



Good practice fiche

Title of the policy or measure (in English)	Bilateral Memoranda of Understanding with the Netherlands on cooperation concerning the enforcement of social policy and social assistance regulations in cases of cross-border labour and services
<ul style="list-style-type: none">Case study/good practice name	Bilateral Memoranda of Understanding on cooperation concerning the enforcement of social policy and social assistance regulations in cases of cross-border labour and services between the Netherlands and four other countries: the Czech Republic, Portugal, Romania and Slovakia
<ul style="list-style-type: none">Country	The Netherlands, Czech Republic, Portugal, Romania and Slovakia
<ul style="list-style-type: none">Sectors	All sectors
<ul style="list-style-type: none">Target groups	Staff working in enforcement bodies in different Member States
<ul style="list-style-type: none">Type of measure	Deterrence: improve detection
<ul style="list-style-type: none">Short sentence summarising the measure	Four bilateral Memoranda of Understanding (MoUs) between the Dutch Ministry of Social Affairs and Employment and equivalent ministries in the Czech Republic, Portugal, Romania and Slovakia aim to improve and intensify cooperation to address undeclared work.
Background	
<ul style="list-style-type: none">Background context driving the implementation of the measure	A number of EC directives (Directive 883/2004 for Social Insurance; Posting of Workers Directive 96/71/EC) set out some procedures for cross-border cooperation to deal with the issue of undeclared work. However, these arrangements are rather broad and do not outline concrete mechanisms for cooperation. Therefore, MoUs aim to complement EU regulations by defining clear responsibilities, working arrangements and information exchange between enforcement bodies.
<ul style="list-style-type: none">When was the measure implemented? (including start date and end date/ongoing)	Bilateral MoUs between the Netherlands and the Czech Republic, Portugal, Romania and Slovakia came into force between 2006 and 2010.
<ul style="list-style-type: none">Names(s) of authorities/bodies/organisations involved	The Ministry of Social Affairs and Employment of the Kingdom of the Netherlands has individual MoUs with the following authorities in other countries; -Ministry of Labour and Social Affairs of the Czech Republic -Ministry of Labour and Social Solidarity of the Portuguese Republic -Ministry of Labour, Families and Social Protection in Romania -Ministry of Labour, Social Affairs and Family of the Slovak Republic
<ul style="list-style-type: none">Scope of the measure (a pilot project, nationwide, regional wide)	International bilateral cooperation
<ul style="list-style-type: none">Type of (policy) measure	Memoranda of Understanding (MoU) are established in order to set out operational arrangements between the signatories. The format might vary so that they are adaptable to different situations and policy aspects between different countries. They therefore create some form of legal reference for cooperation, although their content is not binding.

<ul style="list-style-type: none"> • Key objectives of the measure 	<p>The aim of these Dutch MoUs is to improve and intensify cooperation concerning combating illegal labour, enforcing labour law and social security regulations in cases of cross-border labour and services. Specifically, all four MoUs aim to:</p> <ul style="list-style-type: none"> -specify obligations in data exchange, -specify cooperation in individual cases, -outline a common approach to structural problems, -create networks of experts, -generate new policies.
Specific measure	
<ul style="list-style-type: none"> • Description of how the measure operates in practice 	<p>The MoUs describe cooperation on an operational level by outlining the scope of cooperation, the key actors involved (administrative bodies in both countries are annexed in the document), forms and ways of cooperation, data exchange and a timeframe. The following aspects are included in the MoUs:</p> <ul style="list-style-type: none"> • information exchange about organisations, activities and working methods; • designating competent contact points at the cooperating bodies; • jointly planning and implementing preventive measures in their respective areas of operation; • performing joint risk assessments and data comparisons to aid such assessments; • mutual assistance and responding to requests for information; • communicating spontaneously with each other <p>In order to address language barriers, staff in local embassies can serve in some cases as intermediaries between the Dutch authorities and those of other Member States.</p> <p>All MoUs include arrangements for data protection. The MoUs with the Czech Republic, Romania and Slovakia include regulations concerning requests for information and spontaneous communication, including formal arrangements and cases in which the request for information (annexed in the MoU for Romania and Slovakia) cannot be handled. Annexes also include a list of types of information that can be exchanged.</p> <p>All MoUs provide an article on the coordination and evaluation of the agreement which foresees regular stock-taking of the agreement, often via a Working Group or Committee representing the different parties.</p>
<ul style="list-style-type: none"> • Which groups are targeted by the measure? 	<ul style="list-style-type: none"> - Labour inspectors (direct) - Workers involved in undeclared work (indirect)
<ul style="list-style-type: none"> • What resources and other relevant organisational aspects are involved? 	<p>Each MoU includes a clause ensuring that the implementation of the agreement is free of charge; this means the activities are covered by the signatories. This clause was introduced to prevent financial matters becoming an issue in day-to-day-cooperation. Enforcement is an integral part of good public administration and should be financed accordingly. International cooperation is also mostly covered within the standard budgets.</p>
<ul style="list-style-type: none"> • What are the source(s) of funding? 	<p>Activities carried out under the MoUs are funded by the respective enforcement bodies involved.</p>
Evaluation and outcome	

<ul style="list-style-type: none"> Has the measure achieved its objectives? 	<p>The MoUs have helped to establish important contacts, but established cooperation procedures could be further developed.</p>
<ul style="list-style-type: none"> Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved 	<p>An evaluation process has not yet begun. However, experience from more established cooperation between Belgium, Netherlands and Luxembourg (Benelux) shows that evaluation is an integral part of the working groups that have been set up to deal with day-to-day cooperation and of the strategic committee. This could serve as a model with regard to evaluation aspects for other MOUs.</p>
<ul style="list-style-type: none"> What are lessons learnt and the key conditions for success? 	<p>For the Dutch Ministry of Social Affairs and Employment, MoUs are a flexible way to complement legislation on cross-border cooperation and provide an opportunity to 'kick-start' a more spontaneous and direct form of cooperation. Compared to Bilateral Agreements, MoUs do not take a long time to come into force and are adaptable to the relevant political context.</p> <p>As MoUs are operational, feedback from practitioners is crucial in order to ensure its implementation is accepted in practice. Communication of positive results is therefore important. However, its effective implementation will only work if there is a shared vision on objectives between the Dutch administrative bodies and their counterparts.</p> <p>The extent to which the Dutch labour inspectorate uses MoUs varies. From the Dutch experience, one of the main barriers in implementing the MoUs can arise at an operational level: it can be a barrier to call a specific person in another organisation, speak in a foreign language, or operate with non-familiar legal and organisational backgrounds. Another barrier is that sometimes MoUs can be seen by superiors as a diversion from the core goal of the organisation and a possible intrusion on its resources. Ways to address these barriers can be through the organisation of regular meetings discussing cooperation and seeking common interests and projects with colleagues in other Member States. In addition, MoUs can only be successfully implemented with dedicated staff, sufficient backing by their superiors and an inherent interest in cooperation.</p>
<ul style="list-style-type: none"> Level of transferability (e.g. other countries/groups/sectors) 	<p>Experience with existing MoUs has shown that they should concentrate on practical arrangements (like the use of IT procedures) to enable more direct cooperation between officials.</p>
Additional information	
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<ul style="list-style-type: none"> Sources 	<p>Inspectorate SZW, the Netherlands. (n.d.). Internet: https://www.inspectieszw.nl/english/</p> <p>Regioplan. (2010). Joining up in the fight against undeclared work in Europe. Internet: http://www.regioplan.nl/publicaties/rapporten/joining_up_in_the_fight_against_undeclared_work_in_europe</p>
<ul style="list-style-type: none"> Metadata and key words for online search 	<p>The Netherlands; Czech Republic; Romania; Slovakia; Portugal; Memoranda of Understanding; cross-border cooperation; data exchange; spontaneous communication; bilateral cooperation</p>