



IMPEU

50 Q&A "Know Your Rights as European Citizen" for public officials



Improving Inclusion of EU Mobile Citizens



IMPEU

Improving Inclusion of EU Mobile Citizens

Work package	Title
3	CAPACITY BUILDING ON INCLUSION POLICIES FOR CIVIL SERVANTS
Activity	Title
A3.1	Development of training programme structure and materials - including 50 Q&A "Know Your Rights as European citizen" for the public officials
Deliverable	Title
D3.1.2	50 Q&A "Know Your Rights as European citizen" for public officials

IMPEU project was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). The content of this document represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.





Introduction

The 50 Q&A "Know Your Rights as European citizen" for the public officials will address civil servants and relevant national, regional and local experts offering services to mobile EU citizens in the partners' countries. These will help to define their training needs in order to develop an adequate training programme, intended to enhance their capacity to deal with the problems and obstacles faced by mobile EU citizens in their host Member States. The 50 Q&A "Know Your Rights as European citizen" for the public officials will improve their competence and knowledge of the legislation and administrative practices related to enabling the democratic participation of mobile EU citizens in the host Member States.





Contents

Introduction	2
1. WHO IS AN EU CITIZEN?	6
2. WHAT GIVES MOBILE EU CITIZENS THE RIGHT TO MOVE FREELY AND RESIDE WITHIN THE MEMBER STATES?	6
3. WHICH ARE THE REQUIREMENTS FOR EU CITIZENS TO RESIDE IN A MEMBER COUNTRY FOR MORE THAN 3 MONTHS?	6
4. ARE THERE ADMINISTRATIVE FORMALITIES FOR UNION CITIZENS RESIDING IN A HOST MEMBER STATE FOR MORE THAN 3 MONTHS?	6
5. WHAT IS THE DEFINITION OF 'FAMILY MEMBER'?	7
6. DO MOBILE EU CITIZENS HAVE THE RIGHT OF PERMANENT RESIDENCE IN THE RESPECTIVE HOST MEMBER STATE?	7
7. DO MOBILE EU CITIZENS HAVE THE RIGHT OF PERMANENT RESIDENCE AFTER LESS THAN 5 YEARS?	7
8. DO MOBILE EU CITIZENS HAVE ACCESS TO THE JOB MARKET?	8
9. ARE EU CITIZENS ENTITLED TO EQUAL TREATMENT AT WORK?	8
10. DO EU CITIZENS HAVE ACCESS TO JOBS IN THE PUBLIC SECTOR IN THEIR HOST COUNTRY?	9
11. DO EU CITIZENS HAVE THE RIGHT OF ACCESS TO PUBLIC EMPLOYMENT SERVICES IN THEIR COUNTRY OF RESIDENCE?	9
12. HOW CAN EU CITIZENS EXERCISE THEIR RIGHT TO VOTE AND STAND AS A CANDIDATE IN EUROPEAN ELECTIONS IF THEY ARE IN A HOST COUNTRY?	10
13. WHAT GIVES MOBILE EU CITIZENS THE POLITICAL RIGHT TO VOTE AND STAND AS A CANDIDATE AT MUNICIPAL ELECTIONS?	10
14. ARE MOBILE EU CITIZENS OBLIGED TO VOTE IN EUROPEAN OR MUNICIPAL ELECTIONS IN THE RESPECTIVE HOST COUNTRY?	11
15. DO MOBILE EU CITIZENS HAVE THE RIGHT TO BE MEMBERS OF POLITICAL PARTIES?	11
16. DO MOBILE EU CITIZENS HAVE THE RIGHT TO PETITION AND COMPLAIN?	12
17. WHO HAS THE LEGAL RIGHT TO REFER TO THE EUROPEAN OMBUDSMAN?	12
18. DO MOBILE EU CITIZENS HAVE A RIGHT OF ACCESS TO DOCUMENTS?	12
19. WHAT SHOULD A MOBILE EU CITIZEN DO IF HIS/HER RIGHTS HAVE BEEN BREACHED?	12
20. WHEN IS THE CHARTER OF FUNDAMENTAL RIGHTS APPLICABLE?	13
21. DO EU CITIZENS HAVE A RIGHT TO DIPLOMATIC AND CONSULAR PROTECTION OUTSIDE THE EU?	13
22. ARE MOBILE EU CITIZENS AWARE OF THEIR CONSUMER RIGHTS?	14
23. DO MOBILE EU CITIZENS HAVE THE RIGHT TO A BANK ACCOUNT IN THE COUNTRY OF	



RESIDENCE?.....	14
24. DO MOBILE EU CITIZENS HAVE A RIGHT TO GO TO UNIVERSITY WHILE RESIDING IN AN EU COUNTRY OTHER THAN THEIR OWN?.....	15
25. SHALL MOBILE EU CITIZENS BE ALLOWED TO STUDY AND WORK WHILE STAYING IN AN EU COUNTRY?.....	16
26. DO THE CHILDREN OF MOBILE EU CITIZENS HAVE A RIGHT TO EDUCATION IN PUBLIC SCHOOLS IN THEIR COUNTRY OF RESIDENCE?	16
27. HOW IS THE RISK OF POVERTY AND SOCIAL EXCLUSION OF CHILDREN ADDRESSED?.....	16
28. WHICH IS THE AUTHORITY RESPONSIBLE FOR HANDLING CASES OF PARENTAL RESPONSIBILITY CONCERNING MOBILE EU CITIZENS?.....	17
30. CAN MOBILE EU CITIZENS CLAIM FAMILY BENEFITS?.....	17
31. WHERE TO APPLY FOR FAMILY BENEFITS?.....	17
32. WHICH COUNTRY HAS PRIMARY RESPONSIBILITY FOR PAYING CHILD BENEFITS IF FAMILY MEMBERS LIVE IN DIFFERENT EU COUNTRIES?	18
33. HOW DO CHILDREN OF DIVORCED PARENTS LIVING IN DIFFERENT EU COUNTRIES GET CHILD BENEFITS?	18
34. WHAT SHOULD MOBILE EU CITIZENS DO TO GET UNEMPLOYMENT BENEFITS?.....	18
35. WHEN SHOULD A MOBILE EU CITIZEN APPLY FOR AN EXTENSION TO HIS/HER UNEMPLOYMENT BENEFIT TRANSFER?.....	19
36. ARE MOBILE EU CITIZENS ENTITLED TO HEALTH INSURANCE IN THE COUNTRY OF RESIDENCE?	19
37. DO MOBILE EU CITIZENS HAVE THE RIGHT TO PURCHASE A PRESCRIPTION MEDICINE ISSUED BY A DOCTOR IN THEIR COUNTRY OF ORIGIN IN THE HOST COUNTRY?	19
38. ARE DRIVING LICENCES OF MOBILE EU CITIZENS RECOGNIZED IN THE HOST COUNTRY?.....	20
39. WHICH EU COUNTRIES ALLOW DUAL CITIZENSHIP?	20
40. ARE PUBLIC DOCUMENTS (THOSE ISSUED BY PUBLIC AUTHORITIES) ACCEPTED IN EU?	20
41. IS A SAME-SEX MARRIAGE CERTIFICATE ISSUED IN ONE EU COUNTRY A GUARANTEE THAT THE MARRIAGE WILL BE RECOGNISED IN ANOTHER EU COUNTRY?.....	22
42. IS OFFICIAL TRANSLATION OF PUBLIC DOCUMENTS REQUIRED?	22
43. WHAT ARE THE RIGHTS OF WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE?.....	22
44. DO FAMILIES OF MOBILE EU CITIZENS HAVE A RIGHT TO FAMILY LEAVE AND FLEXIBLE WORK ARRANGEMENTS?	22
45. DO TRAVELLERS WITH REDUCED MOBILITY HAVE SPECIAL RIGHTS?	23
46. HOW DO PERSONS WITH DISABILITIES GAIN BETTER ACCESS TO PUBLIC SERVICES?.....	23
47. IN WHICH EU COUNTRIES ARE DISABILITY CARDS VALID?.....	24



48. CAN DISABLED MOBILE EU CITIZENS USE THEIR BLUE BADGE IN THE EU?.....	24
49. WHAT HAPPENS TO A PERSON WITH PENSION FOR INVALIDITY IF HE/SHE MOVES TO ANOTHER EU COUNTRY?	24
50. WHICH KINDS AND FORMS OF DISCRIMINATION DO EU REGULATIONS FACE AND COMBAT?	25





1. WHO IS AN EU CITIZEN?

Any person who holds the nationality of an EU country is automatically also an EU citizen. EU citizenship is additional to national citizenship and does not replace it. All citizens of an EU country are automatically citizens of the EU.

Treaty on the Functioning of the European Union, Article 20 (1)

2. WHAT GIVES MOBILE EU CITIZENS THE RIGHT TO MOVE FREELY AND RESIDE WITHIN THE MEMBER STATES?

All EU citizens and their family members have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties. This is set forth in **Article 21** of the **Treaty on the Functioning of the European Union**. The rules on free movement as established in **Directive 2004/38/EC** stipulate that EU citizens can live in another EU country for up to three months without any requirements other than holding a valid identity card or passport.

Mobile EU citizens have the right to live and move within the EU without being discriminated against on the grounds of their nationality. As such they may set up home in any EU country if they meet certain conditions, depending on whether they are working, studying, etc.

3. WHICH ARE THE REQUIREMENTS FOR EU CITIZENS TO RESIDE IN A MEMBER COUNTRY FOR MORE THAN 3 MONTHS?

According to the provisions of **Directive 2004/38/EC, Art. 8**, in order to stay in another EU country for more than three months, EU citizens have to meet certain conditions depending on their status (e.g. worker, student, etc.) and they may also be asked to comply with administrative formalities.

The right of Union citizens to reside for more than three months remains subject to certain conditions: for those who are not workers or self-employed, the right of residence depends on their having sufficient resources not to become a burden on the host Member State's social assistance system, and on them having sickness insurance. Students and those completing vocational training also have the right of residence, as do (involuntarily) unemployed persons who have registered as unemployed.

4. ARE THERE ADMINISTRATIVE FORMALITIES FOR UNION CITIZENS RESIDING IN A HOST MEMBER STATE FOR MORE THAN 3 MONTHS?

The host country may require Union citizens to register with the relevant authorities (often the town hall or local police station). The deadline for registration may not be less than three months from the date of arrival. A registration certificate shall be issued immediately, stating the name and address of the person registering and the date of the registration. Failure to comply with the registration requirement may render the person concerned liable to proportionate and non-discriminatory sanctions. (**Directive 2004/38/EO, Art. 8**)



When a mobile EU citizen registers, he/she will get a registration certificate. This certificate confirms your right to live in your new country. Your registration certificate should be issued immediately and cost no more than the price nationals pay for identity cards. It should be valid indefinitely (does not have to be renewed), though any change of address may need to be reported to the local authorities.

Documents needed for registration in addition to a valid ID or passport:

For Employees / Postings abroad

- Certificate of employment or confirmation of recruitment from your employer

For Self-employed

- Proof of your status as self-employed

For Pensioners

- Proof of comprehensive health insurance
- Proof you can support yourself without needing income support: resources may come from any source

For Students

- Proof of enrolment at an approved educational establishment
- Proof of comprehensive health insurance

Declaration that you have sufficient resources to support yourself without needing income support: resources may come from any source

5. WHAT IS THE DEFINITION OF 'FAMILY MEMBER'?

Directive 2004/38/EC has modernised family reunification by extending the definition of 'family member' (formerly limited to spouse, descendants aged under 21 or dependent children, and dependent ascendants) to include registered partners if the host Member State's legislation considers a registered partnership to be the equivalent of a marriage. Irrespective of their nationality, these family members have the right to reside in the same country as the worker.

6. DO MOBILE EU CITIZENS HAVE THE RIGHT OF PERMANENT RESIDENCE IN THE RESPECTIVE HOST MEMBER STATE?

Directive 2004/38/EC, Art. 16 stipulates that Union citizens who have resided legally for a continuous period of five years in the host Member State shall have the right of permanent residence there. They may be temporarily absent (e.g. for illness, study or posting). The right of permanent residence is lost only in the event of more than two successive years of absence from the host Member State.

7. DO MOBILE EU CITIZENS HAVE THE RIGHT OF PERMANENT RESIDENCE AFTER LESS THAN 5 YEARS?

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/ 68 and repealing



Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC

A mobile EU citizen may be entitled to permanent residence after less than 5 years in any of the following situations:

- You retire and have worked in the country in the last year or have lived there continuously for 3 years;
- Stop working because you are no longer efficient and have lived in the country continuously for 2 years;
- Stop working because you are no longer efficient due to an accident at work or occupational illness. In this case, you have the right to stay no matter how long you have lived in the country before the accident or disease.
- If you start working in another EU country as a cross-border commuter, you must return to your country of residence at least once a week — but you have previously worked for 3 years in the country where you want to get the right to Permanent Residence.

8. DO MOBILE EU CITIZENS HAVE ACCESS TO THE JOB MARKET?

As per **Article 45 of the Treaty on the Functioning of the European Union** and **Directive 2014/54/EU** one of the four freedoms enjoyed by EU citizens is the free movement of workers, including the rights of movement and residence for workers, the rights of entry and residence for family members, and the right to work in another Member State and be treated on an equal footing with nationals of that Member State. Restrictions apply for the public service. The European Labour Authority serves as a dedicated agency for the free movement of workers, including posted workers. All EU citizens are entitled to work — for an employer or as a self-employed person — in any EU country (In this case, the 28 EU member states + Iceland, Liechtenstein, Norway and Switzerland) without needing a work permit.

Exception — Croatian nationals still face temporary restrictions on working in the EU (In this case, the 28 EU member states + Iceland, Liechtenstein, Norway and Switzerland).

If a mobile EU citizen lives and works in another EU country, it's important to be aware of the consequences for:

- his/her benefits (sickness, maternity/paternity, pensions, occupational accidents and diseases, death grants, unemployment, early retirement, family, etc.)
- where he/she has to pay taxes.

9. ARE EU CITIZENS ENTITLED TO EQUAL TREATMENT AT WORK?

Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the free movement of workers in the Union;

Directive 2014/54 / EU of the European Parliament and of the Council of 16 April 2014 on measures to facilitate the exercise of the rights conferred on workers in the context of the free movement of workers



Mobile EU citizens, should be treated in the same way as colleagues who are nationals of the country concerned. This includes:

- Remuneration and other employment and working conditions
- Health and safety at work
- Access to training, vocational schools and re-training centres – both for adults and their children
- Access to housing, including social housing or home buying services
- The right to be a member of a trade union, to vote and to be removed from the administrative or managerial merits of a daily union
- Social and tax benefits
- Dismissal, support and re-employment

10. DO EU CITIZENS HAVE ACCESS TO JOBS IN THE PUBLIC SECTOR IN THEIR HOST COUNTRY?

Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the free movement of workers in the Union

EU citizens (or citizens of Iceland, Liechtenstein, Norway or Switzerland) have the right to work in another EU country, including the public sector, such as state-owned companies, government bodies and public authorities. The right to work in some EU countries might be temporarily restricted for nationals of Croatia.

EU countries may still reserve certain jobs for their own nationals, but only if they involve:

- the exercise of public authority powers
- the safeguard of general interests of the state

These are typically posts in the diplomatic service, the armed forces, police and security forces, judiciary and tax authorities. But even there, positions not involving the exercise of public authority must be open to other EU nationals. For example, administrative and technical-support jobs do not involve exercising those powers, so those jobs cannot be reserved for country's own nationals.

To get a job in the public sector, mobile EU citizens may need to officially recognize their qualifications in the country where they want to work.

The host country cannot give them less credit for their professional experience just because it has been gained in another EU country when it comes to:

- deciding what posts you are eligible for when seniority or experience are required to take part in a recruitment competition
- determining the salary, grade or other condition

11. DO EU CITIZENS HAVE THE RIGHT OF ACCESS TO PUBLIC EMPLOYMENT SERVICES IN THEIR COUNTRY OF RESIDENCE?

Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the free movement of workers in the Union;

Directive 2014/54 / EU of the European Parliament and of the Council of 16 April 2014 on measures to facilitate the exercise of the rights conferred on workers in the context of the free movement of



workers.

Mobile EU citizens seeking work in another EU country are entitled to the same assistance from public employment services as nationals of the country concerned.

12. HOW CAN EU CITIZENS EXERCISE THEIR RIGHT TO VOTE AND STAND AS A CANDIDATE IN EUROPEAN ELECTIONS IF THEY ARE IN A HOST COUNTRY?

Article 22.2 of the Treaty on the Functioning of the European Union;

Articles 39 and 40 of the EU Charter of Fundamental Rights;

Council Directive 93/109/EC of 6 December 1993 laying down the procedures for the exercise of the right to vote and to stand as a candidate in elections for the European Parliament by EU citizens resident in a Member State of which they are not nationals.

All EU citizens (in this case, the 28 EU countries), have the right to vote or stand as a candidate in the European elections under the same conditions as nationals of that country. If mobile EU citizens are registered and live in an EU country other than their home country, they can:

- Vote for candidates in their home country or
- Take part in the elections of the host country and vote for its candidates.

They can only vote once in the European elections. They may need to register with the national authorities of the host country before the elections. In some EU countries, they are automatically registered when they register their residence there.

13. WHAT GIVES MOBILE EU CITIZENS THE POLITICAL RIGHT TO VOTE AND STAND AS A CANDIDATE AT MUNICIPAL ELECTIONS?

Article 22.1 of the Treaty on the Functioning of the EU;

Article 40 of the Charter of Fundamental Rights of the European Union;

Council Directive 94/80/EC of 19 December 1994 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.

Mobile EU citizens living in another Union country (in this case, the 28 EU Member States), have the right to vote and stand as a candidate in municipal elections in that country under the same conditions as nationals of that country.

If mobile EU citizens want to vote in municipal elections in the country where they live, they must state their intention to do so and be included in the electoral roll in that country. They will need to provide certain information, such as their nationality and address.

In the case of municipal elections, the inclusion in the electoral roll is automatically in the following countries: Austria (excluding Burgenland), Denmark, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Malta, the Netherlands, Romania, Slovakia, Slovenia and Sweden. Once registered as a resident there, you will automatically be included in the electoral lists for municipal elections.



In countries where voting is compulsory, mobile EU citizens will be placed on the electoral roll only on their special request.

As EU nationals, mobile EU citizens will vote under the same conditions as nationals of the host country. If they are required to have lived in it or in a municipality for a certain period of time to be entitled to vote, the same requirement will apply to the mobile EU citizens.

Special rules may apply in EU countries (in this case, the 28 EU countries), where more than 20% of voters are not their nationals; in such cases, the host country may require an additional period of residence before mobile EU citizens can participate in municipal elections. Currently, the only such country is Luxembourg.

In order to run in municipal elections in the host country, mobile EU citizens may be asked to make a declaration that they have not been deprived of the right to stand in their home country. They may ask mobile EU citizens to support such declarations with a certificate issued in their home country. In the following countries mobile EU citizens can be elected as a municipality advisor, but only citizens of the countries concerned can be mayors: Belgium, Bulgaria, Cyprus, France, Greece, Italy, Lithuania, Poland, Romania, Slovenia

In some other countries, the posts of deputy mayors and members of the Executive Committee to the mayor are also reserved for their citizens.

14. ARE MOBILE EU CITIZENS OBLIGED TO VOTE IN EUROPEAN OR MUNICIPAL ELECTIONS IN THE RESPECTIVE HOST COUNTRY?

Council Directive 94/80/EC of 19 December 1994

CHAPTER II Exercise of the right to vote and the right to stand as a candidate, Article 7

A voter within the scope of Article 3 shall exercise his right to vote in municipal elections in the Member State of residence if he/she has expressed the wish to do so.

If voting in municipal elections and elections to the European Parliament is mandatory in the host country and if a mobile EU citizen has been included on the electoral roll, once they have registered, they are obliged to vote-just like its citizens. Voting is compulsory in the following EU countries: Belgium, Cyprus, Greece and Luxembourg.

15. DO MOBILE EU CITIZENS HAVE THE RIGHT TO BE MEMBERS OF POLITICAL PARTIES?

In line with the principle of non-discrimination, EU citizens should benefit from their rights under the same conditions as nationals of the Member State where they reside. This requires, for example, access to the same appeal procedures in case of errors on the electoral roll or in the motivation of the application or in the extension of mandatory voting to nationals of Other Member States. The principle of non-discrimination also means that citizens should be able to participate in the political life of the Member State of the European Union of residence and to be members of political parties in their country of residence. (***EU Charter of Fundamental Rights***)



16. DO MOBILE EU CITIZENS HAVE THE RIGHT TO PETITION AND COMPLAIN?

Since the entry into force of the Treaty of Maastricht, every EU citizen has had the right to submit a petition to the European Parliament, in the form of a complaint or a request, on an issue that falls within the European Union's fields of activity. Petitions are examined by Parliament's Committee on Petitions, which takes a decision on their admissibility and is responsible for dealing with them. EU citizens can petition the European Parliament to address either a personal need or grievance, or on a matter of public interest. The subject must fall within the EU's remit (i.e. it mustn't be something that is decided at local or national level) and must affect you directly. (***Treaty on the Functioning of the European Union, Articles 20, 24 and 227; Charter of Fundamental Rights of the EU, Article 44***).

17. WHO HAS THE LEGAL RIGHT TO REFER TO THE EUROPEAN OMBUDSMAN?

The European Ombudsman investigates complaints about poor administration by EU institutions or other EU bodies. These may be lodged by citizens or residents of EU countries or by EU-based associations or businesses. The Ombudsman's office launches investigations either in response to complaints or on its own initiative. An impartial body, it takes no orders from any government or other organisation. It produces an annual activity report for the European Parliament.

Any citizen of the EU and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union with the exception of the Court of Justice of the European Union. You must make your complaint within 2 years of the date on which you became aware of the problem. Make sure you say who you are, which institution or body you are complaining about, and why. You may ask for the complaint to remain confidential.

If the Ombudsman cannot deal with a certain complaint, the person will be informed of other bodies that may be able to help. (***Charter of Fundamental Rights of the EU, Article 43***)

18. DO MOBILE EU CITIZENS HAVE A RIGHT OF ACCESS TO DOCUMENTS?

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium. This right is enshrined in **Article 42** of the **Charter of Fundamental Rights**.

19. WHAT SHOULD A MOBILE EU CITIZEN DO IF HIS/HER RIGHTS HAVE BEEN BREACHED?

The authorities of EU countries are bound to comply with the **Charter of Fundamental Rights** only when implementing EU law. Fundamental rights are protected by the respective country's constitution.



20. WHEN IS THE CHARTER OF FUNDAMENTAL RIGHTS APPLICABLE?

The provisions of the **EU Charter of Fundamental Rights** are addressed to the institutions, bodies, offices and agencies of the EU with due regard for the principle of subsidiarity and to Member States only when they are implementing EU law.

The Charter protects individuals and legal entities against actions by the EU institutions that infringe fundamental rights. If this happens, the European Court of Justice has the power to review the legality of the act.

If a national authority violates the Charter when implementing EU law, national judges (under the guidance of the European Court of Justice) have the power to ensure that the Charter is respected.

The Charter complements, but does not replace, national constitutional systems or the system of fundamental rights protection guaranteed by the European Convention on Human Rights.

If a mobile EU citizen feels that his/her rights have been violated in a context not covered by EU law, he/she will need to address his/her complaint to the relevant national authority, be it the government, the national courts or a specialised human rights body.

However, in the negotiations leading up to the signing to the **Lisbon Treaty**, Poland and the United Kingdom secured a protocol to the treaty relating to the application of the Charter of the Fundamental Rights in their respective countries.

The protocol, in **Article 1(1)** states that the "Charter does not extend the ability of the Court of Justice of the European Union, or any court or tribunal of Poland or of the United Kingdom, to find that the laws, regulations or administrative provisions, practices or actions of Poland or of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that it reaffirms."

21. DO EU CITIZENS HAVE A RIGHT TO DIPLOMATIC AND CONSULAR PROTECTION OUTSIDE THE EU?

EU citizens are entitled to seek help from the embassy or consulate of any other EU Member State if they find themselves in a situation where they need assistance outside the EU, with no embassy or consulate from their own Member State effectively in position to help them (they are "unrepresented"). An EU citizen can be unrepresented if there is no embassy or consulate from his or her own Member State established in the country. An EU citizen can also be unrepresented when the embassy or consulate established locally is unable for any reason to provide consular protection, for example because it is far away from where the EU citizen is located.

The help that may be provided by embassies/consulates of (other) EU Member States include assistance in cases of:

- need for an emergency travel document (for example in case of loss or theft of passport)
- arrest or detention
- being a victim of crime
- serious accident or serious illness
- relief and repatriation in case of an emergency
- death



In any of those situations, EU Member States must provide unrepresented EU citizens with whatever assistance they would provide to their own nationals. This support can be different from one EU Member State to another. There are also rules to what extent EU citizen's non-EU family members can get assistance.

When unrepresented EU citizens seek help from the embassy or consulate of another EU Member State, they must prove their identity by showing a passport or identity card. If their documents have been stolen or lost, their nationality can be proven by other means, including by verification with the authorities of their own EU Member State's consular authorities.

If the assistance provided implies certain costs or fees, unrepresented EU citizens will not have to pay more than the nationals of the EU Member State that assists them would pay for similar assistance. If unrepresented EU citizens are not able to pay these costs on the spot, they will be asked to sign a form by which they undertake to repay those costs to their own authorities, if requested to do so.

EU Charter of Fundamental Rights, Chapter 5;

Directive 2015/637/EU of 20 April 2015 on the coordination and cooperation measures to facilitate consular protection

22. ARE MOBILE EU CITIZENS AWARE OF THEIR CONSUMER RIGHTS?

Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council aims to achieve a real business-to-consumer (B2C) internal market, with a high level of consumer protection and competitive businesses.

The Consumer Rights Directive gives consumers the same strong rights across the EU. It aligns and harmonises national consumer rules, for example on the information consumers need to be given before they purchase something, and their right to cancel online purchases. Harmonisation of the rules means that consumers can rely on same rights, wherever they shop in the EU.

The Directive provides for a higher level of protection for consumers. It strengthens consumer rights whether they are shopping on the high street or online, in their own country or elsewhere in the EU. E.g., consumers must have clear information on prices, wherever and whichever way they shop. Traders will have to give the total cost of the product or service, including any extra fees. The Directive applies to all contracts concluded between a "consumer" and a "trader". Member States may not diverge from the directive by imposing more or less stringent provisions unless a specific possibility to deviate from its rules is provided in the directive itself.

23. DO MOBILE EU CITIZENS HAVE THE RIGHT TO A BANK ACCOUNT IN THE COUNTRY OF RESIDENCE?

Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to



payment accounts with basic features has been applicable since 17 September 2014 and EU countries had to incorporate it into their national law by 18 September 2016. Not all EU citizens have easy access to a bank account, even though this is essential in modern life. This EU law improves the situation by giving them the right to open a basic payment account anywhere in the EU, and improves the transparency of bank account fees as well as the process of switching accounts. The aim is to tackle 3 main issues:

- access to basic payment accounts
- transparency and comparability of payment account fees
- bank account switching

The law says that anyone residing legally in the European Union has the right to open a payment account with basic features in any EU country. However, a person wishing to open such a bank account should always comply with EU anti-money laundering rules. A basic bank account includes various services such as services enabling all operations required for opening, operating and closing a payment account, services enabling funds to be placed on a payment (current) account, cash withdrawals at a bank counter or cash machines and the execution of payment transactions such as direct debits or credit transfers as well as payments with a payment card within the EU.

The law provides for several tools to make fees clearer for consumers. For instance, it requires that in each EU country there is at least one independent website that compares payment account fees that are charged by different banks.

The rules establish a quick procedure for consumers who want to switch their account from one bank to another in the same EU country. The switch has to be conducted by the recipient bank. The banks bear the costs of any financial loss in the event of errors made in the process. When a consumer wants to switch accounts between two EU countries, the bank hosting the account which will be closed must assist in the process.

Whenever possible, the bank should include access to online banking services with your account. However, these services may not always include an overdraft facility or credit facility. In some EU countries, your bank may require you to pay an annual fee for the basic payment account. The amount of the fee should be within reasonable limits.

24. DO MOBILE EU CITIZENS HAVE A RIGHT TO GO TO UNIVERSITY WHILE RESIDING IN AN EU COUNTRY OTHER THAN THEIR OWN?

All EU citizens, have the right to study at any university in the Union under the same conditions as nationals of that country. However, the conditions of admission vary widely between countries and universities. Regardless of the other conditions for admission, access to training or education in another EU country cannot be denied on the basis of nationality.

Special rules apply to fees and grants.

The language of the country concerned may be required and the candidate may have to pass a language exam.

An EU citizen studying at a university in another EU country:

- Should not be required to pay higher fees;
- Is entitled to the same scholarships covering tuition fees as nationals of that country.



Even non-nationals of the country in which they want to study, who have lived in it for five years or more, are entitled to a fellowship on the same conditions as nationals. (***Maastricht Treaty***)

25. SHALL MOBILE EU CITIZENS BE ALLOWED TO STUDY AND WORK WHILE STAYING IN AN EU COUNTRY?

Mobile EU citizens have the same right to work while studying as all nationals of that country. No work permit or even a full-time job will be needed. Exception – Croatian citizens are still subject to temporary work restrictions in the EU (In this case, the 28 EU + Iceland, Liechtenstein, Norway and Switzerland). Some countries shall allow mobile EU citizens to work an unlimited number of hours per week, while others apply restrictions on the number of hours per semester or per year. (***Maastricht Treaty***)

26. DO THE CHILDREN OF MOBILE EU CITIZENS HAVE A RIGHT TO EDUCATION IN PUBLIC SCHOOLS IN THEIR COUNTRY OF RESIDENCE?

The children of mobile EU citizens have the right to attend school in any EU country (In this case, the 28 EU + Iceland, Liechtenstein and Norway) on the same terms as their nationals. They have the right to be enrolled with students of their age group in a class at the same level as in their country, regardless of their language skills. Such children are entitled to free lessons in the new country so that they can integrate and adapt to the school system there. Part of these initial lessons are intended to help them learn the language in the new country. There is no automatic recognition of school certificates in the EU. In some countries, national authorities might be asked to recognize the children's school certificates before enrolling them in a local school.

Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers

27. HOW IS THE RISK OF POVERTY AND SOCIAL EXCLUSION OF CHILDREN ADDRESSED?

Thanks to the economic recovery, child poverty in Europe has declined, but it is still unacceptably high. In 2017, 24.9% of children were at risk of poverty or social exclusion. Children that grow up in poverty are more likely to suffer from social exclusion and health problems in the future, and also less likely to develop to their full potential later in life. Breaking the cycle of disadvantage in early years and investing in children through a preventative approach allows reducing the risk of poverty and social exclusion.

The 2013 ***Recommendation on Investing in children*** stresses the importance of early intervention and an integrated preventative approach. It calls on EU countries to:

- support parents' access to the labour market and make sure that work 'pays',
- improve access to affordable early childhood education and care services,
- provide adequate income support such as child and family benefits, which should be redistributive across income groups but avoid inactivity traps and stigmatization,



- support children's participation in extra-curricular activities and in legal decisions affecting them.

28. WHICH IS THE AUTHORITY RESPONSIBLE FOR HANDLING CASES OF PARENTAL RESPONSIBILITY CONCERNING MOBILE EU CITIZENS?

In situations involving more than one country, for example if the parents do not live in the same country, the courts responsible for handling cases of parental responsibility are those in the country where the child usually lives. If the parents cannot reach agreement on custody or visiting rights, the will go to a court. The court will decide in the best interests of the child on the parent's custody rights, visiting arrangements and determine the child's place of residence. Court decisions on parental responsibility made in an EU country are recognised in all EU countries without the necessity for any additional procedure. Their enforcement is facilitated by a standard procedure.

29. WHICH AUTHORITIES SHOULD BE APPROACHED FOR CHILD ABDUCTION CASES?

If a partner has taken his/her child to another EU country without the consent of the other parent or against a court decision, legal proceedings can be launched to have the child returned. Central authorities can help in taking the necessary steps. If the case meets legal requirements, the courts in the EU country where the child was taken to, will decide whether the child should be returned.

Possible exceptions

- if the child might be in danger in the country where they lived before the abduction
- if the child is old enough to declare that they do not want to return.

Both the parent and the child should have the opportunity to be heard by the court during the proceedings.

The Hague Abduction Convention

30. CAN MOBILE EU CITIZENS CLAIM FAMILY BENEFITS?

Family benefits differ greatly within Europe. EU countries are free to establish their own rules on entitlement to benefits and services. All countries offer some family benefits but amounts and conditions differ widely. In some countries EU citizens will receive regular payments, while in others their family situation may give rise to tax benefits rather than payments. To avoid potentially serious misunderstandings that could have a significant impact on the overall income, find out about the social security system in the respective host country.

Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems

31. WHERE TO APPLY FOR FAMILY BENEFITS?

Mobile EU citizens can apply for family benefits in any EU country (In this case, the 28 EU member



states + Iceland, Liechtenstein, Norway and Switzerland) where he/she or the children's other parent are entitled to benefits. If someone applies for benefits in due time in one country, he/she will be considered to have applied in due time in any other EU country in which he/she has rights to family benefits. He/she cannot be refused benefits to which he/she is entitled because the country where he/she applied initially has forwarded the files too late to the competent authority in another country.

32. WHICH COUNTRY HAS PRIMARY RESPONSIBILITY FOR PAYING CHILD BENEFITS IF FAMILY MEMBERS LIVE IN DIFFERENT EU COUNTRIES?

If the members of a family do not live in the country where they are insured, they could be entitled to family benefits from different countries. The relevant national authorities will then take account of both parents' situations and decide which country has primary responsibility for paying the benefits. Their decision will be based on "priority rules".

- Generally, the primary country responsible for providing the benefits is the country where the family's right is based on work (husband or wife are employed or self-employed)
- If the right is based on work (employment or self-employment) in both countries, the country where the children live is responsible if one of the parents works there. Otherwise it will be the country where the highest benefits are paid.
- If the right is based on a pension in both countries, the country where the children live is responsible if this country pays one of the pensions. Otherwise it will be the country where the EU citizen was insured or has resided the longest.
- If the right is based on residence in both countries, the country where the children live is primarily responsible.

33. HOW DO CHILDREN OF DIVORCED PARENTS LIVING IN DIFFERENT EU COUNTRIES GET CHILD BENEFITS?

If a mobile EU citizen is divorced and her ex-husband or his ex-wife receives benefits but does not use them to maintain his/her children, the citizen can contact the family benefits authority in the country where the children live and ask to have the benefits paid directly to her/him instead, since she/he is the person who is actually maintaining the family.

34. WHAT SHOULD MOBILE EU CITIZENS DO TO GET UNEMPLOYMENT BENEFITS?

A mobile EU citizen can carry on receiving his/her unemployment benefit for at least 3 months from the EU country where he/she was last working – and up to a maximum of 6 months, depending on the institution paying the benefit. One can only do this if he/she is wholly unemployed (not partially or intermittently) and entitled to receive unemployment benefits in the country where he/she became unemployed.



Before leaving the country where he/she became unemployed, he/she must: have been registered as an unemployed jobseeker with the employment services in that country for at least 4 weeks (exceptions can be made) and apply to the respective national employment services for a U2 form (formerly E 303) – an authorization to export his/her unemployment benefits.

On arrival in the new country, the mobile EU citizen will need to:

- register as a jobseeker with the national employment services within 7 days from the date on which he/she ceased to be available to the employment services in the country he/she left
- submit your U2 form (formerly E 303) when you register
- agree to any checks made on unemployment benefit claimants in the new country as if he/she was receiving unemployment benefits there.

35. WHEN SHOULD A MOBILE EU CITIZEN APPLY FOR AN EXTENSION TO HIS/HER UNEMPLOYMENT BENEFIT TRANSFER?

To make sure a mobile EU citizen doesn't lose any unemployment benefits, he/she should apply for an extension as early as possible. This must be done before the first 3 months are up.

36. ARE MOBILE EU CITIZENS ENTITLED TO HEALTH INSURANCE IN THE COUNTRY OF RESIDENCE?

Which EU country will be responsible for a mobile EU citizen's social and health insurance depends on his/her economic situation and place of residence, not his/her nationality.

Special conditions apply to health insurance:

If he/she works in one EU country but lives in another, he/she is entitled to medical treatment in both countries. The mobile EU citizen should register in the country where he/she works and receive an S1 form (former E106 form) from the health insurance institution. This form entitles him/her to healthcare in the country where he/she lives.

If a mobile EU citizen is going to another EU country to study, do research, internship or vocational training, he/she must have full health insurance in the host country.

There are significant differences between national health systems in Europe. EU countries can set their own rules on entitlement to benefits and healthcare.

(Directive 2011/24 / EU of the European Parliament and of the Council of 9 March 2011 on the exercise of patients' rights in cross-border healthcare)

37. DO MOBILE EU CITIZENS HAVE THE RIGHT TO PURCHASE A PRESCRIPTION MEDICINE ISSUED BY A DOCTOR IN THEIR COUNTRY OF ORIGIN IN THE HOST COUNTRY?

A prescription issued by a doctor in the mobile EU citizen's country is valid in all EU countries (in this case the 28 EU + Iceland, Liechtenstein and Norway). However, the medicine prescribed in one country may not be available in another country or have another name. One can ask his/her doctor to give him/her a prescription to use in another EU country known as a cross-border prescription.



Some medicines may be banned or may not be available in another country, even within the EU.

There is no specific format or format for the recipe that you will use in another EU country but it must contain at least the following information:

- Patient details - surname and first name (given in full) and date of birth
- Date of issue of the recipe
- Prescribing information – surname and given name (full name), professional qualification, direct contact information, business address (including country) and signature (handwritten or digital)
- Prescribed Product Details – Common name (not trade name, which may be different in another country), Form (tablets, solution, etc.), Quantity, Concentration and Dosage.

Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the exercise of patients' rights in cross-border healthcare

Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measures to facilitate the recognition of medical prescriptions issued in another Member State

38. ARE DRIVING LICENCES OF MOBILE EU CITIZENS RECOGNIZED IN THE HOST COUNTRY?

A driving license issued by an EU country (In this case, the 28 EU member states + Iceland, Liechtenstein and Norway) is recognized throughout the EU. One can drive in the host country on his/her current license as long as:

- it is valid
- the EU citizen is old enough to drive a vehicle of the equivalent category
- it has not been suspended or restricted and has not been revoked in the issuing country.

The categories AM, A1, A2, A, B, BE, B1, C1, C1E, C, CE, D1, D1E, D and DE are also recognized in other EU countries (In this case, the 28 EU member states + Iceland, Liechtenstein and Norway).

39. WHICH EU COUNTRIES ALLOW DUAL CITIZENSHIP?

Belgium, Cyprus, Denmark, Finland, France, Greece, Italy, Luxembourg, Malta, Portugal, Romania, Sweden and the United Kingdom allow dual citizenship. Most other countries impose various restrictions. For example, Croatia and Slovenia allow their own citizens to acquire another citizenship, but foreigners wishing to become citizens have to renounce their other citizenship.

40. ARE PUBLIC DOCUMENTS (THOSE ISSUED BY PUBLIC AUTHORITIES) ACCEPTED IN EU?

When one presents a document (an original or its certified copy) issued by the authorities in one EU country to the authorities in another EU country, the authorities there must accept the document as authentic without an apostille stamp to prove its authenticity.



Types of documents covered by EU rules that can be presented without an apostille stamp in the following areas:

- birth
- the fact of a person being alive
- death
- name
- marriage, including capacity to marry and marital status
- divorce
- legal separation or marriage annulment
- registered partnership, including capacity to enter into a registered partnership and registered partnership status
- dissolution of a registered partnership, legal separation or annulment of a registered partnership
- parenthood
- adoption
- domicile and/or residence
- nationality
- absence of a criminal record and the right to vote and stand as a candidate in municipal elections and elections to the European Parliament.



41. IS A SAME-SEX MARRIAGE CERTIFICATE ISSUED IN ONE EU COUNTRY A GUARANTEE THAT THE MARRIAGE WILL BE RECOGNISED IN ANOTHER EU COUNTRY?

The authorities of another EU country where you may present the certificate cannot require an apostille stamp for your certificate, but will not be obliged to recognise the marriage if same-sex marriage is not legally recognised in that country. The authenticity of public documents does not necessarily mean recognition of their legal effects outside the EU country where they are issued – this aspect is governed by the national law of the EU country where the document is presented.

42. IS OFFICIAL TRANSLATION OF PUBLIC DOCUMENTS REQUIRED?

Official translation of documents are not required if they are in one of the official languages of the EU country where they are being presented it or if they are in another non-official language accepted by that country.

In other cases, one can ask the authorities of the EU country that issued a document to provide a multilingual standard form which should be presented together with the document, instead of presenting a translation of the document. When presenting a multilingual standard form together with a public document, the authorities of the EU country where the form is presented may exceptionally ask for a certified translation of the document if they cannot fully understand its contents.

43. WHAT ARE THE RIGHTS OF WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE?

Domestic violence against women – physical, sexual or psychological – remains a pressing human rights issue in the EU and its Member States. It leaves its victims with traumatic physical and mental scars. It also violates their fundamental rights as equality, dignity and access to protection and justice are challenged.

Female mobile EU citizens who are victims of domestic violence need immediate support and protection as well as access to justice although current policy measures and practice regarding crime victims' rights to have access to justice vary across and within the Member States.

In case of domestic violence the abuse should be reported to the police forces who will accept the complaint and file it to court. The victim should provide a medical certificate for the injuries and address a lawyer for advice before going to court. The victim can also approach Victims of domestic violence can also approach victim support organisations.

Charter of Fundamental Rights of the EU

44. DO FAMILIES OF MOBILE EU CITIZENS HAVE A RIGHT TO FAMILY LEAVE AND FLEXIBLE WORK ARRANGEMENTS?

The Work-life Balance Directive was passed by the European Parliament in April 2019 and entered



into force on 1 August 2019. Member States now have three years to adopt the laws, regulations and administrative provisions necessary to comply with the Directive. It introduces a set of legislative actions designed to modernise the existing EU legal and policy frameworks, with the aims of:

- better supporting a work-life balance for parents and carers,
- encouraging a more equal sharing of parental leave between men and women, and
- addressing women's underrepresentation in the labour market.

Measures under the Directive include:

- The introduction of paternity leave: under the directive, fathers must be able to take at least 10 working days of paternity leave around the time of birth of their child, compensated at least at the level of sick pay.
- Ensuring that two out of the four months of parental leave are non-transferable between parents and compensated at a level that is determined by the Member State.
- The introduction of carers' leave: workers providing personal care or support to a relative will be entitled to five days of leave per year.
- Extending the right to request flexible working arrangements to carers and working parents of children up to eight years old.

The Directive is also accompanied by a set of policy measures that are designed to support Member States in achieving the aims of better work-life balance and more equally distributed caring responsibilities. These include:

- encouraging the use of European funds to improve the provision of formal care services,
- ensuring protection for parents and carers against discrimination or dismissal, and
- removing economic disincentives for second earners within families.

As a result of these measures, the Directive aims to improve not only work-life balance but also contribute to an increase in women's employment and families' economic stability.

45. DO TRAVELLERS WITH REDUCED MOBILITY HAVE SPECIAL RIGHTS?

Regulations on the Rights of Passengers with Reduced Mobility in Main Modes of Transport – by air, by train, by bus and coach, by ship

If you have reduced mobility, you should still have access to air travel, train travel, bus and coach travel, and travel by ship like anyone else. You are also entitled to assistance, free of charge, getting on and off the plane, train, bus, coach or ship. To get the best assistance, contact the airline, the railway company, the bus company, the carrier, ticket seller or tour operator at least 48 hours before your trip and explain what kinds of assistance you require.

46. HOW DO PERSONS WITH DISABILITIES GAIN BETTER ACCESS TO PUBLIC SERVICES?

EU Directive 2016/2102 on the accessibility of website and mobile applications of public sector bodies





It aims to make public sector websites and mobile applications more accessible, and to harmonise varying standards within the EU, reducing barriers for developers of accessibility-related products and services. This will allow EU citizens, particularly those with a disability, to gain better access to public services, an underlying principle of the EU's Digital Agenda for Europe and e-Government Action Plan 2016-2020.

EU countries must ensure that websites and mobile applications of public sector bodies are 'more accessible', particularly for people with disabilities, by making them 'perceivable, operable, understandable and robust'.

47. IN WHICH EU COUNTRIES ARE DISABILITY CARDS VALID?

A disability card ensures equal access to benefits across borders for people with disabilities, mainly in the areas of culture, leisure, sport and transport. The card is mutually recognised between EU countries participating in the system, on a voluntary basis. Currently, there is no mutual recognition of disability status between EU Member States, leading to difficulties for people with disabilities, as their national disability cards might not be recognised in other Member States. A pilot of the card was launched in February 2016 in a group of eight EU countries: Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania, Slovenia.

In 2019, the European Commission has started the assessment process of the initiative. The assessment study will provide an analysis of the implementation of the pilot project, to facilitate the possible wider implementation of the disability card in the EU.

48. CAN DISABLED MOBILE EU CITIZENS USE THEIR BLUE BADGE IN THE EU?

The Blue Badge is recognised across Europe, it allows mobile EU citizens with disabilities that lead to reduced mobility make use of the same parking concessions that the host country allows its own citizens with disability. Parking concessions for holders of a disabled parking card do vary from country to country so it's important to know where, when and for how long one can park in each country.

49. WHAT HAPPENS TO A PERSON WITH PENSION FOR INVALIDITY IF HE/SHE MOVES TO ANOTHER EU COUNTRY?

When the person is entitled to an invalidity pension, it will be paid to him/her regardless of where he/she resides or stays in the EU, Iceland, Liechtenstein, Norway or Switzerland. The EU rules on social security coordination cover old-age, invalidity, and survivor's pensions. In principle, they apply to state pension schemes and not to occupational or private schemes. In order to overcome obstacles to free movement related to these supplementary pensions, the European Council adopted **Directive 98/49/EC** on safeguarding supplementary pension rights of employed and self-



employed persons moving within the European Union.

50. WHICH KINDS AND FORMS OF DISCRIMINATION DO EU REGULATIONS FACE AND COMBAT?

As mentioned and defined in **Article 21, Non Discrimination of the Treaty on European Union**, any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

