REPORT
on the Free Movement of Workers in Romania in 2007

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September 2008

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Introduction

A. GENERAL OVERVIEW

Romania is a Southeastern European country, European Union member starting 1st of January 2007, with 22,276,056 inhabitants (July 2007 estimation). The communist regime was overthrown in 1989, and then started a steady transition period, ongoing even now, after the EU accession.

Romania is primarily considered a source and transit state for international migration (an emigration state), and only secondary as a migration destination (immigration state). According to The Economist, emigration is "encouraged by low pay, poor working conditions and bad public services. As many as 2m Romanians… live abroad".[1] The net migration is negative; the number of emigrants is exceeding the number of immigrants:

1995	-26179.000
1996	-24559.000
1997	-22447.000
1998	-10510.000
1999	-8030.000
2000	-10053.000
2001	-3737.000
2002	-1572.000
2003	-7406.000
2004	-10095.000
2005	-7234.000
2006	-6483.000

Source: EUROSTAT

The present situation in Romania is characterized by emigration, in form of temporarily working abroad of Romanian citizens.[2] According to recent estimations, two and a half millions of Romanian citizens are working abroad, meaning that 12% of 18 to 59 year old Romanians have worked in a foreign country after 1989. The most important destinations are Italy and Spain.[3]

The legal statute of aliens in Romania is regulated by Emergency Ordinance 194/2002 (*Ordonanță de urgență nr. 194/2002 privind regimul străinilor în România*). This norm – having the power of a law – has been modified seven times since its adoption.[4] The Constitu-

1 See *The Economist*, Jan 4th 2007.

2 Sebastian Lazaroiu, Monica Alexandru, *Controlling exits to gain accession. Romanian migration policy in the making*. Internet: http://www.cespi.it/migraction2/PAPERS/mig-romania-2.pdf Before 1989, the migration had an ethnic character. According to the *Encyclopedia of the Nations*, "about 117,950 Jews emigrated to Israel between 1948 and 1951; another 90,000 were permitted to emigrate during 1958–64. Some 120,000 ethnic Germans left Romania between 1978 and 1988, and some 40,000 ethnic Hungarians fled in 1987 alone. In 1990, 80,346 people left, 78% to Germany, 9% to Hungary."
Internet: http://www.nationsencyclopedia.com/Europe/Romania-MIGRATION.html.

3 For details on Romanians working abroad, see Fundația pentru o Societate Deschisă, *Politici şi instituții în migrația internațională: migrație pentru muncă din România, 1990-2006*, Bucharest 2007.

4 The Ordinance has been approved by Law 357/2003 modified and republished, then modified by Law 309/2004 regarding free circulation of a EU and EEC Member State citizens , then again by Law 482/2004, afterwards by Emergency Ordinance 113/2005 passed by Law 306/2005 modified later, and finally by Law 56/2007. The latest modification: Emergency Ordinance 55/2007.

tional Court of Romania decided 44 times on objections on unconstitutionality, brought up before courts of law and in all cases found the texts of the Emergency Ordinance in compliance with the Fundamental Law. In the first period, this regulation was applicable to EU citizens also. In June 2007 the legal definition of the term *alien* (*străin*) has changed. Before June 2007, aliens were persons without Romanian citizenship. There were two categories of aliens, because for aliens with EU citizenship were adopted special rules, analyzed in the next part of this chapter. But starting with the recent changes, the term alien means *a person who is not Romanian citizen or is not a citizen of other EU or EEA* Member State. Therefore, opening with the latest changes, the legislation on aliens applies only to non EU and EEA citizens (third country nationals). EU and EEA citizens have the same status as the Romanian citizens, with specifications in the accession documents of Romania to the EU. The new approach simplified the application of the law because is more perspicuous.

Also recently the Government adopted two emergency ordinances, changing extremely important aspects of immigration. The two ordinances were published in the Official Journal of Romania at June 26th 2007, and entered in force in the day of the publication. Emergency ordinance is a normative administrative act with legal force, adopted in exceptional cases, in need of a regulation which cannot be postponed, submitted for debate in an emergency procedure to the Parliament and published in the Official Journal of Romania. The ordinance generally enters in force on the day of the publications or on a date indicated in legal text. The Parliament may approve, modify or reject the emergency ordinance, but meanwhile the ordinance is in force. The Government has the obligation to give reasons for the emergency status within their content. Adopting emergency ordinances is a very quick way of legislation, with subsequent parliamentary control, but the result is a generally instable regulation (often the Parliament changes the text of the ordinance), a non-transparent method (there is no previous parliamentary debate).[5] The Romanian practice of emergency ordinances is criticized, but the immigration reform was adopted by this way.

Emergency ordinance 55/2007 established the Romanian Immigration Office (*Oficiul Român pentru Imigrări*), reorganizing (merging) three authorities dealing with immigration issues before the new legislation: the Authority for Aliens (*Autoritatea pentru străini*), the National Office for Refugees and the Office for Labour Force Migration (*Oficiul pentru Migrația Forței de Muncă*). This Office has powers related to EU citizens and third country nationals also.

Emergency ordinance 56/2007 deals with the employment of aliens, work authorization (*autorizația de muncă*) and delegation of working force to Romania. This is a specific rule for third country nationals only.

Regarding organization and attributions of the Romanian Immigration Office secondary legislation was also established.[6] The Romanian Immigration Office has legal personality, and it is organized subordinated to the Ministry of Interior and Administrative Reform. The Office is headed by a leading civil servant, and coordinated by a state secretary.

B. LEGAL HARMONIZATION

Law no. 309/2004

The harmonization process started with the adoption of the Law. no 309/2004 on the free movement in the Romanian territory of the citizens of EU and EEA Member States. As it was planned, to law was supposed to enter into force at the time of Romania's accession to the EU.

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5 For details, see articles 108 and 115 of the Romanian Constitution.

6 Government Decision 639/2007.

At that time the provisions of Government Emergency Ordinance no. 194/2002 on the status of foreigners in Romania stops to apply to citizens of EU Member States and of the EES.

The Law no. 309/2004 transposed a set of directives:

- Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health
- Council Directive 72/194/EEC of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health
- Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services
- Council Directive 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity
- Council Directive 75/35/EEC of 17 December 1974 extending the scope of Directive No 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity
- Council Directive 90/364/EEC of 28 June 1990 on the right of residence
- Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity
- Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students
- partially the Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families

To assure the applicability of the Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State and of the Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, the law received some provisions of the mentioned regulations also.

But due to the dynamics of European law, all the directives mentioned were abrogated trough the Directive 2004/38/EC 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Emergency ordinance no. 102/2005

Therefore the harmonization effort restarted and the Government adopted the emergency ordinance no. 102/2005 on the free movement of citizens of the Member States of the European Union and the European Economic Area on the Romanian territory. The ordinance transposed the Directive 2004/38/EC and repealed the Law no. 309/2004, never applied in practice.

The legal instrument chosen for harmonization was the emergency ordinance. The Government can only adopt emergency ordinances in exceptional cases, the regulation of which cannot be postponed, and have the obligation to give the reasons for the emergency status within their contents. The "exceptional case" was the harmonization necessity itself and the Schengen Action Plan. An emergency ordinance shall only come into force after it has been submitted for debate in an emergency procedure to the Chamber having the competence to be notified, and after it has been published in the Official Gazette of Romania. If not in session, the Chambers shall be convened by all means within 5 days after submittal, or, as the case may be, after forwarding. If, within 30 days at the latest of the submitting date, the notified Chamber does not pronounce on the ordinance, the latter shall be deemed adopted and shall be sent to the other Chamber, which shall also make a decision in an emergency procedure. An emergency ordinance containing norms of the same kind as the organic law must be approved by an absolute majority.

This emergency ordinance entered into force at the date of Romania's accession to the European Union. But before the accession, 1 January 2007, the ordinance was modified three times and methodological norms for its application were elaborated:

- by the Law. no. 260/2005;
- by the Government ordinance 30/2006;
- methodology adopted trough Government Resolution 1864/2006
- by the Law no. 500/2006.

This is the way the harmonization is Romania was modelled.

The emergency ordinance no. 102/2005 lays down the regulations for the conditions governing the exercise of the right of free movement, residence and permanent residence within the Romanian territory by the citizens of Member States of European Union or European Economic Area and their family members and the limits placed on these rights on grounds of public order, national security or public health.

The European Union citizens and their family members who exert the right of free movement and residence on Romanian territory shall benefit from the following rights and freedoms recognized by the Treaty:

a) General protection of persons and property, guaranteed by the Constitution and other laws, as well as from other rights provided for by the European Union and other international treaties Romania is a party to.
b) They may move freely and establish their residence or, by case, domicile anywhere on the Romanian territory;
c) Social protection measures from the state, under the same conditions as the Romanian citizens;
d) They have the right to check the personal data written on official documents issued by Romanian authorities and, if the case may be, to request the correction or exclusion of data that do not correspond to reality;
e) They have unlimited access to the Romanian labour force market, under the condition, if the case may be, of applying the provisions of the transitory measures stipulated in the Treaty of Romanian Accession to EU, as well as they are allowed to carry on other economic activities, according to the law applicable to the Romanian citizens.
f) They have unlimited access to the educational and training activities within the national educational system.

The dependants, as well as the partner, benefit of the rights granted to the family members of the Union European citizen regarding the entry and residence in/on the Romanian territory

under the conditions stipulated by the emergency ordinance. Exerting any rights or fulfilling any administrative formality by the European Union citizens or their family members shall not be conditioned by the possession of documents issued by the Romanian authorities under the provisions of the Romanian law, if the concerned person proves by any means of proof that he/she is the beneficiary of that right. Anyway, during their stay in Romania, the European Union citizens and their family members are compelled to comply with the provisions of Romanian legislation.

Chapter I
Entry, residence, departure

1. ENTRY

The entry of European Union citizens on Romanian territory is allowed through all the border crossing points opened for international traffic for persons, under the condition of presenting the national identity document, the passport or other valid document issued to the European Union citizens, without placing the entry stamp by the Border Police.

The entry on the Romanian territory of the European Union citizens, as well as of their family members can be refused only in the following situations:

a) they do not present the documents stipulated in the law and do not prove by any means that are beneficiary of the right of free movement and residence on Romanian territory. Before the communication of the refusal of allowing the entry on the Romanian territory, this person is given the necessary period of time to prove the fulfilling the entry conditions or the fact that he/she is a beneficiary of the right of free movement and residence on the Romanian territory. The border police officials shall give all the necessary support in order to clarify the situation of the concerned person including the issuing of entry visa in exceptional situations, after a thorough investigation.
b) they were declared undesirable persons, according to the law or an entry ban was order against them;
c) there are serious grounds to believe that concerned person represents a real and current treat for public order, national security or public health.

The refusal of allowing the entry on the Romanian territory is communicated immediately by the border police, in written, together with the reasons on which basis the measure was disposed, mentioning the competent court and necessary period of time for appealing the measure.

The entry ban decision on Romanian territory can be appealed to the specialized administrative court to which the decision issuing authority is affiliated to. The court shall solve the case with emergency and priority, ruling a decision. The petition shall be examined in the court chamber in the presence of the parties. The court decision is definitive and irrevocable.

The means of attack against the entry ban decision before the administrative court shall not suspend the enforcement of this measure.

2. RESIDENCE

Declarative obligations

Within 15 days from the entry date on Romanian territory, the European Union citizens or their family members have to present themselves to the nearest territorial branch of Romanian Police, Romanian Border Police or Immigration Office, in order to declare their presence in Romania.

During the period of stay in Romania, the European Union citizens or, if the case, their family members shall be bound to declare to the territorial units of Immigration Office within 15 days since the event occurred the following:

- any change regarding the name, surname and citizenship;

- in the situation of the family members who do not have the European Union citizenship, any relevant change as regards the civil status;
- the loss or the damage of the documents on the basis of which the crossing of the Romanian state border is allowed, as well as those of issued by the Romanian authorities shall be declared to the competent territorial police station within 48 hours since the event was ascertained.

Controls

During the stay in Romania, the European Union citizens or their family members shall be bound to obey to the specialised controls of the Romanian competent authorities, carried out in the same conditions as those applicable to the Romanian citizens.

Residence rights

The European Union citizens, who legally entered on the Romanian territory, benefit of 3 months stay right from the date of entry in our country, without fulfilling any supplementary conditions.

The European Union citizens shall have the residence right in Romania for a period over three months under the following circumstances:

- they carry out dependent or independent activities, according to the law;
- they have means of support for themselves and for their family members, usually, at least at guaranteed minimum income level in Romania and they have medical insurance accredited by the Romanian health insurance system;
- they are registered at a institution from Romania, accredited by the law, having as main purpose educational and vocational training activities, they have social health insurance accredited by the Romanian health insurance system and they declare by their own liability that they have means of support for themselves and for their family members, usually, at least at the guaranteed minimum income level in Romania.
- they are family members of a Union European citizen who comply with the conditions provided above.

The right of residence has a duration determined by the period in which the entitled person is in one of the situations provided. The resident, who performs dependent or independent activities for more than one year and has subsequently become unemployed, under the conditions of the law, has the right of residence, during the period of his unemployed status. The resident who had an employment contract for a limited period, less than one year, or was performing dependent or independent activities for maximum 12 months period and has subsequently become unemployed, shall benefit of the right of residence for 6 months starting the date of obtaining the unemployed status. The resident who was performing dependent or independent activities, but has not subsequently become unemployed and who is registered in a vocational training program, has the right of residence on condition that the training is related to the field of the previous job and just for its duration. During the period into which the resident performing dependent or independent activities has temporarily lost capacity to work due to a disease or an accident, the resident has the right of residence.

Registration certificate

In order to be registered and to be granted the registration certificate, the European Union citizens shall submit to the competent territorial branch of the Immigration Authority, within 90 days starting the date of their entry on the Romanian territory, an application accompanied by the national identity document or valid passport, as well as, as the case may be, the following documents:

- a legalized copy of the employment contract or a certificate issued by the employer or the authorization for carrying out the independent activities, issued by the mayor;
- the proof that they have means of support for themselves and, as the case may be, for their family members, usually, at least at the guaranteed minimum income level in Romania and they have health insurance recognized by the Romanian social health insurance;
- a proof issued by the accredited educational institution where they are registered, the proof that they are insured in the Romanian health insurance system and the statement signed under own liability that they have means of support for themselves and, if the case may be, for their family members, usually, at least at the guaranteed minimum income level in Romania.

On the basis of the documents, the competent authorities are issuing the registration certificate on the same day when the application was submitted.

Incomplete requests

If on the basis of the documents submitted by the persons in case, the competent authorities ascertain that the conditions for granting the right of residence are not fulfilled, they shall request that, within a reasonable period but no later than 30 days, the persons concerned shall present the documents which are necessary to solve the application.

In case that after the period has passed and the conditions are still not fulfilled, the competent authorities communicate, in written, to the person concerned, the refusal of issuing the register certificate as well as the grounds of this decision, mentioning the competent court and the period of time within the decision can be appealed. The refusal of issuing the register certificate may be contested to the competent specialised administrative court.

Right of permanent residence

The European Union citizens who have a continuous legal stay of more than 5 years shall benefit of the right of permanent residence.

Continuity of residence shall not be affected by:

- temporary absences not exceeding a total of six months a year;
- absences of a longer duration for compulsory military service;
- absence of a maximum of twelve consecutive months from the Romanian territory for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a relocation in another Member State or a third country.

The right of permanent residence shall be lost in the case of an absence from the Romanian territory longer than two consecutive years.

By way of derogation, the right of permanent residence shall be granted, before completion of a continuous period of five years, to the residents who:

- are carrying out dependent or independent activities and who, at the moment they cease activity, have the right an old age pension or whose working contract ceases with entitlement to early retirement according to the law, provided that they have been working in Romania for at least the preceding twelve months and have stayed legally and continuously for more than three years on the Romanian territory. For the residences carrying out a liberal profession the conditions referring to the retirement age shall be considered fulfilled when reaching the age of 60 years if otherwise provided by the law;
- are carrying out dependent or independent activities and who have a continuous stay on the Romanian territory for more than 2 years and stop working due to totally loosing or losing at least half of the capacity to work. If such incapacity is the result of an accident at work or an occupational disease, no condition shall be imposed as to length of residence;
- after three years of residence, working dependently or independently, start to work in an employed or self-employed capacity in another Member State, while retaining their place of residence in Romania, to which they return, as a rule, each day or at least once a week.

Periods of unemployment, medical leave or ceasing of activity due to illness or accident as well as any other periods of ceasing activity for reasons which are not imputable to the person concerned shall be taken into account when establishing continuity of the periods. The conditions as to length of residence and employment and the condition as to length of residence shall not apply if the person concerned who is employed or carries out independent economic activities is married to a Romanian national. Irrespective of nationality, the family members of the European Union national who has permanent residence, are entitled to permanent residence only if they are members of the household of the respective EU national. If, however, the resident who carries out dependent or independent activities dies while still working but before acquiring the right of permanent residence, his family members who are also members of the household shall acquire the right of permanent residence, on condition that:
- the resident had, at the time of death, resided continuously on the territory of Romania for two years; or
- the death resulted from an accident at work or an occupational disease; or
- the surviving spouse lost the Romanian nationality following marriage to the EU national, bearer of the primary stay right.

The persons fulfilling the legal conditions shall submit to the competent territorial branch of Immigration Office an application for issuing the permanent residence card for European Union citizens (respectively permanent residence permit for family members who are not citizens of the European Union). The validity of the permanent resident card for family members who are not European Union citizens shall be of 10 years from the issuing date and shall be renewed upon request. If the Immigration Office ascertain the fulfilling the conditions for issuing the permanent residence card or permit, it shall grant within 30 days from the date of submitting the application the permanent residence card for European Union citizens or within 90 days from the date of submitting the application the permanent residence card for family members who are not European Union citizens. In case it is a certain that the condition provided by the law are not fulfilled, the competent authorities shall notify in written the refusal of issuing the documents, the grounds on which the decision was based mentioning in the same time the competent court and the period of time in which the decision can be appealed. The refusal can be appealed before the competent specialized administrative court.

Limits of maintaining the right of residence

The European Union citizens and their family members shall benefit of the residence right as long as they do not become an excessive burden to the Romanian social security system.

The European Union citizens and their family members shall benefit of the residence right provided for more of three months period as long as they fulfil the legal conditions.

The Immigration Office can verify the compliance with conditions for exercising the right of residence by the European Union citizens and their family members.

This office may take a decision of leaving the Romanian territory against the European Union citizens and their family members who do not comply with the conditions for exercising the residence right. The person against whom the leaving order was issued is compelled to leave Romanian territory within 30 days from the date of the notification. The leaving order of Romanian territory can be appealed before the competent specialised administrative court. Using a mean of attack of this decision interrupt the calculation of the term within which the person is compelled to leave Romanian territory (mandatory suspension of the term). In the case the concerned person does not leave Romanian territory within the legal period of time, the Immigration Office must escort the person to the border. The escort measure is usually enforced within 24 hours after the concerned person is detected. The leaving order of Romanian territory can not be issued against European Union citizens and their family members, if the European Union citizen carries out dependent or independent activities or proves by any means that is searching for employment and has real prospectives to be employed.

3. DEPARTURE

The European Union citizens as well as their family members may leave the Romanian territory on the basis of presenting the documents needed.

The European Union citizens or their family members are not allowed to exit from Romanian territory in the following situations:

a) they are accused or indicted in a penal cause and the preventive measure was disposed, according to Penal Procedure Code;
b) they were convicted and they have to carry out a prison sentence.

The refusal of allowing the exit from the Romanian territory is communicated immediately by the border police. Refusal decision can be appealed before the specialised administrative court.

The measure of not allowing the exit de iure stops if the person proves with documents issued by the competent authorities, according to the law, that:

a) it was ordered that the criminal pursuit should not begin or should cease, he was acquitted, or it was ordered that the criminal trial should cease;
b) he executed the punishment, he was acquitted, he benefits from amnesty or he was convicted with the conditioned suspension of the punishment execution by final court decision.

An interesting direction of the jurisdiction is related to the free movement of Romanian citizens.[7]

[7] See, for example the following decisions of the High Court of Cassation and Justice, civil and intellectual property section: 2662/2007, 4101/2007, 5101/2007, 5109/2007 etc. An opposite interpretation can be found in the decision no. 3181/2007. For civil procedure issues relating this type of problems, see decision no. 2652/2007.

The Romanian Passport Directorates General, before the EU accession, often solicited the restriction of the free movement of Romanian citizens for a period up to three years. The Romanian citizens concerned were returned to Romania on the basis of readmission treaties concluded with different Member States (for example, Germany, Greece, Italy, Sweden). The regulation, on which the requests of Passport Directorates General were based, is the Law no. 248/2005 on the regime of the free movement of Romanian citizens abroad. According to the law (38. article) the Romanian citizen's right to free movement abroad, for a period up to 3 years, can be limited if the respective person is returned in Romania according to a readmission treaty. The restriction measure is ordered by the Bucharest Tribunal, as an exclusively competent court (but in the first part of year the tribunals in general were competent). But the courts stated that these rules applicability ceased after the accession. The argument for this decision was, according to the courts, that there is a contradiction between the national legislation and Directive 2004/38/CE. According to the Directive, Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public policy, public security or public health and base on an expulsion decision. These grounds shall not be invoked to serve economic ends. Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned. Previous criminal convictions shall not in themselves constitute grounds for taking such measures. The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention shall not be accepted (art 27 of the Directive). The courts found applicable also the provisions of art. 4 of the Directive. The term "all Union citizens" was interpreted in the sense that it includes Romanian citizens also. Therefore, all Union citizens with a valid identity card or passport shall have the right to leave the territory of a Member State to travel to another Member State. No exit visa or equivalent formality may be imposed on these persons.

The Romanian legislation requires as single condition of the restriction measures the fact of returning, in concordance with a readmission treaty, therefore this legislation is in contradiction with the community law. The sanctioning for the violation of the residence regulations occurred through the expulsion of the Romanian citizen by the respective state, and the subsequent restriction measures are in contradiction with the Directive 2004/38/CE.

The same issue was raised in a preliminary ruling procedure brought before the European Court of Justice (Case C-33/07).[8] The case is pending.[9]

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8 OJ C 140 of 23.06.2007, p. 6.

9 Opinion of Advocate General Mazák was delivered on 14 February 2008. According to this opinion, "Article 18(1) EC and Article 4 of Directive 2004/38/EC … preclude, in circumstances such as those in the case before the referring court, national legislation such as that at issue in the present proceedings which provides for restrictions to be placed on the right of Union citizens to leave their Member State of origin in order to travel to another Member State. In the absence of a specific finding by a Member State in relation to one of its own nationals, adopted in compliance with the principle of proportionality and based exclusively on the personal conduct of the individual concerned, that the exercise by him of his right pursuant to Article 18(1) EC and Article 4 of Directive 2004/38 to leave his own Member State to travel to another Member State may pose a genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society, the Member State of origin may not impose, on grounds of 'public policy' or 'public security' as provided by Article 27 of that directive, restrictions on the freedom of movement of that person. Failure by a Member State to examine the personal conduct of a person when restricting, on grounds of public policy or public security, his right to move and reside freely in the territory of the Member States invalidates any justification of the restriction in question."

4. RESTRICTION OF THE RIGHT OF FREE MOVEMENT ON THE ROMANIAN TERRITORY

The Romanian authorities may restrict the exercising of the right of free movement on Romanian territory by the European Union citizens or by their family members only on grounds of public order, national security or public health. Against the European Union citizens and their family members, irrespective their nationality, who have right of permanent residence, may be disposed specific measures for restricting the right of free movement, according to the law, only on grounds of public order and national security.

In the cases of the following categories of European Union citizens, the right of free movement on the Romanian territory may be restricted only in imperative grounds of national security:

a) the residents with continuous and legal stay on the Romanian territory in the last 10 years;
b) the minors, excepting the case when the removal is necessary for the interest of the child, according to the provisions of the United Nations Covenant on Child's Rights from 20 November 1989, ratified by Law no. 18/1990, republished.

Adopting by the competent authorities of any decision of restricting the right of free movement, specially of those regarding the removal from the Romanian territory, disposed according to the law, shall be made only by taking into consideration the effective duration of the stay of the person concerned on the Romanian territory, his/her age, the health status, the familial and economic situation, the level of social and cultural integration in Romania and the assurance of maintaining his/her links with the origin country. Any measures of restriction of right of free movement on Romanian territory of the European Union citizens and their family members shall be taken only in accordance whit the principle of proportionality and shall be based exclusively on the personal conduct of the concerned person. This conduct shall represent a current and serious enough threat to the fundamental values of the society. Such measures can not be based exclusively on existence of prior criminal convictions. Any measure of restriction of the right of free movement on the Romanian territory of the European Union and their family members may have only temporary nature and may be disposed only for a period of time limited to period needed for stopping the grounds which stayed at the basis of its adoption. The decision of restricting the right of free movement shall be notified in written to the European Union citizen or his /her family member, by the authority which disposed this measure. The decision shall content the reasons which stays at the basis of disposing such a measure, the consequences of this decision for the concerned person, information regarding the court and a period of time within the decision can be appealed and if the case the period of time in which the European Union citizen or his/her family member have to leave the Romanian territory. The court which examines the appeal against the decision of restriction of free movement shall analyze the legitimacy of the decision, the compliance of the disposed measure with the principle of proportionality, with condition established in the law as well as the fact and the circumstances justified the disposed measure.

The right of citizens of the Union and their family members to move and reside freely within the territory of Romania may be restricted by adopting one of the following measures:

a) interdiction of entry on The Romanian territory;
b) removal from The Romanian territory, on grounds of public health;
c) declaration as undesirable;
d) expulsion.

There are rules also related to undesirable persons.

The measure of expulsion may be ordered against the European Union national or his family member who committed a crime on the Romanian territory under the conditions provided by the Penal Code and the Penal Procedure Code. The court may decide the interdiction of entry on Romanian territory of the person against whom the measure of expulsion have been disposed for a period from one up to five years. The period of interdiction shall be calculated from the day of leaving the country. In case of the family members who are not European Union citizens upon Immigration Office' proposal, the court may dispose that, till the enforcement of the expulsion measure, the person shall be taken into public custody, applying accordingly the provision regarding taking into public custody and if the case may be, tolerated status, of the provisions of Government Emergency Ordinance no 194/2002 on alien's regime in Romania. A European Union national or his family member may not be expelled to a state where there are justified fears that his life is in danger or that he will be subjected to tortures, inhuman or degrading treatments. If the measure of expulsion, shall be applied after o period longer than 2 years following its disposal, upon request the Immigration Office the court can verify if the concerned person still represents a real and current threat to the public order or national security or if any material changes occurred following the disposal of the expulsion measure. The court shall decide the continuance or cancellation of the safety measure of expulsion within 3 working days since the day of submission. The presence of the prosecutor is mandatory. The decision shall be definitive and irrevocable. The expelled person may request the cancelling of interdiction after the completion of half of the interdiction period disposed. The cancelling of interdiction may be disposed taken into consideration the changes occurred in comparison with the initial circumstances which determined its disposal. The request for cancelling the interdiction shall be submitted to the court which disposed the initial measure. The request shall be examined in counselling chamber. The court shall examine the request with emergency and priority. The decision can be also appealed. The final appeal decision is definitive and irrevocable. The definitive decisions shall be notified to the General Inspectorate of Border Police and Immigration Office.

The measure of removing European Union citizens or their family members from the Romanian territory on grounds of public health may be ordered by the Immigration Office upon request of the specialized institutions within the Ministry of Public Health only in the case if on the basis of the result of medical investigations undertook by the concerned persons within no more than 3 months following the of the his/her date of entry on Romanian territory, can be proved the existence of one of the diseases established according to the a special list. The medical investigations undertaken by the person concerned, are exempted of fees and may be disposed by the specialised structures of the Ministry of Public Health, only in case there are serious indications that at the time of arrival on the Romanian territory the person concerned already suffered one of the diseased listed. The list of diseases which may justify the measures of denial of entry or removal from the territory of Romania is approved by order of the minister of Health which shall conform to the recommendations of the World Health Organisation and shall be published in the Official Journal of Romania, Part I. The enforcement of the removal measure from the Romanian territory shall be carried out by escorting the person to the border cross point by the specialised personnel of the Immigration Office.

5. JOB-SEEKERS

There are no detailed rules on jobseekers. In general, residence right is limited to the period during the basis of the residence right – ex. the employee status – exists.

If this status ceased, and the resident was working for more than one year, and obtains an official unemployed position, the residence right continues to exist during the unemployment period. If the employment period is shorter than one year, the residence right is conditioned also to the unemployed position, and is limited to a 6 month period. Also, if the employed person is in temporary working incapacity due to illness or an accident, the residence right continues.

Also, EU citizen and their family members removed from Romanian territory if the EU citizen can prove by any means that he/she is looking for a job and there are real possibilities to be employed.

Chapter II
Access to Employment

1. EQUAL TREATMENT IN ACCESS TO EMPLOYMENT

The *freedom to work* is guaranteed by the Constitution. This freedom includes that the right to work cannot be restricted. Therefore all persons shall be free to choose their work place and profession, trade, or activity to carry out. No one may be forced to work or not in a certain work place or profession, whatever that might be. The detailed regulation is the Romanian Labour Code, in force from 2003, with several subsequent modifications. The provisions of the Labour code apply to European citizens.

Within the work relationships, the *principle of the equal treatment for all employees and employers* shall apply. All direct or indirect discrimination towards an employee, based on criteria such as:

- sex,
- sexual orientation,
- genetic characteristics,
- age,
- national origin,
- race,
- colour of the skin,
- ethnic origin,
- religion,
- political options,
- social origin,
- disability,
- family conditions or responsibilities,
- trade union membership or activity, are prohibited.[10]

A *direct discrimination* shall be represented by any actions and acts of exclusion, differentiation, restriction, or preference, based on one or several of the criteria mentioned above, the purpose or effect of which is the failure to grant, the restriction or rejection of the recognition, use, or exercise of the rights stipulated in the labour legislation.

An *indirect discrimination* shall be represented by actions and facts apparently based on criteria other than mentioned above, but which cause the effects of a direct discrimination to take place. Any employee who performs a work must benefit from adequate work conditions for the activity carried out, social protection, labour safety and health, as well as the observance of his/her dignity and conscience, with no discrimination.

An employee's main rights include the right to equal opportunities and treatment. Men and women shall get an equal pay for equal or equivalent work. The special law on this issue: the Law no. 202/2002 on equal opportunities and treatment between men and women, is transposing the following directives:

- Directive 76/207/CEE;
- art. 1, 2, 4, 5, 6 and 7 from Directive 75/117/CEE;
- art. 10 and 12 from directive 92/85/CEE;
- Directive 97/80/CE;

[10] The Labour Code implements directives as 97/80/EC, 2000/43/EC, 2000/78/EC.

- clause 2, points 5 and 6 from Directive 96/34/CE;
- Directive 86/613/CEE.

When establishing and granting the wages, all discrimination is prohibited for criteria such as gender, sexual orientation, genetic characteristics, age, national origin, race, colour of the skin, ethnic origin, religion, political options, social origin, disability, family situation or responsibility, or trade union membership or activity.

Any employee who performs a work shall benefit from adequate work conditions for the activity carried out, social protection, labour safety and health, as well as the observance of his/her dignity and conscience, with no discrimination. They have the right to collective negotiations, right to personal data protection, as well as right to protection from unlawful dismissal. The employees and also the employers may associate freely for the defence of their rights and the promotion of their vocational, economic, and social interests.

In general, labour relationships are based on the principle of consensus and good faith. To ensure a proper progression of labour relationships, the participants in labour relationships shall inform and consult one another, in compliance with the law and the collective labour contracts.

An individual labour contract is a contract based on which a natural entity, called employee, undertakes to perform work for and under the authority of an employer, who is a natural or legal entity, in exchange for a pay, called wages. The clauses of the individual labour contract may not contain contrary provisions or rights below the minimum level set up by the laws or collective labour contracts. It is prohibited, under the sanction of absolute nullity, to conclude an individual labour contract for the purpose of performing an illicit or immoral work or activity.

An individual labour contract must be concluded based on the parties' consent, in written form, in Romanian. The employer has the obligation to conclude the individual labour contract in written form. If an individual labour contract has not been concluded in written form, it must be presumed it has been concluded for an unlimited period, and the parties may make the proof of the contract provisions and the work performed by means of any other piece of evidence.

Since 2000, in Romania is in force a Government Ordinance on the prevention and sanctioning all forms of discrimination.[11] The normative act adopts a sanction approach towards discrimination, punishing as contraventions the discriminatory conducts. A section of the ordinance is dealing with equality in economic activity, employment and profession. The equality of treatment is mandatory for the natural persons and legal entities involved in work mediation and repartition. Any person looking for a working place shall have free and equal access to information regarding available working places or qualification opportunities.

There is no limitation regarding citizenship for the administrators of commercial companies. (A third country national can be also an administrator of a Romanian commercial company).

For the experts in legal medicine (forensic medicine) the regulation in force requires Romanian citizenship.[12]

The Statute of teaching personnel also states that the higher education teaching positions are reserved for Romanian citizens, and only as an exception, in this type of functions can be appointed other citizens, for a determined period, as associated lecturers.[13]

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11 Government Ordinance no. 137/2000.

12 Order 938/2005.

13 Law no. 128/1997.

The Law No 51/1995 regarding the organisation and practice of lawyer's profession, trough its modifications, implemented the Directives no. 77/249/EEC and 98/5/EC.

2. LANGUAGE REQUIREMENT IN PRIVATE SECTOR

In general, the language requirements in the private sector are not regulated. In practice, in some cases the language requirements can be found discriminatory, if the mandatory knowledge of a certain language is not necessary for the concrete function in the private sector.

In some cases, there are regulations on language requirements. For example, in the case of credit institutions, if no one of directors or the members of the directorate has Romanian citizenship, at least one of them must know the Romanian language. If this person does not have documents about his language proficiency, it is enough to prove his/her language abilities in the discussions with the Romanian National Bank.[14]

3. RECOGNITION OF DIPLOMAS

Text(s) in force

There are a number of legal acts that state rules applicable to recognition of diplomas and professional qualifications. These legal acts are largely in line with the EU general and sectoral directives for recognition of professional qualifications and diplomas.

A number of new legal acts also were adopted during 2007 in this field.

In the area of diploma recognition the following legal acts are important:

- Law no. 200/2004 regarding the recognition of diplomas and professional qualifications for the professions in Romania – modified in 2007 by the Emergency Ordinance no. 109/2007;
- Resolution of the Government no. 1282/2007 for the approbation of the rules regarding the recognition of diplomas, certificates, and titles for the doctors, dentists, pharmacists, general nurse, midwife acquired in the EU, EEA or Switzerland;
- Law no. 184/2001 regarding the organization and practice of the profession of architects and the Methodology rules from 2006 for the application of this Law;
- Resolution of the Government no. 860/2004 regarding the recognition of the qualification of the veterinary doctor and other rules about the practise of this occupation modified in 2007 (Resolution No. 1242/2007).

Concerning the process of recognition of professional qualifications for regulated professions, the coordinating Body is the Ministry of education, research, and youth. There is a National Center for the Recognition and equalization of the Diplomas obtained in other states. This Center was instituted on the base of the rules of Resolution of the Government no. 49/29.01.1999, in the spirit of the Lisbon Treaty.

There are several recognition systems established in Romania by the Law no. 200/2004:

- recognition of diplomas from the superior education for a period of 3 years;
- recognition of other trainings;
- recognition for diplomas when the applicant is already a holder of a certificate or other title of training;
- recognition in the case if in Romania is asked the existence of an certificate;
- recognition of other qualifications.

[14] Romanian National Bank Regulation no. 11/2007.

The period of the recognition/ equalization procedure is:

a) maximum 60 days from the date of the deposit of the complete document at the NCRED, for the equalization of the university studies, and maxim 30 days in case of automatic recognition
b) maximum 30 days for the pre-university studies, and in the case if there is necessary to take an exam for differences, the period of resolution will be 10 days from the date of receipt of the proof of promoting those exams.

In the case the automatic recognition is not possible, and the documents need to be evaluated by the authorities, the maximum period of the recognition will be 90 days. If the NCRED recommends the necessity of a different exam for the equalization, it will define the conditions of this exam, and the resolving procedure will take 10 days.

They accept all the documents, except those situations:

- the presented study document was emitted by an non-certified university in the origin country;
- the foreign educational institute has equalized, in the order of continuing the studies study periods started in Romania, or in another country, at a non-certified institution;
- the petitionary is not included in the situation, that the recognition can be followed automatically by an equalization;
- the transferable credit numbers or the minimal years do not correspond with the level of the diploma from Romania.

The decision of rejection the recognition is motivated. The negative decision can be contested at a Commission formatted by the experts of the National Council of the Diploma Equalization. The Romanian Law which rules the recognition of diplomas corresponds generally with the general system directives. For example, the Romanian authorities assure, as it appears in the Directive 92/51/EEC, the possibility to choose between the adaptation period and the aptitude test, and also the conditions in which these tests or adaptation periods are necessary are the same. As concerns recognition system for certificates, the attestation of competence and proof of qualifications are applied interchangeably, same how is ruled by EU directive.

In the case, if the petitionary fulfils the conditions to access a regulated profession in Romania, the competent Romanian authorities accord:

a) the right to use the professional title accorded in Romania, which suits to this profession
b) the right to use the title accorded by the document which attests the petitionary's training in the original Member State, and the abbreviation of that in the language of that state. In this title must figurate at least the name and the place of the institute or authority which has emitted it.

If the profession is ruled in Romania by a professional organization, which accords to its members a professional title, the petitionary, citizen of a Member State, can only use this title, when he proves it pertains to the organization. The rules provided by Law No. 200/2004 are not applicable for the field of health care, like for doctors, pharmacists, midwives, nurses. It will be applicable the Regulation No. 1282/2007.

Miscellaneous (administrative practices, etc.)

The terms are not always respected, delays are possible.

Draft legislation

Draft Emergency Ordinance for the Modification of the Law No. 200/2004.

Chapter III
Equality of Treatment on the Basis of Nationality

1. WORKING CONDITIONS, SOCIAL AND TAX ADVANTAGES (DIRECT, INDIRECT DISCRIMINATION)

As analyzed above, according to the Romanian Labour Code, within the work relationships, the *principle of the equal treatment for all employees and employers* shall apply. The Regulation no. 1612/68/EEC necessitates Romania to provide equal treatment in the field of social and tax advantages.

The Government Ordinance on the prevention and sanctioning all forms of discrimination is applied for natural persons, public or private legal entities, in the topic of conditions for access to employment, recruitment, selection and promotion criteria and conditions, access of all forms and levels of professional orientation, formation and perfection. The principle of non-discrimination refers also on social protection and security and access to public services.

The access to *trade unions* is not conditioned to citizenship. All persons legally working in Romania can join a trade union (art. 2 from the Law no. 54/2003 on trade unions). A restriction in force is that one person can have a membership in only one trade union. The Regulation 1612/68/EEC directly applies in Romania. There is no statistical data on trade union memberships of EU citizens.

Regarding the taxation, the EU citizens pay the same taxes on income as Romanian citizens (16%). One of the basic principles of taxability is the neutrality of fiscal measures. From the point of view of taxation, any natural person, regardless citizenship, is considered as a resident if:

- has its domicile in Romania;
- the center of the vital interests is in Romania;
- is present in Romania more than 183 days in a 12 month period.[15] The income tax is paid by resident natural persons, non-resident natural persons who carry out independent activities through a permanent establishment in Romania, non-resident natural persons who carry out dependent activities in Romania and non-resident natural persons who obtain other incomes in Romania.

2. OTHER OBSTACLES TO FREE MOVEMENT OF WORKERS

In some cases the Romanian citizenship is not required, but the permanent domicile in Romania is mandatory. For example, this is the case of criminal experts.

3. SPECIFIC ISSUES: FRONTIER WORKERS, SPORTSMEN/SPORTSWOMEN, MARITIME SECTOR, RESEARCHERS, ARTISTS

The Romanian regulation on frontier workers deals with third country nationals only. The frontier workers are defined in the Emergency Ordinance No. 56/2007 about the engagement to work and the detachment of an alien on the Romanian territory, published on 26th June 2007. The frontier worker is that alien engaged in work in the frontier localities from the Romanian Territory, and who is going back every day, or at least once in a week in the frontier

[15] The diplomatic personnel is not considered as residents.

zone of a state which has common border with Romania, and he has the residence there, and also has that states citizenship. In conclusion, the frontier workers enjoy all the rights granted to migrant workers in Romania.

The case C-212/05 *Hartmann* did not raise practical problems in Romania.

In the case of sportsmen/women, there are no legal limitations or specific legal rules.

No practical problems related yet to the Regulation 1408/71 and Article 39 and Regulation 1612/68.

Chapter IV
Employment in the Public Sector

1. ACCESS TO PUBLIC SECTOR

1.1. Nationality condition for access to positions in the public sector

According to the constitutional provisions, regulating the equality of rights, access to public – civil or military – positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania.[16]

The Romanian public sector has two types of personnel:

- the majority are civil servants,
- and contractual employees.

The political dignities are included into a third category.
A civil servant is a person who has been appointed to officiate as a public functionary. Civil service represents the ensemble of prerogatives and responsibilities established with regard to the law, by central, local or autonomous public authorities, in order to fulfil their attributions. The civil servant has a service relationship with the public authority (there is no labour contract, but an appointing administrative act), the contractual employees has a labour contract and they are in an employment relationship with the public authority. The restrictive rules apply for the civil servants. The position of the contractual personnel is governed by the labour legislation, therefore this kind of positions are open for European Union citizens. Because the relatively reduced number of such positions and the type of work performed by such employees the practical importance of these positions is insignificant.

There are several regulations on the general and special civil services.

The *general regulation* is the Law no. 188/1999 on the Statute of civil servants, with the subsequent modifications.

According to article 54 of the Law no. 188/1999, in order to work as a civil servant a person must fulfil the condition of Romanian citizenship and must live in Romania. The first version of the legal text conditioned the appointment as a civil servant to the exclusive Romanian citizenship; starting with year 2003, persons with another citizenship beside the Romanian citizenship can be civil servants (permissive regulation for the persons with dual citizenship).

The *special* regulations reiterate the general rule, for example:

- Law no. 293/2004 on the Statue of civil servants of the National Administration of Penitentiaries (art. 11);
- Law no. 7/2006 on the Statute of parliamentary servants (art. 11);
- Law no. 44/2007 on the organization and operation of the National Agency for Integrity (art. 17-18) etc.

In the case of naval commanders ("captain" of maritime ships) and naval chiefs ("captain" of fluvial ships) the current regulation, Government Ordinance 42/1997 doesn't require the con-

[16] Art. 16 of the 1991 Constitution, revised in 2003. For details on this issue, see the report Cross-border mobility of public sector workers.

dition of Romanian citizenship. Art. 5 of the mentioned act, as modified in 2006,[17] defines the Romanian naval personal as all of the persons, regardless citizenship, who possess a licence or a capacity certificate, obtained or recognized under the provisions of the law, which grants the right to hold functions on the ships. This is a labour relationship, not a civil service, even in the case when the employer is the state.

In the judicial branch of power, judges and prosecutors must have also Romanian citizenship. This condition is mandatory for candidates to the National Magistrate Institute also.[18] This is the case of the judicial assistants – representing the interests of employers and employees in labour litigation – the citizenship condition also applies. The situation is the same for law clerks.[19]

As a measure of "political integration" of EU citizens, EU citizens can:

- participate and be elected at local elections for the functions of local or county councillor. The function of mayor, vice-mayor, president of the county council and vice-president of the county council are excluded.[20]
- participate and be elected at European Parliamentary elections.[21]

As a conclusion, Romania, based on the article 39 (4) from the EC Treaty, reserved for its citizens the civil service positions, and most of the political dignities.

1.2. Language requirement

For civil servants, the knowledge of the Romanian language – spoken and written – is mandatory.

1.3. Recruitment procedures

Because the access to public service is restricted to Romanian citizens only, the recruitment procedure presents no relevance in this report.

The *Burbaud* judgment of the ECJ has no impact in Romania yet, mainly for the reason of the citizenship condition for access to public sector, but in the future, especially may have effects on public sector employment (if qualification issues are raised in the case of positions which doesn't involve the exercise of public authority).

1.4. Recognition of diplomas

Because the access to public service is restricted to Romanian citizens only, the issue presents no relevance in this report.

1.5. Recognition of professional experience for access to the public sector

Because the access to public service is restricted to Romanian citizens only, the issue presents at this moment no relevance in this report.

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17 Emergency ordinance no. 74/2006.
18 Law no. 303/2004; Law no. 304/2004.
19 Law no. 567/2004.
20 Law no. 67/2004.
21 Law no. 33/2007.

2. EQUALITY OF TREATMENT

2.1. Recognition of professional experience for the purpose of determining the professional advantages (e.g. salary; grade)

Text(s) in force

Because the access to public service is restricted to Romanian citizens only, the issue presents reduced importance in this report. According to the regulation in force on civil servants salaries,[22] in the length of service for the purpose of calculating the salaries, are included all precedent work experiences (including labour contracts). Depending on the length of service, the salaries are increased with a 5%-25% additional benefit.

Draft legislation, circulars, etc.

A draft law on the unitary salary system is pending.

Legislative trends following procedures of infringement are set in motion by the Commission.

[22] Government ordinance 6/2007.

Chapter V
Members of the Family

RESIDENCE RIGHTS

The Emergency Ordonnance No.102/2005 provides that the family members may move freely and establish their residence, or, by case, domicile anywhere on the Romanian territory. The family members who are not citizens of the European Union may enter the Romanian territory on the basis of a valid passport and an entry visa, exempt those cases when, the requirement to obtain an entry visa had been abolished under the conditions of the law. The Romanian diplomatic missions and the consular offices shall grant the entry visa on Romanian territory to the third-country family members. The family members who are not citizen of the European Union but are holding a valid document attesting the residence on other Member State as a family member of a European Union citizen shall be exempted from the requirement to obtain an entry visa. The border police authorities shall not apply an entry or exit stamp in the passports of these persons.

The definition of Family member now covers:

a) the spouse;
b) direct descendents of the European Union citizen or of the spouse, irrespective of their nationality, who are under the age of 21 or those who are in their care;
c) direct ascendants of the European Union citizen or of the spouse, irrespective of their nationality, who are in their care.

The dependent and the partner, which can be recognized as family members are defined by the law:

- Dependent – any other family member, irrespective of nationality, who is not covered by the definition provided at point 3 and who, in the origin or provenience country, is in the care, is a member of the household of the European Union citizen or due to serious health grounds requires personal care by the Union citizen.
- Partner – the person who lives together with the European Union citizen if the partnership is registered in accordance with the conditions laid down in the relevant legislation of the origin or provenience country or in case the partnership is not registered the durable relationship can be duly attested. The partner has got a regulation with the modifications of this law in 2007.

Within 15 days from the entry date on Romanian territory, the family members have to present themselves to the nearest territorial branch of Romanian Police, Romanian Border Police or Immigration Office, in order to declare their presence in Romania. The family members of the European Union citizens, irrespective of nationality, accompanying or subsequently joining them, benefit of 3 months stay right from the date of entry in our country, without fulfilling any supplementary conditions.

Family members who do not have the European Union citizenship may benefit of the residence right for a period over three months if they accompany or subsequently join the European Union citizen who fulfils one of the conditions established by the law (carries out dependent or independent activities, according to the law; has means of support for themselves and for their family members, usually, at least at guaranteed minimum income level in Romania and they have medical insurance accredited by the Romanian health insurance system or they are registered at a institution from Romania, accredited by the law, having as

main purpose educational and vocational training activities, they have social health insurance accredited by the Romanian health insurance system and they declare by their own liability that they have means of support for themselves and for their family members, usually, at least at the guaranteed minimum income level in Romania).

In order to be registered in the database and to be granted the registration certificate, the family members with a EU or EEA citizenship of a Union European citizen shall submit to the competent territorial branch of the Immigration Office, within 90 days starting the date of their entry on the Romanian territory an application accompanied by the national identity document or a valid passport as well as, as the case may be, the following documents:

a) the civil status document attesting the marriage or, by case, documents attesting the existence of a family relationship with the resident;
b) the registration certificate of the European Union citizen whom they are joining, if the European Union citizen has been previously registered in the data base.

The procedure is applicable for dependants and partner, citizens of the European Union, case in which they shall present the documents issued by competent authorities, as well as the documents issued by the competent authority in the origin or provenience country attesting these qualities.

The right of residence granted to the family members holding the European Union citizenship is valid for the whole period of the right of stay of the Union European citizen whose family members they are as well as in the following situation until the deadline for obtaining a permanent residence is fulfilled:

a) when the European Union citizen leaves Romania or in case of death, or
b) in case of spouses, when the marriage has been dissolved or annulled,
c) in case of partners, when the registered partnership is dissolved or annulled.

In the situations when the European citizen leaves Romania or in case of death, the right of residence for children or for the parent entrusted with their care is still valid till the finalization of their studies if the following conditions are cumulatively fulfilled:

a) the children live in Romania,
b) the children are enrolled in an educational institution from Romania.

In order to be register in the database record and to be issued the residence card, the family members who do not have the European Union citizenship may benefit of the residence right for a period over three months if they accompany or subsequently join the European Union citizen who fulfils the legal conditions. They shall submit to the competent territorial branch of the Immigration Office, within 90 days starting the date of their entry in Romania, an application accompanied by the following documents:

a) valid passport;
b) the civil status document attesting the marriage or, if the case, the existence of a family relationship with the European Union citizen, accompanied by a legalized copy in case the document is not issued by the authorities of a Member State
c) the registration certificate of the European Union citizen who is joined by family members, in case European Union citizen was prior registered in the data base record.

The same provisions shall be applied subsequently to the persons who are in the care of the resident as well as to the partner, which are not European Union citizens, exempt presenting the civil status document attesting the marriage or, if the case, the existence of a family relationship with the European Union citizen, accompanied by a legalized copy in case the docu-

ment is not issued by the authorities of a Member State, in which situation they shall present, following the case, documents issued by the competent authority from the origin state or provenience, attesting these qualities.

Upon submission of the application, the competent authorities issue to the applicant a certificate, attesting the right of residence, valid until the residence card is granted. The residence card shall be issued within maximum 90 days starting the day the application was submitted.

Within the period of 90 days the competent authorities do all the necessary checks, ascertaining that the conditions for granting the residence card are fulfilled, including, if the case may be, the conditions referring to the elements on which can be proved a convenience marriage, in compliance with the provisions of the Government Emergency Ordinance no.194/2002 on aliens' regime in Romania.

In case, on the basis of the checks, the competent authorities who have received the application ascertain that the conditions stipulated by the law for granting the right of residence are fulfilled, they issue to the applicant "the residence card for a family member of a European Union citizen". In case the competent authorities ascertain that the conditions provided by the law for granting the residence right are not fulfilled, they shall notify in written the refusal of granting the residence card, the grounds on which the decision was based, mentioning in the same time the competent court and the period of time within which the decision can be appealed. The refusal of granting residence card can be appealed before the competent specialized administrative court.

The validity of residence card for the family members who do not have the European citizenship, is up to 5 years from the issuing date and it shall not exceed the period of residence of the European Union citizen whose family member is.

This residence card loses his validity in the case of a temporary absence of the bearer from the Romanian territory for more than 6 months within a year, with the following exceptions:

a) the absence from the Romanian territory for the performance of military duty, irrespective the period;
b) the absence from the Romanian territory justified by the pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country, for a period of maximum 12 consecutive months.

The right of residence of the family member who do not have the citizenship of European Union shall be valid for the entire period of the stay right of the European Union citizen whose family members they are, as well as in the following situations, during the period they prove that they have the means of support for themselves at least at the guaranteed minimum income level in Romania, as well as in the following situations until the deadline for obtaining the permanent residence is fulfilled:

a) in case the European Union citizen whose family member they are, is deceased, provided the family member had the residence right for at least one year having this status, or
b) in case of spouses, if the marriage is dissolved or annulled in the following conditions:
   - at least 3 years had passed from the conclusion of marriage up to the moment when the competent court was notified for dissolving, declaring the nullity or annulling the marriage, from which a period of at least 1 years (they lived having this status) on the Romanian territory;
   - by the spouses' agreement or by court decision, the spouse who is not European Union citizen was entrusted to bring up and educate the child of the European Union citizen;

- the court decided the dissolving of the marriage based on the fault of the European Union citizen;
- by the spouses' agreement or by court decision, the court establishes the right of the spouse who is not European Union citizen to visit the minor child. In this case, the court has to specify in the decision that the visits shall be done on the Romanian territory, stating precisely the period of time for which the right is granted.

c) in the case of partners, when the partnership is dissolved or annulled, the rules are accordingly applicable.

RIGHT OF PERMANENT RESIDENCE

The persons who do not have the European Union citizenship and have a continuous residence on Romanian territory at least 5 years, as family members of a European Union citizen who is a resident or permanent resident, shall benefit of the provisions of the right of permanent residence.

Continuity of residence shall not be affected by:

a) temporary absences not exceeding a total of six months a year;
b) absence of a longer duration for compulsory military service;
c) absence of a maximum of twelve consecutive months from the Romanian territory for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country.

The right of permanent residence shall be lost in the case of an absence from the Romanian territory longer than two consecutive years.

Irrespective of nationality, the family members of the European Union national who has permanent residence, are entitled to permanent residence only if they are members of the household of the respective EU national. If, however, the resident who carries out dependent or independent activities dies while still working but before acquiring the right of permanent residence, his family members who are also members of the household shall acquire the right of permanent residence, on condition that:

a) the resident had, at the time of death, resided continuously on the territory Romania for two years; or
b) the death resulted from an accident at work or an occupational disease; or
c) the surviving spouse lost the Romanian nationality following marriage to the EU national, bearer of the primary stay right

The persons fulfilling the conditions shall submit to the competent territorial branch of the Immigration Office an application for issuing the permanent residence card for European Union citizens, respectively permanent residence permit for family members who are not citizens of the European Union.

The validity of the permanent resident card for family members who are not European Union citizens shall be of 10 years from the issuing date and shall be renewed upon request. If Immigration Office ascertain the fulfilling the conditions for issuing the permanent resident card it shall grant within 90 days from the date of submitting the application the permanent residence card for family members who are not European Union citizens. It is a difference, the term is shorter for EU citizens: within 30 days from the date of submitting the application the permanent residence card for European Union citizens. In case it is a certain that the condition provided by the present law are not fulfilled, the competent authorities shall notify in written the refusal of issuing the permanent residence card, the grounds on which the decision

was based mentioning in the same time the competent court and the period of time in which the decision can be appealed. The refusal of issuing the documents mentioned can be appealed before the competent specialized administrative court.

The law seems to provide for no big distinction to the situation of family members of EU national who are EU nationals and those, who are nationals of third countries. The family members who are not citizens of the European Union may enter the Romanian territory on the basis of a valid passport and an entry visa, while the EU citizens do not need an entry visa.

Another thing is, that only the marriages between an EU citizen and a national of third countries are verified by the authorities, to see if it is a convenience marriage, excepting that situation, if the non EU citizen had benefit a right of residence in another Member State on the base of this marriage. These verifications are made on the base of the Emergency Ordinance No. 194/2002 the Alien's Law in Romania, containing verifications, declarations of the married people, other people declaration, interviews, or documents.

Regarding the permanent residence, for the length of the stay in Romania for the third country citizens family members, we have to calculate the period which he had stayed here on the base of the Alien's Law, but just in case if he/she was a family member of an EU citizen. The family members who do not have the EU citizenship, may benefit of the residence right for a period over three months just in case if they accompany or subsequently join the European Union citizen who fulfils one of the conditions (being a worker, self-employed, or a student). They get a residence card, and the EU citizens will obtain just a certificate. In comparison with the alien's regime, the family members of the EU nationals have got a better situation: they do not have to present the documents when they enter in the territory of Romania regarding the purpose of stay, financial means for the return to their home country, guarantees for leaving the Romanian territory when they are in transit etc.

Concerning the applicability of *Akrich* judgment, the Emergency Ordinance no. 102/2005 says that the family members who are not citizen of the European Union but are holding a valid document attesting the residence on other Member State as a family member of a European Union citizen shall be exempted from the requirement to obtain an entry visa. The border police authorities shall not apply an entry or exit stamp in the passports of these persons.

ACCESS TO EDUCATION

They have unlimited access to the educational and training activities within the national educational system.

Chapter VI
Relevance/Influence/Follow-up of Recent Court of Justice Judgments

Hartmann (C-212/05)

According to the *Hartmann* judgment (C-212/05), "a national of a Member State who, while maintaining his employment in that State, has transferred his residence to another Member State and has since then carried on his occupation as a frontier worker can claim the status of migrant worker for the purposes of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community. In circumstances such as those at issue in the main proceedings, Article 7(2) of Regulation No 1612/68 precludes the spouse of a migrant worker carrying on an occupation in one Member State, who does not work and is resident in another Member State, from being refused a social advantage with the characteristics of German child-raising allowance on the ground that he did not have his permanent or ordinary residence in the former State." No Romanian judiciary practice in this field yet.

Geven (C-213/05)

The *Geven* judgment (*C-213/05*) stated that "article 7(2) of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community does not preclude the exclusion, by the national legislation of a Member State, of a national of another Member State who resides in that State and is in minor employment (between 3 and 14 hours a week) in the former State from receiving a social advantage with the characteristics of German child-raising allowance on the ground that he does not have his permanent or ordinary residence in the former State." No Romanian judiciary practice in this field yet.

Hendrix (C-287/05)

On the issue raised by the *Hendrix* judgment (*C-287/05*) no Romanian case law exists at this moment.

Eind judgment (C-291/05)

In the *Eind* judgment (*C-291/05*) the Court established that "in the event of a Community worker returning to the Member State of which he is a national, Community law does not require the authorities of that State to grant a right of entry and residence to a third-country national who is a member of that worker's family because of the mere fact that, in the host Member State where that worker was gainfully employed, that third-country national held a valid residence permit issued on the basis of Article 10 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, as amended by Council Regulation (EEC) No 2434/92 of 27 July 1992.2) When a worker returns to the Member State of which he is a national, after being gainfully employed in another Member State, a third-country national who is a member of his family has a right under Article 10(1)(a) of Regulation No 1612/68 as amended by Regulation No 2434/92, which applies by analogy, to reside in the Member State of which the worker is a national, even where that

worker does not carry on any effective and genuine economic activities." No Romanian judiciary practice in this field yet.

ITC (C-208/05)

In the *ITC* judgment (*C-208/05*) it was established that "Articles 39 EC, 49 EC and 50 EC prohibit national legislation … which provides that payment by a Member State to a private-sector recruitment agency of the fee due to that agency by a person seeking employment in respect of that person's recruitment is subject to the condition that the job found by that agency be subject to compulsory social security contributions in that State." No Romanian case law in this field yet.

JIA judgment (C-1/05)

In the *JIA* judgment (*C-1/05*) it was established in principal, that "community law does not require Member States to make the grant of a residence permit to nationals of a non-Member State, who are members of the family of a Community national who has exercised his or her right of free movement, subject to the condition that those family members have previously been residing lawfully in another Member State." No Romanian case law in this field yet.[23]

Gattoussi (C-97/05)

The other indicated judgment, *Gattoussi* (*C-97/05*) has at this moment no echoes in the Romanian jurisprudence.

[23] Martin, D., Comments on *Jia v. Migrationsverket* (Case C-1/05 of 9 January 2007), *Hartmann v. Freistaat Bayern* (Case C-212/05 of 18 July 2007), *Geven v. Land Nordrhein-Westfalen* (Case C-213/05 of 18 July 2007) and *Hendrix v. Raad van Bestuur van het Uitvoeringsinstituut Werknemersverzekeringen* (Case C-287/05 of 11 September 2007), *European Journal of Migration and Law*, Volume 9, Number 4, 2007.

Chapter VII
Policies, Texts and/or Practices of a General Nature with Repercussions on Free Movement of Workers

Romania has a National Strategy on Migration. The first strategy was adopted by the Government in 2004.[24] The most important principles of the strategy are: EU accession, national interest, favourable effects of controlled migration, fighting illegal migration, international solidarity and cooperation etc. Romania gained PHARE assistance for legal harmonization in the field of migration regulation. This national strategy was replaced in 2007 with a new strategy, adopted taking into consideration the EU accession of Romania, valid until 2010.[25] The new consolidated strategy has in focus only the migration of the third country nationals.

The principles of the immigration strategy are:

a) controlled immigration;
b) prevention and combating illegal immigration;
c) asylum;
d) social integration of aliens.

Based on the migration strategy, annual action plans are elaborated, with precise objects, defined responsible authorities and implementation dates. As it was considered in the literature,

> "Managing migration flows is a complex task for a country as Romania situated at the down of its migration history. Its specific economic conditions as well as the geo-political context, strongly influence not only migration flows but also its chances to successfully control international mobility without limiting the freedom of movement."[26]

The expected number migrants from third countries, according to estimations, will increase in the next period.

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24 Government Decision 616/2004.

25 See Government decision no. 1122/2007.

26 State of the art of migration laws and policies in Romania. Migration strategies in the geo-political context. Internet: http://www.cespi.it/migraction2/FrontOrient/Legislative_framework.pdf.

Chapter VIII
EU Enlargement

Ten of the Member States especially, Estonia, Finland, Poland, Slovakia, Czech Republic, Cyprus, Sweden, Slovenia, Latvia, and Lithuania, decided to open their labour market, without any restriction for the Romanian citizens, so those who would like to work in these countries do not need any work permission.

On the other side, the other 15 states decided to apply restriction measures which will restrict more or less the access to the European labour market for the Romanian citizens.

Austria, Germany and Great Britain restricted the access to their market for two years; this period can be prolonged to 7 years totally.[27] In Spain, Portugal, Greece, Luxemburg, Malta, Belgium restriction will be applied in the first two years. In Spain the transitory period will be less if the evolution of the labour market will permit that. Ireland will apply restrictions at least in the first year, and this decision will be discussed.

Other example, Hungary and France decided for a progressive opening of their labour market for the Romanian citizens.

On the other side, about the access to the Romanian labour market for the EU citizens Romania had a term until 31 March 2007 to settle and announce its official position. Until this time Romania applied the principle of the correlation to the EU Member States. In conclusion, the EU citizens of the states which applied restriction in the relation with Romania needed work permission in order to work on the Romanian Territory.

Until the end of March the Office for Migration of Labour has emitted 1,833 work permits for citizens from the EU Member States, which applied restrictive measures for the Romanian workers, on the base of the data provided by this authority.

About the people from those Member States which did not apply restrictions in relation to the labour market, these workers can work without work permission, but they have to get registration at the migration office. In the period of 3 January/ 21 March 2007 in the evidences of the Migration Office were registered 23 EU citizens from this category. For comparison, the total number of work permits issued in that period (including those issued for third country nationals) was 8792 (5643 new permits and 3149 prolonged permits). In total, citizens of 98 states are working legally in Romania:

[27] The MEMO/06/513 summarizes the regulation on transitional arrangements: "for the first two years following the accession of Bulgaria and Romania, access to the labour markets of the current Member States will depend on national measures and policies, as well as bilateral agreements they may have with the new Member States. There is no requirement to notify the Commission formally of the measures to be taken. At the end of the first two years – i.e. towards the end of 2008 – the Commission will draft a report, which will be the basis for a review by the Council of Ministers of the functioning of the transitional arrangements. In addition to the Council's review, Member States must notify the Commission as to their intention for the next period of up to three years – either to continue with national measures, or to allow free movement of workers. There should therefore be free movement of workers after 5 years, which is by 1 January 2012. However, the possibility does exist for a current Member State to ask the Commission for authorisation to continue to apply national measures for a further two years, but only if it is experiencing serious disturbances on its labour market. This requirement must be objectively justified. From January 2014 – seven years after accession – there will be complete freedom of movement for workers from new Member States."

Citizenship	*Number of workers*
Turkish	2.459
Chinese	1.414
Moldovans	1.356
French	468
German	412
Italian	247
Greek	164
Austrian	152
Libanese	145

Also for comparison, in 2001 the total number of EU citizens working in Romania was 611, as the following table shows:

EU Member State	*Number of nationals working in Romania on the basis of work permit*
France	195
Italy	169
Greece	70
Federal Republic Germany	50
United Kingdom of Great Britain and Northern Ireland	37
Netherlands	26
Austria	19
Sweden	18
Belgium	11
Spain	9
Denmark	4
Ireland	3
TOTAL	**611**

Finally the Romanian Government, on the base of reference of the Work Minister admitted a minute (a memorandum), about liberalizing the labour market, so the EU citizens do not need work permission to work in Romania.

The decision not to apply any restriction for the EU citizens was discussed in May 2007 with the Commissioner for Employment, Social Affairs and Equal Opportunities. It was not necessary another notification to the European Commission, because Romania decided to eliminate all the restrictions in the field of free movement of the people. The Romanian Work Minister had the opinion that the holding of the restriction would have created tensioned diplomatic relationships. On the other side, this decision to liberalize the labour market maybe can change the decision of those states which apply restrictions toward Romanian citizens.

According to sociological previews, the number of EU citizens working in Romania will increase considerably in the next years.

Chapter IX
Statistics

Compared to the massive presence of Romanian citizens in other Member States, the presence of citizens from other Member States in Romania is low. But this is only a momentary picture, and it will be very interesting in the next years to analyze the tendencies in the free movement.

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid stay permit on 31.03.2007, divided on citizenship and the purpose of the residence

Citizenship	Purpose	Number
AUSTRIA	PERMANENT STAY RIGHT	11
AUSTRIA	ECONOMIC ACTIVITIES	1
AUSTRIA	PROFESSIONAL ACTIVITIES	1
AUSTRIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	18
AUSTRIA	COMMERCIAL ACTIVITIES	95
AUSTRIA	OTHER PURPOSES	91
AUSTRIA	FOR EMPLOYMENT PURPOSE	61
AUSTRIA	MARRIED WITH A ROMANIAN CITIZEN	18
AUSTRIA	PUPIL FOR STUDY PURPOSE	6
AUSTRIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	28
AUSTRIA	FOR FAMILY REUNIFICATION PURPOSE	42
AUSTRIA	STUDENT	4
AUSTRIA	FOR STUDY PURPOSE	1
BELGIUM	PERMANENT STAY RIGHT	4
BELGIUM	HUMANITARIAN OR RELIGIOUS ACTIVITIES	5
BELGIUM	COMMERCIAL ACTIVITIES	59
BELGIUM	OTHER PURPOSES	31
BELGIUM	FOR EMPLOYMENT PURPOSE	11
BELGIUM	MARRIED WITH A ROMANIAN CITIZEN	13
BELGIUM	FAMILY MEMBER OF A ROMANIAN CITIZEN	23
BELGIUM	FOR FAMILY REUNIFICATION PURPOSE	29
BELGIUM	STUDENT	1
BULGARIA	PERMANENT STAY RIGHT	44
BULGARIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	4
BULGARIA	COMMERCIAL ACTIVITIES	4
BULGARIA	OTHER PURPOSES	49
BULGARIA	FOR EMPLOYMENT PURPOSE	36
BULGARIA	PHD STUDENT	3
BULGARIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	28
BULGARIA	FOR FAMILY REUNIFICATION PURPOSE	14
BULGARIA	SPECIALIZATION	14
BULGARIA	STUDENT	128
BULGARIA	STUDENT PREPARING YEAR	6

CZECH REPUBLIC	PERMANENT STAY RIGHT	1
CZECH REPUBLIC	COMMERCIAL ACTIVITIES	3
CZECH REPUBLIC	DIDACTIC ACTIVITIES	1
CZECH REPUBLIC	OTHER PURPOSES	19
CZECH REPUBLIC	FOR EMPLOYMENT PURPOSE	8
CZECH REPUBLIC	FAMILY MEMBER OF A ROMANIAN CITIZEN	1
CZECH REPUBLIC	FOR FAMILY REUNIFICATION PURPOSE	14
CZECH REPUBLIC	STUDENT	1
CYPRUS	COMMERCIAL ACTIVITIES	28
CYPRUS	OTHER PURPOSES	6
CYPRUS	FOR EMPLOYMENT PURPOSE	7
CYPRUS	MARRIED WITH A ROMANIAN CITIZEN	14
CYPRUS	FAMILY MEMBER OF A ROMANIAN CITIZEN	5
CYPRUS	FOR FAMILY REUNIFICATION PURPOSE	10
CYPRUS	SPECIALIZATION	3
CYPRUS	STUDENT	2
CYPRUS	STUDENT PREPARING YEAR	4
DENMARK	HUMANITARIAN OR RELIGIOUS ACTIVITIES	15
DENMARK	COMMERCIAL ACTIVITIES	16
DENMARK	OTHER PURPOSES	16
DENMARK	FOR EMPLOYMENT PURPOSE	7
DENMARK	MARRIED WITH A ROMANIAN CITIZEN	6
DENMARK	FAMILY MEMBER OF A ROMANIAN CITIZEN	4
DENMARK	FOR FAMILY REUNIFICATION PURPOSE	12
DENMARK	STUDENT	1
ESTONIA	PERMANENT STAY RIGHT	1
ESTONIA	OTHER PURPOSES	1
ESTONIA	MARRIED WITH A ROMANIAN CITIZEN	1
ESTONIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	1
FINLAND	COMMERCIAL ACTIVITIES	1
FINLAND	OTHER PURPOSES	12
FINLAND	FOR EMPLOYMENT PURPOSE	2
FINLAND	MARRIED WITH A ROMANIAN CITIZEN	1
FINLAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	2
FINLAND	FOR FAMILY REUNIFICATION PURPOSE	4
FRANCE	PERMANENT STAY RIGHT	15
FRANCE	ECONOMIC ACTIVITIES	1
FRANCE	PROFESSIONAL ACTIVITIES	2
FRANCE	HUMANITARIAN OR RELIGIOUS ACTIVITIES	30
FRANCE	COMMERCIAL ACTIVITIES	195
FRANCE	DIDACTIC ACTIVITIES	1
FRANCE	OTHER STUDIES	1
FRANCE	OTHER PURPOSES	214
FRANCE	FOR EMPLOYMENT PURPOSE	221
FRANCE	MARRIED WITH A ROMANIAN CITIZEN	61
FRANCE	PHD STUDENT	1

FRANCE	FAMILY MEMBER OF A ROMANIAN CITIZEN	77
FRANCE	FOR FAMILY REUNIFICATION PURPOSE	363
FRANCE	SPECIALIZATION	3
FRANCE	STUDENT	25
GERMANY	PERMANENT STAY RIGHT	46
GERMANY	ECONOMIC ACTIVITIES	5
GERMANY	PROFESSIONAL ACTIVITIES	1
GERMANY	HUMANITARIAN OR RELIGIOUS ACTIVITIES	104
GERMANY	COMMERCIAL ACTIVITIES	414
GERMANY	DIDACTIC ACTIVITIES	8
GERMANY	OTHER PURPOSES	437
GERMANY	FOR EMPLOYMENT PURPOSE	141
GERMANY	MARRIED WITH A ROMANIAN CITIZEN	114
GERMANY	PUPIL	18
GERMANY	FAMILY MEMBER OF A ROMANIAN CITIZEN	124
GERMANY	FOR FAMILY REUNIFICATION PURPOSE	163
GERMANY	SPECIALIZATION	2
GERMANY	STUDENT	52
GREECE	PERMANENT STAY RIGHT	56
GREECE	PROFESSIONAL ACTIVITIES	2
GREECE	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
GREECE	COMMERCIAL ACTIVITIES	225
GREECE	OTHER PURPOSES	69
GREECE	FOR EMPLOYMENT PURPOSE	83
GREECE	MARRIED WITH A ROMANIAN CITIZEN	50
GREECE	FAMILY MEMBER OF A ROMANIAN CITIZEN	60
GREECE	FOR FAMILY REUNIFICATION PURPOSE	31
GREECE	SPECIALIZATION	17
GREECE	STUDENT	25
IRELAND	PERMANENT STAY RIGHT	1
IRELAND	PROFESSIONAL ACTIVITIES	1
IRELAND	HUMANITARIAN OR RELIGIOUS ACTIVITIES	6
IRELAND	COMMERCIAL ACTIVITIES	12
IRELAND	OTHER PURPOSES	6
IRELAND	FOR EMPLOYMENT PURPOSE	3
IRELAND	MARRIED WITH A ROMANIAN CITIZEN	6
IRELAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	6
IRELAND	FOR FAMILY REUNIFICATION PURPOSE	5
IRELAND	SPECIALIZATION	1
ICELAND	MARRIED WITH A ROMANIAN CITIZEN	1
ITALY	PERMANENT STAY RIGHT	53
ITALY	ECONOMIC ACTIVITIES	7
ITALY	HUMANITARIAN OR RELIGIOUS ACTIVITIES	191
ITALY	COMMERCIAL ACTIVITIES	1320
ITALY	OTHER PURPOSES	485
ITALY	FOR EMPLOYMENT PURPOSE	94

ITALY	MARRIED WITH A ROMANIAN CITIZEN	198
ITALY	PUPIL	3
ITALY	FAMILY MEMBER OF A ROMANIAN CITIZEN	204
ITALY	FOR FAMILY REUNIFICATION PURPOSE	78
ITALY	STUDENT	6
LATVIA	COMMERCIAL ACTIVITIES	2
LATVIA	OTHER PURPOSES	1
LATVIA	MARRIED WITH A ROMANIAN CITIZEN	1
LATVIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	1
LATVIA	FOR FAMILY REUNIFICATION PURPOSE	2
LITHUANIA	COMMERCIAL ACTIVITIES	2
LITHUANIA	OTHER PURPOSES	5
LITHUANIA	FOR EMPLOYMENT PURPOSE	2
LITHUANIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	7
LITHUANIA	STUDENT	5
LUXEMBOURG	PERMANENT STAY RIGHT	1
LUXEMBOURG	HUMANITARIAN OR RELIGIOUS ACTIVITIES	3
LUXEMBOURG	COMMERCIAL ACTIVITIES	1
LUXEMBOURG	OTHER PURPOSES	4
LUXEMBOURG	MARRIED WITH A ROMANIAN CITIZEN	2
LUXEMBOURG	FAMILY MEMBER OF A ROMANIAN CITIZEN	3
MALTA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
MALTA	COMMERCIAL ACTIVITIES	4
MALTA	FOR EMPLOYMENT PURPOSE	1
GREAT BRITAIN	PERMANENT STAY RIGHT	6
GREAT BRITAIN	ECONOMIC ACTIVITIES	1
GREAT BRITAIN	PROFESSIONAL ACTIVITIES	4
GREAT BRITAIN	HUMANITARIAN OR RELIGIOUS ACTIVITIES	81
GREAT BRITAIN	COMMERCIAL ACTIVITIES	135
GREAT BRITAIN	OTHER PURPOSES	136
GREAT BRITAIN	FOR EMPLOYMENT PURPOSE	42
GREAT BRITAIN	MARRIED WITH A ROMANIAN CITIZEN	58
GREAT BRITAIN	INDEPENDENTLY	1
GREAT BRITAIN	FAMILY MEMBER OF A ROMANIAN CITIZEN	61
GREAT BRITAIN	FOR FAMILY REUNIFICATION PURPOSE	73
GREAT BRITAIN	STUDENT	13
NORWAY	PERMANENT STAY RIGHT	1
NORWAY	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
NORWAY	COMMERCIAL ACTIVITIES	5
NORWAY	OTHER PURPOSES	9
NORWAY	MARRIED WITH A ROMANIAN CITIZEN	3
NORWAY	FAMILY MEMBER OF A ROMANIAN CITIZEN	8
NORWAY	SPECIALIZATION	2
NORWAY	STUDENT	3
NETHERLAND	PERMANENT STAY RIGHT	17
NETHERLAND	HUMANITARIAN OR RELIGIOUS ACTIVITIES	29

NETHERLAND	COMMERCIAL ACTIVITIES	99
NETHERLAND	OTHER PURPOSES	62
NETHERLAND	FOR EMPLOYMENT PURPOSE	19
NETHERLAND	MARRIED WITH A ROMANIAN CITIZEN	34
NETHERLAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	50
NETHERLAND	FOR FAMILY REUNIFICATION PURPOSE	63
NETHERLAND	STUDENT	1
POLAND	PERMANENT STAY RIGHT	21
POLAND	HUMANITARIAN OR RELIGIOUS ACTIVITIES	15
POLAND	COMMERCIAL ACTIVITIES	11
POLAND	OTHER PURPOSES	19
POLAND	FOR EMPLOYMENT PURPOSE	16
POLAND	MARRIED WITH A ROMANIAN CITIZEN	11
POLAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	16
POLAND	FOR FAMILY REUNIFICATION PURPOSE	16
POLAND	SPECIALIZATION	1
POLAND	STUDENT	4
PORTUGAL	HUMANITARIAN OR RELIGIOUS ACTIVITIES	8
PORTUGAL	COMMERCIAL ACTIVITIES	11
PORTUGAL	OTHER PURPOSES	11
PORTUGAL	FOR EMPLOYMENT PURPOSE	16
PORTUGAL	MARRIED WITH A ROMANIAN CITIZEN	4
PORTUGAL	FAMILY MEMBER OF A ROMANIAN CITIZEN	2
PORTUGAL	FOR FAMILY REUNIFICATION PURPOSE	5
PORTUGAL	STUDENT	22
SLOVAKIA	PERMANENT STAY RIGHT	8
SLOVAKIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	8
SLOVAKIA	COMMERCIAL ACTIVITIES	1
SLOVAKIA	OTHER PURPOSES	3
SLOVAKIA	FOR EMPLOYMENT PURPOSE	7
SLOVAKIA	MARRIED WITH A ROMANIAN CITIZEN	2
SLOVAKIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	3
SLOVAKIA	FOR FAMILY REUNIFICATION PURPOSE	6
SLOVENIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
SLOVENIA	COMMERCIAL ACTIVITIES	2
SLOVENIA	OTHER PURPOSES	3
SLOVENIA	FOR EMPLOYMENT PURPOSE	3
SLOVENIA	FOR FAMILY REUNIFICATION PURPOSE	4
SPAIN	PERMANENT STAY RIGHT	1
SPAIN	PROFESSIONAL ACTIVITIES	1
SPAIN	HUMANITARIAN OR RELIGIOUS ACTIVITIES	19
SPAIN	COMMERCIAL ACTIVITIES	44
SPAIN	ACT. DIDACTICE	1
SPAIN	OTHER PURPOSES	53
SPAIN	FOR EMPLOYMENT PURPOSE	8
SPAIN	MARRIED WITH A ROMANIAN CITIZEN	8

SPAIN	PUPIL	1
SPAIN	FAMILY MEMBER OF A ROMANIAN CITIZEN	8
SPAIN	FOR FAMILY REUNIFICATION PURPOSE	11
SPAIN	STUDENT	19
SWEDEN	PERMANENT STAY RIGHT	2
SWEDEN	HUMANITARIAN OR RELIGIOUS ACTIVITIES	15
SWEDEN	COMMERCIAL ACTIVITIES	39
SWEDEN	OTHER PURPOSES	33
SWEDEN	FOR EMPLOYMENT PURPOSE	8
SWEDEN	MARRIED WITH A ROMANIAN CITIZEN	7
SWEDEN	PUPIL	1
SWEDEN	FAMILY MEMBER OF A ROMANIAN CITIZEN	11
SWEDEN	FOR FAMILY REUNIFICATION PURPOSE	7
SWEDEN	STUDENT	15
HUNGARY	PERMANENT STAY RIGHT	16
HUNGARY	HUMANITARIAN OR RELIGIOUS ACTIVITIES	8
HUNGARY	COMMERCIAL ACTIVITIES	50
HUNGARY	OTHER PURPOSES	26
HUNGARY	FOR EMPLOYMENT PURPOSE	33
HUNGARY	MARRIED WITH A ROMANIAN CITIZEN	7
HUNGARY	PHD STUDENT	1
HUNGARY	FAMILY MEMBER OF A ROMANIAN CITIZEN	29
HUNGARY	FOR FAMILY REUNIFICATION PURPOSE	23
HUNGARY	STUDENT	4
Total		**9096**

The statistic situation of the citizens the Member States of the European Union and the European Economic Area, who owned valid stay permit on 31.03.2007, divided on gender

Gender	**Number of people**
Feminine	2216
Masculine	6880
Totally	**9096**

The statistic situation of the citizens the Member States of the European Union and the European Economic Area, who owned valid registration certificate on 31.03.2007, divided on citizenship

Citizenship	**Number**
AUSTRIA	169
BELGIUM	43
BULGARIA	69
CZECH REPUBLIC	15
CYPRUS	28
DENMARK	9
SWITZERLAND	1
ESTHONIA	1
FINLAND	10
FRANCE	339
GERMANY	523
GREECE	118
IRELAND	13
ITALY	636
LATVIA	1
LITHUANIA	6
LUXEMBOURG	4
MALTA	1
GREAT BRITAIN	154
NORWAY	16
NETHERLAND	98
POLAND	40
PORTUGAL	19
SLOVAKIA	11
SLOVENIA	4
SPAIN	67
SWEDEN	35
HUNGARY	72
Total	**2502**

Situaţia statistică a cetăţenilor statelor Uniunii Europene şi Spaţiului Economic European, care aveau certificate de înregistrare valabil la 31.03.2007, dupa criteriul sex:

Gender	**Number of people**
Feminine	586
Masculine	1916
Total	**2502**

The statistic situation of the citizens the Member States of the European Union and the European Economic Area, who owned valid residence card on 31.03.2007, divided on citizenship

Citizenship	**Number**
BELGIUM	3
BULGARIA	9
CYPRUS	1
FRANCE	7
GERMANY	10
GREECE	4
IRELAND	1
ITALY	29
GREAT BRITAIN	3
NORWAY	1
NETHERLAND	6
POLAND	2
PORTUGAL	1
SLOVAKIA	1
SPAIN	2
HUNGARY	3
Total	**83**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid residence card on 31.03.2007, divided on gender

Gender	**Number of people**
Feminine	35
Masculine	48
Total	**83**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid stay permit on 31.12.2007, divided on citizenship and the purpose of the stay

Citizenship	**Purpose**	**Number**
AUSTRIA	PERMANENT STAY RIGHT	10
AUSTRIA	PROFESSIONAL ACTIVITIES	1
AUSTRIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	5
AUSTRIA	COMMERCIAL ACTIVITIES	59
AUSTRIA	OTHER PURPOSES	28
AUSTRIA	MARRIED WITH A ROMANIAN CITIZEN	11
AUSTRIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	20
AUSTRIA	FOR FAMILY REUNIFICATION PURPOSE	18
BELGIUM	PERMANENT STAY RIGHT	2
BELGIUM	HUMANITARIAN OR RELIGIOUS ACTIVITIES	1
BELGIUM	COMMERCIAL ACTIVITIES	39
BELGIUM	OTHER PURPOSES	13

BELGIUM	MARRIED WITH A ROMANIAN CITIZEN	8
BELGIUM	FAMILY MEMBER OF A ROMANIAN CITIZEN	21
BELGIUM	FOR FAMILY REUNIFICATION PURPOSE	7
BULGARIA	PERMANENT STAY RIGHT	44
BULGARIA	FOR FAMILY REUNIFICATION PURPOSE	1
CEZH REPUBLIC	PERMANENT STAY RIGHT	1
CEZH REPUBLIC	COMMERCIAL ACTIVITIES	1
CEZH REPUBLIC	OTHER PURPOSES	3
CEZH REPUBLIC	FAMILY MEMBER OF A ROMANIAN CITIZEN	1
CIPRU	COMMERCIAL ACTIVITIES	22
CIPRU	OTHER PURPOSES	3
CIPRU	MARRIED WITH A ROMANIAN CITIZEN	5
CIPRU	FAMILY MEMBER OF A ROMANIAN CITIZEN	5
CIPRU	FOR FAMILY REUNIFICATION PURPOSE	5
DENMARK	HUMANITARIAN OR RELIGIOUS ACTIVITIES	4
DENMARK	COMMERCIAL ACTIVITIES	8
DENMARK	OTHER PURPOSES	6
DENMARK	MARRIED WITH A ROMANIAN CITIZEN	5
DENMARK	FAMILY MEMBER OF A ROMANIAN CITIZEN	4
DENMARK	FOR FAMILY REUNIFICATION PURPOSE	4
ESTONIA	PERMANENT STAY RIGHT	1
ESTONIA	MARRIED WITH A ROMANIAN CITIZEN	1
FINLAND	COMMERCIAL ACTIVITIES	1
FINLAND	OTHER PURPOSES	6
FINLAND	MARRIED WITH A ROMANIAN CITIZEN	1
FINLAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	2
FINLAND	FOR FAMILY REUNIFICATION PURPOSE	3
FRANCE	PERMANENT STAY RIGHT	14
FRANCE	ECONOMIC ACTIVITIES	1
FRANCE	PROFESSIONAL ACTIVITIES	1
FRANCE	HUMANITARIAN OR RELIGIOUS ACTIVITIES	8
FRANCE	COMMERCIAL ACTIVITIES	139
FRANCE	OTHER PURPOSES	74
FRANCE	MARRIED WITH A ROMANIAN CITIZEN	39
FRANCE	FAMILY MEMBER OF A ROMANIAN CITIZEN	59
FRANCE	FOR FAMILY REUNIFICATION PURPOSE	79
GERMANY	PERMANENT STAY RIGHT	42
GERMANY	ECONOMIC ACTIVITIES	3
GERMANY	PROFESSIONAL ACTIVITIES	1
GERMANY	HUMANITARIAN OR RELIGIOUS ACTIVITIES	26
GERMANY	COMMERCIAL ACTIVITIES	280
GERMANY	ACT. DIDACTICE	1
GERMANY	OTHER PURPOSES	192
GERMANY	FOR EMPLOYMENT PURPOSE	2

GERMANY	MARRIED WITH A ROMANIAN CITIZEN	64
GERMANY	FAMILY MEMBER OF A ROMANIAN CITIZEN	102
GERMANY	FOR FAMILY REUNIFICATION PURPOSE	72
GREECE	PERMANENT STAY RIGHT	51
GREECE	PROFESSIONAL ACTIVITIES	1
GREECE	COMMERCIAL ACTIVITIES	176
GREECE	OTHER PURPOSES	35
GREECE	MARRIED WITH A ROMANIAN CITIZEN	29
GREECE	FAMILY MEMBER OF A ROMANIAN CITIZEN	52
GREECE	FOR FAMILY REUNIFICATION PURPOSE	22
IRELAND	PERMANENT STAY RIGHT	1
IRELAND	PROFESSIONAL ACTIVITIES	1
IRELAND	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
IRELAND	COMMERCIAL ACTIVITIES	8
IRELAND	OTHER PURPOSES	2
IRELAND	MARRIED WITH A ROMANIAN CITIZEN	5
IRELAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	6
IRELAND	FOR FAMILY REUNIFICATION PURPOSE	2
ITALY	PERMANENT STAY RIGHT	46
ITALY	ECONOMIC ACTIVITIES	1
ITALY	HUMANITARIAN OR RELIGIOUS ACTIVITIES	72
ITALY	COMMERCIAL ACTIVITIES	955
ITALY	OTHER PURPOSES	206
ITALY	MARRIED WITH A ROMANIAN CITIZEN	105
ITALY	FAMILY MEMBER OF A ROMANIAN CITIZEN	165
ITALY	FOR FAMILY REUNIFICATION PURPOSE	25
LATVIA	COMMERCIAL ACTIVITIES	2
LATVIA	MARRIED WITH A ROMANIAN CITIZEN	1
LATVIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	1
LATVIA	FOR FAMILY REUNIFICATION PURPOSE	1
LITHUANIA	COMMERCIAL ACTIVITIES	1
LITHUANIA	OTHER PURPOSES	1
LITHUANIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	5
LUXEMBOURG	PERMANENT STAY RIGHT	1
LUXEMBOURG	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
LUXEMBOURG	OTHER PURPOSES	2
LUXEMBOURG	MARRIED WITH A ROMANIAN CITIZEN	2
LUXEMBOURG	FAMILY MEMBER OF A ROMANIAN CITIZEN	3
MALTA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	1
MALTA	COMMERCIAL ACTIVITIES	2
GREAT BRITAIN	PERMANENT STAY RIGHT	6
GREAT BRITAIN	ECONOMIC ACTIVITIES	1
GREAT BRITAIN	PROFESSIONAL ACTIVITIES	1
GREAT BRITAIN	HUMANITARIAN OR RELIGIOUS ACTIVITIES	11

GREAT BRITAIN	COMMERCIAL ACTIVITIES	91
GREAT BRITAIN	OTHER PURPOSES	62
GREAT BRITAIN	MARRIED WITH A ROMANIAN CITIZEN	28
GREAT BRITAIN	FAMILY MEMBER OF A ROMANIAN CITIZEN	52
GREAT BRITAIN	FOR FAMILY REUNIFICATION PURPOSE	27
NORWAY	PERMANENT STAY RIGHT	1
NORWAY	COMMERCIAL ACTIVITIES	4
NORWAY	OTHER PURPOSES	3
NORWAY	MARRIED WITH A ROMANIAN CITIZEN	2
NORWAY	FAMILY MEMBER OF A ROMANIAN CITIZEN	8
NETHERLAND	PERMANENT STAY RIGHT	17
NETHERLAND	HUMANITARIAN OR RELIGIOUS ACTIVITIES	3
NETHERLAND	COMMERCIAL ACTIVITIES	54
NETHERLAND	OTHER PURPOSES	33
NETHERLAND	MARRIED WITH A ROMANIAN CITIZEN	16
NETHERLAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	35
NETHERLAND	FOR FAMILY REUNIFICATION PURPOSE	26
POLAND	PERMANENT STAY RIGHT	21
POLAND	HUMANITARIAN OR RELIGIOUS ACTIVITIES	9
POLAND	COMMERCIAL ACTIVITIES	7
POLAND	OTHER PURPOSES	8
POLAND	MARRIED WITH A ROMANIAN CITIZEN	8
POLAND	FAMILY MEMBER OF A ROMANIAN CITIZEN	11
POLAND	FOR FAMILY REUNIFICATION PURPOSE	3
PORTUGAL	HUMANITARIAN OR RELIGIOUS ACTIVITIES	1
PORTUGAL	COMMERCIAL ACTIVITIES	7
PORTUGAL	OTHER PURPOSES	3
PORTUGAL	MARRIED WITH A ROMANIAN CITIZEN	4
PORTUGAL	FAMILY MEMBER OF A ROMANIAN CITIZEN	1
SLOVAKIA	PERMANENT STAY RIGHT	8
SLOVAKIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	3
SLOVAKIA	COMMERCIAL ACTIVITIES	1
SLOVAKIA	OTHER PURPOSES	1
SLOVAKIA	MARRIED WITH A ROMANIAN CITIZEN	1
SLOVAKIA	FAMILY MEMBER OF A ROMANIAN CITIZEN	3
SLOVENIA	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
SLOVENIA	COMMERCIAL ACTIVITIES	1
SLOVENIA	OTHER PURPOSES	1
SLOVENIA	FOR FAMILY REUNIFICATION PURPOSE	2
SPAIN	PERMANENT STAY RIGHT	1
SPAIN	HUMANITARIAN OR RELIGIOUS ACTIVITIES	2
SPAIN	COMMERCIAL ACTIVITIES	29
SPAIN	OTHER PURPOSES	13
SPAIN	MARRIED WITH A ROMANIAN CITIZEN	5

SPAIN	FAMILY MEMBER OF A ROMANIAN CITIZEN	6
SPAIN	FOR FAMILY REUNIFICATION PURPOSE	4
SWEDEN	PERMANENT STAY RIGHT	1
SWEDEN	COMMERCIAL ACTIVITIES	23
SWEDEN	OTHER PURPOSES	18
SWEDEN	MARRIED WITH A ROMANIAN CITIZEN	5
SWEDEN	FAMILY MEMBER OF A ROMANIAN CITIZEN	9
SWEDEN	FOR FAMILY REUNIFICATION PURPOSE	2
HUNGARY	PERMANENT STAY RIGHT	15
HUNGARY	COMMERCIAL ACTIVITIES	35
HUNGARY	OTHER PURPOSES	9
HUNGARY	MARRIED WITH A ROMANIAN CITIZEN	2
HUNGARY	FAMILY MEMBER OF A ROMANIAN CITIZEN	25
HUNGARY	FOR FAMILY REUNIFICATION PURPOSE	5
Total		**4368**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid stay permit on 31.12.2007, divided on gender

Gender	**Number of people**
Feminine	872
Masculine	3496
Total	**4368**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid registration certificate on 31.12.2007, divided on citizenship

Citizenship	**Number**
AUSTRIA	803
BELGIUM	191
BULGARIA	654
CZECH REPUBLIC	72
CYPRUS	68
DENMARK	56
SWITZERLAND	1
ESTONIA	2
FINLAND	24
FRANCE	1613
GERMANY	2167
GREECE	462
IRELAND	55
ICELAND	1
ITALY	2288
LATVIA	5
LIECHTENSTEIN	1
LITHUANIA	14

LUXEMBOURG	7
MALTA	8
GREAT BRITAIN	653
NORWAY	47
NETHERLAND	397
POLAND	202
PORTUGAL	145
SLOVAKIA	65
SLOVENIA	28
SPAIN	242
SWEDEN	156
HUNGARY	491
Total	**10918**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid registration certificate on 31.12.2007, divided on gender

Gender	Number of people
Feminine	2575
Masculine	8343
Total	**10918**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid residence card on 31.12.2007, divided on citizenship

Citizenship	Number
AUSTRIA	8
BELGIUM	8
BULGARIA	19
CYPRUS	1
FRANCE	24
GERMANY	43
GREECE	27
IRELAND	3
ITALY	150
GREAT BRITAIN	23
NORWAY	4
NETHERLAND	19
POLAND	7
PORTUGAL	2
SLOVAKIA	2
SPAIN	6
SWEDEN	4
HUNGARY	8
Total	**358**

The statistic situation of the citizens of the Member States of the European Union and the European Economic Area, who owned valid residence card on 31.12.2007, divided on gender

Gender	**Number of people**
Feminine	108
Masculine	250
Total	**358**

Chapter X
Miscellaneous

The general works on European (community) law consecrate several pages for the issue of free movement of workers, analyzing the relevant provisions of the Treaty, the secondary legislation, the practice of the European Court of Justice, and very briefly the national implementation regulation. This type of books exists in relatively large number, so I will only mention the most important of them (we will mention also publications dating before 2007, this report being the first one on Romania):

Octavian Manolache, *Tratat de drept comunitar* (Community law handbook), C.H. Beck, Bucharest 2006

Fábián Gyula, *Drept instituțional comunitar* (Institutional community law), Sfera Juridică. Cluj-Napoca 2007

Andresan-Grigoriu, Beatrice & Stefan Tudorel, *Drept comunitar* (Community law), C.H. Beck, Bucharest 2007

Generally, in the Romanian legal literature were published very few specific books and articles on migration issues. Some of them are dealing only with third country national's migration. There is an overview of these publications:

Petre Catrinciuc, *Regimul juridic al străinilor* (The legal status of aliens), C.H. Beck, Bucharest 2007

Dan Lupaşcu, Gabriela Mihuț-Gyongy, *Regimul străinilor în România* (The status of aliens in Romania), Universul Juridic, Bucharest 2006

Mădălina Virginia Antonescu, *Regimul juridic al străinilor în România. Străinul – persoana fizică* (The legal status of aliens in Romania. The alien – natural person), All Beck, Bucharest 2001

Nicolae Voiculescu, Aspecte noi privind libera circulatie a persoanelor si a fortei de munca cuprinse in Directiva Parlamentului European si a Consiliului 2004/38/CE (New aspects on the free movement of persons and workers in the European Parliament and Council Directive 2004/38/CE), *Revista Romana de Dreptul Muncii* nr. 1/2005

Gabriela Dorobantu, Implicatiile pe care le va avea pentru Romania acceptarea perioadei de tranzitie solicitata de Uniunea Europeana in legatura cu libera circulatie a lucratorilor (Implications for Romania of the acceptance of transition period solicited by the European Union related to free movement of workers), *Revista Romana de Dreptul Muncii* nr. 2/2003

Simona Stanica, Dreptul la libera circulatie si rezidenta al cetatenilor statelor membre ale Uniunii Europene si ale Spatiului Economic European pe teritorioul Romaniei (The right to free movement and residence of European Union and European Economic Area Member States citizens in Romania), *Curierul Fiscal* nr. 2/2007

Aurel Ciobanu Dordea, Unele consideratii privind libera circulatie a persoanelor in Uniunea Europeana si implicatiile acesteia pentru Romania (Some remarks on the free movemennt of persons in the European Union and its consequences for Romania), *Analele Universitatii Bucuresti* nr. 1/2002

Sarmisegetuza Tulbure, Libera circulatie a persoanelor, incidente economice si juridice (Free movement of persons, economic and juridical aspects), *Revista de Drept Comercial* nr. 4/2005

Gabriela Cristina Frentiu, Limitari ale exercitarii dreptului de libera circulatie in lumina prevederilor Legii nr. 248/2005 (Limitations of the right to free movement in the light of the Law no. 248/2005), *Dreptul* nr. 1/2007

Cuc Mihai Horia, Deaconu Stefan, Gheorghe Iancu, Muraru Ioan, Tanasescu Elena Simina, *Cetățenia europeană. Cetățenii, străinii şi apatrizii în dreptul românesc şi European* (The European Citizenship. Citizens, aliens and statless persons in Romanian and European Law), All Beck, Bucharest 2003

Alexandru Stoian, Libera circulație pe teritoriul României a cetățenilor statelor membre ale Uniunii Europene (The free movement on the Romanian territory of the citizens of EU Member States), *Revista Academiei Forțelor Terestre "Nicolae Bălcescu"*, 2005/3

Nicolae Voiculescu, *Drept comunitar al muncii* (Community labour law), Rosetti, Bucharest 2005

Cristian Jura, Radu Mihai Petrascu, Norme internationale privind libera circulatie si dreptul la munca al navigatorilor pe nave sub pavilion strain (International norms on the free movement and right to work of ship personnel on foreign ships), *Revista Romană de Drept Comunitar* 2007/4

The legal periodicals, such as *Revista Romană de Drept Comunitar* (Romanian Journal of Community Law) or *Curierul Judiciar* (Judiciary Currier), publish relevant case law of the European Court of Justice on the free movement of persons.

Another issue to be reported is the effort of the state and of some civil organisations to prepare the persons desiring to work in EU Member States on the conditions of the legal residence and employment, through brochures, leaflets, trainings or seminars.

Relevant web-sites

Romanian Immigration Office: http://aps.mai.gov.ro/
It would be desirable the creation of a multilingual, detailed web page, because the current page is not user friendly.
Acces to Romanin legislation and case-law (only in Romanian):
http://legislatie.just.ro/
Information on Romanian citizenship:
http://www.just.ro/Sections/PrimaPagina_MeniuDreapta/TotuldespreCet%C4%83%C5%A3enie/tabid/540/Default.aspx
The Emergency Ordinance 102/2005 and its modifications:
http://www.cdep.ro/pls/legis/legis_pck.htp_act?ida=58085