

Labour mobility in the EU: from fundamental right to freedom of movement to a more efficient allocation of labour resources?

How to Improve Intra-European Mobility and Circular Migration? Fostering Diaspora Engagement

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INTRODUCTION

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Scope → freedom of movement: who do we talk about?

- **EU workers (Art. 45 TFEU) /citizens (Art. 21 TFEU) only?**
- **Freedom of movement not limited to EU**
 - **Internal market → Schengen, ToA**
 - **Article 79.2 b) TFEU:** the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States
- **Labour resources = both EU & TCN**

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Aim → better allocation of labour resources: different legal regimes

➤ **Article 45 Charter**

Article 45 "Freedom of movement and of residence"

1. **Every citizen of the Union has the right** to move and reside freely within the territory of the Member States.
2. Freedom of movement and residence **may be granted**, in accordance with the Treaties, **to nationals of third countries legally resident** in the territory of a Member State.

➤ **More efficient allocation of labour resources calls for two different types of actions**

I. Improving better allocation of EU labour resources



A. Securing the legal framework ensuring the freedom of movement

- EU rules on EU worker and EU citizens
- ECJ case laws
 - Securing EU acquis: the debate about « social tourism »

B. Improving existing mechanisms

- EURES → better matching
- Eliminating cultural and linguistic barriers

II. Enhancing intra-EU mobility rights for TCN



A. Limited EU legal framework

- LTR, Students, researchers, HSW
- Scattered picture → rights v. possibility; different timing; MS margins of manœuvre = inconsistent scheme

B. Increasing intra-Eu mobility under EU law

- Developing a more coherent framework + students
- Better use of EURES
- Addressing the issue of recognition of qualifications and diplomas

Conclusions



- A. Single European Labour Market includes TCN**

- B. New Agenda as a chance to relaunch discussions about intra-EU mobility**

- C. Two key elements to keep in mind before moving ahead**
 - **Free movement of EU citizens as a prerequisite**
 - **Current situation will have to be factored in**