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Statement on the latest developments on the Roma situation

Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

Brussels, 14 September 2010

Midday briefing in Press Room

"Over the past weeks, the European Commission has been following very closely the developments in France regarding the Roma.

I personally have been appalled by a situation which gave the impression that people are being removed from a Member State of the European Union just because they belong to a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War.

I have made crystal clear my doubts about the legality of the French measures in a public statement on 25 August – a statement that was made in full agreement with Commission President Barroso with whom I worked closely on this issue over summer.

Together with Commissioner Andor and Commissioner Malmström, I submitted a preliminary legal analysis of the French measures on 1 September to President Barroso and the College of Commissioners.

This preliminary analysis stressed, inter alia, that France would be in violation of EU law if the measures taken by the French authorities in applying the Free Movement Directive had targeted a certain group on the basis of nationality, race or ethnic origin.

The College of Commissioners discussed the matter intensely last week in Strasbourg.

During a formal meeting with French ministers Eric Besson and Pierre Lellouche, the Commission – Commissioner Malmström and myself – received political assurances that specific ethnic groups had not been targeted in France. Our doubts remained. This is why last Tuesday, following discussion in the Commission college, I sent a further formal letter to French minister Besson to ask for additional details, which should be sent to the Commission swiftly.

I can only express my deepest regrets that the political assurances given by two French ministers officially mandated to discuss this matter with the European Commission are now openly contradicted by an administrative circular issued by the same government.

The role of the Commission as guardian of the Treaties is made extremely difficult if we can no longer have confidence in the assurances given by two ministers in a formal meeting with two Commissioners and with around 15 senior officials on the table from both sides.

And ladies and gentlemen, this is not a minor offence in a situation of this importance. After 11 years of experience in the Commission, I would even go further: This is a disgrace.

Let me be very clear: Discrimination on the basis of ethnic origin or race has no place in Europe. It is incompatible with the values on which the European Union is founded. National authorities who discriminate ethnic groups in the application of EU law are also violating the EU Charter of Fundamental Rights, which all Member States, including France, have signed up to.

I therefore find it deeply disturbing that a Member State calls so gravely into question, by the actions of its administration, the common values and the law of our European Union.

I also take issue with the statements made by the French Secretary of State for European Affairs yesterday questioning the role of the European Commission as guardian of the Treaties. The Commission's role as guardian of the Treaties is one of the foundations of the European Union – a Union which is held together not by force, but by respect of the rule of law agreed upon by all Member States, including France.

I take note that the French authorities seem themselves to become aware that the developments of this weekend put them into an untenable situation. I also take note that yesterday afternoon the French Minister of the Interior signed a new circular on the matter eliminating the references to a specific ethnic group, the Roma. We are currently looking into the legal implications of this – **it is important that not only the words change, but also the behaviour of the French authorities. I am, therefore, asking the French authorities for immediate and swift explanation of the matter.**

The Commission will include all these developments, as well as other relevant documentation, into our final legal analysis of the situation. This legal analysis is done in close cooperation by my services, the services of Commissioners Malmström and Andor, as well as with the Legal Service of the President, and I expect it to be completed in the days to come.

I am personally convinced that the Commission will have no choice but to initiate infringement action against France:

- Infringement proceedings against France for a discriminatory application of the Free Movement Directive.
- And infringement proceedings against France for lack of transposition of the procedural and substantive guarantees under the Free Movement Directive.

I will of course give the French authorities the right to submit comments on the new developments in the course of the next days. But I make it very clear my patience is wearing thin: enough is enough.

No Member State can expect special treatment, especially not when fundamental values and European laws are at stake. This applies today to France. This applies equally to all other Member States, big or small, which would be in a similar situation. You can count on me for that."