

## DRAFT DECLARATION

### TOWARDS A STATUTE FOR AN INCLUSIVE AND OUTWARD-LOOKING EUROPEAN CITIZENSHIP

*This draft is being presented for discussion at the Annual Conference of the ECIT Foundation on 29 November 2022 at the Press Club in Brussels. The programme for the event can be found on [the ECIT website](#). It is not the aim that every word in this declaration should be approved by all partners and participants, but rather that a revised version – in the light of the discussion and any suggestions for improvement – should reflect a broad consensus. The final version emerging from the Conference on 29 November will then be sent by [the Board of the Foundation](#) to the EU Institutions and national authorities.*

#### Background

European Citizenship has deeper historical roots, more legal substance and is more widely practised than official statistics suggest. This is not just an EU creation but a real citizenship over which 446 million people can claim ownership. Since the fall of the Berlin Wall, young people in particular have enjoyed the freedom to move almost anywhere across the continent. This first freedom can only be guaranteed if every European citizen has a portable set of enforceable rights and is protected against all forms of discrimination. It is a citizenship where mutual respect for each other's autonomy must be based on shared values for living together in Europe. The potential of this first transnational citizenship of the modern era to bring together people of different histories, cultures and languages has yet to be fully realised. The European Parliament and the Conference on the Future of Europe

(CoFoE) have recognised this and called for a statute.<sup>1</sup> This proposal should now be followed up by the other EU Institutions and should provide a framework for debate to shape the future of this unique form of citizenship and in the first place by citizens themselves.

The proposal for a statute should raise the question: “Who is a European citizen?”. The practice of European Citizenship is inclusive, but is the status as such too exclusive, limited to nationals of EU-27 Member States? Even at the time of the entry into force of Union Citizenship 29 years ago with the Maastricht Treaty on 1 November 1993, this question was raised by human rights’ migrant organisations and the European Parliament. It is even more relevant today. 4.31 million Ukrainians who have fled the war so far have rightly been welcomed and been given temporary protection entailing freedom of movement, access to the employment market, education and social benefits. When the war is over most will want to return, but what will be the status of those who want to remain? At the same time, the 23.7 long-term resident third-country nationals do not enjoy free movement rights and the political rights EU citizens enjoy in the Member State of residence. EU Citizenship could lose its appeal, if over time the population of Europe is one of multiple statuses and solely a product of each Member State jealously guarding sovereignty over its own territory and the vagaries of relations with different applicant or associated countries, rather than the rights of the citizen.

Whilst facing new internal challenges, security beyond EU borders has to be strengthened by the enlargement process and by accepting new countries as candidates. A European political community of all the European democracies has been set up.<sup>2</sup> A wider Europe of governments is emerging. This must be matched by a wider Europe of the citizens and civil society. Could a European Citizenship of values be claimed and offered now across the wider Europe ahead of the long process to reconfigure its institutions?

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<sup>1</sup> European Parliament, May 2022, *Conference on the Future of Europe: Report on the Final Outcome*, p. 68, retrieved 8 November 2022. Available at:

<https://www.europarl.europa.eu/resources/library/media/20220509RES29121/20220509RES29121.pdf>

<sup>2</sup> “Meeting of the European Political Community, 6 October 2022”. [www.consilium.europa.eu](http://www.consilium.europa.eu). 6 October 2022, retrieved 8 November 2022. Available at:

<https://www.consilium.europa.eu/en/meetings/international-summit/2022/10/06/>

## The Proposal for a Statute on European Citizenship

According to Eurobarometer opinion polls,<sup>3</sup> EU Citizenship has achieved widespread recognition and exerts considerable appeal, especially among Europe's younger population. Yet, it has not been further developed since the Maastricht Treaty introduced a limited set of rights. Seen as an evolutionary status, EU Citizenship has remained static. The Commission has not made use of an article in the Treaty (Article 25 TFEU) to at least propose additional rights, while the European Court of Justice has developed case law which strengthens legislation on free movement and residence, the coordination of social security entitlements and the recognition of professional qualifications. We believe that the time is ripe to bring together what exists scattered across different parts of the Treaties and to strengthen the connections among EU Citizenship, the European Pillar of Social Rights and Fundamental Rights.

The origins of the proposal for a statute on European Citizenship lie in [previous annual events](#) since 2016 where the ECIT Foundation has brought together civil society activists, researchers, and policy makers. It is a success for this collective effort that the claim for a statute alongside the Charter of Fundamental Rights and the Pillar of Social Rights has been made in 2019 and repeated in 2022 by the European Parliament and endorsed by the Conference on the Future of Europe.<sup>4</sup> A comparison of the proposals made in the 40-article ECIT Draft Statute<sup>5</sup> and those made during the citizen-led Conference show striking similarity.<sup>6</sup> Citizens should have ownership of the process of drawing up a statute which should include and follow-up their own proposals.

In order to encourage dialogue and to stimulate interest in such a process, here is a list of broad proposals which could be included in a future statute for a European Citizenship of rights, participation and belonging.

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<sup>3</sup> See, for example, the results from the European Commission's *Flash Eurobarometer 485 Report* published in July 2020. Available at: <https://europa.eu/eurobarometer/surveys/detail/2260>

<sup>4</sup> See footnote 1

<sup>5</sup> ECIT Foundation, updated Autumn 2022, *The ECIT Draft Statute on European Citizenship*. Available at <https://ecit-foundation.eu/draft-statute-on-european-citizenship/>

<sup>6</sup> Alizée THOMAS, August 2022, *Comparison Between the ECIT Draft Statute on European Citizenship and Proposals by Citizens during the Conference on the Future of Europe*. Available at: <https://ecit-foundation.eu/comparing-the-statute-to-cofoe-recommendations/>

### *Rights*

- i) Free movement rights for EU citizens remain the starting point and should be extended to longstanding third-country nationals and the citizens of neighbouring countries. A European portfolio of rights, including protection against all forms of discrimination, must be enforced according to the same standards across the EU and beyond. As a last resort, there should be better access for citizens to the European Court of Justice.
- ii) A free movement solidarity fund should be set up to support the exercise of free movement and residence rights.
- iii) A new generation of rights is needed relating not just to freedom of movement but how citizens can collectively 1) tackle cross-border threats to health and the environment, and 2) strengthen the European social model.

### *Participation*

- iv) Participation in local and European elections for mobile EU citizens should be extended to regional and national elections; a roadmap towards universal suffrage should be the basis for closing the gap between EU citizens and third-country nationals.
- v) Reforms are necessary to achieve genuine freedom of information, public consultations, transparency in the legislative process and citizens' initiatives.
- vi) In the follow-up to the CoFoE, citizens' assemblies and other participatory processes should become a permanent pillar of European policy making.

### *Belonging*

- vii) There should be a right to be informed about the EU and for every child to be educated about European values and be given the opportunity to experience what the democratic freedom of Europe has to offer.
- viii) An Erasmus for all and other European programmes and initiatives, within the EU and stretching beyond, should be developed to become a European public sphere.
- ix) This unique transnational citizenship like any other needs both symbols, such as Europe Day to be established as a public holiday, and practical tools, such as a European citizens' card.

- x) A more inclusive Europe-wide citizenship — not just of rights but also of responsibilities — needs to be formulated highlighting the duty of all to respect the values of the European Union and the fundamental rights enshrined in its Charter.

### Next Steps

The proposal for a statute represents the first major initiative for Union Citizenship since it was introduced 29 years ago in the Maastricht Treaty (Articles 20-25 TFEU). This was seen at the time as a first step by its proponents and one leading precisely to such a goal with a more complete set of rights, bringing together those scattered across other parts of the Treaties. There is a tension between those who favour a more cautious approach and those who see European Citizenship as an aspiration. In any democratic debate, both are necessary. If the process of drawing up a statute is taken seriously enough to hear all views, resources will be necessary, particularly in the European Commission.

The first step should be to turn an idea into proposals for a statute with the help of leading lawyers and scholars of Union Citizenship. The aim should be to provide a starting point and explain possible options for citizen deliberation. In 2023, there should be a citizens' assembly with enough time and resources to deliberate on European Citizenship and make proposals by 1 November — the 30th anniversary of the Maastricht Treaty. This will give citizens the responsibility for European Citizenship as theirs, not just a top-down creation.

At this time, the European Commission should be completing its next triannual Citizenship Report which should support both the idea and proposals for a European Citizenship Statute stemming from its consultations and the citizen deliberations. The run-up to the European elections in 2024 should be the period for drawing up the Statute by the EU's three main Institutions. The new European Commission to be appointed after the elections should include a Vice-President responsible for its adoption and implementation. In this way, groundwork will be done by citizens and civil society to become a third force alongside governments and EU Institutions in shaping their own European destiny.