



EUROPEAN LABOUR AUTHORITY AND EU SOCIAL SECURITY NUMBER

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EUROPEAN LABOUR AUTHORITY

- It is important to promote good conditions for labour mobility in Europe. Therefore, it is key to ensure good cooperation between national authorities involved in mobility issues, easy access to information on mobility and that enforcement measures do not place excessive administrative burdens on mobile enterprises or workers. We therefore support the objectives of digitalising existing procedures, making information accessible for companies and workers, and facilitating information sharing / improving coordination between national authorities, including by clarifying data protection issues.
- At the same time we have doubts over the real added value of creating a new European Labour Market Authority. As is mentioned in the Commission background note, a substantial amount of information about being mobile in the EU is already provided on the EURES Portal, including on social security, taxation, working conditions, workers' rights etc. With regard to cooperation between national authorities, it is important to take into account the improvements (including binding deadlines for information provision) foreseen by the recently transposed Posting of Workers Enforcement Directive, the currently discussed revision of the Social Security Coordination Regulation as well as a high number of bilateral agreements promoting cooperation between Member States.
- It would appear more opportune if the EC first tried to streamline and improve cooperation between existing structures (e.g. expert committee on the posting of workers, SLIC, platform on undeclared work, administrative commission and advisory committee on coordination of social security, EURES) to generate synergies and avoid overlaps.. The EC should also encourage member states to make good use of the existing tools (e.g. IMI system recently enlarged to cover issues related to posting of workers, EESSI – Electronic Exchange of Social Security Information, SOLVIT, EUROGUIDANCE, Your Europe).
- An in-depth analysis is essential to outline different options and evaluate an added value of each one. If a new agency were considered, the analysis would also need to set out the division of competences between a new EU body and other structures to avoid disputes at a later stage.
- If a new agency were created, technical assistance and capacity building for national enforcement bodies in countries which need to improve their employment law enforcement systems should be the central aim of the authority. Investing in improving capacities of national enforcement bodies would help to better tackle fraud and abuse as well as build trust among institutions. The same applies in the context of cross-border mobility.



- There is no need to create any additional structures for dispute resolution between Member States. Current mechanisms in existing bodies, e.g. administrative commission on coordination of social security, should be looked at to see whether they could be improved and whether they could be transferable to other policy domains. The creation of an additional new dispute resolution structure will most likely lead to a duplication of administrative structures, creating unnecessary additional red tape, without being able to improve implementation and enforcement on the ground in all 28 Member States of the EU. In any case, it is essential that, if such a structure would still be created, its use should remain voluntary for Member States and that it should not replace the formal infringement procedures.
- Any proposal for a European Labour Authority should respect the subsidiarity principle and not blur the division of competences between national and EU levels. It should also not interfere with the way in which national labour authorities or other national labour institutions function. In particular, it should not interfere with the role of social partners in this field. We note the intention of the authority to provide legal and logistical support for cross border inspections. To respect subsidiarity, any such support should be on-demand and driven by the needs of the Member States. It should not replace or undermine national labour inspections.
- Finally, if a new European Labour Authority is created, it is important to ensure that social partners are closely involved in the governance of the agency, as it is currently the case in other agencies falling under the remit of DG Employment (CEDEFOP, Eurofound, EU-OSHA)

EUROPEAN SOCIAL SECURITY NUMBER

- As with the European Labour Authority, any proposals in this area must respect subsidiarity, bearing in mind that member states have the sole competence for the organisation of their social security systems.
- There is a need to improve coordination of social security across the EU, as cooperation between national authorities in different member states is often not effective and it can be difficult for mobile citizens, workers and employers to access accurate information quickly and easily. Therefore, measures at EU level which can improve this situation could have added value, in particular for highly mobile workers.
- At the same time, given the complexity of the issues at stake and the diversity of national social security systems, it is important that a step by step approach is taken and the costs and benefits are fully assessed.
- Also, it is still unclear exactly how such a European Social Security Number would improve the situation. Adding a pre-fix to existing national social security numbers or introducing an individual European social security number for cross-border purposes, would only improve the situation, if there were also a real improvement in cooperation between national authorities and in their provision of information. This would also be an essential precondition for helping people/businesses to find specific information about their social security coverage.



- It is important to see this in light of the ongoing revision of the regulation on coordination of social security and the further development and wider use of the EESSI by member states. This would be an essential step to improve cooperation between national authorities in cross-border situations without which the establishment of an EU social security number would make no sense.
- It is also important to bear in mind the political and data protection implications of some technical issues. For example, in some member states the social security number is the same as the general ID number.
- Another issue is that personal data are recorded differently by institutions in different countries – therefore we are not convinced that it would be feasible to contain the data in one overall database. Also, given that in many Member States several social security numbers are issued for the same person by the different branches of social security, we also wonder if it is realistic to have such an approach at EU level.
- We are also concerned that the initial setting up and ongoing management of the system and database which supports the social security number would be very burdensome and costly, in particular if national authorities have to update information whenever the insurance status of a person changes, and connect all of the competent national institutions. Then bringing the system to an EU wide level would be even more complicated.
- It would also be important that an EU social security number be restricted to giving access to information for mobile workers/citizens on the rights they have acquired in different member states. In no way should it be linked to creating rights per se.
