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COMMISSION STAFF WORKING DOCUMENT

ANNEX to the

REPORT FROM THE COMMISSION

Fifth Report on Citizenship of the Union
(1 May 2004 – 30 June 2007)

{COM(2008) 85 final}

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ANNEX to the
Fifth Report on Citizenship of the Union
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This working paper supplements the Fifth Report on Citizenship of the Union; it contains additional information relating to the chapters of the Report as follows:

(1) **Reference Point: Chapter 1: Introduction**
Previous reports on citizenship

(2) **Reference Point: Chapter 1: Introduction**
Perception of Union Citizenship: public opinion surveys (Eurobarometer**)**

(3) **Reference Point: Chapter 1: Introduction**
Secondary legislation adopted in relation to Part Two of the EC-Treaty

(4) **Reference Point: Chapter 2: Citizenship of the Union**
Information, Communication and Education

(5) **Reference Point: Chapter 3: Free Movement and rights of residence**
Statistics on citizens who have exercised their right of free movement

(6) **Reference Point: Chapter 7: Equal Treatment**
Actions to combat discrimination

1. PREVIOUS REPORTS ON CITIZENSHIP OF THE UNION

The Commission's Fifth Report on Citizenship of the Union was preceded by four reports. The First Report covered a brief period (1 Nov – 21 Dec 1993) immediately following the coming into force of the Maastricht Treaty[1]. The Second Report, which covered the period 1994-1996[2], had identified raising citizens' awareness and enforcement of their rights as key challenges. The former challenge was subsequently taken up by the Third Report[3], covering the period 1997 to 2001, which highlighted advances made in the area of public information as well as dedicating space to fundamental rights. The Fourth Report[4], which covered the period 1 May 2001 – 30 April 2004, focused on key legislative developments in the areas of free movement and residence and electoral rights and took stock of advances with regard to fundamental rights and equal treatment. The Fifth Report covers the first three years of an EU of 25 Member States as well as the subsequent enlargement to Bulgaria and Romania.

Taking the baton from the Annex to the Fourth Report, which took note of the European Parliament's request that all rights pertaining to Union citizenship – including "the judicial dimension" - should be taken into account in the reporting exercise, the Commission hereby makes reference to the adoption on 4 November 2005 by the European Council of **the Hague programme** which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. On 28 June 2006, the Commission adopted its first **assessment report on the implementation of the Hague programme**[5] which took stock of all actions achieved in the previous year and focused for the first time on implementation at national level.

2. PERCEPTION OF UNION CITIZENSHIP: PUBLIC OPINION SURVEYS

A 2007 Flash Eurobarometer public opinion survey[6] commissioned by the European Commission gauged the perception and awareness of Union citizenship in the 27 Member States. It reveals that more than three-quarters (78%) of EU citizens have heard about the term "citizen of the European Union" while 41% say that they know what Union citizenship means. An overwhelming majority of respondents, three-quarters, are aware that Union citizenship is acquired automatically by being a national of a Member State and 90% know that they are simultaneously Union citizens and Member State nationals. Three 'new' Member States - Estonia, Romania and Hungary (between 93 and 94%) - register the highest percentages of respondents declaring familiarity with the term "citizen of the EU".

The right to reside in any Member State of the Union is the most well-known right (88% of respondents are aware of its existence), followed by the right to lodge complaints with the European Commission, European Parliament or the European Ombudsman (85%), the right "to be treated exactly in the same way as a national of that State" (83%) and the right to consular protection from other Member States in the absence of one's own representations in third countries (80%). The less well known rights remain electoral rights relating to European

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1 COM (1993) 702
2 COM (1997) 230
3 COM (2001) 506
4 COM (2004) 695
5 See http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_2006/index_en.htm
6 Flash Eurobarometer 213

Parliament elections (54%) and municipal elections (37%) while 61% believe that one may acquire the nationality of any Member State in which one has lived for 5 years, even though this is not the case. These results have remained largely stable over the past 5 years.

However, there is a persisting gap between citizens' awareness of the existence of individual rights and their actual knowledge of the content of such rights. Almost half of the persons interviewed (49%) indicate that they are "not well informed" while 19% consider themselves "not informed at all" about their citizenship rights. 28% of respondents feel "well informed" and only 3% feel "very well informed" about their rights. This indicates that less than a third (31%) of respondents consider themselves well informed about their rights. While this is relatively low, it represents a 9% increase over 5 years: the 2002 Eurobarometer survey had shown that only 22% of citizens felt well informed about their rights.

Significantly, more than half (51%) of respondents have never heard of the European Union Charter of Fundamental Rights" and only 8% claim to know what it is.

3. SECONDARY LEGISLATION IN FORCE IN RELATION TO PART TWO OF THE EC TREATY

Article 18 – Right to free movement and residence[7]

– Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community. OJ L 257, 19.10.1968, p. 2, as amended by Directive 2004/38/EC.

– European Parliament and Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34, EEC 75/35/EEC, 90/365/EEC, 90/365/EEC and 93/96/EEC. OJ L 158, 30.4.2004. p. 77.

Article 19, together with Article 190 – Electoral rights

– Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, relating to the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, OJ L 278, 8.10.1976, p. 5, as amended by Council Decision 2002/772 amending the Act concerning the election of members of the European Parliament by direct universal suffrage, OJ L 283, 21.10.2002.

– Council Decision 2004/511/EC of 10 June 2004 concerning the representation of the people of Cyprus in the European Parliament in case of a settlement of the Cyprus problem, OJ L 211, 12.6.2006, p. 22.

– Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not

[7] Regulation (EEC) No 1251/70 of the Commission of 29 June 170 on the right of workers to remain in the territory of a Member State after having been employed in that State, OJ L 142, 30.6.1970, p.24 has been repealed with effect from 30 April 2006 by Regulation (EC) No 635/2006 of 25 April 2006. However, it remains in effect with regard to the EEA Agreement.

nationals, OJ L 329, 30.12.1993, p. 34.

– Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals, OJ L 368, 31.12.1994, p. 38, as amended by Council Directives 96/30/EC of 13 May 1996, OJ L 122, 22.5.1996 p. 14, and 2006/106/EC of 20 November 2006, OJ L 363, 20.12.2006, p. 409.

Article 20 – Diplomatic and consular protection

– Decision 95/553/EC of the Representatives of the Governments of the Member States meeting within the Council of 18 December 1995 regarding protection for citizens of the European Union by diplomatic and consular representations. OJ L 314, 28.12.1995, p. 73.

– Decision 96/409/CFSP of the Representatives of the Governments of the Member States, meeting within the Council of 25 June 1996 on the establishment of an emergency travel document. OJ L168 , 6.7.1996, p. 11

Article 21

– Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties, Official Journal L 113, 4.5.1994.

– Commission Decision 2000/633/CE, CECA, Euratom, of 17 October 2001 amending its Rules of Procedure (establishing the Code of Good Administrative Behaviour). Official Journal L 267, 20.10.2000.

4. INFORMATION, COMMUNICATION AND EDUCATION

4.1. Information and Communication

Following the adoption, in June 2001, of the Communication entitled "*A new framework for cooperation on activities concerning the information and Communication policy of the European Union*" and in the context of the enlargement of the EU and of its necessary institutional reform, the need and demand for information on EU issues has continued to increase. Three citizen-centred key initiatives geared towards improving communication and information has been adopted by the Commission: the Action Plan[8], the Plan-D[9] and the White Paper on a European Communication Policy[10], which seek to improve the way that the Commission communicates its activities to citizens. These initiatives set out a long-term plan to reinvigorate European democracy and help the emergence of a European public sphere, where citizens are given the information and the tools to actively participate in the decision making process and gain ownership of the European project:

- The **Action Plan**, adopted by the Commission on 20 July 2005, endorsed a new communication approach underpinned by three principles: **listening** to citizens**,**

[8] Action Plan to improve communicating Europe by the Commission SEC(2005) 985 – 20/7/2005

[9] The Commission's contribution to the period of reflection and beyond: Plan D for Democracy, Dialogue and Debate COM (2005) 494 final – 13/10/2005

[10] White Paper on a European Communication Policy COM(2006) 35 final – 1/02/2006

communicating how EU policies affect citizens' everyday life and what added value they bring and **connecting by going local** which implies adapting messages to audiences in each Member State and conveying them through the most appropriate communication channels.

- The Commission Communication on **Plan D for Democracy, Dialogue and Debate** was adopted on 13 October 2005 and undertakes a listening exercise whereby the European Union aims at identifying and understanding the concerns expressed by its citizens in order to act on them. In this context, the objective of the Commission is to stimulate a wide-ranging debate on the future of the EU while communicating the added value that the European Union can provide.

- On 1 February 2006, the European Commission adopted its **White Paper on a European Communication Policy** whose aim is to strengthen the EU's emphasis on communication and propose a new, more citizen-centred and decentralised approach.

The Europe Direct information relays[11] are a fundamental instrument developed in the context of the "going local" approach as they act as an interface between the EU and its citizens at local level. The mission of the network is to distribute information and advice about the European Union's policies, actively promote local and regional debate about the European Union, allow the European institutions to disseminate local and regional information and give the public the opportunity to send feedback to the European Union institutions. In the framework of the Commission's efforts to "go local", the Europe Direct local network was launched in 2005: 450 local information outlets all over the EU organize seminars, exhibitions and competitions, distribute newsletters and contribute to the local media.

4.2. Assistance in the enforcement of rights; advice and problem solving services

A host of EU services cover different citizens' needs, ranging from general information (Europe Direct), to specific information for citizens exercising their free movement rights (the Your Europe portal), to more targeted-oriented websites (such as Eures for workers, Ploteus for students etc) as well as advice services (like the Citizens Signpost Service) and problem-solving services (such as SOLVIT[12] and FIN-NET[13]).

The main development in this area, apart from the resounding success of the SOLVIT system, relates to the "Dialogue with Citizens website" which was merged in 2005 with the "Dialogue with business" website and the Public-service.eu site to create a new portal called **"Your Europe"** for citizens and businesses[14]. The citizens' part of this portal offers citizens information and advice about their rights as Union citizens in the European Internal Market. It contains 10 general guides on EU rights, 90 different practical fact sheets containing EU and national information and lists of useful addresses and assistance services.

4.3. Education, Training, Youth and Active Citizenship

The work programme **Education & Training 2010**[15] endorsed by the Council and the Commission is geared at ensuring "*that the learning of democratic values and democratic*

[11] http://ec.europa.eu/europedirect/visit_us/relays/index_en.htm

[12] SOLVIT, a problem solving network, http://ec.europa.eu/solvit

[13] FIN-NET, launched in 2001, is an out-of-court complaints network for financial services

[14] http://ec.europa.eu/youreurope/

[15] **Detailed work programme on the follow-up of the objectives of Education and training systems in Europe** (2002/C 142/01)

participation by all is effectively promoted in order to prepare people for active citizenship".

Active citizenship was one of the areas mentioned in the Council Conclusions of May 2005 on New Indicators to be developed[16]. As a result, an intensive reflection process was initiated by the Commission with the support of its Centre for Research on Lifelong Learning. A **research project on Active Citizenship for Democracy** was carried out, in cooperation with the Council of Europe, in order to develop two composite indicators on (i) Education and Training for active citizenship and (ii) Active citizenship in practice. The project also worked closely with the IEA (International Association for Evaluation of Education Achievement) in developing both core citizenship and European modules of future surveys.

The Commission also supported a significant number of **education projects to foster active citizenship** within the framework of the Commission Education and training programmes (especially in the Comenius and Grundtvig action programmes), strengthening learning opportunities for groups at risk, in particular for migrants, in relation to language, social and cultural knowledge and aptitudes. A number of projects deal with active citizenship education for various socially excluded groups. Others focus on teacher training or are developing material for democratic citizenship education in the more 'global' sense, encouraging the development of critical competence in intercultural, ecological, historical and economic issues.

The **Lifelong learning Programme 2007-2013**[17] will closely link with the Union's policy priorities, and will include civic education and Active Citizenship as an area to focus on.

In the framework of the Open Method of Coordination (OMC**) in the youth field** a particular focus is put on the **participation of young people**. To create the conditions for young people's active citizenship, during the first cycle of the OMC (2002-2004), participation objectives were adopted by the Council concerning young people's participation in the life of their local community, their participation in the system of representative democracy and learning to participate. In November 2006 the Council of youth ministers adopted a resolution on participation of and information for young people in view of promoting their active citizenship.[18]

As the promotion of active European citizenship is one of the key priorities of the **Youth in Action programme 2007 – 2013**[19] a particular action was established to facilitate the structured dialogue with young people by means of seminars at regional, national and European level; youth events of the Presidencies of the European Union and European Youth Week.

The first **Community action programme to promote active European citizenship**[20] was adopted just before the reporting period and implemented over 2004-2006, with a view to promote the values and objectives of the European Union, to bring citizens closer to the Union, to involve them in reflection and discussion on the future of the Union, and to intensify links and exchanges between citizens, notably by means of town-twinning initiatives. During

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16 Council Conclusions of 24 May 2005 on new indicators in education and training (2005/C 141/04)

17 Decision No.1720/2006/EC of 15 November 2006, establishing an action programme in the field of lifelong learning

18 OJ C 297/6, 07.12.2006

19 OJ L 327/30, 24.11.2006

20 Council Decision 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation)

this period, over 2.800 town twinning projects were supported. The programme also co-financed over 250 transnational projects by NGOs, associations and federations and trade unions, which organised meetings and debates among citizens, informal reflection, actions promoting citizen's participation or exchanges between citizens. Operating grants were attributed each year to approximately 39 bodies pursuing an aim of general European interest and working actively in the field of active European citizenship.

In 2005, the Commission made its proposal for developing activities in this area, following a wide consultation of stakeholders and other citizens, and a **new programme** was adopted by the European Parliament and the Council in December 2006, covering the period 2007-13. **The Europe for citizens' programme**[21] puts citizens in the centre and offers them the opportunity to fully assume their responsibility as European citizens. It responds to the need to improve citizen's participation in the construction of Europe and encourages cooperation between citizens and their organisations from different countries in order to meet and act together and develop their own ideas in a European environment which goes beyond a national vision, respecting their diversity.

Intercultural exchanges contribute to improving the mutual knowledge of the culture and history of the European peoples. It brings our common heritage to the fore and strengthens the basis for our common future. Mutual understanding, solidarity and the feeling of belonging to Europe are indeed the building blocks for the involvement of citizens and are reflected by the four different programme actions:

- Action 1 "Active citizens for Europe" involves citizens directly, either through activities linked to town-twinning or through other kinds of citizens' projects.

- Action 2 "Active civil society for Europe" is targeted to Europe-wide civil society organisations, receiving either structural support on the basis of their work programme or support trans-national projects.

- Action 3 "Together for Europe" supports high visibility events, studies and information tools, addressing the widest possible audience across frontiers and making Europe more tangible for its citizens.

- Action 4 "Active European Remembrance" supports the preservation of the main sites and archives associated with the deportations and the commemoration of the victims of Nazism and Stalinism.

5. FREE MOVEMENT AND RESIDENCE

5.1. Statistics on citizens who have exercised their right to free movement and residence

As of 1 January 2006, there were approximately 8.2 million EU citizens who were exercising their right to reside in a Member State of which they were not nationals. The table below presents the data on national and non-national populations in the EU25 on 1 January 2006 and national data (or Eurostat estimates) on the distribution between nationals, other EU nationals and third-country nationals.

[21] Decision 1904/2006/EC of 12 December 2006 establishing for the period 2007 to 2013 the programme 'Europe for Citizens' to promote active European citizenship

Nationals and non-nationals in EU-25 1 January 2006

	Unit	BE[1]	CZ	DK	DE	EE[1]	EL[1]	ES	FR[1]	IE[1]	IT	CY[1]	LV	LT
Total Population	1000	10511	10251	5428	82438	1345	11125	43758	62886	4209	58752	766	2295	3403
Nationals	1000	9611	9993	5157	75149	1103	10241	39756	59376	3895	56081	668	1838	3370
Non-nationals, of which	1000	900	258	270	7289	242	884	4003	3510	314	2671	98	457	33
Other EU nationals	1000	611	87	72	2677	5	88	836	1110	213	224	55	5	2
Third-country nationals	1000	289	171	198	4612	237	796	3167	2400	101	2447	43	451	31
Nationals	%	91,4	97,5	95,0	91,2	82,0	92,1	90,9	94,4	92,5	95,5	87,2	80,1	99,0
Non-nationals, of which	%	8,6	2,5	5,0	8,8	18,0	7,9	9,1	5,6	7,5	4,5	12,8	19,9	1,0
Other EU nationals	%	5,8	0,9	1,3	3,2	0,4	0,8	1,9	1,8	5,1	0,4	7,1	0,2	0,1
Third-country nationals	%	2,7	1,7	3,6	5,6	17,6	7,2	7,2	3,8	2,4	4,2	5,7	19,7	0,9

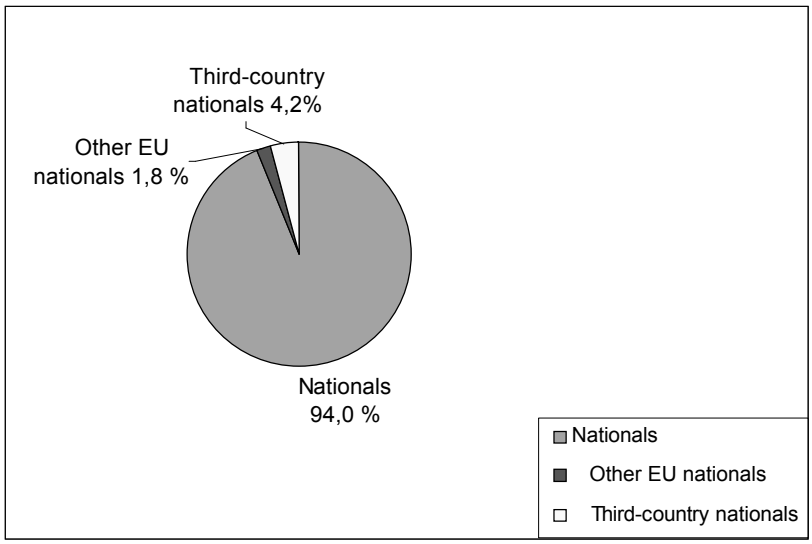
	Unit	L[1]	HU	MT[1]	NL	A	PL[1]	P[1]	SI	SK[1]	FIN	SE	UK[1]	EU-25[2]
Total Population	1000	460	10077	404	16334	8266	38157	10570	2003	5389	5256	9048	60393	463524
Nationals	1000	278	9920	392	15643	7452	37457	10294	1954	5367	5142	8568	56968	435674
Non-nationals, of which	1000	182	156	12	691	814	700	276	49	22	114	480	3425	27850
Other EU nationals	1000	155	25	8	234	227	15	80	3	11	38	213	1280	8272
Third-country nationals	1000	27	131	4	457	587	685	195	46	12	76	267	2145	19577
Nationals	%	60,4	98,5	97,0	95,8	90,2	98,2	97,4	97,6	99,6	97,8	94,7	94,3	94,0
Non-nationals, of which	%	39,6	1,5	3,0	4,2	9,8	1,8	2,6	2,4	0,4	2,2	5,3	5,7	6,0

Other EU nationals	%	33,7	0,2	2,0	1,4	2,8	0,0	0,8	0,1	0,2	0,7	2,4	2,1	1,8
Third-country nationals	%	5,9	1,3	1,0	2,8	7,1	1,8	1,8	2,3	0,2	1,4	2,9	3,6	4,2

Source: National data and Eurostat estimates

(1) Eurostat estimates on nationals' and non-nationals' distribution from previously published figures

(2) Total for EU-25 includes Eurostat estimates for Member States for which data was not available on 1 January 2006



Population by citizenship group, EU-25, 1 January 2006

5.2. The European Year of Workers' Mobility 2006

The 2006 **European Year of Workers' Mobility** initiated a wide-ranging debate to sensitise all relevant stakeholders to the rights of workers in the area of freedom of movement, to the tools that exist (such as the European Job Mobility portal EURES) and to promote freedom of movement. It examined mobility flows in Europe and highlighted the remaining obstacles to workers' mobility and the motives that lead workers to undertake a period of mobility in another Member State. The Year has triggered a great deal of popular interest and participation. It found not only a growing perception that mobility can be beneficial for employment and for the personal development of individuals, but that this understanding reveals also a large consensus between all stakeholders, in particular the social partners, provided that the EU rules that ensure free movement are correctly implemented. The findings indicate at the same time, however, that many potential mobile workers still need to be convinced about the benefits of mobility, particularly the conditions in which such experiences are undertaken, for them and their families. The ideas and suggestions expressed throughout the Year by 350 proposals indicated a strong momentum for more systematic policy action in the area but also clear expectations as regards the framework in which these opportunities can flourish[22].

6. ACTIONS TO COMBAT DISCRIMINATION

Community instruments such as Directives 2000/43/EC[23] and 2000/78/EC[24], the Structural Funds, the Community Action Program against discrimination 2001-2006 and the Program for Employment and Social Solidarity (PROGRESS)[25] with its "non-discrimination" strand as well as the Open Methods of Coordination in the field of employment and social inclusion aim at the promotion of equal treatment and non-discrimination of all groups in European societies. The Community policies focus on non-discrimination with regard to racial or ethnic origin, religion or belief, disability, age and sexual orientation and promote diversity.

In this context the European Commission launched the following initiatives in the period 2004-2007:

The 2007 **European Year of Equal Opportunities for All** took place at European level and in 30 participating countries (27 Member States and 3 EEA countries) and has a budget of EUR 15 million. The implementation of the European Year in the Member States is based on National Implementing Bodies (NIBs) which have set out national strategies. To this end the NIBs have consulted the relevant stakeholders. The active involvement of organizations of civil society in realizing the national strategies is a major success factor. The same applies for the implementation of actions at the European level; European networks of NGOs and umbrella organizations of civil society have played a key role *e.g.* in the 1st European Equality Summit in Berlin on January 30 and 31, 2007.

Since 2003 the European Union has carried out a Europe-wide information campaign **"For Diversity – Against Discrimination"**. The campaign comprises pan-European, national and regional measures. Elements of it are include the annual European journalist award, photo and poster competitions, a European Truck Tour visiting every year a number of participating countries (in 2007: 19 countries between April and November) and a large number of awareness-raising and media events. The information campaign is based on the spirit of close and direct dialogue with stakeholders and the general public. Its measures are developed in close liaison and co-operation with partners in each EU Member State, such as government representatives, NGOs and social partners. At European level an advisory group composed of representatives of civil society supports and accompanies the campaign.

Since 2001 the European Commission has maintained a permanent **structural dialogue with civil society** organized in the Platform of European Social NGOs ("Social Platform"). The main elements of this dialogue are the bi-annual meetings of the Commission with the Social Platform. Discussions cover the whole range of Community policies which have repercussions on the social situation in Europe and are introduced by high-level representatives of the different Commission services.

The Social Platform receives a **Community grant in order to support its running operational costs**. Under the Community Action Program against discrimination 2001-2006

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22 http://ec.europa.eu/employment_social/workersmobility_2006/index.cfm?language=en

23 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

24 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

25 Established by Decision No 1672/2006/EC of 24 October 2006

and the Program for Employment and Social Solidarity PROGRESS (2007-2013) four bigger umbrella organizations of NGOs, five smaller European organizations representing people with disabilities and a network of Roma NGOs receive Community funding for the same purpose. The bigger networks are the European Network Against Racism (ENAR), the European Disability Forum (EDF), the European Older People's Platform (AGE), and the International Lesbian and Gays Association – Europe (ILGA); the smaller organizations are the European Blind Union, the European Union of the Deaf, Inclusion Europe, Autisme-Europe and Mental Health Europe. The Roma NGOs network is organized in 2007 by the European Roma and Travelers' Forum.

Based on a Council Decision dated 23 March 2007, the European Community was among the first signatories of the **United Nations Convention on the Rights of Persons with Disabilities** which reinforces the rights of disabled citizens. The adoption of this Convention constitutes a landmark for the European Community in that it will, for the first time, become party to a comprehensive UN human rights treaty.

Finally, the Commission has also joined forces with the Council of Europe in the context of the 2006-2007 Council of Europe campaign "All different-all equal". It is worth noting that the fight against discrimination has been listed as one of the areas for cooperation in the Memorandum of Understanding signed in May 2007 between the EU and the Council of Europe.