

RIGHTS OF EU CITIZENS

1. HISTORY

The Treaty of Rome, 1957, established the European Economic Community (EEC) by implementing a “common market”. In order to facilitate the mobility of its workers within Europe, the freedom of movement was granted. This was a premise to a EU citizenship.

The Paris Summit of 1974, who's goal was to reinforce the political cooperation between the member states of the EEC also acted towards giving more rights to its citizens. It led to the creation of the European Council and the implementation of the citizens' right to elect members of Parliament for the year 1978 (the first election took place in 1979).

It is the Maastricht Treaty of 1992 that established the European Union and provided the first juridical definition of the European Citizenship in its 20th article : “Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional and not replace national citizenship.”. The Maastricht Treaty also brought the idea of a single currency, the Euro, which was finally implemented and put into circulation in 2002. Today, there are 17 member states of the “Euro Zone”.

In 2000, the Charter of Fundamental Rights was written. It is the first time that all the rights, given directly or implicitly by every treaty since the establishment of the EEC, are listed. It is composed of seven chapters and addresses the rights to dignity, freedom, equality, solidarity, citizenship, justice and general clauses. It became legally binding with the Lisbon Treaty in 2009.

The notion of citizenship first appeared in ancient Egypt, and has since evolved to find a meaning linked to a democratic and political dimension. Nowadays, sociologists agree upon saying that the notion of citizenship is a very complex one and that being a citizen is closely linked to one's feeling of membership to a society. Regardless of the definition one chooses to give to the word “citizenship”, it always comes back to “Rights” and “Duties”.

2. RIGHTS OF AN EU CITIZEN

All the fundamental rights of the EU citizens are based on the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights and as well the rights of persons belonging to minorities.

However, according to a 2013 study by the EU Commission (Eurobarometre 79), only 46% of Europeans are aware of their European citizens' rights, and 59% of them say they would like to know more about them.

For further information: http://ec.europa.eu/justice/fundamental-rights/index_en.htm

a) the right to vote and stand as a candidate in European Parliament and municipal election

The Maastricht Treaty officially instated political rights for the EU citizens, namely the right to vote and stand as a candidate in European Parliament and municipal elections for any EU national living in another EU country. The same voting and eligibility conditions will apply to residents as they do nationals.

Being able to vote and stand as candidate to an election implies the right to found and be part of a political party. If a person exercising his right to free movement and residence, wishes to vote for municipal elections in the country where he has set residence, he must give up his vote in his country of origin, as double voting isn't permitted. The same goes for the election of Parliament, a citizen can vote either in his country of residence or of origin, if they are not the same.

By abolishing the previous conditions of nationality in order to vote or be elected, this right allows for a better integration of the citizen in its host country.

On 20 December 2012, the Council adopted Directive 2013/1/EU24, which makes it easier for EU citizens to stand as candidates in the 2014 European Parliament elections, as they will only need to produce an identity document and a declaration that they fulfill the eligibility conditions.

For further information:

http://europa.eu/legislation_summaries/justice_freedom_security/citizenship_of_the_union/l23026_en.htm

b) the right to move and reside freely within the EU

EU citizens have the right to reside in another EU-country up to three months with only having a valid identity card or passport. There's no need for a visa. After that the EU citizen has to fulfill certain conditions depending on the status (worker, student, etc.). After five years the EU citizen can acquire the right to a permanent residence. Also the family members have the right to move and reside with the EU citizen.

For more information:

Guide to move and reside freely http://ec.europa.eu/justice/citizen/files/guide_2004_38_ec_en.pdf

c) the right to benefit from consular protection

Another right established by the Maastricht Treaty is the right for a EU citizen to benefit from consular protection, when he is in a foreign country in which his own is not represented by an embassy or a consulate. In this case, he can ask for protection from any EU member state which is represented in that country. The embassy or consulate he turns to is under the obligation to treat said EU citizen as his own national.

An EU citizen will mostly exercise this right when he faces problems such as losing his passport or ID, faces juridical problems or if a crisis in the host country occurs.

In December 2011, the Commission adopted a proposal for a Directive on consular protection aiming to establish clear and legally binding rules on cooperation between Member states' consular authorities in

order to ensure non discriminatory access to protection to unrepresented EU citizen in a third country. This right to consular protection is quite important because it demonstrates a real interest in creating a certain solidarity between the member states. After events such as the earthquake in Haiti in 2010, the arabic democratic uprisings in 2011 or the typhoon in the Philippines, during which over a hundred thousand of EU citizens were present, the Commission believes this consular cooperation should only increase over the years.

For further information:

http://ec.europa.eu/justice/policies/citizenship/diplomatic/docs/communication_consular_protection.pdf

d) the right to petition

Also, the EU citizen has the right to submit a petition to the European Parliament under article 227 of the Treaty on the Functioning of the European Union to make either a complaint or a request. This right can be exercised individually or jointly as long as the subject of the petition relates to one of the EU fields of activities, namely the rights as a EU citizen, environmental matters, consumer protection, free movement of persons, goods and services, internal market, employment issues and social policy, the recognition of professional qualifications and other problems related to the implementation of EU laws. A petition will only be considered admissible by the Committee on Petitions of the European Parliament if it relates to one of the previously mentioned fields and if the petitioner(s) is (are) affected directly by the subject of the petition. However, it is believed that the Parliament has a wide interpretation when it comes to deciding whether or not the subject affects directly the petitioner or not.

Once a petition is submitted to the Parliament, he and the European Commission go on a fact-finding mission in order to identify any infringement issues and resolve them with the national authorities.

In the 2012, 1986 petitions were submitted to the Committee on Petitions of the European Parliament and 1406 were considered admissible. One of many admissible petitions for example, was the petition against New Winter Sports Developments in Austria which, the petitioner believed would have terrible repercussions on the Wildlife.

For further information: http://www.citizenhouse.eu/index.php?option=com_gov2ufaq&view=category&id=6&Itemid=117&lang=en

d) the right to complain to the ombudsman

The EU citizen also has the right to complain to the Ombudsman about maladministration from the institutions and bodies of the European Union. If the citizen believes there was an abuse of power, a discrimination, a failure to reply, an unfairness or even a refusal of information from an EU institution, he addresses a complaint to the Ombudsman. The maladministration must necessarily come from one of the EU institutions, because the Mediator, as he is also referred to, cannot handle national matters, which would be of the members states' authority. It is the mediator's duty to examine the complaint, inform the relevant institution of it and press it to solve the problem. According to the European Commission, the Ombudsman is said to have recorded 1720 complaints in 2012 amongst which 21.5% were transparency-related. Moreover, the Ombudsman was able to secure a positive outcome in about 80 cases.

Going through the Ombudsman allows the citizen to have a more economical and quicker form of justice than the regular juridical route.

If however, EU citizens wish to exercise a legal recourse, they may bring proceedings for annulment of an EU law to the European Court of Justice, if they can demonstrate that the disputed law affects them directly and individually. Any citizen can also appeal to the Human Rights Court, Court Européenne des Droits de l'Homme, if they believe they were victims of a violation of their fundamental rights by the tribunals in their country.

e) the european citizens' initiative

Finally, in 2009, the Treaty of Lisbon added to the list of rights, the European Citizens' Initiative, which allows one million EU citizens to participate directly in the development of EU policies, by calling on the European Commission to make a legislative proposal on matters where the EU has competence to legislate, like environment, agriculture, public health... The one million signatures must come from at least seven member states. The very first initiative was the "Right to Water initiative" in march 2013 on affordable and non-privatized access to water which collected 1,884,790 signatures. It urged the EU to "increase its efforts to achieve universal access to water and sanitation". (<http://www.right2water.eu/>). This new right for citizen of the EU allows them to participate in the elaboration of new legislation, whether by urging the Commission to pass new laws, or to retrieve old ones.

For further information: <http://ec.europa.eu/citizens-initiative/public/welcome>

f) the right to access european parliament, european commission and council documents

The European Parliament meets, debates and votes in public. Members of the European Parliament have consistently put pressure on all the other European institutions to conduct their business more openly. EU citizens have the right to access to European Parliament, Council and Commission documents (although this right may be restricted on grounds of public or private interest) under certain conditions.

For more information:

http://europa.eu/documentation/official-docs/index_en.htm

g) the right of equal access to the eu civil service

When moving within the EU the EU citizen only has to pay social security contributions in one country at a time, even if the person is working in more than one. Still, the benefit system is sometimes different from one EU country to another, that's why one always has to check how the system works. EU countries remain free to determine what benefits the EU citizen is entitled to under their own laws. Under EU law, the person also has the right to be reimbursed by the national health insurance.

For more "cross-border" rights take a look at: <http://europa.eu/citizens-2013/en/about/your-eu-rights>

and http://europa.eu/youreurope/citizens/health/index_en.htm

