



Mr Nicolas Schmit

Commissioner for Jobs and Social Rights
Rue de la Loi/Wetstraat 200
1049 Brussels
Belgium

14 April 2020

Dear Commissioner,

According to Article 3 of **Directive 2018/957 amending Directive 96/71/EC concerning the posting of workers, Member States shall adopt and publish, by 30 July 2020**, the laws, regulations and administrative provisions necessary to comply with the Directive. For all Member States, these measures should apply from 30 July 2020, and until this date, Directive 96/71/EC remains applicable.

The freedom to provide services constitutes one of the fundamental principles of our single market and the possibility for companies to do business across Member States including postings is an essential part of this. **Having clear rules in place which can be effectively implemented by national administrations and companies is important for business, governments and workers, in order to create a level playing field and to ensure that the single market functions well.**

BusinessEurope has been contributing constructively to discussions on the revised directive's transposition so that it could be effective as of 30 July, including through the Commission's sub-group, which aims to assist Member States to transpose the directive at national level.

However, we are currently experiencing an unprecedented sanitary crisis in Europe, with dramatic economic and social consequences. **Business strongly believes that during this crisis, the EU institutions and social partners should focus on what is essential in overcoming this crisis.** This means to protect public health while maintaining the production of vital goods and services and preserving our economic ecosystems to be able to bounce back more rapidly once the health crisis is overcome. With the COVID-19 crisis, for good reasons the preparations for the transposition and administration of the amended rules on postings are in many cases being delayed. Furthermore, helping companies to implement the amended rules in the revised posting directive requires availability of national websites with good information on the applicable rules in each country and will mobilise large administrative resources in companies to learn how to apply the new rules correctly in the initial phase.

Putting such burdens on business and national administrations would divert resources and efforts away from where they are most needed: fighting COVID-19 and preserving growth and employment as lockdown provisions are gradually lifted.



For all these reasons, we believe that there are good reasons to postpone the application of the new rules.

We therefore call on the Commission to initiate a fast procedure in order to postpone the date of application of Directive 2018/957, taking into account the COVID19 crisis evolution, until a time when it can be effectively implemented by business and national administrations. Meanwhile the existing rules on posting of workers (Directive 96/71/EC) with which all operators are already familiar would remain applicable.

Concretely, this requires the Commission to propose a legal instrument proposing a postponement of the entry into force of Directive 2018/957, with a fast track procedure for adoption. During this period of crisis, it has been proven that decisions can be taken rapidly, also at EU level. Therefore, we believe that it is also feasible on this matter.

Our call to postpone the transposition deadline of the revised posting of workers directive is the request of BusinessEurope, as the main EU cross-industry employer organisation in the private sector. We are pleased to inform you that the following sectors have informed us about their express support to our initiative: Ceemet (engineering/metal), FIEC (construction), ECEG (chemical), EFCl (cleaning) and GEOPA (agriculture).

We remain at your disposal for any necessary clarification.

Yours sincerely,

Markus J. Beyrer