

Brussels, 29 September 2010

European Commission assesses recent developments in France, discusses overall situation of the Roma and EU law on free movement of EU citizens

As announced earlier this month, the European Commission today assessed recent developments in France and discussed the overall situation of the Roma and EU law on free movement of EU citizens.

The Commission heard presentations by Vice-President Viviane Reding, responsible for Justice, Fundamental Rights and Citizenship, Commissioner László Andor, responsible for Social Affairs, Employment and Inclusion, and Commissioner Cecilia Malmström, responsible for Home Affairs.

The Commission concluded the following:

1. The right of every EU citizen to free movement within the Union is one of the fundamental principles of the EU. As the guardian of the Treaties, it is the Commission's duty to ensure its full and effective implementation by all Member States.
2. The Member States are responsible for and entitled to take the measures to protect public safety and public order on their territory. In doing so, they must respect the rules laid down in the 2004 Directive on Free Movement, the fundamental rights of EU citizens and avoid discrimination, notably on grounds of nationality or the belonging to an ethnic minority.
3. Recent developments in France have led to a detailed exchange between the Commission and the French authorities on the application of EU law on free movement of people. The Commission took note today of the assurances given by France at the highest political level on 22 September 2010 that
 - Measures taken by the French authorities since this summer did not have the objective or the effect of targeting a specific ethnic minority, but treated all EU citizens in the same manner;
 - The administrative instruction ("circulaire") of 5 August 2010 that was not in conformity with this orientation was annulled and replaced by a different instruction on 13 September 2010;
 - The French authorities fully ensure an effective and non-discriminatory application of EU law in line with the Treaties and the EU Charter of Fundamental Rights.
4. The Commission noted equally that France reaffirms its commitment to a close and loyal cooperation on these matters. The Commission will pursue the exchange with the French authorities and is sending a letter to the French authorities with detailed questions regarding the practical application of the political assurances provided.

5. In order to provide legal certainty to Member States and EU citizens, in particular in controversial situations, it is of utmost importance that the procedural and substantive safeguards included in the 2004 Directive on Free Movement are fully and correctly transposed by and in the Member States. At this stage, the Commission considers that France has not yet transposed the Directive on Free Movement into national legislation that makes these rights fully effective and transparent. Therefore, the Commission decided today that it will issue a letter of formal notice to France requesting the full transposition of the directive, unless draft transposition measures and a detailed transposition schedule are provided by 15 October 2010. The letter of formal notice would be sent in the context of the October 2010 package of infringement procedures.
6. At the same time, the Commission is analysing the situation of all other EU Member States under the Directive on Free Movement to assess whether it will be necessary to initiate infringement proceedings also in other cases. Consequently, it will send a letter of formal notice in similar cases also in the context of the next packages of infringement procedures.
7. The Commission reiterated today that the social and economic integration of the Roma represents a common challenge and a common responsibility for all EU Member States. The Commission's Communication on this issue adopted on 7 April 2010 lists a series of important measures that need to be taken at national and EU level to improve the situation of the Roma as quickly as possible.
8. To this effect, and on the basis of the work of the Roma platform and of the Roma Task Force set up by the Commission on 7 September 2010 to analyse the use and effectiveness of EU and national funds by all Member States for Roma inclusion, the Commission will present an EU Framework for National Roma Integration Strategies in April next year. This EU Framework, based on the report of the Roma Task Force, will notably assess the use of national and European funding and make proposals for a more effective implementation of EU funds in tackling Roma exclusion for the current and forthcoming programming periods. The multidimensional problems of Roma minority will be dealt with in the context of the ten basic principles of the Communication for Roma inclusion and within the frame of enhanced cooperation among all stakeholders. In addition, the EU Framework will seek to ensure a more efficient monitoring of and support to national and European efforts with regard to Roma integration. To that end, and in the frame of the Europe 2020 Strategy, the Commission will invite Member States to present their own national strategies for the inclusion of Roma which could feature in their national reform programmes. The forthcoming flagship initiative on a "Platform against poverty" will constitute an integrated framework of actions to support horizontal priorities such as the integration of Roma citizens. The European Commission also expects Member States to be explicit and ambitious about Roma when setting their national Europe 2020 targets in the fields of poverty reduction, employment and education.
9. The Commission will closely work together with all EU Member States in the preparation of the EU Framework for National Roma Integration Strategies. The EU's Fundamental Rights Agency will be associated to this work.
10. The Commission will report on progress made to the European Parliament and the European Council before summer 2011.