

**Mădălina COȚIU**

# **How free is the Freedom of Movement Transitional Arrangements and Beyond**



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Freedom of Movement?  
Transitional  
Arrangements and  
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**Lumen**

Iași, 2010

Mădălina COȚIU

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goal inten ionat

*To all those nice people*

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## **List of Abbreviations**

- A2 – Romania and Bulgaria  
A8 – Poland, Czech Republic,  
Hungary, Slovenia, Slovakia,  
Latvia, Lithuania, Estonia  
CEEC(s) – Central and Eastern  
European Country(ies)  
CFSP – Common Foreign and  
Security Policy  
EEA – European Economic Area  
EU – European Union  
EURES - The European Job Mobility  
Portal  
EU15 – European Union Member  
States as to 31<sup>st</sup> December 2003  
JHA – Justice and Home Affairs  
OMC – Open Method of  
Coordination  
TA – Transitional Arrangements  
UK – United Kingdom  
WRS – Workers Registration Scheme

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## **Introduction**

The founding fathers created the European Union as a space of freedom and justice, which by bringing peace and economic prosperity was meant to prevent Europe from ever facing the destruction caused by the two World Wars. At first the emphasis was placed on the economic integration and one of its key elements was represented by the freedom of movement. The free movement of goods, capital, services and people was first mentioned in the Treaty of Rome and is also the guiding principle of the Single European Market. The free movement of persons is the first of the four rights defining the European Citizenship and therefore also an element of the political union.

Despite being perceived as the first and foremost asset of the European Union by half of its citizens<sup>1</sup>, the ‘freedom to travel, study and work anywhere in the EU’ has nonetheless generated many debates among the Member States. This is because, while the free movement of goods, capital and services has mainly economic implications, the free movement of people is perceived as affecting one of the defining elements of national sovereignty: borders control and also comes at the forefront of the supranationalist - intergovernmentalist debate.

The 2004 enlargement was the first time so many countries joined the Union at once and many questions were raised regarding the

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<sup>1</sup> European Commission, *Standard Eurobarometer 67*, Spring 2007, available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb67/eb67\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.pdf), accessed 20<sup>th</sup> January 2008, p.90

Union's ability to manage enlargement effectively. Concerns also considered the economic situation of the New Member States, which, despite very good economic growth rates, still lagged behind the average European GDP/capita. Furthermore, enlargement also meant 100 million new European citizens, that could benefit from the right to move and reside freely in a Member State of their choice as part of their citizen rights. It is because of these recent developments that this paper finds its importance and justification.

The elements mentioned above re-opened discussions on the freedom of movement. This time, however, it was no longer perceived as the main asset of the European Union, but, on the contrary, as that provision of the accession negotiations which generated most fears among ordinary EU citizens. The main concerns were that mass migration from the Central and Eastern European Countries would

have negative effects on the Member States' labour markets, already confronted with high levels of unemployment and therefore jeopardise their nationals employment opportunities. Governments thus took immediate action to calm the public opinion and decided to safeguard their labour markets by restricting the new Member States' citizens access.

Taking these factors into consideration, the main purpose of this study is to analyse the rationale behind the Member States' decision to restrict access on their labour markets, as well as the European Union's inability to adopt a common position on the matter. These aspects are worth discussing as they raise a series of questions relating to what European citizenship actually means, since the new Member States citizens were denied one of the rights that defines it, what are the implications in terms of identity and efforts to develop a 'people's Europe' and how do the interactions between domestic

and international interests affect decision-making at the European level. The study will attempt to establish to what extent was the decision to impose transitional arrangements justified and what effects did the lack of coordination between Member States have on the process of deepening integration and solving the Union's democratic deficit problems.

The argument will first follow the main characteristics of the freedom of movement as well as some of its implications in terms of identity and the development of a common European citizenship, while at the same time stressing the difference between intra and extra-EU migration.



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