



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Council General Secretariat
to: Delegations

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No. Cion prop.: 9124/13 SOC 295 MI 349 EDUC 130 ECOFIN 319 JEUN 49 JAI 338 ETS 13
CODEC 1513

Subject: Proposal for a Directive of the European Parliament and of the Council on
measures facilitating the exercise of rights conferred on workers in the context of
freedom of movement for workers
- Opinion of the Committee of the Regions

Delegations will find attached the letter from the President of the Committee of the Regions addressed to the Secretary General of the Council Secretariat regarding the decision of the Committee of the Regions not to issue an opinion on the above mentioned proposal.



Committee of the Regions

The President

Brussels, 31.07.13 01258
IB/jb D1518/2013

Mr Uwe CORSEPIUS
Secretary General
Council of the European Union
Rue de la Loi 175
B-1048 Brussels

Subject: Opinion on the *proposal for a directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (COM(2013)236)*

Dear Mr Corsepius,

I would like to thank you for your consultation request to the Committee of the Regions regarding the *proposal for a directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (COM(2013)236)*

In accordance with Rule 64 of its Rules of Procedure, the CoR Commission on Economic and Social Policy (ECOS) decided not to issue an opinion but to reply in the form of the present letter, recalling the CoR's recommendations on this matter put forward in its recent own initiative opinion on *Frontier workers: Assessment of the situation after twenty years of the Internal Market: Problems and perspectives* (Rapporteur: Mr Karl-Heinz Lambertz (BE/PES)).

This own initiative opinion indeed aims to address on-going issues and challenges related to cross-border labour mobility, including coordination of tax agreements or coordination between tax and social security agreements for cross-border activity, portability of pensions rights, recognition of professional qualifications, access to public sector jobs for non-nationals and financing of EURES partnerships but it also specifically addresses the proposal for a directive on which the Committee of the Regions has been consulted.

The Committee of the Regions welcomes the proposal for a directive and considers that the legal peculiarity of proposing a directive to enforce a regulation, which in itself is in principle subject to direct effect, reveals the intensity of the legal and administrative challenges remaining at the level of national legislation and administration in the field of free movement of workers.

The Committee of the Regions therefore insists that article 5 of the directive be amended in order to allow Member States to also designate transregional structures for the promotion, analysis, monitoring and support of equal treatment of all workers or members of their families. The Committee of the Regions also requests that it should be included in the addressees of the report on the implementation of this Directive (Article 10).

The EU's Assembly of Regional and Local Representatives

As regards other issues related to the freedom of movement for workers, the own initiative opinion welcomes the initiative of the European Commission launched in 2012 to examine tax measures for cross-border workers. This is important, as tax obstacles remain a major source of problems encountered by frontier workers that still have difficulties in getting tax benefits, relief and deductions that they would obtain, if they didn't have the status of frontier worker.

The own initiative opinion also highlights that the complexity of rules coordinating social security systems is a major challenge and that it is difficult to reduce these problems as the legislative and administrative rules at national levels constantly change and produce new challenges. The best way to address this would therefore be to improve the access to reliable and regularly updated information and to advisory services. As the situation of frontier workers differs heavily from standard situations, frontier workers should have access to individual information.

The own initiative opinion furthermore notes that the lack of recognition of professional qualifications remains an obstacle to the free movement of workers. In order to facilitate labour mobility the European Commission adopted in December 2011 a proposal modernising the Directive on the recognition of professional qualifications that introduces the European Professional Card and facilitates access to information. However, in particular the regulated professions remain a challenge, as they require proof of specific professional qualifications according to national law. In such cases, the recognition procedures can be complex and differ heavily from one Member State to another.

The CoR trusts that these recommendations will be duly considered and endorsed in your future work on this issue.

Should you require any further information please do not hesitate to contact the ECOS commission secretariat on 02/282 21 94 or via email at ecos@cor.europa.eu.

The full text of the opinion is available in all language versions on our website: <http://toad.cor.europa.eu/corwipdetail.aspx?folderpath=ECOS-V/041&id=21913>

Yours sincerely,



Ramón Luis Valcarcel Siso
President

c.c.: **Catherine Day**, Secretary-General, European Commission

c.c.: **Martin Schultz**, President, European Parliament