



Draft Discussion resulting from the Summer University on European Citizenship

29-31 August, 2016

Maison des Associations Internationales

40 Rue Washington, 1050 Brussels

Proposals for a more inclusive, coherent and stronger European citizenship¹

INTRODUCTION

The official definition of Union citizenship can be found in Articles 18-25 (TFEU) giving 508 million people rights to equal treatment and protection against all forms of discrimination.

- EU citizens have the right to move freely to work, live or study anywhere in the Union, provided they have sufficient resources and health insurance so as not to become a burden on the host Member State.
- EU legislation on residence rights of EU citizens and their family members, the coordination of social security entitlements and the recognition of professional qualifications seeks to remove barriers to the citizenship right of free movement.
- European citizens receive consular protection in countries outside the Union where their own country is not represented.
- Political rights are attached to the status of European citizenship since European citizens can vote and stand in local and European elections in countries other than their own.
- Over 1 million citizens from a minimum of 7 of the 28 Member States can also present a demand for a new law to the European Commission.
- There are also rights to be informed, heard, complain to the European Commission, appeal to the European Ombudsman or petition to the European Parliament.

¹ The Summer University is a coming together of expertise from civil society, academia and decision-makers. This document is not one expected to be agreed by all participants word-for-word but it does reflect a broad consensus. The event report is available at <http://ecit-foundation.eu/ecit-initiatives/ecit-summer-university-event-report/>.

Other pieces of this citizenship are scattered across other parts of the Treaties, EU legislation, research, exchange and educational programmes such as Erasmus. Whilst the first right of the European citizen is to move freely around the Union, it is wrong to reduce this citizenship to rights that are triggered by crossing a border. Equality between female and male workers, many standards of health and safety at work and other workers' rights derive from European law. European law also affects our rights to privacy, environmental or consumer protection, which can only be guaranteed by legislators working together across Europe. In its guidelines, ECIT has brought together this scattered citizenship to show both that it is more than the sum of its parts and that reforms are necessary for it to become a citizenship for everyone.²

And this is not all. For many, especially among the younger generation, these rights are simply the translation by the EU of a sense of being European. With the freedom of a continent since the fall of the Berlin wall stretching from Edinburgh to Belgrade, Lisbon to Riga, European citizenship is now a fact of life taken for granted. The first transnational citizenship of the modern era finds legal expression in the EU, whilst being a European citizen runs historically deeper and geographically wider across the continent. It is not just about rights and having a voice in EU affairs.

The EU citizenship space is a social and political space within which particularistic identities can simultaneously coexist and merge into wider moralities. In this enlarged communal space, our conceptions of community, membership and democracy are reconfigured, and the lives of 'others' (i.e., non-national EU citizens) and their claims to equal treatment, equal opportunity and fair play become part of 'our realities' and of a shared moral code. For as, Dewey has observed, 'everything which bars freedom and the fullness of communication sets up barriers that divide human beings into sets and cliques, into antagonistic sects and factions, and thereby undermines the democratic way of life'.³ And further, 'to cooperate by giving differences a chance to show themselves because of the belief that the expression of difference is not only a right of the other persons but is a means of enriching one's own life-experience, is inherent in the democratic personal way of life'.⁴ European Union citizenship has enabled EU citizens to escape the closure of territorial democracy and to enjoy a wide range of associative relations with others across national boundaries. It has thus enriched our thinking and political imagination by making another world visible; namely a notion of community anchored on the values of diversity, non-discrimination on the ground of nationality and human cooperation.

European citizenship faces a paradox. On the one hand, according to Eurobarometer opinion polls, free movement of persons, the right most closely associated with European

² Guidelines for European Citizens' Rights, Involvement and Trust available at <http://ecit-foundation.eu/ecit-initiatives/ecit-guidelines/>.

³ Dewey's address in New York City on 20 October 1939, entitled 'Creative Democracy: The Task Before Us', p. 4; reprinted in *The Later Works*, Vol. 14.

⁴ Ibid.

citizenship, is the most popular of the EU's achievements. This is the opinion of 57% on average of the EU population which puts this first transnational citizenship of the modern era ahead of all other EU achievements such as the euro or peace in Europe. Union citizenship often dismissed as "citizenship light" when first introduced in the Maastricht Treaty a generation ago has become a real citizenship. It has deeper historical roots, well before Maastricht, has acquired legal substance through case law and a comprehensive regulatory framework and is in reality more widely practised than the official statistics of those permanently resident in another Member State suggest. Over two-thirds of European citizens see themselves in some sense as European citizens, whilst one third identify only with their national citizenship.⁵ More and more civil society movements especially among young people reflect attachments to citizenship beyond the nation state.

On the other hand, whilst being the most popular of the EU's achievements, free movement of persons - wrongly associated with the asylum and migration crisis has aroused deep opposition with its disadvantages stressed over its advantages. It was the most contentious aspect of the UK settlement in February 2016 in case of a "remain" majority in the referendum of 23 June. The "leave" campaign took advantage of opposition to free movement in the name of control over national borders. Whilst European citizenship has progressed, a series of crises facing the EU have also encouraged a retreat to the citizenship people know best with its more comprehensive guarantees, the national one. This rise in nationalism and euroscepticism should not be confused with xenophobia and racism, but crises can all too easily encourage their emergence.

It is astonishing that the EU Institutions have not so far taken advantage of European citizenship and made more use of its potential. Since the outbreak of the economic and banking crisis eight years ago our sense of being European citizens has been put to the test in a series of crises whether to do with the Euro, migration and security and ultimately European values and citizenship itself. Union citizenship has failed these "stress tests". In turn, the absence of any European dimension to citizenship means governments can only represent their own citizens and taxpayers thus limiting their own capacity to act collectively in the European interest. This does not mean that European citizenship should be dismissed as irrelevant: on the contrary, it should be reconfigured as the only way ultimately to hold the EU together.

Against this background, we have collected together ideas and proposals for a more inclusive, coherent and stronger European citizenship.

⁵ Standard Eurobarometer no.85 This EU wide average differs. In more eurosceptical countries such as the UK, a majority see themselves as national citizens only. The average also obscures differences between regions and socio-economic groups in the same country.

1. A MORE INCLUSIVE EUROPEAN CITIZENSHIP

Since Union citizenship was established by the Maastricht Treaty in 1993, its limitation to nationals of Member States has been criticised by human rights and migration groups. BREXIT raises this question again. The impact in citizenship of the unprecedented situation of a Member State leaving the EU should be studied and clarified, so that acquired European rights are protected.⁶ Until Article 50 of the Treaty on European Union triggers at least two years of negotiations between the UK and the EU, UK citizens remain European citizens. Once the UK has left the EU, a number of options are theoretically possible:

- **The status quo.** Some of 1.3 million UK citizens residing outside the UK could keep their European citizenship through adopting the nationality in the country in which they are resident. Some of the 3 million EU citizens resident in the UK and see their future there, might well do the same. Without awaiting for the outcome of the negotiations, many are “seeing the writing on the wall” and considering that option, with access to Irish citizenship for example – an easy option for British citizens with family connections to Ireland. Dual citizenship is a logical response, even though it may not overcome all barriers to freedom of movement. The drawback is the marked difference across Member States in procedures for acquiring citizenship as well as the time and cost involved both for the citizens themselves and the administration. In some EU countries 10 years prior residence is required to be able to apply for citizenship whilst in others it is 5 or even less.
- **Recognition that once acquired European rights cannot be withdrawn.** Other UK citizens may well argue that Union citizenship has been advantageous to guarantee equal treatment with citizens in the host country without having to apply for national citizenship. British citizens who took up the rights associated with EU citizenship before the referendum are arguing that this status should be valid for the rest of their lifetime. One possibility would be to grant British citizens in the EU and EU citizens resident in the UK the status of long-term resident, which under both the citizenship directive and under the directive for legally resident third country nationals is 5 years. A number of petitions have been made by individuals and groups to the European Parliament to keep acquired rights and preserve European citizenship.
- **A reconfiguring of access to European Citizenship itself.** A more self-confident outward looking EU might well consider alternatives to shrinking European citizenship. Are UK citizens faced with the loss of EU citizenship alone? A British

⁶ EUDO might be the right body to take up such a request given its expertise in procedures relating to the acquisition and loss of citizenship. A debate among academics could help clarify the theoretical options.

couple post BREXIT resident in Belgium for example will be in the same situation as their Canadian or Moroccan neighbours, working in the same company, paying taxes and sending their children to the same schools. There should be a return to the period where serious consideration was given by the EU of how to reduce and close the gap between EU citizens and permanently resident third country nationals. Could European citizenship become a status automatically linked to nationality of an EU Member State, but open also to long-term residents in the EU and to citizens in associated and neighbouring European countries who wish to apply for this status? ECIT is putting forward proposals in a petition to the European Parliament for European citizenship to be based not only on nationality of a Member State but also on residence. It is also pointed out and argued in a background document that the involuntary loss of European citizenship for 64 million people cannot be described as the democratic outcome of a referendum when despite many opportunities to do so people were not warned in advance and many potential voters among those most directly affected were disenfranchised.

2. A MORE COHERENT EUROPEAN CITIZENSHIP

Citizenship is a status comprising rights to have rights, and the capacity to safeguard and further them through involvement and participation with the powers that be as part of belonging to a wider community. These three components of citizenship stand or fall together. Within the EU Institutions however, European citizenship is everyone's and no-one's responsibility. Even the rights associated with Union citizenship are scattered across different Commission departments for justice, employment or the internal market, whereas exchange programmes such as Erasmus are dealt with elsewhere. In turn the European Parliament committees and expert groups in the Council of Ministers deal with specific pieces of EU citizenship but no-one deals with the whole. This matters because it is from the EU Institutions that legislative initiatives, research and programmes for projects or exchanges come and influence the behaviour of researchers and civil society organisations which tend to reinforce the scattered and discreet nature of this citizenship which does not dare to speak its name. A more coherent approach is necessary to give visibility to Union citizenship and begin to realise its potential.

Four reforms should be introduced:

- **A one-stop shop and Commissioner responsible.** With the EU Institutions and Member States there is a need for more progress towards a one-stop shop. European citizens often look for answers to a range of questions about free movement and residence, social security or recognition of their qualifications. Europe Direct provides first answers and access to a cascade system of assistance

services providing advice (Your Europe Advice) and solutions to cross-border problems (SOLVIT). A step forward would be to make all services of the EU and Member States operate according to the same standards with a one-stop shop in each country. A vice-President in the European Commission shadowed by one in the European Parliament should be responsible for all aspects of EU citizenship and communication.

- **A civil society coalition.** Independently of the EU Institutions, a broad coalition of coalitions should bring together civil society organisations representing European citizens living in other Member States as well as advice and support services and academics. European citizenship raises both practical questions of the defence of European rights, or the organisation of exchange programmes as also the key conceptual issues as to its nature in a multicultural and multilingual community. Dialogue between practitioners and academics is essential to forge consensus as to what European citizenship is and could become. Such a coalition should link different geographical levels of initiative and cut across different issues and disciplines, bringing together the rights, involvement and trust components of citizenship. A start was made in this direction by the European year of citizens' alliance (EYCA) in 2013.
- **Guidelines to explain European citizenship.** Consideration should be given to attempts such as the ECIT Guidelines for European Citizens' Rights, Involvement and Trust to bring together aspects of citizenship scattered in different parts of the EU Treaties, legislation and exchange programmes. The advantage of this approach is that it makes European citizenship much more visible and shows that it is more than the sum of its parts. It also reveals where a piecemeal approach to reforms is inconsistent and has left gaps. Why are some political rights attached to freedom of movement guaranteed and not others? A European citizens' initiative could be launched to demand a more coherent approach, provided the necessary resources and support can be gathered to collect over 1 million signatures. The aim should be to give full political rights to EU citizens.
- **A European citizen card.** Such a card which could be the reverse side of national identity cards (or a special card in countries which do not have national IDs), showing that national and EU citizenship are complementary. It could serve a number of objectives to establish European rights and access to the EU Institutions. In a digital Europe considerable time and money can be saved for citizens and the administration by replacing the need to supply paper originals and authenticated documents to establish one's family status, professional experience and social security entitlements. There is already a European health card which could be

extended to the other European rights. Such a card could also make it easier to sign a European citizens' initiative, a petition to the European Parliament and participate in public consultations or ERASMUS programmes.

3. A STRONGER EUROPEAN CITIZENSHIP

In terms of Article 25, the Commission presents every three years a report on activities related to European citizenship and possible proposals for the development of rights. A report following extensive consultations was due in 2016 but was delayed until early 2017. So far, the Commission has adopted a cautious approach partly because Article 25 is different from the normal legislative procedure and requires the assent of the European Parliament and unanimity in the Council of Ministers. When the Treaties are next reformed, Article 25 should be changed to introduce the European Parliament as co-legislator and majority voting in the Council. In the meantime, this weakness is not necessarily a barrier to reform, since much of the agenda put forward here requires better enforcement rather than new laws, or developing transparency measures or exchange programmes for European citizens. The message is that faced with the challenges of internal and external crises, the EU needs a stronger European citizenship. Single reforms are not enough, but a package could make a difference, particularly if it is accompanied by an objective of achieving equal access for all to the advantages European citizenship can bring. Reforms do not work if their benefits reach only a minority and leave a majority with a feeling of exclusion.

(i) Rights

In theory, since the Lisbon Treaty made the Charter of Fundamental Rights legally binding including citizenship as one of its chapters, the EU has a complete and modern legal architecture to uphold European rights and values. In theory, citizens can quote articles in both the Treaties and the Charter, which also contains rights to good administration and access to justice. In practice, the scope and limits of the Charter are proving difficult to define as attempts by the Commission to enforce the rule of law in Hungary and Poland have shown. Moreover, there is a gap between the fine ideal of freedom of movement and the barriers created by Member States' administrations particularly for low-income groups, minorities such as the Roma and EU families including third country nationals. The requirements to control access to social benefits and immigration as well as differences in family law are leading to increasing tension between European and national citizenship. There is a long history of failure by Member States to apply European law correctly. In turn, this is fuelled by a negative political climate surrounding free movement which is under attack before and after BREXIT from populist and nationalistic forces. In any case free movement is not entirely free but

subject to the condition for EU citizens to have sufficient resources and health insurance so as not to be a burden on the host member state. Migration organisations, legal clinics and lawyers working pro-bono for EU citizens should be given more support from EU programmes. Other measures should be considered such as better preventative action so that European rules are correctly applied, collective action by associations against infringements of European law allowed and a fast-track enforcement procedure. There is also a need to strengthen European social rights to equal treatment and a minimum wage.

The EU should launch a more informed debate about the benefits of free movement as part of the internal market to show it is a win-win situation for European citizens themselves, countries of origin and host countries. Aggregate figures can however be contradicted by facts on the ground or the perception of strains in local services and undercutting of wages or job opportunities. Patterns of free movement are uneven and heavily concentrated on certain trajectories. The negative side effects are limited to particular cities and territories where there are problems of brain drain due to outward migration or strains on services due to inward migration. In general, free movement remains at a low level - too low to help absorb shocks in the Eurozone and create a European labour market. Nevertheless, there are increasing calls for general restrictions at national level, which must be resisted. In response, one proposal should be studied further: a Free Movement Solidarity Fund could be constituted within the EU's social and regional funds. Countries of origin, host countries and the EU budget should contribute in equal measure. Such a fund can be used to support European citizens on the one hand and on the other to respond to increased demand for public services resulting from free movement. Action at the local level is essential to counteract calls for general restrictions on the rights of European citizens. Simply to depend on better enforcement of EU law is not enough.

Whilst the main emphasis should be on preserving free movement rights which can no longer be taken for granted, there is one area where further progress should be made. Political rights are a defining aspect of citizenship. It is not acceptable that European citizens can vote and stand in local and European elections, but not in regional elections or the ones which really count – the national ones – in their country of residence or country of origin. Free movement must not result in disenfranchisement. The same consideration should apply to referendums. In the referendum of 23 June 2016, European citizens resident in the UK and British citizens resident in the EU for over 15 years were excluded from a vote, which was close. This is a stain on European democracy. Following the discussions at the Summer University, the feasibility of a citizens' initiative to demand full political rights for EU citizens is being explored.

(ii) Involvement

In theory, just as the European Union has a comprehensive legal framework of rights, it also offers more than any other international organisations, procedures for citizens to come forward with their claims. These include the possibility to take a case to a national court for violation of European rights and see it referred to the Court of Justice of the European Union, petitioning the European Parliament or complaining to the European Ombudsman who is on the side of the citizens. Moreover, the Lisbon Treaty in Article 11 (TEU) introduced the principle of participatory democracy and citizens' initiatives (ECIs) whereby 1 million citizens across the EU can set the agenda. Why is it then that if asked most people do not believe that they have a voice or that it is possible to influence the EU? Part of the reason may be that crisis management in the European Council is intergovernmental and remote from the procedures which give citizens a voice. There is also, however a gap between the rhetoric of involvement and actual practice, as the following examples show:

- **Access to documents.** On the basis of Regulation 1049/2001 citizens can demand, in most cases with success, access to documents of the EU and received by them. There are though still areas of excessive secrecy such as the black hole of negotiations among the Institutions for the adopting of legislation or trade negotiations. Initiatives by the European Ombudsman or appeals to the European Court are necessary to roll back secrecy. However, despite a ruling in Access Info (Case C-280/11), the Council is still reluctant to publish the names of national delegations. It is therefore difficult for citizens to see what positions their government takes up in Brussels. Another problem is that the access to documents procedure is not sufficiently used by ordinary citizens for whom it was intended because it is seen as remote and bureaucratic. Nearly all requests come from organised interests. The access to documents system should become one for freedom of information which means that citizens receive more assistance in identifying the documents they need.
- **Consultation standards.** The standards lay down the need for the Commission to explain the aims clearly, to be open to the general public and hard-to-reach groups and provide proper feedback. Because of the technical nature of much EU legislation, the aim of gathering in more expertise has tended to take precedence over that of reaching a wider audience. Practice is also variable. Three reforms should be considered: make consultations genuinely public by using all EU official languages; extend them from the Commission to the other Institutions and Member States; bring citizens more in the picture by using participatory methods such as citizens' juries, town hall meetings or EU-wide consultations.

- **Transparency.** The EU has responded to concerns that a Europe of lobbies is not a proper Europe by developing the Transparency Register. This has grown to include 9,000 entries suggesting that there could be over 30,000 lobbyists around the EU. The register has so far done more to reveal the size of the problem rather than give the citizen a precise idea of which organisations are lobbying on which specific legislative proposals with what resources. Attempts to encourage registration as a condition of regular access or to hold meetings with senior officials fall short of a legally binding regime. The register should be extended from the Commission and European Parliament to the Council and made more accurate to reveal the legislative footprint of lobbying. Proposals made by the Commission are a step in the right direction.⁷
- **European Citizens' Initiative.** The case of ECIs illustrates after four years of operation, the gap between theory and practice. Of over 50 initiatives tried, only 3 so far reached over 1 million signatures and nearly 40% were rejected at the outset by the Commission as outside its legal competence to act. What was originally intended as a user-friendly tool for citizens rather than organised lobbies to set the European agenda has turned out to be too difficult to use. There are lessons for citizens themselves who have to develop the knowledge of EU law, the ability to design and carry out an EU-wide campaign and find the necessary resources. Calls however for regulation 211/2011 to be simplified and procedures across EU 28 to be made more uniform have so far fallen on deaf ears.

Reforms to make the EU Institutions more transparent and open to citizens have emerged from successive Treaty revisions and a Commission White Paper on European Governance from 2001. A new white paper is necessary. The EU remains much more open to citizens in some areas than in others. From the Summer University, the need identified is not so much for new institutional reforms, but on making existing ones easier to use for citizens, and on spreading them across all policies, EU institutions and national administrations.

(iii) Trust

Whilst new impetus is needed to reforms to make the EU Institutions more transparent and democratic most observers conclude that they are unlikely to be enough because they will fail to register with the majority. This has been shown in successive European elections, national referenda and opinion polls. Not enough attention has been paid to making European citizenship like any other “a condition of civil equality. It consists of membership of a political community where all citizens can determine the terms of social cooperation on

⁷ More information available at http://europa.eu/rapid/press-release_IP-16-3182_en.htm.

an equal basis.”⁸ Instead Europe-in-the-making is polarised between a “small elite minority which has substantially Europeanized its networks, self-understandings, and political goals, and a large minority who feel shut out from these benefits.”⁹ Citizens have to first become conscious inhabitants of a European public sphere before they are likely to adopt reforms such as ECIs in critical mass. Three possible reforms should be considered as interdependent:

- **A right to be informed.** A right to be informed so that citizens know their rights in the first place, would be a basic step to establishing European citizenship as an equal status. In the ECIT Guidelines it is proposed that the Treaties should include a new provision that “all citizens of the Union, and all national persons residing in a Member State, shall be informed about their European rights and the activities of the Union” and by way of example that for at the next European elections in 2019 every voter should receive a handbook. This idea is not new but all the more relevant in a period of increasing euro-scepticism.
- **Introduce education for European Citizenship.** Even if application of such a right would make a difference, what would the information really mean to people who had received no previous grounding in European citizenship? In theory there has been an impressive spread of citizenship education across Europe, thanks to a Council of Europe Charter on Education for Democratic Citizenship and Human Rights education adopted by all EU Member States in 2010. In theory too, citizenship education has become less nationalistic and more open to a European and international dimension.¹⁰ It is though difficult to find examples of best practice for European citizenship education in schools.¹¹ The EU has a recognised role to promote knowledge of foreign languages, which is apparently on the increase, but limited competence in the area of education. The Commission could however use its competence for Union citizenship to propose a model curriculum after widespread consultation.
- **Give all European citizens a right to a European experience.** In turn, even if people had better access to information about Europe and their children were educated in schools, would this be sufficiently relevant? Citizenship education cannot be limited to the classroom, but has to be practised. One possibility to be considered would be to introduce an entitlement for every European citizen to be able at some time in

⁸ Bellamy, R. *Citizenship: A very short introduction*. Oxford, Oxford University Press, 2008.

⁹ Recchi, E. et.al. “The Europeanization of Everyday life: Cross border practices ad transnational identities among EU and third-country citizens.”

¹⁰ Keating, A. “Educating Europe’s citizens: moving from national to post-national models of educating for European citizenship”, *Citizenship Studies*, Vol. 13 no. 2.

¹¹ For an overview see Eurydice “Citizenship Education in Europe” (2012).

their life to take advantage of an “Erasmus for all”. Such an entitlement would require a significant increase in EU resources but could be introduced on a gradual basis with pilot projects to assess demand. It would however hold out the promise of a citizenship of equality.

CONCLUSIONS AND NEXT STEPS

The Summer University received the patronage of the European Parliament. This consensus document will be sent to the President and members of relevant parliamentary committees as well as to the other European institutions. In order to implement the proposals, it is above all the European Parliament as the only directly elected European Institution which can take the first steps, particularly when it considers its opinion on the Commission Citizenship Report.

European Citizenship should be linked to the preparation for the next European elections in 2019. The European Parliament should develop the reform whereby European political parties propose a candidate for President for the European Commission. Another reform would be to introduce a transnational list of candidates for election to the European Parliament for whom people can vote more as European than national citizens.