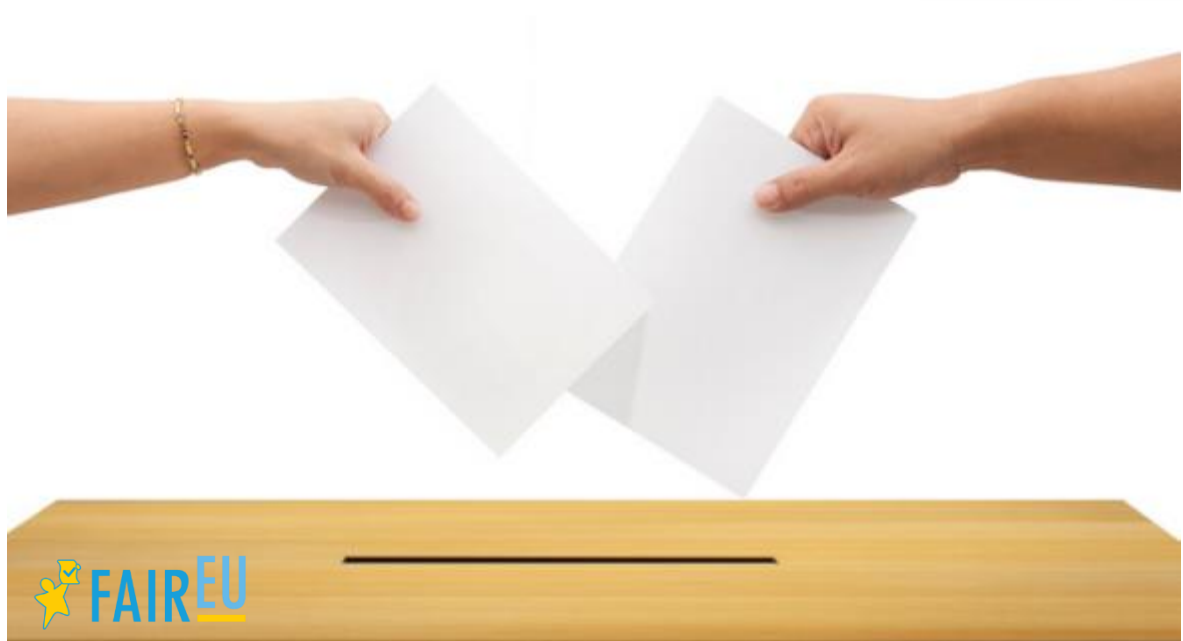


OBSTACLES TO FREEDOM OF MOVEMENT AND POLITICAL PARTICIPATION OF MOBILE EU CITIZENS



**Report from the
Focus Group in
Athens**

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Report from the FAIR EU Focus Group in Athens (EN)

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Table of contents

Introduction	3
Background on Greece	4
Discussion.....	5
Obstacles to the exercise of political rights of EU mobile citizens in Greece	5
Obstacles to the exercise of free movement rights of EU mobile citizens in Greece.....	5
Conclusions	6

Introduction

FAIR EU (Fostering Awareness Inclusion and Recognition) aims to foster the successful inclusion of EU mobile citizens in their host EU country's civic and political life through the provision of a holistic approach to tackling obstacles they face when exercising their rights. Within this framework a focus group was organised in Athens, Greece, on 9 November 2018.

The aim of the focus group was to identify and analyse the links between obstacles to free movement and the exercise of political rights of EU mobile citizens in Greece.

The following people participated in the focus group:

- Participants:** Philippa Chatzistavrou (external Assistant to the Department of Political Sciences and Public Administration of the University of Athens, Researcher of ELIAMEP (Hellenic Foundation for European and Foreign Policy)), Panagiotis Panagiotopoulos (representative of the Department of Elections of the Ministry of Interiors of Greece, Penny Chatzianagnostou (Legal Advisor of the Ministry of Foreign Affairs, Strategic Structure of NSRF), Eleni-Anna Theona (representative of the Municipality of Athens, Europe Direct City of Athens), Savvas Gelastopoulos (representative of the Ministry of Foreign Affairs)
- Moderator:** Anastasia Evangelidou, Legal Expert of EU law

Background on Greece

Mr Panagiotopoulos, representative of the Ministry of Interiors, explained the changes that will take place with the entry into force of the new Law 4555/2018 (FEK 133/A/19-7 2018) on the political rights EU citizens residing in Greece. According to the provisions of the Law 4555/2018 (article 48 that substitutes article 116 of Law 3852/2010), the major change introduced is that from 2019 EU citizens residing in Greece will also have the right to vote and to stand as candidates in regional elections. The right to vote and stand as a candidate in municipal elections has been already foreseen in article 116 of Law 3852/2010 (FEK 87/A/7-6-2010).

The provisions of the Presidential Decree 133/1997 (FEK 121/A/12-6-1997) on the participation of the citizens of the Member States of the EU in the elections of municipal authorities are also applicable to the elections of regional authorities. The provisions of the P.D. 133/1997 regulate in detail the conditions and documents needed in order to legally vote and stand as candidate both in municipal and regional elections.

However, the right to stand for election in regional elections as the Governor of the Region is reserved for Greek citizens only. By contrast, EU citizens can be elected as members of the Regional councils.

In order to exercise their electoral rights, EU citizens residing in Greece:

- should have reached the age of 18 in the year of election (until the 31st of December of the election year) ;
- must not be deprived of voting rights for any reason in their countries of origin or in Greece;
- must enrol on a special electoral lists at least three months before the elections. In order to register, they must go to the municipality of their residence, present a valid identity document and fill in the relevant application with the relevant Solemn Declarations.

Discussion

Obstacles to the exercise of political rights of EU mobile citizens in Greece

It was underlined that the registration of EU citizens residing in Greece to the special electoral lists for the municipal and regional and the European Parliament elections is not automatic. That means that voters should be registered before every election. It was debated that this might form an obstacle to the exercise of political rights of mobile EU citizens since there is no such obligation for Greek citizens. However, it was concluded that this is a means of control of who is actually legally residing in Greece at the time of the elections.

Obstacles to the exercise of free movement rights of EU mobile citizens in Greece

A second point of discussion, among the focus group members, focused on the requirement for mobile EU citizens to prove the possession of a minimum amount of 4.000 € on a bank account if they want to receive a residence certificate in Greece. This is usually enforced by the Police even though the provisions of Directive 2004/38/EC (art.8 par.4) prohibit Member States from laying down a fixed amount which they regard as “sufficient resources”. The representatives of the Ministry of Foreign Affairs confirmed that there are a lot of cases where the Police, responsible for the issue of registration certificates for EU citizens, do ask for that kind of proof of sufficient resources and the focus group confirmed that this kind of administrative requirement might form an obstacle to the exercise of EU mobile citizen’s political rights. Moreover, it was concluded that this might also form an infringement of EU law.

The group also agreed that excessive administrative requirements faced by third country nationals who are family members of EU nationals for the issue of registration certificates, permanent registration certificates and registration cards might be considered obstacles to the exercise of freedom of movement which, in turn, can influence political rights of EU mobile citizens and their family members. Such administrative requirements include: requests for unnecessary documents, lengthy appointments, and extra procedures for the recognition of family ties for EU citizen’s family members.

It was agreed that the more the requirements for EU citizens and their family members in order to get the proof of legal residence in Greece, which is only a means of proof of their existing rights, the more they feel less welcome in Greece, their host Member State. As a result, they will avoid registration in Greece and thus will not be able and willing to exercise their political rights. Examples coming from the Your Europe Advice’s Quarterly Feedback Reports and hypotheses prepared by ECAS were discussed.

It was also discussed that the nationality of the EU mobile citizens and the administrative structure of their home Member State might influence the sense of duty they have so as to willingly comply with the obligations set out by the law. Citizens coming from countries such as France or the Netherlands, who are very familiar with the obligation to respect administrative procedures in order to exercise several rights in their home Member State, have the mentality of keeping the rule of law in the host Member State as well.

A discussion took place on the means of protection of the rights of EU mobile citizens and the exercise of their judicial rights and alternative dispute resolution methods they may have. There was a mention of:

- the Your Europe Advise Service of the European Commission where free legal personalised advice is provided to the citizen on their EU rights,
- SOLVIT as means of intervention before the national administrative authorities on a dispute of EU citizens and family members with the national authorities.

However, the exercise of their judicial rights was debated to be sometimes extremely lengthy and costly for the EU nationals and their family members. That is the main reason that people choose not to address their case to the courts, in detriment of their own rights.

Conclusions

The general conclusion of the Focus Group discussion is that when EU mobile citizens and their family members face a lot of administrative burdens, then political participation is their priority as they tend to focus on organising their everyday life.

In Greece, EU mobile citizens face obstacles when they try to register in their municipality or when they want to have their rights recognised, such as recognition of insurance periods in other Member States related either to social security insurance coverage or health insurance, recognition of professional qualifications, pension claims from other Member States or family benefits, etc.

Nonetheless, it was underlined, that in Greece, EU mobile citizens, regardless of any difficulties faced, they do manage to integrate within the Greek society. In the European Parliament elections of 2014, for the first time, an EU citizen from Bulgaria, Mrs. Kouneva, residing in Greece for years, was elected as a Member of the European Parliament.