Freedom of movement for workers within the Community

1998/0229(COD) - 14/10/1998 - Legislative proposal

PURPOSE: to amend Council Regulation 1612/68/EEC on freedom of movement for workers within the Community. CONTENT: the Commission proposes amending Regulation 1612/68/EEC as follows: - discrimination based on race, religion, sex, age or disability shall be prohibited wherever the Regulation is applicable. All beneficiaries of the Regulation will also be given direct and enhanced protection against any dicrimination inconsistent with the basic rights of the individual; - workers who are posted within the Union or to countries outside the Union, as well as workers who perform their work within the Union, will be covered so long as their employment relationships retain a sufficiently close link with a Member State; - provision is made to allow free movement of job seekers and trainees an equal entitlement to grants and subsidies for recruitment or training as those available to nationals; - the list of persons who are entitled to take up residence with a worker employed in a Member State is to be extended to cover direct descendants and ascendants irrespective of whether they are dependants or not and irrespective of their age. Where the worker is coming from a third country, the new proposal maintains the requirement under the existing regulation to facilitate family reunion of family members. The proposal also stipulates that the partner assimilated to the spouse may follow the worker where the host Member State recognises the situation of unmarried couples for its own nationals. The condition requiring the availability of normal housing for the family has been omitted from the new wording; - it is proposed that the family members referred to above will be entitled to equal treatment as regards all economic, fiscal, social, cultural and other benefits. The new proposal continues to provide for an inherent right of the spouse and children to engage in a paid economic activity and adds a specification that this includes the right to engage in a self-employed activity. This right and the right to access to education and training are also extended to all beneficiaries of family reunification under its amended broader definition. In the event of dissolution of the marriage, the proposal provides for an independent right of residence for the family members after a residence period of three years and allows them to keep the right to work; - the wording of the articles relating to material rights of the worker is strengthened to include elements such as equal treatment as regards health and safety conditions and vocational retraining measures in the event of involuntary unemployment, and to incorporate the Court of Justice's definition of "social benefits" (Schmid judgment, 27/5/93). The term "vocational schools" is replaced by "vocational training", in order to better reflect the current situation as regards training in the Member States. In defining under what conditions a worker resident in one Member State who is a national of another may not take part in the management of bodies governed by public law or hold office governed by public law, the text has been reworded to cover functions which involve the exercise of "public power" and the safeguarding of the general interests of the State and"regional authorities". The proposal also incorporates the principle of equivalence of situations for professional purposes. Finally, the scope of the regulation is extended to cover the situation of frontier workers.