

(English version)

**Question for written answer E-001591/24
to the Commission
Fernand Kartheiser (ECR)
(2 September 2024)**

Subject: Organised cross-border begging calls into question freedom of movement within the EU

As a matter of principle, EU citizens have the right to reside in a Member State other than their own for a period not exceeding three months, provided they are in possession of an identity document. However, care must be taken to ensure that persons exercising this right of residence do not become an unreasonable burden on the social assistance system of the host Member State. To this end, Member States may determine the amount of resources they consider sufficient. The laws of the host country must also be respected.

However, some Member States are faced with a form of cross-border ‘tourism’, in which groups engaged in organised begging cross their borders almost daily from another Member State only to leave the national territory again after their day’s ‘work’. This phenomenon also afflicts Luxembourg.

1. Does the Commission believe that such practices are in keeping with the letter and spirit of the agreements governing the free movement of citizens?
2. If not, does it intend to come up with proposals to address this issue in order to put a stop to it?

Submitted: 2.9.2024

**Answer given by Mr Reynders on behalf of the European Commission
(28 October 2024)**

Under EU law ⁽¹⁾, EU citizens have the right to reside in the territory of other Member States for up to three months with the only requirement of holding a valid identity card or passport.

Checks on compliance with that provision cannot be carried out systematically. The person concerned may only be asked to provide evidence in case of substantiated doubts (which may be the case where the person comes into contact with the national authorities over a period of more than three consecutive months).

Assessing the duration of a stay requires an individual examination, based on objective factors and taking into account the person’s intention and relevant evidence.

During the first three months of residence, in accordance with Article 24(2) of Directive 2004/38/EC, EU citizens who are not engaged in economic activity may be refused social assistance benefits by the host Member State.

After three months, pursuant to Article 7(1)(b) of Directive 2004/38/EC, economically non-active EU citizens must have sufficient resources not to become a burden on the social assistance system of the host Member State.

EU citizens who do not comply with those residence conditions can be expelled and can only claim a new right of residence there under Article 6 after having genuinely and effectively terminated their residence under Article 7.

In December 2023, the Commission issued guidance on the directive ⁽²⁾, including on the above matters.

It is within the competence of the Member States to develop policies to tackle begging, which is a phenomenon that can also concern own nationals.

⁽¹⁾ Directive 2004/38/EC, Article 6.

⁽²⁾ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202301392