



**COUNCIL OF
THE EUROPEAN UNION**



Council Conclusions on the professional and geographical mobility of the workforce and the free movement of workers within the European Union

***2930th EMPLOYMENT, SOCIAL POLICY, HEALTH AND
CONSUMER AFFAIRS Council meeting***

Brussels, 9 March 2009

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

RECALLING

1. that the freedom of movement of workers is one of the four fundamental freedoms on which the European Union is based under Articles 39 and 42 of the EC Treaty;
2. the Commission Communications of 8 February 2006 and of 18 November 2008 on the impact of the free movement of workers in the context of EU enlargement¹;

¹ Communications from the Commission:

- Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession Treaty (period 1 May 2004–30 April 2006) (COM(2006) 48 final)
- The impact of free movement of workers in the context of EU enlargement - Report on the first phase (1 January 2007 – 31 December 2008) of the Transitional Arrangements set out in the 2005 Accession Treaty and as requested according to the Transitional Arrangements set out in the 2003 Accession Treaty (COM (2008) 765 final)

P R E S S

3. the Commission Communication of 16 December 2008 on "New Skills for New Jobs; Anticipating and matching labour market and skills needs"²;
4. the Commission Communication of 27 June 2007 on more and better jobs through flexibility and security³, the Council Conclusions of 5 December 2007 on common principles of flexicurity, the Council Conclusions of 17 December 2008 on common active inclusion principles to combat poverty more effectively, as well as the Commission Communication of 6 December 2007 on "Mobility, an instrument for more and better jobs: The European Job Mobility Action Plan (2007-2010)"⁴;

ACKNOWLEDGING

5. that the freedom of movement of workers represents a powerful, positive and concrete example of the added value which Europe offers to EU citizens; it brings more freedom to EU citizens, unifies Europe and brings its citizens closer together, and it contributes to overcoming prejudices among nations and eliminating xenophobic trends in Europe;
6. that the effective professional, geographical and social mobility of the workforce is a high priority of the European Union, as labour mobility contributes to the creation of more and better job opportunities, to the efficient use of human resources, and to adapting the economy to rapid changes, also in a time of economic crisis, as well as to reducing social exclusion and poverty; mobility also has positive effects on economic growth and the EU's competitiveness in the global economy;
7. that mobility helps EU citizens to accomplish their career and personal objectives which are the basis of a successful and fulfilling life; it enables them to find better jobs and to achieve fulfilment, and hence it contributes to raising the standard of living and the quality of life of the European population as a whole;
8. that the coordination of employment policies under the Lisbon Strategy requires the involvement of the entire available labour force, including the most disadvantaged groups, taking into account the fact that integration and reintegration into the labour market offer real opportunities to move up the social ladder;
9. that, according to the Commission Report, "cross-border labour mobility tends to be self-regulating and to decline in times of economic downturns";
10. that a particularly productive form of labour mobility is frontier work, which can stimulate economic development, drawing on the mutually beneficial advantages of border regions;
11. that the available evidence of those countries which have not used the transitional measures during the period under review suggests that the post-enlargement free movement of workers has not led to serious disturbances on the labour markets and has had little or no negative impact on the wages and unemployment rates of local workers in the destination countries;

² COM (2008) 868 final

³ COM (2007) 359 final

⁴ COM (2007) 773 final

12. that the free movement of workers helps to meet labour and skills shortages in the Member States, helps to increase worker mobility, and improves the functioning of European labour markets and of the internal market, so contributing to economic growth;
13. that the Member States have the right to maintain restrictions until the end of the third phase of the transitional period. However, the current serious international financial and economic crisis should not be used as a sole and general justification for continued application of the transitional arrangements for the free movement of workers in the European Union;
14. that the flexicurity approach, which stresses the importance of inclusive labour markets that facilitate job-to-job mobility as well as transitions into the labour market, contributes to increasing overall labour mobility and allows workers to adapt more effectively to changes within the labour markets and to take advantage of existing job opportunities;

EMPHASISES THAT

15. labour mobility and the free movement of workers contribute to addressing the needs of labour markets and increase the competitiveness of the European Union; they are essential elements of the European Employment Strategy to which all Member States have subscribed;
16. the Member States agreed in the Accession Treaties on an overall transitional period of a maximum of seven years (“2-plus-3-plus-2” formula) and stated, when they signed the Accession Treaties, that they would move as swiftly as possible to the full application of the *acquis* on the free movement of workers;
17. Member States that apply the EC law on the free movement of workers may invoke a safeguard clause, if necessary;
18. the early, full or partial removal of restrictions can prepare Member States' labour markets for the eventual full application of the *acquis* and the fulfilment of their commitments under the Treaties;
19. the Public Employment Services are essential for encouraging and facilitating labour mobility across the EU in terms of accompanying transitions in the labour markets, developing tailor-made support and securing increasingly complex pathways;
20. the intensive preparations for the application of the new EU legislation on the coordination of social security systems are a key factor for the successful introduction of these modernised provisions which aim at facilitating free movement in an enlarged Europe;
21. all initiatives that contribute to raising awareness among the European general public regarding the positive effects of mobility within the European Union, should be promoted through partnerships between the Commission, the Member States and the social partners;

WELCOMES

22. and in particular, supports, the Commission's plan for the development of a transparent and user-friendly European online service aimed at complementing and reinforcing the EURES system and network (Match and Map, to be launched in 2009), stressing in this context the importance of providing up-to-date and accurate information on vacancies and learning and training programmes that are available across the European Union;
23. the Commission's initiatives aimed at promoting professional and geographical mobility in Europe, e.g.:
 - European Job Days and the European Job Mobility Partnership;
 - the European CV Europass;
 - the European Qualification Framework;
 - the EURES system and network which provides information on job vacancies, working and living conditions, education and training systems, supports mobile workers and companies looking to recruit, and promotes co-operation in cross-border areas;
 - the European Labour Market Monitor;
 - the Commission's initiatives aimed at increasing the mobility of young people undergoing work-related training, in particular for apprentices under the Leonardo da Vinci programme;
 - the Commission's plan to establish a regular systematic assessment of long-term supply and demand in EU labour markets up to 2020, broken down by sectors, occupations, levels of qualification and countries, bearing in mind the responsibility of the Member States for controlling the access of workers from non-EU countries to their labour markets;
 - the Commission's plan to create as of 2009 a standard multilingual dictionary of occupations and skills, to enhance the quality and transparency of vacancy information and to improve matching between job seekers and vacancies;

INVITES ALL MEMBER STATES

24. to take account of mobility considerations in all relevant policy decisions, to define mobility as an objective in their National Strategies or National Reform Programmes, and to promote measures supporting labour and social mobility as well as the equal treatment and non-discrimination of migrant workers in line with the *acquis*;
25. to further develop appropriate strategies and tools for the identification and analysis of barriers to geographical and professional worker mobility and to effectively contribute to the removal of existing barriers, in accordance with the Treaties;

26. to contribute to the assessment and anticipation of future skills requirements in the EU and to contribute to increasing synergies between European education and training systems and the needs of the labour markets. The education, training and employment policies of the Member States should focus on increasing and adapting skills and providing better learning opportunities at all levels, and especially for the most vulnerable, so as to develop a workforce that is highly skilled and responsive to the skills needs of the economy;
27. to facilitate secured transitions between jobs and between unemployment and employment. In this context, active labour market policies and life-long learning strategies must be strengthened as well as the capacity both of public employment services to manage the increasing flow of mobile workers and of education and training institutions, in particular at a time of economic crisis;
28. to modernise social protection systems in order to support and facilitate such transitions, and to encourage people looking for a job to use the EURES system and network, and other available tools;
29. to develop and implement integrated flexicurity strategies, within the framework of the Integrated Guidelines for Growth and Jobs, in line with the agreed common principles and to modernise labour markets and education/training institutions so as to respond effectively to the labour market challenges faced by the European Union;
30. to intensify their preparatory efforts for the introduction of the new social security coordination Regulations, in particular by providing training to their officials and, when appropriate, by providing comprehensive information to their citizens;

INVITES THE COMMISSION

31. as guardian of the EC legislation in relation to the application of the transitional arrangements, to examine the justifications, should Member States decide to continue applying transitional arrangements in the third phase;
32. to continue to monitor closely the application of these arrangements and the impacts of the free movement of the workforce;
33. to take new initiatives to better inform and raise the awareness of citizens about their rights when moving within the EU, contributing in this way to the effective removal of one of the most important barriers to geographical and professional mobility;
34. to disseminate best practices on the removal of obstacles faced by frontier workers;

35. to enforce preparations for the smooth entry into force of the modernised rules governing the co-ordination of national social security systems, in particular preparation for the electronic exchange of data, and to update the 2002 Commission Communication on the *acquis* in the area of the free movement of workers⁵;
36. to work with the relevant national stakeholders, including national Public Employment Services, education and training institutions and the social partners, in the monitoring of labour market developments and the analysis of changes in the occupational structure of European labour markets, so as to allow the early identification of skills needs; in this context, to develop the skills matching and anticipation services of EURES and to make proposals to adapt the EURES system and network to take account of new labour market needs;
37. to continue to disseminate the European flexicurity approach and its common principles with a view to broadening its ownership among all the stakeholders concerned and to facilitating the implementation of flexicurity at national level;
38. to reinforce the existing dialogue with all involved parties, governments, the social partners and other stakeholders in the area of the free movement of workers;
39. to support the European social partners in their efforts to analyse all challenges which may lead to an increase in the various forms of worker mobility in the European Union and their impact on the Union's competitiveness, the protection of workers' rights, the functioning of national labour markets, and on different models of industrial relations;

INVITES THOSE MEMBER STATES THAT CONTINUE TO APPLY RESTRICTIONS UNDER THE TRANSITIONAL ARRANGEMENTS, with the full involvement of the social partners in accordance with national practice

40. to consider in the light of available evidence the further application of restrictions in the second phase with a view to moving as soon as possible to the full application of the *acquis* in the area of the free movement of workers;
41. to lift restrictions in the third phase if serious disturbances to the labour markets of the Member States concerned, or a threat thereof, cannot be established."

⁵ Communication from the Commission "Free movement of workers – achieving the full benefits and potential" (COM(2002) 694 final of 11.12.2002)