



EUROPEAN COMMISSION

PRESS RELEASE

Brussels, 21 December 2012

Commission authorises Spain to extend existing temporary restrictions on Romanian workers

The European Commission has approved a request from the Spanish authorities made on 13 December 2012 to extend the temporary restriction on access for Romanian workers to the Spanish labour market until 31 December 2013 due to serious disturbances on its labour market. These restrictions cannot be continued after the end of 2013 as temporary restrictions on the free movement of Romanian and Bulgarian workers must be lifted in all Member States as from 1 January 2014.

The Commission's decision is based on a specific safeguard clause in the 2005 Treaty on the accession of Bulgaria and Romania. This clause allows Member States that have lifted restrictions on workers from Bulgaria and Romania to subsequently re-impose restrictions if there are serious disturbances on their labour market, subject to the Commission's agreement.

Spain opened its labour market to Romanian and Bulgarian workers in 2009, but in August 2011 the Commission authorised Spain to temporarily restrict the free movement of Romanian workers until 31 December 2012 (see [IP/11/960](#) and [MEMO/11/554](#)).

"Since the restrictions on labour market access by Romanian workers were re-introduced in mid-2011, the economic and labour market situation in Spain has further worsened. I strongly believe that free movement of workers should be promoted and that restrictions on it are not the answer to high unemployment. However, Spain's labour market has been very badly hit by the crisis and the Commission has therefore agreed to this temporary measure," said László Andor, Commissioner for Employment, Social Affairs and Inclusion. *"We will continue to monitor closely the Spanish labour market, and will consider modifying or revoking the Decision at any time if developments on the Spanish labour market allow for it. At the same time Romania also needs to take appropriate steps to boost job creation. In order to improve the employment situation, I encourage both countries to implement the actions foreseen in the Employment and Youth packages presented by the Commission this year."*

Spain has a record level of both unemployment at 26.2%, compared to 22.7% one year before, and youth unemployment at 55.9% (figures from October 2012). Figures for the EU average are respectively 10.7% and 23.4%. As all regions of Spain are affected by high levels of unemployment, the labour market disturbance is not limited to a particular region.

The number of Romanian nationals residing in Spain is currently 913,000 (September 2012) which represents 17% of the foreign population in Spain, and is a year-on-year increase of 12,000. According to the EU Labour Force survey, Romanian nationals living in Spain are strongly affected by unemployment, with 36.4% of the (economically active) Romanians in Spain unemployed – compared to 23.3% of Spanish nationals. The employment rate among working-age (15-64) Romanian citizens is only 50.8%.

The Commission will monitor the situation through updates provided by Spain every three months on the labour market situation. The Commission reserves the right to repeal its decision to allow a restriction to the access of the labour market at any time based on developments on the Spanish labour market.

The Commission will now notify its decision to the EU's Council of Ministers. Any Member State may request the Council to amend or annul the Commission's decision within two working weeks.

Background

Free movement of workers is one of the fundamental freedoms of the EU Treaty. It gives EU citizens the right to freely move to another Member State to work (without needing a work permit) and to reside there for that purpose.

However, the 2005 Treaty of Accession of Bulgaria and Romania to the EU provides that for a transitional period of a maximum of seven years Member States have the option of imposing partial or total restrictions on access to their labour markets for workers from Bulgaria and Romania. The overall transitional period is divided into three distinct phases ("2-plus-3-plus-2"). Different conditions apply during each phase. The current final third phase started on 1 January 2011 and will irrevocably end on 31 December 2013.

Any restriction of the free movement of workers **constitutes a derogation** from a fundamental freedom of EU law that must be allowed explicitly by EU law itself. Although the transitional arrangements in the Accession Treaty allow for such derogations, they are limited in time.

The restrictions on access for Romanian workers to the Spanish labour market until 31 December 2013 applies to all sectors and regions but do not affect Romanian nationals who were already active on the Spanish labour market on 22 July 2011.

Workers from Romania currently enjoy full rights to free movement in 16 Member States (Czech Republic, Denmark, Estonia, Ireland, Greece, Italy, Cyprus, Latvia, Lithuania, Hungary, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden). No restrictions apply between Romania and Bulgaria.

Of the remaining 9 Member States (Belgium, Germany, Spain, France, Luxembourg, Malta, Netherlands, Austria and United Kingdom), several have eased conditions or simplified procedures to access the labour market in comparison to the conditions and procedures that applied to them prior to EU accession.

In general, free movement of workers has had a positive economic impact at the EU level and has produced economic growth in host countries, as shown by the Commission's November 2011 report - [Employment and Social Developments in Europe 2011](#) (p.274). This report highlights estimates that the **impact of population flows** from the Czech Republic, Estonia, Latvia, Lithuania, Hungary Poland, Slovenia, Slovakia, Bulgaria and Romania between 2004 and 2009 **on the level of potential output of the EU-15 Member States was up to 0.9%.**

For more information

Free movement of workers: <http://ec.europa.eu/social/main.jsp?langId=en&catId=457>

László Andor's website: http://ec.europa.eu/commission_2010-2014/andor/

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