



Ms. Roxana Mînzatu

Executive Vice-President for Social Rights
and Skills, Quality Jobs and Preparedness
European Commission

Brussels, 6th December 2024

Dear Ms. Mînzatu, dear Executive Vice-President,

On behalf of the **European Social Partners for the construction industry**, we would like to congratulate you on your nomination as Executive Vice-President for Social Rights and Skills, Quality Jobs and Preparedness.

Moreover, we would like to bring to your attention a few issues that are relevant to both the trade unions and the employers in our industry.

Social security coordination

As interinstitutional negotiations on the revision to the coordination of social security systems are about to be resumed under the Polish Presidency, EFBWW and FIEC strongly oppose the possibility of exempting the requirement for prior notification for postings in the construction industry, including for short-term postings. The construction industry accounts for more than 40% of all postings taking place in the EU. To avoid posting becoming merely a business model for cheap and flexible workers, we need a revised regulation for coordinating social security systems with strong obligations, enforcement tools and prior notification - regardless of the duration of posting.

Social ID-cards in construction

EFBWW and FIEC are currently collaborating on an important project to promote the use and interconnection of social ID cards in the construction industry across Member States. These cards serve as a tool for improving transparency, combatting undeclared work and ensuring compliance with labour, social security and health and safety regulations. Social ID cards may provide different type of information about workers on construction sites, for example their identity, employment status, social security registration or training in health and safety. This information enables labour inspectors, social partners and authorities to monitor working conditions more effectively and identify potential instances of fraud or exploitation. The project focuses on identifying best practices from existing national initiatives and assessing the feasibility for interconnection between systems across the EU. The project will develop

recommendations to improve compliance, enforcement and fair competition. Social ID cards are part of a toolkit for promoting a more socially responsible and sustainable construction sector. The European Commission has been an important partner in this project. We look forward to receiving your continued support as we will move into a next phase preparing the launch of a pilot study.

Public procurement

In view of the expected forthcoming revision of the Public Procurement Directives, we would like to point out the widespread practice of awarding public contracts solely on the basis of the “lowest price” only and, beyond this, of accepting “abnormally low tenders” (ALTs), which is at source of various forms of unfair competition and social fraud. Therefore, FIEC and EFBWW call the European Commission for strengthening the provisions aimed at fighting against the award of public contracts to abnormally low tenders. Additionally, FIEC and EFBWW call on stronger measures that allow for the automatic exclusion of companies that have been involved in social dumping practices.

Labour and skills shortage

Like many industries in Europe, construction is facing strong and persistent labour and skills shortages which not only impact activities but also jeopardises the EU's ability to deliver the Green Deal. Through the Pact for Skills, sectoral social dialogue meetings and EU-funded project (*Blueprint in construction, VET4LEC, DESOCO*), FIEC and EFBWW engage with their national members and European stakeholders on a continuous basis to find adequate and long-term solutions. While we have supported the initiatives presented by the previous European Commission around the European Year of Skills, labour and skills shortage must remain high on the agenda. FIEC and EFBWW therefore welcome the proposals put forward in your Mission Letter and hope they will be reflected in concrete actions, especially to improve and modernise Vocational Educational Training, strengthen Erasmus + for apprentices and develop further the recognition of formal and informal qualifications.

European Commission Experts Group on Posting

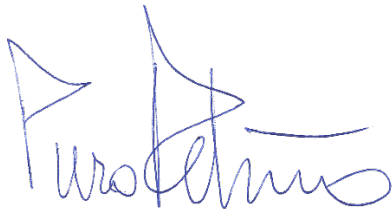
In accordance with the Regulation establishing the European Labour Authority (2019/1149), the former Committee of Experts on Posting of Workers (ECPW) has been integrated into ELA, while some of its tasks remained with the European Commission (i.e. policy design, interpretation and monitoring of the transposition of the EU Directives on the Posting of Workers – where it is important that social partners and Member States continue to be involved). However, EFBWW and FIEC share the concerns expressed by many Member States, as well as the cross-sectoral European Social Partners that the integration of the ECPW into the ELA has created a gap. In particular, we would like to highlight the fact that the construction industry is one of the most important sectors when it comes to posting issues, and we do not find the same added value in the work of the ELA Forum 360 on Posting. Consequently, we call for the reactivation of an expert group on posting – involving social partners – within the European Commission (DG EMPL).

New Pact for European Social Dialogue

FIEC and EFBWW welcome the forthcoming initiative for a new Pact for European Social Dialogue. In this context, we insist that the sectoral dimension of social dialogue should be at the forefront of the Pact. In order to ensure a well-functioning cooperation between trade unions and employers at sectoral level, we call on the European Commission to reinforce its financial, logistical and administrative support (i.e. legislative consultations, social dialogue meetings, EU-funded projects).

We thank you for your consideration and remain at your disposal to discuss possible ways forward regarding these various issues.

Yours sincerely,



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Annexes:

- Joint Work Programme for the European sectorial social dialogue of the construction industry 2024-2027.
- Joint press release on prior notification in the framework of coordination social security regulations, 17/11/2023
- Joint Press Release – FIEC and EFBWW present their views on the future of sectoral social ID cards in construction, 2/03/2023.
- Joint letter on the ECPW, 13/12/2021