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COMMISSION STAFF WORKING DOCUMENT

Annex to the

**Fourth Report on Citizenship of the Union
(1 May 2001 – 30 April 2004)**

{COM(2004)695 final

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This working paper supplements the Fourth Report on Citizenship of the Union, COM(2004)695 final. It contains additional information relating to the referred Chapters of the Fourth Report as follows:

- (1) Reference point: Chapter 1 Introduction:
Previous reports on citizenship of the Union
- (2) Reference point: Chapter 1 Introduction:
Union citizenship as seen by Europeans in public opinion surveys
- (3) Reference point: Chapter 2 Citizenship of the Union:
Information, education and assistance concerning citizens' rights
- (4) Reference point Chapter 3 Rights conferred to the Union citizens in Part Two of the EC Treaty:
Secondary legislation adopted in relation to rights under Part Two of the EC-Treaty
- (5) Reference point Chapter 3.1. Freedom of movement and rights of residence:
Citizens who have exercised their right to free movement
- (6) Reference point Chapter 4 Reinforcing the citizenship of the Union through the Charter of Fundamental Rights of the European Union:
Application of the Charter of Fundamental Rights
- (7) Reference point: Whole document
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1. PREVIOUS REPORTS ON CITIZENSHIP OF THE UNION

The Commission issued the Fourth Report on the Citizenship of the Union as COM(2004) 695 final. Three earlier reports have been adopted under Article 22 of the EC Treaty. The first one covered the year 1993¹ and the second the period from 1994 to 1996.² The Commission adopted the Third Report on Citizenship of the Union³ in September 2001. It covered the period from 1997 to May 2001. Continuing from that the Fourth Report covers the period from May 2001 to April 2004. This coincides with the timetable of enlargement: the Fourth Report still deals with the EU-15. The Fifth report will run from 1 May 2004 and cover the EU-25.

When debating the Third Report the European Parliament called on the Commission “to ensure that its next report on European citizenship to cover all the rights pertaining to this concept”.⁴ In addition to the rights under Part Two, “all the rights pertaining to this concept” referred in particular to the “judicial dimension of Union citizenship”, in which the Parliament resolution incorporated respect for fundamental rights, access to effective justice and the guarantee of security of citizens against crimes and terrorism. In this context the Commission refers to a recent Communication on the assessment of the Tampere programme and future orientations,⁵ which among other things takes stock of developments relevant to the judicial dimension of Union citizenship.

2. UNION CITIZENSHIP AS SEEN BY EUROPEANS IN PUBLIC OPINION SURVEYS

Perception and awareness of Union citizenship were surveyed in a Flash Eurobarometer public opinion survey carried out by the European Commission in 2002. It revealed that a majority – about 70% – of respondents has heard about the term ‘Union citizenship’. One third knows what Union citizenship means and 60% know that Union citizenship is acquired automatically by having the nationality of a Member State. Almost 90% know that they are both Union citizens and Member State citizens at the same time. As regards the progression towards European identity, the Autumn 2003 Eurobarometer revealed that the number of citizens who, in the near future, see themselves as European remains stable: as in 2001 and 2002, about 60% of European Union citizens have a sense of being European to some degree or other. Sixty percent of respondents also felt very or fairly proud to be European and the same number claims to feel very or fairly attached to Europe.

According to the Flash Eurobarometer survey of 2002, the right that Europeans are most familiar with is the right for Union citizens to work in any Member State, with 89% of correct replies. However, 57% of respondents believe that a work permit is needed, even though this is not the case. The right of residence is well known, with 84% of correct replies. More than 80% are aware of the right to petition the

¹ COM(1993)702.

² COM(1997)230.

³ COM(2001)506.

⁴ Resolution P5-TA(2002)0402 of 5 September 2003, OJ C 272E, 13.11.2003, p. 446.

⁵ COM(2004)401 and SEC(2004)693.

European Parliament and complain to the European Ombudsman. Electoral rights were not so familiar.

3. INFORMATION, EDUCATION AND ASSISTANCE CONCERNING CITIZENS' RIGHTS

3.1. Information and communication

According to the Flash Eurobarometer carried out in 2002 only one European in five feels well informed about their rights as Union citizens. The majority thus thinks that they are not well or not at all informed about citizens' rights. The most usual information sources for the Europeans are television and the press, both about 70%. It is interesting that the Internet ranks third as an information source, with 30%. It is thus the most important source for those who actively seek information about the Union citizenship and related rights.

In a communication entitled 'A new framework for cooperation on activities concerning **the information and communication policy** of the European Union',⁶ adopted in June 2001, the Commission presented a framework for the information and communication activities of the Union based on inter-institutional cooperation, particularly with Parliament and the Council. It also presented new forms of cooperation with the Member States, national parliaments, local authorities and civil society. The communication policy aims to create a Europe that is close to the people, familiar to them and means something to them. To concretise the ideas of the framework communication, the Commission adopted a communication on information and communication⁷ in July 2002. Thereby, the Commission advocated a more co-ordinated approach to information, better explanation of policies and improved dialogue with the Union citizens. Decentralisation is the key to the strategy and the focus will be on a small number of topics related to Europe: the area of freedom, security and justice, enlargement, the future of the European Union and Europe's role in the world. The Council adopted conclusions on the strategy on December 2002, in which it endorsed the four topics selected by the Commission. Finally, the Commission adopted a communication on implementing the new information and communication strategy for the European Union in April 2004.⁸

The Europa⁹ server has continued to host information from all the European Union institutions during the reporting period. It houses several million documents and over 50 databases which the public can access, free of charge in most cases. Information is classified by subject. To give an example of its use, around 500 million documents were consulted or downloaded from this site in 2001. The main users were businesses, national authorities, universities, non-governmental organisations and the media, but the general public also uses it regularly. Given the server's key strategic importance, the Commission has mapped out a plan to launch a new project, 'Europa second generation (E2G)', with the aim of introducing online services for information, interactive communication and transactions.

⁶ COM(2001)354.

⁷ COM(2002)350.

⁸ COM(2004)196.

⁹ <http://europa.eu.int>.

The “**Dialogue with Citizens**” website¹⁰ offers citizens information and advice about their rights as Union citizens in the European Internal Market. Its interface is available in 20 languages and it offers over 10 EU-wide guides, 90 factsheets and lists of useful addresses. They contain a wealth of detail about the rights of Union citizens to work, live, study, buy goods and services, travel, on equal rights and opportunities for women and men etc. In addition, they give instructions on how to access these rights in each Member State. The Dialogue with Citizens website was updated and renewed in spring 2004.

There exists also a website Dialogue with business; these two Dialogue websites will be merged in the future with the Public-service.eu website to create a new portal called “Your Europe”¹¹.

Since 1998 **Europe Direct** has offered information on all sorts of subjects related to the EU, helping people find out about their rights and opportunities as a Union citizen and how to take advantage of them. In practice it is often the small steps that make the greatest difference, as in the case of the common Freephone number for Europe Direct introduced in 2002. By dialling 00 800 6 7 8 9 10 11 citizens anywhere in the twenty-five Member States are served by an operator who speaks their own language. Inquiries can be also sent by e-mail.

3.2. **Education, Training and Youth Initiatives relating to citizenship**

In February 2002 the Council adopted conclusions on the follow-up to the Report on the concrete **future objectives of education systems**,¹² and instituted a programme of work based on the Open Method of Coordination (OMC). The joint interim report¹³ by the Council and the Commission on this programme of work specifies that

“All education systems should ensure that their pupils have by the end of their secondary education the knowledge and competences they need to prepare them for their role as a future citizen in Europe. This entails among other things stepping up language teaching at all levels and strengthening the European dimension in the training of teachers and in the primary and secondary curriculum.”

Work under the OMC in the Youth field established by Council Resolution of May 2002 focuses in particular on the priority “**participation of young people**”. The purpose is to encourage participation by young people in the exercise of active citizenship, to involve them in decision-making, and to foster active participation by young people in civil society.

In the context of the OMC, the Commission adopted a Communication in April 2003 proposing common objectives in particular on youth participation.¹⁴ Considering that the concept of active citizenship for young people implies full and complete

¹⁰ <http://europa.eu.int/citizens/>.

¹¹ <http://europa.eu.int/youreurope>.

¹² OJ C 58, 5.3.2002, p.1.

¹³ 6905/04, 3 March 2004.

¹⁴ COM(2003) 184 final.

participation in society, commitment and an ability to practise that citizenship, the Commission proposed that the Member States agree on the implementation of the following three common objectives:

- greater participation by young people in the life of the community in which they live;
- greater participation by young people in the mechanisms of representative democracy;
- learning to participate.

These common objectives were adopted by the Council in November 2003.¹⁵ Member States are to report to the Commission on the national contributions to the implementation of these common objectives by the end of 2005.

Since 2002, the Commission together with the presidencies of the Council have promoted youth events dedicated to “youth participation in civil society”. Furthermore, the Commission launched a call for proposals under the YOUTH programme in June 2003 for pilot projects in favour of youth participation.

The Council adopted a decision¹⁶ establishing a **Community action programme** to support bodies involved in the field of active European citizenship in January 2004. The purpose of the programme is to promote the values and objectives of the EU, bringing citizens closer to the Union and its institutions, involving citizens closely in reflection and discussion on the construction of the Union, intensifying links and exchanges between citizens from the countries participating in the programme, for example through town-twinning arrangements, and stimulating initiatives by the bodies engaged in the promotion of active and participatory citizenship. It also establishes an instrument providing a basis for grants towards the promotion of active European citizenship, over a five-year period 2004-08.

3.3. Assistance in the enforcement of rights; advice services

To make citizens’ rights a reality, Community legislation and the rules and procedures agreed by the Member States concerning them must be applied in practice, so that citizens can benefit from the rights to which they are entitled. The Union has established structures to help enforce rights.

The Commission launched in 2001 an **out-of-court complaints network for financial services** to help citizens resolve disputes in the Internal Market rapidly and efficiently. This network, called **FIN-NET**, has been designed particularly to facilitate the out-of-court resolution of consumer disputes when the service provider is established in a Member State other than that where the consumer lives. The network brings together more than 35 different national schemes that either cover financial services in particular (e.g. banking and insurance ombudsmen schemes) or handle consumer disputes in general (e.g. consumer complaint boards). Both on- and off-line services are covered.

¹⁵ OJ C 295, 5.12.2003, p. 6.

¹⁶ Decision 2004/100/EC establishing a Community action programme to promote active European citizenship (civic participation), OJ L 30, 4.2.2004.

In November 2001, the Commission presented a communication¹⁷ on the ‘**Solvit network**’, which helps citizens and businesses when they run into problems resulting from the misapplication of internal market rules by public administrations in a Member State other than their own. The purpose was to make up for the shortcomings of the existing network of coordination centres set up in 1997 to deal with such problems under the action plan for the single market. The Council welcomed the Commission’s communication in March 2002, conceived as an effective system for resolving the above-mentioned problems and endorsed the Commission’s recommendation laying down the principles for using the network. The Solvit network has been operational since July 2002.

As part of the ‘Dialogue with business and citizens’, a ‘**Citizens’ signpost service**’¹⁸ was launched in July 2002. ‘Citizens’ signpost service’ provides information and gives enquirers advice on their practical problems as Union citizens. Where necessary, the legal experts “signpost” enquirers to the local, national or EU authorities or services which can resolve the problems raised. The service is free of charge and the multilingual experts (EU 20) will provide a personalised reply within a week (by e-mail or by phone).

4. SECONDARY LEGISLATION ADOPTED IN RELATION TO RIGHTS UNDER PART TWO OF THE EC TREATY

Article 18 – Right to free movement and residence

- Council Directive 64/221/EEC of 25 February 1964 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health. OJ 56, 4.4.1964, p. 85.
- Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community. OJ L 257, 19.10.1968, p. 2.
- Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families. Official Journal L 257, 19.10.1968, p. 13.
- Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State. OJ L 142, 30.6.1970, p. 24.
- Council Directive 72/194/EEC of 18 May 1972 extending to workers the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health. OJ L 121, 26.5.1972, p. 32.

¹⁷ OJ L 331, 15.12.2001; COM(2001) 702.

¹⁸ <http://europa.eu.int/citizensrights/signpost>.

- Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services. OJ L 172, 28.6.1973, p. 14.
- Council Directive 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity. OJ L 14, 20.1.1975, p. 10.
- Council Directive 75/34/EEC of 17 December 1974 extending the scope of Directive No 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity of a self-employed capacity. OJ L 14, 20.1.1975, p. 14.
- Council Directive 90/364/EEC of 28 June 1990 on the right of residence. OJ L 180, 13.7.1990, p.26.
- Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity. OJ L 180, 13.7.1990, p.28.
- Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students. OJ L 317, 18.12.1993, p.59.
- European Parliament and Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34, EEC 75/35/EEC, 90/365/EEC, 90/365/EEC and 93/96/EEC. OJ L 158, 30.4.2004. p. 77.

Article 19, together with Article 190 – Electoral rights

- Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, relating to the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, OJ L 278, 8.10.1976, p. 5.
- Council 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.
- Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals, OJ L 368, 31.12.1994, p. 38.

- Council Decision 2002/772 amending the Act concerning the election of members of the European Parliament by direct universal suffrage, OJ L 283, 21.10.2002.

Article 20 – Diplomatic and consular protection

- Decision of the Representatives of the Governments of the Member States meeting within the Council of 18 December 1995 regarding protection for citizens of the European Union by diplomatic and consular representations. OJ L 314, 28.12.1995, p. 73.
- Decision of the Representatives of the Governments of the Member States, meeting within the Council of 25 June 1996 on the establishment of an emergency travel document. OJ L168 , 6.7.1996, p. 11

Article 21

- Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman’s duties, Official Journal L 113, 4.5.1994.
- Commission Decision 2000/633/CE, CECA, Euratom, of 17 October 2001 amending its Rules of Procedure (establishing the Code of Good Administrative Behaviour). Official Journal L 267, 20.10.2000.

5. CITIZENS WHO HAVE EXERCISED THEIR RIGHT TO FREE MOVEMENT

There are about six million citizens of the Union who have exercised their right to free movement and reside in a Member State of which they are not nationals. The population of Member States by nationality is presented in the table below.



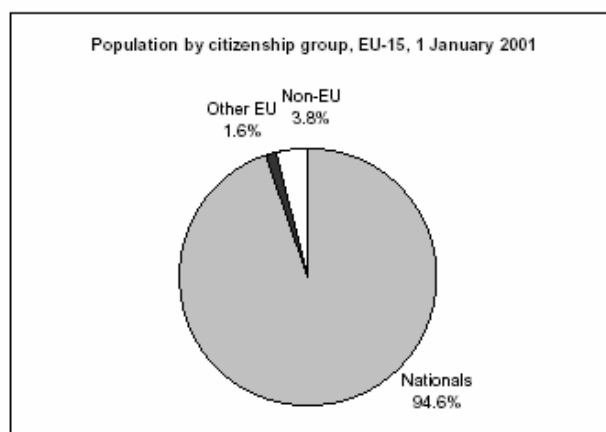
Population by citizenship in the EU 15, by Member State

	EU-15	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK*)
Population by citizenship (1000), 2001																
Nationals	357 800	9 402	5 091	74 963	10 172	39 746	55 258	3 683	56 379	277	15 319	7 322	10 055	5 090	8 405	57 356
Non-nationals	20 200	862	259	7 297	762	1 371	3 263	156	1 465	162	668	711	208	91	477	2 507
... Other EU nationals	6 000	564	54	1 873	47	417	1 195	103	154	140	202	106	57	17	180	873
... Non-EU nationals	14 300	298	204	5 424	715	953	2 068	53	1 311	23	466	605	151	74	297	1 634
Non-nationals as a percentage of total population																
1990, Total	4.1	8.9	2.9	6.1	2.2	1.0	6.3	2.3	0.9	28.7	4.3	6.6	1.0	0.4	5.3	4.3
2001, Total	5.4	8.4	4.8	8.9	7.0	3.3	5.6	4.1	2.5	36.9	4.2	8.9	2.0	1.8	5.4	4.2
... Other EU nationals	1.6	5.5	1.0	2.3	0.4	1.0	2.0	2.7	0.3	31.8	1.3	1.3	0.6	0.3	2.0	1.5
... Non-EU nationals	3.8	2.9	3.8	6.6	6.5	2.3	3.5	1.4	2.3	5.1	2.9	7.5	1.5	1.4	3.3	2.7

Note: EU - Eurostat estimate for 1 January, LI - 1997 data, F - 1999 data; data for some countries are for 1 January, other data correspond to census or survey dates.

*) DG Justice and Home Affairs estimates from previously published UK figures that will shortly be revised

Source: Eurostat - Migration Statistics.



6. APPLICATION OF THE CHARTER OF FUNDAMENTAL RIGHTS

On 2001, the Commission approved the arrangements for the application of the Charter of Fundamental Rights in its communication SEC(2001)380/3, which reads as follows:

“The Charter of Fundamental Rights of the European Union was solemnly proclaimed at the Nice European Council by the President of the Commission, on behalf of the Commission, acting jointly with the Presidents of the Council and the European Parliament. It has since been published in the Official Journal. There can be no doubt as to its fundamental nature. It has been devised and drafted with the utmost care.

The Commission, like the other institutions, must look to the practical implications of this historic event and make compliance with the rights contained in the Charter the touchstone for its action. This must be an overriding requirement in the Commission’s day-to-day business, both in relations with the general public and with those to whom our decisions are addressed and in our internal rules and procedures.

But it must also be reflected in the way the Commission exercises its right to initiate legislation and its power to lay down rules.

Any proposal for legislation and any draft instrument to be adopted by the Commission will therefore, as part of the normal decision-making procedures, first be scrutinised for compatibility with the Charter.

Moreover, legislative proposals or draft instruments which have a specific link with fundamental rights will incorporate the following recital as a formal statement of compatibility:

“This act respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.”

When certain rights and/or individual principles of the Charter are specifically involved, a second sentence may be added:

“In particular, this [act] seeks to ensure full respect for [right XX] and/or to promote the application of [principle YY] / [Article XX and/or Article YY of the Charter of Fundamental Rights of the European Union].”

The Commission’s action in the field of external relations will also be guided by compliance with the rights and principles contained in the Charter, in keeping with Article 177 of the EC Treaty and with Article 181A of the EC Treaty as introduced by the Treaty of Nice.”

7. LIST OF REFERENCES FOR COM(2004)695 FINAL

- (1) COM(2003)336.
- (2) COM(2001)59.
- (3) COM(2001)681.
- (4) COM(2001)275.
- (5) COM(2001)506, p. 8-9.
- (6) European Parliament and Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/365/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004. p. 77.
- (7) OJ L 257, 19.10.1968, p. 2.
- (8) Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.
- (9) OJ. L 142, 30.6.1970, s. 24.
- (10) COM(2002)694.

- (11) COM(2003)101.
- (12) Directives 90/364/EEC, 90/365/EEC and 93/96/EEC.
- (13) OJ L 114, 20.4.2002, p. 6.
- (14) Resolution 2002/2032(INI), adopted in the plenary 4.12.1003.
- (15) See inter alia Case C-184/99 *Grzelczyk* [2001] ECR I-6193, paragraph 31; Case C-224/98 *D'Hoop* [2002] ECR I-6191, paragraph 28, and Case C-148/02 *Garcia Avello* [2003] ECR I-0000, paragraphs 22 and 23.
- (16) OJ L 283, 21.10.2002.
- (17) The Act is annexed to Decision 76/787/ECSC, EEC, Euratom of 20 September 1976, OJ L 278, 8.10.1976, p. 5.
- (18) Judgement of the European Court of Human Rights of 18 February 1999.
- (19) PV(2003)1632, see Commission press release IP/03/1479 of 29 October 2003.
- (20) Case C-145/04 *Spain v. UK*, action brought on 18 March 2004, OJ C 106, 30.4.2004, p. 43.
- (21) European Parliament and Council Regulation (EC) No 2004/2003 of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding, OJ L 297, 15.11.2003, p 1.
- (22) Directive 93/109/EC 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. The Commission's actions included the adoption of a Report on granting derogation pursuant to Article 19(2) of the EC Treaty in January 2003 (COM(2003)31); measures to support the application of Article 13 of the Directive on exchanging information to prevent citizens voting more than once and the above-mentioned Communication of April (COM(2003)174) recommending that new Member States should transpose the Directive without delay and urging all Member States to take the necessary measures to ensure that Union citizens and nationals of new Member States residing in their territory are entered on the electoral rolls for the 2004 elections well beforehand, even before the official date of accession if needed.
- (23) Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals, OJ L 368, 31.12.1994, p. 38.
- (24) COM(2002)260.
- (25) Annex II.2.D to the Act of Accession, OJ L 236 of 23.9.2003, p. 334.
- (26) With the exception of the UK and Ireland as regards Irish citizens residing in the UK and vice versa.

- (27) Decision of the Representatives of the Governments of the Member States meeting within the Council of 18 December 1995 regarding protection for citizens of the European Union by diplomatic and consular representations. OJ L 314, 28.12.1995, p. 73.
- (28) OJ L 65, 8.3.2003.
- (29) See Annual Reports 2001, 2002 and 2003 of the European Ombudsman.
- (30) The Code of Good Administrative Behaviour for the Commission was established by Commission Decision 2000/633/CE, CECA, Euratom, OJ L 267, 20.10.2000, annexed to the Rules of Procedure.
- (31) OJ C 364, 18.12.2000, p 1.
- (32) See e.g. Article 12(2), 15(2), 39(1), 40, 42, 43, 44, 45(1) and 46.
- (33) SEC(2001)380.
- (34) COM(2003)606.
- (35) Resolution adopted on 20 April 2004 on the Commission communication on Article 7 of the Treaty on European Union, PE 335.128.