



EFC STATEMENT

EFC Contribution to European Commission public consultation on EU Citizens' Rights-The way forward

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The European Foundation Centre (EFC)¹, the principal representative organisation of public-benefit foundations, welcomes the debate initiated by the European Commission on the citizens' rights stemming from EU citizenship and the concrete possibilities for strengthening and completing them. Indeed, this consultation should be seen as a step further in the development of a European project which puts citizens at its heart and allows their full and effective participation and action in the European project.

Citizenship issues are of key importance for foundations. Foundations are the result of citizens' right and willingness to support public interest action and are therefore an expression of citizenship action. They also play a key role in the field of citizenship, enabling and encouraging citizens' participation in the development of a citizens' Europe that meets their demands and aspirations. Their contribution in this field takes many forms and addresses different aspects of European citizenship including empowering European citizens, engaging citizens in EU policy making, enhancing mutual understanding and promoting European identity, informing citizens about EU objectives, EU policies and citizens' rights and supporting citizen-led European initiatives.

If we want to be successful in achieving an effective implementation of the rights linked to the citizenship of the Union, **citizenship issues should be considered in a wider context.** Citizenship is not just a legal status, defined by a set of rights and responsibilities; it is also an identity and an expression of one's membership in a community. In this sense, European citizenship should be considered as an important dimension of building transnational community as well as identity. Promoting the involvement of citizens and civil society in the European project is also essential to develop citizens' feeling of belonging to the European Union and increasing their interest and involvement in the democratic life of the EU.

It is important that measures undertaken to promote **European citizenship and active citizenship** are linked and complement and reinforce each other. The Commission should therefore ensure that there are synergies and complementarities across the actions undertaken by different Directorate-Generals and services and under different programmes regarding citizenship issues.

In this context, the EFC is pleased to share its views on citizenship rights, including the right of citizens to set up European foundations to promote citizenship action and the need to look at European citizenship in the broader context:

I. Upgrading the European framework for citizens' involvement and active citizenship

The Treaty of Lisbon brings with it a great deal of potential in terms of citizenship, both in terms of citizens' rights as well as in relation to the recognition of the importance of the involvement of citizens and civil society organisations at EU level, as a complement to representative democracy. The new principles and instruments for participatory democracy introduced by the Treaty, including the Citizens' Initiative and civil dialogue, should be fully implemented.

• Setting up a European legal framework for foundations to promote citizenship action

The EFC has long been calling for a **European Foundation Statute**², which would provide a robust and flexible new legal instrument of support for citizens' action and participation at the European level in their various fields of interest, including public health and consumers' rights, rule of law, and cultural and other fundamental rights. The EFC calls on the European Commission to conclude its internal impact assessment on the European Foundation Statute and present a draft regulation for approval by the Council and the European Parliament in due course.

¹ www.efc.be

² <http://website/EuropeanFoundationStatute/Pages/EuropeanFoundationStatute.aspx>

The last few years have witnessed an increase in interest and activities by foundations' founders and funders –who are individual citizens- to work across borders as a result of their international interests, their increasing geographical mobility during their working lives and upon retiring, and the related increased geographical spread of their assets across Europe and beyond. But laws are not keeping up with these trends. Foundations and their founders/funders face a number of civil and tax law barriers which are hampering their cross-border work. As a result of the lack of appropriate legal tools, new European initiatives are delayed or abandoned. **Europe should allow individual citizens and foundations to pool resources for public benefit projects.**

There is a need to address the gap that remains between the applicable legal rules regarding citizenship of the Union and the practical reality citizens face in their daily lives, in particular in cross-border situations. Attention should be paid to those areas of key importance to allow citizens to fully exercise their EU citizenship that are not yet covered by EU rules. For example, this is the case for **citizens who want to engage in cross-border initiatives promoting European citizenship through their involvement in foundations.**

- **Bringing citizens closer to the EU project**

Making citizens feel closer to Europe will help increase their involvement in the democratic life of Union and their participation in elections. In this sense the direct participation and consultation of citizens should be given due attention and fully supported. The new European Citizens' Initiative is one tool for this purpose but should not be the only one. The projects developed in the framework of initiatives such as the Plan D, "Debate Europe" and "Citizens for Europe" are promising tools that should be reinforced. Initiatives such as the European Citizens' Consultations and European Citizens' Panels set new ways of collecting the perspectives of citizens at EU level and organising pan-European debates involving randomly-selected citizens, representing the diversity of the population, to discuss key European issues. These tools should be further used and developed and could be used by the European Commission as additional tools alongside studies and impact assessments when preparing possible policy proposals. This is an area where foundations have made a useful contribution by empowering and engaging European citizens through the support of citizen-led initiatives with a view to enhancing mutual understanding and promoting European identity.

- **Setting up a European framework for involving civil society organisations**

There is a need to develop civil dialogue at European level by setting up a framework which allows continued, transparent and structured involvement of civil society organisations, which represent citizens' needs and aspirations, in the process from agenda setting to policy evaluation and reformulation. This would involve the definition of civil dialogue as well as the setting up of an institutional framework and legal tools (statutes) to develop this dialogue and to enable organisations taking part in it to work effectively with a European legal base and governance requirements. The document "Towards a structured framework for European Civil Dialogue"³, drawn up by a coalition of European civil society organisations and networks members of the European Economic and Social Committee (EESC) Liaison Group, including the EFC, makes some proposals on how to implement the provisions on participatory democracy included in the Lisbon Treaty (Article 11), notably in relation to civil dialogue at EU level.

II. Ensuring access and implementation of rights linked to EU citizenship

Particular attention should be paid to the following areas:

- **Guaranteeing equal access to rights and freedoms for all citizens**

Some individuals and groups in our societies face disproportionate obstacles to the exercise of their rights as EU citizens and their full integration in the EU, including people with disabilities and other persons with special requirements such as Roma and third country nationals. In some cases this is due to prejudices or a lack of understanding; in others it is due to indirect discrimination such as the fact that the specific needs and requirements of certain groups are not taken into account and catered for (e.g. accessibility requirements). Placing equal opportunities and non-discrimination at the heart of EU citizenship should be an essential prerequisite for any policy aiming at increased participation and enjoyment of EU citizenship rights.

The estimated 12 million **Roma** in Europe, many of whom are citizens of the EU, find themselves at a disadvantage: whether it be via negative perceptions, wrongful depiction in the media, public discourse, stereotyping and other forms of discrimination which place the Roma at a higher risk of social exclusion and thus unable to fulfil their rights and obligations as European citizens. The **European Foundation Centre's Forum for Roma Inclusion**⁴, composed of European foundations active in this area, released a number of recommendations regarding the inclusion of Roma in Europe as a contribution to the Second European Roma Summit (8-9 April 2010). The document "From principles to action for the inclusion of Roma in

³ <http://www.eesc.europa.eu/groups/3/activities/events/2010-03-22/towards-a-structured-framework-for-european-civil-dialogue-en.pdf> (301kb)

⁴ <http://www.efc.be/Networking/InterestGroupsAndFora/ForumforRomaInclusion/Pages/ForumforRomaInclusion.aspx>

Europe⁵ reviews, based on the practical experience of foundations and notably the Roma Education Fund, the current situation of Roma inclusion from many perspectives, including local, national and European levels. Finally, it makes a number of recommendations for future action and identifies three priority areas where action is needed, including combating anti-Romani stereotypes and promoting Roma rights.

Furthermore, **rigid legal definitions in EU mechanisms and funding streams** can act as an obstacle to improve the exercise of citizenship rights. Illustrative of this is the fact that the EU's integration agenda focuses on third country nationals, while there are a number of EU citizens (Roma, second/third generation migrants, citizens from new Member States, etc) who are confronted with the challenge of integrating into their societies but cannot benefit from integration programmes, priorities and agenda of the EU and Member States.

The full integration of **third country nationals and refugees** is hindered by varying naturalisation procedures and requirements, with most countries not facilitating naturalisation for first-generation migrants (thus excluding them from European citizenship)⁶.

People with disabilities face additional barriers to fully enjoy EU citizenship and to participate in all aspects of political and public life mainly due to the fact that their specific requirements are not taken into account. One-third of Europe's disabled population⁷ has never travelled abroad or even taken a daytrip because of problems caused by a lack of inaccessibility. EU Member States should ensure that legislation and policy addresses the specific needs of all persons with disabilities and takes into account the general principle of **accessibility**, understood in its broadest sense, including the built up environment but also other sectors such as transport, goods and services, information and communication technologies.

This lack of accessibility is of key importance in relation to citizens' involvement in political life as well as exercising the **right to vote**. It is important to have access to an effective impartial and non-discriminatory procedure for the registration of voters but it is equally important to have an equal and effective access to voting procedures, materials (programmes of political parties, etc.) and facilities and receive, if needed, assistance to vote (reasonable accommodation such as sign language interpreters). The United Nations Convention on the Rights of Persons with Disabilities offers an inspiring definition of accessibility as well as of equality, which goes further than a) equality before the law, b) equal treatment and c) equal opportunity and promotes d) equality as participation. The EFC and its **European Consortium of Foundations on Human Rights and Disability**⁸ calls on the European Commission and Member States to work towards the effective application of this Convention.

There is a pressing need for **e-accessibility** legislation to be presented by the Commission, covering fields such as the accessibility of websites and digital technology so that all citizens, including people with disabilities and the elderly, can take advantage of all opportunities offered including the online-market.

- **Raising awareness and providing information and advice on EU citizens' rights**

A key obstacle for the full implementation of European citizenship's rights is the lack of awareness. Despite progress made in the last years, there is still a need to pursue efforts to make citizens aware of the existence of an EU citizenship, which goes beyond and complements national citizenship, as well as of the specific rights stemming from it. Developing citizens' feeling of belonging to the EU should be seen as a first and essential step in this sense.

Systems/services (one-stop shops/"reference points") allowing citizens to have easy access to information, advice and assistance whenever needed should be available at national or European level. These reference points should be able to "translate" and target the information to the different national contexts. In this sense, we welcome the Commission's efforts to develop guidance materials and web resources including information on the rights.

The Commission should also consider the implications of the **Charter of Fundamental Rights** in the notion of EU citizenship following the approval of the Lisbon Treaty. By making fundamental rights clearer and more visible, the Charter helps to develop the concept of citizenship of the European Union.

- **Promoting civic education and democracy learning**

Civic education and democracy learning are key elements to develop people's competences to act as responsible and democratic citizens and should be promoted from early childhood both in formal and informal education. Particular attention needs to be paid to the role that European schools can play in

⁵ http://website/Networking/InterestGroupsAndFora/ForumforRomaInclusion/Documents/EFC%20Forum%20for%20Roma%20Inclusion%20-%20Cordoba%20Summit%20Final%20_2_.pdf (60kb)

⁶ <http://www.integrationindex.eu/>

⁷ European Disability Forum (EDF)'s data

⁸ <http://www.efc.be/Networking/InterestGroupsAndFora/Disability/Pages/TheEuropeanConsortiumofFoundationsonHumanRightsandDisability.aspx>

fostering more inclusive and sustainable forms of democratic citizenship in society. Existing initiatives at local, national and European level should be reviewed and, whenever appropriate, further developed and promoted. Foundations can and do play an active role in the promotion of citizenship education and democracy learning by working with schools and other stakeholders and developing a wide variety of actions such as the development of pilot projects, materials, counselling, training, networking, empirical research or awards.

- **Reducing bureaucracy and promoting the use of common procedures and practices to ease free movement**

The differences between the legislations in the different Member States and the lack of recognition of the documents and procedures of other Member States create a complex system in which citizens face a high administrative burden and bureaucratic procedures which may hamper citizens' right to move and reside freely. As proposed in the consultation document, ensuring automatic recognition of legal documents relating to birth, marriage, death or establishing standard European formats for specific formats could be considered.

This should also be encouraged regarding the recognition of skills and competences acquired through education, work or volunteering.

- **Ensuring monitoring and effective implementation**

Ensuring an effective implementation of the rights is as important as establishing the rights themselves. Member States should work closely to ensure an effective monitoring and enforcement of these rights. The role of the Fundamental Rights Agency (FRA) in this regard should be clarified, e.g. how FRA's reports and recommendations feed into the policy-making and implementation process.

- **Taking stock of previous experiences**

Civil society organisations, including foundations, have already undertaken a number of initiatives to promote citizenship in the EU. These initiatives have been already tested and proven their value and could serve as basis for further development. The EFC would be glad to share examples of how foundations are contributing in this area with initiatives which range from raising awareness and providing information to contributing to citizenship education and the implementation of citizens' rights.

About the European Foundation Centre

The European Foundation Centre (EFC) is an independent association dedicated to creating an enabling environment for foundations, strengthening the infrastructure of the sector, and promoting collaboration, both among foundations and between foundations and other actors, to advance the public good in Europe and beyond.

Who we are:

Established in 1989, the EFC today serves a core membership of more than 230 members in some 40 countries. The EFC also hosts the secretariat of The Donors and Foundations' Networks in Europe (DAFNE) set up in 2006.

What we do:

The Centre fulfils its mission through:

- Representing its members' interests at the level of third parties such as European and international institutions
- Improving the visibility and understanding of the role of foundations, and advocating good practice, openness and transparency
- Playing a consultancy role with respect to legal and fiscal issues and expansion of professional development opportunities for foundations' staff
- Convening foundations to facilitate exchanges of information and expertise and fostering cooperation with national-level associations of foundations, donors' fora and other organisations serving the sector

The Centre is an independent international not-for-profit association under Belgian law. Ultimate authority vests in the EFC Annual General Assembly of Members, with governance entrusted to an elected Governing Council, supported by a Management Committee. Membership of the Centre implies commitment to the EFC brand. Members agree to adhere to the [EFC Principles of Good Practice](#).

Details of EFC membership and activities are available at www.efc.be