



European Platform Undeclared Work

Good practice fiche

Title of the policy or measure (in English)	Administrative Cooperation Agreement between Belgium and France
• Case study/good practice name	Administrative Cooperation Agreement between Belgium and France
• Country	France and Belgium
• Sectors	All sectors
• Target groups	Staff in enforcement bodies
• Type of measure	Deterrence: improve detection
• Short sentence summarising the measure	An administrative cooperation arrangement was signed on 9 May 2003 between Belgium and France. It focuses on various aspects, addressing undeclared work and illegal employment, income fraud and fraud related to the posting of workers by joint monitoring of compliance regarding wages and working conditions. The agreement sets out standardised information and good practice exchange by single points of contact in the respective partner organisations as well as joint inspections.
Background	<i>[blank]</i>
• Background context driving the implementation of the measure	The agreement was set up to address the cross-border issue of undeclared work in the Belgian-French border region. The Belgian-French administrative cooperation agreement is, in comparison to bi-lateral Memoranda of Understanding, a more formalised agreement between two states. The agreement is legally binding and underpinned by Belgium and French legislation providing the legal grounds and powers for mutual cooperation.
• When was the measure implemented? (including start date and end date/ongoing)	May 2003 – ongoing
• Names(s) of authorities/bodies/organisations involved	The agreement includes three French ministries: the French Ministry of Labour, the French Ministry of Transport and Maritime Affairs and the French Ministry of Agriculture, as well as their inspection services which have been merged into one single enforcement body since 2009. On the Belgian side the organisations involved include, the Belgian Ministry of Labour and the Labour Inspectorate, the Ministry of Social Affairs and its Social Inspection Department (monitoring social security contributions), the Unemployment Agency and the Social Security Office.
• Scope of the measure (a pilot project, nationwide, regional wide)	The agreement provides the basis for direct cooperation between the public authorities involved. The agreement is nationwide, but it particularly concerns the cooperation of local units of labour inspectorates in the border regions between France and Belgium.
• Type of (policy) measure	Administrative agreement
• Key objectives of the measure	The key objective is to address various aspects, such as: <ul style="list-style-type: none"> - undeclared work - illegal employment of third country nationals - the illegal hiring of workers

	<ul style="list-style-type: none"> - the abuse of the posted worker status - bogus self-employed
Specific measure	[blank]
<ul style="list-style-type: none"> • Description of how the measure operates in practice 	<ul style="list-style-type: none"> • The agreement is implemented by designated contact people in each public authority in the border regions. • There is also a governance structure in place by a permanent secretariat in Brussels and a steering group, comprising of a permanent secretariat, high level representatives of each public body involved and representatives from the local border units of the public authorities involved. The steering group meets two times a year with the aim to evaluate the cooperation and discuss challenges and future development. • There are also regional meetings in three border regions twice a year. At the regional meetings specific cross-border issues, such as the cases of certain employers, are discussed and joint actions, like inspections, are planned. The aim is also to compare regulations and approaches and to evaluate the outcomes of joint inspections. In addition, partners from prosecution, social security institutions and public employment services are invited to attend the meetings. • Immersive trainings are organised in order to develop a good understanding of each other's possibilities and constraints. • Mutual exchange of inspectors also takes place in the form of job shadowing in the partner country. • Concerning information exchange, a <i>Liaison Fiche</i> serves as a tool for swift communication exchange between the cooperation partners. The Liaison Fiche was developed and modified by the representatives of the organisations involved who needed prompt information about certain cases, technical or legislative issues. It sets out a clear information exchange procedure.
<ul style="list-style-type: none"> • Which groups are targeted by the measure? 	<ul style="list-style-type: none"> - Labour inspectors (direct) - Workers and employers involved in undeclared work (indirect) - Social security agencies (indirect)
<ul style="list-style-type: none"> • What resources and other relevant organisational aspects are involved? 	No additional funding has been provided so the agreement is implemented within existing resources.
<ul style="list-style-type: none"> • What are the source(s) of funding? 	Government funding - the agreement is implemented within existing resource allocations
Evaluation and outcome	[blank]
<ul style="list-style-type: none"> • Has the measure achieved its objectives? 	Evaluation is part of the steering group meetings and as well as recent developments that influence and update the cooperation such as new legislation or new access to databases for communication exchange. There is general agreement amongst all involved parties that the cooperation set out in the agreement has led to some very positive results, such as increased convictions and recovered amounts of social security contributions. There is general consent that without this form of cooperation transborder cooperation would not be as effective.
<ul style="list-style-type: none"> • Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved 	The cooperation between the Belgian and French authorities is well established via the cooperation agreement. In 2016 there were four joint inspections in France, four in Belgium and two in France and Belgium simultaneously. Several inspectors from both countries have already participated in joint trainings.

<ul style="list-style-type: none"> • What are lessons learnt and the key conditions for success? 	<p>Lessons learnt include the following:</p> <ul style="list-style-type: none"> • To implement this bi-lateral agreement the development of a very good understanding of each other's possibilities and constraints has been important. • Both sides know each other very well, and know the best legal instruments to use in common inspections. • Moreover, a common working language and similar legal systems are an advantage to work together, develop strategies and inspection methods.
<ul style="list-style-type: none"> • Level of transferability (e.g. other countries/groups/sectors) 	<p>The liaison fiche could be useful for other countries, but would need to be adapted according to how other countries cooperate. It is also necessary to know the legal responsibilities of each country involved.</p>
<p>Additional information</p>	
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<ul style="list-style-type: none"> • Sources 	<p>Ministry of Housing and Territorial Equality, France and Ministry of Labour, Family and Social Affairs, Belgium. (2003). Agreement between Belgium and France on the fight against illegal work.</p>
<ul style="list-style-type: none"> • Metadata and key words for online search 	<p>France; Belgium; cooperation agreement; information exchange; bi-lateral agreement; joint inspection; joint training; cross-border cooperation; transborder cooperation;</p>