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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Declaration on the implementation of the common electronic form for the declarations of postings of workers - eDeclaration
- Information from the delegations of Germany, Czech Republic, Lithuania, Ireland, Poland, Greece, Slovenia, Hungary and Portugal

Delegations will find attached a note from the delegations of Germany, Czech Republic, Lithuania, Ireland, Poland, Greece, Slovenia, Hungary and Portugal distributed at the meeting of the Competitiveness Council on 24 May 2024, in the context of the AOB by Germany, Czech Republic and Lithuania on further activities regarding the common form for the declaration of posting of workers (eDeclaration).

DECLARATION
OF GERMANY, CZECH REPUBLIC, LITHUANIA, IRELAND, POLAND, GREECE,
SLOVENIA, HUNGARY and PORTUGAL
OF 24 MAY 2024
ON THE IMPLEMENTATION OF THE COMMON ELECTRONIC FORM FOR DEC-
ARATIONS OF POSTINGS OF WORKERS - eDECLARATION

The signatory Member States share the common goal of promoting the functioning of the single market for services - based on high social standards and its enforcement as promoted by the European Pillar of Social Rights - with a common form for the electronic declaration. They welcome the fact that, on the initiative of the European Commission, it has been possible to agree on a voluntary common list of information requirements for the declaration of the posting of workers, the so-called eDeclaration.

The signatory Member States are committed to adapt the information they request from service providers posting workers to their territories to information requirements contained in the attached eDeclaration. They encourage the Member States that have not yet signed up to this declaration to join this initiative.

Enterprises have been pointing for years to the bureaucracy entailed by the posting of workers as an impediment in the single market in services. The differing declaration systems with differing information requirements of the 27 Member States create great challenges for enterprises, especially small and medium-sized enterprises. Transparent and uniform rules for the posting of workers are easier for companies to follow, and can thus make a major contribution towards improved compliance with the law and a higher level of employee protection.

The signatory Member States have therefore welcomed and supported the initiative of the European Commission, set out in its 2021 Industrial Strategy, to work with Member States to devise a voluntary common form in an electronic format for the declaration of the posting of workers. They welcomed that the European Commission set up an Expert Group to develop the common form, the so-called eDeclaration, and actively contributed to the discussions of the group.

The signatory Member States express their satisfaction that interested Member States succeeded to reach agreement on the eDeclaration at the end of last year. The signatory Member States welcome the European Commission's announcement to promote the timely agreement and full implementation of the eDeclaration as mentioned in its Communication "Labour and skills shortages in the EU: an action plan",

published on 20 March 2024. For the signatory Member States the eDeclaration is to be considered as a final and exhaustive maximum list of information requirements for the declaration of the posting of workers which does not affect the control standards and the level of employee protection. Member States may decide to omit certain information requirements contained in the eDeclaration from their national system, but may not go beyond the information requirements set out in the eDeclaration. In view of future developments and resulting information requirements the signatory Member States agree that the list should be open to changes in the future.

The signatory Member States are confident that this joint eDeclaration will make it significantly easier for companies, especially small and medium-sized enterprises, to provide cross-border services between their respective countries while at the same time ensuring a high level of social security and worker protection. The eDeclaration will thus contribute to reducing unnecessary bureaucracy, in line with the European Commission's goal of reducing the administrative burden of reporting by 25%. When posting workers to one of the signatory Member States, companies will only be asked to provide information in their posting declarations that is part of the maximum list of information requirements.

The signatory Member States will adapt their national information requirements, where necessary, to the common requirements of the attached eDeclaration. They recognize that the eDeclaration initiative will only achieve its full potential in relieving the burden of companies if as many Member States as possible participate in it. They therefore appeal to the Member States that have not yet joined the initiative, to do so and to contribute together to deepen the internal market and strengthen the competitiveness of European companies in these challenging times.

Attachment:

**LIST OF INFORMATION REQUIREMENTS
FOR THE COMMON ELECTRONIC FORM - eDECLARATION**

A. Information related to the service provider

1. Identity of the person submitting the declaration (name, phone, e-mail)¹
2. Type of the posting
 - (a). Posting under a contract for service, or
 - (b). Intra-group posting, or
 - (c). Posting by a temporary work agency, orFor any of the above, indicate if posting:
 - as a subcontractor [yes] [no]
 - in case of chain/double posting [yes] [no]
3. Name of the posting company
4. Country of establishment of the posting company
5. Address of the posting company (street, house number, town, postal code, country)
6. Contact details of the posting company (phone, e-mail) [General phone and email, not contact person]
7. Field of business (NACE classification with free text to identify NACE classification)
8. EU VAT identification number
If not available: Business registration number of posting company in the Member State of establishment

B. Information related to the posted worker²

1. First name and surname

¹ If central EU form this information is possibly already available through the EU Login and can be pre-filled.

² Individually per posted worker

2. Job title or description
3. Birth date
4. Identity card number
5. Nationality
6. Email address of posted worker (if and when functionality of electronic portal allows for copy of declaration to be sent automatically to the posted worker)

C. Information related to the posting

1. Anticipated beginning and end date of the posting **OR**
Anticipated beginning date and anticipated duration of posting (automatic calculation of the other)
2. The nature of the service provided / nature of the activity (NACE classification with free text to identify NACE classification)
3. Address(es) of the workplace:
 - (a). address of the service recipient as workplace and/or
 - (b). other workplace(s) (street, house number, postal code, town or geographical coordinates)
4. Availability of documents:
 - (a). from the person to liaise with the competent national authorities, or
 - (b). at the workplace, or
 - (c). other location (street, house number, postal code, town), or
 - (d). electronically

D. Information related to the person to liaise with the competent authorities in the host member state (Art. 9 (1) (e) of Directive 2014/67/EU)

1. Indication if contact person is either:
 - (a). one of the posted workers, or
 - (b). other person, or
 - (c). company
2. First name and surname **OR**
Company name
3. Phone (only in case of option (b) or (c) above)

4. E-mail (only in case of option (b) or (c) above)
5. Address (street, house number, town, postal code, country) (only in case of option (b) or (c) above)

E. Information related to the service recipient

If in Section A, point 2 one of the following types of posting has been indicated: posting under a contract for service, intra-group posting:

1. Type of the service recipient:
 - (a). *company*³, or
 - (b). *private* person
2. Name of the service recipient (if company)
3. Address of the service recipient (street, house number, postal code, town) (if company)

OR

Company/tax identification number of the service recipient in the host Member State (if company)

If in Section A, point 2 the following type of posting has been indicated: posting by a temporary work agency:

1. Name of the user undertaking
2. Address of the user undertaking (street, house number, postal code, town)

OR

Company/tax identification number of the user undertaking in the host Member State

³ *The purpose is to cover all economic operators.*