

**Mr. Josip Aladrović  
Minister of Labour and Pension System**

**Croatian Presidency of the Council of the European  
Union**

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28th of April 2020, Kraków

Dear Minister,

The European economy is again in a very difficult situation. This time due to the unexpected COVID-19 pandemic. Many sectors have been hit hard by the crisis, including companies sending workers around Europe to provide services. Each day posted workers are confronted with new restrictions at the borders as well as health and administrative requirements in Member States.

The revised rules on the posting of workers will become applicable from 30<sup>th</sup> July 2020. The two years *vacatio legis* and the transposition period envisaged in Article 3(1) of the revised Posting of Workers Directive 2018/957/EU have been suddenly jeopardised by the outbreak of the COVID-19 pandemic. Under these circumstances **on behalf of twelve undersigned European organisations, we call on the Council of the European Union to consider the possibility to postpone the date of applicability of the revised Posting of Workers Directive by a year, i.e. till 30th July 2021.**

There are three reasons to support this motion.

First, the Member States will not be ready. Since March 2020 all the national parliaments and governments have been preoccupied with regulating the preventive measures to suppress the spread of the pandemic and to secure the public health and rescue measures to soften the expected economic crisis. It is very likely, that due to those urgent legislative works many Member States will fail to keep the deadline for implementation of the 2018/957 Directive. Moreover, it is unlikely, that the Member States will ensure that the information provided on the single official national website is accurate and up to date. Required by Article 5 on the Improved Access to Information of the Enforcement Directive 2014/67/EU, this obligation is essential to revitalise the cross-border service provision after the coronavirus crisis.

Second, the companies will not be ready. Since March 2020 almost all the Member States have introduced some restrictions in mobility, border-crossing and performing selected types of work. For many companies delivering their services in other Member States, the safety measures resulted in suspending or terminating the contracts.

In many cases companies have planned to conclude their contracts by the 30<sup>th</sup> of July 2020 in order to avoid problems with transition period between current and new rules. This applies especially to so called "long term postings". COVID-19 pandemic will prolong the duration of many contracts, obliging service providers to resume their work in completely new reality, including higher costs of employment and very often with no possibility to renegotiate the price of the contract. Clearly, the new rules on remuneration and on long term posting will have an impact on the final costs of the

services. If postponing the application of the revised Posting of Workers Directive proves impossible, the period of pandemic-caused inactivity should not be taken into account when calculating the 12/18 months duration of posting.

Third, there is an urgent need to return to the mobility level from before the pandemic. European companies are struggling to survive the current crisis. Many of them face serious problems with liquidity as they had to stop completely or significantly reduce their activities. In addition, they are preparing an “exit strategy”. Indeed, the main priority for the next months, if not years, will be to rebuild their businesses, regain clients and protect workers at risk of unemployment. Majority of the European companies are SMEs, very often family businesses, that have been built for years. This main source of prosperity and employment in Europe might be lost now and it will be extremely difficult to restore it in the future.

This is time to come up with measures that will not only support companies but also help to rebuild mobility within the Internal Market.

The European Parliament, European Commission and the Council of the EU have already undertaken a number of initiatives to support European companies in the face of COVID-19. We would like to call on you to also complete these measures with the postponement of **the date of applicability of the revised Posting of Workers Directive till 30th July 2021**. This would hopefully give the companies necessary time to deal with pandemic consequences as well as prepare for the new legal reality and the governments the possibility to adopt national rules in due time.

We are aware, that the adoption of the revised Posting of Workers Directive caused many divisions among Member States, but we trust that in this situation everybody will show solidarity and understanding of the needs of companies from all Member States.

On behalf of the organisations listed below,

Sincerely,



**Stefan Schwarz**

President

Labour Mobility Initiative Association



**Marek Benio**

Vice President

Labour Mobility Initiative Association

PRESIDENT

ORGANISATION

Maciej Witucki

Confederation Lewiatan



Stefan Schwarz

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Frederic Seebom

Verband für häusliche  
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Anna Wicha

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Dawid Seifert

The Nationwide Convent of  
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Barbara Reduch-  
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Andrzej Wojcik

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Barbara Dzierwa

Polnische  
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Marcin Lewandowski

Polish Chamber of  
Commerce in the  
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Javier Sosnowski

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