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# Free Movement of Workers in the EU: 2010

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## EU Workers and the Economic Crisis

- The uneven economic consequences of the crisis: lower demand for labour generally but varied unemployment rates – eg 5% in Austria, Luxembourg and the Netherlands but 20% in Estonia, Latvia and Spain;
- The extension of transitional measures for EU 8 and EU 2 in Austria, Germany and the UK;
- The challenge of anti-immigrant sentiment and the contamination of free movement of workers.



## The Nexus: EU Free Movement Law and national implementing measures

- Where are free movement rights found in national legislation?
- The perpetuation of obstacles as a result of a legislative continuum with immigration rules;
- Separation of legal regimes: Germany; application of national rules unless exempted: the UK;
- Co-citizens or foreigners?



## Positive Developments in 2009/10

- Legislative changes to improve implementation of Directive 2004/38 eg. Luxembourg (public sector workers), Austria, Finland and others (third country national family members);
- Increasing national court awareness and application the Directive and CJEU judgments: eg Italy and the Netherlands (*Metock* CJEU); France (evidence of a reasonable chance of employment);
- Diversification of venues where EU citizens can seek and obtain redress: eg engagement of national Equal Treatment Commissions in Cyprus, Czech R and others.



## Challenges for 2011

- Workers in marginal positions: job seekers, frontier workers, seasonal workers etc;
- Ethnicity and the right of free movement of workers (and persons);
- Is there a gap for citizens of the Union between legal presence and expulsion which extinguishes their citizenship rights?
- Expulsion on what grounds: 'mobile' itinerant criminal groups?