

## POSITION PAPER

# Proposal for a Regulation on a public interface connected to the IMI for the declaration of posting of workers [COM(2024)531]<sup>1</sup>

Brussels, 10/06/2025

### BACKGROUND

In November 2024, the European Commission has proposed a Regulation to establish a single digital declaration portal for posting workers. This proposal includes the development of a common standard form, which will later be adopted through implementing acts. The aim of this proposal is to reduce the administrative burden and to increase legal certainty for businesses and facilitate information sharing with competent authorities in Member States, while also helping fight fraud and abuse.

Considering the mobility of a certain number of companies and workers in the construction industry, the current European Commission's proposal – and in particular its concrete implementation – has raised a number of comments and questions which are presented here below.

#### **1. Digitalisation, reduction of administrative burden, increase of legal certainty, better coordination between Member States**

As a principle, FIEC supports the digitalisation of administrative processes and procedures in order to reduce construction companies' administrative burden. Considering the present proposal, we welcome that the posting declaration would become quicker and less costly for companies. Such development would be in line with FIEC's permanent call for the simplification of businesses' life, especially as the construction industry is composed of a vast majority of SMEs.

FIEC also supports the fact that having a single digital portal for the posting of workers would help improving coordination between the EU and national administrations, as well as among Member States' relevant authorities. We consider that a good coordination is the basis for better prevention and better enforcement of the rules.

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<sup>1</sup> NB: This position is not supported by FIEC Danish (DI Byggeri) and Swedish (Byggföretagen) members.

## **2. Voluntary nature of the scheme**

Regarding the voluntary nature of the proposed scheme, FIEC acknowledges that, in theory, it would be more efficient if all Member States would participate, and hence, avoid the co-existence of a double system.

However, for the time being, it is good that those Member States that wish to can keep their own well-developed and effective national system. Indeed, a harmonised system “a minima” might undermine the diversity and flexibility of national approaches, which often reflect local labour market and enforcement realities.

## **3. Content of the standard form**

The information requested in the proposed standard form is a key aspect of the overall implementation and enforcement success of the proposal. In this respect, FIEC points out that it is highly problematic that the standard form be adopted by implementing acts (i.e. “behind closed doors”) only after the overall Regulation has been approved. This is similar to asking stakeholders to sign a blank check.

FIEC also points out the difficulty to find the right balance between harmonising/simplifying the list of requirements and ensuring that the system remains safe against posting frauds.

Indeed, the proposal creates a closed list of information requirements (NB: currently described in a working document dated December 2023), limiting enforcement flexibility and undermining the principle of subsidiarity by requiring Member States to seek Commission approval for adding enforcement-relevant information requirements. This effectively removes Member States' prerogative to adapt enforcement measures to their specific needs and national systems.

**As a better alternative option, this list should be a minimum and non-exhaustive, including some mandatory information requirements, while allowing Member States to independently add information requirements necessary for effective monitoring and enforcement.**

In any case, considering the importance of posting in the construction sector, sectoral social partners shall be formally involved at national and European levels in defining and tailoring additional information requirements.

## **4. Link and coherency between e-declaration for posting of workers and other relevant digitalisation initiatives**

FIEC considers that the e-declaration scheme must align with and complement those existing sectoral social ID card systems, related to posting issues in some Member States, as in their national context, these ID cards are considered to be crucial for monitoring compliance and improving enforcement.

In the same vein, it is important to ensure coherency between the various ongoing digitalisation initiatives of the European Commission, in particular EESSI and ESSPASS. These various initiatives should not lead to new administrative burden under the cover of “digitalisation”.