

Extract from:  
Martina Menghi, Jérôme Quéré, "  
"Free movement of Europeans - Taking stock of a misunderstood right",  
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## FOREWORD

### FREEDOM OF MOVEMENT: REALITY OR FANTASY?

by António Vitorino

I am delighted that the Jacques Delors Institute is publishing a Study on the free movement of people within the European Union, as it is a human, political and symbolic issue that is regularly the focus of public debate.

This Study provides an overview of the situation and begins with a useful reminder that the free movement of workers, and people, is an integral part of the EU's founding principles and concerns all its citizens, whether or not their country is part of the Schengen Area. It also clearly sets out the rules according to which this freedom of movement may be exercised by Europeans who so wish.

I am particularly in favour of a reminder of these rules as during my time as the European Commissioner in charge of the area of freedom, security and justice, I was called upon to propose and negotiate Directive 2004/38, which codified and complemented Community law on freedom of movement. The Directive entered into force a few days before the enlargement of the EU to include ten Member States from Central, Eastern and Mediterranean Europe.

As Martina Menghi and Jérôme Quéré have highlighted, some of these rules have been refined and specified since 2004, notably through rulings of the Court of Justice of the European Union, cited extensively in this Study. While this is true, they also remind us that the main elements of European law on freedom of movement have remained unchanged: this right makes it possible for European citizens to try their luck in another EU Member State, an opportunity which is not open to non-European citizens. It is not a right to settle freely in another EU country, as the exercise of freedom of movement requires sufficient resources for a long-term stay in the host country. It refers to rules

adapted to the status of mobile European citizens, whether they wish to stay in another country, work there or access welfare and benefits there. Finally Europe's legal framework permits the fight against abuses of the freedom of movement, which have neither the rate nor impact that populists claim in their efforts to demonise this fundamental freedom

It is just as important that such a Study outlines the details of the rules governing the exercise of free movement, as perceptions of this right can be relatively far from reality in many EU Member States. The controversy surrounding the British referendum on EU membership held on 23 June 2016 also proved, if proof were necessary, the need to keep setting the record straight with regard to this issue!

This Study plays a doubly important role in this regard as it not only presents the law in force for each type of freedom of movement exercised by Europeans, but it also provides statistics attesting to the reality of European freedom of movement. These figures remind of a few facts that are often ignored: freedom of movement is showing a slight increase in the EU but remains highly restricted, including in terms of immigration from outside the EU hosted by Member States. For the most part, freedom of movement concerns people of working age, who most often want to live in another country for professional reasons. In total, mobile European citizens represent much more in revenue than they cost the countries in which they settle.

Many young Europeans believe that freedom of movement, a relatively recent and novel achievement, is as obvious a right as the air we breathe. This is not the case, both because it is strictly governed by European and national legislation, and above all because it will ultimately be challenged if nothing is done to contradict the popularity-seeking and sometimes xenophobic statements made about it.

This is the backdrop against which I strongly recommend that you read this Study by Martina Menghi and Jérôme Quéré, this "stock of a misunderstood right" for which we must do our utmost to keep it tethered to reality.

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