Resolution on the posting of workers

2007/2577(RSP) - 10/07/2007

The House held a debate on Oral Question **O-0041/2007** tabled by Jan Andersson, on behalf of the Committee on Employment and Social Affairs to the Commission, on the posting of workers.

Subject: Posting of workers

Directive 96/71/EC concerning the posting of workers in the framework of the provision of services set 16 December 1999 as the deadline for transposition of its provisions into national law. Soon, appropriate implementation of the Directive proved to be problematic due both to insufficiencies inherent in the text and the lack of proper implementation in the Member States and coordination among their competent authorities. The reviews of the Directive by the Commission in 2003 and 2006 were considered insufficient by the European Parliament.

In its Communications 'Guidance on the posting of workers in the framework of the provision of services' and 'Posting of workers in the framework of the provision of services: maximising its benefits and potential while guaranteeing the protection of workers', the Commission committed itself to take the necessary steps to rectify the situation created by any lack of compliance with the relevant provisions of Community law and/or cooperation between Member States under Articles 4 (cooperation on information) and 5 (enforcement measures by Member States) of the Directive.

How does the Commission intend to address the concerns expressed by the European Parliament in its resolutions, in particular with regard to:

- the keeping of documents at the workplace to control compliance with the Directive, and
- the presence of a posting company legal representative in order to fulfil legal requirements in the host Member State?

In view of the fact that the Directive applies at least from December 1999 and that guidelines explaining to Member States their obligations with regard to postings that take place on their territory were published by the Commission more than one year ago:

- Will the Commission publish clearer, more detailed, guidelines to help Member States and companies to have a better understanding of what they are allowed to do under the Directive and the relevant case-law? If so, when?
- Has the Commission assessed which Member States still fail to comply with the provisions of the Directive, in particular concerning cooperation on information and enforcement measures by Member States?

Can the Commission confirm that, in the framework of posting, it will respect all labour market models existing in the European Union?

The motion for a resolution winding up this debate was due to be put to the vote on 11 July 2007.