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*Plenary sitting*

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## REPORT

on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills  
(2020/2007(INI))

Committee on Employment and Social Affairs

Rapporteur: Radan Kanev

Rapporteurs for the opinion (\*):  
Morten Løkkegaard, Committee on Internal Market and Consumer Protection

(\* ) Associated committees – Rule 57 of the Rules of Procedure

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills (2020/2007(INI))**

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 5 of the Treaty on European Union,
- having regard to Articles 45, 56, 153, 154 and 174 TFEU,
- having regard to the European Pillar of Social Rights (EPSR), proclaimed by the European Council, Parliament and the Commission in November 2017,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities (CRPD),
- having regard to the fundamental labour standards established by the International Labour Organization (ILO) and to its conventions and recommendations on labour administration and labour inspections,
- having regard to the extensive Union legal *acquis* on health and safety at work, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>1</sup> and its individual and related directives,
- having regard to the Council conclusions of 8 June 2020 on reskilling and upskilling as a basis for increasing sustainability and employability, in the context of supporting economic recovery and social cohesion,
- having regard to the ‘Political Guidelines for the next European Commission 2019-2024: A Union that Strives for More’, presented by Commission President Ursula von der Leyen,
- having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344<sup>2</sup>,
- having regard to Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union<sup>3</sup>,

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<sup>1</sup> OJ L 183, 29.6.1989, p. 1.

<sup>2</sup> OJ L 186, 11.7.2019, p. 21.

<sup>3</sup> OJ L 141, 27.5.2011, p. 1.

- having regard to Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013<sup>4</sup>,
- having regard to the Commission Implementing Decision of 2 February 2018 on uniform detailed specifications for data collection and analysis to monitor and evaluate the functioning of the EURES network,
- having regard to the Commission report of 4 February 2019 on EURES activity January 2016 - June 2018,
- having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems<sup>5</sup>,
- having regard to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems<sup>6</sup>,
- having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC<sup>7</sup>,
- having regard to Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market<sup>8</sup>,
- having regard to Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community<sup>9</sup>,
- having regard to Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85<sup>10</sup>,
- having regard to Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)<sup>11</sup>,
- having regard to Directive 2014/54/EU of the European Parliament and of the Council

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<sup>4</sup> OJ L 107, 22.4.2016, p. 1.

<sup>5</sup> OJ L 166, 30.4.2004, p. 1.

<sup>6</sup> OJ L 284, 30.10.2009, p. 1.

<sup>7</sup> OJ L 300, 14.11.2009, p. 51.

<sup>8</sup> OJ L 300, 14.11.2009, p. 72.

<sup>9</sup> OJ L 293, 31.10.2008, p. 3.

<sup>10</sup> OJ L 102, 11.4.2006, p. 1.

<sup>11</sup> OJ L 364, 12.12.1992, p. 7.

of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers<sup>12</sup>,

- having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>13</sup>,
- having regard to Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities<sup>14</sup>,
- having regard to Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)<sup>15</sup>, as amended by Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006<sup>16</sup>,
- having regard to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services<sup>17</sup>,
- having regard to Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services<sup>18</sup>,
- having regard to Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation')<sup>19</sup>,
- having regard to Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012<sup>20</sup>,
- having regard to Council Decision (EU) 2019/1181 of 8 July 2019 on guidelines for the employment policies of the Member States<sup>21</sup>,

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<sup>12</sup> OJ L 128, 30.4.2014, p. 8.

<sup>13</sup> OJ L 255, 30.9.2005, p. 22.

<sup>14</sup> OJ L 80, 23.3.2002, p. 35.

<sup>15</sup> OJ L 167, 2.7.1999, p. 33.

<sup>16</sup> OJ L 124, 20.5.2009, p. 30.

<sup>17</sup> OJ L 18, 21.1.1997, p. 1.

<sup>18</sup> OJ L 173, 9.7.2018, p. 16.

<sup>19</sup> OJ L 159, 28.5.2014, p. 11.

<sup>20</sup> OJ L 249, 31.7.2020, p. 49.

<sup>21</sup> OJ L 185, 11.7.2019, p. 44.

- having regard to Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work<sup>22</sup>,
- having regard to Council recommendation of 22 May 2017 on the European Qualifications Framework for lifelong learning and repealing the recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning<sup>23</sup>,
- having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis<sup>24</sup>,
- having regard to its resolution of 14 September 2017 on a new skills agenda for Europe<sup>25</sup>,
- having regard to its resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe<sup>26</sup>,
- having regard to the opinion of the European Economic and Social Committee of 15 July 2020 on ‘Recovery plan for Europe and the Multiannual Financial Framework 2021-2027’,
- having regard to the opinion of the European Economic and Social Committee of 5 May 2020 on ‘Sustainable funding for lifelong learning and development of skills, in the context of a shortage of skilled labour’ (Exploratory opinion at the request of the Croatian presidency),
- having regard to the opinion of the European Committee of the Regions entitled ‘Brain Drain in the EU: addressing the challenge at all levels’ (C 141/34),
- having regard to the Commission communication of 1 July 2020 entitled ‘European Skills Agenda for sustainable competitiveness, social fairness and resilience’ (COM(2020)0274) and to the accompanying Commission staff working documents (SWD(2020)0121) and (SWD(2020)0122),
- having regard to the Commission communication of 14 January 2020 entitled ‘A strong social Europe for just transitions’ (COM(2020)0014),
- having regard to the Commission communication of 17 December 2019 entitled ‘Annual Sustainable Growth Strategy 2020’ (COM(2019)0650),
- having regard to the Commission communication of 10 June 2016 entitled ‘A new Skills Agenda for Europe’ (COM(2016)381),
- having regard to the proposal for a joint employment report from the Commission and

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<sup>22</sup> OJ L 65, 11.3.2016, p. 12.

<sup>23</sup> OJ C 189, 15.6.2017, p. 15.

<sup>24</sup> Texts adopted, P9\_TA(2020)0176.

<sup>25</sup> OJ C 337, 20.9.2018, p. 135.

<sup>26</sup> OJ C 482, 23.12.2016, p. 31.

the Council of 17 December 2019 accompanying the communication on the Annual Sustainable Growth Strategy 2020,

- having regard to the Commission communication of 11 December 2019 entitled ‘The European Green Deal’ (COM(2019)0640),
- having regard to the Commission report of 25 September 2019 on the application and implementation of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) 1024/2012 on administrative co-operation through the Internal Market Information System (‘the IMI Regulation’) (COM (2019)0426),
- having regard to the Commission 2019 Annual Report on Intra-EU Labour Mobility,
- having regard to the Cedefop report entitled ‘Skills forecast trends and challenges to 2030’,
- having regard to the Eurofound report entitled ‘Posted workers in the European Union (2010)’<sup>27</sup> and to the national reports,
- having regard to the Commission’s Spring 2020 Economic Forecast of 6 May 2020,
- having regard to the guidelines of the European Agency for Safety and Health at Work (EU-OSHA) of 24 April 2020 entitled ‘COVID-19: back to the workplace – adapting workplaces and protecting workers’,
- having regard to Parliament’s 2015 study entitled ‘EU Social and Labour Rights and EU Internal Market Law’,
- having regard to the Commission Guidelines of 17 July 2020 on seasonal workers in the EU in the context of the COVID-19 outbreak,
- having regard to the Council Conclusions of 9 October 2020 on improving the working and living conditions of seasonal and other mobile workers,
- having regard to the Council Recommendation of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic,
- having regard to the Commission’s 2015 ‘Study on wage setting systems and minimum rates of pay applicable to posted workers in accordance with Directive 96/71/EC in a selected number of Member States and sectors’,
- having regard to the Commission Guidelines of 30 March 2020 concerning the exercise of the free movement of workers during COVID-19 outbreak,
- having regard to the Commission Communication of 15 May 2020 entitled ‘Towards a phased and coordinated approach for restoring freedom of movement and lifting internal

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<sup>27</sup> <http://www.eurofound.europa.eu/publications/report/2010/working-conditions-industrial-relations/posted-workers-in-the-european-union>

border controls' (C2020/C 169/03),

- having regard to the Eurofound's 2015 study entitled 'Social dimension of intra-EU mobility: Impact on public services',
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Agriculture and Rural Development,
  - having regard to the report of the Committee on Employment and Social Affairs (A9-0066/2021),
- A. whereas non-discrimination is a fundamental principle enshrined in the Treaties; whereas the free movement of workers is a fundamental principle of the Union; whereas the principle of equal treatment, enshrined in Article 45(2) of the TFEU stipulates that freedom of movement of workers must entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment;
- B. whereas Article 3(3) Treaty of the European Union (TEU) stipulates that the Union 'shall promote social justice and protection'; whereas Article 9 of the TFEU states that 'in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health';
- C. whereas the free movement of workers, the freedom of establishment and the freedom to provide services are fundamental principles of the internal market;
- D. whereas the free movement of workers and services should comply with the principles enshrined in the European Pillar of Social Rights; whereas the Union's commitment to the UN 2030 Agenda and the Sustainable Development Goals, the European Green Deal and the Gender Equality Strategy, including the protection and promotion of fair wages, gender equality and decent working and employment conditions, must be mainstreamed across all internal market policies, thereby taking due account of social and environmental considerations;
- E. whereas the free movement of workers, including of seasonal workers, is essential to European integration; whereas it can be of mutual benefit to both sending and receiving Member States, and support economic, social and territorial cohesion goals; whereas the Union and the Member States must fully benefit from the potential of intra-EU mobility while effectively enforcing compliance with applicable rules on labour mobility;
- F. whereas the free movement of workers and services contributes to economic growth and cohesion in the Union and creates job opportunities; whereas the single market can only be sustainable and increase prosperity if it is based on fair and common rules and on the principle of equal treatment, especially with regard to the free movement of workers and services;



- G. whereas the Union should continue to play a key role in supporting the exchange of good practices at all government levels and in developing guidance and recommendations in collaboration with the social partners on ensuring decent working and employment conditions for all, including for vulnerable groups of workers;
- H. whereas the social implications of the free movement of services can affect regions of origin and regions hosting mobile workers both in a positive and/or a negative manner; whereas labour shortages and the brain drain rate, triggered by current economic and social imbalances between the Union's regions, especially after the financial crisis, have reached critical levels in some Member States, leading to further problems such as demographic imbalances, shortfalls in care provision and medical staff, and overall increased inequalities between regions; whereas rural and remote areas are particularly affected by these phenomena; whereas there is a need for a sustainable industrial policy and robust cohesion policy so as to maintain and create quality employment in sectors and regions under transformation in order to prevent brain drain and involuntary mobility;
- I. whereas labour cost competition is harmful to cohesion between Member States; whereas a coordinated Union approach is necessary to avoid unfair labour cost competition and increase upward social convergence for all; whereas effective regulation and collective agreements are crucial to ensuring decent working and employment conditions, quality services and fair competition;
- J. whereas cross-border workers generate social and economic benefits for certain regions;
- K. whereas in order to protect the rights of mobile workers, strengthen compliance with applicable rules and foster a level playing field and fair competition between all companies, it is crucial to improve, align and coordinate the cross-border enforcement of Union rules on labour mobility, and to tackle abuse, including undeclared work;
- L. whereas the majority of workers in the Union are employed by micro-, small and medium-sized enterprises (MSMEs); whereas MSMEs and self-employed persons are the most vulnerable to breaches of Union legislation; whereas conflicting national legislation, unnecessary administrative burdens and unfair competition are a major source of difficulties for MSMEs, self-employed persons and bona fide companies in the internal market; whereas initiatives targeting MSMEs and start-ups should help businesses to comply with current rules, and should not result in unnecessary administrative burdens, double standards or lower protection standards for workers;
- M. whereas digitalisation provides an unprecedented opportunity to facilitate mobility, while helping to verify strict compliance with Union's rules on labour mobility;
- N. whereas the European Labour Authority (ELA) was established in order to help strengthen fairness and trust in the internal market, the freedom of movement for workers, the posting of workers, and highly mobile services, to monitor compliance with Union rules on labour mobility and the coordination of social security arrangements, as well as to enhance the exchange of best practices and cooperation between Member States and social partners in ensuring fair labour mobility and tackling undeclared work; whereas the promotion of fair wages, gender equality and decent working and employment conditions play a key role in creating a well-functioning, fair

and sustainable single market;

- O. whereas the ELA is a newly established body which is expected to reach its full operational capacity by 2024;
- P. whereas posting of workers, temporary agency work and seasonal work are temporary by their very nature and legal definition;
- Q. whereas a lack of adequate legal protection and access to social security systems for workers often result from abusive forms of non-standard employment, artificial arrangements, such as bogus self-employment, unremunerated and/or only poorly remunerated on-call work arrangements, so called ‘zero hours’ contracts, abusive use of temporary contracts and internships as a replacement for regular employment contracts, including in the public sector, and the use of letterbox companies; whereas these issues should therefore be tackled; whereas the increasing use of various subcontracting arrangements could also result in abuse, necessitating countermeasures; whereas intra-EU labour mobility directly based on Article 45 of the TFEU can naturally contribute to filling long-term labour needs by standard forms of employment open to Union citizens without discrimination based on nationality;
- R. whereas social cohesion is one of the main principles of the Union; whereas, nonetheless, substantial differences in living and working conditions persist in the Union; whereas higher wages and GDP, robust social security, easier access to the labour market and higher employment rates are amongst the most relevant pull factors for intra-EU mobility<sup>28</sup>; whereas, on the other hand, poverty, social exclusion, poor living and working conditions and a lack of social assistance are push factors for intra-EU mobility; whereas persisting labour shortages in some of the critical sectors in some Member States can also be largely explained by poor working conditions and low wage levels; whereas such shortages should be tackled by improving working conditions in these sectors, especially through social dialogue and collective bargaining, rather than leaving work of poor quality to migrant and mobile workers, including cross-border and frontier, and/or undeclared workers;
- S. whereas the choice to exercise one’s right to freedom of movement should always be voluntary and not forced by a lack of opportunities in the Member State of residence; whereas fair mobility based on solid social and labour rights is a precondition for sustainable European integration, social cohesion and a just transition;
- T. whereas abusive practices, such as social and environmental dumping, weaken public support for the Union and further European integration, damage the functioning of the internal market and the competitiveness of businesses, in particular MSMEs and self-employed persons, and undermine the rights of workers; whereas, therefore, monitoring of compliance with the applicable legislation must be strengthened; whereas the ‘think small first’ principle should be duly taken into account at Union level when preparing

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<sup>28</sup> European Commission, Directorate-General for Employment, Social Affairs and Inclusion, *2017 Annual Report on intra-EU Labour Mobility, Final Report January 2018*, 2018. European Commission, *Study on the movement of skilled labour, Final report* (written by ICF), 2018; Malmström, Cecilia, Foreword to *Rethinking the attractiveness of EU Labour Immigration Policies: Comparative perspectives on the EU, the US, Canada and beyond*, edited by S. Carrera, E. Guild and K. Eisele, CEPS, 2018.

legislative proposals; whereas conflicting provisions within national legislation create obstacles to MSMEs and should be avoided;

- U. whereas the principle of equal treatment is a prerequisite for the social market economy and upward social convergence, requiring compliance with applicable legislation and collective agreements of the country of destination, thereby ensuring a level playing field between local and mobile workers, as well as between local and foreign service providers;
- V. whereas more than 8 % of mobile workers are employed in the healthcare and social work sector, more than 7 % in the transportation services sector, and more than 10 % in the accommodation and food industries; whereas mobile and seasonal workers are often essential for the Member States for example in sectors such as healthcare, care for the elderly or persons with disabilities, or construction;
- W. whereas at least 80 million workers in Europe are mismatched in terms of qualifications and more than 5 out of 10 jobs that are hard-to-fill are found in high-skilled occupations<sup>29</sup>;
- X. whereas the COVID-19 pandemic has once again shown that highly mobile workers who frequently move within the Union are essential; whereas the pandemic has also shown that seasonal, posted, migrant and mobile workers, including cross-border and frontier workers, have contributed immensely to the survival of the Union's economy as well as the Union's international trade during the pandemic; whereas as front-line workers they have done this at a huge health risk to themselves and their families; whereas seasonal workers have proved essential to keeping many European farms operating; whereas at the same time highly mobile workers also remain the most vulnerable and the least protected; whereas during the first phase of the COVID-19 pandemic, these workers were among the most affected by uncoordinated border management measures;
- Y. whereas during the COVID-19 pandemic, seasonal and posted workers often lacked basic healthcare, decent accommodation, personal protective equipment and adequate information; whereas they often had only inadequate access or no access at all to social protection schemes in the host Member States. including sick pay and short-term unemployment; whereas in some cases they were even deported; whereas the mobility of workers is highly dependent on available means of transport, and workers from islands and the outermost regions of the Union are particularly affected; whereas border closures also affected cross border and frontier workers by making it more difficult for them to go to their workplaces and back to their families, and by limiting their access to social and healthcare services; whereas, in some cases mobile workers suffered discrimination and poor working and living conditions which led to outbreaks of the COVID-19 infection;
- Z. whereas the COVID-19 outbreak has exposed and exacerbated the difficult and often deplorable working and living conditions of hundreds of thousands of seasonal workers, the vast majority of whom are mobile workers, and of some of the over one million posted workers in the EU; whereas their already precarious conditions are further

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<sup>29</sup> OECD Skills for Jobs Database, <https://www.oecdskillsforjobsdatabase.org/#FR/>.

undermined by cases of structural discrimination in the labour market and a lack of proper enforcement of current laws and regulations;

- AA. whereas the COVID-19 pandemic revealed numerous structural shortcomings in the European and national regulatory frameworks; whereas many of these shortcomings were not only related to the pandemic; whereas these shortcomings should be addressed at Union and Member State level as a matter of urgency to ensure fair competition and equal treatment in the internal market; whereas the COVID-19 pandemic is having a fundamental and lasting impact on European labour markets;
- AB. whereas labour mobility and particularly the posting of workers must not result in competition based on precarious working conditions and employers evading their obligations, and/or the circumvention of applicable national legislation and collective agreements in host Member States, as such abusive practices only result in tensions between Member States, unfair competition between businesses, and distrust among workers; whereas these adverse effects, including brain drain and unfair competition, can also be due to the absence of upward social convergence; whereas labour mobility should be perceived as an opportunity, facilitate the sharing of skills and professional experience, and promote upward social convergence; whereas the rules on labour mobility and the posting of workers should not result in a disproportionate administrative burden; whereas the posting rules also apply to nationals posted from one Member-State to another, who are particularly vulnerable to exploitation, and therefore need particular attention from national labour inspectorates and the ELA;
- AC. whereas skills mismatches and skills shortages present important challenges to the Union labour market and education and training systems; whereas this reveals a substantial need for the improvement of education and vocational training systems to make them more future-proof and forward-looking, as well as for the improvement of the system of re-skilling and up-skilling of workers; whereas, however, there are still no official statistics or indicators to measure skills mismatches in European labour markets;
- AD. whereas job polarisation is expected to increase further, and there will be more jobs at the higher and lower ends of the skills spectrum;
- AE. whereas the urban-rural digital divide and the impact of socio-economic factors on the digital divide remain major challenges that need to be addressed without delay; whereas there is an immense lack of digital and green skills among the workforce, which should be tackled, inter alia, through lifelong learning;
- AF. whereas corporate investment in training and education as well as in working and employment conditions is an important instrument for attracting skilled workers; whereas the mutual recognition and transparency of qualifications have a key role in achieving the convergence of professions, freedom to provide services and the fair mobility of workers;
- AG. whereas the development of the system for recognition of informally gained knowledge and skills, e.g. in the case of informal carers, should be taken into consideration in this context; whereas this development is extremely important in light of current demographic challenges and trends related to ageing societies in the Member States;

- AH. whereas effective tripartite dialogue and the social dialogue can successfully complement government and institutional efforts to overcome current tensions and divisions in the EU; whereas social partners' involvement has the potential to improve policy-making, implementation and enforcement, and needs further strengthening at all political levels;
- AI. whereas there is no EU-wide, systematic data gathering exercise aiming to provide adequate data on mobile workers or to allow them to establish their social security coverage status and claim various acquired entitlements; whereas access to information on applicable rules as well as effective compliance, monitoring and enforcement are necessary preconditions for fair mobility and the fight against abuses of the system; whereas digital technology, which can facilitate the supervision and enforcement of legislation, safeguarding the rights of mobile workers, should therefore be promoted and used in compliance with data protection rules;
1. Notes that the country of destination provision is the guiding principle of the Services Directive, and considers that this provision should not be changed; stresses that the free movement of services must be achieved without undermining workers' rights and social rights; recalls that the principles of equal treatment and free movement do not apply only to service providers, but equally to workers; considers that the free movement of services goes hand in hand with the free and fair mobility of workers providing these services, and that the internal market benefits when the rules on working conditions are upheld and the health and safety of mobile workers are protected; underlines that the implementation of the principles enshrined in the EPSR as a minimum standard could contribute to enhancing the rights and the protection of European workers;
  2. Stresses that Union legislation related to the free movement of services must not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right to strike or to take other action covered by the Member States' specific industrial relations systems, in accordance with national law and/or practice, nor can it affect the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law and/or practice; stresses that quality legislation and its effective implementation is a long-term investment;
  3. Recalls that the protection of mobile workers' working and living conditions based on the principle of equal treatment must cover the free movement of workers as well as the freedom to provide services; is concerned about the persisting shortcomings in the protection of mobile workers, including cross-border and frontier workers, highlighted by the COVID-19 pandemic; stresses that workers must not face any disadvantages as a result of having exercised their right to freedom of movement or because of Union rules on the free provision of services; highlights the need to address any regulatory shortcomings at Union and national level without undue delay; underlines, furthermore, that applicable legislation concerning the access to social rights and social security protection, including their portability, the recognition of diplomas, qualifications and skills and access to training, must be respected with regard to the free movement of workers as well as free movement of services; recalls that any border restrictions within the EU, even though adopted in response to a severe public health crisis, should take into account their impact on mobile workers, and should respond to their specific

situation;

4. Is concerned about the current lack of harmonised interpretation of EU law by Member States, such as the recently revised Posting of Workers Directive<sup>30</sup>, which leads to a lack of legal clarity and to bureaucratic burdens for companies providing services in more than one Member State; calls on the Commission to directly assist Member States during the whole process of transposition so that a uniform interpretation of European law is ensured;
5. Stresses, in this connection, the need to pay particular attention to workers living in the outermost regions of the European Union, and to facilitate their mobility to and from the mainland and between the outermost regions themselves;
6. Regrets that only 4.2 % of EU citizens of working age reside in an EU country other than that of their citizenship in 2019<sup>31</sup>; calls on the Commission and Member States to step up their efforts to reduce mobility barriers for workers and businesses;
7. Recalls the need to ensure the free movement of workers in order to preserve employment and the economy of certain regions, and to maintain activities such as farming;
8. Calls on the Member States to implement and monitor the revised Posting of Workers Directive in a correct and timely manner in order to protect posted workers and their freedom to provide services during their postings by laying down mandatory provisions on working conditions and the protection of workers' health and safety;
9. Calls on Member States to make full use of the possibility of applying the provisions on wages and working conditions contained in all collective agreements to posted workers in the EU, and to as much as possible ensure equal pay for equal work at the same place for workers, and a level playing field for companies as part of the implementation of the revised Posting of Workers Directive;
10. Calls on the Commission to conduct in-depth research into the trends affecting the working conditions of posted third-country nationals; emphasises the need for possible policy measures at Union or national level based on the outcome of this research; is deeply concerned about the current increase in the share of third-country nationals in sectors with a reputation for precarious working conditions and cases of abuse; underlines that third-country nationals are often more vulnerable to exploitation and therefore need protection; highlights that exploitation includes abusive practices such as bogus posting, bogus self-employment, fraudulent subcontracting and recruiting agencies, letterbox companies and undeclared work; underlines that third-country national workers can work with work permits in the EU, under the precondition that all safeguards in national and Union labour law effectively ensure protection and decent working conditions for third-country nationals as well, and that this will not result in labour market distortions; calls on the Commission and the Member States to ensure

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<sup>30</sup> Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).

<sup>31</sup> European Commission, 2019 Annual Report on Intra-EU Labour Mobility, January 2020.



compliance with applicable laws and rules on employment conditions when dealing with third-country nationals, in order to eliminate abuses; calls on the Member States to implement the protective provisions in Directive 2009/52/EC, ensuring accessible and effective complaint mechanisms making it possible to effectively claim back wages due and social security contributions;

11. Recalls the nature of European-wide supply chains in strategic industrial sectors that are a key source of employment and activity for mobile workers and service companies, and which are heavily impacted by uncoordinated measures, such as different rules concerning the COVID-19 testing and quarantines, adopted by Member States in their efforts to tackle the pandemic; calls on the Commission to attach the same importance to ensuring safe conditions for workers as to restoring freedom of movement and the flow of goods;
12. Recalls that the lack of harmonised quarantine periods, testing requirements and travel rules within the Union present a significant challenge to many companies and many mobile workers and their families, especially in sectors with high mobility; encourages Member States to coordinate efforts to extend social security coverage, access to sick pay and temporary unemployment schemes to also protect frontier, cross-border and mobile workers, and especially those hit by the crisis who are therefore suffering poverty, unemployment, social exclusion, and poor living conditions;
13. Reiterates that it is crucial for people's everyday lives that essential goods such as food, medical devices or protective equipment keep being delivered across the EU at all times; calls on the Commission to ensure continued free movement of essential goods and services within the internal market in times of crisis such as a pandemic;
14. Urges the Commission and the Member States to recognise mobile workers in strategic manufacturing supply chains, e.g. for medical equipment and others, as essential or critical, and therefore to review the applicable quarantine requirement if there is no risk to public health and safety, proven by relevant testing in line with the Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic;
15. Calls on the Commission to examine protection gaps with view to ensuring decent working and living conditions for mobile workers and preventing abusive practices, and to properly enforce Union legislation on subcontracting; calls on the Commission to ensure general joint and several liability throughout the whole subcontracting chain in order to protect workers' rights; emphasises that such an initiative should increase transparency and strengthen the liability of main contractors in subcontracting chains by legally guaranteeing the payment of all social security contributions and workers' entitlements due, and by urging national authorities to effectively impose dissuasive sanctions whenever necessary; calls on the Commission to promote, and on the Member States to guarantee, trade union access to all workplaces, including workplaces outside the country of employment; calls on the Commission and the Member States to take action to strengthen and promote social dialogue and the autonomy of the social partners, and to encourage workers to organise as this is a key instrument for achieving high standards of employment;

16. Calls on the Commission to analyse negative developments related to labour mobility, particularly the brain drain in certain sectors and regions; stresses that measures to counter the brain drain must go hand in hand with those to promote upward social convergence; insists that, despite the COVID-19 pandemic, Member States should permit and facilitate the crossing of borders for professional reasons, whenever professional activity in the sectors concerned is allowed in the host Member State, in order to safeguard equal treatment between local and mobile workers; calls on the Commission to establish clear quantitative and qualitative indicators for the purposes of the European Semester and the publication of country-specific recommendations in order to monitor the implementation and enforcement of the rules on the free movement of worker; calls on the Commission to table recommendations to ensure fair, equitable and decent living and working conditions for mobile workers;
17. Underlines that the objectives of the European Pillar of Social Rights, the UN Sustainable Development Goals, the European Green Deal and the Gender Equality Strategy must also be reflected in the approach to the single market, promoting high social and environmental standards as a prerequisite for productivity increases; highlights the importance of public procurement for achieving these objectives;
18. Urges the Commission to ensure that the ELA becomes fully operational as a matter of priority in order to monitor and promote the application and enforcement of Union law relating to labour mobility and social security coordination; urges the Commission to support and strengthen the capacity of and cooperation between competent national authorities, as well as social partners, in order to ensure fair rights-based mobility, adequate information to workers and employers about their rights and obligations, and the effective cross-border enforcement of workers' rights, including the portability of rights and entitlements, and to effectively tackle social security fraud and abusive practices; believes that the ELA should focus on better enforcement and implementation of current Union legislation so that competition within the single market is fair and just; stresses that in order for the ELA to be effective in combating illegal practices, it should give priority to the development of a real-time database to validate information from foreign service providers; stresses that the ELA must have sufficient resources to perform its tasks; underlines that the partial integration of the EURES into the ELA should strengthen the link between the promotion of freedom of movement and information provision and compliance with the relevant legislative framework protecting mobile workers and citizens;
19. Calls on the Commission to propose EU framework provisions to combat unfair competition on labour costs in order to ensure full compliance with the principles of equal treatment and equal pay and labour costs for equal work in the same place;
20. Recalls that Parliament repeatedly asked the Commission to withdraw its proposals on a European services e-card and on a revision of the services notification procedure; welcomes the fact that this was finally done in the Commission Work Programme for 2021;
21. Stresses that the digitalisation of data exchanges between Member States could facilitate the free movement of workers on a fair and equitable basis as well as the enforcement of relevant Union rules; calls on the Commission to launch, after an impact assessment,



its proposal on a digital European social security number (ESSN) without any undue delay, while ensuring that ESSN will be subject to strict data protection rules, which is necessary to ensure legal certainty for workers and businesses, fair mobility and the effective protection, portability, traceability and enforcement of workers' rights, as well as to support fair competition, ensuring a level-playing field for businesses; considers that the ESSN should complement national social security numbers and regulations and facilitate the Electronic Exchange of Social Security Information (EESSI) for the purpose of improving coordination and information exchange between competent national authorities; points out that the EESSI should allow a quick and accurate verification of social security insurance status, providing individuals and authorities with a monitoring mechanism to easily verify coverage and contributions;

22. Stresses the need for further alignment and coordination of labour mobility regulations and monitoring procedures, including common control standards, joint inspections and information exchange under the guidance of the ELA and in collaboration with national competent authorities; urges the Member States to step up the exchange of best practices between competent national authorities; calls for the ELA to have real labour inspection power in cross-border cases, in cooperation with competent national authorities; calls on the ELA to improve data collection and to set up real-time databases on labour mobility for the purpose of analysis and risk assessments, as well as to prepare information campaigns and targeted inspections; recalls that the ILO recommends a benchmark of one labour inspector for every 10 000 workers;
23. Recalls that the ILO recommends establishing a benchmark of one labour inspector for every 10 000 workers;
24. Highlights that Union funding and grants should contribute to decent work in order to promote sustainable development and social progress;
25. Recalls the importance of social dialogue, and in this regard encourages the stronger involvement of the social partners in Union agencies, public authorities, committees and institutions in order to ensure practice-oriented initiatives and legislation that take into account the various different European labour market models; stresses the need to enhance EU-level tripartite dialogue in the design and implementation of regulations on the provision of services and the mobility of workers, as well as in the mutual recognition of professions, diplomas, qualifications and skills, in line with the principles enshrined in the European Pillar of Social Rights; calls on the Commission, the Member States and local authorities to work together with the social partners to design and implement necessary support structures for upskilling and reskilling of workers, implementing relevant public policies and providing quality jobs;
26. Highlights the need to place the protection of workers and social partners' involvement at the core of Union law in this field so that democratic functioning, economic growth and high social and environmental standards are ensured;
27. Calls on the Commission to present a new Strategic Framework on Health and Safety at Work post-2020 as soon as possible, and to commit to eliminating work-related deaths by 2030; urges the Commission to present proposals for a directive on work-related stress and musculoskeletal disorders, for a directive on mental well-being at the

workplace, and an EU mental health strategy in order to protect all workers in the workplace; calls on the Commission, furthermore, to present a more ambitious revision of the Carcinogens and Mutagens Directive, and to include limit values for a minimum of 50 substances in the Directive on exposure to carcinogens and mutagens at work; calls for the inclusion of substances with damaging effects on the reproductive system in the Directive;

28. Calls on the Commission and the Member States to address the need for safe and healthy working conditions for workers and the self-employed, including a special focus on the free movement of workers, and to guarantee them decent working and living conditions, especially in the context of the upcoming revision of the Union's Strategic Framework on Health and Safety at Work; urges Member States to address the problem of undeclared work, including undeclared seasonal work, through enhanced cooperation with the European Platform tackling undeclared work, including by fostering better awareness among workers and employers about their rights and obligations; calls on Member States to impose measures uniformly and without discrimination;
29. Urges the Commission and the ELA to investigate the numerous cases of denied access to the labour market, as well as abuses and discrimination related to working conditions, based on nationality, which have become highly visible during the COVID-19 crisis; calls on the ELA to ensure accessible, transparent and non-discriminatory procedures for national social partners to submit cases to the ELA, and assurances for their effective follow-up in line with Regulation (EU) 2019/1149;
30. Calls on the Member States to apply all Commission recommendations on the adoption, coordination and lifting of measures related to the COVID-19 pandemic; calls on the Member States, furthermore, to establish a common healthcare protocol for mobile workers, including cross-border and frontier workers, taking into account the guidelines by the European Centre for Disease Prevention (ECDC); stresses that the guiding principles for any measure taken for the crisis and the road to recovery should be the health and safety of all workers, respect for fundamental rights, including equal treatment between local and mobile workers, while at the same time recognising the particularly vulnerable situation of frontier, posted, seasonal, cross-border and other mobile workers during the COVID-19 pandemic and its aftermath; recalls the constitutional right of Member States to go beyond the minimum levels established by European Union directives as part of their national democratic legislative processes in order to reach policy objectives such as ensuring quality public services and a high level of protection of workers, consumers and the environment;
31. Emphasises that the freedom of movement has been severely affected by the full or partial closure of borders by Member States during the COVID-19 pandemic; regrets that the rushed, uncoordinated and sudden closure of borders and introduction of accompanying measures left people in transit stranded, and has severely affected those living in border regions by limiting their ability to cross a border for work, to provide and receive services or to visit friends or family members; stresses the detrimental effect that the closing of internal and external borders has had on the international business, scientific and tourism sectors; stresses that instead of introducing border controls, Member States should strive to take the measures necessary to allow people to cross borders while ensuring maximum safety and protecting health;

32. Acknowledges the crucial role of carers, especially during the pandemic; calls on the Commission to ensure their mobility in order to meet the needs of different Member States and regions, in view of demographic challenges and any future pandemic or health challenges; calls on the Commission, in close cooperation with the Member States and local authorities, to introduce under the ordinary legislative procedure a common, Union-wide science-based protocol for the freedom of movement during health crises and other crisis situations, and to closely consider the role of the ELA in this regard; calls on the Member States which have not yet ratified and implemented ILO Convention No. 189 on domestic workers to ratify and implement it without delay; calls on the Member States to establish legal frameworks facilitating the lawful employment of domestic workers and carers;
33. Underlines the need for further use of harmonisation and mutual recognition tools for the recognition of professional diplomas, skills and qualifications throughout the Union, avoiding red tape and facilitating trade and transport, respecting the fundamental principle of equal treatment and without lowering Member States' educational standards and validation mechanisms; calls therefore on the Commission and the Member States to promote and improve current mutual recognition mechanisms and job mobility portals, facilitating and promoting transparent mobility, such as the EURES job mobility portal, the Europass online platform and the European skills, competences, qualifications and occupations classification system (ESCO); calls in particular on the Member States to establish cross-border partnerships to help mobile workers in cross-border regions; calls on the Member States to facilitate the free movement of people with disabilities within the Union, and urges the Member States to ensure the adoption of a common European definition of disability status in line with the UN Convention on the Rights of Persons with Disabilities, and the mutual recognition of disability status among Member States;
34. Considers that national provisions, practices and regulations on access to and the exercise of specific professions, and the access to and the provision of services for the protection of the public interest and the protection of workers and/or consumers, are not an obstacle to the deepening of the single market;
35. Calls on the Member States to ensure that mobile workers have access to training and retraining in order to address the shortage of labour in certain sectors and to support digital transitions and measures towards a climate-neutral economy;
36. Recalls the fundamental right of Member States to go beyond the minimum levels established by European Union directives without creating undue and disproportionate obstacles;
37. Notes with concern the difficulties and lack of adequate access to social protection systems for mobile workers and especially cross-border and frontier workers; stresses the importance of coordinated action at Union level, but acknowledges and welcomes the successful bilateral agreements signed between Member States to guarantee social security rights for all workers as set out in the Council Recommendation on access to social protection for workers and the self-employed; calls on the Commission and the Member States to ensure the social rights of mobile workers in the event of a health crisis and other crisis situations;

38. Recalls that good working and employment conditions are a competitive advantage for companies to attract skilled workers; underlines the importance of corporate investment in formal and informal training and life-long learning in order to support the just transition towards the digital and circular economy; stresses that companies deploying artificial intelligence, robotics and related technologies have the responsibility of providing adequate re-skilling and up-skilling for all employees concerned in order for them to learn how to use digital tools and to work with cobots and other new technologies, thereby adapting to the changing needs of the labour market and staying in employment; stresses in this regard the importance of the European social partners' framework agreement on digitalisation; recalls that the aforementioned agreement outlines the responsibility of employers to ensure the re-skilling and up-skilling of workers, in particular in view of the digitalisation of jobs;
39. Stresses the need for full digitalisation of procedures regarding labour mobility and the posting of workers in order to improve the provision and exchange of information between national authorities, and to enable the effective enforcement, including via the establishment of a one-stop helpdesk for workers and future employers on applicable Union rules, based both digitally and physically within the ELA; urges the Member States to fully support the digitalisation of public services, in particular social security institutions, in order to facilitate European worker mobility procedures while guaranteeing the portability of rights and compliance with obligations linked to the freedom of movement; stresses the need to create better statistical tools to measure skills mismatches in European labour markets and to assess the needs of labour markets and the differences between them; highlights the importance of EURES, and draws attention in particular to the linking of EURES activities to labour market needs in order to meet priority sectoral and skills needs and to support jobseekers in finding new employment;
40. Calls on the Commission to proceed, within a reasonable time frame, with the evaluation of the ELA's mandate, after the Authority has become fully operational for at least two years; urges the Commission to involve stakeholders with profound knowledge of different labour market models in the work and evaluations of the ELA;
41. Calls on the Commission to propose a legislative framework with a view to regulating teleworking conditions across the EU, and to ensure decent working and employment conditions;
42. Calls on the Commission, the Member States and local authorities to work together with the social partners and the ELA to formulate specific sectoral strategies to not only promote and facilitate the voluntary mobility of workers, but also to design and implement necessary support structures for upskilling and reskilling of workers, implementing the relevant public policies and providing high-quality job opportunities that match workers' skills; emphasises the added value of the mutual recognition of the compatibility of skills and qualifications, supported by current recognition mechanisms such as the EURES job mobility portal, the Europass online platform and the ESCO classification system;
43. Is concerned that access to information for employees and employers on mobility of labour and services still remains a challenge; notes that information on employment

conditions and collective agreements which is made available on single official national websites is very often limited in nature and is accessible only in a few languages; calls on the Commission, therefore, to improve access to information by creating a single template for official national websites;

44. Urges the Member States to ensure adequate social security coordination, including through the ongoing revision of Regulation (EC) No 883/2004, and by strengthening the portability of rights, paying particular attention to the portability of social security benefits for persons with disabilities; stresses that digitalisation provides an unprecedented opportunity to facilitate MSME cross border operability while ensuring strict compliance with fair mobility rules; stresses the importance of prior notification and the application of A1 certificates before the start of the worker's cross-border assignment;
45. Stresses that the enforcement of Union rules on labour mobility must ensure the principle of equal treatment, the principle of non-discrimination and the protection of workers, and reduce unnecessary administrative burden;
46. Calls on the Commission to examine protection gaps and consider the need for a revision of Directive 2008/104/EC on temporary agency work in order to ensure decent working and employment conditions for temporary agency workers;
47. Stresses that workers with disabilities continue to face multiple obstacles that make it difficult or impossible for them to fully benefit from the free movement of services; calls on the Member States to implement without delay Directive (EU) 2019/882 (the European Accessibility Act) in order to effectively remove barriers for workers with disabilities, and to ensure the availability of accessible services, as well as the suitability of the conditions under which services are provided; highlights the paramount importance of achieving a fully accessible single market that ensures the equal treatment and economic and social integration of workers with disabilities;
48. Instructs its President to forward this resolution to the Council and the Commission.

## EXPLANATORY STATEMENT

The own-initiative report was initiated well before the outbreak of the COVID-19 pandemic in Europe. Thus, it mainly addressed persisting and long-lasting issues related to the EU labour market, and particularly working conditions for mobile workers - migrants, seasonal workers, posted workers and cross-border workers, as well as existing red tape and legal barriers for service providers, freelancers and SMEs, operating in more than one Member State.

Although mobile labour showed, at least before the COVID-19 pandemic, a stabilising trend and the employment rate of movers on average is higher by more than 4 percentage points within the EU-27 than the total employment rate in the EU-27, concerns regarding working conditions, remuneration levels, social dumping and discrimination persist, as well as various legal barriers for the provision of services throughout the Union. In this context, stakeholders put special accent on the recognition of qualifications.

However, the COVID-19 pandemic shed light on many more significant problems related to labour mobility. Some of them are strictly related to the health crisis, others - to emergencies, while a number of them are structural shortcomings, which only became more acute and visible during the pandemic.

### **I. Initially, the own-initiative report was supposed to deal with the following issues:**

1. The lack of legislative harmonisation at EU level. In many cases, the law of host Member States requires adjustments that should take into account the way a service is provided. The vast diversity of relevant laws imposes information costs on companies and thus, in practice, turns into a barrier to internal mobility. As such provisions are non-discriminatory and only result in additional costs, they are not considered to be restrictions to market access and hence are not covered by the fundamental freedoms. The codification of common standards at national level can help resolve this issue. The legal basis for the adoption of such regulations and directives can be found in Articles 53(1) and 62 TFEU.
2. The fact that, despite a number of recent initiatives, the EU institutions are regarded as slow and reluctant in exercising their shared competences in the field of labour and social security regulations.
3. The limited competences of ELA as well as the undefined scope of its future activities. ELA is a decentralised EU agency, tasked with helping individuals and companies to get the most out of the opportunities offered by free movement and with ensuring fair labour mobility. Its objectives are to help national authorities in combating fraud and abuse, while simultaneously making mobility easier for citizens. However, the scope of ELA is limited in several crucial aspects. ELA does not have the mandate to organise joint inspections. It provides national compliance authorities with the right to organise and participate in cross-border actions.
4. The frequent and systematic abuse of workers' rights, especially when it comes to mobile workers, with particular attention to posted workers and seasonal workers. The stakeholders have drawn special attention to regulation violations in subcontractor chains, bogus self-



employment, bogus part-time employment and precarious working conditions, especially for seasonal workers, agri-food sector workers and workers in tourism. An accent should be put on the existence of gender-based and nationality-based discrimination of mobile workers, as well as on the situation of third-country nationals, working as mobile workers in the EU.

Although each Member State safeguards certain minimum standards for working conditions and for fighting abuse of workers' rights, there is no uniform control standard for labour inspections. Moreover, there are numerous allegations for double standards in different Member States, when it comes to seasonal workers and especially to third-country nationals. ELA is in the process of developing a common template for inspections which should be ready by the end of 2020 or by early 2021, and which has to address the issues mentioned above.

Furthermore, it is important to highlight the fact that Member States that have the main competences under the subsidiarity principle are generally reluctant to act in case of labour law disputes between employers and mobile workers.

ELA is expected to facilitate joint inspections - practical experiences with pilot joint inspection schemes have shed light on the shortcomings of current cross-border enforcement and mutual assistance activities. The ELA Regulation stops halfway. It provides for the evidence stemming from exchanged information, mutual assistance and joint inquiries to be legally validated in the Member States involved. However, EU-wide authorisation and legitimisation is missing.

ELA provides national compliance authorities with the right to organise and participate in cross-border actions and to set up teams. However, beyond this, the mandate to act jointly is not strengthened. There is no EU-wide mandate, comparable to the competence in joint activities of other EU authorities (for instance, powers of inspection or possibilities to engage in coordinated actions in the areas of anti-trust law or consumer protection).

5. As regards the business environment and especially SMEs, the lack of uniform procedures for mobile working and for the provision of services is causing grave concerns, as well as the persistent problem with the recognition of professional qualifications, where progress is needed, for example - for highly demanded IT professionals across Europe. The European business community expects ELA to provide guidelines for enhanced cooperation regarding national administrative procedures, digital platforms and the facilitation of labour mobility. The European social partners have called in particular for the establishment of a help desk for mobile workers, self-employed persons and employers.

## **II. After the COVID-19 outbreak, the scope of the report widened significantly, comprising many issues raised by trade unions, employers' organisations and professional organisations and systematised in Commission communications and Parliament's resolutions:**

1. The COVID-19 pandemic highlights the challenging working conditions for hundreds of thousands of cross-border, frontier, posted and seasonal workers in the EU. These particularly vulnerable groups of workers have proved crucially important to the very survival of the Union health systems, food chains, transport and economy. Seasonal workers provide vitally

important workforce on farms in Germany, France and other Member States. They ensure food security across Europe but their rights are often denied. Transport workers guaranteed, at significant health cost for themselves and their families, the persistence of Union supply chains, and migrant or posted health workers provided the most affected countries and regions with precious capacity to fight against the pandemic.

The COVID-19 pandemic has exposed and brought to public attention the poor working conditions of workers in slaughterhouses in the Netherlands and France, and of health workers from Romania and Bulgaria subcontracted to work in Austria. Many seasonal workers were denied access to their workplace; others were left isolated in foreign countries with no social security and no subsistence means, while many were deported, being coronavirus-positive and enjoying no health coverage in their home state.

Although the vulnerable position of some of Europe's 1.9 million posted workers and 1.5 million cross-border workers has been an issue for a long time, the COVID-19 crisis puts these acute problems in the spotlight even further. Members of the Committee on Employment and Social Affairs (EMPL) underlined that according to Union law, mobile and posted workers' rights have to be guaranteed and protected in the same way as domestic workers. They called on the Member States to step up labour inspections, where relevant jointly with the ELA, and to fully implement Union legislation regulating different aspects of mobility, including free movement, the posting of workers and social security coordination.

## 2. Coordinating social security systems became a matter of urgency

Members of the EMPL Committee also stressed that digitalising procedures and applications could help to coordinate the different social security systems of national authorities to ensure social protection for all employees in the EU.

The EP negotiating team on the revision of the Union legislation on the coordination of social security systems also called on all actors to find urgently a balanced solution as a top priority in the social area.

Some Members pointed to the responsibility that the agencies which recruit mobile workers have and asked if more stringent measures are needed to better protect mobile workers in order to avoid situations in which they lose their houses together with their jobs. Others stated that genuine free movement is only possible if the workplace is safe.

Although many Member States signed bilateral agreements, regulating the new challenges the social security coordination systems are facing, there is still no uniform approach, nor relevant solutions for those workers who are not covered by the said bilateral agreements.

3. The Commission issued guidelines to ensure that mobile workers within the EU who qualify as critical workers in the fight against the COVID-19 pandemic can reach their workplace. The agri-food sector is a key sector included in these guidelines, especially regarding seasonal workers.

ELA ensures that Union rules on labour mobility and social security coordination are enforced in a fair and effective way. On 5 May 2020, the EMPL Committee Chair Lucia Ďuriš Nicholsonová expressed her deep concern about the vulnerable situation of critical



workers during the COVID-19 crisis in a letter to ELA.

Especially in the light of the current pandemic, the promotion of intra-EU labour mobility as an adjustment/stabilising mechanism, facilitated by both the free movement of workers (Article 45 TFEU) and the free provision of services (Article 56 TFEU) will be an important tool to support adjustment to ‘asymmetric shocks’ in the EU.

To summarise, intra-EU posting can, on the one hand, decrease unemployment rates in Member States confronted with an economic shock and can increase household incomes and even labour tax revenues, on the other. These are all important features that are less common in case of labour migration.

11.1.2021

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on Employment and Social Affairs

on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills  
(2020/2007(INI))

Rapporteur for opinion: Morten Løkkegaard

(\* ) Associated committee – Rule 57 of the Rules of Procedure

### **SUGGESTIONS**

The Committee on the Internal Market and Consumer Protection calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the Services Directive, the Professional Qualifications Directive (PQD) and the Proportionality Test Directive lay down the provisions that ensure the proper functioning of the internal market, while guaranteeing a high level of worker and consumer protection;
- B. whereas the PQD explicitly seeks to enable professionals to work or establish themselves anywhere in the Union and to make it easier for workers of certain professions to find employment in another Member State, facilitating intra-EU labour mobility, while the Services Directive aims to achieve the free movement of services; whereas the potential of the single market can be further improved by addressing unjustified barriers to the free movement of services and workers; whereas the free movement of workers is a fundamental principle of the European Union, a right of all citizens and essential to the proper functioning of the internal market; whereas labour mobility must be free, fair and based on solid rights;
- C. whereas mutual recognition of skills and qualifications is key to supporting mobility, life-long learning and career opportunities across the EU for everyone, including people with disabilities, thereby contributing to the free movement of workers and services and to the proper functioning of the single market; whereas the European Professional Card enhances safe professional mobility and creates a framework for a simpler, faster and

more transparent recognition of qualifications;

- D. whereas in response to the COVID-19 pandemic the Commission issued Guidelines concerning the exercise of free movement of workers, which set out the principles for an integrated approach to effective internal border management in order to protect public health while preserving the integrity of the internal market, and whereas the Council adopted a recommendation on a coordinated approach to the restrictions of free movement, which aims at increasing the transparency and predictability of free movement across the EU for both citizens and businesses;
- E. whereas the economic crisis caused by the COVID-19 pandemic is unprecedented; whereas the economic recovery could be facilitated by unlocking the full potential of the single market by enhancing the free movement of workers and services and by fully using the mutual recognition of professional qualifications and the freedom to provide services under the Services Directive;
- F. whereas different regulatory choices at both European and national level, imperfect and inadequate transposition and implementation of existing legislation and unjustified barriers create an enforcement gap and impact the free movement of workers and services;
- G. whereas a single market with high social and environmental standards, quality services and fair competition serves the interests of all stakeholders;
- H. whereas the economic recovery from the crisis caused by the COVID-19 pandemic must be in accordance with the guidelines set out by the European Green Deal;
1. Highlights that, in the present health crisis, free movement of workers in the field of health services demonstrates the benefits of the PQD, especially given its digital elements and proven effectiveness in facilitating labour mobility<sup>1</sup>; underlines furthermore that existing legislation concerning working conditions, access to social rights, and health and safety, especially for seasonal and cross-border workers, must be respected for the purpose of ensuring equal treatment when workers exercise their rights to free movement; recalls that the aim of the PQD is to make it easier for professionals to provide their services across Europe while guaranteeing protection for consumers and public health and safety, which is particularly important during the pandemic crisis;
  2. Underlines the importance of free and safe movement of workers and services in overcoming the recession and increased unemployment rates caused by the COVID-19 pandemic; reiterates that further removal of unjustified barriers within the single market is essential in order to fully benefit from its potential, while maintaining a high level of consumer protection; regrets that the Recovery Plan proposed by the Commission lacks ambition when it comes to movement of workers and services and fails to fully recognise its importance as a tool for economic recovery;
  3. Stresses that some decisions by certain Member States as regards travel restrictions on account of COVID-19 have created uncertainty for both consumers and businesses, and especially cross-border workers; calls therefore on the Commission and the Member

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<sup>1</sup> Koumenta, M. and Pagliero, M., Measuring Prevalence and Labour Market Impacts of Occupational Regulation in the EU, 2016, p. 88.

States to further coordinate such measures to uphold the principles of the single market and to be prepared in case of future waves, so as to protect businesses and consumers and the safe mobility of workers; calls on the Commission to collect and present in a comprehensive way all relevant information, including all health and safety obligations and restrictions in the Member States;

4. Underlines that the mobility of professionals must be ensured where possible; furthermore, highlights the need to remove unjustified barriers to the provision of cross-border healthcare services, while recognising the special nature of health services and ensuring a high level of healthcare for all EU citizens; underlines the value of better implementation of existing rules, coordination and promotion of best practices among Member States, and cross-border mobility of health professionals;
5. Notes that workers have the possibility to move freely throughout the Union; calls on Member States, however, to fully implement and better enforce existing legislation, such as the recently revised Posting of Workers Directive 2018/957/EU, in order to support legal clarity, reduce unjustified barriers for cross-border service providers and guarantee the free mobility of workers and the effective protection of their rights within the EU, to the benefit of workers, citizens and the EU economy as a whole;
6. Recalls the introduction of the European Professional Card under EU legislation<sup>2</sup> to reduce the administrative burden of recognition and further improve the system for recognition of qualifications in certain professions; notes its effective role in boosting the mobility of professionals across the Member States<sup>3</sup> and calls on the Commission to assess and extend the use of the European Professional Card to other professions so as to offer a swift and easy way of recognising the qualifications of workers in the EU and to tackle the unjustified barriers that deprive citizens of jobs, consumers of choices, and entrepreneurs of opportunities in the single market;
7. Regrets the insufficient access to information as regards mobility of services and underlines that information available on only official national websites is often provided in only a few languages and is limited in scope; underlines that access to information, such as on domestic collective agreements where applicable and relevant, should be improved; calls on the relevant EU and national authorities to take appropriate steps aimed at developing a single template for official national websites and to make them compatible with the Single Digital Gateway so as to improve access to relevant information among Member States;
8. Recalls that regulated professions represent up to 22 % of the labour force in the EU and cover many crucial sectors, such as health and social services, business services, construction, network services, transport, tourism, real estate, public services and

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<sup>2</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005, as amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013.

<sup>3</sup> Report from the Commission to the European Parliament, the Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the implementation of certain new elements introduced by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), (COM(2020)0191).

education<sup>4</sup>;

9. Stresses that while Member States have the right to regulate certain professions for the protection of public interests, such as public security, safety and health, or the protection of consumers, workers and the environment, in exercising this right, they must respect the limits of the principles of non-discrimination and proportionality, as explicitly stipulated in the Proportionality Test Directive; calls on the Commission to provide structured assistance and issue guidance to Member States on how to conduct ex ante proportionality assessments of new national regulation of services in accordance with the Proportionality Test Directive;
10. Calls on the Member States to simplify administrative procedures in order to make it easier to obtain electronic documents needed for cross-border provision of services as quickly as possible;
11. Recalls the harmonisation achieved in several professions through mutual recognition inspired by the PQD; stresses that Member States should reconsider and coordinate rules governing entry and exercise requirements in relation to specific activities or professions;
12. Underlines that, according to the Single Market Scoreboard 2020, further improvements are needed to ensure free movement of professionals, especially as regards recognising professional qualifications;
13. Recalls that the principles of the Services Directive and the PQD facilitate the free movement of services; believes that the continuous updating of Annex V to the PQD, which lists all the qualifications that comply with the minimum requirements, could further benefit professionals in the EU; calls on the Member States to extend mutual recognition to more levels of education and training, without lowering national education requirements, and to improve or introduce the necessary procedures as soon as possible; calls on the Commission to strengthen its cooperation with Member States and increase enforcement efforts regarding both the free movement of workers and the protection of their health and safety, in line with the European Pillar of Social Rights;
14. Encourages the Commission to cooperate with Member States to ensure full implementation and enforcement of existing rules; urges the Commission and the Member States to shorten the complaints procedure to ensure that relevant issues from an end-user perspective are handled promptly and settled efficiently; calls for alternative resolution mechanisms to be assessed and for infringement procedures to be applied without undue delay in accordance with Article 258 of the Treaty on the Functioning of the European Union (TFEU) whenever breaches of relevant legislation are identified or disproportionate and unjustified burdens introduced; calls on the Commission to regularly monitor administrative barriers within the internal market and to issue recommendations to Member States on their removal as appropriate; supports the Commission's long-term action plan for better implementation and enforcement of single market rules; calls on the Commissions and the Member States to devote additional resources to improving the SOLVIT system as a tool for a swift resolution of

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<sup>4</sup> European Parliament resolution of 18 January 2018 on the implementation of Directive 2005/36/EC as regards regulation and the need for reform in professional services, OJ C 458, 19.12.2018, p. 70.

administrative problems within the single market; asks the Commission to increase its support for Member States in transposing EU legislation so as to ensure correct and harmonised interpretation, and takes note of the Commission's intention to create a single market obstacle reporting tool under the Single Digital Gateway, allowing citizens and businesses to report anonymously any regulatory obstacles they encounter in exercising their internal market rights<sup>5</sup>;

15. Calls on the Commission to strengthen the Points of Single Contact and the Single Digital Gateway where appropriate, and to provide guidelines to help Member States streamline procedures, in particular for SMEs, as provided for in the Services Directive; calls on the Member States to ensure compliance with the requirements of making information and online procedures for the effective use of such tools available in order to provide workers, consumers and businesses with accurate and easily accessible information regarding their rights and obligations related to free movement within the single market, paying particular attention to vulnerable groups such as persons with disabilities; recalls the need to accelerate the modernisation of public administration so that it can process communication with citizens and businesses in a digital way; emphasises the importance of digitalisation owing to the increasing mobility of labour and services; is of the opinion that the digital tools designed to facilitate mobility of labour and services, as well as an exchange of the information between different social security systems, such as the digital A1 portable document form, will improve workers' protection, reduce administrative burdens and improve Member States' cooperation and enforcement;
16. Calls on the Commission and the Member States to ensure that all relevant procedures to access the services market are efficiently coordinated by the competent authorities in the responsible Member State and that service providers are properly informed, in order to ensure compliance with applicable national rules, including proportionate employment terms and conditions that Member States apply in accordance with Union law; calls therefore for greater promotion, application and enforcement of the European Qualifications Framework to guarantee a widely used recognition instrument throughout the European Union;
17. Sees the need to further develop the Internal Market Information System (IMI) by expanding the available functions in order to facilitate the work of national authorities; therefore asks the Commission to establish appropriate support structures in the areas of training and technical assistance so that all the advantages of the system in terms of effectiveness can be realised.

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<sup>5</sup> Commission communication of 10 March 2020 on a long-term action plan for better implementation and enforcement of single market rules (COM(2020)0094).

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	11.1.2021
<b>Result of final vote</b>	+: 37 -: 4 0: 3
<b>Members present for the final vote</b>	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Carlo Fidanza, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Dan-Ștefan Motreanu, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann, Marco Zullo
<b>Substitutes present for the final vote</b>	Marc Angel, Krzysztof Hetman, Sándor Rónai

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
EPP	Pablo Arias Echeverría, Deirdre Clune, Krzysztof Hetman, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Dan-Ștefan Motreanu, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Marion Walsmann
S&D	Alex Agius Saliba, Marc Angel, Brando Benifei, Biljana Borzan, Maria Grapini, Adriana Maldonado López, Leszek Miller, Sándor Rónai, Christel Schaldemose
RENEW	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Morten Løkkegaard
GREENS/EFA	Anna Cavazzini, David Cormand, Alexandra Geese, Kim Van Sparrentak
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
NI	Miroslav Radačovský, Marco Zullo

4	-
ID	Virginie Joron, Jean-Lin Lacapelle
THE LEFT	Kateřina Konečná, Anne-Sophie Pelletier

3	0
ID	Alessandra Basso, Hynek Blaško, Markus Buchheit

Key to symbols:

+ : in favour

- : against

0 : abstention



7.12.2020

## **OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT**

for the Committee on Employment and Social Affairs

on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills  
(2020/2007(INI))

Rapporteur for opinion: Ruža Tomašić

### **SUGGESTIONS**

The Committee on Agriculture and Rural Development calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to Article 45 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Commission’s 2018 Annual Report on Intra-EU Labour Mobility,
- having regard to Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers<sup>1</sup>,
- having regard to the report from the Commission to the European Parliament, the Council and the European Economic and Social Committee of 4 December 2018 on the implementation of Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (COM(2018)0789),
- having regard to the European Court of Auditors’ Special Report No 6/2018 entitled ‘Free Movement of Workers – the fundamental freedom ensured but better targeting of EU funds would aid worker mobility’,
- having regard to the publication in the Official Journal on 11 July 2019 of Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority<sup>2</sup>, and the entry into force of that regulation on

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<sup>1</sup> OJ L 128, 30.4.2014, p. 8.

<sup>2</sup> OJ L 186, 11.7.2019, p. 21.

31 July 2019,

- having regard to the study entitled ‘The EU farming employment: current challenges and future prospects’, published by its Directorate-General for Internal Policies in October 2019<sup>3</sup>,
  - having regard to the Commission communication of 23 March 2020 on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services (C(2020)1897),
  - having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis<sup>4</sup>,
  - having regard to the Commission communication of 30 March 2020 entitled ‘Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak’ (C(2020)2051),
  - having regard to the Commission communication of 16 July 2020 entitled ‘Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak’ (C(2020)4813),
- A. whereas the principle of the free movement of workers is enshrined in Article 45 of the TFEU;
- B. whereas labour mobility should not only be free but also fair; whereas the principle of equal treatment is enshrined in Article 45(2) of the TFEU, forbidding any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment; whereas this principle applies equally to cross-border and seasonal workers, who must be guaranteed equal treatment with workers who are nationals of their host Member State in line with EU legislation, whether it be equal rights, equal working conditions or equal protection;
- C. whereas Article 153(5) of the TFEU makes it clear that the setting of minimum wages is a national competence and forbids the EU to intervene directly on the level of pay;
- D. whereas according to Eurostat population statistics, there were 17 million EU-28 movers in the EU in 2017, of which 12.4 million were of working age (employed or looking for work);
- E. whereas there is a shortfall of workers in the agricultural sector; whereas agricultural activity is the main backbone of the economic and social fabric in rural areas;
- F. whereas seasonal workers are considered essential workers and have been exposed to health risks during the pandemic restrictions;
- G. whereas an estimated 800 000 to 1 million seasonal workers are being hired in the EU

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<sup>3</sup> Study – ‘The EU farming employment: current challenges and future prospects’, European Parliament, Directorate-General for Internal Policies, Policy Department for Structural and Cohesion Policies, October 2019.

<sup>4</sup> Texts adopted, P9\_TA(2020)0176.

each year, mainly in the agri-food sector, with seasonal peaks requiring the employment of high numbers of migrant workers to meet the needs and demands of the sector;

- H. whereas COVID-19 has highlighted the crucial role of seasonal workers in ensuring food security and the smooth functioning of the food supply chain, and in creating high-quality jobs in the food and agriculture industry at the peak of the public health crisis;
  - I. whereas national restrictions and curbs on the free movement of workers introduced in response to COVID-19 have made it difficult for seasonal workers to travel across internal borders to their destination countries, thereby paralysing part of the agricultural sector;
  - J. whereas labour mobility is specifically covered by the European Social Fund (ESF) and the EU Programme for Employment and Social Innovation (EaSI), and whereas the European Court of Auditors has pointed out that ‘the similarity of the respective objectives of the two EU funds supporting labour mobility (ESF and EaSI) makes complementarity between them challenging’ and that ‘the way in which the ESF is used by all Member States for the support of labour mobility is not known by the Commission’;
  - K. whereas exports in the agricultural sector contribute to the achievement of the EU’s objectives in the areas of growth and jobs;
1. Welcomes the Commission’s legislative proposal of March 2018 for establishing a European Labour Authority to ensure that EU rules on labour mobility are enforced in a fair, simple and effective way and to prevent limitations to such mobility within the European internal market, which some Member States impose through bureaucratic hurdles or additional measures, thereby hampering access to work; regrets, however, that the European Labour Authority is currently not expected to be fully operational before 2024;
  2. Stresses that the free movement of workers, and especially seasonal workers, is vital for Europe’s agricultural industry in responding to periodic and seasonal peaks in labour demand in the agricultural sector which local supply cannot meet;
  3. Urges the European Labour Authority to promote measures to regulate, license and monitor recruitment agencies (including those based in third countries) and encourage agricultural business associations to adopt monitoring mechanisms and set common decent work standards; notes that these common decent work standards should also encompass the principle of equal pay for equal work performed at the same place of work;
  4. Recognises that some competences for setting such standards remain at national level and the EU is therefore unable to intervene;
  5. Notes that several Member States, such as Denmark, Italy and Spain, have in recent years experienced a significant increase in the proportion of migrant workers in agriculture;
  6. Highlights the disproportionately negative impact of the movement restrictions

introduced as a result of the COVID-19 crisis on the availability of seasonal workers for key agricultural work and across the food supply chain as a whole; notes, in this regard, the importance of a fully functioning internal market with clear guidelines and uniform interpretation among the Member States;

7. Notes that the full and proper implementation of Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers should be ensured and monitored in Member States to ensure that minimum standards are achieved;
8. Considers that better legal frameworks and a greater focus on the implementation and enforcement of labour law are urgently needed, including with regard to employment rights and social security and medical coverage, and especially for atypical work and exploited labour to which cross-border and seasonal workers are particularly vulnerable;
9. Expresses concern at the working, health and safety, and social conditions experienced by migrant and seasonal workers and points to the importance of monitoring compliance with employment legislation, combating undeclared work and monitoring adherence to social welfare and safety standards that promote the social and economic integration of migrant and seasonal workers;
10. Notes with concern the precarious working and living conditions to which seasonal and cross-border workers are often exposed and calls on the Member States to ensure their equal treatment, social protection and access to healthcare;
11. Calls for the swift implementation of the EPSR and in particular of Directive (EU) 2019/1152 on transparent and predictable working conditions, in order to guarantee, inter alia, the right to fair and equal treatment with regard to working conditions, access to social protection and training for workers;
12. Underlines that vulnerable workers, such as women and migrants, are at particular risk of being subjected to physical and psychological violence; calls, therefore, on the Commission and the Member States to strengthen measures to prevent, suppress and punish exploitation and any other form of abuse;
13. Notes that 10 million people are employed in the European agricultural sector, in addition to landowners and their families, constituting an important proportion of the rural population;
14. Stresses the importance of ensuring that rural areas are equipped with the necessary basic public service facilities in order to enable the proper and permanent incorporation of women into any labour activity in these territories; emphasises, in that regard, that it is vital to acknowledge the work that women do in the agricultural sector, and in particular to ensure that female spouses in the agricultural sector have an appropriate professional status that enables them to access social security coverage, training, maternity leave and a pension;
15. Points out that better targeting of EU funds, such as those under the European Social Fund and tools under the EaSI programme, would support worker mobility, inclusion and increased health and safety training and awareness, enabling better use of the

information available and improving the collection and use of data on the patterns of labour mobility flows and imbalances within the labour market; calls for support for protecting the workers exposed to risks in the agri-food sector;

16. Emphasises that seasonal European agricultural workers are often unable to predict their movements or the days they will spend in another Member State far in advance; stresses that ad hoc rules and swift checks are therefore needed to enable them to move freely within the Union;
17. Acknowledges the advances made by Member States as regards the protection of temporary farm workers; calls for a campaign to provide accurate information on the situation of farm workers; stresses that Member States must respect the rights of farm workers;
18. Urges the Commission to make sure that the Farm to Fork Strategy and the current revision of the common agricultural policy (CAP) deliver for agricultural workers in Europe, including seasonal, migrant and other mobile workers, by including in the new CAP a social dimension and making funding conditional on fulfilment of social and labour requirements and standards, so as to protect the rights, wages, health and social security of all workers, and environmental provisions, so as to promote equal treatment and environmental protection;
19. Considers that family workers still represent the vast majority of agricultural labour in Europe, that insufficient generational renewal and current demographic trends are the major challenges faced by the farming sector across the EU, resulting in fewer farmers in the sector year after year, and that a particular focus should therefore be placed on promoting and supporting new market entrants and young farmers; notes that the situation has been aggravated by the lack of profitability of many agricultural holdings, which makes this activity unattractive to young people; considers it necessary, therefore, to support the next generation of family farmers, including young farmers new to the industry, as this support is integrated into the CAP;
20. Notes that CAP measures oriented towards young farmers help to maintain employment in agriculture, namely by supporting farm succession and generating local jobs in both farming and its up- and downstream sectors; stresses that it must continue to be a forward-looking, attractive career choice that is recognised and well-paid; calls on the Commission, therefore, to step up its efforts to ensure that jobs in the agricultural sector are attractive to young people;
21. Regrets, however, that this positive trend remains very limited in its impact owing to many other economic factors influencing farming employment, such as access to credit and land, and a lack of succession planning and tax incentives;
22. Notes that there are isolated cases of serious breaches of labour law on some farms and calls for exemplary intervention to protect the rights of farm workers;
23. Considers that the labour shortage and skills gap is one of the main problems facing farms in the south of Europe; emphasises that matching skills and qualifications with job opportunities in the agricultural sector is a precondition for the establishment of a competitive labour market in the European Union;

24. Emphasises that the diversification of tasks means that there is an increasing demand for qualified people in the agricultural sector;
25. Points out that technical and higher education in agriculture plays a key role in shaping the area of education and research in the EU;
26. Emphasises the importance of enabling the agriculture professionals of the future to access the ERASMUS+ mobility programme in order to give them the opportunity to acquire new know-how and improve their skills, while also ensuring recognition of qualifications at EU level;
27. Considers that targeted support for the triple axis of cooperation among the agricultural sector, research and entrepreneurship can yield significant results;
28. Calls on the Member States to bring training in the agricultural sector into line with the sector's labour market needs and to promote lifelong learning as a way of addressing the shortfall in workers;
29. Stresses the need to guarantee agri-food supply chains and food security, especially during the current COVID-19 crisis; notes that seasonal workers are crucial to the smooth and proper functioning of the agricultural sectors, in particular the fruit, vegetable and wine sectors; points out that protecting and guaranteeing the rights, health and safety of workers in the agri-food sectors is fundamental, especially during the current COVID-19 crisis;
30. Considers that seasonal workers play an important role in the agricultural sector, and that it is therefore of the utmost importance to safeguard their rights as regards working conditions, ensure the same level of protection as applies to domestic workers, and guarantee that social security rights are provided by their Member State of employment in accordance with the *lex loci laboris* principle;
31. Takes the view that the complete and long-standing lack of a fair wage, which is directly linked to European and international market legislation, is one of the major causes of the problem of generational renewal and the difficulty in maintaining the attractiveness of farming;
32. Points out that the shortage of labour makes EU farmers and food producers increasingly dependent on hired and seasonal labour, with a large proportion of the seasonal EU agri-workforce predominantly coming from economically vulnerable social groups from Central and Eastern Europe;
33. Regrets that COVID-19 has exacerbated the occupational risks to the safety and health of seasonal workers, leading to the further spread of infection and emergence of disease clusters; encourages the Member States, in this regard, to make full use of the recently adopted guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak so as to better guarantee their rights, health and safety;
34. Points out that technological innovation, artificial intelligence and digital technologies are drivers of structural change within farms and agricultural labour markets, and that many holdings across Europe must be supported in the transition to the use of more

technological innovations via training – in particular digital training – for professionals in the agricultural sector; notes that agricultural professionals are not sufficiently prepared for the take-up of technological innovations owing to the low level of agricultural training of their farm managers, a level which differs significantly among Member States, and the lack of a comprehensive policy in the individual Member States for digitalising and introducing new technologies in the agricultural sector; insists that farm advisory services must have an important role in providing technological and scientific information to farmers and increasing access to innovation;

35. Notes that the current trend towards a technology-oriented agricultural sector has the potential to push labour costs upwards, as farming will demand a higher-skilled labour force;
36. Highlights that increased training, education and upskilling will be required by all workers in the sector to meet the challenge of increased technological innovation and modernisation, and notes that this increased training should be planned in close collaboration with social partners within the labour market;
37. Stresses the need for the provision of support and advice in terms of sustainability and digitalisation; considers that priority must be given to the provision of basic digital skills to all people involved in farming activities, including information on their rights and obligations within digitalisation;
38. Calls, therefore, for the promotion of digital training and upskilling, as well as for support and advice for both workers and employers in the agricultural sector;
39. Notes that the dynamic digital transition prompted by the challenges of 2020, if underpinned by coordinated private and public sector investment, could significantly help to stem the decline in the rural population;
40. Considers that, in order to create quality employment, farms and livestock holdings must be profitable and not sell below production costs;
41. Considers that certain regional support systems for part-time workers incentivise the shadow economy and informal employment;
42. Recalls that maintaining farming employment and the adequate profitability of agricultural holdings is essential in keeping rural economies alive and in land-use planning, and is therefore of significant importance given that many other jobs in other sectors stem from it, which demonstrates an urgent need for measures beyond the CAP reform;
43. Emphasises the potential that agri-tourism has to create jobs and that it should therefore be promoted;
44. Recalls that maintaining farming employment plays a key role in preserving the life and economies of rural, mountainous and outermost areas and is therefore of significant importance;
45. Emphasises the need to make it easier for seasonal workers to move around, in



particular in border areas, because European farms are reliant on such workers for their survival, as the COVID-19 crisis has shown;

46. Emphasises that it is crucial to counter any unfair intra-EU competition that hampers the smooth functioning of the single market; emphasises, in this regard, how important the role of the European Labour Authority will be in combating fraud and other irregularities;
47. Believes that the EU should not make legislation on EU minimum wages as this is a national competence;
48. Emphasises that, in its trade policy, the EU must ensure that there is no unfair competition on the part of non-EU countries by guaranteeing that products entering the EU comply with EU working conditions and labour standards;
49. Considers that EU assistance should only be granted to beneficiaries who comply with social standards and who do not foster illegal, unregulated and/or undeclared work practices, whether for temporary or permanent workers;
50. Notes with regret the COVID-19 infections that have occurred at plants that make extensive use of posted workers.



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	1.12.2020
<b>Result of final vote</b>	+: 42 -: 1 0: 2
<b>Members present for the final vote</b>	Mazaly Aguilar, Clara Aguilera, Atidzhe Alieva-Veli, Álvaro Amaro, Attila Ara-Kovács, Carmen Avram, Adrian-Dragoş Benea, Benoît Biteau, Mara Bizzotto, Daniel Buda, Isabel Carvalhais, Asger Christensen, Angelo Ciocca, Ivan David, Paolo De Castro, Jérémy Decerle, Salvatore De Meo, Herbert Dorfmann, Luke Ming Flanagan, Cristian Ghinea, Dino Giarrusso, Francisco Guerreiro, Martin Häusling, Martin Hlaváček, Krzysztof Jurgiel, Jarosław Kalinowski, Elsi Katainen, Gilles Lebreton, Norbert Lins, Chris MacManus, Marlene Mortler, Ulrike Müller, Juozas Olekas, Pina Picierno, Maxette Pirbakas, Bronis Ropé, Anne Sander, Petri Sarvamaa, Simone Schmiedtbauer, Annie Schreijer-Pierik, Veronika Vrecionová, Sarah Wiener, Juan Ignacio Zoido Álvarez
<b>Substitutes under Rule 209(7) present for the final vote</b>	Petros Kokkalis, Ruža Tomašić

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

42	+
ECR	Mazaly AGUILAR, Krzysztof JURGIEL, Ruža TOMAŠIĆ, Veronika VRECIHOVÁ
GUE/NGL	Luke Ming FLANAGAN, Petros KOKKALIS, Chris MACMANUS
ID	Ivan DAVID, Gilles LEBRETON, Maxette PIRBAKAS
PPE	Álvaro AMARO, Daniel BUDA, Salvatore DE MEO, Herbert DORFMANN, Jarosław KALINOWSKI, Norbert LINS, Marlene MORTLER, Anne SANDER, Petri SARVAMAA, Simone SCHMIEDTBAUER, Annie SCHREIJER-PIERIK, Juan Ignacio ZOIDO ÁLVAREZ
Renew	Atidzhe ALIEVA-VELI, Asger CHRISTENSEN, Jérémy DECERLE, Cristian GHINEA, Martin HLAVÁČEK, Elsi KATAINEN, Ulrike MÜLLER
S&D	Clara AGUILERA, Attila ARA-KOVÁCS, Carmen AVRAM, Adrian-Dragoş BENEÁ, Isabel CARVALHAIS, Paolo DE CASTRO, Juozas OLEKAS, Pina PICIERNO
Verts/ALE	Benoît BITEAU, Francisco GUERREIRO, Martin HÄUSLING, Bronis ROPÉ, Sarah WIENER

1	-
NI	Dino GIARRUSSO

2	0
ID	Mara BIZZOTTO, Angelo CIOCCA

Key to symbols:

+ : in favour

- : against

0 : abstention

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	25.3.2021
<b>Result of final vote</b>	+: 40 -: 4 0: 8
<b>Members present for the final vote</b>	Atidzhe Alieva-Veli, Abir Al-Sahlani, Marc Angel, Dominique Bilde, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Sylvie Brunet, Jordi Cañas, David Casa, Margarita de la Pisa Carrión, Özlem Demirel, Klára Dobrev, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Rosa Estaràs Ferragut, Nicolaus Fest, Loucas Fourlas, Cindy Franssen, Elisabetta Gualmini, Alicia Homs Ginel, France Jamet, Agnes Jongerius, Radan Kanev, Stelios Kypouropoulos, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Kira Marie Peter-Hansen, Dragoş Pîslaru, Manuel Pizarro, Dennis Radtke, Elżbieta Rafalska, Guido Reil, Mounir Satouri, Monica Semedo, Beata Szydło, Eugen Tomac, Romana Tomc, Marie-Pierre Vedrenne, Nikolaj Villumsen, Marianne Vind, Maria Walsh, Stefania Zambelli, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Konstantinos Arvanitis, Marc Botenga, Johan Danielsson, Gheorghe Falcă, Sara Matthieu, Véronique Trillet-Lenoir

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

40	+
PPE	David Casa, Jarosław Duda, Rosa Estaràs Ferragut, Gheorghe Falcă, Loucas Foulas, Cindy Franssen, Radan Kanev, Stelios Kypouropoulos, Miriam Lexmann, Dennis Radtke, Eugen Tomac, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Sylvie Brunet, Jordi Cañas, Dragoș Pîslaru, Monica Semedo, Véronique Trillet-Lenoir, Marie-Pierre Vedrenne
S&D	Marc Angel, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Johan Danielsson, Klára Dobrev, Estrella Durá Ferrandis, Elisabetta Gualmini, Alicia Homs Ginel, Agnes Jongerius, Manuel Pizarro, Marianne Vind
The Left	Konstantinos Arvanitis, Marc Botenga, Özlem Demirel, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Sara Matthieu, Kira Marie Peter-Hansen, Mounir Satouri

4	-
ID	Dominique Bilde, Nicolaus Fest, France Jamet, Guido Reil

8	0
ECR	Lucia Ďuriš Nicholsonová, Margarita de la Pisa Carrión, Elżbieta Rafalska, Beata Szydło
ID	Elena Lizzi, Stefania Zambelli
Renew	Atidzhe Alieva-Veli, Abir Al-Sahlani

Key to symbols:

+ : in favour

- : against

0 : abstention