

European Parliament

2014 - 2019



Committee on Employment and Social Affairs

Committee on Employment and Social Affairs (EMPL)

Interparliamentary committee meeting on Posting of Workers

12 October 2016 15.00-18.30 - Brussels

Background note

On 8 March 2016, the European Commission presented the Proposal for a Directive of the European Parliament and of the Council, amending Directive 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services, COM(2016)128.

Following this proposal, fourteen Chambers of national Parliaments sent reasoned opinions to the Commission, suggesting that the Commission proposal would not comply with the principle of subsidiarity, thus triggering the so-called “Yellow Card” procedure provided for in Protocol No 2 annexed to the Treaties. A further six national Parliamentary Chambers transmitted contributions, considering the proposal as compatible with the principle of subsidiarity.

On 20 July 2016, the Commission, after consideration of the views expressed by national Parliaments, concluded that its Proposal does not breach the subsidiarity principle and decided to maintain the proposal unchanged.

With a view to the upcoming negotiations on the above Commission proposal within the framework of the ordinary legislative procedure, Members of the European Parliament’s EMPL Committee seek to engage with Members of National Parliaments in an exchange of views about the specific provisions of the amending directive.

The main features of the Posting of Workers proposal are:

- broadening the scope of the pay to which posted workers are eligible, from “minimum rates of pay” to “remuneration”
- making “universally applicable collective agreements” mandatory for posted workers in all economic sectors
- applying the principle of equal treatment to posted temporary agency workers

- giving Member States the option, in the context of sub-contracting chains, to apply the same rules on remuneration to posted workers that are binding for the main contractor
- introducing a 24 months' maximum period for postings, after which the labour law of the host Member State will apply

The EMPL Committee has appointed Ms Elisabeth Morin-Chartier (EPP Group) and Ms Agnes Jongerius (S&D Group) as co-rapporteurs. It is planned to present the draft report in the EMPL Committee on 29 November and to vote in Committee in April 2017.

The European Parliament's Policy Department for Economic and Scientific Policy, at the request of the EMPL Committee, commissioned a study "Posting of Workers Directive – current situation and challenges" to be found under the following link:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/579001/IPOL_STU\(2016\)579001_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/579001/IPOL_STU(2016)579001_EN.pdf)