

European Platform to enhance cooperation in tackling undeclared work

2014/0124(COD) - 02/02/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 619 votes to 69, with 7 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on establishing a European Platform to enhance cooperation in the prevention and deterrence of undeclared work.

Parliament's position recalled that in its [resolution of 14 January 2014](#) on effective labour inspections as a strategy to improve working conditions in Europe, **it welcomed the Commission's initiative** to create a European platform and called for enhanced cooperation at Union level to tackle undeclared work, which, according to the resolution, is damaging the Union's economy, leading to unfair competition, endangering the financial sustainability of the Union social models and resulting in an increasing lack of social and employment protection for workers.

The European Parliament's position, adopted at first reading of the ordinary legislative procedure, amended the Commission proposal as follows:

Establishment of the Platform: Parliament stated that the main aim of this Directive is to **encourage cooperation at Union level between Member States** and to successfully tackle the complex problem of undeclared work and its manifold implications and consequences including encouraging and promoting declared work.

The Platform should also deal with falsely declared work and bogus self-employment.

Composition of the Platform: other than a representative of the Commission, the Platform shall be composed of: (i) a senior representative appointed by each Member State to represent that Member State; (ii) a maximum of four representatives of cross-industry social partners at Union level, appointed by those social partners, equally representing both sides of industry.

The following may attend the meetings of the Platform as observers and their contributions shall be taken into due consideration in accordance with its rules of procedure: (a) a maximum of **14 representatives of the social partners** in sectors with a high incidence of undeclared work, appointed by those social partners, equally representing both sides of industry; (b) a representative of each third country in the European Economic Area; (c) other observers if necessary.

National measures: the Decision is **without prejudice to the competence of Member States** to decide on the measures to take at national level to tackle undeclared work. Member States and their relevant authorities remain competent with regard to the identification, analysis and solving of practical problems relating to the enforcement of relevant Union law on working conditions and social protection at work, and for deciding what measures to take at national level to give effect to the outcomes of the activities of the Platform.

Objectives: the defining purpose of the Platform shall be to provide input with **added value at Union level** in order to contribute to tackling the complex problem of undeclared work, while fully respecting national competences and procedures. It shall contribute to more effective Union and national actions aiming to improve working conditions, promote integration in the labour market and social inclusion, including better enforcement of law within those fields. The aim is to avoid the deterioration of the **quality of work and of health and safety at work**, by: (i) enhancing cooperation between Member

States' relevant authorities and other actors involved; (ii) improving the capacity of Member States' different relevant authorities and actors to tackle undeclared work with regard to its cross-border aspects; (iii) increasing public awareness of issues relating to undeclared work.

Mission: the Platform at Union level shall encourage cooperation between Member States through:

exchanging best practices and information;

- developing expertise and analysis;
- encouraging and facilitating **innovative approaches** to effective and efficient cross-border cooperation and evaluating experiences;
- contributing to a horizontal understanding of matters relating to undeclared work.

Activities: these shall aim, inter alia, to:

- improve the **knowledge** of undeclared work, also with regard to causes and regional differences, by means of shared definitions and common concepts,
- improve the knowledge and **mutual understanding** of different systems and practices to tackle undeclared work, including the cross-border aspects thereof;
- establish tools for efficient sharing of information and experiences;
- develop tools, such as **guidelines** for enforcement;
- facilitate and support different forms of cooperation between Member States by increasing their capacity to tackle cross-border aspects of undeclared work by promoting and facilitating innovative approaches, such as the exchange of staff, use of databases in accordance with applicable national data protection law, and joint activities;
- examine the **feasibility** of a system of rapid information exchange;
- exchange national authorities' experiences in **applying Union law** that is relevant to tackling undeclared work;
- exchange experiences and developing **best practices** with regard to cooperation between the relevant authorities of Member States and, where relevant, third countries;
- exchange experiences with regard to counselling and information provided to **workers affected by practices of undeclared work.**

Operation: the Platform shall meet **twice a year** and be chaired by the representative of the Commission. The Chair shall be assisted by two Co-Chairs chosen from among the senior representatives. The Chair and the Co-Chairs shall constitute the Bureau.

Cooperation: the Platform shall cooperate effectively and shall avoid duplication of work with other relevant expert groups and committees at Union level whose work has a link with undeclared work. It shall also cooperate with international organisations such as the ILO, the Organisation for Economic Co-operation and Development and Union agencies, in particular Eurofound and the European Agency for Safety and Health at Work (EU-OSHA).