

COMMENTS ON THE COMMISSION REPORT(S) ON EUROPEAN CITIZENSHIP

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is a newly created think tank working exclusively on European citizenship*

What is in the package? A wealth of detail.

The Commission published its long awaited “EU Citizenship Report 2017 - Strengthening Citizens’ Rights in a Union of Democratic Change” on 24 January 2017¹. There is a wealth of detail and links to further information, which makes this required reading for all those involved with European citizenship. The EU citizenship report includes an annex showing what has been done to implement the 12 - point action plan proposed in the last report in 2013. There are no less than 156 footnotes. The package includes another report required by the Treaties on “Progress to Effective EU Citizenship 2013-2016”. In the background, there are Eurobarometer public opinion surveys according to which 87% of people are aware they are European citizens and 42% feel fairly well informed about their rights. There are also the results of a public consultation and a summary of activities for the general public. This is the stocktaking exercise which occurs every three years and is a useful starting point for any stress test of EU citizenship.

“Progress to effective EU citizenship 2013-2016”

In terms of Article 25 of the Treaty on the Functioning of the European Union, the Commission has to report every three years on the development of Union citizenship. The report is based on a narrow approach covering in order Articles 18-24 or just the chapter on citizenship and non-discrimination and not the rest of the Treaties. The main results can be summarised under the three main instruments used to further EU citizenship:

- *Case –law*. The Court of Justice of the EU continues to shape Union citizenship. The cases quoted show that the court has become more cautious in its defence of freedom of movement as a right of citizenship by being more prepared to recognise that national authorities can restrict access to social benefits. One is given the impression of a court which is less of an active champion of EU citizenship although it would be an exaggeration to claim it has changed its policy and is less protective of European rights to equal treatment and non-discrimination.

¹ The full text can be downloaded at http://europa.eu/rapid/press-release_IP-17-118_en.htm.

- *Legislation.* Apart from changes to family law across borders, the main developments were: a directive to improve enforcement of workers' rights (Directive 2014/54/EU); a directive to facilitate consular protection for unrepresented EU citizens (Directive EU 2015/ 637). Both directives still have to be implemented by Member States.
- *Policy.* In “free movement of EU citizens and their families: five actions to make a difference (Com (2013) 837 final), the Commission reviewed the evidence and effectively countered concerns about so-called “benefit tourism”. In an even worse political climate post-BREXIT and other attacks on free movement an updated report to encourage a more factually based and objective debate is badly needed. Instead the Commission is silent on the issue of freedom of movement.

The Commission can also claim credit for promoting better enforcement of European political rights and their development. It has made recommendations to end disenfranchisement in national elections of European citizens living abroad in the EU. The Commission also recommended the “lead candidates” system for the 2014 European elections along with more detailed proposals for drawing attention to the European party political platforms and removing barriers to voting and standing in elections in another member state.

In the future the Commission could broaden the scope of this report. Article 25 TFEU is a revision clause based on the idea that EU citizenship is an evolutionary process so that by looking back over the last three years it becomes easier to establish where progress, including the introduction of new rights, is necessary. For example, the report makes no mention of the European Year of Citizens in 2013 although lessons can be learned about how European citizenship could be more effectively promoted. As ECIT recommends in the document resulting from the Summer University 2016, the European Parliament should when they examine the Commission report raise the issue of the revision of Article 25 to follow a more democratic and normal legislative procedure. The Parliament and the other Institutions and advisory bodies could ask the question why the report on this of all its subjects is so technical in character and only addressed to them, rather than to the general public.

To encourage more public debate and participation the next report in 2019 when the European elections take place should be an opportunity to launch a European Year of Citizenship.

What is the Commission proposing in its separate “EU Citizenship report-strengthening citizens’ rights in a Union of democratic change”?

By comparison with the document to which we have just referred, this report is broader in scope and designed for public consumption. It is interesting to compare this report with the results of the ECIT Summer University in 2016, which did not so much innovate as express views on European citizenship traditionally held by civil society organisations. There is clearly some convergence. In the EU citizenship report, the Commission is moving beyond a purely

rights based approach and stressing participation in democratic processes .The Commission has set out more than in previous reports to bring together from across the range of EU policies activities which relate to or which could strengthen European citizenship. In addition to linking European citizenship to ERASMUS exchange programmes and new initiatives on volunteering, the emphasis on the digital economy clearly opens up new opportunities. Whilst the European Year in 2013 suffered from lack of any common understanding of what European citizenship is, there is now perhaps less of a gap between purely functional and more conceptual approaches. There is also a welcome call for “a joint effort by all actors concerned at all levels-the Member States, including their local and regional authorities, EU Institutions and civil society”.

Whilst the Commission’s own perception of Union citizenship appears to be undergoing change, the Institution is far less clear about what to do next. The 2010 and 2013 reports were accompanied by action plans and there seemed to be more political support behind them. There is no such clear statement of intent attached to this report. Instead, each section ends with a much less detailed and prescriptive “Priorities for 2017-19”. From the whole package there is a wealth of information about the past, the present, but not the future of European citizenship. The other Institutions and advisory bodies should demand a more detailed action plan and timetable. It is worth considering 2019 not only as a deadline because of the next European elections but to make this also a Year of European Citizenship. This would be the best way to raise awareness and promote debate as to what EU citizenship is and could become.

Against the background of the discussion document and proposals which emerged from the ECIT Summer University, we have some more detailed comments on the different sections of the Commission’s report.

Promoting EU citizenship rights and EU common values. The Commission recommends “an EU-wide information and awareness campaign on EU citizenship rights”. In our view interest in European citizenship increases when the discussion is not only about the practicalities of rights but also the concept of a transnational citizenship. The link with “common values” is a welcome one, but how to frame such an attempt to put European citizenship in a broader concept of what as Europeans, despite our differences, we hold in common? The ECIT guidelines for European citizens’ rights, involvement and trust are an experimental answer to this question. We have also tried in the discussion document from the Summer University to reflect a more idealistic vision of European citizenship.

Promoting and enhancing citizens’ participation in the democratic life of the EU. In this section, the Commission develops its well-established policy of making it easier for European citizens to make use of their existing rights to vote back home or in their country of residence, for example by investigating the use of i-voting. Once more the right to vote in national elections is mentioned with the added possibility that this could be not only back home but also in the country of residence. Presidential elections are now added. This section of the Commission’s

report provides some encouragement to go ahead with a European citizens' initiative proposed at the Summer University to demand full political rights for EU citizens. The Commission calls for the lead candidate experiment of the 2014 European Parliament elections to be repeated in 2019. This step to europeanise the elections must be maintained, but another reform is necessary to make a clear link between the citizen and the lead candidate - the introduction of transnational lists.

Simplifying daily life for EU citizens. The idea of the “one-stop-shop” at both EU level and in each Member State can only be supported. By linking this to the digital single market, a once - only principle and automatic recognition of civil status documents, the Commission is opening up interesting new approaches to communication and simplification. The “single digital gateway” is a promising approach.

Strengthening security and promoting equality. This section of the report includes a wide range of subjects and objectives. Emphasis is placed on the possibility of legislation to introduce common security features for identity cards. On page 32 the Commission points out that there is “currently a wide variety of such cards and documents with security levels that vary significantly”. It could be added that there are also a confusing number of European professional, student, health or family cards. Could the harmonisation of security features go a step further and lead to the introduction of a European citizenship card?

In conclusion, the Commission's objectives deserve support but the other Institutions and in particular the European Parliament should raise questions about how they are to be implemented and with what resources.