

# GUIDELINES FOR EUROPEAN CITIZENS' RIGHTS, INVOLVEMENT AND TRUST

The official definition of EU citizenship is narrowly conceived on the basis of the chapter on citizenship and non-discrimination in the Treaty on the Functioning of the European Union (Articles 18-25 TFEU in the annex). But there is more to it than that.

The Guidelines bring together in one text the official definition together with other articles related to European citizenship scattered across the Treaties and EU programmes. This holistic approach shows that EU citizenship is already being created round the components of rights, involvement and trust, which are common to any citizenship. Bringing together the bits and pieces of citizenship shows that more has been done than generally supposed, but also reveals where there are gaps and inconsistencies - with some political rights guaranteed for example but others not.

The Guidelines build on what exists and the following **12-Point agenda** for reform:

1. A **more inclusive** approach to European citizenship by giving access to legally resident citizens originating from countries outside the EU and citizens of neighbouring countries.
2. A more **preventative, collective** and **problem-solving** approach to the enforcement of European rights.
3. Creation of a **European free movement solidarity fund** including a minimum income scheme.
4. A better guarantee of citizens' involvement in EU policy making by making **voluntary systems** mandatory, user-friendly and multi-lingual.
5. Drawing up a European law for the proper conduct of **citizen participation practices**, which should become a pillar of EU decision-making.
6. Easier to use **citizens' initiatives**, whereby over 1 million citizens can ask for a European law.
7. **Full political rights** for European citizens living in other Member States and transnational lists of candidates for elections to the European Parliament.
8. Fostering a **civil society movement** for European citizenship and a **European citizens' house**.
9. Introducing a **right to be informed** and to **education** for European citizenship in schools.
10. Creating in stages an entitlement for all European citizens to participate in a **European mobility programme**.
11. Introducing a **European citizenship card**, making it easier to enforce European rights, sign citizens' initiatives and prove such an entitlement.
12. **Reforming Article 25 (TFEU)** so that the normal decision-making process can be used to develop European citizenship.

## **Towards a full-scale European citizenship**

- 1.** European citizenship is based on European values of democracy, human rights and the rule of law expressed in international agreements, the Council of Europe Convention on Human Rights and the European Union Charter of Fundamental Rights. The Charter places citizenship in the broader framework of traditional and modern rights to dignity, freedoms, equality, solidarity and justice.
- 2.** European citizenship is the basis on which the European dream can be realised. As a first step, these guidelines aim to make clearer what this status is and could become by bringing together in a single text the key elements of rights, involvement and trust which are interdependent.
- 3.** Every person holding the nationality of an EU Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship. This status may be extended:
  - to citizens resident in the EU originating from the rest of the world who should enjoy a set of rights equivalent to those of EU citizens and be given a fair and equal chance to obtain the nationality of their adopted country;
  - to citizens of States bordering on the EU provided those States fully respect the rights of EU citizens on their territory.

In this way European citizenship, whilst based on the EU should have Europe-wide continental appeal and be open to the rest of the world.

- 4.** This first transnational citizenship of the modern era curbs the excesses of nationalism by the opening up across borders of the commons, the market and public services to each other on a mutual and shared basis. European citizenship has its own distinct set of priority rights and concerns:
  - European citizens should enjoy the freedom to move anywhere in Europe without let or hindrance caused by differences in residence rights, social security entitlements or recognition of professional and academic qualifications;
  - to be able to move freely in Europe, citizens have a portable right to equal treatment supported by an effective ban against discrimination on the grounds of their nationality and all other forms of discrimination based on gender, age, disability, race and sexual orientation in all walks of life;
  - equal treatment means that special attention must be given to the most vulnerable in society, because they are members of a minority such as the Roma, or because they are children, frail, elderly or suffering from a disability;
  - European citizenship places special emphasis on welcoming asylum seekers and the integration of migrant workers and their families.

5. European citizens benefit from rights and, therefore, have responsibilities:

- to comply with each other's constitutions and laws, and uphold their shared values;
- to recognise the right of other citizens to act autonomously within the law and to take their interests into account in their own claims;
- to learn about and respect, as equal to their own, the languages and cultures of other nations;
- to act jointly in order to overcome the major challenges facing Europe and the planet.

Such challenges, which are beyond the capacity of national citizenship in small and medium-sized European states, include: the growth of inequalities, the rise in racism and xenophobia, systematic human rights abuses, natural disasters and security threats within or outside Europe.

### Rights

6. Union citizens have the right to move and reside freely within the territory of the Union subject to the condition that they have sufficient resources and medical cover not to be a burden on the host Member State. Free movement is a fundamental right and its purpose does not need to be justified, whether it is used to work, seek work, study, train or retire. This right is extended to members of the family, spouses or partners of the citizen, including those who are nationals of a third country.

7. The Union will adopt an action plan binding on Member States to close the gap between the principles of European law and its enforcement:

- a requirement for Member States to notify the Commission of any draft laws or administrative practices which could lead to barriers to free movement of persons to prevent them arising in the first place;
- guarantee more rapid and effective access to justice by recognising that European citizens can take collective action to defend their rights including, after other remedies have been exhausted, in the Court of Justice of the EU;
- set up close to the citizen in each Member State one-stop shops for information, advice and problem-solving for European citizens on the move, operating under the same standards of good administration;
- ensure that if a Member State has clearly violated the Charter of Fundamental Rights or European citizenship rights, the Commission uses its power to take action to put an immediate stop to such practices.

8. In order to ensure that freedom of movement benefits EU citizens, countries of origin and destination alike, the EU will create a free movement solidarity fund as part of its cohesion policy with the following objectives:

- research, studies and publications in order to encourage a more informed debate about free movement of persons and provide evidence of real needs to be addressed by the fund at local level;
- setting-up of local action groups based on the multi-sectoral partnership necessary to tackle migration issues, including civil society organisations, such partnerships being linked across the main intra-EU migration routes;
- creation of a minimum income guarantee for job seekers to compensate for differences in benefits and cost of living so that unemployed EU citizens do not become a burden on the host member state;
- provision of emergency help to vulnerable EU citizens, advice, mentoring, language and skills training to ensure their rapid integration in the labour market and the host country society;
- support for investment and provision of additional public services when free movement leads to brain-drain in countries of origin and sudden strains on local services in countries of destination.

Such a fund can also be used to support the welcoming of refugees and migrant workers from outside the EU. It should be made up of contributions from the EU cohesion funds, countries of origin and countries of destination.

- 9.** European citizens have active and passive political rights and a fundamental right to the highest standards of protection of their social rights, personal data, consumer, environmental and public health rights.

### **Involvement**

- 10.** Citizens of the Union and any natural or legal person residing or having their office in a Member State have the right to:
- make enquiries to the EU and receive a reply in one of the official languages;
  - submit an individual or collective complaint of a violation of European law or rights and be informed of the action taken;
  - be heard by the competent European Parliament committee if their petition receives over 100.000 signatures;
  - make a complaint regarding an instance of maladministration by the Union authorities to the European Ombudsman or, where individual interests are directly affected, to the Court of Justice of the European Union;
  - receive diplomatic and consular protection from any Member State in a third country in which their State or country of residence is not represented;
  - set the agenda of the EU by launching a European Citizens' Initiative (ECI).

The European Union will adopt a law to establish time limits for response to citizens' enquiries or complaints, assistance to them, and other standards of good administrative practice for all EU Institutions and agencies. These time limits and standards will also apply to Member States'

administrations and agencies when dealing with European policies or laws.

- 11.** Freedom of information is essential to the practice of EU citizenship. Any citizen of the Union and any natural or legal person residing or established in a Member State will have the right to access documents subject to the limits established, whatever their medium, from the Union's Institutions and agencies, and in particular:
- to know the position of their government in EU negotiations;
  - to access all documents of a legislative nature or which could lead to legislation;
  - to access documents relating to international agreements or treaties which have an impact on European standards.

Each European institution and agency will appoint an independent information commissioner to assist citizens in their search for documents.

- 12.** European citizens have a right to know which organisations, whether public or private are making representations to the EU Institutions on which specific issues and with what resources. In this way, they are able to judge whether the process is fair and balanced.

A European law will:

- make inclusion on the transparency register mandatory for all organisations seeking to influence the European Institutions;
- ensure that entries are accurate, complete and up to date by regular checks and appropriate sanctions for non-compliance;
- provide for the register to cover all Institutions, bodies and agencies of the EU.

- 13.** European citizens have a right to be heard by the institutions. Public consultations are a means to reach the majority of citizens' interests and ensure the widest possible input to decision-making. The Commission's standards for consultation should become mandatory and apply to the other Institutions and to Member States when they develop their responses to European initiatives. In particular:

- consultations are communicated in particular to engage with minority interests and hard-to-reach groups;
- the aims and questions are formulated to be accessible to lay persons and available in all official languages;
- there should be appropriate feedback and explanation as to why some views expressed were accepted and others rejected.

## **Trust**

- 14.** All citizens of the Union, and all natural persons residing in a Member State, shall be informed about their European rights and activities of the European Union, so as to be better able to participate in European policy making. The European institutions and Member States will:
- listen to citizens and take in consideration their opinions and needs;
  - produce factual and objective information about European Union activities, expressed in clear and understandable language;
  - provide and disseminate this information by all available means in a socially balanced way in all official languages;
  - give every European citizen of voting age a handbook about European rights and how to find out more about the European Union.
- 15.** Participatory and deliberative processes will become a pillar of the European Union's decision-making, so as to give citizens an effective voice both in setting priorities and ways to improve the quality and enforcement of legislation. A European law will be adapted to ensure that there is regular use of such practices and that they meet fair and democratic standards. Such practices should be applied across all Member States with a representative sample of the population. They should include proposals to develop European citizenship itself.
- 16.** A European Citizens' Initiative (ECI) is an invitation to the European Commission to propose legislation on matters where the EU has competence to legislate. ECIs for which over 1 million signatures are required from a minimum of 7 Member States should be more user friendly. The EU Institutions will:
- simplify and harmonise the requirement for signature collection across Member States, name and address being sufficient;
  - encourage the setting up of an independent European fund to which applications can be made for start-up grants, and reimbursement of a share of the costs for successful ECIs;
  - allow all European citizens and legally resident third country nationals to sign an initiative from the age of sixteen;
  - make the temporary provision to ECI organisers of a secure server for online signature collection permanent.
- In order to assist citizens, the EU will set up an interinstitutional helpdesk in partnership with civil society.
- 17.** The European Parliament, elected by direct universal suffrage, represents European citizens and is the main advocate of their concerns in the decision-making of the Union. In particular:
- each European political party should put forward its candidate for President of the European Commission to give voters choice;

- citizens should have the choice also of voting for candidates on transnational party lists, to enhance the European character of the elections;
  - the European Parliament should propose how EU-wide referenda could be introduced to allow citizens to choose vital options for Europe's future.
- 18.** Citizens of the Union have the right to vote and stand as candidates in municipal and European elections in their member state of residence. The right to vote will be extended to regional, national and presidential elections as well as referenda. The exercise of free movement rights should not lead to disenfranchisement.
- 19.** A full-scale European citizenship cannot be achieved without education. All European citizens have a right from a young age to education about European citizenship. After widespread consultations, the Commission will propose:
- a model teaching manual in all languages for use in schools and out-of-school activity;
  - recommendations to Member States to add a European dimension to their own programmes for citizenship education, in particular when it is related to the teaching of history and languages.
- 20.** In order to develop European citizenship as a way to connect different languages and cultures, the European Institutions will:
- provide citizens with their own European public space to exchange views on all areas of transnational action. The Institutions should make available e-participation tools and facilities for face-to-face dialogue in European citizens' houses;
  - encourage citizens to play their part in the building of Europe through the adoption of a European association statute and a pact for open dialogue between the European Institutions and civil society;
  - further develop the policies for transnational exchange of best practices and projects in the areas of culture, consumer, environmental, health, social protection and territorial cohesion policies which are closely linked to European citizenship.
- 21.** All European citizens should be given on an equal basis, a once-in-a-lifetime opportunity to participate in a European educational training or youth programme in another European country. The European Commission should propose:
- how to develop such an entitlement by expanding the Union's Erasmus, research and life-long learning programmes;
  - a European citizenship card as proof of such an entitlement, other European rights and a means of signing citizens' initiatives, petitions and voting in the European elections. Such a European symbol should be on one side of national identity cards.

## Implementation and development of European citizenship

- 22.** Union citizenship is an evolving concept. The aim should be to promote a debate to gather support for these guidelines so that eventually this approach is accepted by the EU Institutions and become legally binding.
- 23.** These general guidelines should not stand alone but be supplemented by guides to more specific European citizens' rights, European policies which make an impact on peoples' daily life or more targeted groups in society:

  - passenger rights;
  - consumer rights;
  - rights under EU environmental law;
  - guides for young people covering all aspects of European citizenship.
- 24.** A senior European Commissioner should be appointed with responsibility for communication and coordination of all aspects of Union citizenship across EU policies.
- 25.** Every three years the European Commission should present a report on the development of EU citizenship, representing citizens' views and demands, whilst taking into account the activities of the European Union in all policy areas. This report may lead to legislation for the addition of new European rights and policy initiatives, which should be adopted according to the ordinary legislative procedure.



## **ANNEX**

### **Articles 18–25 of the Treaty on the Functioning of the European Union (TFEU)**

#### **Article 18**

Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination.

#### **Article 19**

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

2. By way of derogation from paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt the basic principles of Union incentive measures, excluding any harmonisation of the laws and regulations of the Member States, to support action taken by the Member States in order to contribute to the achievement of the objectives referred to in paragraph 1.

#### **Article 20**

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia:

- a) the right to move and reside freely within the territory of the Member States;
- b) 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, under the same conditions as nationals of that State;
- c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.

These rights shall be exercised in accordance with the conditions and limits defined by the Treaties and by the measures adopted thereunder.

#### **Article 21**

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.

2. If action by the Union should prove necessary to attain this objective and the Treaties have not provided the necessary powers, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1.

3. For the same purposes as those referred to in paragraph 1 and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt measures concerning social security or social protection. The Council shall act unanimously after consulting the European Parliament.

### **Article 22**

1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

2. Without prejudice to Article 223(1) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

### **Article 23**

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall adopt the necessary provisions and start the international negotiations required to secure this protection.

The Council, acting in accordance with a special legislative procedure and after consulting the European Parliament, may adopt directives establishing the coordination and cooperation measures necessary to facilitate such protection.

### **Article 24**

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States from which such citizens must come.

Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 227.

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 228.

Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 13 of the Treaty on European Union in one of the languages mentioned in Article 55(1) of the Treaty on European Union and have an answer in the same language.

### **Article 25**

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of the Treaties, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may adopt provisions to strengthen or to add to the rights listed in Article 20(2). These provisions shall enter into force after their approval by the Member States in accordance with their respective constitutional requirements.