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FOR THE ATTENTION OF

- **THE PRESIDENT OF THE EUROPEAN COMMISSION**
- **THE VICE-PRESIDENTS OF THE EUROPEAN COMMISSION**
- **THE MEMBERS OF THE EUROPEAN COMMISSION**

23rd December 2016

Dear President Juncker,
Dear Vice-Presidents,
Dear Commissioners,

Following the discussion that you had on 13/12/2016 on the “EU Services Card” and in order to avoid misunderstandings or incorrect information, FIEC and EFBWW, the EU sectoral Social Partners for the construction industry would like to clarify the following aspects:

1. We confirm the position expressed in both our joint letters dated 9/6/2016 and 21/11/2016, namely that the proposed “EU services card” does not meet the needs of the construction sector and that we would like to urge the European Commission to refrain from introducing a legislative proposal on this matter for the construction industry. This position is shared by both our organisations, representing employers and workers, and not just by the trade unions.
2. Despite several joint meetings that we have had with the relevant services of DG GROW, the last one on 14/11/2016, we have never received satisfactory answers and we do not believe there has been any clarification to the concerns that we have raised.
3. The services of DG GROW explain their assessment and justify their initiative on the basis of exchanges with services providers, amongst others in the construction sector. We would like to point out once again that we do not consider the results of the public consultation (so far as they are known, for the time being), based on approximately 200 responses, among them only 10 construction "service providers" (enterprises), as conclusive evidence to justify disregarding our joint request. On the contrary, the lack of need for such a tool is highlighted by the extremely low number of construction companies (only 10 out of 3 million operating in the industry, according to Eurostat) that provided their input to this open consultation.

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We would also like to underline that we opposed the home country principle as a starting point for a services card. This concept is in contradiction with the host country principle as explicitly acknowledged in article 9.1a and article 9.2 of the PWD Enforcement Directive 2014/67/EU.

In addition to this fundamental matter, we also have serious reservations regarding the procedure, the reliability, use and access of the data, and the content of the proposed services card.

Furthermore, we would like to draw your attention to the fact that – given the current political mood – the proposed legislative initiative for a service card in the construction industry would most likely boost Euroscepticism and provide further arguments to known nationalistic forces during some of the upcoming crucial elections in France, Germany and the Netherlands. Indeed, there is a risk of this issue being used as a further case to illustrate the lack of real dialogue between the Commission services and the social partners' organisations. This could result in serious questions being raised about one of the fundamental aspects of EU policy making.

In view of your discussions on this topic at the beginning of January, we would therefore reiterate our joint request that you refrain from introducing a legislative proposal on this matter for the construction industry.

FIEC and EFBWW, the European social partners of the construction industry, are at your disposal for an in-depth discussion with you personally and your respective team of experts.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dietmar Schäfers'.

Dietmar Schäfers
President EFBWW

A handwritten signature in black ink, appearing to read 'Jean-Louis Marchand'.

Jean-Louis Marchand
President FIEC