



# EU CITIZENSHIP REPORT 2010

Dismantling the obstacles  
to EU citizens' rights

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### Dismantling the obstacles to EU citizens' rights

#### 1. INTRODUCTION

The concept of citizenship of the European Union<sup>1</sup>, introduced by the Treaty of Maastricht in 1992, added a new political dimension to the hitherto primarily economic nature of European integration. Every person holding the nationality of an EU Member State is now also automatically a citizen of the European Union. EU citizenship does not replace national citizenship. Instead, it confers upon all EU citizens an *additional* set of rights, guaranteed by the EU Treaties, which lie at the heart of their everyday lives.

As the Court of Justice of the European Union has stated on several occasions<sup>2</sup>, EU citizenship is destined to be the fundamental status of Member States' nationals, enabling those who find themselves in the same situation to enjoy within the scope of the Treaty the same treatment in law irrespective of their nationality. Accordingly, EU citizenship has enhanced individual rights significantly. The Court has, in particular, ruled that citizens are entitled to reside in another Member State purely as citizens of the Union<sup>3</sup>, thus recognising EU citizenship as a source of free movement rights<sup>4</sup>.

The entry into force of the Lisbon Treaty strengthened the notion of EU citizenship and its accompanying rights in several ways. The rights of EU citizens are specifically listed in the Treaty on the Functioning of the European Union (TFEU) and it is made clear that the list is not exhaustive<sup>5</sup>. In addition, the right of EU citizens in third countries to enjoy protection by the consular and diplomatic authorities of all Member States is enshrined as a clear individual right in Article 20(2)(c) TFEU and expounded in Article 23 TFEU, which also gives the Commission the power to initiate legislation in this field. Moreover, the Lisbon Treaty complements citizenship rights by introducing a new right, the Citizens' Initiative, which enables one million citizens to invite the Commission to bring forward legislative proposals<sup>6</sup>. The citizens' perspective is reaffirmed in the new definition of members of the European Parliament as "representatives of the Union's citizens"<sup>7</sup> and not simply as "representatives of the peoples of the States brought together in the Community"<sup>8</sup>.

The rights inherent in EU citizenship are further enshrined in the Charter of Fundamental Rights of the EU<sup>9</sup>. This legally binding Charter represents a major step forward in terms of the EU's political commitment toward fundamental rights. According to the Charter's Preamble,

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<sup>1</sup> The concept of 'Citizenship of the Union' (as defined in Article 20 of the Treaty on the Functioning of the European Union) will be referred to simply as 'EU citizenship' in this text.

<sup>2</sup> See, for instance, Case C-184/99 *Grzelczyk* [2001] ECR I-6193, paragraph 31.

<sup>3</sup> Article 21(1) TFEU specifies that this right may be subject to certain limitations and conditions.

<sup>4</sup> See, for instance, Cases C-413/99 *Baumbast and R* [2002] ECR I-7091, paragraph 84, and C-200/02, *Zhu and Chen* [2004] ECR I-9925, paragraph 26.

<sup>5</sup> Article 20(2) TFEU.

<sup>6</sup> Article 11(4) TEU.

<sup>7</sup> Article 14(2) TEU.

<sup>8</sup> Article 189 of the Treaty establishing the European Community.

<sup>9</sup> Chapter V, 'Citizens' rights'.

the Union ‘places the individual at the heart of its activities, by establishing a citizenship of the Union and by creating an area of freedom, security and justice’.

EU citizenship rights are firmly anchored in primary EU law and substantially developed in secondary law. Those who are taking advantage of the European project by extending aspects of their life beyond national borders, through travel, study, work, marriage, retirement, buying or inheriting property, voting, or just shopping online from companies established in other Member States, should fully enjoy their rights under the Treaties.

However, a gap still remains between the applicable legal rules and the reality confronting citizens in their daily lives, particularly in cross-border situations. The large number of complaints and enquiries the Commission receives every year<sup>10</sup>, recent Eurobarometer surveys, discussions with stakeholders, the outcome of a public consultation concluded on 15 June 2010 and a conference on ‘EU citizens’ rights – the way forward’ that took place on 1 and 2 July 2010, provide ample evidence of the many obstacles standing in the way of citizens’ enjoyment of their rights.

The importance of making EU citizenship more effective in practice has been stressed on several occasions. In his report ‘The citizen and the application of Community law’ of 8 June 2008<sup>11</sup>, Alain Lamassoure, Member of the European Parliament, illustrated vividly the barriers facing Europeans when they seek to exercise their rights. The report described various administrative hurdles, and concluded that European policies should be built around the rights and needs of EU citizens and deliver concrete results.

In addition, the European Parliament’s report on ‘Problems and prospects concerning European citizenship’ of 20 March 2009<sup>12</sup> detailed persistent obstacles to the cross-border enjoyment of rights. It called on the Commission to list these obstacles and to make concrete proposals for addressing them, following a consultation of civil society. Finally, the Stockholm Programme, the EU’s work programme in the field of Freedom, Security and Justice for the period 2010-2014, puts the citizen at the heart of European policies in this field.

There are approximately 500 million citizens in the European Union’s 27 Member States. This Commission’s political objective is that EU citizenship progresses to become a tangible reality in their daily lives. This is why, President José Manuel Barroso, in his 3 September 2009 political guidelines for the new Commission, stressed the need to reinforce EU citizenship, by revitalising the link between the citizens and the EU and by giving real effect to their rights. He stated that *‘EU citizens still face numerous obstacles when they try to source goods and services across national borders. They should be able to make use of their rights as EU citizens in the same way as they use their rights as national citizens. The Commission will draw up a comprehensive report on these obstacles for citizens and propose how they can best be removed, together with the report on the obstacles still persisting in the internal market’*.

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<sup>10</sup> In 2009, the Europe Direct Contact Centre had received 25,721 enquiries from citizens on cross border issues (travelling, buying and selling, studying, working and living in other Member States): EDCC annual activity report 2009, available at [http://ec.europa.eu/europedirect/docs/statistics/edcc-report\\_year\\_2009\\_light.pdf](http://ec.europa.eu/europedirect/docs/statistics/edcc-report_year_2009_light.pdf).

<sup>11</sup> <http://www.alainlamassoure.eu/liens/975.pdf>.

<sup>12</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0204&language=EN&ring=A6-2009-0182>.

The present report delivers on President Barroso's political commitment to obtain a comprehensive overview of the obstacles citizens still face and to propose how they can best be removed. It is issued in parallel with the Communication "Towards a Single Market Act: For a social market economy (in the following: Single Market Act Communication)"<sup>13</sup>, which, for its part, focuses on the elimination of obstacles by Europeans when exercising their rights conferred to them by the Single market acquis, i.e. when they are acting as economic operators within the Single market, for instance as entrepreneurs, consumers or workers.

The EU Citizenship Report and the Single Market Act Communication are complementary initiatives designed to overcome the persistent fragmentation of the EU as regards matters of direct interest to citizens and to deliver on the commitment to build a Citizens' Europe and a well functioning Single market which matches citizens' needs and expectations

The creation of the Commission's new 'Justice, Fundamental Rights and Citizenship' portfolio, which has responsibilities covering civil justice and consumer legislation as well as fundamental rights and non-discrimination policies, underlines the political importance attached to these issues. The focus on citizenship issues extends to the entire Commission because removing obstacles to citizens' daily lives requires close cooperation within the Commission and with the other institutions and stakeholders, including national parliaments. This requires overcoming an 'organigramme logic'. The implementation of some of the actions proposed is ensured by the mechanisms foreseen in Europe 2020 flagship initiatives<sup>14</sup>.

Consequently, this report shows how EU citizenship - the essential link to the EU - brings rights and benefits to citizens. It describes main obstacles that citizens still encounter in their daily lives when they exercise their EU rights across national borders and outlines the measures envisaged to empower them to enjoy their rights.

The EU Citizenship Report 2010 is accompanied by the following two documents:

- Report on progress towards effective EU Citizenship 2007-2010 (Report under Article 25 TFEU)<sup>15</sup>;
- Report on the evaluation of the 2009 European Parliament elections<sup>16</sup>.

## **2. TARGETING THE OBSTACLES FACED BY CITIZENS IN THEIR DAILY LIVES**

EU citizens may encounter obstacles in the enjoyment of their rights in various roles in their lives: either as private individuals, consumers of goods and services, students and professionals or as political actors. The Commission has identified 25 main obstacles that citizens may confront throughout their lives based on their complaints.

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<sup>13</sup> COM(2010) 608.

<sup>14</sup> Communication from the Commission: Europe 2020: A strategy for smart, sustainable and inclusive growth (COM (2010) 2020 final of 3.3.2010).

<sup>15</sup> COM(2010) 602.

<sup>16</sup> COM(2010) 605.

## 2.1. Citizens as private individuals

### 2.1.1. Uncertainty regarding property rights of international couples

More and more citizens are moving across national borders to EU countries other than their own, where they study, work, live – and fall in love. An increasing number of couples live in a Member State of which they are not nationals. Out of the approximately 122 million marriages in the EU, around 16 million (13%) have such a cross-border dimension. In 2007, out of the 2,4 million marriages in the EU, they represented about 300,000 couples; this was also the case for 140,000 (13%) of the 1,040,000 divorces that took place in the EU in the same year.

For these international couples, it is often difficult to know which courts have jurisdiction and which laws are applicable to their personal situation and financial aspects (e.g. jointly owned house or bank accounts). As a result, they face unintended and disadvantageous consequences in the daily management of their assets, upon a separation or the death of a spouse.

*Vicente, who is Spanish, and Ingrid, who is Dutch, are married and live in the Netherlands. They would like to buy a house together in France. However, they would first like to know which law would apply to the purchase and, more generally, the property they would own together if they were to separate or if one of them died: Would it be Spanish, Dutch or French law? Could they choose the law they would like to apply? Would it be possible to make sure that a court which one day might have to deal with their divorce or with their succession would also be competent to deal with the division of their assets?*

The Commission:

- (1) will make it easier for international couples (either married or registered partners) to know which courts have jurisdiction and which law applies to their property rights (e.g. a jointly owned house) by proposing a legislative instrument in 2011.

### 2.1.2. Cumbersome and costly formalities regarding cross-border recognition of civil status documents and difficult cross-border access to justice

It is paramount for citizens who move to other Member States to have recognition of civil status documents concerning their 'life events' (e.g. birth, marriage, registered partnership, divorce, adoption or name). Member States' registries and administrative systems vary across the EU, causing problems for such cross-border recognition. Moreover, these life events might not be recognised by all Member States. Citizens are thus obliged to go through cumbersome and costly formalities (translation, additional proof of authenticity of documents) which might even make it impossible for them to enjoy their rights.

*Michal is from Cyprus and wants to marry Sanna from Finland, but he is required to produce a certificate of no impediment, which does not exist under Cypriot law.*

Citizens should be able to enjoy the same access to civil and criminal justice in other Member States as they do in their own country. In 2007, an estimated 9 million EU citizens were engaged in cross-border procedures related to civil justice alone<sup>17</sup>. Over half of the Europeans

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<sup>17</sup> Flash Eurobarometer 292, "Civil justice", November – December 2008.

polled in 2007 believed it would be very or fairly difficult for them to go to court to enforce their rights in another Member State because they lacked knowledge of the procedural rules.

*Daniel, who is German, has found a house that he would like to buy in Romania. His lawyer needs to find a notary and a legal translator and to determine the procedure for conducting a search in the land register.*

The Commission:

- (2) will facilitate the free circulation of civil status documents (e.g. birth certificates) by proposing legislative instruments in 2013;
- (3) will enable both citizens and legal practitioners to easily find multilingual information on justice via the European e-Justice web portal<sup>18</sup>.

### 2.1.3. *Insufficient protection of suspected and accused persons in criminal proceedings and of victims of crimes*

A growing number of EU citizens are involved in criminal proceedings in a Member State other than their country of origin. These citizens often do not understand or speak the language of proceedings. As a result, they may face additional difficulties in defending themselves and exercising their fair trial rights. There are differences in how Member States provide interpretation and translation services.

*Martin, a Slovak football fan, was arrested in Portugal after a football game and charged with assault. As he did not speak Portuguese but could understand English, he asked for interpretation in English. A court-appointed interpreter, who had no professional qualifications, assisted him during the trial. He was represented by a lawyer with no knowledge of English and the interpreter was not present at Martin's short meetings with him. None of the documents in the file were translated into English.*

The Commission is ensuring that the rights of suspected and accused persons in criminal proceedings are guaranteed throughout the European Union<sup>19</sup>.

More than 30 million people across Europe report being a victim of crime every year<sup>20</sup>. There is evidence that many more people were victims and do not report the crimes. The European Union already has legislation in place establishing minimum standards for the treatment of victims<sup>21</sup>, but it has been poorly implemented and, given its intergovernmental nature, cannot be properly enforced, resulting in victims either not having access to all their rights or in Member States providing rights in different ways. Victims cannot be certain that they will receive the same rights, support and protection when they travel or move abroad. More generally, people who fall victim to crime across Europe cannot be certain that the needs they have – to be recognised as victims, to be respected and treated with dignity, to receive support, to have access to justice and to receive compensation and restitution – will be met.

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<sup>18</sup> <https://e-justice.europa.eu>.

<sup>19</sup> Directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings (Directive 2010-801/EU) and Proposal of 20 July 2010 for a Directive on the right to information in criminal proceedings - COM(2010) 392.

<sup>20</sup> Eurostat Statistics in focus – 36/2009.

<sup>21</sup> Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (OJ L 82, 22.3.2001, p. 1).



For instance, many Member States do not ensure that the victim and the suspected offender remain separated during proceedings.

*Anna was mugged and beaten on the street. Her attacker was caught and she found the courage to go to court to testify. However, whilst waiting in the court, her attacker saw her and made threatening gestures. Anna was too frightened to give evidence that day and the case was dropped.*

The Commission:

- (4) will further improve the protection of persons suspected and accused in criminal proceedings, including safeguarding suspects' access to a lawyer and communication with the outside world while in detention, by proposing two legislative instruments in 2011;
- (5) will improve the protection of victims of crime by proposing a package of measures, including a legislative instrument, in 2011.

#### *2.1.4. Taxation problems in cross-border situations, in particular regarding registration of cars*

An increasing number of Europeans are acquiring real estate outside their home Member State. In 2007, the volume of cross-border sales and purchases of real estate was 10 times greater than the figure in 2002, rising to a value of €55 billion. The application of certain national taxation rules on these transactions may render cross-border acquisition of real property, in particular of homes, more difficult than acquisitions confined in all respects to the national territory.

Another rising phenomenon is people inheriting (or receiving gifts) across borders (e.g. testator/donor resident in another country or assets located in a country other than the one in which the beneficiary lives). Inheritances or gifts of foreign assets are often taxed more heavily than domestic ones. It also frequently occurs that such inheritances or gifts are taxed by more than one Member State and that existing mechanisms to avoid double taxation are inadequate.

*Hélène, who resides in Belgium, inherited assets located in Ireland from her Belgian father, who lived and passed away in Belgium. The Irish-located assets were double-taxed as Belgium applied its inheritance tax to these assets and Ireland levied tax on their value.*

More generally, the tax problems that EU citizens face also include discriminatory treatment of cross-frontier workers (such as a ban on deducting personal allowances) and cross-border investments (e.g. dividend taxation), as well as difficulties in communicating with foreign tax administrations, lack of clear information on cross-border tax rules, time-consuming procedures for obtaining double tax relief and complicated claim forms.

The Commission will examine in 2010 possible solutions to the taxation problems faced by EU citizens in cross-border situations in an initiative "Removing tax obstacles for EU citizens". Relevant issues are presented in detail in the Single Market Act Communication.

When buying a car in another Member State or transferring it to a Member State different from that where it was bought (e.g. when changing residence), EU citizens are frequently faced with cumbersome re-registration formalities and paperwork and, possibly, double

payment of registration tax, because national laws on taxation of the first registration are applied in an uncoordinated manner.

*Aurel who lives in the Netherlands, reaches retirement and decides to change his permanent residence to Greece where he has a holiday house. He had previously bought and registered his car in the Netherlands. When moving to Greece, he will have to re-register his car in Greece and pay registration tax there. The amount of registration tax to be paid will take into account the age of the vehicle. However, he will not be able to obtain a partial refund of the registration tax previously paid in the Netherlands, meaning that his car will be subject to registration tax twice.*

The Commission:

- (6) will simplify the formalities and conditions for the registration of cars previously registered in another Member State by proposing a legislative instrument in 2011. It will also take action in cases where the tax treatment of cars is discriminatory and work on solutions to double registration taxes on cars which can hinder the free movement of citizens and goods.

#### *2.1.5. European citizens do not fully benefit from cross-border healthcare and eHealth technology*

EU citizens who fall ill or suffer an injury while travelling for business or pleasure or staying for instance to study in another Member State have the right to receive the same access to health care as nationals of that Member State. Access to health care services during temporary stays abroad is facilitated by the European Health Insurance Card, which is at present distributed to 188 million European citizens, i.e. around 37% of the total EU population.

Moreover, EU citizens can rely on EU rules concerning the coordination of social security to receive the planned treatment abroad subject to prior authorisation, which can only be refused under specific circumstances. In this case the citizen can receive healthcare in another Member State as if he/she had been insured there. In addition, there is another reimbursement scheme for planned healthcare abroad possible by relying directly on the freedom to provide services.

Generally, however, cross-border healthcare in the EU is limited, accounting for an estimated 1% of public healthcare expenditure, including emergency care<sup>22</sup>. Patients do not always have access to relevant information on essential aspects of cross-border healthcare, including their rights to reimbursement for healthcare provided in other Member States. This situation creates uncertainty and distrust, hampering the exercise by patients of their right to seek healthcare in another EU country.

Moreover, eHealth can enable continuity of care within and across national borders, leading to better care. However many legal and organisational barriers (e.g. fragmentation of rules on the protection of personal data across the EU, reimbursement schemes and lack of pan-

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<sup>22</sup> Commission Staff Working Document accompanying the Proposal of a Directive on the application of patients' rights in cross-border healthcare - Impact assessment (2 July 2008) [http://wcmcom-ec-europa-eu-wip.wcmvue.cec.eu.int:8080/health/archive/ph\\_overview/co\\_operation/healthcare/docs/impact\\_assessment\\_en.pdf](http://wcmcom-ec-europa-eu-wip.wcmvue.cec.eu.int:8080/health/archive/ph_overview/co_operation/healthcare/docs/impact_assessment_en.pdf).

European interoperability), hamper the deployment of eHealth technologies in Europe. This prevents EU citizens from enjoying the benefits of eHealth, when needing medical assistance abroad. eHealth technologies can reduce inequalities in access to treatment, improve the quality of care, make access to personal health data easier and safer for patients, minimise the risk of medical errors or contribute to the early detection of health problems. For instance, home telemonitoring of heart patients can improve survival rates by 15%. ePrescriptions can reduce errors in drugs dosage by 15%.

*Dorota, who is Polish, finds out she needs a heart operation. She would prefer to have the operation in Latvia, so that her son can take care of her during her convalescence. However, she does not know whether she is entitled to healthcare there and, if so, how she can get reimbursed for the operation and the home telemonitoring that she will need afterwards.*

The Commission is proposing to ensure more effective access to cross-border healthcare by providing clearer rules on reimbursements, procedural guarantees and transparent information about healthcare available in other countries, by improving trust in the safety and quality of cross-border care and by helping patients exercise their rights to reimbursement for health treatment in any EU country<sup>23</sup>. As announced in the Digital Agenda for Europe<sup>24</sup>, the Commission is supporting the widespread deployment of telemedicine services and of cross-border exchange of electronic medical record information and ePrescriptions, whilst ensuring the respect of EU rules on protection of personal data.

The Commission:

(7) is proposing to facilitate access to cross-border healthcare and is also putting in place pilot actions to equip Europeans with secure online access to their medical health data and to achieve widespread deployment of telemedicine services by 2020<sup>25</sup>. The Commission will also recommend a minimum common set of patient data for interoperability of patient records to be accessed or exchanged electronically across Member States by 2012<sup>26</sup>.

#### 2.1.6. *The right to consular protection for EU citizens in distress in third countries is not fully effective*

EU citizens who travel to a non-EU country in which their home Member State does not have an embassy or consulate have the right to consular protection by any other Member State. The EU Member State's embassy or consulate should treat them in the same way they would treat their own nationals. The number of EU citizens travelling to third countries has increased from over 80 million trips in 2005 to over 90 million in 2008<sup>27</sup>. More than 30 million EU citizens live permanently in a third country, but only in three countries (United States, China and Russia) are all 27 Member States represented. With more and more Europeans travelling

<sup>23</sup> Commission Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare (2 July 2008) [http://wcmcom-ec-europa-eu-wip.wcmvue.cec.eu.int:8080/health/archive/ph\\_overview/co\\_operation/healthcare/docs/com\\_en.pdf](http://wcmcom-ec-europa-eu-wip.wcmvue.cec.eu.int:8080/health/archive/ph_overview/co_operation/healthcare/docs/com_en.pdf).

<sup>24</sup> Communication from the Commission: A Digital Agenda for Europe (COM(2010)245 final/2 of 26.8.2010).

<sup>25</sup> Key action 13 of the Digital Agenda for Europe; see also the Single Market Act Communication.

<sup>26</sup> Key action 14 of the Digital Agenda for Europe. see also the Single Market Act Communication.

<sup>27</sup> Eurostat database on population, section on tourism; data include holiday and business trips of more than one day.

for business or pleasure to third countries<sup>28</sup>, there is a rising need for consular assistance of unrepresented EU citizens.

The effectiveness of EU citizens' right to consular protection remains to be proven. Even though there is a lack of systematic data, it is clear from complaints and reported cases that EU citizens and, at times, consular officials, are not yet sufficiently aware that EU citizens have the right to turn to other embassies or consulates and are not sure what kind of help can be given. EU citizens have high expectations: in a recent survey<sup>29</sup> a majority (62%) said they would expect the same kind of help no matter which Member State they ask, whereas almost a third (28%) expect at least a minimum level of assistance provided by any Member State.

There are as yet few legal rules in place. The Lisbon Treaty empowers the Commission to propose directives on the coordination and cooperation measures necessary to facilitate the right to consular protection. Recent crises (e.g. earthquakes in Haiti and Chile, Iceland's volcanic ash cloud) have demonstrated the need for efficient coordination and also some burden-sharing among Member States. During a crisis, unrepresented Member States' nationals need to be helped as promptly and efficiently as citizens of the Member States that are carrying out the evacuations.

*Natasha, a Slovenian citizen, was a victim of an armed robbery during her holiday in the Caribbean. She was injured and her passport and money were stolen. She is wondering how to quickly find an English-speaking doctor and how to get the necessary funds and travel documents for a return flight following her recovery.*

The Commission:

- (8) will increase the effectiveness of the right of EU citizens to be assisted in third countries, including in times of crisis, by the diplomatic and consular authorities of all Member States, by proposing legislative measures in 2011 and by better informing citizens via a dedicated website and targeted communication measures.

## 2.2. Citizens as consumers

### 2.2.1. Lack of awareness and insufficient enforcement of citizens' rights when buying holiday packages, as passengers and as tourists

Many EU citizens travel to other EU countries on holiday. For example, in 2009, 37% of Germans, 34% of UK citizens and 16% of Italians spent their main holidays in another EU country (compared to 23%, 30% and 13% outside the EU)<sup>30</sup>. As a result, EU citizens often become aware of their EU rights, or of the deficiencies in their enforcement, while on holiday.

56% of Europeans organise their holidays themselves, taking advantage of the internet and the growth of low-cost air carriers<sup>31</sup>. However, they are not covered by the existing EU rules protecting buyers of package travel. The increasing trend towards 'dynamic packages'<sup>32</sup> has

<sup>28</sup> The World Tourism Organisation expects further significant growth for the period 2010-2020.

<sup>29</sup> Flash Eurobarometer 294 'EU Citizenship', March 2010.

<sup>30</sup> Flash Eurobarometer 281 'Survey on the attitudes of Europeans towards tourism', October 2009.

<sup>31</sup> Flash Eurobarometer 258 'Survey on the attitudes of Europeans towards tourism', February 2009.

<sup>32</sup> Travel arrangements where two or more items or services for a single holiday or trip, such as flights, accommodation or car rental, are offered at the same time and from the same company or from

created legal grey areas where consumers do not know whether their travel arrangements are protected. 67% of consumers surveyed who bought a ‘dynamic package’ wrongly believed that they were protected. It is estimated that the annual detriment to those who purchase dynamic packages accounts for €1 billion annually<sup>33</sup>. In addition, the national laws transposing these rules vary and cause problems for consumers who wish to buy their package holiday in another Member State.

*Dagmara books a holiday (flight, hotel accommodation for four nights and car rental) on the internet. She discovers that the bathroom has no water and complains at the reception desk. The receptionist tells her that there are no more available rooms. She calls the internet company where she made the booking and is told that she has to solve this problem with the hotel herself. She wastes three hours trying to solve the problem and pays an additional €500 for a room in another hotel. She later finds out that, if her holiday package had been covered by the EU rules, the organiser would have been financially responsible and obliged to offer her assistance, e.g. an alternative room or hotel.*

Notwithstanding the existence of EU legislation granting rights to passengers travelling by air, rail and, as of 2012, also by water, as well as on-going awareness-raising efforts<sup>34</sup>, only a minority of European travellers are aware of their rights and know how and where to seek redress. The total number of complaints and enquiries made by air passengers reaches around 68,000 every year<sup>35</sup> and reveals difficulties encountered by passengers wishing to lodge claims with air carriers.

Further difficulties stem from divergent air carrier business practices – such as the new limitations on size and weight of checked-in and hand luggage – and their different complaint handling procedures, which may confuse passengers, or from business practices that may be perceived as unfair (such as the ‘no-show policy’ whereby airlines require passengers to use flights bought under the same travel contract consecutively, otherwise they are not allowed to board the subsequent flight). Frustration may also result from the lack of a single authority in each Member State to which passengers can complain.

*Alessandro had informed the airline company that he had broken his leg and he would need assistance. However, such assistance was only organised at his insistence on the spot and he had to wait for more than an hour to get it. His flight had a lengthy delay and his luggage did not turn up when he arrived. He had to complain to three different bodies and was given very little explanation about his rights.*

EU citizens with disabilities face additional obstacles regarding access, among others, to the built environment, to transportation, information and a range of goods and services, including when they move within their countries or to other Member States. One in six EU citizens have a disability and this proportion will rise as the population ages: already 35% of persons over 65 report being hampered to some extent in their daily lives and 15% of those between 65 and 74 describe themselves as severely hampered.

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companies that are commercially linked (for instance, airlines and car rentals or hotels) but excluding packages that are already offered as such, i.e. assembled before they are offered to the customer.

<sup>33</sup> Study on Consumer Detriment in the area of Dynamic Packages, prepared by London Economics for the Commission’s Health and Consumer DG, November 2009.

<sup>34</sup> See also <http://ec.europa.eu/transport/passenger-rights/en/index.html>.

<sup>35</sup> About 68 000 passengers’ queries and official complaints were handled by the Commission and the network of National Enforcement Bodies in 2008.

*Tibor, who lives in Hungary, needs a wheelchair to move around because of his worsening diabetes condition. He loves to visit other EU countries but faces many obstacles. For instance, most hotels have no or only very few adapted rooms and many of the places he wants to visit do not have easy access for wheelchair users. Before embarking on a trip, he has to find out where he will encounter the least problems and whether he can get travel insurance coverage.*

As mentioned above, tourism is an increasingly important aspect of European citizens' lives: more and more are travelling, either for leisure or business. There were about 1.4 billion trips by Europeans in 2008<sup>36</sup>, with 90% within the EU. However, Europeans are tending to travel closer to home, book shorter stays and keep a tight rein on their spending. The Commission is implementing actions to strengthen European tourism, by creating more attractive conditions and increasing consumer trust and satisfaction.

The Commission:

- (9) will modernise the current rules for the protection of consumers buying package travel, especially over the internet, and facilitate the purchase of package travel from other Member States by making a legislative proposal in 2011;
- (10) will seek to complete the legislative framework allowing to ensure a set of common rights for passengers travelling by any transport mode across the EU and ensure adequate enforcement of these rights, including the rights of air passengers (e.g. in case of long delays and cancellations). The Commission will also seek to ensure that transport hubs (e.g. airports, stations, ports) progressively become places where citizens can get easy access to information about their EU rights, especially when travelling within the EU;
- (11) will propose additional ways to ensure that passengers with reduced mobility can more easily access all means of transport and relevant infrastructure, will give, from 2010 onwards, an annual award to the most accessible European cities, will promote better access to services such as travel insurance and will develop and foster the use of EU wide standards on accessibility to the built environment, by proposing, in 2010, an EU Disability Strategy 2010-2020;
- (12) will propose ways to increase consumer confidence in tourism products, by organising awareness-raising campaigns for European tourists and by monitoring consumer satisfaction with various tourism services (e.g. transport, accommodation, travel etc.).

### *2.2.2. Absence of single consumer protection rules, lack of awareness about existing means of redress and insufficient means of redress*

When buying goods and services, citizens are not confident enough to go beyond national markets to enjoy the wealth of choice and competitive prices offered across Europe. One reason may be the absence of a single set of consumer protection rules: more than one out of three (37%) consumers believe that they may be less protected when they buy from another EU country at a distance or while travelling than when they buy in their own country<sup>37</sup>. Two

<sup>36</sup> Eurostat, Tourism Statistics, 2008.

<sup>37</sup> Commission Staff Working Document: 'Report on cross-border e-commerce in the EU' - SEC(2009) 283, p. 11.

out of three EU households have an internet connection<sup>38</sup>, but only 12% of EU web users feel completely safe making online transactions<sup>39</sup>. A third of consumers would consider buying online from another country because it is cheaper or better<sup>40</sup>, but only 8% actually do so<sup>41</sup>.

*Chiara, who lives in Italy, has found a digital camera on the website of a Bulgarian electronics shop at a much lower price than in her home town. However, she is reluctant to buy it online from Bulgaria. She wonders: What happens if the camera gets lost or damaged during delivery? Will she be able to send it back to the seller if she doesn't like it, as she could do in Italy? How long does she have to send it back?*

To tackle this lack of confidence, the Commission has proposed further harmonisation of consumer rules and is looking for ways to more easily inform consumers about their rights<sup>42</sup>. Moreover, in the "Digital Agenda for Europe"<sup>43</sup>, the Commission proposes several concrete actions aimed at solving the main problems which prevent European citizens from enjoying the benefits of a digital single market and cross-border digital services. At the end of 2010, the Commission will also publish a Survey on Consumer Empowerment which will describe the level of information and assertiveness of consumers with respect to their rights. It will identify the disadvantaged consumers or specific vulnerabilities in the population and target a 10-15% improvement in consumer empowerment by 2020.

If something goes wrong, consumers often do not obtain effective redress. 51% of consumers who complain to a trader and are not satisfied with the way in which their complaint is dealt with, do not take further action. 47% of citizens do not take legal action for damages below €200. They are even more reluctant to do anything in cross-border situations. In addition, consumers are unaware of or do not fully exploit the potential of Alternative Dispute Resolution (ADR) mechanisms and of mediation possibilities existing at national level as a cheaper (free or below €50) and faster alternative to ordinary court proceedings. To make the system for recovery of claims below €2 000 (European Small Claim Procedure) faster and easier for citizens, the Commission will ensure EU-wide online processing of small claims recovery by 2013, while exploring at the same time whether claims below €5000 should be included in the European Small Claims Procedure. Further measures are presented in detail in the Single Market Act Communication.

The Commission:

(13) will set out in an understandable way the rights of users of online services by publishing a Code of EU Online Rights by 2012<sup>44</sup>;

<sup>38</sup> Eurostat: Level of Internet Access – households (tsiir040; publication date 18.6.2010) was at 65 percent in 2009.

<sup>39</sup> Flash Eurobarometer 250 'Confidence in Information Society', May 2009.

<sup>40</sup> Commission Staff Working Document: 'Report on cross-border e-commerce in the EU' - SEC(2009) 283, p. 2.

<sup>41</sup> Consumer Markets Scoreboard – Consumers at Home in the Internal Market – SEC(2010) 385, p. 18.

<sup>42</sup> Proposal of 8 October 2008 for a Directive of the European Parliament and the Council on consumer rights - COM(2008) 614.

<sup>43</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Digital Agenda for Europe - COM(2010) 245.

<sup>44</sup> As announced in the Digital Agenda for Europe.

- (14) will facilitate fast and inexpensive out-of-court resolution of consumer problems in the EU by proposing a legislative instrument on Alternative Dispute Resolution (ADR) mechanisms in 2011, by exploring proposals for an EU-wide online dispute resolution system for eCommerce transactions by 2012<sup>45</sup> and by promoting wider use of mediation by 2013.

### 2.3. Citizens as residents, students and professionals

#### 2.3.1. *The right to free movement is hindered by divergent and incorrect application of EU law and by cumbersome administrative procedures*

The principle of free movement of persons has developed constantly over the last 40 years to include all EU citizens. It is one of the most important and cherished individual rights of EU citizens. Surveys conducted in 2010 showed that almost nine out of 10 EU citizens know they have this right<sup>46</sup> and that they "take it for granted", assuming it is their fundamental right as EU citizens<sup>47</sup>. In 2009, an estimated 11.7 million EU citizens were living in another Member State, while surveys show that many more might exercise this right at some point in their lives. While a majority (54%) of citizens polled in 2009 were not interested or saw too many obstacles to working in another Member State<sup>48</sup>, close to one in five Europeans (17%) actually envisaged working abroad in the future<sup>49</sup>.

In 2009, residence-related issues formed the biggest proportion (38%) of all complaints regarding the functioning of the Single Market<sup>50</sup>. This figure shows that EU citizens are aware of this right and confront many obstacles.

EU citizens still face difficulties and unacceptable delays when seeking to obtain registration certificates: they are often required to submit additional documents (e.g. electricity bills) not prescribed by EU rules. EU law requires EU citizens who are not economically active to have "sufficient economic resources" to reside in another Member State for more than three months. Several Member States apply EU rules incorrectly as they use fixed amounts as a criterion for residence or do not take individual circumstances into account.

EU citizens residing in a Member State other than their own too often face problems with access to various benefits and advantages, as they are discriminated against on the grounds of their nationality. They may even encounter problems with the surnames they want to hand down to their children in accordance with the legislation of their Member State of origin.

Obstacles to the right of entry and the issuance of residence cards to third-country family members accompanying or joining EU citizens moving to other Member States include excessive requirements for documents to be submitted, cumbersome administrative procedures and delays. Other family members of EU citizens (e.g. *de facto* partners) may encounter problems in having their right of entry and residence facilitated. Further problems occur when the concept of 'other family members' is either not reflected in national legislation or is interpreted in a manner contrary to EU law.

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<sup>45</sup> As announced in the Digital Agenda for Europe.

<sup>46</sup> Flash Eurobarometer 294 'EU Citizenship', March 2010.

<sup>47</sup> Eurobarometer Qualitative survey 'European citizenship – Cross-border mobility', August 2010.

<sup>48</sup> Flash Eurobarometer 263 'Internal Market: Awareness-perceptions-impacts', February-March 2009.

<sup>49</sup> Flash Eurobarometer 337 'Geographical and labour market mobility', November-December 2009.

<sup>50</sup> Data extracted from the SOLVIT database.



*Christian, who is Luxembourgish, met Natalia, who is Spanish, while on an Erasmus exchange in Sweden. Now that Christian has finished his university studies, he wants to live with her in Spain. But he wonders how this can happen, because he does not speak Spanish and he doubts that he will quickly find work in the small village where Natalia lives. When he needs to register after living in Spain for the first three months, will the authorities accept his explanation that he receives €600 every month from his parents and that he can live on this amount? Or will they require him to prove that he has a higher or steadier income?*

The Commission:

- (15) will facilitate free movement of EU citizens and their third-country family members by enforcing EU rules strictly<sup>51</sup>, including on non-discrimination, by promoting good practices and increased knowledge of EU rules on the ground and by stepping up the dissemination of information to EU citizens about their free movement rights<sup>52</sup>.

### *2.3.2. Burdensome and uncertain procedures for recognition of academic diplomas and professional qualifications*

EU citizens are entitled to study or train in another Member State and to have access to education under the same conditions as local students. An estimated 4 % of European students receive an Erasmus grant during their studies. Over 2 million students have benefited from the Erasmus programme since its launch in 1987. There are about 555 000 university students who study abroad every year. One third of European higher education students polled in 2009 said they intend to study in another EU country<sup>53</sup>. However, students wishing either to study abroad using the diploma obtained in their home country or to return to their home country to work after having studied abroad still face numerous obstacles in getting their diplomas or foreign study periods recognised. Recognition of diplomas can be time-consuming and potentially contentious. 36% of students cite difficulties in obtaining recognition for study periods abroad as a very big or big obstacle for studying abroad<sup>54</sup>.

The Commission is seeking to give all young people in Europe the chance to spend part of their education in another Member State through the “Youth on the Move” initiative, by providing guidance on the rights of mobile students under EU rules and by working with Member States to achieve the target of at least 20% of those graduating from higher education having studied or trained for a period abroad by 2020. The Commission is facilitating study abroad also by promoting the comparability of academic diplomas through the European Qualifications Framework.

Even though citizens expect recognition of their professional qualifications to be easy and automatic, they are often disappointed: on a European-wide average, only 70% of recognition requests have reached a quick and successful outcome.

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<sup>51</sup> The Commission is taking measures to ensure full transposition and implementation of rules on free movement in all Member States.

<sup>52</sup> The Commission just published an updated and simplified guide for EU citizens on freedom to move and live in Europe, spelling out in a reader-friendly manner the rights and possibilities open to them [http://ec.europa.eu/justice/policies/citizenship/docs/guide\\_free\\_movement.pdf](http://ec.europa.eu/justice/policies/citizenship/docs/guide_free_movement.pdf) and has recently adopted the Communication 'Reaffirming the free movement of workers: rights and major developments' - COM(2010) 373 - to raise awareness and promote the rights of EU migrant workers.

<sup>53</sup> Flash Eurobarometer 260 "Students and Higher Education Reform", March 2009.

<sup>54</sup> Flash Eurobarometer 260 "Students and Higher Education Reform", March 2009.

*Jonathan, from the UK, hesitates taking a good job offer in Austria. Will his wife, who is a nurse, be able to work? Will his son, who wants to study medicine, be able to attend university?*

Under the current legal framework, automatic recognition of qualifications applies only to seven out of more than 800 professions. Citizens are not systematically offered the possibility to apply electronically for access to a regulated profession and have to wait up to three to four months for a decision on their application.

In other cases, administrative practices, delays in recognition processes and resistance at national level add to the cost and difficulty of working abroad and effectively increase barriers to entry into regulated professions. EU rules harmonising training requirements for professions which benefit from automatic recognition (notably health professions and architects) are now outdated.

The Commission will advance a faster and less bureaucratic recognition of professional qualifications by proposing a legislative instrument in 2012. The relevant problems hampering mobility within the European labour market and the solutions envisaged by the Commission are addressed in detail in the Single Market Act Communication.

### *2.3.3. Coexistence of different social security systems challenges workers' mobility*

As demonstrated by a recent Eurobarometer survey<sup>55</sup>, Europeans who work across borders are frustrated, among other things, by differences between national social security rights. These differences are coupled with complex cooperation between national social security institutions, which may result in delays and difficulties in exchanging citizens' social security information.

*Zeta, a Greek citizen, moved to Germany to work there, but her husband and two children stayed in Greece. Due to a delay caused by the exchange of social security information between Greek and German institutions, it took a long time to determine which country should grant child benefits.*

In addition, the EU rules on social security coordination only cover statutory social security systems. In the pensions field, for instance, these rules do not cover supplementary (e.g. occupational) pensions and the separate rules which cover them<sup>56</sup> only provide a basic level of protection. The Commission has recently launched a broad consultation on how to remove obstacles for mobile workers to acquire, preserve and have access to pensions when they retire<sup>57</sup>. These obstacles and the remedies envisaged by the Commission are addressed in detail in the Single Market Act Communication.

The Commission:

(16) is improving the provision of information to citizens and is developing a new system of electronic exchange of data to reduce delays and difficulties in the exchange of social security information.

<sup>55</sup> Eurobarometer qualitative survey 'European citizenship – Cross-border mobility', August 2010.

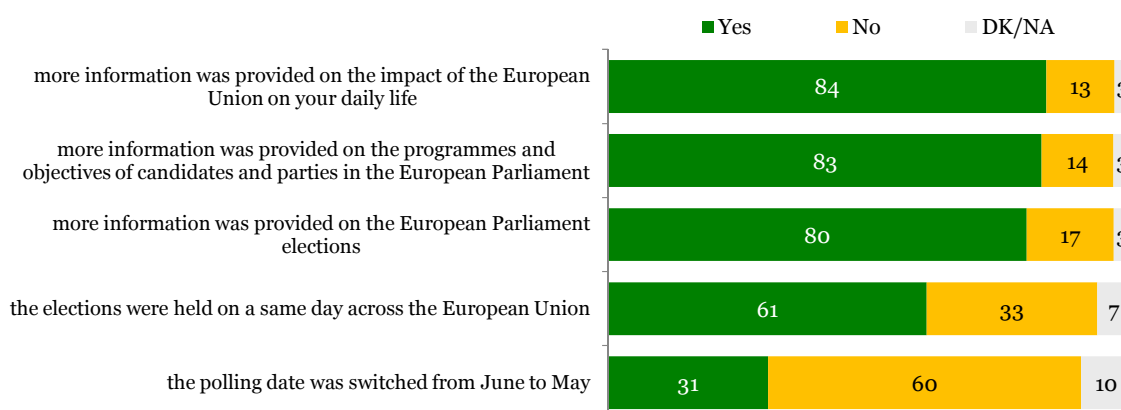
<sup>56</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self employed (OJ L 209, 25.7.1998, p. 46).

<sup>57</sup> Green Paper towards adequate, sustainable and safe European pension systems - COM(2010) 365.

## 2.4. Citizens as political actors

Voter participation has steadily decreased since the first direct European elections in 1979. General turnout was 43% for the last elections in June 2009, confirming this trend. A recent survey showed that more than eight out of 10 EU citizens consider that receiving more information from the political parties on their programmes and on the impact of the EU on their lives could contribute to a higher turnout<sup>58</sup>.

### In future European elections turnout would be higher if ...



Q6. In future European elections turnout would be higher if ...  
Base: all respondents, % EU27

When organising European Parliament elections, all Member States must respect common principles: elections shall be free, secret and by direct universal suffrage. Early publication of the results in one Member State<sup>59</sup>, i.e. several days before the close of the poll in other Member States, violates EU law and prevents citizens from casting their vote free of influence by these electoral results.

The Commission:

(17) is asking Member States to ensure that in future, publication of the results of the European Parliament elections takes place at the same time in all Member States.

EU citizens who live in a Member State other than their own have the right to vote and stand as candidates in European Parliament elections<sup>60</sup>. Some Member States appear not to adequately inform EU citizens about this right<sup>61</sup>. When registering citizens on the electoral roll, some Member States require EU nationals coming from other Member States to fulfil conditions which prevent them from exercising voting rights under the same conditions as

<sup>58</sup> Flash Eurobarometer 292 'Electoral rights of citizens of the EU', March 2010. This was confirmed by the findings of the Eurobarometer Qualitative survey "European Union citizenship – cross-border mobility" of August 2010.

<sup>59</sup> The Commission is currently looking into the case of the Netherlands.

<sup>60</sup> Article 22(2) TFEU and Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329, 30.12.1993, p. 34).

<sup>61</sup> The Commission is currently looking into the cases of Bulgaria, Malta, Hungary, Latvia, Slovakia, Poland, Slovenia and Romania.

their own nationals (possession of a national identity card, obligation to renew registration for each European election, etc.)<sup>62</sup>. Such conditions seem to be contrary to EU law.

*Ruta, who is Lithuanian and is living in Malta, wants to vote for Maltese candidates in the European elections. She is refused this right because she does not possess a Maltese identity card, as required by domestic legislation.*

A number of Member States restrict to their own nationals the right to become members of political parties or to found a party<sup>63</sup>. EU citizens from other Member States living there cannot therefore fully participate in political life and exercise their electoral rights.

*Charlotte, who is a Danish citizen living in the Czech Republic, wants to join a Czech party sharing her political views. Domestic law currently does not allow her to do so, as is the case in Poland and in Lithuania.*

Under current EU rules, EU citizens who have moved to another Member State and wish to stand as candidates in European Parliament elections must obtain from the Member State of origin proof of not having been deprived of their electoral rights. In addition, current EU rules provide for procedures aimed at preventing double candidatures and double voting. These procedures can often result in an unnecessary bureaucratic burden. It is therefore necessary to simplify them whilst ensuring their effectiveness in preventing abuses.

The Commission:

- (18) is asking Member States to ensure that voting rights of EU citizens in their Member State of residence are fully enforced, that EU citizens can be members of or found political parties in the Member State of residence and that Member States duly inform EU citizens of their electoral rights;
- (19) will propose the simplification of the procedure for EU citizens when standing as candidates in their Member State of residence, and will improve the current mechanism for preventing double voting in European Parliament elections, taking into account the timeframe and outcome of a future European Parliament electoral reform<sup>64</sup>.

Furthermore, some EU citizens who move to and reside in another Member State may lose their right to take part in national elections in their Member State of origin. According to the legislation of several Member States<sup>65</sup>, their nationals are disenfranchised if they live in another Member State for a certain period of time. Many EU citizens informed the Commission and the European Parliament that they are not able to participate in any national elections, neither in the Member State of origin nor in the Member State of residence.

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<sup>62</sup> The Commission is currently looking into the cases of Malta and Slovenia. In the case of Slovenia, a new law was notified to the Commission on 15 July 2010; the Commission is assessing whether it ensures full conformity with EU rules.

<sup>63</sup> The Commission is currently looking into the cases of Bulgaria, the Czech Republic, Finland, Germany, Greece, Latvia, Lithuania, Slovakia, Spain and Poland.

<sup>64</sup> Draft report on a Proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976  
<http://www.europarl.europa.eu/oeil/file.jsp?id=5806882>.

<sup>65</sup> Ireland, Hungary, Denmark, Malta, Austria and United Kingdom.

The Commission:

- (20) will launch a discussion to identify political options to prevent EU citizens from losing their political rights as a consequence of exercising their right to free movement.

## 2.5. Lack of easily accessible information and assistance to citizens

Citizens are prevented from enjoying their rights because they lack awareness of them. There is a wealth of information and problem-solving networks at EU level and, indeed, around 700 000 people start their search for information on the EU's websites every day. However, a 2006 survey showed that almost 70% of Europeans were unaware of these networks, whilst those who did know about them were confused about where to send questions and what to expect. Citizens lost time and confidence by being sent from one network to another<sup>66</sup>. A 2010 survey showed that only 42% of Europeans know their rights and 72% would like to know more<sup>67</sup>, whilst another recent survey<sup>68</sup> revealed that citizens moving across borders are frequently frustrated by the need to use multiple sources to find all the information they require. When asked to suggest ways in which their cross-border experiences would have been made easier, citizens say they would favour a 'one-stop shop' which would enable them to find all relevant information in one place, and which would contain very practical and country-specific information.

Citizens must have easy, direct access to information on the EU. They should know the rights offered by the EU and their opportunities in the EU. Europe must literally be at their fingertips, or just a phone call away.

Moreover, to make use of EU rights, there are often national, regional or local rules and procedures which need to be respected. The Commission will therefore be seeking full cooperation of national authorities so as to be able to provide information on all EU countries.

Efforts are also required in candidate countries close to accession to better involve their citizens in the accession process and to inform them about their future rights as EU citizens.

The Commission:

- (21) is developing the Your Europe web portal into a one-stop-shop information point on the rights of citizens and businesses in the EU, easy to use and accessible via the web (<http://ec.europa.eu/youreurope>) and via a free phone number (Europe Direct Contact Centre). It will provide clear and practical information and be a central port of call ('front office') which will dispatch enquiries to the various specialised assistance services ('back offices').
- (22) is streamlining its information networks in the Member States so that citizens easily find the right contact point at national, regional and local level. The Commission's Representations in the Member States, together with the 500 Europe Direct information centres, will improve the promotion of citizens' rights by 2012, including

<sup>66</sup> Flash Eurobarometer 254 'Internal Market - Opinions and experiences of Citizens in EU-25', October 2006.

<sup>67</sup> Standard Eurobarometer 73 "Public opinion in the European Union", May 2010.

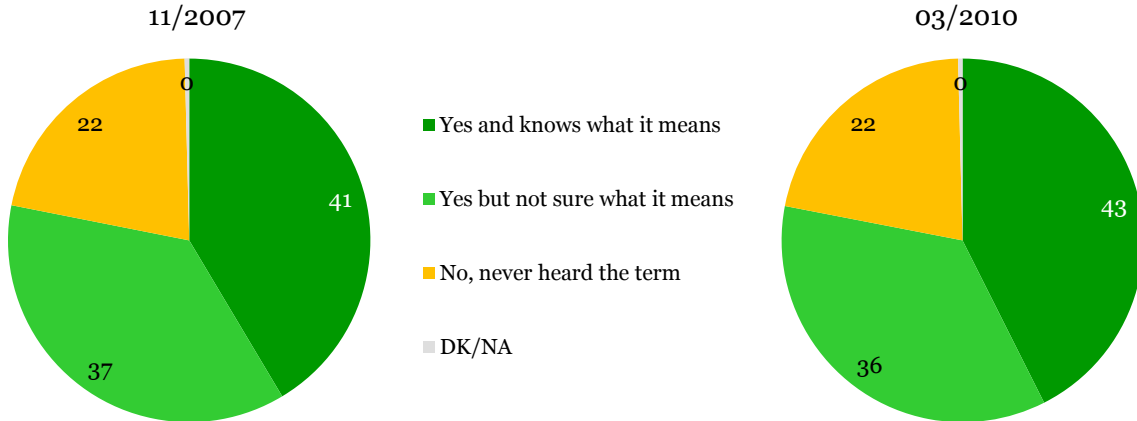
<sup>68</sup> Eurobarometer qualitative survey 'EU Citizenship – cross-border mobility', August 2010.

through a better cooperation and interaction with existing EU-level assistance and problem-solving services.

## 2.6. Lack of awareness of the meaning of EU citizenship

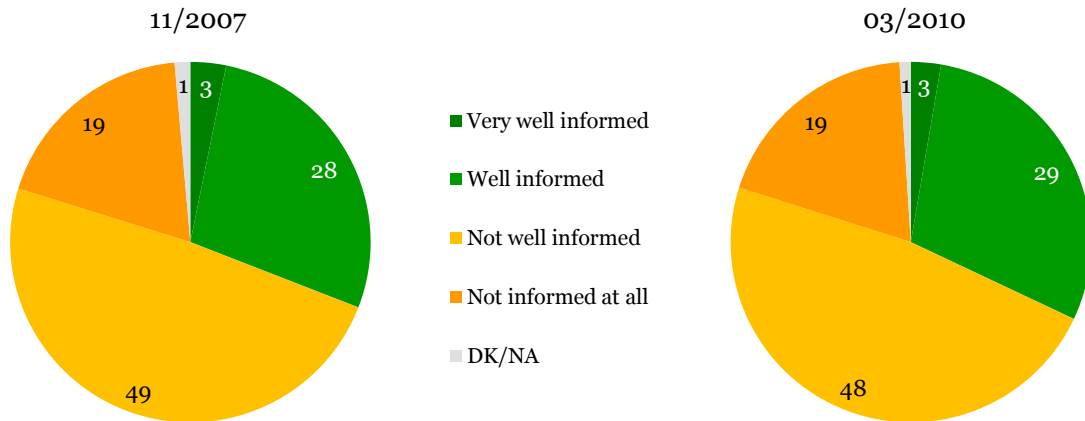
Most European citizens (79%) currently claim some familiarity with the term ‘citizen of the European Union’<sup>69</sup>. However, only 43% know the meaning of the term and 48% indicate that they are ‘not well informed’ about their rights as EU citizens. Indeed, less than one third (32%) consider themselves ‘well’ or ‘very well’ informed about their rights as EU citizens.

### Familiarity with the term “citizen of the European Union”, 2007-2010



Q1. This survey concerns the citizenship of the European Union. Are you familiar with the term “citizen of the European Union”?  
Base: all respondents, % EU27

### Being informed about the rights as a citizen of the European Union, 2007-2010



Q2. How well do you feel that you are informed about your rights as a citizen of the European Union?  
Base: all respondents, % EU27

For EU citizenship to acquire real significance in people’s lives, it is necessary to increase awareness of their rights and responsibilities.

<sup>69</sup> Flash Eurobarometer 294 ‘EU Citizenship’, March 2010.

Various financial programmes can be used to promote EU citizenship, including ‘Europe for Citizens’ 2007-2013, with a budget of €215 million, focusing on fostering civic participation, and ‘Fundamental Rights and Citizenship’ 2007-2013, with a budget of €93.8 million, focusing on promoting the rights attached to EU citizenship status, such as voting rights in municipal and European elections in the Member State of residence, free movement and consular protection. EU citizens and stakeholders need to be guided to these and other EU funding possibilities and should benefit from economy of scale.

The Lisbon Treaty brings with it great potential in terms of new possibilities, responsibilities and objectives for a more active involvement of citizens and civil society in the European project, notably by introducing the Citizens' Initiative. To give effect to this essential participatory democracy tool, the Commission has proposed legislation aimed at putting in place procedures and conditions for the use of this mechanism<sup>70</sup>. Citizen action at EU level can further be promoted through the enhancement of the European dimension of the activities of public benefit foundations. The approximately 110 000 foundations currently operating within the EU Member States address issues of a global nature such as research, environment, health and employment, which lie at the heart of EU citizens' concerns. However, foundations seeking to develop their activities cross-border encounter a number of administrative as well as civil and tax law barriers (e.g. regarding the procedures for their recognition as foundations, the tax exemptions they are granted in the different Member States etc.) which hamper the development of transnational operations and lead to increased costs which reduce the overall amount of funds available for public good. As presented in detail in the Single Market Act Communication, the Commission will propose in 2011 a Regulation on a statute for European foundations as a remedy to these problems.

Independent media reporting about EU affairs is an important cornerstone of well-informed EU citizens and European public discourse. However, there is still a long way to go until there is a true European media landscape which stimulates informed debates about EU policies. As Mr. Lamassoure's report pointed out, reports on US policies are considered more relevant than news about EU affairs in many Member States. In addition, the current economic crisis is contributing to a decline of EU correspondents in many media and a refocusing of media attention on national matters. Euronews is currently the only TV channel that covers news from a European perspective and dedicates significant slots to EU affairs. It should improve its format in order to get as much impact and reputation as other international news channels; Euronews does not yet have a studio in Brussels that would allow for direct reporting from the capital of the European Union.

The Commission:

- (23) will strengthen citizens' awareness of their EU citizenship status, their rights and their meaning in their daily lives by proposing the designation of 2013 as the European Year of Citizens and by organising targeted events on EU citizenship and citizen-related EU policies during this Year;
- (24) will make it simpler for EU citizens and stakeholders to use the financial support the Commission provides for the development of EU citizenship, by exploiting synergies among the available EU funding instruments and rationalisation;

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<sup>70</sup> Proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative - COM(2010) 119.

(25) will explore ways to further strengthen information on European affairs, characterised by independent, professional and high-quality reporting; in this context, the Commission will also explore options for a more sustainable financing of Euronews. The building up of a Brussels studio for Euronews will be encouraged.

### 3. CONCLUSIONS

In many of the areas in this report, the lack of EU legislation is not the main reason why citizens are facing obstacles in the exercise of their rights. In some instances, the existing rules need to be expanded or updated or even radically overhauled to keep pace with evolving socio-economic or technological realities. The majority of actions identified to dismantle obstacles fall into three main categories: effectively enforcing EU rights, making their enjoyment easier in practice, and raising awareness about them.

The first category aims at **guaranteeing that citizens' rights are fully enforced** on the ground by the Member States. Such actions are particularly relevant in areas where EU law takes predominantly the form of Directives, which – in contrast to Regulations – need to be transposed into national laws or administrative provisions in the legal system of each Member State. These actions include closely scrutinising national measures, providing guidance through administrative cooperation or the release of guidelines and the launch of infringement proceedings where needed.

The second category aims at **easing citizens' daily life by making the exercise of individual rights simpler**, eliminating unnecessary complications: finding solutions in individual cases and reducing costs and administrative burdens generated by national procedures and practices. This is done by soft law instruments such as recommendations and codes of conduct, dissemination of good practices, fostering better trust and facilitating closer and more efficient cooperation between national administrations, so that citizens' rights can be delivered more effectively throughout Europe. Gaps in EU legislation should also be filled.

The third category aims at **raising citizens' awareness about their rights**, so that they can make better use of their opportunities. At the same time, national administrations, judges and legal professionals should also be aware of these rights so they can help citizens. The measures identified include the one-stop-shop point for information and advice and information campaigns.

The EU needs to deliver at all these levels to make sure that citizens' rights are a tangible reality. This report identifies 25 short- and medium-term initiatives for tackling the obstacles to citizens' enjoyment of their rights.

The Commission considers this to be the beginning of a process for further identification of obstacles that citizens still face and solutions for them. The report will launch a debate with other EU institutions, notably the European Parliament and the Council, the European Economic and Social Committee and the Committee of the Regions, and with civil society. It is also important to engage national parliaments actively in this debate, not only as regards



verifying the implementation of the subsidiarity principle, but also in providing the Commission with their views under the political dialogue initiative<sup>71</sup>.

European citizens' involvement is vital for the success of these efforts – not only as passive beneficiaries of rights but as actors in the European project. There is a wide array of participatory tools to involve citizens in policymaking. Such tools can bring more depth and a qualitative aspect to understanding citizens' concerns.

This report aims to tap into EU citizens' ideas, concerns and expectations, whilst bringing them closer together in the process. It is intended to open a debate and exchange on how EU citizenship can fulfil its potential in terms of enhancing Europeans' life chances by delivering concrete benefits that will have a visible impact. This 'bottom-up approach' championed by Mr. Lamassoure as a way to create a real 'citizen's package' and to launch an open and constructive dialogue will be a crucial part of building a Europe that protects citizens' rights and serves their needs.

This process should allow the Commission to present in 2013, a European year to be dedicated to citizens, an assessment of its output and the initial impact of this report's actions. The Commission will then be in a position to announce an ambitious and comprehensive action plan toward completing the removal of persistent obstacles standing in the way of citizens' enjoyment of their rights.

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<sup>71</sup> The Commission launched in 2006 a new, informal dialogue with national Parliaments, commonly referred to as the "political dialogue", or the "Barroso initiative". It consists of transmitting directly to national Parliaments Commission's proposals and consultation papers, and to invite them to react, so as to improve the process of policy formulation and to involve national Parliaments more closely in European affairs.

**EU CITIZENSHIP REPORT 2010:**  
**25 ACTIONS TO IMPROVE THE DAILY LIFE OF EU CITIZENS**

The Commission:

- (1) will make it easier for international couples (either married or registered partners) to know which courts have jurisdiction and which law applies to their property rights (e.g. a jointly owned house) by proposing a legislative instrument in 2011;
- (2) will facilitate the free circulation of civil status documents (e.g. birth certificates) by proposing legislative instruments in 2013;
- (3) will enable citizens and legal practitioners to easily find multilingual information on justice via the European e-Justice web portal;
- (4) will further improve the protection of persons suspected and accused in criminal proceedings, including safeguarding suspects' access to a lawyer and communication with the outside world while in detention, by proposing two legislative instruments in 2011;
- (5) will improve the protection of victims of crime by proposing a package of measures, including a legislative instrument, in 2011;
- (6) will simplify the formalities and conditions for the registration of cars previously registered in another Member State by proposing a legislative instrument in 2011. It will also take action in cases where the tax treatment of cars is discriminatory and work on solutions to double registration taxes on cars which can hinder the free movement of citizens and goods;
- (7) is proposing ways to facilitate access to cross-border health care and is also putting in place pilot actions to equip Europeans with secure online access to their medical health data and to achieve widespread deployment of telemedicine services by 2020. The Commission will also recommend a minimum common set of patient data for interoperability of patient records to be accessed or exchanged electronically across Member States by 2012;
- (8) will increase the effectiveness of the right of EU citizens to be assisted in third countries, including in times of crisis, by the diplomatic and consular authorities of all Member States, by proposing legislative measures in 2011 and by better informing citizens via a dedicated website and targeted communication measures;
- (9) will modernise the current rules for the protection of consumers buying package travel, especially over the internet, and facilitate the purchase of package travel from other Member States by making a legislative proposal in 2011;
- (10) will seek to complete the legislative framework allowing to ensure a set of common rights for passengers travelling by any transport mode across the EU

and ensure adequate enforcement of these rights, including the rights of air passengers (e.g. in case of long delays and cancellations). The Commission will also seek to ensure that transport hubs (e.g. airports, stations, ports) progressively become places where citizens can get easy access to information about their EU rights, especially when travelling within the EU;

- (11) will propose additional ways to ensure that passengers with reduced mobility can more easily access all means of transport and relevant infrastructure, will give, from 2010 onwards, an annual award to the most accessible European cities, will promote better access to services such as travel insurance and will develop and foster the use of EU wide standards on accessibility to the built environment, by proposing, in 2010, an EU Disability Strategy 2010-2020;
- (12) will propose ways to increase consumer confidence in tourism products, by organising awareness-raising campaigns for European tourists and by monitoring consumer satisfaction with various tourism services (e.g. transport, accommodation, travel etc.);
- (13) will set out in an understandable way the rights of users of online services by publishing a Code of EU Online Rights by 2012;
- (14) will facilitate fast and inexpensive out-of-court resolution of consumer problems in the EU by proposing a legislative instrument on Alternative Dispute Resolution (ADR) mechanisms in 2011, by exploring proposals for an EU-wide online dispute resolution system for eCommerce transactions by 2012 and by promoting wider use of mediation by 2013;
- (15) will facilitate free movement of EU citizens and their third-country family members by enforcing EU rules strictly, including on non-discrimination, by promoting good practices and increased knowledge of EU rules on the ground and by stepping up the dissemination of information to EU citizens about their free movement rights;
- (16) is improving the provision of information to citizens and is developing a new system of electronic exchange of data to reduce delays and difficulties in the exchange of social security information;
- (17) is asking Member States to ensure that in future, publication of the results of the European Parliament elections takes place at the same time in all Member States;
- (18) is asking Member States to ensure that voting rights of EU citizens in their Member State of residence are fully enforced, that EU citizens can be members of or found political parties in the Member State of residence and that Member States duly inform EU citizens of their electoral rights;
- (19) will propose the simplification of the procedure for EU citizens when standing as candidates in their Member State of residence, and will improve the current mechanism for preventing double voting in European Parliament elections, taking into account the timeframe and outcome of a future European Parliament electoral reform;

- (20) will launch a discussion to identify political options to prevent EU citizens from losing their political rights as a consequence of exercising their right to free movement;
- (21) is developing the Your Europe web portal into a one-stop-shop information point on the rights of citizens and businesses in the EU, easy to use and accessible via the web (<http://ec.europa.eu/youreurope>) and via a free phone number (Europe Direct Contact Centre). It will provide clear and practical information and be a central port of call (“front office”) which will dispatch enquiries to the various specialised assistance services (“back offices”)
- (22) is streamlining its information networks in the Member States so that citizens easily find the right contact point at national, regional and local level. The Commission's Representations in the Member States, together with the 500 Europe Direct information centres, will improve the promotion of citizens' rights by 2012, including through a better cooperation and interaction with existing EU-level assistance and problem-solving services;
- (23) will strengthen citizens' awareness of their EU citizenship status, their rights and their meaning in their daily lives by proposing the designation of 2013 as the European Year of Citizens and by organising targeted events on EU citizenship and citizen-related EU policies during this Year;
- (24) will make it simpler for EU citizens and stakeholders to use the financial support the Commission provides for the development of EU citizenship, by exploiting synergies among the available EU funding instruments and rationalisation;
- (25) will explore ways to further strengthen information on European affairs, characterised by independent, professional and high-quality reporting; in this context, the Commission will also explore options for a more sustainable financing of Euronews. The building up of a Brussels studio for Euronews will be encouraged.

