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Ad-Hoc Query on 2024.44 Posted Workers

Requested by EMN NCP Luxembourg on 26 July 2024

Compilation produced on 6 October 2024

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP
Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France,
EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP
Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP
Poland, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Sweden (20 in Total)

Exported for: Wider Dissemination

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1. BACKGROUND INFORMATION

On behalf of EMN Estonia:

Estonian Ministry of Economic Affairs and Communications has commissioned a study from the Estonian Qualification Authority to forecast Estonia's foreign labour needs by the year 2035. In order to better map the volume of foreign labour engaged in the Estonian labour market and the possible future needs, posted workers are also taken into account. For the purpose of the study, this query would like to request information on national regulations and practices (in the framework of the main regulating Directives[1]) regarding third-country national posted workers with a focus on any additional conditions set for hiring posted workers (e.g. need to submit a motivated notification to extend the period of employment, sector specific requirements etc.) and on the other hand, if recruitment to specific sectors or occupations is somehow facilitated. Responses from other EMN Member countries will help to put together a comparative analysis between Estonia's practices and those of other countries.

Previously, there has been one ad-hoc query on posted workers – no 2020.35 requested in July 2020. The ad-hoc query requested information on the need for work-permit and its validity period, fast-track procedures for posted workers and time limits on temporary work. For background information, also the report from the Commission on the application and implementation of Directive (EU) 2018/957 concerning the posting of workers in the framework of the provision of services[2] and European Labour Authority's report[3] on the cooperation practices, possibilities, and challenges between Member States specifically in relation to the posting of third-country nationals are available.

[1] Directive 96/71/EC Posted Workers Directive, Directive 2018/957/EU Revised Posted Workers Directive, Directive 2008/104/EC Temporary Agency Work Directive.

[2] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0320>

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[3] Available at: [ela-report-posting-third-country-nationals.pdf](#) (europa.eu)

We would like to ask the following questions:

- 1. What are the main registration and documentation requirements for hiring a third-country national posted worker in your Member State?**
- 2. Does your Member State implement any additional conditions regarding third-country national posted workers outside the scope of the Directives (e.g. maximum time limit for employment, labour market tests, sector specific requirements, need to provide specific reasons for employment such as increased workload)? YES/NO If you answer yes, please elaborate.**
- 3. Does your Member State implement a list of eligible sectors or occupations where employing third-country national posted workers is facilitated (e.g. sectors with labour shortages)? YES/NO If you answer yes, please indicate in which sectors/occupations and why.**
- 4. What criteria has to be fulfilled by the employer in your Member State undertaking a third-country national posted worker?**
- 5. What criteria has to be fulfilled by an employer or agency in your Member State that temporarily sends a third-country national posted worker to work in another EU Member State?**
- 6. Does your Member State collect data on third-country national posted workers? YES/NO If you answer yes, please indicate which data is collected and by whom.**


We would very much appreciate your responses by **6 September 2024**.

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2. RESPONSES

1

		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. Third-country nationals who work in Austria for more than six months as posted workers require a Residence Permit - Posted Worker and, as a rule, a conditional assurance (Art. 11 Act Governing the Employment of Foreign Nationals) or a work permit in accordance with the Act Governing the Employment of Foreign Nationals (Art. 59 Settlement and Residence Act). A visa is generally sufficient for shorter stays.</p> <p>When posting workers in Austria, a general distinction is made as to whether the third-country national is posted by a company based in a third country or by a company based in the European Economic Area (EEA). A distinction is also made between the posting and the hiring out of labour:</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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- In the case of a **posting by a company from a third country**, a posting permit (for postings of a maximum of four months) or a work permit (for postings of more than four months and in the construction industry) is generally required (Art. 18 Act Governing the Employment of Foreign Nationals).
- In the case of **hiring out labour by a company from a third country**, the Austrian company in which the hired worker is employed also requires a temporary employment permit, which must be applied for from the trade authority (Art. 16 para. 4 in conjunction with Art. 19 para. 1 Temporary Employment Act).
- If a third-country national is posted or hired out to Austria by a **company based in the EEA**, this must be reported to the Central Control Office of the Federal Ministry of Finance (Art. 19 of the Austrian Act to Combat Wage and Social Dumping). The Public Employment Service will issue an EU posting confirmation or EU hiring out confirmation if the requirements are met (e.g. compliance with Austrian wage and working conditions and social insurance regulations). A work permit is not required in this case (Art. 18 para. 12 Act Governing the Employment of Foreign Nationals).(Source: Posting and hiring out of workers (migration.gv.at))

Source: Ministry of the Interior

2.

In general, third-country nationals who work in Austria for more than six months as posted workers must fulfil the general requirements of the Settlement and Residence Act for the issue of a Residence Permit - Posted Worker (Art. 59 subpara. 1 Settlement and Residence Act).

When issuing a work permit (see Q1), a labour market test is always carried out (Art. 4 para. 1 Act Governing the Employment of Foreign Nationals). The labour market test is not required for labour


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		<p>market services that cannot be provided by domestic labour force (Art. 18 para. 8 Act Governing the Employment of Foreign Nationals) and if a temporary employment permit has been issued (Art. 4 para. 5 Act Governing the Employment of Foreign Nationals).</p> <p>The labour hiring by a company from a third country requires that (Art. 16 para. 4 Temporary Employment Act):</p> <ul style="list-style-type: none"> • the employment of very highly qualified workers is absolutely necessary for labour market policy and economic reasons, • these workers are only available through hiring out labour from abroad and • their employment does not jeopardise the wage and working conditions of Austrian employees. <p>---</p> <p>Source: Ministry of the Interior</p> <p>3.</p> <p>No, Austria does not have a list of sectors or professions in which the employment of third-country nationals on posting is facilitated.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4.</p> <p>In the case of a posting or hiring out to Austria, a number of provisions of Austrian labour law must be complied with, such as those relating to minimum remuneration, working hours, minimum leave, employee protection, reimbursement of expenses for travel, accommodation and catering costs and the minimum quality of accommodation. If the posting lasts longer than 12 months, the entire Austrian labour law also applies, insofar as it is more favourable than the labour law of the posting country (www.entsendeplattform.at).</p>
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		<p>---</p> <p>Source: Ministry of the Interior</p> <p>5.</p> <p>There are no requirements to be fulfilled by the employer for postings to another EU member state.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6.</p> <p>Yes, in the case of a posting/hiring out by a company based in the EEA, various information must be reported to the Central Control Office (see Q1), such as name, address, date of birth, national insurance number and competent social security institution and nationality (Art. 19 para. 3 subpara. 5 Act to Combat Wage and Social Dumping).</p> <p>Furthermore, the number of newly issued, extended and valid residence permits for posted workers is collected by the Federal Ministry of the Interior and published in the settlement and residence statistics (see e.g. Niederlassungs- und Aufenthaltsstatistik 2023).</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	EMN NCP Belgium	<p>Yes</p> <p>1.</p> <p>* In what follows, we define a TCN as a person who does not hold the nationality of an EU Member State, an EEA State, the Swiss Confederation or the UK.</p> <p>If the posted worker has the nationality of a country whose nationals are subject to the <u>visa requirement</u>, he/she must have obtained a visa before entering Belgium.</p>

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In accordance with European Regulation 883/2004 of 29 April 2004, from 1 May 2010, a posted worker may continue to be covered for a maximum period of 24 months by the social security of the **sending Member State** during a period of posting to Belgium.

In case of **posting from a State which does not belong to the European Economic Area** (EU + Iceland, Liechtenstein and Norway) and which is not Switzerland), two situations can arise:

1. Either the sending State has concluded a **social security bilateral agreement with Belgium**: The posting rules and the procedure to be applied will be respectively determined by such a bilateral agreement and by its Administrative Arrangement.

When there is **no social security bilateral agreement between the sending State (State of origin) and Belgium**. In that case, the Belgian Social Security system will apply to the worker employed in Belgium by an employer established in such a third State if this employer has an effective operating unit in Belgium to which the worker is linked. On the contrary, if the aforementioned condition is not fulfilled the Belgian Social Security system will not apply to the worker concerned. This worker can request a certificate confirming such a non-appliance to the Directorate International Relations of the Belgian National Social Security Office. Moreover, the aforementioned worker will remain during the posting in Belgium subject to the Social Security System of the sending State, if permitted by the legislation of such a sending State.

Therefore, the posted worker **must submit an A1 form** proving in which country he/she is affiliated to social security and pays social contributions. The foreign employer requests an A1 form from the competent department in the country of employment (i.e sending country). This allows the posted worker to prove which social security applies.

By the end of the 24 months period, if the temporary mission in Belgium of the worker is not finished and if the conditions of Posting remain fulfilled, an extension of the posting period may be granted on basis of the mutual agreement of the Social security institutions concerned. In the case of an agreement, the duration of the posting (in the context of Social Security) may, in principle, be extended to 5 years.

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		<p>The request of extension must be submitted to the competent Social Security institution of the sending Member State which, if agreeing with such a request, will seek the agreement of the Belgian National Office of Social Security.</p> <p>Before the posted employee and certain self-employed persons start their activity, <u>a Limosa declaration</u> of their activity as a posted person must be submitted.</p> <p>By filling in the mandatory Limosa declaration, an employer does not have to establish certain Belgian employment documents or to respect certain labour law rules for the relevant mission during a period of 12 months:</p> <ul style="list-style-type: none"> • terms of employment; • staff register; • rules applicable to checks on part-time workers. <p>The Limosa declaration is a legal obligation. Non-compliance with this obligation may give rise to criminal or administrative sanctions. The employer or their servants or agents may be sanctioned. All those who have work carried out on their premises, or for whom work is carried out in Belgium, may also be pursued if they do not report to the authorities the fact that no proof of a Limosa declaration has been presented.</p> <p>An employer who is going to post workers in Belgium must communicate to the Belgian Labour Inspectorate the identification and contact details of a liaison person who can be contacted by this Labour Inspectorate.</p> <p>Third-country posted workers are exempted from a <u>single permit or a work permit</u> (in Belgium, this is called a 'Vander Elst-exemption'), if the TCN:</p> <ul style="list-style-type: none"> • Has a right of residence of more than 3 months in the Member State where the TCN resides, • Is lawfully employed in the member state where he/she reside. the TCN's permit must be valid for the entire duration of employment in Belgium, • Has a regular employment contract, • Has a passport and residence permit that remain valid until the end of the delivered service.
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		<p>If this exemption does not apply, the TCN must turn to the regional authorities. They are competent for the granting and issuing of work permits.</p> <p>In Belgium, the TCNs may be required to <u>register at the municipal administration</u> of the place where the posted worker is staying.</p> <p>When the posting in Belgium does not exceed 90 days, the TCN must register at the municipal administration of the place where he/she is staying in Belgium, within the three working days of his/her arrival in Belgium. NB ! : exception : where the posted worker is staying in an hotel or any other accomodation subject to the legislation regarding hotels, he/she is exempted from such an obligation regarding this arrival declaration.</p> <p>When the posting in Belgium exceeds 90 days, the posted worker must submit, within the first 90 days, an application for residence (Belgian A-card/residence permit) of more than 90 days to the mayor of the municipality where he/she is staying. In this case, the posted worker must be able to produce his/her work permit or the proof that he/she is exempted from such a work permit formality.</p> <p>Other documents to be submitted for posted workers who will stay for more than 90 days:</p> <ul style="list-style-type: none"> - A valid employment contract with the employer from the sending Member State, - The contract for subcontracting services between the employer in the sending Member State and the Belgian company - Proof of payment of the administrative contribution (fee) of €220, - A certificate proving that the third-country national has not been convicted of crimes or offences under common law in the sending Member State, - A medical certificate proving that the third-country national is not affected by any of the diseases referred to in the annex to the Immigration Act. <p>The Belgian Labour Inspectorate may, under certain conditions, ask the posting company to deliver documents of the country of origin which are equivalent to the Belgian social records concerning remuneration and other documents referred to in the Belgian Posting Act of 5 March 2002.</p> <p>Specific formality in case of temporary agency work: In Belgium, temporary work agencies are subject to prior authorisation. The rules relating to authorisation conditions and procedures exclusively</p>
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		<p>fall within the competence of the different Regions and Communities concerned in that regard (Flemish Region, Walloon Region, Brussels Capital Region and German-speaking Community). In any case, the main cases of temporary agency work permitted by law are (1) for the replacement of a permanent employee, (2) to meet the demands of a temporary increase in work and (3) to ensure the execution of exceptional work</p> <p>Additional formalities may apply in specific cases, such as in the case of 'hiring out' workers (to be distinguished from temporary agency work). By "hiring out of workers" is meant a situation where a worker is lent out by his employer to a user who makes that worker work within his undertaking and exercises over that worker a part of the employer's authority that is normally exercised by the actual employer (for more information, see here). In the case of construction workers, they may have to submit 'declaration of works' and 'presence registration'.</p> <p>2. Regarding working conditions to be applied during the posting in Belgium: NO. TCN's posted workers are treated in the same way as posted workers who are nationals of a Member State of the European Union.</p> <p>3. YES for the employment of third-country nationals in general. Please see Answer to Q4 of AHQ 2024.45, where this is elaborated upon.</p> <p>4. Additionally, see answer to Q1. As such, a posted worker (within the meaning of both Directive 96/71/EC and the Belgian posting of 5 March 2002) is employed (and remains employed) under <u>a labour contract by an employer established in a (sending) Member State other than the host country</u>. If the question <u>relates to the recruitment under a labour contract by a Belgian employer of a TCN formerly posted in Belgium by a foreign employer</u>, regarding Belgian Labour Law the same formalities</p>
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		<p>apply in such cases as those provided in the case of the recruitment of any other worker : all required Belgian social records must be submitted (among which the pay slip and the individual account), the terms of employment and, where relevant, the rules applicable to checks on part-time workers. On the contrary, if the question actually relates to the <u>hiring out of workers</u> by a foreign employer of a worker in a Belgian undertaking (user) <u>or the sending of this worker by a temporary work agency</u> in a Belgian undertaking (user), the specific formalities referred to in point 1 in both cases apply. Moreover, temporary agency work is only possible for the execution of types of temporary work permitted by law. In the case of posting the main cases of temporary agency work permitted by law are the following:</p> <ul style="list-style-type: none"> • for the replacement of a permanent employee; • to meet the demands of a temporary increase in work; • to ensure the execution of exceptional work. <p>5.</p> <p>Regarding <u>Belgian Labour Law</u>, if a worker (including TCN's) is going to work in another country for more than four weeks, information must be provided to this worker and sent before their departure. This includes the following information:</p> <ul style="list-style-type: none"> • the country or countries in which the work abroad is to be carried out and its expected duration; • the currency in which the remuneration is paid; • where applicable, benefits in cash or in kind related to the tasks; • information on whether the worker's repatriation has been arranged, and if so, how the repatriation is being arranged. <p>In addition to this information, workers posted to a Member State of the European Union (within the meaning of Directive 96/71/EC) must receive the following information :</p> <ul style="list-style-type: none"> • the remuneration to which the worker is entitled under the applicable law of the host Member State or the reference to the statutory or regulatory provisions or collective agreements which determine it;
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			<ul style="list-style-type: none"> • where applicable, all allowances linked to the posting and all rules governing the reimbursement of travel, accommodation and food expenses; • the link to the single official national website set up by the host Member State. <p>For more details on the information to be provided to the worker, please consult the following web pages: In French : Informations sur la relation de travail or in Dutch : Informatie over de arbeidsrelatie</p> <p>6. YES. The information is collected by the Federal Public Service of Social Security. Data collected includes identity of the posted worker (including name, age, gender, nationality), identification data of the sending company and – where possible – the Belgian client and period of posting. The basis for the collection of data lies with LIMOSA, but the data that is collected goes beyond what is required from EU Law (for example, the field of application also includes posted self-employed persons).</p>
	EMN NCP Bulgaria	Yes	<p>1. According to the Bulgarian legislation, there are two types of posting depending on the period of posting:</p> <p>1. short-term posting on the basis of a single registration in the Employment Agency (Article 9, paragraph 3 and 4 of the Law on Labour Migration and Labour Mobility - LLMLM):</p> <p>1.1. for 3 months in a period of 12 months and</p> <p>1.2. for 6 months in 12 months only for performing certain tasks, related to the control and coordination of the implementation of a contract for travel services between a foreign tour operator and a Bulgarian tour operator or a hotelier.</p>

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2. long-term posting for the period of one year (can be prolonged for the new one period as many times as it asked by the employer) with work permit issued by the executive director of the Employment Agency (Article 40, para 1 and Article 41 of the LLMLM).

According to the Article 31, paragraph 1 of the Regulation for the implementation of the LLMLM (RLLMLM) the necessary documentation for the registration of the short-term posting is as follows:

1. a declaration in 3 copies according to the standard form under Appendix No 5 of the RLLMLM;
2. a declaration of the employer that the national requirements for working conditions are respected.
3. a copy of the page of the foreign travel document with the photo and personal data of the third country national.
4. a copy of the contract with a foreign company for the provision of the service (posting).
5. a document for registration of the foreign employer – party to the contract, legalized according to Bulgarian legislation.
6. a confirmation letter from the foreign company – employer, legalized according to Bulgarian legislation, that:
 - a) certifies the existence of an employment relationship with a posted worker;
 - b) specifies the specific tasks to be performed;
 - c) determines the term of posting.;
 - d) guarantees the payment of the labour remuneration and coverage of the costs of social security and health insurance of the posted persons.

As regards the work permit for **long-term posting** the necessary documents are provided in Article 25, paragraph 1 of RLLMLM:

1. an application form – Appendix No. 3 of the RLLMLM;
2. a justification of the request. In the justification, the employer indicates the facts and circumstances necessitating the posting/sending of the worker-citizen to a third country within the framework of a contract for the provision of services;

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			<p>3. a reference-declaration for workers working in the company – citizens of third countries, employed under an employment contract, with specified names according to passport, date of birth, citizenship, reason and period of residence;</p> <p>4. a declaration of the employer that the national requirements for working conditions are respected;</p> <p>5. a copy of the page of the foreign travel document with the photo and personal data of the third country national.;</p> <p>6. two color photographs – format 3.5/4.5 cm.</p> <p>7. a copy of the contract with a foreign company for the provision of the service (posting), certified by the parties with a signature and seal;</p> <p>8. a document for registration of the foreign employer – party to the contract, legalized according to Bulgarian legislation;</p> <p>9. a confirmation letter from the foreign company – employer, legalized according to Bulgarian legislation, that:</p> <p>a) certifies the existence of an employment relationship with a posted worker;</p> <p>b) specifies the specific tasks to be performed;</p> <p>c) determines the term of posting.;</p> <p>d) guarantees the payment of the labor remuneration and coverage of the costs of social security and health insurance of the posted persons.</p> <p>2. No</p> <p>3. No</p> <p>4.</p>
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		<p>There are no specific requirements for the employer to undertake a third country national posted worker.</p> <p>5. There are not such criteria. The respective employer or agency has to fulfill the requirements according to the legislation of the accepting country.</p> <p>6. No</p>
EMN NCP Cyprus	Yes	<p>1. It is a prerequisite that the third country national must have a residence permit and working license in the Member State which provides the services of undertaking in Cyprus. In addition, the service provider should take into consideration one of the transnational measures of section 4, (please see guide attached-Par. C). For the effective application of the Law, there is an obligation for the service provider to submit to the Department of Labour (Competent Authority) the following documents (via email, fax or post office) in Greek or in English</p> <ol style="list-style-type: none"> 1. Written statement with the following information <ol style="list-style-type: none"> (I) Name of the undertaking, its head office address and its legal status (ii) Name of the legal representative and the representative in the territory of Cyprus if such a representative exists (iii) Address where posted workers will provide services and name, address and legal status of the undertakings receiving the services


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		<p>(iv) Date of starting posting and the possible duration</p> <p>(v) Nature of economic activity</p> <p>2. List of Posted Workers (full name (name /surname), passport no or /and ID no, country of issue, date of birth, and sex)</p> <p>3. Name of the liaison person with the competent authorities in the Republic of Cyprus (regulation 6(2))</p> <p>4. Name of the contact person acting as representative in case which is necessary for collective bargaining during the posting in the Republic of Cyprus (regulation 6(3)).</p> <p>It is noted that in case of any change in the above information, the undertakings are obliged to submit an additional statement, as the case may be, within 15 days of the change.</p> <p>2. No</p> <p>3. No</p> <p>4. The terms of employment which the undertakings must provide to the posted workers, refer to:</p> <ul style="list-style-type: none"> • Remuneration (including minimum wage and overtime rates) this point does not apply to supplementary occupational retirement pension schemes; • Annual leaves • Work periods • Health, safety and hygiene at work • Protection of children, young persons and pregnant women at work • Equality and non- discrimination
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		<ul style="list-style-type: none"> • The conditions of workers' accommodation where provided by the employer to workers away from their regular place of work; • Allowances or reimbursement of expenditure to cover travel, board and lodging expenses for workers away from home for professional reasons. This shall apply exclusively to travel, board and lodging expenditure incurred by posted workers where they are required to travel to and from their regular place of work in the territory of Cyprus to whose territory they are posted, or where they are temporarily sent by their employer from that regular place of work to another place of work. <p>5. In CY, it is the responsibility of the employer or agency to apply to the other Member State regarding the national requirements for posting workers from Cyprus to another Member State.</p> <p>6. No</p>
	EMN NCP Czech Republic	<p>Yes</p> <p>1. As of 1 July 2024, an amendment to Act No. 435/2004 Coll. on Employment entered into force, which brought, among other things, significant changes in administrative obligations for employers in the area of Posting of Workers, namely the notification/declaration obligation of a foreign employer when posting workers to the Czech Republic. The Employment Act provides that if an employee posted within the framework of the transnational provision of services starts performing work in the territory of the Czech Republic, the foreign employer is obliged to notify/declare the State Labour Inspection Authority of this fact through the information system no later than on the day on which the posted employee starts working, in accordance with the specification, format and structure published by the State Labour Inspection Authority.</p>

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		<p>The foreign employer is required to provide the following information in the notification:</p> <ul style="list-style-type: none"> • company name • the country in which the company is established • the address of the employer's registered office • the tax identification number or, if not assigned, the registration number in the Member State of establishment • the posted employee's name and surname • the posted employee's date of birth • the posted employee's type of identity card and number • the posted employee's nationality • an indication of whether the employer has posted the employees: <ol style="list-style-type: none"> a) to a legal or natural person on the basis of a contract with that legal or natural person to perform work in the Czech Republic for the performance of tasks arising from that contract; b) as a business corporation with its seat in the territory of the Member States of the European Union, from that business corporation to a branch with its seat in the territory of the Czech Republic, to which that branch belongs, or as a business corporation with its seat in the territory of the Czech Republic which is a controlling or controlled person in relation to a business corporation with its seat in the territory of the Czech Republic, or with both of these business corporations being controlled by the same controlling person; or c) as an employment agency that has temporarily assigned its employee to a user established or carrying out activities in the territory of a Member State of the European Union on the basis of an arrangement in an employment contract or work agreement <ul style="list-style-type: none"> • start date of the posting • expected end date of the posting • a statement justifying the extension of the posting beyond 12 months • the nature of the service provided or classification of the economic activity
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		<ul style="list-style-type: none"> • the name of the recipient of the service • an indication of whether the recipient is a legal or natural person • the address of the registered office or residence of the recipient of the service • the tax identification number or, if not assigned, identification number of the recipient • the address of the posted employee's place of work, if different from that of the recipient of the service • a copy of the documents proving the existence of the posted employee's employment relationship and, if in a language other than Czech or Slovak, a translation of this document into Czech <p>The State Labour Inspection Authority must keep records for the purpose of fulfilling the notification obligation.</p> <p>2. NO.</p> <p>3. NO.</p> <p>4.</p> <ul style="list-style-type: none"> • Notification obligation of a foreign employer when posting workers to the Czech Republic (in detail under Q1.) • Working conditions stipulated in Section 319 of the Labour Code, provided that it is more advantageous for posted worker:
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			<p>If an employee of an employer from another Member State of the European Union is posted to perform work within the framework of the transnational provision of services in the territory of the Czech Republic, he/she shall be subject to the legislation of the Czech Republic with regard to</p> <ul style="list-style-type: none"> a) maximum working time and minimum rest time, b) the minimum length of leave per calendar year or a proportional part of it, c) the minimum wage, the lowest guaranteed wage, the components of wages d) safety and health at work, e) working conditions for pregnant workers and workers who are breastfeeding and for workers up to the end of the ninth month after childbirth and adolescent workers, f) equal treatment of employees and non-discrimination, g) working conditions in agency work h) conditions of accommodation, if provided by the employer to the employee, i) reimbursement of travel expenses for work, if the usual place of work in the Czech Republic is considered a regular workplace <p>Posting third-country citizens by companies established in the EU</p> <p>Third-country citizens who are legally employed in another EU Member State and are posted to the Czech Republic by their EU-based employer under Directive 96/71/EC do not need any public authorisation to work as part of posting, i.e. a work permit, employment or blue card or any other residence permit (visa or residence permit).</p> <p>However, the duration of this posting (i. e. without any public authority) is limited to a maximum of 90 days during each consecutive 180 days. The restriction results from the maximum length of temporary stay in the Czech Republic on the basis of a visa or residence permit issued by another EU Member State.</p> <p>For a stay exceeding 90 days, a third-country national must always obtain a valid residence permit issued by the Ministry of the Interior – a visa for a stay exceeding 90 days or a residence permit – in</p>
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			<p>accordance with the Act on the Residence of Foreigners. Link here: https://www.mvcr.cz/clanek/zamestnanecka-karta.aspx</p> <p>These are the conditions for determining whether the situation is considered “posting of workers” according to the Czech law:</p> <p>A third-country citizen is posted from the Member State of the European Union where he usually works. Before posting, he must therefore reside and work in the Member State of the European Union which issued him the visa or residence permit. After the posting is over, he returns to his employer.</p> <p>The worker's activity consists of providing a service according to the contract concluded between his employer and the Czech entrepreneur or company to which the worker is posted. If a posted worker carries out dependent work for a Czech entrepreneur or company, such as his own employees, and in a similar position as them, it is not a service.</p> <p>The third-country citizen has an employment relationship with the posting employer for the entire period of posting, who is responsible for him throughout the posting. At the same time, a third-country citizen does not have an employment relationship with a Czech entrepreneur or the company to which he is posted.</p> <p>A third-country citizen works only for the entrepreneur or company to which he was posted, not for another Czech entrepreneur or company.</p> <p>The employer of a third-country citizen systematically carries out a business activity in the Member State of the European Union from where the third-country national is posted to the Czech Republic, such business activity must be authorised by the competent authorities of the posting Member State. If the above conditions are not met, it is probably an illegal circumvention of the law, where the posting only purposefully covers up the real situation, under which the third-country citizen is obliged to have a work permit. In practice, each case is assessed individually, taking into account the specific circumstances.</p> <p>The law of the Czech Republic punishes such conduct with a fine for illegal work and also with an expulsion of the third-country citizen. A third-country citizen can be deported and banned entering the entire European Union for up to 5 years.</p>
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		<p>Details are available here: https://www.suip.cz/documents/178792/354279/stanovisko_en.pdf/e5f35f45-2bcc-b5de-4478-7220e273b9c9</p> <p>5. If an agency worker is posted by his user (double-posting), the labour agency has a notification obligation (i.e. the employer of the posted worker): An employee who has been posted by his employer authorised under the legislation of another Member State to take up employment to work for a user established in that or another Member State and who has been posted within a transnational provision of services in the Czech Republic is considered to have been posted to the Czech Republic by his employer, with whom he has entered into an employment relationship.</p> <p>The employment agency and the user must ensure that the working and wage conditions of the temporarily assigned employee are not worse than the conditions of a comparable employee. If, during the period of work, the working or wage conditions of the assigned employee are worse for the user, the employment agency must ensure equal treatment at the request of the seconded employee or, if he finds out otherwise, even without a request; a temporary staff member will have the right to seek redress from the employment agency for the rights thus acquired.</p> <p>Information for Czech employers posting workers to another EU Member State Informing employees posted to another EU Member State</p> <p>The information that the employer is obliged to inform the employee in writing if the employee is posted to the territory of another state is set out in Section 37a of Act No. 262/2006 Coll., as amended and effective from 1 October 2023.</p> <p>If the following information is not included in the employment contract, the employer is obliged to inform the employee about it. It includes:</p> <ul style="list-style-type: none"> • the country in which the work is to be performed
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		<ul style="list-style-type: none"> • the expected duration of the posting to the territory of the other state • the currency in which the wages or salary will be paid • the monetary or material consideration to be provided by the employer in connection with the performance of the work • whether and under what conditions the return of the employee is assured <p>When an employee is posted to perform work in another EU Member State in the context of the transnational provision of services, the employer must inform the employee in writing of:</p> <ul style="list-style-type: none"> • the remuneration for the work to which the employee is entitled under the legislation of the host state • the conditions for the provision of travel allowances in connection with the performance of the work and other benefits provided by the employer in connection with the secondment • a link to the official national Internet address established by the host Member State <p>Where the period of posting does not exceed 4 consecutive weeks, the employer is not obliged to communicate the above information in writing to the employee.</p> <p>Information obligation of users to the employment agency which temporarily assigned employees to work (Section 309a of the Labour Code).</p> <p>The user has an information obligation to the employment agency, which has temporarily assigned employees to work (Section 309a of the Labour Code).</p> <p>The user must inform the employment agency that has temporarily assigned an employee to work in good time that he will send this employee to work as part of a transnational provision of services in another Member State of the European Union; the information must include at least information on</p> <ol style="list-style-type: none"> 1. the place of employment of the posted worker in another Member State of the European Union, 2. the work tasks to be carried out by the posted worker, 3. the date the posted employee's work commences, 4. the expected time of posting of the employee; and
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		<p>5. whether the posted employee replaces another employee whose period of posting is attributed to him in accordance with Section 319a (3). As of 1 January 2021, employees who have been posted to work in the framework of a transnational provision of services to another Member State will not be entitled to compensation of wages or holiday pay to the extent to which they are entitled to holiday pay under the legislation of the hosting Member.</p> <p>6. YES / data are collected by the State Labour Inspectorate Office (from the 1 of July 2024)</p> <ul style="list-style-type: none"> • Number of posted workers • Number of declarations • Nationality of foreign workers • NACE or type of service • Type of posting according the Directive 96/71/ES • The motivated extension of the posting beyond 12 months
 EMN NCP Estonia	Yes	<p>1. For hiring a third-country national posted worker in the meaning of the Working Conditions of Employees Posted to Estonia Act[1] in Estonia:</p> <ol style="list-style-type: none"> 1. the company, which is registered in Estonia, must apply for the short-term employment registration[2] (if the TCN is staying in Estonia legally and wishes to work on a temporary basis) or 2. third-country national must apply for temporary residence permit for employment[3] (if the TCN is employed for a longer period of time). <p>In addition to the application of a short-term employment registration or temporary residence permit for employment (submitted to the Police and Border Guard Board) the posting employer must send</p>

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		<p>a posting declaration to the Estonian Labour Inspectorate and the company, which is registered in Estonia, must enter data into the employment register held by Tax and Customs Board.</p> <p>[1] More information: https://www.riigiteataja.ee/en/eli/ee/526072023008/consolide/current [2] More information: https://www.politsei.ee/en/instructions/information-about-working-in-estonia-for-the-employer/applying-for-short-term-employment [3] More information: https://www.politsei.ee/en/instructions/working-in-estonia-for-a-foreigner</p> <p>2. No.</p> <p>3. No.</p> <p>4. For the short-term employment registration or for the temporary residence permit for employment as a posted worker the employer (a company in Estonia):</p> <ol style="list-style-type: none"> 1. must ensure that the TCN hired for the job has the appropriate training, work experience and state of health as well as the necessary professional skills and knowledge for performing the work and 2. must be registered in Estonia. <p>5. An employer that temporarily sends a TCN posted worker to work in another EU Member State:</p> <ol style="list-style-type: none"> 1. must be a legal person or sole proprietor registered or established in a foreign state that is not a resident of Estonia and 2. must have an employment contract with the posted TCN.
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			<p>6. Yes. Different data is collected by the Police and Boarder Guard Board, Labor Inspectorate and Tax and Customs Board. More detailed information can be found in the answer to the first question.</p>
+	EMN NCP Finland	Yes	<p>1. <u>In the framework of the Directive 96/71/EC, Directive 2018/957/EU and Directive 2008/104/EC :</u> There are no third-country national posted worker specific registration or documentation requirements in Finland. The main registration requirement is a notification of the posting of workers (regardless of the nationality of the worker). Before the work begins in Finland, the posting company must submit the notification of the posting of workers to the Occupational Safety and Health authorities (the Act on Posting Workers (447/2016), section 7).</p> <p><u>Immigration law:</u> Under the Aliens Act (301/2004), a non-Finnish citizen must have the right to work in Finland. The requirement apply not only to third-country national posted workers, but also to all other non-Finnish citizens that work in Finland. Principally, a third-country national needs a residence permit in Finland and the right residence permit application is selected on the basis of job duties and other terms and conditions of employment. The Aliens Act, sections 71, 71a and 71b lay down general requirements and needed documents for the residence permits based on the employment. The Aliens Act provides also provisions that concern third-country nationals' right to work without a residence permit. Under the section 81b, subsection 1, paragraph 4, aliens have the right to gainful employment without a residence permit for a maximum of 90 days in any 180-day (so called Vander Elst exception) period if:</p>

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- they arrive in the country as employees of a company operating in another Member State of the EU/EEA,
- to perform temporary contracting or subcontracting for a maximum of six months under the freedom to provide services,
- if they hold permits entitling them to reside and work in that other State, and
- if the permits remain in force once they have completed the work in Finland.

2.

Immigration law:

Yes, but these requirements apply not only to third-country national posted workers, but also to all other third-country nationals applying for a residence permit for an employed person.

A residence permit for an employed person is the most common type of residence permit based on employment. The residence permit for an employed person may be subject to labour market testing, which means that there will be assessment whether suitable labour is available within a reasonable period of time for the vacancy in question in the local labour market area (EU/EEA area). If appropriate labour is available within a reasonable time period, there is no justification for granting a non-EU citizen a resident permit on the basis of employment.

However, some occupational sectors are exempted from the labour market testing. The work permit policies of the Centre for Economic Development, Transport and the Environment include the occupational sectors that can be regionally justified without the aforementioned testing because the availability of labour has become reduced.

In addition, some occupations require sufficient qualifications and/or education. For example, health care professionals need a permission to practice their profession.

3.

See answer to Q2.

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4.

In the framework of the Directive 96/71/EC, Directive 2018/957/EU and Directive 2008/104/EC:

Same requirements apply to all employers regardless of the nationality of the posted worker.

The posting must be genuine and fulfill the requirements provided in the Act on Posting Workers. The employment relationship must continue during the whole time the worker is posted.

Immigration law:

See answer to Q1. In addition, the Aliens Act, section 82, lays down obligations for the employer. The employer must ensure that an alien entering its service and working in its service has the right to work. An employer who employs a person other than a Union citizen, similar person or his or her family member shall submit to the Employment and Economic Development Office (starting from 1 January 2025 to the Finnish Immigration Service) information on the person employed, duration of the employment relationship, salary and the applicable collective agreement. In addition, the employer must inform the shop steward, the elected representative and the occupational safety and health representative of the workplace about the alien's name and the applicable collective agreement. The employer must also retain the information on the aliens in its employment and on the grounds for their right to work available at the workplace for two years after the end of the alien's employment relationship.

These requirements apply not only to third-country national posted workers, but also to all other non-Finnish workers that work in Finland. There are also obligations for the contractor when employees employed by a foreign employer work in contracting or subcontracting work, as temporary agency workers or as internal transfers within the company and additional obligations for the general contractor or other principal implementer at the construction site and the employer exercising the main authority in the shipyard.

5.

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			<p><u>In the framework of the Directive 96/71/EC, Directive 2018/957/EU and Directive 2008/104/EC:</u> We understood that this question refers to chain posting. The Act on Posting Workers, section 14, lays down obligation for the user undertaking on temporary agency work to submit information to a posting undertaking. The user undertaking shall submit to the posting undertaking the information that the undertaking needs to meet its obligations as an employer in the case of temporary agency work. The user undertaking shall notify the posting undertaking if the worker is posted during the contractual period of temporary agency:</p> <ol style="list-style-type: none"> 1. under the control or direction of another undertaking in Finland or abroad; or 2. to another worksite of the user undertaking abroad. <p>The obligation must be fulfilled regardless of the nationality of the posted worker.</p> <p>6. <u>In the framework of the Directive 96/71/EC, Directive 2018/957/EU and Directive 2008/104/EC:</u> Yes. The Occupational Safety and Health authority collects data on submitted notifications of the posting of workers. The data is collected regardless of the nationality of the posted worker. No information is collected on the nationality of the worker.</p>
	EMN NCP France	Yes	<ol style="list-style-type: none"> 1. In addition to proof of civil status and nationality, proof of residence and passport photos, the documents required to apply for a long-stay visa for a seconded ICT employee are: <ul style="list-style-type: none"> - a form containing the details of the employment contract justifying the application for a " seconded ICT employee " residence permit - A current employment contract with the home company abroad and an amendment to the employment contract setting out the conditions of the assignment in France; - Evidence of income equal to the minimum annual gross wage, i.e. 21,203 euros as at 1 January 2024 ;

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		<ul style="list-style-type: none"> - Documents justifying the legal links between the establishment or company employing the employee and the host company in France; - Proof of at least six months' seniority in the group of companies (employer's certificate, payslips) ; - Any document proving that the employee has the skills required to perform managerial or expert duties (diplomas, employment certificates); - An up-to-date K bis extract from the company (registration certificate) where the employee will be working ; - A certificate of secondment to the French social security system or a sworn statement requesting registration with the French social security system; - Where applicable, a sworn statement of application for registration with the paid leave fund ; - Proof of payment of social security contributions by the entity established in France ; <p>For employees seconded outside intra-group mobility, any employer established outside France seconding employees to French territory must submit a prior declaration of secondment to the labour inspectorate in the place where the assignment is to be carried out, before the start of the assignment. This declaration must be made using the dedicated SIPSI teleservice (also available in German, English, Spanish and Italian). Link to the Prior Declaration of Secondment</p> <p>To be eligible for secondment, the employee must provide proof of :</p> <ul style="list-style-type: none"> - an employment contract with an employer based abroad ; - be seconded to France by their employer in one of the 3 cases covered by the French Labour Code, i.e. : <ul style="list-style-type: none"> o On behalf of and under the direction of the employer under a contract for the provision of services ; o Between establishments in the same company or between companies in the same group in the context of intra-group mobility and who do not meet the eligibility conditions for the "Seconded ICT employee" residence permit; o On behalf of their employer.
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		<p>- A work permit must first be obtained from the relevant authorities on behalf of the employer in France. To grant the work permit, the employment situation in the profession and in the geographical area for which the application is made will be taken into account.</p> <p>2. Yes. To qualify for an "ICT seconded employee" residence permit, an employee residing outside the European Union who is seconded by an employer established outside the EU must provide evidence of :</p> <ul style="list-style-type: none"> - at least 6 months' seniority in the employing company's group; - an employment contract has been signed with the original company sending the seconded employee to perform senior management or expert duties in France; - the home company and the host company belong to the same group. <p>Seconded employees are not expected to remain in France. Their assignment is limited to a non-renewable period of 3 years. At the end of the 3 years under ICT secondment status, they must either return to their country of origin at the end of their assignment, or apply for a change of status to another residence permit allowing them to work in France.</p> <p>For employees seconded outside ICT, the duration of their stay is limited to the duration of their assignment (to be justified).</p> <p>3. NO</p> <p>4. Employers must comply with a number of criteria when recruiting a posted worker from a third country:</p> <ul style="list-style-type: none"> - Respect the minimum wage - Comply with the "hard core" rules of labour law (join and contribute to a paid holiday fund, etc.)
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			<p>- Provide an occupational health service</p> <p>5. A French employer or agency that temporarily sends a TCN posted worker to work in another EU Member State must continue to ensure and monitor compliance with the core labour and social rights that the posted worker enjoys in France (see Q4), and ensure that they complies with French labour law and foreign nationals' law in terms of a (valid) work permit and residence document.</p> <p>6. YES The General Directorate for Foreign Nationals in France (DGEF) within the ministry of the Interior collects data on the number of work permits and residence permits applied for/issued/refused for seconded employees.</p>
	EMN NCP Germany	Yes	<p>1. Apart from cases where a person is temporarily posted to render a service without the approval of the Federal Employment Agency (Section 21 of the Ordinance on the Employment of Foreigners), chapter 4 of the Information Sheet 7 by the Federal Employment Agency specifies in which cases its approval is necessary in order to grant posted workers a residence title (https://www.arbeitsagentur.de/datei/dok_ba034925.pdf). Non-EEA/EFTA citizens who are regularly employed by a company in another EU member state and who are temporarily posted to Germany can apply for a Vander-Elst visa. The general prerequisites from Section 5 and Section 18 of the residence act do not apply. However, in accordance with Art. 52 TFEU it is possible on grounds of public policy, public security and public health that the right to entry to Germany may be restricted. Moreover, the foreigner´s subsistence must be secured. This includes a health insurance.</p>

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			<p>The Vander-Elst visa is issued by the diplomatic missions authorised by the Federal Foreign Office. The issuance does not require the approval of the Federal Employment Agency.</p> <p>2. In general no: The European Posting of Workers directives, as transposed into in German law, apply equally to all workers posted to Germany, irrespective of their nationality. In some cases, access to the German labour market for posted third-country nationals requires the approval of the Federal Employment Agency. The Ordinance on the Employment for Foreigners determines different time limits for the employment of posted workers in these cases (e.g. ICT card up to three years, section 19 (4) number 1 of the Residence Act). If the maximum time limit of the posting period of the third-country national is fully exhausted, the Federal Employment Agency may only approve another posting of the employee after a period of six months abroad. Citizens from countries listed in section 26 of the Ordinance on the Employment of Foreigners, for example the USA, Canada or Japan, may get a residence permit for all kind of jobs, also unskilled jobs, regardless of their qualification. This regulation includes the posting of workers.</p> <p>3. No.</p> <p>4. There are no such criteria for the employer. The terms of employment are the decision-making criterion in cases where the approval of the Federal Employment Agency is required.</p> <p>5. In Germany, for employers or agencies that temporarily send third-country national posted workers to work in another EU Member State it is important to determine whether it will be a cross-border temporary agency work within the meaning of the Temporary Agency Work Directive which has been</p>
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implemented into German law by the Temporary Agency Work Act (“Arbeitnehmerüberlassungsgesetz” - AÜG). For other postings not constituting temporary agency work, the employer does not have to fulfil special criteria other than that every employer must meet in Germany.

- **Temporary agency work:** If the third-country national is actually assigned to a company in another EU Member State and this company exercises authority over the employee, it will most likely be temporary agency work. In this case, the German employer or agency would be the “temporary work agency” within the meaning of the AÜG, the third-country national would be the “temporary agency worker” and the company in the other EU Member State would be the “user undertaking”.

Whether a specific case is considered a temporary agency work depends on the type of contractual relationship and the actual nature of the work assignment.

In the case of **temporary agency work**, especially the following criteria must be fulfilled:

- The German company requires a **permit** for temporary agency work from the Federal Employment Agency (“Bundesagentur für Arbeit”). The permit must be obtained prior to the temporary agency work. It is primarily issued for a limited period of one year and can be issued for an unlimited period if the temporary work agency has been permitted to operate for three consecutive years, s. Section 1 (1) Sentence 1, Sections 2 and 3 of the German AÜG.
- The assignment to the same user undertaking is limited to a **maximum of 18 months**, unless there are deviating collective agreements, s. Section 1 (1) Sentence 4, (1b) of the German AÜG.
- A **written temporary agency work agreement** must be concluded between the temporary work agency and the user undertaking in which the main working conditions (e.g. working hours, remuneration) are regulated and the person of the temporary agency worker is specified, Section 1 (1) Sentences 5 and 6 of the German AÜG.


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		<ul style="list-style-type: none"> • Prior to the assignment, the temporary work agency must provide the temporary agency worker with a written declaration containing the essential contractual conditions, Section 11 of the German AÜG, Section 2 of the German Evidence Act (“Nachweisgesetz”). He must also provide him with the information sheet from the employment agency (“Agentur für Arbeit”), Section 11 (2) of the German AÜG. • Temporary agency workers may not be placed in a worse position than the permanent staff of the user undertaking with regard to essential working conditions (e.g. working hours, vacations, bonuses, etc.), unless there is a deviating collective agreement. The same applies to remuneration (“equal pay”), Section 8 of the German AÜG. • The temporary agency worker must receive at least the statutory or collectively agreed minimum wage, Section 3a of the German AÜG. • The temporary agency worker must be properly registered with the German social insurance institutions and social security contributions must be paid. All tax obligations must be fulfilled, including the deduction of wage tax. • In the case of cross-border temporary agency work within the EU, specific registration obligations in the destination country must be observed (e.g. registration with the competent labour authorities). • With regard to the posting of third-country nationals to other EU member states, Germany has implemented the relevant EU directives. The Directive (2021/1883) (EU Blue Card) was implemented in Section 18h of the Residence Act (short-term mobility for holders of an EU Blue Card) and the ICT Directive (Directive 2014/66/EU) in Sections 19 to 19b of the Residence Act. Of course third-country nationals must have valid residence and work permits of the other EU Member State. <p>6. No, not in the sense of social security.</p>
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	EMN NCP Greece	Yes	<p>1. According to migration legislation, third-country nationals entering Greece for a specific purpose and for a specific period of time, as described below, are granted without prejudice to the general and special provisions on visas, national entry visa by the competent consular authority a national visa (type D) for a duration of over ninety days which allows them to reside in the country for employment. The following categories of employees are provided:</p> <p>-Workers legally employed by an undertaking that is established in a MS, who are sent/posted to Greece for the provision of a specific service, under a relevant contractual obligation between the above undertaking and the counterparty that pursues activities in Greece, provided that they submit to the relevant consular authority:</p> <p>i) Officially certified and translated solemn statement, stating the identification and contact details of the undertaking from which the third-country national is sent, which shall certify that a contract has been concluded with the counterparty-recipient of the service in Greece, and demonstrate the purpose of the third country national's posting, the intended duration of it and that the undertaking which employs such third-country national in the MS shall cover the accommodation, healthcare and return expenses;</p> <p>ii) Copy of an attested health booklet or European health insurance card or other equivalent EU document.</p> <p>Visas for purposes of employment are valid for a period equal to the period required for fulfilment of the contractual obligation assumed by the undertaking and shall not exceed one year.</p> <p>-Workers employed as specialised technical personnel by an undertaking that is established in a third country and is engaged in the provision of specific services under a procurement agreement between the above undertaking and its counterparty in Greece, where the undertaking from which a third-country national is posted/sent has made a procurement agreement stipulating the provision of specific services exclusively relating to the installation,</p>


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		<p>trial operation and maintenance of the procured items, provided that they submit to the competent consular authority:</p> <p>i) Certificate of the undertaking, stating the identification and contact details, the worker's capacity and duties, accompanied by evidence proving the legal employment in the undertaking.</p> <p>ii) Certified copy of the procurement agreement between the undertaking that provides the service and the domestic undertaking-recipient of the service. This agreement shall stipulate the provision of specific services exclusively relating to the installation, trial operation and maintenance of the procured items, the duration of service provision, the number and specialty of persons to be engaged and that the accommodation, full healthcare and return expenses of such persons shall be covered.</p> <p>Visas for purposes of employment are valid for a period equal to the period required only for fulfilment of the contractual obligation assumed by the undertaking and shall not exceed six months.</p> <p>2. Please see answer 1.</p> <p>3. Please see answer 1.</p> <p>4. Please see answer 1.</p> <p>5. N/A</p> <p>6. Yes. The competent Ministry of Foreign Affairs collects data regarding all categories of national visas (type D) granted by the Greek consular authorities.</p>
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	EMN NCP Hungary	Yes	<p>1. Pursuant to Section 53 (1) of Government Decree no. 35/2024 (of 29 February) on the Implementation of Act XC of 2023 on General Rules for the Admission and Residence of Third-Country Nationals (hereinafter referred to as Government Decree no. 35/2024) in the procedure for the issuance or extension of a residence permit for the purpose of posted work the purpose of long-term residence shall be considered to be verified if the third-country national</p> <ol style="list-style-type: none"> a) presents his/her residence permit entitling its holder to undertake employment issued by a Member State of the European Union, b) certifies his/her employment relationship with the sending business, c) attaches/encloses a certifying document on the posting and its duration issued by the sending business. <p>In addition to the above, based on Section 53 (2) of Government Decree no. 35/2024, the third-country national is required</p> <ol style="list-style-type: none"> a) to attach to/enclose with his/her application the contract concluded between the sending employer and the recipient of the service, b) to certify ownership of the sending business or group of businesses with regards to the place of establishment as place of work in Hungary or to the business, or c) provide proof that the posting is from a temporary work agency or labour supply business to a business established or operating in Hungary. <p>2. No</p> <p>3.</p>

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			<p>No</p> <p>4. For the employment of a third-country national in Hungary within the framework of a contract for employment relationship no work permit is required for work performed by an employer established in a State that is a party to the Agreement on the European Economic Area, other than Hungary, within the framework of cross-border services by way of posting, temporary assignment to a Hungarian employer for the purpose of fulfillment of a private contract. [445/2013. (XI. 28.) Gov. decree 15. § paragraph (1) 7.]</p> <p>5. Verification of compliance with criteria set out by legislation is an obligation of the third-country national.</p> <p>6. Yes</p> <p>Based on Section 256 (1) of Act XC of 2023, the immigration authority shall process the following data of third-country nationals in connection with applications for residence permits, mobility notifications and the residence permits issued, and with mobility certificates:</p> <ul style="list-style-type: none"> a) natural identification data; b) facial image; c) particulars of the travel document; d) the purpose of stay; e) the fact and reasons for the refusal of a new residence permit and mobility certificate, or for the extension of an existing one, including any objection, and for the withdrawal of a residence permit or mobility certificate;
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			<p>f) the number, serial number and validity period of the residence permit, and mobility permit issued (extended);</p> <p>g) address of the place of accommodation;</p> <p>h) the duration of the intended stay;</p> <p>i) country of previous usual residence;</p> <p>j) data related to professional qualifications and education;</p> <p>k) the name and address for service of process of the third-country national's authorized representative;</p> <p>l) particulars of the documents provided in support of the conditions required for entry and stay;</p> <p>m) the date of first entry and final exit;</p> <p>n) facial image and fingerprint provided for in Council Regulation 1030/2002/EC, Council Regulation 380/2008/EC and Regulation 2017/1954/EU of the European Parliament and of the Council;</p> <p>o) the technical catalogue number assigned to each facial image, as provided in the Act on the Facial Images Analysis Database and on the Facial Recognition System;</p> <p>p) details regarding the delivery of the residence permit document.</p>
■	EMN NCP Italy	Yes	<p>1. The Consolidated Immigration Act (Testo Unico sull'Immigrazione, TUI, Legislative Decree no. 286/98) provides several opportunities to enter Italy outside the annual quotas established for third-country nationals by the flow decree (Decreto Flussi) as regards foreign citizens posted in Italy. In particular:</p> <ul style="list-style-type: none"> - Executives or highly specialized personnel of companies with headquarters or branches in Italy, or of representative offices of foreign companies headquartered in a Member State of the World Trade Organization. These entries are allowed for highly specialized personnel employed in the same sector for at least six months before the temporary transfer. This falls under the "cross-border posting of workers" governed by Legislative Decree no. 72 of February 25, 2000, implementing Directive 96/71/EC on the posting of workers from companies established in a Member State. These provisions also apply

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to postings from companies based outside the EU. While no entry quotas are required, the host company must still request a work permit from the one-stop shop (Immigration Desk- Sportello Unico per l'Immigrazione) for the worker to be posted abroad. Executives can also be posted for self-employment work at the host company. In this case, the host company does not need to request a work permit from the one-stop shop, but the worker must directly apply for an entry visa at the Italian diplomatic or consular office in their country. The worker must attach a certificate from the Labour Inspectorate verifying that the service agreement or bargaining program does not constitute an employment contract.

- Specialized workers employed by Italian or foreign organizations or companies operating in Italy with offices, branches, or representations, called to perform specific tasks for a limited period. These must be qualified subordinate work services requiring specific expertise. In this case as well, the host company must request a work permit from the one-stop shop for the worker to be posted abroad.
- If there is a prior procurement contract between the host company and the posting company, employees working for companies based abroad may enter the country outside the quotas. These employees are temporarily transferred to Italian or foreign individuals or legal entities residing and operating in Italy to work under the procurement contract between the foreign company and the Italian individual or entity. The work permit, entry visa, and residence permit are issued for the time strictly necessary to perform the service (maximum two years). If the procurement contract is terminated early, the work permit cannot be used to perform a different professional service, but can be extended if the original service requires more time to be performed (up to the maximum limit of four years as required by law). The applicant (i.e, the contracting entity in Italy) must submit a copy of the procurement contract and the Safety Operating Plan (S.O.P.) to the one-stop shop, drafted pursuant to Article 4 of Legislative Decree No. 626/1994 and subsequent amendments. Additionally, for the work permit to be granted, the employer must submit proof of prior notification to the provincial bodies of the trade unions that are more representative in the sector concerned. Even then, the work permit is only granted after verifying that the foreign employer guarantees the same minimum wage and social security and welfare contributions as provided by the National Collective Labour Agreement for Italian workers.

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- For workers employed by companies based in an EU member state, no work permit is required for workers to be posted in Italy. It is sufficient for the client to notify the one-stop shop of the contract under which the service will be performed and provide the employer's declaration with the names of the posted workers and confirmation of the regularity of their situation with regard to residence and working conditions in the EU state where the company is based.

- Finally, in accordance with Directive 2014/66/EU, Italian law regulates intra-corporate transfers (ICTs), namely the temporary posting of a foreign national from a company based in a third country (with which the worker has an employment contract for at least three months) to a host entity in Italy, which is part of the same company or of a company which is part of the same group of companies. Intra-corporate transfers include cases of job mobility for foreign workers between host entities in different EU member states. Intra-corporate transfers also cover job mobility of third-country workers between different host entities within the EU, if workers already hold a valid ICT permit issued by another Member State. Entry and stay in Italy for intra-corporate transfers exceeding three months are permitted for foreign nationals seeking admission as executives, specialized workers, or trainee workers. The ICT can last up to three years for executives and specialized workers, and one year for trainee workers. When applying, the foreign national may be either live outside the EU or already admitted to another EU member state. The host entity in Italy, as the employer, must submit a nominative request for a work permit to the one-stop shop at the prefecture in the province where the host entity is based. Within a maximum of 45 days, the one-stop shop will issue the permit, if the request is approved, and send it along with the migrant worker's tax code to the consular offices for visa issuance. After the permitted posting period, the worker will return to an entity within the same company or a company of the same group located in a non-EU country, pursuant to art. 2359 of the Civil Code. At least three months must elapse between the end of the maximum duration of the intra-corporate transfer and any new application for intra-corporate transfer for the same migrant worker.


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			<p>2. In case of posting, no labor market tests or specific sector requirements are mandated. The only limitation concerns the maximum duration of the posting, which generally cannot exceed 5 years, including any extensions.</p> <p>3. No, there are no sector-specific limitations for posting.</p> <p>4. In general, a fundamental requirement for the application of posting regulations is the existence of a corporate relationship between the foreign posting company and the host company in Italy. This connection exists when the posting occurs at a production unit of the same company, another company within the same group, or as part of a contract between the company sending the workers and the recipient of the service in Italy. The corporate relationship is also recognized when the companies involved are part of a single international or multinational group and, more broadly, for joint ventures, which under civil law is considered a de facto entity with a unified structure solely as far as procurement contracts are concerned.</p> <p>5. /</p> <p>6. The Observatory, established by Legislative Decree no. 136/2016 and formed by Ministerial Decree no. 52/2019, collects information on cross-border posting in Italy, such as the number of workers involved, the duration, the sectors involved, and the most affected territories.</p>
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 EMN NCP Latvia	Yes	<p>1. If an employee is sent to work for the provision of services in Latvia for a period not exceeding 90 days within 6 months, it is not necessary to complete any formalities in the field of immigration. If the employee is sent for a longer period than mentioned above, they must request a temporary residence permit. In this case, no labor market test is performed. The employer who posts an employee to perform work in Latvia has a duty, prior to posting the employee, to inform the Latvian State Labour Inspectorate in writing and in Latvian language regarding the posted employee (https://www.lm.gov.lv/en/obligation-inform-state-labour-inspectorate).</p> <p>2. No.</p> <p>3. No.</p> <p>4. There are no specific criteria, but the requirements and working conditions set out in set out in the Labor Law.</p> <p>5. An employer who posts an employee to perform work in another EU Member State, irrespective of the law applicable to the employment contract and employment relationship, has an obligation to ensure for the posted employee that employment provisions and working conditions correspond to the laws and regulations of the respective country or collective agreements which have been recognized as generally binding. The employer has the obligation to meet the administrative requirements and to comply with the requirements of the supervisory and control authorities of the country to which the employee has been posted.</p>
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			<p>An employer who posts an employee to perform work in another EU Member State, in addition to the fact that there must be an employment contract between the employer and the employee, has the obligation to inform the employee in writing before the posting of the following:</p> <ul style="list-style-type: none"> o the country or countries in which the work is intended to be performed, and the anticipated duration of the performance of work; o the currency in which remuneration will be disbursed; o the cash benefits or benefits in kind in relation to the work tasks if such are provided; o the possibility of and procedures for repatriation if such is provided; o the remuneration to which the employee is entitled in accordance with the regulatory framework of the country in which he or she will perform work; o the remuneration related to the posting of the employee and the procedures for compensating the expenses for travel, meals, and accommodation; o the joint official website of the country in which work will be performed containing information on the posting of employees. <p>Upon posting an employee to perform work in another EU Member State, the employer shall disburse a daily allowance for an official trip to the posted employee in the amount of 30 per cent of the norm of the daily allowance for an official trip laid down by laws and regulations governing the compensation for the expenses related to official trips.</p> <p>If the employment contract or collective agreement does not stipulate otherwise, the employer is not obliged to pay the above-mentioned business trip allowance to the seconded employee, if one of the following conditions applies:</p> <ul style="list-style-type: none"> o meals are provided to the employee three times a day; o the remuneration to be disbursed to the employee is the same as for a comparable employee in the country to which the employee is posted to perform work. <p>6.</p>
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			Yes, the data is collected by the State Labour Inspectorate.
	EMN NCP Lithuania	Yes	<p>1. For third-country nationals posted to work in Lithuania, the requirements depend on whether the worker is employed by an enterprise established in an EU or EFTA member state, or a non-EU/EFTA state:</p> <p><u>1. If the worker is employed by a company in an EU or EFTA member state:</u></p> <ul style="list-style-type: none"> • A temporary residence permit is issued under Article 44(1)(1) of the Law on the Legal Status of Foreigners. The worker must be employed under a permanent contract and posted temporarily to Lithuania while remaining insured under the social security system of the EU/EFTA state. • When applying for the residence permit, the following documents must be submitted: <ul style="list-style-type: none"> ○ A letter of mediation from the receiving company, branch, or representative office in Lithuania, ○ A certificate from the competent authority of the EU/EFTA state confirming the worker's social insurance, ○ A letter from the EU/EFTA company confirming that the foreigner is employed under a permanent contract and is posted to Lithuania. • These workers are exempt from the requirement to obtain a work permit under Article 58(6) of the Law on the Legal Status of Foreigners. <p><u>2. If the posted worker is a third-country national employed by a company in a non-EU/EFTA state</u>, the requirements are more extensive:</p> <ul style="list-style-type: none"> • he or she must have a valid work permit. He or she may not work for another employer or perform services/jobs that are not covered by his/her work permit. The company receiving the posted worker must apply for a work permit from the Employment Service and provide the following documents:

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| | | <ul style="list-style-type: none">○ a copy of the foreigner's valid travel document;○ a certified copy of the contract for the provision of services or performance of works concluded between the enterprise in Lithuania and the sending enterprise. Together with the essential conditions, the contract for the provision of services or the performance of works must contain conditions ensuring the guarantees provided for in Article 108 of the Labor Code for posted workers, specifying separately the amount of the salary and the working hours to be paid to the worker during the posting in Lithuania;○ a certified copy of the sending enterprise's registration certificate or an extract from the foreign register;○ a certified copy of the foreigner's contract of employment with the sending enterprise;○ a document issued by the competent authority of the foreign state confirming that the foreigner has been employed by the sending enterprise and covered by social insurance in that foreign state for at least the last three (3) months, and an undertaking by the sending enterprise that the foreigner will remain covered by social insurance in that foreign state for the duration of the secondment to the Republic of Lithuania. If the competent authority of the foreign country does not provide a document on the social insurance coverage of the person concerned, the information confirming this shall be provided, together with a certificate from the sending enterprise stating that the foreigner has been covered by social insurance for at least three (3) months in the last six months, and a certificate from the competent authority of the foreign country stating that the sending enterprise does not have any tax arrears in the form of state social insurance; |
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		<ul style="list-style-type: none"> ○ information from the sending enterprise on the qualifications held by the foreigner; ○ a copy of the payment order or a receipt confirming the payment of the state fee for the issue of a work permit, set by the Government of the Republic of Lithuania. ○ a certificate of valid administrative penalties, if any. <p>Foreign documents must be legalized or certified by an <i>Apostille</i> in accordance with the established procedures, unless otherwise provided for by other legislation. The translation of documents drawn up in a language other than Lithuanian into Lithuanian must be certified by the signature of the translator who made it. Copies of documents must be certified by the signature of the employer's manager or his/her authorized representative and stamped.</p> <p>A work permit for a posted third-country national is issued for the period stipulated in the contract for the provision of services or performance of works concluded between an enterprise in the Republic of Lithuania and the enterprise which sends the worker, but for no longer than one year. During this period, the worker must have a valid employment contract with the sending enterprise. A foreigner may be sent again to work temporarily in the Republic of Lithuania if more than 3 months have elapsed since the expiry of the work permit.</p> <p>In addition to a valid work permit, the third-country national employed by a company in a non-EU/EFTA state must have a valid <u>national D visa</u> during the period of posting.</p> <p>2. Lithuania requires a valid D visa if the posted worker is a third-country national employed by a company in a non-EU/EFTA state. Third-country nationals require a work permit when posted to work in Lithuania, even if they are only temporarily working in the country. In order to obtain a work permit, the employer must provide information about the foreign worker's qualifications and confirm that the</p>
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		<p>worker has at least one year of work experience in the last three years, related to the job they will be performing in Lithuania.</p> <p>While Directive 2018/957/EU allows a 12-month posting period, extendable to 18 months with a motivated notification, Lithuania requires an official submission to the State Labor Inspectorate (VDI) for this extension. The process and formality of notification (and the reasons required) adds an additional layer of bureaucracy for extending the posting period than what is mandated at the EU level. Lithuania imposes restrictions on workers posted by a company in a non-EU/EFTA state - they not allowed o change employers during their posting.</p> <p>In Lithuania, the recipient of a posted third-country national (natural or legal person) must submit a notification (LDU) through the electronic service system (EDAS) at least one working day before the posted worker begins employment. The State Labor Inspectorate uses this information to monitor compliance with labor laws, ensure posted workers' rights are protected, track the number and details of posted workers (including type of posting, country of origin, sector, and posting duration), oversee living conditions for seasonal and posted workers, and prevent illegal or undeclared work. This requirement to submit detailed notifications and monitor living conditions is an additional national requirement.</p> <p>3. No</p> <p>It should be noted, however, that immigration is facilitated for workers from specific countries (Australia, New Zealand, the USA, Canada, Japan, and South Korea), who do not require work permits. For these workers, residence permits are issued for up to three years, and they are free to change employers or job functions</p> <p>4. No specific prerequisites for such employers in general.</p>
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			<p>5. Temporary employment agencies must meet a set of criteria that are specified in Article 72¹(1) of the Labor Code. Specifically, temporary employment agencies must be must have no suspended activities, bankruptcy proceedings, or significant fines related to illegal work or labor violations. Additionally, the agency must have no outstanding debts to the state or employees, meet reporting obligations, and have employed temporary workers for at least three consecutive months. The agency's manager must not have recent convictions for labor-related crimes.</p> <p>6. Yes. Lithuania collects data on posted workers, including the duration of the posting, the sector of employment, and specific worker information such as wage and working conditions. The Lithuanian State Labor Inspectorate (VDI) maintains these records</p>
	EMN NCP Luxemb ourg	Yes	<p>1. It is important to mention that article 48 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) regulates the posting of third-country nationals of firms located outside of the EU and article 49 of the Immigration Law regulates the posting of workers (TCNs) of a firm located in the EU.</p> <p>In the case of article 48 the requirements that have to be fulfilled are the following:</p> <p>1. The temporary posting must be part of a contract concluded between the sending firm and the recipient of the service provision carrying out its activity in Luxembourg.</p>

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			<p>2. It is the sending firm that requests the authorisation of collective posting by specifying the workers to be posted, the nature and duration of the work and the exceptional circumstances that allow to admit that the local labour market will not be affected.</p> <p>3. The sending firm has to prove that the worker to be posted has been linked to them by an open-ended work contract for at least 6 months before the secondment.</p> <p>4. To be able to issue an authorisation to stay, following documents concerning the worker's stay must be enclosed:</p> <ul style="list-style-type: none"> • a copy of his/her valid passport, in its entirety (all pages); • a recent extract from his/her police record or an affidavit issued in the country of residence; • a curriculum vitae; • proof of a valid health insurance and an accident insurance for the duration of the secondment; • a copy of the open-ended work contract, dated and signed by the posted worker and the sending firm (at least six months prior to the beginning of the secondment); • a copy of the order of mission or the agreement on secondment signed by the sending firm and the salaried worker to be posted. <p>5. The sending firm will receive a collective authorisation of secondment for the preset duration of time to accomplish the service provision as well as the authorisation to stay for the posted workers.</p> <p>6. The commission for salaried workers can be consulted in case of an application for an authorisation of secondment to check if the local labour market is affected.</p> <p>7. A copy of the collective authorisation is forwarded to the "Inspection du travail et des mines" (ITM – Inspectorate of Labour and Mines) and the "Agence pour le développement de l'emploi" (ADEM – Luxembourg Employment Agency).</p> <p>8. The authorisation of secondment can only be renewed in exceptional circumstances duly proved if the service provision could not be finished during the initially set period of time. It is the sending firm that must apply for the renewal that has to be duly motivated.</p> <p>9. The posted workers that are authorised to reside in Luxembourg must apply for a residence permit within three months of their arrival.</p>
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			<p>In the case of article 49 that applies to firms that are based in the EU the following rules apply for posting EU and TCNs in Luxembourg:</p> <p>As part of a contract of transnational service provisions, the firm based in another EU member State, a member State of the European Economic Area agreement or the Swiss Confederation can freely post its salaried workers, no matter what their nationality is, as long as the posted workers have the right to work and reside in the country in which the sending firm is based.</p> <p>The TCN salaried worker that is regularly and usually employed by a European service provider is not subject to a new authorisation to work if he/she comes to Luxembourg temporarily for a service provision. For a service provision of more than three months, he/she must be in possession of an authorisation to stay as a “salaried worker of a community service provider” completed by the name and social reason of the provider and the recipient in the Grand-Duchy of Luxembourg, that will be issued to him/her automatically, meaning that the administration will only check if the obtaining conditions are satisfied.</p> <p>2. No.</p> <p>3. No.</p> <p>4. Posting workers to Luxembourg is done as part of operations conducted in the provision of transnational services, which is carried out by firms who send salaried workers to Luxembourg, as long</p>
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			<p>as there exists a working relation between the sending firm and the posted worker for the duration of the secondment.</p> <p>A contract of transnational provision of services must be concluded between the sending firm and the recipient of the service provision based on carrying out its activity in Luxembourg and concerning the precise object or activity limited in time and ending with the execution of the object of the contract.</p> <p>In principle the recipient of the transnational service has to be domiciled and registered in Luxembourg.</p> <p>5. For a firm (legal person or individual) who is registered to do business in Luxembourg the only condition that requires to post workers (TCNs) in another Member State is that it has signed a contract of transnational provision of services and must have an employment open-ended contract with the posted TCN of at least six months.</p> <p>6. Yes. The data is collected by the General Department of Immigration (DGIM), the Inspectorate of Labour and Mines (ITM) and the Luxembourg Employment Agency (ADEM).</p>
	EMN NCP Netherlands	Yes	<p>1. The registration and documentation requirements for hiring posted workers are laid down in the Dutch law on the working conditions of posted workers in the EU (<i>Wet arbeidsvoorwaarden gedetacheerde werknemers in de EU</i> - WagwEU).</p> <ul style="list-style-type: none"> • Registration requirements/duty to notify:

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		<p>Foreign workers temporarily posted to the Netherlands must be registered with the Dutch government. This applies to workers from the EU, the EEA, and Switzerland. Notification allows the government to check whether posted workers are working under safe, healthy and fair employment conditions. Notification is compulsory, also for self-employed persons in specific sectors. Some activities and sectors are exempt from the duty to notify but third-country nationals always need to be notified. If the posted worker is not registered, both the Dutch client and the foreign employer/self-employed person risk being fined. The Netherlands Labour Authority checks this.[1]</p> <ul style="list-style-type: none"> • Documentation requirements: Certain documents need to be available at the workplace: employment contracts, pay slips, working hours overview, A1 forms, and proof of payment of wages. These documents must continue to be available for five years after the end of the work; the Netherlands Labour Authority (NLA) may ask for these.[2] Moreover, it is obligated to provide the NLA with all information necessary for the enforcement of the WagwEU and it is obligated to designate a contact person who is physically present in the Netherlands and who can provide information.[3] <p>When it comes to workers with a nationality from outside the EU, EEA and Switzerland, additional requirements exist. In order to be able to work in the Netherlands they must usually have a work permit. For posted third-country citizens, there is an exception to this obligation under Article 4.6 of the Foreign Nationals (Employment) Act Implementation Decree (BuWav), provided the following conditions are met:</p> <ul style="list-style-type: none"> • the worker complies with all the regulations concerning residence, work permit and social security, in order to work for the employer in the country where the employer is based; • the worker does work that is equivalent to the work he can do in the country where the employer is based;
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- the worker is merely the replacement for another foreign national who has carried out similar work, providing the total duration of the agreed services is not exceeded; and
- the employer actually carries out substantial activities in the country where he is based.

If these conditions are not met (in full), the third-country citizen must have a *work permit* in order to be able to work in the Netherlands.

If a worker from a third country is posted to the Netherlands for more than 3 months (and meeting the above criteria under Article 4.6 of the BuWav), the employer or the worker must however apply to the Immigration and Naturalisation Service (IND) for a temporary regular *residence permit* in the context of cross-border service providers. [4]

Lastly, workers must have a travel document. For residents of the EU, EEA or Switzerland, a national passport or ID will suffice. In addition to their national passport, workers from outside the EU, EEA or Switzerland must have the beforementioned residence permit and a work permit *for the country where they reside* (EU member state, EEA member state or Switzerland), which are valid for at least the entire duration of their posting to the Netherlands.[5]

[1] Ministry of Social Affairs and Employment, 'Over de meldplicht', <https://www.postedworkers.nl/onderwerpen/over-de-meldplicht>, last accessed on 31 July 2024.

[2] Ministry of Social Affairs and Employment, 'Rechten en plichten', <https://www.postedworkers.nl/werkgever/rechten-en-plichten>, last accessed on 31 July 2024.

[3] Government of the Netherlands, 'Meldingsplicht WagwEU: Buitenlandse werkgevers en zelfstandigen met een tijdelijke opdracht in Nederland', <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/meldingsplicht->

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		<p>buitenlandse-werknemers/buitenlandse-werkgevers-en-zelfstandigen-met-een-tijdelijke-opdracht-in-nederland, last accessed on 31 July 2024.</p> <p>[4] Ministry of Social Affairs and Employment, 'Are there additional requirements for posted third-country citizens?', https://english.postedworkers.nl/documents/frequently-asked-questions/reporting-system/are-there-additional-requirements-for-posted-third-country-citizens, last accessed on 1 August 2024.</p> <p>[5] Ministry of Social Affairs and Employment, 'Which travel documents do posted workers need?', https://english.postedworkers.nl/documents/frequently-asked-questions/reporting-system/which-travel-documents-do-posted-workers-need, last accessed on 1 August 2024.</p> <p>2.</p> <p>No, however pursuant to Article 3.58, paragraph 1, opening words and under i, Vb, the IND grants the temporary regular residence permit for a maximum of the residence permit in the sending country, and never for more than two years. This was approved by the European Court of Justice in case C-540/22.</p> <p>3.</p> <p>The Netherlands has no policies to facilitate the inflow of posted third-country nationals. In fact, the Netherlands is concerned about the increased inflow as it leads to unfair competition and labor exploitation. These concerns were confirmed by an advisory report that appeared earlier this year.[1]</p> <p>[1] Advisory Council on Migration, Third-class citizens by posting practices, Third-class_Citizens_by_posting_practices_Summary_Advisory_Report_Dutch_Advisory_Council_on_Migration_20240313 (1).pdf.</p> <p>4.</p>
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		<p>Because the workers are posted, they remain under contract with the foreign service provider. Most of the obligations therefore lie with the foreign employer rather than with the Dutch service recipient. Following European legislation (most notably the (Revised) Posting Directive 96/71, the Enforcement Directive 2014/67 and the Temporary Agency Work Directive 2008/104), the foreign employer should be genuinely established in the sending Member State and the worker has to be genuinely posted (see article 4 of the Enforcement Directive and the condition of lawful and habitual residence and employment in the sending Member State following the Vander Elst case (C-43/93)). The foreign employer is responsible for submitting the aforementioned notification, for obtaining a residence permit if applicable and for providing the correct Dutch employment conditions, including:</p> <ul style="list-style-type: none"> • the statutory minimum wage; • rules on working hours and sufficient rest periods; • safe working conditions; • a minimum number of paid holiday days; • equal treatment of men and women. <p>After 12 months (or in some cases 18 months), the posted employees are entitled to an extension of the main employment rights. Namely, all employment rights laid down by Dutch labour law and universally applicable collective agreements. An exception to this are: additional agreements on occupational pensions and the conclusion and termination of the employment contract.[1]</p> <p>The Dutch service recipient only becomes responsible for the employment conditions in the case of temporary agency work. In this case the posted (third-country) worker is entitled to full Dutch employment conditions from day 1.</p>
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			<p>The one obligation that Dutch service recipients always have is to verify the notification submitted by the foreign service provider.[2]</p> <p>[1] Government of the Netherlands, 'Rights and duties', https://english.postedworkers.nl/employer/rights-and-duties, last accessed on 1 August 2024. [2] Information provided by the Ministry of Social Affairs and Employment on 21 August 2024.</p> <p>5. The employer has to adhere to European legislation, as described above. There are no additional obligations in Dutch legislation for sending companies.[1]</p> <p>[1] Information provided by the Ministry of Social Affairs and Employment on 21 August 2024.</p> <p>6. Yes. The Netherlands collects data on third-country national posted workers. The notification portal manager draws up a monthly report for policy makers based on the (throughput) figures from the notification portal. In addition to an overview of the monthly figures, the cumulative state of affairs is also reported. Following the purpose of the notification obligation as stated in the Enforcement Directive, several enforcement authorities (including the Netherlands Labour Authority, the Social Insurance Bank and the Tax Authorities) have special access to the data.[1]</p> <p>[1] Information provided by the Ministry of Social Affairs and Employment on 21 August 2024.</p>
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	EMN NCP Poland	Yes	<p>1. Third-country nationals (“TCNs”) posted by employers located outside of the EU (here and after non-EU EEA countries and Switzerland will also be considered EU member states) – as a rule – are subject to the regulations of Act of 10 June 2016 on the posting of workers in the framework of the provision of services (“Act on posting”), which implements to the Polish law provisions of the Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (“Directive”).</p> <p>According to the Act on posting, foreign employer is obliged, not later than on the day of starting the provisions of a service, to submit to State Labour Inspectorate (<i>Państwowa Inspekcja Pracy, PIP</i>) a statement containing information about employer, employee and nature of services provided by this employer. This statement also includes information about person appointed to act on the behalf of the employer in relations with Polish public authorities. If the information included in abovementioned a statement has changed, employer is obliged to inform State Labour Inspectorate of the change no later than 7 working days from its occurrence.</p> <p>TCNs are also obliged to poses proper legal basis for their work and stay in Poland. The basic actions needed in this area are as follows: First of all, employer posting its worker to Poland needs to apply to relevant voivode (provincial authority) for one of the work permits dedicated for posting, i.e.: type C – in the case of posting to a branch or an entity affiliated with the foreign employer, for period exceeding 30 days in a year; type D – in the case of services performed on a temporary and occasional basis; type E – in instances not covered by permits C and D, for a period exceeding 30 days during a consecutive period of 6 months. These permits are not needed in a few specific cases, e.g. if worker is about to assemble, maintain or repair devices, structures, machinery or other equipment delivered if they have been manufactured by the foreign employer posting the worker.</p>

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			<p>Abovementioned work permits allow worker to arrive to Poland within visa free movement (if the work is not excluded within visa free movement for TCNs of specified citizenships), apply for visa (short term Schengen visa or long term national visa) in Polish consulate or apply for residence permit to the voivode (in the case of the stay for period longer than 3 months).</p> <p>TCNs posted to Poland by employers located in the EU are also subject to the regulations of the Act on posting, including obligation to submit a statement on the posting of a worker, by the date of commencement of the provision of services in Poland to State Labour Inspectorate and obligation to inform it about changes in the information included in the statement. Such an employer also needs to designate a person responsible for contacts between that employer.</p> <p>At the same time such TCNs are subject to much less stringent requirements for their work and stay to be deemed legal (in accordance to EU law and jurisprudence).</p> <p>TCNs delegate are released from the obligation to poses work permit. However, they are obliged to apply for temporary residence permit for the purpose of performing work by a foreigner delegated by a foreign employer to the territory of the Republic of Poland, if their stay is longer than 3 months.</p> <p>Documentation requirements for granting a temporary residence permit for the purpose of performing work by a foreigner delegated by a foreign employer to the territory of the Republic of Poland (from outside or within the EU):</p> <ul style="list-style-type: none"> - work permit (C, D or E type) or a written declaration from the foreign employer of the intention to entrust the TCN with work, if a work permit is not required; - document confirming possession of health insurance within the meaning of the Act of 27 August 2004 on health care benefits financed from public funds, entitlement to healthcare benefits under the coordination regulations or coverage by the insurer of the costs of the foreigner's treatment in the territory of the Republic of Poland; - document confirming possession of a source of stable and regular income sufficient to cover the costs of living for the TCN and their dependent family members (the amount of monthly income should be higher than the amount of income entitling to cash benefits from social assistance specified in the Act of
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		<p>12 March 2004 on social assistance, in relation to the foreigner and each family member supported by them);</p> <p>- document confirming possession of place of residence in the territory of the Republic of Poland.</p> <p>2. NO</p> <p>3. NO</p> <p>4. Primary requirement, in order to be regarded as an employer posting a worker to the territory of the Republic of Poland, a foreign employer must be established and carry out substantial business activities in another Member State, from which he or she temporarily refers a worker to the territory of Poland. Such an activities cannot be carried out for purely internal management or administrative purposes.</p> <p>5. There are no specific criteria, not covered by the Directive, that employer or agency located in Poland should fulfill to be allowed to send TCNs to other EU member states. Polish employers are allowed to post their workers:</p> <ul style="list-style-type: none"> • in relation to the performance of a contract concluded between such an employer and an entity operating in the territory of another Member State; • to its branch or to an enterprise belonging to a group of enterprises to which the Polish employer belongs. <p>Such posting can also be conducted by entrepreneur who:</p>
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		<ul style="list-style-type: none"> • is a temporary employment agency and directs temporary employees to a user employer located in the territory of another Member State; • is a temporary employment agency and directs temporary employees to a user employer located in the territory of Poland or another Member State, which then temporarily directs that employee to work in the territory of another Member State. <p>6. YES. The data is collected by the State Labour Inspectorate – Chief Labour Inspectorate in Warsaw and include information necessary in order to allow factual controls at the workplace, as specified in art. 9 (1) a of Directive 2014/67/EU.</p>
	EMN NCP Slovakia	<p>Yes</p> <p>1.</p> <ol style="list-style-type: none"> 1. The host employer (except for drivers in road transport) must notify the National Labour Inspectorate, either in paper or electronic form, no later than the day of the employee's posting, providing: <ol style="list-style-type: none"> a) The business name and registered office if it's a legal entity, or the business name, full name, and place of business if it's a natural person. b) The identification number if assigned and the register in which it is recorded. c) The estimated number of posted employees. d) The full name, date of birth, permanent residence, passport number or identification document number, and nationality of the posted employee. e) The start and end date of the posting. f) The place of work and the type of work performed by the posted employee during the posting.

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		<p>g) The name of the service or services that the host employer will provide through the posted employee in the Slovak Republic.</p> <p>h) The full name, email address, and address of the contact person, i.e., the person responsible for receiving documents and providing information to the National Labour Inspectorate and the Labour Inspectorate, who will be in the Slovak Republic during the posting.</p> <p>i) Whether the posted employee is replacing another posted employee, and if so, providing the information mentioned in point d) for the replaced employee.</p> <p>The host employer must submit the notification using a form specified by the National Labour Inspectorate or via the registration portal available on the National Labour Inspectorate's website. The host employer is required to ensure the following during the employee's posting at the place of work:</p> <p>a) Keep the employment contract or any other document confirming the employment relationship with the posted employee.</p> <p>b) Maintain and store records of the working hours of the posted employee in accordance with specific regulations.</p> <p>c) Keep records of the wages paid to the posted employee for the work performed during the posting.</p> <p>The host employer is also obligated to promptly notify the National Labour Inspectorate of any changes to the provided information, either in paper or electronic form.</p> <p>2. If the posted employee is a driver in the road transport sector, the host employer is required to notify the National Labour Inspectorate no later than the day of the posting using a standardized form through the mechanism in accordance with Regulation (EU) No 1024/2012 of the European Parliament and of the Council, providing the following information:</p>
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			<p>a) The business name and registered office if it is a legal entity, or the business name, full name, and place of business if it is a natural person.</p> <p>b) Its identification number, if assigned, the register in which it is recorded, and the Community license number.</p> <p>c) The name, surname, email address, and address of the person authorized to receive documents and provide information to the National Labour Inspectorate, who will be located in another Member State where the host employer is established during the posting.</p> <p>d) The name, surname, date of birth, permanent residence, nationality, and driver's license number of the posted employee.</p> <p>e) The date of commencement of the employment relationship of the posted employee and the applicable law governing their employment contract.</p> <p>f) The start and end dates of the posting.</p> <p>g) The registration number of the motor vehicle used during the posting.</p> <p>h) Information on whether the transport services involve the carriage of goods or passengers and whether it is international transport or cabotage transport.</p> <p>The host employer is required to ensure that a posted employee, who is a driver in the road transport sector, carries the following documents with them during the posting:</p> <ul style="list-style-type: none"> • A copy of the notification. • A document confirming that transport services are being carried out in the Slovak Republic, particularly an electronic consignment note or a document according to a specific regulation. • Tachograph records, including the identification of other Member States where the posted employee was present while performing transport services, in accordance with the requirements for recording and keeping records under specific regulations.
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		<p>In both cases, the host employer is obligated to promptly notify the National Labour Inspectorate of any changes to the mandatory information on a standardized form through the mechanism in accordance with specific regulations. Information and the form are available at: https://www.ip.gov.sk/oznamenie-hostujuceho-zamestnavateľa/</p> <p>Notification obligation to the Office of Labour, Social Affairs, and Family</p> <p>The host employer is required to send an information card to the Office of Labour, Social Affairs, and Family (hereinafter referred to as the "Office") regarding the commencement and termination of the posting of a third-country national within 7 working days from the day of posting and no later than 7 working days from the day of termination of the posting. The information card must be accompanied by:</p> <ol style="list-style-type: none"> a) The agreement on posting, b) A document confirming the provision of accommodation that meets the minimum requirements under Slovak legislation for at least the expected duration of the posting, if the third-country national is exempt from visa requirements, c) A copy of the certificate of applicable legal provisions, if provided (if not, confirmation of the application for the issuance of the certificate), d) A copy of the residence permit in the Member State where the third-country national normally works, if a residence permit is required under the legal regulations of the state from which they are posted. <p>Documents b), c), and d) are not required for drivers in the road transport sector.</p> <p>The obligation to inform the Office in writing on a form, the template of which is determined by the Central Office of Labour, Social Affairs, and Family – an information card, regarding the start and end of the posting of a third-country national within 7 working days from the day of posting and no later than 7 working days from the day of termination of the posting, also applies to the notifying organization to</p>
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		<p>which third-country nationals are posted who have applied for an extension of their work permit for the same job, or if required by an international treaty binding on the Slovak Republic. The same notification obligation to the office also applies to the notifying organization in the event that the third-country national, who was granted a work permit, was not posted.</p> <p>Employment Permit</p> <p>A third-country national who is posted by an employer based in an EU Member State as part of services provided by that employer, or a third-country national employed in international transport who is posted by their foreign employer, does not require an employment permit or a confirmation on the possibility of filling a vacant job position, whether it pertains to highly qualified employment or any other position. The Office may also grant an employment permit based on a written request from the third-country national, the employer, or the natural person to whom the third-country national will be posted to perform work, if the vacant job position cannot be filled by a job seeker registered in the employment office's records. When granting temporary residence, the office considers the situation in the labor market.</p> <p>Residence Permit</p> <p>For employees posted by an employer based in an EU Member State to Slovakia as part of the services provided by that employer, and for employees engaged in international transport who are posted to Slovakia by their foreign employer, a temporary residence permit for employment purposes is not required for up to 90 days from the start of their stay in Slovakia, provided that the third-country national has entered Slovakia legally and has fulfilled the notification obligation to the relevant Foreign Police Department within 3 working days of entering Slovakia. For stays exceeding 90 days, a temporary residence permit for employment purposes is required. The primary document needed to obtain the temporary residence permit is a confirmation from the host</p>
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			<p>employer that the individual is a posted employee who falls under one of the exceptions in the Employment Services Act (posted by an employer based in an EU Member State as part of services provided by that employer (Article 23a(1)(v)), or employed in international transport and posted by their foreign employer (Article 23a(1)(y)), and who does not require an employment permit or a confirmation on the possibility of filling a vacant job position that corresponds to highly qualified employment or any other position).</p> <p>In addition to the confirmation of the purpose of stay, the posted employee must submit a valid travel document, a color photograph of their face, and documents proving financial security for their stay, a clean criminal record, and accommodation in Slovakia (except in cases of international transport). The administrative fee for granting the residence permit is €250, plus €10 for issuing the residence card in the standard process.</p> <p>2. No. The Slovak Republic does not impose any additional conditions beyond those stipulated in the Directive on Posted Workers who are third country nationals.</p> <p>3. No.</p> <p>4. The Slovak Republic does not require employers to meet any special criteria in order to host posted workers. An employer may hire a posted worker who is a third country national based on a contract with a foreign legal entity or a foreign natural person, under which employees of the foreign employer are posted to work in Slovakia (“informing organization”).</p>
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		<p>5. The Slovak Republic does not require employers or agencies to meet any special criteria to post employees to other EU Member States.</p> <p>A domestic employer, established in the Slovak Republic, can post an employee with whom they have a labor contract to perform work in another EU Member State as part of providing services from the Slovak Republic.</p> <p>The employer is required to enter into a posting agreement with the domestic employee, which should include:</p> <ul style="list-style-type: none"> • the start and end date of the posting, • the type of work during the posting and its brief description, • the place of work during the posting, • wage conditions during the posting. <p>Before the posting begins, the domestic employer must also provide the posted employee with written information about certain aspects, such as details about working conditions and employment terms during the posting, information on travel expense reimbursements, accommodation and meal allowances, or other expense reimbursements related to the posting.</p> <p>6. Yes.</p> <p>The National Labour Inspectorate, as the national contact point and authority responsible for monitoring employment conditions during postings, maintains a record of information according to Article 4, paragraph 1, and Article 4a, paragraph 1 (i.e., the information that the host employer is required to</p>
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		<p>notify the Labour Inspectorate no later than the day of posting in written or electronic form) and makes it accessible to the labour inspectorates and the Central Office of Labour, Social Affairs and Family.</p> <p>The Central Office of Labour, Social Affairs and Family maintains a central record of data, while the local labour offices keep records of employment and the start and end of employment/posting of third-country nationals.</p> <p>The records of employment/posting of third-country nationals include:</p> <ul style="list-style-type: none"> • Personal data of the third-country national (identifier, first name and surname, passport number, address in the country of permanent residence and address for correspondence, date of birth, gender, ethnicity, citizenship, marital status, contact details, bank account details, highest level of education, job title and code according to the statistical classification of occupations, monthly salary, type and purpose of stay in the territory of the Slovak Republic if granted, address of residence in the Slovak Republic), • Information about the employer, the host employer, the informing organization, the place, and type of work performed (name and address, employer identification number, type of economic activity of the employer, place of work, type of work performed, job title and code according to the statistical classification of occupations, period during which the employment/posting should take place, period during which the employment/posting actually lasted, contact details).
	EMN NCP Slovenia	<p>Yes</p> <p>1. A foreigner who has been posted by his or her employer established outside the Republic of Slovenia to the Republic of Slovenia for a limited period of time in order to provide cross-border services or receive training from a company in the Republic of Slovenia may be issued a single permit for posted workers, if the foreigner holds a valid travel document that is valid for at least three months beyond the intended residence in the Republic of Slovenia, if he</p>

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			<p>or she has social insurance in the country from which he or she was posted, if the competent authority (Employment Service) grants consent to the issuance of a single permit for posted workers in accordance with the Act governing the employment and work of foreigners, if such consent is a condition for issuing a single permit, and if there are no reasons for refusing a permit referred to in indents one, two, three, four, five, six, seven, nine, ten, eleven or twelve of paragraph one of Article 55 of the Foreigners Act. The foreigner must have social insurance in the country from which he or she was posted which covers at least urgent health care services in the territory of the Republic of Slovenia or adequate health insurance in the Republic of Slovenia.</p> <p>Application for the issuance of the first single permit for posted workers must be attached:</p> <ul style="list-style-type: none"> • foreigner's photo; • passport or a certified photocopy of a foreigner's passport; • proof of social insurance from the country from which he is posted, which also includes health insurance, which • covers at least emergency medical services in the Republic of Slovenia. If social insurance from the home country does not • includes health insurance, proof of the relevant health insurance that covers it must be submitted • at least emergency medical services in the Republic of Slovenia; • proof of sufficient means of subsistence; • a certificate from the criminal records of the foreigners's home country; • contract on the provision of cross-border services for the client; • proof that the posted workers have been employed by a foreign employer for at least nine months, which sends the workers to Republic of Slovenia; • proof of registration of the foreign employer;
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		<ul style="list-style-type: none"> • a signed statement by the employer/contractor of the work whether or not he provides accommodation for the foreigner. <p>A first single permit for posted workers shall be issued for the period of the contracted work or the training programme, but for not more than one year. If, for justified reasons, the contract on the basis of which a foreigner is posted or the training cannot be implemented within the time limit, the single permit for posted workers referred to in the preceding paragraph shall be extended on the basis of the prior consent of the competent authority (Employment Service) in accordance with the Act governing the employment and work of foreigners.</p> <p>Article 45 of the Foreigners Act applies for the issuance of single residence permits for third country nationals who are posted from EU or elsewhere. For third country nationals, who are posted from EU countries, the condition of a previous nine-month employment period does not apply. Single residence permit for posted third country national, employed in EU is issued without the prior consent of the competent authority (Employment Service).</p> <p>If the services to be provided are of particular importance for the country, a first single permit may be issued for a period longer than one year; this shall be decided by the authority responsible for issuing a single permit based on a decision of the ministry responsible for work and in accordance with the Act governing the employment and work of foreigners.</p> <p>2. No.</p> <p>3. No.</p> <p>4.</p>
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		<p>A foreign employer shall provide transnational services in the Republic of Slovenia provided that :</p> <ol style="list-style-type: none"> 1. holds a valid A1 certificate which meets the definition of transnational provision of services in respect of the posted worker 2. the foreign employer does not violate the provisions of labor law relating to the rights of posted workers and, in the last three years, has not been found by the labor Inspectorate to have committed more than one violation of obstructing or preventing entry to premises or preventing the smooth performance of inspection duties under the Act governing inspection, for which it has been fined for a minor offence by a final decision or several final decisions, 3. the service is provided as part of the activity for which the foreign employer is registered in the country of employment, except in the case of the posting of the worker to an associated company, and 4. the service is provided for its own account and under its own direction based on the contract concluded with the client, on the basis of an instrument of posting to an associated company, or as part of the activity of providing workers to another user. <p>Temporary work agency within the sense of Article 3 of Directive 2008/104, registered in the EU, EEA or Swiss Confederation who wishes to post workers to Slovenia, must be registered with the Ministry of Labor, Family, Social Affairs and Equal Opportunities.</p> <p>5. A Slovenian employer can provide a service across borders, provided that:</p> <ol style="list-style-type: none"> 1. performs an activity in the Republic of Slovenia, 2. does not violate the more important provisions of the labor legislation relating to the rights of the worker,
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			<ol style="list-style-type: none"> 3. the service is provided within the scope of the activity for which the employer is registered in the Republic of Slovenia, except in the case of posting the employee to a related company, and 4. the service is provided for its own account and under its own management on the basis of a contract concluded with the customer of the service, a deed on secondment to a related company or within the scope of the activity of providing the work of workers to the user. <p>6.</p> <p>YES. The Employment Agency of the Republic of Slovenia collects the following data on third country national posted worker:</p> <ol style="list-style-type: none"> 1. the name, date of birth and the nationality of the posted worker and the address of the temporary residence in the Republic of Slovenia, if the posted worker has registered it or if there is an obligation to register it under the Act governing the registration of residence, 2. the name and date of birth of a person authorised by the foreign employer to liaise with the supervisory authorities, including the sending and the receiving of documents and notices and service of process, in accordance with the provisions of the Act governing general administrative procedure, 3. the type of services, 4. the job title of the posted worker, 5. the estimated date of the commencement and completion of services - the posting period, 6. the address or, if the service will be provided at a location without an address, the GPS coordinates of the location.
	EMN NCP Sweden	Yes	<ol style="list-style-type: none"> 1. The employer must report postings of workers to Sweden in the Swedish Work Environment Authority's service Report a posting. The reporting include information about: <ul style="list-style-type: none"> • the employing company:

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		<ul style="list-style-type: none"> ○ company name, corporate identity number, e-mail address of the company, postal address and global industry code according to the EU statistical classification of economic activities, NACE ○ the signatory of the company: name, identification number (personal identity number, passport number or other unique official identification number), e-mail address, postal address and phone number ● the recipient of services in Sweden: <ul style="list-style-type: none"> ○ if the recipient is a company: company name or corporate identity number ○ if the recipient is a private individual: address of the place in Sweden where the worker will be performing the service ● the worker to be posted: name, identification number (personal identity number, passport number or other unique official identification number), date of the days the worker will begin and finish his work, industry code according to the EU statistical classification of economic activities, NACE, of the service the worker is to perform ● contact person in Sweden appointed by the employer who is authorized representative. The contact person may be anyone as long as he or she is in Sweden. It may be, for example, a posted worker or a person at a consulting company or similar. Information required is the contact person's name, identification number (personal identity number, passport number or other unique official identification number), e-mail address, postal address and phone number. The employer must also comply with the Swedish rules and collective agreements on the working environment, discrimination, working hours, holidays, parental leave, salary and taxes. The worker must have a residence and work permit in Sweden or another EES-country. <p>2. No. But within certain trades the company must have a registered branch in Sweden in order for the employees to get a work permit if required.</p>
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		<p>3. No</p> <p>4. In all posting situations, the employer is responsible for reporting the posting to the Swedish Work Environment Authority. He or she should also ensure that the workers have their rights according to Sweden's laws and regulations, and possible collective agreements. The posting employer must provide the recipient of services documentation showing that he or she has reported the posting no later than the date the posted worker begins the work in Sweden. If the recipient of services have not received this documentation, the company must notify the Swedish Work Environment Authority of this no later than three days after the work has begun. If he/she do not do so, he/she may be required to pay a fine. This does not apply if the person is a private individual and receive a service for personal use.</p> <p>5. All Swedish employers are under the same legislation regarding workers' rights and safety. Most employers also have collective agreements with the unions covering all employees.</p> <p>6. Foreign employers must report postings to Sweden to the Swedish Work Environment Authority. The Swedish Work Environment Authority compiles statistics based on the reported information. The latest yearly report can be found here: Helårsrapport 2023 – Register för företag som utstationerar arbetstagare i Sverige (av.se) The statistics include country of origin for the posted worker, line of business, and where in Sweden the posted worker is working.</p>
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