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Free movement of persons in the European Union and the Belgian case

ABSTRACT

Introduction

This work is aimed at stimulating the attention of the readers on the importance of free movement of persons in the European Union, a fundamental right guaranteed to European citizens. Nowadays, European people can leave and travel through the different Member States of EU without many limits. It is possible to consider that the intra-European migration and the national one are at the same level because people can move and reside wherever they want in Europe and they have the same rights of the host Member State's citizens. The aim of this document is to analyze free movement's evolution and limits and to understand if these limits are an obstacle to Europe's integration process. For this purpose, it is important to analyze the case of Belgium and its immigration policies.

First chapter

The first chapter focuses on the definition of free movement of persons and on the evolution of its policies.

Firstly, it analyzes the Treaty of Rome of 1957, where free movement of persons is subordinated to the capacity of people to be economically active and to participate as

workers to the market. So, it is possible to understand that there is an economic limit to the freedom of movement of people. However, as the years have gone by, this right has been extended to everyone – workers, students and tourists – until the establishment of European citizenship through the Treaty of Maastricht in 1992. European citizenship is linked to the national one. In fact, the criteria of acquisition or loss of European citizenship depend on the modalities that the States use for their national citizenship. So, not only is the European citizen considered as an economic subject, but he/she is also considered as a political subject who effectively participate in Europe's integration process, thanks to many rights provided by European citizenship.

Secondly, it analyzes the evolution of new rules and new policies during the new millennium that brought to a consolidation of the freedom of movement, such as the Directive 2004/38/EC, the Programme for Employment and Social Innovation and Erasmus Plus. Nevertheless, it is essential to highlight that there is still the economic limit that conditions European citizens' stay. In fact, the Directive 2004/38/EC establishes some economic conditions for the people who want to stay in another Member State for a period of at least three months. It is not important if a citizen is a worker or not, but it is important that he/she has sufficient resources for themselves and for the members of his/her family to ensure that they do not become an excessive burden on the social services of the host Member State.

Second chapter

In the second chapter, I proceeded to analyze the case of Belgium. Since 2010, the Belgian authorities have implemented a very strict immigration policy. In fact, they have issued many expulsion orders to European citizens and their families. In 2013, the number of expulsion reached 2712 citizens who were accused of being a burden on Belgian social services. The Belgian case ignited many debates because Belgian policies appeared to be an abuse of the Directive 2004/38/EC. The legislation of 2004 does not specify the amount of the excessive burden. Member States have to analyze each case and, after that, they can establish if the case analyzed is an excessive burden. Hence, the problem that arises is that the other Member States could take a leaf out of

Belgium's book and, through their strict immigration policies, they could endanger the freedom of movement of people as fundamental right and Europe's integration process. It is important to highlight that Belgium is one of the founding members of European Union and it has always supported Europe's integration process. Belgium is not against European integration but it considers it very important to protect the economy and to make a fair competition excluding people who slow down economic growth.

Conclusion

The present document illustrates the evolution of free movement of persons in EU as a fundamental part of the European integration process. It is essential to underline that this process started between groups of States who were usually in conflict with each other. Economic interests helped these countries shift peacefully from conflict to the integration process. Hence, it is easy to understand that economic constraint characterized and still characterizes the freedom of movement of people. A recent example is the Belgian case which sparked many debates that are not over yet. In despite of that, the European Parliament approved a resolution about free movement of people last January, where the parliamentarians underlined the importance of this right. Through this measure, European institutions highlighted their willpower to continue European integration process and it is possible that they will modify European rules about the freedom of movement of people to remove the economic limit and the obstacles to integration process.