



Budapest | Hungary
November 12, 2010

Frequently Asked Questions on the European Roma Population

How many Roma are living in the European Union?

There are between 10 million and 12 million Roma living in the European Union, candidate countries and potential candidate countries in the Western Balkans. Roma living in the European Union are EU citizens and have the same rights as all other citizens. A significant number of Roma live in extreme marginalisation in both rural and urban areas, and in very poor social-economic conditions. They are disproportionately affected by discrimination, violence, unemployment, poverty, bad housing and poor health standards.

What is the European Commission doing to help the integration of the Roma?

The social and economic inclusion of Roma is a priority for the EU and needs the commitment and joint efforts of national and local authorities, civil society and EU institutions. The European Commission is committed to taking the necessary steps to improve the situation of the Roma and their social and economic integration in society. On April 7, 2010 the Commission adopted a Communication on the social and economic integration of Roma in Europe (IP/10/407; MEMO/10/121) – the first ever policy document dedicated specifically to Roma. It outlines an ambitious program to help make policies for Roma inclusion more effective and defines the main challenges ahead.

The Communication also outlines the complexity and interdependence of the problems faced by Roma in terms of discrimination, poverty, low educational achievement, labor market barriers, housing segregation and poor health.

Although the situation for many of Europe's Roma people remains difficult, important progress has been made at European and national levels. In the last two years, the European Union and Member States have focused on adopting non-discrimination laws and making EU funding more effective in promoting Roma inclusion. This includes fighting discrimination, segregation and racist violence as well as supporting programmes to address the vicious circle of poverty, social marginalisation, low school achievement and poor housing and health

What funding is available at EU level for Roma?

The EU and Member States have a joint responsibility for Roma inclusion and use a broad range of funds in their areas of responsibility, namely the European Social Fund (ESF), European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD) to support the implementation of national policies in these fields. The EU already co-finances projects for the Roma in sectors like education, employment, microfinance and equal opportunities (in particular equality between men and women).



Who monitors how EU funding is spent?

As is always the case with EU funds, it is up to Member States and managing authorities to come up with viable projects. It is not the role of the European Commission to propose projects.

Standard practice for all projects is that Member States have certifying and auditing authorities and on top of that the European Commission does sample controls to see if the money has been spent on projects which have been approved. If there are any irregularities, there will be so-called "financial corrections", meaning that the sum will be deducted from a next payment and no EU money will be spent on the projects for which irregularities have been found.

What EU policies are available to fight against possible discrimination of Roma?

The European Commission is the primary European body committed to combatting anti-Roma discrimination. EU Justice Commissioner, Viviane Reding, has stated, "The European Union is built on fundamental rights and values, and in the respect for cultural and linguistic diversity. Our European values include the protection of people belonging to minorities, the principle of free movement, and the prohibition of all forms of discrimination. As Vice-President of the European Commission with responsibility for Justice, Fundamental Rights and Citizenship, I am committed to combating all forms of racism and xenophobia, discrimination and social exclusion on grounds of ethnic origin." [SPEECH/10/147](#)

EU Employment and Social Affairs Commissioner, László Andor, is also actively involved in Roma social inclusion saying in a speech at the last summit on Roma: "Our support for Roma inclusion needs to be explicit, but not exclusive, and must aim at ensuring all Roma people to enjoy equality and opportunity." He has continuously stressed the opportunities for Member States to draw on EU funds, saying: "We need to use all available European and national funds available to respond the needs and circumstances of Roma people in a culturally sensitive and reasonable way in all our policies." [SPEECH/10/148](#)

There are clear EU rules in place regarding the free movement of EU citizens. Article 21 of the Treaty on the Functioning of the European Union (TFEU) provides that every citizen of the Union has the right to move and reside freely within the territory of the Member States, subject to certain limitations. These limitations are laid down in [Directive 2004/38/EC](#).

When it comes to discrimination in employment situations, the main legislative instruments available to the Commission are the non-discrimination [Directive 2000/43/EC](#) and the Framework Decision on combating racism and xenophobia [2008/913/JHA](#).

The Commission also promotes the use of best practices and the exchange of information in the framework of the annual European Roma Summits. The most recent [summit](#) was held in Cordoba, Spain on 8-9 April. [The European Platform for Roma Inclusion](#) meets twice a year. The Platform's main principle is that all Roma policies should aim at integrating Roma into standard schools, labour market and society rather than creating a parallel society. Action should be explicitly targeted towards Roma without excluding people of other ethnicities who are in a similar socio-economic situation.



Can Roma people from Bulgaria and Romania work in the EU?

Starting in January 2014 – seven years after Bulgaria and Romania's accession into the European Union – there will be complete freedom of movement for workers within the EU. For EU citizens, the free movement of persons is one of the fundamental freedoms guaranteed by EU law and includes **the right to work in another Member State** without needing a work permit. It is an essential part of the Single Market and of European citizenship.

Roma who are Bulgarian or Romanian nationals enjoy the same rights under EU law as other EU nationals. But as transitional arrangements still apply regarding the right to free movement of workers on the basis of Bulgaria's and Romania's Accession Treaty, Bulgarian or Romanian nationals may face restrictions to this right until December 31, 2013.

The situation for Bulgarian and Romanian nationals is as follows:

Workers from Bulgaria and Romania currently enjoy full rights to free movement pursuant to EU law in 14 of 25 Member States (Denmark, Estonia, Cyprus, Latvia, Lithuania, Poland, Slovenia, Slovakia, Finland, Sweden, Hungary, Greece, Spain and Portugal) and also have free access to the labour market of the Czech Republic under national Czech law.

The restrictions that the remaining ten Member States (Belgium, Germany, Ireland, France, Italy, Luxembourg, Netherlands, Austria, UK, Malta) apply vary from one Member State to another but typically require Bulgarian and Romanian citizens to have a work permit. Only the individual Member States can give detailed information on the restrictions they apply. Nevertheless, the Commission understands that several Member States have eased conditions or simplified procedures to access the labour market in comparison to the conditions and procedures that applied in these Member States to Bulgarian and Romanian citizens prior to EU accession.

Who is covered by the transitional arrangements?

The transitional arrangements apply to any national of Bulgaria or Romania who wants to work as an employed person in one of the current Member States. It does not apply to those wishing to reside in one of the current Member States for purposes such as study, or those who wish to establish themselves as self-employed persons. Only Austria and Germany may, under certain conditions, also apply restrictions to Bulgarian and Romanian companies who post workers for the purpose of providing services in certain sectors, notably the construction industry.

On what grounds can Member States seek to remove EU citizens, including Roma, from their territory?

The free movement of persons is one of the pillars of the EU and a fundamental right of EU citizens. It brings great benefits to EU citizens, Member States and the European economy as a whole. In 2008, EU citizens residing in a Member State other than the one of origin were estimated at 11.3 million.



Article 21 TFEU provides that every citizen of the Union has the right to move and reside freely within the territory of the Member States. However, this right is not unconditional. Limitations are laid down in [Directive 2004/38/EC](#) on the right of citizens of the EU and their family members to move and reside freely within the territory of the Member States.

For stays for up to three months, the only condition is to have a valid passport or identity card. No entry visas, employment or sufficient resources can be required. EU citizens staying for more than three months must be economically active (i.e. they 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 (Article 7). EU citizens can be removed from the host country if after three months the EU citizen does not meet the above conditions on economic resources and health insurance.

After residing in the country for a continuous period of five years, EU citizens become permanent residents and are free from meeting any conditions.

Restrictions on the right of free movement and residence can be based on grounds of public policy, public security or public health (Article 27 of the Directive).

When deciding to remove an EU citizen, Member States must first ensure that the decision is proportionate to the threat to public policy or to the burden on public funds that the EU citizen concerned represents.

A decision to remove an EU citizen should not be taken lightly. EU law provides for safeguards ensuring that the final decision is fair. The safeguards protect both the interests of EU citizens and of the countries in which they live.

A decision on the grounds of public policy or public security must be based exclusively on the personal conduct of the individual concerned. This means that the personal conduct must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society (Article 27).

In the framework of this individual assessment, the host EU country must take account of considerations such as how long the EU citizens have resided on its territory, their age, state of health, family and economic situation, social and cultural integration into the host Member State and the extent of their links with the country of origin.

If Member States conclude that the threat represented by the EU citizens and their family members is sufficiently serious and the expulsion is warranted, they must notify the decision to the person concerned in writing and indicate, in full, all the grounds on which the decision was taken (Article 30).

Except in duly substantiated cases of urgency (to be defined by Member States, but for example where there is a risk of serious reoffending), persons concerned should have at least one month to leave (Article 30).



Roma Education Fund

Closing the gap in educational outcomes between Roma and non-Roma

Such decisions can be appealed at a national court. People can also apply to suspend the removal until the court decision. In that case, they may not be actually removed from the country except where they already had access to judicial review or where the decision is based on grounds of public security (Article 31).

The Commission is committed to ensuring that EU citizens fully benefit from their free movement rights. Member States are responsible for the application of the Directive. The Commission issued [Guidelines \(IP/09/1077\)](#) in July 2009 to help Member States to correctly apply the Directive. The Guidelines are not binding. They are intended to provide information to both Member States and EU citizens and to make the application of the Directive more effective.