

Brussels, 6 February 2025

Joint Position on the Proposal for a Regulation establishing a single digital portal for companies providing cross-border services and posting workers – “eDeclaration”

On 13 November 2024, the European Commission published a proposal for a Regulation establishing a single digital portal for companies providing cross-border services and posting workers, hereafter called the “eDeclaration”. This single digital declaration portal aims to reduce businesses’ administrative burden by helping companies comply with their obligation to submit the posting declaration foreseen by the EU legislation.

The legal framework at EU level is laid down in the Enforcement Directive which relates to the Posting of Workers Directive. This Enforcement Directive provides EU Member States the possibility to impose an obligation for service providers established in another Member State to make a posting declaration to the competent national authorities of the receiving Member State, containing the relevant information necessary to allow controls at the workplace. With the implementation process, this has created a patchwork of 27 national posting declarations in the EU Member States. As a consequence, our member companies can only navigate these national reporting obligations with the input of additional staff or by resorting to external service providers, incurring extra costs for the member company and creating extra bureaucracy.

Therefore, the setting up of a European standardised digital platform is welcome by employers of our sectors as it will facilitate the declaration of postings for companies, reduce the costs of this administrative obligation and facilitate effective controls – via an easier exchange of information between the national administration - by the labour inspectors, thus participate in the fight against frauds.

Although many other obstacles for posting companies are not tackled with the proposal, we fully support the eDeclaration initiative and strongly welcome the fact that the European Commission has chosen the Regulation, the strongest legal instrument, to implement it.

For the signatories, the standard form proposed for the digital platform - which will be defined by the Commission in an implementing act - has the following advantages:

- It contains information related to the service provider, the posted worker, the posting assignment, the contact person for competent authorities and the service recipient. This information is sufficient to ensure proper checks on the posting situation and allow legal certainty for companies. Indeed, these obligations will not change over time and will be harmonised between the participating Member States.
- It will be submitted via a multilingual public interface in one place for all participating Member States, thus eliminating the need to submit a declaration through a national portal.

We therefore call upon the European Parliament and the Council of the EU to approve this Regulation swiftly, even if we regret that the use of the e-Declaration will remain completely voluntarily for Member States. For us, this can only be the first step in a longer process to improve labour mobility within the EU.

Recalling the recently adopted Budapest Declaration, where all 27 Heads of State and Government of the EU countries unanimously committed to a “simplification revolution” and to “drastically reducing administrative, regulatory and reporting burdens” we call upon all Member States to participate in the new system. The eDeclaration can be a first step in achieving a fully functioning internal market in the area of posting of workers and to reduce unnecessary burdens.

Finally, we believe that a common digital e-Declaration should be seen in relation to other digital solutions that can benefit free movement. In this context, the ESSPASS project, which aims to digitize the A1 certificate, can also contribute to reducing burdens.

To quote the Heads of State and Government: “The need for a unified response has never been more compelling.” It is time to turn these words into action.