



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

For the attention of the EU Ministers of Labour

Brussels, 24 December 2010

PS/JD/WK./HB

Re: Immigration policy in the European Union (single permit, seasonal work, intra-group transfer)

Dear Minister,

We are taking the liberty of submitting our concerns about the immigration policy of the European Union.

We are aware of and indeed share the need for legislation on this issue at European level based on the Lisbon Treaty. Nevertheless, ETUC is surprised by the legal basis used, namely Article 79 of the TFEU (immigration), since this policy will have an enormous impact on employment and on systems of industrial relations in the Member States. The proposed directives are not only tools for managing the flow of migrant workers, but also instruments that define the rights of these workers in an employment relationship which is to provide better protection for such workers. This reality should be reflected in the choice of the legal basis.

In choosing a single legal basis pertaining specifically to immigration, the Commission sidestepped the consultation of the social partners provided under Article 154 of the TFEU. Directives that affect this issue on the European employment market may not be proposed and examined by the European legislators without consulting the social partners and without a real debate on the consequences of such proposals for the employment market.

On the other hand, we have serious apprehensions that the exclusion of certain categories of workers in the “single permit” directive will create a two-speed immigration policy with different rights for different groups of workers.

The proposals should not enable companies to benefit from the single market to the detriment of migrant workers from third countries, local workers, and migrant workers from other EU Member States. A deterioration of wages, working and employment conditions and social security due to the import of cheap labour into the EU and the exertion of pressure on the local labour force and systems of industrial relations is unacceptable for ETUC.

Finally, it is particularly unacceptable that following the recent decisions of the ECJ in the Laval, Viking and other such cases, the European Commission continues to legislate with a view to liberalising the employment market, by promoting unfair competition, undermining the principle of equal treatment for different groups of workers, and trying to introduce the principle of country of origin. The pursuit of these objectives is

John Monks, General Secretary

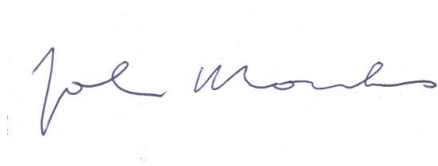
Boulevard du Roi Albert II, 5 • B - 1210 Bruxelles • Tel: +32 2 224 04 11

Fax: +32 2 224 04 54 / 55 • e-mail: etuc@etuc.org • www.etuc.org

contrary to the new legal framework of the Lisbon Treaty, which ensures a social market economy and calls on the European legislator to work for social progress on the one hand, and to the EU Charter of Fundamental Rights that ensures equality (Article 20), non-discrimination (Article 21, paragraph 2), and the collective bargaining agreement and the right to strike (Article 28) on the other.

For all these reasons, we would be grateful if you would support our position and influence the position adopted by your government through its participation in the Council.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "John Monks".

John Monks
General Secretary

A handwritten signature in cursive script, appearing to read "Joël Decaillon".

Joël Decaillon
Deputy General Secretary