

Claim your EU rights!

A short guide for citizens on the move

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SESSION OVERVIEW

A

INTRODUCTION: WHICH RIGHTS?

B

DISCUSSION: BEST WAY TO ENFORCE?

C

GROUP WORK



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Citizens?



- Rights
- Participation
- Belonging

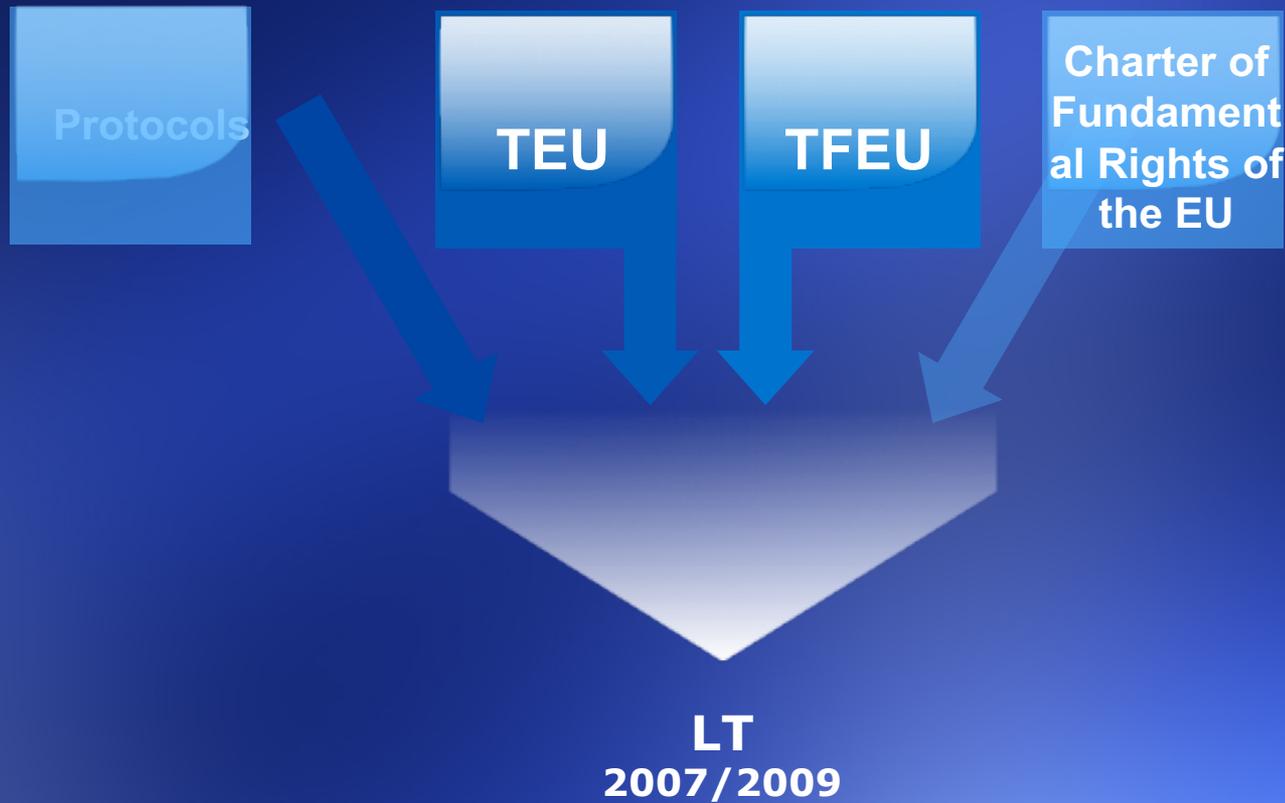
THE LISBON TREATY



'Lisbon Treaty'



Constitutional Framework of the EU



I WHICH RIGHTS?



'Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship'
(Article 20(1) TFEU)

The core rights from EU citizenship have been categorized into:



- rights relating to free movement and residence;
- political rights ;
- (+access EU institutions)
- right to diplomatic and consular protection

Under the Treaties (in particular Articles 20-25 TFEU, 11(4) TEU), Union citizens have:



- The right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that state;
- The right to move and reside freely within the territory of the Member States;
- The right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as its nationals;
- The right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language;
- A group of at least a million EU citizens have the right to propose a Citizens' Initiative - inviting the Commission, within the framework of its powers, to submit a proposal on matters where they consider a legal act is required for implementing.

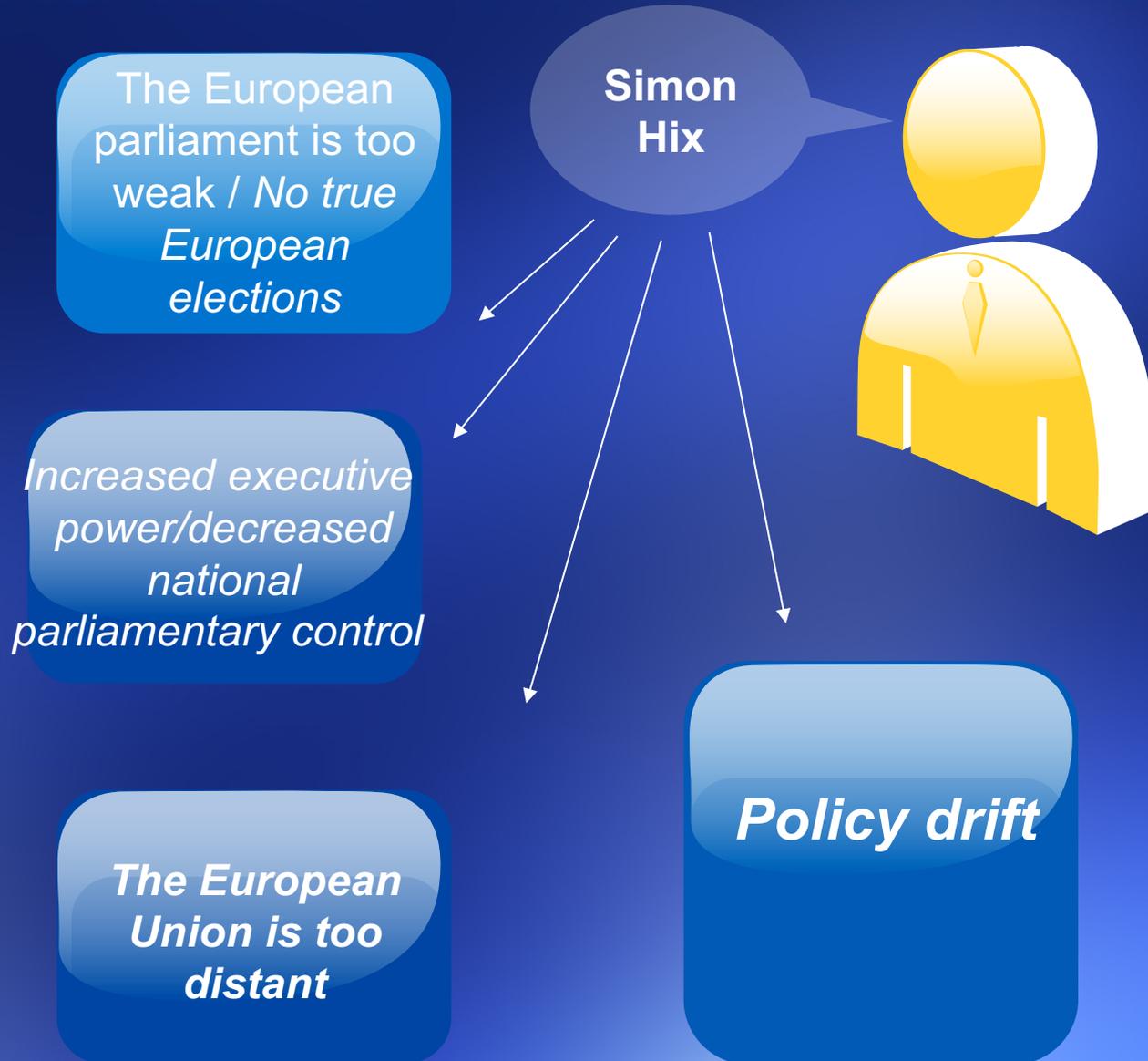
I.1.1. Political rights???



Democratic deficit?



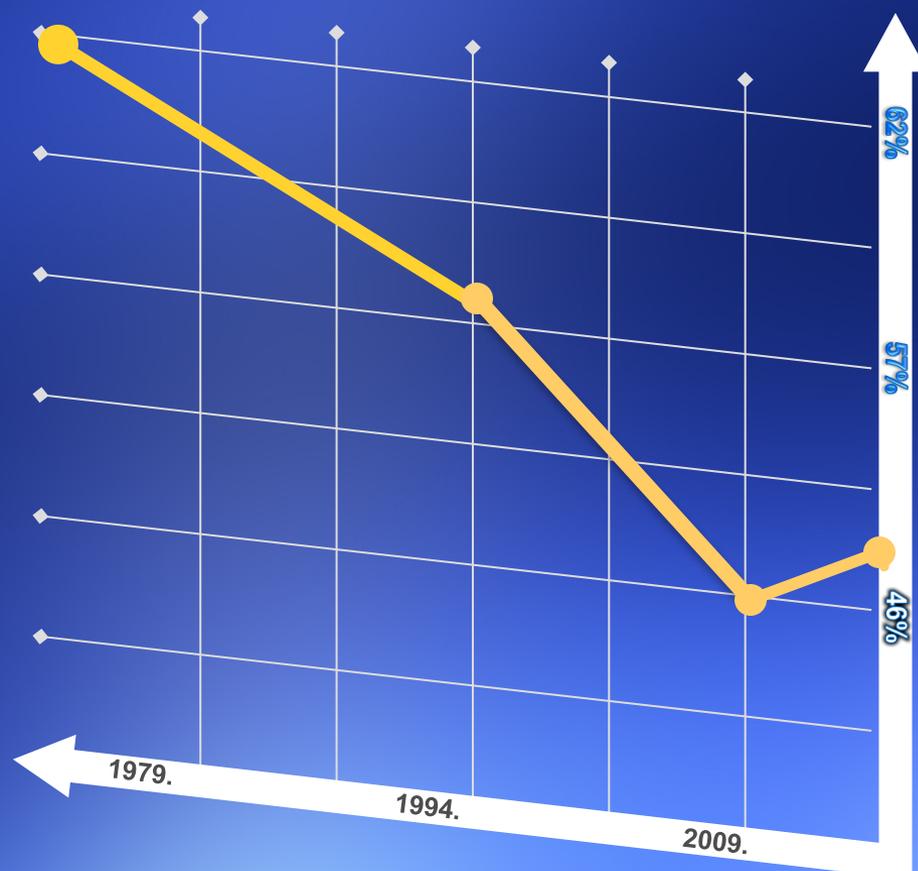
I “Standard” democratic deficit



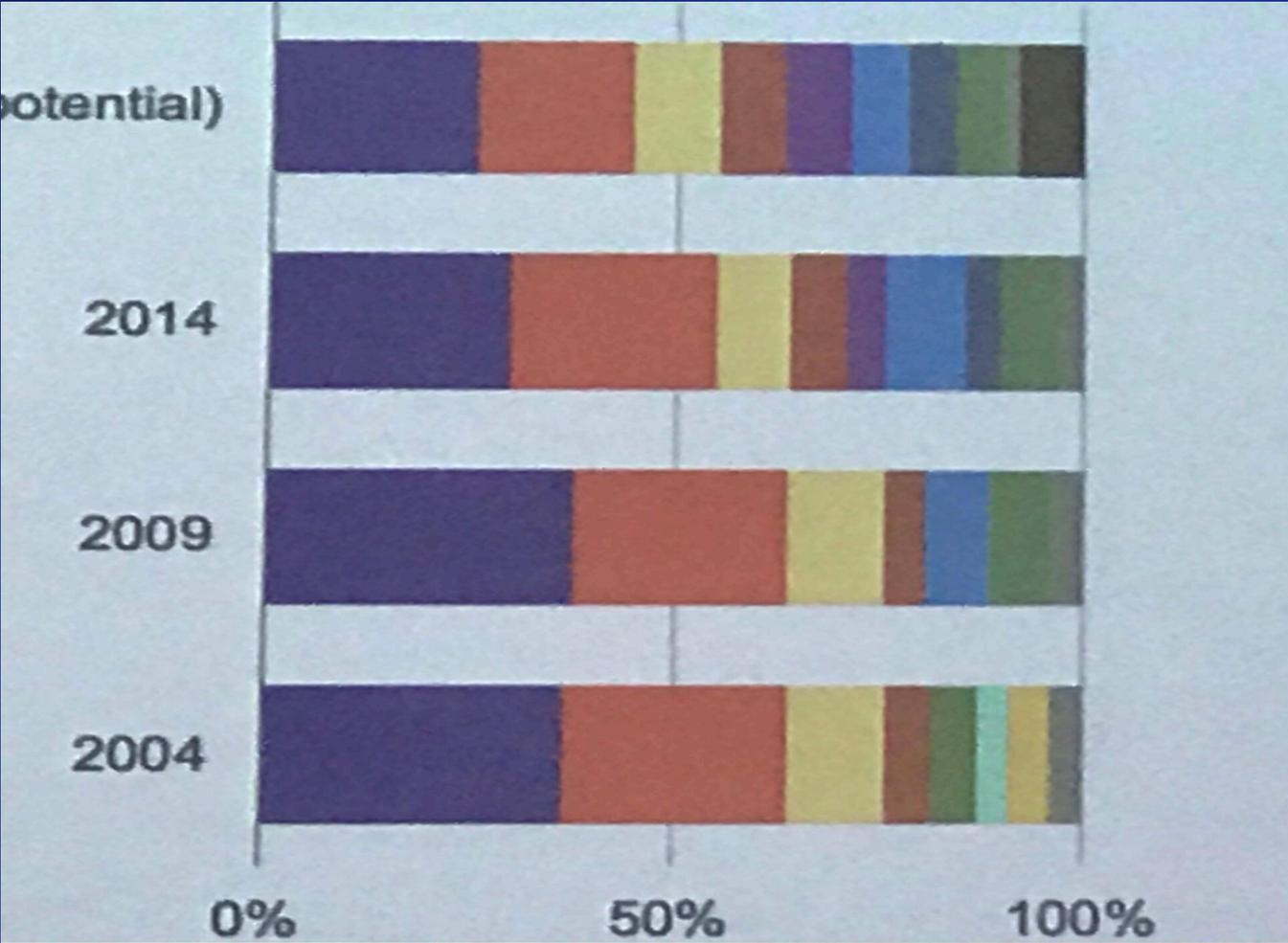
Euro-elections turn-out



- 1 1979. – 62%
- 2 1994. – 57%
- 3 2009. – 43%
- 2014.- 43.09% 😊



Euro-elections results



I.1.2. Informed choice on our political rights: A OFFICIAL PLATFORM



European elections

23-26 MAY 2019

thistimeimvoting.eu



B What else is out there



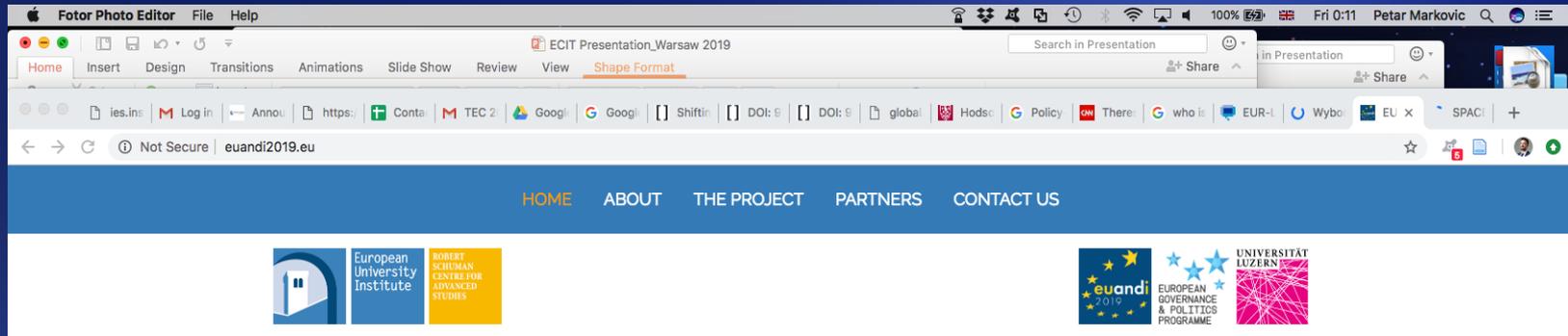
**YOU
VOTE
✓
EU**

Log In / Sign Up  English  Share  



Compare your views with the actual decisions made by the politicians who are asking for your vote at the 2019 European Parliament elections!

Check your backpocket!



Find your party in the next EP elections

Do you want to know which political party is the best match for you in the next European Elections?

euandi2019 is the Voting Advice Application built to give you the answer! It consists of 22 policy statements that you are asked to evaluate. Then, it calculates how much your preference matches with the main political parties. You can find your best party anywhere - in your country, in another EU country or all across Europe.

euandi2019 will be live on April 26th, exactly in

34days 22hours 48minutes 55seconds

In the meantime, if you need to know exactly where and how you can cast your vote in the European elections, check this out:

[spaceu2019](#)

III Manifestos



1. The European Parliament should make the next legislature the citizenship legislature in all areas of EU policy; a special year on European citizenship should be organised.
2. Produce a blueprint to explain what European citizenship is by bringing its scattered features together.
3. Enforce European rights to freedom of movement effectively and create a free movement solidarity fund.
4. Europeanise the European elections and support the introduction of crossborder universal suffrage.
5. Call on the new Commission to produce a white paper on European governance and the citizen
6. Make deliberative and participatory democracy a permanent pillar of EU decision-making through a European Citizens' Agora
7. Create a European Citizens' House
8. Introduce a European citizen card
9. Create rights to be informed, educated and for all to be able to enjoy the benefits of European citizenship.
10. Reconsider European citizenship itself in a revision of the EU Treaties

I.2. Freedom of movement



- Directive 2004/38
- Implementation
- infringement proceedings launched against Member States in the area of free movement and residence of EU citizens
- Means of enforcement?

I.2. QUIZ



- You are contacted by a Polish citizen who is experiencing problems in obtaining a visa for his Ukrainian wife. The couple intend on moving to the Netherlands as the Polish citizen has been offered a job in Utrecht. The Ukrainian wife has been informed over the telephone by the outsourcing agent for visa applications - VFS Global - that she cannot apply for a Schengen visa to join her husband in the Netherlands under Article 5(2) of Directive 2004/38. She has been told must instead apply for a family reunification visa.
- What is the most appropriate course of action for this couple to take?



10) Dialogue with/services for the Citizens I



- Your Europe: Dialogue with Business
- Your Europe: e-Services for Citizens

- Your Voice
- Your Europe Advice
- SOLVIT

What is Your Europe Advice?



- https://europa.eu/youreurope/citizens/index_en.htm
- <https://www.youtube.com/watch?v=BSR-pUTya2E>

EU's online resolution network



SOLVIT★

Solutions to problems with your EU rights



Adobe Reader File Edit View Window Help

EU Rights Clinic and Enforcement of EU rights - Anthony Valcke.pdf

30 / 95 314%

Tools Sign Comment

SOLVIT BASICS HOW IT WORKS

COUNTRY A

COUNTRY B

HOME SOLVIT CENTRE

LEAD SOLVIT CENTRE

Work together to present problem and discuss solution

Work together to negotiate problem

Work together to find solution

Citizen or Company

National Public Authority

Problem arise

Problem solved

The diagram illustrates the SOLVIT process across two countries, Country A and Country B. In Country A, a Citizen or Company (represented by a blue oval) interacts with the Home SOLVIT Centre (represented by a blue triangle). In Country B, a National Public Authority (represented by a blue rounded rectangle) interacts with the Lead SOLVIT Centre (represented by a blue triangle). The process begins with a 'Problem arise' (indicated by a starburst icon) which is then resolved ('Problem solved', indicated by a smiley face icon). The flow of information and action is as follows: 1. The Citizen or Company in Country A works with the Home SOLVIT Centre to present the problem and discuss a solution. 2. The National Public Authority in Country B works with the Lead SOLVIT Centre to negotiate the problem. 3. The Home SOLVIT Centre and Lead SOLVIT Centre work together to find a solution. 4. The solution is then communicated back to the Citizen or Company in Country A and the National Public Authority in Country B.

QUIZ 2



- You get a telephone call from a panicked Italian citizen who has just received a decision withdrawing her right of residence from the Belgian immigration office (Office des Etrangers /Vreemdelingenzaken) on the basis that she has no genuine chance of finding work in Belgium. The decision informs her that she has 30 days to leave Belgium. The citizen has already worked in Belgium for over a year and has now been looking for work for seven months. She wants to know what she can do as her child has just started the new school year in Brussels.
- What is the most appropriate course of action for this Italian citizen to take?

What is the most appropriate course of action for this Italian citizen to take?



- A The citizen should complain to the European Commission about the decision of the Belgian immigration office and ask them to investigate.
- B The citizen should lodge an appeal against the decision of the Belgian immigration office before the European Court of Human Rights alleging breach of her right to family life.
- C The citizen should contact a Belgian Member of the European Parliament and ask for them to intervene with the Belgian immigration office to withdraw the decision.
- D The citizen should appeal the decision before the Belgian courts and seek legal advice as soon as possible.

Recourse to national courts



Art.19(1) TEU:

‘Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.’

Directive 2004/38, Article 31

“The persons concerned shall have access to judicial and, where appropriate, administrative redress procedures in the host Member State to appeal against or seek review of any decision taken against them on the grounds of public policy, public security or public health.”

Obstacles to court proceedings



- Costs
- Complexity of court procedures
- Legal aid
- Timing* obtaining the assistance of a lawyer is highly advised!

Alternatives to court



- Administrative review
- National ombudsman
- The media!

QUIZ 3



- If an individual complains about a breach of EU law by a Member State to the European Commission and the Commission takes no action and closes its investigation, which one the following is a correct consequence?

Right of correspondence with EU institutions



- Article 24 TFEU (ex Article 21 EC)
“Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 13 of the Treaty on European Union in one of the languages mentioned in Article 55(1) of the Treaty on European Union and have an answer in the same language”
- Article 41 EU Charter of Fundamental Rights
“4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.”
- Article 13 TEU...
“The Union's institutions shall be:— the European Parliament,— the European Council,— the Council,— the European Commission (...),— the Court of Justice of the European Union,— the European Central Bank,— the Court of Auditors.”

Complaining to the European Commission about infringements of EU law



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 EUROPEAN COMMISSION

European Commission > Complaints

Complaints

- Making a complaint
- Multiple complaints

Complaint form

Alleged breach of Union law by a member state

I. IDENTITY AND CONTACT DETAILS

1. INDIVIDUALS

First name (mandatory):

Surname (mandatory):

2. BUSINESSES OR ORGANISATIONS

Name (mandatory):

Sector / field of activity and location(s) where active

3. ADDRESS OR REGISTERED OFFICE

Please inform the European Commission of any changes to your address and any event likely to affect the handling of your complaint.

Providing your email address will make it easier for the Commission to contact you.

Address (mandatory):

What can the Commission do?



- Reject the complaint
- Open an investigation
- Start “EU Pilot”
- informal talks aimed at resolving issue without going to court
- Initiate proceedings before CJEU under Article 258 TFEU



EUROPEAN CITIZENS' INITIATIVE (ECI)



Art. 11.4 TEU
Art. 24.1 TFEU

- Regulation Revised!!!





WATER
is a Human Right





 STOP VIVISECTION

The logo consists of three vertical bars of varying heights and a solid circle to the left of the text. The text "STOP VIVISECTION" is written in a bold, blue, sans-serif font.



The central graphic illustrates the stages of human development from fertilization to adulthood. It features a sequence of icons: a red fertilized egg, a red embryo with multiple cells, a yellow fetus, a green infant, a blue toddler, and a blue adult silhouette. Below these icons, the text "ONE OF US" is written in large, bold, purple capital letters.

ONE OF US



STOP
GLYPHOSATE

III GROUP WORK



ECI



- Activity 1: go onto the ECI Forum:

<https://collab.ec.europa.eu/wiki/eci/display/ECI/European+Citizens%27+Initiative+Forum>

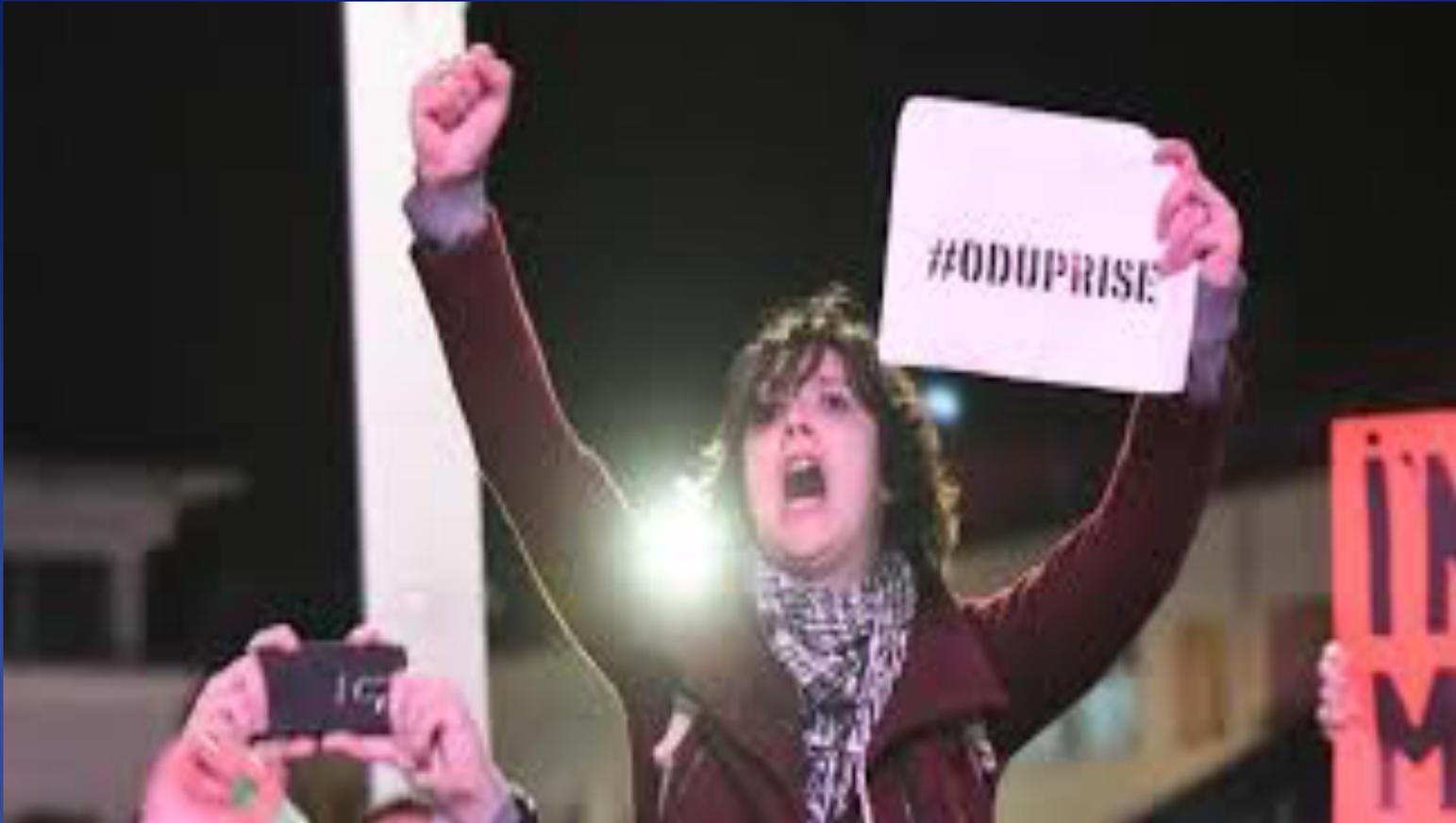
- Activity 2: sign an ECI (don't forget to bring your ID!)

<http://ec.europa.eu/citizens-initiative/public/welcome>

EP ELECTION PLATFORMS?



How can this knowledge help us #resist the populists' tide and break the gates of the city open for Europeans?





Thank you!!!

Contact: perunbd@gmail.com