

CITIZENSHIP

KNOW

Although the European project started in the 1950s and although the introduction of a European form of citizenship with precisely defined rights and duties was considered as long ago as the 1960s, European citizenship became a reality only with the Maastricht Treaty in 1992. Since 1993 every citizen of an EU Member State is also considered a citizen of the Union i.e. an EU citizen. This citizenship is provided directly via the Treaty on the Functioning of the European Union and is something additional - EU citizenship does not replace national citizenship.

As an EU citizen, each person is entitled to enjoy the rights included in the EU treaties. In particular the following rights are explicitly mentioned in the text:

- the right to move and reside freely within the Union;
- the right to vote and to stand as candidate in elections to the European Parliament and in municipal elections in the Member State of residence;
- the right to consular protection from the embassy of another EU member state, when outside the EU;
- the right to petition the European Parliament, to apply to the European Ombudsman (a complaints mechanism of the EU), and to address the EU institutions (including the European Parliament, Commission and Council) and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.

There are also other rights EU citizens are entitled to, for instance:

- the right to access the registers of European Parliament, European Commission and Council documents;
- the right of equal access to the EU Civil Service.

Since the entry into force of the Lisbon Treaty in 2009 a new mechanism, the European Citizens' Initiative¹ (ECI), has existed, which allows EU citizens to request the Commission to legislate in one of its areas of competence, once enough signatures have been gathered from a range of member states and a number of further conditions have been satisfied.

¹ ec.europa.eu/citizens-initiative/public/welcome

UNDERSTAND

The rights to which each EU citizen is entitled to are listed in the Treaty on the Functioning of the EU² (Art 20 - 24 of the TFEU); at the same time since the entry into force of the Lisbon Treaty³ in 2011 they have also been given constitutional status under Article 9 of that Treaty.

A Eurobarometer Flash Survey published in February 2013⁴ showed that EU citizens were becoming more and more aware of and acquainted with the concept and the rights of EU citizenship: 81% of respondents said that they were familiar with the term, although less than 50% knew what it meant (in both cases an increase from the 2007 Survey). However, another Eurobarometer publication⁵ from late that same year showed that the sense of European citizenship had become somewhat weaker than in previous surveys - only 59% of the respondents saw themselves as citizens of the European Union and only 20% felt that they were “definitely” citizens of the EU.

In September 2015 a public consultation on EU Citizenship was launched by the European Commission. The consultation is an EU-wide online survey thought of as a chance for EU citizens to express their points of view and opinions on how they experience the protection of their rights in the EU, as well as on their perceptions of shortcomings and/or limitations. It is open to everybody and available in all the official languages of the Union online. The Consultation will be accessible until December 7th 2015, while its results are expected in spring 2016.

RIGHT TO MOVE AND RESIDE FREELY

As stated in Article 21 of the Treaty on the Functioning of the EU, each citizen of the Union has the right to move and reside freely in any other Member State under certain conditions. A Commission Directive from 2004⁶ defines in a more detailed manner the specific rules applied, which include the right to move to search for work, to study, to work and to permanent residence after five years of residence in another member state.

² eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012E/TXT

³ eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT

⁴ ec.europa.eu/public_opinion/flash/fl_365_en.pdf

⁵ ec.europa.eu/public_opinion/archives/eb/eb80/eb80_citizen_en.pdf

⁶ eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF

According to the latest data available from the European Commission⁷, there are more than 14 Million EU citizens residing in another member state on a stable basis. Since the establishment of EU citizenship there have been temporary restrictions to this for nationals of new member states in some cases, for example there are restrictions currently (as of 2015) applying to Croatian EU citizens⁸.

RIGHT TO VOTE AND TO STAND AS CANDIDATE (ELECTORAL RIGHTS)

If you are an EU national living in another EU country, you have the right to stand as a candidate and vote in municipal and European Parliament elections held in that country, under the same conditions as nationals. However, there may be restrictions on voting in national elections of that member state and in referendums and for the European Parliament elections, you may only vote in one country. These rights are regulated by an EU Directive from 1993.⁹

The last European elections of 2014 were characterised by a concrete effort to increase public participation in the European political debate. However overall electoral turnout remained low, at 42.6%¹⁰.

RIGHT TO ENJOY DIPLOMATIC AND CONSULAR PROTECTION

Under the treaties, citizens of one Member State can access the diplomatic and consular services of another Member State when their home country does not have an embassy or similar in that country, when the representation from an Honorary Consul is inaccessible, and on the condition of producing an identity document.

More information can be found on the Consular protection for European Union citizens abroad¹¹ website.

⁷ europa.eu/rapid/press-release_MEMO-14-9_en.htm

⁸ ec.europa.eu/social/main.jsp?catId=1067&langId=en

⁹ eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:31993L0109

¹⁰ www.europarl.europa.eu/elections2014-results/en/turnout.html

¹¹ ec.europa.eu/consularprotection/content/home_en

RIGHT TO PETITION THE EUROPEAN INSTITUTIONS AND THE RIGHT TO APPLY TO THE OMBUDSMAN

Article 24 of the TFEU allows citizens to directly petition the European Parliament and the European Ombudsman.

The right to petition, according to Article 227 TFEU and Article 44 of the Charter of Fundamental Rights is possible when the matter related to one of the EU's fields of activity and it affects the petitioners directly. This last requirement is understood very broadly. The European Parliament receives on average 3 petitions each day. Both the absolute number of petitions submitted and the ratio of those considered admissible grew over the last decade. Between 2009-2012¹², petitions concerning fundamental rights represented the relative majority of the petitions submitted. An example of a petition to the European Parliament which is still ongoing as of 2015 is the one concerning the residents of the Susa Valley¹³, backed by the local authorities, who filed a petition expressing their concerns about the impact on the environment and public health of the construction of the high-speed Lyon-Turin railway line.

EU citizens can apply to the European Ombudsman in cases of maladministration, such as administrative irregularities, unfairness or discrimination; abuse of power; a lack or refusal of information or an unnecessary delay. The petition can be sent either electronically, by mail or by e-mail; it can be addressed either directly to the Ombudsman or via a Member of the European Parliament.

The European Ombudsman has the power to¹⁴ assess whether a case of maladministration needs further investigation and clarification and can refer the matter to the institution concerned, seek a solution, and draft recommendations to that institution, if necessary.

¹² www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU_2.1.4.html

¹³ <https://www.opendemocracy.net/michele-monni/italian-politics-and-no-tav-movement-resiliency-or-failure-of-citizen-activism>

¹⁴ www.ombudsman.europa.eu/atyourservice/whocanhelpyou.faces#/page/4

RIGHT TO CONTACT AND RECEIVE A RESPONSE FROM AN EU INSTITUTION

Through the network of Europe Direct each EU citizen can ask questions to and about the EU institutions in a number of ways, both via telephone in all the languages of the Union, as well via mail, chat or via the network of information centres, documentation centres and speakers in every EU country.

RIGHT TO ACCESS THE REGISTERS OF THE PARLIAMENT, THE COMMISSION AND THE COUNCIL

As stated in Article 15 of the TFEU, citizens and residents of EU countries have a right to access the documents of the three main institutions of the European Union. A register is to be understood as a database of documents and information covering the activities of an institution and comprises of information such as agendas and minutes of meetings, draft documents and similar.

The right allows EU Citizens to access a number of documents from the European Parliament, the European Commission and the Council via their respective registers. There are limitations on the kind of documents which are accessible. An example on the limitations of access to the registers is represented by the ongoing restrictions of access to the draft proposals of the Transatlantic Trade and Investment Partnership (TTIP¹⁵). The process of negotiation has involved a broad lack of transparency and has been heavily critiqued by many European organisations, initiatives and interest groups. The European Commission committed to more transparency in the negotiations in 2014. The negotiating texts have been partially released by the European Commission but that has only slightly diminished criticism that the TTIP is a treaty negotiated behind closed doors. Complaints have also been addressed by the European Ombudsman.

EUROPEAN CITIZENS' INITIATIVE

Every citizen is able, under Article 24 of the TFEU to start a European Citizens' Initiative. This is a procedure that allows individuals to petition the European Commission with a request (or proposition) for them to legislate in one of the areas where the Commission can act. A number of conditions are listed which need to be fulfilled in order for the

¹⁵ www.euractiv.com/sections/trade-society/ttip-dummies-311161#group_extlinks

initiative to be admissible: a committee needs to be formed of at least seven citizens from seven EU member states and, within one year, they must gather one million signatures, with representation from at least seven different EU member states and a minimum number of applicants¹⁶ from each of these states.

As of 2015, three ECIs¹⁷ have met the criteria and received a formal answer by the European Commission; respectively on water and sanitation as a human right, on the right to life of embryos and on a halt on vivisection and experiment on animals. All three were registered between May and June 2012. However, the European Commission has not legislated on any of them. Others that have not managed to meet the criteria include the European Initiative for Media Pluralism¹⁸ and Let Me Vote¹⁹ on voting rights.

The ECI on water as a public good collected almost two millions signatures and received wide media coverage, both before and during the last election for the European Parliament and since then. On the one side this initiative received the backing of the Economic and Social Committee²⁰, a consultative body giving representation to the social and economic interest groups of the EU; on the other side 4 out of 5 candidates to the Presidency of the European Commission committed to implementing the principle of the initiative in their statements during the 2014 electoral campaign. Finally, in September 2015 the initiative registered the official backing of the European Parliament, which supported the initiative via a vote in the plenum²¹ and asked the European Commission, among other points, to “take the concerns and warnings expressed by citizens in such petitions seriously and to act on them.”

Criticisms of the European Citizens Initiative include that the European Commission has the power to decide whether an initiative is accepted or not²² and that, as of 2015, no European Citizens’ Initiatives have been officially adopted as legislation, although the

¹⁶ ec.europa.eu/citizens-initiative/public/signatories

¹⁷ ec.europa.eu/citizens-initiative/public/initiatives/finalised/answered

¹⁸ www.euroalter.com/projects/european-initiative-for-media-pluralism

¹⁹ ec.europa.eu/citizens-initiative/public/initiatives/obsolete/details/2012/000006

²⁰ www.eesc.europa.eu/?i=portal.en.about-the-committee

²¹ www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0294+0+DOC+XML+V0//EN&language=EN

²² ec.europa.eu/citizens-initiative/public/how-it-works/registration

latest development on the water as a public good initiative shows the growing legislative impact that such a right can have on the European level.

On October 28 2015 the European Parliament approved by a vast majority a report²³ by MEP György Schöpflin on the ECI. The report acknowledges that “whatever the success criteria, (the ECI) has not so far reached” its goal, also given the fact that “not a single initiative has yet been followed by legislation”. The ECI remains nevertheless the first instrument for transnational participatory democracy, enabling citizens to engage directly with the EU institutions.



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²³ www.citizens-initiative.eu/wp-content/uploads/2015/10/AFCO_report_final.pdf