



Equinet Seminar on Equality Law

The right to freedom of movement
and the perspective of the EP on
the proposed EU Directive

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DIRECTIVE of the EP and of the Council

on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers

- (17) Protection against discrimination based on the grounds of nationality would itself be strengthened by the existence of effective bodies with appropriate expertise in each Member State with competence to promote equal treatment, to analyse the problems involved in Union workers' and members of their family cases, to study possible solutions and to provide specific assistance to Union workers and member of their family exercising their right to free movement. The competence of those bodies should include, inter alia, provision of independent legal and/or other assistance, such as legal information on the application of the relevant Union and national rules on free movement of workers, the complaint procedures to follow, help to protect their rights and may also include assistance in legal proceedings.

- (18) It should be up to each Member State to decide whether the tasks to be carried out under this Directive by bodies mentioned above are to be attributed to already existing bodies with similar objectives at national level, such as promotion of free movement of persons, implementation of the principle of equal treatment or safeguard of individual rights. Should a Member State decide to expand the mandate of an already existing body (...), it should ensure allocation of sufficient resources to the existing body for the effective and adequate performance of (...) its existing and additional tasks. Where the tasks are allocated to more than one body, Member States should ensure these are adequately coordinated.

- (18a) Member States should ensure that one or more of the bodies function as a contact point which cooperate and share information, such as the contact details of the bodies enabling the latter to be contacted directly, the means of redress and the contact details of the associations, organisations or other legal entities which provide information and services to Union workers and members of their family, with equivalent contact points in other Member States. The list of contact points should be made available.

- (18b) Member States should promote cooperation between bodies and existing information and assistance services provided by social partners, associations, organisations or other relevant legal entities, such as organisation with responsibility for coordination arrangements under Regulation (EC) No 883/2004 of the European Parliament and of the Council and, where relevant, labour inspectorates.

- (19) Member States should ensure the promotion of synergies with existing information and support tools at (...) Union level and, to this end, (...) should ensure that existing or newly-created bodies work closely with the existing information and assistance services, such as Your Europe, SOLVIT, (...), Enterprise Europe Network, the Points of Single Contact and EURES, including, where relevant, EURES cross-border partnerships.

Article 5

Bodies to support Union workers and members of their family

- Each Member State shall designate a structure, a body or bodies (hereinafter - bodies) for the promotion, analysis, monitoring and support of equal treatment of Union workers and members of their family without discrimination on grounds of nationality or unjustified restrictions and obstacles to their right to free movement and make the necessary arrangements for functioning of such bodies. These bodies may form part of existing bodies at national level with similar objectives (...).

Article 5

Bodies to support Union workers and members of their family II.

- 2. Member States shall ensure that the competences of these bodies include:
- (a) (...) providing or ensuring the provision of independent legal and/or other assistance to Union workers and members of their family (...), without prejudice to the rights of those workers and members of their family, and of associations, organisation and other legal entities referred to in Article 3. Where bodies provide assistance in legal proceedings it shall be free of charge for those who lack sufficient resources, in accordance with national law and practice;

Article 5

Bodies to support Union workers and members of their family III.

- (aa) acting as a contact point vis-à-vis equivalent contact points in other Member
- States in order to cooperate and to share relevant information;
- conducting or commissioning independent surveys and analyses concerning unjustified restrictions and obstacles to the right to free movement or discrimination on grounds of nationality of Union workers and members of their families;

Article 5

Bodies to support Union workers and members of their family IV.

- ensuring the publication of independent reports and making recommendations on any issue relating to such restrictions and obstacles or discrimination;
- publishing relevant information on (...) the application at national level of Union rules on free movement of workers.

Article 5

Bodies to support Union workers and members of their family V.

- 2a. Member States shall communicate to the Commission the name and contact details of the contact points and any updated information or changes concerning it. The Commission shall keep a list of contact points and make it available to the Member States.

Article 5

Bodies to support Union workers and members of their family

- 3. Member States shall ensure that existing or newly created bodies are aware of and are able to make use of and to co-operate with the existing information and assistance services at Union level, such as Your Europe, SOLVIT, EURES, Enterprise Europe Network and the Points of Single Contact.
- 3a. Where the tasks referred to in paragraph 2 are allocated to more than one body,
- Member States shall ensure these are adequately coordinated.



Thank you for your attention!

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