

German French tripartite non-paper

Confederation of German Employers' Associations

German Trade Union Confederation

German Federal Ministry of Labour and Social affairs

Mouvement des Entreprises de France

Confédération des Petites et Moyennes Entreprises

Union des Entreprises de Proximité

Confédération Française Démocratique du Travail

Confédération Générale du Travail Force Ouvrière

Confédération Française de l'Encadrement – Confédération Générale des Cadres

Confédération Française des Travailleurs Chrétiens

Ministère du Travail, de la Santé, des Solidarités et des Familles

Ministère chargé du Travail et de l'Emploi

Improving labour mobility and securing effective enforcement of workers' rights

The social partners and Governments of Germany and France highlight the importance of fair labour mobility in the Single Market for both employers and workers, and free movement of persons. Approximately 10 million working aged EU citizens live or work or commute to another Member State on a daily basis. Intra-EU mobility allows people to gain experience abroad and acquire new skills. Training and skills development play a crucial role in enabling workers to seize mobility opportunities across the European Union, fostering better integration into labour markets and society. It also helps address labour and skills shortages across the EU and employers.

Fair labour mobility is indissociable of the EU thrive for upward social and economic convergence within and between Member states, the EU values of equal treatment and non-discrimination, and the EU's competitiveness. Cross-border provision of services is essential for the functioning of the Single Market. Consequently, the European Commission has taken an important step toward promoting fair and efficient labour mobility within the EU with the announcement of the Fair Labour Mobility Package.

The upcoming Package should continue past initiatives aimed at safeguarding a level playing field between companies across Europe.

We are convinced that fair EU labour mobility benefits workers and employers, and we commit to supporting the following overarching goals:

- Facilitate fair and free labour mobility in the Single Market
- Strengthen cross-border exchange of information and interoperability by digital means
- Improve information provision for employers and workers
- Secure enforcement of workers' rights, e.g., by labour inspectorates and authorities

To reach these goals, we underline the significance of further digitalisation efforts and well-functioning administrative procedures.

We support concrete measures which improve information provision and support mechanisms, simplify administrative procedures, ensure data comparability, increase coordination between national administrations and improve enforcement and implementation of common rules.

In this respect, we jointly call for the following measures:

- Urgently adopt a balanced compromise on the revision of the regulation related to social security coordination.
- Safeguard a balanced approach between simplification and effective implementation of the Posted Workers Directive with an efficient public interface for the declaration of posting of workers (e.g. “eDeclaration”), to prevent fraud and ensure effective monitoring.
- Include appropriate measures in the upcoming Fair Labour Mobility Package, aiming at a holistic approach that addresses existing gaps both in the legal framework and its implementation - for both employers and workers, as well as national administrations. This shall include among others the following initiatives:
 - Introduce the planned European Social Security Pass (ESSPASS).
 - Explore synergies between existing digital solutions in the fields of labour law and social security.
 - Ensure that the European Labour Authority (ELA), with adequate resources and a clear mandate, effectively carries out its mission, , with the support of national labour inspectorates and in respect of the role of social partners.
 - Examine in an evidence-based manner, how existing challenges in subcontracting chains could be addressed, drawing on effective and proportionate approaches already implemented in Member States.
 - Strengthen legal clarity regarding the posting of third-country nationals.
 - Implementing innovative approaches to support information provision to mobile workers and to employers.
 - Support practical sector-sensitive tools and non-legislative measures that enhance mutual trust in professional qualifications across the Single Market, both for EU- and third-country national workers. The real equivalence of the qualifications must always be proven.

We consider that social dialogue at sectoral and intersectoral levels is essential to address challenges and implement an EU Fair Mobility Package.

We firmly believe these measures will ensure fair labour mobility, combat undeclared work and non-compliant behaviour and reduce bureaucratic burdens for the benefit of employers, workers and national administrations.