A7-0047/2012

6.3.2012

REPORT

on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights
(2011/2182(INI))

Committee on Petitions

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights
(2011/2182(INI))

The European Parliament,

– having regard to its previous resolutions on the deliberations of the Committee on Petitions,

– having regard to the right of petition enshrined in Article 227 of the Treaty on the Functioning of the European Union (TFEU),

– having regard to Article 20 TFEU, which defines the concept of citizenship,

– having regard to Part Two of the TFEU, entitled Non-discrimination and citizenship of the Union, and Titles III and V of the Charter of Fundamental Rights,

– having regard to Article 45 TFEU, under which guaranteed freedom of movement for EU workers entails the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment,

– having regard to Articles 3, 10 and 11 of the Treaty on European Union and Article 8 TFEU,


– having regard to Council Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community1,

– having regard to Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States2 (hereinafter ‘the FMD’),


Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems⁴,

– having regard to its resolution of 2 April 2009 on problems and prospects concerning European Citizenship⁵,


– having regard to the Stockholm Programme, which makes the citizen the focal point of European action on freedom, security and justice, guaranteeing respect for diversity and protection for the most vulnerable,

– having regard to Rule 48 of its Rules of Procedure,

– having regard to the report of the Committee on Petitions and the opinions of the Committee on Internal Market and Consumer Protection, the Committee on Culture and Education and the Committee on Constitutional Affairs (A7-0047/2012),

A. whereas Union citizens – regardless of their disabilities – have, inter alia, the right to move and reside freely within the territory of the Member States, the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, the right to the provision of consular protection by the diplomatic and consular authorities of another Member State in third countries, and the right to petition the European Parliament, to apply to the European Ombudsman, and to address the EU institutions and advisory bodies in any of the Treaty languages⁶;

B. whereas the Lisbon Treaty enhanced and detailed the concept of EU citizenship – first introduced under the Maastricht Treaty in 1992 – and the rights deriving therefrom, which are also driven by case-law, by reinforcing the status and image of the European Union as the defender of citizens’ rights, by providing legislative means to stimulate the active involvement of EU citizens and by creating or fostering new rights, such as the European Citizens’ Initiative (ECI) and the individual rights contained in the Charter of Fundamental Rights; whereas EU citizenship should be seen as a source of both rights and duties;

C. whereas this demonstrates the EU’s efforts to make its citizens the central focus of its action and to work towards an area of freedom, justice and rights for all EU citizens;

D. welcoming the case-law of the European Court of Justice as regards the interpretation of Article 51 of the Charter of Fundamental Rights of the European Union, in particular the ERT ruling, which emphasises that the institutions of the Member States are also bound by the overriding fundamental rights of the Union if they wish to use national measures to restrict the fundamental freedoms guaranteed by the TFEU;

⁶ Article 20(2) TFEU.
E. whereas freedom of movement is inherent in the concepts of human rights and Union citizenship and represents one of the fundamental rights and freedoms of Union citizens recognised under the Treaties;

F. whereas, seven years after the entry into force of the FMD, too many problems still persist in relation to its implementation; whereas most complaints focus on EU citizens, their right of entry, their right of residence for more than three months, the validity of residence permits, the retention of their right of residence and right of permanent residence and the rights of their family members;

G. whereas many citizens do not possess all the relevant information concerning their rights championed by the FMD, in particular when seeking rights for family members who are third-country nationals;

H. whereas EU citizens who are habitually resident in the United Kingdom and who apply for certain social security benefits are required to undergo the so-called ‘Right to Reside Test’, which imposes additional conditions on non-UK citizens;

I. whereas the issue of the deportation of Roma people by France in 2010 was controversial not only from the fundamental rights perspective, but also from the standpoint of the right to free movement and that of discrimination on the grounds of nationality and racial and ethnic origin;

J. whereas on 15 December 2011 Parliament adopted a resolution on freedom of movement for workers within the European Union, with an emphasis on the rights of Romanian and Bulgarian workers in the single market\(^7\); whereas several Member States have decided to introduce or to continue applying transitional arrangements which limit Romanian and Bulgarian nationals’ access to their labour markets; whereas such measures may lead to worker exploitation, illegal work and lack of access to social security benefits;

K. whereas the exercise of a broad range of rights conferred on citizens by Union legislation is dependent on, or fostered by, the free movement or voluntary mobility of workers; whereas, accordingly, facilitating free movement can make it easier for citizens to take full advantage of the single market while also serving as a key driver of growth;

L. whereas the right to move and reside freely within the territory of the Member States cannot make for a better understanding of the values of European integration unless it is accompanied by specific measures taken by the Union and the Member States in terms of information, training, recognition of qualifications, and worker mobility (among seasonal, cross-border and posted workers, workers transferred as a result of head office relocations, etc.);

M. whereas a large number of petitions revealed problems in the field of accessing social security benefits, mainly involving a lack of cooperation on the part of national authorities, incorrect application of the principle of aggregation of benefits payable in several Member States (in particular concerning portability of pensions), failure to provide correct information on the applicable rules or cumbersome administration of cases;

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\(^7\) P7_TA(2011)0587.
whereas the ECJ judgment of 21 July 2011\(^8\) confirms the right of EU citizens to move to another EU Member State and be entitled to social security cover;

N. whereas, under the Bologna Process, generally accepted diplomas for completion of university studies are being awarded as a step towards more straightforward recognition of qualifications;

O. having regard to the problems linked to the incorrect implementation of Directive 2005/36/EC on the recognition of professional qualifications\(^9\) (compensatory measures, requests for additional documents, unsubstantiated negative decisions by the host Member State, undue delays in processing applications, systematic imposition of specific language tests), which constitute a significant obstacle to the exercise of citizens’ rights across the EU and thereby deprive them of the benefits of social cohesion;

P. whereas petitioners accuse the German Youth Welfare Office (*Jugendamt*) of discriminating against the non-German spouse in mixed marriages; whereas, on account of its operational independence, the *Jugendamt* contributes in some cases to the difficulties encountered by foreign divorced parents wishing to leave German territory with their children;

Q. whereas Parliament adopted a resolution\(^10\) in October 2011 regarding the mobility and integration of people with disabilities; whereas a considerable number of petitions are tabled by people with disabilities, who encounter on a daily basis many barriers preventing them from enjoying the rights of EU citizens, such as normal use of the education system and access to insurance or to public transport facilities; whereas there is a need for a coherent EU system for determining the degree of disability, and whereas the lack of such a system may lead to inequity and even social exclusion;

R. whereas all EU citizens brought before the courts of a Member State have the right of access, for their defence, to documents translated into their mother tongue, in order to prevent any discrimination based on language, and whereas, in particular, all citizens must be kept informed about any court proceedings against them, the entire process taking place within a judicially acceptable timeframe;

S. whereas the greatest obstacles to exercising active Union citizenship are a lack of awareness on the part of individuals of their rights as Union citizens and a lack of clearly structured, widely publicised information services; whereas Parliament and the Commission, in their action to strengthen Union citizenship, must consequently focus on better, adequately funded communication to citizens and Member States, both locally and nationally, while removing any remaining legal and administrative obstacles which prevent EU citizens from exercising their rights, and at the same time ensuring that they have easy access to clear and accurate advice;

1. Welcomes the EU Citizenship Report 2010, which sets the objective of dismantling the obstacles to EU citizens’ rights, and takes the view that the proposals contained therein

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\(^8\) See Lucy Stewart v Secretary of State for Work and Pensions, Case C-503/09.
\(^10\) P7_TA(2011)0453.
represent tangible measures for reducing needless expenditure and thus contributing to the purchasing power of EU citizens, which is particularly important during times of crisis; calls on the Commission to ensure that the legislative and non-legislative measures provided for in the report are put forward as soon as possible and approved, so as to ensure that EU citizens’ rights become effective and that all Member States abolish the aforementioned obstacles and simultaneously introduce administrative measures facilitating the comprehensive enjoyment of those rights, while removing possible contradictions between national and European law;

2. Notes that, although the right to petition the European Parliament is expressly provided for in the Treaties, it is not sufficiently well known or used, and therefore calls for improved, active communication to citizens – including justifications and explanations – about their right to petition in one of the official languages of the European Union; further calls on the Commission to join it in doing more to advertise the right to petition through their offices in the Member States, their decentralised information networks, the network of national Ombudsmen and all organisations working with the Commission and Parliament, in order to reach as many citizens as possible and to share best practices;

3. Takes the view thatthe ECI(5,9),(997,986), which will apply from 1 April 2012, constitutes the first instrument of transnational participatory democracy and will give citizens the possibility to become actively involved in the framing of European policies and legislation; calls for the effective, transparent and accountable implementation of the ECI Regulation and, in particular, calls on the EU institutions and Member States to put in place all the necessary administrative and practical arrangements in a timely manner, to take an active role and participate effectively in informing citizens about this new instrument in such a way that all EU citizens can benefit from it fully, and, especially, to use the European Year of Citizens (2013) to develop momentum for awareness-raising; takes the view, moreover, that the Committee on Petitions, on account of its experience of direct contact with citizens, should be given the responsibility of holding public hearings for organisers of successful European citizens’ initiatives, as provided for in Article 11 of the ECI Regulation; proposes that the Commission regularly present a report to the Committee on Petitions on the implementation of the ECI;

4. Calls on the Commission, when preparing its annual report on the application of the EU Charter of Fundamental Rights, to focus not only on the application of the Charter, but also on all EU Treaty articles relating to fundamental rights and on the situation of fundamental rights in the European Union; calls on the Commission to include in that report more detailed information on the implementation of the Charter by Member States when applying European law and on the issues raised with it by citizens, how it dealt with them and what concrete follow-up measures it took;

5. Calls on all Union institutions, bodies, offices and agencies to ensure that the right of access to documents provided for in Regulation 1049/2001 – an important right enjoyed by EU citizens – is guaranteed by improving transparency and making access to documents and information easy, user-friendly and comprehensible, including through the provision of barrier-free technologies, so as to enable citizens to participate more closely

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in the decision-making process; points in this context to the central importance of the work of the European Ombudsman in upholding the right of access to Union institutions’ documents;

6. While recognising the right of access to information as one of the cornerstones of democracy, stresses that access to information must not lead to the violation of other fundamental rights such as the right to privacy and data protection; emphasises that access to information held by the EU institutions is the primary interest of citizens aiming to understand the political and economic deliberations behind decision-making; takes the view that greater access to information on investigations and infringement files could be provided by the Commission without jeopardising the purpose of the investigations and that an overriding public interest might well justify access to these files, particularly in cases where fundamental rights, human or animal health and the protection of the environment against irreversible damage may be at stake, or where proceedings are under way regarding discrimination against a minority or violations of human dignity, as long as protection of trade secrets and sensitive information relating to court cases, competition cases and personnel files are safeguarded;

7. Encourages the Commission to continue its current efforts to ensure that Member States transpose and implement the FMD fully and correctly, making full use of its power to launch infringement proceedings; calls on Member States to remove existing legal and practical barriers to the free movement of citizens and not to introduce cumbersome, unjustified administrative procedures or to tolerate unacceptable practices restricting the application of that right; calls on the Commission, further, to step up its efforts to raise awareness of citizens’ right to free movement and to assist them in exercising it, in particular when it is denied or limited, or if practices are implemented which result in direct or indirect discrimination; calls on the Commission, in this context, to submit an assessment of free movement policies in the next EU Citizenship Report and to propose specific ways and means of supporting the application of freedom of movement; points out that, although the concept of Union citizenship is closely bound up with the right of free movement, all citizens who do not leave their Member State of origin also benefit from their rights as Union citizens;

8. Calls on the Member States to remove obstacles to the free movement of EU citizens and to take action to guide and advise mobile workers regarding employment opportunities and living and working conditions in the EU, while also making citizens aware of the risks inherent in illegal work and of the advantages associated with obtaining legal work (tax, social security, right to professional training, right to citizenship, right to housing, right to family reunification, access to education and training for children), through existing tools (EURES);

9. Calls for better coordination between Member States dealing with problems such as double taxation and lack of harmonisation of pension taxation for EU citizens, and calls, therefore, on the Member States to enhance and update their bilateral cooperation agreements; supports the Commission’s efforts to propose new legislation to eliminate tax barriers and takes the view that special attention should be given to registration taxes for motor vehicles previously registered in another Member State;
10. Takes the view that the convergence of European tax and social security rules and the harmonisation of national social security schemes are viable solutions for dealing with difficulties in relation to coordination between Member States concerning detailed procedures within their own systems; takes the view that, as a result, national, regional and local authorities would encounter fewer difficulties in applying the rules, and that procedures would be simplified for EU citizens;

11. Calls on those Member States which have decided, under the EU Accession Treaty for Romania and Bulgaria, to introduce a seven-year moratorium, until 1 January 2014, on the right to free movement within the EU for workers from those two countries, or to continue applying transitional arrangements restricting access by Romanian and Bulgarian nationals to their labour markets\(^\text{12}\), to review their decisions as soon as possible, taking into consideration the principle of equality, the prohibition of discrimination, the unjustified nature of those decisions and the principle of solidarity, so that the employment rights associated with EU citizenship are no longer restricted for Romanian and Bulgarian citizens;

12. Calls on the Commission to pay more attention and respond more precisely to the numerous petitions received concerning difficulties with the circulation of civil-status documents and with the recognition of those documents and of their effects\(^\text{13}\); highlights the importance of making progress as quickly as possible towards mutual recognition and ensuring the free circulation of civil-status documents, without discrimination, in the light of Article 21 of the Charter of Fundamental Rights;

13. Highlights the fact that mass expulsions represent a breach of the FMD, in addition to contravening the basic values and principles underpinning the European Union; recalls that, under the FMD, restrictions on freedom of movement and residence on grounds of public policy or public security can be imposed exclusively on the basis of personal conduct, without any discrimination on grounds such as disability or ethnic or national origin, and that lack of economic means or any other purpose relating to compensation, punishment or disenfranchisement cannot be used as the justification for the automatic expulsion of EU citizens (Recital 16, Article 14);

14. Urges Member States to abolish policies and to annul and repeal laws that discriminate, either directly or indirectly, against the Roma and other minority groups on the grounds of race and ethnicity, and calls on them to stop all instances of persecution, eviction and expulsion, or of confiscation of the assets of any minority group; calls on all Member States and the EU to take joint responsibility for promoting and facilitating the integration of Roma communities, giving them the same rights and obligations as other EU citizens, in line with Parliament’s resolution of 9 March 2011 on the EU strategy on Roma inclusion\(^\text{14}\) and the Commission communication entitled ‘An EU Framework for National Roma Integration Strategies up to 2020’ (COM(2011)0173), and to promote and protect their fundamental rights;

15. Calls on the Commission to link social inclusion priorities to a clear set of objectives that

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\(^\text{12}\) See, inter alia, Petitions 0810/2011 and 0900/2011.

\(^\text{13}\) See, inter alia, Petition 0632/2008.

\(^\text{14}\) P7_TA(2011)0092.
include protection of citizens against discrimination in all areas of life and the promotion of social dialogue between Roma and non-Roma people in order to combat racism and xenophobia; calls on the Commission, as guardian of the Treaties, to ensure that the relevant legislation is implemented in full and that appropriate penalties are imposed for racially motivated crimes.\textsuperscript{15}

16. Expresses concern at the fact that, although the right of free movement and residence is firmly established in Union primary law and well developed in secondary law, the rules continue to be applied unsatisfactorily; points out that Member States should work together to eliminate any remaining administrative and legal obstacles brought to their attention by EU institutions or by the Committee on Petitions; asks the Commission to assess carefully whether Member States’ legislation and practices infringe the rights of EU citizens under the Treaties and the FMD, and whether they do not place an unjustified burden on EU citizens and their families, indirectly restricting their right to free movement;

17. Recalls that the almost 80 million people with disabilities in the European Union still face obstacles, insurmountable in many instances, when, in various ways, they exercise their right of free movement as citizens of the Union; calls, accordingly, on the EU institutions and the Member States to identify and eliminate obstacles and barriers restricting the ability of people with disabilities to benefit from the rights of EU citizens, and to make it easier for people with disabilities to gain access to all means of transport, infrastructure facilities, public education and information, without delays or extra costs, as soon as possible in accordance with the European Disability Strategy 2010-2020 (COM(2010)0636) and Parliament’s own-initiative report based on that strategy\textsuperscript{16}; also draws attention to the disproportionately high number of older people with restricted mobility; calls for the establishment of an Erasmus-type programme for people with disabilities;

18. Urges the Member States to ensure that hearing-impaired suspects and defendants, including aggrieved parties in the case of criminal offences, be provided, if they so require, with suitable sign-language interpreters, in the interests of protecting their rights and preserving their dignity, and calls the Commission’s attention to the need for such facilities;

19. Calls on the Commission and the Member States – with regard to the Commission’s proposals to facilitate better access to cross-border healthcare, and given that patients’ right to information is fundamental – to inform EU citizens more fully about their rights and the means available for enforcing them, including practical aspects such as the reimbursement of costs on the basis of the European health insurance card; calls on the Commission and the Member States to make the greatest possible use of the existing potential for telemedicine and e-health services by 2020, while also complying fully with European data protection provisions; warmly welcomes the Commission’s initiative of developing a new system for the electronic exchange of social security data, and calls accordingly for enhanced cooperation between national social security systems; supports, furthermore, the pilot projects aimed at granting EU citizens secure online access to their


\textsuperscript{16} P7_TA(2011)0453.
patient data and ensuring interoperability of patient records;

20. Notes that the greatest obstacles preventing citizens from benefiting from the larger product range and competitive prices available in the single market are a lack of knowledge of consumer rights in other EU countries and a lack of information for consumers making online purchases in other Member States; believes that information intended for consumers is sometimes complex and that simplification is required, for example in labelling;

21. Recalls the recent Commission publications on consumer empowerment and ‘20 main concerns’, which highlight the information, legislative and implementation gaps that persist within the single market, for example regarding abusive practices by certain directory services; calls on the Commission to look on the development of the digital single market as a priority; welcomes the Commission’s work and commitment to the implementation of the Single Market Act; demands further action from the Member States, in coordination with the Commission, to overcome hurdles preventing citizens from gaining access to online services; notes, in this regard, the Commission proposal for a European contract law;

22. Takes the view that access to banking services for EU citizens who establish themselves in another Member State should be further facilitated; urges the Commission to take the necessary legislative measures to ensure access for all EU citizens to a basic payment account; stresses the need to improve the transparency of banking fees;

23. Notes the disparities between Member States with regard to mobile telephony and internet accounts; emphasises that reductions in roaming charges have come about solely as a result of EU legislation; calls, accordingly, for the publication of cost prices in each Member State for SMS and MMS messages, calls charged by the minute and internet connections, in order to promote the establishment of European flat rates, thereby making it possible to reduce mobility costs;

24. Condemns tie-in sales practices; calls for the European Year of Citizens to be used as an opportunity to draw citizens’ attention to the measures that have protected them as consumers and helped to maintain their purchasing power in times of crisis;

25. Calls on the Commission to monitor the correct application by Member States of regulations on the coordination of social security systems, with a focus on the new aspects introduced by Regulations 883/2004 and 987/2009, which came into force on 1 May 2010;

26. Is concerned at the fact that many petitioners were required by the UK authorities to undergo the ‘Right to Reside Test’ in order to gain access to social housing or other benefits, such as the jobseeker’s allowance17; draws particular attention to the fact that this requirement introduces indirect discrimination on the grounds of nationality, contravening Article 4 of Regulation 883/2004; urges the United Kingdom to bring its legislation into line with EU law;

27. Urges the United Kingdom to abide by the rulings of the Court of Justice of the European Union concerning the exportability of sickness benefits in cash\textsuperscript{18} and not to apply its so-called ‘Past Presence Test’ when other representative elements can be used to establish a genuine link with the United Kingdom social security system;

28. Takes the view that an updated Qualifications Directive should focus on eliminating obstacles to educational mobility, paying special attention to young people, while simultaneously streamlining the sources of information currently available to professionals and ensuring coordination with the ‘Your Europe’ portal; urges the Commission to streamline the provision of information on mobility for EU students, teachers and researchers by setting up a one-stop-shop system; agrees that a voluntary European professional card could serve as a tool for facilitating mobility among Europeans and provide a model for a ‘Europe of citizens’;

29. Urges those Member States which have not yet done so to set up the system of compensation measures required under Article 10 of the Qualifications Directive, in the framework of the General System, as their failure to do so appears to create discrimination on the basis of nationality; points out, in that connection, that citizens of the Member States having joined the EU in 2004 and 2007 respectively, in particular healthcare professionals (doctors, midwives and nurses), reported encountering problems relating to the recognition of their qualifications or of their acquired rights in a Member State other than their own\textsuperscript{19};

30. Recalls that one of the oldest outstanding petitions concerns the discriminatory treatment that foreign-language lecturers (‘lettori’) have been suffering in several Italian universities\textsuperscript{20}, calls on the Commission to investigate further the current so-called ‘Gelmini reform’, which entered into force in December 2010; calls on the Italian authorities and the respective universities to resolve this case as a matter of urgency; takes the view, however, that this is not an isolated case and that the Member States’ ombudsmen could therefore meet to exchange views on solutions to be introduced in Europe;

31. Proposes that a specific, very regularly updated internet portal be set up to allow national, regional and local authorities to flag up those sectors of the economy looking for manpower, in order to facilitate voluntary mobility;

32. Recalls that Regulation (EC) No 2201/2003\textsuperscript{21} lays down the principle that children should be able to maintain their relationships with both parents after the latter have separated, even if they live in different Member States; points out that, although the introduction and application of substantive rules on access rights is currently a Member State matter, the Member States must respect Union law when exercising their powers, in particular the Treaty provisions concerning the freedom of all EU citizens to travel and reside in another

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\textsuperscript{18} Case C-299/05 of 18 October 2007 and, more recently, Case C-503/09 of 21 July 2011.

\textsuperscript{19} See, inter alia, Petition 112/2009.


Member State as well as maintaining ties between parents and children, grandparents and grandchildren, and brothers and sisters; adds that the occasionally lengthy waiting periods and the number of procedures constraining parents who wish to return to their home country with their child/children are a barrier to the free movement of EU citizens; calls on the Commission to investigate alleged discrimination against the non-German spouse in mixed marriages by the German Youth Welfare Office (Jugendamt);

33. Points out the importance of administrative cooperation on civil-status issues; notes, for example, that any Member State intending to modify a child’s civil-status documents recognised in another Member State of the Union must inform the Member State in question of its intention to do so, so that documents such as birth certificates cannot be modified in such a way as to erase the origin of the child’s identity;

34. Points out that any Union citizen recognised as the parent of a child born in or out of wedlock must be informed, in the event of separation, about his or her scope for redress in order to obtain visiting rights, except in cases where, by common agreement between the parents’ and child’s home countries, it has been established that this would place the child at genuine risk;

35. Calls for the appointment of a mediator or, at the very least, a children’s mediator in every Member State, who would have sufficient powers to access any documents and review court decisions, with the aim of reconciling the claims and legal difficulties of parents who are separating, in order to prevent them from opting for unlawful conduct in order to enforce what they regard as their right and that of their children; adds that any citizen may bring a matter before the mediator in their home country or in the country in which, in his or her opinion, his or her rights have not been respected;

36. Calls – in the interests of equality between EU citizens as to choice of divorce law – on those Member States which have not done so to ratify the Council decision of 12 July 2010 authorising enhanced cooperation in the area of the law applicable to divorce and legal separation; calls, moreover, on the Commission to promote this new instrument during the European Year of Citizenship, given that, as the number of transnational marriages increases, the number of transnational divorces will inevitably increase too;

37. Takes the view that redress must be available at least at local, national or European level to any citizen who believes that his or her rights have been flouted, so as to defend those rights;

38. Draws attention once again to the problems faced by those EU citizens who decided to exercise their right of establishment under Article 49 TFEU and legally bought properties in Spain which were subsequently illegalised; urges the Spanish authorities thoroughly to revise the way in which the Ley de Costas (Coastal Law) is implemented in order to avoid affecting the rights of individual property owners, taking into account the fact that property law does not fall within the EU’s area of competence and is subject to the subsidiarity principle enshrined in the Treaties;

39. Re-emphasises the key priority of the Committee on Petitions: to find a solution to long-

22 See, inter alia, Petition 1614/2009.
standing concerns relating to property; points out that EU citizens, both nationals and non-nationals, have had serious problems with property transactions and bank guarantees, and that the violation of property rights has contributed to a lack of confidence in the cross-border property market and to Europe’s economic problems; calls for EU principles regarding consumer protection and freedom of movement to be extended to property, and reiterates its request for the right to legitimately acquired ownership to be fully respected;

40. Recognises that there are a number of obstacles preventing EU citizens’ full enjoyment of their electoral rights when residing in a country other than their own, whereas this is the most tangible political right of Union citizens and its exercise must be free of all discriminatory and obstructive formalities; calls on the Commission and the Member States to make citizens more aware of this right by means of targeted information campaigns prior to the relevant election; welcomes the Commission’s willingness to simplify the procedure that allows EU citizens to stand for European elections in their country of residence and encourages it to carry out the technical groundwork to improve mechanisms for preventing double voting and loss of voting rights; proposes, accordingly, that a European electoral roll be established for European elections; supports the action taken by the Commission with a view to publishing the results of European Parliament elections at the same time in each Member State; calls on the Member States to find better solutions for improving the rules governing elections and to promote best practices; stresses that, inter alia, more direct participation by citizens through European political parties is a decisive step towards achieving ‘more’ Europe and a more authentic democracy;

41. Proposes that membership of a European political party could be suggested more often when someone joins a national party, as a way of promoting citizens’ political involvement in Europe;

42. Takes the view that the establishment of a physical and online one-stop shop for citizens, ‘Your Europe’, is of great importance for individuals seeking advice or redress, whether they are long-term or new residents; acknowledges, at the same time, that the information and problem-solving networks set up by the Commission (such as Europe Direct, SOLVIT and the European Consumer Centres) are important partners in the settlement of complaints regarding malfunctions in the internal market or restrictions on the rights of EU citizens; calls on the Commission to promote these online and accessible services more actively, not only by involving the existing EU-level assistance and problem-solving services, but also, in particular, by taking a more comprehensive and more active approach in making them known to citizens;

43. Regards cross-border workers, who suffer a great deal from administrative red tape in Member States, as being in need of better, more targeted information about their social and professional rights; encourages the Commission to produce information material outlining in clear and simple terms the rights enjoyed by all EU citizens moving, working, studying, shopping, travelling and exercising their political rights across borders; takes the view that a new, citizen-based ADR (alternative dispute resolution) system built on existing advisory bodies and administrative structures would go a long way to providing affordable, expedient and accessible out-of-court settlement procedures for consumers;
44. Proposes that the Commission conduct a survey to determine how EU citizens wish to be informed about the Union’s activities, so as to meet their expectations more directly;

45. Calls on the Commission to improve the provision throughout the EU of information on Union activities by increasing the number of local information outlets;

46. Calls for the volume of documents necessitating a certified translation for court proceedings to be reduced to an absolute minimum, so as to avoid delaying a citizen’s defence and generating excessive legal costs;

47. Calls for it to be easy for any EU citizen claiming to have been the victim of overzealous treatment or of an abuse of dominant position by the administrative or police authorities of another Member State to approach the national or local authority responsible for complaints against those bodies;

48. Calls for the Commission, which supports twinnings between European towns and cities, not to focus exclusively on granting assistance for twinning schemes involving the new Member States or non-EU countries, but wishes to see longer-standing twinning arrangements continue to receive EU assistance so as to ensure their ongoing existence in the long term, which is currently under threat;

49. Believes that every EU citizen has the right to free access to information that is unbiased and of high quality; views with the utmost concern the establishment of media oversight authorities which are too closely linked to government;

50. Believes that the Union should communicate more regularly via television, which is an important vehicle for the provision of information; welcomes, therefore, the additional budget funds allocated to Euronews;

51. Welcomes the Commission’s recent proposal to strengthen the protection of EU citizens provided by the diplomatic or consular authorities of another Member State, notably by clarifying when a citizen is deemed not to be represented and specifying the type of assistance Member States typically provide where needed;

52. Congratulates the Commission on setting up the e-Justice portal, which provides a useful compendium of legal procedures and arrangements in each Member State;

53. Encourages the Commission to cooperate with the Committee on Petitions in drafting a new citizenship report in 2013; makes it clear, in this context, that the Committee on Petitions, in particular on the basis of the petitions it receives, will critically examine the results achieved (before the next report is published) in terms of strengthening Union citizenship, and will call for further action by the Commission as necessary;

54. Welcomes the Commission’s proposal to declare 2013 as the ‘European Year of Citizens’, which would raise and enhance awareness of the rights and advantages attached to Union citizenship; calls on the Commission – in collaboration with local, regional and national authorities and representatives of civil society – to use this opportunity to strengthen its efforts to protect and promote citizens’ rights, thereby reinforcing the status and image of the EU as the defender and facilitator of those rights; underlines the importance of tapping
the strategic potential of the year 2013 for accelerating the socio-political changes needed in order to address citizens’ lack of trust, which has been deepened by the economic crises; calls for the inclusion of Union citizenship as a priority for the incumbent Presidency of the Council of the European Union; expresses the hope that the European Year of Citizens in 2013 will address the EU’s socio-economic problems and work towards a market that benefits citizens, while at the same time significantly increasing general awareness of the status of EU citizens;

55. Proposes that the Commission launch a Union-level competition in 2012 to design a logo for the European Year of Citizens;

56. Calls on Parliament and the Council to ensure that the Member States have sufficient budget funds to ensure that the European Year of Citizens in 2013 and the associated activities, particularly those involving the media, run smoothly, so that the objectives set can be attained;

57. Instructs its President to forward this resolution to the Council, the Commission, the European Ombudsman and the governments and parliaments of the Member States.
EXPLANATORY STATEMENT

The ‘EU Citizenship Report 2010. Dismantling the obstacles to EU citizens’ rights23’, was published by the European Commission in October 2010. Starting from the suggestion included in the European Parliament’s report on ‘Problems and prospects concerning European citizenship’ of 20 March 200924, the Commission consulted civil society and drew up a scoreboard of the most important obstacles that the citizens face in the exercise of their rights across borders.

The ‘EU Citizenship Report 2010’ is also more comprehensive than its predecessors, which mainly provided a descriptive summary, required by Article 25 TFEU, of the major developments regarding EU citizenship in the relevant three-year period. It identifies 25 obstacles that citizens face in different roles (as private individuals, consumers, residents, students, tourists and professionals or political actors) and puts forward solutions for overcoming them.

This draft report scrutinises the actions proposed by the European Commission from the perspective of petitions received by the Committee on Petitions during the reference period 2008-2011 which allowed taking into account the most recent developments. For this purpose, more than 300 relevant petitions received were analysed.

Petitions provide first-hand feedback from citizens on the implementation of different policies and gauge the degree of satisfaction with the European Union. Petitioners attend committee meetings and are given the opportunity to engage in a transparent, direct dialogue with Members of the European Parliament.

Over the last years, an increasing number of petitions have been registered with respect to problems encountered by EU citizens who exercise their right to free movement. Statistics included in the annual reports of the Committee on Petitions show that issues related to free movement account for approximately 25% of the total number of petitions received.

The case law of the Court of Justice of the European Union has given increasing substance to European citizenship and placed free movement at the forefront, as the basic right which gives rise to a wide array of other essential rights. Free movement is one of the EU’s most cherished achievements. A recent Eurobarometer survey found ‘the right most familiar to EU citizens continues to be the right to free movement and residence’, with 88% of people recognising this right25.

Yet, the freedom of movement of people is the least developed of the four freedoms laid out in the Treaties (i.e. free movement of goods, capital, services and people). Although considerable progress has been achieved in this respect, following the entry into force of the

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'Citizenship Directive', numerous petitions bear witness to the fact that there are still many problems related to the implementation of the directive.

Some Member States do not fully recognise the rights of third country family members. For instance, several petitions showed that the United Kingdom did not allow non-EU family members to enter without a visa, even though they had residence cards issued by another Member State. The UK authorities asked for an excessive number of documents, processed applications with excessive delays and retained the original documents. Following the intervention of the European Commission, based on many complaints and petitions received, some improvements in the administrative practices have been initiated.

Some countries issued residence cards with a limited duration (in contravention of article 11 (1)) or infringed the principle of 'equal treatment' (as enshrined in art. 24), by treating European citizens residing in their territory pursuant to the Directive less favourably than their own nationals.

In Sweden, decisions to reject the application for a residence card are not subject to review and thus citizens are deprived of basic redress rights. Dutch nationals living abroad experience difficulties in having their travel documents renewed.

Citizens often have difficulties accessing social security entitlements especially because the relevant legislation is complex, difficult to understand and sometimes incorrectly applied by the relevant authorities. They frequently do not fill in the right forms or miss the deadlines for submitting the appropriate documentation because they have not been properly informed or they have not found the necessary instructions before leaving their home countries.

Several petitions were received by UK citizens resident in another EU country concerning the refusal by the UK Government to grant them benefits such as Disability Living Allowance, Attendance Allowance or Carer’s Allowance, despite the fact that the Court of Justice of the European Union had classified them as exportable sickness benefits in cash.

A case brought forward by a petitioner was also the subject of a request for a preliminary ruling, which resulted in a landmark ruling of the Court of Justice of the European Union (C-503/09), delivered in July 2011. The ruling stated that such a past presence test can only be imposed in the absence of some other proper linking to the UK’s social security system.

The Court of Justice laid great emphasis on the concept of citizenship and on the rights attached thereto. It underscored that it would be incompatible with the citizenship rights if citizens were to receive in the Member State of which they are nationals treatment less favourable than that which they would enjoy if they had not availed themselves of the opportunities offered by the Treaties.

27 Case C-299/05 of 18.10.2007.
28 Petition 0876/2008 by Miss Lucy Jane Marie Stewart (British), on her right to incapacity pension when residing in another EU member state than the one she is a national of.
The Committee on Petitions has strongly supported the petition since its receipt in 2008 and has engaged in a constructive dialogue with the competent British authorities and the European Commission on this issue. In November 2009 the petitioner and her family had the opportunity to attend a committee meeting and fully explain her case before Members of the Committee and representative officials of the European Commission.

The UK rules make no reference to the fact that a former worker who has a child in education has a right of residence in the UK under EU law. As a result, this group of persons will almost certainly be wrongly refused benefits on the basis that they do not have a right of residence. The rules also fail to deal with rights under Article 18 TFEU. This is a complicated area, but it is clear from ECJ judgments that a person who had a right of residence in a Member State in the past should receive equal treatment with nationals of that Member State in terms of access to benefits.

Petitioners have also given an account of problems related to the recognition of their diplomas or qualifications and sometimes of poor transposition or implementation of Directive 2005/36/EC29.

The Code of Conduct created for the application of Directive 2005/36/EC appears to not be well known or properly observed by competent authorities. In certain cases, the authorities requested applicants to submit additional documents to the ones mentioned in the annexes or imposed disproportionate language tests. Delays in transposition of the Directive were denounced in several countries. Pharmacists with qualifications from another Member State complained against being refused access to the management of new pharmacies in the United Kingdom, due to a restrictive interpretation of Article 21 (4) of the Directive. The case was successfully settled during the second half of the year 2011.

The plethora of competent authorities, at national or local level creates confusion about the appropriate organism to which petitioners should address themselves. Lengthy procedures and red tape also can also act as deterrents.

Blatant discrimination on grounds of nationality was revealed on numerous occasions in the case of foreign language teachers (‘lettori’) in Italy, who have been struggling for decades against discriminatory treatment with respect to security of tenure, career development, pensions and social security.

Petitioners have expressed concerns about the obstacles faced by people with disabilities when they exercise their right to free movement, such as the lack of appropriate transport facilities.

Problems in the field of family law were revealed mainly with respect to child custody in case of divorce or recognition of partnerships registered in another Member State.

Regarding trans-border divorces, petitioners primarily complained about the enormous costs involved, protracted proceedings, the lack of adequate information on applicable laws and

Several petitions illustrate problems related to the non-recognition of civil status documents. Procedures for the recognition of documents can be extremely time-consuming and involve many costs, especially linked to translation or authentication. Some petitioners reported problems regarding the linguistic transposition of their names according to the culture of the country they moved to. Others complained about the difficulties they encountered when trying to register their newly born children in their new state of residence. It was revealed that Polish authorities refuse to issue certificates of civil status to persons who intend to engage in a same-sex partnership or marriage in another Member State.

Several petitions are pending already for several years calling for a solution to problems related to the mutual recognition of the marriages and recognised partnerships of the same-sex couples, which brings about discrimination of several fundamental rights granted to EU citizens on grounds of sexual orientation.

Mass expulsions on the basis of ethnic or national origin have been heavily criticised and especially the lack of the National Roma Integration Strategies has been pointed out as one of the causes of the problem.

The report puts the focus on the importance of informal problem-solving networks (Solvit, the ‘Your Europe’ website) and an enhanced communication policy, which should aim at ensuring that citizens fully enjoy their rights laid out in the Treaties.

Although citizens’ rights are clearly enshrined in the EU legal acts, they are not always upheld in practice. Therefore many people feel disenchanted with the European project. The Committee on Petitions attempts to rectify these shortcomings by placing citizens at the heart of its activities. Turning to good account its political influence, it enters into direct dialogue with national or regional authorities in the Member States concerned and tries to find quick, non-judicial remedies to the issues raised with it. In instances bringing forward allegations of serious infringements of European law, which merit further consideration by the Court of Justice of the European Union, the PETI Committee closely cooperates with the European Commission for the initiation of infringement proceedings. Consequently, citizens’ rights are constantly promoted and secured through the petitions process.
25.1.2012

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Petitions

on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights (2011/2182(INI))

Rapporteur: Louis Grech

SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Petitions, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

A. whereas the EU Citizenship Report COM(2010)603 and the Single Market Act Communication COM(2010)608 are complementary initiatives which place citizens at the heart of the Single Market and help to overcome the present fragmentation of the EU;

B. whereas the current economic downspin and the re-emergence of protectionist economic attitudes in Member States have threatened some of the most visible achievements of the European Integration process; whereas the Commission proposal to make 2013 the ‘European Year for Citizens’ should address the EU’s socio-economic problems and should work towards a market that is at the service of citizens;

C. recalling the spirit of its Resolution of 20 May 2010\(^\text{30}\) on delivering a single market to consumers and citizens, and endorsing the Monti report, which champions a citizen-based approach whereby citizens’ and consumers’ concerns are fully integrated in the Single Market’s development, empowering EU citizens and giving new political impetus to the concept of EU citizenship;

D. having regard to the outcome of the first Single Market Forum, which was held in Kraków on 3 and 4 October 2011, and in particular to the Kraków Declaration, which highlighted the obstacles that citizens face in their day-to-day lives and the steps that need to be taken

\(^{30}\) P7_TA(2010)0186.
in order to remove those obstacles;

1. Emphasises in particular the importance of removing obstacles to the free movement of Europe’s citizens, especially by ensuring that citizens enjoy their EU rights pertaining to various aspects of their life in any Member State to which they travel; this is particularly important with respect to the free movement of workers and professionals, and thus to the completion of the internal market;

2. Stresses that mobility of EU citizens could be enhanced by facilitating and providing better information on the use of their social rights in other Member States; warmly welcomes the Commission’s initiative of developing a new system of electronic exchange of social security data, and calls for enhanced cooperation between the national social security systems;

3. Calls on the Commission to put into effect Article 174 of the Treaty on the Functioning of the European Union, particularly as regards island and mountain regions, whose inhabitants do not have the same access to health, work and education as citizens living in big towns and cities; urges the Commission to make greater efforts to ensure that broadband is introduced in island and mountain regions and to implement all the policies required, in terms of access to rights, to avert the depopulation of these regions;

4. Welcomes the Commission’s commitment to updating Directive 2005/36/EC in order to enable faster and less bureaucratic recognition of professional qualifications; stresses that it is necessary for professional qualifications to be broadly recognised, as citizens are becoming increasingly more mobile, and also to guarantee portability rights of mobile workers, promote informal training leading to a skills passport, and implementing the ‘youth on the move’ card; agrees that a voluntary European professional card could serve as a tool to better facilitate the mobility of Europeans and serve as an example for a Europe of citizens;

5. Recalls the importance of portability of pensions across EU Member States, the lack of which remains a significant obstacle which discourages citizens from exercising their right to free movement;

6. Notes the awareness on the part of the Commission that citizens have insufficient access to information and therefore prompts the Commission to adapt communication to the needs of ordinary citizens to the fullest extent possible, for instance by making all public consultations by the Commission available in all EU official languages; strongly reaffirms its position regarding the importance of one-stop-shops, commends the Commission for its work on the Your Europe Portal and encourages completion of the development of this innovative tool, particularly by stepping up solutions for adequately resourced physical one-stop-shops at national level by ensuring that they are located within the representations of the European Commission in the various EU Member States;

7. Recognises that administrative hurdles remain a major barrier within the European Union; calls on the Commission to find more effective solutions by constantly identifying and addressing the barriers and bottlenecks for citizens dealing with cross-border administrative procedures, whether directly or through the local administrative authority;
8. Recognises the language difficulties faced by citizens in dealing with national courts, institutions and administrations when moving freely within the European Union; calls on the Commission to offer tangible and expedient solutions to help citizens overcome this significant obstacle, without placing a heavy burden on the Member State authorities;

9. Calls on the Commission to adopt a comprehensive, consolidated framework integrating all passenger rights into one single piece of legislation, taking into account the different needs of passengers depending on the mode of transportation, and commends the Commission’s plans to revise Regulation (EC) 261/2004; requests the Commission to pursue effective actions in this field;

10. Points out that complex tax rules applicable to cross-border situations alongside double taxation discourage citizens from moving across borders; backs the Commission’s efforts to eliminate these tax barriers and considers that special attention should be given to the registration of motor vehicles previously registered in another Member State so as to reduce cumbersome re-registration formalities and paperwork and avoid instances of dual payment of registration tax; calls on the Commission to ensure that a legislative proposal is presented to this effect in 2012;

11. Welcomes the Commission’s proposals to facilitate better access to cross-border healthcare so as to guarantee peace of mind and quality care to citizens located outside their Member State; urges the Commission and the Member States to ensure a swift and effective implementation of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare, taking due account of the principles of universality, access to good quality care, equity and solidarity; calls further on the Commission and the Member States to continue working towards the target of widespread deployment of telemedicine and e-health services by 2020 and, furthermore, supports the pilot projects aimed at granting EU citizens secure online access to their patient data and ensuring interoperability of patient records, thus providing patients with continuity of care;

12. Notes that one of the main causes of frustration for citizens receiving health care abroad is that they are not sufficiently aware of their rights and the means available for enforcing them; calls on the Commission and the Member States to inform EU citizens better about these rights, including the practical aspects of their exercise, in particular with regard to reimbursement of costs;

13. Notes the recent Commission publications on ‘Consumer Empowerment’ and ‘The 20 main concerns’, which highlight the information, legislative and implementation gaps which persist within the Single Market, as well as the lack of knowledge among consumers and businesses with regard to their rights and obligations, which prevents them from reaping the benefits of the Single Market; undertakes, and calls on the Commission and Member States, to enhance communication with citizens on the rights they derive

31 Directive 2011/24/EU provides rules for facilitating access to safe, high-quality cross-border healthcare and promotes cooperation on healthcare between Member States. Under Article 4 of the Directive, cross-border healthcare is to be provided taking into account the principles of universality, access to good quality care, equity and solidarity.
from the Single Market;

14. Believes that, having identified the problems related to the Single Market, the Commission should move into the next logical phase of consolidating and finding ways to implement effectively the Single Market in order to regain the support of European citizens; welcomes the Commission’s work on the ‘The 20 main concerns’, which stemmed from the resolution of 20 May 2010\(^\text{32}\), as a useful first step; calls on the Commission to bring forward the ‘Top 20 main Solutions’, as proposed at the Krakow Single Market Forum, to each of these sources of frustration;

15. Calls on the Commission to look upon the development of the digital single market as a priority, so that consumers have full access to more competitive offers of goods and services;

16. Considers that access to banking services for EU citizens who establish themselves in another EU Member State should be further facilitated; urges the Commission to take the necessary legislative measures to ensure access for all EU citizens to a basic payment account; stresses the need to improve the transparency of banking fees;

17. Recalls that the 2011 Single Market Forum succeeded as an audit of the progress of the Single Market and helped to bring citizens’ concerns to the fore; urges the Commission to maintain this momentum and to assess continuously the state of play of the single market by holding regular Single Market Fora and supplementing these with annual visits to assess and promote the single market in the individual Member States;

18. Welcomes the Commission’s work and commitment to the implementation of the Single Market Act; urges the Commission to ensure effective implementation of the main priorities, whilst developing a second set of initiatives for future implementation;

19. Recalls the importance of effective redress mechanism as a means of ensuring that consumers can pursue their rights; emphasises the fact that, over the years, alternative dispute resolution (ADR) systems and the SOLVIT network have proved to be simple, fast and cost-effective in solving problems affecting citizens, such as those linked to recognition of professional qualifications, portability of pension funds of mobile workers and free movement and residence of EU citizens, notes, nevertheless, that Europe’s ADR landscape remains largely fragmented and the SOLVIT network largely underused; stresses that citizens should be better informed about these redress mechanisms and problem-solving tools with a view to the facilitation of consumer redress in cross-border purchases of goods and services; welcomes the Commission’s legislative proposals on the use of ADR and Online Dispute Resolution (ODR) and underlines the importance of their effective adoption, as well as of promoting wider use of mediation; urges the Commission to ensure that a legally binding framework is prepared in the field of collective redress;

20. Takes the view that a new citizen-based ADR system built on existing advisory bodies and administrative structures would go a long way in providing affordable, expedient and accessible out-of-court settlement procedures for consumers;

\(^{32}\) P7_TA(2010)0186 (Grech Report).
21. Encourages the Commission to adopt without delay an Action Plan to further reinforce and strengthen the role of SOLVIT, Your Europe Advice and the European Consumers’ Centres, among others assistance services, in order to make them more visible to citizens and businesses;

22. Encourages the Commission to consider adopting a user-friendly, regularly updated and easily accessible Citizens’ Rights Charter, as called for in Parliament’s aforementioned Resolution of 20 May 2010\(^\text{33}\), outlining citizens’ rights, obligations and cross-border issues within the Single Market; takes the view that this Charter should be readily available and serve as a handbook for all citizens moving, working, shopping and selling across borders, and provide more practical information and solutions to the day-to-day problems encountered by European citizens, such as gaining access to medical care, registration of cars, opening a bank account, online purchasing of products and so forth;

23. Demands further action from the Member States in coordination with the Commission to overcome hurdles preventing citizens from having access to online services; notes, in this regard, the Commission proposal on a European Contract Law;

24. Reminds the European Commission of its duty to investigate infringements of EU law, particularly with respect to infringements of citizens’ EU rights; stresses that the burden of proof regarding such infringements of EU law must not be placed on citizens, who do not have the resources to furnish such information;

25. Emphasises that even with the recent improvements revealed by the Internal Market Scoreboards of December 2010, Member States are still failing fully to meet their objectives of correct and timely transposition of European legislation into national law; calls on the Commission and the Member States to ensure proper implementation and transposition of single market legislation through more systematic, independent monitoring in order to guarantee a level playing field throughout the Union;

\(^{33}\) P7_TA(2010)0186 (Grech Report).
## RESULT OF FINAL VOTE IN COMMITTEE

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<th>25.1.2012</th>
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| **Result of final vote** | +: 36  
| | −: 0  
| | 0: 0  |
| **Members present for the final vote** | Adam Bielan, Cristian Silviu Busoi, Sergio Gaetano Cofferati, Lara Comi, Anna Maria Corazza Bildt, Cornelis de Jong, Evelyne Gebhardt, Louis Grech, Vicente Miguel Garcés Ramón, Małgorzata Handzlik, Iliana Ivanova, Philippe Juvin, Sandra Kalniete, Eija-Riitta Korhola, Edvard Kožušník, Kurt Lechner, Toine Manders, Hans-Peter Mayer, Phil Prendergast, Mitro Repo, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Róza Gräfin von Thun und Hohenstein, Bernadette Vergnaud, Barbara Weiller  |
| **Substitute(s) present for the final vote** | Simon Busuttil, Frank Engel, Ildikó Gáll-Pelcz, Anna Hedh, Liem Hoang Ngoc, Emma McClarkin, Olle Schmidt, Kyriacos Triantaphyllides  |
OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Petitions

on the EU Citizenship Report 2010: dismantling the obstacles to EU citizens’ rights (2011/2182(INI))

Rapporteur: Morten Løkkegaard

SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Petitions, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Takes the view that shortcomings in the dissemination of information is one of the main reasons EU citizens are unable to make full use of their rights; calls once again on the Commission, as 2013 – the European Year of Citizens – approaches, to guarantee – in collaboration with local, regional and national authorities and representatives of civil society – a comprehensive communication strategy in order to inform European citizens about their rights, thereby encouraging citizenship education, enabling citizens to express their views and ensuring that those views are better understood; considers that Members of the European Parliament should be active at local level and communicate with citizens in their constituencies;

2. Takes the view that the closer communication is to citizens, the more effective it is; emphasises the role of Members of the European Parliament in actively communicating with constituents; urges national and regional bodies to take ownership of rights guaranteed under EU law; and calls on the Commission to identify implementation gaps in this area;

3. Calls on the EU institutions to strive to improve the user-friendliness of their websites and to make full use of social media;

4. Welcomes the European Citizens’ Initiative and stresses the need to ensure that it is rapidly put into effect by providing the means whereby it can become a mechanism which genuinely enables citizens to participate in the European Union’s decision-making processes; urges the Commission to raise public awareness of the opportunities for action
this mechanism offers and calls for genuine account to be taken of proposals put forward by citizens;

5. Points to the Interinstitutional Group on Information as a forum within which the EU institutions can work to honour their commitment to ‘communicate Europe in partnership’ and coordinate the effort to raise awareness of the rights conferred by the EU; points out that cooperation in the Interinstitutional Group on Information has come to a halt lately and encourages all parties involved to agree on common communication strategies in order to maximise the impact of communication efforts;

6. Points out that volunteering is an important means of enhancing the scope for involving every EU citizen in society, teaching citizens about and enabling them to pursue active citizenship, creating social capital and fostering a stronger sense of European identity; calls on the Commission and Member States to remove the obstacles to volunteering, to develop strategies to promote it and to acknowledge the contribution it makes to promoting EU citizenship;

7. Calls on the Commission to establish mechanisms to foster the development of a culture of protecting and promoting fundamental rights at all political levels, so as to encourage interactive political dialogue and put the principle of participatory democracy into practice;

8. Urges the Commission to streamline the provision of information on mobility for EU students, teachers and researchers, by setting up a one-stop-shop system, in order to make it easier for them to take advantage of the opportunities provided under European programmes; urges the Commission to promote information campaigns to publicise the Europass instrument and the work of EURES;

9. Emphasises the importance of volunteering and of its role in building genuine EU citizenship, particularly as regards the safeguarding of citizens’ rights and the strengthening of social cohesion and mutual understanding between EU citizens;

10. Emphasises the right of EU citizens to receive objective and reliable news from independent media, on the basis that freedom and pluralism of the media must be respected, as laid down in Article 11 of the Charter of Fundamental Rights of the European Union;

11. Calls on the European Union and its Member States to ensure, not least through the work of public broadcasting organisations, that appropriate information is provided about the history and culture of Europe and its institutions and about Community programmes in the academic, social and economic fields, in order to open up access to the opportunities which the EU offers;

12. Calls on the Directorates-General for Communication of Parliament and of the Commission to enhance and broaden the scope for involving schoolchildren and students, as well as their teachers, in interactive communication campaigns, including on the internet and through innovative approaches, in order to increase awareness of, and active participation in, matters relating to EU citizenship;
13. Calls on the Commission and the Member States to take all necessary steps to facilitate mobility for citizens moving between EU Member States and ensure full recognition of diplomas, certificates and periods of study and vocational training, thereby removing obstacles to the mobility of students and job-seekers, as this is vital if the aims of the Bologna process are to be achieved, and to step up their efforts to disseminate even more broadly information concerning the possibilities offered to European citizens by educational and vocational training programmes; strongly recommends establishing common criteria for the mutual recognition of formal and non-formal vocational training, for example by speeding up the adoption of the EQF system for the recognition of qualifications, transparency and the validation of skills;

14. Calls on the Commission and Council to support and broaden all cultural and educational programmes promoting European and cross-border mobility, and multilingualism, in order to nurture and enhance shared values and interculturalism in the context of EU citizenship;

15. Urges the Commission to take active measures to guarantee the right of all EU citizens to high-quality basic education and high-quality vocational training;

16. In addition to freedom of movement and education, stresses the significance of lifelong learning, vocational training and further training programmes in helping to eliminate obstacles to the rights of EU citizens;

17. Emphasises the enormous contribution made by Erasmus and other mobility programmes to fostering a sense of European citizenship; calls for renewed efforts to increase participation rates;

18. Points to the importance of improving language skills through the teaching of at least two foreign languages from a very early age, as recommended by the Barcelona European Council of 15-16 March 2002, so that EU citizens can access information and truly exercise their rights throughout the Union; stresses the need to step up EU and Member State efforts in this area by incorporating more actively the foreign languages teaching programme at every level of education and by placing special emphasis on providing equal access to language learning for all children;

19. Welcomes the Commission’s proposal to make 2013 the European Year of Citizens and highlights the importance of granting a status to EU citizenship and recognising the rights associated with this; stresses the need to promote awareness and information on those rights in the everyday lives of the members of the public, with special reference to new generations;

20. Stresses the importance of further action to support, highlight and promote European cross-border cooperation programmes in the field of culture and education as a significant means of heightening awareness of a common European identity;

21. Calls on the Commission to pay attention to establishing a balance in terms of the mobility of professionals and of those involved in research, education and training among the various Member States and regions;

22. Calls for public consultations carried out by the Commission to be used more effectively
as a means of engaging citizens in dialogue so that policy outcomes better match their expectations; takes the view that such consultations should be available in all official languages and should be conducted proactively in conjunction with national and local bodies, NGOs, trade unions and other multipliers; calls on the Commission to review its consultation guidelines to take account of this.
RESULT OF FINAL VOTE IN COMMITTEE

<table>
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| Result of final vote | +: 23  
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| Members present for the final vote | Maria Badia i Cutchet, Zoltán Bagó, Malika Benarab-Attou, Piotr Borys, Santiago Fisas Ayxela, Lorenzo Fontana, Mary Honeyball, Petra Kammerevert, Morten Løkkegaard, Emma McClarkin, Marek Henryk Migalski, Katarina Neveďalová, Doris Pack, Chrysoula Paliadeli, Marie-Thérèse Sanchez-Schmid, Marco Scurria, Emil Stoyanov, Hannu Takkula, László Tőkés, Helga Trüpel, Marie-Christine Vergiat, Sabine Verheyen, Milan Zver |
| Substitute(s) present for the final vote | Ivo Belet, Seán Kelly, Georgios Papanikolaou, Inês Cristina Zuber |
8.12.2011

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Petitions

on the EU Citizenship Report 2010 - Dismantling the obstacles to EU citizens’ rights (2011/2182(INI))

Rapporteur: Zita Gurmai

SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Petitions, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the proactive rather than descriptive approach of the Commission’s 2010 Citizenship Report, which gives a better overview of the measures to be taken by the Commission in the future;

2. Recalls that EU citizenship should be seen as a set of rights and duties which apply to nationals of the European Union pursuant to Article 20 of the Treaty on the Functioning of the European Union;

3. Regrets, however, the hiatus between the provisions on citizenship in the Treaties and actual practice; recalls, in this respect, that EU citizenship represents an additional set of rights that are guaranteed by the EU Treaties, enshrined in the Charter of Fundamental Rights of the European Union and developed in secondary law;

4. Points out that better regulation does not mean in principle less regulation and that in many policy areas hard law is often necessary for enforcing legislation;

5. Recalls that democratic participation stemming from electoral rights cannot be imposed on citizens, but should originate in them; considers, in this respect, that the electoral process is a means of giving EU citizens a feeling of ownership of democracy; points out that European political parties play a key role in forming a European demos and that they contribute to enriching the ‘European identity’ of citizens; envisages also that natural persons will be able as individuals to become members of any European political party
they wish to join; calls on political parties at national and European level to promote the European dimension and European themes, for example by establishing training for their officers;

6. Stresses that European political parties and European political institutions have become essential factors in the political life of the European Union, shaping and reflecting the respective positions of the various ‘political families’;

7. Recalls that European political parties and their acquisition of legal personality under the law of the European Union, which the revision of Regulation 2004/2003 is expected to introduce, will demonstrate the practical benefits for citizens of acquiring citizenship of the European Union;

8. Regrets that many of the European Union’s citizens are still not well informed about their rights as EU citizens; calls on Member States to increase significantly their efforts to provide useful and practical information about the rights attached to EU citizenship – including electoral rights and the membership and founding of political parties – thus helping their citizens to benefit fully from these rights, even as residents of EU Member States other than their own;

9. Recognises the challenge represented by the steady general decrease in voter participation in elections;

10. Points out that, apart from common democratic principles, some practical considerations and powerful European symbols (e.g. organising European elections at the same time in every Member State) are also necessary to increase voter participation;

11. Calls on Member States to ensure that the publication of European Parliament election results takes place at the same time throughout the whole of the EU, avoiding the risk that the outcome in one Member State may influence voting in others;

12. Welcomes the Commission’s intention to improve the current mechanism for preventing double voting in European Parliament elections;

13. Calls on the Commission, in the light of the European Union’s imminent accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its first protocol, to address the practice of certain Member States of disenfranchising their own nationals who choose to live in another state for an extended period;

14. Strongly emphasises that European Union citizens will only benefit fully from their EU status if they and all stakeholders, such as Member States, EU institutions, etc., are aware of the rights and responsibilities this entails; expresses the hope that 2013 as the European Year of Citizens will significantly increase general awareness of the status of EU citizen;

15. Welcomes the Commission’s intention to make it simpler for stakeholders to use the financial support provided for implementation of EU citizenship rights and welcomes its efforts to secure sufficient financial resources for these programmes; asks the Commission, in this regard, to elaborate further on whether these programmes are open to
political foundations, which are by definition engines for promoting active citizenship;

16. Stresses that an emphasis should be placed on making the rights and obligations arising from EU citizenship known in the context of the Instrument for Pre-Accesion Assistance;

17. Recalls that associations, foundations and mutual societies form an integral part of society throughout Europe, and that giving them European statutes would reinforce their European dimension; invites, in this context, the committee responsible to examine by means of which initiatives the adoption of a European statute for associations, foundations and mutual societies could be best promoted;

18. Recalls and welcomes the fact that the set of rights attached to EU citizenship are now complemented by a new right, the European Citizens’ Initiative (ECI), which will be applicable from April 2012;

19. Calls on Member States and the EU Institutions to put in place in a timely manner all the administrative and practical arrangements necessary for EU citizens to be able to participate more intensively in the democratic life of the Union by means of the Citizens’ Initiative;

20. Calls on all stakeholders to use the time available before the date on which the ECI Regulation comes into force to promote extensively this new tool for participatory democracy;

21. Calls on all stakeholders to use ICT resources to promote communication with EU citizens;

22. Calls on the Commission and the Member States to consider establishing European civic education to promote the role of the European Union among the young generation;

23. Stresses that the removal of barriers to the acquisition of citizenship and a more direct participation of citizens through European political parties and the Citizens’ Initiative are decisive steps for achieving ‘more’ Europe and a more essential democracy;

24. Supports the Commission’s initiative to increase the amount of EU information in the media and calls on Member States and press undertakings to relay EU information more effectively, for example through national television channels;
RESULT OF FINAL VOTE IN COMMITTEE

<table>
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<th>Date adopted</th>
<th>22.11.2011</th>
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<tbody>
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<td>Result of final vote</td>
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<td>+:</td>
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<td>Members present for the final vote</td>
<td>Andrew Henry William Brons, Carlo Casini, Andrew Duff, Ashley Fox, Giuseppe Gargani, Matthias Groote, Roberto Gualtieri, Enrique Guerrero Salom, Gerald Häfner, Daniel Hannan, Stanimir Ilchev, Constance Le Grip, Morten Messerschmidt, Paulo Rangel, Algirdas Saudargas, György Schöpflin, József Szájer, Rafał Trzaskowski</td>
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<tr>
<td>Substitute(s) present for the final vote</td>
<td>John Stuart Agnew, Zuzana Brzobohatá, Dimitrios Droutsas, Marietta Giannakou, Alain Lamassoure, Íñigo Méndez de Vigo</td>
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RESULT OF FINAL VOTE IN COMMITTEE

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<tr>
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<th>28.2.2012</th>
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| Result of final vote | +: 24  
-: 1  
0: 2 |
| Members present for the final vote | Margrethe Auken, Elena Băsescu, Heinz K. Becker, Victor Boştinaru, Simon Busuttil, Lidia Joanna Geringer de Oedenberg, Ágnes Hankiss, Roger Helmer, Iliana Malinova Iotova, Carlos José Iturgaiz Angulo, Peter Jahr, Miguel Angel Martinez Martinez, Erminia Mazzoni, Willy Meyer, Mariya Nedelcheva, Nikolaos Salavrakos, Adina-Ioana Vălean, Rainer Wieland, Cecilia Wikström, Tatjana Ždanoka |
| Substitute(s) present for the final vote | Sonia Alfano, Vicente Miguel Garcés Ramón, Marian Harkin, Axel Voss, Angelika Werthmann |
| Substitute(s) under Rule 187(2) present for the final vote | Jill Evans, Sylvie Guillaume, Jan Kozłowski, Elisabeth Morin-Chartier |