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**JOINT STATEMENT  
of the European Construction Industry's Social Partners**

**on  
the European Commission's Proposal for a Directive**

**on  
SERVICES IN THE INTERNAL MARKET  
COM(2004) 002**

**EFBWW**

is the European Federation of Building and Woodworkers, representing via its 50 national member trade unions in 17 countries 2.3 million workers from the building and woodworking sector. In its capacity as a European Federation, the EFBWW occupies a key position as observer of the social and economic situation in the construction sector.

**FIEC**

is the European Construction Industry Federation, representing via its 32 national Member Federations in 25 countries (17 EU & EFTA, Bulgaria, Cyprus, Czechia, Hungary, Poland, Romania, Slovakia, Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as "global players", performing all kinds of building and civil engineering activities.

**EFBWW and FIEC,**

**recognised by the European Commission as the social partners representing the workers and the employers in the European Sectoral Social Dialogue in the Construction Industry, fully agree, as a complement to their individual position papers, on the following principles:**

1. The proposed text, in particular Art. 24 and 25 would effectively eliminate the practical application of the posting directive, 96/71/EC of 16/12/1996, and consequently would facilitate the wrong kind of free movement, namely that of unfair competition, social dumping and undeclared work. **Consequently, these articles should be adapted to the realities of the construction industry, or even deleted.**
2. The proposed "country of origin" principle, Art. 16(3), would facilitate abusive practices, such as avoiding mandatory national rules by the creation of pure "post-box" companies in a country of convenience. **Consequently, this law avoiding practice should be banned.**
3. A better coordination between the authorities of both the home country and the host country is certainly a necessary and laudable aim, but at least in the construction industry, it must not replace adequate non-discriminatory control mechanisms in the host country. Only the host country authorities are aware of the rules which have to be respected in cases of posted workers. **Consequently, the host country authorities should be the leading partner, assisted whenever necessary by the home country authorities.**
4. **Issues other than "posting" will be addressed in future position papers.**

for EFBWW

**Harrie Bijen**  
Secretary General

2<sup>nd</sup> April 2004

for FIEC

**Ulrich Paetzold**  
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