



## EUROPEAN COMMISSION

*Brussels, 12.8.2014  
C(2014) 5905 final*

*Dear President,*

*The Commission would like to thank the Camera Deputaților for its Opinion concerning the Commission's Communication "Free movement of EU citizens and their families: Five actions to make a difference" {COM (2013) 837 final}.*

*The Commission welcomes the Camera Deputaților's support for the Communication. It is in particular pleased to note that the Chamber emphasises the need to pay more attention to the distinction between 'mobility' of EU citizens and 'migration' of non-EU nationals. The Commission has been stressing the importance of avoiding amalgams between free movement and immigration from outside the EU, as the language-framing makes it easier to weaken EU rights. The Commission will pursue its efforts to this effect.*

*The Commission notes that the Camera Deputaților would have preferred the Communication to have set out strategic policies rather than organisational programmes. In this respect, the Commission wishes to underline that its overall policy with a view to promoting and facilitating free movement is developed in a wide range of policy documents and legislative proposals.*

*As a recent example, the Commission would draw the attention of the Camera Deputaților to the 2013 EU Citizenship Report "EU citizens: your rights, your future" {COM (2013) 269 final} which presents the Commission's vision for EU citizenship and the rights attached to it, and sets out concrete actions aimed at removing the remaining hurdles that citizens face when exercising their rights in cross-border situations, including at ensuring that EU citizens can effectively enjoy their free movement rights in everyday life in the EU.*

*Another recent example is the "EU Justice Agenda for 2020 – Strengthening Trust, Mobility and Growth within the Union" {COM (2014) 144 final}, which sets out the Commission's political priorities that should be pursued in order to make further progress towards a fully functioning common European area of justice by 2020. To this end, strengthening mobility is one of three main challenges to be addressed. In this context, acknowledging that EU citizens still experience difficulties when they try to enjoy the same rights they have at home in*

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*another Member State, the Commission highlights the need for the EU to address these obstacles while continuing to enable the fight against abuse.*

*Two further examples of recently adopted legislation are Directive 2014/54/EU on measures facilitating the exercise of rights of mobile workers, which will ensure that mobile workers are provided with information and assistance in getting their rights enforced; and Directive 2014/67/EU enforcing rules on posting of workers, which will increase the protection of mobile EU workers from exploitation and fight social dumping.*

*The Commission also takes note of the specific comments that the Camera Deputaţilor makes on each of the proposed five actions.*

*As regards the action to help Member States fight marriages of convenience, the Commission stressed in the Communication itself that figures are low. However, the implication of organised criminal networks, as acknowledged in recent Europol reports, is worrying. In addition, more generally, abuse must be taken seriously, as it risks weakening free movement. Therefore, the upcoming publication of the handbook, which was elaborated in cooperation with Member States, is intended to help national authorities effectively detect, investigate and prosecute individual cases of abuse in the form of marriages of convenience while not compromising the underlying fundamental goal of safeguarding and facilitating free movement of EU citizens and their family members who use EU law in good faith.*

*Concerning the action to help Member States apply social security coordination rules, it was paramount for the Commission to work with Member States to clarify the 'habitual residence test' used in the EU rules on social security coordination to ensure a common understanding on how to apply EU rules.*

*The Commission acknowledges the need to support the social inclusion of mobile citizens and their families by using the European Social Fund (ESF). The eligibility criteria are laid down in the national legislation.*

*Local authorities across the EU have different experiences with inflows of EU citizens who make use of their right to free movement and have been developing a wide range of policies in this regard, notably as regards their social inclusion. Such policies are best exchanged directly between them with a view to identifying best practices, a process that the EU institutions are encouraging and facilitating.*

*Similarly, helping local authorities to apply EU free movement rules on the ground is meant to address real local needs. Therefore, to have added value, the proposed e-learning tool needs to build upon training tools and practices which already take place at national level, and to complement rather than duplicate training already offered.*

*The Commission notes that the Camera Deputaţilor is of the opinion that certain issues were not addressed by the Communication. While the Commission agrees that there are many further important aspects linked to free movement, the objective of this Communication was to focus on addressing specific concerns that some Member States expressed in early 2013. The Commission presents an accurate factual picture of the situation, on the basis of data collected from Member States, complemented by Eurostat data and data from independent studies.*

*As set out in the Communication, this data shows that there is no factual basis for these concerns. In particular, as regards alleged abuse and unreasonable pressures on public finances resulting from intra-EU mobility, relevant data shows that most EU citizens moving to another Member State do so to work, that they are more likely to be economically active than nationals and less likely to claim social benefits. In addition, they tend to be net contributors to the budget of the host state, paying more taxes and social security contributions than they receive in benefits. They are therefore unlikely to represent a burden on the welfare systems of host Member States.*

*Moreover, the Commission, in its role as guardian of the Treaty, works continuously to ensure that Member States comply with EU law, including regarding such a fundamental principle of EU law as the one prohibiting discrimination on the basis of nationality.*

*In relation to the effects that free movement may have on the countries of origin, the Commission is aware that mobility may represent a challenge in terms of human capital, competitiveness and demography. However, the Commission also notes that workers often return to their countries of origin with additional experience, skills or savings to invest back home, and it believes that return migration could be encouraged through targeted policies and programmes in countries of origin.*

*In addition, Member States may use the ESF to deal with the impact of labour mobility and free movement of workers in the EU. The ESF supports labour mobility and facilitates access to employment by funding initiatives to help people into work, and it helps sending and receiving Member States to address social inclusion challenges.*

*As regards the view expressed about the limited effects of European Cohesion Policy, the Commission would point out that this is one of the main instruments the European Union has at its disposal to support economic and social development in its Member States and regions, particularly the poorest ones. However, the impact of European Cohesion Policy varies from one country to the next. Such variations are mainly explained by differences in the amount of resources transferred from the EU budget, the structure of national economies, the kind of investments chosen, and the timeliness of programme implementation.*

*Finally, the five actions presented in the Communication are to be implemented jointly by the Commission and Member States, to respond to the specific challenges some Member States are confronted with at present. The Commission stands ready to help Member States tackle any further challenges arising from intra-EU mobility they may face in the future.*

*The Commission hopes that these clarifications address the concerns raised by the Camera Deputaților and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*[ ]  
Vice-President/Member of the Commission*