

Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Directive		Procedure completed	
Free movement of workers: measures facilitating the exercise of rights conferred on workers See also Regulation (EU) No 492/2011 2010/0110(COD)			
Subject 1.20.05 Public access to information and documents, administrative practice 2.30 Free movement of workers 2.80 Cooperation between administrations 4.10.08 Equal treatment of persons, non-discrimination 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all 4.15.12 Workers protection and rights, labour law 7.40.02 Judicial cooperation in civil and commercial matters			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs		17/04/2013
		PPE BAUER Edit	
		Shadow rapporteur	
		S&D CHRISTENSEN Ole	
	ALDE DE BACKER Philippe		
	Verts/ALE CORNELISSEN Marije		
	Committee for opinion	Rapporteur for opinion	Appointed
	CULT Culture and Education	The committee decided not to give an opinion.	
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	FEMM Women's Rights and Gender Equality		29/05/2013
		Verts/ALE CORNELISSEN Marije	
	PETI Petitions	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3308	14/04/2014
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion	ANDOR László	
European Economic and			

Key events

26/04/2013	Legislative proposal published	COM(2013)0236	Summary
21/05/2013	Committee referral announced in Parliament, 1st reading		
05/11/2013	Vote in committee, 1st reading		
14/11/2013	Committee report tabled for plenary, 1st reading	A7-0386/2013	Summary
11/03/2014	Debate in Parliament		
12/03/2014	Results of vote in Parliament		
12/03/2014	Decision by Parliament, 1st reading	T7-0224/2014	Summary
14/04/2014	Act adopted by Council after Parliament's 1st reading		
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
30/04/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0124(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	See also Regulation (EU) No 492/2011 2010/0110(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 046
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/12593

Documentation gateway

Legislative proposal		COM(2013)0236	26/04/2013	EC	Summary
Document attached to the procedure		SWD(2013)0148	26/04/2013	EC	
Document attached to the procedure		SWD(2013)0149	26/04/2013	EC	
Committee draft report		PE516.670	05/08/2013	EP	
Economic and Social Committee: opinion, report		CES3905/2013	19/09/2013	ESC	
Amendments tabled in committee		PE519.521	24/09/2013	EP	
Committee opinion	FEMM	PE516.697	22/10/2013	EP	

Committee report tabled for plenary, 1st reading/single reading	A7-0386/2013	14/11/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0224/2014	12/03/2014	EP	Summary
Draft final act	00004/2014/LEX	16/04/2014	CSL	
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	EC	
Follow-up document	COM(2018)0789	04/12/2018	EC	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2014/54](#)
[OJ L 128 30.04.2014, p. 0008](#) Summary

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

PURPOSE: to ensure the better application of EU legislation on peoples right to work in another Member State than their own and thus to make it easier for people to exercise their rights in practice.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: freedom of movement for workers is one of the four fundamental freedoms on which the Single Market is based. It is one of the core values of the European Union and a fundamental element of EU citizenship. Article 45 of the Treaty on the Functioning of the European Union (TFEU) enshrines the right of EU citizens to move to another Member State for work purposes. It specifically includes the right not to be discriminated against on the grounds of nationality as regards access to employment, remuneration and other conditions of work. It also includes the removal of unjustified obstacles to the freedom of movement of workers within the European Union.

[Regulation \(EU\) No 492/2011](#) details the rights derived from the freedom of movement of workers, and defines the specific areas where discrimination on the grounds of nationality is prohibited, in particular as regards: (i) access to employment; (ii) working conditions; (iii) social and tax advantages; (iv) access to training; (v) membership of trade unions; (vi) housing; and (vii) access to education for children. Article 45 TFEU and Regulation (EU) No 492/2011 are directly applicable in all Member States.

Nevertheless, EU citizens who want to move or who actually move from one Member State to another for work purposes continue to face problems in exercising their rights. The difficulties they face go some way to explaining why geographical mobility between EU Member States has remained at a relatively low level: according to the EU-Labour Force Survey, in 2011, only 3.1% of the working-age European citizens (15-64) lived in an EU Member State other than their own.

In April 2009, Parliament adopted a [resolution](#) detailing persisting obstacles to the cross-border enjoyment of rights. It called on the Commission to produce a list of obstacles to the exercise of EU citizens' rights, based on the results of a public consultation, and to make specific proposals to address those obstacles. More recently, in another [resolution](#) on promoting workers' mobility within the Union, Parliament called on the Commission and Member States to take measures in order to "to guarantee the correct implementation of the existing legislation on non-discrimination, to take practical measures to enforce the principle of equal treatment of mobile workers" and also highlighted the gap between the rights that EU citizens have in theory and what happens in practice.

There are diverse examples of obstacles and problems faced by citizens, such as:

- public authorities not complying with EU law (non-conforming legislation or incorrect application) and the effect on EU migrant workers;
- employers and legal advisors not complying with EU law;
- EU migrant workers not having access to information or the means to ensure their rights.

IMPACT ASSESSMENT: in line with its policy on better regulation, the Commission conducted an impact assessment of policy alternatives, based on an external study, which concluded in April 2012. The different policy alternatives contain a range of options representing different degrees of EU intervention:

- Option 1: maintaining the status quo;
- Option 2: effecting change without regulation, or
- Option 3: regulating.

The Impact Assessment demonstrated that a binding legislative initiative would impact tangibly on the exercise of free movement rights.

The preferred option is a Directive combined with other initiatives, such as common guidelines on specific subjects to be adopted by the Technical Committee on free movement of workers (already set up under Regulation (EU) No 492/2011. A Common Guidance document would address the specific issue of the application of EU law in the field of the free movement of workers.

LEGAL BASIS: Article 46 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal for a Directive aims to improve and reinforce the way in which Article 45 TFEU and Regulation (EU) No 492/2011 are applied in practice across the European Union by establishing a general common framework of appropriate provisions and measures for facilitating a better and more uniform application of rights conferred by EU law on workers and members of their families exercising their right to free movement.

Scope: the proposal covers the following matters: (i) access to employment; (ii) conditions of employment and work in particular as regards remuneration and dismissal; (iii) access to social and tax advantages; (iv) membership of trade unions; (v) access to training; (vi) access to housing; and (vii) access to education for workers' children.

It does not modify the scope of application of the Regulation (EU) No 492/2011 and only applies in cases of discrimination on the grounds of nationality in relation to the matters covered by that Regulation, by introducing the provisions of protection, information and support. It underpins the guarantee of equal treatment and reinforces remedies in cases of unjustified obstacles in relation to eligibility and access to employment for workers exercising their right to free movement within the European Union.

The proposal introduces legal obligations in regard to the following:

- means of redress: the Directive would guarantee EU migrant workers an appropriate means of redress at national level. Any EU worker who believes that he/she has been the victim of discrimination on the grounds of nationality should be able to make use of appropriate administrative and/or judicial procedures to challenge the discriminatory behaviour; the proposal covers both judicial and extra-judicial means of redress, including alternative dispute settlement mechanisms, such as conciliation and mediation; time limits for bringing actions as regards the principle of equal treatment, provided that these time limits are such that they cannot be regarded as capable of rendering virtually impossible or excessively difficult the exercise of rights conferred by Union law on free movement of workers;
- role of associations, organisations or other legal entities: the Directive would further protect workers by ensuring that associations, organisations or other legal entities with a legitimate interest in the promotion of the rights to free movement of workers may engage in any administrative or judicial procedure on behalf or in support of EU migrant workers where there has been a violation of their rights;
- national structures to provide information, support and assistance: the Directive would set up structures or bodies at a national level to promote the exercise of the right to free movement by providing information and supporting and assisting EU migrant workers who suffer from nationality based-discrimination; the proposal details the tasks of these devolved structures;
- awareness raising: the Directive would raise awareness by providing employers, workers, and any other interested parties with easily accessible relevant information. The proposal leaves the choice of information tools to the Member States, but on-line or digital information with links to the existing information tools at EU level, Your Europe and EURES websites would be made compulsory;
- dialogue: the Directive would require Member States, in accordance with national traditions and practices, to take adequate measures to encourage and promote dialogue with social partners and non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of nationality.

BUDGETARY IMPLICATIONS: this proposal is expected to have limited implications on the Union budget. Expenses for an evaluation study in 2015 are estimated to not exceed EUR 300 000 and will be covered by funds available from the budget line financing the free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.

Costs for human resources (EUR 131 000 p.a.) will be covered under heading 5 of the Multiannual Financial Framework.

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

The Committee on Employment and Social Affairs adopted the report by Edit BAUER (EPP, SK) on the proposal for a directive 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.

The committee recommended that Parliaments position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Scope: the proposed directive aims to facilitate uniform application and enforcement in practice of rights on freedom of movement for workers within the Union, including frontier workers, without discrimination based on residence.

Members clarified that the directive must apply to the following aspects of the free movement of workers:

- conditions of employment and work, in particular as regards remuneration, dismissal and health and safety at work;
- conditions of reinstatement or reemployment;
- membership of trade unions, bodies responsible for collective bargaining and collective measures, and other work-related bodies;
- access to training and further training;
- access to education, including early childhood education;
- access to public employment services, including those that are privately-provided;
- benefits and programmes intended to foster integration and mobility.

Remedies for victims of discrimination: the committee specified that workers initiating judicial or administrative proceedings shall not receive

any unfavourable treatment by their employer as a consequence of such action. It also strengthened the role of the social partners (NGOs, associations, trade unions) in supporting such victims in any judicial or administrative procedure.

Structures and bodies promoting equal treatment: Member States shall designate one or more structures or bodies for the promotion, analysis, monitoring and support of equal treatment and shall ensure that all workers have access to those bodies. The competences of these bodies must include: the provision of independent assistance provided free of charge, covering all the relevant aspects of national labour law, to workers or the members of their family in pursuing their complaints, and informing young graduates and students in their final year of their education, of their rights when working abroad.

Improve cooperation on and information to workers: the committee asked that Member States :

- provide, through national contact points, clear, free, easily accessible, comprehensive, up-to-date and multilingual information on the rights conferred by Union law concerning the free movement of workers and on available means of protection and redress for those rights.
- ensure that existing or newly created bodies are aware of the existing information and assistance services at national level through contact points and at Union level, such as Your Europe, SOLVIT, EURES, Enterprise Europe Network, the Points of Single Contact and the European network of national contact points, and that they cooperate with them;
- ensure cooperation with existing information and assistance services provided by social partners, associations, organisations and other relevant interested legal entities, such as labour inspectorates, where applicable.
- provide, upon request, clear, easily accessible, comprehensive and up-to-date information on the rights on free movement of EU workers to its own citizens who wish to enjoy the right to freely move to another Member State.

Report: in its report on the implementation of the regulation, Commission shall pay extra attention to possible difficulties young graduates encounter when moving across the Union, whether on a permanent or temporary basis. It shall also analyse the particular difficulties that third-country spouses of workers encounter.

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

The European Parliament adopted by 566 votes to 92, with 25 abstentions, a legislative resolution on the proposal for a directive 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.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Subject matter: the proposed Directive lays down provisions which facilitate the uniform application and enforcement in practice of the rights conferred by Article 45 TFEU and Articles 1 to 10 of [Regulation \(EU\) No 492/2011](#). It should apply to Union citizens exercising those rights and to members of their family ('Union workers and members of their family').

Scope: the scope of this Directive is identical to that of Regulation (EU) No 492/2011 in the area of freedom of movement for workers:

- access to employment;
- conditions of employment and work, in particular as regards remuneration, dismissal, health and safety at work, and, if Union workers become unemployed, reinstatement or re-employment;
- access to social and tax advantages;
- membership of trade unions and eligibility for workers representative bodies;
- access to training;
- access to housing;
- access to education, apprenticeship and vocational training for the children of Union workers;
- assistance afforded by the employment offices.

Defence of rights: Member States should ensure that after possible recourse to other competent authorities including, where they deem it to be appropriate, conciliation procedures, judicial procedures, for the enforcement of obligations under Article 45 TFEU and Articles 1 to 10 of Regulation (EU) No 492/2011, are available to all Union workers and members of their family. The role of associations, organisations, including the social partners, or other legal entities, which have a legitimate interest in ensuring that this Directive is complied with, has been strengthened.

The Directive should apply without prejudice to national rules of procedure concerning representation and defence in court proceedings.

Collective redress: with a view to ensuring effective legal protection, and without prejudice to the existing collective defence mechanisms available to the social partners and national law or practice, Member States are invited to examine the implementation of common principles for injunctive and compensatory collective redress mechanisms.

Adverse consequence following a complaint: Member States should introduce in their national legal systems such measures as are necessary to protect Union workers from any adverse treatment or adverse consequence as a reaction to a complaint or proceedings aimed at enforcing compliance with the rights to free movement.

Defence structures and bodies: each Member State should designate one or more structures or bodies for the promotion, analysis, monitoring and support of equal treatment of Union workers and members of their family without discrimination on grounds of nationality, unjustified restrictions or obstacles to their right to free movement and shall make the necessary arrangements for the proper functioning of such bodies. The competences of those bodies should include:

- providing or ensuring the provision of independent legal and/or other assistance to Union workers and members of their family;
- acting as a contact point vis-à-vis equivalent contact points in other Member States in order to cooperate and share relevant information;
- conducting or commissioning independent surveys and analyses concerning unjustified restrictions and obstacles to the right to free movement, or discrimination on grounds of nationality.

Member States should communicate to the Commission the names and contact details of the contact points. They should also promote cooperation between the bodies designated by them under this Directive.

Report: the Commission should prepare a report on the implementation of the future Directive, evaluating in particular the opportunity to present any necessary proposal aiming to guarantee a better enforcement of Union law on free movement. In that report, the Commission should address the possible difficulties faced by young graduates looking for employment across the Union and by third-country spouses of Union workers.

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

PURPOSE: to ensure the better application of EU legislation on peoples right to work in another Member State than their own and thus to make it easier for people to exercise their rights in practice conferred by Article 45 of the TFEU.

LEGISLATIVE ACT: 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.

CONTENT: this Directive lays down provisions which facilitate the uniform application and enforcement in practice of the rights conferred by Article 45 TFEU and Articles 1 to 10 of [Regulation \(EU\) No 492/2011](#). It should apply to Union citizens exercising those rights and to members of their family.

Scope: the scope of this Directive is identical to that of Regulation (EU) No 492/2011 in the area of freedom of movement for workers:

- access to employment;
- conditions of employment and work, in particular as regards remuneration, dismissal, health and safety at work, and, if Union workers become unemployed, reinstatement or re-employment;
- access to social and tax advantages;
- membership of trade unions and eligibility for workers representative bodies;
- access to training;
- access to housing;
- access to education, apprenticeship and vocational training for the children of Union workers;
- assistance afforded by the employment offices.

Defence of rights: Member States should ensure that after possible recourse to other competent authorities including, where they deem it to be appropriate, conciliation procedures, judicial procedures, for the enforcement of obligations under Article 45 TFEU and Articles 1 to 10 of Regulation (EU) No 492/2011, are available to all Union workers and members of their family. The role of associations, organisations, including the social partners, or other legal entities, which have a legitimate interest in ensuring that this Directive is complied with, has been strengthened.

The Directive should apply without prejudice to national rules of procedure concerning representation and defence in court proceedings. However, those national time-limits shall not render virtually impossible or excessively difficult the exercise of those rights.

Collective redress: with a view to ensuring effective legal protection, and without prejudice to the existing collective defence mechanisms available to the social partners and national law or practice, Member States are invited to examine the implementation of common principles for injunctive and compensatory collective redress mechanisms.

Adverse treatment following a complaint: Member States shall introduce in their national legal systems such measures as are necessary to protect Union workers from any adverse treatment or adverse consequence as a reaction to a complaint or proceedings aimed at enforcing compliance with the rights.

Defence structures and bodies: each Member State should designate one or more structures or bodies for the promotion, analysis, monitoring and support of equal treatment of Union workers and members of their family without discrimination on grounds of nationality, unjustified restrictions or obstacles to their right to free movement and shall make the necessary arrangements for the proper functioning of such bodies.

The competences of those bodies should include:

- providing or ensuring the provision of independent legal and/or other assistance to Union workers and members of their family, without prejudice to their rights, and to the rights of associations, organisations and other legal entities;
- acting as a contact point vis-à-vis equivalent contact points in other Member States in order to cooperate and share relevant information;
- conducting or commissioning independent surveys and analyses concerning unjustified restrictions and obstacles to the right to free movement, or discrimination on grounds of nationality, of Union workers and members of their family;
- ensuring the publication of independent reports and making recommendations on any issue relating to such restrictions and obstacles or discrimination;
- publishing relevant information on the application at national level of Union rules on free movement of workers.

Member States should communicate to the Commission the names and contact details of the contact points.

Member States should ensure the promotion of synergies with existing information and support tools at Union level and, to that end, should ensure that existing or newly created bodies work closely with the existing information and assistance services, such as Your Europe, SOLVIT, Enterprise Europe Network, the Points of Single Contact.

Dialogue and access to information: Member States should promote dialogue with the social partners and with appropriate non-governmental organisations to address and combat unjustified restrictions and obstacles to the right to free movement or different forms of discrimination on the grounds of nationality. This information should also be easily accessible through Your Europe and EURES.

Minimum requirements: Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment than those laid down in this Directive for example by authorising the competences of the bodies referred to in this Directive to promote also the equal treatment without discrimination on grounds of nationality of all Union citizens exercising their right to free movement

and the members of their family, in accordance with [Directive 2004/38/EC](#).

The implementation of this Directive shall under no circumstances be sufficient grounds for a reduction in the level of protection of Union workers and members of their family, in the areas to which it applies.

Reporting: by 21 November 2018, the Commission shall submit a report on the implementation of this Directive, with a view to proposing, where appropriate, the necessary amendments.

ENTRY INTO FORCE: 20.05.2014.

TRANSPOSITION: 21.05.2016.

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

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.