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# **DRAFT REPORT**

on the EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union  
of Democratic Change  
(2017/2069(INI))

Committee on Petitions

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change (2017/2069(INI))

*The European Parliament,*

- having regard to the Commission report of 24 January 2017 entitled ‘Strengthening Citizens’ Rights in a Union of Democratic Change – EU Citizenship Report 2017’ (COM(2017)0030),
- having regard to its resolution of 12 March 2014 on the EU Citizenship Report 2013. EU citizens: your rights, your future<sup>1</sup>,
- having regard to the results of the 2015 Public Consultation on EU citizenship conducted by the Commission, and to the results of the 2015 Eurobarometer surveys on electoral rights and on citizenship,
- 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 the right of petition enshrined in Article 44 of the EU Charter of Fundamental Rights,
- having regard to Articles 9-12 of the Treaty on European Union (TEU), to Articles 18-25 of the TFEU and to Articles 39-46 of the EU Charter of Fundamental Rights,
- having regard to the hearings organised by the Committee on Petitions in 2016 and 2017, namely to the joint public hearing of 11 May 2017 co-organised by LIBE, PETI and EMPL entitled ‘The situation and rights of EU Citizens in the UK’; the public hearing of 11 October 2016 entitled ‘Obstacles to EU citizens’ freedom to move and work in the Internal Market’; the public hearing of 4 May 2017 entitled ‘Fighting against discrimination and protecting minorities’ and the joint public hearing of 15 March 2016 organised by the Commission Directorate-General for Justice and Consumers and the European Parliament’s LIBE, PETI, AFCE and JURI Committees entitled ‘Union Citizenship in practice’,
- having regard to the studies commissioned in 2016 and 2017 by Policy Department C of the European Parliament at the request of the Committee on Petitions entitled ‘Obstacles to the right of free movement and residence for EU citizens and their families’, ‘Discrimination(s) as emerging from the petitions received’, ‘The impact of Brexit in relation to the right to petition and on the competences, responsibilities and activities of the Committee on Petitions’ and ‘The protection role of the Committee on Petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities’,

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<sup>1</sup> Texts adopted, P7\_TA(2014)0233.

- having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Petitions and the opinions of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Culture and Education, the Committee on Constitutional Affairs and the Committee on Women's Rights and Gender Equality (A8-0000/2017),
- A. whereas EU citizenship and its related rights were initially introduced in 1992 by the Treaty of Maastricht and were further enhanced by the Treaty of Lisbon, which entered into force in December 2009, as well as by the EU Charter of Fundamental Rights;
  - B. whereas access to EU citizenship is gained through nationality of a Member State, which is regulated by national laws; whereas at the same time, rights and duties emerge from this institution which are laid down by EU law and do not depend on the Member States; whereas for the above reason it is equally true that these rights and obligations cannot be limited in an unjustified manner by the Member States;
  - C. whereas the Treaty of Lisbon consolidated the inalienable rights and guarantees of EU citizenship, including, inter alia, the freedom to travel, work and study in other EU countries, to participate in European political life, to promote equality and respect for diversity and to be protected from discrimination, especially that practised on the basis of nationality;
  - D. whereas the prospect of the UK's withdrawal from the EU (Brexit) has highlighted the importance of EU citizenship rights and their crucial role in the everyday lives of millions of EU citizens, and has raised awareness in the EU about the potential loss of rights that Brexit would entail on both sides;
  - E. whereas the European Union and the UK Government agreed to safeguard EU citizenship rights and make them a priority of the withdrawal negotiations, acknowledging the impact of these rights and the reality they represent in the lives of affected citizens;
  - F. whereas the right to free movement and its exercise is central to EU citizenship and complements the other freedoms of the EU internal market; whereas young Europeans in particular consider free movement, which ranks first among EU citizens in terms of recognition and popularity, as the EU's most positive achievement;
  - G. whereas as petitions have shown, EU citizens face notable difficulties in exercising this right, owing to administrative burdens and bureaucracy in Member States, and to misinformation and/or a lack of cooperation by Member State authorities;
  - H. whereas the principle of non-discrimination on the basis of nationality, sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is the primary expression of EU citizenship; whereas it forms at the same time a crucial component of the successful exercise of the freedom of movement, as evidenced in petitions;
  - I. whereas the right to petition the European Parliament is one of the pillars of EU citizenship, ranks as the second best known of EU citizenship rights, and creates an interface between citizens and the European institutions through an open, democratic

and transparent process;

- J. whereas citizens are directly represented in the European Parliament and have a democratic right to stand and vote in European elections, even when residing in another Member State; whereas the right of EU citizens who have exercised their right to freedom of movement to vote in European and local elections is not facilitated and promoted equally in all Member States;
- K. whereas citizens have the right to organise or support, together with other EU citizens from all Member States, a European Citizens' Initiative, which enables them to set the legislative agenda of the EU; whereas the exercise of this right has not been satisfactory thus far;
1. Takes note of the Commission's 2017 EU Citizenship Report, which contains an enumeration of priorities by field of activity; expresses its doubt as to whether these priorities will effectively answer citizens' concerns; regrets the lack of well-defined, concrete commitments for the next three years;
  2. Notes with regret that the 2017 EU Citizenship Report makes no reference to the right to petition, to the right to refer to the European Ombudsman or to the right to access documents;
  3. Highlights the fact that the effective exercise of the right to petition has been facilitated thanks to the launch in late 2014 of the Committee on Petitions portal , which allows petitions to be submitted in an uncomplicated fashion and managed more efficiently, as illustrated elsewhere by the respective Annual Reports of the Committee on Petitions;
  4. Expresses regret that for almost a decade now little progress has been made in the adoption of the EU-wide Anti-Discrimination Directive; calls upon all EU institutions to conclude the relevant negotiations as soon as possible;
  5. Recommends that the Commission update the first two anti-discrimination directives, namely Council Directive 2000/43/EC and Council Directive 2000/78/EC, to bring them into line with the current version of the Treaties and the EU Charter of Fundamental Rights;
  6. Invites the Commission to take more active steps against LGBTI discrimination and to combat homophobia by defining concrete action to be taken at national level; calls at the same time for the EU institutions to monitor LGBTI rights closely and to promote the recognition of cross-border rights for LGBTI persons and their families in the EU; calls upon legislators to expedite their activities with regard to the adoption of a comprehensive directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services;
  7. Recognises that the protection of minority rights is mainly a national competence; recalls, however, that both the Treaties and the EU Charter of Fundamental Rights make reference to the protection of national minorities and discrimination practised on the grounds of language; underlines the need for the Commission to play an active role in the protection of minorities, by promoting awareness-raising meetings, seminars and

resolutions in order to encourage national governments to find durable solutions and to promote the culture of linguistic diversity in the Member States;

8. Notes with appreciation the Commission's efforts to make multiple information and assistance outlets about the EU and Citizenship rights, such as the Europe Direct network, the Your Europe portal and the e-justice portal, available and more accessible; urges the Commission to systematise the information and possibly plan for a single, EU-wide information window; at the same time, invites the Member States to promote the SOLVIT network and its services among EU citizens, as well as other redress mechanisms, both at EU level, such as the Committee on Petitions and the European Ombudsman and at national level, such as the local ombudsman;
9. Points out that citizens should have access to all the necessary information, which should be presented in a clear and comprehensible way, in order to be able to make informed decisions on the exercise of their Treaty rights, and especially their right to free movement and residence within the EU; recommends the promotion of transparency and proactive publishing as the most appropriate tools to that end;
10. Acknowledges that enhancing voter turnout in European elections is a shared responsibility between the EU and Member States; encourages the latter to promote participation in democratic life by better informing citizens of their right to stand and vote in local and European elections through various channels and in a comprehensible language, and by removing any barriers to their participation, such as linguistic discrimination, unfair practices or corruption; urges the Member States to remove accessibility obstacles for citizens with disabilities and to facilitate voting for their citizens residing abroad by embracing electronic identification and voting solutions;
11. Believes that the reform of the Electoral Act on the basis of Parliament's legislative initiative is an unmissable opportunity for the Union to become more democratic; highlights the fact that thousands of Europeans share this view, as evidenced by the 'Let me Vote' European Citizens' Initiative, which aims to allow citizens to vote in their place of residence; commends the Commission for exploring the possibilities for non-national EU citizens who have exercised their right to free movement to vote in national elections in the country in which they reside; urges the Commission to devise a concrete action plan for the introduction of electronic voting with a view to the 2019 European Parliament elections;
12. Expresses its conviction that free media and access to a plurality of voices in society and in the media are an indispensable part of a healthy democracy; underlines the need for a defined EU policy to tackle anti-European propaganda and false information; proposes that EU institutions proceed with the creation of a European television channel broadcasting in all Member States;
13. Maintains that transparency is a key tool for bringing citizens closer to the EU and involving them in its activities; recommends the promotion of the right to access documents and the translation of as many documents as possible into all EU languages; supports the intensification of dialogue with citizens and the encouragement of public debates in order to improve EU citizens' understanding of the impact of the EU on their daily lives and to allow them to take part in an exchange of views, through slots in television programmes for targeted audiences;

14. Supports the promotion of a culture of service among EU and national institutions and considers that the EU should lead by example through the highest administrative and transparency standards, as envisaged elsewhere in Article 41 of the EU Charter of Fundamental Rights; proposes that local EU offices in the Member States be transformed into one-stop shops, offering comprehensive services for EU citizens, so as to reduce bureaucracy and the obstacles it poses to the exercise of EU citizenship rights; highlights the importance of the ‘once only’ project, which eliminates unnecessary burdens for European businesses that are asked to present the same data and documents repeatedly in their operations across borders;
15. Urges the Member States to guarantee that their national legislation is sufficiently clear and detailed to ensure that the right to free movement of citizens and their families is respected; to proceed with the proper training of competent national authorities in this respect on the basis of an electronic learning tool and to disseminate accurate information to interested parties in a precise manner; to foster, furthermore, good cooperation and a swift exchange of information with other national administrations, especially where cross-border insurance and old age pensions are concerned;
16. Instructs its President to forward this resolution to the Council and the Commission, to the European Ombudsman and to the governments and parliaments of the Member States.

**ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR  
HAS RECEIVED INPUT**

<b>Entity and/or person</b>
European Citizen Action Service (ECAS)
European Parliamentary Research Service



## EXPLANATORY STATEMENT

Published with a delay of a few months, the third Commission report on EU Citizenship comes on the **25th Anniversary of the concept of EU citizenship's enshrinement**, in the EU Maastricht Treaty in 1992. It also comes in an **unprecedented challenge**: following the referendum held in the UK on 23 June 2016, a **Member State withdrawal implications on EU citizenship rights**. These two milestones remind the EU that it is time for a thorough assessment of the key achievements and the pending challenges. It is the time to identify the areas where more work remains to be done, and to agree upon a daily, actual and factual meaning of EU Citizenship, in order for citizens to fully enjoy the rights and privileges that come with it: complementary to their national citizenship and sometimes overlapping with rights safeguarded by national provisions.

The **EU Citizenship Report 2017**<sup>1</sup> is a future-looking document setting out Commission priorities for 2017-2019, and follows the 2010 and 2013 reports prepared by the Committee on Petitions of the European Parliament in response to the corresponding Commission reports. In preparation for this report, the Commission consulted civil society by organising a dedicated consultation and two surveys on EU citizenship, and several events with key stakeholders, among which a joint public hearing with the PETI, AFCE and JURI Committees of the European Parliament on March 15, 2016.

The ultimate goal of EU citizenship policies is for all EU citizens to feel at home wherever they are in the EU and to enjoy their status as European citizens, **also when staying in their country** (according to an ECAS study, only approximately 20% of Europeans profit from cross-border travel within the EU and enjoyment of such rights). This means **enhancing EU citizens' rights and making sure that EU citizens can effectively appreciate them in their everyday life**. It also means **fostering EU common values: equality and non-discrimination**, and **citizens' participation in the democratic life** of the EU, as well as a European **public space of security, peace and durable prosperity**, where they can express their concerns and ideas about the development of the EU.

The present 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 2014-2016. Petitions provide first-hand feedback from citizens on the implementation of different policies. They are a reliable barometer measuring the degree of satisfaction with the European Union and are therefore used by the Commission when monitoring the application of EU law in Member States.

According to Commission findings, over the last years the awareness of EU citizens' of their citizenship rights has risen. **The right to petition**, a right enshrined in the Lisbon treaty and the Charter of Fundamental Rights, is one of these rights and it appears from the results of the surveys conducted to be one of the more known ones, along with the right to free movement of persons.

- Instances of **discrimination** of all kinds has been a recurring subject in petitions: discriminations due **to sex, nationality, sexual orientation, age, language, ethnic origin**. One must highlight here the topics of **gender equality and protection of minority rights** (loss of

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<sup>1</sup> 'EU Citizenship Report 2017 – Strengthening Citizens' Rights in a Union of Democratic Change', COM(2017) 30 final/2.

citizenship, education, language, exercise of their electoral rights). Another matter are the issues raised by **LGBTI** couples when travelling between Member States, as it still up to the Member States to decide whether they will provide legal recognition to same-sex relationships in their territory (and, in particular, whether they will open marriage and/or registered partnerships to same-sex couples), as well as to determine the (financial and other) consequences that ensue from such relationships, especially when it comes to parenthood. The Committee on Petitions has received numerous petitions that deal with discrimination related to the difficulties that **people with a disability** are faced with in every aspect of everyday life. at workplace, mobility issues (among others accessibility of means of transport and buildings, passenger rights), health care, access to education, de-institutionalisation, status recognition, pensions, parking permits, the European Disability Card (which currently is only in a pilot stage), social benefits, electoral rights, access to employment, and finally matters related to the enforcement of the Marrakech Treaty in the EU. The stagnating Anti Discrimination Horizontal Directive appears as a resounding claim all across the EU. Equally, the revision of article 51 of the Charter of Fundamental Rights, needs to be revised in order to guarantee the accurate treatment of FR petitions at the Committee.

- Especially with regard to minorities, the EU has a lot more to do to ensure the effective protection of these values in the case of minorities. For example, in the particular area of national autochthonous minorities the EU has not been able to sanction or prevent discriminative practices having a negative impact on the languages and cultures of persons belonging to such groups. Although the rights of such minorities should be primarily guaranteed by Member States, EU citizens expect more to be done on a European level, a fact attested, among others, by several petitions submitted to the European Parliament in this regard.

- Keeping in mind that, according to EU law as it stands, withdrawal equals loss of European citizenship, and parts of the United Kingdom cannot negotiate separately their remain in the EU, as negotiations will concern the entirety of a Member State, it only becomes more poignant that **Brexit is a tremendous challenge for citizens' rights**. The EU institutions will have to tackle this challenge through the Brexit negotiations in a manner that is most beneficial to the EU citizens. The Committee on Petitions has received a large number of petitions about **Brexit** (147 petitions between January 2016 and June 2017), encompassing constellations of EU citizens in the UK, UK citizens in the EU and to UK citizens in the UK who would like to retain Treaty rights. **The vast majority of these petitions refers to EU citizenship**: lamenting the possible involuntary loss of rights, expressing the concern for the practical repercussions of Brexit on families residing in the UK or in the EU, and on pensioners and even proposing the retention of EU citizenship and its rights for UK citizens after withdrawal, or a special regime in the EU for these citizens.

- The **participation in the EU democratic life** and the **enjoyment of electoral rights by EU citizens living abroad** in another Member State has been frequently the subject of petitions, not least because it is an area where a joint effort by the EU and local authorities for the enforcement of such rights is required. At the same time, the issues reported through petitions are instances of discrimination due to nationality; difficulties with the procedure followed by Member States to allow their citizens to vote abroad; the complexity of local legislation in host Member States, which impose additional formalities or conditions for EU nationals to vote in local elections. The issue of disenfranchisement of citizens by several Member States has been repeatedly discussed in meetings of the Committee on Petitions and raised with other Committees, which are making efforts the direction of the revision of the Electoral Law in

Member States where European elections are concerned. The ECI, a key instrument enshrined by the EU to let citizens actively participate in the European institutional life, has repeatedly been mistreated and after a series of 10 ECJ resolutions is currently under review by the European Commission.

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 that gives rise to a wide array of other essential rights. **Free movement is one of the EU's most cherished achievements, one of the most popular and well-known rights**, as it provides EU citizens with opportunities to travel, study, do business, work and live in other EU countries. 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 show that issues related to free movement account for approximately 25% of the total number of petitions received. The main areas of concern raised in petitions cover social rights and extension of liability of employees within the EU; consumer rights in Digital Internal Market, where European consumers still encounter difficulties to shop online cross-border in the EU related to the deliveries, fraud, warranties; the recognition of professional qualifications; the portability of welfare and social rights of workers within the EU- theory and practice; and obstacles to accessing social benefits as a EU citizen (subsidies, accumulated allowances, right to cross-border healthcare). Europeans still find it difficult to move or live in another EU country, mostly due to lengthy or unclear administrative procedures, lack of information and difficulties in getting access to private services. Citizens also encounter difficulties planning cross border travel, which combines more than one mode of transport (multimodal travel), to contact public authorities and to access cross-border healthcare.

- In view of the above, one cannot stress enough the importance of finding solutions to these problems as soon as possible, as it is not a matter of mere exercise of rights safeguarded in the Treaties and in the Charter of Fundamental Rights of the EU, but they are directly linked to the image of the EU, its popularity and its acceptance by the citizens, as it touches upon the core of their interest and very often, the core of their everyday lives. **It is ultimately a way to restore their confidence and trust in the European project**, a feeling that seemed to wane in the last years, as reflected in electoral results throughout the continent.

As a conclusion, the report contains a long list of issues dealt with by the European Commission, but a substantial lack of realistic diagnosis and of concrete and balanced goals, to be achieved with well-defined commitments for the next three years. As much as one can be appreciative of the achievements and hopeful about the future steps, one also has to note that the text of the report leaves a taste of willingness to act regardless of the will of the EU citizens through the enumeration of past, present and future projects and policy priorities. It may be more conducive to the achievement of the aimed results to replace this enumeration through efficient and effective concrete actions.