

## The Restriction of the right to freedom of movement for persons in the Communitarian space

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***Abstract:***

*Free movement of persons is a fundamental principle of the European Union, a constituent part of European citizenship and a fundamental element of the internal market, whose knowledge and analysis allows highlighting theoretical issues but very captivating especially for the concrete practical aspects, which generated heated debates both in the press and at public authorities and even the Community institutions. The Parliament and Council Directive no. 38/2004 of 29 April 2004 allows Member States to restrict, limit the right to freedom of movement for reasons expressly listed, provided and limited that must be interpreted in a narrow and specific way of public policy, public security or public health. Thus, the possibility that a Member State expels a citizen of the Union appears, but it is subject to very precise limits, in order to guarantee fundamental freedoms.*

***Key words:*** *free movement of persons, European citizenship, Community legislation, public order*

### 1. General aspects on the principle of free movement of persons

a. The evolution of the principle of free movement of persons in the Community law

The origins of the principle of free movement of persons are included in the Treaty of Rome of 25 March 1957, which established the European Economic Community (EEC Treaty). The mentioned act did not design freedom of movement of people as a right of citizens of Member States to move anywhere within the Community, for any purpose, but bound freedom of movement of workers with the concept of what German doctrine called *Marktburger* when describing the status of workers in Community law, that is a person who is active economically and exercises cross-border economic activities (Ștefan, 2006, p. 138).

In the early'80, persistent differences of interpretation in connection with the lifting of controls on persons at internal borders of the European Union have led to the Schengen area, which comprised 13 Member States (Ireland and Britain not included). Upon the entry into force of the Convention of Implementing the Schengen Agreement in 1995, it has removed internal border controls of the signatory states and created a single external border, where checks are conducted on a set of clear rules. Also, common rules were established related to visa, migration, asylum, and measures relating to police, judicial and customs cooperation.

The most important development of the principle of free movement of persons constitutes a shift from economic rights of people to European citizenship. The Treaty on European Union signed in Maastricht in 1992 (entered into force in 1993) established EU citizenship for each person having the nationality of a Member State. Citizens have the