



Answer to a questionnaire

Brussels, 05/06/2026

European Construction Industry Federation

Building Solutions together: our mission, your future

Contribution to the EU survey on subcontracting practices (Quality Jobs Act)

Introductory remarks:

Our overall assessment of the survey is that the questions are generally formulated with an inherent assumption that the use of subcontracting per se entails a higher risk of violations of workers' rights. We find this problematic and undocumented, as it embeds a portraying of subcontracting as inherently problematic and it presupposes that employees in these companies have inferior rights compared to others. Such a bias may lead to flawed conclusions, including potential unjustified and burdensome regulatory measures affecting compliant companies.

Section 1 – respondent profile

FIEC is the European Construction Industry Federation, which through its 32 national member associations in 27 countries (24 EU countries, Norway, Switzerland, and Ukraine) represents construction companies of all sizes, carrying out all forms of building and civil engineering activities.

The construction industry is a fundamental component of Europe's economic growth and a major source of employment. It generates about 7.9% of EU GDP and provides more than 12 million jobs – that is, 6.4% of EU total employment. Among its 3.8 million enterprises, 95% are SMEs with less than 20 workers.

Section 2 – targeted evidence for problem definition

Set of questions for business associations

Subcontracting is a vital part of the construction industry. It allows companies to respond to project demand flexibility, access specialized expertise, cushion the shortage of skilled workforce and maintain competitiveness. Calls for EU-wide limits on subcontracting misunderstand how the industry operates and risk damaging efficiency, innovation, and SME participation.

Legitimate subcontracting practices must be clearly distinguished from labour fraud, abuses against workers and unfair competition. FIEC aims to combat these latter practices and it shall also be the European Commission's ultimate goal.

National rules already exist and are better suited to the specific realities of each Member State – some of them derive from agreements by national sectoral social partners, whose autonomy and competency must be respected. In order to get a clearer picture of such existing rules, FIEC and

FIEC is the European Construction Industry Federation, which through its 32 national member associations in 27 countries (24 EU countries, Norway, Switzerland, and Ukraine) represents construction companies of all sizes, i.e., small, and medium-sized enterprises and "global players", carrying out all forms of building and civil engineering activities.

EFBWW commissioned a study on Subcontracting Legislation in the Construction Sector¹. This provides concrete information about the legal context in which construction companies operate and the risk-management rules that they would need to apply.

Rather than imposing one-size-fits-all limits, the EU should focus on better enforcement of existing laws – again, there is already abundant national legislation and collective agreements that regulate social and labour aspects in construction – and support digital tools for transparency and compliance.

New legislative measures would place an additional burden on companies whose ability to adapt to circumstances in a flexible manner is already limited by other national regulations (e.g. ban on temporary agency work in construction in some Member States). As a result, these companies would be even less able to respond to short-term project changes and labour shortages, which poses a nearly insurmountable competitive disadvantage, particularly for SMEs.

FIEC also notes that, while the questionnaire looks at listing all kinds of possible problems that could occur in the framework of subcontracting, it does not even try to understand the very nature of the matter. To our knowledge, only one study undertaken in Belgium by the KU Leuven² looked at the phenomenon of subcontracting in construction in Belgium, with clear and objective figures and data. Similar studies are missing in the other EU countries. Before taking any step further, we shall better define what we are talking about.

Section 3 – targeted evidence on policy options

First set of questions – high risk sectors

Considering the biased approach of this set of questions, FIEC cannot propose any concrete answer. It is clear from the wording of the proposed questions that sectors with a high labour intensity and a high mobility of their workforce are **presumed** to be “high risk”, which, from a pure methodological point of view, cannot be accepted.

Second set of questions – liability mechanisms

According to Article 12 of Directive 2014/67/EU (“Enforcement Directive”), Member States may introduce direct liability schemes in the construction sector, covering outstanding net remuneration and/or contributions due to common funds or institutions of social partners. Member States may also introduce more stringent rules. According to a study undertaken by the European Labour Authority³, all EU Member States have introduced such liability scheme and many have gone further and introduced joint and several liability schemes. The coverage of these schemes varies depending on the national circumstances and the related needs. As a basic principle, responsibility should be linked to each company’s actual role, degree of control, and only in cases of concrete violations. Moreover, some Member States have introduced due diligence mechanisms, according to which contractors can be (at least partially) exempted from liability.

These different types of schemes cannot be ranked by order of effectiveness in the sense that they have been developed over years, based on the Enforcement Directive, depending on national and sectoral specific circumstances and needs. This is also why Member States shall define the conditions for exemptions from liability. Of course, each scheme also entails its advantages and disadvantages.

Guidance and studies on existing EU and national measures are always useful, provided that they are evidence-based and neutral.

¹ <https://www.fiec.eu/our-projects/current-projects/desoco3>

² [“Unravelling the subcontracting chain in construction works”](#)

³ Study on liability in subcontracting in cross-border situations - not yet published

Third set of questions – targeted enforcement

Targeted controls and inspections play a crucial role in the proper enforcement of the rules, protection of workers and fair competition for compliant companies. National labour inspection services shall be reinforced and apply risk-assessment methodologies to target those situations with patterns of non-compliance. Priorities for targeted controls and inspections shall be defined by national labour inspectorates or enforcement authorities and their frequency shall be based on risk levels. Whatever the challenges faced by labour inspectorates, controls and inspections have to take place anyway. The European Labour Authority can also play an important role in supporting Member States with capacity building. In addition, it can be expected that the development of ESSPASS and the EUDI Wallet will also improve controls and inspections.

Then, at national level, under the respective legal and social dialogue frameworks, many measures and instruments are being put in place: sectoral social ID cards⁴, register of accredited companies in the construction sector, “subcontracting book” on site with specific information about who are the subcontractors at the worksite, tools related to compliance with health and safety legislation, obligation to register employees for social security purposes before they start working, obligation to carry ID documents at all times, etc.

Fourth set of questions – occupational health and safety in subcontracting

The EU OSH legislative framework is very advanced and comprehensive. Beyond the OSH Framework Directive (89/391/EEC), many other pieces of OSH legislation apply to the construction sector, like Directive 92/57/EEC on temporary or mobile construction sites or the Machinery Regulation (2023/1230/EU).

All these existing rules are clear and applied at national level. We consider that they generally function as intended. They already define clearly, according to the circumstances, what rules shall apply in terms of responsibilities and OSH coordination. As a basic principle, the direct employer should remain the party best positioned to ensure compliance with rules for its own employees. New standards should not be introduced solely on the basis that subcontracting agreements are being made.

To make sure that these rules are effectively applied, each and every party involved in the construction project shall be clearly aware/instructed of its respective obligations. If it happens however that these rules are not properly enforced at all times, this is then where inspection services play a crucial role. Hence, the strict enforcement of the existing rules will continue reducing accidents and hazards for construction workers, while avoiding further obligations and burdens on construction companies. FIEC does not consider that adding more rules in this field would improve the situation any further.

Whereas the few same examples of accidents on construction sites are always mentioned in the framework of political debates, there are no official figures demonstrating that a subcontracting situation would cause more accidents than in the absence of subcontractors. Such data is simply not available.

According to Swedish data⁵, gathered in a report commissioned by the social partners in the construction industry, demonstrates that, over the past years, the number of specialised construction SMEs (generally involved in subcontracting chains) has increased while accidents and work-related illnesses have decreased. This evidence directly challenges the assumption that subcontracting in itself leads to higher health and safety risks.

All in all, further improvement of OSH in construction can be supported by: better enforcement of the existing rules through effective and targeted OSH inspections; the further development of sectoral social ID cards (i.e. which offers more transparency, knowledge about the workers’ OSH

⁴ SIDE-CIC project: <https://www.fiec.eu/our-projects/completed-projects/side-cic>

⁵ [“Effects of limiting the number of subcontractor tiers to two”](#)

training, etc.); EU (and/or national) social dialogue projects aiming at developing practical guidance on specific OSH-related topics⁶.

ANNEX:

- ⇒ FIEC position paper “Fundamental freedom to provide services – the case of subcontracting in construction”, 16/09/2025



⁶ FIEC and EFBWW have run several of such projects in the past (e.g. on silica dust: <https://www.fiec.eu/our-projects/completed-projects/rcsd>)