

Public consultation on a European Labour Authority and a European Social Security Number

Fields marked with * are mandatory.

1. About you

*** You are replying:**

- As an individual
- In your professional capacity (including self-employed) or on behalf of an organisation

*** Respondent's first name**

Richard

*** Respondent's last name**

Polacek

Respondent's professional email address

richard.polacek@uniglobalunion.org

*** Name of the organisation**

EAEA - European Arts and Entertainment Alliance

The EAEA is composed of the following European Social Partners' organisations: International Federation of Actors (FIA), International Federation of Musicians (FIM) and UNI Global Union - Media, Entertainment & Arts (UNI MEI)

Postal address of the organisation

40 rue Joseph II, 1000 Brussels, Belgium

*** Type of organisation (please select the option that fits best):**

- Private enterprise (including self-employed)
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association

- Non-governmental organisation, platform or network
- Research and academia
- Churches and religious communities
- Regional or local authority (public or mixed)
- International or national public authority
- Other

*** Please specify the type of organisation:**

- Chamber of commerce
- Business organisation
- Trade Union
- Representative of professions or crafts
- Other

*** In which sector are you active?**

- Agriculture
- Manufacturing industry
- Construction
- Business services
- Personal services
- Transport and logistics
- Other
- Not applicable

*** Does your organisation have any experience in EU cross-border activities?**

- Yes, in the past
- Yes, currently
- No, but we are considering it in the near future [e.g. 1-2 years]
- No, and we do not envisage it

*** Is your organisation included in the Transparency Register?**

If your organisation is not registered, we invite you to [register here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

*** If so, please indicate your Register ID Number:**

8286447676479

*** Country of organisation's headquarters:**

- Austria
- Belgium
- Bulgaria

- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

*** Your contribution:**

(Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

- can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication).

2. Your Opinion on the European Labour Authority

2.1. CHALLENGES AS REGARDS EU LABOUR MOBILITY

Q1. Please indicate the extent to which you agree or disagree that existing cooperation between national authorities is insufficient to ensure the effective implementation of EU employment and social security rules in cross-border situations:

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Don't know / cannot answer

Q2. Please indicate the extent to which you agree or disagree that the elements presented in the table below constitute challenges to effective cooperation between national authorities on EU cross-border mobility:

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
Fragmentation of networks of cooperation in different areas (e.g. posting, free movement of workers, social security coordination)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Insufficiency of resources of national authorities to cooperate effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Difficulty in accessing relevant documentation from other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lack or insufficiency of fora for dispute settlement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Difficulties in addressing complex cases of fraud and/or abuse that have a cross-border dimension	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Divergent interpretation and/or enforcement of harmonised rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Other (Please explain)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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Please explain:

2000 character(s) maximum

EAEA cautiously welcomes the proposal for a European Labour Authority (ELA) as a further means to ensure that EU employment and social legislation is respected and that workers are not exploited.

Enforcement of legal obligations in general, and of social norms in particular, primarily remains a national competence. However, where enforcement exists, it is fragmented and the capacity of national authorities to enforce EU employment and social legislation in case of cross-border mobile workers and companies is often insufficient. These insufficiencies are exploited by unscrupulous companies for the purpose of evading national and European employment and social rules. The lack of effective enforcement can lead to severe exploitation of workers and increasing fraud in social security regimes, in particular in sectors with a high level of intra-EU mobility, such as the live performance and audiovisual sectors. A recent incident concerning the live performance sector is illustrated in the enclosed press release of the French Union for Musician Artists (CGT SNAM) which was equally reported widely by the French press (Ouest France, le Figaro, France Culture): http://snam-cgt.org/spip.php?page=article&id_article=533

The ELA can have a key role to play in monitoring the implementation of and helping to better enforce EU legislation, and in signalling irregularities and cases of non-compliance. It can support national authorities and help improve national implementation of EU law.

Q3. Please indicate the extent to which you agree or disagree that insufficient access to information and transparency on cross-border mobility rules is a problem for individuals and businesses:

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Don't know / cannot answer

Q4. Please indicate the extent to which you agree or disagree that the elements presented in the table constitute challenges to fair and easy access to information and transparency of labour mobility rules:

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
Lack of access to information on EU or national rules in my language	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of easily understandable explanations of rights and obligations to comply with when working abroad	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of easily understandable explanations of rights and obligations to comply with when sending people to work abroad (posting of workers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Difficulty to identify and /or contact the competent authority to solve my problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Lack of assistance and /or guidance by the competent authorities in my own country	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information on rights and obligations in the field of labour mobility is fragmented across different platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (Please explain)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

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Artists and cultural professionals in the live performance and audiovisual sectors working cross-border in Europe, as well as cultural organisations inviting or posting artists and/or culture professionals to another country in Europe are subject to different social security legislations. The applicable rules and principles can vary significantly across countries depending on: the type of contract (direct hiring or contracting with a foreign partner); the employment status of the artists/ cultural professional in his/ her country of residence; applicable bilateral agreements on social security between the country of residence and the country where the cross-border work takes place, etc.

Working across borders and navigating through various social security systems is not yet a straightforward practice. Workers in the live performance and audiovisual sector complain about burdensome administrative procedures, insufficient assistance and guidance by competent authorities and fear to lose social security benefits when working cross-border. Cases of double payment or non-payment of social security contributions still are frequent.

Transparent and easily accessible information on social security for cross-border mobile workers and companies remains key to help ensure full compliance with applicable rules.

2.2. OBJECTIVES OF A EUROPEAN LABOUR AUTHORITY

Q5. Please indicate the extent to which you agree or disagree that following functions could be usefully carried out by a permanent EU body dealing with labour mobility and social security in cross-border situations:

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
Support the exchange of information of businesses, workers and citizens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination of systematic cooperation and information exchange between national authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Support the rationalisation and streamlining of administrative practices for cross-border cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Provision of technical assistance and capacity building to national authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Provision of analytical support and intelligence on labour mobility issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Coordination of joint inspections by national administrations in cross-border employment and social security matters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Dispute resolution mechanisms in cross-border employment and social security matters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other (Please explain)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain:

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The ELA's key role should be to promote better enforcement of EU labour and social security rights and the fight against social dumping and social fraud in cross-border employment and social security cases.

The ELA should act as a support service for national enforcement authorities to help monitor and improve national implementation of EU legislation and boost Member State cooperation, coordination and information sharing.

The ELA could play a mediation role between national authorities, for instance as regards failure to cooperate with requests for information or assistance, or social security disputes. It could also support the coordination of possible cross-border inspections.

In order to carry its transnational activities and missions, the ELA would need to rely on efficient tools including a European register of companies carrying transnational activities. Such register should contain updated information on the countries in which the company operates, the nature of the activities in each Member State, the size and repartition of the workforce, and the turnover in each Member State. This information is essential to track down letterbox arrangements, including abusive use of temporary work agencies, and to support the implementation of EU labour law Directives, such as the European Works Council and the SE Directives.

Access to the relevant national databases in the labour law field, but also social security and tax areas would be essential for the ELA to carry out its cross-border activities. There should be an obligation for Member States to provide information on for example labour, social security and taxation legislation, and to cooperate with the ELA.

A clear role for social partners must be ensured as part of the ELA.

2.3. POTENTIAL IMPACTS

Q6. Please indicate the extent to which you agree or disagree that improving cooperation between Member States' authorities on EU employment and social security rules in cross-border situations would have the following impacts:

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
Facilitating efficiency gains, in particular, by simplifying existing processes and structures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Reducing the risk of abuse and/or fraud, due to non-compliance with EU and/or national rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Increasing the level of trust between administrations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other (Please explain)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain:

2000 character(s) maximum

National liaison officers should be seconded to the ELA as representatives of national enforcement authorities.

As a support service for national enforcement authorities, the ELA should carry out the following activities:

- Operational analysis and supporting Member States operations. The possibility of joint inspections should be reflected upon;
- Expertise and technical support for national investigations and operations;
- Strategic reports and fraud analysis (early warning system, risk assessment identifying projects, sectors, and/ or geographical zones particularly vulnerable to fraud);
- Non-binding policy recommendations both to the EU and the Member States.

The ELA can play a mediatory role between Member States.

The ELA should assist the European Commission regarding complaints and in monitoring and investigating poor implementation, irregularities and non-compliance with EU labour and social security rights by the Member States.

Q7. Please indicate the extent to which you agree or disagree that improving access to information and transparency for individuals and businesses on EU employment and social security rules in cross-border situations would have the following impacts?

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
Raising awareness of EU rules and rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating opportunities to work abroad	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhancing of portability of social security rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing the risk of abuse and/or fraud for workers and businesses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitating compliance with the EU rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (Please explain)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

2000 character(s) maximum

The ELA can improve transparency and access to information regarding workers' rights under EU law. This could include:

- Pooling and making more visible existing tools for cross-border mobility, to provide a (multilingual) one-stop shop with better information for mobile workers, companies and public authorities;
- Facilitating input and a fully transparent exchange of information across borders;
- Information on joining a trade union, industrial relations systems, wages and wage-setting, and applicable sector collective agreements.

Q8. How do you see the relationship between the European Labour Authority and other EU agencies, notably those in the employment domain (For example, European Foundation for the Improvement of Living and Working Conditions, European Agency for Safety and Health at Work?)

2000 character(s) maximum

One of the ELA's tasks should be research and surveys on European labour markets, provisions for the protection of workers and the enforcement of claims under labour law affecting cross-border issues.

For this, the ELA should cooperate with other EU agencies like Eurofound and EU-OSHA. The ELA should focus on a practical-orientated approach, while basic research should be left to Eurofound and EU-OSHA.

Furthermore, the ELA could manage the data generated by the possible European social security number, provided that adequate integrity safeguards are put in place. Access to the data base could also be provided to Eurofound and EU-OSHA for research and planning purposes.

3. Your Opinion on the European Social Security Number

Q9. Please indicate the extent to which you agree or disagree with the following statements regarding the consequences of having a wide variety of national social security numbers and of mechanisms used for identification and registration of persons in national databases:

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
It is often complicated for the insured persons to prove their identity for social security purposes across borders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It makes it complicated for the social security institutions to determine the identity of the person for social security purposes across borders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain, if possible, by providing concrete examples:

2000 character(s) maximum

Q10. Please indicate the extent to which you agree or disagree that a European Social Security Number with the objectives as described in the introduction makes it easier to exercise social security rights when moving or travelling to another EU country:

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Don't know / cannot answer

Q11. Please indicate the extent to which you agree or disagree that the ESSN may bring the following benefits:

	0 (strongly disagree)	1 (disagree)	2 (neutral)	3 (agree)	4 (strongly agree)	Don't know / no opinion
Better functioning of European labour market (free movement of workers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Simplification of procedures for citizens /workers to prove their identity for social security purposes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More efficient procedures for e.g. institutions/service providers to verify the identity for social security purposes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against fraud and abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhancement of transparency of social security benefits and entitlements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (Please describe)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please describe:

2000 character(s) maximum

Q12. Please indicate your preferred option as regards the set-up of the ESSN:

- A fixed format for national numbers (e.g. prefix added to existing national numbers);
- On top of the existing national social security number(s) a dedicated EU social security number
- Other

Q13. If a European Social Security Number were introduced, to whom should it be issued?

- To all EU citizens
- To every newly born
- To every newly born and to every citizen once he/she is moving/travelling to another Member State
- To every citizen once he/she is moving/travelling to another Member State
- Other

Q14. Please indicate what could potentially be covered by the European Social Security Number as a priority (multiple replies possible):

- unplanned health care provision (as currently done by the European Health Insurance Card)
- planned healthcare provision
- proof of social security cover for posted workers (currently: A1 form used by posted workers)
- sickness, maternity and paternity benefits
- old-age pensions
- pre-retirement and invalidity pensions
- survivors' benefits and death grants
- unemployment
- family benefits
- accidents at work and occupational illness
- other

Q15. The Commission has announced the ESSN as a 'multi-purpose' number. Taxation could be an area to be considered. What could be in your view the other purposes, beyond social security, for which the ESSN could potentially be used?

Please describe:

2000 character(s) maximum

Q16. Please provide any further observations that you might have concerning the European Labour Authority and/or the European Social Security Number:

2000 character(s) maximum

The ELA must be an independent, action-oriented body, benefitting from its own financial resources. An EU agency, accountable to the EU institutions, should be envisaged as the preferred option. As the tasks of such body are new, the ELA should benefit from new funding. No cut-backs on other tripartite bodies should follow as a result of the creation of the ELA.

Close institutionalised participation of the social partners in the ELA would be necessary for it to be a driver of real change and to foster new solutions to old problems. Whilst the ELA should have a fully independent executive body, a supervisory organ should be envisaged. This organ should be tripartite, including representatives of the social partners.

Although a clear role for social partners must be ensured within the ELA, it must under no circumstance be used to interfere with social partners' autonomy nor undermine the independence of national systems. It should contribute to and complement the tasks of national authorities and other competent bodies, but it should not replace them. Collective bargaining and collective agreements must always be respected. Purely domestic issues should not be within the scope of the ELA's competence.

The EAEA is supportive of the views and positions expressed in the submissions to this consultation by the ETUC and UNI Europa.

Contact

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