

Parliament of Romania

Chamber of Deputies

Decision

approving the Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Free movement of EU citizens and their families: Five actions to make a difference COM(2013) 837

Pursuant to Articles 67 and 148 of the Romanian Constitution, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Article 40 of Decision No 11/2011 of the Chamber of Deputies on the working and decision-making procedure for parliamentary supervision of draft legislative acts of the European Union, based on the provisions of the Treaty of Lisbon on the role of national Parliaments,

The Chamber of Deputies hereby adopts this decision:

Sole article. - Taking into account Draft Opinion No 4c-19/132 adopted by the Committee for European Affairs at its meeting of 6 May 2014,

The Chamber of Deputies welcomes the action taken by the European Commission:

- for its active involvement, together with the Member States, in solving the complex problems relating to compliance with the fundamental right of EU citizens to freely move to and live in a Member State other than that of which they are a national;
- for the integrated approach to the free movement of persons accompanied by their families, thus eliminating one of the reasons for family breakdown;
- for its respect for citizens' fundamental right to free movement in the EU, which should not be limited by worsening populism and xenophobia expressed in certain unfounded public statements by local authorities, and for the positions adopted together with the Council, the Greek Presidency and the vast majority of MEPs.

The Chamber of Deputies supports this initiative for the following reasons:

- it stresses the joint responsibility of Member States and the EU institutions to uphold the right of European citizens to live and work in another EU country;
- it clarifies the rights of EU citizens with regard to free movement and access to welfare benefits;
- it explains the guarantees intended to combat abuse of the system, fraud and errors and describes the instruments of social inclusion available to Member States and local communities facing particular pressure as a result of inflows of EU citizens.

The Chamber of Deputies congratulates the Council for its response to accusations concerning abuse of the right to free movement and congratulates the Commission for the conclusions of its study, which show that EU citizens move above all in order to work and not to obtain benefits, that mobile citizens make a significant contribution to the economic activity of their state of residence and that while abuses may exist, the Union has in place a clear legal framework and instruments that enable Member States to cope with any abuses that occur.

The Chamber of Deputies notes that:

- the limits placed on the European Commission have resulted in an approach that is unsuitable for policy formulation because the five actions, taken individually and as a whole, are programmes rather than policies and are of an organisational rather than strategic nature;
- the Communication does not go into sufficient detail with regard to the causes of the tensions created by certain Member States over the subject of supposed abuses of the benefits system;
- through its firm and unequivocal positions in favour of the right to free movement, the Commission has fulfilled its role as guardian of the Treaties. However, in its positions on this subject and in the text of the Communication, the Commission was unable to cite those Member States' deviation from the principles of solidarity and sincere cooperation.

The Chamber of Deputies would stress that many mobile citizens are young people and that any restriction of their freedoms would contradict the important measures taken by the Union to ensure an adequate social and professional environment for young European citizens.

In the view of the Chamber of Deputies:

- more attention needs to be given to differentiating between the terms 'migration' and 'mobility'; in the case of European citizens we are talking about their mobility;
- there also needs to be a detailed response to the problem of selective mobility for European citizens within the EU and in particular to the differing and discriminatory treatment exercised by local authorities in certain regions with regard to the citizens of certain Member States, who are just as much European citizens as the rest;
- helping Member States fight marriages of convenience is hampered by the fact that it is impossible to 'make a difference' because the number of such marriages is insignificant;
- helping authorities apply EU social security coordination rules is useful, but the objective relating to the preparation of a practical guide clarifying the 'habitual residence test' should be carried out by the Commission itself, without being promoted through a consultation document;
- helping host municipalities, communities and administrative units is welcome and justified in order to improve the social inclusion of mobile citizens and their families through the allocation of at least 20 % of the European Social Fund. However, some indications regarding the eligibility criteria would have been useful;
- addressing the needs of local authorities by promoting the exchange of best practices is useful, but could have been achieved through administrative decisions by Union institutions without the political consultation of the Member States. Rather than 'best practice', the result of such a consultation will be 'sets of best practice', depending on the differing domestic political options of the Member States;
- helping local authorities to apply EU free movement rules on the ground is useful, but should have been carried out by the Commission itself, without being promoted in a consultation document.

The Chamber of Deputies would also point out that:

- the Communication does not examine the causes of the problems that have emerged recently in connection with freedom of movement, more specifically the abuse of the benefits system; the Chamber of Deputies believes that one of the causes of this problem cannot be analysed. This is because the very concept of freedom of movement was laid down in the treaties based on the

perfectly legitimate premise that Union citizens will want to make use of the right to free movement for their own benefit, in non-discriminatory terms; moreover, tackling another of the causes would be inconvenient because it is difficult to recognise that economic disparities between Member States are widening rather than decreasing and that in reality cohesion policies have limited effects. Moreover, there is some doubt surrounding the achievement of the convergence objectives;

- insufficient attention has been given to the issue of the depopulation and impoverishment of regions that are suppliers of mobile citizens, which is leading to a widening disparity between Member States in terms of the availability of human resources, with cross-cutting effects;

- the adverse effects of mobility for Member States that are suppliers of highly-qualified labour are not known. The Chamber of Deputies also notes the absence of any compensatory measures with regard to the business environment and economic development of those states;

- even in the event of a favourable outcome in which all five actions were successful, the problem would not be solved.

The Chamber of Deputies proposes that the European Parliament examine the reasons for limiting the scope for action by the Commission, and also to 'clarify EU citizens' rights and obligations as well as the conditions and limitations under EU law, and address the concerns raised by some Member States'. In addition, Parliament should examine the capacity of the five actions to ensure that the right to free movement is observed.

This Decision was adopted by the Chamber of Deputies at the session of Tuesday 27 May 2014, in compliance with Article 76(2) of the Romanian Constitution, republished.

President of the Chamber of Deputies,

Valeriu Stefan Zgonea

Bucharest, 27 May 2014

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