



REMINDER

ROLE OF EUROPEAN MOBILITY AND ITS IMPACTS
IN NARRATIVES, DEBATES AND EU REFORMS

EU citizenship and free movement: Troubled partners, or a mutually reinforcing relationship?

POLICY ANALYSIS

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EU citizenship and free movement: Troubled partners, or a mutually reinforcing relationship?

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Introduction

European Union (EU) citizenship—meaning the legal status that comes from citizenship of a European Member State, but also the sense of European identity more broadly—and free movement are deeply intertwined. Many of the rights that EU citizenship affords are experienced only by living in another Member State. For instance, the right to vote in local elections across Europe, or the right to be treated equally with nationals in the labour market. Moreover, one of the original hopes behind the free movement project was that it would help foster a sense of European identity and cohesion. The introduction of European citizenship with the 1992 Treaty of Maastricht recalibrated freedom of movement as a fundamental right for all Europeans. This shift was intended to support the transition of the European project from single market (an economic union) to a political community (a more ambitious endeavour).

However, the relationship between EU citizenship and free movement is a complicated one rather than the “virtuous circle” it was intended to be.¹ On the one hand, free movement—while dramatically broadening the horizons and opportunities of movers and those who encounter them—has caused tensions, especially where it has been accompanied by rapid social and cultural change, pressures on public services, or the perception that people can game welfare systems by moving. Many of these common complaints about free movement implicitly reject a sense of European identity and community. On the other hand, European citizenship has remained a distant, abstract notion for many Europeans, and has failed to imbue free movement with a new, non-economic type of legitimacy. It is an atypical form of citizenship, with considerable deficiencies compared to national citizenship models—for example, it comes with few political and social rights. Due to its limitations, it has had limited success in moving the European project from an economic to a political level.

While the quirks and idiosyncrasies of EU citizenship are nothing new, rising Euroscepticism, populism, and anxiety about immigration have called the European project into question.² The United Kingdom’s vote to leave the European Union was, in many ways, a rejection both of the idea of a common European purpose and identity; it also reflected a desire to halt immigration movements from within the Union. Meanwhile, the migration crisis has cast

¹ Ludvine Damay and Heidi Mercenier, “Free Movement and EU Citizenship: A Virtuous Circle?,” *Journal of European Public Policy* 23, no. 8 (September 13, 2016): 1139–57, <https://doi.org/10.1080/13501763.2016.1186212>.

² As Eurobarometer surveys show, trust in the European Union fell dramatically across the Union in the years of the economic crisis: from a peak of 57 per cent of respondents trusting the EU in 2007, it dropped to a low of 31 per cent in 2013. During the so-called migration crisis, recorded levels of trust decreased sharply again (from 40 per cent at the beginning of 2015 to 32 per cent at the end of the same years). Since 2016, levels of trust have been slowly recovering. European Commission, Directorate-General for Communication, “Standard Eurobarometer 87: Key Trends” (Brussels: European Commission, Directorate-General for Communication, 2017), <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2142>.



doubt on the European Union’s ability to address complex international issues, exacerbated many local tensions over rising diversity or pressures on public services wrought by rapid population changes, and created a large swathe of unsuccessful asylum seekers living in a kind of legal limbo. The goal of a universal identity and status for all European residents has perhaps never seemed further from grasp—or less relevant to the everyday lives of Europeans.

This policy brief explores the concept of European citizenship and how it helps or hinders the free movement of people within the EU. It begins by examining the meaning of EU citizenship and to what extent it can be truly seen as “citizenship”. The second section examines the relationship between free movement and EU citizenship. The third section explores three ways to rethink EU citizenship in order to optimise free movement and mitigate its social and political costs. The fourth section concludes, and offers some policy recommendations.

What is EU citizenship? Current features and key limitations

The term “European citizenship” has peppered European discourse and Community law since the 1970s, expressing the political aspiration of the European integration project. This ambition was finally codified by the Maastricht Treaty in 1992, which established a political union and expanded the scope of European integration into a portfolio of domains that had historically been the preserve of sovereign nation states. The Treaty also made official the status of EU citizenship as set of core rights, including the fundamental right to free movement for all citizens rather than only for those engaged in economic activity (namely workers or business owners). While many of these rights already existed by the time the Maastricht Treaty was introduced,³ the notion of European citizenship gave them a strong symbolic foundation.

Among the rights that EU citizens enjoy are the right to be protected by the diplomatic and consular authorities of any other EU country; the right to petition the European Parliament and complain to the European Ombudsman; the right to vote for and stand as a candidate in European Parliament and municipal elections; and the freedom to move and reside freely within the EU. In reality, however, these four rights carry different weight. For most EU citizens, seeking diplomatic protection in a third country or sending a petition to the European Parliament are remote possibilities. Similarly, turnout rates for European Parliament and local elections are low, suggesting these rights are of limited relevance to

³ For example, the right to free movement had already been extended beyond workers and self-employed people before the Treaty of Maastricht. Starting in the 1970s, the free movement framework was expanded to include non-workers, especially through the case law of the Court of Justice of the European Union. In 1990, freedom of movement was finally guaranteed for students, pensioners, the unemployed, and their families, through a series of Council directives.



the everyday lives of most Europeans.⁴ As a result, many analysts argue that free movement is the true cornerstone of European citizenship.

Is EU citizenship a genuine form of citizenship?

European citizenship shares many of the key elements of national citizenship, especially in relation to rights. However, it differs from national citizenship in important ways, lacking its association with a closed political community bound by a shared identity and history. How far European citizenship diverges from national citizenship depends on perspective, and in particular on which conception of citizenship is adopted. It grants access to a pre-defined set of economic, social, civic, and political rights as emphasised by ‘liberal’ conceptions of citizenship.⁵ But it puts less emphasis on the responsibilities of citizenship, especially vis-à-vis political and civic participation, central to republican models. It also downplays the importance of shared cultural heritage at the heart of communitarian theory, which posits that ‘thick’ social ties and the solidarity that comes from a shared identity are necessary for citizenship (understood as voluntarism, civic participation and a well-functioning welfare state) to thrive.⁶

Moreover, even on a ‘thin’ or liberal account of citizenship as rights, EU citizenship is often described as an unfinished project. The political and social rights inscribed by European citizenship are weak compared to national citizenship. Mobile EU citizens, for example, are not entitled to vote in national elections of their host Member States. Moreover, national governments are the gatekeepers of EU citizenship, since the only way to gain access to it is to become a citizen of an EU Member State. As Richard Bellamy puts it, ‘ambiguity is written into the very nature of European Citizenship since access to it rests firmly via the variously defined nationality requirements of the member states’.⁷

Yet others have seen the fragmented nature of EU citizenship and the way it transcends national boundaries as its strength. For some analysts, it marks the latest transformation of modern citizenship into multiple overlapping statuses that even extend to third country

⁴ Generally, Union citizens do not exercise their electoral rights as actively as they could. Overall turnout in European Parliament elections is low compared to national parliament elections, and has steadily declined over the past few decades, despite the increasing political weight of the European Parliament. According to Eurostat, in the 2014 European elections, turnout for the 28 Member States was 43 per cent, compared to an average 68 per cent in national elections. Laura Tilindyte, “Electoral Rights Of EU Citizens [What Is Europe Doing For Its Citizens?],” *European Parliamentary Research Service Blog* (blog), 2017, <https://epthinktank.eu/2017/07/28/electoral-rights-of-eu-citizens-what-is-europe-doing-for-its-citizens/>.

⁵ Thomas Marshall, “Citizenship and Social Class,” in *Class, Citizenship, and Social Development: Essays with an Introduction by S. M. Lipset* (New York: Anchor Books, 1965).

⁶ See for example Amitai Etzioni, “Citizenship in a Communitarian Perspective,” *Ethnicities* 11, no. 3 (September 1, 2011): 336–49, <https://doi.org/10.1177/1468796811407850>. The empirical evidence on whether solidarity is a precondition for a generous welfare system is unclear. For a (sceptical) overview, see Will Kymlicka and Keith G. Banting, *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (Oxford, UK: Oxford University Press, 2006).

⁷ Richard Bellamy, “Four Models of European Citizenship,” in *The Boundaries of Understanding: Essays in Honour of Malcolm Anderson*, ed. Eberhard Bort and Russell Keat (International Social Sciences Institute, 1999), 229–40.



nationals.⁸ The differentiation at the heart of EU citizenship, on this account, is an inclusive force. But for others, this fragmentation, coupled with the considerable distance between citizens and the institutions that govern them, prevents EU citizenship from becoming ‘true’ citizenship.⁹

Is EU citizenship understood and valued by EU citizens?

Evidence on whether EU citizenship is valued by EU nationals is somewhat mixed. Surveys find a surprising level of consistency in the share of people who identify as European from the early 1990s—when the concept of EU citizenship first started to be used—to the early 2010s. In 1992, 38 per cent of Europeans described themselves as their nationality only, while 48 per cent described themselves as their nationality plus European. By 2013, 42 per cent said they saw themselves as their nationality only, and 47 per cent said they were European plus their nationality.¹⁰

Moreover, surveys of public opinion find that most people are aware of their status of EU citizens, but that their understanding of what this entails beyond free movement is minimal. For example, just under nine in ten respondents said they were familiar with the term ‘citizen of the European Union’ in 2015. But fewer than half were well informed about their rights as an EU citizen. Free movement is often the only right that many (especially young) people are aware of.¹¹ For non-movers especially, the everyday experience of EU citizenship is likely to be abstract and detached from their lives.

The link between EU citizenship and free movement

The link between EU citizenship and free movement is not linear or straightforward: the concepts sometimes reinforce, and sometimes undermine one another. Given the blurred boundaries between the two concepts, it is hard to disaggregate the influence of one on the other. For the sake of analysis, however, it is worth asking separate questions: 1) How does EU citizenship affect free movement of persons? And 2) to what extent does freedom of movement help consolidate European citizenship?

Does EU citizenship support free movement?

EU citizenship is designed to make moving within the European cost and hassle free, by ensuring that people do not lose out from moving. Wherever they live in the European

⁸ See for instance Rainer Bauböck, “The Three Levels of Citizenship within the European Union,” *Phenomenology and Mind* 5 (2015): 66–76.

⁹ Willem Maas, “Migrants, States, and EU Citizenship’s Unfulfilled Promise,” *Citizenship Studies* 12, no. 6 (2008): 583–596.

¹⁰ European Commission, “EU Citizenship,” n.d.,

http://ec.europa.eu/commfrontoffice/publicopinion/topics/fs5_citizen_40_en.pdf.

¹¹ A recent study of civic education in seven EU Member States found that young people receive little education on their citizenship rights. Wieger Bakker et al., “The Quest for a European Civic Culture: The EU and EU Citizenship in Policies and Practices of Citizenship Education in Seven EU Member States,” BEUCITIZEN: Barriers Toward EU Citizenship (Brussels: European Commission, 2016).



Union, then, they retain access to a set of civic, political, social and economic rights.¹² However, it is unlikely that rights factor heavily into movers' decisions, especially relative to wage differentials and job opportunities.¹³ Indeed, a number of studies have found limited awareness among mobile EU nationals of the rights they are entitled to as movers.¹⁴ Among EU citizenship, it is the right to free movement rather than other rights that plays the greatest role in facilitating intra-EU flows. At most, the right to retain access to benefits acts as the "oil in the system"—it does not drive flows in of itself, but makes the system run more smoothly.¹⁵ Indeed, the main barriers to movement appear to relate to factors independent of rights and benefits, namely language and cultural differences.¹⁶

Moreover, European citizenship—with its key principle of equal treatment and the related tenet that mobile citizens are not migrants—can create obstacles to social inclusion and social cohesion on the ground. EU nationals often have similar integration needs to third-country nationals, ranging from language barriers to obstacles to entering work or moving upwards in their occupations, to navigating local services and understanding how basic systems work.¹⁷ But because EU nationals are treated on a par with nationals, their integration in other EU countries has been somewhat of an afterthought, with far fewer programmes relative to third country nationals.¹⁸ These unmet integration needs can create challenges both for EU movers and the communities into which they settle, and

¹² For instance, jobseekers retain access to contributory benefits based on contributions in previous countries.

¹³ Evidence on why people move suggests that economic opportunities (alongside social networks) are the main reason that people move—indicating that access to a predetermined set of rights, whatever these are, are probably secondary considerations for would-be movers. Meghan Benton and Milica Petrovic, "How Free Is Free Movement? Dynamics and Drivers of Mobility within the European Union" (Brussels: Migration Policy Institute Europe, 2013), <https://www.migrationpolicy.org/research/how-free-free-movement-dynamics-and-drivers-mobility-within-european-union>. For instance, despite EU nationals who live there retaining access to the same set of rights, at least for the time being, net immigration from the EU to the UK has fallen dramatically in the period since Brexit—in part because of future uncertainty, but also the fall in the value of the pound. Migration Observatory, "The Great Slowdown in EU Migration," Press release, November 30, 2017, <http://www.migrationobservatory.ox.ac.uk/press/great-slowdown-eu-migration/>.

¹⁴ European Parliament Directorate-General for Internal Policies of the Union, "Obstacles to the Right of Free Movement and Residence for EU Citizens and Their Families" (Brussels: European Parliament), accessed December 22, 2017, [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571375/IPOL_STU\(2016\)571375_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571375/IPOL_STU(2016)571375_EN.pdf).

¹⁵ Meghan Benton, "Reaping the Benefits? Social Security Coordination for Mobile EU Citizens" (Brussels: MPI Europe, 2013), <https://www.migrationpolicy.org/research/reaping-benefits-social-security-coordination-mobile-eu-citizens>.

¹⁶ For a comparison of mobility within the United States and within the European Union, see Meghan Benton and Liam Patuzzi, "Free Movement in the European Union: An Audit," Working Paper Prepared for REMINDER, October 2017.

¹⁷ For instance, a 2014 study by IPPR found that poor understanding among newcomers about how waste collection and recycling worked was a major factor behind people being resentful of their neighbours; and that more newly arrived EU migrants (rather than longer-standing migrant populations) were more likely to attract such criticism. Alice Sachrajda and Phoebe Griffith, "Shared Ground: Strategies for Living Together in an Era of High Immigration" (Institute for Public Policy Research, 2014), <http://www.ippr.org/read/shared-ground-strategies-for-living-well-together-in-an-era-of-high-immigration>.

¹⁸ An interviewee put it thus: "Because of this double-edged sword [the principle of non-discrimination] we are unable to develop targeted programmes for newcomers from the rest of Europe. In Belgium, nowadays, there are mandatory programmes and citizenship classes for third-country nationals. And when it comes to EU citizens, who are sometimes facing even bigger challenges and obstacles (e.g. compare a highly qualified Moroccan migrant who speaks French and comes to France, or a Polish low-skilled worker coming to Belgium without speaking the language), and then that is kind of a contradiction. Nationality as a criterion makes little sense on the ground. Migrant domestic workers from Eastern Europe are equally or even more in need of this than skilled migrants from third countries." Interview by Liam Patuzzi with Jean-Michel Lafleur, Associate Director of CEDEM (University of Liege), October 2017.



ultimately—such as in the British case—reduce support for the free movement and EU project as a whole.

Does freedom of movement help consolidate European citizenship?

Historically, the engineers of the EU project saw Member States nationals moving between European countries as agents of European integration ‘from below’, capable of spreading a sense of belonging to Europe.¹⁹ The theory behind this view is that increasing interactions across borders foster a greater sense of supranational belonging.²⁰ However, this ambition has not been borne out by evidence. Studies have found that mobility does not necessarily lead to pro-EU sentiment among mobile citizens, even in the case of flagship programmes like the education exchange programme, Erasmus.²¹ Second, this approach leaves non-movers and the—possibly negative—ways in which free movement may affect them out of the picture.

Several high profile challenges associated with free movement have further undermined the credibility of EU citizenship. These range from practical barriers and implementation obstacles that hinder certain groups from accessing citizenship rights²² to public anxieties about benefit tourism²³ or social dumping²⁴ (often relating to how people feel about free movement or experience it on the ground, rather than what the evidence says—which explains why economic analysts that seek to put the record straight may do little to allay fears in this area). In particular, mobile EU citizens who claim social benefits in another

¹⁹ Ettore Recchi, *Mobile Europe: The Theory and Practice of Free Movement in the EU* (Palgrave Macmillan UK, 2015).

²⁰ Karl Deutsch, *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality* (Cambridge, Massachusetts: The MIT Press, 1953).

²¹ Iain Wilson, “What Should We Expect of ‘Erasmus Generations’?,” *JCMS: Journal of Common Market Studies* 49, no. 5 (September 2011): 1113–40, <https://doi.org/10.1111/j.1468-5965.2010.02158.x>.

²² For example, the difficulty of obtaining a Swedish personal number for EU citizens, required to access several public and private services, particularly affects EU citizens on short-term contracts, jobseekers or students spending an academic year of 10 months in Sweden, as Swedish authorities currently issue personal numbers only if applicants can prove that Sweden will be their main place of residence of at least 12 months. Anthony Valcke, “Problems EU Citizens Face When Moving to Another Member State” (ECAS Conference on “Free movement: A loved and feared reality,” Brussels, April 12, 2017).

²³ Concerns about welfare tourism or poverty migration became particularly strong in the aftermath of the economic crisis. But anxieties often do not reflect evidence on their actual costs. For instance, in the UK, one of the main sources of contention has been paying EU nationals for child benefit at local rates even if children live in their countries of origin. Even though most evidence suggests that the overall costs of such a policy are minimal, the perceived unfairness is troubling for many people to grasp. Jonathan Portes, “Migrants, Benefits and the UK’s Renegotiation: Questions and Answers (UPDATED),” *National Institute of Economic and Social Research* (blog), November 9, 2015, <https://www.niesr.ac.uk/blog/migrants-benefits-and-uks-renegotiation-questions-and-answers-updated>. Similarly, in Denmark, one of the main controversies was over students working part-time in Denmark to access maintenance grants on an equal footing with Danish nationals. Martin Seeleib-Kaiser, “Social Rights of EU Migrant Citizens: A Comparative Perspective,” BEUCITIZEN: Barriers Towards EU Citizenship (European Commission, 2015), http://beucitizen.eu/wp-content/uploads/Deliverable-6.1_final1.pdf.

²⁴ Particularly after the Eastern enlargement, posting was linked to political discourses about unfair competition among employers based on lower labour costs, crowding out local workers in labour-intensive sectors, abusive and exploitative practices (e.g. bogus self-employment), and social dumping (downward pressure on wages and companies evading regulations—such as minimum wage legislation—to gain a competitive advantage). Evidence for this phenomenon is patchy. At a macro level, the impact of free movement on wages has been close to zero. See Jo Ritzen, Martin Kahanec, and Jasmina Hass, “EU Mobility,” IZA Policy Paper (IZA Institute of Labor Economics, 2017). But the fact that the system is perceived as enabling such violations of labour standards is enough; practices perceived to undermine the social contract create a sense of social anxiety that far exceeds the economic harm caused.



Member State in the name of European citizenship are often seen as transgressing the web of rights and obligations composing national citizenship, thus fomenting an antagonistic relation between national and EU citizenship.²⁵

Policy implications

The current relationship between EU citizenship and free movement is therefore not entirely harmonious. In particular, EU policymakers who wish to promote free movement and EU citizenship as mutually supportive concepts may have to contend with a number of tensions:

- ***Movers vs. non-movers:*** the narrow understanding of what European citizenship represents beyond the right to free movement, and the fact that most of the rights of that come with it can only be enjoyed when crossing borders, may create a divide between mobile vs. non-mobile Europeans and undermine support from the European project. This sense that “static” EU nationals are excluded from many of the benefits of EU citizenship may, in turn, undermine support for free movement.
- ***European citizenship vs. national citizenship:*** European citizenship is designed as an addition to, rather than replacement of, national citizenship. Member States monopolise access to it through their citizenship laws.²⁶ While this is largely unproblematic if most European residents can naturalise in a timely manner, some groups remain barred from national and thus European citizenship, due to barriers such as cost, long residence requirements, language tests or clean criminal record requirements. The large volume of migrants and refugees who have arrived in recent years and the rise of rejected asylum seekers has increased the number of residents who will never realistically hold EU nationality because of lack of legal status—further limiting its potential to be a universal and unifying status for all European residents.
- ***Free movement of workers vs. free movement of citizens:*** EU citizenship expanded free movement rights to non-workers and the economically inactive, moving beyond the idea that EU mobility served economic purposes alone. In recent years, however, the ambivalence behind this expansion has become evident. Several recent European Court of Justice (ECJ) cases (*Dano*, *Alimanovic*, *Garcia-Nieto*) have sought

²⁵ Vassilis Hatzopoulos, “From Economic Crisis to Identity Crisis: The Spoliation of EU and National Citizenships. Research Paper in Law 01/2017,” Research Paper in Law, 2017. This feeling of intrusion, violation, and missing legitimacy stems from the fact that, while welfare benefits for immigrants are usually granted based on the principles of reciprocity and merit (entitlements must be earned through active contributions), in the case of European citizens they are granted on the basis of a right. See Martin Ruhs and Joakim Palme, “Understanding the Political Conflicts around Free Movement in the European Union: A Conceptual Framework for an Institutional Analysis,” REMINDER project paper (Oxford, UK, 2017). p.16.

²⁶ Laura Tilindyte, “EU Citizenship Rights” (Brussels: European Parliamentary Research Service, March 2017), [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599361/EPRS_BRI\(2017\)599361_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599361/EPRS_BRI(2017)599361_EN.pdf). In rulings such as *Grzelczyk*, *Rottmann*, and *Ruiz Zambrano*, the ECJ has somewhat limited the unilateral powers of Member States on naturalisation: while it did not call into question Member States’ autonomy to determine access to nationality, it demanded that they pay regard to Union law. Nonetheless, EU bodies still has very limited say over this area.



to clarify the conditions under which economically inactive residents can be refused access to benefits. While these steps sought to reassure publics that abuse of social security systems is not tolerated, it also reveals an ambiguity at the heart of EU citizenship: the supposedly universal rights that come with it, such as free movement and equal treatment, are in fact subject to exceptions for different categories of movers.

- ***Non-discrimination vs. meeting real integration needs:*** The concept of EU citizenship, and in particular the key principle of equal treatment, promotes an understanding of EU mobility as a phenomenon that is *internal*—not only internal to the single market, but also to one overarching political community—and therefore radically different than common migration. But most local residents perceive and categorise free movement as a type of immigration. This framing also impedes investments in improving the integration of mobile EU citizens, leaving free movers without necessary support and creating tensions over local social cohesion.
- ***Social rights vs. national welfare systems.*** Finally, a Europe-wide social contract is missing, as social protection is still mainly delivered by national welfare systems. These national frameworks are coordinated through social security legislation designed to facilitate people’s mobility, but differences in the logic and substance of national social security rules remain. As a result, publics in some countries believe that it is possible to game social security systems by moving. More broadly, some people may feel that social rights for free movers violate the tight connection between membership of a bounded community and participation in a welfare system where we are “all in it together”.

Reimagining the role of EU citizenship for the benefit of free movement

The relationship between European citizenship and free movement was designed to foster a sense of common supranational identity and give free movement a different type of legitimacy beyond its economic rationale: the fundamental right enjoyed by members of a polity. However, neither of these two objectives has been fully achieved.

Are these goals overly ambitious? Or is it possible to recast the relationship between EU citizenship and free movement in a more beneficial way? The following three scenarios represent possible courses of action, and describe current and possible activities that could fall within each.

1. More of the same: strengthening awareness and access to EU citizenship rights without changing their substance

The first option is essentially more of the same: the set of rights inherent in European citizenship would remain unaltered, but more resources would be invested in information



and awareness-raising, in line with current EU plans. While public understanding of what EU citizenship is has improved over the years,²⁷ there is room for improvement, especially in promoting common values and a clearer understanding of the rights that come with it.

Some of the proposals on the table include:

- **Public information:** The EU has done a huge amount in recent years to promote knowledge of EU citizenship and the rights that come with it. Information campaigns seek to remove barriers for movers' enjoyment of their rights, and help non-movers gain a better sense of the benefits of EU citizenship. Numerous portals and initiatives exist to inform EU citizens about their rights, including the Your Europe Portal, which contains information about travel, working and retiring abroad, education, volunteering, cross-border inheritance, and consumer rights.²⁸ However, while these portals and websites are designed to present information in a simple manner, they are not always able to address complex or non-traditional issues associated with free movement.²⁹ A further problem is that the sheer proliferation of advice portals can make it difficult to know where to go. One innovative proposal on the table is for a Single Digital Gateway, which gives easy access to information, assistance and problem-solving and link up to national services in 'a seamless, user-friendly and user-centric way'.³⁰ However, all these initiatives are costly, and evidence on the returns on investment they provide is unclear. Moreover, in practice, such initiatives may only be a salve rather than a solution. For instance, it is hard to see how a portal can solve the underlying problem of insufficient information at local level, in the face of much larger challenges associated with data sharing.
- **Public engagement:** The European Commission has also been investing in efforts to improve citizens' understanding of the EU through greater dialogue and engagement in the EU policymaking process. The Europe for Citizens programme sought to develop a sense of European identity and foster a sense of ownership in the European Union, for instance by offering funding for town citizens' meetings and town twinning programmes.³¹ Other recent innovations use digital democracy tools:

²⁷ A 2015 Eurobarometer survey showed that 87 per cent of respondents were familiar with the term 'citizen of the EU', an increase of six percentage points since 2012 and of nine percentage points since 2007. The share of respondents who were aware of the term's meaning (52 per cent) has also risen significantly since 2007 (41 per cent). European Commission, Directorate-General for Communication, "European Union Citizenship: Flash Eurobarometer 430" (Brussels: European Commission, Directorate-General for Communication, 2016), http://ec.europa.eu/justice/citizen/document/files/2016-summary-flash-eurobarometer-430-citizenship_en.pdf.

²⁸ "Your Europe: Help and Advice for EU Nationals and Their Family," n.d., https://europa.eu/youreurope/citizens/index_en.htm.

²⁹ For example, there is no information on rights as an economically inactive person who is not a student or pensioner on the Your Europe Portal; nor does it explain what comprehensive health insurance cover means in practice. "Your Europe: Residence Rights," n.d., <https://europa.eu/youreurope/citizens/residence/residence-rights/>.

³⁰ European Commission, "Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Strengthening Citizens' Rights in a Union of Democratic Change - EU Citizenship Report 2017" (European Commission, 2017), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:030:FIN>.

³¹ However, while the project receives a large number of funding applications, interim evaluations of its impact were inconclusive. European Commission, "Report from the Commission to the European Parliament, the Council, The European



the European Citizens' Initiative employs digital participatory democracy tools to reduce the gaps between political elites and citizens, including by crowdsourcing legislation. More recently, French President Emmanuel Macron called for a series of citizens' debates across Europe to help decide what shape the Union should take in the coming two decades.³² There may be opportunities within these new vehicles to encourage European citizens to debate some of the intricacies of free movement, social security coordination, or EU citizenship. However, past experience of such exercises suggests they tend to reach people who are already engaged in political processes, making it unlikely they could actually move the needle on public opinion.

- **Reducing barriers to accessing the rights of EU citizenship on the ground:** A number of new initiatives seek to remove barriers to accessing rights and entitlements. To overcome barriers mobile EU citizens with disabilities encounter in exercising their free movement rights—for instance, due to problems in the mutual recognition of disabilities between Member States and in accessing certain benefits—an EU Disability Card has been piloted in eight EU countries since February 2016.³³ To support local authorities, the Commission launched an e-training tool on EU free movement rights in order to support front desks in their practical application of EU rules, an aim set out in the Commission's EU Citizenship Report 2017.³⁴ However, this tool has yet to be evaluated and information about whether it is being used is lacking.

Activities to strengthen awareness and optimise information could remove some practical obstacles to exercising citizenship rights. Their role in fostering a European identity, however, is dubious. Very limited evidence exists on their results, and even innovative methods of engagement such as public consultations and digital democracy tools are unlikely to reach large swathes of the population. More importantly, as long as EU citizenship is something non-movers cannot identify with—and this can only change by introducing more rights that can be enjoyed in home countries—investments to promote a feeling of European belonging will not yield meaningful returns.

Economic and Social Committee and the Committee of the Regions: On the Implementation, Results and Overall Assessment of the 'Europe for Citizens' Programme 2007-2013" (Brussels: European Commission, 2015).

³¹ European Commission.

³² "Macron to 'Rebuild' EU with Citizen Conventions," *EU Observer*, n.d., <https://euobserver.com/political/138941>. The Romanian government has already suggested it could hold the first of these in the new year, focusing on values. Gotev Georgi, "Romania to Hold First 'democratic Convention' on Future EU," December 11, 2017, <https://www.euractiv.com/section/future-eu/news/romania-to-hold-first-democratic-convention-on-future-eu/>.

³³ "EU Disability Card," European Commission: Employment, Social Affairs and Inclusion, n.d., <http://ec.europa.eu/social/main.jsp?catId=1139>.

³⁴ "E-Learning Tool on the Right of Free Movement of Union Citizens," European Commission Directorate for Justice and Consumers, January 24, 2017, http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51219. "EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change." (European Commission: Justice and Consumers, 2017), http://ec.europa.eu/newsroom/document.cfm?doc_id=40723.



Expansive scenario: making EU citizenship more substantial, by adding political and social rights

Another approach is to reinforce the package of rights that come with EU citizenship—particularly political and social rights, which are relatively weak for a citizenship regime.

One possible (although quite radical) step, for example, would be to grant mobile EU citizens a residence-based right to vote in national elections of their host Member State rather than just in local and European elections.³⁵ Considering the importance of national decision-making in the European Union, such a reform would ensure that free movers are not disadvantaged in their political representation. Alternatively, the EU institutions could make access to European citizenship less (exclusively) dependent on Member State nationality. This would give it a larger autonomy as a status, both symbolically and institutionally, as supranational EU institutions would have a stronger say in the decision of granting citizenship. Moreover, EU citizenship could be granted on the basis of long-term residence, making it more inclusive of third country nationals.³⁶ However, such a step could likely be politically unpalatable in the current climate, and could generate further backlash against immigrants.³⁷

Strengthening social rights could also contribute to making EU citizenship more meaningful for Europeans, especially at a time of austerity, unemployment, and loss of trust in the idea of “Social Europe”. The European Pillar of Social Rights, which was launched in 2017 and details rights and principles in 20 different areas, represents an attempt to do this. One of the Pillar’s main goals is to strengthen social protection and inclusion and to reduce inequality throughout Europe, mainly by encouraging national legislation in these domains. For example, the document calls for the introduction of national minimum income schemes to be introduced in all EU Member States, to enable people and families with insufficient means of subsistence to live “a life in dignity in all stages of life”.³⁸ For the moment, the European Pillar of Social Rights is abstract and non-binding. Therefore, it is difficult to predict what impact it will have, particularly considering that the EU has a limited role in social policy. In theory, if it succeeds in motivating national initiatives to promote better standards of life and more social equality, it could decrease the distance between Europe and its citizens, both movers and non-movers. However, it is unlikely that such changes will be attributed, at least by ordinary citizens, to the Social Pillar.

³⁵ Bauböck, “The Three Levels of Citizenship within the European Union.”

³⁶ Maas, “Migrants, States, and EU Citizenship’s Unfulfilled Promise.”

³⁷ Rainer Bauböck has pointed out that providing EU citizenship rights to third country nationals on the basis of residence could breed further anti-EU resentment among national electorates, reduce pressure on EU countries to ease their naturalization procedures, and thus durably undermine the case for granting third country nationals full membership and political participation at the national level. Bauböck, “The Three Levels of Citizenship within the European Union.”

³⁸ European Commission, “Commission Recommendation of 26.4.2017 on the European Pillar of Social Rights” (Brussels: European Commission, April 26, 2017).



Expanding the scope of EU citizenship is the route most likely to cultivate a European identity—one that would not replace, but enhance national ones. But such an outcome is not guaranteed: creating a shared identity is not something that can be easily engineered from the top down, and enjoying rights does not necessarily translate into a feeling of belonging. Even if it does not create a genuine European polity, however, an “enriched” version of EU citizenship could provide a better source of legitimacy for free movement, as it would soften the divide between mobile and non-mobile citizens, who would both profit from a more substantial set of rights.

This approach, however, could be deeply problematic. For the EU to be able to guarantee additional rights, such as a minimum basic income or national voting rights, it would have to encroach into domains that are the preserve of the national level. Such an approach would require treaty change at a time when there is little appetite for solving genuine complex challenges at EU level. Moreover, introducing a stronger or more inclusive version of European citizenship could be perceived as the EU overstepping its remit and fuel backlash and Euroscepticism at Member State level. Alternatively, the European institutions could pursue more modest changes, such as preventing Member States from removing national voting rights from their mobile EU nationals abroad after a certain period of time (some Member States, such as the UK and Denmark, have provisions that withdraw voting rights after a certain period of residence abroad, while others, such as Cyprus, Ireland, Malta and Greece, have not introduced absentee ballots)³⁹ or introducing basic standards on naturalisation that would create more convergence and transparency in access to EU citizenship. However, such steps would be even less likely to deliver on the goal of reinvigorating EU citizenship.

Minimalistic scenario: scale down the project of EU citizenship, while striving to improve free movement.

The last approach questions more radically whether European citizenship is necessary and useful as a foundation of free movement of people. While EU citizenship would still be promoted in other policy areas, it would be presented as a separate ambition to freedom of movement. The EU institutions could continue to support an incremental approach to ‘citizenship building’ centred on democratic participation and cultural exchange. But freedom of movement would lose its status as a fundamental right that applies the same set of rules to all European citizens. This separation between intra-EU mobility and EU citizenship could create greater flexibility for Member States to address the challenges and drawbacks of free movement, in recognition of the fact that intra-EU mobility is often experienced as “normal” migration—with all the challenges that it brings.

³⁹ Bauböck, “The Three Levels of Citizenship within the European Union.”



This new approach to free movement would regulate categories of movers (workers, jobseekers, students, pensioners) according to different, tailored provisions instead of the principle of fundamental rights. Thus, free movement would turn more decidedly into a migration policy regime, although a very liberal one by international comparison. In part, this would be a matter of simple reframing; even now, the right to free movement is not unconditional and different provisions already attach to some groups.⁴⁰ But in other ways, it could pave the way for more substantive changes, such as interpreting the principle of non-discrimination in more flexible terms. These changes could include:

- **Allowing Member States to restrict or delay access to benefits.** Treating distinct categories of movers separately could ultimately help assuage perceptions of unfairness, by allowing Member States to introduce a more merit-based (rather than needs- or rights-based) logic into the free movement rules, for example by restricting or delaying access—e.g. through an emergency brake—to some parts of their national welfare systems for categories of movers seen as having contributed less.
- **More directly addressing integration concerns.** Taking EU citizenship out of the freedom of movement equation could help acknowledge and address the integration needs of people moving to a new Member State, by increasing investments in support measures. Loosening the commitment to the non-discrimination principle could also allow Member States to impose obligations comparable to those for third country nationals (e.g. participating an integration course if out of work on arrival).

Such a minimalistic approach would probably lead to further restrictions on free movement—especially as regards access to social benefits—as the protective weight of the equal treatment principle decreases. This shift could help alleviate one of the main tensions of free movement, which results from the tradeoff between inclusive welfare systems and liberal immigration regimes.⁴¹ On this argument, scaling back the constitutional weight of EU citizenship might be the price of maintaining support for free movement in the long run.

Moreover, this approach would help reduce the gap between abstract notions of EU citizenship and the reality of intra-EU mobility on the ground, potentially mitigating some public scepticism. The potential costs, however, are trickier to predict. Greater restrictions on benefits could leave some mobile EU citizens (for instance those who lose their jobs) without a social safety net, making them more vulnerable to destitution or homelessness. As a consequence, the political benefits could be outweighed by more localised concerns and community tensions. This scenario could therefore confront national policymakers with a tradeoff: whether to make full use of a more restrictive approach that could be promoted

⁴⁰ For instance, there are already additional requirements attached to residence rights for economically inactive people vis-à-vis workers, namely the requirement to be self-sufficient and have private health insurance.

⁴¹ See for example Ryan Pevnick, “Social Trust and the Ethics of Immigration Policy,” *Journal of Political Philosophy* 17, no. 2 (June 2009): 146–67, <https://doi.org/10.1111/j.1467-9760.2007.00296.x>; Martin Ruhs, *The Price of Rights: Regulating International Labor Migration* (Princeton: Princeton University Press, 2015).



on a national stage (but where the benefits risk being short-termist or symbolic), or continue to protect the vulnerable to prevent integration challenges emerging on a smaller-scale, which could create long-term costs to public confidence.

Conclusions and recommendations

In its current state, the interaction between free movement and EU citizenship has created more problems than solutions. EU citizenship has failed to assuage deep public anxieties about free movement, and it is poorly understood as a concept in its own right—leading to a perception that its benefits are for movers alone. By contrast, if the rules and the reality of free movement were perceived as fair and beneficial, intra-EU mobility could, over time, become an important factor in fostering EU citizenship.

This paper presented three future scenarios for the relationship between European citizenship and free movement. The first scenario proposes keeping the set of rights of European citizenship more or less as is, while improving awareness of, access to, and identification with it through increased investments in information and public engagement. This scenario—which comes closest to describing the current EU approach—is unlikely to resolve any of the main tensions between European citizenship and free movement, in particular the very limited inclusion of non-movers in the EU citizenship project.

The second scenario expands the scope of European citizenship by reinforcing its political and social rights. As the scope of EU citizenship deepens, non-movers would increasingly experience its benefits, and free movement would become less central to the edifice of European rights. Introducing an ambitious social contract, for instance, could help rebuild trust in the European project after years of austerity, and could ultimately support a shared notion of solidarity. Thus, providing European citizenship with a more comprehensive package of rights would offer free movement a greater source of legitimacy. It also constitutes the most promising approach to nurture a supranational polity in the long term, although this is a much more unpredictable undertaking.

The third scenario suggests adopting a minimalistic and less legalistic approach to the EU citizenship project. Free movement would be progressively separated from European citizenship and ultimately return to a largely economic rationale. The scenario builds on the key assumption that European citizenship is not essential—or even desirable—to the operation of free movement: as a consequence, this approach could help recapture public trust among Eurosceptic groups, by allowing countries to focus on maximising its economic benefits. Naturally, however, such a scenario harbours considerable risks, including greater fragmentation and complexity (for instance in the area of social security coordination) and the perception that this is a massive step backwards in the project of European integration.



These scenarios are intended to show ideal-typical directions of travel rather than realistic situations, and each one of them has significant shortcomings. Therefore, a better solution would be to seek to strike a compromise between different elements. The most promising elements of a way forward include:

- ***Continue to improve knowledge and exercise of rights—provided activities are low cost.*** Investing in measures to improve information and awareness about European citizenship rights could remove some practical obstacles in the exercise of rights, making freedom of movement smoother, however it is unlikely that such efforts will fundamentally change how Europeans feel about their citizenship. As long as the substance of EU citizenship is largely limited to rights that can only be activated when crossing borders, innovative forms of participation and engagement (which are often quite expensive) are unlikely to foster widespread identification with it. Such initiatives should therefore be subject to rigorous value for money considerations to ensure that they are not perceived as a waste of European funds, or tokenistic.
- ***Consider adding further rights to European citizenship.*** Adding scope and substance to EU citizenship beyond its free movement “core” could improve its credibility as a status that denotes membership in a political community. However, there is no easy candidate for additional European citizenship rights. Strengthening the social dimension of EU citizenship through an ambitious implementation of the European Pillar of Social Rights, for example, could help extend the benefits non-mobile populations. But activities in this vein risk either being perceived as encroaching on national sovereignty, or not being attributed to European citizenship at all. Adding substance to the political rights that come with European citizenship—for example, the right of mobile citizens to vote in national elections in their host Member State⁴²—could help signal that free movement is a political project, but risks further exacerbating the tensions between movers and non-movers. A more modest course of action for the European institutions could be working to ensure that mobile citizens do not lose their entitlement to vote in the national elections of their home country.⁴³
- ***Take small steps to make EU citizenship more independent from national citizenship, while avoiding competition between the two.*** In the long run, it might be worth exploring ways to make EU citizenship work more autonomously from national citizenship, for instance by making access to it less dependent on holding/acquiring nationality of a Member State. Apart from giving EU citizenship greater legitimacy as a status in its own right and increasing its symbolic power, this would also create opportunities to make it more inclusive for non-nationals, i.e. if it

⁴² Rainer Bauböck, Philippe Cayala, and Catriona Seth, “Should EU Citizens Living in Other Member States Vote There in National Elections?,” EUI Working Papers RSCAS 2012/32 (San Domenico di Fiesole: European University Institute, 2012), http://cadmus.eui.eu/bitstream/handle/1814/22754/RSCAS_2012_32.pdf?sequence=1&isAllowed=y.

⁴³ Bauböck, “The Three Levels of Citizenship within the European Union.”



was granted on the basis of residence alone. For the time being, however, this option is politically unfeasible and could heighten tensions between the national and EU level. A smaller, but more feasible step would be to further harmonise naturalisation rules of Member States (and subject them to the control of the ECJ) so that access to EU citizenship is less arbitrary.

- ***Consider loosening the tie between EU citizenship and free movement.*** EU citizenship might still be perceived as abstract, distant, and vague by many Europeans, but discounting its value simply on these grounds would be premature: it was introduced as an aspirational ideal, rather than as a fully fledged legal concept. But notwithstanding its value for the European project, it may be worth investigating whether the notion of EU citizenship holds much value for free movement, both its functioning and its legitimacy. For example, the language of internal mobility rather than language fails to acknowledge the integration needs of movers and may have prevented specific investments and support measures.

Freedom of movement can only profit—both practically and symbolically—from a notion of EU citizenship that stands on its own feet. Therefore, at EU level, the focus should be on making European citizenship more substantial, not only as a juridical status (through expanding legal rights) but also as a social and political concept that denotes membership of a community (for example, by improving social inclusion and equality, fostering participation in decision-making, and strengthening transnational exchange). As long as the two regimes are almost synonymous, the legitimacy of mobility as a fundamental right is vulnerable to being questioned by public anxiety about immigration.





REMINDER

ROLE OF EUROPEAN MOBILITY AND ITS IMPACTS
IN NARRATIVES, DEBATES AND EU REFORMS

The REMINDER project is exploring the economic, social, institutional and policy factors that have shaped the impacts of free movement in the EU and public debates about it.

The project is coordinated from COMPAS and includes participation from 14 consortium partners in 9 countries across Europe



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