LISTENING TO CITIZENS

The difficulties that people face in exercising their rights within the Single European Market

A report drafted by the Signpost Service as part of the “Citizens First” initiative
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1. SETTING THE SCENE

The “Citizens First” initiative has an ambitious aim: to make people aware of their rights within the European Union and the Single Market. It seeks two-way communication with citizens with a view to understanding the problems they have in exercising their rights, whether they be procedural problems, access to information, finding the right point of contact, or getting their rights recognised.

This is where the ECAS (Euro-Citizen Action Service) comes in, a non-profit organisation under contract to the European Commission and in partnership with other associations providing a “Signpost Service” for EU citizens. It can be contacted either via the “Citizens First” freephone number or directly via the Commission’s Internet site (http://citizens.eu.int).

The team of experts, covering all the official languages of the European Union, undertakes to reply to a request within three days. Its task is to help address a given problem in an impartial and objective way, and to suggest ways of finding a solution. As its name suggests, the service takes a particular interest in directing interested parties to whoever is competent to deal with their problems at European level, and at national and local levels.

2. AIM OF THIS REPORT

“Citizens First” is a theme-based initiative. Phase I covered a period of a year from November 1996, focusing on people’s rights on the following general themes:

1. Working in another country of the EU
2. Living in another country of the EU
3. Studying, training and doing research in another country of the EU

This document constitutes an analysis of the 3,235 questions fielded by the Signpost Service during the first phase.

We shall concentrate in the report on the main details of the dialogue with callers concerning the way the internal market affects individuals. There will also be certain remarks about the way the single market is perceived and, more generally, the way the European Union is perceived by the public at large.

To begin with, though, here are a few general remarks on the way the Signpost Service has been used and the how satisfied users are with it.

3. GENERAL REMARKS

3.1 No such thing as a “typical” user

The Signpost Service certainly seems to have been used by a very broad cross-section of the public. The Commission has provided a statistical analysis of the typology of users, based on occupation, but over and above that, the initiative has clearly appealed to all
social categories, and with very wide ranges of information on Europe required within each of those categories.

The impression is that the Service tends to be used before a person sets out to go abroad – to prepare or examine the various possibilities – rather than when he or she is actually in the foreign country. Spaniards, French, Germans and Italians are the most frequent users of the Service outside their own countries, while most requests received from citizens abroad came from the United Kingdom and Germany. Long-term expatriates get in touch with us less frequently, having already acquired a good deal of familiarity with the institutions in their host country.

There are clearly two distinct approaches, and it is not possible to say which of them holds sway: there are the people who have already tried everything at local or national level, and who are now turning to us as a last resort; and there are those who, before setting out on the administrative steeplechase, are interested in getting a European view of the situation. Obviously, the first category is much more demanding as to the information required, and to the scope of the service.

3.2 Extensive shopping-list

The reasons why people contact us are, essentially, as follows (in descending order):

- request for legal, practical or factual information;
- search for a source of information or a competent authority;
- request for individual legal assistance;
- desire to have one’s opinion heard at European level.

These are not mutually exclusive.

3.3 General satisfaction

Generally speaking, it would seem that the service given is appreciated. First and foremost, there is the feeling of closeness that people get when they receive a call directly from a service acting on behalf of the European Union. Secondly, because there is nothing better than a straight conversation with a well-informed person when you are faced with problems. Finally, because conversation is often an excellent opportunity to clarify points of European law, and to clear up misunderstandings. Very many people refer to concepts and principles which are clearly poorly understood. So the opportunity to put them right is very welcome.

The degree of satisfaction the users feel is obviously limited by the range of services we can offer – information, some advice but no assistance – and by the field we cover – law, Community policies and sources of information, but nothing to do with purely national or international law. Inevitably, we have to disappoint some users who are not fully aware of the kind of service we can offer, especially where people regard the freephone number as a last chance to get the help they need. A number of people have said how disappointed they were that we were unable to accept their personal dossier and go through it with them.

Although our role is clearly to make people more aware, not just of European law, but also of the various sources of information and points of contact in the Member States, it has to be said that very many users, paradoxically, ask to be connected to someone else as
they feel that they would be better served or understood directly in, say, Brussels. This is a common phenomenon, particularly in the southern Member States.

4. MAIN THEMES

So what do the people of Europe have to tell us at the Signpost Service? What are their main interests, their main concerns? What do they see as the grey areas of Community law? Let us focus on the themes which have met with the greatest degree of success:

Social security  
Right of residence  
Recognition of qualifications  
Job search  
Income tax  
Access to employment  
Cars and drivers  
Education, training and research programmes

4.1 Social security

Two callers out of three are concerned with this theme, which accounts for 37% of all practical problems with national administrations. The main points are health care, pensions, unemployment and social assistance. The countries most concerned are France and, to a lesser extent, the United Kingdom, Italy, Belgium and Germany.

This is an area in which, in contrast to other areas, the scope of Community law is greatly under-estimated. The information we give to callers concerning Regulation No 1408/71 generally evokes pleasant surprise. It has to be said that certain relatively well known aspects of this regulation (the use of the E111, for example) are the trees that you can’t see the wood for. The concept of coordinated national social security schemes, on the other hand, is not readily understood, and callers have to be told quickly that there is no question of attempting to harmonise national schemes.

Comments

1. Insurance cover for health care abroad. This is the question which is asked most often by or on behalf of young people who are preparing to travel abroad or to study abroad. The fact that the E111 is in principle issued for a maximum stay of three months is often not realised, and is often not observed by the national services themselves. But the E111 does not do the job entirely, where the stay is a long one but not on a particularly permanent basis (e.g. a temporary traineeship): it covers only urgent care which is needed on the spot, and only a supplementary insurance policy can cover the more routine kind of health care (e.g. an ordinary check-up at the dentist’s).

2. Health care sought abroad. Here, there is more interest from elderly people concerning complex operations or prolonged cure treatment, or from young women expecting babies. The normal concern is in terms of quality or the availability of the requisite services, and sometimes the closeness of near relatives. There is widespread ignorance of the E112
authorisation procedure, sometimes with alarming consequences, in that some people set out with only an E111, or no form at all, and discover too late that their expenses will not be refunded.

3. Continued eligibility for unemployment benefit abroad (cf. 26). In some countries, workers who quit their jobs to follow their spouses far from their place of work are regarded as being in involuntary unemployment and may be eligible to receive unemployment benefit. A significant number of women (particularly from France and Belgium) have contacted us, expressing surprise that such entitlement was not available where the family moved abroad. This restriction would appear to be incompatible with the principle of freedom of movement for workers, which should embrace the freedom of movement of working couples, this being nowadays more the rule than the exception.

4. Retiring abroad. The main concern here, whether the pensioner intends to retire in the country of last employment or in a country in which he has never been insured, is the need to maintain one’s entitlement to a pension which has been acquired in a different country. It is an easy matter to reassure people on this score by telling them about the principle of the maintenance of acquired rights. What is less reassuring is the complaint about excessive time-lags in making pension payment transfers abroad. This is a particularly touchy point where there is only one pension, from a foreign country, and even more so where the pensioner is required to provide evidence in the host country of having sufficient resources (cf. 13).

5. Situation of people on early retirement or in receipt of a supplementary pension. Not surprisingly, the fact that supplementary pension plans are excluded from the scope of Community coordination is resented by pensioners, who find that their acquired rights under a contract in one country are not protected if they moved to another country. The same kind of bitterness is felt by people on early retirement, who find that they have to reach the statutory age of retirement if they want to move to a country of their choice. Our callers are pleased, though, to learn of recent moves by the Commission to deal with these problems.

6. Pension entitlement after working in more than one country. These questions come not so much from people who have already reached retirement age as from people who are in mid-career and want to know what the effects would be if they were to move to a different country. They seek reassurance on what would happen to contributions they have already made in one or more other countries. Another cause for concern is how pensions are calculated. In this respect, there is a tendency to think that there is only one pension which is paid on the basis of a person’s entire career, or even a European-scale pension. In all cases, people seem to be ignorant of the fact that the rule is to calculate two or more pensions pro rata; there is also general ignorance of the principle of centralised management of pensions in the country of residence. Nor is it evident that people always desire that kind of centralised treatment; some say, for example, that they are more used to dealing with authorities in their country of origin. Judging by our callers, it is not always clear that the age of retirement is not the same in all countries, and that what counts is the age provided for in the legislation of each of the relevant countries, and that the various portions of the overall pension will depend on that.

7. Acquired rights for invalidity. People’s concerns here are much the same as for old-age pensions, i.e. what would happen if one were to leave a country in which an invalidity
pension were payable. These concerns are likewise unjustified. There is more justification, though, for the frequent complaints concerning the loss of social protection for disabled people (cf. 10). Social assistance is not covered by Community coordination, but it is not always easy to determine whether a particular payment counts as social assistance or as social security; in the UK, for instance, there are various types of mixed payment.

8. Country of social security affiliation. Very many questions are concerned with establishing which is the country of affiliation, these questions coming particularly from frontier workers or workers who are on secondment to another country, or from persons working for a firm in a country where it has no establishment. There is evidently a vague hope that one can choose one’s country of affiliation, and a degree of disappointment that Community law lays down the rules: for instance, people would not necessarily want to belong to a scheme in their country of work. There are also plenty of unmarried partners who want to know whether one can be registered by the other as a dependant in the country to which they have moved.

9. Equal treatment. People who are insured in a country other than their country of origin appear to be well aware of their right to equal treatment under social security schemes. We do, however, receive occasional complaints, generally well-founded, about cases in which this principle has been violated: for example, the requirement in force in France that you need a resident’s card to be able to register with a mutual company, whereas such cards are issued only belatedly (and not always justifiably so) by the local authorities; or the obligation on foreigners resident in Italy, including citizens of the European Union, to renew their health card every year, whereas similar cards are open-ended for Italian nationals. It is less clear in the minds of certain people that equal treatment is not the same thing as reciprocity (i.e. having, in the host country, the same rights as are available to that country’s nationals in one’s own country of origin), or that the maintenance of acquired rights or rights which are currently being acquired is not the same thing as an unchanged scheme (i.e. being treated as if one had not left one’s own country).

10. Public assistance and welfare benefits. Very many questions are concerned not with social security as such, but more generally with the whole field of social protection. Most people are not clear as to the distinction between social security and welfare benefits, and hence do not understand the limits to Community coordination. There is something not quite satisfactory about explaining the need to guarantee the financial equilibrium of national public assistance systems. Is this an open Europe only for the fit and healthy? Territorial restrictions are particularly poorly understood as regards welfare benefits for disabled people (sometimes, choosing to live in a foreign country means having to give up something which is too essential: why is there no European card for the disabled? Or at least some form of reciprocal recognition of such cards?), and financial assistance for students (accommodation aid and study grants are more often than not a national matter).

4.2 Right of residence

One caller out of five is concerned with this theme, which accounts for 18% of all practical problems to do with national administrations. Such problems are to do primarily with the resident’s card (i.e. where it is needed and how to obtain it) and equal treatment with resident nationals. Here again, it is France which gives rise to most problems, followed by Spain and, to a lesser degree, Italy, Belgium and the United Kingdom.
There are two frequent types of caller here, both of them diametrically opposed and equally badly informed: on the one hand, the people who are sure that the European Union guarantees them an unconditional right of residence, and who – in good or bad faith – forget the attendant obligations (especially the administrative and tax ones); on the other, those who are convinced that, outside their own country, any kind of limitations can be imposed. The fact is that very many of the problems people have with the authorities in the host country could be explained by suspicion on the part of the authorities vis-à-vis the first category of people.

Comments

11. Compulsory resident’s card. There are plenty of problems here. Why the need for a residence permit if there is a guaranteed right of residence? It is mainly the British, the Danes and the Dutch who ask this question, one which can be explained partly by the lack of familiarity with administrative documents, and partly by the misleading official terminology: these countries’ languages use the word residence “permit”, a terminology which is spreading: no one in Europe refers any more to a residence “card”, neither among the public at large, nor in the national authorities. The impression, then (a wrong one), is that the resident’s card is a pre-condition for the right of residence. It would seem that, in some countries (France and Spain, for example), it is impossible without a card to register with the social security or have access to the employment services (cf. 33). This is doubly annoying since the time taken to issue a resident’s card can sometimes be unreasonably long, and issuing a provisional one is no real compensation.

12. Renewal of the resident’s card. This too is a source of irritation: why does the card have to be renewed over and over again, with all the attendant cost and bother? This is a question which is posed mainly by long-term residents, and one does wonder why the minimum five-year period of validity is systematically applied.

13. Conditions governing the right of residence. The fact that the right of residence is not an absolute right is by no means evident to very many people. So explanations are needed as to why, if a person is not claiming to be a migrant worker or a member of his family, certain checks are made. The need to be covered by a social insurance scheme is known and accepted. On the other hand, the requirement that a person must have access to sufficient resources comes as something as a shock. Of course, something has to be done to avoid migratory movements motivated solely by the quest for more generous social benefits, but the fact that this is done by a form of inquisition into one’s personal income situation is not very highly appreciated. Is it not, people say, contrary to the free movement of capital to require a certain amount of money to be deposited in a local account? The question is a reasonable one, particularly where the amount in question in no way reflects the guaranteed minimum income in the host country. Some countries extend the requirement to furnish effective proof of resources to students, despite the Community law which refers only to the need for a “declaration”. Steps have now been taken by the Commission to remedy these anomalies.

14. Right to remain. This is a major concern on the part of workers who have lost their job in the host country, and who are worried about whether their resident’s card will be renewed when the time comes. These people do not appear to be correctly informed about
their right to remain in the country of last employment (for paid workers), more especially because this is, under Community law, their country of social security affiliation, and hence the country which will be responsible for paying any unemployment benefit.

15. Family reunification. Most of the questions concerning the right to join one’s spouse or a member of his/her family in another country concern third-country nationals. The Schengen agreements are the source of a lot of confusion: many people spontaneously refer to the principle of abolition of internal frontier controls being extended to third-country nationals, but are not generally aware of the fact that this agreement concerns only the right to travel, and not the right of residence, that its geographical scope is restricted to the European Union, and that it does not override any visa requirements. Poorly understood - and not all that unsurprisingly - is the fact that Community law does not concern itself with the situation of people who wish to be joined in their own country by their spouses, even if they are citizens of the EU, unless they come together from another country of the EU.

16. Unmarried partners. A significant number of unmarried partners, being citizens of the EU, ask whether they can claim the right to family reunification. Producing a certificate of dependence in lieu of a legal recognition of the state of living together is not very satisfactory. Hence the question whether a de facto family should not be recognised as such, and certainly where it has already been formally recognised in a previous country (e.g. by way of an official certificate of living together).

17. Grey areas of the legislation on the right of residence. As was pointed out in the Veil Report on free movement of persons, a growing proportion of the population is at odds with this legislation. These are basically people who move to another country without any clear idea of how long they intend to stay there, in all cases for more than three months but not necessarily for more than a year; to make matters worse, their legal situation is frequently vague (e.g. trainees, students, jobseeker but not registered employed, etc.). In such cases, is it worth making a declaration of residence and applying for a resident’s card? And what precisely is the start of the three months after which residence has to be declared, if there are no longer any checks carried out at internal frontiers? Would it not be enough to return from time to time to one’s country of origin? For this category of people, strict compliance with the law creates complications which are disproportionate to the interests the State is trying to protect. So it is not just ignorance which explains the irregular situations that people sometimes get themselves into.

18. Legal residence and voting rights. Interesting comments are made by some people living in a foreign country concerning different treatment compared with nationals of that country. Is it really necessary to be branded as a “foreigner” under normal administrative practice purely for difference’s sake? This is a particularly sore point for an Italian citizen resident in France for several years, and who is annoyed at having to go through the voting formalities at a police station rather than at the town hall. Then there is the Irish resident in the UK who took umbrage at the fact that the MP he helped to elect refuses to do anything about his grievances concerning foreign nationality. One senses a need for assimilation, at the very least as a member of an administrative and political community. After all, is that not the point of being a citizen of the European Union? That is the message which is coming across.
4.3 Recognition of qualifications

More than one caller in five is concerned with this theme, accounting for 13% of the practical difficulties in dealing with national administrations. The problems are mainly concerned with vocational recognition, and the countries most frequently affected are Spain, France and, to a lesser extent, Italy and Greece.

Generally speaking, the distinction between recognition of vocational and academic qualifications is poorly understood. As far as the man-in-the-street is concerned, the issue is purely and simply the recognition of qualifications. In the real world, the two aspects are indeed intertwined, with the same authorities often dealing with the two aspects. Problems arise principally in the medical sector, teaching and, to a lesser extent, tourism.

Comments

19. How essential is vocational recognition? Curiously, many people are concerned with the recognition of qualifications in occupations which are not regulated. In such cases, callers have to be told that the question is simply a de facto one of gauging the merits of a diploma or certificate on the employment market, particularly in the private sector, and that this is a matter for the potential employer’s discretion. More knowledgeable callers want to know whether their particular occupation is regulated in the country they intend to move to, and which are the authorities responsible for deciding whether their qualifications are valid.

20. Is vocational recognition automatic? The question of automatic recognition is vastly overrated, and tends to be perceived as a general rule rather than as the exception. What, people say, is the point of proclaiming the principle of equivalence if, in practice, the authorities in the host country can simply overturn the principle? Having said that, and in spite of their disappointment, most callers understand the explanations they are given about the limits to the harmonisation process.

21. Signs of bad faith on the part of the authorities. Attention tends to be drawn to practices which are hardly commensurate with the spirit of Community law and which have the effect of discouraging requests for recognition, more especially: grudging, bit-by-bit provision of information on what documents are required, effectively putting off the moment from which an authority, with a full dossier at its disposal, has four months in which to reach a decision; unreasonable deadlines for taking and passing a test on one’s knowledge, e.g. where an applicant for equivalent status is placed on a waiting list for examination, as an ordinary student would be; tendency not to take sufficient account of vocational experience to compensate, as the general system does, for a difference in training (cf. also 34 and 40).

22. Recognition of recognition. Some EU citizens holding a diploma from a third country, which is recognised in one of the Member States and backed up by a number of years’ professional experience in that country, ask whether the diploma will be equally valid in a different Member State. Our reply has to be that, despite the Commission’s recommendation, this is not always the case. One very interesting complaint was received from a British graduate who spent some time studying in the United States, and then found that the British authorities would not issue the certification needed to get her
diploma recognised in France. In such cases, the problem lies with the country of first recognition.

23. Academic recognition. The fact that Community law does not cover academic recognition is surprising, but callers are generally willing to accept the explanation that this is due to the wide variety of educational systems. Generally speaking, this is not a major problem area in that academic mobility is something that takes place essentially between school and university or between university and postgraduate specialisation. A number of complaints have been received, though, regarding examinations which were taken abroad under the Erasmus programme and which have not been recognised by the original university, in total contravention of the whole point of the programme. The stumbling block would appear to be the divergence of grading methods and the resultant distortions in terms of academic results.

4.4 Job seeking

More than one caller in nine is concerned with this theme, accounting for fewer than 2% of the practical difficulties with national administrations (although Spain is well above the average in this regard). The problems are mainly concerned with information on job opportunities abroad, particularly for people who are in receipt of unemployment benefit.

The striking thing here is the enormous need for practical information. People are aware of the supposed existence of an internal employment market, and expect Europe to provide practical facilities for jobseekers.

Comments

24. Access to job vacancies in other countries. This question comes less from jobseekers who are already in the country (cf. 9) than from people who are looking at a national job market from a distance. There is almost total ignorance of the existence of EURES, the European employment service which serves to network the national services. And most of the callers who have had dealings with EURES said they had not received any real substantive help. The problem would appear to lie with the effective availability of Euroadvisers and the way they cooperate internationally. A Portuguese national, for instance, looking for work in Germany is not directly assisted in his search by a German correspondent. A further limitation lies in the nature of job vacancies which are exchanged in the EURES database, most of them being relatively insecure jobs, or in the tourism and catering trades.

25. Information on the country of destination. Workers who are offered a job in another country or are transferred or posted to another country want information on local conditions: the cost of living, labour legislation, pay levels, etc. Jobseekers want to know about the market value of their diploma, practical arrangements for recruitment, employment prospects in a given sector, whether or not a profession is regulated, etc. Judging by the general public confusion, a really central source of information on these various elements is acutely lacking.

26. Can unemployment benefit be “exported”? From the legal point of view, this is clearly the crucial question. This is an interesting point in that it touches on an exception within
the Regulation 1408/71 system: unemployment benefit is not maintained, except within very strict limits, during stays abroad. Callers tend to be unpleasantly surprised to hear (or to have confirmed) that they can receive unemployment benefit abroad only for a maximum of three months, after which they relinquish their entitlement to benefit unless they return to their original country. It is tricky matter to explain why this restriction applies, i.e. the risk of “social security tourism”. A number of unemployed people have rightly pointed out that this restriction cannot be in the interests of the employment services in that one sometimes has more chance of finding a job in another country. What is needed is clearly a solution which is more in keeping with the spirit of an internal market in Europe.

27. Recruitment procedures in the European institutions. A significant number of questions are on this subject, with the general desire for more accessible information on open recruitment competitions, and more transparency regarding other recruitment methods.

4.5 Income tax

One caller in nine asks about this theme, accounting for fewer than 3% of practical problems concerning national administrations. These problems are essentially concerned with the question of residence for tax and social security purposes and the effect on frontier workers.

Questions to do with the taxation of individuals are often combined with concerns about social security, since most people find it difficult to distinguish between the two. Most callers are surprised to hear that the EU has not come up with any coordination arrangements along the same lines as Regulation No 1408/71. However, they do appreciate our explanations as to the taxation sovereignty of the Member States, although this does not prevent a large number of people expressing the desire for a taxation Union too. Others tend to be somewhat less idealistic, looking for ways of being taxed in whatever is the most advantageous country.

Comments

28. Residence for tax purposes. As for social security, many people, somewhat naively, think they can freely choose their place of residence for tax purposes, either on strategic grounds, or because they fear complicating their lives by having to deal with a completely new administration (as is often the case for pensioners). The terminological confusion (residence, domicile, residence for tax purposes, secondary residence, etc.) does not exactly help matters.

29. Calculation of tax. It never ceases to surprise how ignorant the general public can be about the lack of Community powers of direct taxation. So all the EU is setting out to do is to outlaw double taxation? - That is the frequently heard view of the disappointed citizen; that, and the opinion that it is time something was done.... So all we can do is to point out that tax-raising powers on individuals constitute a fundamental fact of Member States’ sovereignty. Nonetheless, there is a real need for Community information on tax law, along the same lines as already exists for national social security legislation.
30. **Information sources.** Taxpayers seem to find it enormously difficult to obtain full information on international tax arrangements, or even to find out where they can get information from. It is difficult to work out whether the problem is one of insufficient access to the competent authorities, or a degree of reticence on the part of the people themselves to contact the official departments. There can be no doubt that the provision of semi-official information would be greatly appreciated, if only to help people pick their way through the administrative jungle.

31. **Double taxation.** Apart from the remarks made below (cf. 32), we are not aware of any real problem in this respect, although people are very concerned at being subject to tax formalities in two countries: this fact alone is enough to make them afraid that the same income might be subject to tax twice over. What we have to point out to callers is that the double declaration of certain types of income does not mean they are being taxed twice over, and that there are a variety of ways and means by which the Member States ensure that tax is not levied twice on the same income. We have to explain the significance of “residence for tax purposes” as the effective place of taxation of global incomes.

32. **Situation of cross-border workers or workers posted abroad.** Questions to do with taxation tend to focus on property and on this particular point. Most people are concerned about the lack of consistency between the cross-border worker’s tax and social security status. Here again, we meet with the general opinion that the two aspects should be indissoluble, particularly as - as some people point out again and again - it is sometimes difficult to tell whether a particular levy is a tax or a social security contribution. This confusion leads to cases of having to pay for the same thing twice over, as evidenced by French workers who pay their social security contributions in Luxembourg and still have to pay a special tax in France to help balance out the social security budget. Then there is the whole question of double indirect taxation resulting from the non-recognition of facts or situations in another Member State for the purpose of tax reductions or exemptions. We can reasonably say, then, that frontier workers are sometimes faced with excessive suspicion on the part of the tax authorities, who tend to regard the fact of being a frontier worker as a potential tax avoidance method.

### 4.6 Access to employment

Just under one caller in 13 is concerned with this theme, accounting for almost 5% of all complaints. Spain, France and Italy are the countries most affected, particularly in terms of access to employment in the public sector.

The principles of freedom of movement for workers and equal treatment for all citizens of the EU are fairly well established in people’s minds. Hence the substantial proportion of apparently well-founded complaints concerning the violation of Community law in this field, compared with the number of unfounded complaints elsewhere.

**Comments**

33. **Obligation to have a resident’s card.** This is a frequent misunderstanding on the part of certain employers, who want to have sight of the resident’s card before signing an employment contract. The fact is that, on the contrary, it is the contract of employment which will lead to, or at least facilitate, the issue of a resident’s card. In other words, there
is sometimes confusion on the employment market between a residence “permit” (cf. 11) and a work permit, this latter document has not been required of Community citizens since the creation of the EEC ....

34. Access to employment in the public sector. Clearly, this is the sector that causes most problems, the basic question being: can they refuse me access to an open competition, or fixed-duration employment, because of my foreign nationality, although I am a citizen of the European Union? In other words, we have to look at particular cases in the light of the Court’s case-law on Article 48 (4) of the Treaty: is the post in question reserved for nationals on the grounds that it is an expression of national sovereignty or is concerned with the exercise of public power? This is hardly ever the case. Cases which we have been told about are mainly concerned with work in a public hospital, a state school, the postal service, public electricity generation etc. And where there is no question-mark against nationality, there often is against the origin of the qualification: there are plenty of people who miss the opportunity to take part in an open recruitment competition because their foreign diploma is still “undergoing recognition”.

35. Recognition of professional experience. Where there is no effective impediment to employment, workers can still be penalised under the specific conditions of employment, e.g. by an employer refusing to recognise professional experience acquired in another country, and which ought to give access to a higher grade of employment.

36. Open recruitment competitions. Seen as professional selection tests, or as the final examination of qualifications? Not always obvious, which is why a number of workers with qualifications in their country of origin wonder whether it is legitimate to require them to undergo such tests in order to get a job. (The question is particularly relevant for jobs in hospitals in France). This is very much a grey area at the interface between access to employment and recognition of professional qualifications.

37. Mobility of civil servants. A number of national civil servants or local government officers want to know what opportunities there are for exchange arrangements or for stays in another Member State. Some of them, rather naively, talk of being “transferred”, fondly believing that national careers are already inter-linked under a joint European public service system.

38. Corporatist resistance. A number of callers have testified to the difficulty of getting into a sector of activity in another country, not so much because of resistance from the public authorities, but because of a corporatist reflex on the part of local operators. This problem appears to be particularly acute in the fields of tourist guides and fishing.

39. Language skills. A lot of ignorance here on the part of potential migrant workers wishing to know whether lack of knowledge of the target country’s language might pose a problem. Some people, mainly English-speakers, even invoke the principle of equal treatment, which prompts us to point out that language skills are, in most cases, very much an objective condition for access to a job. Having said, that, a number of interesting questions have been put to us on this subject by language teachers: what level of Italian can one objectively require of an English teacher in Italy, for instance?

40. Third-country nationals. Sometimes, the non-Community nationality of a person applying for recognition of a diploma is the reason for rejection, even where the diploma has been issued by a Member State and is covered by a special directive providing for
automatic recognition. This problem has turned up particularly in association with cases of the spouse of an EU citizen moving to another country with his/her family.

4.7 Cars and drivers

| Somewhat less than one caller in twelve is concerned with this theme, accounting for 9% of the complaints. The subjects of these complaints are very varied. The countries most concerned are Italy, Greece and France, while an interesting proportion of complaints concerning driving licences come from Germany and the Netherlands. |

Since the car is such a symbol of mobility, it is somewhat bizarre that it should cause so much trouble to people wishing to move within the European Union. Generally speaking, where we receive a specific question on cars, it is rare for the conversation to end without covering the whole range of car-related subjects.

Comments

41. Place of registration. Do I have to register my car in my country of residence? This is an almost universal question. The reply (i.e. yes, within six months of settling in the country) does not please people who have no intention of remaining for long in the host country and who want to avoid the various administrative and tax complications. Greece and Italy are the subject of complaints because of the problems experienced by residents elsewhere in keeping a car which has been properly registered at a secondary residence in those two countries.

42. Registration plates. A number of complaints here concerning the time taken to issue new plates in the country of residence, in some cases not until after the insurer in the country of origin has ceased to extend insurance cover (usually three months). The upshot is that the driver can no longer be insured because no local insurer will issue a policy on the basis of foreign registration plates (cf. 45). An Italian caterer complained of not being able to go about his work in Portugal as a result.

43. Car tax. Because of the difference in car tax between the various Member States, there is a tendency on the part of drivers to do everything they can to have their vehicle treated as belonging to another country. With somewhat more justification, a number of people think it wrong that they should have to pay a tax on the first entry into service in the host country for a vehicle which has already been taxed in the country of origin. Whatever name it goes under, this tax is generally fairly steep. VAT too is the cause of many questions on the part of vendors or purchasers in another country, generally of a used vehicle. The fact that the VAT on the new vehicle has to be paid in the country of purchase seems to be well known, though it is sometimes necessary to set out the legal definition of a used vehicle (6 000 km or 6 months on the road).

44. Technical approval. Drivers are amazed that it is still necessary, within the single market, to put a car through a technical check on import and, even more so, that they should sometimes have to make technical changes to the vehicle. What has to be pointed out here is that it is only since 1996 that cars have been made according to uniform European standards and that, before then, manufacturers were not obliged to comply with certain standards which were nonetheless imposed on imported cars from other EU
Member States. It is important to remember that the technical check remains necessary to ensure that these technical requirements are being complied with, and especially if the vehicle is an old one. There have been complaints (justifiably) in France concerning the authorities’ refusal to approve LPG equipment installed in another country, without any justification other than the need for inspection by an approved specialist in France. A number of owners or potential owners of right-hand drive (or left-hand, as appropriate) vehicles have said how difficult it is to obtain information on importing such vehicles from the British Isles to the Continent or vice-versa.

45. Protected markets. Callers confirm that this is a very widespread practice. Insurers refuse to honour their policies with persons moving abroad; franchise dealers refuse, more or less overtly, to sell cars to non-residents. We try to explain that free movement of services does not imply any obligation to supply insurance services over national borders if the insurer prefers to adopt a different course. As to dealers refusing to sell to non-residents, we tell callers about the effects of exclusive distribution agreements and about what the Commission is doing to deal with car makers (especially the recent case against Volkswagen).

46. Driving licence. Many complaints have been received from countries which are late in implementing the latest directive on driving licences, and where drivers still have to exchange one country’s licence for another’s. Drivers were of the opinion, wrongly, that they did not need to exchange licences prior to 1 July 1996, something which points to an enormous information problem. Ill-informed drivers are finding themselves, to their great surprise, driving without a valid licence, and with no flexibility whatever on the part of certain Member States. It would appear that the idea of a “Community model” for driving licences has misled a lot of people, and that the problem is now coming home to roost, with long-term residents finding that they still using the licence issued in their country of origin. Regarding motorcyclists’ driving licences, we received a complaint (which was legally unfounded) from motorcyclists authorised to ride a low-powered bike on their “B” licence in their country of origin, but not in their host country.

47. Car insurance. Apart from the residence restrictions (cf. 45), most of the questions are to do with the use and scope of the notorious “green card” and insurance cover abroad where the car is being used by a relative or friend.

4.8 Education, training and research programmes

More than one caller in six addresses this theme, which accounts for 3% of the practical problems with national administrations, concerned essentially with access to programmes or information on programmes, and with a fairly even national spread.

It is entirely normal that, along with the hunt for a job, this should be the most popular theme among young people. It is, after all, young people who tend to be the most mobile and are keenest on discovering other countries. The idea of a Europe without frontiers evokes a lot of enthusiasm among the young. It would be wrong, though, to believe that the not-so-young are not just as interested in Community programmes. On several occasions, we heard people complain that these programmes impose arbitrary age restrictions. Most of the questions are concerned with what opportunities are available,
and the general view is that, while the plentiful publicity concerning existing programmes arouses a lot of interest, there is a good deal of disappointment at how difficult it is to get into the programmes or, at the very least, to obtain information on them.

Comments

48. **Access to programmes.** Very many people have contacted us with a view to getting information on study grants, or opportunities for receiving training or doing research abroad. This would seem to indicate that the national agencies are not sufficiently well known. Callers tend to be disappointed to hear that the European Commission, or even its agencies, do not deal directly with applications, and that it is generally necessary to do so via an organisation or institution which is participating in the desired programme. In a word, there is a feeling that it is difficult to break into the circuit of European exchange arrangements.

49. **Fuzzy dividing line between education and training.** The general impression is that interested parties have heard or read a lot about the Community programmes, but have no really precise knowledge. The names (Erasmus, Socrates, Lingua, European Social Fund etc.) are often familiar, but not so many people are aware of what they are all about. Moreover, the kind of situations and projects which people describe to us do not gel particularly well with one programme or another, and there are often areas of overlap. Students will say they want to do research for their thesis; or they want to fund a period of study abroad by a training placement; or language-learning may be the underlying motive.

50. **Eligibility.** This, along with procedural issues, is the crucial question put by all our callers. When they talk to us, callers seem to have zero information, or at least be very confused. It is worrying to hear that certain national agencies, even where they are known, have not managed to do anything to clarify the issue. The impression one often gets is of random testing, out of curiosity, but without any real personal plan. In this respect, applicants for a “researcher training and mobility” grant and people who wish to learn a language abroad tend to be the exception.

5. **BEYOND THE SET THEMES**

5.1 **Complaints**

Complaints about national administrations concerning the exercise of European rights, whether or not founded, account for fewer than 10% of the problems brought to our attention. Most of these complaints are in fact associated with a lack of information or guidance.

This is indeed the main criticism we have to make of national administrations in the light of the results of Phase I, viz. a tendency to leave people to their own devices in making use of the opportunities they have under Community law. The most characteristic manifestation of this - is it a training problem? - is the tendency to give people only the information they have requested, rather than asking them about their real needs and providing them with expert guidance.
5.2 Grey areas

Of the practical difficulties encountered by people in exercising their European rights, the most striking are doubtless those which give people the feeling of “going round in circles” or “losing as much as you gain” or being governed by “red tape”. Here, very briefly, are the most significant cases:

- **Resident’s card: attestation or condition?** Without a resident’s card, it is impossible to register with the social security services, but foreign insurance cover for health care and a pension are proof of meeting the conditions for the right of residence and hence the right to obtain that very card (cf. 4 and 13). The same kind of baffling logic applies where an employer wishes to recruit someone but demands to be shown the resident’s card, whereas the authorities will require you to prove an employment relationship before they will recognise your right of residence (cf. 33).

- **Time-lag for issuing a resident’s card.** Sometimes people just dodge the cumbersome administrative procedures which will inevitably not be completed in time, although such procedures are supposedly compulsory for a stay of more than three months. This is the dilemma which faces residents in “precarious” situations, who tend to place their trust in the difficult task for officialdom, in the absence of immigration checks, of determining when the 3-month period started (cf. 17).

- **Proof of sufficient resources, and no regard for free movement of capital?** One is free to be a resident, but without work, in another Member State, provided there is no risk of being a drain on the public purse in the host country; and free to have one’s bank account and capital in one’s country of origin. But what is the point of this second freedom if one has to provide evidence of sufficient resources by depositing a given sum of money in a local account (cf. 13)? Quite apart from the occasional difficulties with banks in opening an account without a resident’s card ...

- **More problems than opportunities for the jobless.** The country responsible for paying unemployment benefit is the country of last employment, but still the right to remain in a country is sometimes misunderstood in respect of unemployed people who find themselves a burden on the public purse. The other side of the coin is that, with the country of last employment being responsible for paying unemployment benefit, this may effectively prove to be a kind of “gilded cage” for an unemployed person, who would normally want to return to his country of origin, particularly if he has more chance of finding a job there. In this respect, the fact that unemployment benefit can be transferred for three months at most is not a solution. Equally cruel is the situation of workers who leave their job to follow their spouse abroad, and who are not eligible for unemployment benefit or for that benefit to be transferred temporarily abroad (cf. 3). Finally, the right of residence of a jobseeker does not depend, in theory, on receipt of unemployment benefit, as the European Court of Justice has ruled. Nonetheless, once the first three months are over (cf. 26), he will rarely be able to provide evidence of sufficient resources without receiving benefit in his country of origin.

- **Access to health care abroad.** Through a lack of real information from the competent authorities, or because it presents the easy option, many people are simply issued an E111 for foreign stays of more than three months with, in many cases, no real opportunity for frequent returns to the country of origin (cf. 1). This amounts to
depriving people of access to ordinary and foreseeable health care. In some cases (e.g. students and trainees) there is not even any provision for a specially adapted form.

- **Conflict of law concerning levies on income.** It sometimes happens that the same taxpayer (in most cases a frontier worker) is required to pay social security contributions twice over on the grounds that, in the country of social insurance, such contributions are statutory levies, whereas in the country of residence for tax purposes, they count as a tax charge (cf. 32). The principle of banning double taxation of income rests uneasily with the reality of mixed-type contributions, given that residence for tax purposes and for social insurance purposes are based on different systems of logic.

- **Problems with registering a car.** To be on the right side of the law, people changing their country of residence are required to inform their insurer, and will then be told that the policy will be terminated after a fixed period of provisional maintenance of services abroad. This time-lag is often less than the time needed to obtain a new registration plate, hence periods with no insurance at all, since insurers in some countries refuse or are unable to take on vehicles registered in a foreign country (cf. 41 and 45). A separate case is that of cars permanently attached to a secondary residence in another country (cf. 41). And finally, there is the case of frontier workers who are the only users of a company car: the tax authorities like to argue about who is responsible for such cars, with the authorities in the country of residence claiming the place of effective use, and the authorities in the country of work the place of the owner’s residence.

6. **OUTSIDE THE SCOPE OF CITIZENS FIRST BUT STILL OF INTEREST**

In addition to those we have reported above, there are a number of other questions which are frequently asked but which are not directly related to the “Citizens First” themes.

It is obvious to the Signpost Service that even educated people do not have a clear picture of the division of powers between the European Union and its Member States. We have received all manner of questions, complaints and comments on what the man-in-the-street thinks ought to be of European interest, and sometimes quite rightly so.

Here are some of the most significant problems which have often cropped up and which are relevant to the concept of a People’s Europe, but outside the scope of the Community’s powers:

- human rights and the role of the Council of Europe (almost always confused with the European Union);
- access to legal aid and slow-moving judicial procedures in the Member States;
- access to law in another Member State (there is clearly a lot of suspicion regarding the system of justice in certain countries);
- associations’ activities beyond national frontiers, and the lack of an appropriate legal framework for such associations;
- acquisition and loss of nationality, dual nationality;
- family disputes between spouses living in different Member States;
- social rights and labour legislation (the existence of Community legislation is known, but people are generally not aware of its limitations).
7. **ON TO PHASE II**

Phase II of Citizens First got under way between November 1997 and February 1998 (different dates for different countries), covering the following themes: buying goods and services in the single European market; travelling to another Member State of the EU; equal rights and equal opportunities for women and men in the EU. Interestingly, the themes covered in Phase I, and which are the subject of this report, continue to arouse a good deal of interest despite the lack of direct media support. This shows without doubt that they touch on what the general public believes to be the essential aspects of a People’s Europe.

8. **RECOMMENDATIONS**

On the basis of its remarks on Phase I, the Signpost Service has the following general recommendations to make.

♦ The search for work occupies an important place in people’s need for information, and the pace is likely to quicken with the approaching Economic and Monetary Union and the stress on employment at the Amsterdam summit. What we do not have at present is practical information to help people look for work in another Member State, starting with a clear picture of the real opportunities in the various regions of the EU. Do we need to create a European employment agency, or will it be sufficient to strengthen the present EURES system? For the immediate future, we should be seeking to improve the Citizens First documentation by adding a guide and practical factsheets focusing on the job search procedure. On a legal level, it is quite clear that the three months limit for the receipt of unemployment benefit in another Member State is inappropriate to current circumstances.

♦ As regards access to employment, the conclusion has to be that there is still strong national resistance to worker mobility. It follows that we have to keep a closer check on the way in which existing rules are being diverted away from their true purpose. Examination by the national authorities of the equivalence of foreign qualifications, on the one hand, and reservations in terms of national sovereignty for access to jobs in the public sector, on the other, seem to be used far too readily by the Member States as legitimate means of protecting their national markets.

♦ Though using the same names (EURES, NARIC, EIC, etc.), the component parts of Community information networks are very different in kind, with considerable variations in structure, powers, methods of work and public access. There would seem to be a need here for a harmonisation drive, both from country to country and within individual countries, and a need for quality control, so that people can expect a high and equal level of satisfaction no matter where they are. The actual networking arrangements need to be improved: the organisations themselves do not give a sufficiently clear impression of communicating among themselves over national frontiers.

♦ Social security and personal taxation are two fields which are closely associated in the minds of people who want to make use of the opportunities offered by the single market. One objective here ought to be set up an easily accessible information and direct assistance network for ordinary people, based on what already exists in terms of,
say, consumer information. Of course, in highly technical fields like social security and taxation, things are more complicated, but it would be worth a try.

♦ As regards known cases of malfunction (cf. the section on “outside the scope”), where migrant workers might get the feeling of going round in circles or having taken away with one hand what is given with the other, the important thing is to tackle the problem at source. Should we be adapting Community rules to meet legitimate circumstances, or should we be bringing national practice into line with Community law?

♦ There are two fields which are characterised by over-regulation, where procedures are out of kilter with what we are seeking to protect: on the one hand, the formalities to do with importing a car; on the other, the right of residence of people who go to another country without having any clear idea (or at least no certainty) of what they intend to do next (e.g. students, trainees, artists, volunteers workers, people on exchange programmes etc.). In these fields, the Member States favour administrative transparency and security over mobility - or at least, over legality, which is no better. There is a clear need for deregulation, or at least simplification, along the lines of the suggestions made by the Veil Group, and which warrant more attention: a resident’s card valid for one year, optional, issued by the country of origin for persons residing in another country for more than three months, but a priori not for more than a year and, apart from residence itself, bestowing no right other than to urgent health care in the host country, and not affecting any administrative links to the country of origin.

♦ The Signpost Service’s various contacts have indicated that, as far as the general public is concerned, the concept of EU citizenship is closely linked to the idea of improving access to justice. This applies to the situation within individual Member States and to protecting one’s rights in another Member State, but without necessarily casting any doubt on Community legislation. As it develops, the internal market will create a growing information need in this respect. Should we not be providing basic information at Community level, in this field and on tax matters, i.e. without seeking to usurp anyone’s powers? More particularly, it would be very useful to have a guide on ways of obtaining redress at a national level and on access to legal aid.