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Committee on Employment and Social Affairs

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*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on a European network of Employment Services, workers' access to mobility services and the further integration of labour markets
(COM(2014)0006 – C7-0015/2014 – 2014/0002(COD))

Committee on Employment and Social Affairs

Rapporteur: Heinz K. Becker

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on a European network of Employment Services, workers' access to mobility services and the further integration of labour markets
(COM(2014)0006 – C7-0015/2014 – 2014/0002(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0006),
 - having regard to Article 294(2) and Article 46 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0015/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 4 June 2014¹,
 - having regard to the opinion of the Committee of the Regions of 25 June 2014²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Regional Development (A8-0000/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 424, 26.11.2014, p. 27.

² OJ C 271, 19.08.2014, p. 70.

Amendment 1

Proposal for a regulation

Article 1 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) raising the public profile of the EURES network by means of intensive communication measures taken by the Commission and, in particular, the Member State governments.

Or. de

Amendment 2

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the National Coordination Offices, which work together at EU, national, regional and local level with the services and networks run by the European Coordination Office for the purposes of providing mutual support and avoiding duplication of work. In that connection, Member States shall authorise their Public Employment Services to act as National Coordination Offices;

Or. de

Amendment 3

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) The EURES Members which are the bodies appointed by the Member States

(b) The EURES Members which are the bodies appointed by the Member States

responsible for the application of this Regulation in the respective Member State, i.e. *the 'National Coordination Offices'*;

responsible for the application of this Regulation in the respective Member State, i.e.:

Or. de

Amendment 4

Proposal for a regulation

Article 4 – paragraph 1 – point b – point i (new)

Text proposed by the Commission

Amendment

(i) the Public Employment Services designated by each Member State in accordance with Article 8a; and

Or. de

Amendment 5

Proposal for a regulation

Article 4 – paragraph 1 – point b – point i i (new)

Text proposed by the Commission

Amendment

(ii) the employment services authorised by the Member States in accordance with Article 8.

Or. de

Amendment 6

Proposal for a regulation

Article 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Labour market policy, including support measures of all kinds, shall remain a Member State competence. This shall

apply, in particular, to mobility-related support measures.

Or. de

Amendment 7

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) apprenticeships and traineeships;

Amendment

(d) apprenticeships and traineeships ***which grant the holder full rights as an employee;***

Or. de

Amendment 8

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Authorisation of EURES ***Partners***

Amendment

Authorisation of EURES ***Members***

Or. de

Amendment 9

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Each Member State shall set up a system to authorise EURES ***Partners*** to participate in the EURES network, monitor their activities and their compliance with national and Union law when applying this Regulation. This system shall be

Amendment

1. Each Member State shall set up a system to authorise EURES ***Members*** to participate in the EURES network, monitor their activities and their compliance with national and Union law when applying this Regulation. This system shall be

transparent, proportionate and respect the principles of equal treatment for applicant organisations and due process of law.

transparent, proportionate and respect the principles of equal treatment for applicant organisations and due process of law.

Or. de

Amendment 10

Proposal for a regulation Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the context of the system outlined in paragraph 1, Member States shall draw up the requirements and criteria governing authorisation as a EURES Member. These requirements and criteria must be at least as stringent as those set out in the annex to this Regulation.

Or. de

Amendment 11

Proposal for a regulation Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In accordance with the provisions of this Regulation, and on the basis of the system outlined in paragraph 1, employment services can apply to become EURES Members. As EURES Members, they shall participate in the EURES network by dealing with job vacancies, in accordance with Article 14(1)(a), job applications and CVs, in accordance with Article 14(1)(b), and assistance, in accordance with Chapter IV. As EURES Members, they shall provide the services outlined in Article 14(1)(a), Article 14(1)(b) and Chapter IV in full and across

the board, on a national or regional basis.

Or. de

Amendment 12

Proposal for a regulation

Article 8 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. If the requirements and criteria governing authorisation as a EURES Member laid down in paragraph 1a have been met, the Member State may decide whether or not the employment service in question is to be authorised as an EURES Member.

Or. de

Amendment 13

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Any employment services lawfully operating in a Member State can request in that Member State participation in the EURES network as a EURES Partner, subject to the conditions laid down in this Regulation and to the system set up by that Member State.

deleted

Or. de

Amendment 14

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. EURES Partners are authorised to participate in the EURES network in accordance with the minimum common criteria laid down in the Annex.

deleted

Or. de

Amendment 15

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

Amendment

6. EURES Partners may involve other EURES Partners or other organisations in order to comply together with the criteria in the Annex. In such cases, the continued existence of an appropriate partnership is an additional condition for participation in the EURES network.

deleted

Or. de

Amendment 16

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

Amendment

7. To amend the Annex, the Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 33.

deleted

Or. de

Amendment 17

Proposal for a regulation Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission may, by means of implementing acts, adopt a template for the description of the national system and procedures for sharing information on national systems between Member States. Those implementing acts shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 34(2).

deleted

Or. de

Amendment 18

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Authorisation of Public Employment Services as EURES Members

Member States shall designate their Public Employment Services as EURES Members. By virtue of their designation by the Member States, these Public Employment Services shall enjoy special status in the EURES network. Details of the Public Employment Services in question shall be forwarded to the European Coordination Office.

Member States shall ensure that, in their role as EURES Members, the Public Employment Services meet the requirements laid down in this Regulation and, at least, the criteria set out in the annex to this Regulation.

Amendment 19

Proposal for a regulation Article 8 b (new)

Text proposed by the Commission

Amendment

Article 8b

Authorisation of EURES Partners

In the context of the authorisation of EURES Partners as participants in the EURES network and the monitoring of their activities and of compliance with national and Union law, Article 8(1) and (1a) shall apply mutatis mutandis.

If the requirements and criteria governing authorisation as a EURES Member laid down in paragraph 1a have been met, the Member State may decide whether or not the employment service in question is to be authorised as a EURES Member.

Or. de

Amendment 20

Proposal for a regulation Article 9 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the functioning of the national hub referred to in Article 15(5) through a fee or in another form;

deleted

Or. de

Amendment 21

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Member States *may* delegate to their public employment services general tasks or activities relating to the organisation of the work under this Regulation, such as the development and running of the national systems for authorising EURES Partners or the preparation and distribution of the basic information referred to in Article 20.

Amendment

1. Member States *shall* delegate to their public employment services *or their employment ministries* general tasks or activities relating to the organisation of the work under this Regulation, such as the development and running of the national systems for authorising *EURES Members and* EURES Partners or the preparation and distribution of the basic information referred to in Article 20.

Or. de

Amendment 22

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Member States *may* entrust the provision of support services referred to in Articles 21 to 23 to their public employment services, *provided that the latter participate in the EURES network, either as a EURES Partner authorised pursuant to Article 8 and the Annex to this Regulation or as a EURES Partner on the basis of the exemption in paragraph 3.*

Amendment

2. Member States *shall* entrust the provision of support services referred to in Articles 21 to 23 to their public employment services *or their employment ministries.*

Or. de

Amendment 23

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. For a maximum period of five years from the date of application of this Regulation, Member States may exempt from a review into the application of Article 8 and the Annex to this Regulation those public employment services which were at the time of the entry into force of this Regulation part of the EURES network in accordance with Commission Implementing Decision 2012/733/EU and/or, where appropriate, Commission Decision 2003/8/EC. Member States shall inform the Commission of the exemptions granted.

deleted

Or. de

Amendment 24

Proposal for a regulation Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall examine with the Commission the scope for giving priority to nationals of Member States when filling employment vacancies, in order to achieve a balance between vacancies and applications for employment within the Union. Member States may take whatever measures are necessary for this purpose.

Or. de

Amendment 25

Proposal for a regulation Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. To bring offers of employment together with applications for employment each Member State shall make available to the EURES portal:

Amendment

1. To bring job offers of employment together with job applications each Member State shall make available, **barrier-free**, to the EURES portal:

Or. de

Amendment 26

Proposal for a regulation

Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) all job vacancies available with its public employment services as well as those provided by its EURES Partners;

Amendment

(a) all job vacancies available with its public employment services as well as those provided by its **EURES Members and** EURES Partners; **Member States shall make provision for an exemption which gives employers the option of not having a vacancy published where this is justified by the skills required and the criteria to be met and in the case of vacancies which are not made public. Member States shall continue to make provision for an exemption for apprenticeships and traineeships.**

Or. de

Amendment 27

Proposal for a regulation

Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) all job applications and CV's available with its public employment services as well as those provided by its EURES Partners, provided that the workers

Amendment

(b) all job applications and CV's available with its public employment services as well as those provided by its **EURES Members and** EURES Partners, provided

concerned have consented to making the information also available to the EURES portal under the terms defined in paragraph 3.

that the workers concerned have consented to making the information also available to the EURES portal under the terms defined in paragraph 3.

Or. de

Amendment 28

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. Member States cooperate with each other and the European Commission regarding interoperability between national systems and the classification referred to in paragraph 1.

Amendment

2. Member States ***and, in particular, EURES Members*** cooperate with each other and the European Commission regarding interoperability between national systems and the classification referred to in paragraph 1.

Or. de

Amendment 29

Proposal for a regulation Article 18 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. EURES Members shall be responsible for ensuring that apprenticeships and traineeships grant the holder full rights as an employee. This shall include responsibility for supervising young people when they are not at work, where this is necessary.

Or. de

Amendment 30

Proposal for a regulation Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All jobseekers shall be entitled to comprehensive information concerning conditions of employment, such as pension rights, welfare insurance and health insurance, in the country and place in which the job is located.

Or. de

Amendment 31

Proposal for a regulation Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the case of apprenticeships and traineeships, which must grant the holder full rights as an employee, in addition to details of the vacancies information must be made available which gives applicants a clear insight into conditions of employment in the place where the job is located.

Or. de

Amendment 32

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. The EURES Partners concerned proactively offer all workers seeking employment the opportunity to access the services defined in this Article. Where

1. The ***EURES Members and*** EURES Partners concerned proactively offer all workers seeking employment the opportunity to access the services defined

appropriate, this offer is repeated during the job search process.

in this Article. Where appropriate, this offer is repeated during the job search process.

Or. de

Amendment 33

Proposal for a regulation

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. If workers are interested in further assistance, the EURES Partners concerned provide information and guidance on individual employment opportunities and in particular offer them the following services:

Amendment

2. If workers are interested in further assistance, the **EURES Members and** EURES Partners concerned provide information and guidance on individual employment opportunities and in particular offer them the following services:

Or. de

Amendment 34

Proposal for a regulation

Article 20 – paragraph 3

Text proposed by the Commission

3. If workers are interested in further assistance and there is a reasonable likelihood of an intra-EU placement, the EURES Partners concerned provide further job search assistance, consisting of services such as the selection of suitable vacancies, assistance with drawing up job applications and CV's and providing translations and/or obtaining clarifications on specific job vacancies in other Member States.

Amendment

3. If workers are interested in further assistance and there is a reasonable likelihood of an intra-EU placement, the **EURES Members and** EURES Partners concerned provide further job search assistance, consisting of services such as the selection of suitable vacancies, assistance with drawing up job applications and CV's and providing translations and/or obtaining clarifications on specific job vacancies in other Member States.

Or. de

Amendment 35

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. Upon recruitment of a worker in another Member State as a result of the services provided in accordance with this Article, the EURES Partners concerned provide the person concerned with the contact details of organisations in the Member State of destination which can offer post-recruitment assistance.

Amendment

4. Upon recruitment of a worker in another Member State as a result of the services provided in accordance with this Article, the **EURES Members and** EURES Partners concerned provide the person concerned with the contact details of organisations in the Member State of destination which can offer post-recruitment assistance.

Or. de

Amendment 36

Proposal for a regulation Article 21 – title

Text proposed by the Commission

Support services for employers

Amendment

(Does not apply to English text)

Or. de

Amendment 37

Proposal for a regulation Article 21 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EURES Partners concerned shall provide information and guidance to employers interested in recruiting workers from other Member States and in particular offer them the following services:

Amendment

1. The **EURES Members and** EURES Partners concerned shall provide information and guidance to employers interested in recruiting workers from other Member States and in particular offer them the following services:

Amendment 38

Proposal for a regulation

Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. A fee may be charged for special assistance which goes beyond that provided by Public Employment Services.

Or. de

Amendment 39

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. By derogation from Article 18(5), EURES Partners may offer the assistance referred to in paragraph 1 to workers against a fee.

deleted

Or. de

Amendment 40

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

A Member State shall not limit the access to national labour market measures merely for the reason that a worker seeks that assistance in order to find employment in the territory of another Member State.

A Member State shall not limit the access to national labour market measures merely for the reason that a worker seeks that assistance in order to find employment in the territory of another Member State. ***In that connection a Member State may continue to apply the residence principle,***

however.

Or. de

Amendment 41

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. Taking into account the exchange of information and the joint analysis, Member States **shall** develop mobility policies as an integral part of their employment policies. These mobility policies provide the framework on the basis of which Member States carry out the programming referred to in Article 28.

Amendment

3. Taking into account the exchange of information and the joint analysis, Member States **may** develop mobility policies as an integral part of their employment policies. These mobility policies provide the framework on the basis of which Member States carry out the programming referred to in Article 28.

Or. de

Amendment 42

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. The National Coordination **Offices** and the European Coordination Office review together the draft work programmes before finalising them.

Amendment

3. The National Coordination **Office** and the European Coordination Office review together the draft work programmes before finalising them.

Or. de

Amendment 43

Proposal for a regulation Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) placement and recruitment resulting from EURES activity, on the basis of the number of vacancies, job applications, CV's handled and processed by EURES staff and the number of workers recruited in another Member State accordingly;

Amendment

(b) placement and recruitment resulting from EURES activity, on the basis of the number of vacancies, job applications, CV's handled and processed by EURES staff and, ***where appropriate***, the number of workers recruited in another Member State accordingly;

Or. de

Amendment 44

**Proposal for a regulation
Article 32 – subparagraph 1**

Text proposed by the Commission

The European Commission shall submit to the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee an ex-post evaluation on the operation and effects of this Regulation ***five*** years after its entry into force.

Amendment

The European Commission shall submit to the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee an ex-post evaluation on the operation and effects of this Regulation ***two*** years after its entry into force.

Or. de

EXPLANATORY STATEMENT

The freedom to work anywhere in the EU is a key aspect of freedom of movement, one of the four basic freedoms on which the EU is founded, and thus also of EU citizenship. The mass unemployment affecting some parts of Europe provides a compelling argument in favour of improving labour mobility within the EU, creating new employment opportunities for workers and helping employers to fill vacancies more quickly and more effectively. This will contribute to the development of a European labour market with a high level of employment. Intra-EU labour mobility is relatively low when set against the size of the labour market and the active population of the EU - the mobility rate in the EU27 is only 0.29 %.

The aim of this regulation is to turn the EURES network into an effective instrument for jobseekers or employers who have a stake in labour mobility within the EU, by creating the largest possible pool of vacancies and jobseeker profiles which can be consulted EU-wide by anyone. The network should also incorporate apprenticeships and traineeships, provided that these grant the holder full rights as an employee.

The proposal makes absolutely clear that labour market policy, including all support measures, remains a Member State competence. In that connection, the residence principle should also be retained.

Steps must be taken to ensure that all jobseekers can obtain comprehensive information about conditions of employment and the availability of assistance in the place where the job is located.

The platform must be readily accessible and as user-friendly as possible.

The success of the EURES network will hinge on the incorporation into the network of effective public and private employment services in the Member States and on targeted, EU-wide efforts to raise the profile of the network, in the form of intensive Commission and Member State communication measures aimed at the general public.

Public employment services (PES) are to be given preferential status within the EURES network and automatically designated by the Member States as EURES Members, on the basis of their familiarity with the arrangements for applying this regulation.

In addition, Member States can recognise other employment services as EURES Members and authorise other bodies, such as private employment services, other agencies, NGOs, etc., to participate in the network as EURES partners, provided that they meet the relevant requirements.

In the context of the filling of vacancies, the Member States and the Commission should give priority to nationals of the EU Member States, in keeping with the principle of a Union preference.

The effectiveness and relevance of the network should be regularly assessed, so that any improvements required can be made without delay and in order to guarantee the long-term success of the EURES network.