

POSITION PAPER

Construction Services Act

Brussels, 20/04/2026

Key messages

- FIEC is supportive of initiatives which aim to modernise the regulatory framework for construction and installation services, however, overall, **FIEC has some doubts on the added value of a Construction Services Act.**
- The construction sector **cannot be compared** to other sectors because of the local nature of the construction activities and the high share of SMEs.
- Any initiative aiming at facilitating cross-border service provision must therefore **respect the diversity of national systems** and avoid creating parallel or additional layers of regulation.
- **Occupational Safety and Health** is of foremost importance in our sector and high standards in this area should be guaranteed.
- **Digitalisation and streamlining** of the different administrative processes around recognition of qualification are welcomed.
- FIEC would be strongly **against a construction site card imposed from the EU level.**

Introduction

In May 2025, the European Commission announced in the Single Market Strategy that “a **Construction Services Act** to lower barriers to cross-border market access for construction and installation services” would be presented.

DG Grow, leading the work on this file, published in November 2025 a Call for evidence for an impact assessment, outlining the political context and the different policy options. This position paper is based on [FIEC's answer](#) to the call for evidence.

The rationale behind a proposal for a Construction Services Act is, according to the European Commission, the fact that there are only limited cross-border operations in the construction sector. The European Commission points out that “*the trade integration for construction sector services was estimated at only 1%, compared to 6% for services*”. FIEC considers that this low level of integration of trade in construction services is mostly explained by the **local nature** of construction services. There are indeed construction companies that operate cross-border within the Internal Market, however, **the construction sector is mainly composed of SMEs operating essentially at local or regional level. Even some big construction companies opt for local branches rather than cross-border activities.** Therefore, FIEC is of the opinion that the construction sector should not be compared to other sectors in this respect. Furthermore, there

are instruments that have been put in place (e.g. Social ID cards) in order to ensure the proper enforcement of labour, social and health and safety rules.

FIEC would also like to raise a point on forthcoming proposals from other services of the European Commission which might recreate new barriers to cross-border services (e.g. on subcontracting). The European Commission should make sure that **the Construction Services Act and other EU initiatives are aligned**.

In general, FIEC is **supportive of initiatives which aim to modernise the regulatory framework for construction and installation services, boost productivity and make it easier to provide services across borders**, particularly for SMEs. However, **overall, FIEC has some doubts on the added value of a Construction Services Act**. If the European Commission pursues into this direction and proposes a legislative Act, FIEC would like to address the different points raised in the European Commission's public consultation to share its concerns and priorities.

1. National authorisations and certifications

When it comes to promoting cross-border construction services, it is imperative that measures consider the structures and resources of SMEs and therefore **do not add additional bureaucratic burden**. At the same time, simplification must not lead to a lowering of quality standards, guaranteed through different provisions in several areas. This includes, for example, differences in national technical standards, which the Single Market Strategy does not currently address.

FIEC's take on the situation

National building codes and technical standards are rooted in local and regional contexts, conditions and heritage of each Member State, and we are concerned about potential interference through legislative action. However, a **balanced approach** to addressing this fragmentation may be appropriate. At present, contractors must adapt their projects to local regulations in order to comply with national building codes.

In addition, it should be stressed that construction services are intrinsically linked to national and regional legal frameworks, including building regulations, technical standards, liability regimes and warranty systems. These frameworks are designed to ensure quality, safety and consumer protection and reflect local climatic, geological and legal specificities. From the perspective of the construction sector, **these differences are not arbitrary barriers** but essential elements of a functioning regulatory environment. Any initiative aiming at facilitating cross-border service provision must therefore **respect the diversity of national systems and avoid creating parallel or additional layers of regulation**.

In the area of **Occupational Safety and Health (OSH)**, FIEC recognises that process to recognise certifications can be long and complex. However, the construction industry is considered as a high-risk sector and as a result, strong OSH standards have been developed across the years. They are often the result of negotiations between social partners. If the OSH certificates and licences are not easily recognised across the EU, this is also to avoid fraud, to protect workers and to guarantee respect of the health and safety rules on a construction site.

FIEC's proposal

A **full harmonisation of certifications or authorisations is not feasible**, and the reasons justifying this limitation are differences in legal systems, practices, climate conditions, user expectations, and insurance and liability rules. For example, in some Member States, legislation defines the building codes and references technical standards, while in others, there are good practice guides in place established by the sector.

Regarding OSH, while FIEC is not in favour of harmonising national certificates in this area, **improving mutual recognition and increasing transparency of national rules could help**. FIEC stresses that any improvement to the provision of services **must never lower existing national standards and comply with collective agreements at national level**.

In this regard, **FIEC would not support the development of a common European rulebook to issue authorisations or certifications** as mentioned in point 5.17 of the public consultation questionnaire. Member States and national social partners should be able to decide and define OSH standards and certificates depending on the specificities of a local or national area. Furthermore, it is **unclear** whether the common European rulebook would affect the training leading to the authorisations or certifications. If this is the case, FIEC is afraid that this would impact the autonomy of social partners and OSH standards as defined by each national industrial relation system.

Rather than introducing new authorisation schemes or common European rulebooks, **efforts should focus on improving transparency and practical cooperation between competent authorities**. In particular, any approach to mutual recognition should be conditional upon comparable levels of quality assurance, liability and consumer protection, and must not undermine well-established national systems that have proven effective.

2. Regulated professions

FIEC's take on the situation

The European Commission is addressing the issue of regulated professions in two distinct initiatives: the **Skills Portability and the Construction Services Act**. FIEC would like therefore to refer to its [position paper](#) on the Skills Portability Initiative.

In many Member States, regulated professions in the construction sector are closely linked to **comprehensive vocational education and training systems**, notably dual training models, which ensure a high level of professional competence, occupational safety and consumer protection. They have been developed over decades in close cooperation between social partners and public authorities and constitute a cornerstone of quality in the construction sector. These systems, as well as the training content and the skills acquired, vary from one Member State to another, and even from one region to another (e.g. in Belgium). Regulated professions are also very different from one country to another and their diversity make them hardly comparable.

Any discussion on regulated professions at EU level must therefore take into account not only formal qualifications, but also the broader training and certification ecosystems in place at national level. In addition, previous FIEC's projects highlighted the difficulty to agree on a common definition and to find common approaches to establish a validation mechanism to issue a certification recognised by different Member States.

In the public consultation, the European Commission focuses on **machinery and construction equipment**. In this case, while machines are standardised and can easily cross borders, it might be difficult to provide services using or installing these machines or equipment because of the long process to have the qualification of a worker recognised.

FIEC's proposal

While FIEC **does not support any suppression of regulated profession** at EU level, FIEC **would welcome any initiative that would streamline the different administrative processes** around recognition of qualification without lowering national standards. Also, any efforts towards **digitalisation** are welcomed.

Regarding the use of machinery or construction equipment and the possibility to create **standards**, FIEC recognises that this could be one way to facilitate the mobility of those workers but has **some doubts on its feasibility**. This approach will require a feasibility study and a thorough impact assessment. Any initiative should be voluntary so the Member States can choose to adopt the standard or not. **The social partners must be involved in the development of these standards**.

While FIEC supports initiatives that streamline administrative procedures and improve the transparency of qualification recognition, it firmly opposes any approach that would lead to a de

facto deregulation or lowering of qualification requirements in the construction sector. Facilitating mobility must not come at the expense of safety, quality standards or fair competition. In this context, **FIEC also recalls that overly simplified recognition mechanisms could increase the risks of undeclared work and unfair practices**. Social partners must therefore remain fully involved, and Member States must retain the ability to define and enforce qualification requirements in line with their national systems.

3. Construction site card schemes

FIEC's take on the situation

Social ID cards are tools adopted voluntarily in some Member States, developed in most cases by the social partners. They exist in 16 countries and differ in nature and in scope. The advantages of social ID cards doesn't have to be proven: better enforcement of rules, increasing transparency on a worksite, tackling undeclared work, processing training records or improving health and safety. They have been more than once mentioned as a **good practice** by the European Commission¹.

In 2025, FIEC and EFBWW, the European social partners for the construction sector, have concluded the **SIDE-CIC project** which looked at how existing cards could be interconnected. The study has shown that this is feasible but requires a strong political will and support. Indeed, freedom to provide services could be facilitated if access to and information about these card systems are simple, and without unjustified bureaucratic or technical hurdles

FIEC's proposal

In their recommendations, **FIEC and EFBWW recommend that the European Commission promotes efforts towards interoperability**, in respecting the existing schemes and a bottom up approach, through financial and administrative support for pilot projects or bilateral agreements as well as technical assistance so that systems are compatible with ongoing EU digitalisation efforts (like ESSPASS and the EUDI Wallet).

In this regard, FIEC would be strongly against a construction site card imposed from the EU level.

4. Access to insurance products covering cross-border works and recognition of insurance policies from other Member States

FIEC's take on the situation

Insurance is essential for protecting consumers and covering serious risks relating to stability and safety. Such insurance helps to **build confidence in the market** and in the construction sector.

In general, for construction companies, civil liability insurance contracts subscribed in one Member State allow them to intervene in other EU Members States. But it can happen that in a Member State, **foreign companies must purchase additional national policies**, even if they already have equivalent coverage in their home country. This regularly leads to **duplicate insurance, increased costs, and, in some cases, long lead times**, if insurers do not offer coverage outside the respective country. Furthermore, insurance terms and liability regimes vary significantly between Member States, which complicates risk assessment and creates burdens for companies. The availability of insurance coverage is also not guaranteed everywhere, meaning that companies sometimes receive no or only insufficient insurance coverage for projects abroad.

¹ In the Communication on a Quality Jobs Roadmap or in the Communication on digitalisation in social security coordination: facilitating free movement in the Single Market.

While insurance regulation should not be used in the Single Market to work in a discriminatory manner against other EU services providers (as stated in the Services Directive), it is worth to point out that some types of insurance in the construction sector that could be required in a Member State have been adapted to a specific national regulatory system, generally in order to protect consumers.

The construction sector is not a 'traditional' service sector. The risks for consumers are serious, with structures lasting more than 20 years or even 50 years.

FIEC's proposal

FIEC is not in favour of European harmonisation in the area of insurance, which would be counterproductive. Indeed, **national schemes are tailored to local practices and risks**. With harmonisation, there is also a risk of lowering existing standards.

However, **FIEC would be in favour of any initiative regarding the recognition of foreign policies and the additional costs faced by European companies wishing to take out insurance in the receiving country**. We would also be keen to explore how national insurance policies could be replaced by equally valid legal instruments, such as bank guarantees.

5. Access to information for the provision of construction services

FIEC's take on the situation

Information on regulatory and administrative requirements for the provision of construction services are not always easy to find and the lack of information available can, indeed, be an **obstacle to the provision of services**.

Actually, **the main issue for construction companies working cross-border is to identify which formalities and regulation they have to fulfil**. There is a large variety of aspects to take into account such as the declaration of the service provision, posting of workers, OSH regulations, regulated professions, certificates, the recognition of professional qualifications, the social regulation, the invoicing (VAT or not, registration or not...), to determine whether the site is considered or not as a permanent establishment in terms of taxation, etc. Some countries provide updated and complete information on a unique website while, for other MS, the information is disseminated in various websites or simply non-existent.

Having access to reliable and up to date information is key to facilitate the free movement of services and to ensure that the rules are known and respected.

FIEC's proposal

FIEC supports the regular update of the different national and European websites to ensure that companies can find the **latest and most accurate information**. Information should be available in the **24 EU official languages**. The European Commission could play a role in making sure that information is easily accessible for all types of companies, including SMEs. YourEurope portal provides good information but should be further known. As an example, reference to YourEurope should be included in the new European Construction Observatory website.



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