Assessing policy implications for EU citizenship

Exploring options for an impact assessment framework

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EXECUTIVE SUMMARY

One of the goals of the FP7 project *All Rights Reserved? Barriers towards European Citizenship* (acronym: bEUcitizen) is to provide policy and decision makers on both the level of the EU and the level of the member states, with knowledge, guidance and tools that can be used to identify possible barriers (and opportunities) for exercising European Union citizenship. Here, an impact assessment framework and practical tools for executing impact assessments may be useful. Impact assessment is the systematic ex-ante evaluation of the likely or possible consequences of policies, programs, projects, laws and other forms of regulation for, in this case, EU citizenship. In this working paper we explore how an EU citizenship impact assessment framework, or impact assessment tools, can look like and on what these should focus. Based on existing literature and outcomes of the bEUcitizen project so far, we identify what impact assessment approaches are favorable, what elements should be included, what requirements should be met (the framework) and what concrete instruments, guidelines and other tools may be useful. To do so, we address five questions.

1. How narrow or broad should the scope on EU citizenship be?
There are two distinct dimensions of European citizenship. The first dimension is that of citizenship as a legal status. This refers to a specific set of *civil, political, social and economic rights* each citizen of an EU member state has in addition to his or her national citizenship rights. The second dimension of EU citizenship is about the *identification with and active membership of a European –political-community*. The first does not automatically lead to the second. As both dimensions are important for individual citizens and for the functioning of the EU as a whole, we conclude that attention to both dimensions should be paid in an impact assessment framework.

2. What perspective or perspectives on impact assessment match which scope on EU citizenship?
There are two perspectives on impact assessment that are relevant. First the so called '*technical-rational*' perspective in which, on the basis of scientific methods and objective knowledge, proposed policies and regulation are systematically evaluated. Secondly the so called '*post positivist*' perspective from which impact assessment is looked upon as a continuing learning process through deliberative practices that are transparent and open to large numbers of citizens and stakeholders. A combination of the two is favorable. For evaluating the direct consequences of new policies and regulation on barriers for exercising legal rights, an emphasis on the technical-rational perspective seems appropriate. For assessing the impact on active membership of a European community, an emphasis on the post positivist perspective is more promising.

3. What characteristics of the policy goals and policy processes related to EU citizenship have to be taken into account in designing an impact assessment tool?
Some characteristics of policy goals and policy processes are relevant for the use of the outcomes of an impact assessment. In designing impact assessment tools for EU citizenship we have to take into account:
- the *policy objectives* that should be supported by these impact assessments (e.g. better informed decision-makers or increased legitimacy of EU decision-making and policies);
- the characteristics of the policies in terms of the *level of controversy* (in general: the more political controversy or controversy about existing knowledge, the more there is a need for impact assessment in which deliberation plays a central role);
- and the characteristics of the *decision-making contexts* in which the impact assessments will

play a role (when a decision making context is dominated by power relations, an impact assessment can have effect in the early stages of policy formation and decision making, rendering knowledge communication crucial).

4. On what forms of impact and on what subjects and issues should an impact assessment for EU citizenship focus? What do the preliminary results of the bEUcitizen project research teach us about the appropriate focus and subjects of such an assessment framework and tools?
We conclude from our analyses that four categories of impact attention has to be paid in an EU citizenship impact assessment:

- Impact on EU citizenship rights (civil, political, social, economic);
- Impact on identity and EU community participation (European identity and participation in the European community);
- Impact on groups of citizens (stayers and movers, unemployed, lower educated, minority groups);
- Assessing regional and national variation in impact (through national laws and regulation, bureaucracy, practices of policy implementation, professionals in public services).

5. What requirements should impact assessment tool for EU citizenship meet in order to be integrated in existing practices of impact assessment on the level of the EC and the governments of the member states?
Based on our analyses we identify six requirements for an EU citizenship impact assessment framework:

1. Parallel attention is required for the 'rights' and the 'identity and community' dimension of EU citizenship.

2. The framework should be multi-level, impact on the level of the member states is important to identify country specific consequences. There has to be an interface between the different levels: it is valuable to connect impact assessments on the EU level with impact assessments on the level of the member states.

3. Where possible, impact assessment tools should be integrated into the process and complementing existing impact assessment arrangements should be included. This is feasible for a more technical-rational impact assessment on direct effects on legal citizenship rights and on the level of the EU.

4. Special attention should be paid to national and professional practices of implementation as that is the level at which citizens are confronted with knowledge on and barriers for EU citizenship;

5. An impact assessment on EU citizenship needs to sensitize the diverse positions of different groups of citizens;

6. As public and stakeholder consultation and participation are especially crucial for impact assessment as a deliberative practice, there is a need for orchestrating and actively approaching and binding citizens and groups of stakeholders to participate in these impact assessments.

The next steps to be taken are the following:

- Specify, partly based on bEUcitizen research outcomes, EU citizenship indicators;
- Developing a proposal for an EU citizenship impact assessment guideline on citizenship rights that can be integrated in the Commission Impact Assessment system;
- Developing a proposal for an EU citizenship impact assessment on active participation in the European community;
- Developing a proposal for a (EU) citizenship guideline to be used at the national level which is linked to the EU citizenship impact assessment on the EU level.

1. ATTENTION FOR ASSESSING BARRIERS AND OPPORTUNITIES FOR EU CITIZENSHIP

Since the Treaty of Maastricht (1993), all EU citizens are granted a set of rights. Of these political rights (right to vote, stand as candidate), the right of free movement and rights abroad (diplomatic protection), are the most well-known. EU citizenship became a legal status 'additional to and not replacing national citizenship' (article 9 Treaty of the EU). In 2007, the Lisbon Treaty strengthened EU citizenship by making the EU Charter of Fundamental Rights legally binding and by expanding the opportunities for democratic participation and increasing the visibility of EU citizen rights. According to the European Court of Justice, 'EU citizenship is destined to be the fundamental status of nationals of the Member States'(EC, 2010, p.2).[1] On the other hand, the European Commission has noted in its 2010 EU citizenship report that there still are 'many obstacles standing in the way of citizens' enjoyment of their rights'. EU citizens often do not materialize their rights due to diverging national regulatory standards and the incorrect and incomplete implementation of EU law. They face - administrative- difficulties in exercising these rights and are not always aware of the rights they legally possess (EC 2010, p. 3/22). In its consecutive EU citizenship reports, the European Commission announced a series of measures to remove obstacles for citizens to make use of their rights. Specifically, it proposes to remove obstacles for workers and students by cutting red tape in member states, by protecting vulnerable citizens and by making information more accessible (EC 2010/2013b). Some barriers however seem more fundamental in character and have to do with territorial differences and different categories of vulnerable European citizens (EC, 2013a, p.50; Seeleib-Kaiser, 2015; Anderson, Shutes & Walker, 2014).

In the FP7 project *All Rights Reserved? Barriers towards European Citizenship* (www.bEUcitizen.eu) attention is paid to identifying and analyzing existing barriers for EU citizenship as well as to future challenges for policy and decision makers. One way to provide policy and decision makers with knowledge and insight is to assess the future impact of new EU and national policies, laws and practices of implementation, on barriers or opportunities for EU citizenship. In this paper we explore in what way an EU citizenship impact assessment framework can be helpful, what it should look like and what its focus should be. Impact assessment is the systematic ex-ante evaluation of the likely or possible consequences of policies, programs, projects, laws and other forms of regulation for, in this case, EU citizenship. Based on existing literature and outcomes of the bEUcitizen project so far, we identify what approach on impact assessment is favorable, what elements should be included, what requirements should be met and what concrete instruments, guidelines and other tools may be useful. To do so, we address the following questions:

1. How narrow or broad should the scope on EU citizenship be?
2. What perspective or perspectives on impact assessment match which scope on EU citizenship?
3. What characteristics of the policy goals and policy processes related to EU citizenship have been taken into account in designing an impact assessment tool?
4. On what forms of impact and on what subjects and issues should an impact assessment for EU citizenship focus. What do the preliminary results of the bEUcitizen program teach us about the appropriate focus and subjects of such an assessment framework and tools?
5. What requirements should impact assessment tools for EU citizenship meet in order to be integrated in existing practices of impact assessment on the level of the EC and the governments of the member states?

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[1] Reference made to: Case C-184/99 Grzelczyk [2001] ECR I-6193, paragraph 31

This explorative working paper will serve as a starting point for two follow-up activities: 1) a report on available research tools and relevant EU citizenship indicators and, 2) concrete impact assessment guidelines and tools for policy and decision makers at the level of the EU and its member states.
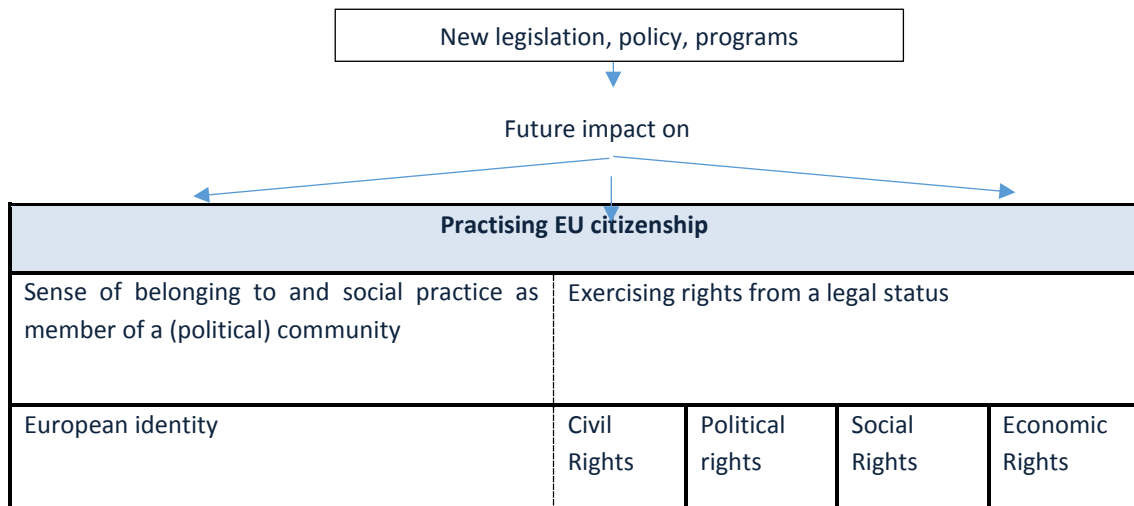
2. TWO DIMENSIONS OF PRACTISING EU CITIZENSHIP

There are two distinct dimensions of European citizenship. The first dimension is that of citizenship as a legal status; the so called liberal model of citizenship (Leydet, 2011). This refers to a specific set of *civil, political, social and economic rights* each citizen of an EU member state has in addition to his or her national citizenship rights. The second dimension of EU citizenship is about the *identification with and active membership of a European political community*. In the latter case citizenship is understood as an active social practice of 'belonging'. In the literature this dimension is referred to as the republican model of citizenship (Leydet, 2011).

Marshall defines citizenship "(as) a (legal) status bestowed on all those who are full members of a community" whereas Kymlicka and Norman state that "citizenship is not a certain status, defined by a set of rights and responsibilities. It is also an identity, an expression of one's membership in a political community" (Marshall, 1950; Kymlicka and Norman, 1995; Dell'Olio, 2005, p.8). When the treaty of Maastricht introduced EU citizenship, these two dimensions of citizenship were considered to be related. One of the main assumptions was that granting European civilians the legal status of EU citizen would result in a feeling of belonging to a shared European community and identity. The initiators presumed a causal relation between both components of European citizenship. However, empirical evidence suggest that, in the European context, such a relationship is not present and the launching of EU citizenship and the development of an European identity are not directly related (Dell'Olio, 2005). It has been suggested that the inability of EU citizenship to mobilise affective orientations may be caused by the predominantly rational orientation of the integration in which EU citizenship is considered as a means to functionally 'satisfy citizens' expectations of the EU' (Dell'Olio, 2005, pp. 109, 111).

Figure 1: EU Impact assessment model

New legislation, policy, programs

Future impact on

Practising EU citizenship				
Sense of belonging to and social practice as member of a (political) community	Exercising rights from a legal status			
European identity	Civil Rights	Political rights	Social Rights	Economic Rights

When developing an impact assessment framework and tools, these insights call for an approach in which both the impact on identity formation and the functioning of a political community as well as the impact on barriers and opportunities to exercise rights and duties will be assessed (see also bEUcitizen, 2013). So rather than a causal relation we assume a horizontal relation between the two dimensions of EU citizenship for which a multi-dimensional impact assessment framework and tools needs to be developed (see Figure 1).

3. PERSPECTIVES ON IMPACT ASSESSMENT AND EU CITIZENSHIP

Impact assessment (IA) refers to a widespread and divers series of ex-ante evaluation tools used in different levels of public administration as well as for a broad range of organizations in the public and the private domain. The systematic ex-ante analyses of the likely or possible consequences of proposed action or regulation, plays a role in the decision-making processes in numerous policy domains, varying from energy and agriculture to healthcare and social security. Impact assessment took off in the 1970's, particularly in relation to environmental issues, such as the National Environmental Policy Act (NEPA) in the US. This 'Magna Carta of environmental law' ensured that all federal agencies were obliged to assess the effects of their proposed actions and proposed regulations on the environment. This is considered to be the starting point of the attention for ex-ante policy evaluation tools (Mandelker, 2010, p. 293). A significant boost in the use of impact assessments was caused in the 1980s by the neoliberal administrations of Margaret Thatcher and Ronald Reagan in the UK and USA. In contrast to previous applications, IA's were intended to serve the economy by bringing about better regulation and cutting 'red tape' (Renda, 2006). In recent years, more and more assessment tools were developed to evaluate the future impact of human intervention on the quality of life of individuals (Becker, 2002, p. 2001; Esteves, Franks & Vanclay, 2012, p.35). These so called social impact assessments challenge the dominant paradigm where economic values dominate (implicitly or explicitly) most policy decisions.

At the European level, the European Commission incorporated the social impact assessment in its integrated Impact Assessment framework of 2003 (EC, 2002, 2009). Although this approach integrated the economic, environmental and social dimension, impact on citizenship as such was not part of this framework. On the other hand, several topics, in particular the social impact assessment, are directly related to EU citizenship rights, like access to health and educational systems, justice and social inclusion. From 2012 onwards, human rights are supposed to be incorporated in all impact assessments (EU Council 2012). The EU impact assessment system has been under regular review and has been modernized. In 2014, the Commission started a revision of the Impact Assessment Guidelines and on 19 May 2015 the new Juncker administration launched an extensive 'Better Regulation Agenda' in which impact assessment plays an important role as well (EC 2014, EC 2015a, De Marcilly and Touillon 2015).

From a theoretical point of view, the inter-disciplinary approach of the Commission seems more complete and effective than its disciplinary counterparts from the USA and UK, yet nevertheless suffered from start-up problems (Renda, 2006; Lee & Kerkpatrick, 2006; Wilkinson et al., 2004). Previous studies show that in recent years, the quality of the assessments performed by the Commission was improving and that they had a positive effect on the EU decision-making process (TEP, 2007; Cecot et al., 2008; ECA, 2010). For a long time, however, the primary rationale that determined the assessments remained economic and in earlier years the social (and environmental) impact of policy proposals were often analyzed less thoroughly (Renda, 2006, p.65; TEP, 2007; TEP 2010, p.3; Hertin et al, 2007, p.15). Only a few years ago *The Evaluation Partnership* concluded that social impact assessment in the European Union was still 'in its infancy' (2010). In-depth analysis of social impact was still relatively rare and are almost only performed for policies with specific social objectives. The 2014 European Commission, under the presidency of Jean-Claude Juncker, marked a further shift in focus from a 'reduction of regulation costs' and 'improvement of competitiveness' to a more social one. As a protagonist of the 'social economy', Juncker stated in his opening speech to the European Parliament that under his direction no adjustment programs will be implemented unless they are preceded by a thorough social impact assessment (Juncker, 2014). Attention for EU

citizenship in national and EU impact assessment systems fits with the present EU regulation policy. The question is whether complementing the existing set of key impact identification questions with a set of questions related to EU citizenship will be sufficient (EC 2014, p.39).

Two Perspectives

As mentioned, various types of impact assessment tools exists, all with different objectives and design characteristics and in use in diverse administrative circumstances (De Ridder, Turnpenny, Nilsson & Von Raggamby, 2007). To ascertain what a practical EU citizenship assessment needs and what this tool should look like, it is useful to make a distinction between the technical-rational and the post-positive perspective on ex-ante evaluation (see Owens, Rayner & Bina, 2004; Turnpenny, Radaelli, Jordan & Jacob, 2009; Adelle, Jordan & Turnpenny, 2012). From the technical-rational perspective, impact assessments are objective processes in which the systematic evaluation of proposed action contributes to the quality of the new policy. Impact assessments are performed by experts, based on scientific methodology and designed to assist elected politicians in their decision making process (Owens et al., 2004, p. 1945). From this point of view, the meaning of quality can vary from the improvement of regulation and reduction of compliance costs to the improvement of sustainability in both environmental and social terms. The post-positive view on impact assessment on the other hand assumes that impact assessments are continuing learning processes for executors and decision makers and presumes that their influence on policies and legislations are more indirect and subtle. To this end, impact assessments should be transparent deliberative practices; open to a wide range of parties and points of view. In most cases, the content of the reached consensus will be less important than the process that leads to this outcome. Potentially, this process contributes to the learning capacity of the people and organizations involved, and modifies their belief systems through the internalization of 'negotiated knowledge' in the long run (Owens et al., 2004, p. 1944, 1948).

Table 1: Two perspectives on Impact Assessment

	Technical-rational perspective	Post-positive perspective
Assessment nature	Objective	Subjective
Assessment Aims	Improve 'quality' of decision making	Contribute to transparency, legitimacy and learning capacity.
Actors involved	Scientists and policy experts	Scientists, policy experts, stakeholders, citizens and others
Vision on decision-making	Strict separation between policy formation and decision making	Policy formation and decision-making are intertwined
Assessment focus	Outcomes	Process

Both perspectives have their limitations. The most commonly heard critique on the technical-rational model is that it denies the complexity of the decision-making process and that it presents ethical and political choices as technical ones; hereby waning the legitimacy of the assessment procedure (Owens et al., 2004). The post-positive perspective is called into question because it is assumed to be expensive and time consuming and –according to some – only uncovers the clash of opinions instead of constructively informing and advising decision makers (Van Eeten cited in Owens et al., 2004, p.1949). Moreover, recent research shows that there is insufficient empirical evidence to conclude

that deliberative models of assessment lead to 'double loop' learning; learning that might lead to an alternation of the mental model or the basic assumptions underlying proposed policies (Adelle et al., 2012).

In designing an impact assessment tool for EU citizenship it seems therefore most promising to follow Owens and others' (2004) call to go 'beyond polarization'. According to these authors the technical-rational and post-positive perspectives are not mutually exclusive and could complement and reinforce one other when they are combined (see for a similar conclusion: Stirling, 1999; Hisschemöller, Tol & Vellinga, 2001). They argue that, to reach stated goals, the design of the impact assessment model should be adjusted to the context in which it is used (p. 1951). This raises the question of what the appropriate mix is for an EU citizenship impact assessment tool to provide adequate results. Different scholars have shed their light on what design matches different administrative contexts and thus provide the best practice (see Kørnøv & Thissen, 2000; De Ridder et al., 2007; Lee, 2006).

In the European Commission Impact Assessment Guidelines the technical-rational perspective is dominant, but the post-positive perspective is visible too. Contributing to transparency and consulting stakeholders is in particular becoming more salient (EC 2009b, p.19; EC 2014, p.9 and 27). For evaluating the direct consequences of new policies and regulation on barriers for exercising legal rights, an emphasis on the technical-rational perspective seems appropriate. For assessing the impact on active membership of a European community, an accent on the post-positive perspective is more promising. We will take into account this insight when developing an impact assessment framework and tools for EU citizenship.

4. ELEMENTS TO TAKE INTO ACCOUNT: OBJECTIVES, CONTROVERSY AND COMPLEXITY

In designing impact assessment tools for EU citizenship we have to take into account the policy objectives which these impact assessments are intended to serve, the level of controversy in the given policy domain and the characteristics of the decision-making context in which the impact assessments will be used. These characteristics of policy goals and policy processes are relevant for the use that will be made of the outcomes of an impact assessment.

Objectives - An impact assessment only contributes to policy objectives when policy and decision makers actually have the opportunity to use it. Assessment tools based on the technical-rational or the post-positive perspective could – each in different ways – contribute to EU citizenship. The aim of assessment tools here is to contribute to the broad and polymorphic goal of safeguarding, enhancing and stimulating EU citizenship. European Citizenship is understood in both its 'rights' dimension and in its 'identity and community' dimension; contributing to the opportunity for citizens to exercise their legal rights and contributing to European identity formation and participation in the European community (Dell'Olio, 2005, p.8).

An assessment tool based on the technical-rational perspective may contribute to the exercise of European citizenship in two different ways; it leads to better-informed decision makers in both the European and the national political arenas. As stated above, the European Commission uses an integrated impact assessment system, but the impact of policies and regulation on European citizenship is not explicitly mentioned in their official assessment guidelines of recent years (EC, 2009; EC, 2015a, EC, 20015b). An EU citizenship impact assessment tool in which EU citizenship is included will make decision makers aware of risks for new barriers for citizens when exercising their citizenship rights and, in an ideal world, make them aware of what policies and regulations offer increased opportunities for exercising these rights. In the long term, this leads to a European administrative reality in which it is more easy and common for individual citizens to exercise their EU citizen rights.

An impact assessment tool based on the post-positive perspective may improve the exercise of European citizenship in three different ways. Firstly, the inclusive character of this view on impact assessment may improve the legitimacy of new EU or national legislation. Empirical evidence repeatedly confirms that, direct participation of citizens in the preparation phase of policy development strengthens their support for, and acceptance of, the policy at stake (Dietz & Stern, 2008, p. 226). Citizens feel heard and more responsible for the policy at stake and are more willing to accept new policies. Secondly, the transparent nature of the assessment process could contribute to the empowerment of EU citizens. As stated before, European citizens often do not realize that they possess European citizen rights and scarcely use them (Flash Eurobarometer, 2013; Eurobarometer, 2015). Theoretically, a necessary condition for improving the (legal) empowerment of citizens is the availability of relevant information (see Conger, Kanungo, 1988; Wilkinson, 1998; Golub, 2003). An impact assessment – though not meant for this specific aim –indirectly improves citizens information position and thereby empowers them. Lastly, it may be that the deliberative character of this model of impact assessment enhances the process of learning so all parties involved not only acquire new facts or latest scientific understandings (single-loop learning) but also internalize new values or different perspectives (double-loop learning). Although this advantage is not yet extensively empirically proven, (see Adelle et al., 2012), the relative technical-rational dimension of EU decision-making could in such a way be complemented.

All in all, there are two dimensions of European citizenship: the 'rights' dimension and the 'identity and community' dimension. In addition two perspectives on impact assessment exist, technical-

rational and post-positive, that both provide possibilities for the enhancement of EU citizenship. This calls for an impact assessment tool in which all four ingredients are incorporated. However, this could lead to a relatively complex and time consuming impact assessment system that is less practical in reality.

It is important that an impact assessment tool is transparent in itself, is easy to understand and easy to use (De Ridder et al., 2007, p. 427, 436; Nilsson et al., 2008, p. 352). De Ridder and others stated that the trans-disciplinary, deliberative integrated assessment frameworks and tools – often promoted by scientists – are in reality barely used as intended by their developers (p. 436). One option to overcome this difficulty is to develop a EU citizenship impact assessment tool with a layered design whereby assessors can choose for a preliminary or detailed assessment early in the procedure (Lee, 2006, p. 65). Another option is to make a distinction between two distinct impact assessment tools. One focuses on barriers and opportunities for exercising legal rights, that departs from a rational-technical perspective on impact assessment and that can be incorporated in the existing EU impact assessment system and national practices. Second, an impact assessment tool that focuses on the 'identity and community' dimension of European citizenship and adopts from a post-positive perspective in which deliberation with and between citizens in their different roles is key.

Controversy within the policy domain - The second factor relevant to take into account when designing an impact assessment is the level of political and scientific controversy in the policy domain at stake (Bina, 2003 in Owens et al., 2004, p.1951). Political controversy refers to a situation where the policy domain is highly politicized and no consensus exists in the assessment process regarding problem framing, let alone regarding preferable policy solutions. This controversy is usually caused by the unstructured character of the problem: diffuse boundaries, covering different disciplinary fields and in which different values are intertwined (Hisschemöller & Hoppe, 1996, p 43). A policy domain may, on the other hand, be characterized by scientific controversy when there is no consensus on what methods or measurement instruments are reliable and valid to use in the assessment process (Barlett, 1999). When the policy domain is characterized by a high level of controversy, an impact assessment that is based on the technical-rational model is not a preferable choice. In this case the assessment outcomes, although presented as objective and unbiased outcomes, are exceedingly biased by the political or scientific assumptions of the assessment process (see for instance Stone, 2012, 379). Furthermore, the outcomes of the impact assessment will be contested. Some point out that in this case a more inclusive assessment practice, in which a variety of parties participate, the post-positive perspective, is more appropriate (Stirling, 1999, p. 127; De Ridder, 2007 et al., 434). Public involvement of citizens with different views and interest may broaden the discussion. The goal of participation is to make the political controversy explicit rather than striving for consensus (Hisschemöller & Hoppe, 1996, p. 58). Public participation could, in addition, neutralize scientific controversy to some extent as well. Stirling for example, stated that the empirical input from public participants concerning the selection and prioritization of assessment criteria is the best strategy for dealing with a multi-interpretable concept such as, in our case, European citizenship (Stirling, 1999, p. 127).

EU citizenship is partially characterised by political and scientific controversy. As far as the 'rights' dimension is concerned, the political and scientific controversy seems limited. However, there is political and scientific controversy regarding the right to freedom of movement and residence in relation to the influx of workers from CEE-countries in other labour markets. Since the growing anti-EU sentiment in several member states, the 'identity and community' dimension of EU citizenship became a political sensitive concept (Checkel & Katzenstein, 2009, p.16). Also the discourses on social rights and social policies are characterized by high ideological and political controversies within and

between member states (Dean and Brady, 2015). Ideas about the enforcement or extension of EU citizenship intertwined with visions of the European integration project itself. The migration crisis is an example of how different member states have different political conceptions about EU citizen rights. Apart from this political dispute, there is scientific controversy. For example, the validity of dominant conceptualizations of European identity has been increasingly criticized (Cram, 2012; Mitchell, 2015) and some authors found contradictory evidence about the policies that foster (or withhold) European identity formation (compare King & Ruiz-Gelices, 2003; Mitchell, 2015 with Sigalas, 2010).[2]

To deal with these kind of controversies public participation in the impact assessment process is favourable. Again, this is important for both dimensions of European citizenship, but in particular in relation to the 'identity and community' dimension. To structure processes of citizen participation, a proliferation of different techniques and instruments emerged over the last 15 years (see for discussion: Rowe & Frewer, 2000, Irvin and Stansbury, 2004). Designing an impact assessment tool through which citizens can be reached is not easy. Due to the large (and anonymous) target population – all EU citizens – computer-based participation tools may, and sometimes already prove to be useful. On the other hand, direct forms of deliberation where people meet in person are as important and could be organised on national or even local levels.

Decision-making context - The third and last factor that has to be taken into account is the decision-making context in which an assessment tool is used. To make an informed choice regarding tool design Kørnøv & Thissen (2000) pointed out that attention for power play in the decision-making context is important as well as the complexity of the administrative context. They agitate against the assumption underlying impact assessments that the availability of objective knowledge automatically increases decision-makers' ability to judge and thereby improve the quality of policy making. Building on eminent works of i.e. Simon (1957), Cohen and others (1972) and Kingdon (1995), they state that the added value of high-quality assessment information is relatively low since many individual- and (foremost) multi-actor decision making processes cannot be characterized as rational in a (positive) scientific sense. This is especially the case when it coincides with power. In policy making, people tend to interpret objective knowledge against their own experience and value systems. It is therefore virtually impossible to strictly separate scientific knowledge from political arguments and values (Kørnøv & Thissen, 2000, p. 19; Stone 2012). Political dynamic leads to situations in which decision makers feel the pressure to ignore assessment outcomes, use impact assessments to legitimize policy decisions that were already made elsewhere, and frame assessment results strategically for political purposes (Owens et al., 2004, p. 1945, Hertin et al., 2007, p. 19-20). Besides that, the information position of decision makers is almost never perfect, in terms of completeness, accuracy and trustworthiness. Research regarding impact assessment confirms these results and shows, for example, that assessment outcomes often have a minor impact on final decision making, since they are commonly performed in a relatively late state of the policy process (Turnpenny et al., 2009, p. 643). Additionally, the effect that assessment outcomes may have on decision-making is low, due to the extensive production of policy oriented knowledge (In't Veld & de Wit cited in Owens et al., 2004, p. 1945). Following this line of reasoning, an influential role for impact assessment is less likely to occur in decisions-making contexts where power plays a dominant role and is unequally divided among involved actors. The same seems to be the case for administrative practices that could be characterized by complexity and long lines of communication.

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[2] Some studies found, for example, that an Erasmus exchange programs contributes significantly to the development of an European identity (King & Ruiz-Gelices; Michel, 2015) while others found no observable difference (Sigalas, 2010).

Both factors are relevant to take into account in the multi-actor decision-making process of the European Union and the complex interplay between the Commission, European Parliament, Counsel of Ministers and Member States. What this administrative context complicates even more, is that policies that effect EU citizenship could be carried out from both the national as well as the supranational level.

Both the technical-rational and the post-positive perspective on impact assessment do not provide direct answers to these problems. Hertin and others call for a design in which procedures are more conscious to the characteristics of the policy processes and to the limited added value in these processes of knowledge productions (2007, p. 21). Kørnøv and Thissen argue that impact assessors should not only pay attention to scientific rigor of their analysis, but also to the way information is presented so that it will tune decision makers their capabilities, interest and timetables (p. 199). Both suggestions seem, with regard to our assessment tool, important to take into account.

Table 2: EU citizenship assessment tool: design analysis

Factors	EU citizenship assessment tool	Implication tool design.
Assessment aims	Multiple (i.e. inform decision makers, enhance legitimacy and empower citizen).	Layered or dual design (preliminary or detailed assessment, 'rights' next to 'identity and community' dimension of citizenship)
Policy area at stake	Characterized by political- scientific controversy	Incorporating (computer based) public participation next to other forms of citizen involvement
Decision-making context	Highly complex (multi-actor, multi-level, power-play)	Pay attention to knowledge communication on different levels

5. OBSERVED IMPACTS

The next step in this paper is to explore in what categories of impact an EU citizenship impact assessment framework should focus. In this we use to a certain extent preliminary results of research done within the FP7 bEUcitizen project; partly based on publicized deliverables and partly based on interviews with work package coordinators. At a later stage, forthcoming findings of the different projects will be included. Here we look at four categories of impact that should play a role:

- Impact on EU citizenship rights;
- Impact on identity and EU community participation;
- Impact on groups of citizens;
- Assessing regional and national variation in impact.

5.1 IMPACT ON EU CITIZENSHIP RIGHTS

The first aim of the EU citizenship impact assessment is preventing that new barriers for exercising rights emerge from new policies and regulation. And, as a more positive notion, to identify opportunities that new policies and regulations offer for exercising rights.

An early and still influential categorization of citizenship as a legal status was made by Marshall (1950). He describes how English citizens gradually gained different categories of rights via their citizenship; from civil rights in the 18th century, political rights in the 19th and social rights in the 20th century. (p. 14). These three categories of citizen rights are divided on the basis of the function they fulfil and are a useful starting point for a categorization of the 21st century concept of EU citizenship.

Civil rights are rights that provide citizen with personal liberties and equality before the law. These rights structure the relationship between citizens and are protected by the courts of justice. In the case of EU citizenship this includes, for example, respect for the integrity of persons (Art. 3 CFREU), the right to marry and found a family (Art. 9 CFREU) and the equality before the law (Art. 20. CFREU).

P*olitical rights* guarantee citizens participation in exercising legitimate power and protects citizens against abuse of power by their governments. These rights structure –in other words–the relation between citizen and their governments[3]. In the context of EU citizenship, examples are the right to vote in municipal elections (Art. 40 CFREU), the right to petition (Art. 44 CFREU) and the right to a fair trial (Art. 47 CFREU).

Social rights, require states to guarantee minimal living conditions. The assumption that underlies these types of rights is that legal equality does not necessarily prevent the existence of intolerable social inequality. With regard to EU citizenship, examples are the right to education (Art. 14 CFREU), the right to social security (Art. 34 CFREU) and the right to health care (Art. 35 CFREU).

To do justice to the notion of EU citizenship as a legal status, it is necessary to add one category to the conceptualization of Marshall, namely *economic rights*. The integration of national economies was from the beginning one of the main purposes of the European Union and has resulted in the biggest common market in the world. It led to the abolishment of numerous protectionist policies and to economic rights for EU citizens. These rights stimulate pan-European transactions by granting EU citizens the right to exchange goods, services, capital (not in charter) and the freedom to conduct a business (Art. 16. CFREU). Furthermore, economic rights protect citizens against market deficits (e.g.

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[3] Marshall considered this last function as part of the civil citizenship rights.

information asymmetry or monopolies) by granting them several consumer rights (Art. 38 CFREU).

Table 3: Categorization of EU citizenship as a legal status

European citizenship			
Civil rights	**Political rights**	**Social rights**	**Economic rights**
Free movement of persons and residence	Representative European and local elections	Right to health care	Free movement of goods, services and capital.
Equal treatment of EU citizen	Direct political participation	Right to education	Consumer protection
Cross-border divorces and separations	Respect of Crime victims' rights and a fair trial	Right to social security	
	Accountable European governance		

Some EU citizen rights can be located in different categories. For example, the freedom of services is an economic right, since it allows EU citizens to exchange their services. At the same time, this rights grants citizens with the freedom to work and live wherever they want, and may be considered a civil right as well. This categorization of citizenship as a legal status is, however, still not concrete enough to function as a practicable framework for assessment. To that end we distinguish some sub-categories (see Table 3 and Appendix 2).

The impact of proposed policies, laws and other forms of regulation can be assessed in a direct, technical-rational way and in line with the existing EU impact assessment guidelines within the Better Regulation framework. For an impact assessment on the level of the member states we have to take taking into account that a) many EU-countries do not have an integrated impact assessment system for their national policies and b) it is through national policies that citizens exercise also their EU citizenship rights. For that reason it is advisable to develop also a stand-alone impact assessment guideline for citizenship rights that can be used on other levels than the EU-level.

5.2 IMPACT ON EU IDENTITY AND COMMUNITY PARTICIPATION

Analysing the impact of new policies and regulation for European identity formation and participation in a European (political) community is important for the –further- development of a European Civic Culture.

We define *European identity* here as a self-allocated label for an individual: identification *as* European. Although some authors ask for a multi-dimensional categorisation (Cam, 2012; Mitchel, 2015), we prefer this definition as it is used in most studies and in the biennial Eurobarometer surveys (see for instance Risse, 2014). Despite the academic controversy about the exact nature and theoretical underpinning of the concept (see for discussion Cram, 2012), the notion of multiple identities is widely accepted. From that perspective European identity complements the national, regional and local identities one has (Bruter, 2003, p.1154; Risse, 2003; Risse 2014). Relevant for our impact assessment framework are variables that influence the formation of an European identity that may be influenced by new policies and regulation. Research shows that some variables that correlate

with identification as European are hardly influenced by new policies or regulation. Think of, for instance, a personal characteristics such as age, gender and ethnicity and a few characteristics related to member states such as the duration of EU membership (Fligstein, 2009, p.140-141; Agirdag, Huyst & Van Houtte 2012, p. 206; Hooghe & Verhaegen, in press, p.8; Oshri, Sheafer & Shenhav, in press, p.19). Some studies show that most variables that influence the strength of European identity relate to policy domains where stimulating the formation of a European identity is not a direct objective; such as social-economic status, the level of education and trust in European institutions and fellow citizens (Fligstein, 2009, p.140; Agirdag et al., 2012, p. 206; Agirdag, Phalet & Houtte, in press, p.14). Other studies revealed that that exposure to European symbols, positive media coverage about the EU and the involvement in cross-border contacts (as for instance facilitated by Erasmus programs) all positively influence the formation of a European identity (Bruter, 2003, p. 1169; Mitchell, 2015, p. 345; King & Ruiz-Gelices, 2003, p.242). An impact assessment tool on EU citizenship could especially benefit from these last mentioned insights.

Participation in the European community refers to different activities of citizens that express involvement in the development and functioning of the Union and active engagement in realizing their rights. From voting, standing for local of regional elections, bringing ideas to the EU by taking part in a citizens initiative, cross-border activities as student exchange of moving to another country for work, to being active in the European public sphere (EC, 2012, p.40 and 53; EC, 2013, 34-40).

For assessing the impact of policies on these aspects of EU citizenship, an impact assessment that departs from a more post positivist stance seems fruitful. This implies that –public- deliberation and consultation should be in the centre. In fact, parts of the techniques that can be used are already available and part of the European Commission practices, such as for instance used for the EU Citizens Agenda (EC 2012), the New Narrative initiative of former Commission president Barroso and the recent Citizens' Dialogues that are launched by the Juncker administration. These kind of techniques are especially relevant in the case of mid and long term plans, strategies and in the form of deliberation about different future scenarios.

5.3 IMPACT ON GROUPS OF CITIZENS

A category of impact that is important to include in an EU citizenship impact assessment framework is the impact on different –and vulnerable- social groups. Earlier research, as well as research done within the framework of the bEUcitizens project shows that access to EU citizen rights is unequally divided among the following four categories of citizen groups .

First of all, policy initiatives may have a different impact on the rights of *stayers* and *movers* (Cheneval, 2014, p. 9). The term *stayer*, here refers European citizens who live and work in the country where they were born. The term *mover* refers to EU citizens who live (part) of their lives in another member state. Cheneval showed that *movers* probably benefit the most from the EU citizen rights and at the same time face quite easily problems in exercising them (2014, p. 10). Although the data on inter-European migration are effected by some shortcomings (see Castro-Martin & Cortina, 2015, p. 113-114), it is clear that this phenomenon increased over the last decades, in terms of numbers and migrant types (Castro-Martin & Cortina, 2015; Recchi, 2015). Research reveals for example, that the number of Europeans living in another EU country increased from 5.5 million in 1990 to 13.7 in 2013, thereby representing 40% of the total migrant population in the EU (Castro-Martin & Cortina, 2015, p. 115). The right to free movement did pave the way for labour migration and resulted in an increase of other, more temporal, migration too, such as student and retirement migration (Castro-Martin & Cortina, 2015, p. 112).This increase in intra-EU migration means that EU citizenship rights will become more important and more moving Europeans will face problems in

materializing them.

Secondly, *unemployed EU citizens* are more vulnerable for the disregard of their citizen rights then employed EU citizens (Seeleib-Kaser 2015; Anderson et al., 2014). The sociologists Anderson, Shutes and Walker (2015) examined which exclusion mechanisms and underlying principles underpin the access to social security arrangements[4]. They revealed that usually access to social assistance for intra-European migrants is not granted on the basis of their status as EU citizen but on the basis of their position on the labour market. Non-contribution based assistance is usually dependent on residence status which is in turn related to work status and economic self-sufficiency of the EU migrant. This so called 'marketization of citizenship' resulted in a practice in which migrant groups who are not formally considered as workers (e.g. some low-paid workers, unpaid care workers, self-employed) could not access social assistance irrespectively of their individual needs and formal rights (p. 50). According to Anderson and others, this development is undesirable for two reasons. First, due to the fact that there is no uniform definition of work and worker in EU law and out of fear for benefit tourism, member states formulated more strict definitions. This indirectly impacts the entitlements of national citizen and, incrementally, lead to practices in which wealth and income became carriers of citizen rights, instead of judicial status and human dignity (p. 50). Second, this marketization of EU citizenship leads to gender biased distribution of rights, since the categories of work that do not provide access to social assistance (e.g. unpaid care work) are predominantly performed by women (p. 49).

Thirdly, high educated citizens face less difficulties to exercise their citizenship rights than *low educated citizen*s (Eurobarometer, 2015; Henningsen, et al., 2013, p.145). Surveys results indicate that the number of years spent on education correlate with one's awareness of EU citizen rights (Eurobarometer, 2015). For example, almost two third of the respondents (66%) with less than fifteen years of education stated that they were not aware of the citizen rights they possessed, while lower percentages were found for respondents with more years of education (51% for 16-19 years, 36% for 20+ years). In addition, frequently mentioned constraints with regard to access to EU citizen rights have to do with language barriers. Not every member state provides interpretation and translation services to EU citizens when this is necessary (EC, 2010; Henningsen et al., 2013; Seeleib-Kaiser, 2015). Studies show that some member states only provided emigration forms in their national language, thereby constraining the freedom of residence (Henningsen et al., 2013, p.145). Even more substantial problems are that some citizens cannot exercise their right of a fair trial properly because of language impediments (EC, 2010) and some member states did not provide information about the right to receive healthcare in different European languages (Seeleib-Kaiser, 2015, p. 27). We assume that these language problems will effect low-educated citizen more heavily, since survey research showed that the duration of education positively correlated with citizens proficiency in foreign languages (Special Eurobarometer, 2012)[5].

Lastly, some *minority groups* that have the legal status of an EU citizen face discriminating practices – legal and social– when exercising their rights. These practices have affected different sorts of minorities groups and several types of vulnerable citizens (for Roma see: Parker & Toke, 2013; Parker

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[4] Apart from access to social-benefits, this study paid attention to principles that underpin the access to state territory (immigration policy) and to citizenship (naturalization policy).

[5] It appeared for example that almost half of all respondents (42%) who finished their full-time education at the age of twenty was able to speak at least two foreign languages, compared to less than one tenth (6%) who finished at the age fifteen or below.

& Catalán, 2014; for LGBT see Tryfonidou, 2014 and see also Safradin 2015). The current legal regime that structures the rights of free movement of same-sex couples illustrates how LGBT citizen may face more difficulties in exercising their citizen rights then others. Tryfonidou (2014) recently pointed out that under the current EU legislation, member states are free to decide whether (and how) they recognise the legal status of migrant same-sex couples, that was attributed to these couples in another member state (e.g. marriage or registered partnership). He states that this 'hand-off' principle of the union enables member states to violate EU citizens' rights such as free movement, prohibition of discrimination and human dignity. Concrete obstacles to, for example, free movement could occur in scenarios where the host state 1) downgrades the specific legal status of migrant same-sex couples or does not recognise it at all 2) does not grant economic and social benefits to same-sex migrant couples or 3) does not admit the same-sex spouse or (registered) partner of a moving EU citizen within their territory when this spouse or partner is from a country outside the EU (p. 22-25). In addition, LGBT citizens are not only confronted with legal obstacles but also with social ones, since discrimination by citizens themselves is still a persistent problem in several central and eastern European member states. These discriminating practices (see FRA, 2009a; FRA, 2014) could form an obstacle for LGBT people to move to these countries if job-related factors do give them reasons to. In this case it is questionable how free the right to free movement for LGBT citizen really is.

Another group facing difficulties in exercising the rights to free movement are the Roma (Parker & Toke, 2013, Parker & Catalán, 2014). This minority group is spread around Europe and knows a long history of exclusion and discrimination that can be traced back to the middle ages (Crowe, 2003). Discriminating practices are still going on and sometimes lead to controversy and tensions within the union. For example, in 2010 and as a reaction to strikes and public unrest, the French government, deported more than 700 Roma of which the largest part possessed the legal status of an EU citizen. A couple of month later, these actions were further institutionalised by a new immigration law which created new grounds to promulgate removal orders. This enabled the authorities to expel foreign (EU) citizens who were considered to be a threat to public order. Although Roma citizens were not explicitly mentioned, there are strong indications (such as its timing or used definitions) that it was this minority group the new policy was aiming at. Its definition of threat included for example begging and illegal land occupation, both common problems associated with Roma citizens. (Parker & Toke, 2013, p.366, 372). Although the Commissions' reaction was fierce and rejected the French practices, it appears that under the new French presidency, these politics of exclusion continued and are moreover also apparent in other member states (e.g. Italy, Spain see: FRA, 2009b; O'Nions, 2011; Parker & Catalán, 2014, p. 385; Parker & Catalán, 2014). This example shows that EU citizenship has its shortcoming when it gets confronted with tense political realities within member states.

Paying attention in EU citizenship impact assessments to the effect on specific vulnerable groups is important. Especially the impact on stayers and movers, unemployed, low educated and the impact on some minority groups need attention. To some extent a technical-rational perspective is feasible here. Assessing the impact on specific groups will, on the other hand, not be an easy task to accomplish as it is connected to the last category of impact we address below.

5.4 ASSESSING REGIONAL AND NATIONAL VARIATION IN IMPACT

Exercising EU citizenship and having access to EU citizenship rights takes place in a multi-level context of policy formation, administration, implementation and enforcement. The relation between the EU and its citizens materializes through different layers of national and even local institutions. The impact of new policies and regulations, in terms of barriers and opportunities, on exercising EU citizenship is not necessarily the same in all regions and in all member states of the European Union. Seeleib-Kaiser (2015) shows for instance that the different ways in which member states regulate access to social

rights for migrants and for movers within the EU leads to inequality within the EU in access to EU citizen rights. Another way through which the possibilities for making use of EU citizenship rights is unequally spread within the EU, which is related to differences in the socio-economic situation of countries and regions. One example, for instance, is that students in different countries do not experience the same access to freedom of mobility despite equal access to Erasmus scholarships. For Croatian students, the scholarships are not enough to go to universities in north-western European countries due to the cost of living there. The effect is that students from the richer parts of the EU can fully enjoy their EU citizen rights whereas students from East and South Eastern countries cannot (Kloosterboer, Van der Kolk and Runje, 2015).

Paying attention to regional and national variation in the impact on EU citizenship of the same policies, laws and other forms of regulations is relevant to include in an EU citizenship impact assessment framework and tools. In a way, we are entering uncharted waters as this is not only referring to formal rules and regulation, but also to diverging styles in practices of policy implementation and even diverging routines and practices of civil servants in executive branches and professionals in public services. In most social impact assessments these aspects are not dealt with. Regional and national differences originate from what can be called transforming institutional arrangements: national laws and regulation; bureaucracy; implementation practices; and professional practices in administration and public service delivery.

National laws and regulation
It is necessary to assess if a proposed policy or legislation interferes with existing rights or regulations. In different studies it is pointed out that the extension of one category of citizen rights often results in detriment of other ones. Dølvik and Visser (2009) for example, analyse the trilemma the EU is facing concerning the free movement of services, the right of equal treatment and the right to of association and industrial action. They explained that, since the eastern enlargement of 2004, cross-border posting workers became a widespread phenomenon and started to challenge the sovereignty of national labour markets. As a reaction, some Nordic member states announced the so called Transition Agreements to protect their domestic labour markets against cheap workforce from new Eastern member states. Additionally, many countries implemented policies to protect cross-border citizens from social dumping and strengthened their regimes of regulation to ensure equal competition between domestic and foreign companies (enhancing equality). They describe the well-known dispute between the Latvian construction firm *Laval Un Partneri* and the Swedish construction union *Byggnad* to illustrate how the values and principles underlying citizens' rights easily clash in the case of conflicting interests. Here, Swedish construction workers went on strike against unfair labour competition, since *Laval Un Partneri* payed their posted Latvian workers' way below the Swedish average. Eventually, the European Court of Justice declared the strike as unlawful, since the freedom of services was regarded as more important than the other citizen right: the right of collective action and strike.

Bureaucracy
Bureaucratic inefficiency is one of the biggest barriers for citizens to exercise their EU citizenship effectively. Policy evaluations pointed out that citizens often face long procedures, complex regulations and other red tape when trying to materialize their EU citizenship rights (EC, 2010; CSES, 2012, Henningsen, Labayle, Mortera, & Nicoletti, 2013). In 2010 the Commission reported on this issue and summarized the most heard complaints EU citizens made. The report showed that a greater majority of bureaucratic difficulties were found when citizens appealed to their right of freedom of movement and services (p. 6, 15). EU citizens moving to another EU member state face, for example, difficulties with their civil registration. Official documents such as birth certificates, adoption papers,

marriage or divorce contracts, differ per EU country. Not every official document is accepted and recognized in another member state. Consequently, moving citizens have to go through expensive and circuitous formalities to get their national civil documents recognized (e.g. translation or an extra proof of authenticity). Other bureaucratic burdens that withhold a comprehensive EU citizenship are the difficulties to get domestic academic and vocational qualifications recognized in another EU country. Another example are the long and time consuming procedures to the issuance of residence permits for third country family member(s) and the complicated regulations to recover double taxed foreign heirs (EC, 2010). To overcome these barriers, an assessment has to take into account whether a proposal will cut- or increase red tape.

Implementation

Many barriers arise due to different interpretations by member states of citizen rights and divers practices of the implementation of policies (Chase and Seeleib-Kaiser, 2014; Seeleib-Kaiser, 2015; EC, 2010). This diversity often leads to uncertainty and vagueness when citizens try to exercise their rights across borders. Seeleib-Kaiser compared how different member states organized the accessibility of social rights (right to social assistance, housing, healthcare and education) for the inter EU migrant citizen. He found a great variety in regulations between member states. For example, in Denmark and Sweden access to social assistance is based on the residency status of the EU migrant while the German constitution obligates the state to provide for people in need, irrespective of their immigration status. In addition, the Netherlands have a complex national system in which inter-EU migrants incrementally earn their social rights within five years while Spain deploys a decentralized system where the assistance is based on a set of specific criteria (e.g. dependent and exhausted contributory benefits). These different practices are most of the time not unlawful, but withhold EU citizens in materializing their citizen rights by generating bureaucratic uncertainty. Seeleib-Kaiser therefore concluded that some barriers to EU citizenship could be removed by accomplishing greater uniformity in access procedures and setting some minimum standards for residency registration (2015, p. 30).

Member states do not only differ in the way they translate EU citizenship rights in national legislation. They sometimes apply these rights simply incorrectly. The Commission reported in 2010, for example, that some member states enforce the criteria in a way that could restrict the right of free movement unlawfully. EU legislation states that non-active EU-citizens who live more than three months in another EU member state must have 'sufficient resources' for themselves and their families to the extent that they do not become a burden to the host countries social assistance system. It appeared that national authorities did not consider individual circumstances when enforcing this criterion, even though this is part of the EU directive (EC, 2010, p. 15).

 To prevent these problems, it is necessary to evaluate how likely it is that implementation and enforcement problems occur when new legislations gets ratified. In this case, not only questions regarding the precision of definitions and directives have to be answered. Also an indication is needed about whether the implementation of the proposed policy is feasible for each member state or not (with respect to financial resources and governability) and could induce noncompliance.

Professional practices and knowledge

An important barrier for exercising EU citizenship which should be part of the impact assessment framework has to do with lack of knowledge (see EC, 2010; Eurobarometer 2015; Seeleib-Kaiser, 2015). Survey research repeatedly shows that still, a sizeable group of EU citizens are unfamiliar with the concept of European Union Citizenship and, more specifically, with the EU citizenship rights related to it (Flash Eurobarometer, 2013; Eurobarometer, 2015). The Eurobarometer of 2013,

reported specifically on EU citizenship and found that almost one fifth (19%) of all respondents never heard about the term 'citizen of the European Union' and more than a quarter (35%) only recognizes the concept but is unsure about its meaning. Additionally, the latest standard Eurobarometer (2015) shows that almost half of all respondents (48%) are unaware of the rights they have as EU citizens. This number was even higher for citizens living in the non-euro zone (52%) and citizens who had no education after the age of fifteen (66%). However, three remarks could be made that nuance these findings. First of all, citizens became more aware in the last five years. In 2010, 57% of all Eurobarometer respondents stated that they were unaware of their rights as EU citizen, compared to 48% in 2015. In addition, survey research shows that citizens are better informed about specific citizen rights, as for example the right of free movement (Eurobarometer, 2015).

An even more problematic issue in this respect is that workers in administrative positions and professionals in public services (e.g. front-desk officials in local governments, professionals in health care and education) often hardly are informed about regulatory procedures (CSES, 2012; Seeleib-Kaiser, 2015, p. 27-28). The *Centre of Strategy and Evaluation Services* (CSES) summarized in 2012 existing research and showed that one of the main factors that contribute to the administrative problems around EU citizenship is caused by this problem. Qualitative and quantitative sources show that front-desk civil servants are often unaware of EU citizenship rights, especially when it comes to the right of free movement (p. 8-10). This problem is moreover not only present in local and regional governments, but also in (semi)public service organizations like hospitals. For example, a study commissioned by the English healthcare department showed (2013) that medical professionals often misinterpreted (or ignored) eligibility procedures concerning free medical treatment. Medical institutions which provided services to (non-active) EU citizens hereby lack to claim the expenses they made, from the citizens' country of origin (in Seeleib-Kaiser, 2015, p. 28). Thirdly, as a reaction to stated problems the Commission introduced different tools and established physical information centres to improve the information position of EU citizens (e.g. Europe Direct, Your Europe and SOLVIT). Different evaluation studies showed, more or less, similar results and conclude that more and more EU citizens make use of and are positive about the quality of these services (CSES, 2011; p. 76; EC, 2011, p. 11,14; GHK Consulting & Technopolis, 2012, p. 7-8). Other research shows that a great number of EU citizens on the other hand never heard about these tools (EC, 2012, p. 52). These results indicate that knowledge among EU citizen about their rights is improving because of these services.

When assessing the impact of new policies and regulations on EU citizenship it is important to realize that these rights materialize for EU citizens in concrete and often local practices of engagement with workers in administrative and public service institutions. In an EU citizenship impact assessment framework and tools, differences in national and regional styles and routines should be taken into account in such a way that policy makers and decision makers on both the EU and the national level know what types of action or intervention is required to safeguard and promote access to EU citizen rights.

6. REQUIREMENTS FOR THE DESIGN OF EU CITIZENSHIP IMPACT ASSESSMENT

The final question to be answered in this working paper is what requirements an impact assessment framework for EU citizenship should meet. Following our analyses in the previous paragraphs and as a conclusion of this working paper, we identify six specific requirements.

1. Parallel attention for the 'rights' and the 'community' dimension of EU citizenship
The first requirement is that there should be parallel attention to both the impact of new policies and regulation on –exercising- direct EU citizenship rights and the impact of new policies and regulation on –political- participation as member of a European community. To do that, the two analytically distinguished perspectives on impact assessment, technical-rational and post-positive, are both needed. Assessing the impact on legal rights calls for a more direct technical rational analysis whereas assessing the impact on community participation public deliberation and consultation should be in the centre.

2. Multi-level with an interface: EU and national
As barriers or incentives for exercising EU citizenship by the individual citizen for the larger part are being materialized on the national level and as a diverse inference between both levels in the different member states is likely, an impact assessment framework for EU citizenship should not be limited to the EU level only. Citizens exercise their EU citizenship through national policies. An impact assessment tool (or tools) for the EU should be complemented by and connected with impact assessments on the national level. Such an interface between impact assessments on both levels is needed to get an insight in possible regional or national differences in barriers that might occur in the chain from EU treaties and charters granted rights, to the grass root level of daily experiences.

3. Integrated in and complementing existing impact assessment arrangements
In order to be practical, applicable and useable, EU citizenship impact assessment tools should be austere in design and as much as possible in line with and integrated in, the existing EU impact assessment guidelines within the Better Regulation framework. The *Guidance for assessing Social Impacts within the Commission Impact assessment system* (EC, 2009b) offers a model that can be used for assessing impact on EU citizenship, especially regarding citizenship as a legal status. The Guidance for assessing social impacts already addresses part of the social citizenship rights, takes regional differences into account and pays attention to stakeholder consultation. When consequences for the community dimension of EU citizenship are assessed, integration into initiatives such as the recent Citizens' Dialogues that are launched by the Juncker administration are a feasible option.

The integration of EU citizenship impact assessment in national practices is more difficult. Although impact assessment practices increased and are developing within the member states of the EU, these practices are very diverse, often partial, fragmented, focussing on economic costs and often only in a limited way related to decision making (Jacob, 2008). Jacob and others concluded in their study from 2008 that hardly any member states follow the EU model of a comprehensive integrated assessment and that there is no link between the national and the EU systems of impact assessment. Therefore they advocate a stronger leadership from the EU in promoting, streamlining and connecting with impact assessment systems of member states (Jacob, 2008, p.16). For that reason it seems advisable to design a flexible impact assessment guideline for citizenship rights to be used on the national level and which has a build in link or interface with the EU citizenship impact assessment framework.

Country reports on citizenship, including EU citizenship can be useful in this respect.[6]

4. Including national and professional practices of implementation
In the EU citizenship impact assessment, most likely the assessments conducted on the national level, special attention should be paid to the role of professionals working in (local, regional and national) government or semi-public organizations in especially the area of public services. Being so called street level bureaucrats in terms of Lipsky (1980), these professionals actually materialize citizenship rights by implementing the rules and regulations that accompany these rights. To add to that, many of the problems that occur in exercising rights, such as lack of knowledge and red-tape, are centered around the knowledge and routines of these street-level-bureaucrats.

5. Sensitize divers positions of groups of citizens
In this paper we argued on the basis of research, partly done within the bEUcitizen program, that barriers to EU citizenship rights are unequally divided among different groups of citizens. When measuring the impact of proposed action, it is important to look beyond the classic (ethnic) minority groups and divide also among other dimensions like: stayer/mover, unemployed/employed, low educated/high educated, man/woman.

6. Targeted public and stakeholder consultation and participation
For assessing the impact of new policies and regulation on EU citizenship rights and especially for assessing the impact on the what we called the 'identity and community dimension' of EU citizenship, public deliberation and consultation is important. Impact assessments are not only technical-rational processes but also social and political practices (Owens et al., 2004).

Taking the Commissions' official appraisal procedures as a reference point, we see that at the European level, civil servants are supported with different and detailed guidelines and toolboxes (see most recent guidelines: EC, 2009; EC, 2015a, EC, 2015b; Turnpenny et al., 2015, p. 197). At the same time civil servants have substantial discretion to decide how extensive an assessment should be and which techniques and methods should be used (EC, 2015a). Public and stakeholder participation is an element of all European impact assessments and bound by procedural regulations that set some minimal standards (e.g. required 12-week open, internet-based, public consultations or opportunity for stakeholders to give feedback in all elements of the IA process). The Commission attaches rightfully considerable importance to this element of the appraisal process and requires civil servants to formulate an 'consultation strategy' for each assessment. In the Better Regulation agenda of 2015 the Commission explains this commitment and declares that:

> *'Every effort should be made to ensure that the Commission has sought and considered a wide and balanced range of views and that all relevant parties have had the opportunity to express their opinions' (EC, 2015b, p. 8).*

However, the ideal form of an inclusive and qualitative consultation practice is not yet reached but at the same time especially relevant for EU citizenship impact assessment[7] since the target population is

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[6] See for instance the country reports on citizenship by the European Union Democracy Observatory on Citizenship of the European University Institute: www.eudo-citizenship.eu.

[7] Research on EU impact assessment conducted between 2003 and 2005 revealed that in many cases only a small group of established stakeholders participated in consultation activities while realizing significant public participation appeared to be problematic (Turnpenny & Jordan, 2008, p. 8). Unfortunately, research on EU impact assessments primarily focused on the 'quality' of the assessment outcomes and neglected most of the times to dig into the assessment process in general and public consultations in specific (see: Renda, 2006; Lee & Kirkpatrick, 2006; Cecot et al., 2008).

large, anonymous and hard to reach. It is important to formulate a thoughtful active and targeted recruitment strategy to incorporate stakeholder groups who are responsible for implementing the new policies (e.g. public authorities, semi-public authorities, and workers' organizations) and groups who are directly affected by it (business organizations and citizens) (Wiklund, 2011; Almer & Koontz, 2004; Doelle & Sinclair, 2006). For the quality of the consultation practice it is crucial to put together a mix of stakeholders that is as diverse as possible. Extra attention should be paid on the composition of the participating citizens, since it appears that movers, non-workers, low-educated, and some minority groups face more difficulties in exercising their EU citizen rights than others (see 4.1.2).

As an extra requirement for designing impact assessment tools and guidelines for EU citizenship, it should be underlined that the presented elements and requirements for a framework and for the different categories of impact to take into account are not meant to be exhaustive. It is impossible and impractical to incorporate all relevant variables in one framework. Furthermore, our selection is based upon information about current barriers for EU citizenship and not on barriers or impacts not yet observed. Therefore it is recommendable to regularly review the framework to adjust it to new circumstances and leave some room for the professional discretion of assessment officials.

The next steps in developing an EU citizenship impact assessment framework and a set of impact assessment tools are as follows:
- First we will specify, partly based on bEUcitizen research outcomes, a first set of EU citizenship indicators;
- Secondly we will formulate a proposal for an EU citizenship impact assessment guideline on citizenship rights that can be integrated in the Commission Impact Assessment system;
- Thirdly, parallel to this, we will develop a proposal for an EU citizenship impact assessment on active participation in the European community;
- And as a fourth and last step we will formulate a proposal for a (EU) citizenship guideline to be used at the national level which is linked to the EU citizenship impact assessment on the EU level.

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Appendix 2: European citizenship rights*

Civil rights	Art. N.	Political rights	Art. N.	Social rights	Art. N.	Economic rights	Art. N.
Human dignity	Art. 1	Right to liberty and security	Art. 6	Right to education	Art. 14	Freedom to choose an occupation and right to engage in work	Art. 15
Rights to life	Art. 2	Respect for private and family life	Art. 7				
Right to the integrity of the person	Art. 3	Protection of personal data	Art. 8	The rights of the Child	Art. 24	Freedom to conduct a business	Art. 16
		Freedom of thought, conscience and religion	Art. 10			Right to property	Art. 17
Prohibition of torture and inhuman or degrading treatment or punishment	Art. 4	Freedom of expression and information	Art. 11	The right of the elderly	Art. 25	Workers right to information and consultation within the undertaking	Art. 27
		Freedom of assembly and of association	Art. 12	Integration of person with disabilities	Art. 26		
		Freedom of the arts and sciences	Art. 13			Right of collective bargaining and action	Art. 28
		Right to Asylum	Art. 18				
Prohibition of slavery and forced labour	Art. 5	Protection in the event of removal, expulsion or extradition	Art. 19	Family and Professional life	Art. 33	Right of access to placement service	Art. 29
Right to marry and right to found a family	Art. 9	Cultural, religious and linguistic diversity	Art. 22	Social security and Social assistance	Art. 34	Protection in the event of unjustified dismissal	Art. 30
Equality before the law	Art. 20	Right to vote and to stand as a candidate at EP elections	Art. 39			Fair and Just working conditions	Art. 31
Non-discrimination	Art. 21	Right to vote and to stand as a candidate at municipal elections	Art. 40	Health care	Art. 35	Prohibition of child labour and protection of Yong people at work	Art. 32
Equality between women and men	Art. 23	Right to good EU administration	Art. 41	Environment protection	Art. 37		
		Right of access to documents	Art. 42			Access to services of general economic interest	Art. 36
		European Ombudsman	Art. 43				
		Right to petition	Art. 44			Consumer protection	Art. 38
		Freedom of movement and of residence	Art. 45				
		Diplomatic and consular protection	Art. 46			Free movement of goods**	Art.28, 29
		Right to an effective remedy and to an fair trial	Art. 47				
		Presumption of innocence and rights of defense	Art. 48			Free movement of capital**	Art.63
		Principles of legality and proportionality of criminal offences and penalties	Art. 49				
		Right not to be tried or punished twice in criminal proceedings for the same criminal offence	Art. 50			Free movement of services**	Art. 56 to 62

* Legal basis articles: CFREU; Classical distinction by Marshall, 1950; Economic rights are added

** Other legal basis: TFEU

Corresponds with articles EVRM

Corresponds with articles EVRM (wider scope)

EU citizen rights that complement national citizen rights