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**COVER NOTE**

From:	General Secretariat of the Council
To:	Delegations
Subject:	OPINION European Economic and Social Committee - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012 [COM(2024) 531 final – 2024/0301 (COD)]

Delegations will find attached the abovementioned opinion.



# OPINION

European Economic and Social Committee

## **Internal Market Information System/ Posting of workers**

Proposal for a Regulation of the European Parliament and of the Council on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012  
(COM(2024) 531 – 2024/0301 COD)

**INT/1077**

Rapporteur: **Bruno CHOIX**

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**EN**

Advisor	Lorenzo GIULIANI (for Group II)
Legislative procedure	<a href="#">EU Law Tracker</a>
Referral	Council of the European Union, 25/11/2024 European Parliament, 10/2/2025
Legal basis	Article 114 of the Treaty on the Functioning of the European Union
European Commission documents	<a href="#">COM(2024) 531 final — 2024/0301 (COD)</a>
Relevant Sustainable Development Goals (SDGs)	<a href="#">SDGs 8 to10</a>
Section responsible	Single Market, Production and Consumption
Adopted in section	8/4/2025
Adopted at plenary session	29/4/2025
Plenary session No	596
Outcome of vote (for/against/abstentions)	116/35/17

## 1. RECOMMENDATIONS

The European Economic and Social Committee (EESC)

*1.1 recognises the importance of digitalisation for the simplification and effectiveness of posting declarations. Establishing a public point of contact should help to simplify information procedures, to make it easier to exercise the freedom to provide services and for the internal market to operate and to promote cooperation between Member States.*

*At the same time, the EESC stresses the importance of combating non-compliance and fraud, which lead to unfair competition for businesses and degrade the protection of workers. Therefore, it is essential to achieve the objectives of simplification and reduction of administrative burdens while at the same time ensuring fair competition between undertakings and an adequate level of protection of workers' rights, in particular as regards the application of the terms and conditions of employment applicable in the Member State where the service is provided;*

*1.2 underlines, in view of the simplification objectives that the proposed regulation is seeking to achieve, that adoption of the regulation should be supported in advance by a proper impact assessment which would make it possible to verify the benefits for Member States and take into account not only the simple desire to cut red tape, but also the potential social costs and their impact on workers. In particular, the significant investments made by Member States to set up a national interface should be taken into account;*

*1.3 emphasises the strictly voluntary nature of the proposed online declaration and calls for Member States' prerogatives to be respected as regards them determining the necessary administrative requirements and control measures, in keeping with Article 9 of Directive 2014/67/EU. The EESC also calls for the interface to be equipped with a mechanism allowing for flexible management by the Member States, enabling them to add or remove the information being requested in the standard form, thereby preserving their autonomy while still achieving the simplification objectives aimed for in the regulation;*

*1.4 calls for the regulation to specify in more detail the type of information being requested in the standard form and for the social partners to be involved in drawing it up. Suggests that this form be included in the regulation in order to make it easier for Member States to subscribe to it as it meets the needs of their monitoring authorities;*

*1.5 calls for the possibility to be introduced of checking data input and verifying the information concerned, improving traceability;*

*1.6 calls for cross-sectoral and sectoral social partners to be involved in developing tools to put into practice the provisions on the posting of workers;*

*1.7 recommends that the European Labour Authority (ELA) support Member States through capacity-building activities with a view to facilitating and stepping up inspections and cooperation between Member States for the purposes of enforcing the rules on the posting of workers. In particular, the availability of up-to-date and complete information for both companies and posted workers must be ensured;*

- 1.8 *calls for a swift, balanced conclusion to the revision of Regulation (EC) No 883/2004, in particular as regards the prior notification system.*
- 1.9 *As this is a voluntary initiative for the Member States, the EESC calls on the European Commission to carry out regular evaluations to enable Member States and social partners to re-examine the advisability of joining or withdrawing from this new common system, with a view to strengthening the functioning of the single market.*

## 2. **EXPLANATORY NOTES**

### *Arguments in support of recommendation 1.1*

- 2.1 The EESC takes note of the Commission's intention to reduce the administrative burden on businesses by making it easier to submit posting declarations. It recognises that digitalising procedures enable barriers such as information comparison and language to be overcome more easily and faster.
- 2.2 The EESC is aware that Directive 2014/67/EU has reduced the risk of fraud. However, it stresses that European companies, in particular micro, small and medium-sized enterprises (SMEs), still face unfair competition linked to the circumvention of posting rules and fraud.
- 2.3 The provisions of European law on the posting of workers, as set out in the base directive (96/71/EC), should take due account of three objectives: respect for workers' rights, respect for fair competition and the promotion of transnational provision of services within the EU. It is essential to achieve the goals of simplifying and reducing the administrative burden while at the same time adequately protecting posted workers' rights, in particular as regards the enforcement of laws on terms and conditions of employment and on health and safety applying in the Member State where the service concerned is being provided.
- 2.4 Almost a third of posted workers (30.7%) work in the construction sector<sup>1</sup> and, according to the latest Eurostat data, almost a quarter of all accidents at work (22.9 %) occur in that same sector<sup>2</sup>. For these reasons, it is essential to cater for specific aspects of strategic sectors such as construction, where it is crucial to involve the sector's social partners. Furthermore, in its latest report on posted workers, the European Agency for Safety and Health at Work refers to the diversity of working conditions, the lack of availability of data and the high risk of infringements relating to pay and health and safety at work<sup>3</sup>. Against this background, maintaining a system of prior notification for the posting of workers is essential in order to prevent a deterioration in working conditions and to combat social fraud.

### *Arguments in support of recommendation 1.2*

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<sup>1</sup> [Posting of workers – Publications Office of the EU.](#)

<sup>2</sup> Eurostat, [Accidents at work statistics.](#)

<sup>3</sup> EU-OSHA, [Occupational safety and health in Europe: state and trends 2023.](#)

- 2.5 The EESC notes that the preparation of the draft regulation was accompanied by a formal consultation of social partners and stakeholders. However, it notes the absence of an impact assessment prior to the current proposal, it stresses that this practice runs counter to the better regulation logic and it is concerned that the proposed instrument be truly tailored to the needs of Member States, businesses and workers. Such an assessment is also of importance for national public interface systems displaying notifications by businesses established in third countries that do not have access to the Internal Market Information System (IMI).
- 2.6 An impact assessment should also take into account not only any straightforward reduction of red tape, but also potential social costs for posted workers. Investing in enforcement of the legislation is a public good, essential to ensure fair competition and decent working conditions. The system must serve the public interest by supporting monitoring bodies and by protecting vulnerable workers from abuse and businesses from unfair competition.

*Arguments in support of recommendation 1.3*

- 2.7 The EESC notes that the transposition period for Directive 2014/67/EU came to an end in 2016. Member States have invested, sometimes with EU funds, in setting up systems corresponding to their monitoring requirements, in accordance with the provisions of the directive. The EESC therefore wonders about the advisability of a proposal for a standardised declaration from the European Commission coming almost 10 years after the investments made by the Member States.
- 2.8 Under Article 9 of Directive 2014/67/EU, it is for the Member States to ‘impose administrative requirements and control measures necessary[,] ... justified and proportionate’. However, Article 4 of the proposed regulation empowers the Commission to create the form and amend it by means of implementing acts and with the support of an ad hoc committee. The EESC believes that this undermines the principle of responsibility conferred on Member States by Directive 2014/67/EU and calls for this provision to be amended to allow Member States to add to the list of requested information independently, without need for prior examination by the Commission.
- 2.9 In order to make full use of the systems put in place by the Member States and to respect their responsibilities under Directive 2014/67/EU, the EESC stresses the importance of an online European declaration being voluntary in nature.

*Arguments in support of recommendation 1.4*

- 2.10 The EESC believes that the elements that can be included in the declaration should be included in this regulation, and not defined by an implementing act, in order to respect the Member States’ prerogatives for imposing the ‘administrative requirements and control measures necessary’, in line with Article 9 of Directive 2014/67/EU.

*Arguments in support of recommendation 1.5*

- 2.11 The EESC believes that the quest for simplification must go hand in hand with steps to facilitate and improve Member States’ monitoring capacities. It therefore recommends drawing on

experience gained inter alia with the IMI System in relation to transport, introducing the possibility of checking data input and verifying the information concerned.

- 2.12 Traceability of the information in the interface system is key not only for bureaucratic simplification (by allowing access to information already gathered), but also for detecting potential irregularities.
- 2.13 The EESC notes that Article 4 of the proposed regulation provides for the possibility for Member States to request less information than is listed in the article, but not more. However, the EESC points out that Article 9 of Directive 2014/67/EU leaves it to the Member States to define the measures necessary. Moreover, some Member States could legitimately request information on the wages, period of posting and working conditions of, and accommodation for, posted workers in order to carry out appropriate checks. It therefore calls for the proposed regulation to provide for the possibility for Member States to request more information on posting, independently and without the need for prior examination by the Commission.

*Arguments in support of recommendation 1.6*

- 2.14 The EESC stresses that consultation of the relevant cross-sectoral and sectoral social partners is essential to guarantee that the measures resulting from the posting of workers legislation are suitably adapted and function properly, with the dual objective of fair competition and worker protection. It therefore calls for the social partners to be fully involved in drafting the regulation.

*Arguments in support of recommendation 1.7*

- 2.15 The EESC believes that the Commission's proposal for a regulation should not entail the risk of weakening Member States' inspection capacities. It stresses that any action in favour of posting should facilitate inspections, in particular by strengthening the capacities of the Member States and the European Labour Authority (ELA).

*Arguments in support of recommendation 1.8*

- 2.16 The EESC believes that the EU's priority must be proper application of the rules on posting workers and the fight against fraud. The EESC therefore reiterates its call for a swift conclusion to the negotiations on revising Regulation (EC) No 883/2004 and especially for a balanced solution with regard to the prior notification system – essential for fighting fraud.

### 3. PROPOSED AMENDMENTS TO THE LEGISLATIVE PROPOSAL OF THE EUROPEAN COMMISSION

#### Amendment 1

linked to recommendations 1.4 and 1.5

Text proposed by the European Commission	EESC amendment
<p style="text-align: center;"><b>Article 2</b></p> <p style="text-align: center;">Functionalities of the public interface</p> <p>1. The public interface shall provide functionality for:</p> <p>(a) creating an account for secure access to the service provider's reserved area;</p> <p>(b) ensuring appropriate logging of user activity;</p> <p>(c) creating, submitting and managing declarations of posted workers;</p> <p>(d) transmitting a copy of the posting declaration to the posted worker;</p> <p>(e) making submitted information available in IMI to the responsible national competent authorities of the host Member State for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.</p> <p>(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State.</p>	<p style="text-align: center;"><i>Article 2</i></p> <p style="text-align: center;">Functionalities of the public interface</p> <p>1. The public interface shall provide functionality for:</p> <p>(a) creating an account for secure access to the service provider's reserved area;</p> <p>(b) ensuring appropriate logging of user activity;</p> <p>(c) creating, submitting and managing declarations of posted workers, <b><i>as well as monitoring any change thereto;</i></b></p> <p>(d) transmitting a copy of the posting declaration to the posted worker;</p> <p>(e) making submitted information available in IMI to the responsible national competent authorities of the host Member State for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.</p> <p>(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State;</p> <p><b><i>(g) authorising one or more national authorities of the host Member State to monitor data input, verify the information concerned and, where appropriate, reject the request.</i></b></p>

Reason
The priority for the posting of workers is still to ensure proper enforcement of the rules in order to put a stop to fraud and ensure compliance with labour legislation. The proposed system should therefore allow the competent national authorities to carry out the necessary data checks and verify the information concerned.



## Amendment 2

linked to recommendation 1.3

Text proposed by the European Commission	EESC amendment
<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>3. Member States making use of the public interface <i>shall not</i> impose <i>any</i> additional <i>declaration</i> or information requirements on the service providers submitting the posting declaration through the public interface.</p>	<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>3. Member States making use of the public interface <i>may</i> impose additional <i>declarations</i> or information requirements on the service providers submitting the posting declaration through the public interface <i>in order to carry out appropriate checks in keeping with their national legislation</i>.</p>

Reason
Article 9 of Directive 2014/67/EU leaves it to the Member States to define the measures needed. Moreover, some Member States could legitimately request information on the pay, period of posting and accommodation of posted workers in order to carry out appropriate checks.

## Amendment 3

linked to recommendations 1.3 and 1.4

Text proposed by the European Commission	EESC amendment
<p>Article 4</p> <p>Standard form</p> <p>1. Without prejudice to paragraph 5 the standard form shall consist of information related to:</p> <p>(a) the service provider;</p> <p>(b) the posted worker;</p> <p>(c) the posting assignment;</p> <p>(d) the contact person to liaise with the competent authorities;</p> <p>(e) the service recipient.</p> <p>[...]</p> <p>3. A Member State opting to make use of the public interface may decide not to request all the</p>	<p>Article 4</p> <p>Standard form</p> <p>1. Without prejudice to paragraph 5 the standard form shall consist of information related to:</p> <p>(a) the service provider <i>and the legal representative</i>;</p> <p>(b) the posted worker;</p> <p>(c) the posting assignment;</p> <p>(d) the contact person to liaise with the competent authorities;</p> <p>(e) the service recipient;</p> <p><i>(f) the working conditions of the posted worker.</i></p> <p><i>1a. All the individual elements listed in paragraph 1 of this article must be accompanied by relevant detailed information.</i></p> <p>[...]</p> <p>3. A Member State opting to make use of the public interface may decide not to request all the</p>

information contained in the standard form and shall inform the Commission accordingly.	information contained in the standard form and shall inform the Commission accordingly.  <i>3a. A Member State opting to make use of the public interface may decide to request information additional to that provided for in the standard form and shall inform the Commission accordingly.</i>
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Reason
<p>Article 9 of Directive 2014/67/EU leaves it to the Member States to define the measures necessary. Member States can legitimately request information on the pay, period of posting and accommodation of posted workers in order to carry out appropriate checks.</p> <p>The regulation should provide detailed information on the various elements relevant for monitoring activities and for the detection of irregularities and, to that end, it should require the automatic transmission of a copy of the posting declaration to the worker. In some countries, responsibility for work-related infringements lies with a legal representative; it is therefore necessary to specify their name and contact details. It is also important to understand what kind of posting is involved, whether or not it is a chain posting, and whether or not it is a long-term one. For subcontracting, double posting or chain posting, end-user data should also be provided.</p> <p>Moreover, consultation of the relevant cross-sectoral and sectoral social partners is essential to guarantee that the measures flowing from the posting of workers legislation are suitably adapted and function properly, with a dual objective of fair competition and worker protection. To this end, a mechanism for interoperability with social security identity cards and associated databases should also be put in place.</p> <p>The regulation should provide detailed information on the standard form, thus excluding any possibility of modification through implementing acts.</p>

#### Amendment 4

linked to recommendation 1.3

Text proposed by the European Commission	EESC amendment
<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>5. A Member State may discontinue making use of the public interface. That Member State shall inform the Commission thereof <i>six</i> months before the intended end date of the use of the public interface.</p>	<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>5. A Member State may discontinue making use of the public interface. That Member State shall inform the Commission thereof <i>three</i> months before the intended end date of the use of the public interface.</p>

Reason
The suggestion is to provide for a shorter deadline and greater flexibility in case the Member State should decide to suspend or abandon use of the common interface and return to its national system. The six-month deadline seems too long if the Member State has prepared its own national system and if it is therefore possible for its ‘withdrawal’ from use of the public interface to be immediate.

## Amendment 5

linked to recommendation 1.6

Text proposed by the European Commission	EESC amendment
<p>Article 9 Appraisal</p> <p>The Commission shall report on the experience gained in the application of this Regulation by [five years after entry into force of the Regulation]. In particular the report shall examine to what extent this Regulation has been successful in reducing administrative barriers to the freedom to provide services, in facilitating the effective monitoring by Member States of compliance with EU legislation aimed at ensuring the protection of posted workers and in supporting the related administrative cooperation between the national competent authorities in the Member States.</p>	<p>Article 9 Appraisal</p> <p><b>1.</b> The Commission shall report on the experience gained in the application of this Regulation by [five years after entry into force of the Regulation]. In particular the report shall examine to what extent this Regulation has been successful in reducing administrative barriers to the freedom to provide services, in facilitating the effective monitoring by Member States of compliance with EU legislation aimed at ensuring the protection of posted workers and in supporting the related administrative cooperation between the national competent authorities in the Member States.</p> <p><b>2. The Commission shall identify tools to encourage the active involvement of the social partners in the monitoring and evaluation process.</b></p>

Reason
The suggestion is to structure a mechanism for monitoring and evaluation in useful time in a way that includes the social partners.

Brussels, 29 April 2025.

*The president of the European Economic and Social Committee*  
Oliver RÖPKE

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**N.B :** Appendix overleaf.

**APPENDIX**  
**to the OPINION**  
**of the European Economic and Social Committee**

The following amendments, which received at least a quarter of the votes cast, were rejected in the course of the debate (Rule 74(3) of the Rules of Procedure):

Amendments 1 (2.6) and 11 (1.2) voted together

**Point 2.6**

**Amend as follows:**

<i>Section opinion</i>	<i>Amendment</i>
An impact assessment <i>should also take</i> into account not only <i>any straightforward</i> reduction of red tape, but also potential social <i>costs for</i> posted workers. Investing in enforcement of the legislation is a public good, essential to ensure fair competition and decent working conditions. The system must serve the public interest by supporting monitoring bodies and by protecting vulnerable workers from abuse and businesses from unfair competition.	An impact assessment <i>could have taken</i> into account not only <i>a</i> reduction of red tape, but also potential social <i>effects on</i> posted workers. Investing in enforcement of the legislation is a public good, essential to ensure fair competition and decent working conditions. The system must serve the public interest by supporting monitoring bodies and by protecting vulnerable workers from abuse and businesses from unfair competition

<b>Reason</b>
<p>It is true that the current initiative is not supported by an impact assessment. However, the draft of the regulation was preceded by extensive consultation with social partners and different stakeholders:</p> <ul style="list-style-type: none"> <li>- a webinar in cooperation with the European Labour Authority (ELA) on 17 February 2022 to inform the Member States' competent authorities and social partners about the project and to gather their feedback;</li> <li>–meetings and interviews with interested Member States' authorities and relevant stakeholders between February and April 2022;</li> <li>–a user experience workshop on 27 April 2022 with service providers identified by social partners to gather information about administrative experience of posting workers;</li> <li>–a technical workshop with relevant representatives of the Member States' authorities on 28 April 2022 to discuss implementation options;</li> <li>–meetings with social partners on 30 November 2021, 8 December 2021, 8 February 2022, 2 June 2022 and 11 May 2023;</li> <li>–technical survey for Member States between 9 June and 6 July 2022</li> <li>–a social partner online hearing on 29 April 2024 dedicated to the e-declaration for posting of workers.</li> </ul> <p>The project of an e-Declaration for posting of workers was also discussed with Member States and social partners at the ELA Forum for Posting of Workers on 13 March 2023 and 11 April 2024.</p> <p>The Commission analysed the existing level of administrative burden for declaring posted workers in the 27 EU Member States, resulting in a detailed cost modelling of the different declaration</p>

procedures. There is no evidence, that there is a possibility of reductions of social rights. Asking for an impact assessment to be carried out at this stage will only delay the initiative, without adding to workers' protection, as it is a procedural file which does not amend any of the substantive provisions for posting of workers. For this reason we suggest a text that takes note what have been the impact on an impact assessment.

## Point 1.2

### Amend as follows:

<i>Section opinion</i>	<i>Amendment</i>
underlines, in view of the simplification objectives that the proposed regulation is seeking to achieve, that adoption of the regulation should <b>be</b> supported in advance by a proper impact assessment which would <b>make</b> it possible to verify the benefits for Member States <b>and take</b> into account not only the simple desire to cut red tape, but also the potential social <b>costs</b> and their impact on workers. In particular, the significant investments made by Member States to set up a national interface should be taken into account;	underlines, in view of the simplification objectives that the proposed regulation is seeking to achieve, that adoption of the regulation should <b>have been</b> supported in advance by a proper impact assessment which would <b>have made</b> it possible to verify the benefits for Member States, <b>taking</b> into account not only the simple desire to cut red tape, but also the potential social <b>effects</b> and their impact on workers. In particular, the significant investments made by Member States to set up a national interface should be taken into account;

<b>Reason</b>
<p>It is true that the current initiative is not supported by an impact assessment. However, the draft of the regulation was preceded by extensive consultation with social partners and different stakeholders:</p> <ul style="list-style-type: none"> <li>- a webinar in cooperation with the European Labour Authority (ELA) on 17 February 2022 to inform the Member States' competent authorities and social partners about the project and to gather their feedback;</li> <li>- –meetings and interviews with interested Member States' authorities and relevant stakeholders between February and April 2022;</li> <li>- –a user experience workshop on 27 April 2022 with service providers identified by social partners to gather information about administrative experience of posting workers;</li> <li>- –a technical workshop with relevant representatives of the Member States' authorities on 28 April 2022 to discuss implementation options;</li> <li>- –meetings with social partners on 30 November 2021, 8 December 2021, 8 February 2022, 2 June 2022 and 11 May 2023;</li> <li>- –technical survey for Member States between 9 June and 6 July 2022</li> <li>- –a social partner online hearing on 29 April 2024 dedicated to the e-declaration for posting of workers.</li> </ul> <p>The project of an e-Declaration for posting of workers was also discussed with Member States and social partners at the ELA Forum for Posting of Workers on 13 March 2023 and 11 April 2024.</p>

The Commission analysed the existing level of administrative burden for declaring posted workers in the 27 EU Member States, resulting in a detailed cost modelling of the different declaration procedures. There is no evidence, that there is a possibility of reductions of social rights. Asking for an impact assessment to be carried out at this stage will only delay the initiative, without adding to workers' protection, as it is a procedural file which does not amend any of the substantive provisions for posting of workers. For this reason we suggest a text that takes note what could have been the impact on an impact assessment.

**Outcome of the vote:**

For: 59  
 Against: 102  
 Abstentions: 3  
 Amendment 2

**Point 2.7**

**Amend as follows:**

<i>Section opinion</i>	<i>Amendment</i>
The EESC notes that the transposition period for Directive 2014/67/EU came to an end in 2016. Member States have invested, sometimes with EU funds, in setting up systems corresponding to their monitoring requirements, in accordance with the provisions of the directive. The EESC therefore <i>wonders about the advisability of a proposal for a standardised declaration from the European Commission coming almost 10 years after the investments made by the Member States.</i>	The EESC notes that the transposition period for Directive 2014/67/EU came to an end in 2016. Member States have invested, sometimes with EU funds, in setting up systems corresponding to their monitoring requirements, in accordance with the provisions of the directive. The EESC therefore <i>emphasises the voluntary use of the public interface and considers that a technical solution provided at EU level should ensure a limited implementation effort at national level.</i>

<b>Reason</b>
<p>The proposal suggests that Member States may voluntarily use the public interface to enable service providers to submit the required declaration when posting workers to their territory. In such cases, a service provider would simply fill in the declaration through the public interface, and no longer through a dedicated national declaration process. For this reason it is not justified to ask for allowing different national approaches as this undermines the whole objective of the draft Regulation.</p> <p>Member States who wish to participate in this voluntary initiative will have to adjust their relevant national provisions in order to ensure that service providers are required to use this interface to make a posting declaration) to their responsible national competent authorities, to allow factual controls at</p>

the workplace. The EESC should therefore advocate that the use of a technical solution provided on EU level should come with limited implementation effort at national level.

At the same time, reducing administrative burden for businesses and national competent authorities should not conflict with EU law on posting workers.

The homogeneity, increased transparency and improved access of declaration obligations would facilitate compliance with the posting rules and hence increase worker protection. Additionally, Member States currently do not provide information to the posted worker about the declaration being made. Providing information to the posted worker on the posting declaration would increase workers' knowledge of the posting and help posted workers acquiring the necessary information about their rights.

In the absence of coordination between Member States on the development and implementation of national declaration procedures, Member States' systems are not interconnected and differ in design and functionalities and in the information requested from service providers. This concerns for example: different registration and login requirements; limited availability of other languages; differences in the extent of information required (number of information points, subject matters and categories); limited or no ability to reuse declaration data.

#### Outcome of the vote:

For: 50  
Against: 105  
Abstentions: 7

Amendments 3 (2.8), 6 (2.13), 9 (EESC amendment 2), 10 (EESC amendment 3) and 12 (1.3) voted together

#### Point 2.8

#### Amend as follows:

<i>Section opinion</i>	<i>Amendment</i>
Under Article 9 of Directive 2014/67/EU, it is for the Member States to 'impose administrative requirements and control measures necessary[,...] justified and proportionate'. However, Article 4 of the proposed regulation empowers the Commission to create the form and amend it by means of implementing acts and with the support of an ad hoc committee. The EESC believes that this <i>undermines</i> the principle of responsibility conferred on Member States by Directive 2014/67/EU <i>and calls for this</i>	Under Article 9 of Directive 2014/67/EU, it is for the Member States to 'impose administrative requirements and control measures necessary[,...] justified and proportionate'. However, Article 4 of the proposed regulation empowers the Commission to create the form and amend it by means of implementing acts and with the support of an ad hoc committee. The EESC believes that this <i>should not undermine</i> the principle of responsibility conferred on Member States by Directive 2014/67/EU.

<i>provision to be amended to allow Member States to add to the list of requested information independently, without need for prior examination by the Commission.</i>	
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<b>Reason</b>
<p>The idea behind the proposal is that Member States are able to request all or only some of the information defined in the standard form, thus allowing for a harmonized approach in the Single Market. Potential adding of information to be requested must go through the relevant committee procedure.</p> <p>However, the clearly defined narrow scope of information for the purposes of the declaration does not imply that Member States may not request additional information for the purposes of inspection in accordance with the 2014/67/EU Directive. Here, we should clearly distinguish between declaration and inspection.</p>

### Point 2.13

Delete point.

<i>Section opinion</i>	<i>Amendment</i>
<p><i>The EESC notes that Article 4 of the proposed regulation provides for the possibility for Member States to request less information than is listed in the article, but not more. However, the EESC points out that Article 9 of Directive 2014/67/EU leaves it to the Member States to define the measures necessary. Moreover, some Member States could legitimately request information on the wages, period of posting and working conditions of, and accommodation for, posted workers in order to carry out appropriate checks. It therefore calls for the proposed regulation to provide for the possibility for Member States to request more information on posting, independently and without the need for prior examination by the Commission.</i></p>	

<b>Reason</b>
<p>We propose deletion of the text as it is not linked to point. 1.5. above. Point 1.5. calls for the possibility to be introduced of checking data input and verifying the information concerned, improving traceability.</p>



## EESC amendment 2

### Delete point.

Text proposed by the European Commission
<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>3. Member States making use of the public interface <b><i>shall not</i></b> impose <b><i>any</i></b> additional <b><i>declaration</i></b> or information requirements on the service providers submitting the posting declaration through the public interface.</p>

Section opinion	Amendment
<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>3. Member States making use of the public interface <b><i>may</i></b> impose additional <b><i>declarations</i></b> or information requirements on the service providers submitting the posting declaration through the public interface <b><i>in order to carry out appropriate checks in keeping with their national legislation.</i></b></p>	<p>Article 3</p> <p>Making use of the public interface by the Member States</p> <p>3. Member States making use of the public interface <b><i>shall not</i></b> impose <b><i>any</i></b> additional <b><i>declaration</i></b> or information requirements on the service providers submitting the posting declaration through the public interface.</p>

Reason given in the opinion	Amendment of the reason given in the opinion
<p><i>Article 9 of Directive 2014/67/EU leaves it to the Member States to define the measures needed. Moreover, some Member States could legitimately request information on the pay, period of posting and accommodation of posted workers in order to carry out appropriate checks.</i></p>	

Explanation of proposed changes
<p>The proposal suggests that Member States may voluntarily use the public interface to enable service providers to submit the required declaration when posting workers to their territory. In such cases, a service provider would simply fill in the declaration through the public interface, and no longer through a dedicated national declaration process. For this reason it is not justified to ask for allowing different national approaches as this undermines the whole objective of the draft Regulation.</p>

Member States who wish to participate in this voluntary initiative will have to adjust their relevant national provisions in order to ensure that service providers established are required to use this interface to make a simple declaration of posted workers (posting declaration) to their responsible national competent authorities, to allow factual controls at the workplace. The EESC should therefore advocate that the use of a technical solution provided on EU level should come with limited implementation effort at national level.

At the same time, reducing administrative burden for businesses and national competent authorities should not conflict with EU law on posting workers.

The homogeneity, increased transparency and improved access of declaration obligations would facilitate compliance with the posting rules and hence increase worker protection. Additionally, Member States currently do not provide information to the posted worker about the declaration being made. Providing information to the posted worker on the posting declaration would increase workers' knowledge of the posting and help posted workers acquiring the necessary information about their rights.

In the absence of coordination between Member States on the development and implementation of national declaration procedures, Member States' systems are not interconnected and differ in design and functionalities and in the information requested from service providers. This concerns for example: different registration and login requirements; limited availability of other languages; differences in the extent of information required (number of information points, subject matters and categories); limited or no ability to reuse declaration data.

### **EESC amendment 3**

#### **Delete point.**

<b>Text proposed by the European Commission</b>
<p style="text-align: center;">Article 4</p> <p style="text-align: center;">Standard form</p> <p>1. Without prejudice to paragraph 5 the standard form shall consist of information related to:</p> <ul style="list-style-type: none"><li>(a) the service provider;</li><li>(b) the posted worker;</li><li>(c) the posting assignment;</li><li>(d) the contact person to liaise with the competent authorities;</li><li>(e) the service recipient.</li></ul> <p>[...]</p> <p>3. A Member State opting to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly.</p>

<i>Section opinion</i>	<i>Amendment</i>
<p>Article 4</p> <p>Standard form</p> <p>1. Without prejudice to paragraph 5 the standard form shall consist of information related to:</p> <p>(a) the service provider <b><u>and the legal representative;</u></b></p> <p>(b) the posted worker;</p> <p>(c) the posting assignment;</p> <p>(d) the contact person to liaise with the competent authorities;</p> <p>(e) the service recipient;</p> <p><b><u>(f) the working conditions of the posted worker.</u></b></p> <p><b><u>1a. All the individual elements listed in paragraph 1 of this article must be accompanied by relevant detailed information.</u></b></p> <p>[...]</p> <p>3. A Member State opting to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly.</p> <p><b><u>3a. A Member State opting to make use of the public interface may decide to request information additional to that provided for in the standard form and shall inform the Commission accordingly.</u></b></p>	<p>Article 4</p> <p>Standard form</p> <p>1. Without prejudice to paragraph 5 the standard form shall consist of information related to:</p> <p>(a) the service provider;</p> <p>(b) the posted worker;</p> <p>(c) the posting assignment;</p> <p>(d) the contact person to liaise with the competent authorities;</p> <p>(e) the service recipient.</p> <p>[...]</p> <p>3. A Member State opting to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly.</p>

<b>Reason given in the opinion</b>	<b>Amendment of the reason given in the opinion</b>
<p><i>Article 9 of Directive 2014/67/EU leaves it to the Member States to define the measures necessary. Member States can legitimately request information on the pay, period of posting and accommodation of posted workers in order to carry out appropriate checks.</i></p> <p><i>The regulation should provide detailed information on the various elements relevant for monitoring activities and for the detection of</i></p>	

<p><i>irregularities and, to that end, it should require the automatic transmission of a copy of the posting declaration to the worker. In some countries, responsibility for work-related infringements lies with a legal representative; it is therefore necessary to specify their name and contact details. It is also important to understand what kind of posting is involved, whether or not it is a chain posting, and whether or not it is a long-term one. For subcontracting, double posting or chain posting, end-user data should also be provided.</i></p> <p><i>Moreover, consultation of the relevant cross-sectoral and sectoral social partners is essential to guarantee that the measures flowing from the posting of workers legislation are suitably adapted and function properly, with a dual objective of fair competition and worker protection. To this end, a mechanism for interoperability with social security identity cards and associated databases should also be put in place.</i></p> <p><i>The regulation should provide detailed information on the standard form, thus excluding any possibility of modification through implementing acts.</i></p>	
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Explanation of proposed changes
<p>The analysis conducted by the EC showed that the average time for submitting a prior declaration in controlled experiments varies significantly across Member States. This is due to different factors, including varying information points required in the prior declaration, the different design, requirements, and functionalities of national declaration tools, the degree of reusability of data from previous prior declarations.</p> <p>An overview of national information requirements for the declaration of posting of workers suggests that there are more than 300 different information points used between different Member States for such declarations. Simple systems to complete declarations are characterised by fewer information points and the possibility of data reuse for multiple declarations. Burdensome systems usually have declaration tools that are difficult to find or to access, language requirements that necessitate translation, or forms featuring a complex range of information requirements.</p> <p>The Commission received input from the expert group on the national declaration requirements and systems as well as on the relevant information necessary to allow factual controls at the workplace. Member States may voluntarily use the public interface to enable service providers to submit the required declaration when posting workers to their territory. In such cases, a service provider would</p>

simply fill in the declaration through the public interface, and no longer through a dedicated national declaration process

The common list of information requirements for the declaration of posting of workers has been finalised in the expert group in December 2023. Based on the advice of the Member States' expert group the standard form will contain information on the service provider, the posted worker, the posting activity, the contact person for the competent authorities and the service recipient. The Commission should be granted implementing powers in respect of the more detailed establishment of, and subsequent changes to, the standard form. This will allow for the necessary flexibility in the technical adaptation and implementation of the form.

The submission of posting declarations via the public interface will facilitate a better and more uniform application of Directive 96/71/EC and will improve administrative cooperation between Member State authorities. Currently, national competent authorities seeking mutual assistance from other Member States when making a reasoned request for information must manually insert the information concerning the posting into IMI. If information is different in all the Members state it will no longer be comparable and interoperable.

### Point 1.3

**Amend as follows:**

<i>Section opinion</i>	<i>Amendment</i>
emphasises the <i>strictly</i> voluntary nature of the proposed online declaration and <i>calls for Member States' prerogatives to be respected as regards them determining the necessary administrative requirements and control measures, in keeping with Article 9 of Directive 2014/67/ EU. The EESC also calls for the interface to be equipped with a mechanism allowing for flexible management by the Member States, enabling them to add or remove the information being requested in the standard form, thereby preserving their autonomy while still achieving the simplification objectives aimed for in the regulation;</i>	emphasises the voluntary nature of the proposed online declaration and <i><u>underlines that the use of a technical solution provided at EU level should ensure limited implementation efforts at national level.</u></i>

<b>Reason</b>
<p>The idea behind the proposal is that Member States are able to request all or only some of the information defined in the standard form, thus allowing for a harmonized approach in the Single Market. Potential adding of information to be requested must go through the relevant commitology procedure.</p> <p>However, the clearly defined narrow scope of information for the purposes of the declaration does not imply that Member States may not request additional information for the purposes of inspection</p>

in accordance with the 2014/67/EU Directive. Here, we should clearly distinguish between declaration and inspection.

This paragraph mixes two separate procedures – the ex ante declaration of posting and the ex post possible control procedures. The idea behind the proposal is that the ex ante posting procedure should be as harmonized and as simple as possible, while allowing Member States to ask for further information and documents in case of ex post controls.

The proposal suggests that Member States may voluntarily use the public interface to enable service providers to submit the required declaration when posting workers to their territory. In such cases, a service provider would simply fill in the declaration through the public interface, and no longer through a dedicated national declaration process. For this reason it is not justified to ask for allowing different national approaches as this undermines the whole objective of the draft Regulation.

Member States who wish to participate in this voluntary initiative will have to adjust their relevant national provisions in order to ensure that service providers are required to use this interface to make a posting declaration) to their responsible national competent authorities, to allow factual controls at the workplace. The EESC should therefore advocate that the use of a technical solution provided on EU level should come with limited implementation effort at national level.

At the same time, reducing administrative burden for businesses and national competent authorities should not conflict with EU law on posting workers.

The homogeneity, increased transparency and improved access of declaration obligations would facilitate compliance with the posting rules and hence increase worker protection. Additionally, Member States currently do not provide information to the posted worker about the declaration being made. Providing information to the posted worker on the posting declaration would increase workers' knowledge of the posting and help posted workers acquiring the necessary information about their rights.

In the absence of coordination between Member States on the development and implementation of national declaration procedures, Member States' systems are not interconnected and differ in design and functionalities and in the information requested from service providers. This concerns for example: different registration and login requirements; limited availability of other languages; differences in the extent of information required (number of information points, subject matters and categories); limited or no ability to reuse declaration data.

**Outcome of the vote:**

For:	59
Against:	98
Abstentions:	7

## Amendment 4 (2.9)

### Point 2.9

**Delete point.**

<i>Section opinion</i>	<i>Amendment</i>
<i>In order to make full use of the systems put in place by the Member States and to respect their responsibilities under Directive 2014/67/EU, the EESC stresses the importance of an online European declaration being voluntary in nature.</i>	

<b>Reason</b>
This paragraph mixes two separate procedures – the ex ante declaration of posting and the ex post possible control procedures. The idea behind the proposal is that the ex ante posting procedure should be as harmonized and as simple as possible, while allowing Member States to ask for further information and documents in case of ex post controls. See also point 2.7. above.

### Outcome of the vote:

For: 56  
Against: 105  
Abstentions: 7

Amendments 5 (2.10) and 13 (1.4) voted together

### Point 2.10

**Amend as follows:**

<i>Section opinion</i>	<i>Amendment</i>
The EESC <i>believes that</i> the elements <i>that can be included</i> in the declaration <i>should be included in this regulation, and not defined by</i> an implementing act, in order to respect the Member States' prerogatives for imposing the 'administrative requirements and control measures necessary', in line with Article 9 of Directive 2014/67/EU.	The EESC <i>supports the proposal of the Commission to define</i> the elements <i>to include</i> in the declaration <i>through</i> an implementing act, in order to respect the Member States' prerogatives for imposing the 'administrative requirements and control measures necessary', in line with Article 9 of Directive 2014/67/EU.

Reason
The basic act should only contain categories of the requested information. The specific information shall be defined by implementing acts. The Commission should be granted implementing powers in respect of the more detailed establishment of, and subsequent changes to, the standard form. This will allow for the necessary flexibility in the technical adaptation and implementation of the form. As stated in the Commission Staff working document (SWD(2024) 258 final) “the experience from the implementation of the standard form for the declaration of drivers in the road transport sector has shown that successful technical implementation requires a certain level of flexibility, within a well-defined framework. Conferring implementing powers on the Commission would also allow for a swifter amendment of the standard form, if required, without the need to amend the underlying basic act”.

#### Point 1.4

#### Amend as follows:

Section opinion	Amendment
<i>calls for the regulation to specify in more detail the type of information being requested in the standard form and for the social partners to be involved in drawing it up. Suggests that this form be included in the regulation in order to make it easier for Member States to subscribe to it as it meets the needs of their monitoring authorities;</i>	<i>supports the proposal of the Commission to specify in more detail the type of information being requested in the standard form through an implementing act, as it allows easier adaptations if needed, and calls for the social partners to be involved in drawing it up;</i>

Reason
The basic act should only contain categories of the requested information. The specific information shall be defined by implementing acts. The Commission should be granted implementing powers in respect of the more detailed establishment of, and subsequent changes to, the standard form. This will allow for the necessary flexibility in the technical adaptation and implementation of the form. As stated in the Commission Staff working document (SWD(2024) 258 final) “the experience from the implementation of the standard form for the declaration of drivers in the road transport sector has shown that successful technical implementation requires a certain level of flexibility, within a well-defined framework. Conferring implementing powers on the Commission would also allow for a swifter amendment of the standard form, if required, without the need to amend the underlying basic act”.

#### Outcome of the vote:

For: 56  
Against: 106  
Abstentions: 10



Amendments 7 (2.16) and 14 (1.8) voted together

## Point 2.16

Amend as follows:

<i>Section opinion</i>	<i>Amendment</i>
The EESC believes that the EU's priority must be proper application of the rules on posting workers and the fight against fraud. The EESC therefore reiterates its call for a swift conclusion to the negotiations on revising Regulation (EC) No 883/2004 and especially for a balanced solution with regard to the prior notification system – essential for fighting fraud.	The EESC believes that the EU's priority must be proper application of the rules on posting workers and the fight against fraud. The EESC therefore reiterates its call for a swift conclusion to the negotiations on revising Regulation (EC) No 883/2004 and especially for a balanced solution with regard to the prior notification system – essential for fighting fraud. <b><i>The EESC also underlines the need to introduce the notion of 'business trip', in order to put an end to legal uncertainty as regards the use of A1 certificate for such purpose.</i></b>

<b>Reason</b>
<p>Under the current legal state, there is no clear distinction between a business trip and posting within the meaning of Art. 12 of Regulation 883/2004. The notion of a “business trip” is not defined at the EU level.</p> <p>According to Art. 12(1) of Regulation (EC) 883/2004 on the coordination of social security systems, “A person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is posted by that employer to another Member State to perform work on that employer's behalf shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such work does not exceed 24 months and that he/she is not sent to replace another posted person.” An employer posting a worker is required to apply for an A1 certificate under the rules set forth in Regulation (EC) 987/2009 laying down the procedure for implementing Regulation (EC) 883/2004. Thus, the current rules lead to legal uncertainty, due to also different national rulings of the courts. In the process of the revision of the 883 Regulation and its implementing regulation, it is envisaged to introduce the notion of a “business trip” for purposes of applying Art. 12 of Regulation 883/2004 and it will be not be necessary to apply for an A1 certificate for employees sent on a business trip, as so defined.</p>

## Point 1.8

Amend as follows:

<i>Section opinion</i>	<i>Amendment</i>
calls for a swift, balanced conclusion to the revision of Regulation (EC) No 883/2004, in	calls for a swift, balanced conclusion to the revision of Regulation (EC) No 883/2004, in

particular as regards the prior notification system.	particular as regards the prior notification system <i>and the grant of exceptions for business trips and short-term postings so that businesses are not in a situation of legal uncertainty;</i>
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Reason
<p>Under the current legal state, there is no clear distinction between a business trip and posting within the meaning of Art. 12 of Regulation 883/2004. The notion of a “business trip” is not defined at the EU level.</p> <p>According to Art. 12(1) of Regulation (EC) 883/2004 on the coordination of social security systems, “A person who pursues an activity as an employed person in a Member State on behalf of an employer which normally carries out its activities there and who is posted by that employer to another Member State to perform work on that employer’s behalf shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of such work does not exceed 24 months and that he/she is not sent to replace another posted person.” An employer posting a worker is required to apply for an A1 certificate under the rules set forth in Regulation (EC) 987/2009 laying down the procedure for implementing Regulation (EC) 883/2004. Thus, the current rules lead to legal uncertainty, due to also different national rulings of the courts. In the process of the revision of the 883 Regulation and its implementing regulation, it is envisaged to introduce the notion of a “business trip” for purposes of applying Art. 12 of Regulation 883/2004 and it will be not be necessary to apply for an A1 certificate for employees sent on a business trip, as so defined.</p>

#### Outcome of the vote:

For: 63  
Against: 101  
Abstentions: 4

Amendment 8

#### EESC amendment 1

#### Amend as follows:

Text proposed by the European Commission
<p>Article 2</p> <p>Functionalities of the public interface</p> <p>1. The public interface shall provide functionality for:</p> <p>(a) creating an account for secure access to the service provider’s reserved area;</p> <p>(b) ensuring appropriate logging of user activity;</p> <p>(c) creating, submitting and managing declarations of posted workers;</p>

- (d) transmitting a copy of the posting declaration to the posted worker;
- (e) making submitted information available in IMI to the responsible national competent authorities of the host Member State for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.
- (f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State.

<i>Section opinion</i>	<i>Amendment</i>
<p style="text-align: center;">Article 2</p> <p style="text-align: center;">Functionalities of the public interface</p> <p>1. The public interface shall provide functionality for:</p> <p>(a) creating an account for secure access to the service provider's reserved area;</p> <p>(b) ensuring appropriate logging of user activity;</p> <p>(c) creating, submitting and managing declarations of posted workers, <b><i>as well as monitoring any change thereto;</i></b></p> <p>(d) transmitting a copy of the posting declaration to the posted worker;</p> <p>(e) making submitted information available in IMI to the responsible national competent authorities of the host Member State for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.</p> <p>(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State;</p> <p><b><i>(g) authorising one or more national authorities of the host Member State to monitor data input, verify the information concerned and, where appropriate, reject the request.</i></b></p>	<p style="text-align: center;">Article 2</p> <p style="text-align: center;">Functionalities of the public interface</p> <p>1. The public interface shall provide functionality for:</p> <p>(a) creating an account for secure access to the service provider's reserved area;</p> <p>(b) ensuring appropriate logging of user activity;</p> <p>(c) creating, submitting and managing declarations of posted workers, <b><i>as well as monitoring any change thereto;</i></b></p> <p>(d) transmitting a copy of the posting declaration to the posted worker;</p> <p>(e) making submitted information available in IMI to the responsible national competent authorities of the host Member State for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.</p> <p>(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State;</p> <p><b><i>(g) authorising one or more national authorities of the host Member State to monitor data input <u>and</u> verify the information concerned.</i></b></p>

<b>Reason given in the opinion</b>	<b>Amendment of the reason given in the opinion</b>
The priority for the posting of workers is still to ensure proper enforcement of the rules in order to put a stop to fraud and ensure compliance with labour legislation. The proposed system should therefore allow the competent national authorities to carry out the necessary data checks and verify the information concerned.	The priority for the posting of workers is still to ensure proper enforcement of the rules in order to put a stop to fraud and ensure compliance with labour legislation. The proposed system should therefore allow the competent national authorities to carry out the necessary data checks and verify the information concerned.

<b>Explanation of proposed changes</b>
We disagree with the inclusion of the right to reject the request, which is not explained enough and may potentially be contrary to other provisions of EU law on the free movement of workers.

**Outcome of the vote:**

For: 58  
Against: 105  
Abstentions: 5

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