

Event Report – Free Movement of Persons in the EU: A Loved and Feared Reality

Press Club, Brussels – April 12, 9am-2.30pm



In the 60 years since the concept of free movement of persons was first established in the Treaty of Rome, it has evolved to become the cornerstone of EU citizenship, granting EU citizens the right to move and reside freely within the territory of the member states. Today, despite the various challenges it faces, it remains the most cherished right of EU citizens¹.

On the occasion of the 60th anniversary of the Treaty of Rome, the conference was organised to address the current obstacles to free movement and strategies for restoring trust in this fundamental EU right and had two explicit aims:

- Identify the current challenges to the fundamental EU right of free movement; and
- Explore viable strategies and actions for restoring trust in, and recognition of, this most notable achievement of the European project for citizens.

The conference featured keynote addresses by MEPs from the Greens/EFA group **Jill Evans** and **Jean Lambert**, had two panels of representatives from EU institutions and civil society, as well as experts in EU and national law.

It was attended by over 100 participants, received over 150 views online and was [featured](#), along with the Your Europe Advice 2016 Annual Trends Report, in a number of news outlets, including *EUobserver*, *The Independent* and *Euractiv*.

“EU must become a real Europe of the peoples”

Following introductory remarks by ECAS’ Director **Assya Kavrakova**, in which she celebrated the achievements of free movement and acknowledged the challenges it is currently facing, **Jill Evans** MEP (Greens/EFD) opened the conference with a keynote address on the value of free movement, which is particularly the case for young people and sectors including academia, construction, food and drink, the creative sector, health and social care, and tourism. She stressed the contentious nature of the current debate around free movement, recognising the polarised attitudes towards free movement that exist in the EU today.

¹ Standard Eurobarometer 86, Autumn 2016: http://europa.eu/rapid/press-release_IP-16-4493_en.htm

She acknowledged that citizens are worried about governments not having control over borders and that communities that feel marginalised are likely to fear the impact free movement is having on their lives, but that fear is not always backed up by the reality of immigration. In Wales, migration was an issue in the EU referendum despite the fact that only 2.2% of its population are migrants, and the highest leave and remain votes were in areas of low and high migration respectively. Euroscepticism is not necessarily driven by migration, but rather economic deprivation.

She said: “We cannot assume that people oppose free movement because of a fear of migration, but more so that a large percentage of the population feel they have not benefited from it.”

She concluded by saying that, rather than restricting free movement, we should be improving it to ensure that it benefits all citizens and not just those who are better off because of it. The EU must become a real Europe of the people, recognising all cultures, languages and identities, whilst also reinforcing European identity. To that end, she introduced the idea of ‘Associate Citizenship’ as a means of supporting the people in the UK who want to remain European after Brexit and renewing enthusiasm for the European project.

Freedom of Movement Challenges Today

Your Europe Advice (YEA)² legal expert **Antoine Fobe** opened the first panel on the current challenges to free movement in the EU by presenting the findings of the [YEA 2016 Annual Trends report](#), which showed that social security, residence and entry procedures were the biggest issues of concern for mobile EU citizens in 2016. In the context of Brexit, he discussed the drawbacks that citizens are already experiencing, even though EU law still applies in full. He went on to talk about the negative attitude of national administrations towards free movement that existed even before the Brexit vote. In his view, national administrations don’t appear to value free movement.

Next, **Dr Anthony Valcke** talked about [Directive 2004/38/EC](#) on the free movement rights of EU citizens and their family members, which has not been correctly transposed by any EU Member State, and presented the cases that the EU Rights Clinic deals with in this respect. He focused, in particular, on the difficulties EU citizens have in obtaining a personnummer (personal identification number) in Sweden, which is compulsory for many basic services, the UK’s requirement for EU citizens to have had comprehensive sickness insurance to qualify for permanent residency, which may leave as many as 1 million EU citizens liable to deportation after the UK leaves the EU, and expulsions of EU citizens from Belgium.

The European Disability Forum’s **Marie Denninghaus** elaborated on the particular problems disabled people face when moving to other Member States. Issues around access to services, the portability of social security, access to information and the recognition of disabilities in different Member States mean that free movement is not a reality for disabled citizens.

Claire Genta, from the Secretariat of the European Parliament’s Petitions (PETI) Committee, it was important for trust in EU institutions to be restored and for the spirit of Directive 2004/38/EC on free movement rights. Although the PETI Committee receives many petitions regarding free movement, they cannot do much because national administrations are mostly competent in the areas concerned. She said that a lack of information is a bigger issue than problems with right of entry. Many of the petitions that the PETI Committee receive are about barriers in national family law, such as when mobile workers get married and have children.

² Your Europe Advice is a free legal advice service that ECAS manages on behalf of the European Commission.

The European Alternative's **Niccolo Milanese** discussed the reality of free movement as being loved by some and feared by others. For him, the international workers' movement had a key role in making the construction of the EU possible, but there now needs to be solidarity between, and with, mobile EU workers and citizens, including a political dimension, to face the current challenges to free movement. At present, because there are no accepted political answers to the question of what should be done about free movement and its implications, it is loved and feared because people reach for irrational or emotional answers to these questions to justify why free movement is acceptable for some but not for others. He concluded by saying that, with free movement of people in the EU, there needs to be a renewal of political understanding about who we are and what our responsibilities are both with the EU as well as outside. What is needed is the invention of a new kind of community that will allow us to come up with answers to the implications of free movement.

At the end of the panel, there was a brief **Q&A** with the audience. In response to a question about the origin of the requirement in the UK for EU nationals to have comprehensive sickness insurance to qualify for permanent residency, Anthony Valcke stated that it was a political problem and that there are clear intentions to create interruptions in the residence of European citizens so that they cannot claim permanent residency. Antoine Fobe answered other questions on 2nd residency within the EU and enquiries Your Europe Advice receives regarding homeless EU citizens. On 2nd residency, there are difficulties in identifying the main, such as for tax purposes. In terms of homeless EU citizens, there are questions around persons of no fixed abode, but not many about homelessness per se.

The Way Forward: Visions, Strategies, Solutions

Laurence de Richemont, Head of Unit of the EU's Single Market Service Centre, began the second panel by saying that the importance of the EU better serving citizens' free movement needs is acknowledged in both the Bratislava and Rome Declarations and that free movement is a cornerstone of the internal market. Following a short [video](#) introducing the Single Market Service Centre, she explained the different services available to citizens, such as the [Your Europe](#) portal, [Your Europe Advice](#), [SOLVIT](#) and the [Internal Market Information System](#), and talked about future initiatives to improve these services and add to them. These include the [European Professional Card](#) and the [compliance package](#), which will facilitate the practical functioning of the Single Market with a Single Digital Gateway, a Single Market Information Tool and a SOLVIT Action Plan.

Monika Mosshammer, who works on EU Citizenship and Free Movement at DG Justice, presented the [EU Citizenship Report 2017](#). She emphasised that effective EU citizenship rights are a priority for the Commission and that EU citizenship is something that is additional to national citizenship. The Commission will focus its citizenship actions on promoting EU citizenship and values, enhancing participation in the EU's democratic life, simplifying the lives of citizens and strengthening security and equality. To this end, making EU citizenship a reality on the ground requires a collective effort from the whole of the EU, from the EU institutions down to citizens themselves.

Jordi Curell, Director of Labour Mobility at DG Employment, discussed the key role the European Court of Justice played in the development of free movement as case law is highly protective of mobile workers. Furthermore, labour mobility is an economic plus and is a win-win situation for workers, employers and Member States. However, he detailed two specific challenges to mobility in the EU, namely the application of EU law by national authorities and the fact the benefits of mobility do not come automatically to everyone.

Luca Jahier, President of Group III (Various Interests) at the European Economic and Social Committee, talked about the increasing dislike of free movement in the context of Brexit, saying that

85% of leave voters wanted to limit the number of EU nationals in the UK and that polls suggest 70% of leave voters are against any allowance of free movement in exchange for access to the Single Market. Citing a [study](#) by Bertelsmann Stiftung, he explained that there is a direct correlation between fear of globalisation and fear of immigration. This is causing a radical questioning, particularly in rich countries, of the fundamental, cooperative economic infrastructure of the EU, of which free movement is a part. He concluded with three points. First, EU mobile citizens are part of the European public space and should be made to feel at home. Second, the hybridisation of cultures and increase in mixed families reinforces the resilience of countries. Finally, he said, we have to work towards pragmatic solutions to reduce conflict between the movers and the stayers.

Laszlo Andor, Senior Research Fellow at Hans Böckler Stiftung, closed the second panel. He started by asking the question as to whether fear of free movement was because of misperceptions or structural problems. He discussed a “double imbalance” in the EU that mobility is a part of. First, an income gap between east and west has replaced the Iron Curtain, with capital moving from west to east and labour moving from east to west. This income gap will be slowly reduced over many generations. Second, a north-south divide exists in Europe because of monetary instability and high unemployment in the south. Despite these tensions, free movement is an opportunity and helps the labour market act as a stabiliser in the eurozone, but other stabilisers, such as job creation, are necessary. He argued that restricting free movement is not the answer to these problems. Fairness is the key concept in making free movement work. There should be free movement between countries but not between welfare systems. He concluded his intervention by saying that a forward-looking strategy is required that accounts for both the benefits and risks associated with free movement.

In the **Q&A** that followed, questions were asked about the importance of learning languages, people losing the right to vote when they move abroad and how eastern Member States can attract their mobile workers to move back to their home country. In answer to these questions, Laszlo Andor agreed that language learning is good for free movement, Monika Mosshammer stated that facilitating voting among mobile citizens is a bigger issue than losing the right to vote and Laszlo Andor said that we must accept that free movement has resulted in a brain drain from eastern Member States, but that solution is to improve conditions in those countries.

“Free movement is about a vision of peace, tolerance, unity and diversity”

MEP **Jean Lambert** brought the event to a close with an impassioned defence of free movement as an opportunity to try something new, as much about experience as economics, and a system of reciprocal rights from which all EU citizens can benefit.

She acknowledged that there are certain issues around posted workers and social security coordination, but that there were deliberate political moves to entangle free movement with questions about migration in general. She asserted that the overwhelming majority of people who exercise their right to free movement fulfil their obligations to the host country and that stories about welfare tourism are just stories.

She went on to defend “economically inactive” migrants, who are often portrayed as making no contribution to society, but they are often carers or retired people and we should value unpaid work.

She concluded by saying that free movement is a cultural experience that offers something for everyone and emphasised that it is something that is inclusive. In the UK’s referendum on EU membership in 2016, whereas leave voters focused on taking back control and sovereignty, remain voters were prioritising peace, tolerance, diversity, unity, opportunity and cooperation. It is this vision

that should define free movement, she said, to enable unity in diversity and make free movement rights work for all of us.

Watch the conference [here](#)

Presentations: [Anthony Valcke](#); [Marie Denninghaus](#); [Monika Mosshammer](#)

[Your Europe Advice 2016 Annual Trends](#)

[Infographic](#)

[Agenda](#)