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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 110(2) of the Rules of Procedure

on the situation of the Roma people in Europe and violation of the law on
freedom of movement

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European Parliament resolution on the situation of the Roma people in Europe and violation of the law on freedom of movement

The European Parliament,

- having regard to its resolutions of 25 March 2010 on the second European Roma Summit¹, of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU², of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy³, of 31 January 2008 on a European Strategy on the Roma⁴, of 1 June 2006 on the situation of Roma women in the European Union⁵ and of 28 April 2005 on Roma in the European Union⁶,
 - having regard to Articles 2 and 3 of the Treaty on European Union (TEU),
 - having regard to Article 21(1) of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the Charter of Fundamental Rights of the European Union, especially Article 19(1) thereof,
 - having regard to the European Convention on Human Rights, especially Article 4 of Protocol No 4 thereto,
 - having regard to Directive 2004/38/EC⁷ on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,
 - having regard to Directive 2000/43/EC of 29 June 2000⁸ implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
 - having regard to the Commission communication of 7 April 2010 on the social and economic integration of the Roma in Europe⁹,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas freedom of movement for persons is one of the fundamental freedoms enshrined in European Union law and includes the right of EU citizens to move to another EU Member State in order to work or settle there, together with their families, under

¹ P7 TA-PROV(2010)0085.

² P6 TA(2009)0117.

³ P6 TA(2008)0361.

⁴ P6 TA(2008)0035.

⁵ P6 TA(2006)0244.

⁶ P6 TA(2005)0151.

⁷ OJ L 158, 30.4.2004.

⁸ OJ L 180, 19.7.2000.

⁹ COM(2010)133.

conditions envisaged in Directive 2004/38,

- B. whereas in July 2010 the French authorities started to dismantle and evacuate a number of camps set up by Roma people, being citizens from certain EU Member States, allegedly staying illegally in France,
- C. whereas some 700 people were reportedly returned to their country of origin, mostly on the basis of a voluntary scheme, by means of flights scheduled for the purpose on 19 and 26 August, with another flight planned for the end of September,
- D. whereas, like other Member States, France is within its rights to apply Directive 2004/38/EC on freedom of movement within the EU in accordance with the conditions attached thereto,
- E. whereas the EU has taken a series of measures on the social inclusion of Roma and has allocated a specific budget for this purpose, but these measures have so far failed to achieve sufficient results,
- F. whereas the social and economic exclusion of Roma is a European issue and requires a European strategy,

I. European Roma strategy

1. Calls on the Commission and the Member States to adopt and implement a European Roma strategy that delivers, in particular, the following measures:
 - the development of an action plan based on wide-scale cooperation among EU institutions and Member States as well as other stakeholders,
 - clear indicators, deadlines and benchmarks to evaluate progress,
 - proper monitoring mechanisms to ensure the effective use of financial and human resources,
 - the involvement of Roma communities in all aspects of planning, implementation and supervision,
 - effective local implementation, at a level as close to the Roma communities as possible,
 - adequate understanding of lessons from previous initiatives, in order to avoid the repetition of mistakes and unfulfilled objectives;
2. Calls for a comprehensive development programme that simultaneously targets all related policy areas and makes immediate intervention possible in marginalised areas struggling with serious structural disadvantages;
3. Calls for clear legislative commitments and credible budgetary appropriations to facilitate the social inclusion of Roma and encourages Member States to adopt and utilise these measures accordingly;

4. Calls on the Commission to assist Member States to improve the take-up of EU funds, including by proposing ways of simplifying procedures for accessing the funds;
5. Calls on the Member States to use to the full the opportunity offered by Regulation (EC) No 437/2010 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing in favour of marginalised communities, with a view to reintegrating and sustainably developing their most vulnerable communities;
6. Calls on the Commission to assume a leading role in setting the stage for constructive dialogue among Member States regarding the Roma minority;
7. Calls for the European Platform for Roma Inclusion to be improved by becoming a formal coordination mechanism between the Commission and the Member States, with the participation of NGOs;
8. Calls on the Commission to step up awareness and information campaigns, at EU level, on Roma issues;
9. Considers that the organisation of the next EU Roma Summit would provide a good opportunity to strengthen EU efforts in relation to the situation of Roma in the Union;

II. Directive 2004/38/EC

10. Affirms that the Roma people are a minority possessing, in the main, citizenship of a Member State and are therefore subject to rights and obligations arising from Directive 2004/38/EC;
11. Emphasises that European citizens have the right to move to and settle in any EU Member State, provided that certain conditions are fulfilled – notably, for stays longer than three months, that they:
 - are workers or self-employed in the host Member State or
 - have sufficient resources not to become a burden on the host Member State and have comprehensive sickness insurance cover or
 - follow a course of study and have comprehensive sickness insurance cover;
12. Notes that the said Directive 2004/38/EC also gives Member States the right to restrict the freedom of movement and residence of EU citizens and their family members, irrespective of nationality, on grounds of public policy, public security or public health and that Member States are not obliged to inform the Commission prior to application of the public-policy clause;
13. Notes, further, that responsibility for any criminal act must be considered case by case and cannot be attributed to groups or communities;
14. Reminds the Member States that they are called upon to implement EU directives and to abide by the EU Treaties in order to safeguard democracy, the rule of law and respect for

human rights throughout the Union;

15. Expresses confidence that Article 2 TEU on the values on which the Union is founded – including non-discrimination, tolerance, justice and solidarity – is respected throughout the Union;
16. Emphasises that the expulsion of EU citizens must be carried out case by case and on the basis of the proper judicial decisions;
17. Considers that the situation of the Roma people in Europe should not affect the forthcoming accession of Romania and Bulgaria to the Schengen area;

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18. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.