



TOGETHER FOR A FAIR DEAL FOR WORKERS

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Deputy Permanent Representatives
of the Member States to the European Union
COREPER I

Council of the European Union
[letter sent by email]

ETUC call for an interoperable e-Declaration with data points that enable effective enforcement

Dear Ambassadors,

On behalf of the European Trade Union Confederation (ETUC), we are writing to you regarding the ongoing **negotiations on the e-Declaration** Regulation establishing a public interface connected to the IMI system for the declaration of posting of workers. The **level of ambition of the information requirements** will be decisive for the operability of the e-Declaration. This digital tool will only be as strong as the data on which it relies.

The ETUC is supportive of digital enforcement tools that help to protect workers' rights and improve data collection, while fully respecting the **diversity of national enforcement systems** and the prerogatives of the social partners. Streamlining of information requirements can only be accepted if it delivers in the interest of not only businesses, but also **workers, trade unions and competent authorities**. Simplified reporting cannot be a goal in itself, especially if it makes the job of enforcers more difficult.

Without these considerations in mind, the **e-Declaration risks becoming a missed opportunity** for improved enforcement and cooperation in the internal market. A restrictive approach will not provide legal certainty for existing and well-functioning national systems.

The ETUC therefore considers that a **partial harmonisation with a comprehensive set of data points** annexed to the e-Declaration is the best way forward to bring concrete benefits for EU integration while catering for national needs and specificities.

The effectiveness of the e-Declaration will depend entirely on the **usefulness, reliability and accuracy** of the information collected. In line with the Posting Enforcement Directive 2014/67/EU, its purpose must be to ensure effective monitoring of compliance and enable factual controls in the workplace. The **link between relevant data and effective enforcement** is particularly important when it comes to identifying and addressing high-risk cases of postings involving complex subcontracting, letterbox companies, chain postings, and third-country nationals.

The attractiveness of the e-Declaration will depend equally on how the common form equips Member States with the necessary flexibility they need, given the diversity of national enforcement models and actors existing across the EU. Clearly, five years of positive experience with the European Labour Authority has demonstrated that **one size does not fit all**, and many Member States have already made significant investments into their own national enforcement and information systems. **Interoperability and data validation** are therefore key to enable competent authorities to cross-reference the information declared with their existing registers to verify



compliance, carry out risk assessments and target inspections. If Member States cannot request or make use of the information they need for these purposes, expected synergies will simply not materialise.

The success of the e-Declaration will ultimately depend on the added value it brings to cross-border cooperation and enforcement in the internal market. While the e-Declaration must remain a **voluntary tool**, its impact will largely depend on the number of interested Member States willing to implement it. This willingness will in turn depend on the **improvements and complementarities** the e-Declaration brings to national enforcement systems.

The ETUC is convinced that a future-proof agreement based on partial harmonisation will help to ensure the e-Declaration reaches its full potential. In the same way as Member States may decide not to use all the data points contained in the standard form, these must also **reflect the diverse needs** Member States may have. An **ambitious annex** listing such information requirements would not only accommodate this crucial **need for flexibility**, but also ensure transparency and allow the co-legislators to exercise democratic oversight.

In this spirit, the ETUC calls on you to ensure that the e-Declaration effectively enhances cross-border cooperation and enforcement, supports data collection and interoperability, and strengthens the protection of posted workers.

We thank you for your consideration and count on your support in these important negotiations.

Yours sincerely,

Isabelle Schömann
Deputy General Secretary of the European Trade Union Confederation