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from : Working Party on Fundamental Rights, Citizens' Rights and Free Movement
(FREMP)

on : 12 December 2011

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Subject : Proposal for a decision of the European Parliament and of the Council on the
European Year of Citizens (2013)
- Summary of discussions

1. At its meeting on 12 December 2011 the Working Party on Fundamental Rights, Citizens' Rights and Free Movement (FREMP) examined the text of the proposal for a Decision on the European Year of Citizens (2013).
2. The text of the proposal, as it follows from these discussions, is set out in the Annex. Changes to the Commission proposal (recital 17) are set out in **bold**.

2011/0217 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**on the European Year of Citizens (2013)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 21 (2) thereof

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Article 20(1) of the Treaty provides for citizenship of the Union as additional to national citizenship of the respective Member States, stipulating that every person holding the nationality of a Member State shall be a citizen of the Union. The second paragraph of Article 20 specifies that citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties, and that they shall have, *inter alia*, the right to move and reside freely within the territory of the Member States. The right of Union citizens to free movement and residence is further enshrined in Article 21 of the Treaty.

¹ OJ C , , p. .

² OJ C , , p. .

- (2) The entry into force of the Lisbon Treaty strengthened the status of Union citizenship and complemented the rights attached to it, including by introducing a new right, the Citizens' Initiative, which enables one million citizens, from a significant number of Member States, to ask the Commission to present a proposal in any of the EU's areas of responsibility.
- (3) The rights inherent to citizenship of the Union are incorporated in the Charter of Fundamental Rights of the European Union. According to the Charter's Preamble, the Union 'places the individual at the heart of its activities, by establishing a citizenship of the Union and by creating an area of freedom, security and justice'. Chapter V of the Charter sets down "Citizens' rights", including, in its Article 45, the right of every citizen of the Union to move and reside freely within the territory of the Member States.
- (4) Accordingly, the Stockholm Programme¹ puts the citizen at the heart of European policies in the field of freedom, security and justice. It focuses its actions on 'building a citizen's Europe', including by ensuring the full exercise of the citizens' right to free movement.
- (5) In its "Resolution of 15 December on the situation of fundamental rights in the European Union (2009) - effective implementation after the entry into force of the Treaty of Lisbon"² the European Parliament called on the Commission to devote the 2013 European Year to citizenship in order to give momentum to the debate on Union citizenship and inform Union citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon.
- (6) Since its introduction in the 1957 Treaty of Rome as one of the four fundamental freedoms, the right to free movement and residence has demonstrated its value as one of the pillars for the creation of a single market for the benefit of both Member States' economies and of individual citizens.

¹ COM 2009 262 final of 10.6.2009.

² <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2010-0483>.

- (7) In particular, free movement and workers' mobility help addressing the consequences of demographic change on the labour market, while also increasing the employability of people and improving the competitiveness of European industries. At the same time, free movement either enables, as an essential condition, or stimulates the exercise by citizens of a broad range of rights available to them under Union law, such as their rights as consumers to access goods and services or their rights as passengers and tourists. Facilitating free movement has therefore the potential to enhance citizens' possibilities to fully benefit from the single market, whilst being a key driver for growth.
- (8) The right to move and reside freely within the territory of the Member States is highly valued by Union citizens as a core individual right deriving from Union citizenship. As such, it demonstrates and promotes a better understanding of the value of European integration, as well as citizens' participation in shaping the European Union. When extending aspects of their lives beyond national borders by travelling to other Member States or settling there, citizens become aware and take advantage of the broad array of rights granted to them under Union law in cross-border situations. Exercising the right to free movement and residence therefore contributes to making Union citizenship a tangible reality in the daily life of citizens.
- (9) Despite the fact that the right to free movement and residence is firmly anchored in primary Union law and substantially developed in secondary law, a gap still remains between the applicable legal rules and the reality confronting citizens when they seek to exercise this right in practice. Aside from an uncertainty over the advantages of being mobile, Union citizens perceive too many practical obstacles with regard to living and working elsewhere in the Union.

- (10) In the EU Citizenship Report 2010 "Dismantling the obstacles to EU citizens' rights"¹, the Commission addressed the main obstacles which citizens still encounter in their daily lives when they seek to exercise their rights as Union citizens, in particular in cross-border situations and outlined 25 concrete actions to remove these obstacles. One of the obstacles identified in this context was lack of information. The Commission concluded, in the EU Citizenship Report 2010, that Union citizens are prevented from enjoying their rights because they lack awareness of them and announced its intention to step up the dissemination of information to Union citizens about their rights, in particular about their right to free movement.
- (11) Given that the right to free movement significantly improves individuals' lives, it is vital that information about the existence of this right and the conditions for exercising it is available as broadly as possible. As all Union citizens are potential beneficiaries of this right, awareness raising efforts should be made across the Union.
- (12) However, to enable Union citizens to make informed decisions about whether to exercise their right to free movement, it does not suffice to raise their awareness about the right to free movement itself; it is essential that Union citizens are also adequately informed about other rights available to them under Union law in a cross-border context. This information will also enable them to fully enjoy these rights, if they decide to make use of their right to free movement.

¹ COM (2010) 603 final.

- (13) In particular, Union citizens considering whether to make use of their right to free movement should be informed about their rights to acquire or preserve social security rights by virtue of the Union rules on coordination of social security systems; these rules ensure that they will not lose out on their social security rights when choosing to move within Europe. They should further be informed about their right to obtain recognition of their professional qualifications and about the social and civic competences which form part of the European framework of "Key Competences for lifelong learning"¹ and which can equip them to fully participate in civic life and empower them to exercise their rights under Union law.
- (14) In this context, citizens should also be better informed of their rights as passengers travelling by any transport mode across the European Union and of their consumer rights across borders. If they are confident that their rights as consumers are effectively protected, they will contribute more to the development of the European-wide market for goods and services to its full potential and better enjoy its benefits. In the same vein, citizens should be better informed about rules on general product safety and market surveillance, so as to be aware of how their health and their rights are protected throughout the EU, particularly when it comes to threats or risks that they cannot deal with as individuals. It would be further important to enhance citizens' awareness of their rights to cross-border healthcare, so that they are able to fully benefit from safe and good quality healthcare across European borders.
- (15) Awareness of the electoral rights guaranteed to Union citizens is of primary importance in this respect. Union citizens should be fully aware of their right to vote and stand as candidates in the municipal and European Parliament elections in their Member State of residence. At the same time, political participation can contribute to the integration of Union citizens into the society of their chosen Member States of residence.
- (16) Enhanced citizens' awareness of the benefits of these rights for them individually and for society can also contribute to a stronger sense of belonging and adherence to the Union.

¹ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning, OJ L 394, 30.12.2006, p. 10.

- (17) A European Year of Citizens in 2013 will provide a very timely opportunity to raise the awareness of the general public about the rights **and responsibilities** attached to Union citizenship and thus to contribute to the objective of facilitating the exercise of the right to free movement. **EU citizens have a critical role to play in upholding the free movement rights.**
- (18) The year 2013 will be the 20th anniversary of the establishment of Union citizenship by the Treaty of Maastricht, which entered into force on 1st November 1993. The European Year of Citizens will be marked by the follow up to the EU Citizenship Report and of an action plan toward completing the removal of remaining obstacles standing in the way of citizens' enjoyment of their rights as Union citizens. This European Year will give visibility to Union citizenship and its concrete benefits for individuals, including by demonstrating the tangible impact of Union policies in citizens' lives, in particular in terms of removing obstacles to the enjoyment of their rights.
- (19) Raising awareness about citizens' rights, including their electoral rights in their Member State of residence, is also important in view of the European Parliament elections in 2014. The impact of such awareness raising actions should be multiplied through close coordination and exploitation of synergies with relevant actions implemented by other Union institutions, notably the European Parliament, and by Member States in the run up to these elections.
- (20) In order to optimise the effectiveness and efficiency of the activities envisaged for the year of implementation (2013), it is important to carry out a set of preparatory actions with full respect for Article 49(6) of the Financial Regulation¹.

¹ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (the Financial Regulation) OJ L 248, 16.9.2002, p. 1. - Regulation as amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390, 30.12.2006, p. 1).

- (21) This European Year should make full use of existing participatory tools and the rights enshrined in Articles 10 and 11 of the Treaty on European Union to stimulate citizens' involvement in the process of implementing the 2013 action plan for the removal of obstacles to the enjoyment of their rights and, more broadly, in defining Union policies that give concrete effect to their rights. European civil society organisations will have a central role in this respect.
- (22) The primary responsibility for raising citizens' awareness of their rights as Union citizens rests with Member States; action at Union level complements and supplements national actions in this respect, as highlighted in the political declaration "Communicating Europe in Partnership" signed on 22 October 2008 by the European Parliament, the Council and the Commission¹.
- (23) Given the scale of the proposed action, and in particular due to the need for multilateral partnerships, transnational exchange of information and Union-wide awareness-raising and dissemination of good practices, the objectives of the proposed European Year can be better achieved at Union level. The Union may therefore adopt relevant measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.
- (24) Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests² and (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities³ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁴.

¹ OJ C 13, 20.1.2009, p.3.

² OJ L 312, 23.12.1995, p. 1.

³ OJ L 292, 15.11.1996, p. 2.

⁴ OJ L 136, 31.5.1999, p. 1.

- (25) Union funding for other activities than those funded under the budget of the European Year may be given through existing Union programmes or the Structural Funds, in particular the "Europe for Citizens" programme and the "Fundamental Rights and Citizenship" programme,

HAVE ADOPTED THIS DECISION:

Article 1

Subject-matter

The year 2013 shall be designated as the 'European Year of Citizens' (hereinafter referred to as 'the European Year').

Article 2

Objectives

The general purpose of the European Year shall be to enhance awareness of the rights attached to Union citizenship, in order to help citizens make full use of their right to move and reside freely within the territory of the Member States. In this context, the European Year shall focus, among others, on the opportunities for civic participation and access to rights by Union citizens residing in another Member State than their own, by students, workers, consumers, and providers of goods and services across the Union.

On this basis, the specific objectives of the European Year shall be:

- to raise Union citizens' awareness of their right to move and reside freely within the European Union and more generally the rights guaranteed to Union citizens in cross-border situations, including their right to participate in the democratic life of the Union;
- to raise Union citizens' awareness of how they can tangibly benefit from Union rights and policies while living in another Member State, and to stimulate their active participation in civic fora on Union policies and issues;

- to stimulate a debate about the impact and potential of the right to free movement, as an inalienable aspect of Union citizenship, in particular in terms of strengthening societal cohesion and mutual understanding between Union citizens and the bond between citizens and the Union.

Article 3

Initiatives involved

1. The measures to be taken to achieve the objectives set out in Article 2 may include the following initiatives organised at Union, national, regional or local level linked to the objectives of the European Year:
 - information, education and awareness raising campaigns targeted at the general public and more specific audiences;
 - exchange of information, sharing of experience and good practices of national, regional, local administrations and other organisations;
 - conferences and events to promote debate and raise awareness of the importance and benefits of the right to free movement and residence and more generally citizens' rights as Union citizens;
 - use of the existing multilingual participatory tools to stimulate citizens' contributions in giving tangible effect to their rights and more generally in achieving the objectives of the European Year;
 - strengthening of the role and visibility of the multilingual Europe Direct and Your Europe web portal as key elements of a 'one-stop-shop' information system on Union citizens' rights;
 - strengthening of the role and visibility of problem solving tools, such as SOLVIT, to allow Union citizens to better make use of and defend their rights.

2. Details of the initiatives referred to in paragraph 1 are set out in the Annex.
3. The Commission and the Member States may identify other activities as contributing to objectives of the European Year and allow the name of the European Year to be used in promoting those activities insofar as they contribute to achieving the objectives set out in Article 2.

Article 4

Coordination at Union level and implementation

The Commission shall cooperate closely with Member States and bodies and associations which represent local and regional interests, in particular the Committee of Regions.

The Commission shall also cooperate closely with the European Economic and Social Committee.

The Commission shall convene meetings of representatives of European organisations or bodies active in the field of defending citizens' rights and stakeholders to assist the Commission in implementing the European Year at Union level.

The Commission shall implement this Decision at Union level.

Article 5

Financial provisions

1. Measures which are Union-wide in nature, referred to in part A of the Annex, shall give rise to a procurement contract or the award of grants financed from the general budget of the Union.
2. Measures which are Union-wide in nature, referred to in part B of the Annex, may be subsidised by the general budget of the Union.

Article 6

International cooperation

For the purpose of the European Year, the Commission may cooperate with appropriate international organisations.

Article 7

Protection of the Union's financial interests

1. The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. The Commission is authorised to carry out checks and verifications in situ under this Decision, in compliance Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities. If need be, investigations shall be carried out by the European Anti-Fraud Office and shall be governed by Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽¹⁾.
2. For the Union actions financed under this Decision, the notion of irregularity referred to in Article 1(2) of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a provision of Union law or any breach of a contractual obligation resulting from an act or omission by an economic operator which has, or would have, the effect of prejudicing the general budget of the Union by an unjustified item of expenditure.
3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, particularly non-compliance with the provisions of this Decision or of the individual decision or contract granting the financial support in question, or if it transpires that, without Commission approval having being sought, the action has undergone significant change that conflicts with its nature or with its implementing conditions.

¹ OJ L 136, 31.5.1999, p.1.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial assistance and demand repayment of sums already paid.
5. Any amount unduly paid shall be repaid to the Commission. Interest shall be added to any sums not repaid in due time under the conditions laid down in the Financial Regulation¹.

Article 8

Monitoring and evaluation

By 31 December 2014, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the initiatives provided for in this Decision.

Article 9

Entry into force

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

¹ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (the Financial Regulation) OJ L 248, 16.9.2002, p. 1. - Regulation as amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390, 30.12.2006, p. 1).