



IMI REPORT

Number: 26803.1

PW - Posting of workers - request for information concerning a posting

Request for information concerning the posting of workers by a service provider

	Request for information concerning the posting of workers by a service provider
Motivation for sending the request	Contradictory information related to the legal establishment or activity of the posting company Contradictory information related to the posting Contradictory information related to the worker's legal employment in the posting country Lack of documents Lack of information about the legal sources applicable to posted workers Lack of information on cooperation and enforcement aspects Lack of information on the applicable derogations Lack of information on the applicable working conditions of the posted worker Doubts about documents Other

Dates

	Article 6 (6) (b) of Directive 2014/67/EU stipulates that requests shall be answered within a maximum of 25 working days (i.e. 35 calendar days), unless a shorter time limit is mutually agreed.
Number of calendar days in which a reply is required	9
Number of calendar days in which the recipient will reply	9
Date sent	21/05/2021
Date accepted	21/05/2021
Date due	30/05/2021

Service provider details

Type of service provider	Person
First name	sample text
Surname	sample text
Nationality	Austria
Place of birth	Known
Country of birth	Austria
Town	sample text
Date of birth	Known
Date	02/05/2021

Service sector

Service activities	Accounting, auditing and fiscal services Administration services Administration, defence and social security services Adult and other education services
NACE reference number(s) of the service sector(s)	sample text

Address

Address of the service provider	Known
Reason for sending the request	(en) sample text
Address type	Correspondence address
Street and number	sample text
Town	sample text
Postcode	sample text
Country	Austria
Region	Burgenland

Contact details

E-mail address	sample@text.imi
Telephone number	+1234567

Identification

TAX/VAT number	Known
Tax/VAT	sample text
Other type of identification	Available
Commercial/company registration	sample text
Professional registration number	sample text
Social security number	sample text
Other registration number	sample text

Legal representative

Legal representative details	Available
First name	sample text
Surname	sample text
Address	Known
Street and number	sample text
Town	sample text
Postcode	sample text
Country	Austria
Region	
E-mail address	sample@text.imi
Telephone number	+12345678

Additional Information

Additional information about the service provider	(en) sample text
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Information about posted workers

Does the requested information concern specific posted workers?	Yes
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Posted worker details are provided	in a grid
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Details of the posted worker(s) - 1

First name	sample text
Surname	sample text
Country of birth	Austria
Place of birth (town)	sample text
Date of birth	Known
Date	02/05/2021
Nationality	Austrian
Social security number	sample text
Passport/ID card details	Available
ID type	Identity card
Number	sample text
Date issued	02/05/2021
Expiry date	02/05/2021
Profession	(en) sample text
Address of the posted worker	Available
Address type	Correspondence address
Country	Austria
Region/area	(en) sample text
Town	sample text
Postcode	sample text
Street and number	sample text
E-mail address of the posted worker	sample@text.imi

Questions and answers

Main question categories	[A] Questions about the posting company [B] Questions about posted workers [C] Questions about the nature of posting [D] Questions about attached documents
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[A001] Is the service provider lawfully established in your Member State? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))

	[A001] Is the service provider lawfully established in your Member State? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))
Question details	(en) sample text
Answer	Yes
[A001.1] (if yes) Can you provide an excerpt from the commercial register?	Yes
Attachment	File name: Test attachment.pdf Added by: EU - Training authority Added on: 21/05/2021 12:17 CEST
Detailed answer	(en) sample text

[A002] Is the service provider registered in your Member State? (2014/67 Art 4(2)(a))

	[A002] Is the service provider registered in your Member State? (2014/67 Art 4(2)(a))
Question details	(en) sample text
Answer	
Detailed answer	

[A002a] Can you provide information about the employer representative?

	[A002a] Can you provide information about the employer representative?
Question details	(en) sample text
Answer	
Detailed answer	

[A002b] Has the service provider carried out this activity since the beginning of its registration?

	[A002b] Has the service provider carried out this activity since the beginning of its registration?
Question details	(en) sample text
Answer	
Detailed answer	

[A003] Do you have any information on whether the referred service provider has paid social security contributions on a regular basis in your Member State? (Art. 4(2)(a))

	[A003] Do you have any information on whether the referred service provider has paid social security contributions on a regular basis in your Member State? (Art. 4(2)(a))
Question details	(en) sample text
Answer	
Detailed answer	

[A004] Does the service provider use office space in your Member State? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))

	[A004] Does the service provider use office space in your Member State? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))
Question details	(en) sample text
Answer	
Detailed answer	

[A005] Does the service provider perform its substantial business activity in your Member State? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))

	[A005] Does the service provider perform its substantial business activity in your Member State? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))
Question details	(en) sample text
Answer	
Detailed answer	

[A006] Does the service provider employ its administrative staff in your Member State? (Art. 4(2)(d))

	[A006] Does the service provider employ its administrative staff in your Member State? (Art. 4(2)(d))
Question details	(en) sample text

Answer	
Detailed answer	

[A006a] Is the service provider subject to any requirements in your Member State, such as, holding a professional licence / registering with a chamber of commerce / registering with a professional body or other requirements? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))

	[A006a] Is the service provider subject to any requirements in your Member State, such as, holding a professional licence / registering with a chamber of commerce / registering with a professional body or other requirements? (2014/67 Art 4(2)(a) and 96/71 Art. 4(2))
Question details	(en) sample text
Answer	
Detailed answer	

[A007] Has the service provider performed any contracts in your Member State (as the Member State of establishment)? (2014/67 Art. 4(2)(e))

	[A007] Has the service provider performed any contracts in your Member State (as the Member State of establishment)? (2014/67 Art. 4(2)(e))
Question details	(en) sample text
Answer	
Detailed answer	

[A008] What is the size of the turnover realised in your Member State (as the Member State of establishment)? (2014/67 Art. 4(2)(e))

	[A008] What is the size of the turnover realised in your Member State (as the Member State of establishment)? (2014/67 Art. 4(2)(e))
Question details	(en) sample text
Answer	

[A009] What is the global turnover realised by the service provider? (2014/67 Art. 4(2)(e))

	[A009] What is the global turnover realised by the service provider? (2014/67 Art. 4(2)(e))
Question details	(en) sample text
Answer	

[A010] What is the size of the turnover realised in your Member State (as the host Member State)? (2014/67 Art. 4(2)(e))

	[A010] What is the size of the turnover realised in your Member State (as the host Member State)? (2014/67 Art. 4(2)(e))
Question details	(en) sample text
Answer	

[A011] Can you provide information on the good conduct/good standing of the service provider?

	[A011] Can you provide information on the good conduct/good standing of the service provider?
Question details	(en) sample text
Answer	
Detailed answer	

[A012] Has the service provider infringed any of the applicable national rules on transnational posting? If yes, please provide some details.

	[A012] Has the service provider infringed any of the applicable national rules on transnational posting? If yes, please provide some details.
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Question details	(en) sample text
Answer	
Detailed answer	

[A013] Has the posting entity entered into receivership, administration or insolvency? If yes, please provide details (including those of the administrator or receiver).

	[A013] Has the posting entity entered into receivership, administration or insolvency? If yes, please provide details (including those of the administrator or receiver).
Question details	(en) sample text
Answer	
Detailed answer	

[A014] Does the given address correspond to an address for the service provider?

	[A014] Does the given address correspond to an address for the service provider?
Question details	(en) sample text
Answer	
Detailed answer	

[A015] Does the given registration number belong to the service provider?

	[A015] Does the given registration number belong to the service provider?
Question details	(en) sample text
Answer	
Detailed answer	

[A016] Can you indicate the types of activities the service provider is engaged in?

	[A016] Can you indicate the types of activities the service provider is engaged in?
Question details	(en) sample text
Answer	
Detailed answer	

[A017] Can you indicate the sectors in which the service provider is active in your Member State?

	[A017] Can you indicate the sectors in which the service provider is active in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A018] Is the company entitled to exercise the activity given below in your Member State?

	[A018] Is the company entitled to exercise the activity indicated below in your Member State?
Service activity	Accounting, auditing and fiscal services
Question details	(en) sample text
Answer	
Detailed answer	

[A019] Does the company habitually carry out economic activity or activities in your Member State?

	[A019] Does the company habitually carry out economic activity or activities in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A020] Are the activities the same as registered?

	[A020] Are the activities the same as registered?
Question details	(en) sample text
Answer	
Detailed answer	

[A024] Is the service provider registered as a temporary employment agency?

	[A024] Is the service provider registered as a temporary employment agency?
Question details	(en) sample text
Answer	
Detailed answer	

[A025] Did the temporary employment agency obtain an autorisation as a temporary employment agency in your Member State?

	[A025] Did the temporary employment agency obtain an autorisation as a temporary employment agency in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A026] Is the temporary employment agency lawfully registered in your Member State?

	[A026] Is the temporary employment agency lawfully registered in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A027] Does the temporary employment agency use office space in your Member State?

	[A027] Does the temporary employment agency use office space in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A028] Does the temporary employment agency perform its substantial business activity in your Member State?

	[A028] Does the temporary employment agency perform its substantial business activity in your Member State?
Question details	(en) sample text
Answer	

Detailed answer	
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[A029] Can you indicate the types of activities the temporary employment agency is engaged in?

	[A029] Can you indicate the types of activities the temporary employment agency is engaged in?
Question details	(en) sample text
Answer	
Detailed answer	

[A030] Does the temporary employment agency employ its administrative staff in your Member State?

	[A030] Does the temporary employment agency employ its administrative staff in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A031] Has the temporary employment agency performed any contracts in your Member State?

	[A031] Has the temporary employment agency performed any contracts in your Member State?
Question details	(en) sample text
Answer	
Detailed answer	

[A032] What is the size of the turnover realised by the temporary employment agency in your Member State?

	[A032] What is the size of the turnover realized by the temporary employment agency in your Member State?
Question details	(en) sample text
Answer	

[A033] What is the global turnover realized by the temporary employment agency?

	[A033] What is the global turnover realized by the temporary employment agency?
Question details	(en) sample text
Answer	

[A034] Has the user undertaking informed the temporary employment agency about the applicable terms and conditions of employment? (96/71 Art 3 (1)(b))

	[A034] Has the user undertaking informed the temporary employment agency about the applicable terms and conditions of employment? (96/71 Art 3 (1)(b))
Question details	(en) sample text
Answer	
Detailed answer	

[B001] Were the workers recruited in your Member State? (2014/67 Art 4(2)(b))

	[B001] Were the workers recruited in your Member State? (2014/67 Art 4(2)(b))
Question details	(en) sample text
Answer	Yes

Detailed answer	(en) sample text
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[B002] Were the workers posted from your Member State? (2014/67 Art 4(2)(b))

	[B002] Were the workers posted from your Member State? (2014/67 Art 4(2)(b))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B003] Do the posted workers habitually carry out work in your Member State? (2014/67 Art 4(3)(c))

	[B003] Do the posted workers habitually carry out work in your Member State? (2014/67 Art 4(3)(c))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B004] Do the posted workers habitually carry out work from your Member State? (2014/67 Art 4(3)(c))

	[B004] Do the posted workers habitually carry out work from your Member State? (2014/67 Art 4(3)(c))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B005] Did the posted workers return and resume working in your Member State, on completion of the work or provision of services concerned? (2014/67 Art 4(3)(d))

	[B005] Did the posted workers return and resume working in your Member State, on completion of the work or provision of services concerned? (2014/67 Art 4(3)(d))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B006] Are the posted worker(s) expected to return and resume working in your Member State, on completion of the work or provision of services concerned? (2014/67 Art 4(3)(d))

	[B006] Are the posted worker(s) expected to return and resume working in your Member State, on completion of the work or provision of services concerned? (2014/67 Art 4(3)(d))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B007a] What type of work/tasks were the posted workers hired for?

	[B007a] What type of work/tasks were the posted workers hired for?
Question details	(en) sample text
Answer	Accounting, auditing and fiscal services Administration services Administration, defence and social security services Adult and other education services
Detailed answer	(en) sample text

[B007b] What type of work/tasks do the workers usually perform in your Member State?

	[B007b] What type of work/tasks do the workers usually perform in your Member State?
Question details	(en) sample text
Answer	Accounting, auditing and fiscal services Administration services Administration, defence and social security services Adult and other education services
Detailed answer	(en) sample text

[B007c] Are the posted workers hired by a temporary employment agency established in your Member State? (96/71 in Article 3(1) and (1b))

	[B007c] Are the posted workers hired by a temporary employment agency established in your Member State? (96/71 in Article 3(1) and (1b))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B007d] Is/was the posted worker replacing another worker in performing the same task at the same place for the same service provider? (96/71 in Art 3 (1a))

	[B007d] Is/was the posted worker replacing another worker in performing the same task at the same place for the same service provider? (96/71 in Art 3 (1a))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B007e] Has the user undertaking informed the temporary employment agency about the sending of its employees to carry out work in another Member State? (96/71 Article 3 (1b))

	[B007e] Has the user undertaking informed the temporary employment agency about the sending of its employees to carry out work in another Member State? (96/71 Article 3 (1b))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B007f] Has the user undertaking informed the temporary employment agency about the working conditions and remuneration? (96/71 Article 3 (1b))

	[B007f] Has the user undertaking informed the temporary employment agency about the working conditions and remuneration? (96/71 Article 3 (1b))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B008] Are the posted workers nationals of your Member State?

	[B008] Are the posted workers nationals of your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B009] Do the (third country national) posted workers hold valid work permits?

	[B009] Do the (third country national) posted workers hold valid work permits?
Question details	(en) sample text
Answer	Yes
[B009.1] If yes, for which period(s) were they / was it issued?	(en) sample text
Detailed answer	(en) sample text

[B010] Are the (third country national) posted workers legally employed or does he/she/they have an employment relationship in your Member State?

	[B010] Are the (third country national) posted workers legally employed or does he/she/they have an employment relationship in your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B011] Is the information concerning the competent authorities available on-line? (2014/67 Art 3 and Art 5)

	[B011] Is the information concerning the competent authorities available on-line? (2014/67 Art 3 and Art 5)
Question details	(en) sample text
Answer	Yes
On-line link to competent authority information (URL)	sample text
Detailed answer	(en) sample text

[B012] Was there an employment relationship between the workers and the service provider before the posting?

	[B012] Was there an employment relationship between the workers and the service provider before the posting?
Question details	(en) sample text
Answer	Yes
[B012.1] Details of commencement date(s)	(en) sample text
Detailed answer	(en) sample text

[B012a] Were the posted workers working in your Member State before the posting?

	[B012a] Were the posted workers working in your Member State before the posting?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B013] Is there still an employment relationship between the posted workers and the service provider?

	[B013] Is there still an employment relationship between the posted workers and the service provider?
Question details	(en) sample text
Answer	Yes
	[B013.1] Do the posted workers really work for the service provider?

Answer	Yes
Detailed answer	(en) sample text

[B013b] What is the place (country) of work stated in the employment contract?

	[B013b] What is the place (country) of work stated in the employment contract?
Question details	(en) sample text
Answer	Austria
Detailed answer	(en) sample text

[B013c] Was the employment contract concluded in your country?

	[B013c] Was the employment contract concluded in your country?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B013d] Has the Portable Document A1 (PD A1) document been issued for the worker?

	[B013d] Has the Portable Document A1 (PD A1) document been issued for the worker?
Question details	(en) sample text
Answer	Yes
[B013d.1] (If yes) Can you attach the document?	Yes
Attachment	File name: Test attachment.pdf Added by: EU - Training authority Added on: 21/05/2021 12:17 CEST
Detailed answer	(en) sample text

[B014] Are the posted workers lawfully employed in your Member State?

	[B014] Are the posted workers lawfully employed in your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B015] Can you confirm that the posted workers carry out work on behalf of the service provider?

	[B015] Can you confirm that the posted workers carry out work on behalf of the service provider?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B016] Who is considered to be a worker under national law for the purposes of Directive 96/71/EC?

	[B016] Who is considered to be a worker under national law for the purposes of Directive 96/71/EC?
Question details	(en) sample text
Answer	(en) sample text

[B017] Do the workers qualify as posted workers for the purposes of Directive 96/71/EC under your national law?

	[B017] Do the workers qualify as posted workers for the purposes of Directive 96/71/EC under your national law?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[B018] Is the posted worker officially registered as self-employed? (96/71 Art 4(2))

	[B018] Is the posted worker officially registered as self-employed? (96/71 Art 4(2))
Question details	(en) sample text
Answer	Yes
[B018.1] (If yes) Is the self-employed person receiving weekly or monthly fixed payment from a single client/company?	Yes
Detailed answer	(en) sample text

[C001] Can you provide the start date of the posting? (2014/67 Art 4(3)(a))

	[C001] Can you provide the start date of the posting? (2014/67 Art 4(3)(a))
Question details	(en) sample text
Answer	Yes, see details below
Posting start date	23/05/2021
Detailed answer	(en) sample text

[C002] Can you provide the end date of the posting? (2014/67 Art 4(3)(a))

	[C002] Can you provide the end date of the posting? (2014/67 Art 4(3)(a))
Question details	(en) sample text
Answer	Yes, see details below
Posting end date	26/05/2021
Detailed answer	(en) sample text

[C003a] Was there a motivated notification to extend the posting? (96/71 Art 3(1a))

	[C003a] Was there a motivated notification to extend the posting? (96/71 Art 3(1a))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[C005] Can you provide the intended duration of the posting in the mentioned case? (2014/67 Art 4(3)(a))

	[C005] Can you provide the intended duration of the posting in the mentioned case? (2014/67 Art 4(3)(a))
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[C006a] Is travel, board and lodging or accommodation provided or reimbursed by the service provider in accordance with the national law and/or practice applicable to the employment relationship? (2014/67 Art 4(3)(f) 96/71 Art 3 (7))

	[C006a] Is travel, board and lodging or accommodation provided or reimbursed by the service provider in accordance with the national law and/or practice applicable to the employment relationship? (2014/67 Art 4(3)(f) 96/71 Art 3 (7))
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[C007] Were the posts previously occupied by posted workers? (2014/67 Art 4(3)(g))

	[C007] Were the posts previously occupied by posted workers? (2014/67 Art 4(3)(g))
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

1st document and related questions

Attachment	File name: Test attachment.pdf Added by: EU - IMI System Added on: 21/05/2021 12:12 CEST
Title of the document	(en) sample text
Language of the document	English (en)
Questions	[D101] Does the attached document correspond to a document issued by an authority in your Member State? [D102] Is the content of the attached document accurate? [D103] Is the attached document about the posting company lawfully issued in your Member State? [D104] Is the attached document still valid? [D105] Do you know when was the attached document issued? [D106] Does the attached document correspond to a document attesting the lawful establishment of the company? [D107] Is the posted worker the lawful holder of the attached document?
Question details	(en) sample text
[D101] Does the attached document correspond to a document issued by an authority in your Member State?	Yes
[D102] Is the content of the attached document accurate?	Yes
[D103] Is the attached document about the posting company lawfully issued in your Member State?	Yes
[D104] Is the attached document still valid?	Yes
[D105] Do you know when the attached document was issued?	Yes
Issued on	18/05/2021
[D106] Does the attached document correspond to a document attesting the lawful establishment of the company?	Yes
[D107] Is the posted worker the lawful holder of the attached document?	Yes
Detailed answer	(en) sample text

2nd document and related questions

Attachment	File name: Test attachment.pdf Added by: EU - IMI System Added on: 21/05/2021 12:12 CEST
Title of the document	(en) sample text
Language of the document	English (en)
Questions	[D101] Does the attached document correspond to a document issued by an authority in your Member State? [D102] Is the content of the attached document accurate? [D103] Is the attached document about the posting company lawfully issued in your Member State? [D104] Is the attached document still valid? [D105] Do you know when was the attached document issued? [D106] Does the attached document correspond to a document attesting the lawful establishment of the company? [D107] Is the posted worker the lawful holder of the attached document?
Question details	(en) sample text
[D101] Does the attached document correspond to a document issued by an authority in your Member State?	No
[D102] Is the content of the attached document accurate?	No
[D103] Is the attached document about the posting company lawfully issued in your Member State?	No
[D104] Is the attached document still valid?	No
[D105] Do you know when the attached document was issued?	No
[D106] Does the attached document correspond to a document attesting the lawful establishment of the company?	No
[D107] Is the posted worker the lawful holder of the attached document?	No
Detailed answer	(en) sample text

Management Information

Form	PW - Posting of workers - request for information concerning a posting
Management type	Request
Number	26803
Status	Accepted
Version	1
Last update	21/05/2021 12:17 CEST

History

History Item	Version: 1 Action: Request edited Old status: Accepted New status: Accepted Modified by: USER training Date: 21/05/2021 12:17 CEST
History Item	Version: 1 Action: Request accepted Old status: Awaiting acceptance New status: Accepted Modified by: USER training Date: 21/05/2021 12:13 CEST

History Item	Version: 1 Action: Request sent Old status: Draft New status: Awaiting acceptance Modified by: HELPDESK EC IMI Date: 21/05/2021 12:12 CEST
History Item	Version: 1 Action: Request saved Old status: Initial status New status: Draft Modified by: HELPDESK EC IMI Date: 21/05/2021 12:12 CEST

Link

Link Item	Repository Name: PW - Posting of workers - request for information concerning a posting Entry Number: 26802 Link Type: Copied from Linked By: IMI System Date: 21/05/2021 12:12 CEST
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Requesting Authority

Authority name	European Commission Commission européenne Europäische Kommission
Authority informal title	IMI System
Country	EU
Address	Rue de Spa, 2 1000 Bruxelles
Telephone	+ +32 229 55470
Fax	+ +32 229 68867
E-mail	IMI-Helpdesk@ec.europa.eu

Requesting Coordinator

Authority name	European Commission Commission européenne Europäische Kommission
Authority informal title	IMI System
Country	EU
Address	Rue de Spa, 2 1000 Bruxelles
Telephone	+ +32 229 55470
Fax	+ +32 229 68867
E-mail	IMI-Helpdesk@ec.europa.eu

Responding Authority

Authority name	Training authority Training authority Training authority
Authority informal title	Training authority
Country	EU
Address	street and number 1234 town
Telephone	+3212345678
Fax	
E-mail	training@ec.imi