



## Joint statement by BusinessEurope and European-level employers' sectoral organisations on subcontracting

2 February 2026

*Employers and business representatives call upon the European Parliament to reject the INI report “2025/2133(INI) Addressing subcontracting chains and the role of intermediaries in order to protect workers’ rights” or at least address its most problematic provisions.*

Subcontracting is a fundamental element of the freedom of contract, a freedom anchored in EU primary law, and this constitutional protection constrains the extent to which secondary legislation may restrict subcontracting practices.

European companies are fully committed in guaranteeing that workers engaged through subcontracting chains have their rights fully respected and benefit from safe and fair working environments.

However, **comprehensive legislation already exists at EU level to protect workers in subcontracting situations**. For example, Article 12 of the 2014 Enforcement Directive on the posting of workers establishes mandatory subcontracting joint liability in the construction sector and allows Member States to introduce even more stringent liability rules at national level. In addition, Article 71 of the Public Procurement Directive contains provisions enabling contracting authorities to monitor and control subcontracting entities throughout the chain.

When problems arise for some workers in subcontracting chains, these are not due to a lack of EU legislation, but rather to **insufficient enforcement of the existing rules by Member States and their authorities**. The focus should therefore be on strengthening the implementation of current regulations and promoting greater transparency through clear contractual obligations.

Beyond this, implementing the measures proposed in the INI report through binding legislation would constitute **a serious attack on the freedom to conduct business** and, especially, on the freedom of establishment and the principle of contractual freedom. Moreover, EU intervention in this area would also undermine well-established national frameworks.

In particular, proposals to limit subcontracting chains to a fixed number of tiers would introduce an unprecedented and blunt restriction: no comparable measure exists in current EU law, and such an approach would disproportionately disadvantage SMEs, ultimately distorting competition within the internal market.

Introducing additional legislative requirements for European employers would be duplicative and impose unnecessary burdens, ultimately undermining Europe's competitiveness and limiting the diversity that subcontracting chains provide across sectors. It would also run counter to the EU's commitment to streamline and simplify legislation in order to support a favourable business environment.

For these reasons, BusinessEurope and the co-signatory **European-level employers' sectoral organisations** call on the Members of the European Parliament to **reject the INI in its entirety** or at least **reject the following paragraphs that are particularly problematic:**

- ⇒ **Paragraphs 3 and 4 on joint and several liability**, in particular the proposed regime for joint and several liability of economic operators and subcontractors.
- ⇒ **Paragraph 11 on limiting subcontracting chains**, in particular the calls on the Commission to propose a framework to limit subcontracting chains.
- ⇒ **Paragraph 20 on exclusion criteria in public procurement directives**, Article 18.2 of Directive 2014/24/EU is sufficient. Social criteria should be designed according to the conditions of each Member State.

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