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**FINAL REPORT BY THE EXPERT**

**Advice case title:**

**Mapping cross-border workers and labour market between FVG & Carinthia**

**Full official name of the advised entity: Regione Autonoma Friuli Venezia Giulia**

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## I Executive Summary

### The context

On the Italian-Austrian border between the Region Friuli Venezia Giulia and the Land Carinthia, many crossborder workers reside on one side and work on the other. A current non-efficient track-keeping of frontier workers has become an obstacle for local governance and labour policy systems. In this area, crossborder registration systems are full of outdated, non-coordinated and/or incorrect data. We thus are in front of monitoring systems that absolutely need to be perfected in order to improve local and regional policy making.

### Description of obstacles

The cross-border registration processes are complicated mainly by the fact that legal rules tend to differ on either side of the border.

The main problem, first of all, is the lack of sufficient provisions on the Italian side to ensure the obligatory and systematic registration of the residence of outgoing commuters. Different 'loopholes' within national rules and regional administrative practices have been detected, such as the lack of specific provisions for the mapping and data exchange on frontier workers' residence.

Furthermore, there is an absence of cross-border coordination between the two countries on this issue, especially when it comes to the exchange of data on registration.

In sum, in order of importance, there are three main sub-obstacles that are connected with our main obstacle:

- The existence of different protocols and administrative approaches and the absence of joint administrative mechanisms;
- The lack of cooperation between competent authorities;
- The lack of knowledge of the already existing facilitative frameworks

### Legal provisions

- On the European level, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68, Official Journal L 158, 30.4.2004, p. 77–123

- Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, Official Journal L 166, 30.4.2004, p. 1–123,

- Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare, Official Journal L 88, 4.4.2011, p. 45–65.

- Gesamte Rechtsvorschrift für Meldegesetz 1991, Kundmachung 07/01/1992, Bundesgesetzblatt 9/1992 Entire legislation for the Registration Act 1991, Federal Law Gazette, No.9/1992 Official publication date: 07/01/1992;

- Änderung des Meldegesetzes 1991, 10/13/2022, BGBl. I Nr. 173/2022. Kundmachung: 31.10.2022 Amendment of the Registration Act 1991, October 13, 2022, Federal Law Gazette I No. 173/2022. Official publication date: 10/31/2022

- Decreto legislativo 4 marzo 2014, n. 38 Attuazione della direttiva 2011/24/UE concernente l'applicazione dei diritti dei pazienti in materia di assistenza sanitaria transfrontaliera, nonché della direttiva 2012/52/UE, recante misure volte ad agevolare il riconoscimento delle prescrizioni mediche rilasciate in un altro Stato membro. Pubblicato su Gazzetta Ufficiale Serie Generale n.67 del 21-03-2014, Entrata in vigore del provvedimento: 04/05/2014, Legislative Decree 4 March 2014, n. 38 Implementation of directive 2011/24/EU concerning the application of patients' rights in cross-border healthcare, as well as of directive 2012/52/EU, containing measures aimed at facilitating the recognition of medical prescriptions issued in another Member State. Published in the Official Gazette General Series n.67 of 21-03-2014; Entry into force of the provision: 04/05/2014

- Ministero del Lavoro e delle Politiche Sociali. Decreto 30 maggio 2001 Approvazione del modello di scheda anagrafica del lavoratore, della codificazione delle professioni e degli inquadramenti dei lavoratori) Pubblicato su Gazzetta Ufficiale Serie Generale n.168 del 21-07-2001 - Suppl. Ordinario n. 196); - Italian Ministry of Labour and Social Policies. Decree of May 30, 2001 Approval of the model of the worker's personal data sheet for the codification of professions and the classifications of workers, Published in the Official Gazette General Series n.168 of 21-07-2001 - Suppl. Ordinary no. 196;

### **Outline of possible solutions**

Starting from our obstacles' analysis, the following recommendations are presented here, with the ultimate goal of coordinating measures on both sides of the border:

- in order to address the lack of knowledge and to raise awareness among key stakeholder, we propose to organise - in the short term and directly on the border between Fvg and Carinthia - a series of technical-operational workshops, which initial sessions should be dedicated to the presentation of best practices that have already implemented reliable frontier-workers tracking systems;
- as concerns the lack of cooperation between competent institutions, we suggest to create by using INTERREG 2021-2027 funds, a new Joint coordination structure for the observation of the labour market and the management of key problem of frontier workers. The newly renovated Customs Museum (Museo della Dogana) could serve as an ideal location, as it is located directly on the frontier;
- finally, if we refer to the absence of joint administrative mechanisms, we recommend to create a cross-border working group to design common action plans, protocols or MoU in order to facilitate bilateral data exchange especially on EU S1/U1 forms between regional offices of the Region Friuli Venezia Giulia and the Land Carinthia.

### **What's next**

Building upon the initial findings of this work, the advised entity Regione Friuli Venezia Giulia, with the support of CSIR FVG CARINTHIA, will organise several meetings with the EGTC Euregio Senza Confini/Ohne Grenzen in order to plan short & medium term deadlines for the planned workshops and the crossborder working group meetings.

## II) Description of the obstacle with indication of the legal/administrative provisions causing the obstacle

### *Understanding the obstacle: analysis of the general context.*

The cross-border system involved in our analysis starts at NUTS II level for what concerns the Region Friuli Venezia Giulia (FVG) and the Land of Carinthia. It continues, on the Italian territory, with a deeper focus at NUTS III level for the sub-areas of the old Province of Udine (IT H42) corresponding to the mountain communities of Valcanale Canal Del Ferro, Gemonese and Carnia. On the Austrian side of our area, mainly the district areas AT 211 Villach/Klagenfurt and AT 212 Oberkaernten are studied at NUTS III level. It is a cross-border space where well-established labour force exchanges take place. The majority of these exchanges happen within the more developed economic areas of the districts of Villach and Klagenfurt.

Map 1 the crossborder area between Friuli Venezia Giulia and Carinthia, NUTS II and NUTS III subareas relevant for the European programming period 2021-2027 (circled in red: the cross-border mountain area of main origin of the identified commuters)



Currently, making an initial estimate of cross-border commuter flow on this territory is still very difficult. There are many unknowns related to the processing of data held by cross-border competent bodies.

For commuters leaving FVG, in the first instance, we can start by using the dbnet/AMIS platform of the Austrian Federal Ministry of Labour and Economy. This database collects data on employees for each Austrian Land and records their place of work, the employment chain in line with Eurostat's NACE2 classification system, but above all it captures information on nationality and places of residence (Wohnort) abroad. Through a targeted nationality/residence match we can make an initial estimate of the Italians residing in FVG who work in Carinthia.

These official Ministry data provided by Austrian companies through the ELDA platform will be seen in detail later. In summary, dbnet/AMIS provides us with some preliminary information on Italian citizens who work in Carinthia and whose residence is outside Austria and who, for reasons of proximity, we assume, are residents in the nearby Italian Region Friuli Venezia Giulia.

The number of commuters leaving Italy with an employment contract may be overestimated: at the moment, the database for the year 2021 indicates more than 230 "potential" frontier workers. As mentioned before, these data must still be treated with great caution at this stage, especially if we take into account the fact that on the Italian side, it

seems that only 30/50% of Italian workers employed in Carinthia effectively present in Italy the S1 form (i.e. the official EU document certifying the right to health care for a worker who does not reside in the country in which he is insured) Therefore, in the first hypothesis we could have a range of uncertainty that oscillates between 50 commuters estimated "by eye" in FVG through S1 documentation to the approximately 230 identified by the dbnet/AMIS platform for Carinthia. We therefore have a grey area that lies somewhere between these two extremes. Starting from this simple final consideration, we understand why we are faced with a significant obstacle for the study of our cross-border labour market. We have a commuter track-keeping system that absolutely needs to be perfected in order to improve above all our policy making.

### ***An unreliable system to monitor commuters: How does it hamper cross-border cooperation?***

In order to create a "vibrant" labour market between FVG and Carinthia, the main obstacle is that currently there is no reliable track-keeping system to monitor frontier workers. The collection of reliable data on cross-border labour force mobility is a preliminary step to identify obstacles, bottlenecks and dysfunctions and, consequently, to implement policies, measures and solutions to overcome them.

„Reliable“ in our context means, that the database must at least provide verifiable data on commuting that offers up-to-date information on at least six points:

- a) monthly updated aggregate number of crossborder incoming and outgoing commuters;*
- b) Municipalities of residence and Municipalities of the workplace of commuters;*
- c) number of commuters divided by gender;*
- d) number of commuters divided by age group;*
- e) Nace2 economic sectors of commuters' labour activity;*
- f) type of employment contract signed by commuters.*

The first four points (a,b,c,d) could be extrapolated in part (although not only) from the databases created by those entities that are responsible for the coordination of social security services (for FVG the regional SIASI platform and for Carinthia the ELDA platform) which are sourced, in the Italian Side, from the compilation of the EU's S1 forms<sup>1</sup>.

The last two points (e,f), instead, are normally collected by those entities that follow the labour contracting declarations on the UNILAV portals in Italy and on the ELDA platform in Austria. This information is then processed by the Ministries of Labour and by national and sub-national statistical offices.

Right now, the absence of this information is preventing us from giving real-time, concrete and targeted responses to the needs of many CB workers, especially on crucial issues related to their working life as well.

These 6 points have been inspired by the cross-border workflows mapping system already in use on another side of the Italian-Austrian border. The system was created by the Labour market observation office (*Ufficio Osservazione mercato del lavoro*) of the Italian Province of Bolzano with the cooperation of institutions from the Land Tyrol in Austria. A strong tradition of cooperation and a mutual exchange of knowledge has led to the creation of this cross-border commuter tracking system. It took years for the system to be operational due to administrative obstacles and legal bureaucracy. Finally there is a reliable database that supports policy makers.

The availability of this type of database for the FVG and Carinthia border zone area is a very important milestone for two main reasons:

1) it demonstrates, that a commuter tracking system could be implemented and would provide benefits across the Italian-Austrian border;

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<sup>1</sup> It should also be noted that since 2019 these data could also be partially merged into the EESSI-RINA platform created by the EU and managed directly by the Ministries of Health.

2) it highlights the fact, that at the local level relationships of soft power, cooperation and trust between administrators, politicians and citizens can often help to overcome legal bottlenecks and administrative barriers that for other parts of Europe may seem insurmountable.

Therefore, beyond the standard margins of error in data collection that may also be present in the system created by the Province of Bolzano the fact that a part of the Italian-Austrian border has succeeded in this attempt bodes well for FVG too.

### ***The nature and the areas of law that the obstacle touches on.***

For what concerns legal aspects, it is useful to produce some reflections by adopting a multilevel governance approach, starting especially from regulatory gaps/dysfunctions that we can preliminarily frame at the European level, to then address the national and subnational ones. Regarding European legislation on the collection of data on cross-border commuters at EU level, we have to consider three essential EU policy areas.

For the collection of data related to social security and health rights, the sectoral responsibility at European Commission level is:

1) As regards the protection of the social rights of cross-border workers, of the Directorate-General for Employment, Social Affairs and Inclusion Directorate E - Labour Mobility, UNIT E/2 - Social security coordination<sup>2</sup>;

2) As regards the health mobility of cross-border workers, most of the sector legislation is under the responsibility of the Directorate-General for Health and Food; specifically the Unit SANTE A4 International multilateral relations and the unit SANTE A5 bilateral and international relations<sup>3</sup>;

3) For data on labour mobility, NACE sectors, types of contracts, unemployment of crossborder commuters, we have to refer to DG ESTAT – EUROSTAT specifically to Unit ESTAT F2 Population and Migration and to Unit ESTAT F.3 Labour Market. In particular we refer here to their Labour Force Survey (LFS) programme<sup>4</sup>

The policy areas that will then consequently be involved at national and regional level in Austria and Italy will be the following:

1) for employment and social rights protection policies we will have to interact with Ministries and regional Departments responsible for labour and employment policies, obviously also with the involvement of their statistical offices and national/regional labour market observatories.

2) for health and social security policies we will have to consider Ministries and regional Departments responsible for health and social security coordination policies, obviously also with the involvement of their statistical offices and national/regional observatories of the health & welfare sector.

### ***Is it a legal obstacle that originates in part in conflicting/missing laws?***

At the European level, apart perhaps a limited regulatory intervention that could guarantee to Eurostat a more reliable data transmission by the Austrian and Italian national statistical offices at NUTS II and NUTS III level, I do not think urgent action is necessary.

Legal sub-obstacles should therefore be identified mainly at national or sub-national level. If we look, for example, at the digital network for the exchange of social security information in Europe, EESSI-RINA, there are a series of implementation guidelines which, in my opinion, require improvement. At the moment, in my opinion, an intervention at the European

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<sup>2</sup> [https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/employment-social-affairs-and-inclusion\\_en](https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/employment-social-affairs-and-inclusion_en)

<sup>3</sup> [https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/health-and-food-safety\\_en](https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/health-and-food-safety_en); Eurostat, *EU Labour Force Survey Database*, User Guide, Version: February 2023 Luxembourg.

<sup>4</sup> <https://ec.europa.eu/eurostat/web/microdata/european-union-labour-force-survey>  
<https://ec.europa.eu/eurostat/cache/digpub/eumove/bloc-2c.html?lang=en>

level is not needed, but rather at the national level (at the various NCPs of Ministries of Health) and at regional administrations level, especially for what concerns the exchange of data between competent offices on the two sides of the border.

In this case, cross-border barriers and bottlenecks are essentially linked to lack of knowledge and cooperation. The only relevant national legal obstacle that we have noticed exists uniquely in Italy and concerns the Legislative Decree no. 181/2000, as amended by art. 1, paragraph 1184 of Law 296/2007. It provides that public and private employers carry out the mandatory communications for the establishment, extension, transformation and termination of employment relationships, using the Italian UNILAV platform. Unfortunately, the Italian UNILAV system does not allow the registration of the municipality of foreign residence of commuters entering Italy. This prevents optimal management of the entire computerized sharing circuit, simultaneously at national, subnational and European levels. However its resolution must come at the national level, as it requires first and foremost dialogue between various national Ministries and national stakeholders. In part III the solution proposal n.4 will deal directly with this issue.

***An obstacle caused mainly by administrative factors, by lack of cooperation and by lack of knowledge***

The obstacle is largely caused by a mix of factors including, administrative issues, poor binational cooperation and lack of mutual knowledge of existing practices already employed across other areas of the Italian-Austrian border and in other European cross-border contexts.

First of all, at administrative level we find divergent protocols and bureaucratic approaches that are used on both sides of the border to handle the same process of commuters' data registration. To support the exchange of key information (related to the labour market and to social security indicators) on cross-border workers, there is currently no strong and continuous presence of administrative coordination between actors and bodies operating on both sides of the border. Weak administrative coordination in our context is closely linked to the absence of joint administrative mechanisms. Exchange occurs only occasionally.

Moreover there are two different systems for recording key data for cross-border commuters. On the Austrian/Carinthian side, the ELDA system permits the registration of a commuter's foreign domicile. Furthermore, ELDA appears highly interoperable with the databases of other various Austrian entities responsible for employment and social security policies (AMS, OGK, AK, EESSI, Ministries).

This is not the case for the Italian UNILAV system used in FVG. UNILAV doesn't permit the registration of the municipality of foreign residence of commuters entering Italy. And while UNILAV strives for interoperability between entities such as ANPAL; INPS; INAIL, Ministries of Labour and regional labour departments, it in fact, has no access to those Italian public entities that are responsible for the release of the EU S1 form, where we can find the foreign residence of commuters. In the latter case we notice also the involvement in the Region FVG of the regional health office which until recently used its own regional data registration system.

Thus on the Northern side of our crossborder area, we find a relatively effective, streamlined registration process, with a pervasive coordination between Ministries, other relevant institutional stakeholders (i.e. AMS, OGK, AK) and the Elda platform. This efficient management has also led to the preparation of the dnet/AMIS platform by the Austrian Federal Ministry of Labour, which in fact offers very useful aggregate information for our purposes.

Things unfortunately do not flow so linearly on the Italian side. Cross-border mobility monitoring represents a significant challenge.

As a result there is a weak crossborder convergence because different labour tracking systems and social security insurance systems converge on our common border area. The absence of a stable joint-coordination and cooperation mechanisms between Carinthia and



FVG means that policy makers, civil servants and final users do not receive adequate support.

Regarding the lack of knowledge of existing frameworks, unfortunately these and other successful strategies and practices have not received much consideration by local key actors. This is even more regrettable given the fact that cooperation and the adoption of good practices have been proven both feasible and functional along the same Austrian-Italian border between Tyrol and the province of Bolzano. Since 2008, in this area, administrative collaboration, coordination/cooperation initiatives and know-how transfer practices have led to the creation of a reliable cross-border tracking system. The innovative system serves as a bridge for municipalities and competent bodies on both sides of the border. A strong Tyrolean identity that is felt at transnational and Euro-regional level may have contributed to the program's success.

Although there are regulatory gaps and loopholes both at the European and national legislation levels, joint local administrative mechanisms between North and South Tyrol have shown that an efficient tracking system can be implemented. It is fair to base our expectations and our planning on this model given its success.

### ***Assessing the obstacle more in detail from a legal and administrative point of view: the UNILAV legal provisions in Italy***

So far, our multilevel approach has highlighted a wide range of factors that are at the origin of our key obstacle: the absence of an efficient tracking system of crossborder workers on the border between Carinthia and FVG.

Introduced by the law 296/2007, paragraph 1184, the UNILAV regulation requires public and private employers to carry out the mandatory communications for the establishment, extension, transformation and termination of job contracts.

Therefore, with the UNILAV mandatory communication system, the need to proceed with transmissions regarding the establishment of contracts and its variations to all the public bodies that have a vested interest (INPS, INAIL, Labour Inspectorate) has ceased.

As already highlighted above, the UNILAV system's most relevant obstacle that has emerged is that it does not permit the registration of commuters' foreign city of residence for commuters entering Italy. This prevents optimal management of the entire computerized sharing circuit, at the same time at a national, subnational and European levels. A review and revision of the UNILAV system is necessary, if not at the regulatory level, at least specifically in the ministerial/interministerial decrees and communications governing the insertion of the foreign domicile/residence of commuters.

The following implementing acts are particularly relevant:

- Decree of May 30, 2001 of the Italian Ministry of Labour and Social Policies. Approval of the model of the worker's personal data sheet, of the codification of the professions and of the classifications of the workers. Methods of processing the personal data list. In attachment A we find a personal data sheet which only permits the insertion of residence and/or domicile in Italy;

- Communication from the Ministry of Labour and Social Policies entitled "Mandatory communications Models and rules, April 2022 v.1.0. At p.12 we find the following indications:

" The domicile of the worker must be in the national territory. In cases of domicile abroad, the location where the working activity takes place must be indicated".

In this case, we suggest inserting an additional tick box dedicated to cross-border commuters with the possibility of indicating their domicile/residence in the foreign country.

However, this is a very complex issue linked to the interoperability of IT systems of various entities that are involved in data processing. This issue must be solved primarily at a national level.

In this case, the Italian legislative decree n. 150/2015, which also deals with the interoperability of IT services provides in fact in art. 14, paragraph 4 the following statement: "In order to guarantee the systematic interconnection of the databases held by the Ministry of Labour and Social Policies, ANPAL, INPS, INAIL and ISFOL on the subject of work and full

reciprocal accessibility of the databases, a committee is set up at the Ministry of Labour and Social Policies, made up as follows:

- a) the Minister of Labour and Social Policies or his delegate, who presides over it;
- b) the Director General of ANPAL or a delegate of his;
- c) the Director General of INPS or a delegate of hers;
- d) the Director General of INAIL or a delegate of his;
- e) the President of ISFOL;
- f) a representative of AgID;
- g) three representatives of the autonomous regions and provinces designated by the Conference of autonomous regions and provinces.

Waiting in the meanwhile for the optimal creation of a single information system, "ANPAL creates - in cooperation with the Ministry of Labour and Social Policies, the Ministry of Education, University and Research, the Regions, the Autonomous Provinces of Trento and Bolzano, the INPS and the INAPP, enhancing and reusing the computerized components created by the aforementioned administrations, the involvement of various entities."

Reforms at the national level require great deal of mediation and diplomacy given the numerous public stakeholders involved.

### ***Further analysis of sub-national administrative practices that hamper the creation of a vibrant crossborder labour market***

At subnational level, as previously mentioned, we have identified 3 factors that are responsible for the consolidation of our primary obstacle:

In order of importance:

- The existence of different protocols and administrative approaches;
- The absence of joint administrative mechanisms;
- The lack of knowledge of the already facilitative existing frameworks

Let's start with the divergent administrative approaches that we find in Italy and Austria. To highlight the procedural difficulties, it is useful to consider the regulatory steps a commuter on either side of the border must fulfil in order to satisfy employment and other bureaucratic requirements. A commuter leaving Italy who works in Carinthia, must first register as a commuter with a domicile/Wohnort abroad on the ELDA platform by his Austrian employer<sup>5</sup>. Then, the commuter must go, in person to the Polizeiamt to obtain his European ecard online<sup>6</sup> (a personal photo will be taken). Next, in compliance with the regulations n. 1408/71 and n.883/2004, a commuter is required to meet in person with the Österreichische Gesundheitskasse (ÖGK)<sup>7</sup> --for the S1 form. Finally, the completed form must be delivered, by hand, to the closest local regional health office in Italy.

On the other side, for an outgoing commuter from Austria who must register his employment contract in Italy, the data registration process passes primarily through the UNILAV<sup>8</sup> system. The file is passed to the local health office for release of the commuter's EU S1<sup>9</sup> form. That form is later registered on one of FVG's internal platforms. The issued S1 form - in compliance with Regulations n. 1408/71, no. 574/72, no. 987/09 and no. 988/09 - must then be delivered to the competent authority closest to the commuter's Austrian residence.

In FVG, the platform where the S1 form information is stored and available is incompatible with the UNILAV system and therefore, valuable data including age groups, types of job contract, Nace 2 sectoral codes is not accessible.

<sup>5</sup> <https://www.elda.at/cdscontent/?contentid=10007.838847&portal=oegkeldaportal>

<sup>6</sup> <https://www.chipkarte.at/cdscontent/?contentid=10007.678532&portal=ecardportal>

<sup>7</sup> <https://www.gesundheitskasse.at/cdscontent/?contentid=10007.821183&portal=oegkdgportal>

<sup>8</sup> <https://www.co.lavoro.gov.it/co/welcome.aspx>

<sup>9</sup> [https://asufc.sanita.fvg.it/export/sites/asufc/it/documenti/distretti/documenti\\_distretti\\_exaas3/13\\_Domanda\\_autocertificazione\\_missione\\_S1\\_E106.pdf](https://asufc.sanita.fvg.it/export/sites/asufc/it/documenti/distretti/documenti_distretti_exaas3/13_Domanda_autocertificazione_missione_S1_E106.pdf)

What's more, a great number of Italian commuters - for reasons to be clarified - do not independently deliver the EU's S1 form to the competent body in Italy. Therefore, the numbers collected on the ELDA platform in Austria do not find an official confirmation in the numbers entered in the regional platform in Italy. The range of uncertainty related to the real number of outgoing Italian commuters in Carinthia, as already written at the beginning, is quite vast.

This phenomenon is not witnessed in Austria where outgoing commuters deliver the EU S1 forms to the competent body within the required time frame.

So let's summarize the whole question in 4 points:

1) In Austria/Carinthia we have a centralized and integrated ELDA system which allows aggregate data matching for Italian commuters entering Austria/Carinthia. At a general level it allows access to some salient data from other databases, however, confirmation of the actual delivery of the EU's S1 form to the competent health authority offices in FVG/Italy remains untraceable;

2) In Italy/FVG we have two online registration systems – UNILAV and SIASI. These systems do not permit an optimal matching of different databases for the construction of a reliable cross-border tracking system: the UNILAV system managed by the Ministry of Labour and ANPAL - which contains key economic indicators on crossborder workers – is not connected - with the SIASI system of the FVG Region. Furthermore UNILAV seems not connected with the EESSI/RINA platform created by the EU and managed by the Ministry of Health and its various Contact Points;

3) No structured joint data exchange mechanisms have been set up between the two regions and their competent bodies. For the moment we do not even notice systematic attempts to at least improve communication and share problems at the cross-border level for what concerns the construction of a more reliable tracking system;

4) The well-established monitoring practices implemented especially by the labour market office of the province of Bolzano, have not yet been considered for the moment as valid solutions by any of the key stakeholders that manage unemployment practices through the EU's U1 form.

***The main cause of the obstacle: is it due to a lack of regulation or incompatibility of laws?***

As already specified, the general legal framework at the European and national level (made by regulations, directives and recommendations) is very dense, rich and articulated. (cf. infra point IV). Furthermore, we do not even notice a strong regulatory incompatibility between the two states in this area: both have mandated their registration systems largely in support of EU regulations, directives and national implementation laws.

In our opinion, the main cause of the obstacle must therefore be found in the administrative practices and in the weak political will of some key political actors. According to estimated data, the number of commuters on the border between Friuli Venezia Giulia and Carinthia - which fluctuates between a minimum of 50 and a maximum of approximately 230, does not command the urgency of other cross border issues. However, the situation changes if we expand the border zone and consider the number of commuters who move throughout our Alpine-Adriatic area.

If we look at the flows of cross-border commuters moving through our Alpine/Adriatic border areas, our perspective changes radically. For example, let's analyse only the official or estimated numbers (presented by the Italian Trade Unions CGIL, CISL and UIL in 2020) of commuters who move through the Italian border.

Table 1: main EU Member States "users" of Italian frontier labour, in descending order data CGIL CISL UIL 2020<sup>10</sup>

	<b>Outgoing Commuters from Italy to...</b>	<b>Incoming Commuters in Italy from...</b>	<b>Data source</b>
<b>Switzerland</b>	76000	1500	Official Statistical data
<b>San Marino</b>	6319		Official Statistical data
<b>Monaco</b>	4062		Official Statistical data
<b>Austria</b>	1000		Estimates made by TU
<b>Malta</b>	2000		Estimates made by TU
<b>France</b>	1500		Estimates made by TU
<b>Slovenia</b>	500	4800	Estimates made by TU
<b>Croatia</b>		7200	Estimates made by TU
<b>Vatican</b>	800		Estimates made by TU
<b>TOTAL NUMBERS</b>	92.181	13.500	105.681

The table demonstrates the importance of commuter flows arriving from Slovenia and Croatia for FVG. If we solve some key problems for tracking Italian and Austrian commuters, some of these solutions could probably be also applied to the tracking of Slovenians and Croatians frontier workers.

### ***The explicit indication of the competent authorities***

Therefore, broadening the question to the entire Alpine-Adriatic area, there are 4 sectors where, in my opinion, action could be taken:

1) What stands out above all is the absence of a national UNILAV system capable of collecting data on the place of residence of commuters entering Italy. If the estimates of Trade Unions and CSIR's are correct, we are talking about 13,550 commuters who are not well tracked. Given these numbers, the Ministry of Labour and Social Policies together with ANPAL, INPS, ISFOL and INAIL, Regions and Autonomous Provinces cannot continue to remain indifferent to this question: in this case it would seem useful to reconsider again i.e. the law proposal of 2018 for the adoption of the frontier worker statute which also provided for the creation of a "frontier work observatory";

2) An apparently very efficient system in terms of track-keeping such as ELDA (in some ways comparable to the Swiss one) could also be used, at this stage, for data analysis in Italy. But if its data do not find confirmation on the places of residence of Italian commuters on the other side of the border, the dbnet/Amis database (which is based on Elda) remains a crippled tool. As reiterated several times here, perhaps a possible step forward could be taken if we arrive as soon as possible to an optimized management of the S1 forms, possibly on the European EESSI-RINA platform. In this case, one could even hypothesize the construction of a database on cross-border commuters coordinated by the Ministries of Labour/ANPAL and the Ministry of Health with its National Contact Points. Having municipal residence data through the channels of the Ministry of Health (using the data taken from the S1 modules) is not only relevant for health policies but also for labour and social policies. Therefore, in this case, an integration promoted by the Ministry of Labour (who could open the UNILAV registration process to the foreign residence of cross-border commuters) and a contemporary initiation of an inter-ministerial dialogue with the Ministry of Health (who is

<sup>10</sup> CGIL, CISL,UIL Statuto dei lavoratori frontalieri, Relazione di accompagnamento all'audizione delle commissioni, congiunte IX (Trasporti) e XI (Lavoro) del 27/10/20, p.23

responsible for the computerized management of residential data gathered by the S1 forms) could perhaps help in some way to unblock the obstacle;

3) At the level of joint management mechanisms, if we want to remedy to the lack of cross-border cooperation, a key role in my opinion should be played by the EGTC Euregio Senza Confini and/or by the CSIR FVG Carinthia in mobilizing key Regional actors (Department of Labour, Department of Health, Asufc and other EU-regional actors) to encourage local exchange practices on key data on commuters. In this case, it could be useful to launch a crossborder service conference where, for example, the managers responsible for the S1 form release of OGK Carinthia and of ASUFC - Office of international mobility could meet in order to elaborate a common protocol, a MoUI or a common action plan for a coordinated exchange of relevant data gathered through the S1 form;

4) Considering that the lack of knowledge could be filled through a comparison with the experiences of various regional labour market observatories, we believe that the organization of technical-operational workshops with experts of the office of the market labour observatory of the province of Bolzano, EURADRIA and the EURES network could launch new projects also on European programs: i.e. the Interreg Italy Austria.

### III) Description of possible solutions

#### ***Understanding possible solutions***

Based on the information gathered above, it is now possible to assess which solutions would be the most helpful given our specific context. The 4 areas of intervention that we have identified at the end of part II of this report, offer us various solutions. Obviously the implementation activities required to achieve short-term outputs and medium-term outcomes vary according to the degree of presumed difficulty for each level of governance involved.

In presenting our final proposals, therefore, we begin with those that seem more likely to be implemented in the short and medium term. These recommendations are targeted to the territory of our local cross-border area (between FVG and Carinthia) and could then, gradually, be applied to address the greater complexity that arises at the regional and national level between FVG Region and Carinthia. Finally, designing solutions that are a result of ratified policies, negotiated and subscribed by lawmakers at the highest level (Regions, National Ministries and other key European, national and regional stakeholders) will be presented at the end of part III.

In sequence, I will present possible solutions in the form of work packages designed on a schedule that begins upon the official approval of this report and lasts for a maximum of two years, i.e. approximately May 2025.

#### ***Solution Workpackage proposal 1: Awareness raising actions on best practices***

A first and fundamental work package should address ***the lack of knowledge*** that we have highlighted above. Its specific objective is to introduce a series of actions that raise awareness in the short term. For example, a series of technical-operational workshops, could be organised, directly on the border between FVG Carinthia. The initial sessions should be dedicated to presentations on the experiences of other border areas that have already implemented reliable cross-border commute tracking systems. In this case, perhaps under the aegis of the EGTC Euregio Senza Confini; Regione FVG Dipartimento Formazione, lavoro and/or the CSIR FVG Carinthia, as possible participants could be invited the representatives from the three regional labour market observatories of Veneto, FVG and Carinthia in order to discuss with the experts of the labour market observatory of the province of Bolzano how they set up their cross-border track-keeping system. Invitations could also be extended to the experts who piloted the EURADRIA project as well as to the experts of the Provinces of Sondrio, Varese and Como: these 3 institutions have been at work trying to build cross-border provincial labour market observatories with Switzerland since 2018.

In addition to the public and government agency representatives, invitations to these awareness raising events could include experts from the EURES network, the trade union delegates from OEGB CGIL CISL UIL, the labour services (AMS for Austria and CPI for Italy) and the delegates of regional health Offices from the regional Aziende Sanitarie of FVG and OGK Carinthia.

The following questions will have to be addressed as key topics:

- Do comparable solutions already exist in other cross-border areas that could help us?
- Can those solutions be applied directly in our crossborder context between FVG and Carinthia?
- Are there other interesting practices that can be learned from?

As highlighted several times, these workshops should start with the work done by the labour market observatory office of the Province of Bolzano which provides also data from the dbnet/Amis Platform (based on the Austrian ELDA system). As a final mid-term output,

these technical-operational workshops could provide a feasibility study on possible actions to undertake on both sides of the border.

### ***Solution Workpackage proposal 2: Creation of a crossborder coordination structure/office.***

A second, fundamental work package to address ***the lack of cooperation*** that we have mentioned, should facilitate the creation of a specific Joint coordination structure for the observation of the labour market and the management of key problems of our commuters. Coccau's Customs Museum (Museo della Dogana) could serve as the ideal location, as a recently renovated building collocated directly on the frontier as it is a symbolic place for our cross-border space.

For technical and operational purposes, what matters most now is the non-optimal management of S1 forms on both sides of the border. This sub-obstacle is a logical starting point and a just cause to put all key regional representatives around a table for discussion and debate. Regional actors from FVG and Carinthia will in this way be able to clarify at least some existing daily bottlenecks associated with current administrative practices.

Furthermore, as already highlighted in our CSIR research on 2022 cross-border movements, there is no crossborder office or infopoint that gives concrete answers to the needs and concerns expressed by the cross-border commuters. Questions include, the management of fiscal documents, the coordination of cross-border smartworking at home, the translation of key documents for retirement, access to support for cross-border social services, and the need to simplify complex/unclear bureaucratic procedures, etc .

Starting with a micro-sector policy joint mechanism and then broadening its working approach to the entire complexity of cross border relationships seems to me a useful and constructive approach, above all for consolidating relationships of trust through a subsequent creation of a common physical cross-border structure.

From here one could then understand even better in the medium term how to take advantage of the Interreg Italy Austria programme, especially from its sub-program CLLD Heuopen. A key initial coordinator could again be the EGTC Euregio Senza Confini. Its key role is confirmed i.e. by the INTERREG Heuopen strategy 2021-2017. In this document (cf.p.32) the EGTC Euregio Senza Confini is seen as an essential tool for the integration of the three regions of Carinthia, Friuli Venezia Giulia and Veneto. Through its active role and its bi- and trilateral cooperation and cooperation networks, the EGTC could contribute to a concrete cross-border integration at national and regional levels which can solve problems of local cross-border governance. As specified in this document: The EGTC "Euregio Senza Confini" also represents a link with the EGTC "Europaregion Tirol-SüdtirolTrentino". This also strengthens the flow of information and communication between the HEurOpen area and the partner region "Dolomiti Live" within the Alpine cross-border space.

This also facilitates concertation relating to strategic issues on several levels, including on what concerns the construction of an observatory on the labour market throughout the Italian-Austrian border. With the presentation of a specific Interreg CLLD project, in this case, funds could be procured to finance the cross-border office/structure that oversees the key issues mentioned above.

### ***Solution Workpackage Proposal 3: introducing new joint administrative procedures for the formulation of local protocols, MoU or conventions***

A third, fundamental work package addresses the ***lack of joint administrative mechanisms*** currently in place and the stipulation of protocols and/or action plans between competent offices. It would lay the foundation for a joint administrative mechanism at least for the exchange of S1 forms both to be delivered directly and/or to be managed through online platforms.

Six months could be a realistic goal for the creation and adoption of a protocol, a MoU or action plan between competent bodies for the implementation of key standards and sector regulations to finally provide reliable data on which to start future programming and planning. This is crucial to create a reliable tracking system.

A key role in this should be played by our regional Healthcare local offices and their Austrian OGK counterparts.

In FVG the yearly guidelines for the management of the regional Health System of 2022 in fact provide for the following (p.119) invitation:

“The healthcare local offices as competent institution are invited to perform the function of arrival and departure node for the individual requests conveyed by the EESSI network. The offices dedicated to international mobility, in consideration of the complex legislation in the sector, **interact both at national and European level** through information flows from and to institutions and citizens both for the management of Community regulations and of Directive 2011/24/EU concerning the cross-border healthcare.”

The formal stipulation of action plans, protocols and actual conventions between the most important actors involved, means the concrete application of the following three most common regulatory provisions :

Regulation 883/2004, Art 76, par 4:

“4. *The institutions and persons covered by this Regulation shall have a duty of mutual information and cooperation* to ensure the correct implementation of this Regulation. The institutions, in accordance with the principle of good administration, shall respond to all queries within a reasonable period of time and shall in this connection provide the persons concerned with any information required for exercising the rights conferred on them by this Regulation. The persons concerned must inform the institutions of the competent Member State and of the Member State of residence as soon as possible of any change in their personal or family situation which affects their right to benefits under this Regulation.”

Directive 24/2011, Considerando 50

“Member States should facilitate cooperation between healthcare providers, purchasers and regulators of different Member States at national, regional or local level in order to ensure safe, high-quality and efficient cross-border healthcare. This could be of particular importance in border regions, where cross-border provision of services may be the most efficient way of organising health services for the local population, but where achieving such cross-border provision on a sustained basis requires cooperation between the health systems of different Member States. **Such cooperation may concern joint planning, mutual recognition or adaptation of procedures or standards, interoperability of respective national information and communication technology (hereinafter ‘ICT’) systems, practical mechanisms to ensure continuity of care or practical facilitating of cross-border provision of healthcare by health professionals on a temporary or occasional basis.**

Article 14 eHealth

1. The Union shall support and facilitate cooperation and the exchange of information among Member States working within a voluntary network connecting national authorities responsible for eHealth designated by the Member States.

2. The objectives of the eHealth network shall be to:...

**(c) support Member States in developing common identification and authentication measures to facilitate transferability of data in cross-border healthcare.**

Finally, in article 11 of Legislative Decree 238 2014 which transposes directive 24/2011 into Italian law, we find written

Art. 11 Mutual assistance and cooperation

1. Italy undertakes to provide mutual assistance to the Member States of the European Union including cooperation on quality and safety standards and guidelines and the



exchange of information, especially through the National Contact Point pursuant to the article 7 of this decree, as well as with regard to the provisions on supervision and mutual assistance to clarify the content of invoices.

## **2. Italy undertakes to facilitate cooperation in cross-border healthcare delivery at the regional and local levels as well as through the use of information and communication technologies (ICT) and other forms of cross-border cooperation**

### **Solution Workpackage Proposal 4 Adding exception to national law or administrative decrees in one member state**

This final solution proposal should lead in some way to the introduction **of an exception for cross-border commuters within the Italian UNILAV compulsory registration system.**

As already highlighted above, the most relevant legal obstacle that we have isolated in the UNILAV system is that it does not permit the registration of the municipality of foreign residence of commuters entering Italy. This prevents optimal management of the entire computerized sharing circuit, at national, subnational and European levels. In our opinion, a legislative and/or administrative correction could be indicated at least in the ministerial/interministerial decrees and/or communications that regulate the insertion of the foreign domicile of commuter workers on the UNILAV system.

This problem arises for approximately 13,500 commuters that are working in Italy. Lat but not least, the trade unions in their comments to their proposed law "Statute for frontier workers" sent to the Labour and Transport Commissions of the Italian Parliament in 2020 had already foreseen the creation of a national Labour Market Observatory that could have a crucial role in monitoring data on cross-border commuters. Article 3 of the proposal states:

"An observatory has been set up at the Ministry of Labour and Social Policies with the task of monitoring cross-border workers aimed at guaranteeing better dissemination of information on working and employment conditions and on social protection and at identifying and removing obstacles to the mobility of cross-border workers who reside in Italy or who work in Italy. The Ministry of Labour and ANPAL ensure that the observatory, through a special agreement, has access to data related, among other things, to the number and classification of frontier workers residing in Italy and employed abroad and of frontier workers residing abroad and employed in Italy."

As we know, the Ministry of Labour and ANPAL are primarily responsible for managing the UNILAV system. At this point we propose to all CSIR old signatories to meet again at least to formulate a new proposal to integrate the "Decree of 30 May 2001 of the Ministry of Labour and Social Policies: Approval of the model of the worker's personal data, of the professions and classifications of workers".

The specific objective should be to create in the UNILAV system a separate database for commuters. In this case, we suggest finding the best way to insert an additional tick box in the personal data sheet, dedicated only to cross-border commuters, with the possibility of indicating their residence/domicile in the foreign country.

This proposal could also be supported in the state-regional interinstitutional conferences directly by those representatives of the subnational and regional bodies most interested in optimizing the work of their border labour market observatory: primarily of the Lombardy provinces bordering Switzerland, the Province of Bolzano and to the FVG Region and the Liguria Region.

In any case, this is a very complex issue, which must probably be resolved at the level of interoperability of the IT systems between various bodies. The legislative decree n. 150/2015 in fact provides at art. 14, par. 4: "In order to guarantee the systematic interconnection of the databases held by the Ministry of Labour and Social Policies, ANPAL, INPS, INAIL and ISFOL on the subject of work and the full reciprocal accessibility of themselves, a committee is set up at the Ministry of Labour and Social Policies, made up as follows:

- a) the Minister of Labour and Social Policies or his delegate, who presides over it;

- b) the Director General of ANPAL or a delegate of his;
- c) the Director General of INPS or a delegate of hers;
- d) the Director General of INAIL or a delegate of his;
- e) the President of ISFOL;
- f) a representative of AgID;
- g) three representatives of the autonomous regions and provinces designated by the Conference of autonomous regions and provinces.

Any reform at this national level requires great diplomacy, and for this reason it must be thought of in the long term.

## **IV A full list of all legal provisions relevant to the case with the correct citation both in original language and in English**

### ***European legal provisions***

The central sector involved is obviously the one linked to the coordination of **social security systems**:

- Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, Official Journal L 166, 30.4.2004, p. 1–123,

Amended by:

- Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009

- Commission Regulation (EU) No 1244/2010 of 9 December 2010

- Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012

- Commission Regulation (EU) No 1224/2012 of 18 December 2012

- Council Regulation (EU) No 517/2013 of 13 May 2013

- Commission Regulation (EU) No 1372/2013 of 19 December 2013

- Commission Regulation (EU) No 1368/2014 of 17 December 2014

- Regulation (EEC) n. 1408/71 of the Council of 14 June 1971 concerning the application of social security schemes to employed workers, self-employed workers and their family members moving within the Community

### **Cross-border healthcare services**

- Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare, Official Journal L 88, 4.4.2011, p. 45–65.

- Decision S1 of 12 June 2009 concerning the European Health Insurance Card (Text with relevance for the EEA and the EC/Switzerland Agreement) (2010/C 106/08)

### **Free Movement of EU citizens**

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68, Official Journal L 158, 30.4.2004, p. 77–123

### **Privacy**

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/ EC (General Data Protection Regulation), Official Journal L 119, 4.5.2016, p. 1–88.

### **EU statistical methods:**

- Commission implementing regulation 2019/2181 of 16 December 2019 specifying technical characteristics as regards items common to several datasets pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council

- Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ No L 293, 24.10.1990, p. 1) as amended by Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ No L 83, 3.4.1993, p. 1, and corrigendum, OJ No L 159, 11.7.1995, p. 31).

### ***Austrian legal provisions concerning citizen's residence***

- Gesamte Rechtsvorschrift für Meldegesetz 1991, Kundmachung 07/01/1992, Bundesgesetzblatt 9/1992

Entire legislation for the Registration Act 1991, Federal Law Gazette, No.9/1992; Official publication 07/01/1992

For all amendment's entry into force official date, please cf.: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10005799>

Last Amendment, Änderung des Meldegesetzes 1991, BGBl. I Nr. 173/2022. Datum der Kundmachung: 10/31/2022; Amendment of the Registration Act 1991, October 13, 2022, Federal Law Gazette I No. 173/2022. Announcement: 10/31/2022

### ***Italian legal and administrative provisions concerning workers' cross-border mobility***

- Decreto legislativo 6 febbraio 2007, n. 30 Attuazione della direttiva 2004/38/CE relativa al diritto dei cittadini dell'Unione e dei loro familiari di circolare e di soggiornare liberamente nel territorio degli Stati membri. Pubblicato su GU Serie Generale n.72 del 27-03-2007 Entrata in vigore del provvedimento: 11/4/2007 - Legislative Decree 6 February 2007, n. 30 Implementation of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. Published in Official Journal General Series n.72 of 27-03-2007 Entry into force of the provision: 11/4/2007

- Decreto del Presidente della Repubblica 30 maggio 1989, n. 223 Approvazione del nuovo regolamento anagrafico della popolazione residente; pubblicato su Gazzetta Ufficiale della Repubblica Italiana, n.132 del 08-06-1989, Entrata in vigore del decreto: 23-6-1989 Decree of the President of the Republic 30 May 1989, n. 223 Approval of the new registry regulation of the resident population; published in the Official Gazette of the Italian Republic n.132 of 06/08/1989; Entry into force of the decree: 23/06/1989.

- Decreto del Presidente della Repubblica 17 luglio 2015, n. 126 Regolamento recante adeguamento del regolamento anagrafico della popolazione residente, approvato con decreto del Presidente della Repubblica 30 maggio 1989, n. 223, alla disciplina istitutiva dell'anagrafe nazionale della popolazione residente. Gazzetta Ufficiale Serie Generale n.188 del 14-08-2015 Entrata in vigore del provvedimento: 15/08/2015; - Decree of the President of the Republic 17 July 2015, n. 126 Regulation bringing the adjustment of the registry regulation of the resident population, approved with decree of the President of the Republic 30 May 1989, n. 223, to the regulation establishing the national registry of the resident population. Official Gazette General Series n.188 of 14-08-2015; Entry into force of the provision: 15/08/2015

- Decreto legislativo 1 aprile 2000, n. 181 Disposizioni per favorire l'incontro tra domanda e offerta di lavoro, in attuazione dell'articolo 45, comma 1, lettera a), della legge 17 maggio 1999, n. 144. Pubblicato su Gazzetta Ufficiale Serie Generale n.154 del 04-07-2000, Entrata in vigore del decreto: 19-7-2000 - Legislative Decree 1 April 2000, n. 181 Provisions to facilitate the meeting between job supply and demand, in implementation of article 45, paragraph 1, letter a), of law 17 May 1999, n. 144. Published in the Official Gazette General Series n.154 of 04-07-2000; Entry into force of the decree: 19/07/2000

- Decreto legislativo 4 marzo 2014, n. 38 Attuazione della direttiva 2011/24/UE concernente l'applicazione dei diritti dei pazienti in materia di assistenza sanitaria transfrontaliera, nonché della direttiva 2012/52/UE, recante misure volte ad agevolare il riconoscimento delle prescrizioni mediche rilasciate in un altro Stato membro. Pubblicato su Gazzetta Ufficiale Serie Generale n.67 del 21-03-2014, Entrata in vigore del provvedimento: 05/04/2014, Legislative Decree 4 March 2014, n. 38 Implementation of directive 2011/24/EU concerning the application of patients' rights in cross-border healthcare, as well as of directive 2012/52/EU, containing measures aimed at facilitating the recognition of medical

prescriptions issued in another Member State. Published in the Official Gazette General Series n.67 of 21-03-2014; Entry into force of the provision: 05/04/2014

- Decreto legislativo 14 settembre 2015, n. 150 Disposizioni di riordino della disciplina dei servizi per l'impiego e delle politiche attive, ai sensi dell'articolo 1, comma 3, della legge 10 dicembre 2014, n. 183 pubblicato su Gazzetta Ufficiale Serie Generale n.221 del 23-09-2015 - Suppl. Ordinario n. 53, Entrata in vigore del provvedimento: 24/09/2015; - Legislative Decree 14 September 2015, n. 150 Provisions for the reorganization of the regulation of employment services and active labour policies, pursuant to article 1, paragraph 3, of the law of 10 December 2014, n. 183, published in the Official Gazette, General Series n.221 of 23-09-2015 - Suppl. Ordinary no. 53; Entry into force of the provision: 24/09/2015;

- Ministero del Lavoro e delle Politiche Sociali. Decreto 30 maggio 2001 Approvazione del modello di scheda anagrafica del lavoratore, della codificazione delle professioni e degli inquadramenti dei lavoratori) Pubblicato su Gazzetta Ufficiale Serie Generale n.168 del 21-07-2001 - Suppl. Ordinario n. 196); - Italian Ministry of Labour and Social Policies. Decree of May 30, 2001 Approval of the model of the worker's personal data sheet for the codification of professions and the classifications of workers, Published in the Official Gazette General Series n.168 of 21-07-2001 - Suppl. Ordinary no. 196;

- Legge 27 dicembre 2006, n. 296 Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato (Legge Finanziaria 2007), pubblicata nel supplemento ordinario n. 244/L alla Gazzetta Ufficiale - serie generale - n. 299 del 27 dicembre 2006); Entrata in vigore del provvedimento: 01/01/2007; Law 27 December 2006, n. 296 Provisions for the preparation of the annual and long-term state budget (2007 Finance Law), published in the ordinary supplement no. 244/L to the Official Gazette - general series - n. 299 of 27 December 2006); Entry into force of the measure: 01/01/2007

#### **V Other relevant aspects to this case if relevant**

In the course of our field research, various lines of research unexpectedly opened up which ultimately proved to be salient for a more complete treatment of the phenomenon. We list here the key contribution provided by the joint research entitled "La cooperazione sanitaria transfrontaliera: sfide e esperienze/Cross-border health cooperation: challenges and experiences" edited by Raffaella Coletti and Gabriella Saputelli. Inside we find two essays that closely concern the FVG Region. The first article entitled: *A possible Italian approach to international healthcare mobility* was written jointly by Mariadonata Bellentani, Stefano Bergagna, Leopoldo Comisso and Giulio Zucca. Their work has allowed us to deepen our analysis between Carinthia and FVG to dimensions often overlooked in terms of cross-border research.

The idea to consider also the European EESSI RINA platform for possible solutions was the product of some reflections made directly with the authors and with the whole ASUFC *mobilità internazionale* team, in particular with Leopoldo Comisso and Stefano Bergagna: to both I remain grateful.

The second article, edited by Ivan Curzolo and Maja Radovanović: "The construction of a network of cross-border health services", allowed us to understand the importance that could have an EGTC, in this case the EGTC GO, in creating joint mechanisms structured on both sides of the border in various policy areas. It is for this reason that in my proposals for solutions I have highlighted what could be the key role of the EGTC Euregio Senza Confini in acting as a stimulator and coordinator of some key initiatives.

Particular thanks must also go to the Market Labour Observatory Office of the Autonomous Province of Bolzano, in particular to Walter Niedermair and Antonio Gulino for their help and precious insights that started from our in-depth analysis of their database on commuters flows between South Tyrol and Tyrol. The credit goes to them for having directed me to discover the dbnet/amis platform and the Austrian Elda system.

To enrich the debate at European level, I would also like to mention Jorens' latest research on behalf of the Commission entitled: "*Fraud and error in the field of EU social security coordination Reference year 2020*". One key problem for our cross-border labour

market observatories is that dealing with the exchange of data at a national level in full compliance with the GDPR privacy is often an impossible task. Experts are often confronted with dilemmatic choices that are not easy to solve. The respect for privacy which is often called into question creates many bottlenecks. I have insisted several times on the importance of correctly registering the residence of commuters. In the following text citation (cf. pp. 38-39) we can find a good explanation of all the key problems that are related with the correct residence registration of commuters: "Firstly, although it is clear that most of the Member States are willing to improve the level of cross-border investigation and cooperation in general, some problems still persist... the determination of the place of residence ... still creates problems.

Secondly almost all the Member States expressed their concerns about (the absence of/difficulties regarding) the exchange of data between the Member States. The lack of a unified, formalized system to exchange data is a source of anxiety... There is still a need for further attention to rules on data sharing, both at national and European level. Indeed, one cannot argue that the fight against social fraud is of such great societal importance that the protection of privacy is subordinate to it. It will be necessary that a balance must always be struck between the interest in combating fraud and the infringement of a fundamental right as privacy. The legislation on the protection of individuals with regard to the processing of personal data both confers rights for the benefit of the individuals whose personal data are processed and also imposes obligations on the 'controller' of those data.

It is necessary to clarify which obligations and challenges apply in this regard to inspection services. Electronic data exchange between the Member States and the resulting possibility of data matching is still on the rise."

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## VII Contacts

- ASUFC International mobility office  
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- Elda Competence center <https://www.elda.at/cdscontent/?contentid=10007.838931>
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- Euradria – Lavoro senza confini <https://eureadria.eu>
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