

# Statute on European Citizenship

First Draft — May 2021



European  
Citizens' rights,  
Involvement and  
Trust

## I. INTRODUCTION

This draft for a statute builds on the achievement of the EU in creating the first transnational citizenship of the modern era a generation ago through the Treaty of Maastricht. Now, its potential must be fully realised, especially for the next generation.

The aim is to bring together the existing European rights, policies and programmes which are scattered across different EU policy areas, so that EU Citizenship becomes clear and popular.

Taking inspiration from the European Pillar of Social Rights, the draft statute also goes further especially in the first 7 articles by proposing reforms to EU Citizenship. The remaining 21 articles reflect more closely what exists but also propose new measures to place EU Citizenship in the broader framework of the three components of rights, participation and belonging which are common to any citizenship. This aspirational approach is fully justified by the founding principle of Union Citizenship as an evolutionary process.

A more ambitious European Citizenship would not require major EU Treaty change and is a realistic option which astonishingly the EU has not considered.

The ECIT Foundation has worked on a set of guidelines since 2016. The transformation of the earlier draft to become a statute answers a call from the European Parliament in a report on the implementation of the Treaty provisions related to EU Citizenship of January 2019 (A8-0041/2019) calling for an “EU Statute of Citizenship” alongside the Charter of Fundamental Rights and the Pillar of Social Rights. The European Parliament should repeat this demand when it gives an opinion on the Commission’s 2020 Citizenship Report.

**The next step should be for this draft to be open for comments and changes, and then promoted both by an emerging cross-party group of MEPs on European Citizenship, and by citizens, civil society and experts in the Conference on the Future of Europe.**

## II. TOWARDS A EUROPEAN CITIZENSHIP

### 1.

European Citizenship is additional to and does not replace national citizenship. Within the EU, this first modern transnational citizenship is destined to become the fundamental status of nationals of Member States, enabling those in the same situation to enjoy the same treatment in law irrespective of nationality. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers in which the free movement of persons is guaranteed. The Union is one of States and citizens, whose European status is evolving.

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*Article 1 repeats the reassurance made in the Treaties that EU Citizenship does not threaten national citizenship. The second sentence quotes a statement repeatedly made by the Court of Justice of the European Union (CJEU) (i.e. Grzelcyk C-184/99). The Court has established EU Citizenship as a "real" status even though recently it has become more cautious in its judgements. The third sentence is taken from Article 3 of the Treaty on European Union (TEU).*

### 2.

Since it was founded by the Treaty of Maastricht in 1993, Union Citizenship is now part of the broader framework of rights, freedoms and principles in the Charter of Fundamental Rights (2007) and the Pillar of Social Rights (2018), the provisions of which can be invoked as constituting the body of European values on which a common citizenship should be developed.

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*Article 2 claims that the two texts which this Statute accompanies are linked to Union Citizenship and that therefore everything they contain does not need to be repeated. Union Citizenship is moreover one of the six chapters in the Charter, the others being dignity, freedoms, equality, solidarity and justice.*

# 3.

EU citizens are entitled to protection against all forms of discrimination whether based on age, disability, race, sex or sexual orientation when seeking access to employment and services at home or in other Member States. To be able to move freely in Europe, citizens have a portable right to equal treatment which can be defended in court and supported by legislation. Special attention should be given to the most vulnerable in society and to members of minorities, such as the Roma. The Union should update and strengthen its legislation effectively banning and providing redress against all forms of discrimination.

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*The aim is to ensure that whilst protection against discrimination on the grounds of nationality can be guaranteed under EU law, the same is not true of all other forms, and that legislation needs to be updated and strengthened. The wording here is inspired by Articles 2 and 3 TEU.*

# 4.

EU Citizenship has been developed from the rights to freedom of movement, which have been gradually extended from workers to all categories of the population. This is primarily a citizenship of access to each other's territory and services on the basis of mutual respect and non-discrimination. The major challenges which Europe faces also cross borders so that EU Citizenship should be integrated in all policies of the Union and consideration given to adding new European environmental, health and social rights.

# 5.

European citizens and persons legally resident in Europe benefit from rights and therefore have responsibilities:

- to comply with each other's constitutions and laws, and uphold their shared values
- to recognise the right of other citizens to act autonomously within the law and to take their interests into account in their own claims
- to learn about and respect, as equal to their own, the languages and cultures of other nations
- to act jointly in order to overcome the major challenges facing Europe and the planet which are beyond the capacity of national citizenship in small and medium-sized European states.

Such challenges include: climate change, the threats of new pandemics, the growth of inequalities, the rise in racism and xenophobia, systematic human rights abuses, natural disasters and security threats within or outside Europe.

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*This article applies to citizens the responsibilities which are incumbent on Member States of the EU to cooperate together (Article 4 TEU).*

# 6.

A European Citizenship in an EU which observes the principle of equality for all should be developed towards three objectives:

- a right to have one's rights enforced through rules of good administration which are understandable, uniformly applied by the Institutions and the Member States to inspire confidence; such a right should be backed by legal aid and access to justice, including the right, when other remedies have been exhausted, to appeal to the Court of Justice of the European Union
- a right to be a partner in the democratic life of the Union through reform of the ways citizens can make their voice heard with the EU, the introduction of participatory democracy as a pillar of decision making and reforms of representative democracy to make the right to vote both workable in all elections alongside freedom of movement and more effective at European level

- a right for all citizens to be both informed and receive an education for European Citizenship should be given meaning by the possibility to experience what Europe offers through an Erasmus exchange programme at some time in their life, so that more citizens have the knowledge and skills to participate in the European public sphere.

European Citizenship should become digital through the introduction of a card containing all the personal data and processes necessary to become an active EU citizen.

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*These aspects of rights, participation and a wider sense of belonging are developed in each of the three chapters under articles 8–26. They go together. For example, introducing a permanent process for citizens to participate in European affairs will not work unless more people are informed and educated in the first place.*

*A more coherent citizenship for all can be created from existing provisions. For example, rights to good administration and access to justice are included in the Charter of Fundamental Rights. According to Article 10 TEU, “Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and closely as possible to the citizen.” How to give this aspiration more substance will be one of the challenges of the CoFoE.*

# 7.

European Citizenship, with EU Citizenship at its core, must be inclusive and outward-looking, based on shared values rather than any fixed territory or borders, a unique model which could be taken up in different forms in other parts of the world. Where possible, the same European rights must be enjoyed now by European citizens and all those on the territory of the European Union and neighbouring countries, as a first step towards a more post-national citizenship which:

- places the welfare of children and their future at its centre and in all its manifestations
- welcomes refugees, asylum seekers and immigrants
- supports European citizens living in the rest of the world
- is accessible to all those born in Europe, and to legally resident citizens from the rest of the world and in neighbouring countries
- fosters an active citizenship across borders to contribute to a better world.

### III. DEVELOPING CITIZENSHIP IN THE CONTEXT OF THE EU

#### European citizens' rights

## 8.

Union citizens have the right to move and reside freely within the territory of the Member States subject to the limits in the Treaties. Free movement is a fundamental right and its purpose does not need to be justified, whether it is used to work, seek work, study, train or retire. This right is extended to members of the family, spouses or recognised partners of the citizen, including those who are nationals of a third country.

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*This states simply that free movement is the first right of the European citizen. The limits relate to imminent threats to public order or security, and the requirements to have comprehensive sickness insurance and sufficient resources not to be a burden on the host Member State (cf. Directive 2004:38 on free movement and residence).*

## 9.

In order to ensure the proper enforcement of European citizens' rights, the Union will adopt an action plan binding Member States to:

- strengthen application of European law with preventative measures, including a requirement for Member States to notify the Commission of any draft laws or administrative practices which could lead to barriers to free movement of persons
- guarantee more rapid and effective access to justice by recognising that European citizens can take collective action to defend their rights including after other remedies have been exhausted in the European Court of Justice
- set up in each Member State a one-stop shop for information, advice and problem-solving for European citizens on the move, whilst ensuring that the same standards of service and time limits apply to European and national assistance services
- ensure that if a Member State has clearly violated fundamental or European Citizenship rights, citizens can appeal to national and eventually the European courts, whilst the Commission can file for interim measures to put an immediate stop to such practices.

*The aim should be to close the gap between the fine principles of European law and enforcement on the ground.*

*“Prevention is better than cure” and lengthy negotiations or court action to ensure that Member States comply with European directives are unhelpful. It is also important to prevent new barriers appearing.*

*There is a European one-stop shop with Europe Direct, Your Europe Advice and Solvit. There should be an equivalent service for citizens in each Member State, operating to European standards of service.*

*There is little chance that the Commission will act on an individual complaint, so group action, including in the European Court of Justice, is necessary.*

*The Commission already has such power under the Treaties. The EU is considering how the Charter of Fundamental Rights can be enforced effectively.*

# 10.

**Create a European free movement solidarity fund to provide:**

- emergency help to vulnerable EU citizens and support for their integration in the host society
- a European universal basic minimum income scheme to improve chances for young people to find employment in the EU
- support for public services in countries of destination and preventative measures against brain drain in countries of destination.

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*This is a new idea. Such a fund should be based on contributions from the country of origin, the host country and EU cohesion policy with its social and regional funds. UBI could be used to compensate for differences in unemployment benefit and the cost of living which are barriers to freedom of movement.*

# 11.

Citizens of the Union have the right to vote and stand as candidates in elections to the European Parliament and municipal elections in their Member State of residence. This right should be extended to regional, national elections and referendums.

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*European citizens should have full political rights and should not be deprived of the right to vote in national elections, for example, because they have exercised their right to free movement. If the 3.7 million EU citizens and the 1.3 million UK citizens in the EU had been able to vote in the 2016 referendum, Brexit might not have been.*

# 12.

All those from third countries who are legally resident in the Union should be given the opportunity to obtain the nationality of their host Member State. In this way, they become European citizens. Prior to obtaining Member State nationality, they should enjoy a set of European rights equivalent to those of European citizens.

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*The Tampere Declaration of 1999 should be recalled. It stated that: "The European Council endorses the objective that long-term legally resident third country nationals be offered the opportunity to obtain the nationality of the Member State in which they are resident."*

# 13.

European citizens have a fundamental right to the highest standards of protection of their personal data, which in a more digital economy must be regularly updated and strengthened.

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*Article 8 of the Charter of Fundamental Rights gives a high priority to data protection. Given the expansion of the internet and data available to commercial enterprises and public authorities, the protection of privacy must keep in step with technological progress (and should be guaranteed in any measures taken by the EU, i.e. to protect public health against pandemics).*

## Involvement and participation — your voice in the EU

# 14.

European citizens have a right to receive diplomatic and consular protection from the European Commission or any Member State in a third country in which their state or country of residence is not represented. The EU will also:

- develop a European diaspora policy with Member States
- ensure that EU citizens living in the world are represented in consultative bodies and an annual forum
- and have the right to vote in European Elections and are represented in the European Parliament.

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*This article seeks to place the right to protection outside the EU in the broader context of a European diaspora policy. There are over 70 million EU citizens throughout the world whose interests are often overlooked but who could be its soft power.*

# 15.

Citizens of the Union and any natural or legal person residing or having their office in a Member State have the right to:

- send a request to the EU in their own language, submit an individual or collective complaint of a violation of European law or rights and be informed of the action taken
- be heard by the competent European Parliament committee if their petition receives more than 100,000 signatures from a minimum of 7 Member States
- make a complaint regarding an instance of maladministration by the Union authorities or the Member States acting on their behalf to the European Ombudsman
- and, where individual interests are directly affected, to the European Court of Justice after other remedies have been exhausted.

The European Union will adopt a law to establish time limits for response to citizens' requests and complaints and set binding other standards of good administrative practice for all EU Institutions and agencies. These time limits and standards will also apply to Member States' administrations and agencies when dealing with European citizens.

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# 16.

*The aim to strengthen the accountability of the Commission towards complainants.*

*This article also seeks to fill a gap between a normal petition, which can be signed by a single individual, and a Citizens' Initiative with the collection of one million signatures by providing that if a petition receives a certain number of signatures, the petitioners should be heard.*

*A number of points of access for citizens to the EU exist, free of charge. In some cases — not in all — time limits exist for answering citizens' appeals or handling complaints. Legislation should be introduced or revised to provide for more uniform standards.*

Freedom of information is essential to the practice of EU Citizenship. Any citizen of the Union and any natural or legal person residing or established in a Member State will have the right to access documents subject to the limits established, whatever their medium, from the Union's Institutions and agencies, and in particular:

- to know the position of their government in EU negotiations
- to access all documents of a legislative nature or which could lead to legislation
- to access documents relating to international agreements or treaties which have an impact on European standards.

The EU Institutions may appoint an independent information commissioner to assist citizens in their search for documents.

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*Like the proposal above on data protection the aim is to give more prominence to the right which exists. The text builds on and strengthens Article 15 TFEU and Article 12 of the Charter of Fundamental Rights.*

*Here, "subject to the limits established" refers to the mandatory and optional exemptions in the regulation 1049/2001 on access to documents. For example, there is a need for more transparency in trade negotiations and "trialogue" meetings when representatives of the EU Institutions negotiate legislative compromises behind closed doors.*

# 17.

European citizens have a right to know which organisations, whether public or private, are making representations to the EU Institutions on which specific issues and with what resources. A European law should:

- make inclusion on the transparency register mandatory for all organisations seeking to influence the European Institutions
  - ensure that entries are accurate, complete and up to date by regular checks and appropriate sanctions for non-compliance
  - provide for the register to cover all Institutions, bodies and agencies of the EU.
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*Transparency of the legislative and decision-making process can be achieved if transparency is applied not only to the EU Institutions, but also to lobbying practices.*

*The current voluntary register of organised interests is incomplete and entries often inaccurate, giving citizens only a general idea of the extent of lobbying practices which have expanded in recent years. There are at least 30,000 lobbyists round the EU Institutions.*

*These objectives have been endorsed by EU leaders but not yet implemented.*

# 18.

European citizens have a right to be heard by the Institutions. Public consultations are a means to reach the majority of citizens' interests and ensure the widest possible input to decision-making. The Commission's standards for consultation should become mandatory and apply to the other Institutions and to Member States when they develop their responses to European initiatives. In particular:

- consultations should be widely advertised in a more friendly way, in particular to engage with minority interests and hard-to-reach groups
  - the aims and questions should be formulated to be accessible to lay persons and available in all official languages
  - there should be appropriate feedback and explanation as to why certain views expressed were accepted and others rejected.
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*The aim here is to make consultations less technical and more accessible to the general public as well as available as the European Ombudsman has recommended in all languages.*

## Trust and living together in Europe

# 19.

All citizens of the Union, and all natural persons residing in a Member State, shall be informed about their European rights and activities of the European Union, so as to be better able to participate in European policy-making. The Union Institutions and Member States will:

- listen to citizens
- produce factual and objective information about European Union activities, expressed in clear and understandable language
- provide and disseminate this information by all available means in a socially balanced way in all official languages
- give every European citizen of voting age a handbook about European rights and how to find out more about the European Union.

Also see point 24 on education about European Citizenship.

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*A right to be informed was first proposed when the Commission on the Future of Europe was considering the draft Constitutional Treaty. The proposal was supported by the Commission and European Parliament at the time, but has yet to be included on the agenda for Treaty reform.*

# 20.

Participatory and deliberative processes should become a pillar of the European Union's policy-making, so as to give citizens an effective voice both in setting priorities and ways to improve the quality and enforcement of legislation. Participatory budgeting should be introduced across EU funds as a guarantee that they are transparent, properly used and respond to citizens' needs.

A European law should ensure that there is regular use of such practices and that they meet fair and democratic standards at all stages of design, implementation and follow-up. Such standards should relate to impact, making sure that participation is representative and inclusive and that deliberations are fair and supported by independent experts.

A permanent European Citizens' Assembly and House should be created.

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*The EU is moving in the right direction. Before the 2019 European elections, citizen dialogues were held across Member States. Citizen Assemblies will be organised during the Conference on the Future of Europe. It is now time to put such experiments with European participatory democracy on a more permanent footing.*

# 21.

European Citizens' Initiatives (ECIs) for which over 1 million signatures are required from a minimum of 7 Member States should be easier to use. The EU Institutions should:

- launch an awareness raising campaign so that all EU citizens know of their right to launch and sign an initiative
- simplify and harmonise the requirement for signature collection across Member States — name and address being sufficient
- encourage the setting up of an independent European fund to which applications can be made for start-up grants, reimbursement of a share of the costs for successful ECIs and continuation of the action after the period of signature collection
- allow all European citizens and legally resident third-country nationals to sign an initiative from the age of sixteen.

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*In the light of the experience of ECIs and the high failure rate (94%), reforms are essential to make the regime better known, simpler and more uniform. An opinion poll commissioned by ECI organisers found only 2.4% were aware of this right of initiative.*

*For ECIs to become a genuine citizens' right, and avoid its capture by lobbyists and powerful interests, financial support is necessary. In this way, ECIs make more of a contribution to the European public sphere and their social capital will not be lost. Access to this first ever transnational agenda setting instrument should be as wide as possible.*

# 22.

The European Parliament, elected by direct universal suffrage, represents European citizens and is the main advocate of their concerns in the decision-making process of the Union. In particular:

- each European political party should put forward its candidate for President of the European Commission to give voters choice
- citizens should have the choice also of voting for candidates on transnational party lists, to enhance the European character of the elections
- the European Parliament should propose how EU-wide referendums could be introduced to allow citizens to choose vital options for Europe's future.

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*This article is based on Article 14 TEU whilst supporting reforms to make the European elections more European. This can be achieved through more competition among candidates for Commission President and other high office functions as well as taking a step towards a European constituency. The Parliament could also at least study the issue of EU-wide referendums.*

# 23.

In order to develop European Citizenship as a way to connect different languages and cultures, the European Institutions will in terms of Article 11 (TEU):

- make available e-participation tools and facilities for face-to-face dialogue among citizens and civil society in a European Citizens' House
- encourage citizens to play their part in the building of Europe, whilst guaranteeing their freedoms, through the adoption of a European association statute and a pact for open dialogue between the European Institutions and civil society
- further develop the programmes for transnational exchange of best practices and projects in the areas of culture, consumer, environmental, health, social protection and territorial cohesion policies which are closely linked to European Citizenship.

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*This is close to the wording of Article 11 (TEU), which calls for the creation of a European public sphere. The rest of this article relates to long-standing demands for the “Europeanisation” of civil society, which is essential to the development of European Citizenship.*

# 24.

A full-scale European Citizenship cannot be achieved without education. All European citizens have a right from a young age to education about European Citizenship and the EU. The Commission will propose:

- a model teaching manual for use in schools and out-of-school activity on European Citizenship
- recommendations to Member States to add a European dimension to their own programmes for citizenship education
- the creation of a centre of excellence or agency for the exchange of best practice and training of educators
- monitoring of the quality of citizenship education across all Member States.

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*The European Commission’s mandate is limited when it comes to education, but it does have competence to recommend European Citizenship to be added as a theme to national civic education. A focal point is needed to give European citizenship education a far higher profile.*

# 25.

All European citizens should be given on an equal basis, a once-in-a-lifetime opportunity to participate in a European educational training or youth programme in another European country. The Commission should propose:

- how to develop such an entitlement on the basis of the Union's Erasmus plan and life-long learning programmes
  - the conditions attached to such an entitlement and the timetable for putting the necessary resources in place.
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*A right to be informed and educated for European Citizenship does not mean much if there appears to be little chance to put it into practice. A universal entitlement may have some support in the Commission which first called its new programmes "Erasmus for all" and some support among Member States which increased the budget. However, such an entitlement will only be phased in gradually in conjunction with a European citizens' card.*

# 26.

A permanent European citizens' card should be introduced. Such a card must meet data protection requirements for a secure European Citizenship and should cover:

- access to emergency health treatment when travelling in the EU as currently provided for but extended to other social security entitlements for more permanent residence
  - proof of skills and professional qualifications which should be recognised as equivalent for working in another Member State
  - proof of personal and family status to facilitate the process of residence in another Member State and solving cross-border family issues
  - signature of European Citizens' Initiatives, petitions to the European Parliament and voting in European elections
  - entitlement to participate in an exchange programme under Erasmus.
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# 27.

*All citizenships need symbols as the EU has recognised by adopting a flag and an anthem. This is not though enough. Such a European citizens' card would be not just a symbol but also of daily practical use. The card would reduce the burden of red tape both on the citizen and the administration by a single digital alternative to providing authenticated copies of documents proving personal, professional or health status. The card should also be extended to citizens from the rest of the world living in the EU and citizens of neighbouring countries. It should be introduced as the reverse side of national identity cards or as a separate card in countries without national IDs.*

Union Citizenship is an evolving concept. The aim should be to encourage the EU Institutions to support this statute, which should eventually become legally binding. The statute should be supplemented by easily accessible and understandable guides to European citizens' rights and standards which make an impact on people's everyday lives. Examples include guides for 1) travellers, 2) consumers of good and services, and 3) particular groups in society.

Such guides may be developed also in areas of policy, such as economic and monetary governance, the internal market, the environment, services of general economic interest and cohesion policy. To implement this Statute, a senior European Commissioner should be appointed with responsibility for communication and all aspects of Union Citizenship, rights and participation in the EU Institutions and policies to encourage a sense of belonging to Europe in the EU and beyond.

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*This is based on the observation that many day-to-day issues covered in secondary legislation may be as important, if not more so, than general texts derived from the Treaties or the Charter of Fundamental Rights. A special Commissioner for Citizenship is needed. He or she should be well known, responsible for communication and backed by a strong legal team which can receive requests and complaints, and help coordinate the response across specialised departments. The Commissioner should have the rank of Vice-President.*

# 28.

Participatory processes should be launched in all countries and across borders to involve citizens in the shaping of their own European Citizenship.

On this basis, the European Commission should present a report representing citizens' views and demands, whilst taking into account the activities of the European Union in all policy areas and those of other European Institutions in particular the Council of Europe.

Every three years this participatory process leading to the citizenship report is repeated. This report may lead to the addition of new European rights and programmes, which shall be adopted according to the ordinary legislative procedure.

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*This is a stronger version of the current revision clause (Article 25 TFEU), which does not require either citizen involvement or even a proper legislative role for the European Parliament. Moreover, unanimity is required for decisions in the Council of Ministers instead of qualified majority voting under the ordinary legislative procedure. This is one of the few proposals in these guidelines, which involves a revision of the EU Treaties.*



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