Resolution on freedom of movement for workers within the European Union

2011/2958(RSP) - 15/12/2011 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on freedom of movement for workers within the European Union.

The resolution was tabled by the EPP, S&D, Greens/EFA, and ALDE groups.

It notes that whilst the right to live and work in another Union Member State is one of the fundamental freedoms of the EU, 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. 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. Parliament takes the view that **worker mobility in the EU should never be regarded as a threat to national labour markets.** It 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. These barriers are counterproductive for EU citizens and the resolution calls for the preference clause to be effectively enforced throughout the Union.

Members note that Romanian and Bulgarian workers face total or partial restrictions on their fundamental freedom of movement, and 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. They recall that, according to the Commission, mobile workers from Romania and Bulgaria have had a positive impact on the economies of Member States which host mobile workers, as those workers have entered occupations or sectors with labour shortages. Furthermore, recent Eurostat data show that **mobile workers from Romania and Bulgaria have no significant effects on wages and unemployment rates in host countries.** 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.

Accordingly, Parliament 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** and to follow the proposed line when assessing whether transitional barriers are a worthwhile and necessary measure.

It calls on the Commission:

- to propose a clear definition of the term 'serious disturbances of labour markets or threat thereof';
- 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;

- 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.

Noting that 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, Parliament 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.** It calls on the Commission, as guardian of the Treaties, to ensure compliance with the principle of free movement. Member States which intend to **maintain the labour-market restrictions** on Romanian and Bulgarian workers must **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.

The resolution 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.

Lastly, Parliament 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.