Basic information

1998/0229(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Freedom of movement for workers within the Community **Subject** 2.30 Free movement of workers	

Key players

Council of the European Union	
European Commission	Commission DG: Employment, Social Affairs and Inclusion Commissioner:

Key events

Date	Event	Reference	Summary
14/10/1998	Legislative proposal published	COM(1998)0394	Summary
23/10/1998	Committee referral announced in Parliament, 1st reading		
22/04/1999	Vote in committee, 1st reading		
22/04/1999	Committee report tabled for plenary, 1st reading	A4-0252/1999	
06/08/2004	Additional information		Summary

Technical information

Procedure reference	1998/0229(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 040
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single		A4-0252/1999		

reading		OJ C 279 01.10.1999, p. 0008	22/04/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0359/1999 OJ C 279 01.10.1999, p. 0021-0060	04/05/1999	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0394	14/10/1998	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0452/1999 OJ C 169 16.06.1999, p. 0024	28/04/1999	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Freedom of movement for workers within the Community

1998/0229(COD) - 04/05/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under codecision procedure, the European Parliament adopted the report by Marie-Thérèse Hermange (FR,UPE), which approves the Commission proposal for a European Parliament and Council regulation amending Council regulation 1612/68/EEC on freedom of movement for workers within the Community, subject to amendments in the following areas: - adding atypical employment to those activities which may be pursued by workers within the provisions of the regulation; - providing that any national of a Member State, irrespective of his place of residence, shall be entitled to the advisory (as well as recruitment) aids available to nationals wishing to take up employment and shall also be provided with information on the administrative and legal provisions regarding employment and social security applicable in the territory of another Member State; - providing that, in the territory of another Member State, in the event of his becoming unemployed or fully unfit for work, a national of a Member State shall be treated no differently from national workers in this respect and also as regards occupational rehabilitation, reinstatement or re-employment; - with regard to mutual recognition of qualifications, specifying that this covers professional or extra-professional experience, seniority, a university degree or an administrative grade; - extending the provisions in relation to secondment to include coverage under the provisions made with regard to discrimination; - altering the wording with regard to other people who have the right to install themselves with a national of one Member State working in another to apply to any member of the family of that worker or his spouse who is judicially or legally dependent on that worker (rather than only those members of the family living under his roof); - with regard to family members' rights to education, extending their entitlement under the regulation to include retraining and continuing and further training.

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.