

Free movement of workers: measures facilitating the exercise of rights conferred on workers

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The Commission presents a report on the implementation of Directive 2014/54/EU of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. As a reminder, there is a relatively stable and complete set of rules on freedom of movement of workers conferred by Article 45 TFEU and further developed through Regulation (EU) No 492/2011 of the European Parliament and of the Council and European Court of Justice rulings. Since, however, Union citizens may **continue to face practical problems** in exercising their rights as EU workers, Directive 2014/54/EU on measures facilitating exercise of rights conferred on workers in the context of freedom of movement for workers, was adopted to try to close the gap between the law and its application in practice. The Directive **does not create new substantive rights for workers** and/or their family members in addition to those provided by Treaty and Regulation (EU) No 492/2011. It only seeks to achieve more effective and uniform application and enforcement of existing rights.

The report discusses the Directive's implementation and explores whether any amendment to the Directive is necessary to guarantee better enforcement of Union law on free movement of workers. It recalls that the **Directive is innovative** in the way that it obliges Member States to designate a **structure/body to promote equal treatment** of Union workers and members of their family on the grounds of nationality, as well as to tackle unjustified restrictions and obstacles to their right to free movement.

Transposition: the deadline for transposition was 21 May 2016, but by that date, only 7 Member States had transposed the Directive. The Commission began infringement proceedings against 12 Member States, and the last two countries notified complete transposition in November 2017. The analysis of national transposition measures reveals that a number of the provisions of the Directive have already been complied with through national instruments that already existed when the Directive entered into force. Legislative amendments in many countries have been limited to transposing Article 4 on the designation of the body to promote equal treatment.

The Directive is already operational and **the Commission has not detected major problems** of non-conformity among the national transposition measures. However, the report notes that it remains a **challenge** for many Member States to ensure that tools established under the Directive, such as the bodies, generate results on the ground.

Bodies to promote equal treatment: in the vast majority of Member States **existing structures** have been attributed the role of free movement body, the only exceptions being Germany and Slovenia where a new structure has been established. Regarding the type of body, the remit of **equality institutions** in 20 Member States has been extended to address issues of discrimination against Union workers and members of their family on grounds of nationality. **Labour market authorities** are the second most common type of bodies.

Regarding **the bodies' tasks**, some Member States claim that the body performs all the tasks listed under the Directive even though certain tasks are not explicitly mentioned in the body's statute and there are no concrete examples of the body performing them. Tasks not mentioned include **conducting surveys and analysis** concerning obstacles to free movement, and making **recommendations** on any issue relating to unjustified restrictions and obstacles or to discrimination. Such surveys have been carried out (or are planned) in only seven Member State. The report states that it is important that information on obstacles, restrictions and discrimination is collected, assessed and disseminated publicly. This will improve general

awareness of rights and the procedures to defend them and deter other employers and administrations from engaging in such practices.

General findings: the replies to the questionnaire sent to Member States by the Commission suggest that the Directive has had a **positive impact for all stakeholders**. This is mainly because it has provided **more legal certainty** and clarity for workers, employers and administrations by laying down free movement rights, together with rules for better enforcement. It has also **made support by the bodies available** to those in need and underlined that correctly implementing EU legislation on free movement of workers is an important task of national administrations.

Possible amendments: Member States considered that no legislative amendments are necessary at this stage and that efforts should be concentrated instead on properly implementing the current regulations. In this regard, the Commission recalls [its proposal](#) to establish a European Labour Authority, aiming to strengthen the fairness of cross-border labour mobility in Europe. Bearing this in mind, the Commission also does not consider it necessary to propose amendments to the Directive at this stage.

The Commission will support Member States' efforts to implement the Directive properly, particularly by:

- promoting cooperation between the bodies;
- ensuring synergies between existing information and assistance services at Union level;
- helping Member States to improve the quality of information they provide on national websites and to raise awareness among Union workers of their rights.