

COM-7/018

Brussels, 3 March 2000

OPINION

of the

Committee of the Regions

of

17 February 2000

on

EU Citizenship

The Committee of the Regions

HAVING REGARD TO the decision of its Bureau of 2 June 1999, under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an opinion on EU Citizenship and to instruct Commission 7 - Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights to prepare the opinion;

HAVING REGARD TO the draft opinion (CdR 465/99 rev. 2) adopted by Commission 7 on 3 December 1999... (rapporteur: **Mr Möller** D-PPE)

adopted the following opinion at its 32nd plenary session of 16-17 February 2000 (meeting of 17 February):

1. Introduction

1. Bureau instructions in respect of the Committee's own-initiative opinion

1. In its list of priorities, the COR Bureau attached a high level of importance to the formulation of the blueprint for citizenship of the Union. In *point IV.4 of this document (R/CdR 316/98 rev. 1 Item 11)*, which deals with European citizenship, it is pointed out that:

- The further development of Union citizenship, which expresses a sense of belonging to the Union, is one of the major challenges facing the EU, even more so in view of the enlargement. **Jean Monnet** expressed the aspirational view that "the purpose of European

integration is to unite men, not to build a coalition of governments". This view is still valid, and has a special meaning for the COR.

- We will take full advantage of the expertise of local and regional authorities in the COR for the implementation on the ground of European policies, as these authorities are ideally placed to establish direct links with the citizens of the European Union.
- The role of COR members as "ambassadors" of the regions and localities must be developed, both in the sense of informing the European authorities of the needs and priorities of people in the municipalities and regions, as well as in explaining European policies to the local and regional inhabitants.
- Thus it is hoped that a significant contribution to the concept of European citizenship will be provided, a concept which will be one of the most important live issues which the COR will address.
- In the programme period, the COR will pay special attention to the development of European citizenship, both in legal and in cultural terms.
 2. The aim of this opinion is not to engage in a general reflection on Union citizenship and the development of this concept. The aim is rather to address the significance of Union citizenship to the work of the COR and to the regions and local areas. This prompts the following questions: how can Union citizenship play its role as part of a modern civil society embracing all political levels? How can, in particular, the vertical interconnection between union citizenship and citizenship of the regions and local areas be established and consolidated? We take the view that people will gradually become better aware of Union citizenship and the concept will progressively be put into effect in an improved way as part of the progress towards European integration, since growing day-to-day experience with the many aspects of European integration and the opportunities it provides will increase the level of interest on the part of citizens. In this way a new framework is created within which people become aware of Union citizenship and recognise their interests (**Max Weber**). At the same time, the concept of Union citizenship can and must be promoted through the action of the bodies concerned at EU level and the action of central governments, regions and local authorities. Further measures to provide information in the regions and local authorities would be particularly useful in this context.
 3. The concept used below of citizenship at local and regional level is equally not to be understood in a legal sense, because here too there are significant conceptual differences and divergent traditions between the Member States. For the purpose of this paper, the meaning ranges from membership of a social-territorial unit with rights of self-government up to regional and local identity.
 4. This issue has become particularly topical in view of the instruction given by the European Council in Cologne that a Charter of Fundamental Rights be drawn up; the aim is to give concrete expression to Article 6 of the Treaty on European

Union (as set out in the Treaty of Amsterdam). Point 44 of the Presidency's Conclusions in respect of the Cologne European Council states that "the European Council takes the view that, at the present stage of development of the Union, the fundamental rights applicable at Union level should be consolidated and thereby made more evident". With this aim in view, a conference is to be organised, comprising representatives of the Member States and the European institutions; this conference is to draw up a draft document by the end of the year 2000.

5. Attention is also drawn to the opinions adopted by the Committee of the Regions on the principle of subsidiarity and Union citizenship, the most recent of which is the opinion entitled "Towards a new culture of subsidiarity - An appeal by the Committee of the Regions".

2. **Development of the concept of Union citizenship, including the concept of the "Citizens' Europe"**

1. **Phased formulation of the concept of Union citizenship**

1. The preamble, setting out objectives, is the only section of the Rome Treaties which links the integration process with the development of European citizenship only when setting out objectives in the preamble; this is not a criticism, simply a statement of fact. However, the EEC Treaty, by introducing the basic freedom of movement (and establishment), sets out a key provision for subsequent establishment of Union citizenship. The limitation to persons in gainful employment does, however, show that freedom of movement was at that time seen above all from the standpoint of labour mobility, i.e. as part of the socio-economic processes. An important feature of this early stage was the opening-up of the public service in the Member States to citizens of other Member States, albeit subject to Article 45 of the EC Treaty; this opening-up of the public service essentially derives from judgements by the European Court of Justice.
2. From the 1970s onwards the debate on Union citizenship was intensified with the emergence of the concept of the "Citizens' Europe". The aim at that time was to make the impact of the Community felt in everyday life. An initial list of "special rights" was drawn up at the 1974 summit conference. This list included: a general right of residence; the right to vote and stand for election (at least at local level); the right of access to public offices; and the passport Union. The Tindemans Report of 1975 added a number of further provisions: extension of the individual personal rights (recognition of basic rights and freedoms and the granting to individuals of the right to bring actions before the European Court of Justice in the event of infringements of basic rights) and the extension of freedom of movement (abolition of identity checks at frontiers and recognition of the equivalence of diplomas). The European Parliament, too, called for basic rights to be incorporated into Community law (the right to vote and stand for election, access to elected public office, right of assembly and association and the general right of residence). The term "Union citizenship" was used for the first time in the EP's draft document on the establishment of the European Union (1984).
3. The introduction of direct elections to the European Parliament (the right to vote and the right to stand for election to the EP became civil rights) was a further key step.

4. The Adonnino Committee, established in 1984, set out the following agenda: removal of frontier formalities; mutual recognition of diplomas and examination certificates; general right of residence, irrespective of whether or not the person concerned is engaged in gainful employment; the granting of the right to vote in local elections to citizens of other Member States; standard voting provisions in respect of elections to the European Parliament; the establishment of an EP ombudsman and the right to petition the EP and complain to the ombudsman; more cultural exchanges and exchanges involving young people and sport.

2. **Enshrinement of these rights in the Treaty of Maastricht and the Treaty of Amsterdam**

1. Many of the above provisions were incorporated into primary European law by the Treaty of Maastricht. Provisions on Union citizenship were set out in a separate part of the EC Treaty, thereby making them one of the key aspects of EU integration policy.
2. The establishment of the Committee of the Regions created an EU institution directly committed to the achievement of the objectives bound up with the concept of Union citizenship.
3. The Treaty of Amsterdam brought further achievements: improvements in safeguarding the basic rights of citizens of the Union (new Article 6 of the EU Treaty); enhanced status for social policy and the inclusion in the Treaty of responsibility for employment policy.

3. **Observations and recommendations on Union citizenship from the standpoint of the regions and local areas**

The observations set out below address first of all the link between Union citizenship and citizenship of the regions and local areas. They then go on to address the question of how to define the role and tasks of the COR and the measures to be taken to promote Union partnership.

The term "citizenship" is extremely multi-faceted as it can cover all social, economic, political and cultural aspects of human society. At the heart of "citizenship" lie two principles: the existence and sovereignty of a political unit, irrespective of the spatial level involved; and the fact that this political unit is able politically to integrate those who live within its boundaries. In the course of the debate in Commission 7, attention was drawn to the fact that citizenship takes on different forms in the various Member States, depending on the particular - especially historical - circumstances involved. The concept of "active citizenship" is designed to counteract tendencies on the part of the public to draw away from civic commitment.

1. **Link between union citizenship and citizenship of the regions and local areas**

1. Union citizenship is, to a very large extent, an extension of citizenship of the regions and local areas, as is immediately clear from: the general right of residence and the right of inhabitants of other EU Member States to participate in local elections. In the case of other aspects - such as the right to petition the EP and complain to the ombudsman - union citizenship does not have a regional or local dimension.

2. **Citizenship of the regions and local areas**

1. Citizenship is the factor on which the legal status of the regions and local authorities is built and which lies at the heart of their perceived roles. The concept of citizenship essentially comprises three dimensions:

- the **social and spatial dimension**: regions and local areas are the spatial units in which people are grouped together, through the intermediary of neighbourhoods and within the framework of their diverse everyday lives. By virtue of tradition, regional and local culture and joint modernisation schemes, regions and local areas take on an identity which is perceived both from within these areas and by those outside these areas;
- the **political dimension**: citizenship embraces regional and local democracy and its institutions. These institutions have been set up on the basis of the civil right of self-government, often only achieved after protracted conflicts with central governments aspiring to a monopoly of power;
- the **development dimension**: this dimension involves the joint organisation of amenities, in particular essential public services and their modern development.
- Regional and local authorities require further information on how the rights of Union citizens are put into effect in other EU Member States and on the implementing measures to be taken at regional and local level.

3. Triple definition of Union citizenship in terms of European integration

1. The historical development of the concept of European citizenship (see point 2.1 above) has brought about a multi-faceted definition:
 - Under the second part of the EC Treaty, Union citizenship comprises a series of civil rights (general right of residence, right to vote and to stand for election in elections to the European Parliament, right of citizens of other EU Member States to vote and stand for election in local elections, right to petition the EP and complain to the Ombudsman etc.). This then is the Treaty definition of Union citizenship.
 - Union citizenship can also be seen as that part of European integration policy which embraces all EU policies having a direct bearing on the individual citizen and which lays down rights and duties over and above those set out in the first indent.
 - Finally, Union citizenship can involve those specific policy areas - such as culture - which are particularly suited to promoting close relations between the EU and the public.

2. It is perfectly legitimate to use each of the three abovementioned definitions of

union citizenship. They are not mutually exclusive but can act in synergy to form a powerful instrument for promoting European integration.

3. Union citizenship is thus a multi-dimensional all-inclusive policy area involving approaches, objectives, and means. The common thread is that each of these aspects relates directly to the public.
4. The following policy areas, in particular, may be covered either wholly or in part, by the term "Union citizenship":
5. Freedom of movement and freedom of establishment:

- freedom of movement for workers;
- freedom of establishment;
- border checks;
- access to public offices and employment in the public service to citizens of other EU Member States.

6. Union citizenship as provided for under the second part of the EC Treaty:

- general right of residence;
- right to vote and stand for election in local elections and elections to the European Parliament;
- diplomatic protection;
- right of petition to the EP and complain to the Ombudsman ;
- respect for basic rights;
- the outlawing of discrimination.

7. Specific policies relating to human resources:

- education policy;
- cultural policy;
- youth policy;
- social policy;
- health policy;
- employment policy.

8. Information, subsidiarity and public participation:

- transparency and public consent;
- Committee of the Regions;
- subsidiarity, citizenship and the attendant right to local and self-government, seen as concepts which are supplementary and mutually dependent.

4. **The link between Union citizenship and citizenship of the regions and local areas**

1. Union citizenship adds a European dimension to local and regional citizenship. Union citizenship is becoming more and more important with growing integration, both as a result of the increasing number of members of the public invoking Union citizenship and the additional political measures adopted. The term "adds" is intended to imply that regional and local citizenship take precedence since localities and regions are one of the basic forms of Community life (definition coined by neighbourhood sociologists).
2. It is also to be noted that the policy of solidarity implemented by the European Union via the Structural Funds has made it possible to widen the principle of solidarity which is one of the elements of regional and local citizenship and to give it a European dimension
3. From a practical standpoint, measures which have a direct bearing on the inhabitants provide the link between Union citizenship and regional/local citizenship. In the regions and local areas such measures concern all the inhabitants whereas, in the case of citizenship of the Union, it frequently happens that only particular sectors of the population, who may require a specific treatment, are concerned. Examples are incomers from other EU countries (who benefit from provisions such as those relating to the right of residence, the right to take part in local elections and public service employment) and groups within the indigenous population wishing to relocate (freedom of movement and exchange programmes). In some particular cases, Union citizenship may involve the whole population (elections to the European Parliament).
4. An administrative link between the two forms of citizenship arises as a result of the fact that - for example in the case of the general right of residence - incomers from other EU Member States address themselves to regional or local authorities.
5. The case of the right to participate in local elections illustrates a particularly close link between the two forms of citizenship. Every EU citizen living in a particular Member State - irrespective of his or her nationality - has the right to vote and stand as a candidate in local elections; the same conditions apply in this respect to citizens of other Member States as apply to citizens of the Member State in which the local elections are held.
6. A close link between the two forms of citizenship may also arise for geographical reasons, particularly in the case of inter-regional cooperation or local partnerships in border regions. A number of examples of close interconnection between the two forms of citizenship have already developed in the Euregios, stimulated by the proximity of different Member States.
7. In addition to the technical link, there is also an institutional link. There should therefore be no incompatibility between Union citizenship and the institutional basis of local/regional citizenship; it is above all essential that the right of self-government - which is also a civil right - should not be impaired.

5. **The relevance of Union citizenship to the work of the COR**

1. The Committee of the Regions, which keeps a watching brief on the social, economic and cultural issues of concern to the public - in regions and local areas "is well placed to contribute to the concept of Union citizenship". The COR is in a position to build awareness of the legal, political and technical interconnection between Union citizenship and regional/local citizenship. The COR is thus able

to act as an intermediary between the EU authorities and the regional and local authorities in the field of Union citizenship (in both the narrow and the broad meaning of the term). This role can and should be further expanded.

2. The main **institutional** aspects of this role include:

- an analysis of the legal and political interconnection and the administrative intermeshing of Union and regional/local citizenship;
- attention should be paid in this context to compliance with the principles of self-government and subsidiarity;
- Union citizenship as an important strategy for developing a sense of belonging to the EU.

3. The main **policy** aspects of this role include:

- fleshing out Union citizenship;
- public information campaigns;
- using the expertise of regional and local authorities, deriving from their closeness to the people, to improve EU policies.

4. A number of essential tasks have to be carried out in order to enable the COR to fulfil this role:

- identification of the elements of the above-mentioned policies which are relevant to Union citizenship and determination of their regional and local implications. As far as is known, no assessments have so far been made of the regional and local implications of Union citizenship (in all of the various definitions of this term). Such assessments are required in order to provide an overview of the full scope of Union citizenship and the various implications as regards integration policy;
- the link between Union and regional/local citizenship needs to be taken into account to a greater extent in COR opinions. The COR should demonstrate both the fact that and the way in which Union citizenship and citizenship of the regions and local areas are mutually dependent and complement each other as regards their political and democratic *raison d'être* and in material implementation.

5. The COR can also help to launch an EU-wide debate on how to revive a sense of civic commitment. Experiments are being made with a number of instruments (such as young people's parliaments set up at local level, adult education and the use of the information society) with a view to strengthening the concepts of citizenship and regional and local democracy.

6. The special importance of informing the public

1. By definition, Union citizenship can not have the same direct impact on everyday life as regional/local citizenship. European values, rights, duties and integration objectives need to be imparted through the provision of information.
2. A survey of the information on integration already available to the EU public clearly indicates that what is required at present is probably not so much new measures but rather improvements in the way in which information is passed on and action taken. There is no point in considering further measures to extend Union citizenship if the EU public has not been informed about the rights and assistance which already exist.
3. The COR is in a position to operate as an intermediary on behalf of the EU public. There are a number of reasons why the COR can carry out this role effectively; one such reason is that members of the COR are backed up by a network of associations representing, at both national and EU level, all the various regions and local areas. It is vital that the potential of the regions and local areas to serve as a conduit for information is not disregarded. Indeed, appropriate strategies should be adopted for promoting this potential.
4. When information is being provided, however, we must avoid giving the impression that Union citizenship does not go beyond the provisions of the second part of the EC Treaty. There is a need, instead, to provide information on all areas which have a direct impact on the EU public.
5. In view of the links between Union and regional/local citizenship, regional and local bodies are key contact points for the provision of information. As these bodies implement a large number of provisions relating to Union citizenship (right of residence, right to participate in local elections and cross-border assistance) it is to them that the public turns for information in a large number of fields.
6. Regional and local authorities require further information on how the rights of Union citizens are put into effect in other EU Member States and on the implementing measures to be taken at regional and local level.
7. The SYMBIOSIS Network was set up in the early nineties at the instigation of DG X. After achieving good initial results, the network was discontinued. This network essentially made available handbooks and electronic media which enabled the public to seek advice on all individual aspects of Union citizenship. This network was very useful for both the persons seeking information and the staff of regional and local authorities. This approach should be taken up again and, at the same time, the extent to which the Internet could provide new access facilities should be examined.
8. Consideration should be given to reviving this instrument, which could now be operated much more effectively using the technical possibilities offered by the internet. The EU's "Europe Direct" programme is already providing a considerable amount of information, including a direct advisory service, operated via a call-centre. The EU has been very active in promoting the goals of "closeness to the people" and transparency as part of the information society. These information services do, however, still need to become part and parcel of the spheres in which people live and work, i.e. they need to be made available

also in regional and local government offices, in schools, libraries and adult education establishments.

7. The importance of exchange programmes

1. Union citizenship gains in importance the more members of the public (be they young people, school children, students or people in gainful employment) stay for periods of time in other Member States. Educational, youth and cultural programmes are consequently highly important in the context of Union citizenship. The COR should put forward proposals on linking relevant EU programmes more closely with the aims and principles of Union citizenship.
2. In this context, there is a need to examine how important regional and local partnerships are to European citizenship. These partnerships constitute the densest networks in Europe which directly involve the public. They do much to promote a cross-border mindset.
3. It is essential to introduce support machinery for regions and local areas in the accession states, in order to enable European movement similar to that existing in the original Member States.
4. The Committee of the Regions should drawn up an opinion on the role of EU culture and education policy with respect to Union and local/regional citizenship.
5. In view of the considerable importance of regional and local authorities in fostering partnership in the EU, it is proposed that a programme of study grants be introduced for the members of their staff responsible for issues such as voting rights in local elections, right of residence and advisory services. By making provision for young administrative officials to visit partner authorities to observe their working practices, a network of direct links could be established which would promote mutual understanding and the dissemination of best practice.

4. Conclusions

1. Union citizenship constitutes both a means and an end for EU integration policy. This citizenship is a goal since European integration can only be sustained if the public in the Member States perceive and support it as a matter of common concern. From this point of view, Union citizenship gives legitimacy to EU integration policy. Union citizenship is likewise an instrument of EU integration policy since it entails rights, support measures and networks in a wide variety of fields which serve to promote public identification with the EU.
2. Union citizenship adds a cross-border element to regional/local citizenship. This benefits nationals of a given Member State who wish to avail themselves temporarily or permanently of rights attendant upon Union citizenship in connection with particular circumstances in their lives. It also benefits EU citizens migrating to a given Member State from other parts of the Community or third countries. There are direct links between Union citizenship and regional/local citizenship when it comes to putting Union citizenship into effect (which also presupposes that people are aware of the rights involved); an example which particularly springs to mind is that of the right of citizens from other Member States to vote in local elections. There is however also a need and scope for local action with respect to right of residence and other measures having a bearing on Union citizenship.

3. Union citizenship therefore cannot and should not be assessed and developed in isolation from citizenship of the other territorial units. The success of Union citizenship depends to a large extent on how it can be incorporated into existing citizenship and democratic structures and on the measures adopted by regional and local authorities.
4. The future draft legislation in policy areas which have an important bearing on Union citizenship should take account of the need for devolution in the Union. In order to underline this principle, an appropriate article should be added to the second part of the EC Treaty, along the lines of the one on the environment.
5. The COR should make it clear that ~~a~~ subsidiarity, citizenship and regional and local self-government are effective instruments for policy on Union citizenship. The right to regional and local self-government should be included in the forthcoming charter of fundamental values and freedoms. In this connection, the Committee of the Regions would recall its desire to declare a "European Year of regional and local self-government", in order to highlight the particular role of regional and local self-government for EU citizenship.

Brussels, 17 February 2000

The President

The Acting Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

Jos Chabert

Vincenzo Falcone

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