



**COUNCIL OF
THE EUROPEAN UNION**



Council Conclusions concerning the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

*2962nd JUSTICE and HOME AFFAIRS Council meeting
Brussels, 21 September 2009*

The Council adopted the following conclusions:

- "1. The Council welcomes the Commission's Communication to the European Parliament and the Council on guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
2. The Council recalls its Conclusions of 27 and 28 November 2008 in which
 - It emphasized that the right of free movement within the European Union is one of the main principles on which the Union is based.
 - It noted in this context that, in compliance with and in the interest of the right of freedom of movement, every effort must be made to prevent and combat any abuse and misuse, as well as actions of a criminal nature with forceful and proportionate measures with due regard to the applicable law.
3. The Council considers it necessary that the Member States ensure the effective application of Directive 2004/38/EC as a priority and continue to closely monitor and tackle abuse and fraud of the fundamental principle of the right to free movement of persons in the coming years. The Council recalls that the Directive entitles the Member States to take appropriate measures to fight against abuse and fraud.

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4. The Council calls on the Member States to exchange information on abuse and fraud and report to the Commission on systematic trends.
 5. If systematic trends are detected, the Council will revert to the issue, based on suggestions from the Commission on how these trends might be addressed through the most appropriate means."
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