Posting of workers in the framework of the provision of services: enforcement of Directive 96 /71/EC

2012/0061(COD) - 25/09/2019 - Follow-up document

This Commission staff working document accompanies the report from the Commission on the application and implementation of Directive 2014/67/EU of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation').

The working document includes several detailed annexes which concern, *inter alia*:

- Member States' transposition measures of administrative requirements and control measures,

- subcontracting liability,

- the Internal Market Information System's statistics on the use of the posting module,

- the module concerning the administrative cooperation in the area of cross-border enforcement of penalties and fines,

- the collection of data from national declaration tools for the year 2017 drafted by the Network Statistics of the Free Movement of Workers, Social Security Coordination and Fraud and Error.

The report concluded that this report provides additional quantitative information on the phenomenon of posting of workers from a receiving perspective. In most Member States, incoming posting undertakings are required to fill in a declaration before providing services. This declaration obligation opens up a wealth of information on the size and profile of incoming posted workers. Such data is now collected and reported for the first time and is a useful complement to the main source of information coming from the PD A1 forms.

However, the image presented is incomplete due to missing data from Member States which have a declaration tool in place and to the voluntary nature of a system for previous declaration. It can therefore be expected that the main fully comparable dataset will continue to be the PD A1 forms. Nevertheless, in the coming years more Member States will probably be able to provide data coming from the declaration tools, thus giving us a better image of intra-EU posting in terms of size and characteristics.