



**COUNCIL OF
THE EUROPEAN UNION**



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Council reaches general approach on posting of workers directive

The Council today reached a general approach on the posting of workers enforcement directive so that negotiations can start with the European Parliament with a view to reaching an agreement in first reading.

Ministers reached an overall compromise agreement on the two outstanding issues of the directive; national control measures and joint and several liability in subcontracting chains.

- With regard to national control measures (article 9), they agreed that member states may only impose administrative requirements and control measures necessary in order to ensure effective monitoring of compliance with the obligations set out in this directive and in the posting of workers directive of 1996 provided these measures are justified and proportionate in accordance with Union law. These measures will have to be notified to the Commission and service providers will have to be informed through a single national website.
- With regard to joint and several liability in subcontracting chains (Article 12), the agreed text provides that, as regards the activities mentioned in the annex to directive 96/71/EC¹, member states shall provide for measures ensuring that in subcontracting chains, posted workers can hold the contractor, of which the employer is a direct subcontractor, liable, in addition to or in place of the employer, for the respect of posted workers' rights regarding any outstanding net remuneration corresponding to the minimum rates of pay. Instead of these liability rules, member states may take other appropriate enforcement measures, in accordance with EU and national law and/or practice, which enable in a direct subcontracting relationship, effective and proportionate sanctions against the

¹ (building work)

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contractor, to tackle fraud and abuse, in situations where workers have difficulties in obtaining their rights.

The enforcement directive aims to promote a climate of fair competition between all service providers by guaranteeing both a level playing-field and legal certainty for service providers, service recipients, and workers posted for the provision of services. This means that the protection of posted workers has to be reconciled with the interests of the freedom to provide services.

This directive improves the supervision and enforcement of the rules of the posting of workers directive (96/71/EC) which regulates the employment conditions for workers temporarily posted to another member state in connection with cross-border services and prescribes that host countries should ensure that posted workers have a minimum protection in the host country (health and safety, maximum working hours, minimum wage, etc).

See also: [Presidency press release](#).
