



The EU and its CITIZENS

This leaflet is a brief guide to what it means to be a citizen of the EU. It is one of a series of leaflets which are designed to provide information about the EU to people living in Ireland.





EUROPEAN CITIZENSHIP

Every citizen of a Member State of the EU is also a citizen of the European Union. This means that all Irish citizens (regardless of where they live) are also citizens of the European Union. Each Member State has its own rules about who is entitled to be a citizen and who is entitled to become a citizen. The EU has no role in determining whether or not a person is a citizen of any particular Member State.

So, you are primarily a citizen of your own Member State and you have rights and duties arising from that. Citizenship of the European Union gives you further rights but does not in any way change your status as a citizen of Ireland or any other Member State of the EU.

MAIN RIGHTS ARISING FROM EU CITIZENSHIP

The main rights which you have because of your citizenship of the EU are:

Equal treatment

You may not be discriminated against on the grounds of nationality in any Member State of the EU. What exactly this means is explained in leaflet *Equality and Non-Discrimination* in this series.



Movement within the EU

You have the right to move to and live in any other Member State. This right is subject to conditions which are described in another leaflet in this series.

Voting in EU and local elections

If you live in a Member State of which you are not a citizen you have the right to vote and stand as a candidate in local elections and in European Parliament elections. So, citizens of other EU Member States who live in Ireland have the right to vote in local and European Parliament elections. They must, of course, register to vote and meet the usual conditions for voting or standing for election. Citizens of the UK who live in Ireland also have the right to vote in general elections. This does not apply to the citizens of other EU Member States.

Diplomatic and consular protection

If you are in a country which is not a member of the EU you may get diplomatic and consular protection from any Member State. This would arise, for example, if you were in a country in which Ireland does not have any diplomatic representation. If you needed help you could get that help from the embassy of any other EU Member State.



Redress

You have the right to complain to the European Ombudsman and petition the European Parliament - these are explained further below.

Language

You have the right to deal with the EU institutions in any of the official languages of the EU. This means that you may write to the institutions in English or Irish (or any of the other official languages) and get a reply in the language.

FINDING OUT ABOUT YOUR RIGHTS

The Europe Direct Service is a free Europe-wide service that can provide you with specific information relating to your circumstances. There is a team of legal experts operating in all official languages of the EU who will answer your questions within a week. You may contact the service by phone (free) at: **00800 6 7 8 9 10 11**

Or use the website:

http://ec.europa.eu/citizensrights/front_end/index_en.htm

ENFORCING YOUR RIGHTS

There are a number of different ways of ensuring that your EU rights are implemented.

Formal complaint to the Commission

If you feel that your EU right or rights have not been respected you may make a formal complaint to the European Commission. The complaint should be sent to the Secretary General, Commission of the European Community, Rue de la Loi, B-1049 Brussels.

You simply state how your rights under EU law have been infringed, for example, your social security payment has not been transferred to another Member State. You do not need to be able to state the exact legal basis for your complaint. If the Commission considers that your complaint is valid, it will ask the Government of the Member State concerned to set matters right. If the Government refuses, the Commission may start proceedings against the Government in the European Court of Justice.

The Commission has adopted a Code of Good Administrative Behaviour in its relations with the public. The Code is legally binding on the Commission as an institution and on individual staff of the Commission.

Further information on the complaints procedure and the form are available at:

http://ec.europa.eu/transparency/civil_society/code/complaint_form_en.htm

European Ombudsman

You have the right to complain to the European Ombudsman about maladministration in the EU institutions, for example, the Commission, the European Parliament or the Council of Ministers. The Ombudsman is appointed by the European Parliament.

Maladministration means poor or failed administration, for example, unfairness, discrimination, abuse of power, lack or refusal of information, unnecessary delay or incorrect procedures.

1 avenue du President Robert Schuman,
B.P. 403,
F-67001 Strasbourg-Cedex,
France.

Tel: **(00 333) 8817 2313**

<http://www.ombudsman.europa.eu/en/home.faces>

Petition to the European Parliament

The European Parliament has a Petitions Committee which hears complaints from EU citizens about matters related to the EU. The committee is composed of MEPs who have an interest in citizens' rights. The committee may investigate your complaint and ask the Commission or the national authorities to intervene. It does not have any powers to implement its decisions but it does have considerable influence. There



is no formal procedure for making a petition - simply state your complaint in your own words and give your name, occupation, nationality and permanent address. You may ask your MEP to process it for you, complete the form on the European Parliament website or send it directly to:

President of the European Parliament,
Rue Wiertz
B-1047 BRUSSELS

<http://www.europarl.europa.eu/committees/en/PETI/home.html>

SOLVIT

SOLVIT is an EU wide (and also in Norway, Lichtenstein and Iceland) informal problem-solving network which deals with cases where EU law has not been properly applied to individuals or businesses by public authorities or administrators. You may contact SOLVIT if you have a problem implementing your rights in another EU Member State. To contact the Irish SOLVIT Centre:

Department of Jobs Enterprise and Innovation,
23 Kildare Street, Dublin 2.

Fax: **(01) 631 3853**

Email: solvit@djei.ie

<http://www.solvitireland.ie>

Information on the SOLVIT access points in other Member States is at:

http://ec.europa.eu/solvit/site/index_en.htm

National courts

There are two ways in which you may seek to establish your rights as a citizen of the EU through the national courts.

1. If you are brought to court by another person or body you may argue that your EU rights are being infringed and ask for a reference to the European Court of Justice to have the issue determined.

2. You could start proceedings yourself in an Irish court claiming that your EU rights have been infringed and ask the court to refer the issue to the European Court of Justice.

In either case you should get legal advice before proceeding. It may be theoretically possible but it could be difficult to pursue this course without legal representation.

Legal aid

Since the case starts in the Irish courts the question of whether or not you are entitled to legal aid is decided by the Legal Aid Board in the usual way.

Similarly, it is the Irish courts which determine the question of costs.

European Small Claims Procedure

The European Small Claims Procedure provides an inexpensive and easy way for someone to pursue a cross-border claim without the need to employ a solicitor. Similar to the *Small Claims Court* it can be used in civil matters. However, the *European Small Claims Procedure* can also be used in commercial matters. The claim cannot exceed €2,000. It is an alternative to other options that may exist under the national laws of EU Member States.

European Small Claims Procedure claim forms are available from your local District Court office. You cannot make a claim online but can download the form from the Courts Service website at:

<http://www.courts.ie/rules.nsf/lookuppagelink/13660024096594A580257639004D752F?opendocument&l=en>

The European Court of Human Rights

The European Court of Human Rights is NOT an institution of the EU. The European Union institution is the European Court of Justice. The European Court of Human Rights is associated with the Council of Europe and it is the court that decides on alleged breaches of the European Convention on Human Rights.

INVOLVEMENT OF AND CONSULTATION WITH CITIZENS

Citizens' Initiative

The European Citizens' Initiative was introduced under the Treaty of Lisbon and allows 1 million citizens to ask the European Commission to bring forward proposals. Initiatives can be submitted by a committee composed of at least 7 EU citizens who are resident in at least 7 different Member States. The members of the citizens' committee must be EU citizens old enough to vote in the European Parliament elections (18 except in Austria, where the voting age is 16). The Commission then has 3 months to examine the initiative and decide how to act.

Europe for Citizens

The "Europe for Citizens" programme is an EU funding programme which aims to give citizens the opportunity to be involved in initiatives and projects with a European profile. It provides grants to groups promoting active European citizenship such as local authorities, European public policy research organisations, citizens' groups, civil society organisations, NGOs, trade unions and educational institutions.

http://ec.europa.eu/citizenship/index_en.htm

Citizens Information 

www.citizensinformation.ie

0761 07 4000

Local Centres

Free & Confidential Service



EUROPEAN COMMISSION REPRESENTATION IN IRELAND
18 Dawson Street, Dublin 2
eu-ie-info-request@ec.europa.eu