

ECAS's Takeaways on the 'State of the Union' 2022

Yesterday, the President of the European Commission, Ursula Von der Leyen addressed the European Parliament and all citizens in the EU with the now traditional State of the Union speech, covering the challenges of the past year and presenting EC's vision and proposals for the future.

Today, on the International Day of Democracy, we present ECAS's reaction to the key messages in the two focus areas of our work - EU Rights and European Democracy.

Updating European Democracy: From limiting foreign influence to more citizen participation

Yesterday we witnessed a confession – President von der Leyen admitted that the EU “..should have listened to the voices inside our Union – in Poland, in the Baltics, and all across Central and Eastern Europe.”, who have a historical memory of costly dependencies with Russia. Indeed, ECAS believes that CEE countries are not only a contested space between liberal democracy and autocratic ideologies, but they can also be the voice of reason when it comes to trading off EU values for short-term gains. Because of this, ECAS has opened a branch office in Bulgaria in order to support pro-European civil society in the region and help key stakeholders counter foreign influence in their constituencies.

When it comes to strengthening democracy within the Union, ECAS welcomes von der Leyen's proposal of a “Defence of Democracy” package but urges for more details on this initiative, which is supposed to expose covert foreign influence in our society. Although considered to be a step in the right direction that complements the anti-disinformation measures taken with the Digital Services act and the Code of Practice on Disinformation, ECAS regrets to see the lack of focus on the core of the issue. As an open, diverse and globalised society, malicious foreign interference in the EU can never be fully rooted out. Making citizens less receptive to disinformation and equipping them with the skills and knowledge how to identify such narratives is the only sustainable and effective approach. We call on the Commission to consider including such actions in its programme of 2023, proposed as year of education and training to increase citizens' resilience to online disinformation especially in view of the European Elections in 2024.

President von der Leyen quoted David Sassoli stating, ‘Democracy has not gone out of fashion, but it must update itself in order to keep improving people's lives’. The Conference of the Future of Europe (COFE) has been a way for the EU to revitalise its democratic processes by allowing citizens to have a say and an impact on their future in the Union. It was an unprecedented experience of participatory democracy that led to many lessons learnt and most importantly, is still closely observed upon especially by civil society with regard its concrete impact on EU policy-making. ECAS looks forward to seeing the President's “number of proposals for the year ahead that stem from the Conference conclusions” and clearer details on the process of taking up these citizens' recommendations into EU law-making.

In the meantime, one of the “updates” of democracy highlighted by President von der Leyen was the initiative of having Citizens’ Panels, which were central in the COFE, as a regular feature of the EU’s democratic life. As ECAS has been ever striving for more citizen participation in European democracy, we welcome a more permanent and structured way for people to voice their concerns and engage with EU representatives during policy-making processes. We look forward to seeing how in practicality these Citizens’ Panels will be implemented as a permanent mechanism into EU democracy. Moreover, we encourage Ms. von der Leyen to pursue further methods for citizen participation “beyond election day”, including digital democracy methods, such as participatory budgeting or crowdsourcing legislation.

If President von der Leyen believes that ‘democratic institutions must constantly gain and regain the citizens’ trust’, the key is to give citizens more inclusive, transparent and participatory channels to be involved in the EU’s decision-making processes at all levels. Most importantly, these tools must be constantly and consistently evaluated and improved upon in order to be effective for our democracy in the long run.

EU Rights and the Freedom of Movement in the Union

While ECAS welcomes the Commission’s commitment, outlined in the last Citizenship Report, to “review the 2009 guidelines on free movement in order to improve legal certainty for EU citizens exercising their free movement rights, and to ensure a more effective and uniform application of the free movement legislation across the EU”, we regret that today there was no mention on freedom of movement at all.

Indeed, following a difficult two-year period which, as a result of COVID-19, brought unprecedented limitations to freedom of movement, mobile EU citizens need reassurance that protection and promotion of their rights and freedoms remain at the heart of the European project. According to a survey by Oxford University in 2021, 74% of Europeans think that “the EU is not worth having without free movement”.

As ECAS is in touch with citizens on a regular basis through the Your Europe Advice (YEA) service, we have been able to identify recurrent challenges. For years, the main problem in terms of social security for mobile citizens was access to information. Post-COVID-19, the main problem is the lack of cooperation between Member States. It is difficult for citizens to determine the competent country and they do not receive sufficient help from the authorities. The development of tele-working has added a level of complexity, which results in significant delays in the issue of necessary documents. The lack of training and staff is also visible in enquiries related to residence and entry. In relation to residence, Brexit heralds additional challenges as national authorities are unfamiliar with rights deriving from the Withdrawal Agreement and citizens experience numerous bureaucratic impediments in having their rights recognised.

Directive 2004/38/EC on residence rights is the most important legislative instrument governing the free movement of persons within the European Union. It is a key legal instrument of the Single Market and goes to the heart of what is regarded as the most cherished right of EU citizens - the right of free

movement. ECAS therefore believes that the expectations of EU citizens on the upcoming Communication (Structured Guidelines) are yet to be met, and regrets that there was no reference to the core of the European Citizenship – the right to free movement in the EU – in the State of the Union speech.

Conclusion

As Europe is still recovering from the consequences of COVID-19 and the war in Ukraine persists, it was expected that this year's State of the Union address would focus mainly on the challenges that the EU has to address as a result of these difficult times. Still, President von der Leyen presented ambitious proposals for strengthening the democratic process of the EU - proposals that citizens now expect to be filled with substance, specifics and meaning. At the same time, it is regrettable that no mention of the EU citizen's rights was made, especially with regard to freedom of movement and developments in working conditions brought about by the pandemic and Brexit, which all have had deep effects on people's daily lives.