Free movement of persons: right of residence (direct. 90/364/EEC, 90/365/EEC, 93/96/EC, 64 /221/EEC)

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PURPOSE : to provide an assessment of the implementation of the three Directives on the right of residence of students, retired persons and other persons not engaged in an economic activity. CONTENT : this report has been produced by the Commission in fulfilment of its obligation to report to the European Parliament and the Council on the application of the three Directives (90/364, 90/365, and 93/96) aimed at extending the the right of residence to all Community nationals, even if they have sickness insurance and sufficient resources to avoid becoming a burden on the social assistance system of the host Member State. It should be noted that the three Directives also apply in the European Economic Area and that the EFTA Surveillance Authority is in the process of drawing up a report on the application of the Directives in Norway, Iceland and Liechtenstein. The Commission report on the implementation of the above mentioned Directives contains four sections : 1) a brief summary of the content of the Directives; 2) an examination of their transposition into national law from the point of view of both the deadlines involved and the content of the national measures adopted; 3) an analysis of the practical application of the Directives based on information provided by the players involved: the citizens of the Union and the authorities responsible for residence matters; 4) an assessment of the application of the Directives on the right of residence, with an outline of areas for future discussion and action to ensure that the right of residence works better in the future. This report aims to provide an assessment of the implementation of the aforementioned Directives. The first part of the assessment focuses on the transposition of the Directives: - with regard to the content of the transposition measures, the Commission was obliged to commence infringement proceedings against fourteen Member States for incorrect transposition, an abnormally high dispute rate in view of the measures concerned. Most of the proceedings were terminated, some more quickly than others, after the Member States amended their legislation. However, the Commission was obliged to refer to the proceedings against two Member States to the Court of Justice in 1998. The second part of the assessment of the implementation of the Directive deals with the experiences of the players involved, i.e. the citizens and administrations in the Member States: - the complaints received by the Commission and petitions to the European Parliament provide valuable information about the difficulties encountered by citizens arising from the application of the Directives. These difficulties include uncertainty with regard to the procedures to be followed, the length and complexity of the steps required to obtain a residence permit, and difficulty in meeting the conditions with regard to sickness insurance and resources. Furthermore, the Commission has drawn up preliminary conclusions in the following four areas from its assessment ofthe implementation of the Directives: - step up the effort to inform citizens; - continue to ensure strict compliance with existing Community law; - make Community legislation on freedom of movement of persons clearer and restructure it around the notion of Union citizenship; - begin discussions on substantive changes to existing legislation.