

GMS Flash Alert

Employment Law

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European Union – Legislative Proposal for e-Declaration for Registration of Posted Workers

On 13 November 2024, the European Commission published a proposal on a European regulation for a common electronic form for the notification about posting of workers (e-Declaration).¹ The proposal describes setting up a multilingual electronic interface that is connected to the Internal Market Information System (IMI), which is used for the central registration of posted workers in freight transport.²

If adopted, the regulation will allow for a common registration system for posted workers across the European Union. However, the regulation proposes that it be voluntary for EU member states to participate, which means that EU member states will not be obliged to join the central registration system for posted workers.

WHY THIS MATTERS

If adopted, the regulation on a public interface for registration of posted workers (e-Declaration) will create a legal basis for a streamlined central system for registration of posted workers.

Even though the proposal stipulates that it would be voluntary for the EU member states to join such a central registration system for posted workers, it is reasonable to speculate that even if a limited number of member states join, it would reduce administrative burdens tied to registrations of posted workers in those countries.

The regulation must be adopted by the European Parliament and the European Council before such interface can be devised and implemented, so it will take some time before the outcome of the proposal is known.

It is a highly listed priority for companies subject to mandatory registration of posted workers to have a central registration system instead of national registrations that vary from country to country and often create significant administrative burdens.

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It is therefore important that all relevant stakeholders actively follow and where possible consider participating in the discussions pertaining to the proposed central registration system for posted workers while the proposal is being processed through EU institutions.

Highlights from the Proposal for Regulation about Public Interface for Registration of Posted Workers

Objective

The objective of the proposal for a public interface for registration of posted workers is to reduce the administrative burdens on businesses and authorities by facilitating the submission of posting notifications in a user-friendly way and to make monitoring with compliance with the rules and requirements for posted workers more efficient.³ (For related coverage, see [GMS Flash Alert 2024-222](#), 12 November 2024.)

e-Declaration

The proposal describes setting up a secure web portal that hosts a multilingual electronic public interface for a common electronic form used to register the posting of a worker. The portal would allow for the automatic transfer of data.

e-Declaration is proposed to include, amongst others, data about the posted worker, the employer, the host, and the contact person in the host country.

Voluntary Use of e-Declaration

The EU member states' participation in using the common form for registering posted workers would be voluntary, according to the proposed regulation. The EU member states that choose to use e-Declaration shall not impose any additional declarations or information requirements on the companies that register posted workers.

In case an EU member state wants to use e-Declaration, it must notify the EU Commission about its intent six months before the date from which it intends to use the public interface.⁴ An EU member state can also discontinue its use of e-Declaration.⁵

Authority over e-Declaration

The proposal for e-Declaration for posted workers suggests that the EU Commission should be granted implementing powers to establish the standard form and make subsequent changes to it.

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KPMG INSIGHTS

The proposal for a regulation for an e-Declaration for posted workers is a result of discussions the EU Commission has had with relevant stakeholders over the last couple of years.

It is not possible to predict whether the proposal will be adopted, as it must be approved by the European Parliament and the European Council. This process could take a long time to be completed. The fact that the use of e-Declaration is made voluntary could speed up the adoption process however.

If we assume that the proposal to implement e-Declaration is adopted, this could be an attractive solution for those EU member states that have not digitized their processes for registration of posted workers. On the other hand, the EU member states that have developed more sophisticated registration systems and processes for posted workers, would likely not use e-Declaration as the data in such e-Declaration seem to be limited. Further, the fact that the EU Commission may end up being the only body with authority to alter e-Declaration could discourage some EU member states from using e-Declaration.

However, if e-Declaration is adopted, and if we assume that a limited number of countries choose to use it, it would still be seen as potentially a positive development because it aims to reduce the administrative burdens tied to registrations of posted workers in those countries.

Companies that have an interest in the EU regulation for e-Declaration might choose to monitor developments in this area and may wish to consider participating in ongoing dialogues with local authorities about the topic and thereby make their positions known.

FOOTNOTES:

1 European Commission: [Proposal for a Regulation of the European Parliament and the Council on a public interface for the declaration of posting of workers](#), 13 November 2024.

2 European Commission: [Road transport posting declaration portal](#), 22 February 2022.

3 Ibid.

4 European Commission: [Proposal for a Regulation of the European Parliament and the Council on a public interface for the declaration of posting of workers](#), article 3 (1), 13 November 2024.

5 Ibid., article 3 (5).

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