Free movement of workers: posting of third-country nationals for the provision of cross-border services

1999/0012(COD) - 08/05/2000 - Modified legislative proposal

The amendments proposed by the European Parliament are partly technical and partly aimed at supplementing the system for issuing the "EC service provision card". The Commission has accepted half the amendments, some of them subject to changes in the wording. The amendments rejected by the Commission include: - the card is a document based on Community law and cannot be called the "EU service provision card". - some conditions for the issue of the card. These conditions include normal residence for at least three months longer than the card validity; an automatic public order check; and a right of objection by other Member States against any condition for issuing the card. The Commission proposes instead: -a lawful status of the third-country national in the Member State in which the service provider is established whose duration need not exceed the period of validity of the card. -that the Member State in which the service provider is established and the worker to be posted is resident provide proof of the lawful nature of the worker's situation on its territory; this check would be carried out subject to even more detailed conditions in this amended proposal; -the Member State in which the service is provided recognises the card but may require the service provider to inform its authorities, before a posting, of the details of the service provision and the person to be posted; the purpose of this is so that the Member State can check the movement of persons on its territory. Other European Parliament amendments that the Commission cannot accept include: -limiting the scope a host Member State has to require the service provider to notify the posting of an employee who is a third-country national before his entry where the worker does not have a valid card. The Commission emphasises that the role of the responsible authorities in the Member State in which the service is provided is fundamental to the proper application of this directive.