Council of the European Union

Brussels, 19 May 2025
(OR. en)

8659/25

Interinstitutional File:
2024/0301 (COD)

COMPET 341
MI 288
JUR 274
ETS 13
EDUC 133
DIGIT 80
EMPL 161
SOC 253
CODEC 556

NOTE

From:	General Secretariat of the Council
To:	Council
No. prev. doc.:	8707/25
Subject:	Regulation 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 - General approach

I. INTRODUCTION

1. On 14 November 2024, the Commission submitted to the Council and the European Parliament a 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. The proposal aims to harmonise, digitalise and simplify requirements related to the declarations of posting workers, while upholding social rights of those workers.

2. The draft Regulation is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

3. The European Economic and Social Committee (EESC) delivered its opinion on 29 April 2025.

4. In the European Parliament, the Committees on Employment and Social Affairs (EMPL) and on Internal Market and Consumer Protection (IMCO) have the lead responsibility. Johan Danielsson (SE) / S&D and Andreas Schwab (DE) / EPP were appointed rapporteurs for the EMPL and IMCO Committees respectively. The report has not been tabled yet.

II. WORK WITHIN THE COUNCIL

5. The Working Party on Competitiveness and Growth (Internal Market) discussed the proposal for the first time at its meeting on 5 December 2024 under the Hungarian Presidency. It was followed by 6 further meetings under the Polish Presidency[1].

6. Delegations generally welcomed the proposal and its objectives, and at the Competitiveness Council of 12 March 2025, many ministers expressed support for the initiative. Nevertheless, some delegations raised also concerns as regards certain provisions of the proposal.

7. On 7 May 2025, the Presidency presented to the Permanent Representatives Committee the fourth compromise text[2] and invited to confirm agreement on the text in view of the mandate for negotiations with the European Parliament. At that meeting, the Permanent Representatives Committee did not agree on a mandate for negotiations with the European Parliament on the text submitted.

8. In response to concerns raised by the Member States at the Permanent Representatives Committee meeting on 7 May 2025, the Presidency submitted the fifth compromise text[3] to the Permanent Representatives Committee on 14 May 2025 and invited to confirm agreement on the text in view of the mandate for negotiations with the European Parliament. At that meeting, the Permanent Representatives Committee did not agree on a mandate for negotiations with the European Parliament on the text submitted.

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[1] On 15 January, 22 January, 7 February, 24 February, 14 March and 9 April.
[2] ST 7884/25.
[3] ST 8707/25.

9. Therefore, after the discussion of the Permanent Representatives Committee on 14 May 2025, the Presidency considers timely and relevant to forward the fifth compromise text in the Annex to this note to the Council (Competitiveness) of 22 May 2025 in view of a possible general approach.

III. MAIN CHANGES TO THE COMMISSION PROPOSAL

10. While retaining the aim, basic structure and most of the content of the proposed legal act, the Presidency amended several provisions of the Commission proposal in its compromise texts. This was done to take account of delegations' requests, with a view to improving clarity, feasibility and legal certainty as well as further simplifying the formalities related to the posting of workers.

11. The main changes to the Commission proposal are therefore the following:

a) Scope and functionalities of the public interface (Articles 1 and 2)

12. To simplify the obligations of the service providers relating to the posting of workers in another Member State, an additional functionality has been added to the scope of the proposal (Article 1). This new functionality is optional for the Member States using the public interface for the declaration of posting of workers and aims to facilitate service providers to comply with their obligations laid down in Article 9(1)(b), (c) or (d) of Directive 2014/67/EU through the upload of the relevant documents in the public interface. Competent authorities cannot request once again documents or information that the service provider has already uploaded or made available through the public interface. Nevertheless, this should not prevent national authorities to require additional information or documents, that have not already been requested and made available, for the purpose of carrying out controls, if deemed necessary.

13. Moreover, it was clarified through the new paragraph 3a that the standard form is limited to the declaration of posting of workers in the meaning of Article 9(1)(a) of Directive 2014/67/EU. To reinforce one of the main objectives of the proposal, i.e. to simplify the declaration process, the proposal now confirms that the standard form shall replace any pre-existing posting declaration required under national law in the Member States that decide to use the public interface for the submission of the posting declaration. However, the procedures related to other parts of the posting process, such as the controls at the workplace, remain outside the scope of the proposal. Therefore, all Member States, will continue to be allowed to request additional information or documents during such controls.

14. To ensure to the extent possible the technical accuracy of the entered information, a functionality on the technical validation of the data was included in Article 2(1)(c). In the same spirit, in order to allow competent authorities to ask service providers to clarify or correct possible mistakes in the declaration, a new functionality of the public interface was introduced to allow for the exchange of messages between the competent authorities of the host Member State and the service provider, as long as such exchange relates to the content of the posting declaration [Article 2(1) point (fa)]. Moreover, it was also clarified that the public interface should allow the posted worker to receive an electronic extract of the posting declaration that includes all relevant data [Article 2(1)(d)]. This latter amendment aims to respect the rules on the protection of personal data in case the posting declaration covers several posted workers. Furthermore, for the purpose of facilitating the effective monitoring by Member States of compliance with EU law, the Member State of establishment of the service provider will also have access to the posting declarations.

b) Making use of the public interface by Member States (Article 3)

15. Member States that decide to make use of the public interface have to inform the Commission at least six months prior to the intended start date of the use [Article 3(1)]. It was also clarified that such Member States should not impose any additional posting declaration or information requirements within the meaning of Article 9(1)(a) of Directive 2014/67/EU [Article 3(3)]. For other purposes, such as controls, however, they will continue to be allowed to request additional data.

16. To facilitate service providers to comply with their declaration requirements when posting workers in another Member State, the public interface will make available the link to Member States' posting declaration websites of those Member States that do not use the public interface for posting declaration purposes [Article 3(4)].

c) Standard form (Article 4)

17. The precise content of the standard form will be provided for in an implementing act, in accordance with the data categories laid down in the Article 4(1). To this end, the wording of these data categories has been aligned with both Article 9(1) of Directive 2014/67/EU and the provisions related to the processing of personal data of Article 5. Considering that the proposal aims to harmonise the information required at national level for declaring the posting of workers through the standard form, those requirements should take into account, to the extent possible, the existing information requirements of the Member States, as long as such requirements are proportionate and justified [Article 4(1)].

18. Member States may decide to waive certain information in the standard form. To ensure legal clarity, predictability and uniform conditions for implementing Article 4(1), the Commission shall amend the standard form so as to indicate such waivers [Article 4(3)].

19. To ensure full transparency of the Commission's assessment on justified amendments proposed by Member States to the standard form, a new paragraph 5a was introduced obliging the Commission to explain the reasons should they decide not to propose changes to the standard form based on such request.

d) Processing and retention of personal data (Article 5; Recitals 15b and 20)

20. With regard to the processing and retention of personal data, it has been clarified that personal data of the relevant representatives and contact person can also be processed and retained since they are considered as being part of the service provider and service recipient categories in Article 4(1)(a) and (e). The possibility to declare representatives in the standard form, including the representative of a user undertaking in the case of double or chain posting may facilitate monitoring the compliance with the posting rules (Recital 15b). Furthermore, it was also clarified that, in accordance with Regulation (EU) 2016/679 and national law and practices, personal data may be retained longer than the 36-month retention period foreseen for the public interface (Recital 20).

e) Committee procedure (Article 8)

21. To ensure a proper involvement of the Member States on the amendments proposed to the standard form, the advisory comitology procedure has been replaced by the examination procedure in Article 8.

f) Evaluation (Article 9)

22. A possible extension of the scope to third country declarations has been included in the evaluation under Article 9, as well as a clarification that the Commission will take into account the opinion of relevant stakeholders when evaluating the Regulation. Moreover, the Commission should continue to explore the technical possibilities to reuse data and enhance synergies between the posting declaration and the application for a portable document A1 with a view to further streamline and simplify the obligations of the service providers related to the posting of workers.

IV. CONCLUSIONS

23. The Council (Competitiveness) is invited to confirm agreement (general approach) on the text in the Annex to this note in view of the mandate for negotiations with the European Parliament.

ANNEX

2024/0301 (COD)

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[4],

Acting in accordance with the ordinary legislative procedure,

Whereas:

[4] OJ C , , p. .

(1) The Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council[5], should be used as much as possible for the administrative cooperation and mutual assistance, including between the competent authorities of the Member States provided for in Directives 2014/67/EU[6] and 96/71/EC[7] of the European Parliament and of the Council, concerning the posting of workers in the framework of the provision of services. In accordance with Directive 2014/67/EU, in particular its Article 6, Member States are to work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the implementation, application and enforcement in practice of that Directive and Directive 96/71/EC.

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5 Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/1024/oj).

6 Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11, ELI: http://data.europa.eu/eli/dir/2014/67/oj).

7 Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: http://data.europa.eu/eli/dir/1996/71/oj).

(2) Directive 2014/67/EU aims to ~~facilitate the exercise of the freedom to provide services and the functioning of the internal market, as well as to~~ guarantee ~~respect for~~ an appropriate level of protection of the rights of posted workers for the cross-border provision of services, in particular ~~as regards~~ the enforcement of the terms and conditions of employment that apply in the Member State where the service is to be provided in accordance with Article 3 of Directive 96/71/EC**, while facilitating the exercise of the freedom to provide services for service providers and promoting fair competition between service providers, and thus supporting the functioning of the internal market**. According to Article 9(1) of Directive 2014/67/EU, Member States may only impose administrative requirements and control measures ~~in so far~~ as necessary in order to ensure effective monitoring of compliance with the obligations set out in that Directive and in Directive 96/71/EC and provided that these are justified and proportionate in accordance with Union law. Where this is the case, Article 9(1)(a) of Directive 2014/67/EU allows Member States to impose an obligation for a service provider established in another Member State to make a simple declaration to the responsible national competent authorities **containing the relevant information necessary** in order to allow factual controls at the workplace. It remains the responsibility of Member States to decide, within the limits of justification and proportionality, in which cases to demand a posting declaration and what information this declaration must contain. **Article 9(1) (b) allows Member States to impose an obligation for a service provider to keep or make available and/or retain copies, in paper or electronic form, of employment related documents during the period of posting in an accessible and clearly identified place in its territory. Article 9(1)(c) allows to impose an obligation for a service provider to deliver these documents after the period of posting at the request of the authorities of the host Member State, within a reasonable period of time. Article 9(1)(d) allows Member States to impose an obligation for a service provider to provide a translation of these documents into (one of) the official language(s) accepted by the host Member State. It remains the responsibility of Member States to decide, within the limits of justification and proportionality, whether to introduce any requirements in relation to relevant documents to be made available.**

(3) All Member States have used the possibility to impose a declaration obligation for service providers posting workers to their Member State, with national systems differing significantly in design, requirements and functionality. **While the administrative burden related to the posting declaration obligation varies significantly per Member State,** complying with these diverging systems creates a considerable administrative burden for the service providers posting workers **to different Member States**. Stakeholders**, in particular service providers** have ~~consistently~~ highlighted that the declaration for the posting of workers constitutes a significant reporting obligation and is among the most important administrative ~~barriers~~**obstacles** for the cross-border provision of services in the internal market.

(4) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements~~, in order to ensure~~ **to limit the administrative burden, while ensuring** that they fulfil the purpose for which they were intended ~~and to limit the administrative burden~~. The reporting obligations and requirements in the submission of posting declarations to the competent authorities of the host Member State, established in accordance with Article 9(1)**, point (a),** of Directive 2014/67/EU should therefore be simplified **without prejudice to the adequate protection of posted workers' rights under Directive 96/71/EC and its enforcement under Directive 2014/67/EU**, in line with the Commission's Communication on 'Long-term competitiveness of the EU: looking beyond 2030'[8], in order to significantly reduce the administrative burden for service providers established in other Member States and posting workers to the host Member States as well as for national competent authorities.

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[8] COM(2023) 168 final.

(5) Reducing the administrative burden for service providers and national competent authorities must ~~concur with the respect for~~**be achieved while respecting** adequate working conditions and social protection for posted workers **and its enforcement**. Facilitating the effective monitoring ~~of compliance~~ by Member States **of compliance with EU legislation aimed at ensuring the protection of posted workers' rights** and reinforcing mutual administrative cooperation improves the protection of workers' rights **and contributes to the fight against circumvention and abuse of posting rules and undeclared work in the context of posting of workers**.

(6) In accordance with Article 12 of Regulation (EU) No 1024/2012 technical means may be provided to allow external actors to interact with IMI. Such an interaction should be facilitated by a multilingual electronic public interface connected to IMI ('the public interface') through which service providers should submit posting declarations to the Member States making use of the public interface ~~('participating Member States')~~**instead of their own posting declaration in accordance with Article 9(1)(a) of Directive 2014/67/EU and national law and through which service providers should make available relevant documents to the Member States making additional use of the public interface instead of their own procedures to request and obtain these relevant documents. Documents requested and obtained in IMI through the public interface should not be requested again in any other way**. These Member States ~~should then, if necessary,~~**could then** use the information **and documents** received through IMI to make reasoned requests in the IMI posting modules in accordance with the obligation to provide mutual administrative cooperation and assistance referred to in Articles 6 and 7 of Directive 2014/67/EU.

(7) A simplification of the process of sending and updating posting declarations **and of making available relevant documents** resulting from the creation of such a public interface ~~should reduce~~**aims at reducing** administrative ~~barriers~~**obstacles** to the freedom to provide services, including to the right of undertakings to provide services in another Member State with their own workers.

(7a) Although Member States are not required to provide for the use of the public interface set up by this Regulation and may continue to use their own posting declaration, the envisaged uptake by Member States contributes to the approximation of the procedure and of the requirements for the declaration of posting of workers in the Member States which make use of the public interface. The public interface as the single declaration portal and the standard form establish similar conditions for posting declarations in the Member States which make use of the public interface. This Regulation therefore aims at facilitating the free provision of services by proceeding to a partial harmonisation as regards the procedure and requirements for the declaration of posting of workers set out in Directive 2014/67/EU. By providing for more harmonised conditions, this Regulation will reduce the current fragmentation between the Member States deciding to make use of the public interface.

(8) The simplification of the process of sending and updating posting declarations ~~should facilitate~~**through the public interface aims at facilitating** a better ~~and more uniform~~ application of Directive 96/71/EC as well as its enforcement in practice~~, reducing the cases on non-compliance with the posting rules due to the different procedures for submitting the posting declarations. It will facilitate~~**. It aims at facilitating** carrying out of effective and adequate inspections by the Member States, contributing to the protection of posted workers' rights.

(9) A simplification of the process of sending and updating posting declarations ~~should reduce~~**through the public interface aims at reducing** the administrative burden of national competent authorities seeking mutual assistance from other Member States. To ensure that the responsible national competent authorities ~~can~~ provide each other with mutual assistance without undue delay and to simplify requests for mutual assistance, information submitted in posting declarations should be made available directly in IMI, thus facilitating the application in practice of Directive 2014/67/EU and Directive 96/71/EC and supporting the related administrative cooperation between the national competent authorities in the Member States contributing to the proper functioning of the internal market.

(10) The Commission should set up a public interface for voluntary use by Member States. Member States may choose to require service providers to use the electronic public interface to make a posting declaration to its responsible national competent authorities **and to upload documents at the request of their competent authorities, as a means**~~, in order~~ to comply with ~~justified and proportionate~~**the** obligations imposed by these Member States to declare posting of workers **in accordance with Article 9(1) of Directive 2014/67/EU and make available documents in accordance with Article 9(1)(b), (c) and (d) of Directive 2014/67/EU**. This public interface should support Member States in their task to ensure that the procedures and formalities relating to the posting of workers can be completed in a user-friendly way by undertakings, at a distance and by electronic means, facilitating the submission of posting declarations **and uploading of documents** where required. **The public interface should technically validate the data in the posting declarations to ensure to the extent possible the plausibility and technical accuracy of the entered information and the format of the data. Any user action of the service provider in the public interface concerning posting declarations and the data included thereof should be recorded and logged in order to provide full transparency and traceability. The setting up of the public interface should have no impact on Member States deciding not to use the public interface and to continue to use their national posting declaration in accordance with Article 9(1)(a) of Directive 2014/67/EU. All Member States will continue to use IMI for the administrative cooperation and mutual assistance between the competent authorities of the Member States provided for in Directives 2014/67/EU and 96/71/EC and points 6 and 7 of the Annex to Regulation 1024/2012. Links to Member States relevant websites for the submission of a motivated notification in accordance with Directive 96/71/EC should be made publicly available by the Commission on the public interface.**

(11) Interoperable and reusable solutions, such as those provided for in Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework[9], should be used as they can facilitate how service providers identify themselves. ~~Once available, workers should be able to receive notifications about posting declarations concerning them via the European Digital Identity Wallet[10].~~

(11a) While setting up the public interface, the Commission should continue to explore the possibility for the posting declaration under Directive 2014/67/EU and the application for portable document A1 to be brought closer together technically, including by exploring synergies in terms of data reusability. The Commission should also explore the possibility of extending the scope of the public interface to declarations by service providers established outside the Union and sending workers to a Member State to provide services and to allow Member States to make use of the public interface where a Member State imposes an obligation on service providers established outside the Union to declare the sending of workers to that Member State.

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9 Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).

10 ~~Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).~~

(12) The public interface connected to IMI is a technical means made available by the European Commission for voluntary use by Member States. **While there is no obligation on Member States to impose any of the measures in Article 9(1) (a), (b), (c) or (d) of Directive 2014/67/EU on the service provider,** before requiring service providers to declare the ~~relevant information~~**posting of workers by way of that interface and, where a Member State decides to use the public interface additionally for making available of relevant documents, before requiring service providers to make available relevant documents** by way of that interface, Member States should ensure that such a requirement is provided for in national law, in line with Union law. In order to ensure a frictionless use of the public interface Member States should communicate to the Commission their interest in making use of the multilingual electronic public interface **for posting declarations, and where applicable, also for uploading of documents**, at any time from the date of entry into force of this Regulation. **Member States should be allowed to discontinue making use of the public interface, provided that they inform the Commission of such intention in a timely manner to ensure a frictionless use of the public interface and legal certainty for service providers.**

(13) The Commission, in line with the UN Convention on the Rights of Persons with Disabilities to which the Union and all Member States are parties, should ensure accessibility for persons with disabilities of the public interface and its content taking into account to the extent relevant the accessibility requirements as set out in Annex I of Directive (EU) 2019/882[11].

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[11] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).

(14) Service providers should be able to submit a posting declaration **and to make available relevant documents** to the national competent authorities of a ~~participating~~ Member State **making use of the public interface and** to which a worker is posted, i.e. the host Member State, using a multilingual standard form **and the document upload functionality** of that public interface. **The translation facility in IMI should allow the national competent authorities to translate the documents from and into any of the official languages of the Union. This should remove the need for an obligation on the service provider to provide a translation of these documents.**

(15) The Commission received input from the expert group on a common electronic form for the declaration of posting of workers on the national declaration requirements and systems as well as on the relevant information necessary to allow factual controls at the workplace. The Commission has received advice from the expert group concerning the information requirements that it would consider to be appropriate to include in a common form for the declaration of posting of workers. Taking into account this advice**, the existing information requirements and specific circumstances of the Member States as well as the applicable Union law,** and in order to allow for the provision of the information that may be necessary to allow factual controls at the workplace, the standard form used by the electronic public interface should consist of information related to the service provider, the posted worker, the posting assignment, the contact ~~person~~**persons** for competent authorities and **for social partners, and** the service recipient. ~~The standard form should be available in all EU languages. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public interface.~~

(15a) The standard form should be available in all EU languages. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public interface. On the basis of this information, the Commission should amend by means of implementing act the standard form by adding a reference of the Member State(s) not requesting certain elements.

(15b) Taking into account the specific circumstances of the Member States, information on the service provider including a legal representative or other person representing the company in administrative and legal proceedings and on the identity and contact details of the service recipient may facilitate the identification of cases of circumvention and abuse of posting rules and undeclared work in the context of posting of workers. For postings by a temporary employment undertaking or placement agency in case of a double or chain posting, the standard form should allow to identify the user undertaking. Information on a legal representative or other person representing the user undertaking in administrative and legal proceedings may also facilitate monitoring compliance.

(16) In respect of the establishment of, and subsequent changes to, the standard form, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[12]. Member States**,** considering that certain information should be added to or removed from the standard form, or that the standard form should otherwise be modified, **also taking into account declaration requirements and specific circumstances of a Member State,** should be allowed to request the Commission to amend the standard form accordingly.

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[12] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(17) The use of the public interface, with its standard form, consisting of a common and exhaustive set of relevant information that may be necessary for factual controls at the workplace, will reduce the divergencies in the applicable rules and regulations of the Member States. It should be sufficient for service providers to comply with the **posting** declaration obligations in Member States making use of the public interface. **For the purpose of the posting declaration,** there should be no additional information requirements imposed at national level in these Member States. The ~~setting up~~**use** of the public interface ~~connected to IMI with its standard form and the~~**for the uploading of documents should be sufficient for service providers to comply with any obligation of keeping and/or** making **these documents** available ~~of this interface to national competent authorities is instrumental and ancillary to the approximation of the legislation of the~~**imposed by** Member States **pursuant to Article 9(1) (b), (c) and (d) of Directive 2014/67/EU. There should be no requirements imposed at national level in these Member States regarding making these documents available once they have been requested and made available by the service provider through the public interface in IMI. This does not affect the possibility for Member States to request further information and documents to ensure effective monitoring of compliance with the EU legislation on posting of workers in accordance with Article 9 of Directive 2014/67/EU**~~, ensuring the functioning of the internal market~~.

(18) ~~The establishment of a public interface provides a streamlined framework for posting declarations that offers significant incentives for Member States to participate. It aligns with Member States' own interest in enhancing administrative cooperation, simplifying administrative procedures, and protecting workers' rights. When the public interface will be established and will show its usefulness and benefits, all Member States should consider making use of the public interface. The more Member States were to make use of the public interface, the higher would be the reduction of administrative burden for service providers and national competent authorities, and the larger the scope for effective administrative cooperation for protecting workers' rights.~~

(19) ~~In order to allow factual controls at the workplace the relevant information to be provided in the declaration of posting of workers may include amongst the information requirements established in the context of Article 9(1)(a) of Directive 2014/67/EU~~**The standard form and the documents uploaded by the service provider may contain** certain personal data. Processing of personal data **in the public interface** should be carried out in accordance with Union law on the protection of personal data laid down in Regulations (EU) 2016/679[13] and (EU) 2018/1725[14] of the European Parliament and of the Council**. For that purpose categories of personal data that may be processed should be defined in this Regulation**. In order to clarify the responsibility for the processing of personal data submitted through the public interface, this Regulation should indicate who is to be regarded as the controller of the personal data. Regulation (EU) No 1024/2012 applies to the processing of personal data of the competent authorities in IMI.

(20) The information from the posting declarations **and uploaded documents** should be kept in the public interface for the purpose of reusing it in subsequent posting declarations for a maximum period of 36 months after the end date of the posting period. **The information may be kept in national back-end systems for a longer period, in accordance with Regulation (EU) 2016/679, national law and practices.**

(21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on ~~5 September 2024~~**8 January 2025**.

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13 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

14 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

(22) Where social partners play a role in the monitoring of compliance with posting rules, competent authorities should be allowed to provide national social partners with the relevant information which has been shared via IMI, for the sole purpose of checking compliance with posting rules while respecting Regulation (EU) 2016/679. The relevant information should be provided to social partners by other means than IMI.

(23) The European Labour Authority ('ELA') should support Member States' national competent authorities and service providers**, including SMEs,** in the implementation and use of the public interface in accordance with its mandate under Regulation (EU) 2019/1149[15].

(24) This regulation should be without prejudice to Directive 2014/67/EU and Directive 96/71/EC. **It should also be without prejudice to Union legislation that lays down specific rules on the use of a public interface connected to IMI for declarations of posting of certain categories of workers, such as Directive (EU) 2020/1057.**

HAVE ADOPTED THIS REGULATION:

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[15] Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland) (OJ L 186, 11.7.2019, p. 21, ELI: http://data.europa.eu/eli/reg/2019/1149/oj)

Article 1

Public interface connected to the Internal Market Information System

1. In order to contribute to the proper functioning of the internal market by reducing administrative ~~barriers~~**obstacles** to the freedom to provide services, while facilitating the effective monitoring by Member States of compliance with EU legislation aimed at ensuring the protection of posted workers' rights, and supporting the related administrative cooperation between the national competent authorities in the Member States, the Commission shall set up a multilingual public interface connected to the Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012, for the declaration of posting of workers **and, where applicable, for making available relevant documents** ('the public interface').

2. Member States may ~~opt~~**decide** to make use of ~~this~~**the** public interface **referred to in paragraph 1**.

3. The legislation of a Member State may provide for service providers to declare posting of workers, in accordance with Article 9(1) of Directive 2014/67/EU, by submitting a declaration based on a multilingual standard form through the public interface. ~~Where~~**The legislation of** a Member State ~~provides for the use of~~**may additionally, where a Member State so decides, provide for service providers to make available copies of relevant documents necessary for checks and monitoring purposes in accordance with Article 9(1) (b), (c) and (d), upon a request by the responsible national competent authority, by uploading these documents within a reasonable period of time in** the public interface~~, that declaration shall replace any pre-existing one required under national law~~.

3a. Without prejudice to Article 9 of Directive 2014/67/EU, where a Member State decides to impose the obligation to make the declaration of posting of workers pursuant to Article 9(1)(a) and to make available relevant documents pursuant to Article 9(1) (b), (c) and (d) of Directive 2014/67/EU and where that Member State decides to make use of the public interface referred to in paragraph 1 of this Article, the declaration and the making available of documents referred to in paragraph 3 of this Article shall replace any pre-existing posting declaration required under national law and requirements to make or keep available documents if these documents have been requested and obtained in IMI through the public interface.

Article 2

Functionalities of the public interface

1. The public interface shall provide ~~functionality~~**functionalities** for:

(a) creating an account for secure access to the service provider's reserved area;

(b) ensuring appropriate logging of user activity;

(c) creating, submitting and managing **posting** declarations**, including the technical validation of the data**~~ of posted workers~~;

(d) transmitting ~~a copy~~**electronically an extract** of the posting declaration **with relevant data** to the posted worker;

(da) allowing for uploading of relevant documents listed in Article 9 (1) (b) of Directive 2014/67/EU, after the posting period has started and provided that the related posting declaration has been submitted in the public interface;

(e) making submitted information available in IMI to the responsible national competent authorities of **both** the host Member State **and the Member State of establishment of the service provider, for monitoring the compliance with EU legislation aimed at ensuring the protection of posted workers' rights, and** for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.**;**

(ea) making uploaded documents available in IMI to the responsible national competent authorities of the host Member State for monitoring the compliance with EU legislation aimed at ensuring the protection of posted workers' rights, and 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**, and all subsequent changes thereof,** directly in the national back-end system upon the request of that Member State**; and allowing one or more national authorities of the Member State of establishment of the service provider that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU to receive submitted information directly in their national back-end system upon the request of that Member State**..

(fa) allowing for the exchange of messages between the competent authorities in the host Member State and the service providers, as long as this is relevant for the content of the posting declaration and/or for the request of uploading relevant documents.

2. The Commission shall be responsible for the development, maintenance and operation of the public interface.

3. The Commission shall ensure accessibility for persons with disabilities of the public interface and its content.

Article 3

Making use of the public interface by the Member States

1. A Member State that ~~opts~~**decides** to make use of the public interface shall inform the Commission **at least** six months before the date from which it intends to use the public interface.

2. A Member State ~~opting~~**deciding** to make use of the public interface shall adopt the laws, regulations and administrative provisions necessary to allow for the use of the public interface by service providers posting workers to that Member State and to comply with the requirements of the public interface and of the standard form of the declaration of posting of workers **and, where relevant, for the uploading of documents** in due time before such use.

3. Member States making use of the public interface shall not impose any additional **posting** declaration or information requirements **within the meaning of Article 9(1)(a) of Directive 2014/67/EU** on the service providers submitting the posting declaration through the public interface. **Member States shall not impose any additional requirements regarding keeping or making documents available during or after the posting period within the meaning of Article 9(1) (b), (c) and (d) of Directive 2014/67/EU on the service providers where these documents have been already made available in IMI through the public interface.**

4. The list of Member States making use of the public interface as referred to in paragraph 3 shall be made publicly available by the Commission on the public interface. **When a Member State decides not to make use of the public interface, the public interface shall make available the link to that Member State's posting declaration website, if applicable.**

5. A Member State may discontinue making use of the public interface. That Member State shall inform the Commission ~~thereof six~~**at least two** months before the intended end date of the use of the public interface.

Article 4

Standard form

1. **Taking into account existing information requirements and w**~~W~~ithout prejudice to paragraph 5**,** the standard form shall consist of information **that is necessary to allow factual controls at the workplace within the meaning of Article 9(1) of Directive 2014/67/EU, and** related to:

   (a) the service provider**, including the information referred to in Article 5(3)(a)**;

   (b) the posted ~~worker~~**workers, including the anticipated number of clearly identifiable posted workers, and the information referred to in Article 5(3) (b) and (c)**;

   (c) the posting assignment**, including the anticipated duration, envisaged beginning and end date of the posting, the nature of the services justifying the posting and the information referred to in Article 5(3)(d)**;

   (d) the contact ~~person to liaise with the competent authorities~~**persons referred to in Article 9(1) points e and f of Directive 2014/67/EU, including the information referred to in Article 5(3)(e)**;

   (e) the service recipient**, including the identity of the service recipient and its contact details**.

~~1a.~~

2. The Commission shall establish the standard form referred to in paragraph 1 of this Article by way of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).

3. A Member State ~~opting~~**deciding** 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. **On the basis of this information, the Commission shall amend the standard form for the relevant Member State in accordance with the procedure referred to in Article 8(2).**

4. **Any** Member ~~States~~**State** may submit to the Commission suggestions for amendment(s) of the standard form**, explaining the reasons for the suggestion**. The Commission shall examine**, in a reasonable time,** such suggestions with the view to amending, where appropriate, the standard form.

5. The Commission may, based on a suggestion by a Member State or on its own initiative, ~~propose an amendment~~**submit a draft implementing act to amend** of the standard form, in accordance with the procedure referred to in paragraph 2 of this Article.

5a. Where the Commission decides not to submit a draft implementing act for an amendment suggested by a Member State, including if it considers it to be unjustified or disproportionate, the Commission shall explain, in a reasonable time, the reasons for its decision.

Article 5

Processing and retention of personal data

1. For the purpose of achieving the objectives set out in Article 1, personal data referred to in paragraphs 2 and 3 may be processed ~~by~~**in** the public interface.

2. The Commission is to be considered as controller in accordance with Article 3(8) of Regulation (EU) 2018/1725 in relation to:

   (a) Ensuring the security and availability of the public interface;

   (b) Processing the identification and contact details of the person submitting the declaration of posting of workers,

3. The service provider is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 for processing:

   (a) the identity and contact details of the service provider **and the service recipient**;

   (b) the identity of ~~a~~ posted ~~worker~~**workers**;

(c) an electronic notification address, such as ~~a mail~~**an e-mail** address, of a posted worker to inform the posted worker that a **posting** declaration has been submitted for that worker;

(d) the address of the workplace of the posted worker;

(e) the identity and contact details of the contact ~~person of the service provider.~~**persons or the relevant representative;**

(ea) personal data contained in documents that are uploaded to the public interface.

4. Where a Member State receives posting declarations additionally through the public interface in its national back-end system, the competent national authority is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 in respect of the processing of personal data contained in these posting declarations.

5. The public interface shall ensure the automatic deletion of the information **and documents** related to a posting which ~~has~~**have** been submitted through that public interface 36 months after the end date of the posting period.

6. The public interface shall allow for the deletion of all personal data stored in there and in the service providers' accounts when those data are no longer needed for the purposes for which they were collected and processed.

7. The public interface shall allow for the sending of a reminder to the service provider to review and delete, when necessary, any personal data in accordance with paragraph 6.

8. A Member State may allow the competent national authority to provide national social partners by other means than IMI with relevant information available in IMI to the extent necessary and exclusively for the purpose of checking compliance with posting rules and in accordance with national law and practices, provided that the information relates to a posting to the territory of the Member State concerned.

Article 6

Processing of submitted information and uploaded documents by means of IMI

Information submitted **and documents uploaded** via the public interface shall be made available in IMI to the responsible competent authorities of the host Member State to achieve the objectives set out in Article 1. **Information submitted via the public interface shall also be made available in IMI to the responsible competent authorities of the Member State of establishment of the service provider.**

Article 7

Amendment to Regulation (EU) No 1024/2012

In the Annex to Regulation (EU) No 1024/2012, the following new point (17) is added:

‘17. Regulation (EU) …/… of the European Parliament and of the Council of … 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.’

Article 8

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article **4**5 of Regulation (EU) No 182/2011 shall apply.

Article 9

Evaluation

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~~**obstacles** to the freedom to provide services**, in effectively reducing fragmentation of the Internal Market**, 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. **It shall moreover examine the potential future use of the public interface for declarations by service providers established outside the Union and sending workers to a Member State to provide services as well as the possibility for the posting declaration and the application for a portable document A1 to be brought closer together technically. The Commission shall take into account the opinion of the relevant stakeholders.**

Article 10

Entry into force

This Regulation shall enter into force three months following the date of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*