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3RD MEETING OF THE EXPERT GROUP ON A COMMON ELECTRONIC FORM FOR THE DECLARATION OF POSTING OF WORKERS (ONLINE)

DRAFT MEETING REPORT

13 December 2023

Participants: Experts from EU Member States (BE, BG, CZ, DK, DE, EE, EL, ES, FI, FR, IE, IT, HR, LV, LT, HU, NL, MT, PL, PT, SI, SK, SE; AT, LU and RO not present), observers from NO and the European Labour Authority (ELA), European Commission (DG GROW, DG EMPL).

The Commission welcomed all participants to the third meeting of the expert group on a common electronic form for the declaration of posting of workers.

1. ADOPTION OF THE AGENDA AND OF THE REPORT OF THE LAST MEETING

The agenda was adopted without changes.

The report of the meeting on 28 September 2023 was adopted with changes.

Deadline for providing comments in writing on the report of the meeting of 8 November is 22 December 2023.

2. TECHNICAL IMPLEMENTATION OPTIONS FOR THE E-DECLARATION

The group continued its discussions of the previous meeting on the options for the technical implementation of the e-Declaration.

A Member State informed the group of a joint non-paper by five Member States advocating for a solution using the multilingual public interface for the IMI.

During the discussion the following points were raised:

- Questions on pending IT improvements in the public interface for the declaration of posting of workers for road transport,
- Clarification, that participating Member States would not need to use all information requirements contained in the common form, but only the fields they deem justified and proportionate,

- The investment needed by Member States that want to participate and receive data through an API in their national system,
- Questions on the feasibility to use a multilingual public interface for declarations by service providers established outside the EU.

During the discussions:

- Ten Member States showed an interest for a centralised technical implementation connected to IMI for the declaration of the posting of workers.
- Six Member States explained that they would like to maintain their national portals. Three of these Member States moreover indicated an interest for a decentralised technical implementation for the declaration of the posting of workers, which one Member State said they would consider.

3. COMMON LIST OF INFORMATION REQUIREMENTS OF THE E-DECLARATION

The Commission invited the representatives from each Member State to declare if the Member State would in principle (and without binding politically or legally their MS) be interested in using the common form as circulated for the meeting, and set out in the annex:

- Twelve Member States declared an interest in making use of this common form.
- Six Member States declared that they are not interested to make use of the common form.
- Five Member States declared that due to on-going discussions they cannot yet take a position on this point but will inform the Commission in writing as soon as they can formulate a position.

The Commission invited Member States interested in making use of the common form to apply and to start making use of it for the declaration of posting of workers to their country and suggested to share experiences in this regard going forward.

Arguing that the initiative would not achieve the greatest possible impact if Member States that receive a large number of posted workers will not make use of the common form and a possible common declaration portal, two Member States asked the Commission to invite all Member States to declare also if they would be interested in using a common form that offers the possibility for Member States to add further information requirements to the common list of information requirements for postings to that Member State only.

4. AOB

Two Member States presented a joint study on the influence of administrative burdens on the cross-border posting of employees by SMEs in border regions.

The Commission announced to the participants that the date for the next meeting is yet to be determined and will be communicated as soon as it is confirmed.

**Annex: Declaration for the Posting of Workers
- List of Information Requirements for the Common Electronic Form**

A. INFORMATION RELATED TO THE SERVICE PROVIDER

1. Identity of the person submitting the declaration (name, phone, e-mail)¹
2. Type of the posting
 - (a). Posting under a contract for service, or
 - (b). Intra-group posting, or
 - (c). Posting by a temporary work agency, or

For any of the above, indicate if posting:

 - as a subcontractor [yes] [no]
 - in case of chain/double posting [yes] [no]
3. Name of the posting company
4. Country of establishment of the posting company
5. Address of the posting company (street, house number, town, postal code, country)
6. Contact details of the posting company (phone, e-mail) [General phone and email, not contact person]
7. Field of business (NACE classification with free text to identify NACE classification)
8. EU VAT identification number

If not available: Business registration number of posting company in the Member State of establishment

B. INFORMATION RELATED TO THE POSTED WORKER²

1. First name and surname
2. Job title or description
3. Birth date
4. Identity card number

¹ If central EU form this information is possibly already available through the EU Login and can be pre-filled.

² Individually per posted worker

5. Nationality
6. Email address of posted worker (if and when functionality of electronic portal allows for copy of declaration to be sent automatically to the posted worker)

C. INFORMATION RELATED TO THE POSTING

1. Anticipated beginning and end date of the posting **OR**
Anticipated beginning date and anticipated duration of posting (automatic calculation of the other)
2. The nature of the service provided / nature of the activity (NACE classification with free text to identify NACE classification)
3. Address(es) of the workplace:
 - (a). address of the service recipient as workplace and/or
 - (b). other workplace(s) (street, house number, postal code, town or geographical coordinates)
4. Availability of documents:
 - (a). from the person to liaise with the competent national authorities, or
 - (b). at the workplace, or
 - (c). other location (street, house number, postal code, town), or
 - (d). electronically

D. INFORMATION RELATED TO THE PERSON TO LIAISE WITH THE COMPETENT AUTHORITIES IN THE HOST MEMBER STATE (ART. 9 (1) (E) OF DIRECTIVE 2014/67/EU)

1. Indication if contact person is either:
 - (a). one of the posted workers, or
 - (b). other person, or
 - (c). company
2. First name and surname
OR
Company name

3. Phone (only in case of option (b) or (c) above)
4. E-mail (only in case of option (b) or (c) above)
5. Address (street, house number, town, postal code, country) (only in case of option (b) or (c) above)

E. INFORMATION RELATED TO THE SERVICE RECIPIENT

If in Section A, point 2 one of the following types of posting has been indicated: posting under a contract for service, intra-group posting:

1. Type of the service recipient:
 - (d).company³, or
 - (e).private person
2. Name of the service recipient (if company)
3. Address of the service recipient (street, house number, postal code, town) (if company)

OR

Company/tax identification number of the service recipient in the host Member State
(if company)

If in Section A, point 2 the following type of posting has been indicated: posting by a temporary work agency:

1. Name of the user undertaking
2. Address of the user undertaking (street, house number, postal code, town)

OR

Company/tax identification number of the user undertaking in the host Member State

³ *The purpose is to cover all economic operators.*