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The sectoral Social Partners for the construction industry ask for their sector to be excluded from the scope of the proposed Directive on “intra-corporate transfers”

The sectoral Social Partners for the construction industry, EFBWW and FIEC, adopted a joint position paper in which they ask the EU legislator to exclude construction activities from the scope of the proposed Directive on the “conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer” [COM(2010)378].

“A sustainable and long lasting growth of our economy and of the competitiveness of our industries can only be achieved if the opening of the European markets towards third countries actors is made on the basis of reciprocity and of fair competition rules” declared Luisa Todini, President of FIEC. *“At the international level, after 10 years of negotiations of GATS (General Agreement on Trade in Services) no tangible results have been achieved so far on the opening of markets for construction activities. Therefore opening unilaterally the EU construction markets would seriously undermine the negotiations capacities of the EU”* added Luisa Todini.

An additional concern for EFBWW and FIEC is the possible interference with the provisions of the “Posting” Directive (96/71/EC).

“The provisions regarding the mobility within the EU contained in the proposed Directive are unclear and ambiguous. They create confusion as regards the working conditions applicable to third-countries nationals and provide opportunities for circumventing the “Posting” Directive, which is a crucial piece of legislation for our industry” indicated Luisa Todini who also added that *“In order to avoid misuses and abuses what our companies and our workers need is a clear and unambiguous legal framework”*.

For these reasons EFBWW and FIEC ask that the construction industry be explicitly excluded from the scope of the proposed Directive.

FIEC is the European Construction Industry Federation, representing via its 34 national Member Federations in 29 countries (27 EU & EFTA, Croatia and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as “global players”, carrying out all forms of building and civil engineering activities.

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