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Construction is not a seasonal activity and should therefore be excluded from the scope of the proposed Directive on “seasonal workers”

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 for the purposes of seasonal employment” [COM(2010)379].

Although some construction activities, such as for example road construction, roofing works or paving works, depend on climatic factors (heat, frost, rain, cold, etc.), such weather dependence is completely different from a fixed seasonal pattern. Construction is therefore clearly not a seasonal activity.

The EFBWW and FIEC also recognise the importance of the principle of subsidiarity and, in the framework of the proposed Directive, if it is up to each Member State to decide which activities are or are not seasonal, then such decision should be taken in consultation with the concerned national sectoral social partners.

Finally, in order to be able to apply the principle of EU preference as regards access to Member States’ labour market and the right of each Member State to determine the volumes of admission of third-country nationals coming from third countries to their territory, the provisions of the proposed Directive should explicitly ensure that a Member State’s decision on the rights of third-country nationals does not affect other Member States and possibly cause distortions of migratory flows between countries or between industries.

According to EFBWW and FIEC the validity of the permit should therefore be limited to the territory of the Member State that has issued it and to the authorised activity only.

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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