



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2010/2273(INI)

4.5.2011

AMENDMENTS

1 - 57

Draft opinion
Vilija Blinkevičiūtė
(PE462.617v01-00)

on promoting workers mobility within the European Union
(2010/2273(INI))

AM\865564EN.doc

PE464.709v01-00

EN

United in diversity

EN

AM_Com_NonLegOpinion

Amendment 1
Renate Weber

Draft opinion
Citation -1 a (new)

Draft opinion

Amendment

- having regard to Article 151 of the Treaty on the Functioning of the European Union,

Or. en

Amendment 2
Renate Weber

Draft opinion
Citation 1 a (new)

Draft opinion

Amendment

- having regard to the Commission communication of 13 April 2011 'Single Market Act - Twelve levers to boost growth and strengthen confidence "Working together to create new growth"', that includes workers' mobility as one of its twelve key instruments (COM(2011)0206),

Or. en

Amendment 3
Renate Weber

Draft opinion
Citation 1 b (new)

Draft opinion

Amendment

- having regard to paragraph I, point g),

of the European Pact on Immigration and Asylum¹ adopted by the European Council, that invites Member States to establish ambitious policies to promote the harmonious integration of legal immigrants, including specific measures to promote language-learning and access to employment,

Or. en

Amendment 4
Timothy Kirkhope

Draft opinion
Recital A (new)

Draft opinion

Amendment

A. whereas mobility of EU workers should be encouraged throughout the European Union where there is an employment need,

Or. en

Amendment 5
Timothy Kirkhope

Draft opinion
Recital B (new)

Draft opinion

Amendment

B. whereas EU workers can face difficulty and challenges when seeking employment in a host Member State,

Or. en

¹ Council Doc. 13440/08.

Amendment 6
Mario Borghezio, Mara Bizzotto

Draft opinion
Paragraph 1

Draft opinion

Amendment

1. Urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination, exploitation of EU migrant workers and abuse of their rights due to their insufficient knowledge of languages and laws applicable to their employment in the host Member State;

deleted

Or. it

Amendment 7
Daniël van der Stoep

Draft opinion
Paragraph 1

Draft opinion

Amendment

1. Urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination, exploitation of EU migrant workers and abuse of their rights due to their insufficient knowledge of languages and laws applicable to their employment in the host Member State;

deleted

Or. nl

Amendment 8
Kinga Göncz

Draft opinion
Paragraph 1

Draft opinion

1. Urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination, exploitation of EU migrant workers and abuse of their rights due to their insufficient knowledge of languages and laws applicable to their employment in the host Member State;

Amendment

1. Urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination (***paying special attention to the fight against discrimination based on ethnic origin***), exploitation of EU migrant workers and abuse of their rights due to their insufficient knowledge of languages and laws applicable to their employment in the host Member State;

Or. en

Amendment 9

Anna Maria Corazza Bildt, Mariya Nedelcheva

**Draft opinion
Paragraph 1**

Draft opinion

1. Urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination, exploitation of ***EU*** migrant workers and abuse of their rights due to their insufficient knowledge of languages and laws applicable to their employment in the host Member State;

Amendment

1. Urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination, exploitation of migrant workers ***in the EU*** and abuse of their rights due to their insufficient knowledge of languages and laws applicable to their employment in the host Member State;

Or. en

Amendment 10

Mariya Nedelcheva, Monica Luisa Macovei, Anna Maria Corazza Bildt

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1a. Considers that migrant workers should be able to communicate in one of

the official languages of their Member State of residence and become familiar with their rights and obligations as well as with the fundamental values of the European Union and of their Member State of residence; to this end, calls on the Member States to provide language training to migrant workers together with training programmes on the fundamental values of the European Union and of the Member State of residence and on their rights and obligations;

Or. fr

Amendment 11
Petru Constantin Luhan

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls on the Member States to facilitate access for migrant workers to free foreign language courses so as to help them integrate and achieve optimum productivity at their place of work in the host country. At the same time, attendance at language courses in the Member State may facilitate more effectively the social integration of migrant workers, which is of benefit to both the migrant workers themselves and the host Member States;

Or. ro

Amendment 12
Timothy Kirkhope

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that certain professional and technical jobs require a level of fluency in the language of the host Member State and a host Member State has the right to monitor this, even though this doesn't mean that an applicant to a specific job must be a native speaker;

Or. en

Amendment 13
Jean Lambert, Marije Cornelissen

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Deplores policies by Member States aimed at limiting the access of EU workers to social security or social services in their resident Member State for instance by imposing language requirements; calls on the Commission to investigate whether such policies infringe EU law;

Or. en

Amendment 14
Jean Lambert, Marije Cornelissen

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Calls on the Commission and the Member States to combat xenophobia by providing the means for integration and information and to promote understanding, cultural diversity and

respect in Member States hosting mobile workers;

Or. en

Amendment 15
Jean Lambert, Marije Cornelissen

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Calls on the Commission to ensure that Member States implement Directive 2004/38/EC without any discrimination, including on grounds of sexual orientation; reminds the Commission of previous calls to ensure freedom of movement for all EU citizens and their families, including both registered partnerships and marriages, regardless of their sexual orientation;

Or. en

Amendment 16
Anna Maria Corazza Bildt, Mariya Nedelcheva, Georgios Papanikolaou

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls on the Member States to fully implement Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services¹ and welcomes the forthcoming initiative announced by the Commission to improve and reinforce its transposition, implementation and

¹ OJ L 18, 21.1.1997, p. 1.

enforcement;

Or. en

Amendment 17
Salvatore Iacolino

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Takes the view that mobility can only be effectively promoted through substantial improvements in respect of solidarity and shared responsibility on the part of the Member States and through the formulation of a clear regulatory framework governing legal migration;

Or. it

Amendment 18
Georgios Papanikolaou

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Emphasizes that worker mobility may be a very useful tool for enhancing the competitiveness of SMEs, which account for 67.1% of jobs in the EU; urges Member States therefore to encourage workers to learn foreign languages;

Or. el

Amendment 19
Nadja Hirsch

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls on the Commission and the Member States to actively put across to EU citizens the opportunities offered by the free movement of workers and to present the benefits of the European employment market;

Or. de

Amendment 20
Marian-Jean Marinescu

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Underlines that one of the main achievements of the European Union is the creation of an area without internal borders where EU citizens and third-country national can circulate and work freely;

Or. en

Amendment 21
Marian-Jean Marinescu

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Considers that labour restrictions inside the EU aimed at avoiding the movement of large numbers of workers from the "new" Member States to some of the "old" Member States can, on the long term, have a negative impact on

fundamental European values as freedom of movement, non-discrimination and solidarity, equal rights and bringing the EU closer to its citizens;

Or. en

Amendment 22
Marian-Jean Marinescu

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Calls on the Commission to encourage the Member States to review the transitional provisions regulating the access to their labour markets in order to eliminate the differences between European citizens in this matter;

Or. en

Amendment 23
Marian-Jean Marinescu

Draft opinion
Paragraph 1 d (new)

Draft opinion

Amendment

1d. Welcomes the recent decision of Austria and Germany to fully open their labour markets to citizens of eight countries in central Europe that joined the European Union in May 2004; is concerned by the recent proposal of the Dutch government regarding immigration and by its intention to adopt national legislation targeted to undermine the rights of workers from some "new" Member States;

Amendment 24
Marian-Jean Marinescu

Draft opinion
Paragraph 1 e (new)

Draft opinion

Amendment

1e. Calls on the Commission to closely monitor the implementation of Directive 2004/38/EC and make sure that proposing changes to national legislation as regards the rights of EU citizens to reside and work freely throughout the EU, does not lead to the infringement of that Directive;

Or. en

Amendment 25
Marian-Jean Marinescu

Draft opinion
Paragraph 1 f (new)

Draft opinion

Amendment

1f. Underlines that labour restrictions constitute an obstacle to the functioning of the internal market and that the economic crisis demonstrates the need to promote free labour mobility which is self-regulatory, provides flexibility, and reduces undeclared work and the natural rate of unemployment;

Or. en

Amendment 26
Marian-Jean Marinescu

Draft opinion
Paragraph 1 g (new)

Draft opinion

Amendment

1g. Reiterates that, in order to avoid inconsistencies in the area of EU internal market, for the purpose of employment Member States shall give preference to Union citizens and may give preference to third-country nationals who apply for highly qualified employment, as set out in Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment¹; stresses the importance of rejecting applications for an EU Blue Card in labour market sectors for which the access to workers from other Member States is restricted on the basis of transitional arrangements;

Or. en

Amendment 27
Anna Maria Corazza Bildt

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights;

deleted

Or. en

¹ OJ L 155, 18.6.2009, p. 17.

Amendment 28
Daniël van der Stoep

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights;

deleted

Or. nl

Amendment 29
Kinga Göncz

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights;

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which ***ensure fair working conditions and equal treatment for migrant workers as well as*** foresee effective sanctions, remedies and redress in cases of violations of workers' rights;

Or. en

Amendment 30
Mario Borghezio, Mara Bizzotto

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Notes that the promotion of workers'

2. Notes that the promotion of workers'

mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights;

mobility based on European law has to be complemented by EU legal provisions ***capable of protecting newcomers and those already operating on the new market and*** which foresee effective sanctions, remedies and redress in cases of violations of workers' rights ***and unfair competition resulting from a distorted interpretation of EU rules in force*** ;

Or. it

Amendment 31
Salvatore Iacolino

Draft opinion
Paragraph 2

Draft opinion

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights;

Amendment

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights, ***including instruments to reduce inequalities between workers in the EU***;

Or. it

Amendment 32
Jean Lambert

Draft opinion
Paragraph 2

Draft opinion

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of

Amendment

2. Notes that the promotion of workers' mobility based on European law has to be complemented by EU legal provisions which foresee effective sanctions, remedies and redress in cases of violations of workers' rights; ***recognises that***

workers' rights;

appropriate legal assistance should be provided for cross-border workers in such circumstances;

Or. en

Amendment 33
Timothy Kirkhope

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Stresses that 'workers rights' can only be implemented if and when an EU migrant is gainfully employed in a host Member State;

Or. en

Amendment 34
Ioan Enciu

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Takes the view that the mobility of the workforce within the European Union is essential for economic recovery and achievement of the Europa 2020 strategy objectives; urges accordingly those Member States that still impose labour market restrictions in respect of Romanian and Bulgarian nationals to remove them by the end of 2011 in accordance with the deadline laid down in the Treaty of Accession;

Or. ro

Amendment 35
Jan Mulder

Draft opinion
Paragraph 3

Draft opinion

3. Calls for closer and more efficient cooperation between the competent national authorities in checking the compliance of labour contracts with national and EU law; points out that mutual assistance and information exchange have to be guaranteed between the Member States in case of breaches;

Amendment

3. Calls for closer and more efficient cooperation between the competent national authorities in checking the compliance of labour contracts with national and EU law; points out that mutual assistance and information exchange have to be guaranteed between the Member States in case of breaches; ***ask the Commission to supervise this process;***

Or. en

Amendment 36
Daniël van der Stoep

Draft opinion
Paragraph 3

Draft opinion

3. Calls for closer and more efficient cooperation between the competent national authorities in checking the compliance of labour contracts with national ***and EU*** law; ***points out that mutual assistance and information exchange have to be guaranteed between the Member States in case of breaches;***

Amendment

3. Calls for closer and more efficient cooperation between the competent national authorities in checking the compliance of labour contracts with national law;

Or. nl

Amendment 37
Daniël van der Stoep

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Urges the Member States to strengthen the implementation of Directive 91/533/EEC concerning the minimum information that workers should receive from their employer on their employment relationship, including all relevant provisions concerning their employment situation in the host Member State;

deleted

Or. nl

Amendment 38
Salvatore Iacolino

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Urges the Member States to strengthen the implementation of Directive 91/533/EEC concerning the minimum information that workers **should** receive from their employer on their employment relationship, including all relevant provisions concerning their employment situation in the host Member State;

4. Urges the Member States to strengthen the implementation of Directive 91/533/EEC concerning the minimum information that workers **must** receive from their employer on their employment relationship, including all relevant provisions concerning their employment situation in the host Member State;

Or. it

Amendment 39
Mario Borghezio, Mara Bizzotto

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Urges the Member States to **strengthen the implementation of** Directive 91/533/EEC concerning the minimum information that workers should receive

4. Urges the Member States to **implement** Directive 91/533/EEC concerning the minimum information that workers should receive from their employer on their

from their employer on their employment relationship, including all relevant provisions concerning their employment situation in the host Member State;

employment relationship, including all relevant provisions concerning their employment situation in the host Member State;

Or. it

Amendment 40
Vilija Blinkevičiūtė

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Urges the Member States to ensure the transposition and the implementation of 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 States¹ in order to strengthen and simplify the right of free movement and residence of all Union citizens and their family members;

Or. en

Amendment 41
Vilija Blinkevičiūtė

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Notes that EU migrant workers might not be aware of their rights as regards social, education and health services in the receiving country, therefore calls on the Member States to strengthen their information campaigns on this, both on a

¹ OJ L 158, 30.4.2004, p. 77.

broad and on an individual basis;

Or. en

Amendment 42
Vilija Blinkevičiūtė

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4c. Urges the Member States to ensure that the necessary requirements for migrant workers to exercise their profession are respected at all times, in particular those related to the knowledge of languages; on the other hand calls on the Commission to strengthen the current legal framework for the recognition of diplomas and professional qualifications;

Or. en

Amendment 43
Renate Weber

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Calls on the Commission to make use of the EURES network and other European instruments that offer advice and assistance for placement and recruitment in order to offer more accessible and transparent information related to the rights that family members of migrant workers have, especially regarding their right to work, their social rights and their children's right to education in the host Member State;

Amendment 44
Georgios Papanikolaou

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Calls upon Member States and the Commission to ensure that migrant workers, members of their families and interested parties are better informed and briefed about the rights, opportunities and instruments relating to freedom of movement;

Or. el

Amendment 45
Mario Borghezio, Mara Bizzotto

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Points out that increased workers' mobility also demands the active involvement of social partners, especially trade unions, in order to provide the workers concerned, especially those temporarily working abroad, with adequate and effective information, support and protection regarding their social and labour rights;

deleted

Or. it

Amendment 46
Daniël van der Stoep

**Draft opinion
Paragraph 5**

Draft opinion

Amendment

5. Points out that increased workers' mobility also demands the active involvement of social partners, especially trade unions, in order to provide the workers concerned, especially those temporarily working abroad, with adequate and effective information, support and protection regarding their social and labour rights;

deleted

Or. nl

**Amendment 47
Renate Weber**

**Draft opinion
Paragraph 5 a (new)**

Draft opinion

Amendment

5a. Expresses deep concern regarding labour market related laws and policies existing at national level that deviate from the provisions and the core values of the European Union law;

Or. en

**Amendment 48
Renate Weber**

**Draft opinion
Paragraph 5 b (new)**

Draft opinion

Amendment

5b. Urges the Member States not to make use of the transitional restrictions regarding the access of Romanian and Bulgarian workers to their labour market

as a possibility to perpetuate discriminatory, protectionist and anti free-movement policies, but to take further steps in fully eliminating these remaining obstacles to intra-EU mobility in the context of the Single Market Act;

Or. en

Amendment 49
Daniël van der Stoep

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Urges the Member States to control more strictly the work of employment agencies in order to ensure that the rights of EU migrant workers are respected.

deleted

Or. nl

Amendment 50
Mario Borghezio, Mara Bizzotto

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Urges the Member States to control more strictly the work of employment agencies in order to ensure that the rights of EU migrant workers are respected.

6. Urges the Member States to control more strictly the work of employment agencies in order to ensure that the rights of EU migrant workers are respected, *as well as monitoring and seeking to prevent social dumping and unfair competition, which increased in 2004 following the entry of eastern European countries into the EU and are affecting a number of economic sectors, not least the road haulage sector;*

Or. it

Amendment 51
Anna Maria Corazza Bildt, Mariya Nedelcheva

Draft opinion
Paragraph 6

Draft opinion

6. Urges the Member States to control more strictly the work of employment agencies in order to ensure that the rights of *EU* migrant workers are respected.

Amendment

6. Urges the Member States to control more strictly the work of employment agencies in order to ensure that the rights of migrant workers *in the EU* are respected.

Or. en

Amendment 52
Jan Mulder

Draft opinion
Paragraph 6

Draft opinion

6. Urges the Member States to control *more* strictly the work of employment agencies in order to ensure that the rights of EU migrant workers are respected.

Amendment

6. Urges the Member States to control strictly the work of employment agencies *and to fight against the abuse of EU migrant workers*, in order to ensure that the rights of EU migrant workers are respected.

Or. en

Amendment 53
Vilija Blinkevičiūtė

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls on the Commission to revise Regulation (ECC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community¹ in order to take into account the proposals made by the European Parliament in this resolution.

Or. en

Amendment 54
Renate Weber

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for an improved cooperation between the EU, the Member States and third countries regarding the development of successful, fair and transparent EU immigration and intra-EU migration policies for third-country workers, based on solidarity with third countries as well as on the EU labour market needs in the context of its present demographic challenges and prospect for economic development.

Or. en

Amendment 55
Jean Lambert

Draft opinion
Paragraph 6 a (new)

¹ *OJ L 257, 19.10.1968, p. 2.*

Draft opinion

Amendment

6a. Notes that EU nationals working in another Member State may lose their right to vote in national elections after varying periods of time; considers that the Commission should review this situation with Member States; awareness of the right to stand for election and to vote in both local and European elections should be promoted.

Or. en

Amendment 56

Jean Lambert

Draft opinion

Paragraph 6 b (new)

Draft opinion

Amendment

6b. Considers that Member States should ensure that the children of EU mobile workers should not face difficulties regarding their nationality or citizenship due to the working choices of their parents; the particular needs of the children of mobile workers should be adequately studied to ensure effective policy responses.

Or. en

Amendment 57

Marije Cornelissen

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls on the Commission to investigate whether policies of Member States with

transitional measures that impose excessive restrictions on EU citizens' access to the labour market infringe EU law, such as recent policy proposals by the Dutch government to stop giving work permits to citizens of Member States that have joined the EU in 2007; calls on all Member States not to reverse the gradual opening of the labour market for citizens of Member States that have joined the EU during the last accession process.

Or. en