



# EU Policy Updates Note

01 / June–November 2023



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# EU Policy Updates Note 1

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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. It accounts for the period between June and November 2023. With the end of the 2019-2024 cycle drawing closer, efforts to reach consensus on several legislative proposals have intensified. Among others, **interinstitutional negotiations ('trilogues')** have progressed on proposals pertaining to victims' rights, platform work, the single permit and corporate due diligence. For other files, such as the [proposed](#) ban on products made with forced labour, a common negotiating [position](#) is proving harder to reach. The European Commission's [2024 Work Programme](#) provides a useful reference point as to its **priorities** for the remainder of its mandate, including on Farm to Fork and migration policy.

## 2. EU Legislative Developments

*Commission proposes revision of the Victims' Rights Directive*

In July 2023, the [Commission](#) proposed amending the Victims' Rights Directive, aiming to improve access to information, support, and remedy for **all victims of a crime**. To this end, the revision creates safer conditions for reporting a crime, prohibiting the transfer of personal information to national authorities when doing so. This includes **residence status**, which should encourage irregular migrants to report crimes. However, this prohibition would only apply until the completion of the **"first individual needs assessment"**, making the transfer of information possible in following stages. This has raised [doubts](#) as to the

effectiveness of the prohibition, as irregular migrants may not report crimes for fear of deportation. Other than this, the revision fails to establish clear rules on facilitated **access to residence** for crime victims.

*Revision of Anti-Trafficking Directive expected to be completed by end of the year*

The stated aim of the [revised Anti-Trafficking Directive](#), proposed in December 2022, is to **broaden the forms of exploitation** it covers, and **strengthen the legal tools** to investigate and prosecute them. The European Parliament's [common position](#) includes **additional amendments** to support and protect vulnerable victims, mentioning irregular migrants specifically. These include stronger protections for victims of trafficking, regardless of their irregular entry or stay into a member state or their willingness to cooperate in criminal investigations. While welcoming some of the Parliament's proposed changes, **civil society organisations** expressed [concerns](#) that the revision does not go far enough in addressing the risks trafficked persons face. With the Council having reached a [common approach](#), [trilogues](#) started in November, and are expected to be concluded by the end of this legislative cycle.

*Inter-institutional negotiations start for proposed Platform Workers Directive*

The [Platform Workers Directive](#), proposed in December 2021, aims to improve **the protection of the labour and social rights** of persons working through digital platforms. The proposal tries to do so by setting rules to determine the **correct employment status** of platform workers, among others. Following [negotiations](#) within the Council and Parliament, trilogues started this July. These

are [proving](#) difficult, primarily due to the **legal presumption of employment**, which the Parliament wishes to expand and the Council resists. A further point of division is the possibility of dismissing **workers by automated decision-making systems**.

#### *Limited progress in the negotiations of the Single Permit Directive*

The [recast](#) of the [Single Permit Directive](#), which creates a single residence and work permit for **non-EU nationals**, aims to further simplify and align rules currently applicable in member states. Other than this, it seeks to increase legal certainty by making it easier for beneficiaries to switch employers. Ongoing since this June, [trilogue discussions](#) are proving difficult, with **shorter processing times for applications and the right to more easily change employer** facing resistance from the [Council](#). Commenting on the negotiations, several [civil society organisations](#) highlighted the need to **weaken dependencies**, especially the link between permits and a single employment relation, arguing that these push people into irregularity and undeclared work.

#### *Council adopts mandate on Long-Term Residence Directive*

The [Long-Term Residence Directive](#) grants **extended rights** to third-country nationals who have resided in the EU for over five years, including a degree of intra-EU mobility. In its [revision](#) advanced in 2022, the Commission proposed simplifying **the eligibility conditions**, among other measures. A Council [agreement](#) in November paved the way for the trilogues. [Divergences](#) are expected on the Parliament's proposal to further simplify eligibility conditions by shortening the waiting period from five to three

years, and on how this residence period is calculated.

#### *Council approves Farm Sustainability Data Network regulation*

The [Council](#) approved the [Farm Sustainability Data Network](#) (FSDN) regulation in November, which will include **environmental and social data on agricultural practices**, such as **working conditions, social security and social inclusion**. Although the stated goal is to better promote the sustainability objectives of the Farm to Fork Strategy, its **voluntary application** and the unclear **complementarity** with [other](#) reporting standards could limit its positive impact.

#### *Parliament greenlights trilogues on Corporate Sustainability Due Diligence Directive*

[Proposed](#) in 2022, the [Directive](#) aims to strengthen responsible corporate behaviour by introducing **environmental and human rights** obligations and standards. Trilogues started in June, with the Council and [Parliament](#) struggling to reconcile divergent positions. Among others, the [Parliament](#) wants the Directive's **scope** to cover smaller enterprises and all **downstream activities** in the value chain. The [Council](#) has adopted a **less ambitious position**, limiting liability for affected companies. Although challenges remain, the Parliament's Rapporteur [considers](#) a deal before the year's end within reach.

### **3. Other Relevant Developments**

#### *Commission launches strategic dialogue on the future of agriculture in the EU*

In October, the [Commission](#) announced a **strategic dialogue on the future of agriculture in the EU**. The initiative's stated aim is to **engage relevant stakeholders** working on the transition to sustainable food systems, although it is unclear if it

will include migrant workers. While several [EU agriculture ministers](#) welcomed the dialogue, [analysts](#) have questioned whether its timing indicates a failure to progress on the Farm to Fork Strategy. This is after promises to publish a [proposal](#) by September on the **Sustainable Food Systems Law** – which aims to integrate sustainability practices into all food-related policies – failed to materialise.

*Intentions to postpone deadline to adopt European Sustainability Reporting Standards*

In October, the [Commission](#) decided to postpone the adoption of **sector specific** European Sustainability Reporting Standards (ESRS) from 2024 to 2026. The ESRS are to be [used](#) by companies subject to the [Corporate Sustainability Reporting Directive](#) to streamline and enhance transparent reporting on environmental, social, and governance issues. While the benefitting sectors remain unclear, this [postponement](#) should provide more time for SMEs to develop and implement newly adopted standards. However, the foreseen delays will have an impact on **employers' obligations** to respect migrant workers' rights.

*2023-2025 EU-OSHA Healthy Workplaces Campaign*

Employers and workers, as well as EU and national policymakers, suffer from an **information deficit** on occupational health and safety. In this context, in October, the European Agency for Health and Safety at Work launched a campaign on '[Safe and healthy work in the digital age](#)'. Taking place between 2023 and 2025, the campaign [focuses](#) on the creation of **a common understanding** of the **risks posed by digitalisation**, such as worker management through AI and platform work. It aims to create healthier workplaces by facilitating stakeholders' **exchanges** as well as **access to information and online training tools**.

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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](http://www.dignityfirm.eu)



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