



FREEDOM OF MOVEMENT AND ITS LIMITS

People's freedom of movement is among the four **fundamental freedoms** established by the Single Market. To this effect, within the European Union (EU), every person has **the right to free movement and residence**.

Not to be confused with the Schengen area. The Schengen agreements abolished border controls and therefore having nothing to do with citizens' rights. In that respect, an EU Member State cannot refuse to allow a European citizen into its territory without a valid reason.

WORKERS' FREEDOM OF MOVEMENT

As a European citizen, freedom of movement enables you to **search for employment and to work** without applying for a residence permit, as well as to benefit from the same rights as the nationals of the Host State¹. In addition, if you work in another State under any type of contract, you automatically have the right to live there, a right which also extends to members of your family. On the contrary, if you do not find work within a "reasonable period" (6 months), the host country may decide to send you back to your country. The right of residence is thus limited: if you wish to stay in the host country for more than three months², you must prove that you have sufficient financial resources for you and your family, as well as social security cover to avoid becoming "an unreasonable burden" for the host country. **If you stay for more than five years, you may obtain permanent right of residence.**

Freedom of movement figures:

57% of Europeans regard freedom of movement as the most positive result of the EU
3% of EU citizens live in a State that is not their State of nationality
France is the 2nd leading host country and 3rd for sending posted workers
1.9 million workers posted in 2014, i.e. 0.7% of workers in Europe



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THE POSTED WORKER, A SPECIAL CASE

Posted workers **are bound by a contract** with a company that makes them work in another Member State other than that of residence, on a temporary basis. European laws therefore apply to the working and employment conditions in the Member State where the worker has been sent. The latter remains attached to the **social security system of his/her country of residence**. The revised directive was adopted on 29 May 2018 in order to counteract "social dumping", i.e., the act of presenting an unfair advantage over the companies of the host country, by disregarding the labour rules in force in the host country in order to be more competitive. This new directive particularly recognises the principle of "equal pay for equal work, in the same workplace". The Member States have two years to enforce it in their legislation.

ENTITLEMENT TO THE RIGHT TO ACCESS SOCIAL BENEFITS THROUGH WORK

European citizens who work in France have **the same entitlement to social benefits as French citizens**, given that they are contributors to the French social security scheme.

EXISTING TOOLS TO HELP YOU IN YOUR MOBILITY:

- ▶ **EURES**: The European Job Mobility Portal, which provides a quick overview of the job market in your State of destination
- ▶ The "**Your Europe**" site of the European Commission
- ▶ **Erasmus +**, mobility assistance programme (refer to "Erasmus +, the mobility programme for all!")
- ▶ The **European professional card** enables certain regulated professions³ to have qualifications that are recognised in other States.

MORE DETAILS

Quéré Jérôme, Menghi Martina, *La libre circulation des Européens, Etats des lieux d'un droit fantasmé (Europeans' freedom of movement, situational analysis of a fantasy right)*, Notre Europe-Institut Jacques Delors, November 2016

Toute l'Europe, *Marché intérieur : 10 points à améliorer (Internal market: 10 areas of improvement)*, 27/04/2017

Toute l'Europe, *Chercher du travail dans un autre pays européen (Searching for employment in another European country)*, 7 August 2017

Cleiss (liaison centre for European and international social security institutions)

¹ Only access to certain public service jobs may be restricted, if they touch on the sovereignty of the State and thereby affecting the general interests of the State or other public bodies.

² For stays not exceeding three months, you must have a valid identity document and sufficient financial resources.

³ These professions are nurses, people in charge of general care, pharmacists, physiotherapists, mountain guides and real estate agents.