Basic information

2003/2168(INI) INI - Own-initiative procedure	Procedure completed
Posting of workers in the framework of the provision of services: implementation of Directive 96/71/EC See also 1991/0346(COD) **Subject** 4.15.12 Workers protection and rights, labour law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	GLASE Anne-Karin (PPE-DE)	11/06/2003

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
FEMM Women's Rights and Equal Opportunities		

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
25/07/2003	Non-legislative basic document published	COM(2003)0458	Summary
04/09/2003	Committee referral announced in Parliament		
27/11/2003	Vote in committee		Summary
27/11/2003	Committee report tabled for plenary	A5-0448/2003	
14/01/2004	Debate in Parliament		
15/01/2004	Decision by Parliament	T5-0030/2004	Summary
15/01/2004	End of procedure in Parliament		

Technical information	
Procedure reference	2003/2168(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Amendments and repeals	See also 1991/0346(COD)
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/5/20004

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0448/2003	27/11/2003	
Text adopted by Parliament, single reading		T5-0030/2004 OJ C 092 16.04.2004, p. 0339-0404 E	15/01/2004	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2003)0458	25/07/2003	Summary

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

2003/2168(INI) - 25/07/2003 - Non-legislative basic document

PURPOSE : to present the report on the implementation of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. CONTENT : Directive 96/71/EC of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services was adopted on 16 December 1996. It aims to abolish the obstacles and uncertainties that impede implementation of the freedom to supply services, by improving legal certainty and facilitating identification of the employment conditions that apply to workers temporarily employed in a Member State other than the Member State whose legislation governs the employment relationship. Since the Directive is a supranational legal instrument whose transposal in one Member State directly affects employers and workers in other countries, the manner in which it is actually implemented is particularly important for all Member States. Article 8 provides that the Commission shall review the operation of the Directive with a view to proposing the necessary amendments to the Council where appropriate. In preparation for this review, the Commission services have taken a number of steps: the first was to draft a report on the transposal of the Directive in the 15 Member States, designed to ascertain the present situation as regards national legislations and collective agreements. At the same time, the national administrations were sent a questionnaire asking them to describe the practicalities of applying the Directive and any difficulties encountered. The results of the transposal study and the replies to the questionnaire were discussed by a group of government experts. The purpose of this Communication is to draw the conclusions from all this preparatory work concerning the transposal and practical implementation of Directive 96/71/EC in the Member States, and to define the Commission's position as to whether the 1996 Directive needs revising. The Communication does not seek to judge the compatibility with the Directive and the Treaty of the national transposing measures mentioned herein, nor does it prejudge what position the Commission will take in its monitoring of the application of Community law. The purpose of this Communication is to draw the conclusions from all this preparatory work concerning the transposal and practical implementation of Directive 96/71/EC in the Member States, and to define the Commission's position as to whether the 1996 Directive needs revising. The Communication does not seek to judge the compatibility with the Directive and the Treaty of the national transposing measures mentioned herein, nor does it prejudge what position the Commission will take in its monitoring of the application of Community law. The results of the

studies of the transposition of Directive 96/71/EC, as outlined above, are broadly corroborated by the Member States' answers to a questionnaire on the practical application of the provisions arising from the Directive, and by the conclusions of the group of government experts. This group's conclusions can be summarised as follows: - None of the Member States has encountered any particular legal difficulties in transposing the Directive. - It seems premature to consider amending the Directive. These opinions and positions indicate to the Commission that it is not necessary to amend the Directive. The difficulties encountered in implementing it have so far tended to be more of a practical nature than a legal nature. Consequently, as things stand at present the Commission will not be presenting a proposal for a directive amending the arrangements for implementing the posted workers Directive.

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

2003/2168(INI) - 15/01/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Anne-Karin GLASE (EPP-ED, D) on the application of Directive 96/71/EC. (Please see the document dated 27/11/03.) Parliament asked the Commission to examine constructive legislative solutions which could lead to the prevention and elimination of unfair competition and social dumping as a consequence of the abuse of posting of workers. Parliament also called for a fundamental assessment - in the light of both national and European case law - of the Directive's implementation in relation to the practical interpretation of certain concepts and definitions from the Directive. These include minimum wage inclusive of overtime, minimum number of paid holidays and work and rest periods, and workers subject to posting, as well as the Directive's implementation through collective labour agreements. It asked for consideration also to be given to the impact of solutions being urged in Member States for certain problems in relation to subcontractors and the system of ultimate liability for the payment of taxes and other contributions.