete on and access the EU labour market, on the basis of the principles of equality, non-discrimination, solidarity and freedom of movement within the EU for all EU citizens.***

## **Amendment 24**

### **Proposal for a regulation**

#### **Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The indicators to measure the achievement of the objectives set out in paragraph 1 shall be, inter alia, the European perception of the respect,

2. The indicators to measure the achievement of the objectives set out in paragraph 1 shall be, inter alia, the European perception of the respect,

exercise and implementation of these rights *and* the number of complaints.

exercise and implementation of these rights, *as well as* the number *and subjects* of complaints *and petitions regarding failures in their protection*.

#### **Amendment 25**

##### **Proposal for a regulation Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) enhancing public awareness and knowledge of Union law and policies;

*Amendment*

(a) enhancing public awareness and knowledge of Union law and policies, *including at the level of local communities and of the citizens*;

#### **Amendment 26**

##### **Proposal for a regulation Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) supporting the implementation of Union law and policies in the Member *States*;

*Amendment*

(b) supporting the implementation of Union law and policies in the Member *State and promoting, in particular through support to civil society organisations, the implementation and enforcement of fundamental rights within the scope of EU law*;

#### **Amendment 27**

##### **Proposal for a regulation Article 5 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) promoting transnational cooperation and building up of mutual knowledge and mutual trust among all involved stakeholders;

*Amendment*

(c) promoting transnational cooperation and building up of mutual knowledge and mutual trust among all involved stakeholders, *including at regional and local level*;

## Amendment 28

### Proposal for a regulation

#### Article 5 – paragraph 2 – point c

*Text proposed by the Commission*

(c) Mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication of the political priorities of the European Union; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies;

*Amendment*

(c) Mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication of the political priorities of the European Union, ***particularly in the form of cooperation with public media organisations***; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies ***as well as an Internet presence, including relevant websites, platforms, blogs or the use of Web 2.0***;

## Amendment 29

### Proposal for a regulation

#### Article 5 – paragraph 2 – point d

*Text proposed by the Commission*

(d) Support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional

*Amendment*

(d) Support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; ***support for non-governmental organisations carrying out***

and local authorities at European level; funding of experts' networks; funding of European level observatories.

*activities in the fields covered by the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.*

### **Amendment 30**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Each specific objective of the Programme shall receive a balanced and fair annual allocation of funds and must ensure enough money to cover all objectives for every year of the Programme. An indicative breakdown of funding shall be made available for each specific objective.*

### **Amendment 31**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2b. Non governmental organisations who receive funding to carry out activities covered by the objectives of the Programme must be given an indication of the continuity and predictability of the annual allocation of funds they will receive from one year to another, for the specific project.*

## PROCEDURE

<b>Title</b>	Establishing the Rights and Citizenship Programme 2014 - 2020
<b>References</b>	COM(2011)0758 – C7-0438/2011 – 2011/0344(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 15.12.2011
<b>Opinion by</b> Date announced in plenary	PETI 15.12.2011
<b>Rapporteur</b> Date appointed	Adina-Ioana Vălean 12.1.2012
<b>Discussed in committee</b>	24.4.2012
<b>Date adopted</b>	12.7.2012
<b>Result of final vote</b>	+: 21 –: 0 0: 0
<b>Members present for the final vote</b>	Margrete Auken, Victor Boştinaru, Philippe Boulland, Giles Chichester, Nikolaos Chountis, Iliana Malinova Iotova, Carlos José Iturgaiz Angulo, Lena Kolarska-Bobińska, Erminia Mazzoni, Willy Meyer, Chrysoula Paliadeli, Nikolaos Salavrakos, Jarosław Leszek Wałęsa, Rainer Wieland
<b>Substitute(s) present for the final vote</b>	Zoltán Bagó, Birgit Collin-Langen, Axel Voss
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Ioan Enciu, Petru Constantin Luhan, Franck Proust, Renate Sommer, Hermann Winkler