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EUROPEAN PARLIAMENT

## Working Documents

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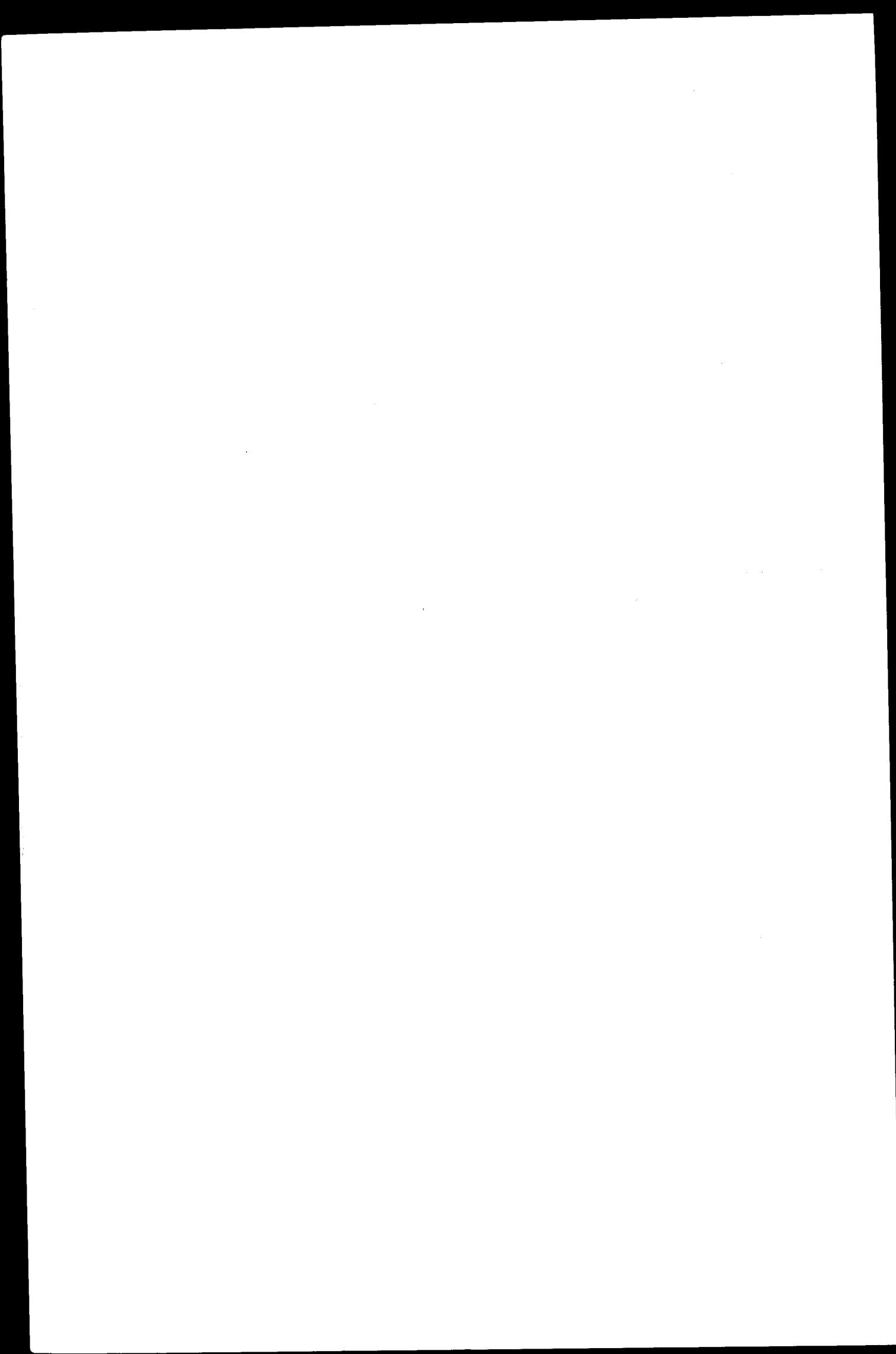
### Report

drawn up on behalf of the Committee on Social Affairs and Employment

on the Communication from the Commission of the European Communities to the Council (Doc. 465/74) concerning an action programme in favour of migrant workers and their families

Rapporteur : Mr W. ALBERS

PE 39.995/fin./rev.



By letter of 16 January 1975 the President of the Council of the European Communities consulted the European Parliament on the communication from the Commission of the European Communities to the Council (Doc. 465/74) concerning an action programme in favour of migrant workers and their families.

By letter of 5 February 1975 the President of the European Parliament referred this proposal to the Committee on Social Affairs and Employment as the committee responsible and to the Committee on Cultural Affairs and Youth for its opinion.

On 17 December 1974 the Committee on Social Affairs and Employment appointed Mr Albers rapporteur.

It considered the proposal at its meetings of 12 February, 25 March, 23 April, 27 May and 24 June 1975 and, at the last-mentioned meeting, adopted the motion for a resolution by 10 votes to 1 with 2 abstentions.

Present: Mr A. Bertrand, chairman; Mr Adams and Mr Marras, vice-chairmen; Mr Albers, rapporteur; Mr Albertsen, Lady Elles, Mr Girardin, Mr Herbert (deputizing for Mr Yeats), Mr Kavanagh, Mr Pêtre, Mr Pisoni, Mr Premoli, Mr Rosati and Mr Terrenoire.

The opinion of the Committee on Cultural Affairs and Youth is attached to this report.

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NB: Because of inaccuracies, corrections have been made in this edition of the report on pages 3, 13, 14, 16, 17 and 19 and to the numbering of certain pages.

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The Committee on Social Affairs and Employment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the Communication from the Commission of the European Communities to the Council concerning an action programme in favour of migrant workers and their families

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(74) 2250 final),
- having been consulted by the Council on 14 January 1975 (Doc. 465/74),
- having regard to the report of the Committee on Social Affairs and Employment and the opinion of the Committee on Cultural Affairs and Youth (Doc. 160/75),

1. Notes with satisfaction that the Commission of the European Communities has now submitted a comprehensive programme in this area pursuant to paragraph 2 of the list of priorities in the general social action programme of 21 January 1974<sup>1</sup> and likewise notes with satisfaction the constructive work being done by the ILO and the Council of Europe in this field;
2. Greatly regrets, however, that this proposal was not submitted, even in part, before 1 April 1974 as laid down in the general action programme, so that its implementation must unfortunately be commenced more than a year later than might have been expected and, moreover, under worse economic circumstances;
3. Notes that, in this instance too, the Commission has once again chosen for its proposal a form not provided for in the Treaties, i.e. a programme about which there is uncertainty as to its binding nature, as a result of which there are no sanctions for complete or partial failure to implement the provisions laid down;
4. Asks the Commission to submit to the Council as soon as possible the proposals (regulations, directives and decisions) laying down the basic principles of the programme, the specific measures proposed in it and a precise timetable for submitting implementation proposals to the Council;

<sup>1</sup>OJ No. C 13/1974, pp 1 ff

5. Sees, however, in this proposal from the Commission an opportunity for Europe to make an impact on an important and in some respects neglected social group;
6. Proposes therefore to the Council and Commission of the European Communities that the migrant worker organizations be consulted on the implementation of the programme at a European conference organized for that purpose;
7. Also proposes that without delay investigations should be made into the possibility of special insurance at European level guaranteeing returning migrant workers or their families a payment on the basis of the number of years they have spent working in the Community, and the results of these investigations published;
8. Considers unacceptable the fact that the Commission has not yet submitted to Parliament its proposal for a Migrant Workers' Charter which it had undertaken to submit by 31 March 1975, and requests it once more to do so without delay;
9. Considers it to be the responsibility of the Member States to organize vocational training courses for migrant workers and to introduce provisions in their legislation making it compulsory for a specific number of hours to be set aside for such training each week during working hours; considers further that the Member States must make available the necessary means, particularly audio-visual material, for appropriate linguistic training to be given to these workers to enable them to benefit from vocational and general training;
10. Urges that in Member States employing foreign workers, a school system should be devised in areas where the number of foreign pupils is sufficiently large, with bilingual instruction during the years of compulsory school attendance, so that on completion of the latter it will be possible for pupils either to return to their home countries or to settle definitively in the host country;
11. Takes the view, for the reasons set out in the following explanatory statement, that a full and complete programme in favour of migrant workers and their families should also cover the following points;
  - A In the short term
    - (a) legal stipulation of the equality of all immigrants working in the Community, regardless of their nationality;
    - (b) the placing on a Community level of bilateral agreements between Member States and third countries from which migrants originate;

- (c) harmonization and adjustment of Member States' legislation on aliens, and implementation by Member States of the UN Convention on the nationality of married women, so as to remove discrimination against women foreign nationals;
- (d) the establishment of the strictest possible penal code, coordinated at Community level, in respect of the recruitment of illegal immigrants; the inclusion of appropriate sanctions in this code;
- (e) the establishment of more comprehensive measures, geared to the present economic situation, particularly in the field of housing, education, health care and social services,

B In the long term

- (f) establishment of a community labour market policy with provision for the problem of migrant workers;
- (g) the establishment of measures to promote the transfer of economic activities to the emigrant regions;
- (h) examination of the possibility of setting up at Community level an institution under public law to provide services in the handling of transactions of migrants, and publication of the results;
- (i) the establishment of Community social security regulations for self-employed migrant workers;
- (j) believes that priority should be given to the following:
  - (a) the establishment and extension of the trade union rights of all migrant workers irrespective of their origin;
  - (b) the elimination of conflicts of law<sup>1</sup> with particular reference to the reviewing of the regulations on social security for migrant workers so as to eliminate the discrimination that still exists and the intolerable delays that characterize both the procedure for establishing entitlement to social security benefits and their payment, this partly with a view to taking into account the judgments delivered by the Court of Justice of the European Communities in this matter;
  - (c) the establishment of the rights of migrant workers to remain in the country of employment after termination of their employment;

12. Otherwise approves the proposed programme.

<sup>1</sup> 'conflits de droit' as opposed to 'conflit de lois'.

EXPLANATORY STATEMENTI. Preliminary considerations

1. Although some observations have to be made on particular aspects of the draft programme submitted, and some reservations are called for, your committee would nevertheless like in the first instance to express its great satisfaction that the Commission of the European Communities has submitted this document.

This is the first time in the history of the Communities that an attempt has been made to work out a complex of measures for the benefit of migrant workers and their families, with a view to improving their living and working conditions. The programme follows on the recent adjustment of the Social Fund<sup>1</sup> in favour of this group of workers, and proves the Community's genuine interest in the welfare of the least privileged of those who contribute to its prosperity.

2. The sectoral measures taken hitherto in the areas of free movement, social security, right of residence, housing, etc., were directed at implementing the relevant treaty provisions. They did not, however, form an organic whole but were a disconnected series of provisions of varying degree of importance, affecting only migrant workers from the Community. The measures in the programme relate also to workers from third countries, whose numbers are constantly increasing and who usually have much more serious and urgent problems to contend with than workers from Community countries.

The Commission therefore deserves credit for having exerted itself to deal with these questions as a whole, and it is to be hoped that the specific proposals for the practical implementation of the programme will be submitted and adopted as soon as possible.

3. Unfortunately, as will be discussed in more detail below the programme has been submitted with considerable delays and the economic situation in the whole Community has gradually deteriorated since it was initiated and drawn up. Unemployment in particular has increased considerably in many countries, and foreign workers have very largely fallen victim to this.

<sup>1</sup>Reg. 1761/74; OJ L 185/74, P. 20



This means that the greatest worry of migrant workers, particularly those from third countries, is at present mainly the retention of their jobs, and, if they are unemployed, the search for a new job and the renewal of their residence permit.

4. Again, the psychological climate in the Member States has altered: in the boom period, it seemed the most natural thing in the world to grant migrant workers new rights, so that they were gradually put on an equal footing with nationals of the country concerned. Now there is a general move towards immigration bans and restrictive or discriminatory measures, the major consequence of which is to give nationals preference in filling job vacancies, and there is even a revival of the grudges and resentments against migrant workers, who have now become competitors on the labour market.

Migrant workers, therefore, are mainly looking for guarantees regarding their incomes and right of residence in the country where they have found employment, while the Member States seem to be mainly endeavouring to avoid unemployment among their own citizens, even at the expense of the foreign workers.

In the circumstances, it is questionable what the real possibilities of implementing the programme are at the moment, or in other words what attitude those Member States who traditionally make use of foreign workers will adopt towards this programme at a time when inflation and recession are threatening even the most stable economies.

5. These considerations mean that your committee finds that the draft programme submitted **severely** lacks:

- a list of priorities to be adhered to by the Commission in submitting proposals based on the programme,
- a timetable for the submission of these proposals.

The lack of these two fundamentally important factors threatens to make the Council's work even more difficult. Some optimism may be justified by the fact that the Council itself wished this programme to be drawn up; Member States can therefore hardly put forward arguments now for not adopting the programme.

6. In general, it is possible to agree with the way the programme is presented. The Commission proceeds on the basis of an analysis of the advantages and disadvantages of the influx of millions of workers and their families to the Community. It states that their presence has contributed to a faster rate of economic growth and that they have given the system a greater degree of flexibility, but also that the search for greater productivity has been retarded, the social infrastructure has been

overloaded and the regional imbalances within the Community and between it and the source countries have been worsened, and there has been increasing loss by the countries of origin of the most dynamic elements of their population, who, however, are seldom able to acquire skills that match the needs of their home country and so tend to settle abroad permanently.

After sketching the situation in this way, the Commission focuses attention on two aspects:

- a long-term aspect: 'it is unrealistic to suppose that even in the long term the need for migration can be eliminated'<sup>1</sup>
- and a short-term aspect: the present living conditions of the migrant workers must be improved.

7. The Commission does not go further into the first aspect. It states only that 'a long-term programme for migrants ... cannot confine itself to the social problems ... but must embrace the whole range of economic, regional, industrial and development policies which affect the phenomenon of migration'<sup>2</sup>.

The Commission does, however, put forward a number of measures and proposals regarding the **second aspect**: the improvement of migrants' living conditions.

8. It is beyond doubt that the long-term aspect will prove the most important one. The Committee on Social Affairs and Employment considers it possible to remove the **pathological characteristics** from the migration phenomenon, in other words to change the forced migration **which takes place from necessity into a free movement of workers towards a country where there are more and better jobs.**

Such a goal cannot, of course, be achieved in the short term, but now that the Commission admits its desirability, it should without delay study the possibilities of achieving it. The Commission itself states, for instance, that the regional policy does have the capacity to redress the existing imbalances and reduce the necessity for migration which at present exists.

9. However, in the final analysis the basic need is for the richest Member States, who make wide use of foreign workers to revise their policies as regards the nature of industrial development, the improvement

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<sup>1</sup>Communication, p 4

<sup>2</sup>ibid, p 3

of productivity, industrial establishment, etc.

The Commission ought therefore to have taken this aspect into account to make its action programme complete; it should, for instance, have proposed a detailed study to find out how the Community economy could develop further without the support of a considerable number of migrant workers. In other words, the phenomenon of forced migration should not be regarded a priori as inevitable; the possibilities of reducing this forced migration and of eliminating it in the long term ought to be studied.

10. The Commission's programme, written at the beginning of 1973, also shows a number of gaps regarding the short-term economic measures to protect migrant workers at this time of recession. The Commission does, admittedly, announce proposals for a Community employment policy; these, however, fall outside the content of the programme. It also indicates the financial measures that are urgently necessary to cope with the present serious situation. These measures could determine the period and conditions of unemployment benefit, the renewal of residence permits, re-employment, etc.

The Committee on Social Affairs and Employment will return to these points later.

## II. General observations<sup>1</sup>

### i. Timing

11. According to the general Social Action Programme of January 1974<sup>2</sup>, the Commission should have submitted proposals in this area by 1 April last year. More than a year has thus gone by with no significant initiatives in the area of migrant workers<sup>3</sup>, while the economic situation in the Member States has steadily deteriorated.

A programme like the one now submitted does, of course, take more preparation than is possible in a few months. However, with a little goodwill some of the measures now proposed could have been in operation since July 1974.

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<sup>1</sup>In its observations your Committee makes use of information it has gathered during the past year at hearings in the Member States (Rome, Bonn and Dublin) on the problems of migrant workers.

<sup>2</sup>OJ C 13/74; see also Written Question No. 411/74 by Mr PISONI, OJ C 156/74.

<sup>3</sup>Apart from Reg. 1761/74.

Did the Commission perhaps allow itself to be influenced too greatly by the initial reactions from Member States at the beginning of 1973, so that it began to have doubts about its powers of action?

12. This leads your Committee at any rate to urge the Commission, in the context of this report, not to wait for the Council to complete the necessary procedures for adopting a migrant workers programme before putting forward in the very near future proposals based on the present overall programme<sup>1</sup>.

ii. Legal form

13. The Committee on Social Affairs and Employment would also like to take this opportunity of expressing its doubts regarding the form the Commission has lately been giving its proposals in the social sector, viz. the 'Programme'.

This is a legal form which does not occur in the Treaties, and therefore does not have the usual binding character or the concomitant sanctions against non-observance. This latter shortcoming has come home to roost in the fact that, as already noted, the number 2 priority in the January 1974 General Social Action Programme, the obligation to submit an (initial) action programme in this area by 1 April 1974, was not met - and this went unsanctioned.

Your committee nevertheless takes the view that now that various Summit Conferences have - at least outwardly - shown a readiness to go forward in the social sector, the Commission should spare no effort to produce stricter Council decisions, and ought to make as broad use as possible here of its right of initiative.

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<sup>1</sup> See No. 52 of this report.

iii. Legal basis

14. In the draft programme the Commission deals both with migrants who are nationals of a Member State and with those from Third Countries (whether or not associated in any way with the Community), provided the latter 'have been legally admitted to employment in the Community'<sup>1</sup>.

On purely humanitarian considerations (and what should take primacy over these?) this is correct. In addition, the position of migrant EEC nationals has already been very largely settled; some of them are among those workers who emigrated as early as the 1950's and so can rely on their own organizations in the country of their employment or are for a large part integrated or naturalized.

15. From the point of view of legal form, however, there are indubitably problems here which cannot be solved by keeping quiet about them. In other words, the Commission as policy-making body cannot continue to avoid the issue of a suitable legal form. The practical implementation of the measures by the Member States depends on this, especially in an unfavourable economic climate like the present one. To let everything depend on the goodwill of national administrations is far too risky.

16. Another reason for the urgency of this point is that with this programme, the Commission is - rightly - engaged, even if only implicitly, in taking the first steps towards a Community employment policy which must cover all workers: nationals of the country of employment, 'mere' Community citizens, or persons not legally Community subjects.

17. Without going to extremes, the Commission could have given in the introduction to its draft programme a summary of the relevant provisions already existing in agreements concluded by the Community in this connection.<sup>2</sup>

It could also have listed the bilateral agreements concluded in this area by the Member States that are now in force.

Finally, it ought to have devoted a few words to its intentions in this area in the context of the forthcoming (re-)negotiations with the Mediterranean countries.

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<sup>1</sup> Communication, p. 6, top

<sup>2</sup> A first note drawn up by the Committee Secretariat in 1974 is attached as Annex 1 to this report (Originally PE 38.041)

18. By analogy with the provisions in the Chapter on Commercial Policy in the EEC Treaty regarding 'uniformity in ... commercial policies', bilateral agreements by Member States regarding foreign workers should gradually be coordinated, to avoid discrimination between migrants and because policy on migrants is an integral part of the Community employment policy which is becoming more and more indispensable. The programme affords opportunities for action in this respect.

iv. Aliens law

19. Especially at its hearing in Bonn, the Committee on Social Affairs and Employment met with problems in connection with the provisions of aliens legislation, which differ from country to country and are in some countries occasionally very unfavourable to migrants. This applies to naturalization provisions, but also to those applying to legal transfer of nationality on marriage (e.g. loss of original nationality when a woman marries a foreigner, without leaving her country of origin).

Since data on these matters were not available, even in a general form, a preliminary survey of the main provisions of Member States in this area was drawn up at the request of members and is attached to this report as Annex II.<sup>1</sup>

Your committee points in this connection to the relevant statement by the European Council of Heads of State or Government in Dublin, asking for harmonization of aliens legislation in the Member States.

The UN Convention on nationality of married women also deserves serious consideration here.

v. Integration

20. A point on which in the view of your Committee more clarity is required is the one generally denoted by the integration of migrants into the host countries' society. This involves the whole complex of political and trade union rights, vocational training, education of migrants' children, the situation of their spouses, etc.

21. At this stage your Committee would merely like to say the following.

It would be inadmissible interference with elementary human rights, such as personal freedom in the choice of profession, job, residence, etc., if integration were not left to the free choice of those concerned; but this should not lessen the host countries' obligation to offer them all facilities so that they can make a real choice. This is, as it were, the price - over and above wages - of attracting migrants.

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<sup>1</sup> Originally PE 39.489

22. The free choice of those concerned will frequently not be made quickly, and will for a long time, if not forever, have an ambivalent character, as the relative importance of remaining or of returning to the country of origin is weighed up, a process which may in a normal economic situation last right up to retirement.

It is important here, therefore, that Member States apply no form of compulsion, whether direct or indirect, nor, say, give a national demographic policy priority.

23. If the above applies at any rate to adult employed migrants, the question of integration into the country of residence is in some cases rather different for their children, for instance when they are almost or totally unacquainted with their parents' country of origin and especially the longer the parents remain in the country of employment, so that the children's decision to return or not need not coincide with that of the parents.

To avoid the cultural and psychological 'statelessness' which threatens to occur especially in these cases, it is very important for school-age children in this position to get an education which takes account of both possibilities: a return to the country of origin and permanent residence in the host country.

vi. Community-wide character and participation

24. The programme under discussion is unmistakably Community-wide, since all the Member States are affected in one way or another by the phenomenon of migrant workers.

The Committee on Social Affairs and Employment would therefore like to see this programme implemented in the way followed in other cases in the Community, namely with as much involvement as possible of those concerned or at least their direct representatives.

25. Basing itself here both on its own experience at the hearings in which representatives of national governments concerned, trade unions in those countries and various migrant groups, educationalists, social workers and bodies founded on religious or moral principles took part, and on the tripartite talks successfully started at Community level at the beginning of 1975, your Committee would therefore propose that a conference be held in 1976 to give those concerned a chance to have a say regarding the implementation of the programme.

This would bring home to the groups concerned the existence of the Communities, and consequently the idea that there is a not insignificant level at which their situation is receiving practical sympathy. This may also help to bring the trade union movement to act more strongly than hitherto in the interests of migrant workers.

26. In this connection there is another prospect which seems capable of - gradual - realization.

The migrants differ from other workers mainly in that their length of stay in the country of employment is uncertain (this applies, though much less, to those who change their residence over a certain distance within their own country; it also applies less to persons who emigrate to faraway countries overseas).

Insofar as the migrant workers can be called the tenth nation of Europe, they are in a certain sense the first whose mother-country is Europe. This Europe should then manifest itself to them in a clear and practical way.

27. All Member States are now regularly taking measures to guide or adjust the economy or social life<sup>1</sup>.

A levy like the one to finance the ECSC, or, even more so, a levy on the employment of foreign workers, would not be the right step to take at Community level.

It might well be an idea, however, to introduce a form of insurance, administered at European level by - or parallel with - the ESF, in which employers and employees would participate with a view to providing a special payment for migrants, to be made either on departure or as a supplement to the old age pension, which is often based on a small number of working years.

Especially in cases where, for whatever reason, the return of migrants to their country of origin is going to become a lasting phenomenon on a fairly large scale (forced return as at present or voluntarily), a special 'return insurance' in this sense would meet a real need; a study of this matter should therefore be made as soon as possible.

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<sup>1</sup> E.g. the Dutch selective investment levy; the rejection, also in Holland, of the proposal to pay premiums on the departure of migrant workers; the former Selective Employment Tax in the UK, etc.



28. In connection with the points mentioned below under (vii), three further points should be mentioned here.

Firstly, the ESF must be given bigger funds, and not only in connection with the matter of migrant workers; the European Parliament has already indicated this<sup>1</sup>. In the present employment situation, this Fund will have to take on a much larger task, especially in view of the differing circumstances in the various Member States, which are becoming increasingly apparent.

Nevertheless, the actions now being proposed for the benefit of migrant workers also imply a necessity to increase the Fund's resources.

29. From a somewhat different point of view, it is high time - also in connection with migrant workers - for a European Regional Fund to be set up to cope with the present centrifugal forces mentioned above. It was therefore most gratifying that on 4 March 1975 the Council, after years of laborious negotiations, finally decided to set up the ERF<sup>2</sup>.

30. Finally, your committee would like to put forward the following ideas.

They concern an examination of the possibility of setting up a 'European Post Office Bank', i.e., a non-profit-making European service institution under public law to manage migrants' money, both in the country of employment (payments to third parties, management of savings) and as far as regular or occasional transfers to the country of origin are concerned.

Such an institution would be in the interest not only of the migrants and their relatives (lower transfer charges, investments to limit currency risks, etc.) but also of the countries of origin, who could be offered credits on the basis of the total sum administered.

These are three ways in which Europe could make itself felt as a living reality to migrant workers.

#### vii. Present economic situation

31. The present economic situation, characterized in 1974 by increasing balance-of-payments deficits and inflation, with a consequent rise in the over-all number of unemployed in the EEC (over four million), puts a heavy burden on the action programme under discussion. Published figures on the numbers of migrants returning to their own country speak volumes in this connection.

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<sup>1</sup> Resolution of 9 December 1974, paragraph 9ff; OJ C 5/75, p.17

<sup>2</sup> OJ No. L 73/75, pp. 1, 8, 45 and 47

This situation has certain consequences which deserve special attention since in the Commission document the implications of the present economic situation have not been taken into account.

32. In the first place, the extremely serious question of illegal immigration, dismissed in a few sentences by the Commission<sup>1</sup>, arises here.

The Committee on Social Affairs and Employment is of the opinion, now that return to the country of origin is increasingly taking place, that a coordinated policy regarding illegal immigration on the part of all countries which take in migrant workers is an urgent requirement. A uniform criminal code governing such immigration, with sanctions against those who employ illegal immigrants, should be created without delay. This should take the form of an immediately binding regulation.

33. In addition to these preventive measures, a number of other measures deserve special attention in the present circumstances.

A. Free movement

In the first place ways and means of making the Community labour market more transparent should be considered. In the Communication, the Commission mentions the work of SEDOC and the European Office of Coordination<sup>2</sup>, expected to be in operation by 1 July 1975. This should be combined with a Community programme of training and retraining.

34. In direct connection with this, by that date at the latest, there should be consultations at Community level on relocation of jobless migrants. At the same time, then, also at Community level, structural measures aimed at a balanced distribution of jobs over the Community should be promoted.

35. The policy for the benefit of migrant workers cannot of course be treated in isolation in this connection: it is a part of the over-all employment policy. In the present economic and structural situation, the latter should in any case take account of two guiding principles:

- there should be an endeavour to achieve selective growth distributed over the whole Community;
- investments should in future be assessed particularly according to their social utility.

<sup>1</sup> Communication, p. 7 and p. 24

<sup>2</sup> Ibid, p.11

The Community ought to have broader regulatory powers here. As regards the special measures in favour of migrant workers that are being projected, the above principles should be borne in mind.

These are, however, only realisable if such measures as general reductions in working-hours and earlier retirement are brought in, and labour-saving investments are restricted; the latter point is, of course, of special importance for the employment of migrants, who are largely unskilled or semi-skilled.

36. In this connection, one further point deserves attention. On 17 February 1975 the Council adopted the directive<sup>1</sup> on the approximation of the laws of the Member States relating to collective redundancies. This is a valuable measure which imposes certain restrictions on employers.

The question arises - and was brought up specifically at the hearing of the Committee on Social Affairs and Employment in Rome - whether a supplementary fund to prevent large-scale redundancies is necessary, which could in certain cases give wage subsidies to firms in difficulties.

These more general questions are of course of very great importance in cases of redundancies - or threatened redundancies - that involve migrants.

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Now that the total number of unemployed in the Community is greater than the number of migrants there and the percentage of migrants who are unemployed - although they usually perform unskilled work - is also higher than the overall percentage of unemployed, it is clear that the migrants, as the weaker part of the work force, are most exposed to the consequences of the economic deterioration. This will make it all the more difficult to bring about the necessary improvements in their often desperately poor living conditions.

Even though they are not as such an isolated category in the whole of the Community employment policy which is being advocated, the fact remains that, given their social status, they do need special attention when available jobs are being distributed.

<sup>1</sup> Directive 75/129/EEC; OJ L48/75, p.29.

B. Living and working conditions

37. The primary questions dealt with above, relating to the labour market, are, as the Commission properly appreciates, not the only ones facing us. Where these problems are concerned, migrant workers have a place beside all other workers, albeit as a particularly vulnerable group.

There are, moreover, a number of questions specific to migrants, on which their position is no less weak. These relate to housing, education and the like.

38. In this area, too, it is true that in the present climate of crisis, the danger of social and welfare programmes being cut back or postponed is much more likely to arise. Here the Commission will have to swim against the tide. The Committee on Social Affairs and Employment therefore takes due note of the recent categorical statements by Vice-President Hillery that the social policy ought to advance just as much in unfavourable as in favourable periods.

39. One of the first objectives at this juncture should be to combat race hatred and ghetto formation.

This is a very real problem, as can be gathered from the newspapers. Government, trade unions and the Community have a great responsibility here to combat a deterioration in the situation in this regard; they can do so by vigorous implementation of the present package of measures in favour of migrant workers now being proposed by the Commission.

At all events, all workers should be encouraged to show the greatest possible measure of solidarity, with the strong supporting the weak as far as possible, irrespective of nationality.

40. In this connection, your committee is particularly appreciative of the fairly long passage in the communication devoted to the question of according migrant workers civic and political rights<sup>1</sup>.

Since the Commission does not deal with this point separately, it is apparent that it assumes that admission to existing trade unions and the setting up of special ones is a universal right that exists a priori. Practice in host countries in fact points partly in this direction.

However, it would be useful to bring out this principle clearly in the Programme, both to encourage migrants and to guide the existing organizations, as regards migrants from third countries.<sup>2</sup>

<sup>1</sup> Communication, p. 22

<sup>2</sup> Possibly also draft in the Migrant Workers Charter at present under preparation.

41. The granting of civic and political rights explicitly mentioned in the Programme should in any case be extended by a mention of the elections to the European Parliament due in 1978.

Participation in local elections would have to advance at the same rate.

The relative youth of many immigrants is a further argument for a voting age of 18 years here.

The proposed consultative organization would be able to play a part during a transitional stage, but would need to have the necessary powers.

42. Your committee would also draw attention in this connection to the section on housing<sup>1</sup>, but would like to bring it up to date.

In practically all Member States house-building programmes are now being cut back and unemployment in the building sector is one of the most important structural components of reduced employment. An extra injection of finance for house construction would therefore promote both better housing for migrants and their families and employment in the building sector.

43. As previously stated, foreign workers have become a permanent element in the present economic and social structure of Western Europe; the most that could be attempted would be to eliminate the forced nature of their migration through bringing about a gradual but fundamental change in the level of economic development in their countries of origin.

If the presence of foreign workers is, then, a permanent phenomenon in the industrial countries and if their presence is essential to the maintenance of those countries' standard of living, living conditions for migrants can no longer be regarded as being of subordinate importance or a matter for improvisation. The question of providing acceptable housing should therefore also be considered in this light.

Consideration should likewise be given in this light to the provision of premises and facilities for migrants to practise their religion.

44. Where living conditions are concerned, one important aspect is the need to extend and improve educational facilities for the migrant workers themselves (linguistic and vocational training), their spouses and their children. This is another task for regional and local authorities.

Attention should also be given to providing equal opportunities with local children, for instance regarding students' allowances.

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<sup>1</sup> Communication, p. 17; see also SEC (75) 37 final, 17 January 1975.

45. On the basis of information gathered at the hearings it organized, your committee takes the view that no distinction should be made in the payment of study grants according to whether they are to be used in the country of residence or the country of origin<sup>1</sup>.

Only under such conditions is the worker really free to determine how and where his children are to be brought up; this question is of course directly connected with the remarks made earlier about possible integration in the host country<sup>2</sup>.

Furthermore, migrants' wages should not be affected by the place of residence of their families (or other secondary working conditions); the nature of their employment should be the sole criterion.

This applies, mutatis mutandis, also to health care and the whole range of social services, both those based on existing regulations in the area of social security and those in the hands of welfare organizations.

### III. Priorities and Timetable

46. Annex III to this report gives a list, taken from the Communication, of the measures proposed by the Commission<sup>3</sup>. As already noted, the Commission has not, however, added a timetable and list of priorities to its document.

Your committee was therefore pleased that the Commission apparently felt the need to be somewhat more specific in this respect, since in the document distributed when the Eighth General Report on the activities of the European Communities was submitted on behalf of the President, Mr ORTOLI, three measures in the sector under discussion, proposals for which were to be made in the first quarter of 1975, were mentioned.

These measures are as follows:<sup>4</sup>

- the extension of trade union rights to Community migrant workers;
- the settlement of conflict of laws;
- the standarization of systems for paying family allowances.

We should like to make the following commentary on this summary:

47. The point regarding trade union rights is in fact far from clear.

Earlier in this report<sup>5</sup>, we noted that the right to form and to join trade unions is a universal principle requiring no further confirmation.

<sup>1</sup> See also the written questions by Mr LABAN and Mr PATIJN, Nos. 149 and 385/74; OJ No. C 145/74, pp. 3 and 35

<sup>2</sup> See also para. 20ff. above

<sup>3</sup> Originally PE 39.607

<sup>4</sup> Strasbourg, 18 February 1975, p.39; printed in the 3th General Report, p. LVII, No. 56

<sup>5</sup> See paragraph 40 above

This is expressly stipulated for migrants who are Community nationals in Reg. 1612/68, Article 8(1).

48. Your committee would also note that the second paragraph of the same Article 8 states that the Council would reconsider this point 'on the basis of a proposal to be submitted by the Commission within two years at most'; this should therefore have been done by 1970.

Again, it is remarkable that the President of the Commission explicitly restricted this point to migrants who are Community nationals. The relevant passage in the Communication<sup>1</sup> in no way implies this restriction.

There is - or so it would appear - a clear contradiction here.

In other respects, the Committee on Social Affairs and Employment is in agreement with the wording of the draft action programme.

49. Regarding conflict of laws<sup>2</sup>, it should be noted that, in 1972, the Commission submitted a draft regulation on which the European Parliament delivered its opinion in January 1973<sup>3</sup>.

It therefore seems that this part of the programme contains nothing new (and is based purely on the fact that the Council has not adopted the relevant regulation).

50. A uniform system for the payment of family allowances is a very important point. Your committee was repeatedly faced with this question during its hearings.

It is therefore pleased to note that a proposal on this has since been submitted<sup>4</sup>.

51. Although it agrees with the above three points, your committee draws the conclusion that they contain little or nothing new, and should mainly be regarded as a reconsideration of subjects which have not yet been dealt with as they should have been.

52. To these points, which the Commission has already defined as urgent, your committee would like to add some more, as well as others, which are, in its view, indispensable for a long-term policy. These include in particular:

<sup>1</sup> p. 12; see also 'Trade Union Information', official Community publication, No. 1/75, p. 6.

<sup>2</sup> Communication, p. 13; this term is better than the more restricted 'conflict of legal provisions' mentioned in the 8th General Report, p. LVII. (This note does not apply to the English - tr.)

<sup>3</sup> Doc. 22 and 261/72; EP Resolution OJ C 04/73

<sup>4</sup> Doc. 63/75

(a) in the short term:

- measures to promote optimal absorption into the labour process (mainly linguistic and vocational training);
- measures on behalf of members of migrant workers' families (wives and children);
- cumulation of insurance rights migrant workers have as independent workers from the country of origin and the country of residence;
- measures to prevent currency risks on transfer of savings when migrants return to their country of origin.

(b) in the long term:

- coordination of Member States' immigration policies in the medium and long term, including a study of the possibilities of combatting not only the negative effects but also the causes of large-scale emigration from the 'clearance areas'<sup>1</sup>;
- encouragement of the transfer of industries;
- the creation of a uniform statistical system for the whole range of migrant workers' problems<sup>2</sup>;

53. Coordination of immigration policy is an obvious requirement (albeit not a simple one), both because it will be a long-term affair as far as migrant workers are concerned and because it is a necessary part of the Community employment policy.

The gathering of statistical information on this is a necessary prerequisite for the above-mentioned general goals.

Measures for the gradual improvement of vocational training opportunities and on behalf of dependants require, in the general context of this report, no further explanation. Your committee considers that the Commission should give these points, in addition to the ones it has indicated itself, priority.

This also applies to the requirements as regards continued residence after termination of employment (including retirement pensions), and regarding self-employed migrant workers.

<sup>1</sup> See also the conclusions of the National Conference on Migrant Workers held at Rome from 24 February to 1 March 1975. (Annex IV to this report)

<sup>2</sup> See Written Question No. 203/75, EP Bulletin No. 17/75.



54. In the discussions on this draft programme, the Committee on Social Affairs and Employment discussed among other things a series of amendments, worked out in detail, by Mr PISONI, Mr GIRARDIN and Mr ROSATTI.

For reasons unconnected with the contents of those amendments, they were replaced at a later stage of the procedure by other amendments which were voted on according to the usual procedure.

In view of their intrinsic value, these original amendments are annexed to this report<sup>1</sup>. This does not necessarily mean that the rapporteur or the committee are in agreement with them.

#### IV. CONCLUSION

55. The Committee on Social Affairs and Employment has given prolonged and thorough consideration to the draft action programme.

As will be seen from what has been said, the programme was given a positive assessment. Your committee tried above all to set the document against the background of the present unfavourable economic situation. A number of critical observations were made, and there was much concern about whether it could be made operational at the present time.

It therefore most strongly urges the Council to adopt this proposal as fully as possible and to do so before the end of this year.

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<sup>1</sup>Annex V to this report.

Opinion of the  
COMMITTEE ON CULTURAL AFFAIRS AND YOUTH

Draftsman: Mr F. PISONI

At its meeting of 26 February 1975, the Committee on Cultural Affairs and Youth appointed Mr F. Pisoni draftsman.

It adopted this opinion at its meeting of 19 March 1975 by nine votes in favour with two abstentions.

Present: Mr Broeks, chairman; Mrs Walz, vice-chairman; Mr Pisoni, draftsman; Mrs Caretoni Romagnoli, Mr Corrie, Mr De Sanctis, Mr Durieux (deputizing for Mr Hougardy), Lord Lothian, Mr Noé (deputizing for Mr Giraud), Mr Radoux (deputizing for Mr Calewaert) and Mr Thornley.

## INTRODUCTION

The Committee on Cultural Affairs and Youth has been asked for its opinion on this action programme.

This opinion will concentrate on:

- Section C (vocational training, including language), and
  - Section F (education of children),
- of Chapter II of the action programme.

The Committee on Social Affairs and Employment will deal with all problems relating to migrant workers. Our committee is required to give its opinion on the problems of training and education, which fall within its terms of reference. In addition, it will deal with questions of information which are important to migrant workers.

One general remark must be made. In the present period of recession in industrial states, including those of the Community, unemployment is affecting a considerable number of workers. The principle of non-discrimination which the Commission wishes to see applied in the whole of the Community should be aimed primarily at securing employment. It seems that migrant workers are often more severely affected by unemployment than nationals, partly because they are foreigners and partly because they lack qualifications.

The Committee on Cultural Affairs and Youth must therefore ask the Committee on Social Affairs and Employment as the committee responsible to emphasize this aspect in particular.

This principle should be reaffirmed in the texts which the Commission is to draw up.

- I. Vocational training of migrant workers (including languages)
1. Community workers and workers from third countries

In this chapter, the Commission makes no distinction between workers from Member States of the Community and workers from third countries.

Vocational training must be regarded as the right of all workers, including migrant workers whatever their country of origin.

This statement may appear to be an empty one in the present situation. It is therefore the duty of the political authorities, in other words the European institutions (Commission, Parliament, Council), to affirm their political resolve that all Member States should unreservedly acknowledge this right and to translate this resolve into legislation.

2. Vocational training as a means of improving migrant workers' social position and as a form of development aid

(a) Vocational training as a means of improving social position

The vast majority of migrant workers hold inferior positions and most of them are assigned to carry out the most unpleasant tasks which workers of the host country are no longer willing to perform.

The Commission notes that this is because these workers arrive in the host country with no vocational or linguistic training.

It proposes various actions to allow a growing number of migrant workers to obtain qualified posts; these actions are concerned with both vocational and linguistic training.

Workers who leave their native countries are usually dynamic and open-minded people who are not prepared to continue a miserable life in regions where employment is scarce. These qualities should be put to better use than in the past. This would enable a double objective to be achieved: an improvement in the social position of migrant workers and increased productivity in undertakings.

This training would allow migrant workers already possessing professional qualifications to improve them, on condition naturally that their qualification was recognized and their capacity used.

(b) Vocational training as a form of development aid

One observation of the Commission merits our attention: 'The indications are that the vast majority of unskilled migrants do not become skilled workers during their stay in the host country.'

In other words, the (undertakings in) Member States take advantage of the services of migrant workers, who then return to their countries without having received any training. On the other hand, they provide funds for training as part of development aid (bilaterally or within the European and international organizations). That is hardly a logical attitude, unless one took the view that the burden of providing training is in this way transferred to the taxpayers as a whole, who finance the state budget.

States should insist that employers allow migrant workers to obtain minimum qualifications. This has been suggested several times, particularly by the representatives of the Turkish Parliament on the inter-parliamentary delegation.

These qualifications could then be of use in the workers' native country and would help the development of that country's economy.

3. The first essential objective: linguistic training - object and methods

The object of linguistic training is to enable migrant workers to adapt more easily to their new surroundings, both at work and outside it. Such training should therefore be based on the needs of social life: contacts with others, with tradespeople, with administrations. In terms of work, it should begin with the safety aspects. It has been established that migrant workers, because they lack a basic linguistic knowledge, are more exposed than others to the dangers inherent in operating a machine. The appetite for profit and productivity bonuses increase these dangers still further.

The Committee on Cultural Affairs and Youth considers that safety courses in the language of the host country would allow both the acquisition of linguistic knowledge and improved accident prevention at work.

These courses, which would also include an introduction to technical language, should be held at undertaking level, and in some branches of industry, at national level.

This is frequently made more difficult by the fact that many migrant workers are illiterate, or at least have only a very elementary education.

The Commission states that the mass media should be used to inform migrant workers of conditions in the host country and to make the local population more aware of their problems. That is not enough. The mass media must be used for the vocational training of migrant workers in the same way as they are used for native workers.

'Cultural' or 'bi-cultural' training is considered vital to safeguard the personal identity of migrant workers. It demands considerable effort on the part of the responsible authorities and the workers themselves, since in many cases it consists of learning literacy twice over. In any case, the principle to be adopted should be that such training must be given during working hours. Migrant workers, who are often assigned to the most unpleasant manual tasks, as has been stated above, cannot be expected to attend evening classes after a hard day's work.

A few attempts and experiments have been undertaken: in some countries there are broadcasts in the language or languages of migrant workers who are present in large numbers. However, the mass media are used only to a relatively small extent for migrant workers, as they are for national workers of all categories. In this field, as in many others, the technical facilities available are far ahead of the mental attitudes and training methods.

4. Recognition of diplomas

Some migrant workers have qualifications in the form of a diploma issued in their country of origin. Such diplomas should be recognized in the host country and should enable migrant workers to be placed in jobs appropriate to their qualifications.

The Commission should lay down this requirement in writing.

5. Vocational training of young migrant workers

A particular effort must be made in respect of young migrant workers. These are often young people who are no longer of school age and who have arrived in a Member State either alone or with all or part of their family. Many young migrant workers remain only a few years in the host country and then return to their country of origin, although some immigrants try to remain in the host country with their families.

If these young people are given vocational training they will subsequently be able to make use of their expertise in their native countries, which are for the most part underdeveloped and have great need of it.

6. Vocational training and the need for qualified workers in the country of origin

Vocational training should fill the need for qualified workers not only in the host country but also in the country of origin.

Coordination and cooperation between the host country and the countries of origin (through the Ministers for Social Affairs, Labour, Employment or whatever else they may be called) are therefore necessary to provide statistics on the respective manpower needs. This is especially important since the country of origin is often extremely underdeveloped industrially and cannot offer qualified workers jobs in keeping with their qualifications.

The Commission could be useful as a clearinghouse for information, and could pass it on to countries which employ migrant workers.

7. Priorities

The question of vocational, cultural and linguistic training for migrant workers, whether young people or adults, is so complex and so broad that it raises the issue of priorities in laying down practical short-term actions.

It is clear that priority must be given to teaching the language of the host country. The extent to which workers settle down in their new surroundings and benefit from vocational training depends on their knowledge of the language.

Where are teachers to be found and how are they to be trained? This question is a crucial one, since in many host countries and countries of origin there is a shortage of teachers qualified for this work and of technical teachers in general.

The Commission should make concrete proposals.

The Commission considers, as does the Committee on Cultural Affairs and Youth, that the responsibility for the linguistic and vocational training of migrant workers rests with the hosts countries. The Commission also considers that this training should take place during working hours. Collective labour agreements should provide for an appropriate number of paid hours to be used for vocational and linguistic training as part of a system of regular permanent education.

It believes that the training of migrant workers must be dovetailed with that of national workers, and that the Social Fund (in particular Article 4) can be used for integrated training courses, in particular teaching material and specialist teachers.

#### 8. Finance

The Commission is unable to state the cost of this training programme. It considers that it is the responsibility of Member States to draw up projects eligible for contributions from the Social Fund.

In view of the needs which the Social Fund must fulfil, and in view of the budgetary appropriations allocated to the Fund, it may well be asked whether the appropriations will be enough for a full-scale programme. If no accurate idea of the cost can be given, then at least the sums which can be made available immediately should be stated.

The European Vocational Training Centre should also include projects and pilot studies for migrant workers in its programme.

#### II. Education of the children of migrant workers

##### 1. Principle of equal duties and rights

In all Community countries schooling is compulsory for the children of migrant workers as well as those of nationals. Regular school attendance is also compulsory for all children, and in some countries, lack of attendance leads to the withdrawal of social security benefits.

Equal rights include the right of the children of migrant workers to study grants (as has recently been confirmed in a judgement of the Court of Justice).

Equal rights to secondary and university education for the children of migrant workers are still largely theoretical. The Commission notes that, 'the

number of migrants' children receiving secondary or university education is proportionately much lower than in the indigenous population'. (Doc.465/74, p.19)

This is an unusually acute form of a phenomenon which is common in our Western societies, the fact that the proportion of workers' children in secondary and higher education is extremely small, although workers account for the largest group of the active population.

Some reforms have been undertaken with the aim of changing this situation and introducing greater equality of opportunity by means of earlier and more suitable schooling so as to compensate to some extent at least for the handicaps faced by workers' children and even more so by migrant workers' children, which are due to the socio-economic and cultural level of the families.

## 2. Action proposed by the Commission

The Commission proposes to concentrate all efforts on six fields which it considers to have priority:

- '- development in the Member States of reception and accelerated training classes....;
- '- provision of education in schooltime so as to preserve the original culture and mother tongue;
- '- recruitment from the emigration countries and adequate training of teachers responsible for the education of migrant children;
- '- exchange of information and instructional aids, as well as research and pilot schemes in teaching methods;
- '- development of assistance activities outside school hours by social workers;
- '- equal treatment for migrant children in the award of study grants and similar assistance' (see p.19).

Because of the time necessary for the adoption of this programme and the introductory measures, it becomes clear that the action to be taken immediately, in which the Commission can cooperate, is the recruitment of teachers from the countries of origin and the adequate training of teachers responsible for the education of migrant children.

Acting together with the authorities of the states concerned, the Commission could organize training courses in the teachers' countries of origin as well as in the host countries. It could also cooperate in advanced training in the host country and use the experience gained in this field by the Council of Europe.

The singling out of this action will help to provide structures which will enable the other actions to get under way. It does not exclude them and takes precedence over them chronologically but not fundamentally.



It will be recalled that in the 1975 budget the Commission has available 400,000 u.a. for the education of the children of migrant workers and inter-university exchanges.

It would be helpful if the Commission would state how it intends to use - or how it has begun to use - these appropriations.

The sums provided for in the budget are modest ones, and do not allow a large-scale action. The Commission should state its requirements in figures so that Parliament, the budgetary authority, can allocate the necessary appropriations.

### 3. Priority actions

The education of migrant workers' children presents many problems which cannot be solved at a stroke.

As with adults, priority should be given to the teaching of the language of the host country.

The shortcomings observed in the education of children of the host country are no reason why a broad action for the children of migrant workers should not be undertaken.

It is also difficult to know at the time when a family of migrant workers arrives whether that family will settle in the host country. The suggestion that efforts should be concentrated on migrants who will remain in the host countries cannot therefore be ~~accepted~~. Schools giving education in the language of the host country and in that of the mother country, by teachers of different mother tongue, must be provided.

The Commission should make an effort to draw up common programmes and provide text-books covering education in the culture of the country of origin. It has been found in some cases that text-books provided by the authorities of the countries of origin were politically biased and that teachers from the countries of origin were not neutral in their attitude.

These problems should be discussed not only by the Commission, the Member States and the countries of origin; organizations representing migrant workers should also be brought in. However, this long-term work should not be allowed to eclipse immediate needs.

Projects on behalf of migrant workers are to be developed by various departments of the Commission. Genuine coordination on a practical basis must be established between the Directorates-General of Social Affairs and of Education.

#### 4. Opening of European Schools to migrant workers

When considering the report on the European Schools, the Committee on Cultural Affairs and Youth mentioned the possibility of making the European Schools more readily accessible to the children of migrant workers.

The Commission should seriously consider the possibility of giving access to European Schools to children of migrant workers from Community or other countries.

The audio-visual language teaching equipment of the European Schools could also be used for non-Community languages.

#### 5. Conclusion

After considering the Commission's action programme, the Committee on Cultural Affairs and Youth is able to approve it subject to the foregoing observations.

The committee asks the Committee on Social Affairs and Employment to insert the following two paragraphs in the motion for a resolution as a summary of its main observations on the measures proposed for the vocational training of migrant workers and the education of their children:

- Considers that it is the responsibility of the Member States to organize vocational training courses for migrant workers and to introduce provisions in their legislation making it compulsory for a specific number of hours to be set aside for such training each week during working hours; considers further that the Member States must make available the necessary means, particularly audio-visual material, for appropriate linguistic training to be given to these workers to enable them to benefit from vocational and general training;
- Believes that reception classes for the children of migrant workers must be developed to give them accelerated training in the language of the host country and that immediate provisions should be made for the creation of genuinely bi-cultural schools.

S U M M A R Y

of specific provisions in the Community's agreements  
with certain Mediterranean countries concerning  
migrant workers

(as of 1 January 1975)

I - GREECE

Athens agreement of 25 September 1961, Articles 44-46 incl.  
OJ No. 26/63, p. 293

Article 44

Freedom of movement for workers under Articles 48 and 49 of the Treaty establishing the Community shall be secured between Member States and Greece at a date and in accordance with rules to be determined by the Council of Association, but not before the end of the transitional period laid down in Article 6 of this Agreement.

The Council of Association may lay down the rules to be applied until that date to the movement of workers between Member States and Greece; it shall do so in the light of the employment situation in Greece and on the basis of provisions on freedom of movement for workers, adopted pursuant to Chapter I of Title III of Part Two of the Treaty establishing the Community.

Article 45

The Council of Association shall determine the manner in which the measures implementing Articles 50 and 128 of the Treaty establishing the Community, concerning the exchange of young workers and vocational training respectively, can be applied to Greece.

Article 46

The Council of Association may consider the preparation and development of technical assistance programmes, in favour of Greece, in the manpower field. It shall decide on the financing of such programmes.

II - TURKEY

1. Ankara Agreement of 12 September 1963, Article 12  
OJ No 217/64, p. 3685

Article 12

The Contracting Parties agree to be guided by Articles 48, 49 and 50 of the Treaty establishing the Community for the purpose of progressively securing freedom of movement for workers between them.

2. Additional Protocol of 23 November 1970, Articles 36-40 incl. OJ No L 293/72

Article 36

Freedom of movement for workers between Member States of the Community and Turkey shall be secured by progressive stages in accordance with the principles set out in Article 12 of the Agreement of Association between

the end of the twelfth and the twenty-second year after the entry into force of that Agreement.

The Council of Association shall decide on the rules necessary to that end.

#### Article 37

As regards conditions of work and remuneration, the rules which each Member State applies to workers of Turkish nationality employed in the Community shall not discriminate on grounds of nationality between such workers and workers who are nationals of other Member States of the Community.

#### Article 38

While freedom of movement for workers between Member States of the Community and Turkey is being brought about by progressive stages, the Council of Association may review all questions arising in connection with the geographical and occupational mobility of workers of Turkish nationality, in particular the extension of work and residence permits, in order to facilitate the employment of those workers in each Member State.

To that end, the Council of Association may make recommendations to Member States.

#### Article 39

1. Before the end of the first year after the entry into force of this Protocol the Council of Association shall adopt social security measures for workers of Turkish nationality moving within the Community and for their families residing in the Community.
2. These provisions must enable workers of Turkish nationality, in accordance with arrangements to be laid down, to aggregate periods of insurance or employment completed in individual Member States in respect of old-age pensions, death benefits and invalidity pensions, and also as regards the provision of health services for workers and their families residing in the Community. These measures shall create no obligation on Member States to take into account periods completed in Turkey.
3. The abovementioned measures must ensure that family allowances are paid if a worker's family resides in the Community.
4. It must be possible to transfer to Turkey old-age pensions, death benefits and invalidity pensions obtained under the measures adopted pursuant to paragraph 2.
5. The measures provided for in this Article shall not affect the rights and obligations arising from bilateral agreements between Turkey and Member States

of the Community, in so far as these agreements provide more favourable arrangements for Turkish nationals.

Article 40

The Council of Association may make recommendations to Member States and Turkey for encouraging the exchange of young workers; the Council of Association shall be guided in the matter by the measures adopted by Member States in implementation of Article 50 of the Treaty establishing the Community.

1st interim agreement of 27 July 1971

OJ No L 130 and 192/71 and L 211/72

2nd interim agreement of 1 October 1973

OJ No L 277/73 and L 348/73

no mention

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III - PORTUGAL

EEC-Portugal Agreement of 22 July 1972

OJ No L 301/72

no mention

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IV - YUGOSLAVIA

EEC-Yugoslavia Agreement of 6 March 1970

OJ No L 58 and L 67/70

- Second Agreement of 4 June 1973

OJ No L 182/73

- Third Agreement of 31 July 1973

OJ No L 224/73

no mention

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V - SPAIN

EEC-Spain Agreement of 29 June 1970

OJ No L 182/70

Protocol of 29 January 1973

OJ No L 66 and 99/73

no mention

VI - TUNISIA

EEC-Tunisia Agreement of 23 July 1969

OJ No L 198/69 and L 218/70

- Amended Agreement of 29 September 1970

OJ No L 218 and 238/70

Protocol of 24 July 1973

OJ No L 239/73

no mention

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VII - MOROCCO

EEC-Morocco Agreement of 23 July 1969

OJ No L 197/69

- Amended Agreement of 1 March 1971

OJ No L 53 and L 70/71

Protocol of 24 July 1973

OJ No L 239/73

no mention

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(ALGERIA)

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VIII - MALTA

EEC-Malta Agreement of 5 December 1970

OJ No L 61 and L 70/71

no mention

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IX - CYPRUS

EEC-Cyprus Agreement of 19 December 1972

OJ No L 133 and L 143/73

no mention

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S U M M A R Y

of the most important conditions of  
naturalization  
in the Member States

(information was supplied by the national  
delegations in Luxembourg)





NATURALIZATION

Country	Waiting period	Conditions	Cost
<u>Federal Republic of Germany</u>	10 years	A foreigner having no links with Germany must live in the country for 10 years to obtain German citizenship. If the applicant is of German descent, this period can be reduced. For a woman married to a German the period is reduced to 5 years. In the case of a German woman married to a foreigner the normal period of 10 years applies. It can be reduced to 2 years for a woman who is married to a German and has spent some time in a German-speaking country outside Germany. A knowledge of German is required.	The fee varies between DM 100 and DM 10,000  If applicant has legal claims against country (indemnification) fee is waived
	5 years		
	2 years		
<u>Denmark</u>	10 years	The applicant must have spent 10 years in the country and usually have settled there before age 50. He must have a command of the Danish language and a good reputation and not have claimed public assistance for 5 to 10 years before his application.	
	18 months	A foreign woman marrying a Dane after 1 January 1951 does not automatically obtain Danish citizenship. She can, however, obtain it after living in Denmark together with her husband for 18 months.	
<u>France</u>	5 years	A foreigner must have lived in France for 5 years to obtain French citizenship. A person married to a French man or woman must apply for French citizenship. The application is usually approved.  A knowledge of French is required.	A registration stamp costing FB 243
<u>United Kingdom</u>	5 years	The applicant must have spent 5 years in Britain. A woman married to a British citizen obtain British citizenship if she applies for it. A foreigner marrying a British woman must live in the country for 5 years to obtain British citizenship.	



NATURALIZATION

Country	Waiting period	Conditions	Cost
<u>Luxembourg</u>	15 years 10 years 6 months	<p>A foreigner must have lived in Luxembourg for 15 years to obtain Luxembourg citizenship. In special cases the period can be reduced to 10 years. A foreign woman marrying a Luxembourger may apply for Luxembourg citizenship 6 months after her marriage. It is then granted automatically.</p> <p>A foreigner marrying a Luxembourg woman must have lived in the country for 10 years.</p> <p>A foreigner born in Luxembourg may apply for Luxembourg citizenship between age 18 and age 22.</p> <p>A new law is in preparation which will reduce the above periods.</p>	<p>For naturalization between FB 2,000 and FB 100,000</p> <p>In the case of marriage between FB 200 and FB 40,000</p>
<u>Netherlands</u>	5 years 1 year	<p>Foreigners must usually have lived in the country for 5 years. Citizenship is, however, only granted if other conditions are fulfilled, e.g. a knowledge of the Dutch language.</p> <p>A Dutch man who has lost his citizenship and wishes to re-obtain it must spend another year in the country.</p> <p>A woman marrying a Dutch man need only fill out an application form. She is then usually granted Dutch citizenship immediately.</p>	<p>No fee in the case of marriage. In other cases the cost depends on the applicant's merits.</p>

General remarks: The information given above applies in what might be termed 'normal cases'. The legislation of all the Member States contains a wealth of special rulings and exceptions.

L i s t

of measures and proposals contained in the  
document 'Action Programme in favour of migrant  
workers and their families'

ANNEX

List of measures and proposals contained in the document 'Action Programme in favour of migrant workers and their families' submitted by the Commission to the Council on 18 December 1974 (COM(74) 2250)

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I - LIVING AND WORKING CONDITIONS

A. Free movement

1. Entry into operation, by the middle of 1975, of the European system for the exchange of information about labour supply and demand (SEDOC) and strengthening of the European Office of Coordination (BECODE).
2. Extension to migrant workers of Community States of social benefits not directly related to the exercise of paid employment and at present confined by the Member States to their own nationals (e.g., reduced fares on public transport, aid to large families and the handicapped, etc.).
3. Formal granting of the right of entry by Member States to all the members of the migrant's family who are dependent upon him or who lived under the same roof in the country of origin.
4. Elimination of the obstacles to the exercise of trade union rights, including the right to participate as a trade union representative in the management of public law bodies and for the exercise of public law office.
5. Acceleration of the mutual recognition of diplomas, certificates and other national qualifications.
6. Extension to other workers of the more favourable residence rights applicable to the period following employment, which have already been proposed in the case of the self-employed.
7. Protection of migrant workers by a Community regulation relating to conflict of laws in labour relations.

B. Social Security

a) Community nationals

1. Adoption of a uniform system for the payment of family benefits.

2. Adoption of Community legislation in order to coordinate non-contributory schemes: this concerns, for example, a guaranteed minimum income for old persons, social pensions, allowances to the handicapped and unemployment assistance.
3. Adoption of a Community regulation for self-employed migrants.
4. Progressive elimination of all other disparities still existing in Community law.

b) Third Country nationals

The following measures are to be implemented progressively:

1. Elimination of nationality as a condition for eligibility for certain benefits;
2. The right to export to the country of origin pensions accruing from employment in the Member States.
3. Application of Community provisions relating to social security to migrants and their families while they are living in the Community.
4. Aggregation of periods of insurance in the country of origin and in one or more Member States.
5. In regard to family allowances, benefits at least equivalent to those already granted to some of these workers under bilateral agreements.

c) Vocational training, including language

1. Extension to all Member States of the paid day-release system, to allow migrant workers to acquire adequate language and vocational training.
2. Greatly increased provision of 'crash courses' of vocational training prior to the migrant's departure for his new job.
3. Introduction in the vocational training centres of the Member States of measures to ensure that migrant workers have sufficient facilities to acquire skill or improve their qualifications.
4. Introduction of pilot schemes for training and exchange of language specialists and instructional aids.

5. Extension of schemes affording training to migrant workers in preparation for returning to employment at home.
6. Greater use of mass media in cultural, language and vocational training of migrants.

D. Social services

1. Improvement and extension of the social services.
2. Introduction by the Member States of integrated programmes, schemes for the training of social workers and teachers and pilot schemes, with the help of the European Social Fund.

E. Housing

1. Housing studies taking particular account of financing possibilities, methods of calculation of housing requirements, public financing and modernization schemes.
2. Proposals for model schemes on the lines of ECSC experience.

F. Education of children of migrant workers

1. Development in the Member States of reception and accelerated training classes.
2. Provision of supplementary courses in school time to enable the children to preserve their original culture and mother tongue.
3. Recruitment from the emigration countries and adequate training of teachers responsible for the education of migrant children.
4. Exchange of information and instructional aids, as well as research and pilot schemes in teaching methods.
5. Development of assistance activities outside school hours.
6. Equal treatment for migrant children in the award of study grants and similar assistance.

G. Health

Submission of proposals concerning medical tests on recruitment, preventive medicine and socio-medical services, as well as training of migrant workers in prevention of industrial accidents and illnesses.



H. Information services and statistics

1. Information and guidance to migrant workers by the employment services on working and living conditions and on their rights.
2. Extended use of the information media to disseminate wider information for migrants and the local population.
3. Establishment of more accurate and detailed statistics.

II - CIVIC AND POLITICAL RIGHTS

1. Promotion of participation of migrant workers in municipal affairs by setting up a system of consultative organizations and adequate representation in the municipal institutions of an education, social and cultural nature.
2. Full participation in local elections by 1980 at the latest.

III - ILLEGAL IMMIGRATION

Adoption by the Member States of a common approach to deterring illegal immigration: the Commission will organize discussions at expert level to study the problem and formulate proposals for common minimum safeguards against illegal immigration, including strong legal sanctions against exploiters of immigrant labour.

IV - COORDINATION OF MIGRATION POLICIES

1. Creation of a Community standard form of bilateral agreements for use by the Member States and Third Countries.
2. Adoption of standard minimum provisions concerning commitments made or to be made by the Community (association agreements, commercial agreements).
3. Evaluation, on a half-yearly basis, of labour supply and demand.
4. Gradual extension to Third Country migrants of equality of living and working conditions, and particularly the right to be accompanied by their families; and the transfer of wages and savings to their country of origin.

5. Elimination of abuses arising from the activities of employment agencies and other organizations engaged in the recruitment and supply of temporary workers, particularly those operations involving the employment of frontier workers.

V - OTHER MEASURES

In accordance with the commitment it entered into before the European Parliament, the Commission will prepare as soon as possible a draft migrant workers' charter.

CONCLUSIONS

reached by the  
National Conference on Emigration  
in Rome  
24 February - 1 March 1975

The first National Conference on Emigration organized by the Italian Government took place in Rome from 24 February to 1 March 1975. After three days of debates in plenary sitting, the fourth day, Thursday, 27 February was entirely devoted to the work in committee:

- First committee: Emigration in Italy: its structural origin and how to stop it;
- Second committee: Active employment policy at internal and international level;
- Third committee: Protection of the rights of migrant workers;
- Fourth committee: Emigration policy and participation.

The four general reports submitted to the plenary conference on the first day were thus referred back to the four committees. Each committee was responsible for one report. After a brief resumption of the general debate on the afternoon of 28 February, the conference ended on Saturday, 1 March.

The four committees did not submit any written conclusions. Each rapporteur was instructed to present the outcome of his committee's deliberations orally. The four committees also all supported the substance of the written reports, which therefore still constitute the main work of the conference. However, the debate on the last day brought out certain major points. It may be useful to recall them briefly.

1st committee<sup>1</sup>: Causes of emigration and how to stop it

(i) Inadequacy of development policy at national and regional level

Economic growth in Italy in the last 30 years has worked to the disadvantage of certain regions. This applies to the whole of the south, but also to the

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<sup>1</sup>See la report (CNE/CONF/1) (Mr Simoncini, rapporteur), and two other important documents also mentioned in the oral conclusions of the rapporteur:  
- Document on the Regions (CNE/INF/24);  
- report by the Standing Committee on Emigration of the Chamber of Deputies (CNE/INF/5)

north-east and the mountainous areas of the centre. Emigration is the result of this imbalance. The industrial development<sup>1</sup> of the country has been concentrated on sectors deficient in new technologies. There has thus been a lack of genuine innovation, such as the construction of complete factories. Scientific research has been neglected.

(ii) The agricultural crisis

The agricultural crisis is both the cause and effect of emigration. It is the cause of it, especially in the south, when the deterioration in agricultural income becomes intolerable and results in emigration. It can, in turn, become the result of emigration when the reduction in the population causes deterioration of the land<sup>2</sup>. The absence of a comprehensive irrigation policy was one of the most serious factors in the agricultural crisis in the south in the 1940's and 1950's. It has had a profound influence on the recent history of Italian emigration since, while preventing the development of intensive cultivation with a high rate of individual productivity, it ultimately favoured cereal growing over large acreages, involving a considerable extension of the arable land. The mechanization of the large landed estates of other times merely accelerated the expulsion of prospective migrants who, because of the absence of a proper system of irrigated land, would no longer continue working in the fields.

The situation in the mountains was also described. It explains the emigration from certain alpine regions in the north and from the Apennines in the centre. The handicap caused by the conditions attaching to the ownership of land in the vicinity of military areas in the north-east (especially in Frioul, a border region with Yugoslavia) is also a factor in arresting rural development.

The Community offers one possibility for overcoming all these detrimental factors: implementation of the socio-structural directives of April 1972<sup>3</sup> the measures in favour of hill farming (in Italy there are, in addition legal provisions on mountain 'communities') and the creation of the new Regional Fund.

<sup>1</sup> See Document on the Regions referred to above, p-2

<sup>2</sup> See 'Communication from the Commission concerning an action programme in favour of migrant workers and their families' (Doc. 465/74), introduction, passim. (See also Document on the Regions referred to above, p 2

<sup>3</sup> See Document on the Regions referred to above pages 6 and 8

(iii) Consequences of emigration

A great many consequences were referred to. Emigration results in depletion of the population in the abandoned areas, and a decline in country life. On the other hand, it accelerates urban congestion in the immigration areas. The cost of infrastructures is shooting up, both for maintaining the minimum structure in the regions of emigration and for reinforcing that in the receiving areas. The country of origin also suffers all the harmful consequences of disruption of the cultural balance due to emigration. There is very marked damage to the social fabric. The emigrant leaves his place in society. Before reestablishing himself in a completely new place, he suffers for a long time a sense of cultural shock which is very difficult to overcome. Emphasis was placed on the serious handicap that this shock can inflict on the children of the migrant if no action is taken against it.

(iv) The remedies

To eliminate the scourge of emigration, it is first necessary to restrain the outflow, while seeking means to guarantee employment to those who return of which there may be a great many if the industrial recession gets worse. Efforts should be concentrated on the revival of agriculture, but the conference was only able to make very vague suggestions. It was a question, however, of determining what market policies or what socio-structural solutions would be capable of safeguarding and sometimes even improving the level of employment in this sector.

The other sectors to be favoured are tourism, craft industries and small and medium-size businesses. This latter point needs further consideration. Large-scale industry is no longer considered to be the universal panacea. On the contrary, the advantages which it could bring are counterbalanced by the damage that it inflicts on the structure of the territory and on agriculture. For example, it has been noted that there are increasing objections to the ~~sting~~ siting of a huge heavy metal works in the plain of Gioia Gauro, in Calabria, as there is a risk that it would deal a mortal blow to what still remains of the Calabrian olive growing industry. The same applies to certain projects in the heavy chemical industry.

The conference also emphasized the role that the regional authorities have to play in the economic promotion of the regions of emigration, at the general level and at a more specific level, and the action which these authorities could take in favour of their migrants<sup>1</sup>.

<sup>1</sup>This formed the subject of a searching debate at The Conference of representatives of all the regions of Italy held in Naples on 10-11 March 1966.

Many people were surprized by the obstacles and curbs placed by the central government on the full development of activities in these regions. The government has often used its right of veto under the constitution to block certain laws and regional measures voted or adopted in favour of migrant workers. The latter are being increasingly called upon to meet in representative assemblies<sup>1</sup> endowed with consultative powers to support the action taken by the regions.

(v) Returning emigrants

The repercussions of the economic situation may cause many migrants to return home. The trade unions, which have their say in communal committees on employment, will endeavour to help migrants find new jobs. However, the trade unions have spoken out against the popular demand for migrant workers to go home, since the conditions under which they do so are very distressing. They have criticized in particular the limited accommodation available to returning migrants.

The regions have clearly indicated that without a reform of employment there can be no question of a coherent policy for the return of emigrants<sup>2</sup>. However, no details were given.

2nd committee : Active employment policy at internal and international levels

(i) Curbs on immigration

It has been noted<sup>3</sup> that in the Federal Republic of Germany the level of immigration from non-Community countries began to fall in November 1973, well before the present stage of recession. At that time it became clear that the economic advantages of immigration were being offset by the social costs. Immigration into Germany therefore stopped affecting the elasticity of the employment curve, at a time when unemployment had not yet assumed the present proportions. The return of migrants is not solely the result of the unemployment and recession occurring in the last few months.

<sup>1</sup> Regional Emigration Councils

<sup>2</sup> Document on the Regions, p.10

<sup>3</sup> See second report (CNE/CONF/2) (Mr TOROS, rapporteur) p. 9-10, and the statement by the representative of the OCSE within the first committee.

(v) Culture

The cultural under-development of the migrant is a serious matter. Specific action in his favour is required. The Conference proposed the establishment of cultural information and meeting Centres, located in regions with a high migrant density. Their function would be twofold, on the one hand for the benefit of the migrants and on the other for the local population. The workers should participate in the management of these Centres.

(ii) Social security

The fact that the procedures are dispersed among the various branches of the Italian administration is a major disadvantage. This must be overcome by setting up a single ad hoc administrative unit<sup>1</sup>. It is also necessary to speed up processing and extend the range of services<sup>2</sup>.

Particular attention should be paid to the clearance of pensions and the unemployment scheme for emigrants who are obliged to return home and who have not been able to find new jobs.

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(vi) Schooling

The problem concerns both the migrants and their children. For the workers themselves, suitable ways must be found to enable adults to catch up on their education. For their children the ideal solution is still that of the school which allows them the opportunity, at a given stage in their school career, to choose between return to their place of origin or to stay in the host country. This choice is closely linked with the form of schooling offered to them. The school should therefore make use of their national language, at least at the beginning, subsequently and progressively developing education in the language of the host country. Such dual-purpose schools would prevent the initial relegation of the mother tongue to second place which is associated with neglect of migrants' linguistic background. Subsequently they help towards integration into local society. Under these conditions integration would take place on a basis of equality and would be voluntary rather than compulsory. This would be a formula similar to that found in the 'European' schools. These schools should be encouraged in all countries of Europe, by opening them to all children of emigrant workers whenever possible.

While awaiting the establishment of this general system, the Italian State must do everything possible to intensify educational action in the host countries. In particular:

- it must undertake a policy of educational and linguistic training for the teachers to be sent to the countries of immigration; they will be teachers and social workers at the same time; their legal and economic status should be defined in a way more suited to the vital importance of their tasks;
- it must ensure that, above the minimum compulsory level of education, the diplomas obtained in the host country are equivalent to those in the country of origin;
- it must not shrink from the expense of the education costs abroad and it must endeavour to intensify its activities in this respect; at nursery school level, the work of certain private institutions must be taken into account; the existence of these must never be a justification for the absence of public initiatives in this sector;
- it must ensure that migrant workers participate in the administration of this educational policy and the administration of the national and Community funds devoted to it.

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(vii) Integration or preservation?

The answer to this is already to be found, at least in part, in the educational policy adopted for the children of the migrant worker. If the mother tongue is not known, or given a secondary place throughout the school career, it is clear that integration will take place at the expense of the native cultural heritage. The cultural shock which is a feature of all emigration would thus never be overcome<sup>1</sup>. The Conference favoured a form of integration in which the original characteristics can be preserved in the new context of the host country. Integration must not be achieved by destruction, but by creating a place for migrants in a pluralist society. Under these conditions, emigration will no longer be a handicap whose effects extend into the next generation. It will become an enriching factor.

The action to be undertaken by the States and the Community should aim at such integration and preservation.

4th committee: Emigration policy and participation

(i) Information policy

The press, radio and television must intensify their efforts to provide better information both for migrants and their country, which has a tendency to forget them. The Conference called for publication of the list of subsidies and aids in favour of certain newspapers and certain radio programmes for émigrés. The Office for Radio and Television should create within itself a Central Directorate of Information for migrant workers. The latter should participate in the administration of these new information arrangements.

(ii) Activities of the associations

Participation by émigrés in the activities of their associations is beneficial and should be encouraged. It will be necessary, however, to publish a list of the aids granted hitherto to some of these associations.

(iii) Participation in elections

Participation by émigrés in the elections in Italy should be facilitated. The Conference expects that the recent judgement by the Constitutional Court concerning a measure adopted by the Trentino-South Tirol region will allow the laws adopted by the other regions to facilitate such participation to be implemented. It must be ensured that émigrés are re-entered on the electoral rolls. The lowering of the voting age to 18 years calls for a special effort to enable young emigrants to vote at the next election.

<sup>1</sup>See programme of action referred to, pages 18-19

The action to be undertaken to encourage participation in elections in the places of origin should not however cause the need for progress in studies on the exercise of the right to vote in the countries of immigration to be overlooked. The worker should be able to participate in this way in the elections in his country of origin.

(iv) Political rights

Participation by émigrés at least in the local elections in the places of immigration must be promoted. The extension of this right to parliamentary elections is linked in the Community with the notion of European citizenship. The action to be undertaken in this sector must be harmonized with that referred to in the previous paragraph.

(v) The institutions of emigration policy

The government has undertaken to set up an Inter-ministerial Committee responsible for the coordination of the various phases of emigration policy. This policy should not however be undertaken solely by the public authorities. It requires various forms of co-management and participation. In this respect the creation of an Emigration Council has been called for. The representatives of the émigrés should have a seat on this.

The forms of participation in the administration of this policy should replace at all levels mere participation in purely consultative committees. The Central Council for Emigration should therefore take over from the present Consultative Committee for Italians Abroad. At the local level, the change would be effected by enlarging the electoral basis, the representativity and the powers of the various consultative committees established at the Consulates. Their task would extend beyond mere assistance. Similar action should be undertaken for participation in educational activities.

ANNEX V

Original amendments by Mr Pisoni, Mr Girardin and Mr Rosati

AMENDMENTS tabled by Mr PISONI, Mr GIRARDIN and Mr ROSATI to the motion for a resolution by Mr ALBERS (PE 39.995/res.) on the migrant workers action programme (Doc. 465/74)

Amendment No. 1

After paragraph 3, add the following paragraph 3a:

- 3a. Asks the Commission to submit to the Council as soon as possible a proposal for a decision embodying the basic principles of the programme, the specific measures proposed in it, properly structured according to the beneficiaries, and a precise timetable of dates for submitting operational proposals to the Council;

Amendment No. 2

Replace paragraph 9 by the following:

- 9.(new) : Regrets that the Commission has not yet submitted to Parliament its proposal for a Migrant Workers Charter, which it undertook to submit by 31 March 1975, and requests it to do so as soon as possible;

Amendment No. 3

After (new) paragraph 9, add the following new paragraph:

10. Asks the Commission to submit to the Council a modified programme adding the following to the specific measures already provided for in the present programme:

Free movement

- (a) The updating of all basic regulations relating to free movement, in particular Regulation 1612/68 of 15 October 1968, directives 64/221 of 25 February 1974 (special provisions relating to movement and residence of foreigners in connection with public order, public security and public health) and 68/360 of 15 October 1968 (abolition of restrictions on movement and residence of migrant workers and their families), and Regulation 1251/70 of 29 June 1970 (right to remain on the territory of a Member State after having worked there);

15.5.1975

- (b) Better guarantees of respect for Community priority in access to employment, through revision and more rigorous application of the administrative rules and regulations relating thereto, and by coordinating Member States' immigration policies;
- (c) The adoption of Community regulations for seasonal and border-crossing workers;

Social security

- (a) The revision of regulations 1408/71 of 14 June 1971 and 574/72 of 21 March 1972 to remove the inequalities, differences, limitations and in some cases even losses of rights at present sanctioned by these regulations;
- (b) The creation for Community workers of a card or other document recording periods of employment and social security payments made to facilitate proof of entitlement to the various benefits;
- (c) Revision of all regulations concerning procedures for submitting applications for benefits, the calculation of benefits, the payment of same and advances thereon; these procedures are at present fairly complex and time-consuming, and are instrumental in increasing the already unacceptable delays in decisions on benefit applications;
- (d) The setting up of a European Settlement Fund, to ensure direct and immediate payment of benefits to every worker, with the necessary accounting and adjustment between the institutions concerned being made subsequently; this is a prerequisite for the setting up of a European social security system;
- (e) The activation of the Advisory Committee on Social Security for Migrant Workers, set up by Regulation 1408/71, which to date has never functioned;
- (f) The progressive inclusion of migrant representatives in bodies concerned with administering social security schemes;
- (g) The inclusion in the health services of the insurance bodies of doctors and nurses of the same nationality as the migrant workers, speaking their language and able to understand their problems and their mentality (cf. the decisions of 12 February 1975 by the Council of Ministers on freedom of establishment for doctors in the Community);

- (h) The adoption of a Community regulation to safeguard the physical integrity and protect the health of migrant workers, who are more vulnerable and more exposed than native-born workers to the risks of accident. The creation by Council Decision (EEC) No. 74/325 of 27 June 1974 of an Advisory Committee on Safety, Hygiene and Health Protection at Work is insufficient without such a basis, while the recent 'Guidelines for a Community Programme for Safety, Hygiene and Health Protection at Work' (COM(75) 138 final of 8 April 1975) are too vague and not binding enough to be able to lead to satisfactory results;
- (i) A Community definition of pensionable disability, to avoid duplication of medical certificates, abnormal delays in paying benefits, and the inevitable disputes which arise when a worker is regarded as disabled under the legislation of one Member State and capable of work under that of another;
- (l) Regulations on medical reports where the worker is resident in a Member State which is not the one concerned, so to avoid the preparation of medical reports on the sole basis of medical files, without the worker being interviewed and physically examined;
- (m) Obligation on all Member States to apply European Court of Justice judgments regarding social security for migrant workers, and immediate modification of Community regulations whenever an interpretative judgment on a matter of principle is delivered;
- (n) Harmonization of the system for transferring benefits from one State to another;
- Education of migrant workers' children
- (a) The establishment, in Member States which are host countries to migrant workers, of a two-way school system in the areas where there are sufficient numbers of foreign pupils, with bilingual education as far as the minimum leaving age, so as to allow either return to the home country or definitive integration into the host country;
- (b) The setting up in all Member States of a uniform health and education record card, as also recommended by the Council of Europe, so that migrant workers' children, if and when they return to the home country, can present the new education authority with a conspectus of studies and progress completed;

- (c) The financing by host countries of supplementary courses in the foreign language and culture for foreign workers or their children after the minimum school-leaving age mentioned in paragraph (a);

Civil and political rights

- (a) Full participation in community and neighbourhood life, to be implemented according to the following plan:

1. creation of consultative committees in all municipalities where there is a large number of migrants;
2. setting up of joint committees at municipality, regional and national level;
3. direct election of the consultative committees by the foreign workers;
4. full participation, by 1980 at latest, in local elections.

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Amendment No. 4

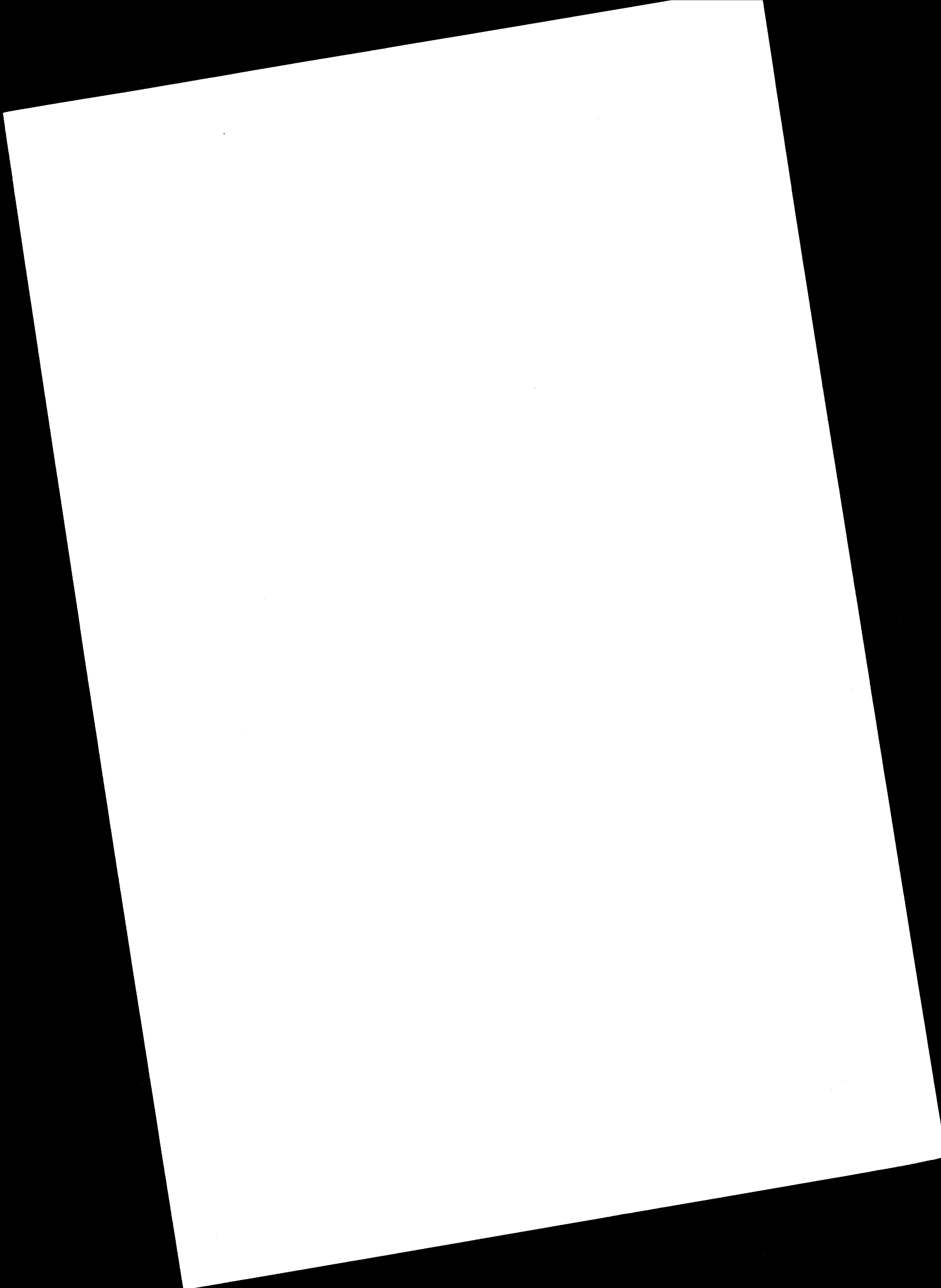
After paragraph 10, add the following new paragraphs:

11. Recalls, as regards housing for migrant workers, that in its resolution on the Social Action Programme (OJ No. C 2, 9 January 1974, p.16), it had asked the Commission to 'give priority to the working out for them [migrant workers] of pilot projects for low-cost housing, encouraging Community action as regards the construction of housing financed by Member States, employers concerned and the Community', and therefore asks the Commission to look urgently into the question of how to achieve these ends, with the cooperation of the bodies and Member States concerned;

12. Recalls the importance of sport for the integration of migrant workers, and therefore invites the Commission to incorporate into its programme the abolition of those discriminations which still exist as between native-born citizens and foreign workers regarding participation by the latter in sport, competitive and otherwise:

13. Urges the Council of Ministers to ensure that the provisions of the Social Action Programme regarding migrant workers are not interpreted restrictively, but as widely as possible, especially as far as social security and civil and political rights are concerned;
14. Requests the Commission not to await Council approval of the programme before submitting specific implementation proposals, and to bring forward implementation of the programme as far as possible.





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