



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Employment and Social Affairs

2010/0210(COD)

23.9.2011

AMENDMENTS

34 - 165

Draft opinion
Sergio Gaetano Cofferati
(PE464.974v01-00)

on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment

Proposal for a directive
(COM(2010)379 – C7-0180/2010 – 2010/0210(COD))

AM\878249EN.doc

PE467.317v02-00

EN

United in diversity

EN

Amendment 34
Emilie Turunen

Proposal for a directive
Citation 5 a (new)

Text proposed by the Commission

Amendment

- having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 15(3) and Articles 27, 28, 31, 33 thereof,

Or. en

Amendment 35
Emilie Turunen

Proposal for a directive
Citation 5 b (new)

Text proposed by the Commission

Amendment

- having regard to Convention No 97 on "Migration for Employment" of the International Labour Organisation (ILO),

Or. en

Amendment 36
Emilie Turunen

Proposal for a directive
Citation 5 c (new)

Text proposed by the Commission

Amendment

- having regard to ILO Convention No 143 on "Migrant Workers",

Or. en

Amendment 37
Emilie Turunen

Proposal for a directive
Citation 5 d (new)

Text proposed by the Commission

Amendment

- having regard to ILO Convention No 102 on "Social Security (Minimum Standards)",

Or. en

Amendment 38
Emilie Turunen

Proposal for a directive
Citation 5 e (new)

Text proposed by the Commission

Amendment

- having regard to ILO Convention No 118 on "Equality of treatment (Social Security)",

Or. en

Amendment 39
Emilie Turunen

Proposal for a directive
Citation 5 f (new)

Text proposed by the Commission

Amendment

- having regard to ILO Convention No 111 on "Discrimination (Employment and Occupation)",

Or. en

Amendment 40
Emilie Turunen

Proposal for a directive
Citation 5 g (new)

Text proposed by the Commission

Amendment

**- having regard to ILO Recommendation
No 86 on "Migration for Employment",**

Or. en

Amendment 41
Emilie Turunen

Proposal for a directive
Citation 5 h (new)

Text proposed by the Commission

Amendment

**- having regard to ILO Recommendation
No 151 on "Migrant workers",**

Or. en

Amendment 42
Emilie Turunen

Proposal for a directive
Citation 5 i (new)

Text proposed by the Commission

Amendment

**- having regard to ILO Convention No 98
on "The Right to Organise and Collective
Bargaining",**

Or. en

Amendment 43
Emilie Turunen

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market as expressed in the relevant provisions of Acts of Accession.

Amendment

(7) This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market as expressed in the relevant provisions of Acts of Accession. ***This notwithstanding, that principle should not be used to deviate from the principle of equal pay for equal work, as regards both workers from Member States and third country nationals.***

Or. en

Amendment 44

Emilie Turunen

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This Directive should set conditions and rights of third country national seasonal workers in full respect of the relevant ILO conventions.

Or. en

Amendment 45

Emilie Turunen

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) This Directive should not affect conditions of the provision of services in the framework of Article 56 of the TFEU.

deleted

In particular, this Directive should not affect the terms and conditions of employment which, pursuant to 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 services⁸, apply to workers posted by an undertaking established in a Member State to provide a service in the territory of another Member State.

⁸ OJ L 18, 21.1.1997, p. 1.

Or. en

Amendment 46
Thomas Händel, Cornelia Ernst

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) This Directive should not affect conditions of the provision of services in the framework of Article 56 of the TFEU.
In particular, this Directive should not affect the terms and conditions of employment which, pursuant to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996⁸ concerning the posting of workers in the framework of the provision of services, apply to workers posted by an undertaking established in a Member State to provide a service in the territory of another Member State.

Amendment

(9) This Directive should not affect conditions of the provision of services in the framework of Article 56 of the TFEU.

Or. de

Amendment 47
Licia Ronzulli

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, **during the holiday period.**

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism.

Or. it

Amendment 48
Emilie Turunen

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture **and horticulture**, during the planting or harvesting period, or tourism, during the holiday period.

Or. en

Amendment 49
Georges Bach

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, **viticulture and horticulture**, during the planting or harvesting period, or tourism, during the holiday period.

Amendment 50
Rovana Plumb

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, *or* tourism, during the holiday period.

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture (*in particular the zoo-technical and plant and flower sectors*), during the planting or harvesting period, tourism, *or large-scale construction (with particular reference to civil engineering sites and works)* during the holiday period.

Amendment 51
Danuta Jazłowiecka, Joanna Katarzyna Skrzydlewska

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture *and horticulture*, during the planting or harvesting period, or tourism, during the holiday period. *Member States are free to designate other sectors which are subject to seasonality.*

Justification

Seasonality depends on the specific economic and geographic conditions prevailing in the

individual Member States.

Amendment 52
Juozas Imbrasas

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) *It* should only ***be possible to apply for admission as a seasonal worker while the applicant*** is residing outside the territory of the Member *States*.

Amendment

(11) ***The application*** should only ***considered and examined if the third-country national*** is residing outside the territory of the Member ***State to which admission is sought***.

Or. It

Amendment 53
Mara Bizzotto

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The Directive should not affect, where granted, the rights of third-country nationals already legally staying in a Member State to work.

Amendment

(12) The Directive ***should set out employers' rights and obligations in respect of third-country national seasonal workers, requiring employers to comply with both EU legislation and that of the Member States in the field of health and safety at the workplace, without any derogations; furthermore, the Directive*** should not affect, where granted, the rights of third-country nationals already legally staying in a Member State to work.

Or. it

Amendment 54
Georges Bach

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer **that specifies the level of remuneration applicable to seasonal workers in the sector concerned.**

Amendment

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer.

Or. de

Amendment 55
Mara Bizzotto

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The Directive **should provide for a flexible** entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

Amendment

(13) The Directive **must establish a transparent and rigorous** entry system based on **market** demand and objective criteria, such as **the existence of** a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned, **which must be high enough to ensure that their temporary stay is lawful and consistent with social security requirements.**

Or. it

Amendment 56
Ria Oomen-Ruijten

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

Amendment

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies, ***in accordance with national provisions or collective agreements***, the level of remuneration ***and secondary working conditions*** applicable to seasonal workers in the sector concerned.

Or. nl

Amendment 57
Philippe Boulland

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

Amendment

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned; ***a maximum duration should also be set for seasonal jobs***.

Or. fr

Amendment 58
Mara Bizzotto

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Member States should ***have the possibility to apply a test demonstrating***

Amendment

(14) Member States should ***demonstrate*** that ***posts*** cannot be filled from within ***their***

that *a post* cannot be filled from within *the domestic* labour market.

labour market *except by third-country national seasonal workers*.

Or. it

Amendment 59
Kinga Göncz, Sergio Gaetano Cofferati

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Member States should have the possibility to apply a test demonstrating that a post cannot be filled from within the domestic labour market.

Amendment

(14) *Also as a consequence of the crisis, the high unemployment rate and the great number of long-term unemployed people living in the EU, for whom seasonal work is often an important tool for easing financial difficulties*, Member States should have the possibility to apply a test *every year* demonstrating that a post cannot be filled from within the domestic *and the Union* labour market.

Or. en

Amendment 60
Heinz K. Becker

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period *per calendar* year *which, together with the definition of seasonal work, should ensure that the work is of genuinely* seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if

Amendment

(16) The duration of stay should be limited *by Member States, in accordance with their needs*, to a maximum period *in any year, while preserving the* seasonal nature *of the work*. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single

tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

employer and at the same time provide for a flexible response to employers' actual workforce needs.

Or. de

Amendment 61
Emilie Turunen

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per *calendar* year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Amendment

(16) The duration of stay should be limited to a maximum period per year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Or. en

Amendment 62
Ria Oomen-Ruijten

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they or third-parties

Amendment

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they *provide themselves* or

provide.

via third parties.

Or. nl

Amendment 63
Emilie Turunen

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they or third-parties provide.

Amendment

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, ***and that they receive equal treatment to nationals and enjoy a decent standard of living***, provision should be made to require employers to provide the evidence of the accommodation they or third-parties provide. ***It is necessary to ensure transparency with regard to the cost of the accommodation which should not be automatically deducted from the wage.***

Or. en

Amendment 64
Emilie Turunen

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to ***define clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-***

Amendment

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to ***provide effective protection of the rights of third-country seasonal workers, to check regularly for compliance and to fully guarantee respect for the principle of equal treatment with workers who are***

country seasonal workers, *such as law or universally applicable collective agreements*.

nationals of the host Member State.

Or. en

Amendment 65
Thomas Händel, Cornelia Ernst

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need *to define clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-country seasonal workers, such as law or universally applicable collective agreements*.

Amendment

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need *for special efforts by all stakeholders so as to counter all forms of discrimination. Accordingly, account needs to be taken of the principle of equal treatment, in particular as regards pay, i.e. by applying collective agreements and other arrangements on working conditions which have been concluded at all possible levels or for which there is statutory provision*.

Or. de

Amendment 66
Jutta Steinruck

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to *define clearly the working conditions applicable to such workers in order to ensure legal*

Amendment

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to *provide* effective protection of the rights of third-country seasonal workers *and to fully*

certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-country seasonal workers, such as law or universally applicable collective agreements.

guarantee respect for the principle of equal treatment with workers who are nationals of the host Member State, in order to guarantee the principle of same pay for the same work in the same place.

Or. de

Amendment 67
Mara Bizzotto

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Considering the *specifically vulnerable* situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to define clearly the *working conditions applicable to* such workers *in order to ensure legal certainty* by referring such conditions to *generally binding* instruments providing effective protection of the rights of third-country seasonal workers, *such as law or universally applicable collective agreements.*

Amendment

(20) Considering the *specific* situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to define clearly the *rights and obligations of* such workers by referring such conditions to instruments providing effective protection of the rights of *both* third-country seasonal workers *and employers.*

Or. it

Amendment 68
Evelyn Regner

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to define

Amendment

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to define

clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-country seasonal workers, such as law or universally applicable collective agreements.

clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-country seasonal workers **and abiding by the principle of same pay for the same work in the same place**, such as law or universally applicable collective agreements.

Or. de

Amendment 69
Philippe Boulland

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to define clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-country seasonal workers, such as law or universally applicable collective agreements.

Amendment

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to define clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection, **in particular social protection**, of the rights of third-country seasonal workers, such as law or universally applicable collective agreements.

Or. fr

Amendment 70
Thomas Händel, Cornelia Ernst

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) *In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.*

Amendment

(21) *To guarantee the principle of equality of treatment between European Union workers and third-country national seasonal workers, collective agreements of whatever kind which have been concluded at any level, including at company level, and are applicable to the employment relationship should apply to third-country national seasonal workers.*

Or. de

Amendment 71
Sergio Gaetano Cofferati

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) *In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.*

Amendment

(21) *In addition to the legislative, administrative and regulatory provisions applicable to workers who are nationals of the host Member State, arbitration decisions and collective agreements and contracts concluded at any level, in accordance with the host Member State's national law and practice, should also apply to third-country national seasonal workers under the same terms as to nationals of the host Member State.*

Or. it

Amendment 72
Mara Bizzotto

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on *collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.*

Amendment

(21) In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on *a flexible decentralised bargaining system which clearly establishes the rights and obligations of both seasonal workers and employers, so as to make it easier to reconcile the needs of both parties arising, inter alia, from the specific differences among the various professions or industries concerned.*

Or. it

Amendment 73
Raffaele Baldassarre

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

Amendment

(21) In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory, *in accordance with national law and practice.*

Or. it

Amendment 74
Ria Oomen-Ruijten

Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

(22) *Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems. This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.*

deleted

Or. nl

Amendment 75
Emilie Turunen

Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

(22) *Third-country national* seasonal workers should be granted equal treatment in respect of those branches of social security *listed* in Article 3 of Regulation (EC) No **883/2004 on the coordination of social security systems. ***This Directive*****

(22) *Adequate social security coverage for seasonal workers is a key element of this Directive and important for ensuring that their working and living conditions while staying in the Union are decent. Equal treatment should be granted to third-*

should *not confer more rights than those already provided in existing EU legislation* in the field of social security for *third-country nationals who have cross-border interests between Member States*. Furthermore, this Directive should *not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.*

country nationals. Special attention should be given to provisions ensuring equal treatment as regards social security under national law in respect of those branches of social security *defined* in Article 3 of Regulation (EC) No 883/04 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. *Without prejudice to bilateral agreements providing for better social security coverage, this Directive should establish mechanisms which ensure effective coverage by social security during the stay and mechanisms for exporting acquired rights where applicable. This may include special adjustments concerning inter alia the qualifying or the waiting period.*

Any restrictions to the equal treatment in the field of social security *under this Directive should be without prejudice to the rights conferred in application of Regulation (EU) No1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who, solely on the ground of their nationality, are not already covered by these Regulations.*

Or. en

Amendment 76
Thomas Händel, Cornelia Ernst

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/2004 on the coordination of

Amendment

(22) Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/2004 on the coordination of

social security systems. ***This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States.*** Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.

social security systems. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.

Or. de

Amendment 77

Danuta Jazłowiecka, Joanna Katarzyna Skrzydlewska

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) ***Third-country national seasonal workers should be granted equal treatment in respect of those*** branches of social security ***listed*** in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems. This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for

Amendment

(22) ***On the basis of the*** branches of social security ***referred to*** in Article 3 of Regulation (EC) No 883/04 ***of the European Parliament and of the Council of 29 April 2004*** on the coordination of social security systems, ***Member States shall define which of these benefits cover seasonal workers.*** This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member

de minimis rules on contributions to pension systems.

States of national legislation providing for de minimis rules on contributions to pension systems.

Or. pl

Justification

The issue of social security falls under the exclusive competence of the Member States. In addition, the seasonal nature of the work and the short duration of the stay in a given Member State does not constitute a basis on which to grant seasonal workers all the social security benefits enjoyed by citizens of that country.

Amendment 78

Mara Bizzotto

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems. This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.

Amendment

(22) Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems, ***while also having to comply with both EU legislation and that of the Member States in the field of health and safety at the workplace, without any derogations.*** This Directive should not confer more rights than those already provided for in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.

Amendment 79
Emilie Turunen

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights, working conditions and accommodation, Member States should ensure that appropriate control and monitoring mechanisms are put in place and that effective and adequate inspections are carried out on their territory. With a view to increasing the effectiveness of those inspections, Member States should ensure that national legislation gives adequate powers and resources to competent authorities to carry out inspections; that the results of previous inspections are collected and processed for the effective implementation of this Directive; and that sufficient staff are available with the skills and qualifications needed to carry out inspections effectively. Member States should provide for adequate, proportionate and dissuasive sanctions such as financial penalties to be imposed on the employer in the event of failure.

Or. en

Amendment 80
Emilie Turunen

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, relevant **designated** third parties such as trade unions or other associations **should be able to** lodge complaints **in order to ensure effective application of the Directive**. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement **of this Directive, effective mechanisms should be developed through which seasonal workers may** lodge complaints **directly or through** relevant third parties such as trade unions or other associations. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences. **There should also be adequate judicial protection against the victimisation of seasonal workers as a result of a complaint being made. Organisations representing workers' rights should have access to the relevant documentation and to any accommodation provided.**

Or. en

Amendment 81
Philippe Boulland

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement, **effective legal remedy should be available to third-country nationals, and** relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Or. fr

Amendment 82
Thomas Händel, Cornelia Ernst

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints **and actions** in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Or. de

Amendment 83
Thomas Händel, Cornelia Ernst

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Member States must ensure that appropriate checks and effective inspections are carried out in order to guarantee proper enforcement of this Directive. To that end, Member States must grant the competent authorities sufficient powers and resources. The results of inspections must be collated in an appropriate report and will serve to improve enforcement of this Directive.

Or. de

Amendment 84
Emilie Turunen

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

Or. en

Amendment 85
Emilie Turunen

Proposal for a directive
Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) Working conditions in this Directive are to be understood to cover at least pay and dismissal, health and safety at the workplace, working time and leave, family and professional life taking into account collective agreements in force.

Or. en

Amendment 86
Raffaele Baldassarre

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. This Directive shall apply to third-country nationals who reside outside the territory of the Member States and apply to be admitted to the territory of a Member

1. This Directive shall apply to third-country nationals who reside outside the territory of the Member States and apply to be admitted to the territory of a Member

State for the purpose of employment as seasonal workers.

State for the purpose of employment as seasonal workers. *The Member States shall also define the nature and period of seasonal work within their territory.*

Or. it

Amendment 87
Emilie Turunen

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. This Directive shall not apply to third-country nationals who are carrying out activities on behalf of undertakings established in another Member State in the framework of a provision of services within the meaning of Article 56 of the Treaty on the Functioning of the European Union, including those posted by undertakings established in a Member State in the framework of a provision of service in accordance with Directive 96/71/EC.

deleted

Or. en

Amendment 88
Sari Essayah, Riikka Manner

Proposal for a directive
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. This Directive shall not apply to **third-country nationals who are carrying out activities on behalf of undertakings established in another Member State in the framework of a provision of services within the meaning of Article 56 of the**

2. This Directive shall not apply to posted **workers or temporary agency workers.**

Treaty on the Functioning of the European Union, including those posted by undertakings established in a Member State in the framework of a provision of service in accordance with Directive 96/71/EC.

Or. en

Justification

All posted workers should be explicitly excluded from the scope, not only those posted workers whose employer is established in another Member State. Also temporary agency workers should be left outside the scope.

Amendment 89
Nadja Hirsch

Proposal for a directive
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Directive shall not apply to construction, including related economic activities (NACE Rev. 1.1 codes 45.1 to 45.4; activities listed in the annex to Directive 96/71/EC).

Or. de

Amendment 90
Emilie Turunen

Proposal for a directive
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Directive shall apply to the agriculture, horticulture and tourism sectors. Member States may decide to extend its application to additional activities that are dependent on the

passing of the seasons, provided that the social partners do not conclude an agreement opposing this supported by objective reasons.

Or. en

Amendment 91
Nadja Hirsch

Proposal for a directive
Article 3 – point b

Text proposed by the Commission

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of **a Member State** in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Amendment

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of **the European Union** in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Or. de

Justification

While an employer may be headquartered in a particular Member State, it must be possible for a worker to work in a different Member State in which the employer operates.

Amendment 92
Sergio Gaetano Cofferati, Claude Moraes

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied

Amendment

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied

to a certain time of the year by an event or pattern during which labour levels **are required that** are far above those necessary for usually ongoing operations;

to a certain time of the year by an event or pattern **of events linked to seasonal conditions** during which **the required** labour levels are **regularly and predictably** far above those necessary for usually ongoing operations;

Or. en

Amendment 93
Nadja Hirsch

Proposal for a directive
Article 3 – point d

Text proposed by the Commission

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of **a Member State** under the terms of this Directive;

Amendment

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of **the European Union** under the terms of this Directive;

Or. de

Amendment 94
Nadja Hirsch

Proposal for a directive
Article 3 – point e

Text proposed by the Commission

(e) ‘single application procedure’ means a procedure leading, on the basis of one application for the authorisation of a third-country national’s residence and work in the territory of **a Member State**, to a decision on the application;

Amendment

(e) ‘single application procedure’ means a procedure leading, on the basis of one application for the authorisation of a third-country national’s residence and work in the territory of **the European Union**, to a decision on the application;

Or. de

Amendment 95
Sari Essayah, Riikka Manner

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

Amendment

(f) ‘universally applicable collective agreement’ means a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers‘ and labour organisations at national level and which are applied throughout national territory.

deleted

Or. en

Justification

All collective agreements should be applied on an equal footing also to third country seasonal workers working in the EU. Therefore there is no need to include any definition of a universally applicable collective agreement.

Amendment 96
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

Amendment

(f) ‘universally applicable collective agreement’ means a collective agreement which must be observed by all

(f) ‘collective agreement’ means all kinds of collective agreements which have been concluded at any level, including at

undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

company level, and are applicable to the employment relationship of seasonal workers.

Or. de

Amendment 97
Emilie Turunen

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

(f) *'universally applicable collective agreement' means a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.*

Amendment

(f) 'collective agreement' means *any* collective agreement *concluded at any level, in accordance with national legislation and practices of the host Member State.*

Or. en

Amendment 98
Sergio Gaetano Cofferati

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

f) '**universally applicable collective agreement**' means **a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.**

Amendment

f) 'collective **agreements and contracts**' means **all collective agreements or contracts concluded at any level, in accordance with the host Member State's national law and practice, and applicable to workers who are nationals of the host Member State.**

Or. it

Amendment 99
Licia Ronzulli

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

f) 'universally applicable collective agreement' means a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal

Amendment

f) 'universally applicable collective agreement' means a collective agreement **between employers or employers' organisations, on the one hand, and workers' organisations, on the other, which cover working conditions and the relationships between the contracting**

application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

parties and must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

Or. it

Amendment 100
Raffaele Baldassarre

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

f) ‘universally applicable collective agreement’ means a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal

Amendment

f) ‘universally applicable collective agreement’ means a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal

application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory, *in accordance with national law and practice.*

Or. it

Amendment 101
Mara Bizzotto

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of Articles 13 to 17 of this Directive.

Amendment

deleted

Or. it

Amendment 102
Nadja Hirsch

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of Articles **13** to 17 of this Directive.

Amendment

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of Articles **11** to 17 of this Directive.

Amendment 103
Georges Bach

Proposal for a directive
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State ***that specifies the rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;***

Amendment

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State;

Amendment 104
Mara Bizzotto

Proposal for a directive
Article 5 – paragraph 1 – point a

Text proposed by the Commission

a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies the rate of pay ***and*** the working hours per week or month and, ***when applicable, other*** relevant working conditions;

Amendment

a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies the rate of pay, the working hours per week or month and relevant working conditions ***demonstrating that the seasonal worker can support himself or herself by lawful means and stay in the host Member State without being a burden on its welfare system;***

Amendment 105
Mara Bizzotto

Proposal for a directive
Article 5 – paragraph 1 – point b

Text proposed by the Commission

b) a valid travel document, as determined by national law. **Member States may require the** period of the validity of the travel document **to** cover at least the duration of the residence permit;

Amendment

b) a valid travel document, as determined by national law. **The** period of the validity of the travel document **shall** cover at least the duration of the residence permit;

Or. it

Amendment 106
Thomas Mann

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. To ensure appropriate working conditions and prevent wage dumping, Member States shall have the right to reject applications if the terms of employment do not match those which apply to Member State nationals who are comparable workers in seasonal sectors.

Or. de

Amendment 107
Raffaele Baldassarre

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States **may** verify **whether** the

2. Member States **shall** verify **that** the

vacancy concerned **could not** be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

vacancy concerned **cannot** be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Or. it

Amendment 108
Sari Essayah, Riikka Manner

Proposal for a directive
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Private employment agencies or migration agencies shall not charge job-seekers or workers any fees in exchange for organising seasonal work or migration for seasonal work.

Or. en

Justification

Seasonal workers belong to a vulnerable group and are often exploited. In order to prevent human trafficking Article 7 of the ILO convention No 181, should be taken into account as well as Article 6 of the Temporary Agency Work Directive.

Amendment 109
Heinz K. Becker

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal

3. Member States may reject an application if, ***within 12 months of its being made***, the employer has been sanctioned in conformity with national law for undeclared work and/or illegal

employment.

employment.

Or. de

Amendment 110

Evelyn Regner

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. Member States may reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

Amendment

3. Member States may reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment ***or other statutory obligations towards national social security or tax authorities have not been met.***

Or. de

Amendment 111

Heinz K. Becker

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Seasonal workers shall be allowed to reside for ***a maximum of six*** months in any ***calendar*** year, after which they shall return to a third country.

Amendment

1. Seasonal workers shall be allowed to reside for ***at least three*** months in any year, after which they shall return to a third country. ***The maximum duration of stay shall be laid down by Member States, while preserving the seasonal nature of the work. Seasonal workers shall subsequently return to a third country.***

Or. de

Amendment 112
Heinz K. Becker

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Within the period referred to under paragraph 1, and provided that the criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer.

Amendment

2. Within the period referred to under paragraph 1, and provided that the criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer ***if the first employer has infringed employers' rights.***

Or. de

Amendment 113
Heinz K. Becker

Proposal for a directive
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) an employer who has not fulfilled the obligations arising out of the work contract shall be subject to effective, proportionate and dissuasive sanctions. ***Such*** employers shall be excluded from applications for seasonal workers for one or more subsequent years.

Amendment

(b) an employer who has not fulfilled the obligations arising out of the work contract shall be subject to effective, proportionate and dissuasive sanctions. Employers ***contravening labour law provisions*** shall be excluded from applications for seasonal workers for one or more subsequent years.

Or. de

Amendment 114
Sergio Gaetano Cofferati, Claude Moraes

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of

AM\878249EN.doc

Amendment

Member States shall require employers of

41/67

PE467.317v02-00

seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures *an adequate* standard of living. *If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.*

seasonal workers to provide evidence that the seasonal worker will benefit from *adequate* accommodation, *pursuant to national legislation and practice*, that ensures *a decent* standard of living. *As a minimum, such accommodation shall provide the inhabitants with adequate space, shall protect them from the elements and other threats to health, shall be safe and well maintained, and shall provide the facilities essential for health, security, comfort and nutrition such as safe drinking water, systems for cooking, heating and lighting, sanitation and washing facilities, means of food storage and refuse disposal. The location of the accommodation and the surrounding transport infrastructure shall allow access to basic services, including basic health and social services.*

Or. en

Amendment 115
Emilie Turunen

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures *an adequate* standard of living. *If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.*

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from *adequate* accommodation, *pursuant to national legislation and practice*, that ensures *equal treatment to nationals and a decent* standard of living. *As a minimum, such accommodation shall provide the inhabitants with adequate space, shall protect them from the elements and other threats to health, shall be safe and well maintained, and shall provide the facilities essential for health, security, comfort and nutrition, such as safe drinking water, systems for cooking,*

heating and lighting, sanitation and washing facilities, means of food storage and refuse disposal. The accommodation shall allow access to basic services.

Or. en

Amendment 116
Danuta Jazlowiecka, Joanna Katarzyna Skrzydlewska

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker *will benefit from* accommodation *that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.*

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker *has* accommodation *for the duration of the seasonal work.*

Or. pl

Justification

The term 'adequate standard of living' can be understood in different ways, depending on the interpretation applied in the Member State in question. 'Adequate standards of living' cannot be subject to the employer's judgement. Workers are able to decide themselves if the cost of the accommodation is excessive.

Amendment 117
Raffaele Baldassarre

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that

Amendment

Member States shall require employers of seasonal workers to provide evidence that

the seasonal worker will benefit from accommodation that ***ensures an adequate standard of living***. ***If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive*** in relation to ***their*** remuneration.

the seasonal worker will benefit from ***adequate*** accommodation that ***is affordable*** in relation to ***his or her*** remuneration.

Or. it

Amendment 118
Ria Oomen-Ruijten

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall ***not*** be ***excessive in relation to their*** remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall be ***proportionate*** to remuneration, ***i.e. set at a percentage representing the customary ratio of housing costs to gross income in the Member State concerned***.

Or. nl

Amendment 119
Evelyn Regner

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures ***an*** adequate standard of living. If seasonal workers are

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures ***a decent***, adequate standard of living. If seasonal

required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Or. de

Amendment 120
Heinz K. Becker

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. ***Employers should not be obliged to provide such accommodation, but should actively help in looking for appropriate accommodation.*** If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Or. de

Amendment 121
Thomas Mann

Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Employers shall not be obliged to defray travel or visa expenses of third-country national seasonal workers.

Or. de

Amendment 122
Emilie Turunen

Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The seasonal worker shall have the option to accept or refuse the accommodation provided by the employer.

Or. en

Amendment 123
Emilie Turunen

Proposal for a directive
Article 14 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. If seasonal workers are required to pay rent for such accommodation, it shall not be automatically deducted from their wage; its cost shall be fixed for the duration of their stay and shall not be excessive in relation to their net remuneration or to the quality of the accommodation.

Or. en

Amendment 124
Emilie Turunen

Proposal for a directive
Article 14 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The seasonal worker shall be given a rental contract or equivalent document in which the conditions and cost of the accommodation are clearly stated in a

language understood by all parties.

Or. en

Amendment 125
Emilie Turunen

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

The relevant authorities shall have the obligation and the organisations representing the workers' interest shall have the right of inspection of and access to the accommodation if provided for by the employer. The relevant authorities shall be obliged to ensure that the rent for accommodation is not excessive in relation to the quality of accommodation.

Or. en

Amendment 126
Emilie Turunen

Proposal for a directive
Article 14 b (new)

Text proposed by the Commission

Amendment

Article 14b

Costs

Member States shall require employers of seasonal workers to pay for:

(a) the cost of travel from the seasonal workers' place of origin to the place of work in the Member State concerned and the return journey;

(b) the visa fee and, if applicable, any

service fees related to the visa;

(c) the cost of health insurance referred to in point (c) of Article 5(1).

Such expenses should not be recoverable from (the wage of) the seasonal worker.

Or. en

Amendment 127
Sari Essayah, Riikka Manner

Proposal for a directive
Article 16 – introductory part

Text proposed by the Commission

Whatever the law applicable to the employment relationship, seasonal workers shall be entitled to:

Amendment

Seasonal workers shall be entitled to:

Or. en

Amendment 128
Emilie Turunen

Proposal for a directive
Article 16 – introductory part

Text proposed by the Commission

Whatever the law applicable to the employment relationship, seasonal workers shall be entitled to:

Amendment

Seasonal workers shall be entitled to *equal treatment with nationals of the host Member State at least as regards the following:*

Or. en

Amendment 129
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – introductory part

Text proposed by the Commission

Whatever the law applicable to the employment relationship, seasonal workers *shall be entitled to:*

Amendment

Regardless of the law applicable to the employment relationship, ***the principle of equality of treatment with Member State national workers shall apply to*** seasonal workers:

Or. de

Amendment 130
Georges Bach

Proposal for a directive
Article 16 – introductory part

Text proposed by the Commission

Whatever the law applicable to the employment relationship, seasonal workers shall be entitled to:

Amendment

Whatever the law applicable to the employment relationship, seasonal workers shall be entitled to ***equal treatment with nationals of the host Member State at least with regard to:***

Or. de

Amendment 131
Sari Essayah, Riikka Manner

Proposal for a directive
Article 16 – point 1

Text proposed by the Commission

1. working conditions, including pay and dismissal as well as health and safety requirements at the workplace, applicable to seasonal work as laid down by law, regulation or administrative provision and/or universally applicable collective agreements in the Member State to which

Amendment

deleted

they have been admitted according to this Directive.

In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory;

Or. en

Amendment 132
Emilie Turunen

Proposal for a directive
Article 16 – point 1 – subparagraph 1

Text proposed by the Commission

1. working conditions, including pay and dismissal *as* well as health and safety requirements at the workplace, *applicable to seasonal work as laid down by law, regulation or administrative provision and/or universally applicable* collective agreements in the Member State *to which they have been admitted according to this Directive.*

Amendment

1. working conditions, including pay and dismissal, *working time and leave, holidays and disciplinary provisions, professional and family life as well as* health and safety requirements at the workplace, *taking into account, in addition to legal, administrative and regulatory provisions, the arbitration decisions and* collective agreements *and contracts, concluded, at any level, in accordance with the host Member State's law and practices, by the most representative employers' and labour organisations, under the same terms as for nationals of the host Member State.*

Or. en

Amendment 133
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – point 1 – subparagraph 1

Text proposed by the Commission

1. working conditions, including pay and dismissal as well as health and safety requirements at the workplace, applicable to seasonal work *as laid down by law, regulation or administrative provision and/or universally applicable* collective agreements *in the Member State to which they have been admitted according to this Directive.*

Amendment

1. working conditions, including pay and dismissal, ***working hours and holidays***, as well as health and safety requirements at the workplace, applicable to seasonal work, ***taking into account not only the relevant laws, regulations*** or administrative ***provisions, but also the*** collective agreements ***concluded at any level of*** the Member State ***concerned which are applicable to the employment relationship.***

Or. de

Amendment 134
Georges Bach

Proposal for a directive
Article 16 – point 1 – subparagraph 1

Text proposed by the Commission

1. working conditions, including pay and dismissal as well as health and safety requirements at the workplace, applicable to seasonal work as laid down by law, regulation or administrative provision and/or universally applicable collective agreements in the Member State to which they have been admitted according to this Directive.

Amendment

1. working conditions, including pay and dismissal, ***working hours, holidays and disciplinary provisions***, as well as health and safety requirements at the workplace, applicable to seasonal work as laid down by law, regulation or administrative provision and/or universally applicable collective agreements in the Member State to which they have been admitted according to this Directive.

Or. de

Amendment 135
Rovana Plumb

Proposal for a directive
Article 16 – point 1 – subparagraph 1

Text proposed by the Commission

1. working conditions, including pay and dismissal as well as health and safety requirements at the workplace, ***applicable to seasonal work*** as laid down by law, regulation or administrative ***provision and/or universally applicable*** collective agreements in the Member ***State to*** which they ***have been admitted according to this Directive.***

Amendment

1. working conditions including pay and dismissal, ***working hours and holidays*** as well as health and safety requirements at the workplace, as laid down by law, regulation or administrative ***and regulatory provisions and*** collective agreements in the Member ***States in*** which they ***are currently working.***

Or. en

Amendment 136
Sergio Gaetano Cofferati

Proposal for a directive
Article 16 – point 1 – subparagraph 1

Text proposed by the Commission

1. working conditions, including pay and dismissal as well as health and safety requirements at the workplace, applicable to seasonal work as laid down by law, regulation or administrative provision ***and/or universally applicable*** collective agreements in the Member ***State to which they have been admitted according to this Directive.***

Amendment

1. ***terms of employment – that is, the minimum working age, restrictions on home-working and all other matters regarded as terms of employment according to the host Member State’s law and national practice – and*** working conditions, including pay and dismissal, ***working hours and holidays*** as well as health and safety requirements at the workplace, as laid down by law, regulation or administrative provision ***or by arbitration decisions,*** collective agreements ***and contracts concluded at any level, in accordance with the host Member State’s national law and practice and under the same terms as those applicable to nationals of the host Member State.***

Or. it

Amendment 137
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – point 1 – subparagraph 2

Text proposed by the Commission

Amendment

In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory;

deleted

Or. de

Amendment 138
Emilie Turunen

Proposal for a directive
Article 16 – point 1 – subparagraph 2

Text proposed by the Commission

Amendment

In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied

deleted

throughout national territory;

Or. en

Amendment 139

Raffaele Baldassarre

Proposal for a directive

Article 16 – point 1 – subparagraph 2

Text proposed by the Commission

In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

Amendment

In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory, ***in accordance with national law and practice.***

Or. it

Amendment 140

Danuta Jazłowiecka, Joanna Katarzyna Skrzydlewska

Proposal for a directive

Article 16 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. social security benefits designated by Member States on the basis of the branches of social security as defined in Article 3 of Regulation (EC) No 883/2004;

Or. pl

Justification

The issue of social security falls under the exclusive competence of the Member States. In addition, the seasonal nature of the work and the short duration of the stay in a given Member State does not constitute a basis on which to grant seasonal workers all the social security benefits enjoyed by citizens of that country.

Amendment 141
Georges Bach

Proposal for a directive
Article 16 – point 2 – introductory part

Text proposed by the Commission

Amendment

2. equal treatment with nationals of the host Member State as regards at least with regard to:

deleted

Or. de

Amendment 142
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – point 2 – introductory part

Text proposed by the Commission

Amendment

2. equal treatment with nationals of the host Member State *as regards at least with regard to:*

Equal treatment with nationals of the host Member State ***shall relate to the following rights in particular:***

Or. de

Amendment 143
Emilie Turunen

Proposal for a directive
Article 16 – point 2 – introductory part

Text proposed by the Commission

2. equal treatment with nationals of the host Member State at least **with regard** to:

Amendment

equal treatment with nationals of the host Member State at least **but not limited** to:

Or. en

Amendment 144

Sari Essayah, Riikka Manner

Proposal for a directive

Article 16 – point 2 – introductory part

Text proposed by the Commission

2. equal treatment with nationals of the host Member State **as regards** at least with regard to:

Amendment

equal treatment with nationals of the host Member State at least with regard to:

Or. en

Amendment 145

Sergio Gaetano Cofferati

Proposal for a directive

Article 16 – point 2 – point a

Text proposed by the Commission

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Amendment

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the **rights and benefits** conferred by such organisations, **inter alia the right to negotiate and conclude collective agreements and the right to strike and take industrial action, in accordance with the host Member State's national law and practice**, without prejudice to the national provisions on public policy and public security;

Amendment 146
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – point 2 – point a

Text proposed by the Commission

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Amendment

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, ***including the right to take part in actions aimed at the conclusion of collective agreements, including strike action, and also*** including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Or. de

Amendment 147
Emilie Turunen

Proposal for a directive
Article 16 – point 2 – point a

Text proposed by the Commission

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Amendment

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the ***rights and*** benefits conferred by such organisations, ***including the right to negotiate and conclude collective agreements and the right to strike and take industrial action, in accordance with the host Member State's national law and practices, which must comply with Union law,*** without prejudice to the national provisions on

public policy and public security;

Or. en

Amendment 148

Thomas Händel, Cornelia Ernst

Proposal for a directive

Article 16 – point 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the right to refuse to work where seasonal workers are used to break a strike;

Or. de

Amendment 149

Sari Essayah, Riikka Manner

Proposal for a directive

Article 16 – point 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) working conditions, including pay and dismissal, as well as health and safety requirements at the work place;

Or. en

Justification

Third country seasonal workers should be granted equal treatment with host country workers concerning all conditions of work. The EU Charter of Fundamental Rights (Article 15(3)) requires equal treatment of third country nationals with regard to working conditions. Equal treatment as regards terms and conditions of employment has also been guaranteed e.g. in the Blue Card Directive (Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment) and in the Single Permit Directive Proposal. The Commission proposal on the application of only generally applicable collective agreements would not allow the application to third country seasonal workers of any other collective agreement, such as a work place level agreement.

Amendment 150

Danuta Jazlowiecka, Joanna Katarzyna Skrzydlewska

Proposal for a directive

Article 16 – point 2 – point b

Text proposed by the Commission

Amendment

(b) provisions in national laws regarding the branches of social security as defined in Article 3 of Council Regulation (EC) No 883/04;

deleted

Or. pl

Amendment 151

Sari Essayah, Riikka Manner

Proposal for a directive

Article 16 – point 2 – point b

Text proposed by the Commission

Amendment

(b) provisions in national laws regarding the branches of social security as defined in Article 3 of Council Regulation (EC) No 883/2004;

(b) without prejudice to Member States' right to lay down criteria for entitlement to residence based benefits, provisions in national laws regarding the branches of social security as defined in Article 3 of Council Regulation (EC) No 883/2004;

Or. en

Justification

Seasonal work is, by definition, temporary by its nature and seasonal workers are not entering a Member State with a purpose to settle therein on a permanent basis. A seasonal worker enters the country where he/she is employed as a seasonal worker on a temporary basis and will not fulfil the criteria of residence laid down in the national legislation for granting residence based social security benefits. The directive should allow that the national residence requirement may continue to be applied at least where granting of certain residence based benefits such as family benefits is concerned.

Amendment 152
Thomas Mann

Proposal for a directive
Article 16 – point 2 – point b

Text proposed by the Commission

(b) provisions in national laws regarding the branches of social security as defined in Article 3 of Council Regulation (EC) No 883/04;

Amendment

(b) provisions in national laws regarding the branches of social security as defined in Article 3(1)(a) to (i) of Council Regulation (EC) No 883/2004; ***family benefits shall be excluded from equal treatment, since the aim of the Member States must be primarily to support families who are residing in the EU in the long term;***

Or. de

Amendment 153
Georges Bach

Proposal for a directive
Article 16 – point 2 – point c

Text proposed by the Commission

(c) payment of statutory pensions based on the worker's previous employment under the same conditions as nationals of the Member States concerned when they move to a third country;

Amendment

deleted

Or. de

Amendment 154
Emilie Turunen

Proposal for a directive
Article 16 – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) payment of holiday entitlements;

Amendment 155
Emilie Turunen

Proposal for a directive
Article 16 – point 2 – point c – point i) (new)

Text proposed by the Commission

Amendment

(i) seasonal workers returning or moving to a country outside the Union, or the survivors of such workers deriving rights from them shall receive, in relation to old-age, invalidity and death, statutory pensions based on the workers' previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned;

Or. en

Amendment 156
Emilie Turunen

Proposal for a directive
Article 16 – point 2 – point c– point ii) (new)

Text proposed by the Commission

Amendment

(ii) seasonal workers should have access on a non-discriminatory basis to the social security system of the place of work similar to other EU citizens working in this Member states under Regulation (EC) N° 883/2004;

Or. en

Amendment 157
Emilie Turunen

Proposal for a directive
Article 16 – point 2 – point c – point iii) (new)

Text proposed by the Commission

Amendment

(iii) Member States shall create mechanisms so that third-country workers returning or moving to a country outside the Union should be entitled to benefits which may be due in respect of any employment injury suffered, to compensation in lieu of any holiday entitlement acquired but not used and to reimbursement of social security contributions which have not given and do not give rise to rights under national laws or regulation or international arrangement.

Or. en

Amendment 158
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – point 2 – point d

Text proposed by the Commission

Amendment

(d) access to goods and services and the supply of goods and services made available to the public, ***except public housing and counselling services afforded by employment services.***

(d) access to goods and services and the supply of goods and services made available to the public.

Or. de

Amendment 159
Georges Bach

Proposal for a directive
Article 16 – point 2 – point d

Text proposed by the Commission

(d) access to goods and services and the supply of goods and services made available to the public, ***except public housing and counselling services afforded by employment services.***

Amendment

(d) access to goods and services and the supply of goods and services made available to the public ***in accordance with Member State law.***

Or. de

Amendment 160
Sari Essayah, Riikka Manner

Proposal for a directive
Article 16 – point 2 – point d

Text proposed by the Commission

(d) access to goods and services and the supply of goods and services made available to the public, except public housing and ***counselling*** services afforded by employment services.

Amendment

(d) access to goods and services and the supply of goods and services made available to the public, except public housing and services afforded by employment services.

Or. en

Justification

Third country seasonal workers enter the EU labour market only for a short time. Their work permit does not allow them to accept other open vacancies from the host Member State. Therefore they should not enjoy equal treatment as regards counselling services or other public employment services, which primarily aim at promoting the employment in the labour market of the host Member State.

Amendment 161
Thomas Händel, Cornelia Ernst

Proposal for a directive
Article 16 – point 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the right to submit complaints regarding their employer to the competent authorities and/or to bring actions before the competent courts, directly or through third parties such as employee organisations in accordance with the corresponding national statutory provisions, in order effectively to enforce the rights deriving from this Directive. The Member States shall provide effective mechanisms to safeguard this right.

Or. de

Amendment 162
Emilie Turunen

Proposal for a directive
Article 16 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. back payments to be made by the employers. In respect of infringements of Article 3, the employer shall pay:

(a) any outstanding remuneration to the third-country national;

(b) any outstanding taxes and social security contributions, including relevant administrative fines

Or. en

Amendment 163
Emilie Turunen

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Monitoring and inspections

1. Member States shall ensure that appropriate monitoring mechanisms are put in place, that adequate inspections are carried out on their territory by the relevant national authorities and that organisations representing workers' interests have access to the workplace and the accommodation, if provided by the employer, so as to ensure that the provisions laid down in this Directive, in particular regarding rights, working conditions and accommodation, are fully respected throughout the duration of the seasonal workers' stay in the Member State concerned.

2. Member States shall ensure that at least 20 % of companies offering seasonal employment established on their territory are subject to inspections every year

3. The selection of companies to be inspected shall be based on a risk assessment to be drawn up by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.

Or. en

Amendment 164

Emilie Turunen

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Subcontracting

Where the employer is a subcontractor, Member States shall ensure that the main contractor and any intermediate subcontractor are liable to pay:

(a) any fine imposed under the relevant Article of this Directive, and

(b) any back payments due under the this Directive.

Or. en

Amendment 165
Emilie Turunen

Proposal for a directive
Article 17 b (new)

Text proposed by the Commission

Amendment

Article 17b

Member States shall take the necessary steps to ensure that an employer who fails to comply with the standards for working conditions and accommodation may also, if appropriate, be subject to the following measures:

(a) exclusion from entitlement to public benefits, aid or subsidies for up to five years;

(b) exclusion from participation in a public tender for up to five years;

(c) recovery of any public benefits, aid, or subsidies, including EU funding managed by Member States, granted to the employer, especially funding received under the Common Agricultural Policy

(d) temporary or permanent closure of the establishments that have been used to commit the infringement.

Or. en

