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Plenary sitting

13.1.2014

B7-0023/2014

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission
pursuant to Rule 110(2) of the Rules of Procedure

on respect for the fundamental right of free movement in the EU
(2013/2960(RSP))

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on behalf of the GUE/NGL Group

B7-0023/2014

European Parliament resolution on respect for the fundamental right of free movement in the EU (2013/2960(RSP))

The European Parliament,

- having regard to Articles 21, 45 and 47 of the Treaty on the Functioning of the European Union and to Articles 15, 21, 29, 34 and 45 of the Charter of Fundamental Rights,
- having regard to Article 151 of the Treaty on the Functioning of the European Union,
- having regard to Article 34 of the Charter of Fundamental Rights of the European Union (right to social security),
- having regard to Council Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community¹,
- having regard to Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship²,
- having regard to the International Labour Organisation's Core Labour Standards and the UN/ILO Decent Work Agenda,
- having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems³,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁴,
- having regard to the report from the Commission to the Council on the Functioning of the Transitional Arrangements on Free Movement of Workers from Bulgaria and Romania (COM(2011)0729),
- having regard to Judgment C-140/12 of the European Court of Justice,
- having regard to the Commission communication of 25 November 2013 entitled: 'Free Movement of EU citizens and their families: Five actions to make a difference' (COM(2013)0837),
- having regard to Rule 110(2) of its Rules of Procedure,

¹ OJ L 257, 19.10.1968, p. 2.

² OJ L 288, 18.10.1991, p. 32.

³ OJ L 166, 30.4.2004, p. 1.

⁴ OJ L 158, 30.4.2004, p. 77.

- A. whereas the right to live and work in a Member State other than a person's Member State of origin is one of the Union's fundamental freedoms and is a basic component of Union citizenship recognised by the Treaties;
- B. whereas limitations to the right of free movement of workers can only be introduced as an exception for a transitional period; whereas the transitional period for Bulgaria and Romania has ended, and the citizens of those countries are therefore entitled to enjoy the same rights as other citizens residing in the Union; whereas the principle of free movement of workers gives European citizens the right to move freely within the EU for work purposes on the basis of equal treatment and protects the social rights of workers and their family members;
- C. whereas Article 45 TFEU prohibits any discrimination based on nationality as regards employment, remuneration and other working conditions;
- D. whereas Directive 2004/38/EC stipulates in its recital 16 that 'as long as the beneficiaries of the right of residence do not become an unreasonable burden on the social assistance system of the host Member State they should not be expelled';
- E. whereas Article 14(3) of the same directive states that an expulsion measure shall not be the automatic consequence of a Union citizen's or his or her family member's recourse to the social assistance system of the host Member State;
- F. whereas Directive 2004/38/EC should be implemented without discrimination among its beneficiaries on grounds such as gender, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of an ethnic minority, property, birth, disability, age or sexual orientation;
- G. whereas Article 24 of Directive 2004/38/EC lays down the principle of equal treatment of nationals of the host state and other EU citizens;
- H. whereas certain Member States had chosen to restrict the right to free movement of workers from Bulgaria and Romania in the context of transitional arrangements encompassing three stages which finally expired on 31 December 2013;
- I. whereas according to German media reports, Elmar Brok, Member of the European Parliament and chair of the Committee on Foreign Affairs, is said to have called for EU immigrants moving to Germany to receive social benefits to be subject to fingerprint recording;
- J. whereas certain Member States and press organs have painted an unrealistic picture of a mass exodus of nationals of the two Member States following the lifting of work restrictions, thus encouraging unfounded assumptions about those workers coming to profit from other Member States' labour markets, which have even in some cases resulted in discriminatory speech;

- K. whereas Romanian nationals represent more than 80 % of nationals of the two countries (Romania and Bulgaria) resident in another Member State, and are to be found mainly in Italy (41 %) and Spain (38 %), followed by Germany (5 %), while Bulgarian nationals reside mainly in Spain (38 %), Germany (15 %), Greece (12 %), Italy (10 %) and the UK (7 %);
- L. whereas Bulgaria and Romania have also been severely affected by the economic recession and the large wage gap between them and the EU-15 still constitutes a strong pull factor; whereas harsh austerity policies and ‘structural reforms’, implemented either as a result of the EC-ECB-IMF ‘Troika’ diktats (Romania) or national government decisions (Bulgaria), are aggravating the recession in both countries and constitute a strong push factor;
1. Considers, as a matter of principle, that the right to free movement of workers should be granted from the date of accession of a country to the European Union and that transitional arrangements restricting that right should be avoided;
 2. Strongly supports the right of freedom of movement for workers; stresses that collective bargaining rights in the host states need to be respected and applied in the case of all workers, regardless of their origin;
 3. Notes the crucial role of trade unions in enforcing these basic rights and opposing the ‘race to the bottom’ in terms of wages and conditions; calls, in this context, for the repeal of existing anti-trade union laws in Member States which undermine solidarity between workers and curtail workers’ ability to defend their wages and conditions;
 4. Reiterates its strong attachment to the principle of non-discrimination and equal treatment, as laid down in Article 45 TFEU and Article 24 of Directive 2004/38/EC;
 5. Recalls that the lifting of the transitional controls is an automatic consequence of the expiration of the accession conditions for Romania and Bulgaria, to which the Member States themselves agreed at the time of conclusion; recalls equally that those transitional controls were from their inception meant as a temporary exception to the basic rule of freedom of movement of persons within the EU, which is a core fundamental freedom available to all citizens within the Union;
 6. Strongly condemns any unfounded dogmatic rhetoric which pictures economic migrants as economic parasites draining the local social welfare systems; recalls that a variety of independent studies have consistently shown that mobile EU workers are overall net contributors to the social welfare system;
 7. Condemns, in this regard, the recent statements reportedly made by Elmar Brok, chair of the Committee on Foreign Affairs; calls on Mr Brok to withdraw his populist remarks without delay;
 8. Calls on public authorities and all stakeholders to raise the level of awareness among workers of their rights and of the various instruments (labour law, collective agreements, social security provisions, housing, education, childcare, etc.) that regulate their employment relationship as well as their working and living conditions;

9. Draws attention to the findings of the Commission's Draft Joint Employment Report 2012, which predicts a further rise in unemployment and poverty throughout the Union as a result of the continuing economic and financial crisis; highlights the increase in temporary and part-time jobs, the rise of youth unemployment and long-term and low-skilled unemployment, and the fact that undeclared work remains persistent and accounts for over 20 % of the economy in certain Member States; notes that the increasing unemployment levels resulting from the current crisis have led to a huge rise in the involuntary movement of workers from many Member States as a matter of necessity; considers that the only way to combat this is to provide sufficient quality jobs in greater numbers in all affected Member States, so that all free movement is based on choice and not on necessity;
10. Stresses that against that background it is highly likely that Romanian and Bulgarian workers will come under pressure to 'adapt' to this situation by accepting employment conditions that run counter to the principle of equal treatment and to their rights as enshrined in EU law on the free movement of workers and their families;
11. Strongly criticises the EU's concept of economic governance and its employment policies promoting more flexible labour markets, both of which are aimed at dismantling social protection and the welfare state, workers' rights, collective bargaining, etc., and are blocking any meaningful attempts to counter the financial and economic crisis by mobilising investment in environmental and social sustainable development; stresses that austerity policies and 'structural reforms' as pursued by the EU and the Member States trigger a dynamic of workers undercutting each other – regardless of their nationality or ethnic origin – in terms of working conditions, wages, social security, etc.; emphasises that current EU economic governance and employment policies are therefore detrimental to guaranteeing workers' rights in the context of free movement;
12. Recalls its demand of 2008 that the Council should agree on an EU target for minimum wages (statutory collective agreements at national, regional or sectorial level), to be set at no less than 60 % of the relevant (national, sectoral, etc.) average wage, and, further, on a timetable for achieving that target in all Member States; points out that an effective minimum wage policy is essential to prevent the free movement of workers being abused by employers for social dumping; believes, therefore, that such a policy should be properly enforced by labour inspectors and trade unions;
13. Points out that the Member States are obliged to implement the UN/ILO Decent Work Agenda properly; insists that the employment policies of the EU and the Member States must be reoriented to promote the concept of 'Good Work' in all its aspects; underlines that this is a prerequisite for guaranteeing the social rights of workers and their families in the context of free movement;
14. Calls on the Member States to introduce legislation that effectively bans employers from forcing employees to live in tied accommodation and from making extortionate and exploitative deductions from wages, for rent or on other grounds;
15. Insists on the strict application of the principle of equal pay and equal working conditions for work of equal value between women and men at the same work place or location;

16. Stresses that efficient controls by labour inspectorates are an essential instrument to guarantee equal treatment and combat undeclared work and social dumping; calls on the Member States to step up labour inspections and provide sufficient resources for labour inspectorates; calls on the Commission to improve cooperation and coordination between labour inspectorates in cross-border regions;
17. Calls on the Member States to tackle the issue of false self-employment among mobile workers, and stresses the need to give workers in this situation access to rights and protection;
18. Calls on the Member States to ensure that administrations at all levels are equipped with the appropriate means, including financial means, to deal with the challenges linked to the freedom of movement of EU citizens;
19. Highlights the fact that Directive 2004/38/EC does not, in general, preclude EU citizens resident in another Member State from receiving certain benefits;
20. Reiterates that the conception, structure and management of social assistance and security systems is and should remain a core competence of the Member States, and opposes any encroachment by the Commission on this terrain, especially via the imposition of economic austerity policies and the resulting undemocratic budgetary coordination and control over national budgets;
21. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.