



EUROPEAN COMMISSION

Directorate-General Enlargement

Directorate B - Czech Rep., Hungary, Slovakia, Slovenia
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FREE MOVEMENT FOR PERSONS – A PRACTICAL GUIDE FOR AN ENLARGED EUROPEAN UNION

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http://europa.eu.int/europedirect/en/index_en.html

<http://europa.eu.int/scadplus/citizens/en/at/1099.htm>

http://europa.eu.int/comm/dgs/internal_market/index_en.htm

http://europa.eu.int/eur-lex/en/com/availability/en_availability_2002_3.html

<http://www.curia.eu.int/common/recdoc/indexaz/en/c2.htm>

<http://citizens.eu.int>

http://europa.eu.int/eur-lex/en/com/availability/en_availability_2001_1.html

http://europa.eu.int/comm/employment_social/soc-prot/schemes/guide_en.htm

http://europa.eu.int/comm/employment_social/index_en.htm

This brochure is intended to provide guidance on Community rules in the area of free movement for persons and is for information only. It is not exhaustive and the reader is advised to consult the relevant texts of Community legal instruments and national laws for more precise information.

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INTRODUCTION

Free movement for persons is one of the most important expressions of our European citizenship. Citizens from the current Member States and from those about to join the European Union need¹ to be fully aware of **how enlargement will affect these rights**. The aim of this short guide is to explain in some **detail how the transitional period which has been agreed for workers will operate**. However, free movement has many facets and this guide will also explain how the system of **mutual recognition of qualifications** will apply to people from the future Member States. The **right of residence** is understandably often confused with the rights of workers and some explanations are offered with a view to clarifying the situation for those who wish to exercise this right in an enlarged Union. Finally, people must be sure that **their social security rights** are maintained when moving from one Member State to another and details on where to obtain this information are also provided.

Without delving into too much detail, it is probably useful to make a clear distinction between a number of terms, so that confusion can be avoided later. The general right to free movement between countries of the EU is open to all and is not affected by the transitional arrangement agreed for workers. Thus, there are no additional restrictions on movement, for example, for study or residence purposes. However, movement for purposes of work, as an employee, is restricted for up to seven years. In fact this is the only case subject to restrictions. For many years now, people from the candidate countries have been entitled to come to the EU to become established and work as self-employed people and EU citizens have established themselves in the candidate countries. This is not to ignore the very real practical difficulties that some of these people may encounter in terms of access to a particular profession. However, the right to establishment is enshrined and protected in Community law and individuals can rely on this law to uphold their rights.

This purpose of this guide is to provide basic information on the areas mentioned above as they will be affected by enlargement and to indicate useful references for those who wish to find out more. Information on the accession negotiations in general is to be found at http://europa.eu.int/pol/enlarg/index_en.htm while information specific to the negotiations on free movement is available at <http://europa.eu.int/comm/enlargement/negotiations/chapters/chap2/index.htm>.

¹ The current Member States are: Austria, Belgium, Denmark, Germany, Greece, Finland, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom

The future Member States are: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia

FREE MOVEMENT OF WORKERS – THE TRANSITIONAL PERIOD

How does the transitional arrangement operate? What is covered and what is not?

The transitional arrangement for the free movement of workers, as agreed between current and future Member States basically means that the present system, whereby people from the future Member States need to get a work permit to work in the EU, continues to operate for some years after accession. It applies not only to “blue-collar” workers but to anybody who wants to sign an employment contract with an employer in one of the current Member States. This is the normal system that applies internationally and the idea is to move gradually towards the EU system, where people can freely get a job anywhere in the EU. That is quite a radical change, and it has usually been done gradually, between the original Member States and when new Member States joined. In particular, when Spain and Portugal joined, there was a phasing-in period of 7 to 10 years, which was subsequently shortened.

This somewhat restrictive situation can only improve because Member States have **promised to try to increase the rights of access to the labour market** and they **will not be allowed to take away any rights already granted**. Moreover, there will a “**preference rule**”, meaning that when a job is offered to a foreigner, citizens of future member states must **get priority over people from non-EU countries**.

In the two Member States that have traditionally welcomed most of the people from the candidate countries on their labour market, Germany and Austria, the same gradual system may also apply to some very specific cases when companies from the future Member States want to **send workers** to do a job for them, e.g. to construct a building. Although this is called a provision of services, it can involve a significant number of workers who would work in Germany and Austria and it is thus very similar to getting a job there. A list of the areas covered by this very specific restriction, which takes the form of a safeguard, will be included in the Accession Treaty.

For the first 2 years after accession, the current Member States will admit workers from the future Member States under national rules, rather than under Community rules on free movement.

2 years after accession, the Commission will report on the situation and Member States will have to announce the system they wish to use from then on. The Commission expects that only few Member States will continue to restrict work permits, while in other countries, people from the future Member States would be totally free to get a job. Those countries would only maintain a “**safeguard**”; this means that they could, in cases of unexpected disturbance on the labour market, or in some region or profession, re-introduce work permits temporarily. Such safeguards have usually been available in the past also, but were never used. **Another 3 years later** the remaining Member States will be invited again to open their labour markets entirely; only if they can show serious disturbances in the labour market, or a threat of such disturbances, will they be able to say that they continue to require work permits. In any case, **after a further 2 years**, no Member State will be allowed to require work permits anymore.

Freedom of movement of EU citizens is more than just access to the labour market, and most of this freedom will in fact not be covered by the transitional arrangement. People from the candidate countries already have the **right to set up a business** (through a company, or as a self-employed person) in an EU Member State. This will of course continue after accession, and moreover people will benefit from the **recognition of their professional qualifications**, making it much easier in practice to set up a business. From day one people will be **free to travel**, or to **go and live in another Member State**, e.g. as a student or a pensioner, or as a family member of someone who is working there. People will also be completely **free to deliver services across the border** as a self-employed person or as a company (with, as already mentioned, some limited exceptions in Austria and Germany, but only if you want to bring with you some of your employees). Individuals from the future Member States who work in the current Member States during the transitional period, or who are already there at the time of accession, will be covered by Community rules on equal treatment in working conditions, tax and social advantages, as well as the rules on the co-ordination of social security systems. The transition arrangement as agreed is a very flexible tool, but this very flexibility has advantages as well as disadvantages. The main drawback is that workers who wish to go abroad need to be properly informed about the rules in force in the country to which they wish to go. Up to now, the basic legal framework has been the same throughout the EU (and the European Economic Area), even if sometimes the practical procedures may vary. However, the situation will not be the same throughout the EU for the duration of the transition arrangement **and those who wish to move will need to check out the requirements before moving**. This is the price to be paid for a system which offers open labour markets in some countries right away, but which restricts movement to others for periods that vary to take account of national circumstances. This information will typically be available from the government departments dealing with employment matters. The Europe Direct web-site, http://europa.eu.int/europedirect/en/index_en.html is a good place to start looking. This site, which leads the user into a “dialogue with citizens” contains a wealth of information on how to set about going to work in another Member State. The fact sheets on useful addresses are particularly worthwhile. At the moment, this information is available for all current Member States in all Community languages. Information on Community legislation as it affects citizens is provided and links are then possible with the web-sites of national administrations so that the precise situation in the Member States can be checked out.

Finally, it needs to be pointed out that the transitional arrangement does not apply to Cyprus and Malta. Thus, there will be complete free movement between current Member States and these countries and indeed between the other future Member States and Cyprus and Malta. Malta however has the right to impose a safeguard if it fears large movements of workers into Malta – this is very understandable given the scale of the Maltese labour market.

How then will individuals who wish to work outside their home country be affected by the transition arrangement?

The answer to this question varies depending on the home country of the worker and the proposed destination. Four options present themselves:-

- ❑ An individual from a current Member State wishes to work in another current Member State
- ❑ An individual from a future Member State wishes to work in a current Member State
- ❑ An individual from a current Member State wishes to work in a future Member State
- ❑ An individual from a future Member State wishes to work in another future Member State

How will an individual from a current Member State who wishes to work in another current Member State be affected by the transitional arrangements?

The answer is that there will be no change. Following enlargement, workers from a current Member State can go to work in any other current Member State without any restrictions, as is the case today. In addition, for all practical purposes Cyprus can also be considered as a current Member State, as this country is not affected by the transition arrangement.

How will an individual from a future Member State who wishes to work in a current Member State be affected by the transitional arrangements?

During the transition period, any EU citizen from a future Member State, with the exception of Cyprus and Malta, will face restrictions should they wish to work in a current Member State. This is because all current Member States will continue to require work permits from workers from future Member States for a minimum of two years. However, the so-called “**standstill clause**” means that rights of access to the labour market of a given Member State cannot fall behind the current status. Thus rights already granted cannot be taken away. So, for example, if Germany today allows 500 people from Estonia to come annually to work in Germany, this, or a better arrangement, must continue.

Once this two-year period finishes, some Member States will open up their labour markets fully, whereas others may feel it necessary to continue to maintain restrictions. Hence, as already mentioned, the need for potential migrants to find out about the rules in force before moving. In some current Member States, a very liberal regime will apply, whereas in others the situation may be more restrictive. However, the likelihood is that work permits will be required and migrants need to inform themselves before moving.

However, any restrictive provisions can only affect access to the labour market. Once a worker is admitted to a future Member State to work or to look for work, there can be no discrimination on grounds of nationality whatsoever between this worker and nationals of the Member State in question. This is the case, with some limited exceptions, for jobs both in the public and private sectors. Discrimination is also prevented at the job search stage. A job-seeker will be entitled to assistance from the public employment services regardless of whether he/she is from a future or current Member State. Indeed all job-seekers are entitled to search for work in other Member States and to have any unemployment benefit to which they are entitled transferred – for up to 3 months. You should claim unemployment benefit in your home country

and ask for it to be transferred to the country to which you are going. The benefit paid will be what you would have received at home.

An employer is not allowed to recruit staff on the basis of nationality, residence or linguistic criteria. In the case of language, however, common sense needs to prevail – most jobs in a particular Member State will require the worker to speak the language, either when recruited or soon after. In practical terms lack of knowledge of the language will be an obstacle in most cases.

An employer may, in principle, give preference to EU labour over non-EU labour.

How will an individual from a current Member State who wishes to work in a future Member State be affected by the transitional arrangements?

It is very likely that, during the transition period, any EU citizen from a current Member State will face restrictions should they wish to work in a future Member State (with the exception of Cyprus). This is because future Member States have the option of applying equivalent restrictions to those countries which have restrictions in place against them. As already stated, a safeguard regime will apply anyway in Malta for a 7-year period.

The regime in some future Member States will probably be very liberal, whereas in others the situation may be more restrictive. The same comments regarding discrimination and preference of EU labour made above apply.

How will an individual from a future Member State who wishes to work in a future Member State be affected by the transitional arrangements?

None of the future Member States has actually requested a transitional period. However, as a concession, the EU has agreed to give future Member States the possibility of invoking safeguards against each other, along the lines indicated above. If these safeguards are not applied, then there would be free movement between all future Member States. If however, the safeguard clauses are used, then the situation would be as described in the previous two cases.

What is the situation in Member States at the moment?

The situation in all Member States is different and access of non-EU citizens to the labour market is regulated through quotas, special arrangements for seasonal workers, green card systems for particular professions, etc. This information as well as information on the evolution of the situation is typically available from the Ministries of Labour - see link to useful addresses already mentioned. The existing situation is the starting point. Access to labour markets in all Member States, future and current, must be at least as liberal after accession as it is today.

How will community preference work in practice?

For vacancies advertised through the EURES system and the public employment services of the Member States, it is a straightforward matter to ensure that EU labour is preferred over non-EU labour. However, not all job vacancies come to the attention of EURES and it may in some cases be difficult to ensure that EU nationals systematically receive preference. Jobs advertised through private recruitment firms

represent the bulk of jobs advertised and at the higher end of the market, many people are recruited through headhunting firms. There can be many reasons why a firm needs to recruit non-EU nationals and in a global economy, this is acceptable practice. However, where there is no particular reason to hire a non-EU national, the rule of Community preference must be applied and this should apply at all stages, from selection up.

To put this in perspective, other countries, such as the USA or Japan, have very restrictive rules on employing foreigners. There is no reason for the EU to feel uncomfortable with a policy which, by international standards, is quite open.

To conclude, those who wish to exercise their right to work in another Member State while the transitional period is in force need to check out the precise situation in the country in which they would like to work. The transitional period has been put in place to ensure that migration on a massive and disruptive scale is avoided. Its role is not to prevent all movement.

WORKERS RIGHTS UNDER THE COMMUNITY RULES ON FREE MOVEMENT

Once a worker moves to another country, he/she has certain rights as follows:-

- ❑ An EU citizen has the right to work in another Member State without a work permit (subject of course to the transitional arrangement described).
- ❑ Equality of treatment in employment matters as compared to nationals
- ❑ Workers are entitled to the same social and tax advantages as nationals. They are also entitled to enjoy all the rights and benefits accorded to national workers in matters of housing. In practice this means that workers from another Member State can apply for social housing and are entitled to purchase housing. As regards social and tax advantages, it means that nationals cannot be better treated than workers from other Member States.
- ❑ The worker's family, whatever their nationality, are entitled to join him or her
- ❑ Full co-ordination of social security. By this the following is meant:-
 - The exportation of pension rights and other benefits – rights acquired by a worker must be maintained by a worker as he/she moves from one Member State to another.
 - Aggregation - social security contributions in different countries are added together without distinction to ensure that the worker always has the appropriate cover and can immediately benefit from insurance in the new country and accumulates benefits in the same way as if he/she had spent their working life in one place.
 - Equality of treatment – in particular the worker's family is entitled to receive family allowances on the same basis as nationals
- ❑ Community rules on mutual recognition of professional qualifications will apply fully.

In the past, workers from candidate countries have only enjoyed equal treatment as regards working conditions, remuneration or dismissal. With accession they will be in a far more favourable situation. Thus the Community rules grant workers the undeniable **right** to move to another Member State to work and provides the framework (recognition of qualifications, co-ordination of social security) to allow this right to be exercised in a proper manner.

What are the practical steps that must be undertaken by an EU citizen today to work in another Member State (registration procedures, work permits, obtaining mutual recognition of qualifications, transfer of social security rights, etc.) and who does what (employer or employee)

Any EU citizen can simply apply for a job in another Member State and, if offered that job, he/she can move to the Member State in question and start work. An individual is also entitled to come to another Member State in search of work and is entitled to continue looking for a reasonable time (usually 6 months is meant). The individual will need to comply with the registration procedures in vigour in the Member State. In most Member States this involves identifying/reporting oneself to the relevant authorities (police, immigration office, etc.) and registering. A residence or identity card may be issued.

Normally all work related formalities are taken care of by the employer. As in the case of changing jobs in one's home country, a worker will be expected to supply the new employer with some paperwork from the previous employer. A description of the necessary "E forms" can be found under the social security section of the Europe Direct web-site already mentioned. For example the information in English concerning Austria can be found at <http://europa.eu.int/scadplus/citizens/en/at/1099.htm>. While circumstances will vary, most people will probably need either form E104, if moving to a job, or E301 if looking for work. Being able to provide a record of social security contributions on these forms will ensure a smooth administrative procedure.

If an EU citizen wishes to work in a future Member State after accession, what are the practical steps to be taken?

If an EU citizen of a current Member State is offered a job in a future Member State which has restrictions in place under the transitional arrangements, the employer will need to arrange for a work permit for the new worker. If this permit is forthcoming, the worker may then move to work in the future Member State. In due course the migrant will need to identify him/herself to the authorities and respect the administrative requirement of obtaining a residence card.

If an EU citizen from a future Member State wishes to work in a current Member State, while the transition arrangement is in force, what are the practical steps to be taken?

The situation for an EU citizen of a future Member State who wishes to work in a current Member State is similar to the above. In fact, where work permits are issued it will be the same. However, many Member State do not operate a system of work permits and so another means will need to be found by national administrations to gather information on the number of people from future Member States present in the labour force.

Workers families

In all instances where the Community rules are suspended during the transitional arrangements, members of the family (whatever their nationality) of a worker already living in a Member State (current or future) at the time of Accession shall have the right to install themselves with the worker, and shall have immediate access to the labour market of the host Member State. Members of the families of workers arriving later shall be given progressive rights, consistent with the general arrangements outlined above – the precise arrangements will be further specified in the Accession Treaty. Once the *acquis* applies fully, family members, whether EU nationals or not, will have the right to move with the worker and to have access to the labour market of the country in question.

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

The following information is presented to cover the basic elements of the Community's system of mutual recognition. More information may be found on the Europe Direct web-site where a set of guides and fact sheets is available on the system in force. A guide has been developed on the general system for recognition of professional qualifications and this, together with other useful information on developments in the internal market field can be found on the Commission's Internal Market web-site at http://europa.eu.int/comm/dgs/internal_market/index_en.htm.

Information is available on plans to update and consolidate existing rules at http://europa.eu.int/eur-lex/en/com/availability/en_availability_2002_3.html. The relevant Commission proposal is **COM (2002) 0119**.

What is meant by professional recognition?

It is the acceptance of a person's qualifications and professional titles necessary to practise a professional activity (academic diploma, in-service training, practical experience, state and/or professional examinations, good financial standing, absence of bankruptcy or criminal convictions) as opposed to academic recognition, which largely applies for the purpose of continuation of studies.

When does professional recognition apply?

It applies only when a professional activity is regulated in the host Member State. A profession is regulated when the taking up or pursuit of the profession in a Member State is subject to the possession of a qualification (for instance a diploma, a professional title, a period of certified professional experience, a State and/or professional examination).

Why is the mutual recognition of professional qualifications necessary?

When a professional activity is regulated in a Member State, it can only be practised by those in possession of national (host State) qualifications. It is therefore necessary to provide for the mutual recognition, between Member States, of each other's professional qualifications. Otherwise, migrant professionals would have to repeat in the host Member State many of the qualification requirements that they have already completed in another Member State.

Are Member states obliged to regulate professional activities?

With very limited exceptions, concerning some health professions, Member States are not obliged to regulate a professional activity. To find out if your profession is regulated in the country you intend to go to and how in practice to go about recognition, consult the list of useful addresses already referred to see where this information can be obtained.

Is there any transitional period foreseen in this field?

The transitional arrangement as regards free movement of workers is described above. However, from accession, the Community rules on mutual recognition will apply. Whether a work permit is required or not will not affect the application of Community rules on mutual recognition of professional qualifications.

Will mutual recognition be automatic?

Mutual recognition under Community law is automatic for the professional activities of craftsmen, trader and farmer, who have completed the relevant period of professional experience in the home Member State.

Mutual recognition is also automatic for the professions of doctor, dentist, general care nurse, midwife, veterinarian, pharmacist and architect, which are covered by specific (sectoral) Directives because the minimum acceptable conditions of education and training have been co-ordinated between the Member States.

Recognition is also automatic for lawyers practising under their "home State professional title" on the basis of an authorisation to practice in the home Member State.

For other professions (engineers, physiotherapists and other professions supplementary to medicine, teachers, accountants, fiscal advisers, designers, urban planners, lawyers practising under the "host title" and others covered by "the General System for the recognition of professional qualifications" directives, which does not provide for any co-ordination of training), recognition is not guaranteed to be automatic. If a Member State considers that a substantial difference exists between the competence of the migrant assessed according to the qualifications and professional experience acquired in other Member States (including the field of professional activity) and requirements applied by the host State for the grant of an authorisation to practise the same profession within its territory, then the host Member state may impose a compensation measure. In this case the migrant has the right to choose between an aptitude test or a period of supervised practice.

Will acquired rights of practising professionals be respected?

The rules of the General System allow for sufficient account to be taken of past education, training and professional experience. This is also true for lawyers. For the sectoral directives under which automatic recognition depends on guaranteed minimum standards of training, the question whether the right to automatic recognition can be granted to those having completed their education and training before the minimum requirements of the directives become applicable, will depend on the extent of the conformity of the relevant education and training with Community legal minima and any possible additional evidence of supplementary competence acquired through continuing education and training or professional experience.

Where the territory of a candidate country formerly formed part of the territory of another country and professionals continue to practise in the candidate country under qualifications obtained in the former State, the right to recognition may be limited to cases where the qualification in question is certified as equivalent to the relevant existing national qualification and the individual concerned can produce a document attesting three consecutive years of practice in the candidate country during the five years preceding the application for recognition. This would be the case for the Baltic States, the Czech Republic, Slovakia and Slovenia.

How long does the recognition process take?

The host State must take a decision within three to four months of the introduction of a complete request for recognition; the decision must be reasoned and open to judicial review.

Are diplomas from countries other than EU States recognised?

Community law only applies, in general, to qualifications obtained predominantly on the territory of the European Union or the European Economic Area (the EU plus Norway, Iceland and Liechtenstein) and to the benefit only of citizens of the EU and nationals of States party to the EEA.

Under the General System directives, Member States are obliged to recognise qualifications held by EU citizens obtained outside the EU/EEA, (subject to the application of compensation measures where necessary) if these qualifications have already been recognised in another Member State and the migrant has two or three years of professional experience, respectively for certificate or diploma level qualifications, attested by the Member State in which his qualifications have been recognised.

In the case of the professions covered by sectoral Directives, Member States retain full discretion as to whether to recognise qualifications obtained outside the EU/EEA and any recognition accorded does not bind the other Member States. However, all Member States are obliged to evaluate and issue a reasoned decision, open to appeal, on any application for recognition presented by a citizen of the EU or national of an EEA contracting State where the applicant has already obtained recognition and practised the profession in another Member State.

Are linguistic requirements admissible?

Yes, provided they are applied in an open and proportionate way and are limited to what is necessary to practise the profession in question. The Haim II case (C-424/97), which can be found at <http://curia.eu.int/common/recdoc/indexaz/en/c2.htm> is a useful point of reference giving the legal position on this issue.

CITIZENS' RIGHTS

Citizens' rights cover voting rights and rights of residence. Through the former, the rights of all EU citizens to participate actively in the political life of the Union are guaranteed, with directives covering the procedures applicable to European and municipal elections. Full information on voting rights is available at <http://citizens.eu.int/> by clicking on the fact sheet on rights and obligations of residents.

Residence rights

Upon accession, all EU citizens will benefit immediately from the provisions on residence rights. Restrictions on movement for the purposes of work should not be confused with the right of residence. So, as long as you have sufficient financial resources and health insurance so as not to be a burden on the social security system in the country in which you choose to live, you are entitled to live in the country of your choice.

If you retire in the country where you worked as an employed or self-employed person, you are automatically entitled to remain there.

Family members, whether EU nationals or not, are also entitled to avail themselves of the provisions on residence rights. However, it is important to point out that these rights only come fully into play for non-EU family members when the EU national decides to move to another Member State to work. The non -EU family members only have residence rights in the Member State where the EU national works - they do not themselves benefit from Community rules on free movement.

What formalities are involved in the right of residence?

The concept of temporary and permanent residence has been a feature of the legislation on residence in many candidate countries. However, the EU does not distinguish between temporary and permanent residence - a Union citizen has a right of residence on the territory of a Member State as long as he/she fulfils the conditions linked to the exercise of the right of residence. Nevertheless, he/she also has to accomplish the administrative formality of asking for a residence permit and the validity of this permit can be limited in time. In practice permits are usually issued as follows:-

- A migrant worker whose employment will last longer than 12 months has the right to a 5 year residence permit.

- People who work for under 3 months in another Member State don't need a residence permit at all
- For work expected to last between 3-12 months, a residence permit valid for the expected length of employment should be issued.

This is purely an administrative requirement and the expiration of a residence card does not in any way imply the end of the right of residence. In fact, as an EU national, you are entitled to a residence permit, unless you are deemed to be a threat to public order or public security or if you constitute a public health risk. The only documents that can be requested of a worker in order to issue a residence permit are the document with which he entered the country (passport or identity card) and proof of employment.

What are the implications of proposals in the pipeline?

The Commission has presented new proposals on adapting the rules on residence and these can be found at http://europa.eu.int/eur-lex/en/com/availability/en_availability_2001_1.html. The relevant proposal is COM(2001)257 of 23/5/2001. As well as consolidating and simplifying existing legislation, the Commission is also proposing more far reaching improvements. It wishes, for example, to grant better rights to non-EU nationals who have been lawfully in the EU for a number of years and to clarify the definitions and rights of family members.

More information on residence formalities can be found at <http://citizens.eu.int/>.

CO-ORDINATION OF SOCIAL SECURITY

The principles of co-ordination are simple - those who exercise their right to freedom of movement throughout the EU should not be penalised as a result. Thus entitlements to old-age and invalidity pensions, sickness and maternity benefits, unemployment benefits and family benefits should not be lost if a person moves from one Member State to another. Occupational pensions are not covered by Community rules on the co-ordination of social security systems, but by a separate directive.

National social security systems have evolved over time and, while there are similarities, Member States are very reluctant to harmonise all these different systems. An effective co-ordination of these systems ensures that EU citizens are afforded all necessary protection. The Commission has produced a separate guide on social security rights and this can be found at http://europa.eu.int/comm/employment_social/soc-prot/schemes/guide_en.htm

Community legislation governing the co-ordination of social security is subject to continuous technical modifications to reflect decisions of the European Court of Justice and to improve the way co-ordination operates. The Commission has put forward two proposals, the first to modernise and simplify the current provisions, and the second to extend them to third country nationals legally present in the Member States. Both proposals are currently being discussed by the Council of Ministers. Information on developments and on the Commission's proposals, when they are ready, will be available at the Commission's web-site dealing with employment and social affairs, http://europa.eu.int/comm/employment_social/index_en.htm.