



### **Posting of workers: a bad compromise driven by political symbolism**

*(Brussels, 24 October 2017)*

Yesterday, the EPSCO Council reached a general approach on a revision of the posting directive. We are deeply concerned about key aspects of the deal. The compromise reached foresees to reduce the duration of postings to 12 months with the possibility to extend it to 18 months on the basis of motivated notification by a company. This does not correspond to the needs of companies operating in the single market. Long-term mobility is a relatively common practice in sectors such as manufacturing or business services where concerns regarding fraud are virtually non-existent. Limiting mobility will harm these high value-added activities and undermine the functioning of the Single Market for services.

Business needs must be better acknowledged in the trilogue negotiations. For companies across Europe, ensuring that rules are legally clear, enforceable and do not constrain genuine posting activities is essential. In particular, we call on the Council, the European Parliament and the Commission to uphold the initial posting period of 24 months - as suggested by the European Parliament - as well as to allow for the prolongation of this period in a way that is fully compatible with the rules on social security coordination (regulation 883/04/EC). Full consistency between the posting directive and social security regulation is a must to avoid unnecessary burden of bureaucracy.

When the problem is fraud and abuse leading to unfair competition, the answer cannot be to discredit all activity as it happened with posting in some EU countries. Nor can it be to increase the legislative burden on law obedient employers. The real answer is focusing on better enforcement and proper application of the existing rules.

**“This is a bad compromise driven by political symbolism. Instead of defending free movement and enforcing already demanding existing rules to combat abuse, the Council has accredited a myth that the existing rules needed to be changed to fight against social dumping and divided Europe”, concluded Director General Markus J. Beyrer.**

**ENDS**



## PRESS RELEASE

### **Background information:**

- Posted workers only represent less than 1% of the labour force and many come from member states with high levels of social protection and pay.
- Directive 96/71/EC requires host Member States to apply a range of standards (including e.g. provisions on minimum rates of pay and on equal treatment of men and women) equally for posted and national workers.
- The directive on the enforcement of the posting of workers directive was adopted in May 2014 and came into force in the Member States in June 2016.
- The Commission proposed to revise the posting of workers directive in March 2016

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