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Our case
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General Comments of the Danish Government
The Commission's Green Paper on modernising labour law to meet the challenges of the 21st century is a good point of departure for a broad and nuanced discussion of how to deal with future challenges of the labour market at European and national level.

The purpose of the Green Paper is to launch a debate on how labour law regulation can support the Lisbon Strategy's objective of achieving sustainable growth with more and better jobs.

It is essential for the Danish Government that through the Lisbon process, the Member States maintain focus on their binding goals and reforms that can enhance competitiveness, employment and social development in Europe.

The Danish Government welcomes the Commission's wish, as expressed in the Commission's Green Paper and the next communication on flexicurity, to create the best possible framework for the changes needed to match the ever-changing production and competition conditions.

In the Danish Government's opinion, increased flexibility on labour markets is crucial in order to secure sustainable economic growth, enhance the social cohesive energy, promote an inclusive labour market and improve employment security for EU citizens.

The need to increase flexibility on the labour market as well as individual enterprises and employees’ possibilities for adapting to change is crucial seen in the light of the challenges that follow globalisation and demographic developments.
With regard to initiatives within the employment and social-policy areas, the Danish Government finds that emphasis should be placed on flexicurity and active social inclusion, taking the Member States' different traditions and situations into consideration. However it is crucial that the Member States themselves are responsible for creating the national policies required to secure a tenable social solution.

At the same time the Danish Government stresses that the labour market systems in the Member States are very different, and initiatives that work well in one Member State may not necessarily have the same effect in another Member State. It is therefore important that implementation of the Green Paper does not lead to specification of one model for the regulation of labour law in the EU, but that proper consideration is taken to the different labour market systems.

The Danish Government shares the Commission's opinion that the challenges facing the European labour markets should be addressed through increased dissemination of the flexicurity idea, and the Government therefore agrees with the Commission that the Green Paper is a positive step in this process.

Growth of alternative forms of employment
The Green Paper states that alternative forms of employment are growing, including fixed-term contracts, part-time contracts, temporary work and freelance contracts and so on.

The Danish Government shares the Commission's opinion that very restrictive rules for employing and dismissing workers on standard employment contracts may have lead to a large increase in alternative forms of employment in some Member States.

At the same time it is important to be aware that alternative forms of employment - also in Member States with less strict rules for hiring and dismissal - can meet enterprises' requirements for greater flexibility and competitiveness, while at the same time fulfilling individual workers' wishes for a better balance between work and leisure.

In connection with this it is important to point out that the growth in alternative forms of employment is not in itself an expression of increased segmentation of the labour market.

It is of course essential that workers in alternative forms of employment are not subject to unfair discrimination. This has already been taken into account at the EU level in connection with the Directives on fixed-term work and part-time work, which are both based on framework agreements entered into by the social partners at the European level. In addition to this, in Denmark
there is an established tradition in this area whereby the social partners use collective agreements to ensure equal treatment of people regardless of their type of contractual relationship. This also includes for example temporary workers and others.

In the experience of the Danish Government, detailed regulation of the labour market by the state does not contribute to promoting positive economic development or increasing productivity. Therefore, the Danish Government believes that in general it is doubtful whether increased regulation by the state or the EU will have a positive effect in relation to readiness for change, increased employment and creation of new jobs, regardless of the forms of employment. Increased regulation by the state or by the EU could collide with the need to disseminate the flexicurity idea. Instead of focussing on ensuring security of employment in a specific job, there ought to be more focus on ensuring general security of employment through greater readiness for change, increased social dialogue and adequate financial assistance in cases of temporary unemployment.

**Flexicurity in Denmark**

Flexible regulation of the Danish labour market is decisive in ensuring that Danish workers avoid being trapped on passive benefits or in low-productivity jobs, as well as ensuring that enterprises avoid using outdated forms of production. The Danish labour market model ensures adequate levels of flexibility combined with active social inclusion. The model is particularly characterised by the fact that it focuses on maintaining and developing the individual worker's job prospects rather than focussing on job security in relation to specific jobs.

The Danish labour market model is also characterised by the way in which the social partners play a very active role both in relation to regulation of the labour market and in the forming of labour market policy. Furthermore the Danish labour market is characterised by strong representative organisations that to a large extent take on responsibility for dealing with tasks that are dealt with by legislation in other countries. The social partners have autonomy and freedom to regulate wages and working conditions without interference from the state. This has resulted in the fact that Danish employment law does not regulate any minimum pay or periods of notice, just as wages are mostly decided by collective agreements or through negotiations between the individual wage earner and the employer. For example, the duty of the employer to pay wages during illness or maternity leave is also for the most part regulated by collective agreements. Examples of the tasks that the social partners have taken responsibility for include establishing supplementary pension schemes that supplement the legislatively based state retirement pension, establishing a central maternity-leave fund as well as improving initiatives for adult further education and training.
The Danish Government wishes to maintain and strengthen the role of the social partners in regulating the labour market because this form of regulation enables effective and flexible adaptation to the ever changing challenges within the different sectors of the economy. Therefore the Danish Government wishes to strengthen the social dialogue at both national and EU level.

The EU regulation of the labour market has challenged the Danish model, which is based on ensuring workers' rights primarily through collective agreements. In order to ensure the best possible integration with the Danish collective agreement model, a mechanism has been developed in relation to the implementation of EU directives which ensures that the social partners have the possibility of implementing directives through collective agreements. In this way it is ensured, as far as is possible within the framework of a given directive, that it is possible to take sector-specific issues into consideration. The model has been developed on the background of the wish of the Danish Parliament that the collective agreement model can maintain its status as the primary form of regulation on the area of labour law.

On this basis, the Danish Government believes that it is important that the result of this consultation on the Green Paper does not lead to the prescription of just one model for future regulation of labour law in the EU. In the opinion of the Danish Government proper consideration ought to be taken of the fact that each Member State has its own national system based on the tradition of labour market regulation in the individual Member States. The Danish Government takes it as read and places great importance on maintaining the Danish flexicurity approach that is based on the collective agreement model and flexible labour market regulation, so that it can continue to contribute to development, growth and employment.

Comments on the Danish language version/translation

Unfortunately the Danish version of the Green Paper has been translated inappropriately in places, which can have a bearing on the way in which the flexicurity approach is understood. Therefore Denmark took the initiative in the beginning of March to contact DG Employment with specific suggestions for correcting the Danish version of the Green Paper in order to avoid the inappropriate translations.

The questions and answers

Question 1. What would you consider to be the priorities for a meaningful labour law reform agenda?

In connection with its considerations on the regulation of the labour law area at EU level, the Danish Government considers it to be important that the national collective agreements and arrangements are respected and that the social dialogue and the social partners’ competences and initiatives are also supported. The social partners ought to be supported to the extent that they...
are able to negotiate solutions themselves, be this new initiatives or revisions of existing regulation, because the social partners' knowledge about current and future requirements can in this way contribute to ensuring a flexible and ongoing adaptation of the European labour markets. In relation to this a number of the European social partners' various agreements and action plans from recent years can be highlighted.

European regulation of the labour law area ought to be built on the influence of the social partners and in addition be of such a flexible nature that subsequently, necessary adjustments can be made nationally and at sector level.

**Question 2. Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation? If yes, then how?**

The Danish Government considers the possibility for continual adaptation important. In many cases regulation through collective agreements creates the possibility of combining a high degree of flexibility with security for the individual worker.

In Denmark one third of all workers change job every year. In this connection, it is essential that we ensure general security of employment through both the individual workers and enterprises’ high levels of adaptability.

In the Danish labour market the social partners have been able use collective agreements and arrangements to ensure the necessary protection for workers in atypical forms of employment, which has contributed to minimising segmentation of the labour market.

Finally the Danish Government must point out that legislation cannot accommodate the conditions in the various industrial sectors in the same way as collective agreements and arrangements are able to, and that legislation as a general rule will therefore be a less flexible form of regulation than regulation through collective agreements and arrangements.

**Question 3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?**

In the opinion of the Danish Government comprehensive regulation of the labour market/working conditions by the state is not conducive to improving enterprises' ability to increase productivity or their adaptability to new technologies - rather it would achieve quite the opposite.
It is important that all enterprises, large, medium-sized and small, have conditions that enable them to continually adapt to changing production and market conditions. Amongst other things, this implies that it must be easy to increase and decrease the number of employees, whilst at the same time it is important that there is social security for workers.

If the European labour markets are to be able to adapt on an ongoing basis in order to meet the challenges of increased growth and productivity, it is important that the regulation of the labour markets is flexible and easy to adapt when changes occur. The current case about the Working Time Directive is an example of the unfortunate consequences that can result from very detailed EU regulation of the labour market area. The decision of the European Court of Justice in the SIMAP and Jaeger cases sets a precedent that is unacceptable for most Member States and that will have very negative consequences for organisation of work especially in the healthcare sector. Despite agreement among Member States to change the Directive towards a more flexible interpretation of the rules on on-call duty and compensatory rest period, it has not yet been possible to carry out such a change in the Directive.

**Question 4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?**

In the experience of the Danish Government, flexible terms of employment combined with high levels of social security mean that enterprises find it easier to and are more willing to hire new staff.

The fact that periods of notice do not obstruct an ongoing adjustment of the number of employees to the changing conditions for production is conducive to the demand for labour and thereby creation of new jobs. However, it is important in this connection to ensure the social protection of the individual.

For the individual worker it is therefore essential that it is possible in a flexible labour market system to receive unemployment benefit/social security in the case of temporary unemployment combined with targeted offers of job training, continued training and other such things. Social protection does not however need to be associated with the actual employment relationship or be dependent on the relationship between the wage earner and the employer.

**Question 5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?**
Experience from Denmark has shown that an effective approach is to combine more flexible rules on job security with well-considered income compensation for the unemployed, together with an active labour market policy that closely follows developments on the labour market with a view to being able to adjust appropriately.

Rigid rules for the labour market that make it difficult for enterprises to adjust their workforce to developments in the market could perhaps be considered as a form of job security for the individual worker. However, in reality such rules will delay necessary changes of the production process and thereby threaten growth and employment opportunities.

Therefore, in the opinion of the Danish Government less weight should be placed on rules that make it difficult for enterprises to hire and dismiss staff as part of an ongoing adjustment to the market. Instead, the aim must be to ensure increased security of employment by increasing the adaptability and competences of enterprises and the individual worker.

The above must be combined with an active labour market policy that in addition to ensuring reasonable income compensation for those that are temporarily out of work also ensures continual upgrading of skills and access to employability enhancement schemes.

**Question 6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?**

The Danish approach is built on ongoing continued training and upgrading of the workforce's skills at both a collective and individual level. A large number of collective agreements contain provisions on access to continued training in the professional area in question. One characteristic of the system is that access to continued training and further education is not connected to employment in a specific enterprise, but instead is connected to employment within the area of the collective agreement in question.

In the opinion of the Danish Government access to further education and continued training is a crucial element in relation to the challenges labour markets are faced with. On this background, the Danish Government established a tripartite committee in September 2004 on lifelong learning and training for all on the labour market. The Committee published its report in February 2006. One of the central recommendations in the report is that we must maintain the social partners' central role in the solving of tasks in the vocational continued training and further education area. The statement that followed from the Government and the social partners proposes that responsibility be allocated for further development of the further education and continued training area and ensuring coordination between the tasks of the
State, tasks of enterprises, the individual wage earner's responsibility for their own development and the social partners' tasks in relation to supporting the development of the workforce's competences.

With this background, it is also natural that continued training of workers has been a central theme in the collective bargaining round in the spring of 2007. During the negotiations there has therefore been focus on broadening access to continued training with a view to increasing mobility during a person's working life. The strength of the model is that sector-specific solutions can be found that take account of the requirements of workers employed in the specific areas and take account of the challenges that specific sectors are faced with.

On the background of the above, the Danish Government is of the opinion that a sensible solution to the challenges that labour markets are faced with in the future is to ensure well balanced interplay between on the one hand legislation in relation to the tasks of the public sector and funding possibilities for further education and continued training, and on the other hand a strong commitment from the social partners in the form of among other things establishing collective agreements that ensure workers have access to further education and continued training.

Question 7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?

In Denmark the legal definition of an employee and a self-employed person respectively is decided on the basis of an interplay between the provisions of employment law and taxation law. In Danish law a number of elements must be fulfilled before a person can be considered to be a wage earner and thereby also have wage-earner rights.

The terms that decide whether a person can be considered as a wage earner in a Danish employment law context are developed through actual practice. In Danish law a wage earner is usually characterised as being a person that due to a contract of employment is obliged to personally carry out an occupational task according to the instructions of the employer, at the cost and risk of the employer, under the supervision of the employer and in the name of the employer and against payment of remuneration.

Furthermore it should be noted that in connection with the individual Member State's business policy an information campaign can be established in order to inform wage earners that intend to become self-employed or become employers about the consequences that this has in relation to their legal situation and vice versa.
In the opinion of the Danish Government it is important that there is a clear understanding in the individual Member States about which national rules decide whether a given task is carried out as a wage earner or as a self-employed person or employer. Furthermore it is important that information on these criteria are accessible for foreigners wishing to work in the Member State in question either in self-employment or as wage earners. The criteria that apply in Denmark can be found in the manual "Rules on Residence and Work in Denmark" - see the website www.bm.dk/residence.

Question 8. Is there a need for a “floor of rights” dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?

The Danish Government finds it crucial that in considering a "floor of rights" proper consideration is given to the fact that today the EU operates with 27 different labour market and regulative systems. Which rights an employee has in an individual Member State is dependent on the model of social security as well as the traditions of labour market regulation that have been built up through time in the specific Member State.

As mentioned in the introduction the Danish labour market model is based on flexicurity and a high degree of regulation through agreements. Regulation through agreements means that sector-specific requirements can be taken into account, both for the wage earner and the employer. The Danish Government does not consider it possible or desirable to introduce a general "floor of rights".

A general "floor of rights" would appear to be extremely difficult to define, delimit and control. In addition, it would potentially negatively influence the possibilities of flexible regulation adapted to national and sector-specific problems and requirements. Furthermore, the Danish Government believes that a "floor of rights" would contribute to increasing the division between insiders and outsiders to the labour market and would limit outsiders' possibilities of gaining a foothold in the labour market. Finally, introduction of a "floor of rights" would potentially have a negative effect on job creation, because rules that are too rigid would reduce the incentive to hire new staff.

Regulation related to employment law in the Member States is based on widely varying conditions, because the EU Member States' concepts of the wage earner are decided on the basis of the legal practice and traditions in the individual Member States. Solely on these grounds, the Danish Government finds it undesirable to establish a "floor of rights" at a common EU level.
Question 9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?

In Denmark the social partners can make agreements on the relationship between the parties to an employment relationship. In addition, Denmark already ratified ILO Convention No. 94 concerning labour clauses in public contracts in 1955. According to the convention, in contracts entered into between central government authorities and private-sector suppliers clauses must be included on the fact that the affected employees must be guaranteed wages, including special benefits, working hours and other working conditions that are not less favourable than those that apply in the district where the work is to be carried out. The convention is used in work that is carried out by sub-contractors or persons that have had the contract transferred to them. The convention is an instrument for avoiding social dumping, in the same way as the Directive on posting. As opposed to the Directive on posting, the jurisdiction of the convention is not limited to cross-border contractual relationships within the European Community.

The Danish Government considers that there is no obvious need to regulate the tripartite relationship at EU level. If there does appear to be a need for regulation, in the opinion of the Danish Government this is best dealt with at a national level.

Question 10. Is there a need to clarify the employment status of temporary agency workers?

The conditions for temporary agency workers vary from Member State to Member State. Some Member States have chosen to regulate the terms of employment for temporary agency workers through legislation, while other Member States have no legislation in this area. In Denmark, the social partners secure equal treatment for temporary agency workers through collective agreements.

In general, salary and working conditions are not regulated by legislation in Denmark, but by collective agreements entered into by the social partners in cases where the parties find regulation is required. This also applies to temporary agency workers, and in general the terms of employment for temporary agency workers are just as good as those for regular employees.

The number of temporary agency workers covered by collective agreements is increasing. In many cases, temporary agency workers will be covered by
the same collective agreements as the other employees in the enterprise they are working for. In other cases, temporary agency workers are covered by collective agreements entered into by the temporary agency and the trade union. If the temporary agency worker is not covered by a collective agreement, his or her salary and terms of employment will be agreed between the temporary agency worker and the agency in the employment contract.

In many cases, temporary agency workers receive a much higher salary than regular employees, and a number of wage earners in the Danish labour market actively choose temporary employment rather than seek regular employment. Wage earners who choose to work for a temporary employment agency often do so based on a wish to be able to organise their work themselves and also to achieve a higher salary. This is quite a common situation within the healthcare sector. Another reason could be a wish to try many different types of work and trades, which is possible when working for a temporary employment agency.

It is the Government's understanding that temporary employment can also be an important instrument for phasing unemployed people into the labour market.

It should be mentioned that the use of temporary agency workers is not as widespread in Denmark as in the rest of Europe. Among other things this is due to the relatively short notice period for permanent employment, which means that employers/enterprises often choose to employ people instead of using temporary agency workers.

All in all, it is the Danish Government's opinion that using a directive to regulate working conditions for temporary agency workers would first and foremost have a negative effect on the flexibility and mobility of the labour market.

**Question 11. How could minimum requirements concerning the organisation of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organisation of working time should be tackled as a matter of priority by the Community?**

If both flexibility and health and safety are to be taken into account, the Danish Government finds that it is crucial that the social partners are included, and to whatever extent possible are able to enter into agreements concerning working time.

The current Directive on the organisation of working time (2003/88/EC) should - not least seen in the light of the judgement by the European Court of Justice in the SIMAP and Jaeger cases concerning on-call duties and taking
time off in a compensatory rest period - be changed so as to make it possible
to maintain the necessary flexibility, not least out of consideration for the
healthcare sector.

All in all, the Danish Government finds that a directive on the organisation
of working time should to whatever extent possible enable organisation of
working-time rules through collective agreements and arrangements. It is
important to keep in mind that within a given area or sector, the social part-
ners have the best prerequisites to balance consideration for the protection of
workers with the conditions specific to the sector in question.

At the same time, including wage-earner organisations contributes to secur-
ing a high level of protection for the health and safety of workers.

The Danish Government especially stresses the question of whether the pro-
visions of the directive should be seen to apply to the individual employee or
to the individual contract. This is a relevant issue that should be dealt with as
soon as possible, and it should be made clear that the Member States may
continue to apply the provisions of the directive to the individual contract or
rather the individual employer.

It will have a negative effect on the flexibility of the European labour mar-
kets if the provisions of the directive are interpreted to apply to the individ-
ual wage earner. In this context it is relevant to mention the registration and
control system that such an interpretation would require.

In addition to this are the negative effects seen after the introduction of such
an interpretation. As an alternative to recording all details concerning work
for other employers, an employer will be able to choose to require that the
wage earner does not have any other employment before actually hiring the
individual. In practice this would lead to drastically reducing the number of
employees with secondary jobs in Europe.

A considerable rise in undeclared and illegal work in Europe is an unavoid-
able consequence, if a more or less de facto ban on secondary jobs becomes
a reality.

To sum up, the Danish Government finds that the Working Time Directive
should be amended as soon as possible so that a solution can be found to the
problems caused by the SIMAP and Jaeger cases concerning on-call duties
and compensatory rest periods.

In addition to this, a directive that can be enforced and that maintains the
employer’s responsibility to comply with the rules in each employment
situation, and which therefore is interpreted as applying to each contract – or
each employer – is, in the Danish Government’s opinion, the only acceptable
and realistic framework for the organisation of working time in Europe.
Question 12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?

It is the Danish Government’s opinion that already today labour law regulation at EU level is relatively detailed. It is up to each Member State to ensure that national legislation secures workers the rights stipulated in EU regulation.

Fundamentally, the Danish Government finds that Member States should continue to be responsible for securing workers their rights, bearing in mind that workers are subject to the regulations in the country where they normally work, and that EU regulations on discrimination apply to these workers. Furthermore, in several areas, the EU has adopted a common definition of ‘worker’, cf. the framework Directive on health and safety, while in other situations such a definition is left to national legislation. To the extent that there are problems securing workers the rights they are entitled to in accordance with EU legislation, the Danish Government finds that the Commission should initiate the measures required to ensure effective implementation of the legal acts in question.

Particularly with regard to frontier workers, the Danish Government notes that the most important problems seem to concern these workers’ social security rather than protection of their rights regarding employment and labour law. In view of this, the Danish Government finds that it should be possible for the relevant Member States to enter into bilateral cooperation that takes account of the specific problems that may arise with regard to social security (and tax-related issues). In connection with this, the Danish Government can mention that it has entered into such agreements with the Swedish Government, and similarly a frontier-worker portal ”Øresund Direkt” has been set up with a view to ensuring access to the required information in this area. Efforts are being made to establish a similar frontier-worker portal between Denmark and Germany.

Correspondingly, the Danish Government and the Polish Government have entered into cooperation with a view to securing the freedom of movement for workers and service providers under the same terms and regulations as apply in the recipient country.
Summing up, the Danish Government finds that frontier-worker issues are best solved regionally through bilateral cooperation between the Member States involved and within the framework of the already existing Community law (e.g. the Directive on posting of workers).

**Question 13. Do you think it is necessary to reinforce administrative cooperation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?**

In the Danish Government’s opinion the question concerning enforcement and sanctions should continue to be a national matter. However, the Danish Government finds that it would be appropriate to reinforce administrative cooperation between the relevant authorities – particularly across borders and in connection with the Directive on posting. It can still be difficult to exchange information on enterprises that post workers from their home country to another Member State.

In addition to this, improving the conditions for the exchange of information between Member States on national regulations is desirable. In Denmark, we are currently working on creating an extensive overview of foreign service providers and posted employees.

Within a Danish context, it is natural for the social partners to play an active role in securing organised salary and employment terms, and these areas are primarily stipulated through collective agreements in Denmark. In addition to this, many EU directives have also been implemented by the social partners through collective agreements and arrangements.

**Question 14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?**

According to the Danish Government, effective cooperation between authorities at national level is an important condition for combating undocumented labour.

In Denmark the tax authorities cooperate with the Directorate of Labour, the Working Environment Authority, the immigration authorities and the police in coordinated operations to identify and prevent illegal and undocumented labour.

In 2004-05, a special initiative in the tax area was launched to combat undocumented labour – the so-called Fairplay Initiative. This initiative is based on extended cooperation between several authorities and regular exchange of information between other authorities.
Duty fraud is also an element in connection with undocumented labour, and the Danish Fairplay Initiative is also very much targeted at duty fraud. Duty fraud is to a high degree based on the selling of goods that are purchased in a neighbouring country where VAT and the duties on the goods in question are much lower than in Denmark. In these cases the Danish Government needs assistance from authorities in other countries so as to establish whether the business in question has been involved in illegal duty evasion.

In the Danish Government’s opinion, the EU should actively contribute to securing the necessary focus on combating undocumented labour in the Member States. Another important role for the EU is to ensure optimal possibilities for cooperation and exchange of information across borders.