Annex: Overview of state of play of transposition of Directive 2014/67 to improve enforcement of European regulations as regards posting of workers (mid 2016)

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| Completed  | **COUNTRY** | **TRANSPOSITION: *instrument/nature*** | **DATE**  ***Into force*** | **Key features** | **Comments** | | --- | --- | --- | --- | --- | | AT | *Law against social and age dumping*  *Publication in Federal Gazette 13.06.16* | 01.01.2017 | -improvements in regards to cross-border administrative prosecutions in connection with wage and social dumping (cooperation and use of the Internal Market Information – IMI – system)  -tightening of the general liability of contractors  -implementation of a customer liability in the construction sector  -creation of new exemption clauses | Lohn- und Sozialbetrugs- Bekämpfungsgesetz (LSD-BG), Link to the Act: <https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2016_I_44/BGBLA_2016_I_44.pdf>  1) First law in 2011, in parallel to the opening of the country’s labour market to nationals from the 8 Member States to join in 2004. Objective securing that foreign companies apply Austrian wage regulations. Law applying to both foreign employers and temporary agency work (TAW) and domestic companies  2) updated law in 2015/First time stand-alone law | | DE | *Transposition has been done ‘step by step’* |  | - ‘Step by step’ transposition as substantial elements of the Directive proved congruent with existing German regulations  - transposition may be more complex in Germany than in other Member States because of the federalist structure and the division of tasks between Labour inspection and Customs service  - Labour inspectorate have been affected by job cuts in the 16 Federal states, while customs services plan to recruit (600 new staff to be on duty by 2018)  - Transnational cooperation by the labour inspectorate poor and very low usage of IMI | 1) To be noted: in February 2014 DGB and Business Association of Craft criticised the draft directive on the following grounds: no predefined list of inspection/control measures; no extensive definition of control measures to the European level; clarification of joint liability regulations; Member States should be forced to provide more and better information to the posted workers  2) After the enforcement Directive passed, DGB involved in the project *Faire Mobilität*, clearly expressed discontent: concerns regarding the consequences, such as less rather than more inspections and the need to push Member States to transpose a joint liability regulation into law | | **DK** | *2 laws voted on 03.06.16* | 18.06.16 | ➀ Law on the revision of the PoW law, giving some new competences to the DK Working environment authority: collecting more data on foreign providers, checking if there is really a business at home; finally labour courts have the competence to handle any case covered by the collective agreements involving posted workers  ➁ Law on the new Labour market foundation; addressing chain of responsibility: losses of wages, DK companies cooperating with non-compliant providers responsible to pay from 25% up to 50% of the wages | The social partners have been involved in the implementation and recommended to the parliament to pass the bill.  Initiative to strengthen effort against social dumping  Informal consultation but no public debate on the implementation  TU supporting the bill and especially the ‘chain of responsibility’, sanctioning companies breaking the rules, especially wage payment; hope this protects workers and leads to fewer companies being fraudulent.  The EO, initially afraid to see the government introducing a legal minimum wage, welcome the creation of the Foundation to guarantee payment of wages.  The LM foundation is funded by a contribution from all full time employed workers in DK, and administrated by the public pension administrator (ATP). | | FI | *New Act on the Posting of workers* |  | - No changes in the terms and conditions of posted workers; broader scope as including public procurement contracts;  - introduction of provisions on procedure for the posting company to make notification of the posting before any work starts  - introduction of an ‘obligation to investigate’ in the construction sector  - the sanction system to be amended: criminal sanctions replaced by administrative ones, that are also enforceable cross border | - Social partners involved since the beginning of the proposal  - Peak level trade unions are a dissenting voice, stating that the directive will not be implemented properly in the FI legislation, especially in favour of introducing a broader contractor’s liability  - The Employer confederation (EK) and both sides of the industry in the construction sector are satisfied with the proposed system, including an ‘obligation to investigate’ for contractors in the building sector. This form of pressure in the construction sector already exists but based on a collective agreement. | | **FR** | *- 10 July 2014 Savary Law*  *- Several Decrees  - Law Macron 06.08.15*  *- Loi n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels (article 108)*  *- Ordonnance n°2016-413 relative au contrôle de l’application du droit du travail* | Regulation | ➀ New Sanctions: black list (no more than 2 years) and ban from all public aid and temporary closure  ➁ Responsibility in subcontracting, payment of the minimum wage compulsory along the subcontracting chain  ➂ compulsory declaration of posted workers, compulsory ID card in the construction sector  ➃ labour inspectorate more power in general  ➃ Right for representative trade unions to issue any necessary legal proceedings on behalf of employee, posted workers  ➄ Road transport sector regulations and lorry drivers’ working conditions  ➅ Reinforcement sanctions against fraud (Loi Macron 6.08.15)  ➆ Increased means for labour inspectorate: administrative fines quickly sanctions to employers failing to respect legal provisions on minimum wage/maximum working time limits | - Involvement of the social partners, from sectors exposed to abuse: construction, transport and TAW  - National Committee to fight illegal working and fraud  - Constitutional Court stated that the liability principle between main contractor and sub-contractors complies French constitutional rules (Decision N° 2015-479 QPC of 31 July 2015)  - Loi Macron to introduce compulsory ID card in the construction sector (NB employers’ organisation of the civil engineering against this measure, no particular added value) and employers to pay a contribution for each ID card | | IE | European Union (posting of workers) Regulation 2016  29.07.16 | July 2016 | The parts of the Directive which have been highlighted during the Government consultation are:  Article 9 – Monitoring of posted workers and control measures  Article 12 – Subcontracting liability | - Consultation of Social partners end of 2015/January 2016  - In the Department (DEIJ) ‘Brief” document it is *proposed to transpose the Directive on the basis of the* ***minimum mandatory requirement***and to do so by way of secondary legislation under the EC Act 1972.  “(…)*The posting of workers should be for legitimate internal market purposes and not be used as a means of undermining agreed rates of pay in Ireland or in other Member States. Our approach on the current proposal will be to consider objectively the individual elements of the proposal*.”  - Concerning the EC proposal of a targeted revision of the Pow Directive: the Department notes that ‘the full implications of the Commission’s March 2016 revision proposal are not yet clear to Member States’. One area the Department highlights is “how the principle of equal pay for equal work in the same place, one of the core stated objectives of the proposal, would be applied in practice in all circumstances and whether the relevant provisions of the proposal as drafted will strike the appropriate balance from Ireland’s perspective.” | | IT | DL 17.07.2016  Attuazione della direttiva del 15 maggio 2014 | 22.07.16 | Application to foreign firms posting in Italy from the EU and third countries, and TAW  In road transport in the context of ‘cabotage’  Not to staff employed on merchant shipping vessels  -Assessing ‘genuine posting’ with and holistic assessment addressing the ‘reality of the firms activity’ and the ‘genuine’ posting of the workers  -equal working conditions  -sanctions: if no genuine posting, workers is considered employed by host firm; financial administrative sanctions and criminal in case of child labour  -joint liability  -creation of an observatory for monitoring posted workers and controls  -administrative cooperation | -Social partners consulted through labour committees in Parliament  -Positive opinion delivered on 28.05.16 by the Parliamentary Labour Committees  -Asking for strengthening of the sanctions in case of fraudulent posting of workers and of violation of the maximum duration of the posting period | | LT | *1) Law on the Approval, Coming into Force and Implementation* of the Labour Code No XIIP-3234(3) (17 05 2016)  *2) Law Amending Law No X-199 on* *Guarantees for Posted Workers*, No XIIP-4337, Law No XIIP-4338 (27 04 2016) Amending the Law on the State Labour Inspectorate No IX-1768 | 1)*anticipated 01.2017*  *2) anticipated on 18 June 2016* | - LT law not applicable to workers posted in another MS or EEA state  -Labour inspectors function revised and extended;  Liaison office;  Identification of ‘genuine posting’  -subcontracting liability: minimum wage and financial obligations in construction sector  -Administrative penalties and /or fines | 1. Draft Law on the Approval, Coming into Force and Implementation of the Labour Code of the Republic of Lithuania,  No XIIP-3234(3) (17 05 2016)  <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/ed61a4001c1c11e6acbed8d454428fb7?positionInSearchResults=0&searchModelUUID=796bacfe-d337-4fbb-b7cc-abfdc68ea267>  Adoption **s**cheduled for spring session  2. Draft Law Amending Law No X-199 on Guarantees for Posted Workers of the Republic of Lithuania, No XIIP-4337, Law No XIIP-4338 (27 04 2016) Amending the Law on the State Labour Inspectorate No IX-1768  <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/2b1789800c3d11e687e0fbad81d55a7c?jfwid=-lrklxcg9u1e687e0fbad81d55a7c?jfwid=-lrklxcg9u>  Drafts approved by the Parliament 14 06 2016; Adoption of the Law scheduled for 16 06 2016; | | LV | law 26.05.2016 | No need for special enforcement | Beyond the rules already included in Section 14 (Definition of posting/definition of posted workers/no application to ship’s crew of merchant fleet undertakings) some amendments:  -specifying that regulation applicable to posted workers apply also to third national citizens posted in Latvia  -introduction of more regulation regarding fulfilment of requirements in legislation and administrative and supervision control bodies (information and transparency of the control)  -Clarification of the issue of appointing representative of the employer in state institutions /court and in collective agreement negotiations.  -new norms on pay  -joint liability | Law two readings: 31.03.16 +12.05.16  Trade unions support the idea of ‘solidaire responsibility’ not only for posting of workers and for lower sub-contractors level, but the general contractor should be responsible of the wage payment into the overall chain.  Employers organisation argue conversely that obligation to pay a minimum wage and cost of business trips might ruin the whole idea of posting of workers, as contradicting the purpose of economy of costs  No need for special enforcement as main regulation of the PoW Directive were introduced by section 14 in 2010 (transposition of directive 96/71) | | MT | L.N. 223 of 2016  EMPLOYMENT AND INDUSTRIAL RELATIONS ACT  (CAP. 452)  Posting of Workers in Malta Regulations, 2016 |  | Application to foreign firms posting in MT from the EU and third countries, and TAW  No application to staff employed on merchant shipping vessels  -Assessing ‘genuine posting’ with and holistic assessment addressing the ‘reality of the firms activity’ and the ‘genuine’ posting of the workers  - Equality of treatment  -joint liability  -administrative cooperation |  | | NL | 31.05.2016  Bill agreed by the Upper house | Date of publication and date of entry into force still to be published | -control function of the inspectors’ responsibility, especially cross border posting in construction and road transport  -joint liability is already part of the Dutch legislation (see Work and security act 1 July 2015); Bill on posting includes a new legislation for road transport  -Bill includes reference to the recent legislation on bogus labour constructs | Process: 2014 advice (unanimous) of the tripartite commission on labour migration.  Union federation FNV has become more active in going to court to enforce decent labour standards | | PL | Bill concerning the posting of workers in the framework of the provision of services | June 2016 | Issues discussed:  -Inclusion of different forms of cross-border transport. Under the influence of employers’ organisations and IMP only cabotage is covered by the regulations, excluding transnational transport and international transport.  -Despite the fact that cabotage falls under the definition of posted workers, there is no obligation to conduct a registration procedure in regard to posted workers in this sector.  -Principle of joint liability limited only to the building sector – minimum transposition.  -National Labour Inspectorate ([PIP](https://www.pip.gov.pl/pl/)) as an institution dedicated to registration, and control of posted workers, as well as a liaison office to other Member States’ institutions. There was a discussion on assigning the control function to revenue offices, but the Parliament withdrew this proposal.  -Penalty for unregistered posted workers from 1,000 PLN up to 30,000 PLN (€230–7,200).  -Execution of penalties from employers located in other Member States processed by National Labour Inspectorate and transferred to the relevant revenue office.  -Unclear provisions on data that might be requested from employer by a control body, including too short time given to respond to control bodies’ requests. Under the influence of employer’s organisations, an expression ‘information related to posting of workers’ has been added to the draft bill. Also, the time for response has been extended up to 10 days. | -Draft bill 22.04.16  [projekt ustawy z dnia 20 maja 2016 r. o delegowaniu pracowników w ramach świadczenia usług]  [**link**](http://orka.sejm.gov.pl/proc8.nsf/ustawy/408_u.htm)  -The draft bill addresses the transposition of two directives (Directive 96/71/EC and Directive 2014/67/UE) on posted workers;  the first Directive has been transposed through several acts and the bill consolidates all provisions.  -An association Labour Mobility Initiative ([IMP](http://www.mobilelabour.eu/)) was established in 2013, consisting of companies, experts and civil servants. IMP is dedicated to preparation of expert papers, lobbying at European and national level, and dissemination of information between stakeholders. Support for minimum regulation of posted workers issue is motivated by the fact that Poland is one of the countries posting the highest number of workers in the EU due to the fact that low labour costs are the main competitive advantage of the Polish economy in the EU. In accordance with this statement, the Polish Parliament proposed, simultaneously, minimum transposition of the Directives covering workers posted to Poland.  -Considering the debate on EC proposal of targeted revision of the PoW Directive, two resolutions have been adopted in order to launch the ‘yellow card’ procedure. On 10 May 11 EU Member States voiced their protest against the amendments to the Directive 96/71/EC processed by the EC and started the ‘yellow card’ procedure (Bulgaria, the Czech Republic, Denmark, Estonia, Hungary, Ireland, Latvia, Lithuania, Poland, Romania, Slovakia).   * .   - | | SE | -[*Memorandum on the Enforcement Directive* to the Posting of Workers Directive](http://www.government.se/contentassets/783173f271fa475c9b86565a85a4b214/sou-201538-the-enforcement-directive-to-the-posting-of-workers-directive-part-ii--summary.pdf)  -[*Memorandum concerning the implementation in Swedish law of certain parts of the Enforcemen*t Directive to The Posting of Workers Directive.](http://www.regeringen.se/contentassets/d61a2f10a4bc45868b7e459d34272972/entreprenorsansvar-och-svenska-kollektivavtalsvillkor-vid-utstationering.pdf)  -[*Review of Lex Laval*](http://www.government.se/legal-documents/2015/09/sou-201583-summary/) |  |  | Report (from a Government inquiry committee) published in March 2016, includes the potential legislative changes to be proposed in the regulation for transposition of the enforcement Directive 2014/67:  -workers’ right to conditions in accordance with collective agreement signed between employers and Swedish trade unions;  -introduction of contractor’s liability in the construction sector; opposed by sectoral employers organisations, welcomed by the sectoral trade unions, with an amendment extending this liability to cover the whole workforce and not only the posted workers.  -Swedish courts to get authorisation to settle disputes about posted workers | | SK | *Law 11.11.2015*  *Law No. 351/2015 Coll. on cross-border cooperation in* sending employees to perform work in service delivery and on amendments to certain laws (e.g. the Labour Code, Act on undeclared work). | 18.06.16 | -Criteria of ‘genuine posting’; no letter box company and real temporary duration of work posted;  -Effective control of implementation of SK legislation  -Joint responsibility of the company providing the service in Slovakia and its direct sub-contractor, who employs the posted worker,  -penalties: not to receive a service by worker who is undeclared | \*social partners consulted on the bill at the meeting of the Economic and Social Council (HSR) on 24 August 2015. Comments to the bill are available at <http://hsr.rokovania.sk/14-7692015-m_opva/>;  <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/351/20160618.html>  \*The National Union of Employers (RUZ SR)   * is in favour of requesting the employer to pay a wage supplement to the posted worker to reach the ‘wage level of a comparable core employee’ (as it is the case for temporary agency workers) but not to the level of the minimum wage in the respective country * also wanted that the control of the undeclared work should be the duty of the Labour Inspection and not of the employers   \* The Confederation of Trade Unions (KOZ SR) called for an increase in the wage supplements for working on Saturdays, Sundays and on bank holidays. | | UK | *Regulation 25/04/16* | 18/06/16 | \*Right for Posted workers in construction to claim against the employer for non-payment of wages when the amount is less than the national minimum age;  \*cross border enforcement arrangements  \*subcontracting liability only in construction sector and one level of subcontracting  \*information gateway to allow, receive and reply to information from other member states | \*Public consultation on transposition Directive 2014/67 during 2015  \*CBI in favour of an approach minimising the impact of the directive and welcome d the government preferred option of not introducing control measures (art 9 dir)  \*TUC argued for a registration scheme for companies planning to post workers to the UK and joint and several responsibility for the entire labour market;  \*Government adopted a minimalist approach to implementing the Directive:  -Sub-contracting liability, limited to the construction sector and to only one level of sub-contracting;  -no intention at this stage to increase monitoring and compliance arrangements, but is keeping art 9 under review  \*revision of the application of regulation every five year |  ALMOST COMPLETED | | | | | |
|  | **TRANSPOSITION: instrument/nature** | **DATE**  **Into force** | **Attempt-Draft?** | **Key features** | **Comments** |
| **LU** | Law (Draft) aimed at transposing directive 2014/67 of 15 May 2014 on the enforcement of directive 96/71/EC concerning the posting of  [**projet de loi portant 1. modification du Code du travail; 2. modification de l’article 3 de la loi du 17 juin 1994 fixant les mesures en vue d’assurer le maintien de l’emploi, la stabilité des prix et la compétitivité des entreprises**](http://www.csl.lu/component/rubberdoc/doc/3160/raw) | Has to be approved by the Parliament **not before end of 2016** | Council draft law | **Subcontracting liability:** article 1 transposes article 12 of the directive /in all kinds of sectors  **Labour inspectorate:** to conduct a ‘global assessment’ to check the temporary characters of the posting of workers.  **ID Card and declaration:** online declaration of posting prior to work  **New formalities for checking ‘substantial’ activities of companies:** to provide to the labour inspectorate four new documents (documents that prove the payment of salaries, a record of hours worked, the medical fitness assessment of the employee, documents that prove the legality of posted workers’ stay in the Member State of the employer  **Sanctions:** Trade unions that are representative may issue any necessary legal proceedings on behalf of an employee (with his agreement). A posted worker will have an easier access to the court in Luxembourg if his employer failed to respect legal commitments.  **Mutual assistance and recognition, Request for recovery or notification, Grounds for refusal, Costs:** the draft law contains implementation measures for these different points (article 16 to 19 of the directive). | * The process involves several advisory bodies, including the Chamber of Employees and the Chamber of Commerce and Chamber of Trades. According to a government announcement, ‘The bill aims to prevent, avoid and combat any violation and any circumvention of the applicable rules on this issue’. * *NB Luxembourg changed legislation in 2010 to comply with a decision of the European Court of Justice C-319/06 of the 19 June 2008, invalidating some provisions of the 2002 transposition law implementing the Directive 96/71.* |
| **NO** | 1) Working environment Act  +  2) Administrative regulation concerning posted workers | No final date of transposition set | 31.01.16 | \*Revision of Labour inspectorate role and competences, with regard to facilitation of cross border cooperation, instructing companies to provide pay slips, enforcement of economic administrative sanctions;  \*many aspects of regulation included in the Directive are already part of the Norwegian regulation, for example joint liability;  \*new regulation needed and proposed by the Ministry:   * Describing the elements that should be used to define whether a worker is posted or not * Protection from retaliation against the posted workers taking action in order to claim their rights from their employer * Preventing employers from disproportionate reduction of wages for payments of rent for housing. * Promoting the use of IMI. | \*The directive has not formally been included in the EEA agreement. This must be decided by the EEA committee before it can be implemented into Norwegian law.  1) The bill was sent for consultation in January, with a deadline in April. *Bill in Norwegian* <https://www.regjeringen.no/contentassets/90acc7bcb2794d428f0bded1558e90b8/hoeringsnotat_130116_-if.pdf>  2) Administrative regulation  *The proposal in Norwegian* <https://www.regjeringen.no/contentassets/90acc7bcb2794d428f0bded1558e90b8/hoeringsnotat_130116_-if.pdf>  \* The Ministry announces that at a later stage it might propose rules that require service providers to register and to have a local representative.  \*Employer organisations are not in favour of a legal delimitation of posted workers; do not support obligation for service provider to register or to have documentation in Norway / LO (TU) supports the proposals asking for further regulations  \*Labour inspectorate in favour of the proposals, stresses the problem of ‘double contract’ and argues that there is a need to have access to the original documents. |

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| AT DRAFT (as at August 2016) | | | | | | |
| **COUNTRY** | **TRANSPOSITION: instrument/nature** | **DATE**  **Into force** | **Attempt/**  **Draft?** | **Key features** | **Comments** |
| BE |  | No date | Pre-draft law 04.05.16 | Advice of the national Labour Council:  -transposition of Koelzsch decision in the transport sector;  -to include maximum duration of posting  -problem of how to control ‘substantial activities’ in the home country  -need to better inform foreign companies | Split opinions on joint liability  Social partners’ autonomous right to start a court case on abuses or wage conflicts  <http://www.cnt-nar.be/AVIS/avis-1982.pdf> |
| BG |  | Not yet transposed | Proposal for revision of the Directive | The envisaged legislative amendments cancel the existing art 121 § 3, requiring parties to agree at least on the same minimum working conditions as those applicable in the host country, only when the term of posting is longer than 30 calendar days.  Content of the proposed amendment  Introduction of legal definition of posting  -information and consultation issues  -protection of posted workers  -resolution of conflicts  -tax treatment | 1) Directive 96/71 has been transposed through an Ordinance of 2006 and the article 121 of the Labour code (2010)  2) Draft proposal for transposition of directive 2014, not yet implemented  3) concerning the EC 2015/16 proposal of a “targeted revision” of the Posting of Workers directive, BG participated in the ‘Yellow card’ procedure re the changes in the Directive on Posting of workers;  CITUB (largest TU confederation) expressed some concerns (June 2016) considering that it will be counter-productive vis à vis the changes needed for the introduction of equal pay for Posted workers and addressing social dumping in the EU. |
| CY |  | Foreseen: End of 2016 | Draft bill prepared by the Ministry of Labour | -replacing the current law [Law n0 137 (I)/2002, 19/07/2002] implementing Directive 96/71 | Delay in implementation due to the ‘complexity of the draft bill’ |
| CZ |  | No date | Bill on transposition  But problematic | Problem of cross border enforcement of sanctions | No major comments on the transposition of the implementation directive 2014/67 by the social partners; main issue is the dispute between the Minister of Social Affairs and Minister of Finance; yet the biggest EO disagrees with the form of the transposition, amending the labour inspection regulation.  Discussion is taking place on further regulation linked with the EC “targeted revision” proposal of the posting of workers directive; the biggest employer organisation and the Minister of labour are against the new legislation while trade unions consider further legislation is needed |
| EE |  | 18.06.16? | Draft law Feb 2016 | Draft on 3 main issues:  -OSH/  - of company to inform the labour inspectorate when posting  -remuneration of posted workers to Estonia in the construction sector (limited to national minimum wage) | Not realistic implementation date  Discussion among the social partners along traditional lines  Trade unions in favour of legislation while the employer organisations pointed out that it hampers free movement of services and increases administrative burden. Moreover they do not support the EC proposal to introduce the equality principle, offering posted workers the same salary than employees of host country. |
| HR |  | No date | Draft  Proposals | Instrument transposing Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC  1. Law on Amendments to the Aliens Act - draft law in parliamentary procedure  2. The Law on cross-border enforcement of financial administrative penalties - draft law prepared - at the stage of public hearing and consultation with social partners, before submitting to the Government adoption procedure | Stakeholders tend to be opposed to the transposition of the directive as ‘the regulation is against the competiveness advantage given through the low Croatian wages applicable’:  - EO (CEA): the issue is more undeclared work as posted workers are sufficiently protected when sent abroad; the problem is the amount of regulation to be applied when posting workers, leading to creating barriers and additional costs for employers; the principle of equal salary will lead to HR firms stopping sending workers abroad.  - TU stated that the issue is not only about wages, but also about the working conditions and a whole range of other rights and benefits that are available to domestic but not foreign workers. And that is the unfair competition that has serious adverse consequences primarily terms of equality on the labour market and could have very negative effects on the Croatian labour market.  -The representative of the scientific community underlined that Croatia partly builds its economic competitiveness also on labour costs.  Concerning the EC “targeted revision” proposal of the posting of workers directive, according to the Croatian Chamber of Economy, Croatia ‘has to share the opinion of those countries that are its natural peers, and are against the mentioned Directive’.  The responsible Ministry should prepare an analysis of the effects of the mentioned Directive on Croatian workers and economy for the period of five to ten years. |
| HU |  | Foreseen by end of June 2016 | Proposal 03.05.16 | ➀information and transparency are obligations of the host company  ➁Control, contact person to be designated for liaisons with Hungarian authorities  ➂joint liability | \*Shortened consultation as proposal part of a ‘mixed’ budgetary act 2017 with several different other legal measures  \*Mainly ‘formal’ transposition, as regulation not detailed  Issue on the feasibility of the implementation date |
| RO |  | No (implementation) date | Draft law | -strengthening of the administrative cooperation; obligation to use the IMI system  -Increasing roles for the Labour inspectors: put information at disposal of service providers, checks, frame of complaints  -Criteria and control measures to be fulfilled by service providers in RO for adequate control  -Liability of subcontracting chains  -Trans-border application of administrative penalties/fines | \*Draft law for consultation on the web between March and May 2016  \* No real debate  \*steps: proposal to be sent to the Parliament by June 2016; then discussed and submitted to adoption by both chambers  \*No visibility on dates for final approval and implementation |
| SI |  | no date | Draft law | The draft aims at regulating:  -Working conditions of posted workers in Slovenia and Slovenian workers abroad  -liabilities of employers, foreign and domestic,  -special attention to the procedure for issuing forms A1  -preventing the posting of workers by letter-box enterprises,  - cooperation between EU Member States in the field of posted workers;  -Ministry of Labour, labour inspectorate and financial administration to collaborate with institutions of other member states.  - cross-border enforcement of penalties. | \*Proposal “Zakon o napotitvi delavcev na delo v okviru čezmejnega izvajanja storitev” [Posting of Workers in the framework of provision of Services Act]  <http://webcache.googleusercontent.com/search?q=cache:50R87Y8knMYJ:www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/word/zakonodaja/predpisi_v_pripravi/ZNDDjavnaobravnava.docx+&cd=2&hl=sl&ct=clnk&gl=si&client=firefox-b>  \*Public consultation concluded by February 2016  \*Social partners provided their views:  - Employer organisations consider it unnecessary and are against the subsidiarity principle; EO to stress the transposition will be burdensome for “genuine companies”;  -Trade unions are not happy either as the draft seems to leave too much room and is easy to circumvent, particularly concerning the rule that undertaking must “genuinely perform substantial activities in the country from which it posts the workers”. As a more reliable proof they propose the following rule: undertaking must derive at least 25% of its income in the country from which it posts the workers. |

# NO DRAFT

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| **COUNTRY** | **TRANSPOSITION: instrument/nature** | **DATE**  **Into force** | **Attempt/**  **Draft?** | **Key features** | **Comments** |
| ES | Some discussions | No date | No draft | Ministry of employment and social security working on the regulation for transposition | \*Spanish trade unions very critical on the implementation directive 2014/67, not addressing some of the key weaknesses of the Directive 96/71/CE: provisions of clear rules to avoid social dumping and equal pay for posted Moreover, no right for trade unions to collectively bargain for posted workers and no general joint liability.  \*Employer organisations expressed interest in immediate transposition, especially due to the impacts on some sectors such as transport |
| EL | No discussion | No date | No draft |  | TU requesting social partner involvement on large discussion on transposition and compulsory joint liability |
| PT | No discussion | No date | No draft |  |  |

Source for all data: EurWORK network of correspondents