

FIEC is the European Construction Industry Federation, representing via its 33 National Member Federations in 29 countries (25 EU & Switzerland, Norway, Ukraine, Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as “global players”, carrying out all forms of building and civil engineering activities.



PRESS RELEASE

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Coordination of Social Security systems: FIEC says no to exemptions to prior notification for the construction industry

As the interinstitutional negotiations are about to resume on the coordination of social security systems with the new mandate obtained by the Portuguese Presidency, “*FIEC is opposed to any form of temporary exemption to the prior notification of the A1 form for the construction industry*” warns FIEC Vice-President Joël Schons.

“*Moreover, concerning the exemption to the prior notification for “business trips”, it must not cover the provision of construction services, as indicated in the Annex of the Posting of Workers Directive (Directive 96/71/EC, amended by Directive (EU) 2018/957),*” adds Schons.

Indeed, FIEC considers that such exemptions would open Pandora’s box in terms of **fraud**, with regard to **the posting of workers**, as well as circumvent the guarantee which had been safeguarded in the 2018 Posting of Workers Directive (Article 3 (2)) on the exemption to the 8-day limit period for the construction industry.

In addition, FIEC stresses that:

- Setting a first temporary exemption could lead to further time-based extensions of such an exemption in the future.
- Most postings in the construction industry are short and would consequently not be subject to the prior notification because of this exemption.
- Fraudulent companies would be tempted to split the posting periods in order to circumvent the prior notification.
- In practice, due to the short time period under consideration, labour inspectorates will not be able to control whether the posted worker is covered by the time-based exemption or not.
- In case of work-related accidents during the posting, and without the provision of an A1 form, both national authorities of the sending and receiving countries might declare that they are not competent to deal with this situation.
- Altogether, the risk of an increase in fraud would destabilise the socio-economic model on which the construction industry relies.

Last but not least, FIEC considers that, instead of considering short-time exemptions for “administrative simplification” purposes, Member States should further develop simple digital tools and procedures for notifying posting. Full digitalisation would render the current discussions around exemptions to prior notification obsolete.

Note: Our Swedish federation Byggföretagen does not support this point of view.

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