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REPORT FROM THE COMMISSION

Third Report from the Commission on Citizenship of the Union

SUMMARY

This report focuses on the rights provided for in the second part of the EC Treaty. However, it includes advances in areas closely related to citizenship in the wider sense, such as the protection of fundamental rights, including measures to combat all forms of illegal discrimination.

Two texts deserve special mention here: the proposal for a Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States and the Charter of Fundamental Rights of the European Union.

The proposal for a Directive on the right of residence

The proposal for a Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, adopted by the Commission on 23 May 2001, is a product of the legal and political environment created by the introduction of citizenship of the Union. Its principal aim is to replace the various pieces of legislation existing in this area by a single legislative instrument, to relax and simplify the conditions and formalities associated with the exercise of this right and to clarify the restrictions that may be placed on these rights for reasons of public policy, public security and public health.

The most important change introduced by this proposal is that after four years of uninterrupted residence individuals will acquire a permanent right of residence in the host Member State. Once acquired, this right is no longer subject to any conditions.

The proposed Directive significantly relaxes and simplifies the conditions and formalities associated with the exercise of the right of residence. It defines and clarifies the scope for refusing or terminating residence for reasons of public policy, public security and public health.

It thus provides a solution to the main problems and obstacles to the exercise of the right of free movement identified on several occasions by the Commission.

The Charter of Fundamental Rights

The Heads of State and Government meeting in Cologne on 3 and 4 June 1999 agreed on the need to establish *a Charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens.*

To carry out this task the European Council decided to convene an *ad hoc* body (which became known as the Convention), consisting of representatives of the European Parliament, national parliaments, national governments and the Commission.

Between 17 December 1999 (the date of its first meeting) and 2 October 2000 (the date on which the text was presented to the European Council in Biarritz), the Convention produced a remarkable piece of work, successfully forging a broad consensus on a draft Charter that was ambitious and innovative but at the same time pragmatic.

The Charter was proclaimed by the three institutions in Nice. It was not incorporated into the Treaties, but its legal status will have to be examined after the public debate to be launched in preparation for the Intergovernmental Conference in 2004.

The Charter brings together for the first time in a single text all personal rights: civil and political rights, economic and social rights and rights of citizens of the European Union. It contains 54 Articles, preceded by a preamble. Apart from the general provisions at the end of the text (Articles 51 to 54), the Articles are grouped around six fundamental values: dignity (Articles 1 to 5); freedoms (Articles 6 to 19); equality (Articles 20 to 26); solidarity (Articles 27 to 38); citizens' rights (Articles 39 to 46); and justice (Articles 47 to 50).

It is important to remember that, as stated in Article 51, the provisions of the Charter are addressed to the institutions and bodies of the Union and to the Member States *only when they are implementing Union law*.

Chapter V of the Charter, on citizens' rights, lists the rights that feature in the second part of the EC Treaty: the right to vote and stand as a candidate at elections to the European Parliament (Article 39), the right to vote and stand as a candidate at municipal elections (Article 40), the right to refer matters to the Ombudsman (Article 43), the right to petition the European Parliament (Article 44), freedom of movement and residence (Article 45), diplomatic and consular protection (Article 46). This chapter of the Charter also includes the right of access to documents (Article 42), which appears in Article 255 of the Treaty, and, in recognition of the ever increasing importance of fair administrative procedures in safeguarding personal rights and interests, the right to good administration (Article 41). This is an innovation introduced by the Charter, which draws on the principles laid down in this area by a considerable body of Court of Justice case law.

Right to vote and stand as a candidate at elections to the European Parliament and at municipal elections

The Commission notes that the turnout for the June 1999 elections to the European Parliament by European Union citizens residing in another Member State was very low (9%), although higher than in 1994 and on the increase in every Member State except Germany.

The Commission is urging all Member States to introduce a system of direct and personnel contact with Community electors and to explore other avenues, such as making electoral registration forms available at every contact with the local or national authorities.

With regard to municipal elections, the Commission will produce a report by March 2002 on the application of the Directive and the increase in the electorate since its entry into force.

Right to diplomatic and consular protection

The decisions taken by the representatives of the Member State governments to give effect to this right have not entered into force because not all Member States have introduced the necessary procedures in their internal legal order to ensure application.

In practice, however, all Member States appear to have taken steps to ensure that EU citizens enjoy diplomatic and consular protection in those non-member countries where their country of origin does not have representation.

Right to petition the European Parliament and right of access to the Ombudsman

Despite a slight drop, the number of petitions presented to Parliament remains high (3274 in the period 1997-2000, compared to 3628 in 1994-1997).

The large number of petitions that are deemed inadmissible suggests that the public does not have a clear idea of the powers of the European Union and the rights that Union citizenship confers.

The number of complaints addressed to the Ombudsman increased steadily between 1997 and 1999 (1181 complaints in 1997, 1372 in 1998 and 1577 in 1999). However, a large number of these were declared inadmissible (73% in 1997, 69% in 1998 et 73% in 1999) on the grounds that they were not within the European Ombudsman's remit.

Measures to combat racism

1997 was declared European Year Against Racism and was the occasion for important initiatives and advances to tackle racism. These included the Action Plan against Racism and the creation of a European network against racism and the launch of a centre to monitor racism and xenophobia. Racism is a threat to European societies. The European institutions have an important role to play in combating this scourge.

Measures to combat discrimination

The Commission adopted several instruments to implement Article 13 of the EC Treaty. Directive 2000/43/EC prohibits discrimination in any Member State on the grounds of racial or ethnic origin in areas such as employment, education, social security, healthcare and access to goods and services. Directive 2000/78/EC establishes a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation in the area of employment and occupation. Finally, Decision 2000/750/EC established a Community action programme to combat discrimination.

These initiatives demonstrate the Community's determination to promote a more just society and adopt a pragmatic approach, focusing on the main areas where discrimination is found.

Public information

The need to provide citizens with more information about their rights is stressed repeatedly in this report.

Several important initiatives have been taken in recent years, such as the launch of the "Dialogue with Citizens and Business", the creation of "Europe Direct" and the "Citizens Signpost Service".

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1. INTRODUCTION

Article 22 of the EC Treaty states that *the Commission is to report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report is to take account of the development of the Union.*

Two reports have already been adopted under this provision. The first covered the year 1993,¹ the second the period from 1994 to 1996.²

This Third Report on Citizenship of the Union should therefore cover the years 1997, 1998 and 1999. However, the Commission felt that the Third Report should also deal with two important developments in the area of citizenship: the proclamation of the Charter of Fundamental Rights (at the Nice European Council in December 2000) and the adoption by the Commission of the proposal for a Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States³ (recasting the right of residence).

This Third Report will therefore cover a longer period, up to the adoption by the Commission of its proposal to recast the right of residence.

In accordance with Article 22 of the EC Treaty, this report will concentrate on **the application of the provisions of the second part of the EC Treaty** entitled "Citizenship of the Union". It will therefore review the scope of Union citizenship, free movement and residence in the territory of the Member States, the right to vote and stand as a candidate at municipal elections and elections to the European Parliament in the Member State of residence, diplomatic and consular protection and the right to petition the European Parliament and to take complaints to the Ombudsman.

However, under the terms of Article 17(2) of the EC Treaty, *citizens of the Union are to enjoy the rights conferred by this Treaty and are to be subject to the duties imposed thereby*. The rights that feature in Part Two of the Treaty, under the heading Citizenship of the Union, thus form the core of the rights conferred by citizenship, but are not an exhaustive list. The EC Treaty confers on citizens of the Union other rights which appear elsewhere in the Treaties, such as protection from all forms of discrimination on grounds of nationality (Article 12).

It is therefore legitimate for this Third Report on Citizenship of the Union to go beyond the specific rights featuring in the second part of the EC Treaty and to examine subjects that have an obvious connection with citizenship of the Union, such as the fight against all forms of discrimination and, more generally, the protection of fundamental rights in the Union.

¹ COM(93) 702 final.
² COM(97) 230 final.
³ COM(2001) 257 final.

2. CITIZENSHIP OF THE UNION

The term "citizenship" is difficult to define, particularly when it is used almost as a synonym for words like "nationality" or even "identity". While one might share Condorcet's view that "*we are not born citizens but become citizens through education*", the EC Treaty defines citizenship of the Union more prosaically: *every person having the nationality of a Member State shall be a citizen of the Union*. Citizenship of the Union, as commentators have pointed out, is thus something "superimposed" on national and in some cases regional or local citizenship to give the effect of multiple levels. This was explicitly spelled out in the Treaty of Amsterdam, which added the following clause to Article 17(1): *citizenship of the Union shall complement and not replace national citizenship*.

The Commission notes that citizens do not always properly understand the link between citizenship of a Member State and citizenship of the Union.⁴

It is therefore worth pointing out that:

- it is for each Member State to lay down the conditions for acquiring and losing the nationality of that state. Declaration No 2 annexed to the Treaty of Maastricht (which instituted citizenship of the Union) clearly states that *wherever in the Treaty establishing the European Community reference is made to nationals of the Member States, the question whether an individual possesses the nationality of a Member State is to be settled solely by reference to the national law of the Member State concerned*;
- there is no separate way of acquiring citizenship of the Union. Nationality of a Member State is the only way to acquire citizenship of the Union. On the other hand, Member States cannot deny the status of citizen of the Union, even if the person concerned is also a national of a non-member country.⁵

Citizenship of the Union is both a source of legitimation of the process of European integration, by reinforcing the participation of citizens, and a fundamental factor in the creation among citizens of a sense of belonging to the European Union and of having a genuine European identity.

When considering the scope of citizenship of the Union, attempts to draw parallels with national citizenship should be avoided. Because of its origins and the rights and duties associated with it, citizenship of the Union is *sui generis* and cannot be compared to national citizenship of a Member State.

In this new type of multiple citizenship on different levels, citizenship of the Union complements national citizenship but does not replace it.

⁴ The Commission receives a considerable number of letters from people asking how they can become a citizen of the Union without first obtaining the citizenship of a Member State. See also the statement by Mr Emil Scuka, President of the International Union of Roma at a press conference in the Italian Senate on 4 December 2000: "The proper citizenship for Roma living in Europe is European citizenship" (quoted in a report by Agence France Presse on 4 December 2000).

⁵ Judgment of 7.7.1992 in Case C-369/90 *Micheletti* [1992] ECR I-4239.

3. RIGHTS CONFERRED BY CITIZENSHIP OF THE UNION

3.1. Freedom of movement and the right of residence

3.1.1. *The proposal for a Directive on the right of residence and freedom of movement*

Article 18 of the EC Treaty confers on all citizens of the Union the right to move and reside freely within the territory of the Member States. Incorporated in Part Two of the Treaty, this right has the status of a fundamental, personal right.

As the Second Report on Citizenship of the Union made clear, *the right of entry and residence of citizens of the Union is governed by a complex body of legislation composed of two Regulations (one a Commission Regulation) and nine Directives. These instruments, which derive from a number of legal bases contained in the EC Treaty, cover different categories of beneficiaries and, in some cases, provide for rights specific to the category to which the beneficiary belongs.*

The need to recast the legislation in the light of citizenship of the Union was recognised by the Commission,⁶ confirmed by the Brussels European Council in December 1993⁷ and reiterated by the Nice European Council.⁸

The difficulties involved in this recasting exercise are well known and were discussed in the Second Report on Citizenship of the Union.⁹

On 23 May 2001 the Commission adopted a proposal for a Directive on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States.¹⁰ The legal basis for the text is Articles 12, 18(2), 40, 44 and 52 of the Treaty.¹¹

The proposal for a Directive is a product of the legal and political environment created by the introduction of citizenship of the Union. It takes account of the results of the report of the high-level panel on the free movement of persons, the Commission Communication on the follow-up to the recommendations of the high-level panel,¹² the Second Report on Citizenship, the European Parliament resolutions and the past rulings of the Court of Justice.

⁶ Commission report to the European Council on the adaptation of Community legislation to the subsidiarity principle: COM(93) 545 final, 24.11.1993.

⁷ Council Conclusions – Bull. EC 12-1993, p. 14, point I.14.

⁸ Council Conclusions, Annex I, point I, h), third indent.

⁹ See point 4.3, p. 17-18.

¹⁰ COM(2001) 257.

¹¹ The use of the specific legal bases of Articles 40, 44 and 52, which cover individuals who are economically active in the host Member State, was necessary in order to maintain the specific rights provided for this category of individuals.

¹² COM(1998) 403.

The aims of the proposed Directive are as follows:

- to replace the various existing pieces of legislation with a single legal instrument;
- to relax the conditions and formalities associated with the exercise, by citizens of the Union, of the right of free movement and residence in the Member States;
- to introduce the right of permanent residence;
- to make it easier for family members to exercise the right of free movement and residence;
- to clarify and set limits to these rights for reasons of public policy, public security and public health.

The proposed Directive applies to all categories of people benefiting from the right of residence: salaried employees, the self-employed, students, the economically inactive and pensioners.

The proposal reduces to a strict minimum the conditions and administrative formalities associated with exercising the right of residence. For residence of less than six months the only requirement is a valid identity document. For residence of over six months citizens of the Union must convince the host Member State, by means of a simple declaration, that they are able to perform an economic activity or have sufficient resources and a health insurance. For initial periods of residence up to four years, the residence card for citizens of the Union is abolished and replaced by registration with the relevant registry office in the place of residence.

The main innovation of this proposal lies in the fact that after four years of uninterrupted residence citizens acquire a permanent right of residence in the host Member State. Once acquired, this right is no longer subject to conditions and is attested to by a special document.

The proposal also makes it easier for family members to exercise the right of free movement and residence. Family members who are nationals of third countries also enjoy greater legal protection, for example in the event of the death of the Union citizen on whom they depend, or the dissolution of the marriage, under certain circumstances.

Finally, the proposal further restricts the scope for refusing or terminating residence on grounds of public policy, public security and public health. It ensures that citizens of the Union enjoy better administrative and legal protection in the context of measures limiting their right of residence. It even offers complete protection to minors and to those who have acquired a permanent right of residence, by ruling out their expulsion on grounds of public policy. In this respect it incorporates and replaces the provisions of Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health.¹³

¹³ OJ 56, 4.4.1964, p. 850/64. Directive last amended by Directive 75/35/EEC (OJ L 14, 20.1.1975 p. 14).

3.1.2. *The implementation of the Directives on the right of residence of the economically inactive, retired people and students*

On 17 March 1999 the Commission adopted a report¹⁴ on the implementation of Directives 90/364/EEC¹⁵ (right of residence of the economically inactive), 90/365/EEC¹⁶ (right of residence of retired people) and 93/96¹⁷ (right of residence of students).

The report found there had been delays in transposing the Directives in most Member States, with only three of them completing the process by the deadline of 30 June 1992. In a judgment of 20 March 1997,¹⁸ the Court of Justice ruled against Germany for failing to adopt the provisions needed to transpose Directives 90/364 and 90/365 within the specified deadline.

The content of the legislation transposing the Directives has also been unsatisfactory, and the Commission has had to institute infringement proceedings for incorrect transposal against 14 Member States. Most of these proceedings were, however, dropped at a later stage, as the Member States amended their legislation. The Commission did, however, have to take Italy to the Court of Justice. In a judgment of 25 May 2000,¹⁹ the Court of Justice found that Italy had failed to fulfil its obligations under Directives 90/364, 90/365 and 93/96, by limiting the types of proof which could be submitted and, in particular, by providing that certain documents had to be issued or certified by the authorities of another Member State, and by requiring students to guarantee that they had resources of a certain amount and not clearly leaving the student a choice between making a declaration and taking any alternative but equivalent course of action, and finally by not allowing the declaration to be used where students were accompanied by family members.

The Member States finally accepted the logic of the Commission's arguments and amended their transposal measures accordingly. However, the long-drawn out infringement proceedings meant that for a relatively long time the citizens of the Union were deprived of some of their rights, or confronted with unwarranted administrative problems because of incorrect transposal.

The Commission believes that there is a need to:

- improve the provision of information to the public about the extent of their rights in the area of free movement;
- to continue to enforce compliance with existing Community law, for example by vigilant monitoring of Member States' administrative practices;

¹⁴ COM(1999)127 final.

¹⁵ OJ L 180, 13.7.1990, p. 26.

¹⁶ OJ L 180, 13.7.1990, p. 28.

¹⁷ OJ L 317, 18.12.1993, p. 59. Directive 93/96 was adopted after the annulment of Directive 90/366 by Court of Justice.

¹⁸ Case C-96/95 *Commission v Germany* [1997] ECR I-1653.

¹⁹ Case C-424/98 *Commission v Italy* [2000] ECR I-4001.

- to make Community law on the free movement of individuals more comprehensible and to reorganise it around the concept of citizenship. On 23 May 2001 the Commission followed up this final recommendation by adopting the proposal for a Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (see point 3.1.1. above).

3.1.3. *The Communication from the Commission on the special measures which are justified on the grounds of public policy, public security or public health*²⁰

The right of citizens of the Union to free movement, a fundamental and personal right conferred without regard to any economic context, is subject to restrictions and conditions laid down by the Treaty and the provisions implementing it.

Articles 39(3), 46(1) and 55 of the EC Treaty, in particular, allow the Member States to restrict the free movement of persons on grounds of public policy, public security or public health. Such measures must comply with the provisions of Council Directive 64/221/EEC of 25 February 1964.²¹

Noting that this Directive had been extensively interpreted by the Court of Justice over the years and that the introduction of citizenship of the Union changed the context in which the Directive had to be interpreted, and taking account of the lessons to be learnt from the many complaints by citizens about implementation of the Directive, the Commission decided to adopt a communication with the aim of drawing attention to the main difficulties raised by implementation of this Directive and of providing certain guidelines on how to resolve these difficulties.

In its Communication the Commission concluded that:

- The Treaty establishing the European Community provides for Member States to introduce national provisions on grounds of public policy, public security or public health and allows them certain discretionary powers.
- The application of a national definition and national criteria to any measure taken on grounds of public policy, public security or public health is still subject to compliance with Community law. More particularly, when reaching a decision on expelling a person from their national territory, national authorities should be guided by the personal and fundamental right of citizens of the Union to free movement as well as the principle of proportionality and respect for fundamental rights.
- Any measure taken on grounds of public policy or public security should be properly justified by a real and sufficiently serious threat to one of the society's fundamental interests and must respect the individual's fundamental rights as guaranteed in the Community legal order.

²⁰ COM(1999)372 final, 19.7.1999.

²¹ OJ 56, 4.4.1964, p. 850.

- Any administrative or legal guarantee laid down by Directive 64/221/EEC, as interpreted by the Court of Justice, must be strictly respected, including the right to be informed of the reasons for any measure taken and its consequences, and the right to have the case reviewed.
- A comprehensive assessment should be made of the individual's personal circumstances (family, social, cultural situation) before a measure is taken to expel a citizen of the Union or a member of his/her family, regardless of nationality, from the national territory. Such an assessment should be made case by case, without invoking grounds of general prevention. Previous criminal convictions are just one of the factors to be taken into account in this overall assessment and do not, by themselves, justify any measures taken on grounds of public policy or public security.
- Special attention should be paid to preserving the rights (including the right to privacy) of citizens of the Union who are long-term residents or minors, and the rights of the most vulnerable group of beneficiaries, i.e. third-country nationals who are members of the family of a Union citizen.

3.1.4. *Mobility for the purposes of education, training and research*

Two instruments deal with questions of mobility in the areas of education, training and research:

- Recommendation of the European Parliament and of the Council on mobility within the Community for students, persons undergoing training, young volunteers, teachers and trainers, adopted on 25 June 2001.
- the Action Plan for mobility, an initiative by the French Presidency in conjunction with the Commission in response to the mandate from the Lisbon European Council, adopted in the form of a resolution by the Council on 14 December 2000 and approved by the Nice European Council.

The mobility of people involved in training, education or voluntary work is becoming an increasingly important aspect of the assertion of European citizenship and a means of intercultural and social integration.

On the basis of Articles 149 and 150 of the Treaty, the Recommendation seeks to remove the main obstacles that still remain to the free movement of students, trainees, young volunteers, teachers and trainers. It calls on Member States to devise strategies to incorporate the aspect of transnational mobility into their national policies for the groups targeted by the Recommendation.

The Recommendation and Action Plan also call on the Commission to cooperate with the Member States in the exchange of information about the opportunities for transnational mobility, aimed at the specific target groups, with a view to facilitating access, for example by developing an Internet portal providing easy access to the various sources of information on mobility.

Finally, the Recommendation and Action Plan provide for a progress report to be produced for Parliament and the Council every two years.

The Commission is also working on removing obstacles to the mobility of researchers, in line with the objectives set by the Lisbon European Council on 23-24 March 2000 in the framework of setting up a European Research Area. In July 2000 the Commission established a High-Level Expert Group on Improving Mobility of Researchers: this group published a report on the basis of which the Commission issued a Communication entitled "A Mobility Strategy for the European Research Area"²² in June 2001, proposing a number of actions to be launched.

The right of all citizens to move and reside freely in the territory of the Member States is the central right of citizenship of the Union.

The legislation that predates the introduction of citizenship of the Union consists of numerous legal texts relating to specific areas. It is a legacy from the past that should be replaced.

The new proposal for a Directive on the right of residence brings simplicity and clarity. It deals with the main problems and obstacles to the exercise of this right, which were identified in both the Communication on the implementation of the Directives on the economically inactive, retired people and students and the Communication on measures taken on the grounds of public policy, public security or public health.

The effect will be to make it easier to exercise this fundamental right of citizenship of the Union and to simplify Community legislation, thereby implementing the recommendations of the European Parliament and the European Council.

As a result, the practical significance of citizenship of the Union will be enhanced in the eyes of the many nationals of Member States who exercise the right of free movement for varying periods of time.

3.2. The right to vote and stand as a candidate in the Member State of residence

3.2.1. Municipal elections

Article 19(1) of the EC Treaty gives all citizens of the Union residing in a Member State of which they are not a national the right to vote and stand as a candidate in municipal elections in the Member State in which they reside, under the same conditions as nationals of that State.

On 19 December 1994 the Council adopted Directive 94/80/EC²³ laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.²⁴

²² COM(2001) 331 final.

²³ OJ L 368, 31.12.1994, p. 38.

²⁴ For an outline of the content of the Directive, see the Second Report on Citizenship, COM(97) 230 final, point 1.1.

Directive 94/80/EC has now been transposed in all of the Member States.²⁵

On examining the conformity of the national implementing measures, the Commission initiated infringement proceedings for incorrect transposal of the Directive. These primarily related to the arrangements for registration on the electoral rolls, but also, for example, the insistence on a knowledge of the national language or the inclusion of the nationality of non-national candidates on the ballot paper.

As a result of amendments introduced by the Member States involved, most of these procedures were dropped. Four remain open, concerning Austria, Portugal, France and Greece.²⁶ The case against Greece is the only one to have reached the stage of a court action.

Article 13 of the Directive requires the Commission to report to the European Parliament and the Council on the implementation of the Directive, including changes in the electorate since its entry into force, within a year of municipal elections being held in all of the Member States on the basis of the Directive. Given that the last elections took place in France in March 2001, the report in question must be ready by March 2002.

3.2.2. *Elections to the European Parliament*

The right of citizens of the Union to vote and stand as a candidate in elections to the European Parliament in their Member State of residence is enshrined in Article 19(2) of the EC Treaty and was put into effect by Council Directive 93/109/EC²⁷ 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.

Although national measures to implement the Directive were on the whole satisfactory, infringement proceedings had to be instituted against certain Member States for incorrect transposal.

In only one case was it necessary to pursue the Article 226 procedure up to the stage of the reasoned opinion. This was the case against the Federal Republic of Germany. The Commission contested the requirement that citizens of the Union apply for inclusion on the electoral roll before each election, whereas Article 9(4) of the Directive states that Community voters who have been entered on the electoral roll will remain on it, under the same conditions as voters who are nationals, until such time as they request to be removed. The infringement proceedings were dropped following amendment of the German legislation transposing the Directive.

²⁵ Belgium was the last Member State to transpose the Directive, doing so only by the Law of 27 January 1999. The Court of Justice had already found against Belgium for failing to transpose the Directive (Case C-323/97 [1998] ECR I-4281).

²⁶ Portugal and Austria have declared their intention to amend their legislation as called for by the Commission.

²⁷ OJ L 329, 30.12.1993, p. 34.

Directive 93/109/EC was applied for the first time to the elections to the European Parliament in June 1994.²⁸ As required by Article 16 of Directive 93/109/EC, the Commission reported to the European Parliament and the Council on the application of the Directive to these elections.²⁹

On 18 December 2000 the Commission produced a Communication on the application of the Directive to the June 1999 elections,³⁰ to draw attention to the main problems identified and to publicise and promote the good practices identified in certain Member States with a view to increasing levels of participation by citizens of the Union in the political life of the Member State in which they reside.

The Communication reported that the turnout by citizens of the Union in their Member State of residence was low (9%), but higher than in 1994 (5.9%). The Commission found that turnout was increasing in all Member States except Germany. In fact it is the very low rate of voter registration in the two countries that are home to the largest number of nationals of other Member States (France and Germany)³¹ that brings down the Union average, which would be 17.3% if these two countries were not included.

The Communication focuses on two points: how citizens of the Union who are not nationals of the Member State of residence can be informed about their right to vote and stand as a candidate and how to exercise it, and how the system of exchanging information to prevent people from voting twice can be made effective.

On the matter of information for citizens of the Union, the Commission urges all Member States that have not yet done so to introduce a system of direct, personal contact by post with all Community electors residing in their territory.³² Member States should as far as possible encourage voters to put their names on the electoral roll by returning the registration form by post.

The Commission believes that other avenues should be explored, such as providing Community nationals with voter registration forms whenever they have any contact with the local or national authorities. Efforts should now be concentrated on encouraging and facilitating registration on the electoral roll of the Member State of residence, as much as on providing information about the right to vote and stand as a candidate. Encouraging participation should be a continuing process, whereas the traditional information campaigns were conducted only in the run-up to the elections.

With regard to the information exchange system, the Commission found that it once again proved unsatisfactory. This was the result of two different types of factor: the failure of certain Member States to comply with the arrangements put in place for exchanging information and the provisions of certain electoral laws in the Member States, particularly the different deadlines for finalising the electoral registers.

²⁸ In Sweden the first elections to the European Parliament took place on 17 December 1995, in Austria on 13 October 1996 and in Finland on 20 October 1996.

²⁹ COM(97) 731 final.

³⁰ COM(2000) 843 final.

³¹ France and Germany are home to 63% of EU citizens residing in a Member State other than their own. The turnout was 4.9% in France and 2.1% in Germany.

³² At the elections in June 1999, the average turnout in the countries that had used this type of information system rose to 23.5%.

The Commission, in conjunction with the competent authorities of the Member States, will continue its efforts to improve the practical operation of the exchange system within the current legislative framework.

Citizenship of the Union confers the right to vote and stand as a candidate in local and European elections in the Member State of residence.

Some five million people are affected, some of whom were deprived of the right to vote or stand as a candidate in their Member State of origin as a result of residence abroad.

The Commission found a serious lack of information in this area. The available data show that when a specific, direct information campaign has been organised the turnout in the elections in the Member State of residence is considerably above the average for the Union.

The Commission urges all Member States to introduce a system of direct and personal contact with Community electors and to explore new avenues, such as providing detailed information whenever there is any contact with the national or local administrations.

3.3. Right to diplomatic and consular protection

Article 20 of the EC Treaty establishes the right to protection by the diplomatic and consular authorities of any Member State, on the same conditions as the nationals of that State, in the territory of a third country where the Member State of which the citizen is a national is not represented. It also states that the Member States are to establish the necessary rules among themselves and start the international negotiations required.

The Second Report on Citizenship of the Union noted that the representatives of the governments of the Member States, meeting within the Council, had adopted three decisions, the first on the protection of citizens of the European Union by diplomatic and consular representations,³³ the second on the practical arrangements to be made by consular officials³⁴ and the third on the rules for issuing emergency travel documents.³⁵

These decisions will not take effect until all of the Member States have incorporated them in their national legal order, which is not yet the case.

In practice, however, all of the Member States have taken steps to ensure that their diplomatic and consular representations afford appropriate protection and assistance to citizens of the Union who have no representation in a third country in the event of death, accident or severe illness, arrest or detention, or if they are victims of violence or have to be repatriated or otherwise require help.

³³ Decision 95/553/EC, OJ L 314, 28.12.1995, p. 73.

³⁴ Not published in the Official Journal.

³⁵ Decision 96/409/CFSP, OJ L 168, 6.7.1996, p. 4.

The documents to implement this right, which was elevated to the status of a fundamental right by the Charter of Fundamental Rights of the Union,³⁶ are still not legally in force because certain Member States have failed to introduce the necessary legislation at national level.

3.4. Right of petition

Article 21 of the EC Treaty states that every citizen of the Union has the right to petition the European Parliament in accordance with Article 194. The citizens are the main beneficiaries of this right, although the right is extended by Article 194 to all natural or legal persons residing or having their registered office in a Member State. The subject of the petitions must fall within the Community's field of activity and must affect the petitioner directly. Despite the fact that the Committee on Petitions follows a broad interpretation when it decides whether a petition is admissible, a large number of the petitions are declared inadmissible.

The petition is an important opportunity for individuals to have their concerns formally examined by the Community's institutions. Petitioners can also draw attention to the great number of cases where Community law is ignored by different authorities in the Member States or demonstrate weaknesses in areas of Community legislation or the need for revision.

Experience in Parliamentary years 1997/1998, 1998/1999 and 1999/2000³⁷

A steady flow of petitions reached Parliament in the period 1997-2000. In the 1997-1998 Parliamentary year the European Parliament received 1311 petitions, in 1998-1999 1005 petitions and in 1999-2000 958 petitions. The declining trend in the number of petitions (noted in the Second Report) is continuing, with the exception of 1997-1998, when the number of petitions showed an increase on the previous year.

³⁶ Article 46 of the Charter of Fundamental Rights of the Union, OJ C 364, 18.12.2000, p. 1.

³⁷ Source: Reports on the deliberations of the Committee on Petitions during the Parliamentary years 1996-1997 (Document A4-0190/97), 1997-1998 (Document A4-0250/98), 1998-1999 (Document A4-0117/99). The reports can be found on the European Parliament's website (http://www.europarl.eu.int/committees/peti_home.htm).

Petitions received by Parliament over the past ten years

Parliamentary year	Number	Percentage increase/decrease
1990-1991	785	
1991-1992	684	-12%
1992-1993	900	+30%
1993-1994	1083	+20%
1994-1995	1352	+25%
1995-1996	1169	-14%
1996-1997	1107	-5%
1997-1998	1312	+18%
1998-1999	1005	-24%
1999-2000	958	-5%

During the three Parliamentary years concerned, the Committee on Petitions declared 1767 petitions admissible, out of a total of 3275 (54%). Some of the petitions were transmitted to the European Ombudsman and some petitioners referred to another competent body, independent of the European Community.

The high proportion of petitions declared inadmissible is the result of a lack of information about the powers of the Union and each of its institutions. As the Committee on Petitions notes in its report on the Parliamentary year 1999/2000,³⁸ *a number of petitions come to us because people are not clear as to what rights they have as citizens or residents of the EU.*

A total of 920 petitions from the three Parliamentary years concerned citizens' rights, in the field of social affairs, freedom of movement, taxation and recognition of diplomas in the Member State of residence. The large number of petitions relating to citizens' rights shows that citizens frequently experience problems when they are residing in another Member State.

³⁸

Document A5-0162/2000, p. 10.

3.5. The European Ombudsman

The second paragraph of Article 21 stipulates that every citizen of the Union may apply to the Ombudsman. The framework for the Ombudsman's action is laid down in Article 195. Every legal resident, whether a natural or a legal person, has the right to apply to the Ombudsman. The task of the Ombudsman is to investigate cases of alleged maladministration³⁹ by the Community institutions and bodies. The Ombudsman cannot investigate acts of national authorities or of other international organisations.

The Union's first Ombudsman, Mr Jacob Söderman, took office at the end of December 1995 and has produced annual reports⁴⁰ since then containing information about the complaints he has received, the rules governing the admissibility of complaints and the subsequent procedure.

Complaints in the period 1997-1999

During 1997 the Ombudsman received 1181 complaints, 1067 of them from Union citizens. Only 200 of the complaints led to an inquiry by the Ombudsman.⁴¹ In 1998 the Ombudsman received 1372 complaints, of which 1237 were from citizens. 170 led to an inquiry. The figures for 1999 show 1577 complaints (1458 from citizens) and 201 inquiries. No maladministration was found in 59 cases in 1997, 96 cases in 1998 and 107 cases in 1999.

The main institutions subject to inquiries in the period 1997-1999 were the European Commission, the European Parliament and the Council. In this respect there is little difference between the statistics for this period and those from previous years.

Institutions and bodies subject to inquiries, 1997-1999

Institutions and bodies	1997		1998		1999	
	Number	%	Number	%	Number	%
Commission	163	77%	129	75%	163	80%
Parliament	24	12%	27	16%	18	9%
Council	7	3%	7	4%	14	7%
Others	17	8%	9	5%	8	4%

³⁹ The Ombudsman gave the following definition of the term "maladministration" in his Annual Report 1997: "Maladministration occurs when a public body fails to act in accordance with a rule or principle which is binding upon it". Following a proposal by the Committee on Petitions (A4-0258/98), Parliament adopted a Resolution welcoming this definition.

⁴⁰ All the reports are available on the European Ombudsman's Internet site at the following address: <http://www.europarl.eu.int/ombudsman/report/en/default.htm>.

⁴¹ Each year the Ombudsman deals with complaints that are outstanding from the previous year and those into which he has initiated inquiries. The annual figure for inquiries may therefore include these two groups, not just complaints from the year in question.

The main type of alleged maladministration in the period 1997-1999 was the lack of or refusal of information or transparency.⁴² The second most common type was avoidable delay (1997 and 1999) and negligence (1998). Other very common types of alleged maladministration were discrimination, unfairness, abuse of power and procedures, failure to respect the rights of defence.

The statistics from the Ombudsman show that the number of citizens complaining to the Ombudsman has increased every year since 1996. The percentage of complaints within the mandate of the Ombudsman has not increased in the same way, although they seem to be slowly rising. The annual reports for 1997-1999 have all shown a very high percentage of inadmissible complaints: 73 % in 1997 and 1999 and 69 % in 1998. The Ombudsman tries to help citizens in these cases by advising them to address the right institution, for example the European Parliament, or a local or national ombudsman. In a few cases every year, the Ombudsman transfers the complaint to another institution, with the complainant's consent.

4. FUNDAMENTAL RIGHTS

Landmarks during the period covered by this report included the proclamation of the Charter of Fundamental Rights of the Union, the adoption of legal instruments implementing Article 13 of the EC Treaty and measures taken as part of the European Year Against Racism (1997).

4.1. The Charter of Fundamental Rights of the Union

The Charter of Fundamental Rights of the Union was proclaimed jointly by the President of the European Parliament, the President of the Council and the President of the Commission in a ceremony at the time of the Nice European Council on 7 December 2000. It was published in the Official Journal of the European Communities.⁴³

The proclamation was the result of the decision by the Cologne European Council on 3 and 4 June 1999, in which the Heads of State and Government agreed on the need, *at the present stage of the Union's development, to establish a Charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens.*⁴⁴

4.1.1. The convention method:

For drafting the Charter, the European Council decided to convene an *ad hoc* body consisting of representatives of the European Parliament, national parliaments, national governments and the Commission. The idea was first suggested in Cologne, and the precise nature of the assembly was decided at the European Council in Tampere on 15 and 16 October 1999. The body, which came to be known as the "Convention", contained 62 members from four categories: sixteen members of the

⁴² 23 % in 1999, 30 % in 1998 and 25% in 1997.

⁴³ OJ C 364, 18 December 2000, p 1.

⁴⁴ Cologne European Council, Presidency Conclusions, Annex IV.

European Parliament, thirty members of national parliaments, fifteen representatives of the heads of state and government and one Commission representative.

Observers from the Court of Justice of the European Communities and the Council of Europe - one of whom was from the European Court of Human Rights - also participated in the deliberations. The Economic and Social Committee, the Committee of the Regions and the Ombudsman were invited to contribute opinions.

The Convention also heard representations from the countries applying for EU membership.

The Convention's working methods were outlined in the conclusions to the European Council in Tampere. One striking feature of these working methods was the transparency of the proceedings. The Tampere European Council established the principle that the hearings held by the body and the documents presented in the course of these hearings would be made public. This was done by opening an Internet site⁴⁵ where all of the documents relating to the framing of the Charter were made freely available to the public. This openness allowed intensive consultations with representatives of civil society.

The body held its first meeting in Brussels on 17 December 1999. It elected as its Chairperson Mr Roman Herzog, former President of the Federal Republic of Germany. On 2 October 2000 the Chairperson was able to conclude that a broad consensus existed on the draft Charter and forwarded it to the President of the European Council. At their informal meeting in Biarritz, on 13 and 14 October 2000, the Heads of State and Government reached unanimous agreement on this draft.

For its part, the Commission declared its support for the draft Charter in two Communications, published on 13 September and 11 October 2000,⁴⁶ the first of which made a few suggestions as to the formulation of certain rights included in the draft, while the second considered the legal nature of these rights.

4.1.2. *The content of the Charter:*

The Charter brings together in a single text all personal rights: civil and political rights, economic and social rights and rights of citizens of the European Union. This makes it the first instrument of fundamental rights at international level which properly reflects their indivisibility.

These rights are already well established by various means, such as the constitutional traditions and international obligations common to the Member States, the Treaty on European Union and the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and the Council of Europe and the case law of the Court of Justice of the European Communities and the European Court of Human Rights.

⁴⁵ <http://db.consilium.eu.int/df>.

⁴⁶ COM(2000)559 final and COM(2000) 644 final.

The Charter consists of 54 Articles, preceded by a preamble. Apart from the general provisions at the end of the text (Articles 51 to 54), the Articles are grouped around six fundamental values: dignity (Articles 1 to 5), freedoms (Articles 6 to 19), equality (Articles 20 to 26), solidarity (Articles 27 to 38), citizens' rights (Articles 39 to 46) and justice (Articles 47 to 50).

For the purposes of this report, the Commission would draw particular attention to the rights taken from the Treaty establishing the European Community and grouped under Chapter V on citizens' rights: the right to vote and stand as a candidate at elections to the European Parliament (Article 39); the right to vote and stand as a candidate at municipal elections (Article 40); the right of access to documents (Article 42); the right to refer matters to the Ombudsman (Article 43); the right to petition the European Parliament (Article 44); freedom of movement and residence (Article 45); diplomatic and consular protection (Article 46). In recognition of the ever increasing importance of fair administrative procedures in safeguarding personal rights and interests, Chapter V of the Charter also includes the right to good administration (Article 41). This right draws on the principles laid down in this area by a considerable body of Court of Justice case law.

The Charter states that the rights it recognises, which are based on the Community Treaties or the Treaty on European Union, are to be exercised under the conditions and within the limits defined by those Treaties (Article 52(2)). Similarly, the rights which correspond to rights guaranteed by the European Convention for the Protection of Human Rights will have the same meaning and scope as those laid down by the Convention, although European Union law, including the Charter itself, may provide more extensive protection (Article 52(3)).

4.1.3. Future developments with regard to the Charter:

The Nice European Council called for the Charter to be disseminated as widely as possible among EU citizens, as a way of making fundamental rights more visible and as a precondition for a proper public debate on Europe.

The declaration on the future of the Union, annexed to the Nice Treaty, lists the status of the Charter as one of the points for extensive public debate to prepare for the Intergovernmental Conference planned for 2004. In this context, and in accordance with the conclusions of the Cologne European Council, the question of the Charter's force will now have to be considered.⁴⁷

But even before this work has been completed, it is clear, as the Commission stressed in its Communication last October, that the Charter will have an impact, not least on the legal front, by its proclamation alone. The European Parliament, the Council and the Commission can hardly ignore a text which has been drafted at the request of the European Council by all of the legitimate authorities at national and European level, meeting within a single body, and which they themselves have proclaimed.

⁴⁷ Nice European Council, Presidency Conclusions, point I.2.

The proclamation of the Charter of Fundamental Rights, by listing all of the fundamental rights which the Community institutions and Member States must respect and protect when applying the law of the European Union, sends a clear signal that the citizen is now at the centre of European integration.

The goal of creating an area of freedom, security and justice, enshrined in the Treaties, has as its corollary the need to ensure better protection of citizens' rights. The Charter of Fundamental Rights is a response to this need.

It will be impossible for the three institutions that publicly proclaimed the Charter to ignore it in the future, and at the same time, the Charter, whatever its legal status, will inevitably become an essential point of reference for the Court of Justice in the development of its case law on the fundamental rights protected at EU level.

By virtue of its content, its careful legal drafting and its legal merit, the Charter should now be incorporated into the Treaties.

4.2. Legal instruments to combat discrimination

In keeping with its commitment to put forward measures to implement Article 13 of the EC Treaty as soon as possible, and in response to the wishes of the European Parliament, the Member States and Heads of State and Government expressed at the Tampere European Council, the Commission presented a Communication and three proposals aimed at combating discrimination within the European Union.

On 29 June 2000 the Council adopted Directive 2000/43/EC⁴⁸ implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This aims to combat discrimination in all Member States on grounds of racial or ethnic origin in the areas of employment, education, social security, health care and access to goods and services.

On 27 November 2000 the Council adopted Directive 2000/78/EC⁴⁹ establishing a general framework for equal treatment in employment and occupation. The aim is to create a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation in matters of employment and occupation.

On the same day the Council adopted Decision 2000/750/EC establishing a Community Action Programme to combat discrimination (2001-2006),⁵⁰ which has a total budget of € 98.4 million.

⁴⁸ OJ L 180 19.07.2000, p. 22.

⁴⁹ OJ L 303 2.12.2000 p. 16.

⁵⁰ OJ L 303 2.12.2000, p. 23.

The Programme supports and complements the efforts made at Community level and in the Member States to promote measures to combat direct or indirect discrimination. Its objectives are as follows:

- to improve understanding of the issues related to discrimination, by improving knowledge of the phenomenon and evaluating the effectiveness of policies and practices;
- to develop the capacity to prevent and address discrimination effectively, in particular by strengthening organisations' means of action and through support for the exchange of information and good practice and for networking at European level, while taking into account the specific characteristics of the different forms of discrimination;
- to promote and disseminate the values and practices underlying the fight against discrimination, for example through the use of awareness-raising campaigns.

In order to attain these objectives, the Decision provides for a three-pronged strategy:

- improving analysis of the nature and impact of discrimination in the Community;
- supporting organisations involved in anti-discrimination and prevention by enabling them to compare and contrast their approaches with experience in other regions of the Community;
- heightening awareness among the main decision-makers as to the scope for increasing the effectiveness of anti-discriminatory measures and practices.

These documents clearly testify to the Community's determination to promote a juster society. They adopt a pragmatic approach by focusing on the main areas where discrimination is experienced.

4.3. Daphne Programme

In the context of the protection of fundamental rights in general and combating discrimination in particular, it is also interesting to note that the Commission has established a multiannual Community programme (2000-2003) to fight all forms of violence against children, young persons and women (Daphne Programme).⁵¹ This supplements the Commission's legislative activities with financial support for public and private organisations in the Union working on the ground to tackle physical and psychological violence and abuse (including sexual violence). The Daphne programme has already funded approximately 200 projects since 1997, all involving activities of direct benefit to victims of violence. Two impact assessments of these projects were carried out in 1999 and 2000.

⁵¹ Decision No 293/2000/EC of the European Parliament and of the Council, OJ L 34, 9.2.2000, p. 1.

4.4. Measures to combat racism

1997, European Year Against Racism

The European Year was a landmark in the process of intensifying cooperation to combat racism. It succeeded in mobilising individuals and organisations across the European Union. This mobilisation in turn created a climate favourable to political progress. Important examples of such progress include the adoption of new anti-discrimination provisions in the Treaty on European Union, the creation of the Monitoring Centre on Racism and Xenophobia in Vienna, the Action Plan against Racism and the European network of anti-racist NGOs (a direct result of the European Year and an indication of a serious effort to mobilise forces).

Action Plan against Racism

The launch by the Commission of an Action Plan against Racism,⁵² in March 1998, which seeks to place the fight against racism at the heart of numerous European policies, is a direct consequence of the European Year and the progress it achieved.

The main emphasis of the Plan is on enhancing and supporting cooperation and partnerships at every level, in order to foster diversity and pluralism, by strengthening cooperation with and between the different partners.

European network of anti-racist organisations

In the course of the preparations for the European Year, a number of anti-racist organisations indicated to the Commission that they would like to set up a European network of anti-racist organisations.

The groundwork for creating such a structure was carried out in 1998, and some 250 participants, representing a large number of NGOs, attended the conference launching the network from 8 to 10 October 1998, where they agreed on a European policy agenda and action programme and the means of implementing such a programme.

The main aim of the network is to give a European dimension to efforts to combat racism, xenophobia, anti-Semitism and anti-Islamism, in order to create a link between local or national initiatives and European initiatives, to compare experiences, strengthen existing schemes and develop new strategies for tackling racism and promoting equal rights and opportunities.

The network runs European-wide campaigns and cooperates with the European institutions to maximise the impact of European policies on tackling racism. The network also has a crucial role to play in the Community Action Programme to combat discrimination (2001-2006) and in the implementation of the anti-discriminatory directives adopted on the basis of Article 13 of the Treaty.

⁵² COM(1998)183 final, 25 March 1998.

The Monitoring Centre on Racism and Xenophobia

The role of the Monitoring Centre⁵³ is to provide the European Community and its Member States with objective, reliable and comparable information about racism, xenophobia and anti-Semitism at European level, to enable them to take effective measures and develop action plans.

According to the Centre's second report, published in November 2000,⁵⁴ ethnic/racial minorities, immigrants and refugees are victims of racial crimes and discrimination in all of the Member States. Crimes committed by xenophobic groups are primarily targeted at immigrants, foreigners and the Jewish community. Discrimination against Roma minorities was reported in several Member States in 1999.

Most of the discrimination identified in 1999 concerned employment and the labour market.

Racism on the Internet has become a particular concern in certain Member States, in that the Internet is widely used by racist groups to disseminate racist, anti-Semitic, xenophobic and inflammatory ideas to a wide audience with relative impunity.

According to the report, the new European directives based on Article 13 of the EC Treaty should significantly help to improve the situation.

The Centre's tasks include setting up and coordinating a European Racism and Xenophobia Information Network (RAXEN), consisting of a central unit which cooperates with institutions at national level, such as university research centres, non-governmental organisations and specialised bodies. Its role is to collect and analyse the statistics and information available and create a database accessible to the public. It will build up the information, knowledge and experience that can serve as a basis for developing anti-racist strategies in Europe.

5. PUBLIC INFORMATION

The Dialogue with Citizens and Business project is the successor to the Citizens First initiative described in the Second Report on Citizenship of the Union.⁵⁵

The Dialogue with Citizens and Business has two specific aims: to make people aware of their rights within the European Union and to establish two-way communications with citizens in order to obtain feedback about the problems they have in exercising their rights.

In order to provide the public with this information in the form of a permanent dialogue, a service called Europe Direct was created.

The Dialogue with Citizens and Business and Europe Direct websites are also available to provide information and advice from many different sources.

⁵³ The Monitoring Centre was set up by Regulation (EC) No 1035/97. It is based in Vienna.

⁵⁴ This report is available at <http://www.eumc.at/publications/>.

⁵⁵ COM(97) 230 final, p. 19.

The Dialogue with Citizens and Business also provides public information through publications intended to give a general idea of citizens' rights and how to assert them.

Responding to requests from the public, the Commission has accordingly updated the guides published under the Citizens of Europe initiative.

A number of new booklets have also been published. The guide entitled "Enforcing your rights in the Single European Market", published in 2000, and the national factsheets accompanying it, seek to provide citizens with the information they lack on their possibilities for redress if they experience difficulties exercising their rights at national and Community level. "Data protection in the European Union", published in 2001, is a guide to citizens' rights in relation to the collection and use of personal data and what to do if these rights are violated.

These guides may be obtained free of charge by contacting the Europe Direct call centre.

The Europe Direct call centre offers free telephone helplines in each Member State, plus a direct response service via e-mail, letter or fax. It handles enquiries in all 11 official EU languages on all areas of EU policy.

Europe Direct acts as a first point of contact to help people who do not know how or where to find the answers to their questions. It exists to complement the information networks which operate across the Member States, in order to guide the citizens firstly towards basic information and secondly towards the most appropriate of the very numerous specialised or general information services.

The call centre replies to general questions on the European Commission and the other EU institutions. The internal Europe Direct service takes care of questions requiring additional research.

Since 1998 Europe Direct has dealt with more than 200 000 requests for information on all matters related to the activities of the European Commission and the EU institutions in general.

Questions concerning practical problems that people encounter in exercising their rights in the Single Market are transferred to the Citizens Signpost Service, a second level service offering informal legal advice. This service, which is now part of the Dialogue with Citizens and Business programme, uses a team of experts covering all the languages of the European Union.

A report dated March 2000 by the Signpost Service shows that there are only a few cases where enquirers raise problems that are truly enforcement-related and within the scope of EC law. Most enquiries tend to be the result of a lack of awareness about the scope of EC law or confusion as to which institution, EU or national, has responsibility for solving their problems.

When it comes to defence of their rights, citizens clearly tend to over-estimate what they can expect from the EC, particularly when they are residing in another Member State. Even in areas that are obviously national responsibilities, the European Institutions are often perceived to be competent to intervene as a supranational authority in the general interest.

By analysing the problems citizens encounter the Commission can pinpoint information requirements and identify possible failings or deficiencies in the application of Community law. The problems referred to the Signpost Service will also form an integral part of the more general initiative for interactive policy development, currently being implemented by the Commission.

Finally, it is worth remembering that the European Commission organises information visits for some 40 000 visitors every year, as part of its efforts to bring the European institutions closer to the citizens.

The lack of information about the activities of the Union has been a recurrent theme in this report.

This lack of knowledge has the perverse effect of making people assume that the responsibilities and powers of the Union, and the Commission in particular, are greater than they really are.

This finding is underscored by the experience of the Signpost Service, the complaints addressed to the Ombudsman, the petitions to the European Parliament and the letters sent to the various Commission departments.

The creation of Europe Direct and, in the area of the Single Market, the Dialogue with Citizens and Business, of which the Signpost Service is the most important aspect, are both steps in the right direction, providing citizens with the information they need quickly and simply on a decentralised basis. This should also enable the European institutions to take better account of the problems people encounter in exercising their rights when these institutions amend or develop Community policies for Europe's citizens.