



EUROPEAN COMMISSION

## MEMO

Brussels, 5 February 2014

### **Commissioner Malmström welcomes European Parliament vote on migrant seasonal workers**

*"I very much welcome today's vote on new EU rules harmonising the conditions of entry and residence, and the rights of seasonal workers. Migrant workers coming to the EU for seasonal work make an important contribution to the European economy. Yet, too often, they find themselves in vulnerable situations, exposed to exploitation. Under the new 'Seasonal workers Directive' they will be granted a secure legal status for the entirety of their stay. They will benefit from the same rules as EU nationals, notably on working hours, minimum wage, leave and holidays, as well as health and safety requirements, and access to appropriate accommodation.*

*Clearer and simpler admission rules will also facilitate the procedure for employers who need workers during the busy seasons, and increase transparency in sectors where irregular migration has traditionally been too frequent. The Directive proposes the first EU scheme on circular migration: these workers keep their residence outside the EU and some of them come every year for the same season. It is a good example of a legal channel giving migrants an opportunity to reach Europe in a regular and safe manner".*

### **Background**

In the context of a comprehensive package of measures for an EU common policy on legal migration, in July 2010 the Commission proposed a new Directive on seasonal employment ([IP/10/930](#) and [MEMO/10/323](#)), mainly addressed to low skilled migrants.

Following today's vote in the European Parliament, the Council will need to formally adopt the Directive. Member States will then have two and a half years to implement it.

The new Directive will establish common entry and residence conditions and a set of rights for migrant seasonal workers. Member States will keep the right to determine volumes of admission and reject applications if EU workers are available.

The new Directive will be addressed to seasonal workers who retain their principal place of residence in a third country and stay legally and temporarily in the EU to carry out an activity depending on the passing of the seasons, typically in agriculture or tourism. Each Member State will determine a maximum period of stay between five and nine months in any 12-month period.

Member States will have to facilitate the admission of non-EU workers who were admitted for seasonal employment at least once in the same Member State in the last five years and who fully respected the relevant conditions in every stay. Each Member State will decide its facilitation measures (e.g. multiyear permit, accelerated procedure, priority in examining the application, exemption from submitting some documents, etc.).

Seasonal workers will enjoy equal treatment with EU nationals in terms of employment, including the minimum working age, and working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety requirements at the workplace. Equal treatment with EU nationals will also apply to branches of social security (in practice, benefits linked to sickness, invalidity, old-age, etc.). Because of the temporary nature of the stay of seasonal workers, Member States will not be obliged to apply equal treatment on unemployment and family benefits and will have the possibility to limit equal treatment on tax benefits and on education and vocational training.

Member States will have to request evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living according to national legislation and/or practice. The competent authority will have to be informed of any change of accommodation of the seasonal worker in order to facilitate inspections. If the employer provides accommodation, he or she will have to ensure that the general health and safety standards are met and the rent will not be excessive or automatically deducted from the wage. The compromise text includes a provision on monitoring and inspections, in particular regarding the working conditions and the provisions on accommodation.

Seasonal workers will have the right to extend their stay once to be employed with the same employer or with a different employer provided that they fulfil the entry conditions and no grounds for refusal apply. Member States may allow them to extend their stay more than once provided that the maximum duration of stay is respected.

This will be the first Directive on legal migration covering stays not exceeding three months. The text has been carefully drafted to make it compatible with the rules governing the border-free Schengen area.

## **Useful Links**

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