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UNICE DECLARATION ON THE TRANSITIONAL MEASURES TO THE FREE MOVEMENT OF WORKERS FROM NEW MEMBER STATES

1. In accordance with the Accession Treaty of 2003, EU Member States and the EEA/EFTA States had the possibility to limit the access of workers from new Member States to their national labour markets for a maximum period of seven years.
2. When the Council took this decision, UNICE reacted¹ by supporting free movement of persons, but acknowledging that migration might be disruptive to labour markets in some sectors of the economy and in some regions, and therefore that transition periods could be necessary. It insisted nevertheless that these transition periods should be as limited as possible.
3. The first phase of transitional measures started on 1 May 2004 and ends on 30 April 2006. Besides Sweden and Ireland, which did not apply restrictions and UK which has no ex-ante restrictions, the rest of the old EU Member States limited access to their labour markets for workers from the new Member States (except Cyprus and Malta). On 8 February 2006, the Commission published a report on the application of transitional measures since 1 May 2004 showing that worker mobility from the new Member States has had positive effects, notably by relieving labour shortages in certain sectors and recommending Member States to carefully consider whether the continuation of restrictions is needed in the light of the situation on their labour market and of the evidence of the report. Before 1 May 2006, those EU countries which apply transitional measures have to notify to the Commission whether or not they intend to prolong such measures.
4. In the run-up to the decisions to be taken Member States before 1 May 2006, UNICE stresses that free movement of workers is an essential fundamental freedom guaranteed by the Treaty. UNICE member federations are overwhelmingly in favour of immediately lifting existing restrictions on labour market access for citizens of the new Member States. In the case of Germany, BDA and BDI accept that, due to the very strained labour market situation, the transitional measures should be prolonged, but only until 2009. Nevertheless, BDA and BDI support an immediate targeted opening of the labour market.
5. UNICE welcomes the decision of Finland, Spain and Portugal to lift restrictions to their labour market for workers from new Member States.

¹ UNICE Position "Enlargement: Free Movement of Workers and Social Policy", 20 June 2001, www.unice.org