



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 November 2013

16783/13

**FREMP 194
JAI 1060
COCON 58
COHOM 262
CULT 124
COPEN 215
DROIPEN 148
EJUSTICE 102
FISC 235
JUSTCIV 279
MI 1073
POLGEN 236
SOC 980
TRANS 614**

NOTE

from:	COREPER
to:	Council
No. prev. doc.	16187/13 FREMP 183 JAI 1008 COCON 56 COHOM 254 CULT 122 COPEN 203 DROIPEN 139 EJUSTICE 97 FISC 219 JUSTCIV 270 MI 1030 POLGEN 221 SOC 935 TRANS 589
Subject:	Council conclusions on the EU Citizenship Report 2013

I. INTRODUCTION

1. The 1993 Treaty of Maastricht established the Citizenship of the Union and granted a set of rights to all EU citizens. The current Title II of the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the EU (Chapter V) further reinforced EU citizens' rights. 2013 marks the twentieth anniversary of the establishment of Union citizenship.

2. The Court of Justice of the European Union has confirmed the constitutional importance of Union citizenship¹ and has clarified that Article 20 of the Treaty on the Functioning of the European Union (TFEU) precludes national measures which could deprive Union citizens of the genuine enjoyment of the substance of the rights conferred by their status as EU citizens.²
3. The year 2013 has been designated as the European Year of Citizens³ in order to promote debates and raise awareness about the rights and responsibilities attached to EU citizenship.

II. THE CITIZENSHIP REPORT

4. The aim of the EU Citizenship Report is to inform EU citizens about their rights and ensure that they can enjoy them in their daily lives, without being confronted with unnecessary obstacles. The first EU Citizenship Report was prepared in 2010⁴ and included 25 actions aimed at facilitating citizens' enjoyment of their EU rights, in particular in cross-border situations.

On 8 May 2013 the Commission presented its second EU Citizenship Report⁵ together with a report under Article 25 TFEU on progress towards effective EU citizenship.⁶

¹ See for instance Case C-184/99, *Grzelczyk*, paragraph 31.

² Case C-34/09, *Ruiz Zambrano*, paragraph 42.

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:325:0001:0008:EN:PDF>

⁴ EU Citizenship Report 2010 on dismantling obstacles to EU citizens' rights, COM (2010) 603.

⁵ Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Citizenship Report 2013, EU citizens: your rights, your future, COM (2013) 269 - http://ec.europa.eu/justice/citizen/files/2013eucitizenshipreport_en.pdf.

⁶ Report from the Commission under Article 25 TFEU on progress towards effective EU Citizenship 2011-2013, COM (2013) 270.

5. The EU Citizenship Report 2013 was presented in the Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) on 9 July 2013. Twelve new actions are announced in six key areas:

- removing obstacles for workers, students and trainees in the EU;
- cutting red tape in the Member States;
- protecting the more vulnerable in the EU;
- eliminating barriers to shopping in the EU;
- targeted and accessible information in the EU;
- participating in the democratic life of the EU.

6. The 2013 Citizenship Report is based in particular on a wide-ranging public consultation launched by the Commission on 9 May 2012¹, the 2013 flash Eurobarometer surveys on EU citizenship² and electoral rights³, standard Eurobarometers on EU citizenship⁴, key stakeholders' events organised in preparation of this report, in cooperation with the European Parliament⁵, the Committee of the Regions⁶, and the European Economic and Social Committee⁷ and the Citizens' Dialogues⁸ in the framework of the European Year of Citizens.

¹ Public consultation on EU citizenship launched by the Commission on 9 May 2012 (hereinafter 2012 public consultation on EU citizenship) -

http://ec.europa.eu/justice/citizen/files/eu-citizen-brochure_en.pdf.

² Flash Eurobarometer 365 - European Union citizenship - February 2013 (hereinafter 2013 Eurobarometer on EU citizenship) - http://ec.europa.eu/public_opinion/flash/fl_365_en.pdf.

³ Flash Eurobarometer 364 - Electoral Rights - March 2013 (hereinafter 2013 Eurobarometer on electoral rights) - http://ec.europa.eu/public_opinion/flash/fl_364_en.pdf.

⁴ Standard Spring 2012 Eurobarometer 77 -

http://ec.europa.eu/public_opinion/archives/eb/eb77/eb77_en.htm and Autumn 2012

Eurobarometer 78 - http://ec.europa.eu/public_opinion/archives/eb/eb78/eb78_en.htm

⁵ EU citizenship joint European Parliament and Commission hearing of 19 February 2013 "Making the most of EU citizenship" -

http://ec.europa.eu/justice/citizen/document/files/eu_hearing_report.pdf.

⁶ Forum of 28 November 2012 "Citizens' Agenda going local" -

http://cor.europa.eu/en/events/forums/Documents/Programme_forum_ey2013.pdf.

⁷ Conference of 22-23 January 2013 "Making the most of the European Year of Citizens".

⁸ <http://ec.europa.eu/debate-future-europe/>.

7. Considering that this year is the European Year of Citizens¹ and in the run-up to the 2014 European Parliament elections, the Presidency considers it important to focus on issues related to Union citizenship and prepared draft Council conclusions in this respect.
8. These conclusions as set out in 13856/13 were examined at the meeting of FREMP on 3 October 2013. Furthermore delegations were invited to provide written comments. A compilation of the answers is set out in 15061/13.
9. The revised version of the conclusions as set out in 15059/13 was examined at the FREMP meeting on 6 November 2013. At that meeting agreement in principle was reached on the text of the conclusions. Coreper examined the conclusions at its meeting on 20 November 2013, confirmed the agreement on the substance and agreed that these would be submitted to the Council.

III. CONCLUSION

1. In the light of the above, the Council is invited to adopt the conclusions as set out in the Annex.

¹ Closing event in Vilnius on 12-13 December 2013.

Council conclusions on the 2013 EU Citizenship Report

The Council:

RECALLING that in accordance with the EU Charter of Fundamental Rights, 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", and that this citizenship is additional to and does not replace national citizenship,

CONSIDERING that EU citizenship rights are firmly anchored in primary EU law and substantially developed in secondary law and that the Treaty of Lisbon strengthened the notion of EU citizenship and its accompanying rights,

NOTING gaps between the applicable legal rules and the reality confronting citizens in their daily lives, particularly in cross-border situations, and emphasising the need to inform EU citizens about the benefits and opportunities that EU citizenship offers to them as e.g. students, trainees, workers, job-seekers, volunteers, consumers, entrepreneurs, young people, retired persons, persons with disabilities and political actors,

RECALLING that the year 2013 - the European Year of Citizens - is dedicated to promoting a debate and raising awareness about the rights and responsibilities that come with EU citizenship and acknowledging that the active participation of Union citizens in the democratic life of the EU should also be facilitated by access to documents and information,

NOTING, against the backdrop of the upcoming European elections in 2014, the importance of raising Union citizens' awareness about their electoral rights in these elections and about the relevance of their participation as voters and as candidates,

ACKNOWLEDGING the importance of the objective of the report in reducing the obstacles standing in the way of citizens' enjoyment of their rights,

the Council adopts the following conclusions:

I. Report and proposed measures

1. The Council considers that EU citizenship strengthens and enhances the European identity, enabling EU citizens to participate actively and equally in the European integration process.
2. The Council welcomes the progress achieved in implementing the first EU Citizenship Report in 2010 and values the work of the Commission in ensuring that EU citizens can enjoy their rights in their daily lives, without being confronted with obstacles or discrimination.
3. The Council welcomes the EU Citizenship Report 2013 and values the systematic evaluation and wide-reaching public consultation prepared by the Commission. The Council notes with particular interest the proposed measures aiming at:
 - a) removing obstacles for workers, students and trainees in the EU;
 - b) removing administrative hurdles;
 - c) eliminating barriers to shopping in the EU;
 - d) strengthening procedural rights;
 - e) strengthening and developing the European public space;
4. The Council stresses that all legislative proposals referred to in this report need to be, in accordance with the Treaties, presented by the Commission following a thorough impact assessment and compliant with the principles of subsidiarity and proportionality.

a) Removing obstacles for workers, students and trainees in the EU

5. The Council agrees that unemployment continues to present a major challenge for the EU and its Member States and has serious consequences for the individuals concerned, society, and the wider economy.¹ The Council recalls the European Council Conclusions in which the necessity of efforts to tackle unemployment and the social consequences of the crisis were emphasised and a comprehensive approach to combat youth unemployment was endorsed.² The Council will carefully examine the Commission's forthcoming proposal on a revision of the social security coordination regulation³ which has the objective of encouraging and facilitating intra-EU mobility.

¹ See also 11487/13, "Towards social investment for growth and cohesion - Council conclusions", point 1: "The turmoil in the financial markets and sovereign debt crisis that hit Europe in 2008 has led to a severe economic downturn with negative social consequences for most Member States through significant household income losses and indebtedness, rising unemployment, poverty and social exclusion. These cyclical effects have compounded underlying structural challenges, such as those arising from population ageing, exclusion from work and continued gender-based inequalities in pay, employment and poverty. Together, these threaten the achievement of the Europe 2020 objectives and agreed targets."

² European Council conclusions 27-28 June 2013, point 1: "Combating youth unemployment is a particular and immediate objective, considering the unacceptably high number of young Europeans who are unemployed. All efforts must be mobilised around the shared objective of getting young people who are not in education, employment or training back to work or into education or training within four months, as set out in the Council's recommendation on the "Youth Guarantee". Building on the Commission's communication on youth employment, determined and immediate action is required at both national and EU level". EUCO 104/2/13 CO EUR 9 CONCL 6 REV 2. See also European Council conclusions, 13-14 December 2012, point 15: "The European Council (...) agrees that efforts at national and European level in 2013 should continue to focus on the five priorities agreed last March, namely to:
(...)
– tackle unemployment and the social consequences of the crisis, (...)." EUCO 205/12 CO EUR 19 CONCL 5.

³ Regulation EC 883/2004 on the coordination of the social security systems, OJ L 166, 30.4.2004 p. 1.

6. The Council supports the ongoing development by the Commission of the Electronic Exchange of Social Security Information System (EESSI) to help social security bodies across the EU to exchange information more rapidly and securely. This system will bring important benefits for citizens, as it allows for a better management and faster calculation and payment of social security benefits and a reduction of errors in processing claims.
7. The Council reaffirms that labour mobility can be a key feature of growth and development¹ and recalls the establishment of the Alliance for Apprenticeships as well as the invitation to the Commission to finalise the quality framework for traineeships, and to propose the new EURES regulation².
8. The Council welcomes measures to improve the coordination of labour mobility in the EU, and to facilitate the exchange of information on job opportunities in the EU, including where applicable on traineeships and apprenticeships. The Council also awaits the Commission's proposal to set quality standards for traineeships.

¹ 12415/13, conclusions of the Council and of the Representatives of Governments of the Member States meeting within the Council on the 2013 UN High-Level Dialogue on Migration and Development and on broadening the development-migration nexus: "ACKNOWLEDGING that in the highly competitive and globalised economy of today, labour mobility can be a key feature of growth and development;"

² European Council conclusions, 13-14 December 2012, point 19: "(...) It invites the Commission to rapidly finalise the quality framework for traineeships, establish the Alliance for Apprenticeships as well as propose the new EURES regulation. The Council, the Member States, and the Commission should ensure rapid follow-up to the Commission communication on "Rethinking Education" EUCO 205/12 CO EUR 19 CONCL 5.

b) Removing administrative hurdles

9. The Council emphasises the importance of the right of Union citizens and their family members to move and reside freely in the territories of the Member States, in accordance with the Treaties, as one of the four basic freedoms of the EU and thus one of the core principles of the European Union.
10. The Council takes note of the identified administrative hurdles in relation to identity and residence documents issued by Member States, cross-border taxation formalities and the recognition of roadworthiness certificates.
11. The Council welcomes the idea of providing local administrations with tools to fully comprehend and facilitate the free movement rights of EU citizens and invites Member States to support this initiative.
12. The Council also welcomes the Commission's intention to study measures to remove obstacles in relation to identity and residence documents issued by Member States and strengthen their security. The Council recalls its conclusions of December 2005 on enhancing security standards for national identity cards¹. It highlights the need to ensure that valid identity cards issued by the Member States to their nationals are recognised throughout the EU in accordance with Directive 2004/38/EC² and the need to promote their Union-wide use.

¹ 14390/05, Council conclusions on common minimum security standards for national identity cards.

² OJ L 158, 30.4.2004, p. 77.

13. In terms of cross-border taxation formalities the Council reaffirms the importance of clarity and certainty with a view to identifying and eliminating double taxation.¹ The Council takes note with interest of the Commission's existing initiatives to promote best tax practice in cross-border situations, in particular aiming to avoid double taxation.

c) Eliminating barriers to shopping in the EU

14. The Council also takes note of the identified barriers in purchasing goods or services in the EU and welcomes the adoption of the Directive on alternative dispute resolution for consumer disputes, the Regulation on online dispute resolution for consumer disputes and the Directive on consumer rights² to solve problems faced by consumers when shopping online.
15. The Council welcomes the initiative of the EU-wide awareness-raising campaign on consumer rights. The Council looks forward to considering the revision of the European Small Claims Procedure to address deficient practices and clarify the existing rules, if necessary. The Council highlights the need to strengthen administrative cooperation measures among market surveillance authorities in order to limit the procedural obstacles remaining in the internal market.

¹ See Council conclusions on communication from the Commission on removing cross-border tax obstacles for EU citizens at

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ecofin/122049.pdf:

"...Agrees that, without prejudice to the competences of the Member States, improved coordination and cooperation between their tax authorities may be beneficial to prevent double taxation and other cross-border tax obstacles; Recognises the importance of ensuring that citizens do not face tax obstacles to exercising the freedoms of the Internal Market..."

² See Directive on alternative dispute resolution for consumer disputes, OJ L 165, 18.6.2013, p. 63; the Regulation on online dispute resolution for consumer disputes OJ L 165, 18.6.2013, p. 1 and Directive on consumer rights, OJ L 304, 22.11.2011, p. 64.

d) Strengthening procedural rights

16. The Council emphasises the importance of the presumption of innocence as laid down in Article 48 of the Charter of Fundamental Rights of the EU and in Article 6(2) of the European Convention on Human Rights and of the right to legal aid in criminal proceedings as laid down in Article 47 of the Charter of Fundamental Rights of the EU and in Article 6(3) of the European Convention on Human Rights. The Council also underlines the importance of ensuring these procedural rights to all individuals residing in the EU, regardless of their citizenship status, as guaranteed by the Charter of Fundamental Rights of the EU, and of ensuring access to justice in conformity with Article 13 of the Convention of the United Nations on the rights of persons with disabilities (CRPD).

17. As a step towards achieving the objective of establishing an area of freedom, security and justice, the Council looks forward to continue with the Stockholm Programme and the roadmap¹ aimed at strengthening procedural rights of individuals, when they are suspected or accused in criminal proceedings, taking into account the specific situation of children and other vulnerable groups. In addition to the requirements set out in paragraph 4, such proposals must also take into account the differences between the legal traditions and systems of the Member States.

¹ OJ C 115, 4.5.2010, p. 10 and COM(2010) 171.

e) Strengthening and developing the European public space

18. The Council underlines the importance of the right to participate in the democratic life of the Union as foreseen in Treaties. The active role of Union citizens and political parties at European level is central to the functioning of the Union. The Council also values the role of civil society in fostering civic participation. The Council recognises that the participation of Union citizens in the democratic life of the EU should also be facilitated by access to documents and information, for the benefit of all citizens and relevant stakeholders. This includes ensuring that documents and information are available in formats accessible to persons with disabilities on equal basis with others.
19. The Council strongly emphasises the need to raise EU citizens' awareness about their electoral rights under EU law, the impact of EU policies on their daily lives, the role of the European Parliament and hence the importance of their participation in the European elections.
20. The Council takes note of steps taken by the Commission and the Parliament to enhance the democratic and efficient conduct as well as the visibility of the European elections to increase citizens' participation in the democratic life of the EU.¹
21. The Council underlines the importance of safeguarding the right to political participation of the most vulnerable groups, including people with disabilities. The Council recalls that this right is guaranteed by Article 29 of the CRPD.

¹ EC Communication COM(2013) and recommendation 126; C(2013) 1303 of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament; European Parliament resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014 (2013/2102(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0323+0+DOC+XML+V0//EN&language=EN>; see also 12030/13, Plenary Session of the European Parliament, Strasbourg, 3 July 2013. Debate on the report of Mr Andrew Duff - Practical arrangements for the holding of the European elections in 2014.

22. The Council agrees on the importance of better informing voters about the issues at stake in next year's European Parliament elections, to encourage a Europe-wide debate and to bring the EU closer to Union citizens and supports the Commission's commitment to encourage political participation in the EP elections and to strengthen the European public space. Encouraging the citizens to use existing instruments of democratic participation will contribute to enhancing the democratic legitimacy of the EU decision-making process. The Council stresses the importance of encouraging the participation of first-time voters and young voters.
23. The Council invites the Commission to explore ways within its competences to maintain and further promote the voting rights of EU citizens, in order to facilitate participation of EU citizens in the democratic life of the EU while respecting the constitutional requirements of the Member States.

II. Next steps

24. Considering the importance of respecting the rights and responsibilities that come with EU citizenship, the Council welcomes further debate on EU citizenship with the aim of overcoming the obstacles faced by citizens in their daily life and strengthening democratic participation in the EU.
25. The Council encourages the Commission to further pursue the actions set forth in the 2013 EU Citizenship Report in line with these conclusions and to continue its efforts in removing obstacles to citizens' enjoyment of their EU rights.
26. It calls on the Member States to contribute to this joint endeavour and take forward the process of raising awareness of and implementing the rights that come with EU citizenship and stresses that making citizens' lives easier in the EU is an ongoing process to be pursued at all levels also after 2013 building on the European Year of Citizens.