

January 2018

Dedicated hearing – initiative on the European Labour Authority and the European Social Security Number

General remarks

The two initiatives suggested by President Juncker during his speech on the State of the Union can go in the right direction of improving and facilitating mobility of European citizens. The European Labour Authority can prove effective in supporting the European Commission in ensuring that the many advantages of intra-EU mobility is fully accessible to everyone, whereas the Social Security Number can become not only a tool for quicker, easier and more reliable information about the position and rights for each European mobile individual, but also a concrete symbol of a common European identity.

As stated during the dedicated hearing of last 11 December by the other social partner organizations, there are several aspects of the two initiatives that still need to be clarified. We appreciate the open approach adopted by the European Commission, and we would consider it very positively if another occasion of exchange could be organized at a later stage of the reflection process on the content of the initiatives that were announced during the dedicated hearing.

At this stage, these are only some hints for reflection, that add to what has been already expressed during the hearing:

- a) We value the potentiality of the ELA to provide support and information directly to individuals a lot. We see the Authority as a potential “one-stop shop” for all concerned persons (workers, individuals in a situation of mobility, companies) to get quickly and reliably information about their rights, their obligations and the different provisions applying in their specific “mobility” case. The ELA should be capable of providing (in an easily accessible way) information about the rights of each individual in a situation of mobility (what is the legislation applying to the specific work contract, what procedures need to be followed in case of reimbursement of medical expenses, how the calculation of the rates for social contribution is ensured in the context of a contract of posting, etc..)

- b) Additionally, the ELA could operate a “mapping” of the state of implementation of EU social and labour legislation, and keep an updated register of all companies that because of their nature are covered by existing “transnational” provisions.
- c) concerning the contribution that the ELA could give to the functioning of national authorities dealing with mobility issues, the support to administrative cooperation and coordination of joint activities is essential, including inspective functions. But when it comes to the possible dispute-settlement function hinted at in the document, we rather believe that it could be limited to a simple arbitrary role: through its legal experts, the ELA could assist Member States whenever a potential conflict arises, but without any judicial powers (preventive function).
- d) When it comes to the structure of the ELA, it is important that the creation of this new body (under the form of an agency, as it has been referred to during the meeting) is accompanied with a clear definition of its role, scopes and interaction with existing authorities and entities already active in the field. It should be avoided at all costs that an initiative adopted in the perspective of approaching citizens to their rights could be perceived as the umpteenth body whose function and potentiality would not be understood by citizens. The tripartite structure, which is common to many other authorities and agencies in this field, should be the preferred option when it comes to setting the governing authority of the ELA, provided that all recognized social partners can be represented in it.
- e) Finally, we believe that more clarity is necessary to fully understand the proposed “stress-test” and risk-management function that has been referred to during the dedicated hearing.

As far as the European Social Security Number is concerned, we share the conclusion that the level of information and clarity provided during the dedicated hearing is probably too low to allow for a more reasoned analysis. In terms of principles, we think that the discussions about the “nature” of the number are purely technical, and should be approached only after the function and the scope of the ESSN are clearer. Creating a European number should not add confusion and uncertainty about its use and interrelation with similar identification codes that are used at domestic level, nor should it modify impact on national provisions and traditions in this field. As far as the kind of information that should be linked to it, it should first be assessed what kind of data can realistically be pooled and made available by national authorities, and if necessary intervene to improve the level of intercommunicability and ease in the exchange of information. For this reason, we very much favor this “incremental” vision of the scope that the European number could cover: the first areas to be included should include the current “situation” of the person in terms of social insurance and social contributions, especially whenever the concerned individual is engaged in a cross-border professional activity, and the whole “picture” of the health insurance coverage.

Finally, we share the concerns raised several times by participants in the hearing about the need to respect data protection provisions.

In conclusion, we look forward to continuing an exchange with the services of the European Commission to better frame the outlines of this initiative which, if correctly implemented, could really represent a significant step towards getting creating a unified space for social protection within Europe for all.