



2020/2007(INI)

11.1.2021

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Employment and Social Affairs

on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills
(2020/2007(INI))

Rapporteur for opinion: Morten Løkkegaard

(*) Associated committee – Rule 57 of the Rules of Procedure

PA_NonLeg

SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the Services Directive, the Professional Qualifications Directive (PQD) and the Proportionality Test Directive lay down the provisions that ensure the proper functioning of the internal market, while guaranteeing a high level of worker and consumer protection;
- B. whereas the PQD explicitly seeks to enable professionals to work or establish themselves anywhere in the Union and to make it easier for workers of certain professions to find employment in another Member State, facilitating intra-EU labour mobility, while the Services Directive aims to achieve the free movement of services; whereas the potential of the single market can be further improved by addressing unjustified barriers to the free movement of services and workers; whereas the free movement of workers is a fundamental principle of the European Union, a right of all citizens and essential to the proper functioning of the internal market; whereas labour mobility must be free, fair and based on solid rights;
- C. whereas mutual recognition of skills and qualifications is key to supporting mobility, life-long learning and career opportunities across the EU for everyone, including people with disabilities, thereby contributing to the free movement of workers and services and to the proper functioning of the single market; whereas the European Professional Card enhances safe professional mobility and creates a framework for a simpler, faster and more transparent recognition of qualifications;
- D. whereas in response to the COVID-19 pandemic the Commission issued Guidelines concerning the exercise of free movement of workers, which set out the principles for an integrated approach to effective internal border management in order to protect public health while preserving the integrity of the internal market, and whereas the Council adopted a recommendation on a coordinated approach to the restrictions of free movement, which aims at increasing the transparency and predictability of free movement across the EU for both citizens and businesses;
- E. whereas the economic crisis caused by the COVID-19 pandemic is unprecedented; whereas the economic recovery could be facilitated by unlocking the full potential of the single market by enhancing the free movement of workers and services and by fully using the mutual recognition of professional qualifications and the freedom to provide services under the Services Directive;
- F. whereas different regulatory choices at both European and national level, imperfect and inadequate transposition and implementation of existing legislation and unjustified barriers create an enforcement gap and impact the free movement of workers and services;
- G. whereas a single market with high social and environmental standards, quality services and fair competition serves the interests of all stakeholders;

- H. whereas the economic recovery from the crisis caused by the COVID-19 pandemic must be in accordance with the guidelines set out by the European Green Deal;
1. Highlights that, in the present health crisis, free movement of workers in the field of health services demonstrates the benefits of the PQD, especially given its digital elements and proven effectiveness in facilitating labour mobility¹; underlines furthermore that existing legislation concerning working conditions, access to social rights, and health and safety, especially for seasonal and cross-border workers, must be respected for the purpose of ensuring equal treatment when workers exercise their rights to free movement; recalls that the aim of the PQD is to make it easier for professionals to provide their services across Europe while guaranteeing protection for consumers and public health and safety, which is particularly important during the pandemic crisis;
 2. Underlines the importance of free and safe movement of workers and services in overcoming the recession and increased unemployment rates caused by the COVID-19 pandemic; reiterates that further removal of unjustified barriers within the single market is essential in order to fully benefit from its potential, while maintaining a high level of consumer protection; regrets that the Recovery Plan proposed by the Commission lacks ambition when it comes to movement of workers and services and fails to fully recognise its importance as a tool for economic recovery;
 3. Stresses that some decisions by certain Member States as regards travel restrictions on account of COVID-19 have created uncertainty for both consumers and businesses, and especially cross-border workers; calls therefore on the Commission and the Member States to further coordinate such measures to uphold the principles of the single market and to be prepared in case of future waves, so as to protect businesses and consumers and the safe mobility of workers; calls on the Commission to collect and present in a comprehensive way all relevant information, including all health and safety obligations and restrictions in the Member States;
 4. Underlines that the mobility of professionals must be ensured where possible; furthermore, highlights the need to remove unjustified barriers to the provision of cross-border healthcare services, while recognising the special nature of health services and ensuring a high level of healthcare for all EU citizens; underlines the value of better implementation of existing rules, coordination and promotion of best practices among Member States, and cross-border mobility of health professionals;
 5. Notes that workers have the possibility to move freely throughout the Union; calls on Member States, however, to fully implement and better enforce existing legislation, such as the recently revised Posting of Workers Directive 2018/957/EU, in order to support legal clarity, reduce unjustified barriers for cross-border service providers and guarantee the free mobility of workers and the effective protection of their rights within the EU, to the benefit of workers, citizens and the EU economy as a whole;
 6. Recalls the introduction of the European Professional Card under EU legislation² to

¹ Koumenta, M. and Pagliero, M., Measuring Prevalence and Labour Market Impacts of Occupational Regulation in the EU, 2016, p. 88.

² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005, as amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013.

reduce the administrative burden of recognition and further improve the system for recognition of qualifications in certain professions; notes its effective role in boosting the mobility of professionals across the Member States³ and calls on the Commission to assess and extend the use of the European Professional Card to other professions so as to offer a swift and easy way of recognising the qualifications of workers in the EU and to tackle the unjustified barriers that deprive citizens of jobs, consumers of choices, and entrepreneurs of opportunities in the single market;

7. Regrets the insufficient access to information as regards mobility of services and underlines that information available on only official national websites is often provided in only a few languages and is limited in scope; underlines that access to information, such as on domestic collective agreements where applicable and relevant, should be improved; calls on the relevant EU and national authorities to take appropriate steps aimed at developing a single template for official national websites and to make them compatible with the Single Digital Gateway so as to improve access to relevant information among Member States;
8. Recalls that regulated professions represent up to 22 % of the labour force in the EU and cover many crucial sectors, such as health and social services, business services, construction, network services, transport, tourism, real estate, public services and education⁴;
9. Stresses that while Member States have the right to regulate certain professions for the protection of public interests, such as public security, safety and health, or the protection of consumers, workers and the environment, in exercising this right, they must respect the limits of the principles of non-discrimination and proportionality, as explicitly stipulated in the Proportionality Test Directive; calls on the Commission to provide structured assistance and issue guidance to Member States on how to conduct ex ante proportionality assessments of new national regulation of services in accordance with the Proportionality Test Directive;
10. Calls on the Member States to simplify administrative procedures in order to make it easier to obtain electronic documents needed for cross-border provision of services as quickly as possible;
11. Recalls the harmonisation achieved in several professions through mutual recognition inspired by the PQD; stresses that Member States should reconsider and coordinate rules governing entry and exercise requirements in relation to specific activities or professions;
12. Underlines that, according to the Single Market Scoreboard 2020, further improvements are needed to ensure free movement of professionals, especially as regards recognising

³ Report from the Commission to the European Parliament, the Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the implementation of certain new elements introduced by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), (COM(2020)0191).

⁴ European Parliament resolution of 18 January 2018 on the implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services, OJ C 458, 19.12.2018, p. 70.

professional qualifications;

13. Recalls that the principles of the Services Directive and the PQD facilitate the free movement of services; believes that the continuous updating of Annex V to the PQD, which lists all the qualifications that comply with the minimum requirements, could further benefit professionals in the EU; calls on the Member States to extend mutual recognition to more levels of education and training, without lowering national education requirements, and to improve or introduce the necessary procedures as soon as possible; calls on the Commission to strengthen its cooperation with Member States and increase enforcement efforts regarding both the free movement of workers and the protection of their health and safety, in line with the European Pillar of Social Rights;
14. Encourages the Commission to cooperate with Member States to ensure full implementation and enforcement of existing rules; urges the Commission and the Member States to shorten the complaints procedure to ensure that relevant issues from an end-user perspective are handled promptly and settled efficiently; calls for alternative resolution mechanisms to be assessed and for infringement procedures to be applied without undue delay in accordance with Article 258 of the Treaty on the Functioning of the European Union (TFEU) whenever breaches of relevant legislation are identified or disproportionate and unjustified burdens introduced; calls on the Commission to regularly monitor administrative barriers within the internal market and to issue recommendations to Member States on their removal as appropriate; supports the Commission's long-term action plan for better implementation and enforcement of single market rules; calls on the Commissions and the Member States to devote additional resources to improving the SOLVIT system as a tool for a swift resolution of administrative problems within the single market; asks the Commission to increase its support for Member States in transposing EU legislation so as to ensure correct and harmonised interpretation, and takes note of the Commission's intention to create a single market obstacle reporting tool under the Single Digital Gateway, allowing citizens and businesses to report anonymously any regulatory obstacles they encounter in exercising their internal market rights⁵;
15. Calls on the Commission to strengthen the Points of Single Contact and the Single Digital Gateway where appropriate, and to provide guidelines to help Member States streamline procedures, in particular for SMEs, as provided for in the Services Directive; calls on the Member States to ensure compliance with the requirements of making information and online procedures for the effective use of such tools available in order to provide workers, consumers and businesses with accurate and easily accessible information regarding their rights and obligations related to free movement within the single market, paying particular attention to vulnerable groups such as persons with disabilities; recalls the need to accelerate the modernisation of public administration so that it can process communication with citizens and businesses in a digital way; emphasises the importance of digitalisation owing to the increasing mobility of labour and services; is of the opinion that the digital tools designed to facilitate mobility of labour and services, as well as an exchange of the information between different social security systems, such as the digital A1 portable document form, will improve workers'

⁵ Commission communication of 10 March 2020 on a long-term action plan for better implementation and enforcement of single market rules (COM(2020)0094).

protection, reduce administrative burdens and improve Member States' cooperation and enforcement;

16. Calls on the Commission and the Member States to ensure that all relevant procedures to access the services market are efficiently coordinated by the competent authorities in the responsible Member State and that service providers are properly informed, in order to ensure compliance with applicable national rules, including proportionate employment terms and conditions that Member States apply in accordance with Union law; calls therefore for greater promotion, application and enforcement of the European Qualifications Framework to guarantee a widely used recognition instrument throughout the European Union;
17. Sees the need to further develop the Internal Market Information System (IMI) by expanding the available functions in order to facilitate the work of national authorities; therefore asks the Commission to establish appropriate support structures in the areas of training and technical assistance so that all the advantages of the system in terms of effectiveness can be realised.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	11.1.2021
Result of final vote	+: 37 -: 4 0: 3
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Carlo Fidanza, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Dan-Ștefan Motreanu, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann, Marco Zullo
Substitutes present for the final vote	Marc Angel, Krzysztof Hetman, Sándor Rónai

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
EPP	Pablo Arias Echeverría, Deirdre Clune, Krzysztof Hetman, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Dan-Ștefan Motreanu, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Marion Walsmann
S&D	Alex Agius Saliba, Marc Angel, Brando Benifei, Biljana Borzan, Maria Grapini, Adriana Maldonado López, Leszek Miller, Sándor Rónai, Christel Schaldemose
RENEW	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Morten Løkkegaard
GREENS/EFA	Anna Cavazzini, David Cormand, Alexandra Geese, Kim Van Sparrentak
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
NI	Miroslav Radačovský, Marco Zullo

4	-
ID	Virginie Joron, Jean-Lin Lacapelle
THE LEFT	Kateřina Konečná, Anne-Sophie Pelletier

3	0
ID	Alessandra Basso, Hynek Blaško, Markus Buchheit

Key to symbols:

+ : in favour

- : against

0 : abstention