

# **The situation of Roma in France and in Europe**

**Joint Information Note by  
Vice-President Viviane Reding, Commissioner László Andor  
and Commissioner Cecilia Malmström**

**1 September 2010**

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During the past few weeks, the situation of the Roma, and in particular the developments in France, have attracted the attention of policy-makers at both national and EU levels. Both upholding public order and ensuring the social and economic integration of Roma is primarily a responsibility of each Member State. However, relevant European Union law, notably the rules on free movement and non-discrimination as well as the EU Charter of Fundamental Rights, need to be complied with. In addition, over the past years, the European Union has been making available substantial funding possibilities (especially under the European Social Fund) to support and complement Member States' activities on Roma integration, notably regarding education, housing, health and access to employment, even though use of these funds by Member States remains uneven. It is against this background that, following recent events as well as a working meeting with the French<sup>1</sup> and Romanian authorities<sup>2</sup> on 31 August, we – as Commissioners for Justice, Fundamental Rights and Citizenship, for Employment, Social Affairs and Inclusion and for Home Affairs – are informing the College of Commissioners today about the situation of Roma in France and in Europe.

## A. The situation of Roma in Europe today

1. Roma<sup>3</sup> represent the largest ethnic minority in the European Union. There are some 10 to 12 million in the EU, candidate countries and potential candidates. 80% of the Roma population is sedentary and is mainly resident in Bulgaria, Hungary, Romania and Slovakia.
2. Roma are disproportionately affected by unemployment, poverty, bad housing, poor health standards, violence and discrimination. A Eurobarometer in 2008 showed negative attitudes to Roma are far more prevalent than for any other ethnic group or minority.<sup>4</sup> A 2009 survey on discrimination by the Fundamental Rights Agency reported that half of Roma respondents had experienced discrimination in the previous twelve months and a fifth had been the victim of racially motivated crime.<sup>5</sup> Many Roma live in substandard, segregated housing and accommodation. Roma children are more likely to be taught in segregated schools, to have poor attendance records, and to leave school early. Differences in living standards have made the prospect of intra-EU mobility attractive also for Roma.

<sup>1</sup> With Eric Besson, Minister for Immigration, and Pierre Lellouche, Secretary of State for European Affairs.

<sup>2</sup> With Valentin Mocanu, State Secretary, Ministry of Labour, Family and Social Protection; Bogdan Aurescu, State Secretary, Ministry of Foreign Affairs; and Valentin Fatuloiu, State Secretary, Ministry of Internal Affairs.

<sup>3</sup> The term 'Roma' is used to refer to Roma, Sinti, Kalé, Travellers and related groups in Europe, and covers the wide diversity of groups concerned, including groups which identify themselves as Gypsies. This usage is in line with the terminology of other international bodies including the Council of Europe.

<sup>4</sup> Eurobarometer survey 296 of July 2008 – "around a quarter (24%) of Europeans would feel uncomfortable having a Roma neighbour: a striking difference to the level of comfort with a person from a different ethnic origin in general (where only 6% would feel uncomfortable)".

<sup>5</sup> EU Fundamental Rights survey on EU Minorities and Discrimination – the Roma – November 2009.

## B. Recent developments in France

3. On 28 July 2010, the French authorities announced in an official press release<sup>6</sup> a series of measures dealing with the situation of Travellers and Roma ("gens de voyage et Roms") with a view to:
  - a. Dismantling 200 illegal settlements in France within three months notably due to the "situation of lawlessness" linked to such settlements: illicit trafficking and exploitation of children for begging, prostitution or crime, and the violation of property rights;
  - b. Reforming existing French law enabling a more efficient process of dismantlement of illegal settlements in the future;
  - c. Removing from France EU citizens from Eastern Europe, mostly from Romania and Bulgaria, in irregular situation;
  - d. Repatriating them and paying, in this context, an "aid to return" and to resettlement<sup>7</sup> of €300 per adult and €100 per child;
  - e. Using from October 2010 a data base named OSCAR to collect the fingerprints of the recipients of the "aid to return" to allow the detection of possible frauds (e.g. requests done several times by a same person and using different identities).<sup>8</sup>
4. On 30 August<sup>9</sup>, the French authorities announced that 128 illegal settlements had been dismantled and that 979 (of which 151 were forced returns and 828 voluntary returns) Romanian or Bulgarian citizens in irregular situation in France had been repatriated since 28 July.
5. The French authorities clarified in the working meeting on 31 August with the Commission that such measures had been taken before but they had been recently accelerated. It is worth noting that France is not the only Member State expelling non-national Roma. Expulsions, although on a smaller scale, took place in other Member States, such as Sweden, Denmark, Italy or Germany.

## C. Main reactions to developments in France

6. Romanian President Traian Băsescu expressed his support for the right of any Romanian citizen to move freely across the EU, while acknowledging the problematic situation in France. He referred to similar situations in Italy in the past where "an important number of Romanian police officers were deployed" to assist the Italian authorities.
7. Italian Interior Minister Roberto Maroni, whilst supporting the actions of the French authorities, stated his intention to revisit the issue of automatic expulsions of EU citizens, envisaged by him since a number of years regarding the Italian situation.
8. The Swedish Ministers of EU Affairs and Integration wrote to the Commission on 30 July asking for measures, to be supported by the European Social Fund, to improve access to housing, education and employment for Roma.
9. Different bodies of the Council of Europe (its Parliamentary Assembly and the Commission against Racism and Intolerance – ECRI) expressed concerns about the treatment of Roma in France.

<sup>6</sup> See the "Communiqué faisant suite à la réunion ministérielle de ce jour sur la situation des gens du voyage et des Roms" at <http://www.elysee.fr/president/les-actualites/communiqués-de-presse/2010/juillet/communiqué-faisant-suite-à-la-réunion.9381.html>

<sup>7</sup> Instruction N.2010/03 of 15 March 2010 on the implementation of an instrument for aid to return and resettlement.

<sup>8</sup> R.611-35 CESEDA.

<sup>9</sup> See Annex 2.

10. The Catholic Church voiced concern about the stigmatisation of Roma.
11. The EU Roma Policy Coalition and various other NGOs condemned the stigmatisation of Roma and the measures taken in France.
12. A UN anti-racism panel also expressed concern on possible collective repatriation.
13. The European Parliament is scheduling a debate on the Roma situation in plenary for 7 September.

#### D. Preliminary legal analysis

14. It is the primary responsibility of Member States to ensure public order and the safety of their citizens on their national territory. However, when doing so, all Member States need to respect the commonly agreed EU rules.
15. Any measures taken by Member States therefore need to be assessed in the light of EU rules on free movement, non-discrimination and the EU Charter of Fundamental Rights.
16. It is clear that all individuals who break the law need to face the consequences. It is equally clear that nobody should face expulsion just for being Roma.
17. Against this background, the Commission services have been analysing whether the recent measures taken by the French authorities are fully compliant with EU law. The working meeting with the French and Romanian authorities on 31 August helped to clarify a number of outstanding issues.

##### D.1 Free movement of EU citizens

18. Free movement of all EU citizens constitutes one of the fundamental freedoms of the EU. **Article 21(1) of the Treaty on the Functioning of the European Union** confers the right on every citizen of the Union to move and reside freely within the territory of the 27 Member States. Free movement is also one of the rights mentioned in the EU Charter of Fundamental Rights (Article 45).
19. The right of EU citizens to free movement is not unconditional, but subject to limitations and conditions laid down in the **EU's Free Movement Directive 2004/38/EC**<sup>10</sup>.
20. It should also be noted that, in line with the transitional arrangements in the Accession Treaties of 25 April 2005 regarding the accession of Bulgaria and Romania, France requires Bulgarian and Romanian citizens to have a work permit before taking up employment.<sup>11</sup> France applies, nonetheless, a simplified procedure for 149 occupations where a work permit is issued without considering the job situation.
21. For stays for up to three months, the only condition to free movement under EU law is to have a valid passport or identity card. No entry visas, employment or sufficient resources are required. Member States are also not obliged to confer entitlement to social assistance during the first three months of residence to non-workers. It is up to Member States to decide whether they want to do so.

<sup>10</sup> Directive 2004/38/EC of 29 April 2004 of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

<sup>11</sup> Transitional arrangements in the Accession Treaties of Bulgaria and Romania provide that up to January 2012 (or for two years more subject to certain conditions) access to the labour markets of the other EU Member States might depend on the national law and policy of those Member States. In practical terms, this means that a worker from one of the Member States that acceded is likely to need a work permit. Once the worker has obtained access to the labour market, he/she benefits from equal treatment.

22. If an EU citizen decides to stay for more than three months in a Member State, he/she must be economically active (i.e. he/she must work or be self-employed) or have sufficient resources not to become a burden on the social assistance system and have comprehensive sickness insurance cover. If he/she does not fulfil those requirements, he/she has no right of residence under EU law and may be asked to leave.
23. Before deciding to remove an EU citizen for being a burden on the social assistance system, the host Member State must examine whether it is a case of temporary difficulties and take into account the personal circumstances of the EU citizen as well as the amount of assistance granted. The host Member State must also carry out an assessment of the proportionality of its decision.
24. EU citizens who break the law and thereby threaten public order or public security in the host Member State can be sent back to their Member State of origin. However, EU law requires that there must always be a case-by-case assessment. It furthermore provides that national measures taken on grounds of public order or public security must respect the principle of proportionality and must be based exclusively on the personal conduct of the individual concerned.
25. A decision to remove or expel an EU citizen must respect all procedural safeguards in the EU's Free Movement Directive. Notably, the decision must be in writing, fully justified and open to appeal. In addition, EU citizens should be given at least one month to leave.
26. Against this background, and according to the preliminary assessment of the Commission services, the measures taken by the French authorities regarding EU citizens can only be said to comply with EU law on free movement
  - if EU citizens, following a case-by-case assessment based exclusively on the personal conduct and circumstances of the individual concerned, represent a threat to public order or public security, or are an unreasonable burden on the social assistance system;
  - if the material and procedural safeguards attached to the free movement rights under EU law have been fully respected by the French authorities.
27. On the latter point, it should be noted that already since its report of 2008 on the implementation of the EU's Free Movement Directive<sup>12</sup> the Commission has stated that the transposition of the Free Movement Directive was not satisfactory in several Member States. In France, this concerns mainly the safeguards of the Free Movement Directive. When deciding about expulsion, the French legislation does not explicitly refer to the obligation of examining all the individual circumstances (e.g. length of stay, age, health, family situation, link to and level of integration in the host Member State). The Commission services have been in contact with the French authorities earlier in the year regarding the proper implementation of the Free Movement Directive and are currently analysing the French reply received in July 2010. In addition, the Commission is seeking detailed information from the French authorities on whether and to which extent the safeguards required by the Free Movement Directive have been applied in the recent cases.
28. The Commission services are in close contact with the French authorities for a full clarification on the nature of the recent repatriations qualified as "voluntary" by the French authorities. The fact alone that a lump sum is paid to EU citizens in case of return is, in the preliminary analysis of the Commission services, not sufficient for taking these returns out of the scope of the EU's free movement principles.
29. The Commission services are furthermore in close contact with the French authorities to confirm the consequences EU citizens face when returning to France following their return to their Member State of origin. Bans on entry cannot be imposed on EU citizens who are

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<sup>12</sup> COM(2008)840 of 10.12.2008.

removed simply because they no longer fulfil the residence requirements. Only those EU citizens who are legally expelled for reasons of public order or public security may be subject to an exclusion order, which can be reassessed at the latest three years after the measure was taken.

## ***D.2 EU Fundamental Rights***

30. In the European Union, no measure is lawful which falls under the **EU Charter of Fundamental Rights** and violates the rights and principles it guarantees.
31. The EU Charter of Fundamental Rights is applicable to Member States "only when they are implementing Union law" (Article 51(1) of the Charter). A situation where national authorities are implementing the EU's free movement law or are making use of exceptions to free movement foreseen under EU law is therefore one in which national authorities need to comply fully with all the rights and principles foreseen in the EU Charter of Fundamental Rights.
32. In the case of the recent measures taken by the French authorities, the right to non-discrimination enshrined in Article 21 of the Charter, which rules out in particular discrimination based on race, colour, ethnic, social origin or membership of a national minority as well as discrimination on grounds of nationality (on the latter point, see also Article 18 of the Treaty on the Functioning of the European Union), needs to be fully respected. Furthermore, the EU's Race Equality Directive<sup>13</sup> provides legal protection from discrimination on the grounds of racial or ethnic origin in diverse areas such as employment and training, education, social protection and access to goods and services. In addition, the EU's Framework Decision on Racism and Xenophobia<sup>14</sup> requires that each Member State takes the measures necessary to ensure that publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin is punishable.
33. Article 19 of the Charter explicitly prohibits collective expulsions. The European Court of Human Rights defines collective expulsions as "any measure compelling aliens, as a group, to leave a country, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each individual alien of the group".<sup>15</sup>
34. Article 24 of the Charter on the rights of the child provides that in all actions related to children public authorities must take the child's best interest as a primary consideration.
35. Article 8 of the Charter guarantees the right of each individual to the protection of personal data concerning him or her. This right is further specified in the EU's Data Protection Directive 95/46/EC<sup>16</sup>. To respect the right to data protection, identification measures and the ensuing data processing must be carried out for specified purposes and on the basis of the consent of the person concerned or for another legitimate ground defined by law.
36. Against this background, and according to the preliminary assessment of the Commission services, the measures taken by the French authorities regarding EU citizens when implementing EU law on free movement can only be said to comply with EU law
  - if the measures taken by the French authorities targeted equally all EU citizens in comparable situations and did not target or single out individual EU citizens on the basis

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<sup>13</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180 of 19.7.2000, p. 22).

<sup>14</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328 of 6.12.2008, p. 55) – Member States have until 28 November 2010 to implement the Framework Decision.

<sup>15</sup> *Andric v. Sweden*, application no.45917/99, 23 February 1999, para.1.

<sup>16</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 of 23.11.1995, p. 31).

of race, colour, ethnic, social origin, membership of a national minority or on grounds of nationality;

- if the measures taken by the French authorities cannot be said to amount to collective expulsions of Roma from France;
- if the rights of Roma children have been fully taken into consideration in the implementation of the measures;
- if the personal data entered into the OSCAR data base are only collected and used for the specified purpose of avoiding fraudulent double payments and not for other non-specified purposes.

## E. Action taken by the EU Member States to improve the situation of Roma in Europe

37. As guardian of the Treaties, the task of the European Commission under the current circumstances is first of all to make a legal assessment of the measures that have been taken during the past weeks with regard to the Roma community. However, the roots of the issue go without any doubt much deeper. They also lie in the challenges of social and economic integration of Roma for the Member States, both for the Member States of origin and for the host Member States.
38. A successful integration of Roma requires a substantial stepping up of measures related notably to education, housing, health and access to employment – all issues which are in the primary competence of Member States and have been jealously defended by them from Treaty revision to Treaty revision. They require determined action at national, regional and local level by the competent public authorities.
39. For more than a decade, the EU institutions (the European Commission, the European Parliament and the EU Council of Ministers) have been regularly calling for enhanced measures by the Member States to improve the social and economic integration of Roma. Moreover, a European Platform on Roma inclusion was launched in 2009.<sup>17</sup>
40. In addition, while fully respecting Member States' primary competence in this field, the EU institutions have made available substantial funding under the EU Funds to support and complement Member States' actions on Roma integration:
- Of the 27 Member States, 12 Member States (Bulgaria, the Czech Republic, Spain, Finland, Greece, Hungary, Ireland, Italy, Poland, Romania, Slovenia and Slovakia) have support programmes in place targeting Roma (among other vulnerable groups) for a total budget of €17.5 billion (including €13.3 billion from the **European Social Fund**). This represents 27% of their total European Social Fund budget.<sup>18</sup> Examples of projects for the 2000-2006 and 2007-2013 European Social Fund operational programmes include grassroots interventions on the employment of Roma and the development of a new curriculum of Roma studies in schools.
  - Several programmed actions or project selection rules ensure that Roma benefit from the **European Agricultural Fund for Rural Development** support.

<sup>17</sup> The platform brings together EU institutions, Member States public authorities, civil society organisations representing Roma and academic experts.

<sup>18</sup> In Hungary and Romania, Roma are potential beneficiaries in more than 50% of the planned ESF interventions, while in Ireland, travellers are a potential target of 99.5% of the planned ESF supported activities for 2007-2013. Czech Republic, Poland, Romania, Slovakia, and Spain have dedicated €172 million for activities aimed solely at Roma.

- In May 2010, following a proposal from the Commission, the **European Regional Development Fund Regulation** has been amended to facilitate submissions for EU funding for projects to help marginalised groups, such as Roma, in the field of housing.
  - The Commission is also implementing the pilot project "Pan-European Coordination of Roma Integration Methods – Roma Inclusion". This project comprises three components relating to early childhood education and care, a self-employment and microcredit scheme and information and awareness rising activities.
  - The Commission has also convened high-level events in several Member States to raise awareness of the opportunities offered by EU Funds for the integration of Roma and to promote a more efficient use of these funds. The next meeting will take place in Romania in October.
  - At the moment, there is a number of Member States which have no specific programme on Roma integration, in spite of a substantial Roma population.
  - A detailed overview of funding available to Member States from the European Social Fund regarding Roma integration is attached in Annex 4.
41. To strengthen coordinated action by Member States on Roma integration, the Commission sent a questionnaire to all Member States in autumn 2009 to assess progress made and to identify national priorities on Roma inclusion. 21 of the 27 Member States contributed to this overview (while no responses were received from Austria, Cyprus, Denmark, France, Portugal and United Kingdom). On the basis of these replies as well as discussions with stakeholders and the European Parliament, the Commission adopted on 7 April 2010 a **Communication on the social and economic integration of Roma in Europe**<sup>19</sup> – the first ever EU policy document dedicated specifically to Roma. The Communication outlined the complexity and interdependence of the problems faced by Roma in terms of poverty, low educational achievement, labour market barriers, housing segregation, poor health and discrimination. Further to defining the main challenges ahead, the Communication defined a concrete list of actions to help Member States making their policies for Roma integration more effective. The Communication served to steer the debates at the Cordoba Roma Summit as well as the Council conclusions adopted on the matter on 7 June.<sup>20</sup>
42. The Commission services are currently monitoring the implementation of actions called for by the Communication of 7 April (see the list in Annex 5). They will in particular assess the size and effectiveness of national funding measures made available by the Member States for Roma integration; and whether the funds made available by the European Union (European Social Fund, European Regional Development Fund and the European Agricultural Fund for Rural Development) are effectively used by countries of origin and host countries alike.

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<sup>19</sup> COM(2010)133.

<sup>20</sup> Doc 10058/10 of 27 May 2010.

## F. Next steps – proposals for future actions on Roma in Europe

43. The successful social and economic integration of Roma is an important challenge for all EU Member States. It will largely depend on leadership by public authorities and politicians who will have to counter rhetoric fuelling discrimination. The EU institutions will watch over these developments to ensure that EU law is applied consistently. Furthermore, a renewed collective action is needed to support national and local action on the integration of the Roma community both in their country of origin and in the host country. Where issues related to cross-border crime are involved, the Commission will also seek to assist Member States, in cooperation with Europol and Eurojust where appropriate.
44. We propose the following actions for the future:
- a. To watch over the conformity of all Member States' measures taken with regard to Roma with EU law on free movement, non-discrimination and the EU Charter of Fundamental Rights. This requires a close assessment of the facts. For this purpose, the Commission held first working meetings with the French and Romanian authorities on 31 August. A further meeting at technical level is being scheduled with the French authorities for later this week. The Commission also stands ready to act as a broker between Member States and to monitor and assess progress being made on Roma integration.
  - b. To establish, in the Commission, a Roma Task Force<sup>21</sup> at the appropriate senior level. The Task Force will analyse the follow-up given by Member States to the Commission's Communication of 7 April. It will in particular streamline, assess and benchmark the use of EU funds by all Member States for Roma integration and identify underpinning deficiencies in the use of funds. The first findings of the Roma Task Force will be submitted to the College by the end of the year. The Commission will keep the European Parliament and the Council informed about the findings of the Task Force.
  - c. To call on the Presidency to hold a Jumbo JHA and EPSCO Council as soon as feasible to identify a more targeted use of national and complementary EU funding to promote social and economic integration of Roma. This Council meeting should be followed up by yearly meetings at ministerial level. In addition, the Commission will organise regular meetings of high-level civil servants to review progress on Roma integration in all EU Member States.
  - d. To call on future presidencies of the Council to address the priorities identified in the Roadmap agreed last June 2010 by the European Platform on Roma inclusion. In this context, the dialogue with the representatives of the Roma community should be intensified and ensured throughout the process.
  - e. To call on Member States to look into the issue of human trafficking to which Roma are particularly vulnerable, with the assistance of the Commission, Europol and Eurojust where appropriate.

The College is invited to endorse these proposals.

Vice-President Reding

Commissioner Andor

Commissioner Malmström

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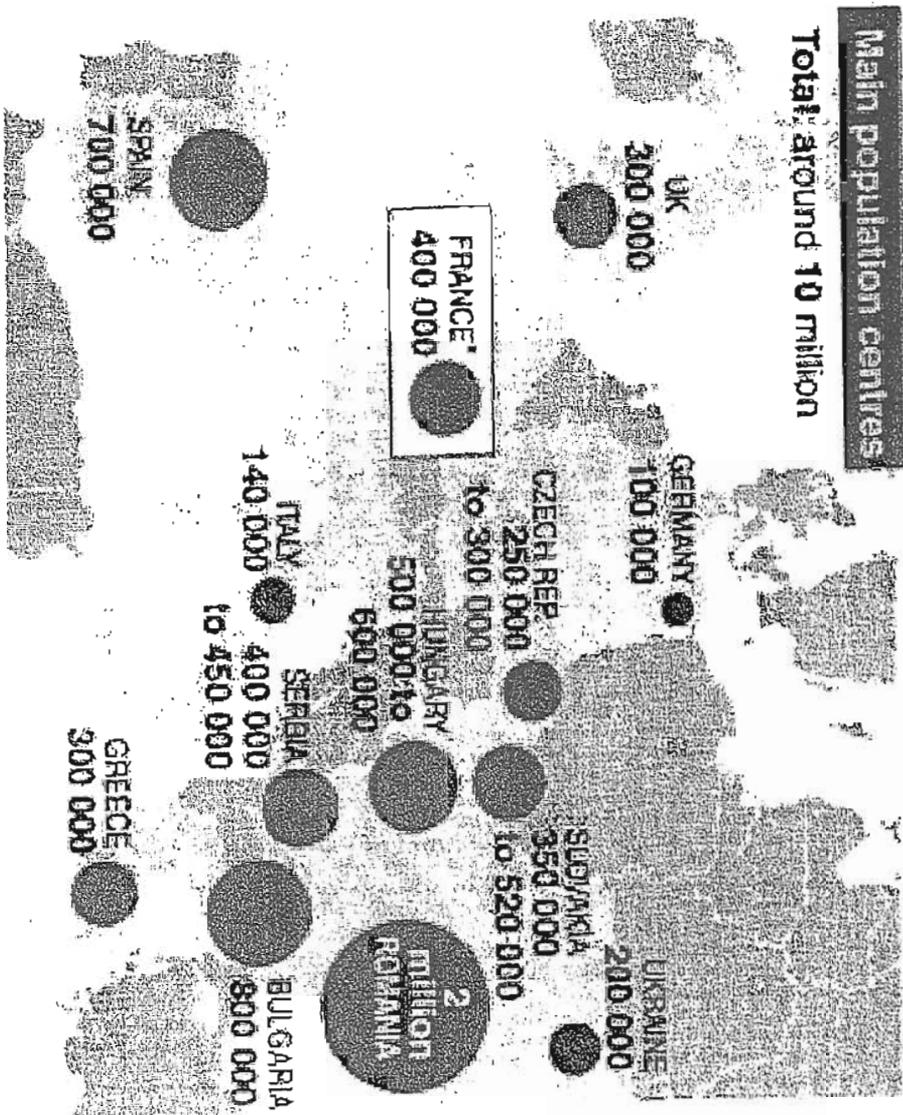
<sup>21</sup> The Task Force could be composed by JUST, EMPL, REGIO, AGRI, HOME, SANCO and EAC.

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Annex 1: Roma in Europe (Map from the Council of Europe)

# The Roma, Europe's biggest minority



© Minority "Travelers and Roma"

Sources: The Council of Europe, LDH, European Social Fund

## **Annex 2: Press release by French Minister Eric Besson explaining the measures taken by the French authorities and their compatibility with EU law**

Paris, le vendredi 27 août 2010

Eric BESSON, Ministre de l'immigration, de l'intégration, de l'identité nationale et du développement solidaire, réaffirme son attachement au respect de la légalité, et tient à démentir fermement tous ceux qui ternissent l'image de la France, en l'accusant de violer ses obligations internationales et européennes, ainsi que ses règles et traditions républicaines.

La France est un Etat de droit. L'administration de l'Etat y agit conformément à la Loi. Elle respecte les droits fondamentaux, émanant tant de la constitution française que du droit de l'Union européenne ou du droit international, au premier rang desquels se trouve le respect de la dignité humaine.

Le droit français ne connaît les étrangers qu'à raison de leur nationalité. Par conséquent, les Rom ne sont pas considérés en tant que tel mais comme des ressortissants du pays dont ils ont la nationalité. Le traitement réservé à ces ressortissants l'est indépendamment de la question de savoir s'ils appartiennent ou revendiquent l'appartenance à la communauté rom.

### **1. La France respecte les règles européennes relatives à la libre-circulation et au séjour.**

En tant que ressortissants de pays membres de l'Union européenne, les ressortissants bulgares et roumains bénéficient de la liberté de circulation et du droit au séjour reconnus à tous les citoyens de l'Union européenne, tels que prévus par le traité sur l'Union européenne et la directive 2004/38/CE du Parlement européen et du Conseil du 29 avril 2004 relative au droit des citoyens de l'Union et des membres de leurs familles de circuler et de séjourner librement sur le territoire des États membres :

**En matière de séjour de moins de trois mois**, tous les citoyens de l'Union européenne bénéficient du droit de libre circulation et de séjour, sans autres conditions ou formalités que celle de détenir une carte nationale d'identité ou un passeport en cours de validité et sous la seule réserve de l'ordre public. Ce droit n'est cependant maintenu que s'ils ne constituent pas « une charge déraisonnable pour le système d'assistance sociale de l'Etat membre d'accueil » (article 14 § 1 de la directive 2004/38/CE).

**En matière de séjour de plus de trois mois, le droit à la libre circulation et au séjour des ressortissants communautaires sur le territoire d'un autre Etat membre n'est pas inconditionnel.** Il comporte deux séries de limites :

- le droit au séjour peut cesser si le comportement du citoyen de l'Union européenne constitue « une menace pour l'ordre public ».

- le droit au séjour du citoyen de l'Union européenne ne peut être maintenu si, n'exerçant aucune activité professionnelle, il ne dispose pas « de ressources suffisantes afin de ne pas devenir une charge pour le système d'assistance sociale, ainsi que d'une assurance maladie ».

### **2. La France respecte les règles en vigueur concernant l'éloignement.**

Au regard des limitations au droit à la libre circulation et au libre établissement qui résultent directement du droit de l'Union européenne, les ressortissants roumains et bulgares, peuvent se trouver en situation de séjour irrégulier sur le territoire français et y faire l'objet de mesures d'éloignement prononcées par l'autorité administrative, sous le contrôle du juge administratif :

- Un arrêté préfectoral de reconduite à la frontière (APRF) peut être pris sur le fondement du 8° du II de l'article L. 511 1 du code de l'entrée et du séjour des étrangers et du droit d'asile si la mesure est motivée par une menace pour l'ordre public ou par une infraction à la législation du travail puisque les ressortissants roumains et bulgares demeurent astreints à un régime d'autorisation. Les ressortissants de ces Etats membres exerçant une activité salariée en France sont donc astreints à la possession d'un titre de séjour les autorisant à travailler dont le défaut constitue une irrégularité susceptible de justifier une reconduite.

- Une obligation de quitter le territoire français (OQTF) peut être prise sur le fondement du I de l'article L. 511-1, deuxième alinéa, du code de l'entrée et du séjour des étrangers et du droit d'asile si la mesure est motivée par le constat que le droit au séjour ne peut être maintenu, notamment, s'agissant d'inactifs, s'ils ne disposent pas de ressources suffisantes pour subvenir à leurs besoins et d'une assurance maladie.

### **3. La France ne met en œuvre aucune « expulsion collective ».**

Chaque décision est prise après examen particulier de chaque situation individuelle, sous le contrôle du juge. L'article 4 du Protocole n° 4 à la convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales stipule : « Les expulsions collectives d'étrangers sont interdites ». L'article 19 § 1 de la charte des droits fondamentaux de l'Union européenne comportent les mêmes stipulations.

Une expulsion collective se définit ainsi selon la jurisprudence de la Cour européenne des droits de l'homme : « il faut entendre par expulsion collective, au sens de l'article 4 du Protocole n° 4, toute mesure contraignant des étrangers, en tant que groupe, à quitter un pays, sauf dans les cas où une telle mesure est prise à l'issue et sur la base d'un examen raisonnable et objectif de la situation particulière de chacun des étrangers qui forment le groupe. Cela ne signifie pas pour autant que là où cette dernière condition est remplie, les circonstances entourant la mise en œuvre de décisions d'expulsion ne jouent plus aucun rôle dans l'appréciation du respect de l'article 4 du Protocole n° 4 » (*Conka c. Belgique* 5 février 2002 n° 51564/99).

Les mesures effectivement prises à l'encontre des ressortissants bulgares et roumains ne pouvant plus se prévaloir de leur droit au séjour ou à la libre circulation ne correspondent aucunement à cette définition. Au contraire, elles ont été adoptées et mises en œuvre conformément à la lettre et à l'esprit du droit de l'Union européenne. Les procédures sont conduites après un examen particulier de la situation de chacun, qu'il s'agisse de l'exécution d'une mesure d'éloignement forcée ou bien d'une mesure d'accompagnement social en vue du retour au pays (aide au retour humanitaire). En particulier, l'appréciation de l'insuffisance des ressources et de la charge pour le système d'assistance sociale ne donne lieu à aucun automatisme. Elle résulte d'un examen individuel de situation dans le respect du principe de proportionnalité, notamment eu égard à l'ancienneté de séjour sur le territoire français. L'exigence d'un examen individuel de situation, qui s'impose à l'administration, est contrôlée par le juge administratif lorsque les décisions d'éloignement lui sont déférées.

Enfin, la circonstance que des vols spécialement affrétés soient organisés pour acheminer les ressortissants bulgares et roumains dans leur pays d'origine ne saurait conduire à regarder ces opérations comme des « expulsions collectives ». Les rapatriements en groupe, pour lesquels la France peut opter pour des raisons d'efficacité et d'économie, n'est évidemment pas réalisable sans une préparation préalable, laquelle témoigne de l'examen au cas par cas des situations particulières de chaque personne accompagnée hors des frontières françaises.

### **4. La France privilégie les retours volontaires et aidés.**

La France privilégie les retours volontaires aidés, qui ne sont généralement précédés d'aucune mesure d'éloignement, afin de répondre à des situations de dénuement et de faciliter la réinsertion dans le pays d'origine.

Le dispositif d'aide au retour humanitaire est indifférent aux conditions dans lesquelles le séjour du ressortissant communautaire prend fin. Seuls sont prises en compte le fait du retour, la situation de dénuement économique et l'acceptation par l'étranger, recueillie par l'Office Français de l'Immigration et de l'Intégration (OFII), de l'aide humanitaire qui lui est proposée. Dès lors, les retours opérés dans le cadre de ce dispositif d'aide humanitaire peuvent n'être précédés d'aucune décision administrative d'éloignement. L'OFII examine les situations individuelles et prend acte des décisions individuelles d'acceptation des aides au retour.

L'aide au retour humanitaire comporte :

- la prise en charge des frais de voyage et d'acheminement en France ;

- une aide individuelle à la préparation du départ comprenant notamment une aide administrative en vue de l'obtention des documents de voyage ;
- une aide financière de 300 € par adulte, et de 100 € par enfant mineur, versée au moment du départ ;
- le cas échéant, un accompagnement personnalisé en vue d'une aide à la décision, assuré par des organismes conventionnés, par les services de l'Etat ou par l'OFII, sous forme d'entretiens individuels menés avec les candidats au programme.

Dans le pays d'origine, elle comporte également :

- une prise en charge du transport jusqu'à la destination finale à l'intérieur du pays d'origine ainsi que l'hébergement et la nourriture dans l'attente du transport jusqu'à la destination finale ;
- le cas échéant, un accompagnement social à l'arrivée dans le pays de retour avec une prestation individualisée en particulier pour les familles.

*« La France est parfaitement fidèle à sa tradition républicaine et humaniste. L'humanité, ce n'est pas d'accueillir sans limite, sans condition, en dehors de toute légalité, toute personne souhaitant séjourner en France. L'humanité, c'est au contraire de pouvoir offrir à ceux que nous accueillons des conditions de vie dignes et des perspectives d'intégration. »* a conclu Eric BESSON.

## **Annex 3: Relevant provisions of EU law**

### **Free Movement**

Article 21 of the Treaty on the Functioning of the European Union

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. [...]

Directive 2004/38/EC of 29 April 2004 of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77)

### **Charter of Fundamental Rights of the European Union**

Article 8 - Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

Article 19 - Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.
2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

Article 21 - Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Article 24 - The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his and her parents, unless that is contrary to his or her interests.

Article 45 - Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States. [...]

Article 47 - Right to an effective remedy and to a fair trial

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Article 51 - Field of application

1. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof

in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties. [...]

#### **Further relevant EU legislation**

Race Equality Directive - Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180 of 19.7.2000, p. 22)

Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ((OJ L 328 of 6.12.2008, p. 55)

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 of 23.11.1995, p. 31)

**Annex 4: Funding available for EU Member States under the European Social Fund**

**ESF interventions 2007-2013 - Roma population**

Member state	Estimated number of Roma people (Council of Europe data)	% of total population	ESF global budget for 2007-2013 in €	ESF budget allocated to vulnerable groups including Roma people in €	ESF budget allocated specifically targeting Roma people (if available) in €	Total budget (85% ESF + 15% national budget) allocated exclusively to Roma people in €
Austria	25.000	0.30%	524.412.560	131.031.725		
Belgium	30.000	0.28%	1.073.217.594	243.170.947		
Bulgaria	750.000	9.74%	1.185.459.863	37.400.000	577.801.917	
Cyprus	1.250	0.12%	119.769.154	13.670.000		
Czech Republic	225.000	2.18%	3.774.521.428	365.159.237	398.606.070	43.000.000
Denmark	5.500	0.10%	254.788.619			
Estonia	1.250	0.09%	391.517.329	3.195.582		
Finland	10.500	0.19%	618.564.064	84.196.565		
France	400.000	0.64%	5.394.547.990	1.860.826.599		
Germany	105.000	0.12%	9.380.654.763	1.878.033.143		
Greece	265.000	2.36%	4.363.800.403	396.916.995	233.203.061	
Hungary	700.000	6.93%	3.629.088.551	319.450.949	2.176.843.478	
Ireland	35.500	0.80%	375.362.370	107.519.965	372.362.370	
Italy	140.000	0.23%	6.938.007.896	601.602.332	491.536.145	
Latvia	14.000	0.60%	550.653.717	42.287.634		
Lithuania	3.500	0.10%	1.028.306.727	59.288.950		
Luxembourg	300	0.06%	25.243.666	2.423.392		
Malta	None	0.00%	112.000.000	18.995.200		
Netherlands	38.000	0.23%	830.002.737	66.400.219		
Poland	37.500	0.09%	9.707.176.000	1.089.027.900	1.750.231.099	22.000.000
Portugal	70.000	0.65%	6.512.387.865	381.406.059		
Romania	1.850.000	8.56%	3.684.147.618	433.093.472	2.250.188.694	38.000.000
Slovak Republic	490.000	9.07%	1.499.603.156	161.855.308	252.800.000	26.000.000
Slovenia	8.500	0.42%	755.699.370	41.501.536	164.661.965	
Spain	725.000	1.60%	8.057.328.822	536.082.955	797.775.600	47.000.000
Sweden	42.500	0.46%	691.551.158	23.734.896		
United Kingdom	250.000	0.40%	4.474.917.728	1.082.138.419		
			75.952.731.148	9.980.409.979	9.466.010.399	176.000.000

**Definition: ESF**  
budget allocated under the social inclusion priority in the Operational Programmes (OP). The scope of the priorities is therefore more limited than in the column 'ESF allocated budget specifically targeting Roma people'.

**Definition: ESF**  
budget allocated to priorities in the ESF OPs where Roma are specifically mentioned as one of the target groups.

**Definition: Total**  
budget (85% ESF + 15% national budget) allocated to budget lines which are exclusively dedicated to Roma

**Annex 5: List of actions called for by the Commission in its Communication of 7 April 2010 on the social and economic integration of Roma in Europe – COM(2010) 133**

**MAKING POLICY MEASURES MORE EFFECTIVE**

*The Commission will:*

- continue organising high-level bilateral events in the Member States and to follow up subsequent developments. It will take stock of the results of these visits by the end of 2013.
- urge Member States to take action to ensure that interventions financed by Structural Funds promote equal opportunities and tackle segregation;
- encourage Member States to use the EURoma network to exchange best practices;
- support a network on Roma studies to better link research and policy;
- encourage Member States to develop appropriate tools and methods for evaluation as a prerequisite for designing evidence based policies for Roma inclusion, on the basis of lessons learned inter alia through the evaluation of the Pilot Project on Roma Inclusion;
- reinforce coordination between the ERDF, ESF and the EAFRD<sup>22</sup>, in particular at the regional and local level, when using the funds, for the purpose of promoting and facilitating an integrated approach in housing (in line with the provisions of the modified Art 7 (2) of the ERDF Regulation) or in other fields;
- provide information and technical support to Member States on the efficient use of the Structural Funds and of the Rural Development Fund in tackling socioeconomic exclusion of the Roma;
- take account of the results of the evaluation of the EU Structural Funds interventions for Roma, of the Pilot Project on Roma inclusion, and of the study on successful projects, programmes and policies for Roma inclusion when developing the next generation of European Union Structural Funds and programmes;
- address the inclusion of Roma when developing and implementing the ‘European Platform against Poverty’ Flagship Initiative, proposed by the Commission as part of the EU 2020 Strategy;
- invite Member States to address Roma issues when reporting on the implementation of national policies in all fields which are relevant for Roma inclusion (such as education, employment, social protection and social inclusion, and health) in the framework of the Open Method of Coordination and of the EU2020 Strategy. The Commission will integrate a specific employment-related focus on Roma into the Mutual Learning Programme 2010-2011;
- review its policy and programmes concerning Roma, in the context of enlargement, with a view to further developing and improving the relevant financial assistance under IPA

**MAKING PROCESSES MORE EFFECTIVE**

*The Commission will:*

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<sup>22</sup> Art. 9 of the General Regulation of the EU Structural Funds.

- support successive Council Presidencies in making the Platform more effective. The Commission will provide support to each Presidency in the organisation of a Platform meeting;
- support Presidencies with the organisation of future Roma summits;
- apply the Common Basic Principles for Roma Inclusion when designing, implementing and evaluating policies which are relevant to Roma inclusion;
- explore the most effective ways to ensure in its internal procedures that the mainstreaming of Roma issues in all relevant policies is guaranteed;
- enable the Roma themselves to influence policy processes, including through cofinancing the operations of a European level network active in representing the Roma;

#### DEVELOPING MODEL APPROACHES

*The Commission will:*

- assist policy makers by developing a set of model approaches. Building on best practice, each model would address the needs of the major types of Roma community, including their particularly vulnerable subgroups, and suggest the most appropriate targeted public-policy interventions. Each model would identify the key players and legal and financial instruments needed to implement a local, regional or national integration agenda and outline possible initiatives in order to improve Roma access to education, employment, health and housing.
- discuss with Member States how the implementation and the monitoring of these model approaches could be integrated into the existing Open Methods of Coordination and the implementation of the European Platform against Poverty and could be supported by the EU financial instruments.
- develop these model approaches with the help of internal and external expertise and of relevant fora, notably the European Platform for Roma Inclusion.

## **Annex 6: Roma integration projects financed in Romania**

*This is a non-exhaustive list of examples of Roma integration projects financed under the European Social Fund in Romania.*

1. "Together on the labour market" – A transnational pilot project managed by the National Roma agency is being implemented in 8 localities in partnership with the Fundación Secretariado Gitano from Spain as transnational partner over the period 2008-2010. In the following period 2010-2013 the project aims to be expanded nationwide. At a cost of 4.904.749 euro for a period of two years, the project will benefit 6.670 Roma through personalised support for labour market insertion, vocational training adapted to the demand of the Romanian labour market.
2. Centres for mediation and professional counselling for Roma people (education and employment field). This project is managed by "Amare Rromentza" Roma Centre, with a total budget of 676.071 euro over 2 years. It is estimated to benefit 1000 Roma from Bucharest and Braila.
3. Equality by difference – access of the Roma women on the labour market (employment field). This project is managed by the Association of Roma Women "For our children" with a total budget of 1.789.865 euro over 3 years. This project is aimed directly at Roma people and the estimated number of Roma beneficiaries is 2.700.
4. All in the garden, all in the first grade – a project on access to education of the children within under-privileged communities, mainly Roma managed by the Romanian Ministry of Education with a total budget of 5.000.000 Euro. The project is aimed at Roma people and the estimated number of Roma beneficiaries is 10.000.
5. Education of Roma children – a project aimed to increase the level of education of Roma children in the rural and urban areas and reduce school abandonment and it is managed by National Roma Agency, at national level, with a total budget of 4.943.831 euro. The estimated number of Roma beneficiaries is 4.800.
6. School – a chance for everyone – a strategic project at multi-regional level, managed by National Agency for Roma with a total budget of 2.542.249 euro over a three-year period. The project targets mainly Roma people and the estimated number of Roma beneficiaries is 3.500.
7. Quality in education – a step to equality – a strategic project at multi-regional level managed by "Amare Rromentza" Roma Centru with a total budget of 853.213 euro over 2 years. The projects targets mainly Roma population with an estimated number of beneficiaries of 968.
8. "Strategic steps for improving access to education for Roma children" – a strategic project at multi-regional level managed by "Romani CRISS – Roma Centre for Social Intervention and Studies" with a total budget of 4.872.060 euro over 3 years. The programme targets mainly Roma population with an estimated number of beneficiaries of 20.000.
9. Support for Roma communities development from North, West and Centre development Regions – a strategic project at multi-regional level managed by Resources Centre for Roma Communities Foundation, with a total budget of 3.788.139 euro over 3 years with an estimated number of 1.200 Roma beneficiaries.
10. The participation of vulnerable groups in the social economy – a strategic project, at multi-regional level managed by National Agency for Roma, with a total budget of 3.675.676 euro over 3 years. The number of estimated Roma beneficiaries is 9.800.

## Annex 7: Roma integration projects financed in France

The French managing authority has no detailed information available on European Social Fund budgets targeting specifically Roma people.

Roma people are eligible for all kinds of actions for vulnerable groups, but no precise information on their participation is available (ethnic origin of participants is not registered).

There is clearly a number of actions specifically targeting Roma people, but the French data base on projects does not allow a general screening on this target group.

Below, there is a non-exhaustive list of examples of actions partly targeting Roma people:

### Projects in the region "Ile-de-France":

Promoter : Association pour la promotion des tsiganes et voyageurs (ADEPT)

Year : 2009

Place : Seine-Saint-Denis

Project : "Suivi personnalisé et accompagnement à la création d'activités indépendantes, à l'emploi salarié d'un public bénéficiaire de minima sociaux et particulièrement discriminé"

Total cost : 110.291 euro

ESF contribution : 51.598 euro

Promoter : Association pour la promotion des tsiganes et voyageurs (ADEPT)

Year : 2008

Place : Seine-Saint-Denis

Project : Populations Tsiganes / Gens du voyage

Total cost : 99.481 euro

ESF contribution : 49.700 euro

Promoter : Service départementale de l'éducation nationale du Val-de-Marne

Year : 2009

Place : Val-de-Marne

Project : Pour une scolarisation et une insertion durables : accueillir, positionner et accompagner les jeunes nouvellement arrivés en France et les enfants du voyage

Total cost : 855.389 euro

ESF contribution : 344.610 euro

### Transnational projects:

Promoter Habitat-Cité

year 2010

Place : agglomérations Grenoble et Nantes

Project : Insertion professionnelle d'un public ROM éloigné de l'emploi (projet transnational)

Total cost: 236.279 euro

ESF contribution : 114.637 euro

Promoter Habitat Cité

year 2009

Place : agglomérations Paris, Grenoble, et Nantes

Project : Insertion professionnelle d'un public ROM éloigné de l'emploi (projet transnational)

Total cost: 166.000 euro

ESF contribution: 69.000 euro

**Annex 8: Statement by Vice-President Viviane Reding on the Roma situation in Europe (25 August 2010)**

"During the past few weeks, the situation of the Roma – the largest ethnic minority in the European Union – has attracted the attention of policy-makers at both national and EU levels.

As EU Commissioner for Justice, Fundamental Rights and Citizenship, I have been closely following issues involving the Roma since I took office. I believe that the Roma are an important part of the population of the European Union, and that it is of paramount importance that they are well integrated into the societies of our Member States. On 7 April, on a joint initiative of László Andor, the EU Commissioner for Employment, Social Affairs and Inclusion, and myself, the European Commission adopted a Communication on the social and economic integration of Roma in Europe. The subject was discussed the day after at the Roma Summit in Cordoba – which both László Andor and I attended – and the Commission's Communication was endorsed by the Ministers in charge of Employment and Social Affairs in June.

Against this background, I have been following with great attention and some concern the developments over the past days in France as well as the debate sparked in several other Member States. On the one hand, I fully acknowledge that it is the sole responsibility of Member States to ensure public order and the safety of their citizens on their national territory. On the other hand, I expect that all Member States respect the commonly agreed EU rules on free movement, non-discrimination and the common values of the European Union, notably the respect for fundamental rights, including the rights of people belonging to minorities.

It is clear that those who break the law need to face the consequences. It is equally clear that nobody should face expulsion just for being Roma. I have therefore asked my services to fully analyse the situation in France, in particular whether all measures taken fully comply with EU law. In this context, I welcome French Prime Minister François Fillon's announcement that he will send a letter on this matter to the European Commission. The points that will be raised in this letter will of course be fully taken into account in our analysis of the situation. I will inform the College of Commissioners about the outcome of our analysis next week.

As I could see from the reactions to the Commission's Roma Communication of 7 April, there is a broad consensus in Europe that what is needed now are concrete and forward-looking measures to improve the social integration of Roma. We need, in particular, to tackle the root-causes leading Roma to abandon their homes and move across borders. We outlined in our Communication on 7 April numerous measures involving housing, access to the labour market, education and health – all measures that could make an important and useful contribution to improving the situation of the Roma. Of course, these areas fall primarily within the responsibilities of national governments or even of regional or local authorities. Nevertheless, the Commission has committed itself to supporting the activities of national governments in this field by financial measures from the EU Structural Funds.

The European Commission is prepared to have a very open, frank and honest dialogue with all Member States on how best to take on – using the Treaties and the EU Charter of Fundamental Rights as the basis – our joint responsibility for the Roma. I call notably on the French authorities to engage in such a dialogue with all EU Member States. If needed, the European Commission stands ready to act as a broker between Member States and to monitor and assess progress being made.

I regret that some of the rhetoric that has been used in some Member States in the past weeks has been openly discriminatory and partly inflammatory. The situation of the Roma is a serious matter. It should be on the agenda not just in August, but throughout the year, and it should be treated carefully and responsibly by policy-makers. National decision-makers have an important role to play to ensure both public order and the social integration of all Europeans who choose to live within their territory. Because Europe is not just a common market – it is at the same time a Community of values and fundamental rights. The European Commission will watch over this."

## Déclaration de Viviane Reding, Vice-présidente de la Commission européenne, sur la situation des Roms en Europe (25 août 2010)

«Au cours des dernières semaines, la situation des Roms, la plus grande minorité ethnique dans l'Union européenne, a attiré l'attention du monde politique aux niveaux national et européen.

En tant que commissaire européenne à la justice, aux droits fondamentaux et à la citoyenneté, j'ai suivi de près les questions concernant les Roms depuis ma prise de fonction. Je pense que les Roms représentent une partie importante de la population de l'Union européenne, et il est capital qu'ils soient bien intégrés dans les sociétés de nos États membres.

Le 7 avril, suite à une initiative conjointe de Monsieur László Andor, commissaire européen à l'emploi, aux affaires sociales et à l'inclusion, et de moi-même, la Commission européenne a adopté une communication sur l'intégration sociale et économique des Roms en Europe (IP/10/407; MEMO/10/121). La question a été examinée le lendemain, lors du Sommet sur l'inclusion des Roms à Cordoue en Espagne, auquel László Andor et moi avons participé, et la Communication de la Commission a été approuvée par les ministres en charge de l'emploi et des affaires sociales en juin dernier.

C'est dans ce contexte que j'ai suivi avec une grande attention, et avec une certaine inquiétude, l'évolution de ces derniers jours en France, et le débat qui en a découlé dans plusieurs États membres. D'une part, je reconnais que veiller à l'ordre public et à la sécurité des citoyens sur leur territoire national relève entièrement de la responsabilité des États membres. Par ailleurs, j'attends de la part de tous les États membres qu'ils respectent les règles de l'UE issues d'un commun accord sur la libre circulation et sur la non-discrimination, ainsi que les valeurs communes de l'Union européenne, en particulier le respect des droits fondamentaux, y compris les droits des personnes appartenant à des minorités.

Il va s'en dire que ceux qui enfreignent la loi doivent en subir les conséquences. Il est également clair que personne ne devrait être confronté à une expulsion juste parce qu'il appartient à la minorité rom.

J'ai donc demandé à mes services d'examiner la situation en France dans son ensemble, et d'analyser en particulier si toutes les mesures prises respectent pleinement le droit de l'UE. Je me réjouis donc de la lettre à la Commission européenne à ce sujet annoncée par le Premier ministre français, François Fillon. Les points abordés dans cette lettre seront bien évidemment pris en compte dans notre analyse.

J'informerai le collège des commissaires des résultats de cette analyse la semaine prochaine.

D'après les réactions suscitées par la Communication du 7 avril sur les Roms, il y a un large consensus en Europe: nous avons aujourd'hui besoin de mesures concrètes et innovatrices pour améliorer l'intégration sociale des Roms. Nous devons, en particulier, nous attaquer aux causes qui incitent les Roms à quitter leurs foyers et traverser les frontières. La Commission a souligné, dans sa Communication du 7 avril, de nombreuses mesures en matière de logement, d'accès à l'emploi, d'éducation et de santé; toutes ces mesures peuvent apporter une contribution importante à l'amélioration de la situation des Roms. Évidemment, ces domaines relèvent essentiellement de la responsabilité des gouvernements nationaux, ou des autorités régionales et locales. Néanmoins, la Commission s'est engagée à soutenir les activités des gouvernements nationaux dans ce domaine grâce à des aides financières émanant des Fonds Structurels de l'UE.

La Commission européenne est disposée à avoir un dialogue ouvert, franc et honnête avec tous les États membres sur la meilleure façon de prendre nos responsabilités communes envers les Roms, sur la base des Traités et de la Charte européenne des droits fondamentaux. J'invite notamment les autorités françaises à s'engager dans un tel dialogue avec tous les États membres de l'UE. Si besoin est, la Commission européenne est prête à servir d'intermédiaire entre les États membres, à observer et à évaluer les progrès accomplis.

Je déplore que la rhétorique employée dans certains États membres les semaines passées ait été ouvertement discriminatoire et en partie provocante. La situation des Roms est un problème grave qui doit être adressée non

seulement au mois d'août mais tout au long de l'année. La question doit être traitée avec attention et responsabilité par les décideurs politiques. Les décideurs politiques nationaux ont un rôle important à jouer pour assurer à la fois l'ordre public et l'intégration sociale de tous les Européens qui choisissent de vivre sur leur territoire. L'Europe n'est pas seulement un marché commun c'est aussi une communauté de valeurs et de droits fondamentaux. La Commission européenne y veillera."