Free movement of persons: report by the High-Level Panel chaired by Mrs Simone Veil

1997/2049(COS) - 18/03/1997 - Non-legislative basic document

OBJECTIVE: to put forward a series of concrete and balanced measures, presented in the form of recommendations, to improve the application of the right of free movement for persons in the EU. SUBSTANCE: The main conclusion is that, apart from a few exceptions, the legislative framework is, on the whole, satisfactory. However, cooperation between Member States needs to be improved (notably in border regions) to devote more attention to the protection of individual rights. The recommendations of the High Level Panel, chaired by Mrs Simone VEIL, focus the rights and responsibilities of European citizenship and include: - better information to raise people's awareness of their rights: this means stepping up and putting on a permanent basis the Commission's 'Citizens First' campaign in order to inform the people of their rights in the Community and find out where there are gaps in the legislation; - a new type of residence card for people temporarily in another Member State: the idea is to create a one-year card, which would be genuinely European. It would be issued by the Member State of origin, stating that the holder is covered by health insurance and has sufficient resources to cover his or her needs. It would be designed for European citizens who are neither tourists nor seeking to establish themselves. It would not give holders further rights, except social security cover for emergency health care for the duration of their stay; - more flexible interpretation by Member States of rules on residence requirements: issuing temporary residence cards which will limit access to social rights and therefore to acquiring a permanent right to stay is strongly discouraged in the report. The requirement to provide proof of sufficient resources should be made more flexible. It is proposed that a new less piecemeal and sectoral approach to citizenship be introduced. The objective is eventually to treat all European citizens (whether or not they are workers) as equal; - easier access to employment in other Member States: EURES (European Employment Services) should be developed in order to reach more citizens with more job offers across borders. Measures are also needed with regard to recognition of diplomas: people should be better informed of their rights and mutual trust between professional bodies and Member States' authorities should be strengthened. The report also recommends rapid adoption of the lawyers' directive and legislation to enable recognition of professional experience; - narrower definition of public service posts reserved for nationals: an agreement should be concluded between Member States on what constitutes a 'reserved' post and which state activities should be open to nationals from other Member States; - a need to modernize social rights (regulation 1408/71/EEC), in particular with regard to pensioners: the report recommends the 'exportability' of pre-retirement benefits (in particular by adopting a proposal which has been pending before the Council for 12 years, in the absence of unanimous decision). Social security provisions should not only concern people permanently working, living or retiring to other Member States, but also tourists, students and elderly people on short stays abroad. The report also proposes a more flexible approach to the system of forms for access to health care in another Member State (E111, E112) and advocates the development of interoperable 'smart' national social security cards; - more flexible rules to allow regrouping of families: the report recommends filling two main gaps in the existing legislation: there is no reason to deny children of more than 21 years of age or dependent relatives in the ascending line the right to join their family in another Member State, family reunification should cover new forms of 'cohabitation' (new definition of 'spouse'); - more emphasis on language training and cultural exchanges: learning other Community languages is the key to fully applying freedom of movement. Exchange programmes should be improved and made more accessible to young people, in particular by creating the new one-year residence card which will help facilitate mobility; - greater equality in tax treatment: tax matters governed by bilateral agreements should be consistent with cross-border social security rights at Community level (in particular to avoid double taxation). The report also recommends defining a legal basis to eliminate tax barriers and a common definition of residence for tax purposes. The taxation of frontier workers also needs to be clarified; - improving the situation of legally resident third country nationals: irrespective of Member States' immigration policies, certain provisions of Regulation 1408/71

/EEC should be extended to legally resident third country nationals in a Member State. Their families should be treated in the same way as the families of Community citizens as regards family reunification and a right of residence should be recognized for a divorced spouse who is a third country national; - new means of redress for individuals with problems applying their rights and improved access to existing channels: the report suggests including in the Treaty an article on the right to information. To help citizens become aware of the means of redress available, the report suggests setting up contact points providing information and appropriate help. Specific training should be provided for officials responsible for free movement in the Member States and the legal profession. Citizens should also be better informed of the existence of the European Parliament's Committee on Petitions and the Ombudsman; - a single Commissioner responsible for freedom of movement: all the services dealing directly with the free movement of persons (including complaints) should be brought under a single Commissioner in order to clarify the situation and avoid unnecessary division of responsibilities.