

FREEDOM OF MOVEMENT IN THE EU: LIKE THE AIR THAT WE BREATHE?

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The right to complete freedom of movement granted to Bulgarian and Romanian citizens at the beginning of 2014 has sparked a [debate](#) which we need to address in both a realistic and a pro-active manner on the basis of three sets of complementary arguments. A shorter version of this Tribune has been published on [EurActiv.com](#).

1. The right to freedom of movement is not the same thing as the right to unconditional settlement

Established by the treaty of Rome, the right to freedom of movement enjoyed by the citizens of the EU allows those citizens to come and go without let or hindrance in an area comprising 28 countries, without any obligation other than to be carrying ID. This right makes a clear distinction between EU and non-EU citizens, many of whom require visas to travel to the EU and cannot settle without a work permit or a residence permit. This right, a milestone in the construction of Europe, is at once extremely concrete and highly symbolic, and [at the same time it is one of the hallmarks of membership of the EU](#) for its citizens, especially for the younger members who consider exercising that right to be as natural as “the air that they breathe”.

The right to freedom of movement, however, should [not be confused with a right to unconditional freedom of settlement](#): European citizens wishing to reside in another country for more than three months are obliged to prove they have sufficient resources to do so, otherwise they have no choice but to return to their country of origin, even to the point of being expelled if necessary. And the same applies to access to national social security systems, which is possible only on condition that it does not place an excessive burden on the host country, including in the case of long duration unemployment.

Moreover, the EU’s member states have the option of obliging new member states to wait for seven years after joining before granting their citizens full right to freedom of movement: nine EU member states (including Germany, France and the United Kingdom) chose to use the full seven-year transition period with Bulgarian and Romanian citizens, and thirteen states have opted to do the same with Croatian citizens. In

addition, member states can apply certain safeguard clauses to restrict people’s exercise of the right of access to the labour market in particularly tense sectors of the economy. They can also regulate access to non-contributory social services (such as universal health cover).

“Safeguard clauses” can also be applied in connection with the implementation of the Schengen agreement, in order to temporarily re-establish physical control at the EU’s internal borders. These clauses are typically applied during major sporting or social events. Under normal circumstances, membership of the Schengen area allows people to travel without having to put up with waiting in the kind of long queues at borders that they have to endure, on the other hand, when travelling to or from Bulgaria, Romania, Ireland and the United Kingdom. No study, incidentally, has ever clearly established the effectiveness of stable border checkpoints in the struggle against crime compared to the mobile spot checks conducted in all the EU countries.

2. The right to settle is exercised in a manner that is both limited and profitable for host countries

EU member states’ populations comprised an average of 2.6% of European residents in 2012, compared to 1.3% in 2003. The proportion ranged from 0.1% in Poland and in Latvia to 38% in Luxembourg, France coming in at 2.4% and Germany and the United Kingdom at somewhere between 3% and 4%. Almost two-thirds of these European residents were workers, while other major categories included pensioners (up to 50% of the total in France), followed by students; the remaining categories consisted of a minority of unemployed workers and non-active members of resident families (primarily children and women homemakers).

Available studies underline that the presence of these European residents has had a **positive overall impact on growth and employment in their host countries**; they also highlight the advantage of increased worker mobility within the EU and the euro area, and indeed that mobility has increased in recent months. Similarly, reports on **these residents' impact on national social security systems** show that it is either neutral or positive. This, because given that a majority of these foreign residents are workers, they make a **substantial contribution to the social security system**, while benefiting less from it than the local population (in particular because they tend to be younger than the average age of the population as a whole).

Where these European citizens' free movement is more likely to cause problems is in their countries of origin, because it robs those countries of a major slice of their workforce and consequently of those workers' ability to contribute to the national health and pension systems (the situation in Romania, for instance, is critical on both those counts).

3. While its exercise may indeed cause problems, the right to freedom of movement nevertheless is often used as a scapegoat

The free movement of citizens and of workers can of course cause problems. But the decisions recently adopted to provide a **better framework for worker posting** – a system which businesses have been using in an absolutely deplorable fashion – show us that it is possible to address those problems. And the same must apply for abuse of access to social services, first and foremost on the part of nationals but which certainly cannot be allowed to continue when practised by European citizens, in view of those services' highly symbolic nature. Yet using the excuse that the right to freedom of movement is occasionally misused in order to call it into question would penalise the large majority of European citizens who benefit from it every day in circumstances that are both legal and profitable for their host countries.

What we really need to ask ourselves is whether the root cause of the economic and social problems being

experienced by the EU member countries really does lie in the exercise of the right to freedom of movement. Does the crisis currently affecting the United Kingdom, for instance, not have more to do with the havoc caused by “mad” unbridled finance rather than with the extremely hypothetical arrival of a few hundred Romanians? Can France's structural difficulties truly be blamed on the presence in the country of a few thousand Roma people? In other words, without seeking to deny the existence of any of the problems triggered by people's exercise of the right to freedom of movement, might we not shift the debate on the EU towards other challenges that are of far greater importance for the member states, such as an ageing population, debt sustainability, weak growth prospects or the increasing competition coming from a number of continent-sized countries?

“The air that we breathe” in Europe today is, without doubt, all the more polluted by the crisis that is causing problems for government parties eager to withstand the **pressure of the “populist” forces**, which are using freedom of movement, in the same way as they use migration from other continents, as a convenient scapegoat. In this context, one of the most important issues in the upcoming European elections will be to find out whether those government parties are going to embrace populist diatribe (the way Tories have been doing) or whether they are going to maintain a stance that is at once more realistic and healthier (which is what the German Christian-Democrats and Social-Democrats should do). While the government parties, all of which enjoy the support of a majority of their citizens, have never caved in over the advantages to be gained from defending the existence of the euro, they may prove far more hesitant when it comes to freedom of movement...

Thus, exercise of the right to freedom of movement is not as natural as “the air that we breathe”, and indeed the disputes and the controversies that it sparks should also remind citizens eager to maintain it that they need to vote in May 2014 in such a way as to firmly defend this crucial milestone in the construction of Europe.

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