

JOINT STATEMENT

**ON COOPERATION AND THE EXCHANGE OF INFORMATION IN THE
FIGHT AGAINST FRAUD AND ABUSE IN THE BULGARIAN AND
DUTCH LABOUR MARKETS**

**The Minister of Labour and Social Policy
of the Republic of Bulgaria**

and

**The Minister of Social Affairs and Employment
of the Kingdom of the Netherlands**

Recognizing that the European internal market, with its free movement of persons, goods and services, is of the utmost importance for our economies, and is essential for the recovery of the economy in Europe.

Acknowledging that the freedom of movement of workers is one of the four fundamental freedoms of the Single Market and a fundamental right of the EU citizens, guaranteed by the EU Treaties.

Agreeing that in promoting the internal market not only economic, but also social aspects should be observed, and that decent labour conditions, fair wages and effective social protection for employees and self employed workers, are essential both for the workers involved and the acceptance of the European project by European citizens in general.

Noting, however, that in a number of sectors of our economies labour conditions are under pressure, because of increased competition, smaller profit margins, and cut backs on costs, including labour costs.

Observing that these circumstances have led to excesses, such as underpayment, exploitation and in the worst cases human trafficking, phenomena which cannot be tolerated in any decent society, and are therefore under all circumstances unacceptable, both from the perspective of employees, because of the social problems they bring, and from the perspective of the employer, as unfair competition threatens the level playing field.

Agreeing that dealing with these challenges is mainly a national competence, but that considering the European dimension of modern services, industry and agriculture and the extensive cross border labour relations which have developed between our countries, a further strengthening of international cooperation is vital for a successful fight against fraud and abuse.

Having regard to the organisational differences between our countries, respecting the competences of authorities and implementing bodies in our countries, and operating with due respect for earlier agreements and obligations between these authorities and implementing bodies

Respecting the Letter of Intent on cooperation concerning enforcement of the rules on social policy, in case of cross-border labour and services, and the enforcement of social security regulations as approved by the Ministry of Labour and Social Policy and the Ministry of Finance of the Republic of Bulgaria and the Ministry of Social Affairs and Employment of the Kingdom of the Netherlands on 19th of November 2008,

HAVE AGREED

to reiterate the agreements above, to guarantee, within our competences, by all possible means, improved organisation and intensified cooperation between our countries, our Ministries and our implementing bodies, and the prioritisation of the fight against fraud and abuse for our Ministries and implementing bodies

to embrace and strongly support the implementation of the additional work arrangements that have been made by the responsible parties based on the agreements as mentioned above, and as listed in the appendix to this declaration

to evaluate the results of our intensified cooperation, to intervene whenever problems arise, and to keep each other informed on the developments in our fight against fraud and abuse

Signed in Luxembourg on 20th of June 2013.

The Minister of Labour and Social Policy of the Republic of Bulgaria,

The Minister of Social Affairs and Employment of the Kingdom of the Netherlands,

Hasan Ademov



Lodewijk Asscher



The following organisations were involved in making the agreements as described below:

From the Republic of Bulgaria:

- The Ministry of Labour and Social Policy
- General Labour Inspectorate Executive Agency
- Employment Agency.

From the Kingdom of the Netherlands:

- The Ministry of Social Affairs and Employment
- The Ministry of Finance
- The Inspectorate Social Affairs and Employment
- The Tax Services
- The Social Insurance Bank

Within their respective responsibilities and within the scope of the Letter of Intent of 2008, the following has been agreed:

1. Providing risk information for the labour inspectorates

- The Dutch Inspectorate SZW will provide information of companies with a link to Bulgaria (employer or workers) who were fined or under investigation for infringement of the Act Minimum Wage, Act Labour Circumstances and Act Working Times. If the Bulgarian inspectorate will use this information for their investigation, they will send relevant information back to the Dutch Inspectorate.
- The Bulgarian Labour Inspectorate will provide information of companies which send employees to the Netherlands, who were fined or under investigation for infringement of the Acts Labour Code, Safety and Healthy Working Conditions Act and Employment Promotion Act. If the Dutch Inspectorate will use this information for their investigation they will send relevant information back to the Bulgarian Inspectorate.
- The information will be sent twice per year through the liaison offices that have been installed to implement Directive 96/71.
- Both Inspectorates will choose before the end of June 2013 one pilot case to test the usefulness of the provided information. The Inspectorates will appoint contact persons to monitor the effectiveness of the information exchange during and after the completion of the pilot case.

2. Providing information on bonafide Dutch staffing agencies (the private certificate)

- The Netherlands will send a list of all temporary work agencies that have a certificate with the Stichting Normering Arbeid (SNA).
- The Netherlands will send a list of all temporary work agencies that lost the certificate, twice per year, through the liaison office.
- The Netherlands will provide additional information on the private certification system and on how the Bulgarian Labour Inspectorate can directly access the above mentioned information to have a clear indication the quality of Dutch agencies.

3. *Applicable legislation*

- Bulgaria and the Netherlands confirm their intention to strengthen the cooperation related to determining and certifying the legislation applicable to posted workers in compliance with the regulations for coordination of the social security systems of the Member States pursuant to the provisions included in Art. 76 of Regulation 883/2004/EC, the relevant decisions of the Administrative Commission and the Letter of Intent of 2008 signed by both countries. The Netherlands and Bulgaria will analyze the need for additional bilateral agreements before the end of September 2014.

4. *Communication and public information*

- Bulgaria and the Netherlands will cooperate to distribute in Bulgaria information for potential migrants. The Netherlands will provide a short list of activities to the Bulgarian Employment Agency for approval. After approval of these activities, they will be implemented jointly by the Bulgarian and Dutch parties.
- The Netherlands will provide additional information about working in the Netherlands.