



European Platform Undeclared Work

National and Bilateral Agreements and Memoranda of Understanding to Tackle Undeclared Work

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1 INTRODUCTION

The current paper is prepared as a follow up on the Thematic Review Workshop held on 11-12 April 2017 in Utrecht. The participants at the workshop shared working experiences and good practices on how to draft, implement, monitor, and improve national agreements (NAs), bilateral agreements (BAs) and Memoranda of Understanding (MoU) to tackle undeclared work. The workshop brought together Platform members and observers from 18 EU Member States (MS) and Norway (EEA) – including representatives of national ministries, labour inspectorates, social security authorities, and tax and customs authorities. The Inspectorate of Social Affairs and Employment of the Netherlands hosted the workshop, which furthered effectively one of the main objectives of the Platform - to facilitate cooperation between the Member States.

The paper aims to shed light on the differences and commonalities of the existing national and cross-border agreements as well as the key challenges and factors of success according to the workshop participants. More specifically, the paper introduces the EC Regulations and Directives that often serve as the basis of the agreements (section 2), and explains the principles, objectives, key actors and areas covered by national agreements and MoUs (section 3) and bilateral agreements (section 4), including some examples. While sections 3 and 4 focus on the contents, sections 5, 6 and 7 describe the process of drafting, implementing and evaluating agreements or MoUs, as well as the factors of success and challenges that should be considered. The workshop and the current paper are part of a larger mutual learning process involving good practice fiches, staff exchanges between Platform members, a Practitioner's Toolkit to assist the drafting, implementing, reviewing and improving of national agreements, bilateral agreements and Memoranda of Understanding, and a Follow-up Visit focusing in more detail on specific practices. For more information, please visit the website of the European Platform Tackling Undeclared Work.¹

2 SUMMARY OF LEARNING OUTCOMES

Establishing functioning collaboration among labour inspectorates, social security inspectorates and tax authorities nationally and across borders is of particular importance for tackling undeclared work especially in order to promote communication and improve implementation of relevant government policies. The Thematic Review Workshop revealed that:

- The effectiveness of the cooperation outlined by the agreements depends on national strategies and legislation that regulate competences and data exchange to address undeclared work. They are often enhanced by stable or temporary bodies for cooperation such as working groups or committees.
- Platform members have identified several key barriers to setting up NAs successfully, such as the lack of legal provisions to enforce cooperation and/or the lack of political importance placed on encouraging cooperation between national authorities, as well as technical barriers to the exchange of information.
- In order to implement NAs effectively at the local level, financial and human resources, local flexibility, monitoring and continuous improvement of procedures are important.
- The definition of clear targets and success indicators that are communicated across all levels of cooperation help to monitor, and update when necessary, the implementation of measures and activities in the NAs.
- Bilateral agreements are usually more formal cooperation instruments between Member States which aim to clarify EU regulations and specify information needs, while MoUs are more flexible, and are often driven by current political priorities. Shared examples of BAs/MoUs between Platform members show that to be effective

¹ The European Platform Tackling Undeclared Work at the DG Employment, Social Affairs and Inclusion website: <http://ec.europa.eu/social/main.jsp?catId=1299&langId=en>

both documents should follow a clear structure and describe the aim of the cooperation, key partners and their legal competences, the areas covered by the agreement, the time frame, the cooperation activities and operational aspects, such as the way information is shared, contact points and budget provisions.

- However, there are various implementation issues such as the differing legal competences, different working languages, and different ways of collecting data. In order to address these issues, the set-up of governance structures and contact points, regular staff exchange and other collaboration tools are needed.
- On the other side, factors enabling the smooth implementation of BAs/MoUs include a common working language and similar legal systems, such as Ireland and UK, or Belgium and France.
- A critical component of BAs or/and MoUs are the provisions for safe exchange of personal data and data protection issues which guarantees a better exchange of information.
- NAs and BAs/MoUs exhibit a lot of similarities and, as a rule, countries that have stronger NAs are also more active in drafting and implementing BAs/MoUs.

3 EC REGULATIONS AND DIRECTIVES IN PLACE

A number of procedures for cross-country cooperation have already been established via EC directives and regulations. Since these documents are not all-encompassing however in naming concrete mechanisms or actors, they recommend the conclusion of supplementary arrangements between Member States (MS) or MS and third countries². The Bilateral Agreements discussed at the Thematic Review Workshop were mostly within the competences of the labour ministries and the labour inspectorates of the Member States. In this relation the key EU regulations with relevance to UDW are:

1. **Coordination of social security systems:** Regulation (EU) No 883/2004³ sets common rules to protect social security rights; Regulation (EU) No 987/2009⁴ foresees closer and more effective cooperation between competent authorities, cross-border recovery of social security claims and creation of an electronic exchange of social security information. Application of **social security schemes** to employed persons and their families moving within the Community according to Regulation (EEC) No 1408/71⁵.
2. **Posting of workers:** Directive 96/71/EC⁶ and Directive 2014/67/EU⁷ set rules concerning the need for the host country to observe working time, health and safety, pregnancy and maternity protection, discrimination law, collective agreement standards, etc. In 2014, the Enforcement Directive was adopted to promote the exchange of information related to fraud and the circumvention of rules. Cooperation is further reinforced by the use of the Internal Market Information System (IMI) established by Regulation (EU) no. 1024/2012⁸. Minimum standards on sanctions and measures against employers of **illegally residing third-country nationals** (Directive 2009/52/EC⁹).
3. Regulation (EC) No 593/2008 on the law applicable to **contractual obligations (Rome I)** in all areas, also defines which national law is applicable in relation to labour contracts (art. 8)¹⁰.

² Directives 96/71/EC; 2011/16/EU; EU Regulations No 883/2004; No 987/2009, etc.

³ (The European Parliament and the Council, 2004)

⁴ (The European Parliament and the Council, 2009)

⁵ (Council of the European Communities, 1971)

⁶ (The European Parliament and the Council, 1996)

⁷ (The European Parliament and the Council, 2014)

⁸ (European Parliament and the Council, 2012)

⁹ (The European Parliament and the Council, 2009)

¹⁰ (European Parliament and of the Council, 2008)

4. Preventing and combating **trafficking in human beings** and protecting its victims is regulated in Directive 2011/36/EU¹¹.
5. Cooperation in the field of **undeclared work** is regulated in non-binding resolutions (e.g. Resolution 1999/C 125/01 of the Council¹²; Resolution 2003/C 260/01 on transforming undeclared work into regular employment¹³, etc.).
6. **Administrative cooperation in the field of taxation:** Council Directive 2011/16/EU¹⁴ lays down the procedures for exchange of information concerning all taxes related to income from employment.

These Resolutions and Directives usually serve as basis for bilateral cross-country agreements as well as a number of bilateral MoUs. Most existing agreements refer to Directive 96/71/EC concerning the posting of workers. In particular, Article 4, paragraphs 2 and 3 of the Directive state that Member States shall make provision for cooperation between the public authorities, replying to reasoned requests for information on the transnational hiring-out of workers, and on abuses or possible cases of unlawful transnational activities. The agreements are also often based on Chapter III "Administrative cooperation" of Directive 2014/67/EU on the enforcement of Directive 96/71/EC, which states that Member States shall work in close cooperation and provide each other with mutual assistance.

4 NATIONAL AGREEMENTS AND MEMORANDA OF UNDERSTANDING

4.1 Definitions

National Agreements (NAs): These are instruments for cooperation between two or more national institutions, also eventually involving cooperation with relevant stakeholders such as trade unions and/or employer associations, to undertake activities defined either by law or policy to tackle undeclared work. NAs can have many different forms such as legal prescriptions, Memoranda of Understanding, Strategic Documents and Action Plans, Executive Orders, etc.

Memoranda of Understanding (MoU): These tend to be less formal and are usually non-binding¹⁵ in nature. MoUs entail general principles of cooperation describing broad concepts of mutual understanding, goals and plans shared by the parties.

4.2 Areas and measures covered

Many countries have elaborated national policies and strategies to tackle UDW as well as penal and administrative sanctions for breaches of the law. In Germany and France, the penalties for undeclared work are a fine or up to three years in prison; the Czech Republic increased penalties to EUR 10 500-EUR 416 000 in 2012, while in Greece fines range between EUR 500 and EUR 50 000¹⁶.

Collaboration between national bodies, most commonly social security agencies and labour inspectorates, to tackle UDW is often set in the national legislation or as part of a strategy. For example, the Labour Code of France obliges all control bodies in the field of undeclared work including labour inspectors to communicate inspection reports to the competent social security bodies while Belgian social law inspectors are allowed to communicate their findings to the National Office for Social Security or any other public enforcement body or public authority in any domain of competences¹⁷.

¹¹ (The European Parliament and the Council, 2011)

¹² (European Council and the Representatives of the Governments of the Member States, 1999)

¹³ (European Council, 2003)

¹⁴ (European Council, 2011)

¹⁵ (Wickramasekara, 2015)

¹⁶ (International Labour Organization, 2013)

¹⁷ (International Labour Office, 2009)

National agreements usually precede, complement or cover any gaps in regulations and strategies by establishing areas of cooperation such as information exchange, support for operational activity, joint operations, risk analysis and sector-specific training programmes for labour inspectors, common use of black lists, etc. In this paper we focus mainly on agreements aimed at tackling undeclared work, social security/tax evasion and fraud. However, it should be noted that sometimes where it is beneficial to the objectives, these agreements encompass wider cooperation e.g. countering illegal work¹⁸, the operation of unlicensed employment agencies as seen in several cases (e.g. UK).

4.3 Common contents, principles and structure of NAs

While MoUs are considered more flexible, NAs are recommended to be used in cases, where the responsible authorities need to clearly establish from the start the purpose and objectives, main actors and their responsibilities, collaboration activities, principles (e.g. which party will take primacy of a joint inspection), legal base and definitions, confidentiality and use of information, timeframe and contact points. It is considered a good practice for NAs to also include a complaints resolution article, monitoring and evaluation procedures as well as annexes with templates (e.g. request for information form, etc.). A number of issues can emerge as "gaps" during the implementation phase of NAs (and cross-country agreements). According to the workshop participants¹⁹ such problems might include the lack of a national strategy and legislation on UDW, difficulties in identifying partners, lack of capacity and/or methodological knowledge to formulate the most appropriate actions, lack of financial and human resources, etc.

It is ultimately a matter of political will and resources if a committee or task force is set up to clarify all details of the cooperation and start addressing "gaps" via, for example, adjusting the frequency of joint actions, developing ways to disclose evidence between the parties within appropriate legal gateways and gain political commitment, adjusting the frequency of evaluations, or implementing a publicity and media strategy, etc. Based on risk analyses, the NAs often target **specific sectors** which tend to be more affected than others by undeclared work e.g. construction, food and beverage, agriculture, cleaning, transportation and logistics as well as temporary work. In **Belgium**, for example, employers' organisations, trade unions and inspectorates have signed tripartite partnership agreements to fight social fraud in cleaning, building, security, transport, etc.²⁰ In the area of road transport and logistics, a Protocol of Cooperation in the fight against social fraud and illegal work has been signed between several public bodies, social partners, associations and businesses in 2016²¹. In **Norway** building/construction sites have been targeted in joint operations since 2015, although the country's experience with national agreements is relatively new²². In the period 2001-2004, the Joint Shadow Economy Teams (JoSETs) in the **UK** targeted construction and building services, taxis and couriers, catering, hotels and guest houses²³. Although JoSETs was a government-led initiative established by the Grabiner Steering Group, following a report to the Treasury by Lord Grabiner in 2000, it can provide a valuable example of inter-departmental joint actions and can be considered a form of NA²⁴.

¹⁸ "illegal work" is intended to be understood as "activities that are unlawful as regards their nature" (see COM 2007/0628 Stepping up the fight against undeclared work).

¹⁹ (European Platform Tackling Undeclared Work, 11-12 April 2017)

²⁰ (Institute of Fraud Auditors, Belgium, 2013)

²¹ (Belgian Federal Public Employment Service, Social Security Service, Mobility and Transport Service, National Social Security Office, National Employment Office, 2016)

²² (Nordic Labour Journal, 2015)

²³ (International Labour Organization, 2010) and (European Commission, Directorate-General for Employment, Social Affairs and Inclusion, 2016)

²⁴ It brought together officers from the employment agency Jobcentre Plus – part of the Department for Work and Pensions (DWP), and officers from Inland Revenue and HM Customs and Excise. Inland Revenue and HM Customs and Excise were consequently merged into HM Revenue and Customs.

4.4 Examples of National Agreements and MoUs

Exchange of information and joint inspections to tackle undeclared work

Germany	The agreement between the Federal Ministry of Finance and the authorities of the Länder (German states) was signed in 2010 to regulate the cooperation, exchange of information and joint inspections of the bodies responsible for financial control of undeclared work and the labour protection authorities ²⁵ . An additional agreement was concluded between the Ministry of Finance and the Ministries of Economy in the Länder that were heading up the different inspection bodies, including the labour inspectorates ²⁶ .
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Tripartite partnership agreements against social fraud and undeclared work in high-risk sectors. Evaluation and publicity campaign in the construction sector.

Belgium	Tripartite partnership agreements amongst employers' organisations, trade unions and inspectorates are used in the fight against social fraud in a number of high-risk sectors (cleaning, building, security, transport, etc.). Similar agreements were concluded in the meat sector on 17 April 2012 and in the building sector on 22 June 2012 ²⁷ . The tri-partite partnership agreement for countering undeclared work in the construction sector obliges the government to conduct a specific number of inspections within a twelve-month period. The inspections are followed by an analysis to assess the impact and a publicity campaign. The campaign is managed by the SIIS for the construction sector and statistical results are monitored by the SIIS too. ²⁸
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Information exchange and joint enforcement in the UK

United Kingdom	There is a national agreement signed and active between the Gangmasters Licensing Authority (GLA) - the body tasked with preventing and sanctioning labour exploitation - and Her Majesty's Revenue and Customs. The collaborative action is based mainly on information exchange, spontaneous disclosure and joint enforcement. During the workshop it was noted that the agreement has worked out very well due to the centralised organisational structure of the HMRC. In 2016 the GLA sent some 745 requests related to possible tax and social securities' evasion schemes and exploitation of workers to HMRC, while fewer requests were sent from HMRC to the GLA (49 requests), indicating differences in operational powers and distribution of responsibilities - an operational issue that needs to be clarified at agreement drafting stage for better planning and sequencing of joint activities ²⁹ . As a result of the cooperation the authorities achieved the revocation of six companies operating tax evasion schemes and exploiting workers.
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It should be noted that collaboration between public authorities could have various levels of formality or intensity as well as different formal names (NAs, MoUs, Strategic Documents and Action Plans, Executive Orders, etc.). While the public bodies themselves may initiate the national agreements or MoUs, many other collaboration activities are established through executive orders of parliamentary representatives, committees, or task forces. Many Member States have such practices of setting up **new bodies**, inter-administrative units, steering groups or services as an enhancement

²⁵ (Federal Ministry of Finance, 2010)

²⁶ (International Labour Office, 2009)

²⁷ (Institute of Fraud Auditors, Belgium, 2013)

²⁸ (International Labour Office, 2009)

²⁹ (European Platform Tackling Undeclared Work, 11-12 April 2017)

and/or replacement of NAs. In a way such bodies can be regarded as the next step in formalising and implementing the objectives of national collaboration agreements or strategies.

We can distinguish between two types of collaboration bodies: i) working groups or an alliance of organisations (e.g. in Norway) established as a result of a NA usually for a fixed term and scope of activities; and ii) permanent interministerial committees or units established in law on the initiative of the government or a responsible body (e.g. labour ministry). An example of the latter is the *Interministerial Delegation for Combating Illegal Work* in **France** that was set up in 2002 to coordinate all administrative departments and units with responsibility for tackling undeclared work. It is composed of about 40 civil servants from originally seven ministries - justice, employment, interior, defence, finance, transport, and agriculture. Also in France, the *National Anti-Fraud Unit (DNLF)* was set up in 2008 to coordinate the different organisations in charge of fighting fraud. DNLF works alongside the police, gendarmerie and customs, and local committees³⁰.

Other examples of inter-ministerial or similar bodies include: the *Social Information and Investigation Service (SIIS)* in **Belgium** (its most successful mechanisms are the DOLSIS shared enquiries platform³¹, the International Migration Information System - LIMOSA³², and the electronic register of new employees – Dimona and the datamining team of the Social Security office)³³; the **German Tax Enforcement Unit for Undeclared Work (FKS)**; the **UK's Joint Shadow Economy Teams (JoSETs)**; a coordinating scheme in **Italy** (established with Decree No. 124 from 2004)³⁴; **Lithuania's Central Coordination Group**; **Norway's Cooperation against the Black Economy (SMSØ)**³⁵; the *Inter-Ministerial Committee against Undeclared Work (CIMND)* in **Romania** set up by Government Decision (2010)³⁶.

The **Netherlands** have developed the *National Steering Committee of Joint Investigation Teams (LSI)*, a platform established by the Ministry of Social Affairs and Employment in 2003. The cooperation is based on a national agreement aiming at joint government action of enforcement agencies and local governments/municipalities to tackle undeclared work, social security and tax fraud. To date, the initiative resulted in 169 projects implemented all over the country as well as about EUR 300 million in confirmed repayments³⁷. The case of **Belgium**, presented in detail at the workshop, has demonstrated the importance of NAs in delivering bilateral and multilateral agreements. Belgium champions a legally driven approach to UDW, which allows it to use as evidence in UDW cases any information gathered nationally or internationally provided it is based on national or international agreements or legal documents.

³⁰ (European Commission, Directorate-General for Employment, Social Affairs and Inclusion, 2016)

³¹ This service determines warning indicators, e.g. increase in turnover but a decrease in number of employees, reduction of registered personnel above a certain threshold, labour mobility, etc.

³² The Landenoverschrijdend Informatiesysteem Migratie Onderzoek Sociaal Administratief (LIMOSS) is a government online system where employers sending an employee to work in Belgium are required to fill in a mandatory declaration.

³³ (Eurofound, 2017)

³⁴ (International Labour Organization, 2010) and (European Commission, Directorate-General for Employment, Social Affairs and Inclusion, 2016)

³⁵ (Cooperation against the Black Economy, n.d.); For more information see the [Good practice fiche - Norway: Joint operation group between public agencies](#) on the Platform's website.

³⁶ (Eurofound, 2017)

³⁷ (European Platform Tackling Undeclared Work, 11-12 April 2017)

5 BILATERAL AGREEMENTS AND MEMORANDA OF UNDERSTANDING

5.1 Definitions

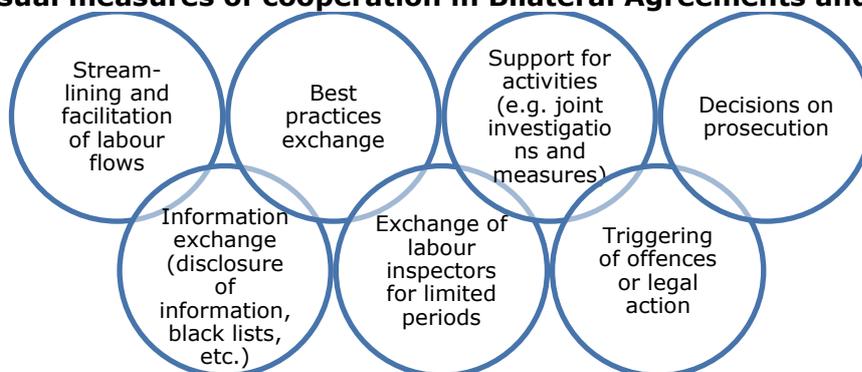
Bilateral Agreements (BAs) are concluded between Member States in written form and governed by European and/or international law. They are agreements between two Member States describing in detail the specific responsibilities of, and actions to be taken by, each of the parties with a view to accomplishing their goals in the area of undeclared work. BAs create **legally binding** rights and obligations.³⁸

A **Memorandum of Understanding (MoU)** is a **less formal** kind of instrument. It often sets out operational arrangements under a framework agreement at international level. They are usually non-binding instruments.³⁹ MoUs can cover agreements between enforcement bodies of different MS. Often they focus on working arrangements, sometimes in addition to the more formal bilateral agreements.

5.2 Areas and measures covered

In the current paper we draw attention to BAs and MoUs aimed at countering **undeclared work**, preventing social security and tax evasion and fraud. Still, it should be noted that BAs and MoUs could have wider objectives including preventing the hiring of illegal workers, regulating the transfer of benefits and labour migration flows. BAs or MoUs covering several areas of intervention could be beneficial – e.g. aside from the social security and health protection benefits, detecting unregistered workers will also contribute to the prevention of the abuse of illegal workers and forced labour (see ILO Convention no. 29)⁴⁰. Usually the measures in the agreements include the exchange of information, best practices, joint operations, training and secondments as illustrated in Figure 1:

Figure 1. Usual measures of cooperation in Bilateral Agreements and MoUs



Source: CSD/ICF.

5.3 Common contents, principles and structure of BAs and MoUs

Based on the review of available practical examples as well as the cases presented at the workshop, it can be concluded that BAs and MoUs have a similar structure, though some elements are sometimes omitted (e.g. publicity, dispute resolution, specifics of the foreseen measures, evaluation process) which can limit the impact of their implementation.

Members of the Platform have confirmed that it is important for all agreements to have clear objectives, division of responsibilities and be followed by concrete

³⁸ (Wickramasekara, 2015)

³⁹ (Wickramasekara, 2015)

⁴⁰ (International Labour Office, 2014)

measures/activities for the achievement of the final goals. Measures describing the scope of cooperation should also strive to include **good practice provisions** such as the exchange of information and database comparisons; setting up communication procedures and steering groups; joint risk assessments; temporary exchange of labour inspectors; joint inspections; training secondments; dispute and complaints resolution; considering different working languages and data legislation issues, etc.

In relation to the **exchange of information**, a good practice would be to clarify any issues related to confidentiality, use and disclosure, granting of access to third parties, and to make efforts to increase the awareness and understanding of the foreseen or applied policies. This would decrease any potential misinterpretation by the media or the public. An often-omitted element is to specify how and by whom the information should be stored as well as the period of storage. In relation to **joint investigations** the good practice examples include descriptions of the planning phase, procedures for multi-agency investigations, clarifications related to the investigative powers e.g. powers of entry, use of surveillance, powers of arrest, access to custody facilities, access to interview facilities, access to equipment as well as clarification on any legal issues for the application of fines.

5.4 Examples of Bilateral Agreements and MoUs

Data matching, combating social security fraud and UDW

Netherlands, Czech Republic, Slovakia, the UK, Portugal, and Bulgaria	The Netherlands has signed MoUs with the Czech Republic, Slovakia, UK, Portugal, and Bulgaria in the areas of social security and tackling undeclared work. The Institute for Employee Benefit Schemes (UWV) and the Sociale Verzekeringsbank (SVB), the bodies responsible for work and income, perform data matching with social security agencies in Spain, the UK and Sweden ⁴¹ . In 2004 the Netherlands and the UK signed a MoU to combat social security fraud. The Netherlands signed a similar agreement with Slovakia in 2006. The Netherlands is an example of the needs-based approach – it only started developing a system of MoUs with the countries in question after their accession to the EU and the migration of more and more workers from these countries into the Netherlands.
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Administrative collaboration in tackling UDW

Bulgaria – France	In 2014 the two countries ratified an agreement which focuses on prevention, awareness and information campaigns among posted workers, and the exchange of information. ⁴² This agreement is based on the existing best examples of MoUs and reflects the French legal tradition. Bulgaria has signed a similar agreement with Cyprus in September 2011.
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Fight against illegal work, social fraud, income fraud and posting of workers fraud through joint monitoring of wages, working hours, paid holidays, health and safety

Belgium – Netherlands, France, Luxembourg	Belgium uses the BENELUX treaty as a step-up for a MoU with the Netherlands, France and Luxembourg in the area of countering social fraud. An administrative cooperation arrangement on the fight against illegal work was signed on 9 May 2003 between Belgium and France. It focuses on countering UDW, employment of people who are not entitled to work in the respective country, income fraud and posting
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⁴¹ (Regioplan, 2010)

⁴² (State Gazette of Republic of Bulgaria, 2014)

	of workers fraud, joint monitoring of compliance regarding wages, working hours, paid holidays, health and safety, etc. ⁴³
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Agreement on seasonal workers: monitoring transnational social security fraud and undeclared work

United Kingdom and Bulgaria	The United Kingdom and Bulgaria have signed an agreement in 2009 to monitor the labour companies that provide seasonal workers to the UK ⁴⁴ . In 2014 the UK and Bulgaria signed a Letter of Intent specifically focused on combating transnational social security benefit and contribution fraud and undeclared work ⁴⁵ .
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Bilateral international treaties on cooperation to combat illegal employment

Germany – multiple countries	Germany has concluded five bilateral international treaties on cooperation on combating illegal employment with Bulgaria, France, the Netherlands, Austria and the Czech Republic. Besides the exchange of information, the treaties foresee prevention measures. ⁴⁶
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Agreement boosts cross-border protection for workers in Ireland

Ireland – UK	With the signature of a formal agreement between the Gangmasters Licensing Authority (GLA) in the UK and the Workplace Relations Commission (WRC) in Ireland, workers would benefit from additional protection against exploitation in Northern Ireland and the Irish Republic ⁴⁷ .
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Occupational safety and health agreements

Estonia, Latvia, Lithuania – Estonia Finland	In 2007 the State Labour Inspectorates of Estonia, Latvia and Lithuania signed a 5-year agreement for mutual cooperation in the occupational safety and health field, including exchange of information, inspectorate meetings, exchange of inspectors, visits and seminars at least twice a year ⁴⁸ . In 2014 the Labour Inspectorate of Estonia and the Division of Occupational Health and Safety of the Regional State Administrative Agency of Finland also concluded an Agreement on Cooperation for transfer of information when IMI cannot be used, exchange of inspectors and awareness raising ⁴⁹ .
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6 DRAFTING BAs, NAs AND MoUs

6.1 Key issues that should be considered when drafting a new agreement or MoU

Initiatives for a new agreement are most often prompted by a specific issue in the labour market, social security or tax revenue areas which needs to be resolved. Especially in countries where the collaboration between key authorities is not regulated in national legislation such agreements become necessary. Some examples of the political, institutional or economic factors that prompted the conclusion of agreements include:

⁴³ (Ministry of Housing and Territorial Equality, France and Ministry of Labour, Family and Social Affairs, Belgium, 2003)

⁴⁴ (Regioplan, 2010)

⁴⁵ (United Kingdom and Bulgaria, 2014)

⁴⁶ (Source: German Customs Agency)

⁴⁷ (Workplace Relations Commission (WRC) of Ireland, Department of Jobs, Enterprise and Innovation, 2016)

⁴⁸ State Labour Inspectorates of Estonia, Latvia and Lithuania , 2007

⁴⁹ (Labour Inspectorate of Estonia and the Division of Occupational health and Safety of the Regional State Administrative Agency of Finland, 2014)

- **Intensified labour migration and posting of worker flows.** An increase in the posting of Portuguese workers to Spain has resulted in frequent irregularities concerning worker discrimination, work safety and health conditions, salaries, duration of working hours and labour traffic. On 3 October 2003, the Spanish Labour and Social Security Inspectorate and the Portuguese Labour Inspectorate thus signed an agreement to exchange information and promote cooperation as a way to establish permanent collaboration between government authorities in both countries. For the practical application of the agreement and tracking of the measures adopted, a Joint Surveillance Commission was created. The commission met for the first time in 2004. It is presided over alternately each year by one of the two countries⁵⁰. Similar reasons prompted the Agreement on Cooperation between the Labour Inspectorate of Estonia and the Division of Occupational Health and Safety of Finland⁵¹, as well as many other agreements.
- **Launch of new government policy and concerns regarding transnational social security fraud and undeclared work.** After initially imposing restrictions on labour mobility from new EU Member States in 2004, in March 2006 the Dutch government announced the removal of these restrictions for the citizens of Poland, Slovenia, Slovakia, the Czech Republic, Hungary and the three Baltic states from 1 January 2007. This new policy stance led to concerns related to the influx of undeclared work which, in parallel to the need for implementing Directive 96/71/EC on the posting of workers, resulted in the conclusion of MoUs with these countries⁵².
- **Need for enhanced authority and powers of inspectors, and protection of human rights.** In 2007 the UK Association of Chief Police Officers and the UK's Gangmasters Licensing Authority signed an MoU, driven by: a) the necessity of inspectors to obtain power of entry, use of surveillance, power of arrest, access to custody, access to interview facilities, crime recording, etc., and b) the need for the police and GLA to ensure the individual's right to privacy and family life, and the proper management of personal data. The aim of the partnership through the MoU is to make it easier for the apprehension or prosecution of offenders, comprehensive prevention and detection of crime, and collection of any tax or duty.⁵³ The agreement has been a bellwether of the later integration of the GLA into the Home Office.

There are several manifestations and causes of undeclared work as illustrated in Figure 2 which are typically targeted through the agreements.

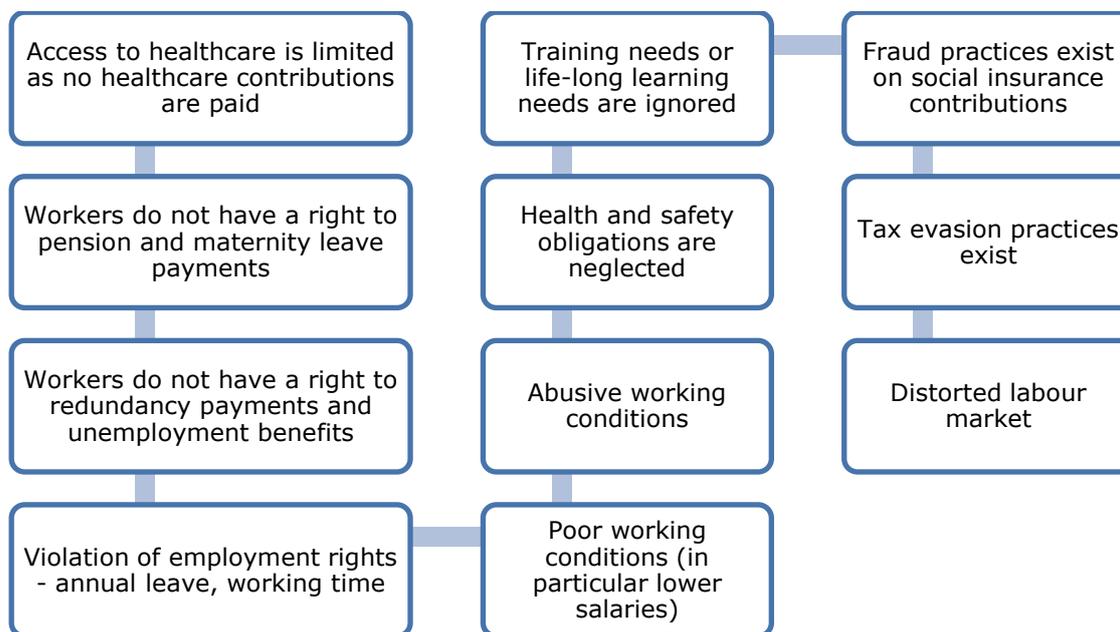
⁵⁰ (Work Conditions Authority (ACT), 2014)

⁵¹ (Labour Inspectorate of Estonia and the Division of Occupational health and Safety of the Regional State Administrative Agency of Finland, 2014)

⁵² (Ministry of Social Affairs and Employment of the Kingdom of the Netherlands and Ministry of Labour, Social Affairs and Family of the Slovak Republic, 2006)

⁵³ (Association of Chief Police Officers and Gangmasters Licensing Authority, 2007)

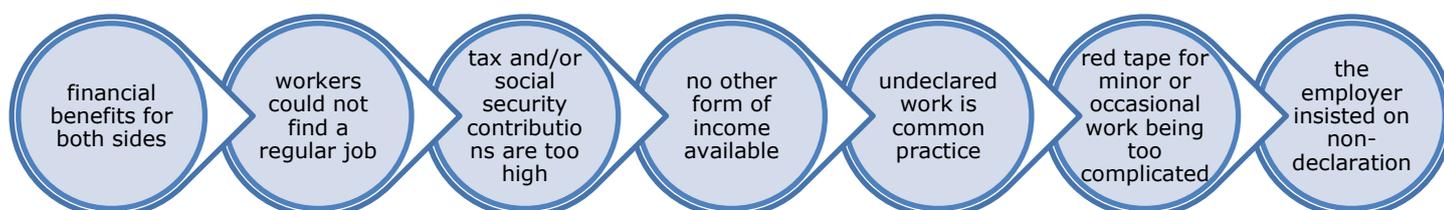
Figure 2. Manifestations of undeclared work, indicating need for improvement in existing practices through both national and bilateral collaboration



Source: CSD/ICF.

The foreseen measures in the national or bilateral agreements ideally account for and aim to reduce all of the existing UDW incentives in the target country/countries as illustrated in Figure 3 which have led to the identified problems on the labour market.

Figure 3. UDW incentives



Source: (European Commission, DG Employment, 2014)

6.2 Factors of success and challenges in drafting agreements

The participants at the Thematic Review Workshop: “National and Bilateral Agreements and Memoranda of Understanding to tackle undeclared work” in Utrecht in the Netherlands on 11-12 April 2017⁵⁴ noted several key issues that should be considered **when drafting a new agreement or MoU:**

- The necessity of the NA or BA should be considered carefully before initiating the process. In some cases (e.g. Hungary) having a commission or steering group could provide more freedom than a NA. Other countries (e.g. the Netherlands) prefer MoUs as they provide more flexibility allowing them to be activated and amended as the need arises. NAs require specific financial commitments, which

⁵⁴ (European Platform Tackling Undeclared Work, 11-12 April 2017)

could reduce their viability, however in other cases all methods - NAs, BAs or MoUs – could prove to be essential for initiating collaboration.

- Detailed legislation and penal codes with provisions related to the various undeclared work, social security and tax evasion practices is a key prerequisite for the efficient implementation of national or cross-border measures. For example, Belgium has a very detailed penal code which specifically describes UDW infringements and related penalties. It is backed up by an efficient national coordination service with set obligations and commitments. However, it should also be taken into account that such a system could be less flexible and require more human and financial resources.
- Choosing and clarifying terminology in NAs, BAs, and MoUs is an important step which should not be taken lightly. There are agreements at national and bilateral level which lack consistency in the use of terminology. In this respect it might be advisable that the EU Platform provides more support to countries when framing such agreements. It could also be advisable in the case of BAs to have translation tables which provide translation into both languages.
- A misunderstanding of the expected activities and responsibilities could emerge in cases where the institutions that wish to collaborate do not know each other's capacities, powers and authority. For that reason it is recommended that the partners prepare an annex or a table for Comparison of Powers.
- Joint inspections are the key activity under agreements and MoUs with potentially the highest added-value. In that respect a Joint Inspections Action Plan should be drawn up at an early stage.

Figure 4. Challenges for drafting BAs and MoUs

Setting up BAs and MoUs

- Lack of will to support cross-country collaboration and multi-agency approach (difference in UDW priorities and tasks of each institution)
- Lack of effective enforcement and overly complex sanctioning procedures
- Lack of relevant legislation and provisions in the penal code, national action plans, strategies, measures or risk management
- Insufficient investigative powers and legal competencies of the labour inspectors both nationally and particularly during cross-border inspections (e.g. need for clear rules of engagement). As a result the punitive and preventive effect of inspections/fines is not optimal
- The cost of inspections and value of the evidence collected could be lower than the deterrence effect

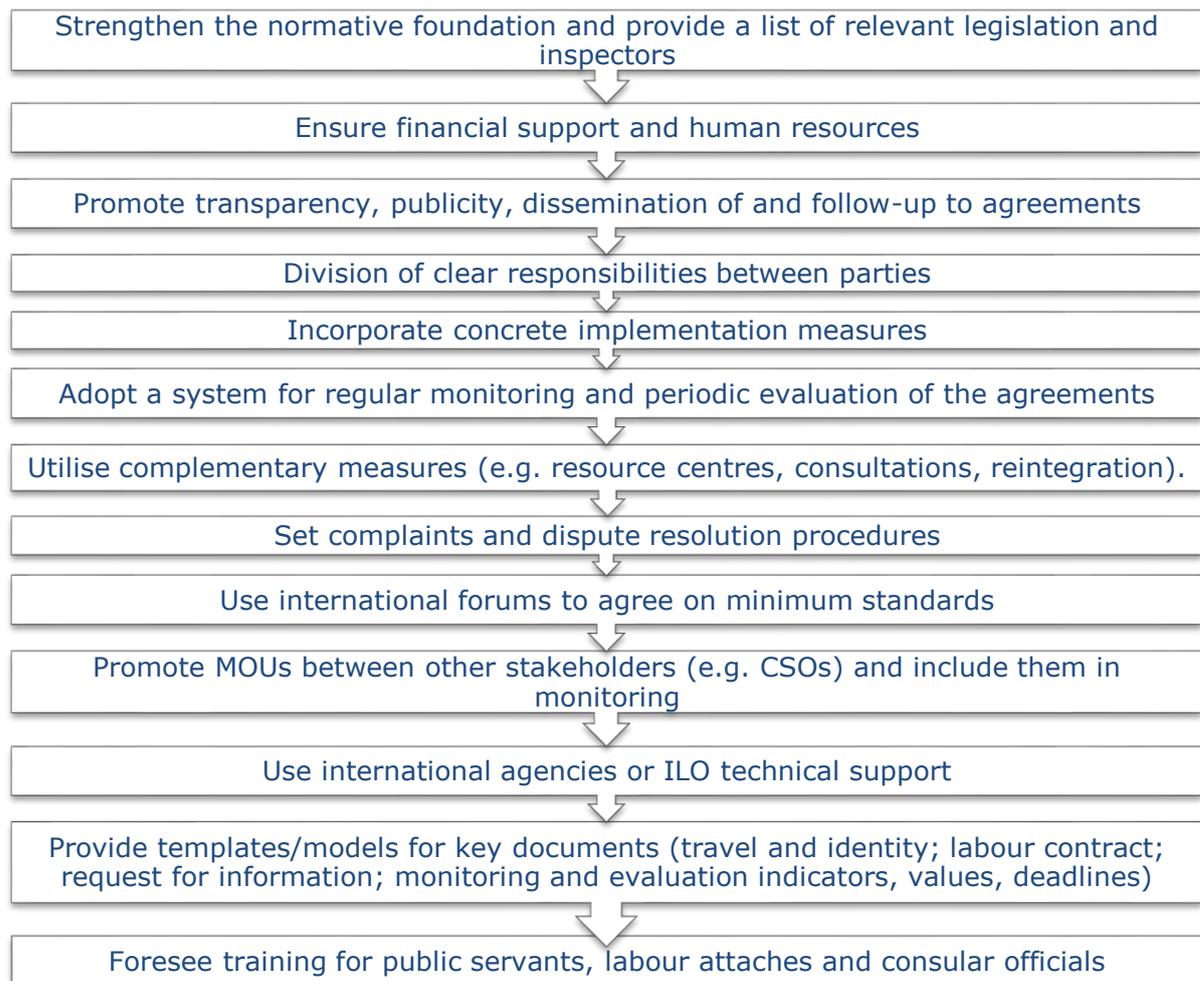
Operationalising BAs and MoUs

- Budget cost-cutting and insufficient resources of the public authorities
- Different legislations, administrative procedures and terminology (definitions), leading to difficulties in reaching a common understanding of the phenomena (e.g. UDW, bogus self-employment, under-declared work, tax/social security fraud, etc)
- Difficulties deciding on the level of cooperation – simple information sharing, joint actions and rules, or full cooperation based on partnership of common targets

Source: (European Platform Tackling Undeclared Work, 11-12 April 2017), (Regioplan, 2010); (EC, Directorate-General for Employment, Social Affairs and Inclusion, 2016).

In order to tackle the identified challenges, Platform members recommended several key steps that need to be undertaken in the early stages of agreement design and elaboration. The recommendations presented in this paper have been based on the discussion of practitioners as well as on an ILO review of agreements from Europe and Latin America.

Figure 5. Factors for Success in Preparing BAs and MoUs

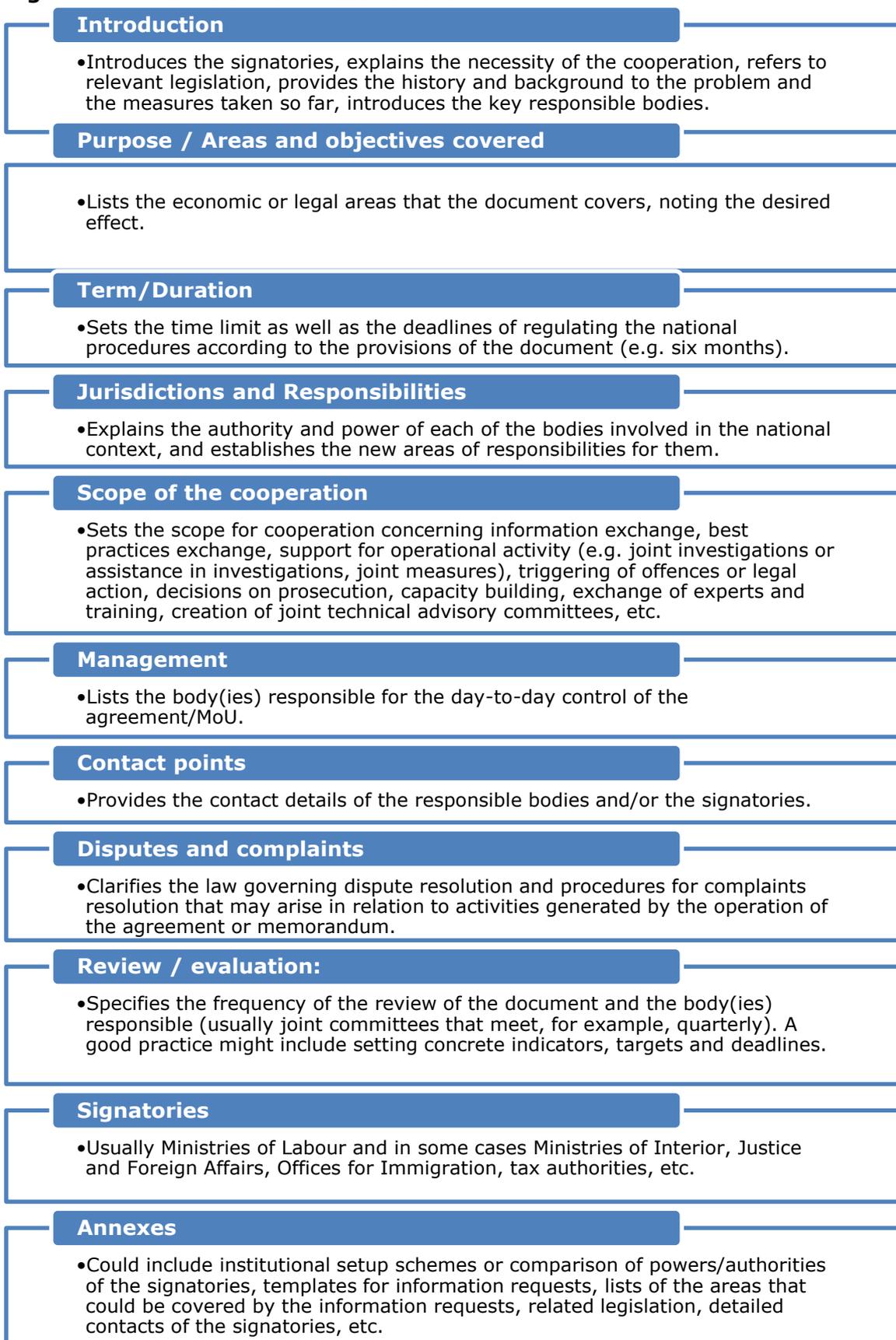


Sources: CSD/ICF based on (Wickramasekara, 2015), (International Labour Office and KNOMAD, 2015), (Segatti, 2015), (European Platform Tackling Undeclared Work, 11-12 April 2017)

Ideally, all of these identified factors for success should be incorporated in a well-structured agreement or MoU. For a more detailed instruction for drafting a BA and MoU, see the *Practitioner's Toolkit on Drafting, Implementing, Reviewing and Improving Bilateral Agreements and Memoranda of Understanding to Tackle Undeclared Work, European Platform Undeclared Work, 2017*⁵⁵.

⁵⁵ (European Platform Undeclared Work, 2017)

Figure 6. Usual structure of BAs and MoUs



Source: CSD/ICF.

7 IMPLEMENTING BAs, NAs AND MoUs

7.1 Key issues that should be considered when implementing a new agreement or MoU

The participating experts at the workshop agreed that it is of crucial importance that the foreseen measures are transformed into practical actions and that all concerned countries elect the “leaders” responsible both for their implementation and evaluation. It is recommended that the agreement or memorandum set a deadline of, for example, six months after the signatures for the parties to regulate the implementation procedures and fulfil internal legal procedures. Then, a working group should be formed to coordinate and monitor the implementation process⁵⁶.

An example of the full cycle of bilateral agreement signatures, task force formation and implementation of joint activities is presented below.

7.2 Factors of success and challenges in implementing agreements

According to the workshop participants, and also based on secondary sources, there are a number of challenges in implementing BAs and MoUs. All of these could however be tackled by carefully planning all details in the agreements and by ensuring adequate political, financial and expert support.

Kick-starting an agreement or MoU is difficult, especially if it is regarded as a diversion from the core goal of an implementing organisation and possible intrusion on its resources. It is easily signed but moving on to implementing it could be burdensome, especially where there are numerous practicalities to deal with (e.g. finding the right experts that know the other country, its legislation and language, establishing first contact, etc.)⁵⁷.

In Norway, one of the key barriers to the effective implementation of NAs has been the **different commitment** of the participating institutions and the availability of staff from year to year. The same institution committed 10 people for one of the years, but could only spare 2 for the next year). In Sweden and Germany the data generated in the course of an agreement can only be used for the purposes of the project or the agreement, and cannot be used beyond its duration⁵⁸.

Social partners could provide valuable feedback and support in tackling UDW. For example, in Germany, the Customs are involved in the implementation of activities under Action Alliances against undeclared work and illegal employment on national and regional level, in which social partners participate. By April 2017 nine action alliances have been signed. For ease of cooperation, the German Customs Agency has produced specific forms on which social partners provide information and signals for relevant institutions to act. Action Alliances’ partners include the Federal Ministry of Finance, employers’ associations and trade unions from nine different sectors of the economy who also meet on a regular basis in order to discuss sector-specific issues⁵⁹.

⁵⁶ See for example (Ministry of Social Affairs and Employment of the Kingdom of the Netherlands and Ministry of Labour, Family and Social Protection in Romania, 2010)

⁵⁷ (European Platform Tackling Undeclared Work, 11-12 April 2017)

⁵⁸ Ibid.

⁵⁹ Ibid.

Figure 7. Challenges in implementing BAs and MoUs

Lack of agreement and lack of knowledge on how to transfer agreements into measures and activities (training and data transfer should not overshadow the investigations and inspections).

Kick-starting an agreement or MoU is difficult especially if it is regarded as a diversion from the core goal of the organisation and possible intrusion on its resources.

Lack of funding

Lack of knowledge on methodology development (planning, setting up, implementing and evaluating joint activities and relevant counter-measures to tackle UDW)

Data protection, privacy issues/confidentiality, encryption systems, technical incompatibility of the electronic databases

Lack of capacity, unclear division of responsibilities, different commitment or overlapping of activities (e.g. who has the lead in joint inspections)

Inclusion of all responsible policy-makers, ministries, agencies, social partners, as well as ensuring collaboration with the prosecution, where appropriate according to national law (e.g. Spain has special prosecutors to pursue breaches of labour laws and regulations.)

The data gathered cannot be used for other purposes or beyond the duration of the agreement.

Lack of systems to monitor and evaluate the results of implementing actions/activities

Finding the right timing and method for involving the media. Companies can stop cooperating if approached by the media.

Implementing actions at the local level requires additional financing and staff, which is not as readily available as it is at national level (e.g. Norway).

Decentralised approaches and setting up of local offices for collaboration between several relevant public institutions prove to be difficult.

Different languages

Undeclared work may be accepted socially, especially in cases where taxes, social security contributions and unemployment are high. Employers may refuse to collaborate with the authorities.

Source: CSD/ICF based on online survey among workshop participants; (Regioplan, 2010); (European Commission, Directorate-General for Employment, Social Affairs and Inclusion, 2016); (European Platform Tackling Undeclared Work, 11-12 April 2017), own sources.

A key issue of impact raised by Platform members is whether or not and when to **engage the media** in the implementation of agreements. Sometimes it is smart to announce inspections in advance while in other cases it could compromise the collection of necessary data⁶⁰. The media can be very helpful in spreading the word after a successful case has been completed but it can lead to a withdrawal of a cooperating party, e.g. an implicated company, if it is invited to attend too early in the inspection process.

In case of agreements for **joint investigations** it is of utmost importance to set the operational primacy, i.e. who leads the operations. It is also crucial to draw up joint investigation plans, powers of authority comparability tables, and clarify the contact

⁶⁰ Ibid.

points. In joint investigations the powers of the various investigating agencies involved will differ. Appointing a lead can help to impart greater authority to the other agencies involved in the inspections and heighten the collective impact of on-site investigations, achieving better results according to inspection criteria. The agreements in the UK for example have worked well because of the centralised structure of the involved organisations (GLAA/GLA and HM Revenue and Customs), which have operating nodes throughout the country. This would be more difficult with more decentralised operations, involving many loosely independent bodies, each of which has specific ways of operating and different cultures behind them. For example, the pop-up car-washes in the UK operated by migrant workers presented a particular problem, which have proven very difficult to tackle as they are authorised by municipal authorities, which are multiple independent entities.

At the beginning of 2017 Norway is attempting to institutionalise agreements at regional level. It has set up five centres⁶¹ (joint offices of relevant public institutions) in big cities, and plans to set up 2-3 additional ones. Although it has developed strict regulations and templates for information sharing, Norway has not yet documented the results of tackling UDW and still needs to set up proper measures ensuring effectiveness. But its experience will provide valuable insights for other Platform members in the future. For more information see the *Practitioner's Toolkit on Drafting, Implementing, Reviewing and Improving Bilateral Agreements and Memoranda of Understanding to Tackle Undeclared Work, European Platform Undeclared Work, 2017*⁶².

Data exchange is also among the most common joint actions of any agreement. The participants in the workshop stressed that there should be no legal barriers on data exchange, or there should be political agreement on removing them. In addition, data exchange depends on national structures and database consolidation. For example, in the Netherlands there is a common database on social security and tax information, which allows different authorities to use it. Another good example is Estonia where a common database was introduced for all authorities, thus allowing them to tap into the resources and findings of other agencies. In addition to the national-level data sharing, Estonia has started providing tax data of its companies online which has improved cross-border cooperation (e.g. with Finland).

The authorities and policy-makers should also be keenly aware that **human resources** are often more important than financial when implementing UDW agreements. For example, in Cyprus, following the bank crisis of 2008 a lot of civil servants left their posts, crippling its policy implementation capacity substantially. In Romania, the territorial distribution of labour inspectors has not been changed in line with the quite substantial change in the concentrations of population within the country in recent years, leaving some areas stretched beyond their limits while others remain underutilised.

The key factors for success in implementing agreements noted by the workshop participants during the event are summarised in Figure 8 below.

⁶¹ For more information see the [Good practice fiche - Norway: Joint operation group between public agencies on the Platform's website](#) and the [Norwegian Strategy for Combating Work-Related Crime, 2015](#).

⁶² (European Platform Undeclared Work, 2017)

Figure 8. Factors for success in implementing agreements according to the workshop participants

- Strong political agreement and legal underpinning of the measures foreseen in the agreement (e.g. lack of legal barriers on data exchange)
- Common language and common legal systems (e.g. UK and Ireland; Belgium and France)
- Availability of financial and human resources. Seek the best outcomes with the least means
- Signify the level of the agreement (e.g. in the UK the GLA can sign its own agreements, while in Bulgaria and Romania agreements are signed at ministerial level)
- Set up operational order and specify which staff is leading each activity. Actions should be clear, targets should be set and shared by all, including indicators for measuring success
- Experts of each participating authority should be aware of the existence of the agreement and recognise it as mutually beneficial for all involved bodies
- Establishment of known contact points
- All authorities should use the same database for their work which allows them to tap into the resources and findings of other agencies (e.g. such as the system introduced in Estonia)
- Prioritise joint inspections. "De-conflict" inspections to avoid different authorities coming one after the other to the same inspected unit
- Include information on the wages in different countries. Extend the IMI system to include UDW issues
- Sequencing of employment of public employees from one administration to another (e.g. in the UK some police officers moving to the GLA)
- Ensure adequate and geographically appropriate availability of skilled human resources. Mutual learning and joint trainings could greatly contribute to retaining the expertise of the public servants
- Pilot projects and bringing people together from the two countries could be good ways of "breaking the ice"
- Set up joint investigation plans, draw up powers and authority comparability tables
- Implement monitoring and evaluation activities, impact assessments as well as regular feedback collection. Regular internal meetings produce mutual trust and allow flexibility in changing the activities according to the changed environment

Source: (European Platform Tackling Undeclared Work, 11-12 April 2017).

7.3 The legislation – obstacle or supporting instrument in tackling UDW?

Having relevant and detailed legislation in place is undoubtedly a key prerequisite for the implementation of any effective national and cross-border measures to tackle UDW. Still, it should be noted that in some cases it could also prove to be a barrier, particularly if only national concerns are taken into account and no cross-border provisions are foreseen. In that regard it is of crucial importance that the legislation in all concerned countries is updated and the latest EU directives are transposed before the launch of joint actions.

The legislation as obstacle

Finland, Estonia, Latvia	"The existing legislation and provisions of the bilateral agreement between Finland and Estonia cannot fully cover for all cases of undeclared work. Problems present the unclear and often changing status of companies in Estonia, existence of many mailbox companies, and the fact that Estonian non-posting companies do not fall under the remit of the cooperation. When Estonian inspectors come to Finland they only observe and do not participate in the process. Although Estonia started providing tax data of its companies online, it has been quite difficult in Finland to obtain legally binding data from the tax authorities, which hampers cooperation. All these issues could be resolved by unification of procedures and legislative norms in both countries." ⁶³
	"Another example of legislation barrier is that Latvia, unlike most of the EU Member States, does not have dispute resolution committees. All cases go through court which might take quite a long time to resolve." ⁶⁴

The legislation as enabling factor

Belgium	"BAs can help to identify problems but enforcement requires legal underpinning. For example, the Belgian law allows for inspectors to use any piece of evidence obtained by another country, which has signed the relevant ILO conventions. Unfortunately, this is not the case in other EU countries. Belgium also has a very detailed penal code, as well as politically backed up National Action Plan on Social Security Fraud which provides guidance on cooperation structures" ⁶⁵ . This strong legal underpinning allows the country to benefit fully from its participation in agreements with other countries.
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8 MONITORING, REPORTING AND UPDATING BAs, NAs AND MoUs

The Thematic Review Workshop participants noted the importance of reviewing BAs and MoUs periodically in order to address any emerging issues. There have been very few, and quite limited in scope, cases of formal evaluations of BAs and MoUs. Hence the current section only notes the key issues, which should be considered in this respect in the future. The Platform will produce as a separate output a *Practitioner's Toolkit on Drafting, Implementing, Reviewing and Improving Bilateral Agreements and Memoranda of Understanding*. The Toolkit will contain a dedicated section on monitoring of BAs and MoUs.

8.1 Main issues for consideration during an evaluation

Evaluations are indispensable tools for monitoring the progress towards the agreements' goals, identification of possibilities for optimisation of internal and external procedures, and verification as to whether the selected implementation methodologies are the most appropriate ones. The agreements on UDW are currently either not being systematically evaluated, or only basic statistical information of the implementation is gathered.

The reasons why **evaluations of bilateral agreements are almost non-existent** are numerous: the evaluations (and sometimes the agreements or MoUs as a whole) are not considered obligatory or binding, policy-makers are cautious that the results of the evaluations could prove to be unfavourable to their public image; perhaps for example an evaluation might show that there was no genuine stakeholder collaboration throughout the implementation, or that there was a lack of evaluation culture, staff capacities, time and financing.

⁶³ (European Platform Tackling Undeclared Work, 11-12 April 2017)

⁶⁴ Ibid.

⁶⁵ Ibid.

As a rule evaluations are and/or should be foreseen at the agreements' drafting stage along with dedicating sufficient staff, funding and time for the task. Key information and data on any set objectives and target values should be gathered on an ongoing basis after each main activity (inspection, database consolidation, training, staff exchange, advocacy campaign on the negative effects of UDW, etc.). Critical issues such as efficiency, conformity, pertinence, efficiency and impact should be observed during the process.

8.2 Monitoring and evaluation challenges

The participants in the workshop held on 11-12 April 2017 as well as the related literature on the topic underline several key challenges which the relevant authorities could face during the evaluation process.

Figure 9. Monitoring and evaluation challenges

Challenges, due to the lack of evaluation culture	Bureaucratic logic and civil service culture, desire to produce politically exploitable numbers, political interests overriding evidence
	Lack of systematic evaluations and cost-benefit analysis of measures
	Majority of interventions are conducted without pilot initiatives or public debates
	Lack of studies evaluating the effectiveness of the introduced strategies
	State agencies lack a comprehensive approach to monitoring and evaluation
	No genuine stakeholder collaboration throughout the policy cycle
	Stakeholders are involved after a measure has already been designed
	Lack of (dedicated) time for evaluation
Difficulties during the evaluation process	Forming an internal monitoring team and selecting an independent external evaluator
	Clarifying the evaluation methodology and time-schedule (including the preparation of Terms of Reference)
	Setting measurable and effective input, output, outcome and impact indicators
	Gathering the necessary data in a timely manner. For example, the partners should report back on the use of information gathered and exchanged.
	Ensuring regular meetings of a working/monitoring group
	Involving third parties, incl CSOs, trade unions, etc.
	Learning from the evaluation and making the necessary corrections in the processes and activities
	Making the evaluation public even if it contains evidence of underperformance and/or failure in certain areas

Source: CSD/ICF, (Sheffield University Management School, GREY Working Paper No. 8, 2015), (European Platform Tackling Undeclared Work, 11-12 April 2017)

9 CONCLUSION

Although examples of BAs or MoUs dedicated specifically to tackling undeclared work as the explicitly stated objective are rare, they still present a valuable instrument for initiating collaboration between relevant authorities and social partners in the EU. NAs on the other hand could overcome existing policy gaps and create collaborations where they are missing. Most importantly, agreements can later be translated into strategies and concrete measures at all levels. We can learn from the good examples of existing NAs, BAs and MoUs, dedicated to countering social fraud and social dumping, protecting healthy and safe working conditions, and promote similar agreements in the area of undeclared work.

The efficiency of NAs, BAs and MoUs for tackling UDW depends on the national contexts, flexibility of agreements, relevance of the measures and their implementation. In some cases the agreements and MoUs can be too bureaucratic, general and formalistic. They also do not always result in concrete actions, while at the same time the economic and social environment changes with increasing speed, making the corresponding changes in agreements hard to follow. The latter is especially true where migration/refugee flows are concerned.

It is of crucial importance that the foreseen measures are transformed into practical actions, and all concerned countries elect the “leaders” responsible both for their implementation and for their evaluation. Personal contacts and dedicated staff are also important, and should be developed through training and strengthened leadership. It is also recommended that third parties (e.g. civil society organisations, trade unions, employers’ associations, etc.) are involved and encouraged to provide an external, unbiased view and assessment. International or inter-agency groups could also provide advice in all steps of the BAs and MoUs elaboration, implementation and evaluation (e.g. ILO, Information Systems Security Association (ISSA), Intra-European Organisation of Tax Administrations (IOTA), International Association of Labour Inspection (IALI), Global Migration Group (GMG), Global Forum on Migration and Development (GFMD).

A key characteristic of the NAs, BAs and MoUs is that they are usually signed by governments, ministries or agencies, and involve a limited number of countries. In that respect, the European Platform Tackling Undeclared Work presents the possibility for fighting undeclared work “in a coordinated, united manner so as to maintain high standards of employment in the European Union, to avoid serious social and economic consequences and to resolve problems related to the mobility of workers, as well as to make fuller and more effective use of human capital”⁶⁶. Moreover, the Platform includes a wider range of members and observers, such as representatives of the Member States (for example, from federal ministries, labour and social inspectorates, tax and customs authorities or social insurance agencies), representatives of EU level cross-industry social partners and of the Commission.

Suggested Role of the European Platform Tackling Undeclared Work

The participants at the Thematic Review Workshop in Utrecht on 11-12 April 2017 listed several activities which could be supported by the Platform towards better NAs, BAs and MoUs, such as extension of the IMI system to include UDW issues, setting up an Inspection Committee for UDW, etc.

In conclusion, it should be noted that the Platform is an open method of coordination approach and it does not have a time limit. In that regard the potential for exchange of best practices and expertise is enormous. For instance, Member States should make

⁶⁶ (Committee of the Regions, 2014)

active use of the existing opportunities like, for example, the Platform's support for a staff member from one Member State to visit another Member State for up to five days in order to explore the practices of its institutions for tackling UDW.

Figure 9. Suggested Activities for the European Platform Tackling Undeclared Work and Bilateral Agreements

Suggested and supported by the workshop participants

- Support in terms of drafting, implementation and evaluation of BAs, MoUs, etc. The Platform could serve as a first point of reference. It can also help with clarifying the terminology of the agreements.
- Support for immersion training/apprenticeships, via "learning by doing".
- Forming an Inspection Committee for UDW (similar to the SLIC – the Senior Labour Inspectors Committee) .
- Forming groups of members 'buddying' each other based on geographical proximity, common language, flows of workers and/or migrants, etc.
- Creation of a map of databases available country by country.
- Support for joint inspections, including the use of found evidence by both sides.
- Extension of the IMI system to also include UDW issues.
- At the beginning the Platform could limit its focus to specific fields then widen its expertise over time.

Source: (European Platform Tackling Undeclared Work, 11-12 April 2017), (European Platform Tackling Undeclared Work, 10 October 2016). Some of these and additional activities are listed in [the 2017 - 2018 Work Programme of the Platform](#).

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