

Subject-matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38: Art. 27 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	10 February 2009
Deciding body (in original language)	<i>Tribunale Amministrativo Regionale per l'Abruzzo</i>
Deciding body (in English)	Abruzzo Regional Administrative Court (TAR Abruzzo)
Case number (also European Case Law Identifier (ECLI) where applicable)	Judgment No. 00062 of 10 February 2009
Parties	<i>An EU citizen v. the Police Commissioner of L'Aquila (Questore di L'Aquila) and the Ministry of the Interior (Ministero dell'Interno)</i>
Web link to the decision (if available)	www.giustizia-amministrativa.it/cdsintra/cdsintra/AmministrazionePortale/DocumentViewer/index.html?ddocname=TXTV2NLZ7ZAVFYEATQQGNIFWFU&q=residenza%20or%20cittadini%20or%20ue
Legal basis in national law of the rights under dispute	Legislative Decree No. 30 of 6 February 2007 on the implementation of the Directive 2004/38/EC concerning the right of EU citizens and their families to move and live in the territory of EU member States (<i>Decreto Legislativo 6 febbraio 2007, n. 30 "Attuazione della direttiva 2004/38/CE relativa al diritto dei cittadini dell'Unione e dei loro familiari di circolare e di soggiornare liberamente nel territorio degli Stati</i>

	<i>membri”)</i>
Key facts of the case (max. 500 chars)	AnLithuanian citizen challenged the decision of the Police Commissioner of L’Aquila to deny a tourism visa to the complainant because she could not be found at the address she had communicated to the authorities and owing to her irregular working status ascertained in 2003 by the Police Headquarters of Sulmona (Abruzzo).
Main reasoning / argumentation (max. 500 chars)	TAR Abruzzo recalled the right to free movement of EU citizens, enshrined in Directive 2004/38/EC as implemented by Legislative Decree No. 30/2007: this right entails the possibility to move to, and live in all the other EU Member States without complying with specific administrative requirements. This right can be limited only in case of relevant and objective dangers for public security. According to the court, the Police Commissioner’s decision was to be considered invalid becauseLithuania – the country of origin of the complainant – has been an EU Member State since 1 May 2004, and thus its citizens can enjoy the rights envisaged by EU legislation, including the abovementioned directive.
Key issues (concepts, interpretations)clarified by the case (max. 500 chars)	The judgment is relevant because it stressed the effects of the right to move to, and live in another EU Member State, established by EU legislation and the abovementioned directive: based on this right, EU citizens can movefreely without having to comply with specific and strict bureaucratic and administrative requirements.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The Police Commissioner’s decision was considered invalid by TAR Abruzzo because it was in breach of EU legislation and, consequently, of Legislative Decree No. 30/2007. For this reason, the complainant was to be guaranteed the right to enter and move freelywithin the Italian territory.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p><i>“Il cittadino lituano, come tutti i cittadini UE, ha ora il diritto di recarsi in tutti gli altri paesi dell’UE senza dover assolvere formalità particolari, posto che il diritto di viaggiare e di soggiornare potrà essere limitato solo per motivi di ordine pubblico, di pubblica sicurezza o di sanità pubblica e non dipendenti più dalla particolare situazione del cittadino straniero [...]”</i></p> <p><i>“The Lithuanian citizen, like all other EU citizens, is now entitled to move to all other EU Member States without having to go through specific procedures, given that the right to travel and reside can be limited only for reasons related to public order, public security, or public</i></p>

	<i>health, and no longer hinging upon the specific situation of the foreign citizen [...]"</i>
Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.	No, it has not.