



14.1.2014

B7-0016/2014 }  
B7-0023/2014 }  
B7-0024/2014 }  
B7-0025/2014 }  
B7-0027/2014 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(2) and (4), of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0016/2014)

GUE/NGL (B7-0023/2014)

ALDE (B7-0024/2014)

PPE (B7-0025/2014)

S&D (B7-0027/2014)

on respect for the fundamental right of free movement in the EU  
(2013/2960(RSP))

**Manfred Weber, Marian-Jean Marinescu, Véronique Mathieu Houillon,  
Jacek Protasiewicz, Wim van de Camp, Arkadiusz Tomasz Bratkowski,  
Danuta Jazłowiecka, Ivo Belet, Edit Bauer, Andrey Kovatchev, Elena  
Băsescu, Marco Scurria, Salvatore Iacolino, Elmar Brok, Joanna Katarzyna  
Skrzydłewska**

on behalf of the PPE Group

**Sylvie Guillaume, Juan Fernando López Aguilar**

on behalf of the S&D Group

**Renate Weber, Nadja Hirsch, Metin Kazak, Philippe De Backer, Phil  
Bennion, Filiz Hakaeva Hyusmenova, Antonia Parvanova**

on behalf of the ALDE Group

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PE527.206v01-00 }  
PE527.213v01-00 }  
PE527.214v01-00 }  
PE527.215v01-00 }  
PE527.217v01-00 } RC1

**Rebecca Harms, Daniel Cohn-Bendit, Jean Lambert, Elisabeth Schroedter,  
Judith Sargentini, Franziska Keller, Marije Cornelissen, H el ene Flautre**  
on behalf of the Verts/ALE Group  
**Cornelia Ernst**  
on behalf of the GUE/NGL Group

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PE527.206v01-00 }  
PE527.213v01-00 }  
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PE527.215v01-00 }  
PE527.217v01-00 } RC1

**EN**

**European Parliament resolution on respect for the fundamental right of free movement on the EU (2013/2960(RSP))**

*The European Parliament,*

- having regard to Articles 21, 45, 47 and 151 of the Treaty on the Functioning of the European Union and to Articles 15, 21, 29, 34 and 45 of the Charter of Fundamental Rights of the European Union,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>1</sup>, in particular Article 7 thereof,
- 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>2</sup>,
- 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>3</sup>, and 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>4</sup>,
- having regard to the Commission communication of 13 July 2010 entitled ‘Reaffirming the free movement of workers: rights and major developments’ (COM(2010)0373),
- having regard to the study published on 14 October 2013 on the impact on the Member States’ social security systems of the entitlements of non-active intra-EU migrants to special non-contributory cash benefits and health care granted on the basis of residence,
- having regard to the Commission communication of 25 November 2013 entitled ‘Free movement of EU citizens and their families: Five actions to make a difference’ (COM(2013)0837),
- having regard to Commission Vice-President Reding’s statement to the Justice and Home Affairs Council of 5 December 2013 on free movement,
- having regard to the statement by Commissioner László Andor of 1 January 2014 on the end of restrictions on free movement of workers from Bulgaria and Romania,
- having regard to its resolution of 2 April 2009 on the application of Directive 2004/38/EC on the rights of citizens of the Union and their family members to move and reside freely within

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<sup>1</sup> OJ L 158, 30.4.2004, p. 77.

<sup>2</sup> OJ L 141, 27.5.2011, p. 1.

<sup>3</sup> OJ L 166, 30.4.2004, p. 1.

<sup>4</sup> OJ L 284, 30.10.2009, p. 1.

the territory of the Member States<sup>1</sup>,

- having regard to its resolution of 29 March 2012 on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights<sup>2</sup>,
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the right of free movement is one of the four fundamental freedoms of the EU enshrined in the Treaty on the Functioning of the European Union as a cornerstone of European integration and directly connected to EU citizenship;
- B. whereas free movement is at the core of the EU's values, giving its citizens the possibility to choose where to live and work and creating mobility and development on the labour market, in the education system and beyond;
- C. whereas freedom of movement is a right guaranteed to all European citizens, regardless of the existence of potential border controls put in place by some Member States for the entry of EU citizens within their territory; whereas the fact that not all Member States are part of the Schengen area does not affect the right of all EU citizens' to freedom of movement within the Union;
- D. whereas EU citizens see free movement as the right most closely associated with EU citizenship, as the most positive achievement of the EU, and as bringing economic benefits to their country's economy;
- E. whereas EU workers' contribution to the host country's welfare system is equal to that of national workers;
- F. whereas the advantages of free movement of EU mobile workers to the host country's development are visible all over Europe, especially in the areas of health care, agriculture and construction;
- G. whereas the freedom for EU citizens to reside anywhere in the EU applies to all EU citizens without restriction but is conditional, as per Directive 2004/38/EC, in that after three months the EU citizen concerned has to meet legal conditions in order not to burden the host country; whereas the free movement of workers is a pillar of the success of the EU single market; whereas although only 2.8 % of all EU citizens live in a Member State other than their own, they are nonetheless a key element in the success of the internal market and boost Europe's economy;
- H. whereas the principle of equal treatment or non-discrimination implies that all EU citizens have the same rights and obligations as the nationals of the host country (Regulations 883/2004 and 987/2009 are based on this principle); whereas all Member States are free to decide with respect to these principles which social security benefits to grant and under what

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<sup>1</sup> OJ C 137 E, 27.5.2010, p. 6.

<sup>2</sup> OJ C 257 E, 6.9.2013, p. 74.

conditions; whereas EU rules on the coordination of social security systems do not allow for discrimination on social security benefits in the case of EU nationals who are workers, direct family members of workers or habitually resident in the Member State in question;

- I. whereas modern European society, notably on account of industrial change, globalisation, new work patterns, demographic change and the development of means of transport, calls for a higher degree of mobility among workers;
  - J. whereas the free movement of workers represents a positive socio-economic example for both the EU and the Member States, being a milestone for EU integration, economic development, social cohesion, individual upgrading at professional level, counteracting the negative effects of the economic crisis and consolidating the Union as a stronger economic power, prepared to face the challenges of global change;
  - K. whereas, as of 1 January 2014, transitional arrangements for the free movement of workers from Bulgaria and Romania have been abolished;
  - L. whereas the Council has reiterated its support for free movement and has acknowledged the mutual benefits it brings, as for example in a recent debate in the Justice and Home Affairs Council (8 October 2013, 5-6 December 2013);
  - M. whereas with the European elections approaching, the free movement of EU citizens has become a campaign issue for some political parties; whereas there is a risk that this debate, if not addressed rationally, could lead to scapegoating EU citizens from some Member States, or EU mobile citizens, and could lead to a rise in racism and xenophobia; whereas high-ranking European politicians have recently made several statements undermining the right to free movement;
  - N. whereas recent Commission studies have shown that mobile workers are net contributors to the economies and budgets of the host countries; whereas mobile workers as a group pay more into host country budgets in taxes and social security than they receive in benefits, while healthcare spending on non-active EU mobile citizens is very small relative to total health spending (0.2 %) or to the economies of the host countries (0.01 % of GDP), and EU citizens account for a very small proportion of the recipients of special non-contributory benefits;
1. Calls on the Member States to comply with Treaty provisions on EU rules governing freedom of movement and to ensure that the principles of equality and the fundamental right of freedom of movement are upheld for all Member States;
  2. Strongly contests the position taken by some European leaders calling for changes and for restriction of the free movement of citizens; calls on the Member States to refrain from any actions that could affect the right of free movement which is based on core EU legislation;
  3. Rejects altogether any proposal to cap numbers of EU migrants as being in contradiction to the EU Treaty principle of the free movement of people; points out that mobility of labour contributes to the competitiveness of the European economy;

4. Calls on the Commission and the Member States to ensure the strict enforcement of Union law so as to guarantee that all EU workers are treated equally and not discriminated against as regards access to employment, employment and working conditions, remuneration, dismissal, and social and tax benefits, thereby ensuring fair competition among businesses; and urges national authorities to combat any unjustified restrictions on or obstacles to workers' right of free movement, along with any exploitation of workers;
5. Recalls that the free movement of workers gives every citizen of the Union, irrespective of his or her place of residence, the right to move freely to another Member State in order to work and/or to reside for work purposes;
6. Welcomes the Commission communication COM(2013)0837 setting out five actions to help Member States and their local authorities apply EU laws and tools to their full potential and, in this regard, fully supports the following actions, to be implemented jointly with the Member States: helping Member States fight marriages of convenience (handbook); helping authorities apply EU social security coordination rules (practical guide); helping authorities meet social inclusion challenges (funding); exchange of best practices between local authorities; and training and support of local authorities for purposes of applying the EU rules on free movement;
7. Calls on the Member States not to discriminate against EU mobile workers, wrongfully associating the right of free movement for work purposes with alleged abuse of social security systems; stresses that none of the Member States claiming this burden have presented proof to the Commission as requested;
8. Calls on the Commission to undertake systematic and thorough monitoring of respect for the fundamental right of free movement for EU workers; encourages the Commission to continue its current efforts to ensure that the Member States transpose and implement Directive 2004/38/EC fully and correctly, making full use of its power to launch infringement proceedings;
9. Calls on Member States to fully and transparently use the resources available under European funds (such as the European Social Fund and the European Regional Development Fund) to promote integration, social inclusion and the fight against poverty, and to support the efforts of local communities to address any increase in the numbers of marginalised citizens;
10. Reminds the Member States of their social responsibility to tackle misuse of their social welfare systems, regardless of whether it is committed by their own citizens or by citizens of other Member States; calls on the Member States to comply with the provisions of Directive 2004/38/EC and to address possible abuses;
11. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.