



EUROPEAN PARLIAMENT
DIRECTORATE GENERAL FOR RESEARCH
DIVISION FOR INTERNATIONAL AND CONSTITUTIONAL AFFAIRS

FACTSHEET

ROMANIA

Chapter 2 - Freedom of movement for persons

1. The *acquis*¹

The *acquis* covers the four broad areas of mutual recognition of professional qualifications, citizens' rights, free movement of workers and coordination of social security schemes.

In the politically sensitive area of **free movement of workers**, the EU took the initiative of itself proposing a transitional measure for all the candidates except Cyprus and Malta. This involves the present system of work permits being maintained for a number of years after accession with a gradual transition towards free movement, as was the case in previous enlargements in respect of certain other new Member States.

As regards **mutual recognition of professional qualifications**, a particular problem in respect of some countries has been how to treat qualifications of citizens of candidate countries who hold qualifications from third countries because they completed their education at a time when certain candidate countries were part of the Soviet Union or Yugoslavia. The notion of a declaration of equivalence issued by the relevant bodies in the candidate countries together with an attestation in respect of the specific holder of a qualification is central to the approach adopted by the EU, as are tough monitoring provisions, in particular for the sectoral directives .

In the area of **citizens' rights**, implementation of the directives on voting rights may require constitutional amendments in some countries and alignment with the *acquis* on residence rights will only be fully possible on accession.

Coordination of social security is governed by regulations which will be directly applicable upon accession. The main challenge here is one of administrative structures and capacity.

¹ Information largely drawn from the European Commission, DG Enlargement,
<http://europa.eu.int/comm/enlargement/negotiations/index.htm>

For a guide to free movement for persons in an enlarged Union see the European Commission's enlargement website

Candidate countries have acquired some experience in implementing existing bilateral agreements with Member States.

2. The negotiations

Chapter opened: March 2002

Status: Provisionally closed in December 2003

Transitional arrangements

For all countries except Malta and Cyprus, a common approach has been put forward. The essential components of the transitional arrangement are as follows:

- a two year period during which national measures will be applied by current Member States to new Member States. Depending on how liberal these national measures are, they may result in full labour market access.
- following this period, reviews will be held, one automatic review before the end of the second year and a further review at the request of the new Member States.
- the transitional period should come to an end after five years, but it may be prolonged for a further two years in those Member States where there are serious disturbances of the labour market or a threat of such disruption.
- safeguards may be applied by Member States up to the end of the seventh year.

The transition arrangement also includes a number of other important aspects, such as a standstill clause, whereby current Member State labour markets cannot be more restricted than that prevailing at the time of the signature of the Accession Treaty. Also current Member States must give preference to candidate country nationals over non-EU labour.

A declaration will be attached to the Accession Treaty stating that current Member States shall endeavour to grant increased labour market access under national law, with a view to speeding up the approximation to the *acquis* and even an encouragement to improve access before accession.

Austria and Germany have the right to apply flanking national measures to address serious disturbances or the threat thereof, in specific sensitive service sectors on their labour markets, which could arise in certain regions from cross-border provision of services.

Under the transitional arrangement, the rights of nationals from new Member States who are already legally resident and employed in a Member State are protected. The rights of family members are also taken into account consistent with the practice in the case of previous accessions.

Ten countries, including Romania, have accepted this arrangement with some minor adaptations. The solution is identical: reciprocity vis-à-vis current Member States and the possibility of applying safeguards against new Member States once at least one new Member State is subject to national measures, as well as a statement to be made at the Accession Conference that Member States will endeavour to grant increased labour market access to nationals of these countries.

3. Latest Assessment of the European Commission¹

In the reporting period Romania has made some progress as regards mutual recognition of professional qualifications for medical professions. Romania has removed some restrictions to allow the free movement of workers and their family, but at the same time introduced the rule that EU nationals can only be employed if a vacancy cannot be filled by a Romanian.

Preparation for implementation of the *acquis* on mutual recognition of professional qualifications is still at an early stage and accelerated progress needs to be made, in particular as regards curricula and training requirements. Additional efforts should also be focused on ensuring that national legislation is in line with EU rules on nationality, residence and language. Attention should be paid to the development of appropriate administrative structures and to financial stability with respect to Romania's future obligations resulting from the co-ordination of social security systems.

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¹ European Commission, 2003 Regular Report on Romania's progress towards accession:
http://www.europa.eu.int/comm/enlargement/report_2003/pdf/rr_ro_final.pdf