



**ETTW**  
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**EU2015.LV**

Latvian Presidency  
of the Council of the  
European Union



**European Economic and Social  
Committee**

## **BASIC EUROPEAN RIGHTS TO FREE MOVEMENT UNDER THREAT**

**Conference organised jointly by Europeans throughout the World (ETTW) and the European Economic and Social Committee (EESC) in cooperation with the Latvian EU Presidency**

**27 January 2015**

**European Economic and Social Committee, Room VMA3, Rue Van Maerlant 2, 1040 Brussels**

### **MINUTES**

In their welcome speeches, **Maureen O'Neill**, President of the EESC Section for Employment, Social Affairs and Citizenship, and **Niels Thøgersen**, President of the ETTW, stressed the importance of free movement to European integration. Free movement was one of the main achievements of the EU and an integral part of the European peace project. It should therefore be a political priority to defend this right. Reference was also made to the conference scheduled to take place in Riga on 11-12 May on "How to improve intra-European mobility and circular migration?".

#### **FIRST PANEL: CLARIFYING THE POLITICAL AGENDA**

**Zanda Kalniņa-Lukaševica**, Parliamentary Secretary at the Latvian Ministry of Foreign Affairs: Ms Kalniņa-Lukaševica stressed that the Latvian presidency strongly supported the conference's focus on the rights of free movement and how to defend them. Research, including a 2013 study from the European Commission, showed that economically active mobile citizens contributed positively overall to the economy of their host countries. Labour mobility in the internal market stimulated growth. There was no evidence that "benefit tourism" was widespread, and free movement was not unconditional but regulated by the EU to prevent abuse. It was important to the Latvian Presidency to ensure that the free movement of workers was not called into question as it was of fundamental importance to the internal market and the construction of the EU. The Latvian presidency was open to discussing how to improve the conditions for free movement but the basic principles were not up for debate. Mobility was a key component in creating a Competitive Europe which, along with a Digital Europe and an Engaged Europe, formed the three priorities of this EU presidency.

**Marie-Hélène Boulanger**, Head of Unit, DG JUST, European Commission: Ms Boulanger stated that the number of mobile citizens was on the increase, from 1.3% in 2003 to 2.6% in 2012 (14 million). In

Luxembourg, for instance, more than a third of the population came from abroad. Free movement provided for interaction and better mutual understanding between EU citizens, and it generated growth and prosperity. According to Eurobarometer data, freedom of movement was considered the EU's greatest achievement. Referring to the Residence Directive (2004/38/EC), Ms Boulanger also stressed that the right to free movement was not an unconditional right. In 2013, the Commission had adopted a communication on free movement with facts and figures, clarifying the conditions for access to benefits and addressing some of the main challenges faced by local authorities. An on-line tool had also been established. Ms Boulanger stressed that the democratic participation of mobile citizens was an important pillar of the EU. Mobile EU citizens could stand as candidates and vote in local and European elections. The actual participation of mobile citizens remained limited, but in the last European elections the number of candidates from other EU countries almost doubled. The Commission would soon publish a report on the 2014 European elections. One issue that needed to be addressed was the fact that some mobile citizens lost their right to vote in national elections when they moved to another EU country. There had been certain improvements after the Commission issued guidance to Member States on this matter in early 2014.

**Jörg Tagger**, Acting Head of Unit, DG EMPL, European Commission, on [Free movement of labour](#) [presentation]: Mr Tagger presented a range of statistical information on intra-EU mobility. 8 million of the economically active were mobile citizens, representing 3.3% of the total EU labour force. These figures were low compared to economically active third-country nationals living in the EU (10.6 million or 4.3%) and to mobile citizens in the US. The overall impact of labour mobility was positive (contribution to the skill mix, filling of labour shortages, GDP, net contribution to the budget of the host state) but it did pose certain challenges for the host countries (pressure on health services, schools, housing, transport, risk of abuse of mobile workers and social dumping) as well as for the countries of origin (lower GDP, young people leaving, loss of skills in certain sectors). Negative perceptions of mobility – such as brain drain and abuse of social benefits by mobile citizens – were not borne out by the statistical evidence available. The intention was to promote a real debate on mobility based on facts and figures and less on perceptions. In 2015, the Commission would adopt a Labour Mobility Package that would address some of the negative effects of mobility.

During the ensuing debate, some of the issues raised were: the question of linguistic support for mobile citizens, the right to vote in national and European elections and how to counter misperceptions of free movement.

## **SECOND PANEL: COLLATING THE EVIDENCE**

**Andris Gobiņš**, Latvian member of the EESC: Mr Gobiņš introduced the second panel, mentioning that he was a living example of circular migration himself, having returned to live in a country that his parents were forced to leave.

**Laurent Aujean**, Project/Process Officer – Statistics, DG EMPL, European Commission, on [Collating the evidence about free movement of workers](#) [presentation]: Mr Aujean briefly outlined some of the difficulties involved in collecting data on mobile citizens and further elaborated on the statistical evidence presented by Mr Tagger. With the exception of Luxembourg, the inflow in most destination countries remained relatively low (in most cases under 4%), whilst the outflow from Romania, Lithuania, Latvia, Bulgaria and Poland had been significant (between 5.1 and 10.8%). Patterns were changing, however, as mobile citizens from Romania and Poland were staying in the host countries for shorter periods of time. Mobility reacted to labour market needs: From 2008 to 2013 more mobile citizens had come to Germany, whilst their numbers had dropped significantly in countries such as Spain and Ireland. There had been an increase in the mobility of highly qualified people from 2008 to 2013: from 27% to 41%. Brain drain could not be considered a general phenomenon, but there was an overrepresentation of highly qualified people from Southern and Eastern European countries among mobile citizens. Mr Aujean pointed out that mobile citizens, generally speaking, were more economically active and had a higher employment rate than the host population, although the situation could look different in some Member States.

**Raymond Xerri**, ETTW, on [Basic European rights to free movement under threat](#) [speech]: Mr Xerri explained that the ETTW was conducting a research project on the European diaspora and the situation concerning diaspora government structures and statistics. The European diaspora directly or indirectly affected a vast number of European citizens, between 80 and 150 million people. The project involved a five-page questionnaire which had been sent to all 47 member states of the Council of Europe. The main aim was to get a more holistic picture – at macro and micro level – of mobile citizens and their reasons for moving. The main question addressed to the governments was whether there was any federal or governmental structure in place to deal with nationals living abroad. ETTW encouraged countries without such structures to seek advice from the ETTW and European countries with good practices, such as Malta. The Directorate for Maltese Living Abroad was a structure under the Maltese Ministry of Foreign Affairs, and its aim was to protect the interests and welfare of around one million Maltese or people of Maltese descent living abroad. The Fourth Convention of Maltese Living Abroad would be organised in Valletta in two months' time. Mr Xerri praised the first steps taken by the Latvian government to put the diaspora question firmly on the EU agenda.

**Tony Venables**, Expert, on [Free movement of people within the European Union under threat](#) [document]: Mr Venables argued that the threats to the freedom of movement had never been higher and stressed that vigilance – in particular from the younger generations – was needed. There was a real risk that the introduction of barriers would be allowed to convince EU Member States to remain part of the European project. He made six suggestions as to how to counter the strong bias in the present debate against free movement: 1) Emphasis should be put on the aggregate figures showing that free movement was beneficial to all parties involved, although patterns were very uneven within the EU and general perceptions would always be contradicted by local facts on the ground; 2) it should be stressed that free movement was not a new invention, but well-rooted in the

EU acquis and had also developed overtime, becoming more diverse; 3) more local statistics should be provided as local authorities had few facts on which to base their forecasts of pressures on services etc.; 4) a more even-handed approach to combatting abuse of free movement rights was needed, with a stronger focus on better application of both European and national labour law to prevent local employers from undercutting wages; 5) there should be more emphasis on prevention of abuse and rapid enforcement procedures should be put in place, and 6) the EU should set up a Free Movement Solidarity Fund.

During the debate, the following issues were discussed, inter alia: short term mobility, the definition of “economically active”, the brain drain and the role of the Commission in gathering statistics on migration.

### **THIRD PANEL: COMBATING SCAREMONGERING ABOUT FREE MOVEMENT AND MIGRATION**

After having been presented by Niels Jørgen Thøgersen, **Pēteris Elferts**, Ambassador at Large of the Ministry of Foreign Affairs of Latvia, gave the floor to the first speaker.

**François Baur**, Delegate of the Swiss Abroad, on [Free Movement of persons and the request to introduce quotas for immigration in Switzerland - How to square the circle?](#) [presentation]: Mr Baur explained that in a referendum on 9 February 2014, Swiss voters had decided that Switzerland should introduce quotas for all immigration categories and denounce all international agreements incompatible with this, including the agreement with the EU on free movement. He explained the backdrop to the referendum. Over the last five years, there had been a net inflow of 80,000 per year. Since 2000, the population had gone up from 6,5 million to 8,2 million. 1,280,000 EU/EFTA citizens lived permanently in Switzerland (15% of the population) and there were 288,000 cross-border workers. The unemployment rate was 4,8%, compared to 9,8 in the EU, and the unemployment rate among Swiss citizens was only 3,9%. There was no evidence of immigration causing social dumping (lower wages) or Swiss citizens being pushed out of the labour market as a result of immigration. Also, Swiss workers profited from the social contributions of non-Swiss workers (pension funds and invalidity insurance), and immigration had bolstered social insurance schemes which would otherwise have been in deficit. However, non-Swiss workers benefitted slightly more from unemployment insurance than Swiss citizens, due to the fact that their employment rate was higher. Mr Baur concluded by saying that, all in all, Switzerland had benefitted greatly from immigration and that the concern expressed in the referendum was not about the economy or social concerns, but rather a matter of attitudes towards immigration as such in a country with 20% foreigners.

**Sybe de Vries**, Coordinator for the bEUcitizen project, University of Utrecht, on [FP7-bEUcitizen project – Barriers towards European citizenship](#) [presentation]: Mr de Vries drew up a fictitious example to show the various difficulties a European citizen might encounter when exercising the right to free movement. The aim of the bEUcitizen consortium was to develop and stimulate

academic research among lawyers, political scientists, historians, social scientists, economists and philosophers on the vastly diverse concept of citizenship. The EU seemed to grant rights in the hope that a shared European identity would develop over time. But it was not that simple to go from a legal concept to a social practice, he said, and the emphasis in the EU on free movement might create a gap between insiders (those having rights and knowing and exercising these rights) and outsiders. There was also an extension of rights taking place in the EU – from purely economic rights to other rights, such as those enshrined in the Charter of Fundamental Rights. Giving citizens more rights, however, also implied leaving a greater margin of interpretation to the courts, which could undermine transparency and ultimately democracy. At the same time, there were various restrictions and conflicts to take into consideration – privacy versus security, protection of languages versus the right to work or set up a business, intellectual property rights etc. The question was whether European citizenship reinforced such tensions. It would therefore also be interesting to look into alternative forms of citizenship.

**Anthony Valcke**, Legal Consultant, European Citizen Action Service, EU Rights Clinic/ECAS, on [Seven strategies to improve free movement](#) [presentation]: Mr Valcke explained that the starting point for the present challenges to free movement of persons was the [letter](#) from the Austrian, German, Dutch and British governments to the Irish presidency in April 2013 calling for restrictions on free movement because of “systematic abuse”. In Belgium 2,700 EU citizens had been told to leave the country in 2013, and anti-European parties had capitalised on such trends, with the French National Front calling for free movement to be abolished altogether. A deterioration of citizenship rights was taking place and the real fear was that governments would ally themselves with anti-European groups in the European Parliament. The EU Rights Clinic had presented seven strategies to improve free movement of persons: 1) The Residence Directive (2004/38/EC) should be changed into a Regulation; 2) the Commission’s powers of investigation should be strengthened; 3) Member States should collate better statistics on the effects of free movement of persons; 4) Member States should enhance their collaboration on the free movement of persons; 5) civil society organisations should be empowered to help citizens overcome obstacles; 6) judgments of the Court of Justice prior to 2004 should be translated into all languages, and 7) a pro free movement “counterfactual” should be drawn up to refute anti-migrant rhetoric.

**Jean-Michel Lafleur**, Researcher, University of Liège, on [Restrictions in access to social protection of new EU migrants to Belgium](#) [presentation]: Mr Lafleur focused on Belgium as an example of an EU country actually limiting free movement. He pointed to three revealing patterns: Firstly, controversies surrounding mobility were not new. In the 19th century, Belgian workers were subject to violence in Northern France where they were accused of instigating social dumping, and there were fears of social dumping in Belgium when Spain and Portugal joined the European Community in the 1980s. This was also the point at which researchers started to look more thoroughly into these questions – in the form of the so-called “welfare magnet hypothesis”. What research had convincingly shown was that migration decisions were not based on one single element such as welfare. In fact, welfare played a marginal role in this context. Secondly, controversies about

“welfare tourism” were largely misplaced. What was certain was that serious discrimination against EU citizens and third country nationals took place, with Belgium among the worst offenders, having great difficulties placing foreigners on the labour market. Instead of addressing barriers, Belgium had begun expelling unemployed EU citizens, allegedly in accordance with the Residence Directive, and even targeting young foreigners working on state-funded projects. There has been a huge increase in such expulsions from practically none in 2008 to 2,700 in 2013. Most of the EU nationals concerned were from Romania, Bulgaria, Spain and Italy, and interestingly this practice had only received attention once citizens from old Member States were targeted. And thirdly, these controversies were part of a bigger picture which also very much concerned non-mobile EU citizens. In Belgium, the changes formed part of a larger reform or deterioration of the welfare system.

**Zeta Georgiadou**, Deputy Head of Unit, DG JUST, European Commission, on [Welcoming policies for mobile EU citizens – Best practices](#) [presentation]: **Ms Georgiadou** explained that action at grass roots level could be an essential element in a new positive narrative of free movement. Negative perceptions were based on alarmist tabloid headlines and populist discourses, but also fed by anecdotal evidence about strains on local services, homeless people sleeping in the park etc. The solution was not to ignore these phenomena, nor to restrict free movement, but to address the root causes which were often to do with discrimination, poverty and the exploitation of EU mobile workers. There was a need for facts and figures, but also for good examples as to how challenges could be addressed. With a view to helping local authorities to share best practices, the Commission had commissioned a [study](#) on the impact of the free movement of EU citizens at local level. Six cities promoting a “welcome culture” had been selected as case studies: Barcelona, Dublin, Hamburg, Lille, Prague and Turin. All in all, EU mobile citizens appeared to contribute positively to the overall economy of the host cities although they also created a certain pressure on housing and education for instance. Ms Georgiadou described a number of good practices in the six cities, including a one-stop shop in Hamburg which provided mobile citizens with all the necessary information, and anti-rumour agents in Barcelona efficiently combating unfounded stereotypes of foreigners. What the study found was that the attitudes toward inter-EU mobility had improved in all cities thanks to proactive policies. It was the Commission’s hope that policies with a high potential for replication and inspiration could serve to develop a positive attitude towards free movement at large and encourage local and national authorities to take ownership of free movement and reap the benefits.

During the debate, the following issues were discussed, inter alia: The right to vote in national elections, the significance of the European Convention of Human Rights in this context, the fiscal impact of migration and the uneasiness about migration that was felt in Switzerland.

## CONCLUSION

Latvian MEP **Krišjānis Kariņš** stressed the importance of keeping the issue of free movement high on the political agenda and not giving in to the populist practice of blaming the classical scapegoat – the migrant. In his closing remarks, **Niels Thøgersen** stressed that the ETTW would prepare an action

plan with concrete proposals for the European institutions and the Latvian presidency. He said that he very much hoped that there would be a clear statement on free movement in the presidency conclusions in June.

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