

## **Topic: Revision of the “Asbestos at Work” Directive (2009/148/EC)**

### **Brief description and main aims:**

Good occupational safety and health, including protection of workers from exposure to carcinogens, is top priority for the European Commission.

The European Commission considers that improved protection of workers exposed to asbestos will be important in the context of the green transition (*Renovation Wave*), which is at the heart of this Commission’s agenda, and of the recovery from the effects of COVID-19. Indeed, occupational exposure limit values (OEL) on asbestos play an important role in the renovation of buildings.

The current binding OEL for asbestos is 0.1 fibres/cm<sup>3</sup> as an eight-hour time-weighted average (TWA). The European Commission considers that the existing OEL should be amended in order to take account of the most recent knowledge, scientific development and technical progress.

This is why, in a proposal published on 28 September 2022, the European Commission suggests lowering the existing OEL by 10 times, to 0.01 fibres/cm<sup>3</sup>. In a Communication, the European Commission proposes a series of complementary measures to be taken (e.g. mandatory screening of buildings, better waste treatment, guidance, financial support and an awareness-raising campaign).

In parallel, the European Parliament had contributed to this issue, with a legislative own-initiative report by MEP Nikolaj Villumsen (Left-DK). Amongst the various recommendations, the European Parliament namely advocated for a drastic lowering of the OEL for asbestos, to 0.001 fibres/cm<sup>3</sup>.

### **Why FIEC is dealing with this topic:**

Asbestos is a key occupational carcinogenic agent which has been used worldwide for decades in building. Although this substance is no longer in general use in the EU, there is a substantial legacy problem due to its presence in many older buildings that are likely to be renovated, adapted or demolished over the coming years.

These works present a potential risk that workers will be exposed to asbestos, and it is important that it is carried out in a controlled way by suitably trained workers and under the proper supervision of their employers.

This is currently an important topic, not only under Union action on prevention and the protection of workers but also due to the EU-wide need to improve the thermal insulation of the built environment and enable energy savings, in line with the *EU Green Deal* and the *Renovation Wave* initiative.

However, most EU Member States have already implemented strict measures in this field and FIEC is worried that a further lowering of the OEL at EU level will become unrealistic for construction companies to comply with.

**Actions and key dates:**

- 11/02/2021** → FIEC contribution to the European Commission's social partners' consultation (1<sup>st</sup> phase) on the protection of workers from risks related to exposure to asbestos at work
- 20/09/2021** → FIEC contribution to the European Commission's social partners' consultation (2<sup>nd</sup> phase)
- 27/09/2021** → Adoption of Villumsen report in the EMPL Committee
- 22/10/2021** → Joint Press Release: "*FIEC and EBC call for realistic occupational exposure limit on asbestos and strong accompanying measures*"
- 28/03/2022** → FIEC contribution to the EC call for evidence on protecting workers exposure to asbestos
- 28/09/2022** → Revision proposal by the European Commission
- 08/12/2022** → Adoption of Council General Approach
- 08/12/2022** → FIEC [Position Paper](#) on the revision of the *Asbestos at Work* Directive
- 03/02/2023** → [Joint Statement](#) by FIEC and EBC
- 20/04/2023** → FIEC [Press Release](#) on "*Unrealistic proposals from the European Parliament*"
- 26/04/2023** → Adoption of Trillet-Lenoir report in EMPL
- 10/05/2023** → Endorsement of the mandate for negotiations of the European Parliament in plenary.
- 05/06/2023** → Joint [Press Release](#): "*FIEC and EBC call for a pragmatic approach with a realistic and implementable framework*".
- 27/06/2023** → Provisional agreement between the Council and the European Parliament
- 19/07/2023** → Approval of the agreement by the COREPER
- 03/10/2023** → Approval of the agreement by the European Parliament

## Topic: European Labour Authority (ELA)

### Brief description and main aims:

Regulation (EU) 2019/1149 of 20 June 2019 establishes the [European Labour Authority](#) (ELA):

The main aims of the ELA are the following: improving the access to information by individuals and employers about their rights and obligations in the areas of labour mobility and social security coordination; strengthening operational cooperation between authorities in the cross-border enforcement of relevant Union law, including facilitating joint inspections; providing mediation and facilitating solutions in cases of disputes between national authorities.

The ELA is led by a Management Board and FIEC is member of the *Stakeholders' Group*, which has an advisory role. In addition, several working groups have been set up: on (improving) information from public authorities to companies and workers, on joint inspections and on mediation.

Also, in 2021, important stand-alone bodies - which were dealing with mobility-related issues (i.e., the *Committee of Experts on Posting* of the European Commission and the *EU Platform against Undeclared Work*) in which FIEC was sitting - have been incorporated into the ELA.

### Why FIEC is dealing with this topic:

Mobility within the Internal Market is an issue of crucial importance for construction companies. It is also a source of fraudulent practices, amongst other aspects, because of the difficulties in the controls and the lack of coordination between public authorities. This affects genuine companies and the possibility for them to act on a level playing field.

Genuine companies also suffer from the lack of or the difficult access to information in this field. It is therefore of crucial importance that FIEC has secured its presence in this new Authority (i.e., in the *Stakeholders' Group*).

Moreover, in 2023, the ELA is dedicating a series of activities related to the construction sector, including a campaign on posting, which will run during the Autumn. FIEC is actively involved in all these activities.

### Actions and key dates:

**16/10/2019** → Official launch of ELA

**Spring 2021** → *Committee of Experts on Posting* and *EU Platform against Undeclared Work* are incorporated into the ELA

**13/12/2021** → FIEC and EFBWW send joint Complaint Letter on the dilution of the former EC expert group on posting into the ELA

**05/07/2022** → ELA Workshop on Construction sector, with FIEC and EFBWW

**2023** → ELA launches a year of activities specifically dedicated to the construction sector, including a campaign on posting in construction (Q4 2023)

**14-15/02/2023** → FIEC participates in the 7<sup>th</sup> meeting of the *Stakeholders' Group*

**26/04/2023** → FIEC and EFBWW chaired the ELA Platform Subgroup on "*Evaluating social ID cards as a tool for tackling undeclared work, including in subcontracting chains*"

**25/09/2023** → FIEC participates in the launch event of ELA's report on construction.

**17/10/2023** → Launch of ELA Campaign for the Construction sector (*#EU4FairConstruction*)

**18/10/2023** → FIEC participates in 8<sup>th</sup> meeting of the *Stakeholders' Group*

**2024** → European Commission evaluates the ELA

## Topic: EU Skills Agenda – Pact for Skills in Construction

### Brief description and main aims:

On 1<sup>st</sup> July 2020, the European Commission presented an update EU Skills Agenda, building on the 2016 Agenda – which, in the meantime, has been implemented.

This agenda sets new ambitious quantitative objectives for upskilling (improving existing skills) and reskilling (training in new skills) people over the next 5 years.

The presented agenda focuses in particular on 3 principles:

First action amongst the 12 is the set-up of sectoral *Pact for Skills*, including in construction. It is aimed at bringing together stakeholders, including social partners, which share the objective of up- and reskilling the workforce to enable the green and digital transition. These stakeholders are requested to sign a Charter, which defines the key principles that are essential to fulfil this objective, within their organisations but also across their value chain.

### Why FIEC is dealing with this topic:

The problems of lack of skilled workforce, skills gaps and skills mismatches in the construction sector are crucial for FIEC.

This is even more the case now as the availability of skilled construction workers will be key to the success of the European Green Deal's Renovation Wave, as well as to the overall digital transition of the construction industry.

FIEC is already involved in these topics in many ways, and namely through our social dialogue with EFBWW.

Moreover, FIEC has been partner in the “*Construction Blueprint for a Sectorial Skills Strategy*” (Erasmus+ project) which lasted until March 2023 and defined the new skills needs in the fields of energy efficiency, circular economy and digitalisation.

Together with the EFBWW, and in cooperation with EBC, FIEC worked on a *Pact for Skills in Construction*, based on our joint experience in this field. We also targeted a few quantitative and qualitative objectives to which we can commit in this framework.

In February 2022, at the occasion of the Industry Days 2022, the *Pact for Skills in Construction* was officially launched. FIEC, EFBWW and EBC are now monitoring the implementation of this initiative (i.e. collecting the commitments of stakeholders who wants to join) in view of reporting on the outcomes to the European Commission.

### Actions and key dates:

**01/07/2020** → European Commission presents the update *EU Skills Agenda*

**10/11/2020** → Official launch of the [Pact for Skills](#) (with several sectors involved)

**27/11/2020** → FIEC (VP Joel Schoens and VP Piero Petrucco) participates in meeting with EU Commissioners Thierry Breton (Internal Market and Industry) and Nicolas Schmit (Employment and Social affairs) on a *Pact for Skills in Construction*

**February 2022** → [Official launch of the Pact for Skills in Construction](#), prepared by FIEC, EFBWW and EBC, at the occasion of the *EU Industry Days 2022*

**16/10/2023** → Meeting of the signatories of the *Pact for Skills in Construction*

**Ongoing** → Collection of commitments from interested stakeholders in construction sector

**Ongoing** → European Commission develops series of activities to boost the sectoral “*Large Scale Pacts*”.

## Topic: Revision of the Social Security Regulations

### Brief description and main aims:

In December 2016, the European Commission presented a proposal for a revision of the existing Regulations on Social Security coordination (883/2004 and 987/2009).

Achieving a modernised system of social security coordination that responds to the social and economic reality in the Member States is one of the central drivers for this initiative. This initiative is complementary to the revision of the "Posting" Directive which led to the adoption of the new "Posting" Directive (Directive 2018/957 of 28 June 2018).

As the revision of the Social Security Regulation is hardly making any progress, the European Commission and the European Parliament both launched alternative initiatives.

The European Commission is running a pilot-project on a social security pass (ESSPASS), led by Italy and involving around 10 Member States. The European Parliament has adopted a Resolution on the introduction of a European social security pass.

In its Communication on digitalisation in social security coordination, the European Commission calls the Member States to accelerate the implementation of these different initiatives.

### Why FIEC is dealing with this topic:

Mobility within the Internal Market is an issue of crucial importance for construction companies.

The proposal of the Commission focuses on different areas of coordination where improvements are required (economically inactive citizens' access to social benefits, long-term care benefits, unemployment benefits and family benefits), but FIEC mainly addressed those provisions that have a link with the issue of posting such as the need: to strengthen the cooperation and the exchange of information between national administrations; to reinforce the reliability of the A1 forms; to strengthen the provisions regarding the pursuit of activities in two or more Member States; to align some of the proposed changes with those concerning "Posting", because companies, workers, labour inspectorates and public authorities need a clear and coherent legal framework, in order to be able to comply with it and to enforce it.

### Actions and key dates:

**13/12/2016** → Initial proposal of the European Commission

**09/01/2018** → [FIEC position paper](#)

**Autumn 2019 to Autumn 2020** → trilogue negotiations => blocking issues (i.e. derogation clause to prior notification)

**01/03/2021** → [FIEC press release](#) "Coordination of Social Security systems: FIEC says no to exemptions to prior notification for the construction industry"

**24/06/2021** → [FIEC-EFBWW joint statement](#) « EU construction social partners call for digital enforcement » in reaction to the European Parliament's draft Resolution on the introduction of a European social security number with a personal labour card

**13/10/2021** → FIEC-EFBWW joint conference on the above-mentioned European Parliament resolution and the digital enforcement of EU rules

**25/11/2021** → European Parliament adopts resolution on the introduction of a European social security pass for improving the digital enforcement of social security rights and fair mobility (2021/2620(RSP))

**December 2021** → political agreement reached in trilogue... but later rejected by the COUNCIL

**27/03/2023** → FIEC and EFBWW [Joint Letter](#) in reaction to Swedish Presidency's new attempt to reach political agreement in trilogue, which puts at stake prior notification to posting in construction

**06/09/2023** → Publication of the European Commission's "Communication on digitalisation in social security coordination: facilitating free movement in the Single Market".