Mobility, Citizenship and Migration in a Post-Crisis Europe

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1. Introduction

In 1941 Ernesto Rossi and Altiero Spinelli drew up a manifesto for a free and united Europe while they were under house arrest for their anti-fascist activism on the island of Ventotene. This manifesto, known as the Ventotene Manifesto,[1] was founded on two main pillars, expressly identified as "post-war duties": namely, the creation of a free and united Europe, which would tame the excesses of national states, and social reform. Both duties were essentially aspirations for groundbreaking progressive political reform in Europe and were centred on the emancipation of Europe's citizens. As they wrote,

ABSTRACT

The economic crisis in Europe post-2008 provided a fertile ground for the re-assertion of national particularism and for the dissemination of discourses questioning not only the idea of free movement of persons but the whole European project per se. Accordingly, the present institutional reality in the European Union is still characterised by two opposed halves: the institutional one that continues to advance free mobility and to promote associated life in the EU and enhanced rights protection for EU citizens, and the re-assertion of state power and neo-nationalism. The latter calls for a "palingenesis," that is, for renegotiated arrangements. However, the advocated palingenesis carries the risk of the destruction of the foundations of the European project. This paper discuss both dimensions of the institutional reality of citizenship and intra-EU mobility and their connections with integration and migration.

[1] Published in English in Altiero Spinelli, Ernesto Rossi, "The Ventotene Manifesto", in *The Ventotene Papers*, 1988, p. 23, http://www.istitutospinelli.org/scarica-documenti-mainmenu-10/doc_download/25-the-ventotene-manifesto.

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> [t]he social ethic of freedom and equality has itself been undermined. Men are no longer considered free citizens who can use the State to achieve collective goals. They are, instead, servants of the State, which decides what their goals must be, and the will of those who hold power becomes the will of the State.

Following the Ventotene Manifesto, vision, foresight and determination on the part of European political leaders resulted in the creation of a unique edifice of shared governance and common policy-making that brought about peace and stability in Europe as well as more freedom and prosperity. The fundamental rights of free movement and residence, a cornerstone of the internal market, gave workers who are nationals of the Member States the opportunity to choose their professional as well as personal homes. Mobility was gradually extended to work-seekers by the Court of Justice of the European Union (hereinafter CJ) and, in 1990, to non-active economic actors who are self-sufficient and are covered by health insurance.[2] Pensioners and students benefited from this extension, as they were keen to enrich their lives by experiencing other cultures and life options and to expand their knowledge base.

The introduction of European Union citizenship by the Treaty on European Union (in force on 1 November 1993) established the direct bond that all citizens who are nationals of the Member States of the European Union and their families now have with the European Union. In so doing, it limited Member States' discretion as regards the entry, residence, conferred rights and exclusion of EU citizens. The mobility of EU citizens was clearly distinguished from immigration and thus from state discretion and control. The ultimate philosophy underpinning it was a rights-based one. In addition to the pre-existing free movement and residence rights, the Treaty on European Union awarded political rights of participation in local and EP elections in the Member State of residence,[3] diplomatic protection of EU citizens abroad and rights to petition the EP and to apply to the Ombudsman. And although the enjoyment, and the exercise, of the right to intra-EU mobility have not had a universal scope, thereby creating classes of "privileged" EU citizens, over the twenty-four years that followed its introduction, EU citizenship became

[2] Directives 90/364/EEC, 90/365/EEC and 90/366/EEC, which was replaced by Directive 93/96/EEC.

[3] Two directives implemented the provision on electoral rights; namely 93/109/EC and 94/80/EC.

upgraded into a constitutional norm and a fundamental status.[4]

Article 25 of TFEU has always carried the promise of the extension of the rights associated with the Union citizenship status by a unanimous decision of the Council in accordance with a special legislative procedure and after obtaining the consent of the European Parliament. Although this procedure has not been activated yet, EU citizenship continues to evolve. For more than a decade, the CJ has not hesitated to subject it to critical reflection and inquiry and to embark upon unknown and controversial terrains, thereby inviting both admiration and fierce criticism. European judges have taken quite seriously the constitutionalisation of Union citizenship and sought to respond positively to citizens' needs and expectations. But, as their decisions are guided by norms that often conflict with states' interest in unilateral migration control and the pursuit of power, governments have not hesitated to express their disapproval of what they perceive to be judicial policy-making.

The adoption of the *Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States*[5] has strengthened citizens' rights and highlighted the Member States' duties to treat mobile EU citizens in the manner prescribed by the directive. It did the former by remedying the piecemeal approach to free movement rights that existed before Maastricht by incorporating and revising the existing directives and amending Council Regulation 1612/68.[6] It also codified the Court's case law and gave concrete meaning to the principle that the European Union citizens' residence in the host Member States gives rise to legitimate expectations and to entitlements. Notable is the establishment, for the first time, of an unconditional right of permanent residence for Union citizens and their families[7] who have resided in the host Member States for a continuous period of five years. Shorter periods of residence exceeding three months (residence of at least three months is unconditional) entail a right of residence for Union citizens and their family members if they: a) engage in economic activity; b) have sufficient resources and comprehensive sickness insurance coverage in the host

[4] Case C-184/99, *Grzelczyk* [2001] ECR-I 6193, http://curia.europa.eu/juris/liste.jsf?num=C-184/99.

[5] Directive 2004/38/EC (Citizenship Directive).

[6] Articles 10 and 11 of Regulation (EEC) No 1612/68 were repealed with effect from 30 April 2006.

[7] The definition of a "family member" includes a registered partner if the legislation of the host Member States treats registered partnership as equivalent to marriage.

Member State as non-active economic actors; or c) are enrolled at a private or public establishment, have comprehensive sickness insurance coverage and are self-sufficient in order to avoid becoming a burden on the social assistance system of the host Member State. In line with the Court's ruling in the *Grzelczyk* case,[8] as long as the beneficiaries of the right of residence do not become an unreasonable burden on the social assistance system of the host Member State, they should not be expelled (Article 14). The Court then extended the grant of social assistance to both economically active and non-active citizens who can demonstrate a certain degree of integration into the host society or a real link with its labour market.[9] This did not mean that the Member States would cease to have autonomy in conditioning the grant of social welfare benefits on membership of national communities. Instead, the Member States would have to examine carefully the surrounding circumstances of an EU citizen's residence and to include those who have been integrated into the host societies. In brief, both the citizenship directive and the Court's case law sought to facilitate the social aspect of mobility by ensuring that citizens can create associative relations and partnerships and that public officials in the Member States do not discriminate against European citizens on the ground of nationality. Accordingly, European Union citizenship became a "Eurozenship," that is, a distinctive status that is not equivalent to denizenship. This institutional imperative approach also meant that in practice the Member States have had to base their decisions on reasoning that meets the requirements of legality, consistency and non-discrimination on grounds of nationality. No room was left for a subjective approach, that is, for decision-making that discriminated in favour of national citizens or referred exclusively to national priorities or particularistic interests.

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[8] See the opinion of Advocate General Mazák delivered on 20 October 2009 in Case C-310/08, *Ibrahim* [2010] ECR I-1065, http://curia.europa.eu/juris/liste.jsf?num=C-310/08; and the opinion of Advocate General Kokott delivered on 20 October 2009 in Case C-480/08, *Teixeira* [2009] ECR I-1107, http://curia.europa.eu/juris/liste.jsf?num=C-480/08.

[9] See, inter alia, judgements in Case C-184/99, *Grzelczyk*, cit.; Case C-138/02, Collins [2004] ECR I-2703, http://curia.europa.eu/juris/liste.jsf?num=C-138/02; Case C-209/03, *Bidar* [2005] ECR I-2119, http://curia.europa.eu/juris/liste.jsf?num=C-209/03; Case C-158/07, *Förster* [2008] ECR I-8507, http://curia.europa.eu/juris/liste.jsf?num=C-158/07; Joined Cases C-22/08 and C-23/08, *Vatsouras and Koupatantze* [2009] ECR I-4585, http://curia.europa.eu/juris/liste.jsf?num=C-22/08; Joined Cases C-523/11 and C-585/11, *Prinz and Seeberger* [2013], http://curia.europa.eu/juris/liste.jsf?num=C-523/11.

The economic crisis in Europe post-2008 provided a fertile ground for the re-assertion of national particularism and for the dissemination of discourses questioning not only the idea of free movement of persons but the whole European project *per se*. The imperative approach that prevailed in the past did not seem to serve the narrow political interests of political elites in certain Member States. Certain elites saw an advantage in "turning inwards," that is, seeking to judge, and justify, everything against the background of "adjectival interests" by referring to domestic interests and the state of their economies. So although in the Stockholm Programme, the multi-annual programme implementing the Area of Freedom, Security and Justice, the European Council considered "that the priority for the coming years will be to focus on the interests and needs of citizens,"[10] the constitutional paradigm of free movement and EU citizenship was superseded by the latter's politicisation in 2011.

Politicisation may be defined as the making of a clearly-designated status precarious and ambiguous and the creation of noise and doubt that disrupts a taken-for-granted institutional reality and thus makes it susceptible to renegotiation. In official discourses in certain Member States, EU citizens became again "migrants" or "foreigners," and political parties on the right of the political spectrum did not hesitate to embark upon political campaigns advocating the restriction of EU mobility.

Accordingly, the present institutional reality in the European Union is still characterised by two opposed halves: the institutional one that has to be complied with since any breach of EU law by the authorities of a Member State will probably lead to an enforcement action, and the re-assertion of state power and neo-nationalism. The former continues to advance free mobility and to promote associated life in the EU and enhanced rights protection for EU citizens, while the latter calls for a "palingenesis," that is, for renegotiated arrangements. In this way, the advocated palingenesis has the appearance of a new and more pragmatic policy design. However, it also carries the risk of the destruction of the foundations of the European project, and therefore the proposed "new" step is in reality a regression. In what follows, I will discuss both dimensions of the institutional reality of citizenship and intra-EU mobility and their connections with integration and migration. All

[10] European Council, *The Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens*, 4 May 2010, para. 1(1), http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52010XG0504(01).

are interconnected since any change in the interpretive frameworks and policy templates in any of them will shape, to a greater or lesser degree, they way we reason and seek to regulate the others.

2. The Experience of Relating: Inclusive European Citizenship, Open Societies

European Union citizenship is not an autonomous institution; it has always been coupled with Member State nationality because the European Union is a compound political arrangement. During the early decades of the European unification process, it became settled law that the rights of free movement and residence in the EU would apply to active and then non-active economic actors who are nationals of the Member States.[11] Drawing on this settlement, the Treaty on European Union (in force on 1 November 1993), which introduced EU citizenship, stated that EU citizens are those who hold the nationality of a Member State (formerly Article 8(1) TEU, now Article 20(1) TFEU). In addition to this provision, the Final Act of the Treaty on European Union included a declaration stating that the determination of whether an individual possesses the nationality of a Member State is a matter falling within the Member States' jurisdiction. Both the express provision of the TEU (Article 8(1)) and the Declaration demonstrated that EU citizenship was not designed to be an independent institution – it was a resultant. But this did not stop the CJ from insisting that, although determination of nationality falls within the Member States' domain of sovereign jurisdiction, they must, nonetheless, exercise their prerogatives with due regard to the requirements of Community law.[12] To this ruling, the Court's judgment in *Rottmann* eighteen years later added that states' decisions concerning the loss and acquisition of EU citizenship are subject to judicial review at both national and EU levels.[13] Accordingly, although in *Kaur*[14] the CJ stated that "it is for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality" (para. 19), in *Rottmann* it made clear that in actuating those conditions and

[11] Regulation (EEC) No 1612/68.

[12] Case C-369/90, *Micheletti* [1992] ECR I-4239, http://curia.europa.eu/juris/liste.jsf?num=C-369/90.

[13] Case C-135/08, *Rottman* [2010] ECR I-1449, http://curia.europa.eu/juris/liste.jsf?num=C-135/08.

[14] Case C-192/99, *Kaur* [2001] ECR I-1237, para. 19, http://curia.europa.eu/juris/liste.jsf?num=C-192/99.

seeking to deprive an EU citizen of his/her nationality, which would result in the loss of EU citizenship, national courts have to examine the proportionality of the withdrawal decision in light of the fundamental status of Union citizenship as well as in light of national law (para. 55). They could do so by considering whether the "loss is justified in relation to the gravity of the offence committed by that person, to the lapse of time between the naturalisation decision and the withdrawal decision and to whether it is possible for that person to recover his original nationality" (para. 56).

These important judicial interventions could be misread as intentional manifestations of power dynamics on the part of an activist Court. In reality, what the European judiciary sought to do from an early stage was to ensure the effective protection of the individuals who partake of European citizenship practices. This would, in turn, create the anticipatory assurance on the part of EU citizens that their rights will be affirmed in the European space and thus would enhance their mobility. After all, partaking of the European citizenship practices simply means having an ability to enjoy them without facing additional restrictive requirements imposed by national laws as well as a legitimate claim to not being deprived from enjoying them as a result of national regulations that do not comply with the principle of proportionality.

But this inclusionary dimension of partaking of European citizenship and thus of realizing the principle of equal treatment irrespective of nationality, has also had an exclusionary dimension. Unlike EU nationals, nationals of third countries (the so-called long-term resident third country nationals) are excluded from the personal scope of Union citizenship despite the fact that they share the common socio-political European space and contribute to it. This matter has been the object of much discussion over the past twenty years. Following a set of unsuccessful proposals put forward by the European Parliament and the European Economic and Social Committee to disentangle Union citizenship from state nationality and to award it to all persons residing lawfully in the territories of the Union for a certain period of time,[15] in the Tampere special summit in October 1999,

[15] European Parliament, *Resolution adopting the Declaration of Fundamental Rights and Freedoms* (A2-3/89), 12 April 1989, http://www.europarl.europa.eu/charter/docs/pdf/a2_0003_89_en_en.pdf; *Resolution on the Joint Declaration Against Racism and Xenophobia and an Action Programme by the Council of Ministers* (A2-261/88), 14 February 1989 [OJ C 69/40-43, 20 March 1989], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1989.069.01.0026.01.ENG; *Resolution on the Commission's action programme relating to*

the heads of State and Government agreed to promote the fair treatment of long-term resident TCNs and a common approach to integration matters. According to the Tampere Presidency Conclusions, a vigorous integration policy encompasses the granting of rights and obligations comparable to those of Union citizens and the provision of opportunities for naturalisation in the host Member States.[16]

Whereas the need for greater isomorphomism between the rights of EU citizens and those of long-term resident TCNs was acknowledged in the late 1990s, and European leaders felt that some form of approximation of the rules concerning naturalisation might be necessary so that unacceptable variations in the length of residence and the conditions for naturalisation could be removed, these policy orientations have not been realised yet.

In the new millennium, more securitised practices emerged and a new conception of "migrant integration" began to take root. Integration was no longer conceived of as facilitation of one's insertion into a society by removing structural and ideological impediments to it, but a reward for adopting the norms of the host society and behaving like a national.[17] Diversity was sidelined in favour of uniformity, and multiculturalism was seen as a failed approach to be replaced by more assimilationist and integrationist policies. Liberal respect for one another's personal space was seen to be a weak "integrative" bond; instead, emphasis was put on strategies designed to promote national cohesion and to re-educate migrants into the values and ways of doing things that are prevalent in the host societies.

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the implementation of the Community Charter of fundamental social rights for workers - priorities for 1991-1992 (A3-175/90), 13 September 1990 [OJ C 260/167-185, 16 July 1990], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1990.260.01.0124.01.ENG; *Resolution on the free movement of persons and security in the European Community* (A3-199/91), 13 September 1991 [OJ C 267/197-201, 14 October 1991], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1991.267.01.0188.01.ENG; and European Economic and Social Committee, *Opinion on the Status of Migrant Workers from Third Countries* (91/C 159/05), 24 April 1991 [OJ C 159/12-15, 17 June 1991], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv-:OJ.C_.1991.159.01.0012.01.ENG.

[16] Tampere European Council, *Presidency Conclusions*, 15-16 October 1999 (200/1/99), para. 18, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm.

[17] Dora Kostakopoulou, "The Anatomy of Civic Integration", in *The Modern Law Review*, Vol. 73, No. 6 (November 2010), p. 933-958.

3. Civic Integration and Migration in Pre- and Post-Crisis Europe

The first decade of the new millennium saw the proliferation of civic integration tests. Several EU Member States sought to apply integration tests to all spheres of the migration and settlement journey, that is, to entry, acquisition of temporary and permanent residence, access to social benefits, family reunification, and naturalisation. Although in official discourses integration testing was depicted to have an enabling and facilitating role insofar as it served to familiarize newcomers with the language, history, values and traditions of the country of residence, in reality it was sanctions-based. Unsuccessful performance resulted in the non-renewal of residence permits, deportation, unsuccessful naturalisation and fines. The conditionality and coercion that accompanies the "two way process" of integration found its way into the formulation of the Common Basic Principles (CBPs) on integration, which were adopted by the JHA Council of 19 November 2004.[18]

These principles reflected national priorities and conceptions, such as the condemnation of multiculturalism and diversity and the commendation of conformity to national values and social cohesion, and emphasised migrants' responsibilities to integrate (CBP 1), respect the basic values of the EU (CBP 2), learn the language, history and institutions of the host society (CBP 4.1), and be active societal participants (CBP 5) as well as the possibility of conflict of cultural and religious practices with European rights or national law (CBP 8.2). The principles remained silent with respect to access to citizenship and were not accompanied by a generalised reflection on the "means" and "ends" of integration policy. Integration became framed as something that migrants "have to do" in order to "earn" entitlements and eventually citizenship, and not as the byproduct of policies of equal treatment, equal participation and transnational solidarity. This is something common. Instead of making contribution to society the relevant criterion, integration narratives and policies focus on the differences-cum-deficiencies of individuals and groups and on how much "difference" a society can contain without losing its unity or cohesion or identity. Because it is assumed that a society's normative structure will become undermined by "difference" and its social structure will become fragmented or loose and thus liable

[18] Council of the European Union, *2618th Council Meeting, Justice and Home Affairs*, Brussels, 19 November 2004 (14615/04), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf.

to fall apart if there is no uniformity in beliefs, values, ways of doing things and so on, questions have to be raised about both countries' "integration capacities" and individuals' "integration capabilities."[19] Accordingly, migrants are seen and treated as burdens or problems - and not as partakers of the commonwealth and complements to the public. Societal and political membership is therefore viewed to be a privilege that is reserved for deserving members.

This was recognised by the European Commission in its 2008 communication on *A Common Immigration Policy in Europe: Principles, Actions and Tools*, which linked integration to a "successful immigration."[20] As it stated,

> the positive potential of immigration can only be realised if integration into host societies is successful. This requires an approach which does not only look at the benefit for the host society but takes also account of the interests of the immigrants: Europe is and shall continue to be a welcoming environment for those who have been granted the right to stay, be they labour immigrants, family members, students or persons in need of international protection.[21]

This vision needs to be retained in the European Union. There is no substitute to embracing human potential, irrespective of nationality, and accepting that the flourishing of societies is necessarily linked to the flourishing of individuals. Communities without living, that is, the lived experiences and reciprocal interactions of human beings having multiple identifications, different subject positions and diverse and mixed cultural experiences, are just empty shells. Diversity is endemic in societies, and cultural experiences are just a part

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[19] See, for example, the *European Pact on Immigration and Asylum* (13440/08), 4 July 2008, http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf. The final draft was adopted by the European Council on 16 October 2008. See Brussels European Council, *Presidency Conclusions*, 15-16 October 2008 (14368/08), para. 19, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/103441.pdf.

[20] European Commission, *A Common Immigration Policy for Europe: Principles, Actions and Tools* (COM(2008)359), 17 June 2008, p. 7-8, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex-:52008DC0359. See also Dora Kostakopoulou, "The Area of Freedom, Security and Justice and the Political Morality of Migration and Integration", in Hans Lindahl (ed.), *A Right to Inclusion and Exclusion? Normative Fault Lines of the EU's Area of Freedom, Security and Justice*, Oxford, Hart, 2009, p. 185-207.

[21] Ibid., p. 3

of the rich tapestry of impulses that characterize individuals' lives. To oversimplify the latter, depicting newcomers and ethnic residents as "others" or outsiders and attempting to unduly culturalise them, would be tantamount to giving legitimacy to the various brands of nationalism that are mushrooming in Europe. Neither neo-nationalist conceptions of community nor short-term partisan politics in the Member States should sideline common sense and the empowering vision of bringing people together in democratic associated living that the principle of equal treatment underpinning European Union citizenship has actualised.

Critics might argue here that this is a safe enough position *in abstracto* and that the economic situation in recession-ridden Member States makes individuals doubt whether this vision is still realisable. But if we concede this, refuse to believe in this vision and decide to act as if it were not the case, then barriers to migration can easily become barriers to mobility and xenophobia and insular ways of thinking would not distinguish between nationals of migrant descent, Eurozens and non-EU nationals. This has become evident in the UK. On 27 November 2013, Mr Cameron, the British Prime Minister, announced measures to limit new migrants' access to benefits.[22] Commentators noted that "For migrants as for non-migrants, the right to benefits should be earned. For the next wave of EU members, access to all its privileges should, likewise, be earned."[23]

The European Economic and Social Committee took the initiative to draw up an opinion on "a more inclusive citizenship open to immigrants" in 2013.[24] In the opinion, Mr Pariza Castaños stated that

> [t]he Committee believes that in these difficult times, with the serious economic, social and political crisis which is devastating Europe, innovative strategies need to be implemented to promote a more open and inclusive citizenship and boost the

[22] David Cameron, "Free Movement within Europe Needs to be Less Free", in *Financial Times*, 27 November 2013, http://www.ft.com/cms/s/0/add36222-56be-11e3-ab12-00144feabdc0.html. See also Steven Kennedy, "Measures to limit migrants' access to benefits", in *Commons Library Standard Notes*, No. SN06889 (14 May 2014), http://www.parliament.uk/briefing-papers/SN06889.pdf.

[23] "At the Eleventh Hour", in *The Times*, 28 November 2013, p. 28.

[24] European Economic and Social Committee, *Opinion on 'A more inclusive citizenship open to immigrants'* (2014/C 67/04), 16 October 2013 [OJ C 67/16, 6 March 2014], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.2014.067.01.0016.01.ENG.

confidence of everyone living in the European Union. (para. 2(3))

To this end the Committee called for the adoption of more flexible naturalisation laws in the Member States that would allow long-term resident non-EU nationals to acquire full national citizenship. It also called for a more comprehensive debate on the substance of EU citizenship and the replacement of the principle of nationality with the criterion of "people's residence" (para. 1(12)). Finally, it pinpointed the shortcomings of the absence of full mobility for non-EU migrants in the EU and recommended the extension of intra-EU mobility to the beneficiaries of the migration directives in order to increase the attractiveness of the European labour markets (para. 6(5)).

All this shows the importance of aligning mobility with migration and of devising policies based on the positive framing of migration.[25] For neither intra-EU migrants nor extra-EU migrants are short-term sellers of their labour power. They are settlers, participants, contributors and citizens in waiting. The framing of migration as a security issue or as a threat to the cohesiveness of societies or as a phenomenon that needs to be tightly controlled impedes the acceptance of the reality of human mobility in a global world, which has been described as a "world of flows." In this respect, it is important to acknowledge the role of migration in enhancing Europe's competitiveness, stimulating growth and responding to the challenges of ageing populations and shrinking labour force in the European Union. As employees, self-employed persons, consumers and investors, migrants make significant economic contributions, in addition to boosting productivity, acting as a job-market safety valve, reducing pay pressures and raising economies' long-term or "trend" rate of growth. In addition, due to their age profile, they pay more in taxes than they receive in welfare services. In a post-crisis European Union, the regulation of labour migration therefore needs to be characterised by openness and flexibility, particularly since labour market gaps tend to appear quite unpredictably.

[25] Sergio Carrera et al., "Labour Immigration Policy in the EU: A Renewed Agenda for Europe 2020", in *CEPS Policy Briefs*, No. 240 (5 April 2011), http://www.ceps.eu/node/5507.

4. The Continuity of EU Citizenship Status

The importance of a common positive frame for both mobility and migration is also highlighted by the fact that offending EU citizens in the Member States of residence can easily became "criminal foreign nationals" who must be deported. The economic crisis has facilitated such representations in the media. Accordingly, although EU citizenship has transformed former aliens into fellow EU citizens and European Union law has had a decisive impact on deportation law and policy with respect to EU citizens who commit criminal offences in the Member State of residence, one witnesses policy proposals designed to increase the Member States' exclusionary powers in this domain. Notably, the Member States have always been allowed to derogate from the free movement provisions of the Treaty on the grounds of public health, public policy and public security (Article 45(3) TEFU). But these above-mentioned grounds must be interpreted strictly because they limit the fundamental freedoms of movement and residence, and national authorities' decisions in this domain must comply with the principle of proportionality.[26] A directive adopted in 1964 (64/221/EEC), limited the Member States' discretion by stating that the above-mentioned grounds cannot be invoked by a Member State in order to serve economic ends (Article 2(2)).[27] Instead, they have to be based exclusively on the personal conduct of the individual concerned and may never be imposed automatically. The Court proceeded to add flesh to the provisions of Directive 64/221 by establishing in a number of cases that Member States must verify that a Union citizen's personal conduct poses "a genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society."[28] The Court's preference for a rights-based approach to the interpretation of the Treaty's derogations has protected individuals and has circumscribed national authorities' discretionary powers by requiring that policy or security risks are clearly personified before national authorities take any action.

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[26] Case C-100/01, *Olazabal* [2002] ECR I-10981, http://curia.europa.eu/juris/liste.jsf?num=C-100/01; Joined Cases C-482/01 and C-493/01, *Orfanopoulos and Oliveri* [2004] ECR I-5257, http://curia.europa.eu/juris/liste.jsf?num=C-482/01.

[27] Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31964L0221.

[28] Case C-30/77, *R v Bouchereau* [1977] ECR 1999, para. 35, http://curia.europa.eu/juris/liste.jsf?num=C-30/77.

Previous criminal convictions do not in themselves constitute grounds for imposing limitations on cross-border movement,[29] and EU citizen offenders will be excluded if they are likely to re-offend. Generally speaking, automatic deportations without a careful consideration of personal circumstances are unlawful under EU law.

The Citizenship Directive (2004/38/EC) that replaced Directive 64/221 incorporates this case law and states in Article 27(2) that "justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted." Article 28(1) of the directive also incorporates rulings from the ECtHR by stating that "[b] efore taking an expulsion decision on grounds of public policy or public security, the host Member State shall take into account considerations such as how long the individual concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into the host Member State and the extent of his/her links with the country of origin." According to the directive, permanent residents, that is, EU citizens resident for five years or more in a host Member State, can be ordered to leave only on "serious grounds of public policy or public security" (Article 28(2)), and permanent resident Union citizens for the previous ten years and minors may not be ordered to leave the territory of a Member State, except on imperative grounds of public security (Article 28(3)). In addition, according to Article 33, an expulsion order cannot be issued by the host Member State as a penalty or legal consequence of a custodial penalty unless the general requirements pertaining to the application of restrictions on entry and residence apply (Articles 27-29), and if it is issued it should be subject to assessment after two years. This change was based on the Court's decision in *Calfa* that automatic expulsion for life following a criminal conviction without consideration of the personal conduct of the offender or the danger (s)he represents for the requirement of public policy contravened EU law.[30]

In two recent cases, it was decided that time spent in prison cannot be taken into account in calculating the five-year residency period that triggers more enhanced protection under Article 28(2) of the Citizenship Directive or the even more increased level of protection

[29] Article 27(2) of Directive 2004/38/EC; Case C-348/96, *Calfa* [1999] ECR I-11, para. 22 to 24, http://curia.europa.eu/juris/liste.jsf?num=C-348/96.

[30] Case C-348/96, *Calfa*, cit.

afforded by Article 28(3). In the cases of *Onuekwere* and *M.G.*,[31] the Court ruled that periods in prison cannot count towards the acquisition of permanent residence or the enhanced protection of Article 28(3), and that such periods also interrupt in principle the continuity of the requisite periods for granting such advantages. Mr Onuekwere, a Nigerian national married to an Irish national residing in the UK, obtained a residence permit in the UK valid for five years. During his residence, he committed various offences and was imprisoned for a total period of three years and three months. The central question was whether this period would count towards the five-year residence requirement for obtaining permanent residence as the family member of an EU citizen who had exercised her EU free movement rights. The Court's central argument was that the right to permanent residence could not be based on purely formal considerations such as the time physically spent in a Member State's territory, but must also take into account "qualitative elements, relating to the level of integration in the host Member State" (para. 25). But in making such a determination, national authorities must make an overall assessment of an EU citizen's situation. In the context of that overall assessment, not only should the relevant consideration of one's imprisonment be considered, but national authorities may also take into account other relevant facts relating to the person concerned, such as, for example, that an individual had resided in the host Member State during the 10 years prior to imprisonment. Although the Court noted that criminal offences committed by an EU citizen show a lack of respect for "the values expressed by the society of the host Member State in its criminal law" (para. 26), both decisions are, nonetheless, reflective of the principles and the aim underpinning the Citizenship Directive and in line with the Commission's guidance on the interpretation of the provisions of the directive.[32]

In other words, the Member States are required to demonstrate an "intelligent regard" for EU citizens and are not required to grant permanent residence to EU citizens whose residence on their territory was confined to a prison. The fundamental status of EU citizenship does not imply an unconditional institutional idealism. It is premised on one's

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[31] Case C-378/12, *Onuekwere* [2014], http://curia.europa.eu/juris/liste.jsf?num=C-378/12; Case C-400/12, *M.G.* [2014], http://curia.europa.eu/juris/liste.jsf?num=C-400/12.

[32] European Commission, *On guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States* (COM(2009)313), para. 3(3), http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex-:52009DC0313.

participation in societal interactions and the living realities he/she established – and not on his/her isolation from the host society due to criminal activity.

But unlike criminal conduct involving a volition to break the law, being ill-paid so that one may have to rely on a Member State's social assistance scheme temporarily or sleeping rough because the cost of housing in the Member State of residence cannot be met by wages below the statutory minimum wage do not activate the Treaty's public policy and public security derogations. Such proposals to exclude poor Eurozens are simply unlawful under EU law. Member States have the option of terminating one's right of residence during the period between three months and five years if a European citizen becomes an unreasonable burden on the welfare system of the host state, but sleeping rough does not impose such a burden. In such cases, one needs to distinguish between the above-mentioned requirement to display an intelligent regard for EU citizens from an intention to discriminate against them and to depict them as "burdens" and "outsiders."

5. Closing Gaps, Enhancing Protection in an Integrated Europe

Crises highlight not only constraints but also possibilities. Which of these possibilities will be eventually chosen to guide the formulation of policy agendas depends not only on necessities but also on vision and leadership. The truth does not lie on one side or the other, but on both. Indeed, if one reflects on the trajectory of the evolution of free movement in the European Union and the fundamental status of EU citizenship, (s)he will discern how "impossibilities" during one decade became actualities with the passage of time. What occasioned their actualisation was simply the "will to believe"[33] in the vision of building a united, peaceful and prosperous European Union. In the field of intra-EU mobility, apart from transitional arrangements, there has never been an institutional design of core and non-core Member States.[34] Instead, there has been a vision of creating

[33] I borrow this from William James, *The Will to Believe and Other Essays in Popular Philosophy*, New York, Longmans, Green and Co., 1910.

[34] Nathalie Tocci and Giovanni Faleg, "Towards a More United and Effective Europe: A Framework of Analysis", in *Imagining Europe*, No. 1 (28 October 2013), http://www.iai.it/content.asp?langid=2&conten-

a common European space within which Eurozens would develop a sense of belonging and would enjoy equal treatment. This has been recognised to be the key to creating a more united and effective European Union and might well be the key to overcoming structural challenges and the changes in the intellectual landscape sparked by the present economic crisis. As Tocci and Faleg observe,

> [t]he centrifugal and centripetal forces bedevilling crisis-Europe confront us with a puzzle. Restoring legitimacy in the European project calls for greater unity and thus deeper integration. Through such unity, the EU could reacquire legitimacy *vis-à-vis* its citizens by finding joint solutions to deliver peace and prosperity in a politically inclusive and accountable manner. However, a more united Europe could be assumed to be more effective in achieving the policy objectives only if all member states consensually moved towards deeper integration.[35]

After all, the future of the European Union is intrinsically tied up with its ability to deliver on its promise of creating a free and democratic space that protects individuals and cares for their life-worlds. The "post-war duties" of a free and united Europe and social reform identified by Rossi and Spinelli in their Ventotene Manifesto therefore continue to be "duties" in the second decade of the new millennium (see section 1).

These aspirations-cum-duties fuel the expectations of EU citizens to be more "at home" in the Member States of their residence and to lead a more dignified and protected life at home, that is, in their state of origin. Being less of an outsider and not being treated as a foreigner "abroad," that is, in other Member States, and more protected and empowered "at home," that is, in the Member State of origin, requires the closing of a number of gaps in the protection of EU citizens, such as *inter alia* the gaps in empowerment, enforcement, and social protection.

For while the political rights citizens enjoy in the host Member State enable them to develop a sense of belonging to the host society and polity, the lack of equal political rights in national elections perpetuates their unequal status *vis-à-vis* the nationals of the

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[35] Ibid., p. 6.

Member States. The European citizens' initiative is an important institutional means of empowering EU citizens and promoting a bottom-up approach to policy initiation and decision-making. But closing the empowerment gap requires multilateral dialogues and a desire on the part of political elites to create a genuine European democratic political space. Like Prodi's networking template, which preceded the 2001 communication on European Governance,[36] the emphasis should be put on enhancing the connections among publics vertically, horizontally and sideways and creating institutionalised opportunities for debate, communication and the exchange of policy ideas.

The closure of the empowerment gap is intimately tied up with a determination on the part of the Member States and the EU to close the enforcement gap of the existing legal provisions and to facilitate the exercise of the rights conferred on Union citizens. The Commission's commitment to the latter is to be applauded. In particular, its proposal for a *Directive on measures facilitating the exercise of the rights* derived from the freedom of movement provisions of the Treaty and Regulation 492/2011 is a welcome development.[37] National legislation and administrative practices do not comply fully with EU law, thereby hampering intra-EU mobility. Providing means of redress for EU citizens and their families who have suffered, or are suffering, from unjustified restrictions in exercising their rights or are discriminated against on grounds of nationality is important. Institutionalising a culture of equal treatment throughout the European Union and disseminating information on the rights conferred by EU law are also important means to promoting an integrated and effective mobility paradigm. What may be additionally required is a communication strategy that dispels the negative portrayal of human mobility in domestic arenas and unmoors the rhetoric of restriction and migration control. Mobility is closely linked to migration, and an open, pluralistic and dynamic European Union needs to treat both as conjoined.

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[36] European Commission, *Strategic objectives 2000-2005 'Shaping the New Europe'* (COM(2000)154), 9 February 2000, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52000DC0154. The White Paper on European Governance followed in 2001: (COM(2001)428), 25 July 2001, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52001DC0428.

[37] European Commission, *Proposal for a Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers* (COM(2013)236), 26 April 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013PC0236. Adopted by Directive 2014/54/EU.

In this respect, the design of a flexible and fair EU migration policy must be situated within the legal framework of human rights protection underpinning international migration law as well as within the context of the four fundamental freedoms and the values underpinning the EU (Article 2 TEU). It would also need to be informed by the global politics of migration, the movement of people back and forth, the effects of a labour migration policy on countries of origin and the building of strong partnerships with them. In short, it is the co-implication of the global and the European, of migration with mobility and citizenship, of the Member States and the European Union, of politics and vision that will pave the way to a united and effective European Union.

References

Books and articles

David Cameron, “Free Movement within Europe Needs to be Less Free”, in *Financial Times*, 27 November 2013, http://www.ft.com/cms/s/0/add36222-56be-11e3-ab12-00144feabdc0.html

Sergio Carrera et al., “Labour Immigration Policy in the EU: A Renewed Agenda for Europe 2020”, in *CEPS Policy Briefs*, No. 240 (5 April 2011), http://www.ceps.eu/node/5507

Steven Kennedy, “Measures to limit migrants’ access to benefits”, in *Commons Library Standard Notes*, No. SN06889 (14 May 2014), http://www.parliament.uk/briefing-papers/SN06889.pdf

Dora Kostakopoulou, “The Anatomy of Civic Integration”, in *The Modern Law Review*, Vol. 73, No. 6 (November 2010), p. 933-958

William James, *The Will to Believe and Other Essays in Popular Philosophy*, New York, Longmans, Green and Co., 1910

Dora Kostakopoulou, “The Area of Freedom, Security and Justice and the Political Morality of Migration and Integration”, in Hans Lindahl (ed.), *A Right to Inclusion and Exclusion? Normative Fault Lines of the EU’s Area of Freedom, Security and Justice*, Oxford, Hart, 2009, p. 185-207

Altiero Spinelli, Ernesto Rossi, “The Ventotene Manifesto”, in *The Ventotene Papers*, 1988, http://www.istitutospinelli.org/scarica-documenti-mainmenu-10/doc_download/25-the-ventotene-manifesto

Nathalie Tocci and Giovanni Faleg, "Towards a More United and Effective Europe: A Framework of Analysis", in *Imagining Europe*, No. 1 (28 October 2013), http://www.iai.it/content.asp?langid=2&contentid=992

ECJ cases

C-30/77, *Régina v Pierre Bouchereau*, 27 October 1977, ECR 1999, http://curia.europa.eu/juris/liste.jsf?num=C-30/77

C-369/90, *Mario Vicente Micheletti and others v Delegación del Gobierno en Cantabria*, 7 July 1992, ECR I-4239, http://curia.europa.eu/juris/liste.jsf?num=C-369/90

C-348/96, *Criminal proceedings against Donatella Calfa*, 19 January 1999, ECR I-11, http://curia.europa.eu/juris/liste.jsf?num=C-348/96

C-184/99, *Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve*, 20 September 2001, ECR-I 6193, http://curia.europa.eu/juris/liste.jsf?num=C-184/99

C-192/99, *The Queen v Secretary of State for the Home Department, ex parte Manjit Kaur*, 20 February 2001, ECR I-1237, http://curia.europa.eu/juris/liste.jsf?num=C-192/99

C-100/01, *Ministre de l'Intérieur v Aitor Oteiza Olazabal*, 26 November 2002, ECR I-10981, http://curia.europa.eu/juris/liste.jsf?num=C-100/01

C-482/01 and C-493/01, *Georgios Orfanopoulos and Others (C-482/01) and Raffaele Oliveri (C-493/01) v Land Baden-Württemberg*, 29 April 2004, ECR I-5257, http://curia.europa.eu/juris/liste.jsf?num=C-482/01

C-138/02, *Brian Francis Collins v Secretary of State for Work and Pensions*, 23 March 2004, ECR I-2703, http://curia.europa.eu/juris/liste.jsf?num=C-138/02

C-209/03, *Dany Bidar v London Borough of Ealing and Secretary of State for Education and Skills*, 15 March 2005, ECR I-2119, http://curia.europa.eu/juris/liste.jsf?num=C-209/03

C-158/07, *Jacqueline Förster v Hoofddirectie van de Informatie Beheer Groep*, 18 November 2008, ECR I-8507, http://curia.europa.eu/juris/liste.jsf?num=C-158/07

C-22/08 and C-23/08, *Athanasios Vatsouras (C-22/08) and Josif Koupatantze (C-23/08) v Arbeitsgemeinschaft (ARGE) Nürnberg 900*, 4 June 2009, ECR I-4585, http://curia.europa.eu/juris/liste.jsf?num=C-22/08

C-135/08, *Janko Rottman v Freistaat Bayern*, 2 March 2010, ECR I-1449, http://curia.europa.eu/juris/liste.jsf?num=C-135/08

C-310/08, *London Borough of Harrow v Nimco Hassan Ibrahim and Secretary of State for the Home Department*, 23 February 2010, ECR I-1065, http://curia.europa.eu/juris/liste.jsf?num=C-310/08

C-480/08, *Maria Teixeira v London Borough of Lambeth and Secretary of State for the Home Department*, 23 February 2010, ECR I-1107, http://curia.europa.eu/juris/liste.jsf?num=C-480/08

C-523/11 and C-585/11, *Laurence Prinz v Region Hannover (C-523/11) and Philipp Seeberger v Studentenwerk Heidelberg (C-585/11)*, 18 July 2013, http://curia.europa.eu/juris/liste.jsf?num=C-523/11

C-378/12, *Nnamdi Onuekwere v Secretary of State for the Home Department*, 16 January 2014, http://curia.europa.eu/juris/liste.jsf?num=C-378/12

C-400/12, *Secretary of State for the Home Department v M. G.*, 16 January 2014, http://curia.europa.eu/juris/liste.jsf?num=C-400/12

Official documents

Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31964L0221

Directive 90/364/EEC of 28 June 1990 on the right of residence, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31990L0364

Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31990L0365

Directive 90/366/EEC of 28 June 1990 on the right of residence for students, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31990L0366

Directive 93/96/EEC of 29 October 1993 on the right of residence for students, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31993L0096

Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31993L0109

Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31994L0080

Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States…, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32004L0038

Directive 2014/54/EU of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32014L0054

Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31968R1612

Regulation (EU) No 492/2011 of 5 April 2011 on freedom of movement for workers within the Union, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32011R0492

Council of the European Union, *2618th Council Meeting, Justice and Home Affairs*, Brussels, 19 November 2004 (14615/04), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf

European Commission, *A Common Immigration Policy for Europe: Principles, Actions and Tools* (COM(2008)359), 17 June 2008, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52008DC0359

European Commission, *European governance - A white paper* (COM(2001)428), 25 July 2001, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52001DC0428

European Commission, *On guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States* (COM(2009)313), http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52009DC0313

European Commission, *Proposal for a Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers* (COM(2013)236), 26 April 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013PC0236

European Commission, *Strategic objectives 2000-2005 'Shaping the New Europe'* (COM(2000)154), 9 February 2000, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52000DC0154

European Council, *Brussels European Council Presidency Conclusions*, 15-16 October 2008 (14368/08), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/103441.pdf

European Council, *European Pact on Immigration and Asylum* (13440/08), 4 July 2008, http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf

European Council, *The Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens*, 4 May 2010, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52010XG0504(01)

European Council, *Tampere European Council Presidency Conclusions*, 15-16 October 1999 (200/1/99), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm

European Economic and Social Committee, *Opinion on 'A more inclusive citizenship open to immigrants'* (2014/C 67/04), 16 October 2013 [OJ C 67/16, 6 March 2014], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.2014.067.01.0016.01.ENG

European Economic and Social Committee, *Opinion on the Status of Migrant Workers from Third Countries* (91/C 159/05), 24 April 1991 [OJ C 159/12-15, 17 June 1991], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1991.159.01.0012.01.ENG

European Parliament, *Resolution adopting the Declaration of Fundamental Rights and Freedoms* (A2-3/89), 12 April 1989, http://www.europarl.europa.eu/charter/docs/pdf/a2_0003_89_en_en.pdf

European Parliament, *Resolution on the Commission's action programme relating to the implementation of the Community Charter of fundamental social rights for workers - priorities for 1991-1992* (A3-175/90), 13 September 1990 [OJ C260/167-185, 16 July 1990], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1990.260.01.0124.01.ENG

European Parliament, *Resolution on the free movement of persons and security in the European Community* (A3-199/91), 13 September 1991 [OJ C 267/197-201, 14 October 1991], http://eur-

lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1991.267.01.0188.01.ENG

European Parliament, *Resolution on the Joint Declaration Against Racism and Xenophobia and an Action Programme by the Council of Ministers* (A2-261/88), 14 February 1989 [OJ C 69/40-43, 20 March 1989], http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.C_.1989.069.01.0026.01.ENG

Imagining Europe

As the unprecedented financial crisis and ensuing economic recession push Europe to the brink, a critical question arises as to what the foreseeable trajectories for EU governance are in the decades ahead. The crisis has already accelerated EU policy and institutional evolution in key policy areas, but the integration project remains torn apart by centrifugal political and economic forces. The "Imagining Europe" series aims at delineating what kind of governance models the EU could head towards, and which of these models is best suited for the purpose of a more united, effective and legitimate EU. In particular, the research sheds light on the degree and nature of integration at the "core" of Europe and the relationship of that core with those member states (current and future) which opt to remain outside it. It does so by exploring five policy areas: fiscal and monetary policy, infrastructure and communications, security and defence, migration and citizenship, and energy and environment.