



COMMISSION PROPOSAL TO ESTABLISH A EUROPEAN PLATFORM TO FIGHT AGAINST UNDECLARED WORK: STATE OF PLAY OF THE LEGISLATIVE PROCEDURE IN SEPTEMBER 2015

Following the trilogue meetings of 16 June, 6 and 14 July, the 4th trilogue meeting between representatives of the Parliament, the Commission and the Council took place on 8 September 2015. The aim is to find an agreement on the Commission proposal and the final report of the Parliamentary Committee on Employment and Social Affairs (EMPL-Committee), which can then be adopted by the plenary of the European Parliament in first reading.

Background

After the two Commission consultations in 2013-2014 (the EFCI submitted an answer to both consultations by demonstrating the great interest of the industry on this important subject), the Commission presented its legislative proposal to establish an EU platform on undeclared work on 9 April 2014 (see the Secretariat note of 25th April 2014).

After its publication, the proposal was forwarded to the European Parliament and the Council in order to start the co-legislative procedure (see the Secretariat note of 8th October 2014).

On 7 May 2015, the EMPL-Committee adopted the final report of the Bulgarian Rapporteur Georgi Pirinski (S&D) on the Commission proposal (see the Secretariat note of 11th June 2015).

State of play within the Parliament

In September 2014, the EMPL-Committee was designed as the leading Committee within the Parliament with the task to examine the Commission proposal. On 11 November 2014, the Rapporteur Pirinski presented his draft report (see the Secretariat note of 15th December 2014). Between January and April 2015, 395 amendments to modify the draft report were discussed and considered with the final vote in the EMPL-Committee on 7 May 2015.

State of play within the EU Council

In October 2014, the Employment and Social Policy (EPSCO) Council reached a common approach based on two key principles. The participation of the 28 Member States to the EU Platform will be mandatory with a non-exhaustive list of initiatives that the Platform could carry out in its activities. However, the engagement of concerned actors in these initiatives will be made on a voluntary basis.

On 15 July 2015, the Luxembourg Minister of Labour Nicolas Schmidt presented to the EMPL-Committee the priorities of the Council Presidency for the second half of 2015 in terms of employment and social affairs. He stated that fighting undeclared work was one of the main priorities of his Presidency by demonstrating his willingness to find an agreement with his colleagues within the EPSCO Council.

Summary of last EFCI lobbying activities

In autumn 2014, the EFCI Secretariat discussed the Rapporteur's draft report with its trade union partner UNI Europa, and the decision was taken to have a sectoral approach aiming to receive the observer status within the future EU Platform. On 28 November 2014, a joint EFCI and UNI Europa position was therefore sent to the EMPL-and IMCO-Committees' members in order to stress the interest of the cleaning sector to obtain the observer status in order to actively participate in the EU Platform activities.

On 4 December 2014, the Director met the Rapporteur Pirinski to discuss his draft report and to influence his legislative work for the final version of the report. During the meeting, the Director stressed the EFCI's interest in obtaining an observer status, thus to be able to attend the Platform meetings. He informed the Rapporteur on the different joint declarations and tools elaborated by the cleaning industry' social partners over the last 15 years and proposed to reduce the number of cross-industry social partners to a maximum of 4 and to consequently increase the number of sectoral social partners. The Rapporteur appreciated the information received and showed his openness to the suggestions made.

Finally, the constant discussions between the EFCl and other sectoral social partners that also wish to obtain an observer status have resulted in a joint letter sent to the relevant Parliamentary Committees. Indeed, on 20 April 2015, the European social partners of five sectors (Agriculture, Cleaning, Construction, Horeca and Security services) submitted a joint letter with the strong demand to obtain the observer status in order to actively participate in the EU platform's activities.

Main pending issues of interest for the cleaning industry

Since the Commission proposal in April 2014, the main EFCl concern was the selection of sectoral social partners to be given an observer status within the future EU Platform. The problematic is twofold:

First of all, the EFCl wishes to ensure the involvement of the cleaning industry in the EU Platform and requested thus to increase the number of sectoral social partners obtaining an observer status. Secondly, it is important to have clear procedures in place on how the selection of the interested sectors will be carried out. That is why the EU social partners of five sectors (Agriculture, Cleaning, Construction, Horeca and Security services) submitted their joint letter (see above).

State of play of the trilogue negotiations

During the first three trilogue meetings between June-July 2015, the negotiators reached a compromise on the less controverted articles of the legislative proposal (namely Articles 2, 3, 7, 8, 9, 10, 11 and new 11 bis). However, the most important points, especially the general format of the Platform, its establishment, its composition and its concrete tasks still needed to be agreed.

After the summer break, the 4th trilogue meeting took place on 8 September. The Rapporteur gave an overview on this meeting during the EMPL-Committee meeting of 15th September as follows:

Although progress was made on a majority of key issues, there are still three main pending issues. First of all, the way of selecting the European social partners that will obtain the observer status has not yet been decided, while negotiators recognise the importance of their expertise to reduce undeclared work.

Furthermore, it is unclear how the representation of Member States is exactly carried out: through a permanent representative designated to participate in each Platform meeting or through different national experts, each assigned for a specific activity of the Platform.

Finally, one of the recurrent debates is the mandatory nature of Member States' participation within the Platform. Indeed, despite the common approach reached in October 2014 within the EPSCO Council, some countries would like to develop only a simple cooperation, and not being permanently engaged in the Platform.

Next steps

The indicative time-table of the legislative procedure is currently as follows:

- 17th September 2015: 5th trilogue meeting between the three EU-Institutions' representatives
- 23rd September 2015: Debriefing from Rapporteur Pirinski on the 5th trilogue meeting during the EMPL-Committee meeting
- October 2015: Last round of trilogue meetings between the three EU-Institutions' representatives
- 23rd November 2015: Vote of adoption by the plenary of the European Parliament in first reading

For more details on this legislative procedure, EFCl members are invited to visit the dedicated website of the EMPL-Committee through the following link:

[http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2014/0124\(COD\)&I=EN](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2014/0124(COD)&I=EN)

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