

Ms Ursula von der Leyen
President
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

5 April 2024

Joint letter on the e-declaration for the posting of workers

Dear President von der Leyen,

The Commission included in October 2023, as part of its work programme for 2024, an initiative to implement a common form in electronic format (so-called “e-declaration”) to facilitate posted workers declarations. The purpose of this initiative, meant as a voluntary initiative for the Member States, is to rationalise reporting requirements and facilitate the cross-border provision of services.

We hereby encourage you to come forward with this much needed initiative as a priority matter in 2024 and complement the efforts of the Single Market Enforcement Taskforce.

By providing a common and electronic form, the e-declaration shall contribute to overcoming two key problems that service providers across Europe meet in practice:

- Lack of, fragmented or unclear information regarding the documentation, translations, registration requirements and the responsible authorities in different Member States.
- High administrative burden and/ or administrative delays on the side of national authorities and associated costs borne by the service providers.

By implementing a common, digital form, Member States would ensure that the procedures and formalities relating to the posting of workers can be completed in a user-friendly way, at a distance and by electronic means as required according to Article 9 paragraph 4 of the Enforcement Directive on posting of workers 2014/67/EC.

Today’s reality is that many Member States have introduced reporting obligations in addition to the rules included in article 9 of the Enforcement Directive on posting of workers 2014/67/EC. The resulting regulatory burdens have been documented in a [study from the German "Foundation for Family Businesses"](#), which calculated the costs for Germany, Italy, France and Austria. For example, the total estimated costs for applying for an A1 Certificate at company level amounts to 6.80 EUR in France, 7.12 in Austria, and 10.28 in Germany and Italy. Moreover, the total economic costs in 2019 in the examined countries amounted to 660.000 EUR in Austria, 830.000 in France, 1.660.000 in Italy, and 16.720.000 in Germany.

In this context, we encourage the Commission and the Member States to analyse for themselves the regulatory burden that posting companies incur due to a dysfunctional Single Market for postings. The Commission and Member States should make sure that a new e-declaration reduces such burden and does not incentivise or give leeway to Member States to impose additional, excessive requirements on service providers. The potential of digital solutions to simplify the administrative requirements for companies and to improve the enforcement of the applicable EU rules in relation to the notification of postings should be tapped. In view of this, we moreover encourage the Commission and Member States to make progress and support the uptake of best practices to further reduce administrative burden imposed on cross-border services providers as [identified](#) in the Single Market Enforcement Taskforce.

Joint efforts between the Commission and Member States should give priority to improving the functioning of the Single Market for service providers and posted workers, without creating additional barriers to the free movement of services.

Thank you for the consideration you and your services might give to this request.

Yours sincerely,



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Director General BusinessEurope



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Director General DIGITALEUROPE



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