AMENDMENTS 001-061
by the Committee on Employment and Social Affairs

Report
Georgi Pirinski A8-0172/2015
Establishment of a European Platform to enhance cooperation in the prevention and deterrence of undeclared work


Amendment 1
Proposal for a decision
Title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>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</td>
<td>Decision of the European Parliament and of the Council on establishing a European platform to enhance cooperation in tackling undeclared work</td>
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Amendment 2
Proposal for a decision
Recital 3

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and safety at work, working conditions, the integration of persons excluded from the labour market and the combating of social exclusion.

support and complement the activities of Member States in the fields of health and safety at work, working conditions, the integration of persons excluded from the labour market, and combating social exclusion, while excluding any harmonisation of national law and regulations. In accordance with Article 153(2) TFEU, however, the Union may adopt measures to encourage cooperation between Member States.

Amendment 3
Proposal for a decision
Recital 4

Text proposed by the Commission

(4) The European Parliament in its resolution on "Effective labour inspections as a strategy to improve working conditions in Europe" welcomed the Commission's initiative to create a European Platform and called for enhanced cooperation at EU level to fight undeclared work.27

Amendment

(4) The European Parliament in its resolution of 14 January 2014 on 'Effective labour inspections as a strategy to improve working conditions in Europe' welcomed the Commission's initiative to create a European Platform and called for enhanced cooperation at Union level to tackle undeclared work, which is damaging the Union economy, leading to unfair competition and market distortions, endangering the financial sustainability of the Union social models and resulting in an increasing lack of social and employment protection for workers. To that end, the European Platform ('Platform') should enhance the exchange of experience and good practices, provide up-to-date, objective, reliable and comparative information, enhance cross-border cooperation and identify and keep a record of letter-box companies and similar operations.

27 European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe (2013/2112/INI)
http://www.europarl.europa.eu/oeil/popul

27 Texts adopted, P7_TA(2014)0012 (not yet Published in the Official Journal)
Amendment 4
Proposal for a decision
Recital 4 b (new)

Text proposed by the Commission

(4b) The establishment of the Platform should be without prejudice to Member States’ competence and/or obligations to tackle undeclared work as well as to ILO Convention No 81. Member States and their enforcement bodies play a crucial role in effectively preventing, tracking and penalising undeclared work. The work of the Platform should therefore not prevent rigid checks or other activities by Member States to fight against the black economy but should, rather, support measures to encourage and promote declared work and curb social security fraud.

Amendment 5
Proposal for a decision
Recital 5

Text proposed by the Commission

(5) At European level undeclared work is defined as "any paid activities that are lawful as regards their nature but not declared to public authorities, taking into account differences in the regulatory systems of the Member States", thus excluding all illegal activities.

Amendment

(5) As mentioned in the Commission’s communication of 24 October 2007, entitled: “Stepping up the fight against undeclared work, undeclared work has, since 1998, been defined at Union level as 'any paid activities that are lawful as regards their nature but not declared to public authorities, taking into account differences in the regulatory systems of the Member States, thus excluding all illegal activities. That definition should be updated in order to reflect recent labour
market developments.


Amendment 6
Proposal for a decision
Recital 5 a (new)

Text proposed by the Commission

(5a) Definitions of undeclared work vary among Member States, as do national regulations. Furthermore, undeclared work may take various forms, depending on the economic, administrative, financial and social context, making it difficult to quantify the problem at Union level. Undeclared work also has very different patterns depending on the nature and type of work and the worker concerned. Undeclared work performed by domestic workers, mainly women, poses a particular challenge in this context as it is solitary work and, by its nature, invisible. Measures to tackle undeclared work should be tailored to take account of those differences.

Amendment 7
Proposal for a decision
Recital 5 b (new)

Text proposed by the Commission

(5b) Enhanced cooperation in tackling undeclared work should contribute to a level playing field and benefit economic
actors who do not resort to undeclared work. The scope of the Platform should extend to all existing forms of undeclared work without distinction with the aim of extricating the Union from the black economy, creating quality and sustainable employment, boosting economic recovery and achieving the Union’s employment and social objectives.

Amendment 8
Proposal for a decision
Recital 5 c (new)

**Text proposed by the Commission**

(5c) The undeclared economy is considerable in size, being equivalent to over 18 % of the Union’s GDP. However, it varies significantly across Member States, ranging from below 8 % to over 30 % of GDP. According to Eurofound, there is also a clear north-south and east-west divide within the Union1a.

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1a Eurofound report on Combating Undeclared Work in 27 European Union Member States and Norway (2013).

Amendment 9
Proposal for a decision
Recital 6

**Text proposed by the Commission**

(6) The abuse of the status of self-employed, either at national level or in cross-border situations, is frequently associated with undeclared work. Bogus self-employment occurs when a person is declared as self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid

**Amendment**

(6) In addition to undeclared work, the Platform should deal with falsely declared work, which refers to paid activities that are lawful as regards their nature, but are not declared correctly to public authorities. A specific form of undeclared work is the abuse of the status of self-employed, either at national level or in
certain legal or fiscal obligations. Bogus self-employment is, therefore, falsely declared work and should come under the scope of the Platform.

cross-border situations. Bogus self-employment occurs when a person is declared as self-employed while fulfilling the conditions characteristic of an employment relationship in order to avoid certain legal or fiscal obligations. Bogus self-employment is, therefore, falsely declared work. It should be noted, however, that definitions and legislation regarding self-employment vary between Member States. Bogus self-employment and undeclared work are key activities of the black economy. The increasing phenomena of bogus self-employment and undeclared work should therefore be addressed by the Platform and the main risks of fraud should be identified.

Amendment 10

Proposal for a decision
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Letter-box companies are companies which have been set up with the purpose of benefitting from legislative loopholes while not, themselves, providing any service to clients. They are a front for services provided by their owners. Letter box companies should therefore be considered to be a facet of undeclared work and should be dealt with within the scope of the Platform.

Amendment 11

Proposal for a decision
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Undeclared work at national and at cross-border level are two distinct forms of undeclared work. Undeclared work can contribute to the phenomenon known as
social dumping, including by way of salary reductions in the Member States where the services are offered.

Amendment 12
Proposal for a decision
Recital 6 c (new)

Text proposed by the Commission

(6c) Undeclared work has serious implications for the workers concerned, who find themselves having to accept precarious and sometimes hazardous working conditions, much lower wages, severe infringements of labour rights and greatly reduced protection under labour and social protection law, thus depriving them of adequate social benefits, pension rights and access to healthcare, as well as skills development and life-long learning opportunities. The situation is even more serious in the case of minors.

Justification

The original Commission proposal regarding Recital 7 has been split up unto two recitals, respectively 6c and 7

Amendment 13
Proposal for a decision
Recital 7

Text proposed by the Commission

(7) Undeclared work has serious budgetary implications through decreased tax and social security revenues. It has negative impacts on employment, productivity, compliance with working conditions' standards, skills development and life-long learning. It undermines the financial sustainability of social protection systems, depletes workers of adequate social benefits and results in lower pension rights and less access to healthcare.

Amendment

(7) At the same time, undeclared work has serious budgetary implications through decreased tax and social security revenues, thus undermining the financial sustainability of social protection systems. Furthermore, it negatively impacts on both employment and productivity, leading to unfair competition, which distorts the market and has damaging effects on the economy in general. The Platform should pay particular attention to the fact that SMEs, which make up the
large majority of Union undertakings, are particularly affected by that problem. In addition, illegal drawing of benefits and social dumping may be among the direct consequences of undeclared work.

Amendment 14

Proposal for a decision
Recital 7 a (new)

Amendment

Text proposed by the Commission

(7a) Undeclared work has different effects on different social groups. There should be a particular focus on the most vulnerable, such as migrants and women, who are often over-represented in sectors affected by undeclared work. As working conditions and the motives of employers and workers for engaging in undeclared work vary between sectors and between countries, a wide range of specific policy approaches is necessary to tackle the problem.

Amendment 15

Proposal for a decision
Recital 7 b (new)

Amendment

Text proposed by the Commission

(7b) Enhanced cooperation between Member States not only allows the problem to be addressed from a fiscal point of view but also enables the exchange of best practices on social protection, such as pension rights and access to healthcare, including of those groups of undeclared workers that are in a particularly vulnerable position or performing work not even considered as undeclared in all Member States, such as informal childcare or care for elderly family members provided in close family
networks, mainly by women.

Amendment 16
Proposal for a decision
Recital 8

Text proposed by the Commission

(8) A wide range of policy approaches and measures to tackle undeclared work have been introduced across the Member States. Member States have also concluded bilateral agreements and carried out multilateral projects on certain aspects of undeclared work. The Platform will not prevent the application of bilateral agreements or arrangements concerning administrative cooperation.

Amendment

(8) A wide range of policy approaches and measures to tackle the problem of undeclared work have been introduced across the Member States, yet a holistic approach is often still missing. Deterrence, which seeks to bring about compliance by detecting and penalising non-compliance, remains the dominant approach across the majority of Member States. Many Member States have already put in place effective measures by which to tackle undeclared work particularly in relation to labour market, tax and employment law abuses by ensuring that the employers of undeclared workers face tougher enforcement action and stronger penalties. The principle that the burden of repayment for any unpaid social security and taxes rests with the employer, as well as the threat of additional inspections and fines which clearly outweigh any profits are important deterrents that discourage employers from operating in the informal economy.

Amendment 17
Proposal for a decision
Recital 8 a (new)

Text proposed by the Commission

(8a) Over the last few years there has also been a perceptible uptake of an enabling approach that encourages and promotes declared work. An interactive knowledge bank, such as that developed by Eurofound, could help Member States to
identify new approaches in that respect.

Amendment 18
Proposal for a decision
Recital 8 b (new)

*Text proposed by the Commission*

(8b) Member States have also concluded bilateral agreements and carried out multilateral projects on certain aspects of undeclared work. The Platform should accompany those actions and should help to improve the application of bilateral and multilateral agreements or arrangements concerning administrative cooperation.

Amendment 19
Proposal for a decision
Recital 8 c (new)

*Text proposed by the Commission*

(8c) The Platform should fully respect and act in accordance with the Charter of Fundamental Rights of the European Union, in particular Articles 5, 15, 28 and 31 thereof, and the relevant conventions and recommendations of the ILO, in particular Convention No 81 concerning Labour Inspection in Industry and Commerce, Convention No 189 concerning decent work for domestic workers, Convention No 150 concerning Labour Administration: Role, Functions and Organisation and Recommendation No 198 concerning the employment relationship.

Amendment 20
Proposal for a decision
Recital 9
(9) EU level cooperation remains far from comprehensive, both in terms of the Member States involved and the issues covered. There is no formal mechanism in place for cross-border cooperation between Member States' relevant authorities to address issues related to undeclared work.

**Amendment**

(9) Currently, close and effective cooperation at the Union level remains far from comprehensive, both in terms of the Member States involved and the issues covered. There is no formal mechanism in place for cross-border cooperation between Member States' relevant authorities to address issues related to undeclared work. The work of the Platform should draw on the work done by other bodies and should make use of the Internal Market Information System (IMI), where appropriate. Furthermore, it should take account of the differences regarding national law relating to undeclared work and encourage, where necessary, the provision of adequate resources for labour inspections to improve cross-border enforcement.

**Amendment 21**

**Proposal for a decision**

**Recital 10**

(10) The strengthening of cooperation among Member States at EU level is necessary to help Member States to prevent and deter undeclared work more efficiently and effectively.

**Amendment**

(10) The strengthening of active cooperation based, where required, on mutual assistance, transparency and confidentiality among Member States at Union level is necessary to help Member States tackle undeclared work more efficiently and effectively, while respecting the freedom to provide services, the freedom of movement for workers and the principle of non-discrimination as well as workers’ rights and the social aquis. The goal of such strengthened cooperation should be to encourage declared work and to make undeclared work the less attractive option.
Amendment 22

Proposal for a decision
Recital 10 a (new)

Text proposed by the Commission

(10a) National labour inspectorates and other relevant bodies, in particular enforcement authorities, often need immediate access to data and information held by foreign national authorities. An efficient and rapid exchange of data is therefore essential to curb undeclared work, while recognising the importance of data protection.

Amendment 23

Proposal for a decision
Recital 10 b (new)

Text proposed by the Commission

(10b) National labour inspection systems should be organised in an efficient manner and should have sufficient qualified staff at their disposal in order to function effectively and to carry out systematic and frequent controls.

Amendment 24

Proposal for a decision
Recital 11

Text proposed by the Commission

(11) The Platform will aim to facilitate the exchange of best practices and information, provide a framework at EU level to develop expertise and analysis, and improve operational coordination of actions between the different national enforcement authorities of the Member States.

Amendment

(11) The Platform should contribute to eliminating abuse of the principle of the free movement through undeclared work. To that end it should aim to facilitate and improve the exchange of experience and best practices and information, as well as to developing, at Union level common understanding, expertise and analysis, including on new and emerging employment relationships. It should also
enhance knowledge through the creation of a knowledge bank, study ways to improve data exchange, suggest joint training sessions and exchanges between labour inspectorates, foster effective control mechanisms and contribute to the improvement of operational coordination between the different national enforcement bodies of the Member States. Additionally, the Platform will facilitate the sharing of best practices and information.

Amendment 25

Proposal for a decision
Recital 11 a (new)

_text proposed by the Commission_

(11a) Based on the information gathered in its work, the Platform should propose standards and provide advice for development of law relating to undeclared work where necessary and develop its capacities as advisor on required policy actions and instruments.

Amendment 26

Proposal for a decision
Recital 11 b (new)

_text proposed by the Commission_

(11b) The identification, analysis and solving of practical problems relating to the enforcement of Union law on working conditions and social protection at work fall mainly within the competence of Member States and their national labour inspection systems. Close and effective cooperation at Union level is therefore required.

Amendment 27


Proposal for a decision
Recital 12

Text proposed by the Commission
(12) The Platform should make use of all relevant sources of information, in particular studies, bilateral agreements concluded between Member States and multilateral cooperation projects and create synergies between existing EU level instruments and structures to maximise the deterrent or preventive effect of these measures. The operational coordination of actions of the Member States could take the form of joint trainings, peer reviews and solutions for data sharing. European campaigns or common strategies could increase the awareness of undeclared work.

Amendment 28
Proposal for a decision
Recital 12 a (new)

Text proposed by the Commission
(12a) The Platform should be more than a passive mapping and assessment body. It should also actively contribute towards preventing undeclared work by developing practical guidelines against organised forms and networks of undeclared work and by keeping concerned authorities and actors informed. To that end the Platform should discuss approaches and suggest

Amendment
(12) The Platform should make use of all relevant sources of information, in particular studies, bilateral agreements concluded between Member States and multilateral cooperation projects and create synergies between existing EU level instruments and structures to maximise the deterrent or preventive effect of these measures. The operational coordination of actions of the Member States could take the form of joint trainings, peer reviews and solutions for data sharing. European campaigns or common strategies could increase the awareness of undeclared work, building on policies and strategies to raise awareness of undeclared work which already exist to varying degrees in the Member States. The Platform should also involve non-governmental actors as important sources of information. It should contribute to the strengthening of the cooperation between Member States including by suggesting innovative approaches of cross-border cooperation and enforcement as well as by evaluating experiences of such cooperation to draw conclusions for future policy action.
measures and instruments, which could contribute towards better preventing, controlling and penalising organised forms and networks of undeclared work and facilitate compliance with related law.

Amendment 29

Proposal for a decision
Recital 13

Text proposed by the Commission

(13) **Three** different national enforcement **authorities** are **mainly** involved with undeclared work: labour inspectorates, social security inspectorates and tax authorities. In some cases, migration authorities and employment services as well as customs authorities, the police, the public prosecutor’s office and the social partners are also involved.

Amendment

(13) **Often several** different national enforcement **bodies and actors** are involved with **tackling** undeclared work, **including** labour inspectorates, social security inspectorates and **social security institutions, health and safety inspectorates and tax authorities**. In some cases migration authorities and employment services as well as customs authorities, the police, the public prosecutor’s office and the social partners are also involved.

Amendment 30

Proposal for a decision
Recital 14

Text proposed by the Commission

(14) In order to address undeclared work comprehensively and successfully, a policy mix is to be implemented in the Member States, **that is facilitated by** structured cooperation between relevant **authorities**. The cooperation should include all national authorities which are leading and/or active in the **prevention and/or deterrence of** undeclared work.

Amendment

(14) In order to address undeclared work comprehensively and successfully, an **individually tailored** policy mix **should** be implemented in the Member States, **based on** structured cooperation between **all** relevant **bodies**. The cooperation should include all national authorities, **representatives of the social partners, and may, where appropriate, include also other actors** which are leading and/or active in **tackling** undeclared work and protecting undeclared workers. **Support for the cooperation between relevant non-**
public actors is also essential in this context.

Amendment 31
Proposal for a decision
Recital 14 a (new)

Text proposed by the Commission

(14a) In order to ensure the effectiveness and success of the Platform, the role played by the labour inspectorates in the Member States should be enhanced.

Amendment 32
Proposal for a decision
Recital 15

Text proposed by the Commission

(15) To achieve its objectives, the Platform should be supported by a single point of contact in each Member State who should have the necessary authority to liaise with national authorities dealing with the multifaceted aspects of undeclared work.

Amendment

(15) To achieve its objectives, the Platform should be supported by a senior representative from each Member State who should have the necessary authority to liaise with national authorities, regional and Union bodies, and other actors, in particular the social partners, dealing with the multifaceted aspects of undeclared work. The work of the Platform should remain at the expert level.

Amendment 33
Proposal for a decision
Recital 15 a (new)

Text proposed by the Commission

(15a) The senior representatives should liaise with all enforcement bodies which are involved in the tackling of undeclared work regarding the activities of the Platform thereby involving all stakeholders and facilitating their
contribution to the activities of the Platform or its working groups if issues discussed involve their field of competence.

Amendment 34
Proposal for a decision
Recital 16

Text proposed by the Commission

(16) The Platform should involve the social partners at EU level, both cross-industry and in those sectors more severely affected by undeclared work, and cooperate with relevant international organisations, such as the International Labour Organisation (ILO), and Union decentralised agencies, in particular Eurofound and European Agency for Safety and Health at Work. The involvement of Eurofound and European Agency for Safety and Health at Work in the work of the Platform as observers will not extend their existing mandates.

Amendment

(16) The Platform should involve the social partners at EU level, both cross-industry and in those sectors that are either severely affected by undeclared work or have a particular role in the tackling of undeclared work, and cooperate with relevant international organisations, such as the ILO, and the Organisation for Economic Cooperation and Development (OECD), and Union decentralised agencies.

Amendment 35
Proposal for a decision
Recital 16 a (new)

Text proposed by the Commission

(16a) Eurofound should play a central role in the creation of an interactive knowledge bank aiming to enhance cooperation in tackling undeclared work, and in assessing the impact of undeclared work on the health and safety of workers.

Amendment

(16a) Eurofound should play a central role in the creation of an interactive knowledge bank aiming to enhance cooperation in tackling undeclared work, and in assessing the impact of undeclared work on the health and safety of workers.

Amendment 36
Proposal for a decision
Recital 16 b (new)
The Committee of Senior Labour Inspectors (SLIC) was set up by Commission Decision 95/319/EC in order to work on problems relating to the enforcement by the Member States of the Union law on health and safety at work. The Platform should also involve a SLIC observer in order to avoid overlaps and to create synergies.


**Amendment 37**

Proposal for a decision

Recital 19

Text proposed by the Commission

(19) The Platform can establish working groups to examine specific issues and should be able to rely on the expertise of professionals with specific competences.

Amendment

(19) The Platform can establish working groups to examine specific issues, such as targeted policies for workers in the informal sector who are young, elderly or female, and, in particular women with disabilities and female immigrants, as well as the causes of undeclared work, and should be able to rely on the expertise of professionals with specific competences.

**Justification**

Work carried out in private households, including household services such as cleaning or child and elderly care, is often unregulated and executed by women. From the outset of the Platform, a working group on the working conditions of women in undeclared work and the effects on their social security should be foreseen. It is also important that the Platform looks into recurring reasons for workers to shift into undeclared works and Member States discuss policies to tackle these causes.

**Amendment 38**

Proposal for a decision
Recital 20

Text proposed by the Commission

(20) The Platform will cooperate with the EU level relevant expert groups and committees whose work has links with undeclared work.

Amendment

(20) The Platform should cooperate with relevant expert groups, committees and stakeholders whose activities have links with tackling undeclared work.

Amendment 39

Proposal for a decision
Recital 20 a (new)

Text proposed by the Commission

(20a) The work of the Platform should provide input to the Commission's Joint Employment Report, regarding the tackling of undeclared work.

Amendment

(20a) The work of the Platform should provide input to the Commission's Joint Employment Report, regarding the tackling of undeclared work.

Amendment 40

Proposal for a decision
Recital 21

Text proposed by the Commission

(21) The Platform and its tasks should be funded through the PROGRESS axis of the programme for Employment and Social Innovation (EaSI) within the appropriations set by the budgetary authority.

Amendment

(21) The Platform and its tasks should be funded through the PROGRESS axis of the programme for Employment and Social Innovation (EaSI) within the appropriations set by the budgetary authority. The Commission should ensure that the Platform uses its financial resources for its work in a transparent and efficient way.

Amendment 41

Proposal for a decision
Recital 22
(22) The Commission will take the necessary administrative steps to set up the network.

\[\text{Amendment}\]

Proposal for a decision
Recital 22 a (new)

(22) The Commission will take the necessary administrative steps to set up the Platform.

\[\text{Amendment}\]

Proposal for a decision
Recital 22 a (new)

(22a) Although the Platform is a useful first step towards better cooperation among Member States in the fight against undeclared work, it should not be seen as the only possible Union instrument against that phenomenon. In particular, the Commission should continue to monitor existing national and Union law in order to determine whether it directly or indirectly encourages undeclared work,

\[\text{Amendment}\]

Proposal for a decision
Article 1 – paragraph 1

(1) A Platform to enhance EU cooperation in the prevention and deterrence of undeclared work, hereinafter referred to as "the Platform", is hereby established.

\[\text{Amendment}\]

Article 1 – paragraph 2 – point a

1. A European Platform to enhance cooperation at Union level in tackling undeclared work, ("the Platform"), is hereby established.

\[\text{Amendment}\]

Proposal for a decision
Article 1 – paragraph 2 – point a

(a) national enforcement authorities as (a) one senior representative nominated by
nominated by all the Member States, each Member State, representing national enforcement bodies, and/or other actors involved in the tackling of undeclared work, with a mandate to participate in all activities related to the Platform on behalf of the Member State;

Amendment 45
Proposal for a decision
Article 1 – paragraph 2 – point b a new

Text proposed by the Commission

Amendment

(ba) a maximum of four representatives of cross-industry social partners organised at Union level nominated by the social partners themselves, equally representing both sides of industry.

Amendment 46
Proposal for a decision
Article 1 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

(3) The following may attend the meetings of the Platform as observers under the conditions set in its rules of procedure:

3. The following stakeholders should be actively involved in the meetings of the Platform as observers and their contributions shall be taken into due consideration under the conditions set in its rules of procedure:

Amendment 47
Proposal for a decision
Article 1 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) representatives of the cross-industry social partners at Union level, as well as social partners in sectors with a high incidence of undeclared work,

(a) a maximum of 14 representatives of social partners in sectors with a high incidence of undeclared work nominated by the social partners themselves, equally representing both sides of industry;
Amendment 48

Proposal for a decision
Article 1 – paragraph 3 – points b-a to b-d (new)

Text proposed by the Commission

(ba) a representative of the Committee of Senior Labour Inspectors (SLIC),


(bc) a representative of the Public Employment Services Network (PES)

(bc) a representative of the European Economic and Social Committee (EESC), and a representative of the Committee of the Regions (CoR),

(bd) a representative of the Organisation for Economic Co-operation and Development (OECD)

\textsuperscript{1a} OJ L …

Amendment 49

Proposal for a decision
Article 1 – paragraph 3 – point d

Text proposed by the Commission

(d) representatives of EEA states.

Amendment

(d) a representative of each third-country EEA state.

Amendment 50

Proposal for a decision
Article 1a (new)
For the purpose of this Decision, ‘tackling undeclared work’ means the prevention, deterrence and combating of undeclared work as well as encouraging and promoting declared work.

Amendment 51

Proposal for a decision

Article 2

The overriding objective of the Platform shall be to provide value-added input at Union level to the efforts of Member States and Union institutions to successfully tackle the complex problem of undeclared work and its manifold implications and consequences including encouraging and promoting declared work.

The Platform, as set out in Article 1 (1), shall contribute to better enforcement of EU and national law, to the reduction of undeclared work and the emergence of formal jobs, hence avoiding the deterioration of quality of work, and to promote integration in the labour market and social inclusion by:

(a) improving cooperation between Member States' different enforcement authorities at EU level to prevent and deter undeclared work, including bogus self-employment, more efficiently and effectively,
(b) improving Member States' different enforcement authorities' technical capacity to tackle cross-border aspects of undeclared work,

(c) increasing public awareness on the urgency of action and encouraging Member States to step up their efforts in dealing with undeclared work.

Amendment 52

Proposal for a decision
Article 3 – paragraph 1 – point c

Text proposed by the Commission
(c) Coordinate cross-border operational actions.

Amendment
(c) Encourage and facilitate practical, effective and efficient cross-border operational actions;

Amendment 53

Proposal for a decision
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment
(ca) Contribute to a horizontal understanding of matters relating to undeclared work.

Amendment 54

Proposal for a decision
Article 4

Text proposed by the Commission

Amendment

Article 4
Tasks

(1) For the execution of its mission, the platform shall in particular carry out the

I. For the execution of its mission, the Platform shall in particular carry out the
following tasks:

(a) Improve the knowledge of undeclared work by means of common concepts, measurement tools and promotion of joint comparative analysis and related relevant indicators,

(b) Develop the analysis of effectiveness of different policy measures in curbing the incidence of undeclared work, including preventive and punitive as well as deterrence measures in general,

(c) Establish tools, for instance a knowledge bank of different practices/measures, including bilateral agreements used in the Member States to deter and prevent undeclared work,

(d) Adopt non-binding guidelines for inspectors, handbooks of good practice and common principles of inspections to tackle undeclared work,

(e) Develop forms of cooperation increasing the technical capacity to tackle cross-border aspects of undeclared work by adopting a common framework for joint operations for inspections and exchange of staff,

following tasks:

(a) Improve the knowledge of all forms of undeclared work, also with regard to causes and regional differences, by means of common concepts, including comprehensive definitions of existing and new forms of undeclared work, indicators and methodologies for data collection, measurement tools and promotion of joint comparative analysis and research;

(aa) Improve the knowledge and mutual understanding of different national labour inspection systems and practices to tackle undeclared work, the consequences of undeclared work, including cross-border undeclared work, with regard to unfair competition and market distortions, as well as the precarious working conditions endured by persons in undeclared work;

(b) Analyse the effectiveness and consequences, of different policy measures, such as prevention and deterrence as well as enabling measures encouraging and promoting declared work, in curbing the incidence of undeclared work;

(c) Establish efficient tools, for instance an interactive knowledge bank of different practices/measures based on the application in different labour market models, including bilateral and multilateral agreements used in the Member States to tackle undeclared work;

(d) Develop guidelines for enforcement, handbooks of good practice and common principles of inspections to tackle undeclared work and monitor progress made on the implementation of guidelines;

(e) Develop close cooperation in order to improve the capability of national labour inspection systems regarding controls and tackling cross-border aspects of undeclared work by means of actions such as joint operations, relevant databases and staff
(f) **Examine ways to** improve data sharing in compliance with the Union data protection rules, including exploring possibilities to use of the Internal Market Information System (IMI) and the Electronic Exchange of Social Security Information (EESSI).

(g) Develop permanent training capacity for enforcement authorities and adopt a common framework for carrying out joint training.

(h) Organise peer reviews to follow Member States progress when fighting undeclared work, including support for the implementation of country-specific recommendations related to fight or prevent undeclared work issued by the Council.

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(f) **Develop a reliable and efficient system of rapid information exchange and** improve data sharing in compliance with the Union data protection rules, including exploring possibilities to make use of the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council and the Electronic Exchange of Social Security Information (EESSI);

(g) Develop and improve the permanent training capacity for enforcement authorities and adopt a common framework for carrying out joint training in order to help Member States to fulfil their obligations, amongst others those under ILO Convention No 81;

(h) Organise peer reviews to follow Member States progress when fighting undeclared work, including support for the implementation of country-specific recommendations related to fight or prevent undeclared work issued by the Council and promote appropriate action;

(ha) Make proposals to the Commission, to the European Parliament and to the Council for inclusion in the country-specific recommendations of appropriate action addressing the particular aspects of tackling undeclared work as well as the effects of non-action in the Member States concerned;

(hb) Provide opinions and proposals to the Commission, to the European Parliament or to the Council on issues relating to better regulation and the enforcement of Union law on working
(i) Increase awareness of the problem by carrying out common activities such as European Campaigns and adopting regional or EU-wide strategies, including sectoral approaches.

(2) In carrying out its tasks, the Platform will make use of all relevant sources of information, including studies and multilateral cooperation projects and take into account relevant Union instruments and structures, as well the experience of relevant bilateral agreements. It will establish appropriate cooperation with Eurofound and EU-OSHA.

conditions and social protection in Member States relating to the tackling of undeclared work as well as to the effects of non-action;

(hc) Encourage active cooperation between the enforcement authorities of Member States and third countries where appropriate, in order to resolve problems related to undeclared work involving those third countries;

(i) Increase awareness of the problem by carrying out common activities such as European Campaigns and adopting regional or Union-wide strategies, including sectoral approaches;

(ii) Encourage national authorities and other bodies to provide advice and information to workers who have been victimised by practices of undeclared work.

2. In carrying out its tasks, the Platform shall make use of all relevant sources of information, including studies and multilateral cooperation projects and take into account relevant Union instruments and structures, as well the experience of relevant bilateral agreements.

(2a) The Platform shall establish appropriate cooperation with Eurofound, particularly with regard to the development of an interactive knowledge bank, as an additional task of the agency, as well as with EU-OSHA.

Amendment 55

Proposal for a decision
Article 5

Text proposed by the Commission

Article 5

Single point of contact

(1) Each Member State shall appoint one single point of contact as a member of the Platform. They may also appoint one alternate member.

(2) In appointing their representatives, Member States should involve all public authorities having a role in the prevention and/or deterrence of undeclared work, such as labour inspectorates, social security authorities, tax authorities, employment services and migration authorities, hereinafter referred to as "enforcement authorities". They may also, in accordance with national law and/or practice, involve the social partners.

(3) Member States shall provide the Commission with the list and contact details of all enforcement authorities which are involved in the prevention and/or deterrence of undeclared work.

(4) Single points of contact shall liaise with all enforcement authorities which are involved in the prevention and/or deterrence of undeclared work regarding the activities of the Platform and guarantee their participation at the meetings and/or contribution to the activities of the Platform or its working groups if issues discussed involve their field of competence.

Amendment

Article 5

Senior representatives

1. Each Member State shall appoint a senior representative as referred to in Article 1(2)(a) as member of the Platform. It may also appoint a substitute to attend the meetings of the Platform where necessary.

2. In appointing a senior representative and a substitute, Member States should involve all relevant bodies having a role in the tackling of undeclared work in a domestic or cross-border context, such as labour inspectorates, social security authorities, tax authorities, employment services and migration authorities, hereinafter referred to as "enforcement authorities". They should also, in accordance with national law and/or practice, involve the social partners and other relevant actors.

3. Member States shall provide the Commission with the list and contact details of all enforcement bodies and, in accordance with national law or practice, the social partners and other relevant actors which are involved in tackling undeclared work.

4. The senior representatives referred to in Article 1(2)(a) shall liaise regularly with all national enforcement bodies and in accordance with national law or practice, the social partners and other relevant actors with a role in tackling undeclared work, thereby involving all stakeholders.
Amendment 56

Proposal for a decision
Article 6

Text proposed by the Commission

Amendment

Article 6

Representatives of the social partners

(1) Representatives of the social partners at cross-industry level, as well as from sectors with high incidence of undeclared work may attend meetings of the Platform as observers, according to the procedures determined by their organisations.

(2) On the basis of the proposals from cross-industry and sectoral social partners at Union level, this group of observers shall be composed of:

(a) A maximum of 8 observers representing social partners at cross-industry level (divided evenly between employers' and workers' organisations),

(b) A maximum of 10 observers representing social partners in sectors with a high incidence of undeclared work (divided evenly between employers' and workers' organisations).

Amendment 57

Proposal for a decision
Article 7

Text proposed by the Commission

Amendment

Article 7

Operation

(1) The Commission shall coordinate the work of the Platform and chair its meetings.

I. The Commission shall coordinate the work of the Platform and the Commission representative to the Platform shall co-chair its meetings. The members of the Platform shall elect from among their number another co-chair of equal standing as well as two substitutes. The
(2) For the execution of its mission, the Platform shall adopt by majority decision:

(a) the rules of procedure, containing, inter alia, the decision-making arrangements of the Platform,

(b) a two-year work programme of the Platform setting out, inter alia, its detailed tasks and regular reports of the Platform in every two years,

(c) the establishment of working groups to examine issues specified in work programmes of the Platform. Such working groups shall be dissolved as soon as their mandates are fulfilled.

(3) Experts with specific competence in a subject under discussion may be invited on a case-by-case basis to participate in the Platform's or working group's deliberations if this is useful and/or necessary.

(4) The Platform shall be assisted by a Secretariat provided by the Commission. The Secretariat shall prepare the meetings, the work programmes of the Platform and its reports.


(6) The work of the Platform shall be conducted in accordance with the principle of transparency as laid down in Article 15 TFEU.

1a. The Platform shall meet at least twice a year.

2. For the execution of its mission, the Platform shall adopt by majority decision:

(a) the rules of procedure, containing, inter alia, the decision-making arrangements of the Platform;

(b) an annual and a multiannual work programme of the Platform setting out, inter alia, the detailed tasks of the Platform and taking into account the activities undertaken in the previous year(s);

(c) the establishment of working groups to examine issues specified in work programmes of the Platform, which shall be chaired by a member of the Platform and shall be dissolved as soon as their mandates are fulfilled;

(ca) an annual report on its activities.

3. Experts with specific competence in a subject under discussion may be invited by the Bureau on a case-by-case basis to participate in the Platform's or working group's deliberations if this is considered to be useful or necessary.

4. The Platform shall be assisted by a Secretariat provided by the Commission. The Secretariat shall prepare the meetings, the draft work programmes of the Platform and its draft reports in close cooperation with and under the supervision of the Bureau. It shall also follow up on recommendations of the Platform.

4a. The work of the Platform shall be conducted in accordance with the principle of transparency as laid down in Article 15 TFEU.

5. The Platform shall transmit the work programmes referred to in paragraph 2(b) and the reports referred to in paragraph 2(ca) to the Commission. The Commission shall submit the work programmes and reports to the European Parliament, to the
Council, to the European Economic and Social Committee and to the Committee of the Regions.

Amendment 58
Proposal for a decision
Article 8

Text proposed by the Commission

Article 8
Cooperation

The Platform shall work, as appropriate, in cooperation with other relevant Union level expert groups and committees, whose work has a link with undeclared work, in particular the Senior Labour Inspectors Committee (SLIC), the Expert Committee on Posting of Workers, the Administrative Commission for Social Security Coordination, the Employment Committee (EMCO), the Social Protection Committee (SPC) and the Working Group on Administrative Cooperation in the field of Taxation. Joint meetings may also be organised.

Amendment

Article 8
Cooperation

I. The Platform shall work, as appropriate, in cooperation with other relevant Union level expert groups and committees, whose work has a link with undeclared work, in particular the Senior Labour Inspectors Committee (SLIC), the Expert Committee on Posting of Workers, the Administrative Commission for Social Security Coordination, the H5NCP EU Platform, the Employment Committee (EMCO), the Social Protection Committee (SPC) and the Working Group on Administrative Cooperation in the field of Taxation. In the interest of more efficient working and enhanced impact, joint meetings may be organised. The minutes of such meetings shall be submitted to the European Parliament and to the Council within a reasonable time.

1a. Duplication of work done by other bodies at Union level shall be avoided. To that end transparency and information sharing is essential.

Amendment 59
Proposal for a decision
Article 10
Text proposed by the Commission

Financial Support

The global resources for the implementation of this Decision shall be established within the framework of the programme for Employment and Social Innovation (EaSI), the annual appropriations of which shall be authorised by the budgetary authority within the limits of the Financial Framework.

Amendment

Financial Support

The global resources for the implementation of this Decision shall be established within the framework of the programme for Employment and Social Innovation (EaSI), the annual appropriations of which shall be authorised by the budgetary authority within the limits of the Financial Framework. The Commission shall ensure that the financial resources of the EaSI are used in a transparent and efficient way.

Amendment 60

Proposal for a decision

Article 11

Text proposed by the Commission

Review

Four years after its entry into force, the Commission shall submit a report on the application of this Decision to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The report shall in particular assess to what extent the Platform has contributed to the achievement of the objectives set out in Article 2 and fulfilled the tasks as set out in Article 3 and in work programmes of the Platform.

Amendment

Review

By …* [Four years after the entry into force of this Decision], the Commission shall, after consulting the Platform, submit a report on the application and the added value of this Decision to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The report shall in particular assess to what extent the Platform has contributed to the achievement of the objectives set out in Article 2, fulfilled its mission as set out in Article 3, carried out the tasks as set out in Article 4 and addressed the priorities set out in the work programmes of the Platform. It shall also identify shortcomings and submit proposals on the functioning of the Platform if appropriate.

Amendment 61

Proposal for a decision
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Defence of rights

Persons bringing cases of undeclared work to the attention of the Platform, either directly or via national enforcement authorities shall be protected against any unfavourable treatment by their employer.