

# FREEDOM OF MOVEMENT



ECIS: 2



Europe  
on the move



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Sylvain Desjardins

**B**arriers to the free movement of people within the European Union have tumbled over the past 25 years. Queues of vehicles at borders between EU countries are a thing of the past. Citizens of the Union can now travel or go about their business throughout Europe almost as if it were one country. The EU and its member governments have worked hard to bring this about. The first steps creating the freedom to work in another Member State were taken in the 1960s. Others followed over the years. The flattening of frontiers accelerated with the creation of the European single market, a 'space without internal borders' in which goods, people, capital and services move unhindered. The single market has been in place since the beginning of 1993. There are still a few obstacles to free movement which take time to eliminate. Identity checks at borders have proved the hardest. This is because governments, mindful of the security of their citizens, want to ensure that open frontiers will not lead to more international terrorism, drug smuggling, crime and clandestine immigration. To meet these legitimate concerns while safeguarding the achievements of the single market, governments are coordinating policies on justice and police matters and expanding cooperation between law enforcement agencies. But free movement is not just for travellers. It also enables workers, self-employed persons, students and pensioners to settle anywhere in the EU. The European Parliament, directly elected by the citizens of the EU, and the Commission are keeping up pressure on governments to remove the last remaining barriers as quickly as possible.

*'We should not forget that our citizens want to see a strong and coherent foreign policy as well as a more determined cooperation in the fields of freedom of movement, immigration control, the integration of foreigners in our societies, the fight against terrorism, against drugs, against organized crime.'*

*Jacques Santer on 21 July 1994 in a declaration to the European Parliament before it voted in favour of his designation as President of the European Commission serving a five-year term from 1995 onwards.*

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*Governments will find new ways of working together to master criminality.*

## Freedom of movement and security

Frontier controls on travellers within the single market have virtually been eliminated. Waits at border crossings, which could last for hours at busy times, have disappeared with them. As a result journey times have been reduced. The removal of frontier controls was accompanied by the lifting of restrictions on the amount of goods travellers could buy in another EU country and bring home. Consumer mobility has increased giving them the possibility to shop around where they like. This means that for the ordinary citizen as well as for the businessman, the single market has become a reality.

EU governments are now facing the challenge of eliminating the remaining border controls, which generally take the form of random identity checks, while recognizing widespread public concerns about security. Identity checks are hard to abolish and will therefore take longer to eliminate. They are part of the efforts of European governments to eliminate international terrorism, drug smuggling and criminality. This priority is recognized by

citizens who were unwilling to accept open frontiers and mobility if it resulted in more mobile criminals and less security.

To provide the citizen with full freedom of movement and, in parallel, ensure security and protection, a number of actions have been necessary. Governments have had to devise ways of working, individually and together, to combat illegal immigration and maintain effective action against criminals, if necessary by spot checks away from national frontiers. The continued immigrant pressure from Third World countries, and more recently from some regions of Eastern Europe, has led to the need for governments to adopt coordinated positions in key policy areas like immigration and asylum rights.



EKA

**A** large market without borders is not enough. It is even more essential that the citizens of the European Union feel at home everywhere within the Union's territory. This feeling will be the flesh to the bone of the great economic area.

The corollary to the removal of internal frontiers among Member States is the reinforcing of controls at the external frontiers of the European Union. Once inside the territory of the Union people from other countries are able to move about as freely as local citizens. This means that Member States must be able to rely on each other to carry out effective immigration controls.

In order for this policy to work, all EU countries must apply the same rules and criteria and will, ultimately, have the same standards on immigration, asylum rights

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and visas. The Council of the EU will decide on the list of third countries whose nationals will need a visa to enter EU territory in the first place. Nine of the 12 EU countries are moving ahead more rapidly on their own and are close to implementing coordinated policies with reinforced internal and police cooperation to enable controls at their common frontiers to disappear.

*The freedom to travel or to go about one's business throughout Europe as in one's own country is for the citizen the most potent symbol of the existence of the European Union.*

The abolition of identity checks will make life easier and transport quicker at European airports.



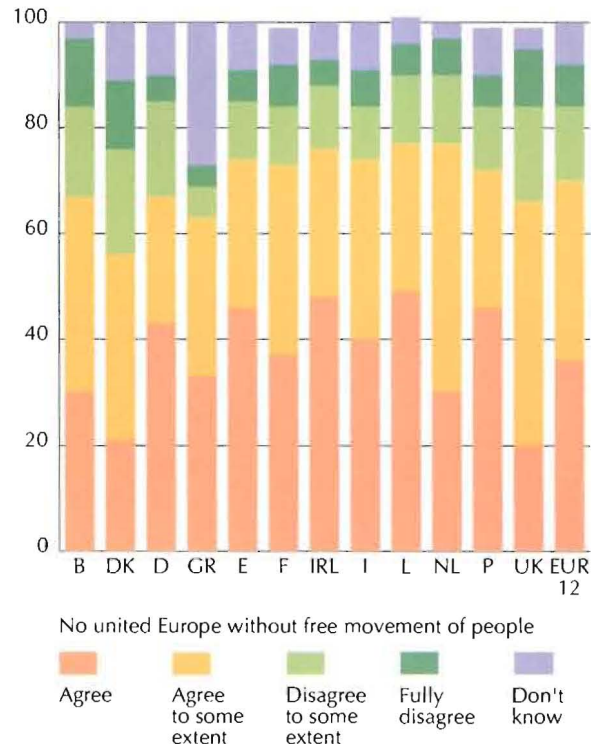
Antoine Boucher

## Free movement of people and European integration

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Amongst Europeans 70% think that Europe will not be really united unless the free movement of people is implemented; 22% do not share this opinion and 8% do not comment. The Luxembourgers and the Dutch (77%) are those who are most convinced that the implementation of the free movement of people is an essential precondition for European unification. This opinion is shared by 76% of the Irish, 74% of the Spanish and Italians, 73% of the French, 72% of the Portuguese, 67% of the Belgians and the Germans, 66% of the British, 63% of the Greeks and 56% of the Danish.

This is the result of an opinion poll carried out in the 12 Member States of the European Union in autumn 1993.



Source: Eurobarometer No 40, spring 1994

## The fast track to mobility

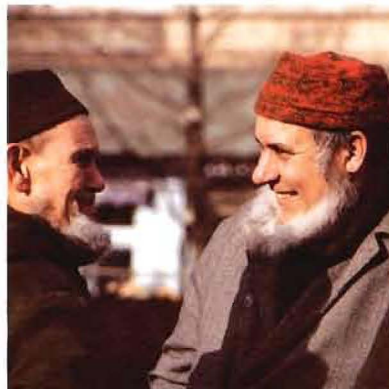
Although political decisions have been taken to ensure the free movement of people, they can take some time to implement. This is the case where major infrastructure changes are needed so that cross-border travel in the EU becomes domestic travel, for example air travel.

Although flights originating and ending within the European Union should now be treated like domestic flights, passengers at many airports still go through passport control. This is because airports have not yet modified their infrastructure and layout to separate passengers on intra-EU flights and those on international flights into different streams.

In addition to practical difficulties, there are still other types of problems to be dealt with. The United Kingdom, invoking particular reasons, applies some specific controls on the movement of people



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L. Virville

*The Member States of the European Union will have to apply the same rules and criteria on immigration, asylum rights and visas. This is not yet the case.*



Kingdom, Ireland and Denmark) to adopt the same principles at a later stage.

The nine have adopted some far-reaching regulations providing for a common system for issuing visas and have agreed a common list of third countries whose nationals require visas to enter any of the Schengen countries. They have also introduced some mechanisms to determine which Member State is responsible for the examination of an asylum request.

The formal implementation of the Schengen Agreement has been delayed although the legal and political conditions were fulfilled by participants before the

The Union and the Member States are engaged in the fight against drug trafficking, criminality and illegal immigration. Five of them (Germany, France and the Benelux countries) signed the so-called Schengen Agreement in 1985 to remove internal frontiers between them.

The five were joined by Italy in 1990, Spain and Portugal in 1991 and Greece in 1992.

The bold initiatives of the Schengen countries make them precursors for the others. They expect the other three (the United

*The first measures to secure freedom of movement for workers were adopted as early as 1968. There is now no social discrimination in any country of the Union between nationals and citizens from other countries of the Union.*



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**T**he free movement of people has advanced only step by step although the citizens awaited this freedom most of all. Much has been accomplished, but much has yet to be done. In particular the cooperation between the police of the Member States has to be set up and it needs to be assured that this cooperation works. Our citizens have to feel at ease about the free movement and be certain that it is a freedom for them and not a route for criminals and drugs.



end of 1993. The main reason was technical problems with the Schengen Information System (SIS), a computerized network for the exchange of information between national police forces.

The SIS is at the heart of a system to coordinate the prevention and prosecution of crime and criminal investigation procedures. Police forces will assist each other in detecting and preventing crime. Officers may be seconded to another Member State to assist with the exchange of information or with surveillance at external frontiers. National police forces will have the right to pursue fleeing criminals and drug traffickers into the territory of a neighbouring Schengen State.



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The right of residence has been extended to people not in employment. Now students can have all their education in another EU country. Retired people who have sufficient resources can live in any country of the European Union.

## Action at EU level

The entry into force of the Treaty on European Union in November 1993 enabled the EU to accelerate its own work to consolidate the freedom of movement of persons. The new provisions for co-operation in the field of justice and home affairs will help to underpin the free movement of persons by improving the efficiency of action at national and EU level to stop illegal immigration and to



IP Duplan

*The implementation of the Schengen Agreement concerning free circulation has been delayed due to technical problems with the Schengen Information System (SIS), a computerized network for the exchange of information between national police forces.*

It cannot be left to the market alone to open the way to tomorrow's Europe. It is the task of the Europeans. It is they who will give an expression to Europe.

Union-wide network for the exchange of information within a European Police Force (Europol). The Europol drugs unit was set up in February 1994 with headquarters in the Dutch capital of The Hague.

improve the fight against terrorism, drug smuggling and other serious forms of international crime. The European Commission has submitted proposals for certain visa policy measures and a revised draft of the External Frontiers Convention.

These provide for the reciprocal recognition of national visas, meaning that a third country national will require only one visa to visit any number of EU States. A notification system will be set up to prevent someone who has been refused an entry visa by one EU country from obtaining a visa in another.

The Treaty on European Union also includes new provisions for cooperation in the field of justice and home affairs. It provides for the organization of a



## Choice of residence

The European internal market comprises four freedoms: free movement for goods, persons, capital and services. One of the fundamental principles was that workers, trainees and self-employed persons are free to live and take jobs in another Member State. This right was progressively extended to other, non-economically active categories and was formalized in three 1990 directives extending residence rights to pensioners, students and others not gainfully employed.

The first measures designed to secure freedom of movement for workers were adopted as early as 1964. There followed a period where members of the liberal professions like doctors, dentists and midwives were allowed to practise in other Member States on the basis of harmonized professional qualifications. Even so this was a lengthy process for each professional category.



Since 1985, the focus has changed. Instead of harmonizing qualifications throughout the EU, Member States agreed to accept each other's educational and professional qualifications as being broadly equivalent. On this basis, two important directives were adopted in 1988 and 1991.

Under these directives, citizens of the Union can pursue their profession in an-

*The European passport is for European citizens the symbol of European citizenship and of the freedom to go anywhere in the European Union.*

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**T**he European internal market comprises four freedoms: free movement for goods, persons, capital and services. One of the fundamental principles was that workers, trainees and self-employed persons are free to live and take jobs in another Member State. This right was progressively extended to other, non-economically active categories and was formalized in three 1990 directives extending residence rights to pensioners, students and others not gainfully employed.

The European Union cannot really make progress without a conscious commitment of its citizens nor without institutions based on greater democratic legitimacy.

other Member State on the basis of qualifications and professional experience obtained in their country of origin.

Another set of directives in 1990 set out the conditions extending the right of residence for other categories of citizens hitherto excluded because not gainfully employed. These were students, retired people and any other citizen who could show that he/she had sufficient resources to be able to live and support themselves in the host country.

The general right of nationals of one Member State to reside in another is now enshrined in the Maastricht Treaty on European Union in the chapter entitled 'Citizenship of the Union'.

These rights, subject to certain conditions set out in the Treaty and in EU legislation, also include the right to vote and stand as a candidate in local or European elections in one's country of residence under the same conditions as nationals of that country.



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The leaflet describes the actions taken to provide the citizens of the EU with full freedom of movement without sacrificing security and protection: notably cooperation to fight criminals, terrorists and drugs and common action in the fields of immigration, asylum and visa policy.

# booklets and leaflets



# Europe on the move

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