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NOTE

From: Presidency
To: Delegations

Subject: Promoting fair mobility to enhance labour market outcomes
- Presidency steering note

Delegations will find attached the Presidency steering note on the above subject, with a view to the lunch debate at the EPSCO Council on 13 June 2019.

Promoting fair mobility to enhance labour market outcomes

Freedom of movement of workers within the European Union is a fundamental right of EU citizens enshrined in Article 45 TFEU and one of the four indivisible fundamental freedoms, a cornerstone of the European Single Market. It is and should continue to be translated into policies and actions to ensure that all EU citizens enjoy this right.

This is why labour mobility is an important topic on the European agenda given the diverse situations of Member States in terms of employment, the common or specific labour market challenges at national level and the differences in outcomes in relation to achieving the ambitious targets set for the Europe 2020 Strategy.

Labour mobility brings benefits to the EU as a whole by contributing to an efficient distribution of the labour force across the Union and facilitating the matching of skills with jobs. In addition, it helps to reduce unemployment and closes the skills gap, thus supporting productivity and competitiveness. Therefore, labour mobility, together with fair working conditions, are factors that generate growth and stimulate competitiveness in the host and home countries and within the Single Market¹.

According to the 2018 Annual Report on Intra-EU Labour Mobility, there were 17 million mobile citizens in the European Union in 2017, out of which 12.4 million people were of working age (20-64 years)², representing 4.1% of the total working-age population across the EU-28. It is likely that labour mobility will continue to increase.

As regards the qualitative side and the characteristics of current labour mobility in the EU, mobile citizens are more likely to hold a tertiary education degree. However, mobile citizens from Member States which joined the EU after 2003 still face challenges. They are at a higher risk of being over-qualified for the work they do and of earning significantly lower wages than citizens born in the host Member State - even though their wages are likely to be higher than those in their Member State of origin.

¹ See also <https://www.oecd.org/eu/The-European-Union-a-people-centred-agenda.pdf>

² <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8174&furtherPubs=yes>

Particular difficulties for these citizens are still apparent. Such difficulties include access to certain benefits or services, language challenges that preclude access to information, including information on working and living conditions.

In this context, discussions about labour mobility and its benefits focus increasingly on the concept of fairness, as well as on compliance with rules that need to be in place in order to avoid abuses.

In this regard the establishment of the European Labour Authority and initiatives such as the revision of the rules on the coordination of social security systems are meant to improve cooperation between Member States and facilitate the exercise of free movement of workers as a fundamental right in the European Union.

Particular attention should be paid to labour mobility patterns and the development of geographical and professional mobility of workers based on fair terms. To this end, there is a need to further develop and strengthen the legal and administrative instruments that already exist in the European Union.

In the near future, consolidating cooperation and the exchange of best practices in the field of labour mobility between the EU institutions and the Member States, on one hand, and between the Member States, on the other hand, should be a priority with a view to ensuring the effective exercise of the freedom of movement for workers and of the principle of equal treatment in the EU.

In addition, Member States could benefit in the future from the return of some of their mobile workers who may not want to stay abroad on long-term. The right to free movement guarantees the individual a choice based on a personal decision. To guarantee optimal conditions in respect of this choice, it is important to explore and understand the push and pull factors of labour mobility, in terms of decisions to work abroad or return. This is with a view to developing appropriate strategies at national level for those Member States wishing to attract more workers back to their countries of origin, while continuing to guarantee the freedom of movement for each and every EU citizen.

We propose to focus the debate on the following questions:

1. *Given the existing legislation and tools at EU and national level on the protection of mobile workers' rights, what additional actions are needed to promote fair labour mobility from a practical point of view?*
 2. *What additional steps could be taken to reap the benefits of labour mobility and to ensure a more effective balance on the labour market of all Member States - including the option to promote, at national level, the conditions for a voluntary return of mobile workers to their Member State of origin, while continuing to guarantee freedom of movement within the EU?*
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