



EU Policy Updates Note

03 / April – June 2024



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EU Policy Updates Note 3

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1. Introduction

This Note provides an overview of relevant **EU policy developments** in the four domains covered by the DignityFIRM project, taking place between April and June 2024. In this period, the European Parliament (EP) and Council adopted the revised [Single Permit](#) and [Anti-Trafficking directives](#), as well as the [Corporate Sustainability Due Diligence Directive](#). The EP and Council also formally adopted the [New Pact on Migration and Asylum](#), concluding a long and difficult negotiation. Meanwhile, **farmers' protests** continued to draw public attention, also leading to changes to the current [Common Agriculture Policy](#) (CAP). In early June, all eyes turned to the [EP elections](#). As predicted, the vote saw a [shift to the right](#), with parties campaigning on anti-immigration positions increasing their presence in the EP. While pro-EU groups will still hold a [majority](#) in the new cycle, progressive voices with human rights agendas [may struggle to be heard](#). The follow-up to the elections, including the nomination of a [new Commission](#) and the definition of new policy priorities, will be covered in upcoming Notes. Other developments not covered in this Note which will be later examined in greater detail include the [extension of temporary protection](#) for Ukrainian refugees until 2026, proposed by the Commission on 13 June, as well as the Council's negotiating positions on the [Victims' Rights Directive](#) (see [Note n.1](#)) and the [EU Talent Pool proposal](#) (see [Note n. 2](#)).

2. EU Legislative Developments

Recast of the EU Anti-Trafficking Directive adopted with a stronger focus on law enforcement

The revised EU Anti-trafficking Directive was proposed by the [European Commission](#) in 2022. It broadens the scope of exploitative behaviours, aiming to **strengthen victims' protection** through the mandatory establishment of **Formal Referral Mechanisms** for

early detection of victims, and a stronger focus on **law enforcement**. Following a [provisional agreement](#) on the file in January 2024, the final agreement received the [EP's greenlight](#) in April, followed by the [Council](#) in May. Contrary to the EP's [suggested amendments](#) to the proposal, the [adopted text](#) fails to recognise **systemic factors** that exacerbate migrants, refugees, and asylum-seekers' **exposure to traffickers**, such as a lack of safe and legal migration opportunities (see [Note n. 1](#)). Notwithstanding, the text foresees **stronger collaboration between anti-trafficking and asylum authorities** to ensure that victims of trafficking who are also in need of **international protection** are swiftly identified and supported. On the other hand, following a **deterrent logic**, the Directive foresees the [criminalisation of the known use of services](#) of exploited victims of trafficking. It remains unclear if this provision will apply to the employment of trafficked persons, and, in that event, how it will interact with the [Employers Sanctions Directive](#), in instances where it can be proven that [irregular migrant workers](#) were also victims of trafficking.

Faster labour market access under the 2024 Recast Reception Conditions Directive

In 2016, the European Commission presented a [proposal](#) to reform the [Reception Conditions Directive](#), aiming to further harmonise material reception conditions and improve the integration prospects for asylum seekers. This included a proposal to **reduce the 9 month waiting period** before they can **access the labour market** after lodging an asylum application. Following [lengthy negotiations](#), the EP and Council adopted the [final text](#) in [April](#). The new waiting period is set at **6 months**. This reduction could **decrease asylum seekers' vulnerability to undeclared work**. However, member states can still apply labour market tests, giving **priority to their own nationals, EU citizens, and lawfully residing third-country nationals**, as under the [previous Directive](#). For asylum seekers

whose application is “likely to be unfounded”, the Directive foresees their **exclusion from the labour market**, potentially pushing them into **irregular work**. In this context, [critics](#) argue that the new Directive presents a missed opportunity to improve the integration prospects for all asylum seekers in the EU.

CAP reform targets environmental requirements and controls

In spring 2024, [farmers’ protests](#) continued [across the EU](#) (See [Note n. 2](#)). Under pressure to show support as the EP elections approached, [EU policymakers](#) and national authorities proposed introducing **greater flexibility** into the current CAP, especially in relation to its [environmental conditionalities](#). Among others, the measures include a reduction of [compliance controls and ensuing penalties](#) by up to 50%, with small farmers benefiting from an outright [exemption](#). While [employers’ organisations](#) have welcomed [the measures](#), [experts](#) regret that the **increased flexibility prioritises short-term resilience at the expense of long-term (environmental) sustainability targets**. Despite [calls to the contrary](#), the [social conditionality mechanism](#) remains intact, to the potential benefit of [workers](#). However, considering the reduced controls, which include on-farm visits, **labour exploitation** may fly under the radar. [Ongoing discussions](#) in the context of the [European Commission’s Strategic Dialogue on the future of EU agriculture](#) present an opportunity to reconcile these concerns with a view to the [new policy cycle](#) (see [Note n. 1](#)).

Strengthened efforts against Unfair Trade Practices

In response to the recent farmers’ protests, [measures](#) were also proposed to **improve farmers’ position in the food supply chain**. In this context, the Commission presented its [report](#) on the implementation of the 2019 [Unfair Trade Practices](#) (UTP) Directive. [UTPs](#) refer to **dishonest business practices** which are **unilaterally imposed** by one trading partner, such as late payments or purchasing below production costs. With [larger retailers](#) holding **disproportionate purchasing and bargaining power** in the food supply chain, [farmers and small suppliers](#) are especially **vulnerable** to UTPs.

Placing undue financial constraints on farmers, UTPs may push them to **cut labour costs**, which could lead to **further risks of undignified working conditions** and reliance on irregular work. Having found challenges in the implementation of the Directive, the Commission will propose [new rules on strengthening cross-border investigations and enforcement](#) later this year. Complementary to these efforts, the [Commission](#) has also proposed the establishment of an EU [agri-food chain observatory \(AFCO\)](#), to improve transparency on UTPs.

Fair working conditions key to the transition pathway for the agrifood industrial ecosystem

In March 2024, the European Commission published a [strategy](#) to support the [EU’s transition to a green, digital and resilient agrifood industrial ecosystem](#), with a focus on continued consultation with agri-food stakeholders. The strategy focuses on measures to increase the **attractiveness of EU exports** whilst guaranteeing **fair returns for all actors** in the value chain, in an effort to **bolster the EU’s strategic autonomy and food security**. The strategy contains **eight building blocks**, including a skills component and a social dimension, which acknowledge that the transition will not be possible without **decent working conditions**. It underscores the need for **fair wages and job security**, as well as **enhanced support for migrant workers** in particular. Furthermore, before the [end of the year](#), the Commission will set up a **Transition Pathway Platform (TPP)**, to disseminate information and facilitate stakeholder interaction. This builds on the [consultative nature](#) of the strategy. While generally welcomed by [stakeholders](#), it is worth noting that the strategy lacks a standalone monitoring mechanism, and currently relies on monitoring efforts in place for related policy areas.

3. Other Relevant Developments

Spanish regularisation proposal could benefit up to 500,000 people

In recent years, [member states](#) have put in place [regularisation procedures](#), improving irregular

migrants' [access to rights](#) while decreasing their exposure to precarity and exploitative employment conditions. Following this trend, in [September 2023](#), a [civil society platform](#) put forward a [legislative proposal](#) in Spain to grant residency to irregular migrants who had arrived in the country before 2021. In April 2024, the [Spanish Parliament](#) **voted in favour of considering the proposal** with the **support of [all political groups except Vox](#)**. The proposal will now go

through the [legislative process](#). If adopted, it could benefit up to [500,000 people](#), significantly **improving their [access to legal protections and integration prospects](#)**, whilst at the same time **increasing contributions to Spain's [social security system](#)**. As political groups now prepare to submit their amendments to the proposal, [experts](#) worry that it could be **watered down** during the legislative process.

This note is published on a quarterly basis.

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ABOUT DignityFIRM

Towards becoming sustainable and resilient societies we must address the structural contradictions between our societies' exclusion of migrant workers and their substantive role in producing our food.

www.dignityfirm.eu



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