

**Proposal for a European Parliament and Council Decision establishing an Advisory Committee  
on freedom of movement and social security for Community workers and amending Council  
Regulations (EEC) No 1612/68 and (EEC) No 1408/71**

(98/C 344/09)

(Text with EEA relevance)

*COM(1998) 394 final — 98/0231(COD)*

*(Submitted by the Commission on 14 October 1998)*

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European  
Community, and in particular Article 49, 51 and 235  
thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and  
Social Committee,

Acting in accordance with the procedure laid down in  
Article 189b of the Treaty,

- (1) Whereas consultation of the social partners is an essential element in implementing freedom of movement;
- (2) Whereas the coordination of social security schemes is the essential corollary to the proper exercise of freedom of movement of labour; whereas it is important to have an overview taking in all aspects of freedom of movement and the coordination of social security schemes;
- (3) Whereas the social partners have requested that the existing Advisory Committees on freedom of movement and social security be merged with a view to rationalising their resources and improving their operation;
- (4) Whereas the creation of a single Advisory Committee to discuss matters in connection with social security and freedom of movement is likely to make that Committee more effective by enabling it to adopt an overall strategy on freedom of movement;
- (5) Whereas the new Advisory Committee is required to maintain continuity when taking over the work of the Advisory Committee on the free movement of workers and the Advisory Committee on social security for migrant workers;
- (6) Whereas it is important that the structure, composition and rules of procedure should be kept similar to those of the current committees;
- (7) Whereas it is important that there should be equal representation of men and women on the Committee;
- (8) Whereas the term of office of the members of the committee should be extended to four years, with a view to bringing it into line with other committees and increasing the continuity and efficiency of the Committee;
- (9) Whereas the Advisory Committee will, to a large extent, take over the responsibilities of the current committees, but consolidate and rationalise them to achieve greater efficiency and to provide the overview needed for a comprehensive analysis of freedom of movement;
- (10) Whereas the responsibilities of the Advisory Committee should take into account the importance of coordinating national employment policies, emphasising the role and added-value of worker mobility;
- (11) Whereas the Advisory Committee's responsibilities should include the study and analysis of the situation of nationals from non-member countries working in the Member States; whereas it is therefore important for the social partners to have the opportunity of discussing and giving their views on the subject;
- (12) Whereas it is necessary to delete the relevant provisions of Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement of workers within the Community <sup>(1)</sup>, as last amended by Regulation (EC) No .../... of the European Parliament and of the Council, and also those of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, self-employed persons and members of their families moving within the Community <sup>(2)</sup>, as last amended by

<sup>(1)</sup> OJ L 257, 19.10.1968, p. 2.

<sup>(2)</sup> OJ L 149, 5.7.1971, p. 2.

Regulation (EC) No 1606/98 <sup>(1)</sup>, which had set up advisory committees on freedom of movement and social security matters;

- (13) Whereas the inclusion of issues relating to non-member country nationals within the powers of the committee enables the social partners to deal fully and effectively with all aspects of labour mobility; whereas, to meet this objective, the Treaty does not provide powers other than those of Articles 235,

HAVE DECIDED AS FOLLOWS:

#### *Article 1*

An Advisory Committee on freedom of movement and social security for workers within the Community (hereinafter: the 'Committee') is hereby established, to be responsible for assisting the Commission in the examination of matters arising from the freedom of movement of workers and the coordination of social security schemes, and the link between those matters and employment questions.

#### *Article 2*

1. The Committee shall be composed of 90 members, comprising, for each Member State:
  - (a) two government representatives, one of whom shall be a member of the Administrative Commission on Social Security for Migrant Workers provided for by Article 80 of Regulation (EEC) No 1408/71, and the other a member of the Technical Committee on the free movement of workers provided for in Article 32 of Regulation (EEC) No 1612/68;
  - (b) two representatives of trade union organisations;
  - (c) two representatives of employers' organisations.

For each of the categories referred to in the first subparagraph, an alternate member shall be appointed for each Member State.

2. The members and their alternates shall be appointed by the Member States, which shall make every effort, when selecting representatives of trade unions and employers' organisations, to ensure equitable representation on the Committee of the various sectors concerned.

Each Member State shall notify the Commission of the list of members and their alternates.

3. Member States shall endeavour to ensure that men and women are represented equally on the Committee.

4. The term of office for members and alternates shall be four years. Their appointments may be renewed. On expiry of their term of office, members and alternates shall remain in office until they are replaced or until their appointments are renewed.

#### *Article 3*

1. The Committee shall be chaired by a Member of the Commission or his representative. The Chairman shall not vote. Secretarial services shall be provided by the Commission.
2. The Committee shall meet at least once a year. It shall be convened by its Chairman, either on his own initiative or on written application to him by at least one third of the members. Such application must include concrete proposals concerning the agenda.
3. Acting on a proposal from its Chairman, the Committee may decide, in exceptional circumstances, to take advice from any individuals or representatives of organisations with extensive experience in matters of social security or the freedom of movement of workers.
4. The opinions and proposals of the Committee shall state the reasons on which they are based. They shall be delivered by an absolute majority of the votes validly cast, and shall be accompanied by a statement of the views expressed by the minority, where the latter so requests.

#### *Article 4*

The Committee shall be empowered, at the request of the Commission, the Administrative Commission on Social Security, or the Technical Committee, or on its own initiative, to perform the following tasks:

- (a) to examine questions concerning the freedom of movement and social security of migrant workers, with particular regard to how worker mobility is linked to and affects national employment policy in the Member States;
- (b) to make a general study of the effects of implementing Community legislation and any additional provisions on the free movement of workers and coordination of social security schemes;
- (c) to submit to the Commission any reasoned proposals for revising Community legislation on the free movement of workers and the coordination of social security schemes;

<sup>(1)</sup> OJ L 209, 25.7.1998, p. 1.

- (d) to deliver, either at the request of the Commission or on its own initiative, opinions on general questions or on questions of principle, in particular on exchange of information concerning developments on the labour market, on the movement of workers between Member States, on programmes or measures to develop vocational guidance and vocational training which are likely to enhance the opportunities of freedom of movement and employment, and on all forms of assistance to workers and their families, including social assistance and the housing of workers;
- (e) to examine general questions or questions of principle and the problems raised by the implementation of regulations issued pursuant to the provisions of Article 51 of the Treaty;
- (f) to examine matters connected with the rights and obligations in the Member States of workers resident in the Community who are nationals of third countries.

#### *Article 5*

1. Until the Member States have appointed their members of the Committee in accordance with Article 2, the convening of members for Committee meetings shall be governed by the rules set out in paragraphs 2 and 3 of this Article.

2. The members of the Advisory Committee on freedom of movement and the Advisory Committee on social security shall be considered to be full members of the Committee.

However, only two members for each of the three categories referred to in Article 2(1) shall be entitled to

attend the meetings of the Committee. Unless otherwise indicated by a Member State, the Commission shall invite to each meeting the two most senior members for each category, ensuring that the choice includes one representative from the former Advisory Committee on freedom of movement and one representative from the former Advisory Committee on social security. If there are more than two members with the same seniority, the selection shall be made by alphabetical order.

In convening the members of the trade union organisations and employers' associations, the Commission shall ensure adequate representation of the various sectors concerned, irrespective of seniority or alphabetical order.

3. Where the members convened are unable to attend, they may be replaced by other members. If the latter are also unable to attend, they may be replaced by the alternate members of the Technical Committee and the Advisory Committee on social security.

#### *Article 6*

Articles 24 to 31 of Regulation (EEC) No 1612/68 and Articles 82 and 83 of Regulation (EEC) No 1408/71 are deleted.

#### *Article 7*

Within three months of entry into force of this Decision, the Member States shall forward to the Commission a list of members and alternate members appointed in accordance with Article 2 of this Decision.

#### *Article 8*

This Decision shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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