

[View in browser](#)



CROSS-BORDER INSPECTIONS

Bulletin №5
June 2023

Disclaimer: The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official opinion of the European Labour Authority. The Authority does not guarantee the accuracy of the data included in this bulletin. Neither the Authority nor any person acting on its behalf may be held responsible for the use which may be made of the information contained therein.

Welcome to the fifth edition of the electronic bulletin on cross-border inspections. In this edition, we will revisit the initiatives undertaken within the Framework for Action regarding road transport, before looking at the actions concerning the construction sector. In an interview on a CJI that took place in December 2022 in Portugal, Belgian authorities tell us about the added value of ELA's support on the operation.

Actions on road transport

The numbers

ELA's [Framework for Action on Road Transport](#) for 2022 targeted the road transport sector. In this context, actions on road transport were organised, with the highly mobile

nature of the sector posing a challenge for enforcement. Significantly, the following milestones were achieved last year:

- 33 CJIs in road transport;
- 3 Weeks of Action – see summaries [here](#), [here](#), and [here](#);
- 9 independent actions;
- 1677 vehicles checked;
- 814 infringements found;
- 1 **#Road2FairTransport** campaign – see more information [here](#).

A successful collaboration with the European Roads Policing Network (ROADPOL) continued in 2023. Between 14 and 19 of February, a week of action took place within the framework of the “Truck and Bus” operations. 16 Member States were involved in this week of action, with 436 vehicles checked. See more information [here](#).

Between 8 and 14 of May ELA, jointly with ROADPOL, successfully supported another “Truck and Bus” week of road transport actions carried out in five different Member states. This operation involved 11 Member States and 115 enforcement officers. 142 vehicles were checked and in total 135 infringements were detected.

Several individual targeted inspections beyond the week of action were organised as well, in particular as regards [passenger transport](#) and livestock.

On 12 of April Slovenia hosted observers from Croatia and Germany to participate in a targeted inspection focusing in particular on the rules relating to international road passenger transport. See more information [here](#).

ELA also helped to coordinate and support another targeted inspection during the first week in May where the French hosted participants from the Irish Road Safety Authority. This targeted inspection took place at the port of Cherbourg and was aimed at vehicles engaged in the international carriage of livestock. 25 Irish trucks were checked, and 129 infringements were detected.

2023: The construction sector

For 2023, ELA has developed an **Action Plan on Construction**. The focus on the construction sector for this year stems from the sector's significant impact on intra-EU labour mobility, given in particular the large flow of posted workers in construction. In this context, the construction sector faces challenges, including – but not limited to – undeclared work and precarious working conditions. Ultimately, these challenges result in lower worker protection and unfair competition in the EU.

These issues pose significant challenges to enforcement authorities given the transnational context in which posting of construction workers takes place. As liability is widespread across long chains of players, the transnational component increases difficulties in enforcement.

In light of this, with the objective of facilitating cross-border enforcement, the Action Plan on Construction entails the **cooperation** of ELA with other key players, including social partners and EU-OSHA (as regards health and safety-related violations which are prevalent in the construction sector).

Moreover, ELA's **awareness raising campaign** in the construction sector includes the dissemination of a [leaflet with information for posted workers](#), which outlines their rights and obligations.

Notably, 15 Member States were involved in the **first week of action** organised in the **construction sector** supported by ELA, between 24 and 30 April. 10 cross-border inspections took place, with 25 construction sites checked and 156 possible infringements detected. See more information [here](#).

CJIs in practice – An interview with Belgian Authorities

An interview with the Belgian Office of Social Security (ONSS) and the Belgian Judicial Police.

In December 2022, ELA, EUROJUST and EUROPOL supported the joint targeted inspection in Portugal, led by Belgian and Portuguese authorities, with the objective of ending illicit activities in relation to social security fraud. More information can be found [here](#).

What trends in labour inspection were showcased by the operation?

A new trend of communicating more with ELA in the context of labour inspections was

noted by the Belgian Police. Following this operation, the Police have been in more frequent contact with ELA and have actively sought its assistance.

The ONSS noted that inspection work in social dumping is increasingly confronted by fraudulent company structures, which operate across borders, as in the operation at hand. As such, collaboration with other Member States enables a better approach to the investigation.

What was the main challenge encountered in the context of the operation, and how did ELA support the operation and help overcome this challenge?

The Belgian Police emphasised that the main challenge was the initial contact with the Portuguese authorities, whilst the ONSS mentioned the adaption to foreign legislation and procedures.

The ONSS expressed that it was thanks to the joint cooperation, which was assisted by ELA, that obtaining information from Portuguese authorities was made easier. The importance of ELA's network was particularly emphasised by the Belgian Police as being instrumental in facilitating the first contact with Portuguese authorities, as well as the dialogue between the different administrations.

Additionally, ELA was essential in the facilitation of the transmission of information and exchange of information between the social security institutions of Belgium and Portugal. A follow-up meeting was also organised by ELA, following the operation. ELA's support additionally enabled the presence of both the Belgian Police and the ONSS at the operation in Portugal.

What was an important lesson learned from the operation?

The ONSS stressed the excellent cooperation between different services from both countries, and their role in the success of the operation. The Belgian Police highlighted the ongoing collaboration that the institution will maintain with ELA going forward.



Legal and policy developments

Legal Developments

- *Joined Cases C-410/21 and C-661/21*: The CJEU rules on the suspension of the validity and binding effects of A1 certificates, and the question of whether a

Community licence for road transport constitutes irrefutable proof that the registered office of that company is in that Member State for the purposes of determining the national social security legislation. Further information available [here](#).

- The Commission calls on 17 Member States to comply with EU Posting of Workers Enforcement Directive. Further information available [here](#).

Call for Good Practices 2023

- ELA has launched the second edition of the *Call for Good Practices*! This year, the focus is on collecting good practice examples in the fields of construction and preventing social security fraud. Good practice examples should be submitted by the 30th of June 2023. Further information available [here](#).

Call for Applicants for Staff Exchanges 2023

- The call was launched by ELA for staff exchanges that concern tackling undeclared work, cross-border inspections or analysis and risk assessment, as well as other areas within ELA's mandate. The initial deadline for applying for a staff exchange was set to the 30th of April and there are still 9 vacant positions out of the 40 available. Therefore, the deadline for application was extended and the call is reopened until June 30th.



Key upcoming events

Working Group on Inspections

Organiser: ELA

Date: 4 July 2023

Location: online

Launch event:

Report on Construction

Organiser: ELA

Date: September 2023

Location: Berlin, Germany



Social media posts

European Labour Authority

ELA's Roadmap of activities in

European Labour Authority

@EU_ELA & @eurofound event on the

#constructionsector

Post available [here](#)

*drivers behind #LabourShortages in EU and
how to tackle them.*

Post available [here](#)



GET IN TOUCH

inspections@ela.europa.eu



You've received it because you've subscribed to our newsletter. Please do not reply to this email as it is unmonitored. Any replies should be directed to: inspections@ela.europa.eu

[Privacy Notice](#)

[Unsubscribe here](#)

