



*European Economic and Social
Committee Employers' Group*

The enforcement of Directive 96/71/EC: open issues and concrete actions to support administrative cooperation

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at the European Economic and Social Committee
Rue Belliard 99 - 1040 Brussels (Room n. JDE 63)

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Why this meeting ?

To debate about

the **enforcement** of Directive 96/71/EC in the road transport sector

and specifically

how to enhance **administrative cooperation** among institutions involved in controls.

starting from the results of a pilot project “**TRANSPO (Road transport sector and posting of workers)**” co-funded by the European Commission (DG Employment, Social Affairs and Equal Opportunities - contract ref. VS/2010/0624).

Transpo project: the starting point

Very complex legal and administrative issues linked to the concurrence of road transport legislation and to the mobility of workers.

Very complex set of controls implying a strong coordination among a number of authorities (Labour inspectorates, Transport authorities, Interior Ministries/Police, Tax Authorities) and different places of controls (on the road, in company)

Transpo project : the aims

Follow up:

Legal and **administrative issues**: critical aspects/possible solutions/open issues

Focus on:

Effectiveness of **Labour inspections**

Act for:

Awareness and **competences** of Labour inspectors

Cooperation and **exchange** of experience at national and transnational level

Support:

Mutual learning among Labour Inspectors, other institutions in charge of controls, stakeholders

The partnership

The **French Ministry of Labour** (DG Travail)



The **Romanian Labour Inspection**



The **Italian Ministry of Labour** (DG Inspection Activities and DG Labour Market)



Coordinator – **Istituto Guglielmo Tagliacarne** (Foundation of the Italian Union of the Chambers of Commerce)



Transpo project: the activities

A mix of **awareness and action learning** type of activity involving Labour inspectors and other institutions involved in controls (transport authorities, road police, tax authorities) - in 3 countries: **France, Italy, Romania**

- ❖ **12 short training session - seminars** (300 participants) – to enhance awareness about Directive 96/71 and transport legislation
- ❖ **9 working groups** "The Pilot Local Labs" (200 participants) – to define practical guidelines (the *Transpo Guide*)
- ❖ **Interim transnational workshop** in Italy also involving social partners

The Transpo Guide

- (1) The regulatory framework at UE and national level (applicable legislation on posting and road transport legislation)
- (2) Emblematic cases of inspections
- (3) Concrete guidelines for inspections
- (4) Recommendations for transnational cooperation
- (5) Comparative tables and glossaries (FR, IT, RO) with key information for inspectors.

The Guide will be available by February 2012 on the project web site and on the partner institutions web sites.

Overall reflection 1

Administrative cooperation in the road transport sector means to build up to support the **inspection filière**

- **have a multidisciplinary approach** and find a new cooperation among different authorities (Labour inspectors, social security authorities, tax authorities, police authorities, sector authorities)
- **detect and support a process**, also working ex ante on data to plan inspection (where and how) and making use of information under the competence of other authorities
- **find new ways in controls** (places, documents....)

Overall reflection 2

Transnational administrative cooperation on posting should rely on **co-definition of “fair procedures for fair controls” through a bottom up approach**: crucial to facilitate dialogue and processes of co-operation and trust building.

Important to:

promote transnational working teams among inspectors in order to foster stronger mutual knowledge, share practices regarding the empowerment of (the national) rules regarding posting workers, define joint procedures and coordination steps.

Materials and info on the TRANSPO project

Web address:

<http://www.tagliacarne.it/P42A14C348S42/Progetto--TRANSPO----Road-TRANSport-sector-and-Posting-of-workers.html>.

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The programme of this meeting

1. First session: *the technical point of view*

Presentations of Transpo results: suggestions but also and open issues and questions by the project teams of the 3 countries

2. Panel: *the institutional point of view*

3. **Space for participants:** planned interventions by social partners (ETUC; IRU, UETR) and other open interventions.