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

1999/0012(COD) - 03/02/2000 - Text adopted by Parliament, 1st reading/single reading

The Parliament adopted its legislative resolution, drafted by Ms. Maria BERGER (PES, A), on the posting of workers who are third-country nationals for the provision of cross-border services. Parliament approved the Commission's proposal subject to a number of amendments: - when a provider of services proposes to make a posting to one or more other Member States, the member State in which the service provider is established shall be obliged to issue to him, at his request, an EU service provision card under the conditions laid down in this Directive; - more stringent criteria before the issue of the EU service provision card: for example, the service provider needs to furnish proof that during the requested period of the validity of the card and for at least 3 months after its expiry, in accordance with the legislation applying in the Member State in which the service provider is established the worker (a) normally resides in that Member State; (b) is not obliged for reasons to do with the right of residence to leave the territory of that Member State and is lawfully employed there; (c) is insured against sickness and occupational accident (need proof from social insurance institution or a private insurance policy). - the period of validity of the service provision card may not exceed the period during which the worker has already been on lawful and actual employment in the Member State in which the service provider is established, and may in no case exceed twelve months. The minimum requirement for the issue of the EU service provision card shall be three months of proven lawful and actual employment. - a worker shall be regarded as lawfully employed if he is permitted to be in paid employment by virtue of a provision of Community law or of laws, regulations or administrative provisions in the Member State in which the service provider is established. - the service provider shall put the EU service provision card at the disposal of the worker named on the card. The card shall contain details of the service provider, his field of business and the posted worker; the period of validity; the issuing authority and issuing Member State; and the Member States for which the card is valid. - the Commission will be assisted by an advisory committee in drawing up a speciment of the document to be issued and the technical specifications designed to prevent falsification, and the Parliament will be kept informed by the Commission of the committee's proceedings. - should the contract between the service provider and the posted worker come to an end, the service provider shall immediately inform the authorities of the Member State in which the services are being provided. - Member States shall make use of a common system for the purpose of exchanging information on matters connected with the implementation of this Directive.