



European Citizenship outside of the European Union: How to make it relevant to all mobile Europeans

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Summary

- * *Europeans leave most of their European Union (EU) citizenship at the door when they move outside of the EU for shorter or longer periods. Most EU citizenship rights are linked to residence in the Union, and can only be accessed if the Member State of origin allows it. There is no EU outreach to diaspora communities. And yet, EU citizens abroad can form an important asset for EU international relations. EU institutions should give EU citizenship a value and power outside of the EU.*

Background/Challenge

- Citizenship of the EU has been defined in the Treaty on the Functioning of the European Union (TFEU), which provides for the following rights: non-discrimination on the basis of nationality; intra-EU mobility; vote for and stand as a candidate in European Parliament and municipal elections in the EU; consular protection outside of the EU; petition the European Parliament and the European Ombudsman.
- EU citizenship is a legal construct with clear territorial limitation. It carries no weight outside of the territory of the EU, and all but two of the Treaty rights are restricted to EU nationals residing in the EU. The fact that Member States set the actual voting and citizenship rights creates large disparities among EU nationals abroad.
- EU citizens are one of the most mobile populations in the world, not only within the EU but also outside of it. Nearly 300,000 people leave the EU for temporary or permanent stays abroad each year. Millions move for stays of under three months. These people effectively leave their EU citizenship at the external border.
- The recent EU-level achievements in the area of data protection and Internet privacy, such as “the right to be forgotten” or the protections under the General Data Protection Regulation, do not apply to EU citizens who move outside of the EU.

KEY FINDINGS

- ◇ As conceived in the TFEU, citizenship of the EU is transnational and has a clear **territorial limitation**. Outside of the jurisdiction of the Member States, EU citizenship rights evaporate for most mobile Europeans.
- ◇ As regards **voting rights** to the European Parliament, research of the Global Citizenship Observatory at the European University Institute shows that most EU nationals are disenfranchised when they leave the EU. The Member States have no harmonised approach to the voting rights of their emigrants, and there is no compensation mechanism applied by the EU, as it exists within the EU territory (where mobile EU citizens can vote either for the lists of their countries of origin, or for those of their countries of residence).
- ◇ The **rights to petition** the European Parliament and Ombudsman, to participate in the European Citizens’ Initiative, or even to access EU support for activities that promote knowledge about citizen rights, are all limited to the EU territory. None of the EU institutions or EU-level civil rights organisations has been involved in assuring the citizenship rights to Europeans venturing outside of the EU, allowing de facto disenfranchisement, and discrimination on the basis of nationality.
- ◇ EU citizenship is **not passed in any harmonised way** outside of the EU, nor is the acceptance of a second non-EU citizenship widely allowed (as opposed to another EU citizenship). While some Member States have generous citizenship rights, others are very strict. As a result, the estimated 90 million European diaspora worldwide is mainly represented by certain EU nationalities.

KEY FINDINGS (continued)

- ◇ As it happens, those Member States that have the most generous citizenship laws also tend to have **electoral rules that accommodate citizens who reside outside of the EU**. These voting diasporas send a specific message to the European Parliament (e.g., French or Polish diasporas voting for Eurosceptic parties).
- ◇ Research on EU citizenship abroad shows that EU citizens living outside of the EU have a **clear identification with Europe**, often related to their previous experience of mobility or participation in the European public spheres (e.g., participation in some EU-level program or working in another EU country in the past).
- ◇ However, **political attachment to the EU**, measured by political participation, is very low: Less than 15% vote in European Parliament elections while abroad; about 70% do not know that the EU has a Delegation in their country of residence.
- ◇ In certain national diaspora groups residing outside of the EU (e.g. Polish, Italian, Portuguese), EU citizenship can be passed to the third generation of emigrants. These EU citizens tend to have **limited knowledge** about European citizenship and the related rights and obligations. There is no program, initiative or even interest on the part of the Member States or the EU to introduce some form of EU education in the diaspora schools.
- ◇ In Canada, businesses led by mobile EU citizens and/or members of the European diaspora have been benefitting disproportionately from the **Comprehensive Economic and Trade Agreement (CETA)** between the EU and Canada. This shows the importance and impact of the EU for the extraterritorial diasporas. Unfortunately, old European national diasporas seem to be rather skeptical of Europe, mainly because they rely on limited information flow, mostly from national sources.

Policy Implications

- EU citizens, be it mobile or diasporic, are de facto ambassadors of the EU abroad. To bring equal treatment and assure access of all EU citizens to their rights beyond EU borders, the EU could move in two steps.
- First, some improvements can be made through EU legislation, without requiring treaty changes. These include removing the requirement of residence for the European Citizens' Initiative and for petitioning the European Parliament. This would help Europeans outside of Europe get involved and start advocating for the EU abroad.
- Second, the discrimination based on nationality in voting rights can be ended through a treaty change. There are two solutions needed for two different groups of emigrants:
 - * Long-term EU emigrants: creation of non-EU districts for the European Parliament, each electing one MEP, who would work on international issues (French model).
 - * Temporary emigrants: creation of transnational lists for European Parliament elections which non-residents can vote for (e.g. voting for a transnational political group).

Further Reading

Global Citizenship Observatory, European University Institute, Florence, www.globalcit.eu.

Weinar, A. (2019). *European citizenship and identity outside of the European Union: Europe outside Europe?*, Routledge.



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