

Freedom of movement for workers within the European Union

European Parliament resolution of 15 December 2011 on freedom of movement for workers within the European Union

The European Parliament,

- having regard to its resolution of 25 October 2011 on promoting workers' mobility within the European Union¹,
 - having regard to Articles 21, 45 and 47 of the Treaty on the Functioning of the European Union (TFEU) and Articles 15, 21, 29, 34 and 45 of the Charter of Fundamental Rights,
 - having regard to Article 151 of the TFEU,
 - having regard to Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community²,
 - having regard to the Commission communication of 6 December 2007 on ‘Mobility, an instrument for more and better jobs: The European Job Mobility Action Plan (2007-2010)’ (COM(2007)0773),
 - having regard to the Commission communication of 18 November 2008 on the impact of free movement of workers in the context of EU enlargement (COM(2008)0765),
 - having regard to the Commission communication of 13 July 2010 on ‘Reaffirming the free movement of workers: rights and major developments’ (COM(2010)0373),
 - having regard to its resolution of 5 April 2006 on the transitional arrangements restricting the free movement of workers on EU labour markets³,
 - having regard to the report from the Commission to the Council of 11 November 2011 on the Functioning of the Transitional Arrangements on Free Movement of Workers from Bulgaria and Romania (COM(2011)0729),
 - having regard to the opinion of the European Economic and Social Committee on the identification of outstanding barriers to mobility in the internal labour market,
 - having regard to Rules 115(5) and 110(4) of its Rules of Procedure,
- A. whereas the right to live and work in another Union Member State is one of the fundamental freedoms of the EU, guaranteeing equal treatment and protection against discrimination on the grounds of nationality, a basic component of Union citizenship recognised by the Treaties; whereas, however, citizens of two Member States still face barriers to their exercise of the right to take up a job on the territory of another Member State;

¹ Texts adopted, P7_TA(2011)0455.

² OJ L 257, 19.10.1968, p. 2.

³ OJ C 293 E, 2.12.2006, p. 230.

- B. whereas, according to the Commission communication of 11 November 2011, mobile workers from Romania and Bulgaria have had a positive impact on the economies of Member States which host mobile workers;
- C. whereas no negative effects have been reported in those Member States which have not applied the transitional measures concerning free movement of workers originating from Member States that joined the EU in 2004 and 2007; whereas a number of Member States have decided to continue applying labour-market restrictions to nationals of Romania and Bulgaria, more in response to political pressures than in a justified effort to prevent possible negative effects on their economies and labour markets;
- D. whereas, according to recent statistics, at the end of 2010 mobile workers from Romania and Bulgaria residing on the territory of another Member State represented 0,6% of the total EU population;
- E. whereas the inflows of Romanian and Bulgarian workers have had beneficial effects on the markets of the host countries, as those workers have entered occupations or sectors with labour shortages;
- F. whereas in its most recent communication the Commission stated that Romanian and Bulgarian mobile workers are more likely to be in the economically productive period of their lives than host-country nationals, based on the fact that EU-2 mobile workers under 35 years of age represent 65% of the total migrants of working age, as compared to 34% in the EU-15;
- G. whereas recent Eurostat data show that mobile workers from Romania and Bulgaria have no significant effects on wages and unemployment rates in host countries;
- H. whereas mobility flows are driven mainly by labour demand, and whereas at times of labour mismatches at European level transitional barriers can hamper the economic development of European companies and undermine the right to work and reside on the territory of another Member State;
- I. whereas Romanian and Bulgarian workers face total or partial restrictions on their fundamental freedom of movement, which they enjoy on the basis of the principle of equal treatment as recognised by the Treaties; and whereas, at the same time, the cross-border mobility of workers in the framework of 'services' is increasingly replacing the free movement of workers and could lead to unfair competition regarding wages and working conditions;
- J. whereas the free movement of workers represents a positive socio-economic example for both the EU and the Member States, being a milestone in the context of EU integration, economic development, social cohesion, individual professional betterment, counteracting the negative effects of economic crises and making Europe a stronger economic power prepared to face the challenges of global change;
- K. whereas recent developments in our societies, in particular in response to industrial change, globalisation, new work patterns, demographic change and the development of means of transport, call for a higher degree of worker mobility;
- L. whereas intra-EU mobility is vital to ensure that all European citizens have the same rights

and responsibilities;

- M. whereas the latest communication from the Commission states that the disturbances of national labour markets are the result of a variety of factors, such as the economic and financial crisis and structural labour market problems, and are not due to inflows of Romanian and Bulgarian workers;
- N. whereas in 2010 Romanian and Bulgarian workers represented only 1% of all unemployed persons (aged 15-64) in the EU, compared to a figure of 4,1% for third-country nationals, making it clear that they had no impact on the labour market crisis in individual countries;
- O. whereas, in the context of the current economic downturn at European level, the remittances sent by mobile workers to their home countries can have a net positive effect on the balance of payments of the countries from which they are sent;
- P. whereas some Member States have announced that they intend to keep restrictions on Bulgarian and Romanian workers in place until 2014, and others have announced that they will open up their labour markets to all EU workers;
1. Takes the view that worker mobility in the EU should never be regarded as a threat to national labour markets;
 2. Calls on the Member States to abolish all the transitional measures in force, given that there are no real economic justifications for restricting the right to work and reside on the territory of another Member State for Romanians and Bulgarians; takes the view that these barriers are counterproductive for EU citizens; calls for the preference clause to be effectively enforced throughout the Union;
 3. Calls on the Council to endorse the latest 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) and to follow the proposed line when assessing whether transitional barriers are a worthwhile and necessary measure;
 4. Calls on the Commission to propose a clear definition of the term ‘serious disturbances of labour markets or threat thereof’;
 5. Calls on the Commission to prepare a set of clear indicators, and a better methodology based on economic and social indicators, which can be used to assess whether there is a clear justification for extending the total or partial restrictions imposed by Member States to counter the negative disturbances on their national labour markets that could be caused by Romanian and Bulgarian workers, and also to employ this approach when a Member State requests authorisation to implement the safeguard clause;
 6. Calls on the Commission to publicise in the most transparent way possible the criteria on the basis of which a Member State is allowed to maintain the transitional barriers, taking into account the effects of such a decision on the EU economy and the justifications accepted by the European Court of Justice in connection with the strict interpretation of derogations from fundamental freedoms;
 7. Takes the view that Member States which maintain restrictions without providing a clear and transparent socio-economic justification linked to serious labour market disturbances, in

keeping with the relevant European Court of Justice rulings, are in violation of the Treaties; calls on the Commission, as guardian of the Treaties, to ensure compliance with the principle of free movement;

8. Calls on the Commission and the Member States to lift the restrictive transitional periods, so that Bulgarian and Romanian citizens can enjoy equal treatment as recognised by the Treaties, thus ensuring fair competition between businesses and preventing social and economic dumping;
9. Notes that transitional measures are counterproductive when it comes to combating false self-employment, undeclared work and irregular employment, since workers without the right to enter the regular labour market freely sometimes choose false self-employment or irregular work, which results in abuses of their labour rights;
10. Calls on the EU-25 to consult employers' and employees' organisations before deciding whether to end or extend total or partial restrictions on the freedom of movement of workers from Romania and Bulgaria;
11. Calls on the Member States which intend to maintain the labour-market restrictions on Romanian and Bulgarian workers to present in a clear and transparent way a full justification, in line with the criteria and methodology drawn up by the Commission and substantiated by convincing arguments and data, including all relevant socio-economic indicators, which led to the conclusion that geographical mobility gives rise to a severe disturbance of their national labour market;
12. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.