



Joint statement by the European social partners of the Cleaning Industry regarding the European Commission proposals and the IMCO-Committee draft reports on the European Services e-card

The European Social Partners for the Industrial cleaning sector, the European Federation of the Cleaning Industries (EFCI) & UNI Europa, would like to express their concerns around the inclusion of the cleaning sector within the Commission Proposals and IMCO Committee's two draft reports.

Both the EFCI and UNI Europa support the principle of a well-functioning Single Market and the freedoms it provides. We are concerned, however, that the proposed services e-card will not contribute to the strengthening of cross-border mobility of cleaning services providers and would even have counter-productive effects, such as facilitating bogus self-employment, undeclared work and fake posting.

We would like to point out that our industry has not asked for a European services e-card to solve potential administrative problems or overcome legal barriers, as suggested by the European Commission. We would further like to stress that, along with social partners in the construction and insurance sectors, we have consistently directed towards both the Commission and IMCO Committee our opinion that the card is unnecessary at best and a danger to upwards convergence to the industrial cleaning sector at worst.

The Social Partners have consistently, through the Social Dialogue's work programme, European funded projects and joint positions, defined social dumping, fraudulent practices and unfair competition; leading to a unfair playing field for employers and worsening terms and conditions for workers within the sector, as the key threat to the cleaning industry. We are therefore both profoundly surprised and concerned that the Commission has focussed upon the introduction of an e-services card, which will exacerbate these key problems identified by the sector, and that our repeated communications as to the card's impact has been ignored.

Both EFCI and UNI Europa acknowledge that an effort has been made through the IMCO Committee to clarify the Commission proposal, including; that the proposal must be in line with the Services Directive, the creation of a specific electronic platform connected to IMI, provision of more detailed information about the service and the service activities and inclusion of the combatting of fraud when monitoring the impact of this legislation. However, the social partners believe that too many uncertainties remain within the Committee reports for the social partners to support the proposal at this stage, and thus we feel that our only safeguard is to call for a total exemption for the cleaning sector.

Given that the two IMCO-Committee draft reports have included amendments exempting the construction sector, with the possibility of re-incorporation into the scope of the e-card at a later stage, we fear that the cleaning sector will be the proverbial guinea pig whereby the benefits and costs of the introduction of the e services card will be tested. The cleaning sector, as the construction sector, is particularly exposed to unfair competition and its disastrous economic and social consequences and we consequently ask for the cleaning industry to be exempted from the Services e-card as well. We would further like to stress that this exemption shall be permanent, and only reevaluated after meaningful consultation with the representative social partners.

Beyond the fact that the proposed Services e-card does not take into consideration the socio-economic realities of our sector, it also possesses structural weaknesses which make it unacceptable namely:

- The deadlines for host Member States to process Services e-card requests are too strict and the “tacit-approval” rule could lead to the return of the “country-of-origin” principal. Considering that host Member States have to recognise the services e-card once issued, there is a risk that this will make it harder to carry out ex-post checks on service providers in the host Member State
- The indefinite validity of the card which will increase the risk of abuse and the lack of convincing or reliable real-time updating procedure.
- The lack of credible dissuasive penalties for abuse of the services e-card, neither for the Member State nor for the applying company and the absence of liability rules in case the recorded data does not correspond with reality.
- The difficulty to revoke the e-card, which could be envisaged in case of alleged irregularities only after the legal appeal opportunities have been exhausted
- The considerable implementation powers given to the European Commission through a large number of technical legislative acts, which content remains unclear and precludes the whole picture of how the services e-card will operate in practice

In regard to these considerations, we call for the rejection of the services e-card or at least for the exclusion of the cleaning services from the scope of the proposed Directive and Regulation introducing the European e-card.

Signed in Brussels on 23 November 2017

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