

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012

2024/0301(COD)

[Version for Trilogue on June 23, 2026]

19-06-2026 at 16h43

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
Formula				
1	2024/0301 (COD)	2024/0301 (COD)	2024/0301 (COD)	2024/0301 (COD) <small>Text Origin: Commission Proposal</small>
Document Stage				
2	Proposal for a	Proposal for a	Proposal for a	Proposal for a <small>Text Origin: Commission Proposal</small>
Document Type				
3	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <small>Text Origin: Commission Proposal</small>
Document Purpose				
4	on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012	on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012	on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012	on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012

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	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
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Formula				
5	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
6	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, Text Origin: Commission Proposal
Citation 2				
7	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
8	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
9	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,

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	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. . Text Origin: Commission Proposal
Citation 5				
10	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
11	Whereas:	Whereas:	Whereas:	Whereas: CNL: Rows 14, 14a, 15, 18a, 29, 33 to be discussed, as they seem to be more political Text Origin: Commission Proposal
Recital 1				
12	(1) The Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ¹ , should be used as much as possible for the administrative cooperation and mutual assistance, including between the competent authorities of the Member States provided for in Directives 2014/67/EU ² and 96/71/EC ³ of the European Parliament and of the Council, concerning the posting of workers in the framework of the	(1) The Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ¹ , should be used as much as possible for the administrative cooperation and mutual assistance, including between the competent authorities of the Member States provided for in Directives 2014/67/EU ² and 96/71/EC ³ of the European Parliament and of the Council, concerning the posting of workers in the framework of the	(1) The Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ¹ , should be used as much as possible for the administrative cooperation and mutual assistance, including between the competent authorities of the Member States provided for in Directives 2014/67/EU ² and 96/71/EC ³ of the European Parliament and of the Council, concerning the posting of workers in the framework of the	(1) The Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ¹ , should be used as much as possible for the administrative cooperation and mutual assistance, including between the competent authorities of the Member States provided for in Directives 2014/67/EU ² and 96/71/EC ³ of the European Parliament and of the Council, concerning the posting of workers in the framework of the

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	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
	<p>provision of services. In accordance with Directive 2014/67/EU, in particular its Article 6, Member States are to work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the implementation, application and enforcement in practice of that Directive and Directive 96/71/EC.</p> <p>1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’) (OJ L 316, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/1024/oj).</p> <p>2. Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11, ELI: http://data.europa.eu/eli/dir/2014/67/oj).</p> <p>3. 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 (OJ L 18, 21.1.1997, p. 1, ELI: http://data.europa.eu/eli/dir/1996/71/oj).</p>	<p>provision of services. In accordance with Directive 2014/67/EU, in particular its Article 6, Member States are to work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the implementation, application and enforcement in practice of that Directive and Directive 96/71/EC.</p> <p>1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’) (OJ L 316, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/1024/oj).</p> <p>2. Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11, ELI: http://data.europa.eu/eli/dir/2014/67/oj).</p> <p>3. 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 (OJ L 18, 21.1.1997, p. 1, ELI: http://data.europa.eu/eli/dir/1996/71/oj).</p>	<p>provision of services. In accordance with Directive 2014/67/EU, in particular its Article 6, Member States are to work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the implementation, application and enforcement in practice of that Directive and Directive 96/71/EC.</p> <p>1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’) (OJ L 316, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/1024/oj).</p> <p>2. Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11, ELI: http://data.europa.eu/eli/dir/2014/67/oj).</p> <p>3. 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 (OJ L 18, 21.1.1997, p. 1, ELI: http://data.europa.eu/eli/dir/1996/71/oj).</p>	<p>provision of services. In accordance with Directive 2014/67/EU, in particular its Article 6, Member States are to work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the implementation, application and enforcement in practice of that Directive and Directive 96/71/EC.</p> <p>1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’) (OJ L 316, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/1024/oj).</p> <p>2. Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) (OJ L 159, 28.5.2014, p. 11, ELI: http://data.europa.eu/eli/dir/2014/67/oj).</p> <p>3. 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 (OJ L 18, 21.1.1997, p. 1, ELI: http://data.europa.eu/eli/dir/1996/71/oj).</p> <p>Text Origin: Commission Proposal</p>
Recital 2				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
13	<p>(2) Directive 2014/67/EU aims to facilitate the exercise of the freedom to provide services and the functioning of the internal market, as well as to guarantee respect for an appropriate level of protection of the rights of posted workers for the cross-border provision of services, in particular as regards the enforcement of the terms and conditions of employment that apply in the Member State where the service is to be provided in accordance with Article 3 of Directive 96/71/EC. According to Article 9(1) of Directive 2014/67/EU, Member States may only impose administrative requirements and control measures in so far as necessary in order to ensure effective monitoring of compliance with the obligations set out in that Directive and in Directive 96/71/EC and provided that these are justified and proportionate in accordance with Union law. Where this is the case, Article 9(1)(a) of Directive 2014/67/EU allows Member States to impose an obligation for a service provider established in another Member State to make a simple declaration to the responsible national competent authorities in order to allow factual controls at the workplace. It remains the</p>	<p>(2) Directive 2014/67/EU aims to facilitate the exercise of the freedom to provide services and <u>promote fair competition between service providers thus supporting</u> the functioning of the internal market, as well as to guarantee respect for an appropriate level of protection of the rights of posted workers for the cross-border provision of services, in particular as regards the enforcement of the terms and conditions of employment that apply in the Member State where the service is to be provided in accordance with Article 3 of Directive 96/71/EC. According to Article 9(1) of Directive 2014/67/EU, Member States may only impose administrative requirements and control measures in so far as necessary in order to ensure effective monitoring of compliance with the obligations set out in that Directive and in Directive 96/71/EC and provided that these are justified and proportionate in accordance with Union law. Where this is the case, Article 9(1)(a) of Directive 2014/67/EU allows Member States to impose an obligation for a service provider established in another Member State to make a simple declaration to the responsible national competent authorities</p>	<p>(2) Directive 2014/67/EU aims to facilitate the exercise of the freedom to provide services and the functioning of the internal market, as well as to guarantee respect for an appropriate level of protection of the rights of posted workers for the cross-border provision of services, in particular as regards the enforcement of the terms and conditions of employment that apply in the Member State where the service is to be provided in accordance with Article 3 of Directive 96/71/EC, while facilitating the exercise of the freedom to provide services for service providers and promoting fair competition between service providers, and thus supporting the functioning of the internal market. According to Article 9(1) of Directive 2014/67/EU, Member States may only impose administrative requirements and control measures in so far as necessary in order to ensure effective monitoring of compliance with the obligations set out in that Directive and in Directive 96/71/EC and provided that these are justified and proportionate in accordance with Union law. Where this is the case, Article 9(1)(a) of Directive 2014/67/EU allows Member States to impose an obligation for a service</p>	<p>(2) Directive 2014/67/EU aims to facilitate the exercise of the freedom to provide services and the functioning of the internal market, as well as to guarantee respect for an appropriate level of protection of the rights of posted workers for the cross-border provision of services, in particular as regards the enforcement of the terms and conditions of employment that apply in the Member State where the service is to be provided in accordance with Article 3 of Directive 96/71/EC, while facilitating the exercise of the freedom to provide services for service providers and promoting fair competition between service providers, and thus supporting the functioning of the internal market. According to Article 9(1) of Directive 2014/67/EU, Member States may only impose administrative requirements and control measures in so far as necessary in order to ensure effective monitoring of compliance with the obligations set out in that Directive and in Directive 96/71/EC and provided that these are justified and proportionate in accordance with Union law. Where this is the case, Article 9(1)(a) of Directive 2014/67/EU allows Member States to impose an obligation for a service</p>

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>responsibility of Member States to decide, within the limits of justification and proportionality, in which cases to demand a posting declaration and what information this declaration must contain.</p>	<p><u>containing the relevant information necessary</u> in order to allow factual controls at the workplace. It remains the responsibility of Member States to decide, within the limits of justification and proportionality, in which cases to demand a posting declaration and what information this declaration must contain.</p> <p><u>Article 9(1), point (b), allows Member States to impose an obligation on service providers to, inter alia, keep, make available and retain copies, in paper or electronic form, of employment related documents during the period of posting in an accessible and clearly identified place in its territory.</u></p> <p><u>Article 9(1), point (c), allows Member States to impose an obligation on service providers to deliver those documents after the end of the posting period at the request of the authorities of the host Member State, within a reasonable period of time.</u></p>	<p>provider established in another Member State to make a simple declaration to the responsible national competent authorities <i>containing the relevant information necessary</i> in order to allow factual controls at the workplace. It remains the responsibility of Member States to decide, within the limits of justification and proportionality, in which cases to demand a posting declaration and what information this declaration must contain.</p> <p><i>Article 9(1) (b) allows Member States to impose an obligation for a service provider to keep or make available and/or retain copies, in paper or electronic form, of employment related documents during the period of posting in an accessible and clearly identified place in its territory. Article 9(1)(c) allows to impose an obligation for a service provider to deliver these documents after the period of posting at the request of the authorities of the host Member State, within a reasonable period of time. Article 9(1)(d) allows Member States to impose an obligation for a service provider to provide a translation of these documents into (one of) the official language(s) accepted by the host Member State. It remains the</i></p>	<p>provider established in another Member State to make a simple declaration to the responsible national competent authorities <i>containing the relevant information necessary</i> in order to allow factual controls at the workplace. It remains the responsibility of Member States to decide, within the limits of justification and proportionality, in which cases to demand a posting declaration and what information this declaration must contain.</p> <p><u>Article 9(1) (b) allows Member States to impose an obligation for a service provider to keep or make available and/or retain copies, in paper or electronic form, of employment related documents during the period of posting in an accessible and clearly identified place in its territory. Article 9(1)(c) allows to impose an obligation for a service provider to deliver these documents after the period of posting at the request of the authorities of the host Member State, within a reasonable period of time. Article 9(1)(d) allows Member States to impose an obligation for a service provider to provide a translation of these documents into (one of) the official language(s) accepted by the host Member State. It remains the</u></p>

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<i>responsibility of Member States to decide, within the limits of justification and proportionality, whether to introduce any requirements in relation to relevant documents to be made available.</i>	<u><i>responsibility of Member States to decide, within the limits of justification and proportionality, whether to introduce any requirements in relation to relevant documents to be made available.</i></u>
Recital 3				
14	(3) All Member States have used the possibility to impose a declaration obligation for service providers posting workers to their Member State, with national systems differing significantly in design, requirements and functionality. Complying with these diverging systems creates a considerable administrative burden for the service providers posting workers. Stakeholders have consistently highlighted that the declaration for the posting of workers constitutes a significant reporting obligation and is among the most important administrative barriers for the cross-border provision of services in the internal market.	(3) All Member States have used the possibility to impose a declaration obligation for service providers posting workers to their Member State, with national systems differing significantly in design, requirements and functionality, <u><i>as well as differences in national enforcement systems and practices.</i></u> Complying with these diverging <u><i>national declaration interfaces</i></u> systems creates a considerable administrative burden for the service providers posting workers, <u><i>in particular SMEs, and hinders the free movement of services and workers within the internal market.</i></u> Stakeholders have consistently highlighted that the declaration for the posting of workers constitutes a significant reporting obligation, <u><i>which results in SMEs requesting the assistance of additional staff or external service providers, leading to extra costs and operational delays</i></u> and is among the most important administrative barriers for	(3) All Member States have used the possibility to impose a declaration obligation for service providers posting workers to their Member State, with national systems differing significantly in design, requirements and functionality. <i>While the administrative burden related to the posting declaration obligation varies significantly per Member State</i> , complying with these diverging systems creates a considerable administrative burden for the service providers posting workers <i>to different Member States</i> . Stakeholders, <i>in particular service providers</i> have consistently highlighted that the declaration for the posting of workers constitutes a significant reporting obligation and is among the most important administrative barriers <i>obstacles</i> for the cross-border provision of services in the internal market.	(3) All Member States have used the possibility to impose a declaration obligation for service providers posting workers to their Member State, with national systems differing significantly in design, requirements and functionality. <u><i>While the posting declaration obligations vary significantly per Member State</i></u> , complying with these diverging systems creates a considerable administrative burden for the service providers posting workers <u><i>in particular SMEs, and hinders the freedom to provide services and the free movement of workers within the internal market.</i></u> Stakeholders, <u><i>in particular service providers</i></u> have consistently highlighted that the declaration for the posting of workers constitutes a significant reporting obligation and is among the most important administrative barriers <i>obstacles</i> for the cross-border provision of services in the internal market.

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		the cross-border provision of services in the internal market. <u>In some cases, complex procedures may even discourage companies from posting their workers. At the same time, stakeholders have highlighted violations and enforcement challenges when it comes to the protection of posted workers.</u>		EP: "As national enforcement systems and practices related to the posting vary significantly between MS,..", added above
Recital 3a				
14a		<u>(3a) Unfair competition through abusive practices and the infringement of the principle of equal treatment of posted workers distorts the internal market as it creates an unlevel playing field, putting the many bona fide employers that respect the law at a disadvantage.</u>		deleted EP wording covered elsewhere, in recital 5
Recital 4				
15	(4) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, in order to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden. The reporting obligations and requirements in the submission of posting declarations to the competent authorities of the host	(4) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation, <u>while also allowing for better data collection and cross-border exchange of information, thereby also enabling more targeted inspections and evidence-based policy-making.</u> However, it is important to streamline <u>national reporting systems and those</u> requirements, in order to <u>ensure that they fulfil the purpose for which</u>	(4) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, <u>in order to ensure to limit the administrative burden, while ensuring</u> that they fulfil the purpose for which they were intended <u>and to limit the administrative burden.</u> The reporting obligations and requirements in the submission of	(4) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, in order to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden, while also allowing for better data collection and cross-border exchange of information, thereby also enabling more targeted inspections and

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	<p>Member State, established in accordance with Article 9(1) of Directive 2014/67/EU should therefore be simplified, in line with the Commission’s Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’¹, in order to significantly reduce the administrative burden for service providers established in other Member States and posting workers to the host Member States as well as for national competent authorities.</p> <p>¹. COM(2023) 168 final.</p>	<p>they were intended and to limit the reduce any unnecessary administrative burden <u>for service providers including any duplication of requirements. This is of particular importance for undertakings situated in border regions.</u> The reporting obligations system and requirements in the submission of posting declarations to the competent authorities of the host Member State, established in accordance with Article 9(1) of Directive 2014/67/EU should therefore be simplified, <u>without prejudice to the adequate protection of posted workers provided for in Directive 96/71/EC and its enforcement under Directive 2014/67/EU</u>, in line with the Commission’s Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’¹, in order to significantly reduce the administrative burden for service providers established in other Member States and posting workers to the host Member States as well as for national competent authorities, <u>while ensuring that Member States are equipped with the information necessary for effective monitoring and enforcement of administrative requirements and control measures referred to in Article 9(1), point (a), of Directive 2014/67/EU.</u></p>	<p>posting declarations to the competent authorities of the host Member State, established in accordance with Article 9(1), point (a), of Directive 2014/67/EU should therefore be simplified without prejudice to the adequate protection of posted workers’ rights under Directive 96/71/EC and its enforcement under Directive 2014/67/EU, in line with the Commission’s Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’¹, in order to significantly reduce the administrative burden for service providers established in other Member States and posting workers to the host Member States as well as for national competent authorities.</p> <p>¹. II COM(2023) 168 final.</p>	<p><u>evidence-based policy-making.</u> The reporting obligations systems and requirements in the submission of posting declarations to the competent authorities of the host Member State, established in accordance with Article 9(1) of Directive 2014/67/EU should therefore be simplified, <u>without prejudice to the adequate protection of posted workers provided for in Directive 96/71/EC and its enforcement under Directive 2014/67/EU</u>, in line with the Commission’s Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’¹, in order to significantly reduce the administrative burden for service providers established in other Member States and posting workers to the host Member States as well as for national competent authorities, <u>while ensuring that Member States are equipped with the information necessary for effective monitoring and enforcement of administrative requirements and control measures referred to in Article 9(1), point (a), of Directive 2014/67/EU.</u></p> <p>1. COM(2023) 168 final.</p>

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		1. COM(2023) 168 final.		
Recital 5				
16	(5) Reducing the administrative burden for service providers and national competent authorities must concur with the respect for adequate working conditions and social protection for posted workers. Facilitating the effective monitoring of compliance by Member States and reinforcing mutual administrative cooperation improves the protection of workers' rights.	(5) Reducing the <u>Streamlining and simplifying</u> administrative burden <u>requirements</u> for service providers and national competent authorities must concur with the <u>full</u> respect for adequate working conditions and social protection for posted workers. Facilitating the effective monitoring of compliance by Member States and reinforcing mutual administrative cooperation improves the protection of workers' rights <u>and the fight against abusive practices and undeclared work which undermine workers' fundamental rights as well as distort competition to the detriment of compliant service providers.</u>	(5) Reducing the administrative burden for service providers and national competent authorities must concur with the respect for <u>be achieved while respecting</u> adequate working conditions and social protection for posted workers <u>and its enforcement.</u> Facilitating the effective monitoring of compliance by Member States <u>of compliance with EU legislation aimed at ensuring the protection of posted workers' rights</u> and reinforcing mutual administrative cooperation improves the protection of workers' rights <u>and contributes to the fight against circumvention and abuse of posting rules and undeclared work in the context of posting of workers.</u>	(5) Reducing the <u>Simplifying</u> administrative burden <u>requirements</u> for service providers and national competent authorities must concur with the respect for <u>be achieved while respecting</u> adequate working conditions and social protection for posted workers <u>and their enforcement.</u> Facilitating the effective monitoring of compliance by Member States <u>of compliance with EU legislation aimed at ensuring the protection of posted workers' rights</u> and reinforcing mutual administrative cooperation improves the protection of workers' rights <u>and the fight against abusive practices and undeclared work which undermine workers' fundamental rights as well as distort competition to the detriment of compliant service providers.</u>
Recital 6				
17	(6) In accordance with Article 12 of Regulation (EU) No 1024/2012 technical means may be provided to allow external actors to interact with IMI. Such an interaction should be facilitated by a multilingual electronic public interface connected to IMI ('the public	(6) In accordance with Article 12 of Regulation (EU) No 1024/2012 technical means may be provided to allow external actors to interact with IMI. Such an interaction should be facilitated by a multilingual electronic public interface connected to IMI ('the public	(6) In accordance with Article 12 of Regulation (EU) No 1024/2012 technical means may be provided to allow external actors to interact with IMI. Such an interaction should be facilitated by a multilingual electronic public interface connected to IMI ('the public	(6) <u>Council + COM proposals:</u> In accordance with Article 12 of Regulation (EU) No 1024/2012 technical means may be provided to allow external actors to interact with IMI. Such an interaction should be facilitated by a multilingual

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012 2024/0301(COD) 19-06-2026 at 16h43 10/96

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	<p>interface’) through which service providers should submit posting declarations to the Member States making use of the public interface (‘participating Member States’). These Member States should then, if necessary, use the information received through IMI to make reasoned requests in the IMI posting modules in accordance with the obligation to provide mutual administrative cooperation and assistance referred to in Articles 6 and 7 of Directive 2014/67/EU.</p>		<p>interface’) through which service providers should submit posting declarations to the Member States making use of the public interface (‘participating Member States’). These Member States should then, if necessary, use the information received through IMI to make reasoned requests in the IMI posting modules in accordance with the obligation to provide mutual administrative cooperation and assistance referred to in Articles 6 and 7 of Directive 2014/67/EU.</p>				<p>electronic public interface connected to IMI (‘the public interface’) through which service providers should submit posting declarations to the Member States making use of the public interface (‘participating<u>instead of their own posting declaration in accordance with Article 9(1)(a) of Directive 2014/67/EU and national law.</u> Member States’)<u>→ could in addition require service providers to make available relevant documents in the public interface instead of their own procedures to request and obtain these relevant documents.</u> <u>Documents requested and obtained in IMI through the public interface should not be requested again in any other way.</u> These Member States should then, if necessary,<u>could then</u> use the information <u>and documents</u> received through IMI to make reasoned requests in the IMI posting modules in accordance with the obligation to provide mutual administrative cooperation and assistance referred to in Articles 6 and 7 of Directive 2014/67/EU.</p>

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				<p>EP: The word "additional" is misleading as it is not clear. Maybe it should be a new sentence.</p> <p>COM suggestion above on replacing "additional use" by "Member States could in addition require service providers to make available relevant documents .."</p> <p>EP: maybe instead of "could", it should be "may".</p> <p>DLA to check ("should be able to", instead of "could")</p>
Recital 7				
18	(7) A simplification of the process of sending and updating posting declarations resulting from the creation of such a public interface should reduce administrative barriers to the freedom to provide services, including to the right of undertakings to provide services in another Member State with their own workers.	(7) <u>Given that the posting of workers has become an important form of intra-Union labour mobility</u> , a simplification of the process of sending and updating posting declarations resulting from the creation of such a public interface should reduce <u>is necessary to streamline and simplify</u> administrative barriers <u>requirements that have an impact on</u> to the freedom to provide services, including to the right of undertakings to provide services in another Member State with their own workers, <u>thereby facilitating intra-Union labour mobility and at the same time allowing for stronger</u>	(7) A simplification of the process of sending and updating posting declarations and of making available relevant documents resulting from the creation of such a public interface should reduce <u>aims at reducing</u> administrative barriers <u>obstacles</u> to the freedom to provide services, including to the right of undertakings to provide services in another Member State with their own workers.	(7) <u>Given the increase in the number of posted workers within the Union</u> , a simplification of the process of sending and updating posting declarations <u>and of making available relevant documents</u> resulting from the creation of such a public interface should reduce <u>aims at simplifying</u> administrative barriers to <u>requirements, thereby facilitating</u> the freedom to provide services, including to the right of undertakings to provide services in another Member State with their own <u>and at the same time allowing for stronger protection of posted workers during their posting.</u>

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		<u>protection of posted workers during their posting.</u>		COM: Maybe no need to refer to intra-Union labour mobility, just increase of movement of workers is sufficient. COM suggestion above
Recital 7a				
18a			<i>(7a) Although Member States are not required to provide for the use of the public interface set up by this Regulation and may continue to use their own posting declaration, the envisaged uptake by Member States contributes to the approximation of the procedure and of the requirements for the declaration of posting of workers in the Member States which make use of the public interface. The public interface as the single declaration portal and the standard form establish similar conditions for posting declarations in the Member States which make use of the public interface. This Regulation therefore aims at facilitating the free provision of services by proceeding to a partial harmonisation as regards the procedure and requirements for the declaration of posting of workers set out in Directive 2014/67/EU. By providing for more harmonised conditions, this Regulation will reduce the current fragmentation between the</i>	<u><i>(7a) Council proposal (GA):</i></u> <u><i>Although Member States are not required to provide for the use of the public interface set up by this Regulation and may continue to use their own posting declaration, the envisaged uptake by Member States contributes to the approximation of the procedure and of the requirements for the declaration of posting of workers in the Member States which make use of the public interface. The public interface as the single declaration portal and the standard form establish similar conditions for posting declarations in the Member States which make use of the public interface. This Regulation therefore aims at facilitating the free provision of services by proceeding to a partial harmonisation as regards the procedure and requirements for the declaration of posting of workers set out in Directive 2014/67/EU. By providing for more harmonised conditions, this</i></u>

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			<p><i>Member States deciding to make use of the public interface.</i></p>	<p><u><i>Regulation will reduce the current fragmentation between the Member States deciding to make use of the public interface.</i></u></p> <p>EP: MS having the choice if they opt in, this is not really about harmonisation. To look also in last sentence of EP text in row 29:</p> <p>"A single system for declaring posted workers, which is applicable in all Member States, is a long-term objective to be envisaged in order to enhance efficiency and the protection of posted workers and to ensure the efficient functioning of the internal market. Low entry barriers for Member States' into the proposed system, a well-functioning interface and good integration into Member States national back-end systems, will be key to increase take-up of the multilingual public interface by Member States."</p> <p>CNL: Here, it is not about the same. Enforcement Directive is a different legal basis so the aim is to justify using legal basis (Art. 114 of TFEU) and explain what the (partial) harmonising elements are of the public interface.</p> <p>EP: Partial harmonisation, the word "partial" should be removed</p>
Recital 7b				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
18b				<p><u>(7b) A single system for declaring posted workers, which is used by as many Member States as possible, is a long-term objective to be envisaged in order to enhance efficiency and the protection of posted workers and to ensure the efficient functioning of the internal market. Low entry barriers for Member States' into the proposed system, a well-functioning interface and good integration into Member States national back-end systems, will be key to increase take-up of the multilingual public interface by Member States.</u></p> <p>EP suggestion from row 18a, with COM modification</p> <p>CNL: Could be related to evaluation clause</p>
Recital 8				
19	<p>(8) The simplification of the process of sending and updating posting declarations should facilitate a better and more uniform application of Directive 96/71/EC as well as its enforcement in practice, reducing the cases on non-compliance with the posting rules due to the different procedures for submitting the posting declarations. It will facilitate carrying out of effective and adequate inspections</p>	<p>(8) The simplification of the process of sending and updating <u>and tracking</u> posting declarations should facilitate a better and more uniform <u>and effective</u> application of Directive 96/71/EC as well as its enforcement in practice, <u>by improving the collection, cross-referencing and comparability of data via a standard form established by this Regulation and</u> reducing the cases on non-</p>	<p>(8) The simplification of the process of sending and updating posting declarations should facilitate <u>through the public interface aims at facilitating</u> a better and more uniform application of Directive 96/71/EC as well as its enforcement in practice, reducing the cases on non-compliance with the posting rules due to the different procedures for submitting the posting declarations. It will</p>	<p>(8) The simplification of the process of sending and updating posting declarations should facilitate, <u>including transparent logging of user activity aims at facilitating</u> a better and more uniform <u>and effective</u> application of Directive 96/71/EC as well as its enforcement in practice, <u>by improving the collection, cross-referencing and comparability of data via a standard form</u></p>

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	by the Member States, contributing to the protection of posted workers' rights.	compliance with the posting rules due to the different procedures for submitting the posting declarations. It will facilitate carrying out of effective and adequate inspections by the Member States, contributing to the protection of posted workers' rights <u>and will contribute to the fight against the circumvention and abuse of posting rules, undeclared work and labour exploitation in the context of the posting of workers.</u>	<i>facilitate. It aims at facilitating</i> carrying out of effective and adequate inspections by the Member States, contributing to the protection of posted workers' rights.	<u>established by this Regulation and</u> reducing the cases on non-compliance with the posting rules due to the different procedures for submitting the posting declarations. It will facilitate <u>aims at facilitating</u> carrying out of effective and adequate inspections by the Member States, contributing to the protection of posted workers' rights. COM and PRES: Last sentence moved to recital 10c.
Recital 8a				
	19a			deleted Moved to recital 10d
Recital 9				
	20	(9) A simplification of the process of sending and updating posting declarations should reduce the administrative burden <u>and obstacles to cross-border enforcement</u> of national competent authorities seeking mutual assistance from other Member States <u>and improve data collection in order to enable evidence-based policy making.</u> To ensure that the responsible national competent authorities can provide each other with mutual assistance without undue delay and to simplify requests for mutual assistance,	(9) A simplification of the process of sending and updating posting declarations should reduce <u>through the public interface aims at reducing</u> the administrative burden of national competent authorities seeking mutual assistance from other Member States. To ensure that the responsible national competent authorities can provide each other with mutual assistance without undue delay and to simplify requests for mutual assistance, information submitted in posting declarations should be made	(9) A simplification of the process of sending and updating posting declarations should reduce the administrative burden <u>and obstacles to cross-border enforcement</u> of national competent authorities seeking mutual assistance from other Member States <u>and improve data collection in order to enable evidence-based policy making.</u> To ensure that the responsible national competent authorities can provide each other with mutual assistance without undue delay and to simplify requests for mutual assistance,

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	facilitating the application in practice of Directive 2014/67/EU and Directive 96/71/EC and supporting the related administrative cooperation between the national competent authorities in the Member States contributing to the proper functioning of the internal market.	information submitted in posting declarations should be made available directly in IMI, thus facilitating the application in practice of Directive 2014/67/EU and Directive 96/71/EC and supporting the related administrative cooperation between the national competent authorities in the Member States contributing to <i>more effective enforcement and</i> the proper functioning of the internal market.	available directly in IMI, thus facilitating the application in practice of Directive 2014/67/EU and Directive 96/71/EC and supporting the related administrative cooperation between the national competent authorities in the Member States contributing to the proper functioning of the internal market.	information submitted in posting declarations should be made available directly in IMI, thus facilitating the application in practice of Directive 2014/67/EU and Directive 96/71/EC and supporting the related administrative cooperation between the national competent authorities in the Member States contributing to <i>more effective enforcement and</i> the proper functioning of the internal market.
	Recital 9a			
R 20a				<u>(9a) Pursuant to Article 1(4) of Directive 96/71/EC Member States should not give more favourable treatment to undertakings established in a non-member State than to undertakings established in a Member State. To support Member States in meeting this obligation, and in achieving the objectives of the public interface, it should be available additionally for declarations by service providers established in a non-member State that send workers to a Member State to provide services. This would facilitate ensuring adequate working conditions for workers and promoting fair competition between service providers. This would also support mutual assistance between Member States'</u>

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				<p><u>national competent authorities, in cases where, in accordance with Regulation (EU) No 1024/2012, information is requested from other Member States' national competent authorities about the workers sent by the third country service provider. The public interface will be made available for such declarations upon a request by the Member State to whose territory the worker is sent. Member States should make such a request only if this is necessary to comply with the legal obligations of those service providers in the legislation of that Member State.</u></p> <p>COM suggestion</p>
	Recital 10			
21	<p>(10) The Commission should set up a public interface for voluntary use by Member States. Member States may choose to require service providers to use the electronic public interface to make a posting declaration to its responsible national competent authorities, in order to comply with justified and proportionate obligations imposed by these Member States to declare posting of workers. This public interface should support Member States in their task to ensure that the procedures and formalities relating</p>	<p>(10) The Commission should set up a public interface for voluntary use by Member States. Member States may choose to require service providers to use the electronic public interface <u>and the standard form established by this Regulation</u> to make a posting declaration to its responsible national competent authorities, in order to comply with justified and proportionate obligations imposed by these Member States to declare posting of workers <u>and to allow for factual controls in the workplace.</u> This</p>	<p>(10) The Commission should set up a public interface for voluntary use by Member States. Member States may choose to require service providers to use the electronic public interface to make a posting declaration to its responsible national competent authorities and to upload documents at the request of their competent authorities, as a means, in order to comply with justified and proportionate the obligations imposed by these Member States to declare posting of workers in accordance with Article</p>	<p>(10) The Commission should set up a public interface for voluntary use by Member States. Member States may choose to require service providers to use the electronic public interface to make a posting declaration to its responsible national competent authorities <u>and to upload and submit documents at the request of their competent authorities, as a means,</u> in order to comply with justified and proportionate <u>the</u> obligations imposed by these Member States to declare posting of workers. This</p>

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	<p>to the posting of workers can be completed in a user-friendly way by undertakings, at a distance and by electronic means, facilitating the submission of posting declarations where required.</p>		<p>public interface should support Member States in their task to ensure that the procedures and formalities relating to the posting of workers can be completed in a user-friendly way by undertakings, at a distance and by electronic means, facilitating the submission of posting declarations where required.</p>	<p><i>9(1) of Directive 2014/67/EU and make available documents in accordance with Article 9(1)(b), (c) and (d) of Directive 2014/67/EU.</i> This public interface should support Member States in their task to ensure that the procedures and formalities relating to the posting of workers can be completed in a user-friendly way by undertakings, at a distance and by electronic means, facilitating the submission of posting declarations <i>and uploading of documents</i> where required. <i>The public interface should technically validate the data in the posting declarations to ensure to the extent possible the plausibility and technical accuracy of the entered information and the format of the data. Any user action of the service provider in the public interface concerning posting declarations and the data included thereof should be recorded and logged in order to provide full transparency and traceability. The setting up of the public interface should have no impact on Member States deciding not to use the public interface and to continue to use their national posting declaration in accordance with Article 9(1)(a) of Directive 2014/67/EU. All Member States will continue to use IMI for the administrative cooperation and</i></p>	<p>public interface should support Member States in their task to ensure that the procedures and formalities relating to the posting of workers can be completed in a user-friendly way by undertakings, at a distance and by electronic means, facilitating the submission of posting declarations where required. <u>in accordance with Article 9(1) of Directive 2014/67/EU and make available documents in accordance with Article 9(1)(b), (c) and (d) of Directive 2014/67/EU and to allow for factual controls in the workplace.</u></p> <p>COM to propose further wording on recital 10 and whether to split it and how</p> <p>COM suggestions in rows 21a and 21b</p> <p>Presidency proposal above</p>		

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						<p><i>mutual assistance between the competent authorities of the Member States provided for in Directives 2014/67/EU and 96/71/EC and points 6 and 7 of the Annex to Regulation 1024/2012. Links to Member States relevant websites for the submission of a motivated notification in accordance with Directive 96/71/EC should be made publicly available by the Commission on the public interface.</i></p>		
Recital 10a								
21a								<p><u><i>(10a) This public interface should support Member States in their task to ensure that the procedures and formalities relating to the posting of workers can be completed in a user-friendly way by undertakings, at a distance and by electronic means, facilitating the submission of posting declarations and documents where required. However, the submission of documents by the competent authorities should be requested only after the posting period has started. The public interface should allow for the submission of motivated notifications to enable service providers to extend the posting period from 12 months to 18 months in accordance with</i></u></p>

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								<p><u>Article 3 (1a) of Directive 96/71/EC.</u></p> <p>COM suggestion, moved from row 21</p> <p>PRES: (on the sentence starting from However)We need to ensure consistency with row 46b where it was deleted because it limits the user functionality. We agree that a service provider should not be required to provide documents up front, but companies should be free to provide the documents up front if they prefer to do so. We are not sure if this wording is precise enough.</p>
Recital 10b								
g	21b							<p><u>(10b) The public interface should allow for the technical validation of the data in the posting declarations to ensure the plausibility and technical accuracy of the information provided and the format of the data. Where feasible, such validation could be carried out by allowing for cross-referencing of information against relevant Union registries, such as the VAT Information Exchange System (VIES). User action in the public interface should be recorded and logged in order to ensure transparency of modifications made to posting declarations and</u></p>

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				<p><u>allow for the reuse of data by service providers.</u></p> <p>COM suggestion, moved from row 21</p> <p>COM to check and propose wording on links to websites of MS joining and MS not joining the public interface.</p>
Recital 10c				
6	21c			<p><u>(10c) To inform a worker about the submission of a posting declaration concerning that worker, the public interface should be able, where provided for and requested by the host Member State, to transmit to the posted worker an extract of the relevant posting declaration containing data that is only relevant for that worker, in a retainable and permanent format.</u></p> <p>COM +PRES proposal: moved from Recital 8 (row 19)</p> <p>EP: Unclear why we need to add "where provided for and requested by a Member State". Would like the worker to be informed in all cases, not just in one MS.</p> <p>Host MS added above</p> <p>CNL: related to row 46 on extract to posted worker. Row 46a still needs to be reflected in recital</p>

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Recital 10d								
Y		21d		<u>(10a) The public interface should allow, where possible, for the validation of the data in the posting declarations from a technical point of view to ensure the technical accuracy of the information provided and the format of the data. Such validation could be carried out by allowing for cross-referencing of information against relevant Union or national registries, such as address or business registries. User action in the public interface should be logged in order to ensure transparency and tracking of modifications made to posting declarations.</u>				<u>(10d) The functionality allowing the electronic transmission of the extract of the posting declaration to the service recipient, in case this is an undertaking, should not result in the transmission of personal data and making use of it should not entail any obligations on service recipients in relation to the posting declaration.</u> COM +PRES: recital 8a moved here from ROW 19a. The wording is slightly adjusted to reflect that it is not the functionality that should not contain personal data, but the extract. COM suggestion EP to check
Recital 10e								
G		21e						<u>(10e) Host Member States may request to additionally receive posting declarations, and where applicable, submitted documents, directly in the national back-end system. The Member State of establishment, where using the public interface for posting declarations, may request to receive information submitted in the posting declarations to the host Member State, in the national</u>

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				<p><u>back-end system. In those cases Commission and Member States should cooperate on technical issues.</u></p> <p>COM +PRES proposal moved from 21c Host added at the beginning</p> <p>Updated COM proposal (row 85 still open)</p>
Recital 10f				
21f		<p><u>(10b) Currently, the posting of workers and social security coordination follow different notification procedures. Companies are required to use different portals to submit posted workers' notifications and apply for a portable document A1. The Commission should explore possibilities of extending data reusability and the use of the public interface to A1 certificate applications and to technically merge them into one interface in the future.</u></p>		<p><u>(10f) The public interface offers potential to disseminate information provided by Member States in accordance with Article 5(2), point (a), of Directive 2014/67/EU. The public interface should make available a link to the single official national posting website, which provides information on the applicable terms and conditions of employment, including the information related to the posting declaration and any relevant exemptions. This information is of particular importance to SMEs. The public interface should also, where applicable, make available links to the relevant websites of Member States for the submission of a motivated notification in accordance with Directive 96/71/EC.</u></p>

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				<p><u>The links to the single official national posting websites as well as to the websites for motivated notifications, should be provided to the Commission by Member States.</u></p> <p>COM and PRES: Suggested change of numbering and added links to MS websites added as last sentence.</p>
Recital 10g				
21g		<p><u>(10c) The public interface offers potential to disseminate information provided by Member States in accordance with Article 5(2), point (a), of Directive 2014/67/EU. Since the applicable labour and social security law and the exemptions from the obligations to declare a posting vary among Member States, the public interface should ensure that service providers have access to the website which provides information on to the national applicable labour, social security and fiscal law to be applied for posting workers, including the relevant exemptions to declare a posting, in all the Member States. Access to that information is of particular importance to SMEs.</u></p>		<p><u>(10g) The setting up of the public interface should have no impact on Member States deciding not to use the public interface and to continue to use their national posting declaration in accordance with Article 9(1)(a) of Directive 2014/67/EU. All Member States will continue to use IMI for the administrative cooperation and mutual assistance between the competent authorities of the Member States provided for in Directives 2014/67/EU and 96/71/EC and points 6 and 7 of the Annex to Regulation 1024/2012.</u></p> <p>COM and PRES: Moved from row 21b and links to MS websites in row 21f</p>
Recital 11				
22	(11) Interoperable and reusable solutions, such as those provided for	(11) Interoperable and reusable solutions, such as those provided for	(11) Interoperable and reusable solutions, such as those provided for	(11) Interoperable and reusable solutions, such as those provided for

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	<p>in Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework¹, should be used as they can facilitate how service providers identify themselves. Once available, workers should be able to receive notifications about posting declarations concerning them via the European Digital Identity Wallet².</p> <p>1. Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).</p> <p>2. Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).</p>	<p>in Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework¹, should be used as they can facilitate how service providers identify themselves. Once available, workers should be able to receive notifications about posting declarations concerning them via the European Digital Identity Wallet². <u>The Commission should ensure the compatibility of the public interface with different devices to enhance its accessibility and effectiveness.</u></p> <p>1. Regulation (EU) No 910/2014 <i>as regards establishing of</i> the European <i>Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj)</i> <u>Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73), eu/eli/reg/2024/1183/oj</u>.</p> <p>2. <u>Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending</u> Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).</p>	<p>in Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework¹, should be used as they can facilitate how service providers identify themselves. Once available, workers should be able to receive notifications about posting declarations concerning them via the European Digital Identity Wallet².</p> <p>1. Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).</p> <p>2. Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).</p>	<p>in Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework¹, <u>or by other Union law on the digital identity for economic operators,</u> should be used <u>taken into consideration</u> as they can facilitate how service providers identify themselves. Once available, workers should be able to receive notifications about posting declarations concerning them via the European Digital Identity Wallet².</p> <p>1. Regulation (EU) No 910/2014 <i>as regards establishing of</i> the European <i>Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj)</i> <u>Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73), eu/eli/reg/2024/1183/oj</u>.</p> <p>2. Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework (OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj).</p> <p>Updated COM modification</p> <p>COM: Worker (as citizen) would be covered in EU ID</p> <p>Text Origin: EP Mandate</p>
Recital 11a				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
22a			(11a) While setting up the public interface, the Commission should continue to explore the possibility for the posting declaration under Directive 2014/67/EU and the application for portable document A1 to be brought closer together technically, including by exploring synergies in terms of data reusability. The Commission should also explore the possibility of extending the scope of the public interface to declarations by service providers established outside the Union and sending workers to a Member State to provide services and to allow Member States to make use of the public interface where a Member State imposes an obligation on service providers established outside the Union to declare the sending of workers to that Member State.	(11a) <u>Currently, the posting of workers and social security coordination follow different procedures. Undertakings are required to use different portals to submit posting declarations and apply for a portable document A1. The Commission should continue to explore the possibility for the posting declaration under Directive 2014/67/EU and the application for portable document A1 to be brought closer together technically into one interface in the future, including by exploring synergies in terms of data reusability.</u> COM suggestion
Recital 12				
23	(12) The public interface connected to IMI is a technical means made available by the European Commission for voluntary use by Member States. Before requiring service providers to declare the relevant information by way of that interface, Member States should ensure that such a requirement is provided for in national law, in line with Union	(12) The public interface connected to IMI is a technical means made available by the European Commission for voluntary use by Member States. <u>The Commission should be assisted by the expert group on a common electronic form for the declaration of posting of workers and should monitor the well-functioning of the public interface on a regular basis</u>	(12) The public interface connected to IMI is a technical means made available by the European Commission for voluntary use by Member States. While there is no obligation on Member States to impose any of the measures in Article 9(1) (a), (b), (c) or (d) of Directive 2014/67/EU on the service provider , before requiring service providers to declare the	(12) <u>Council proposal (GA):</u> The public interface connected to IMI is a technical means made available by the European Commission for voluntary use by Member States. <u>While there is no obligation on Member States to impose any of the measures in Article 9(1) (a), (b), (c) or (d) of Directive 2014/67/EU on the</u>

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>law. In order to ensure a frictionless use of the public interface Member States should communicate to the Commission their interest in making use of the multilingual electronic public interface, at any time from the date of entry into force of this Regulation.</p>	<p><u>or on the basis of alerts from either the service providers or the competent national authorities.</u> Before requiring service providers to declare the relevant information by way of that interface, Member States should ensure that such a requirement is provided for in national law, in line with Union law. In order to ensure a frictionless use of the public interface Member States should communicate to the Commission their interest in making use of the multilingual electronic public interface, at any time from the date of entry into force of this Regulation.</p>	<p><i>posting of workers by way of that interface and, where a Member State decides to use the public interface additionally for making available of relevant information documents, before requiring service providers to make available relevant documents</i> by way of that interface, Member States should ensure that such a requirement is provided for in national law, in line with Union law. In order to ensure a frictionless use of the public interface Member States should communicate to the Commission their interest in making use of the multilingual electronic public interface <i>for posting declarations, and where applicable, also for uploading of documents</i>, at any time from the date of entry into force of this Regulation. <i>Member States should be allowed to discontinue making use of the public interface, provided that they inform the Commission of such intention in a timely manner to ensure a frictionless use of the public interface and legal certainty for service providers.</i></p>	<p><u>service provider, Member States may decide to use the public interface for the posting declarations and in addition also for the submission of documents.</u> Before requiring service providers to declare the relevant information <i>posting of workers and to submit documents</i> by way of that interface, Member States should ensure that such a requirement <i>is requirements are</i> provided for in national law, in line with Union law. In order to ensure a frictionless use of the public interface Member States should communicate to the Commission their interest in making use of the multilingual electronic public interface <u>for posting declarations, and where applicable, also for submission of documents</u>, at any time from the date of entry into force of this Regulation. <u>Member States should be allowed to discontinue making use of the public interface, provided that they inform the Commission of such intention in a timely manner to ensure a frictionless use of the public interface and legal certainty for service providers.</u></p> <p>COM and PRES suggestions</p>
Recital 13				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
24	<p>(13) The Commission, in line with the UN Convention on the Rights of Persons with Disabilities to which the Union and all Member States are parties, should ensure accessibility for persons with disabilities of the public interface and its content taking into account to the extent relevant the accessibility requirements as set out in Annex I of Directive (EU) 2019/882¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).</p>	<p>(13) The Commission, in line with the UN Convention on the Rights of Persons with Disabilities to which the Union and all Member States are parties, should ensure accessibility for persons with disabilities of the public interface and its content taking into account to the extent relevant the accessibility requirements as set out in Annex I of Directive (EU) 2019/882¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).</p>	<p>(13) The Commission, in line with the UN Convention on the Rights of Persons with Disabilities to which the Union and all Member States are parties, should ensure accessibility for persons with disabilities of the public interface and its content taking into account to the extent relevant the accessibility requirements as set out in Annex I of Directive (EU) 2019/882¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).</p>	<p>(13) The Commission, in line with the UN Convention on the Rights of Persons with Disabilities to which the Union and all Member States are parties, should ensure accessibility for persons with disabilities of the public interface and its content taking into account to the extent relevant the accessibility requirements as set out in Annex I of Directive (EU) 2019/882¹ <u>and a level of web accessibility equivalent to the level set out for web-based applications of public sector bodies in Directive (EU) 2016/2102²</u>.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).</p> <p>2. <u>Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, pp. 1–15) ELI: http://data.europa.eu/eli/dir/2016/2102/oj</u></p> <p>COM suggestion above: See also row 50 on Art. 2(3)</p> <p>Text Origin: Commission Proposal</p>
Recital 14				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 25	(14) Service providers should be able to submit a posting declaration to the national competent authorities of a participating Member State to which a worker is posted, i.e. the host Member State, using a multilingual standard form of that public interface.	(14) Service providers should be able to submit a posting declaration <u>and make available, where applicable, relevant documents</u> to the national competent authorities of a participating Member State to which a worker is posted, i.e. the host Member State, using a <u>user-friendly multilingual standard form of that public interface, including the standard form. It should also include clear guidance and support features to help service providers complete the declaration efficiently and correctly.</u>	(14) Service providers should be able to submit a posting declaration <u>and to make available relevant documents</u> to the national competent authorities of a participating Member State <u>making use of the public interface and</u> to which a worker is posted, i.e. the host Member State, using a multilingual standard form <u>and the document upload functionality</u> of that public interface. <u>The translation facility in IMI should allow the national competent authorities to translate the documents from and into any of the official languages of the Union. This should remove the need for an obligation on the service provider to provide a translation of these documents.</u>	(14) Service providers should be able to submit a posting declaration <u>and to make available relevant documents</u> to the national competent authorities of a participating Member State <u>making use of the public interface and</u> to which a worker is posted, i.e. the host Member State, using a <u>user-friendly multilingual standard form of that public interface, including the standard form. It should also include clear guidance and support features to help service providers complete the declaration efficiently and correctly.</u>
Recital 14a				
G 25a		<u>(14a) The translation facility in IMI should allow the national competent authorities to translate the documents from and into any of the official languages of the Union institutions. This should remove the need for an obligation on the service provider to provide a translation of those documents.</u>		<u>(14a) The translation facility in IMI should allow the national competent authorities to translate the documents from and into any of the official languages of the Union institutions. This should remove the need for an obligation on the service provider to provide a translation of those documents.</u>
Recital 14b				
R 25b		<u>(14b) In accordance with national law, several Member States use</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<i><u>national reporting interfaces for declarations that do not fall within the scope of Directive 2014/67/EU, such as declarations from service providers established in third countries that post workers to a Member State or declarations relating to self-employed persons in certain sectors of the labour market. In order to encourage these Member States to make use of the public interface established by this Regulation and avoid the need to maintain costly parallel interfaces for national declaration requirements, Member States should be able to use the public interface for the declarations of service providers established in third countries and self-employed persons, where applicable.</u></i>		Part on service providers from third countries agreed, but not on self-employed persons (see also row 48e)
Recital 15				
26	(15) The Commission received input from the expert group on a common electronic form for the declaration of posting of workers on the national declaration requirements and systems as well as on the relevant information necessary to allow factual controls at the workplace. The Commission has received advice from the expert group concerning the information requirements that it would consider to be appropriate to include in a	(15) The Commission received input from the expert group on a common electronic form for the declaration of posting of workers on the national declaration requirements and systems as well as on the relevant information necessary to allow factual controls at the workplace. The Commission has received advice from the expert group concerning the information requirements that it would consider to be appropriate to include in a	(15) The Commission received input from the expert group on a common electronic form for the declaration of posting of workers on the national declaration requirements and systems as well as on the relevant information necessary to allow factual controls at the workplace. The Commission has received advice from the expert group concerning the information requirements that it would consider to be appropriate to include in a	(15) The Commission received input from the expert group on a common electronic form for the declaration of posting of workers on the national declaration requirements and systems as well as on the relevant information necessary to allow factual controls at the workplace. The Commission has received advice from the expert group concerning the information requirements that it would consider to be appropriate to include in a

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CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
	<p>common form for the declaration of posting of workers. Taking into account this advice and in order to allow for the provision of the information that may be necessary to allow factual controls at the workplace, the standard form used by the electronic public interface should consist of information related to the service provider, the posted worker, the posting assignment, the contact person for competent authorities and the service recipient. The standard form should be available in all EU languages. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public interface.</p>	<p>common form for the declaration of posting of workers. Taking into account this advice, the applicable Union law and the national measures transposing Directive 2014/67/EU, and in order to allow for the provision of the information that may be necessary to allow factual controls at the workplace, the a standard form used by the multilingual electronic public interface should consist of information related to the service provider, the posted worker, the posting assignment, the contact person persons for competent authorities and social partners, and the service recipient. The public interface, including the standard form, should be user-friendly free of charge and available in all EU languages. The standard form should be set out in the Annex to this Regulation and should consist of a maximum set of information points. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public interface. The choice to request fewer elements</p>	<p>common form for the declaration of posting of workers. Taking into account this advice, the applicable Union law and the national laws implementing Directive 2014/67/EU, and in order to allow for the provision of the information that may be necessary to allow factual controls at the workplace, the standard form used by the electronic public interface should consist of information related to the service provider, the posted worker, the posting assignment, the contact person persons for competent authorities and for social partners, and the service recipient. The standard form should be available in all EU languages. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public interface.</p>	<p>common form for the declaration of posting of workers. Taking into account this advice, the applicable Union law and the national measures transposing Directive 2014/67/EU, and in order to allow for the provision of the information that may be necessary to allow factual controls at the workplace, the a standard form used by the multilingual electronic public interface should consist of information related to the service provider, the posted worker, the posting assignment, the contact person persons for competent authorities and social partners, and the service recipient. The standard form public interface should be available in all EU languages allow for Member States, to limit the obligation to submit a posting declaration to certain economic sectors or activities or to exempt certain economic sectors or activities from this obligation. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public</p>			

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	CLEAN	Commission Proposal	vs.EC	EP Mandate	vs.EC	Council Mandate	vs.EC	Draft Agreement
				<u>contained in the standard form should be possible to apply generally for service providers posting to a Member State or limited to posting declarations in specific economic sectors.</u>				interface should inform the Commission thereof. COM suggestion above (expert group moved to recital 23a) With updated COM proposal
Recital 15a								
G	26a					(15a) The standard form should be available in all EU languages. Member States may decide that certain elements contained in the standard form, that they do not consider relevant in view of their national context and the way they organise the factual controls at the workplace, are not required from service providers posting workers to their territory filling in the form on the electronic public interface. On the basis of this information, the Commission should amend by means of implementing act the standard form by adding a reference of the Member State(s) not requesting certain elements.		<u>(15a) The standard form should be available in all EU languages. A Member State may decide that certain elements contained in the standard form, that it does not consider relevant in view of its national context and the way it organises the factual controls at the workplace, are not required from service providers posting workers to its territory filling in the form on the electronic public interface. It should inform the Commission thereof. On the basis of this information, the Commission should amend by means of implementing act the standard form by adding a reference of the Member State(s) not requesting certain elements.</u> Updated COM proposal
Recital 15b								
Y	26b					(15b) Taking into account the specific circumstances of the Member States, information on the		<u>(15b) (To be cross-checked against agreement on Article 4)</u>

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	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
			<p><i>service provider including a legal representative or other person representing the company in administrative and legal proceedings and on the identity and contact details of the service recipient may facilitate the identification of cases of circumvention and abuse of posting rules and undeclared work in the context of posting of workers. For postings by a temporary employment undertaking or placement agency in case of a double or chain posting, the standard form should allow to identify the user undertaking. Information on a legal representative or other person representing the user undertaking in administrative and legal proceedings may also facilitate monitoring compliance.</i></p>	<p><u><i>Taking into account the specific circumstances of the Member States, information on the service provider and the service recipient, including a legal representative or other person representing the undertaking in administrative and legal proceedings, for example CEO, Board Member or voluntarily chosen legal counsel, and on the identity and contact details of the service recipient may facilitate the identification of cases of circumvention and abuse of posting rules and undeclared work in the context of posting of workers. [For the construction sector, the standard form should include an information requirement to indicate registration in relevant national registers, where applicable. Member States should only require such information where those information requirements are compliant with Union law and in particular with Article 56 of the TFEU and Directive 2006/123/EC. The inclusion of such information in the standard form is in any event without prejudice to the compliance of the relevant registration requirement with Union law.] For postings by a temporary employment undertaking or placement agency</i></u></p>

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				<p><u><i>in case of a double or chain posting, the standard form should allow to identify each undertaking involved in the double or chain posting. Information on a legal representative or other person representing these undertakings in administrative and legal proceedings may also facilitate monitoring compliance. The standard form should include an information requirement related to the authorisation to carry out temporary employment undertaking or placement agency activities in the country of establishment as well as an information requirement on the justification for the use of a temporary employment undertaking or placement agency in line with national law of the host Member State, provided such national law does not constitute obstacles to the freedom to provide services in accordance with Article 56 of the TFEU and Directive 2006/123/EC, and are compatible with Directive 2008/104/EC.</i></u></p> <p>COM suggestion above (see also square brackets)</p> <p>CNL: to indicate instead to confirm</p>
Recital 15c				

	CLEAN	Commission Proposal	vs.EC	EP Mandate	vs.EC	Council Mandate	vs.EC	Draft Agreement
26c								<p><u>(15c) In accordance with Article 10 of Directive 2014/67/EU, inspections need to be based primarily on risk assessment. In this regard, Member States may, by means of the standard form, request information related to an indicative level of the hourly rate of pay where this information is necessary for carrying out risk assessments. Member States requesting this information in the posting declaration should ensure that information on the applicable minimum hourly rate of pay is easily accessible as part of information on remuneration published on their single official national posting websites in accordance with Article 5(1) and (4) of Directive 2014/67/EU and fourth subparagraph of Article 3(1) of Directive 96/71/EC.</u></p> <p>COM suggestion, adjusted at ITM of 8 June 2026</p>
Recital 16								
27		(16) In respect of the establishment of, and subsequent changes to, the standard form, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with		(16) In respect of the establishment of, and subsequent changes to, the standard form, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with		(16) In respect of the establishment of, and subsequent changes to, the standard form, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with		Rows 27 and 27a depends on agreement on Art. 4 and annex

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. Member States considering that certain information should be added to or removed from the standard form, or that the standard form should otherwise be modified, should be allowed to request the Commission to amend the standard form accordingly.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</p>	<p>Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. Member States considering that certain information should be added to or removed from the standard form, or that the standard form should otherwise be modified, should be allowed to request the Commission to amend the standard form accordingly. <u>Any request by a Member State to amend the standard form should be examined by the Commission to ensure it is justified and proportionate in accordance with Article 9(1), point (a), of Directive 2014/67/EU. If the Commission decides not to act on the request of a Member State, it should explain, in a reasonable time, the reasons for its decision.</u></p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</p>	<p>Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. Member States, considering that certain information should be added to or removed from the standard form, or that the standard form should otherwise be modified, also taking into account declaration requirements and specific circumstances of a Member State, should be allowed to request the Commission to amend the standard form accordingly.</p> <p>1. <i>[1]</i> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</p>	
	Recital 16a			
R 27a		<p><u>(16a) In order to amend the standard form established by this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of</u></p>		

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
		<i><u>the European Union should be delegated to the Commission to add, amend or delete the information required. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with social partners, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time and systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</u></i>		
	Recital 17			
28	(17) The use of the public interface, with its standard form, consisting of a common and exhaustive set of relevant information that may be necessary for factual controls at the workplace, will reduce the divergencies in the applicable rules and regulations of the Member States. It should be sufficient for	(17) The use of the public interface, with its standard form, consisting of a common and exhaustive set of relevant information that may be necessary for factual controls at the workplace, will <u>streamline and</u> reduce the divergencies in the applicable rules and regulations of the Member States. It should be	(17) The use of the public interface, with its standard form, consisting of a common and exhaustive set of relevant information that may be necessary for factual controls at the workplace, will reduce the divergencies in the applicable rules and regulations of the Member States. It should be sufficient for	(17) The use of the public interface, with its standard form, consisting of a common and exhaustive set of relevant information that may be necessary for factual controls at the workplace, will reduce <u>simplify</u> <u>administrative requirements and</u> the divergencies in the applicable rules and regulations of the Member

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CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
	<p>service providers to comply with the declaration obligations in Member States making use of the public interface. There should be no additional information requirements imposed at national level in these Member States. The setting up of the public interface connected to IMI with its standard form and the making available of this interface to national competent authorities is instrumental and ancillary to the approximation of the legislation of the Member States, ensuring the functioning of the internal market.</p>	<p>sufficient for service providers to comply with the declaration obligations in Member States making use of the public interface. There should be no additional information requirements <u>referred to in Article 9(1) of Directive 2014/67/EU</u> imposed at national level in these Member States. The setting up of the <u>multilingual</u> public interface connected to IMI with its standard form and the making available of this interface to national competent authorities is instrumental and ancillary to the approximation of the legislation of the Member States, ensuring the functioning of the internal market <u>and will contribute to better cross-border enforcement and administrative cooperation.</u></p>	<p>service providers to comply with the <i>posting</i> declaration obligations in Member States making use of the public interface. <i>For the purpose of the posting declaration</i>, there should be no additional information requirements imposed at national level in these Member States. The setting up use of the public interface connected to IMI with its standard form and the <i>for the uploading of documents should be sufficient for service providers to comply with any obligation of keeping and/or making these documents available of this interface to national competent authorities is instrumental and ancillary to the approximation of the legislation of the</i> imposed by Member States pursuant to Article 9(1) (b), (c) and (d) of Directive 2014/67/EU. There should be no requirements imposed at national level in these Member States regarding making these documents available once they have been requested and made available by the service provider through the public interface in IMI, ensuring the functioning of the internal market. This does not affect the possibility for Member States to request further information and documents to ensure effective monitoring of compliance with the EU legislation</p>	<p>States. It should be sufficient for service providers to comply with the <i>posting</i> declaration obligations in Member States making use of the public interface. <u>For the purpose of the posting declaration</u>, there should be no additional information requirements imposed at national level in these Member States. The setting up of the public interface connected to IMI with its standard form and the making available of this interface to national competent authorities is instrumental and ancillary <u>This is without prejudice to the approximation of the legislation of the</u> possibility for Member States, ensuring the functioning of the internal market? <u>enforcement authorities or other bodies to request further information and documents and to impose other administrative requirements to ensure effective monitoring of compliance with EU legislation on posting of workers in accordance with Article 9 of Directive 2014/67/EU.</u></p> <p>COM suggestion above on addition for recital 17, see also related Art. 3(3) - row 54.</p>			

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<i>on posting of workers in accordance with Article 9 of Directive 2014/67/EU.</i>	
Recital 18				
29	(18) The establishment of a public interface provides a streamlined framework for posting declarations that offers significant incentives for Member States to participate. It aligns with Member States' own interest in enhancing administrative cooperation, simplifying administrative procedures, and protecting workers' rights. When the public interface will be established and will show its usefulness and benefits, all Member States should consider making use of the public interface. The more Member States were to make use of the public interface, the higher would be the reduction of administrative burden for service providers and national competent authorities, and the larger the scope for effective administrative cooperation for protecting workers' rights.	(18) The establishment of a single public interface provides a streamlined framework for posting declarations that offers significant incentives for Member States to participate. It aligns with Member States' own interest in enhancing administrative cooperation, simplifying administrative procedures, and protecting for <u>declaring posted</u> workers' rights. When the public interface will be established and will show its usefulness and benefits, all Member States should consider making use of the public interface. The more Member States were to make use of the public interface, the higher would be the reduction of administrative burden for service providers and national competent authorities, and the larger the scope for <u>in the Union will only achieve its full potential in deepening the competitiveness of Union undertakings and ensuring</u> effective administrative cooperation for protecting workers' rights <u>and eradicating fraud and undeclared postings if as many Member States</u>	(18) The establishment of a public interface provides a streamlined framework for posting declarations that offers significant incentives for Member States to participate. It aligns with Member States' own interest in enhancing administrative cooperation, simplifying administrative procedures, and protecting workers' rights. When the public interface will be established and will show its usefulness and benefits, all Member States should consider making use of the public interface. The more Member States were to make use of the public interface, the higher would be the reduction of administrative burden for service providers and national competent authorities, and the larger the scope for effective administrative cooperation for protecting workers' rights.	(18) The establishment of a public interface provides a streamlined framework for posting declarations that offers significant incentives for Member States to participate. It aligns with Member States' own interest in enhancing administrative cooperation, simplifying administrative procedures, and protecting workers' rights. When the public interface will be established and will show its usefulness and benefits, all Member States should consider making use of the public interface. The more Member States were to make use of the public interface, the higher would be the reduction of administrative burden for service providers and national competent authorities, and the larger the scope for effective administrative cooperation for protecting workers' rights. <u>recital which is rather hypothetical. Possible language to be considered in conjunction with the final Article 9.</u> CNL: Could consider additional text from EP text on evaluation clause, if it

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		<i><u>as possible participate in it. A single system for declaring posted workers, which is applicable in all Member States, is a long-term objective to be envisaged in order to enhance efficiency and the protection of posted workers and to ensure the efficient functioning of the internal market. Low entry barriers for Member States' into the proposed system, a well-functioning interface and good integration into Member States national back-end systems, will be key to increase take-up of the multilingual public interface by Member States.</u></i>		is in line with the objectives. Evaluation still to be agreed.
Recital 18a				
29a		<i><u>(18a) Many Member States have integrated their positing declarations into well-functioning back-end systems, allowing national labour inspectorates and other enforcement authorities to build digital tools for targeted inspections and analysis. The multilingual public interface should therefore enable Member States to also receive posting declarations directly in those national back-end systems.</u></i>		<p>deleted</p> <p>COM+PRES proposal to delete this recital</p> <p>CNL: Maybe also "submitted documents" should be mentioned here.</p> <p>COM: This is complex for the national back-end systems, as it might require further adaptations on MS level, e.g. on type and format. It is not as easy as forwarding information. If it is understood that it is for the host MS, then it is fine. Now it is related to row 48a, see text in brackets above.</p>

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				COM suggestion: Delete, now covered in row 21e
Recital 19				
30	<p>(19) In order to allow factual controls at the workplace the relevant information to be provided in the declaration of posting of workers may include amongst the information requirements established in the context of Article 9(1)(a) of Directive 2014/67/EU certain personal data. Processing of personal data should be carried out in accordance with Union law on the protection of personal data laid down in Regulations (EU) 2016/679¹ and (EU) 2018/1725² of the European Parliament and of the Council. In order to clarify the responsibility for the processing of personal data submitted through the public interface, this Regulation should indicate who is to be regarded as the controller of the personal data. Regulation (EU) No 1024/2012 applies to the processing of personal data of the competent authorities in IMI.</p> <p><small>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC</small></p>	<p>(19) In order to allow factual controls at the workplace the relevant information to be provided in the declaration of posting of workers may include amongst the information requirements established in the context of Article 9(1)(a) of Directive 2014/67/EU certain personal data, <u>as regards posted workers as well as service providers, their contractors and service recipients as well as their relevant contact persons and legal representatives</u>. Processing of personal data should be carried out in accordance with Union law on the protection of personal data laid down in Regulations (EU) 2016/679¹ and (EU) 2018/1725² of the European Parliament and of the Council. In order to clarify the responsibility for the processing of personal data submitted through the public interface, this Regulation should indicate who is to be regarded as the controller of the personal data. Regulation (EU) No 1024/2012 applies to the processing of personal data of the competent authorities in IMI.</p>	<p>(19) <i>In order to allow factual controls at the workplace the relevant information to be provided in the declaration of posting of workers may include amongst the information requirements established in the context of Article 9(1)(a) of Directive 2014/67/EU</i> The standard form and the documents uploaded by the service provider may contain certain personal data. Processing of personal data in the public interface should be carried out in accordance with Union law on the protection of personal data laid down in Regulations (EU) 2016/679¹ and (EU) 2018/1725² of the European Parliament and of the Council. For that purpose categories of personal data that may be processed should be defined in this Regulation. In order to clarify the responsibility for the processing of personal data submitted through the public interface, this Regulation should indicate who is to be regarded as the controller of the personal data. Regulation (EU) No 1024/2012 applies to the processing of personal</p>	<p>(19) <i>In order to allow factual controls at the workplace the relevant information to be provided in the declaration of posting of workers may include amongst the information requirements established in the context of Article 9(1)(a) of Directive 2014/67/EU</i> Council proposal: <u>The standard form and the documents submitted by the service provider may contain</u> certain personal data. Processing of personal data <u>in the public interface</u> should be carried out in accordance with Union law on the protection of personal data laid down in Regulations (EU) 2016/679¹ and (EU) 2018/1725² of the European Parliament and of the Council. For that purpose categories of personal data that may be processed should be defined in this Regulation. In order to clarify the responsibility for the processing of personal data submitted through the public interface, this Regulation should indicate who is to be regarded as the controller of the personal data. Regulation (EU) No 1024/2012</p>

CLEAN	Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
	<p>(General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).</p> <p>2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</p>	<p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).</p> <p>2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</p>	<p>data of the competent authorities in IMI.</p> <p>1. <i>[1]</i> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).</p> <p>2. <i>[2]</i> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</p>	<p>applies to the processing of personal data of the competent authorities in IMI.</p> <p><u>1. [1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).</u></p> <p><u>2. [2] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</u></p> <p><i>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural</i></p>

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				<p><i>persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELL: http://data.europa.eu/eli/reg/2016/679/oj).</i></p> <p><i>2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELL: http://data.europa.eu/eli/reg/2018/1725/oj).</i></p> <p>CNL: No need to specify categories of EP text as they are in Art. 5.</p> <p>COM: We should not only refer to personal data in the public interface.</p> <p>CNL: "in the public interface" could either be deleted or include a reference to national back-end systems which is still included in article 5(4) row 79</p>
	Recital 20			
31	(20) The information from the posting declarations should be kept in the public interface for the purpose of reusing it in subsequent posting declarations for a maximum period of 36 months after the end date of the posting period.	(20) The information from the posting declarations <u>and uploaded documents</u> should be kept in the public interface <u>for a maximum period of 10 years after the end date of the posting period. It should be possible to keep that information for a longer period in</u>	(20) The information from the posting declarations <u>and uploaded documents</u> should be kept in the public interface for the purpose of reusing it in subsequent posting declarations for a maximum period of 36 months after the end date of the posting period. The information	(20) <u>Council proposal:</u> The information from the posting declarations <u>and submitted documents including personal data</u> should be kept in the public interface for the purpose of reusing it in subsequent posting declarations

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		<u><i>national back-end systems, in accordance with Regulation (EU) 2016/679 as well as national law and practice. Information related to the service provider's reserved area, for the purpose of reusing it in subsequent posting declarations, should be kept in the public interface for a maximum-period of 36 months after the end-date-of the latest submitted posting-period declaration.</i></u>	<i>may be kept in national back-end systems for a longer period, in accordance with Regulation (EU) 2016/679, national law and practices.</i>	for a maximum period of 36 months after the end date of the posting period. <u><i>The information and documents made available in IMI for the purpose of administrative cooperation are accessible to the competent authorities in accordance with Article 14(24) of Regulation 1024/2012. The information may be kept in national back-end systems for a longer period, in accordance with Regulation (EU) 2016/679 and national law and practices.</i></u> CNL: Reflecting also the text in Art. 5. COM: "Stored" in IMI is wrong, because the information will be in a cloud. COM suggestions above
Recital 21				
32	(21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 5 September 2024.	(21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 5 September 2024.	(21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 5 September 2024 January 2025 .	(21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 5 September 2024 January 2025 .
Recital 22				
33	(22) Where social partners play a role in the monitoring of compliance with posting rules, competent authorities should be allowed to provide national social	(22) Where <u>In many Member States, social partners and other entities and organisations, including local, regional and national authorities in the context</u>	(22) Where social partners play a role in the monitoring of compliance with posting rules, competent authorities should be allowed to provide national social	(22) Where <u>In many Member States, social partners and other entities and organisations, including local, regional and national authorities in the context</u>

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	partners with the relevant information which has been shared via IMI, for the sole purpose of checking compliance with posting rules while respecting Regulation (EU) 2016/679. The relevant information should be provided to social partners by other means than IMI.	<u>of public procurement</u> play a role in the monitoring of compliance with posting rules. <u>In accordance with national law and practice, for the purpose of checking compliance with posting rules, including applicable collective agreements, national</u> competent authorities should <u>therefore</u> be allowed to <u>make available to provide</u> national social partners <u>and bodies acting on their behalf, as well as to other actors with an enforcement function, including local, regional and national authorities,</u> with the relevant information which has been shared via IMI, for the sole purpose of checking compliance with posting rules while respecting Regulation (EU) 2016/679. The relevant information should be provided to social partners <u>these actors</u> by other means than IMI.	partners with the relevant information which has been shared via IMI, for the sole purpose of checking compliance with posting rules while respecting Regulation (EU) 2016/679. The relevant information should be provided to social partners by other means than IMI.	<u>of public procurement</u> play a role in the monitoring of compliance with posting rules. <u>In accordance with national law and practice, for the purpose of checking compliance with posting rules, including applicable collective agreements, national</u> competent authorities should <u>therefore</u> be allowed to provide <u>make available to</u> national social partners, <u>and other bodies acting on their behalf, as well as to other actors with an enforcement function,</u> with the relevant information which has been shared via IMI, for the sole purpose of checking compliance with posting rules while respecting Regulation (EU) 2016/679. The relevant information should be provided to social partners <u>these actors</u> by other means than IMI.
	Recital 22a			
g	33a	<u>(22a) The data submitted through the public interface carries an important potential to improve the accuracy of posting statistics and cross-border risks analysis of related to posting patterns in the internal market. For the purpose of, and to the extent necessary for, exercising its tasks to coordinate and support concerted and joint</u>		<u>(22a) The data submitted through the public interface carries an important potential to improve the accuracy of posting statistics and cross-border risks analysis of related to posting patterns in the internal market. For the purpose of, and to the extent necessary for, exercising its tasks to coordinate and support concerted and joint</u>

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		<p><u>inspections and to carry out analyses and risk assessments, information in submitted posting declarations in the public interface should thus be made available to the European Labour Authority (ELA).</u></p>		<p><u>inspections and to carry out analyses and risk assessments, aggregated statistical data based on posting declarations in the public interface should thus be made available to the European Labour Authority (ELA).</u></p>
Recital 23				
34	<p>(23) The European Labour Authority ('ELA') should support Member States' national competent authorities and service providers in the implementation and use of the public interface in accordance with its mandate under Regulation (EU) 2019/1149¹.</p> <p>1. Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland) (OJ L 186, 11.7.2019, p. 21, ELI: http://data.europa.eu/eli/reg/2019/1149/oj)</p>	<p>(23) The European Labour Authority ('ELA') ELA should support Member States' national competent authorities and service providers, <u>in particular SMEs</u>, in the implementation and use of the public interface in accordance with its mandate under Regulation (EU) 2019/1149¹.</p> <p>1. Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland) (OJ L 186, 11.7.2019, p. 21, ELI: http://data.europa.eu/eli/reg/2019/1149/oj).</p>	<p>(23) The European Labour Authority ('ELA') should support Member States' national competent authorities and service providers, including SMEs, in the implementation and use of the public interface in accordance with its mandate under Regulation (EU) 2019/1149¹.</p> <p>1. Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland) (OJ L 186, 11.7.2019, p. 21, ELI: http://data.europa.eu/eli/reg/2019/1149/oj)</p>	<p>(23) The European Labour Authority ('ELA') ELA should support Member States' national competent authorities, and service providers, <u>in particular SMEs</u>, in the implementation and use of the public interface in accordance with its mandate under Regulation (EU) 2019/1149¹.</p> <p><u>1. Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (OJ L 186, 11.7.2019, p. 21, ELI: http://data.europa.eu/eli/reg/2019/1149/oj).</u></p> <p>1. Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU)</p>

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				2016/344 (Text with relevance for the EEA and for Switzerland) (OJ L 186, 11.7.2019, p. 21, EEL: http://data.europa.eu/eli/reg/2019/1149/oj)
Recital 23a				
34a				<p><u>(23a) The Commission should continue to be assisted by the expert group on a common electronic form for the declaration of posting of workers and should regularly monitor the functioning of the public interface also based on feedback from service providers and competent national authorities.</u></p> <p>COM: moved from ROW 26, Recital 15 Pres: COM to elaborate on why it is moved to recital 23 instead of 15 as initially discussed? Does not seem problematic though.</p>
Recital 24				
35	(24) This regulation should be without prejudice to Directive 2014/67/EU and Directive 96/71/EC.	(24) This regulation should be without prejudice to Directive 2014/67/EU and Directive 96/71/EC.	(24) This regulation should be without prejudice to Directive 2014/67/EU and Directive 96/71/EC. <i>It should also be without prejudice to Union legislation that lays down specific rules on the use of a public interface connected to IMI for declarations of posting of certain categories of workers, such as Directive (EU) 2020/1057.</i>	(24) This regulation should be without prejudice to Directive 2014/67/EU and Directive 96/71/EC. <i>It should also be without prejudice to Union legislation that lays down specific rules on the use of a public interface connected to IMI for declarations of posting of certain categories of workers, such as Directive (EU) 2020/1057.</i> EP: Directive (EU) 2020/1057 should be mentioned in first sentence instead.

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				CNL: That Directive is a lex specialis, last sentence is also future-proof. COM to check
Formula				
36	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal
Article 1				
37	Article 1 Public interface connected to the Internal Market Information System	Article 1 Public interface connected to the Internal Market Information System	Article 1 Public interface connected to the Internal Market Information System	Article 1 Public interface connected to the Internal Market Information System Text Origin: Commission Proposal
Article 1(1)				
38	1. In order to contribute to the proper functioning of the internal market by reducing administrative barriers to the freedom to provide services, while facilitating the effective monitoring by Member States of compliance with EU legislation aimed at ensuring the protection of posted workers' rights, and supporting the related administrative cooperation between the national competent authorities in the Member States, the Commission shall set up a multilingual public interface connected to the Internal	1. In order to contribute to the proper functioning of the internal market by <u>streamlining and simplifying</u> reducing administrative barriers to requirements that have an impacting on the freedom to provide services, while facilitating to improve the effective <u>enforcement and</u> monitoring by Member States of compliance with EU legislation <u>Union law</u> aimed at ensuring the protection of posted workers' rights, and supporting to strengthen the related administrative cooperation between	1. In order to contribute to the proper functioning of the internal market by reducing administrative barriers <u>obstacles</u> to the freedom to provide services, while facilitating the effective monitoring by Member States of compliance with EU legislation aimed at ensuring the protection of posted workers' rights, and supporting the related administrative cooperation between the national competent authorities in the Member States, the Commission shall set up a multilingual public interface connected to the Internal	1. In order to contribute to the proper functioning of the internal market by reducing administrative barriers <u>obstacles</u> to the freedom to provide services <u>and by simplifying administrative requirements</u> , while facilitating <u>improving</u> the effective monitoring by Member States of compliance with EU legislation <u>and enforcement of Union law</u> aimed at ensuring the protection of posted workers' rights, and supporting <u>strengthening</u> the related administrative cooperation between the national competent authorities in

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	Market Information System ('IMI'), established by Regulation (EU) No 1024/2012, for the declaration of posting of workers ('the public interface').	the national competent authorities in the Member States, <u>and to enhance data collection on the posting of workers</u> , the Commission shall set up a multilingual public interface connected to the Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012, for the declaration of posting of workers <u>and, where applicable, for the making available of relevant documents</u> ('the public interface').	Market Information System ('IMI'), established by Regulation (EU) No 1024/2012, for the declaration of posting of workers <u>and, where applicable, for making available relevant documents</u> ('the public interface').	the Member States <u>within the meaning of Article 3 of Directive 2014/67/EU ("competent authorities")</u> , <u>and enhancing data collection on the posting of workers</u> , the Commission shall set up a multilingual public interface connected to the Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012, for the declaration of posting of workers <u>and, where applicable, for making available relevant documents</u> ('the public interface'). <u>The public interface shall be made available by the Commission to the service providers free of charge.</u> CNL to check Updated COM suggestions above
Article 1(2)				
39	2.Member States may opt to make use of this public interface.	2.Member States may opt to make use of this public interface.	2.Member States may opt <u>decide</u> to make use of this <u>the</u> public interface <u>referred to in paragraph 1.</u>	2.Member States may opt <u>decide</u> to make use of this <u>the</u> public interface <u>referred to in paragraph 1.</u> See COM proposal on third country service providers in row 52a Text Origin: Council Mandate
Article 1(3)				
40	3.The legislation of a Member State may provide for service providers to	3.The legislation <u>law</u> of a Member State may provide for service	3.The legislation of a Member State may provide for service providers to	3.The legislation of a Member State may provide for service providers to

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	<p>declare posting of workers, in accordance with Article 9(1) of Directive 2014/67/EU, by submitting a declaration based on a multilingual standard form through the public interface. Where a Member State provides for the use of the public interface, that declaration shall replace any pre-existing one required under national law.</p>	<p>providers to declare posting of workers, in accordance with Article 9(1) of Directive 2014/67/EU, by submitting <u>at the latest at the commencement of the service provision</u> a declaration based on a multilingual standard form through the public interface. <u>A Member State may provide for service providers to make available copies of relevant documents within a reasonable period of time through the public interface.</u> Where a Member State provides for the use of the <u>multilingual</u> public interface, that declaration shall replace any pre-existing one required under national law.</p>	<p>declare posting of workers, in accordance with Article 9(1) of Directive 2014/67/EU, by submitting a declaration based on a multilingual standard form through the public interface. <i>The legislation of a Member State may additionally, where a Member State provides for the use of so decides, provide for service providers to make available copies of relevant documents necessary for checks and monitoring purposes in accordance with Article 9(1) (b), (c) and (d), upon a request by the responsible national competent authority, by uploading these documents within a reasonable period of time in the public interface, that declaration shall replace any pre-existing one required under national law.</i></p>	<p>declare posting of workers, in accordance with Article 9(1) of Directive 2014/67/EU, by submitting <u>at the latest at the commencement of the service provision</u> a declaration based on a multilingual standard form through the public interface. Where<u>The legislation of</u> a Member State provides for the use of<u>may additionally provide for service providers to make available copies of relevant documents necessary for checks and monitoring purposes in accordance with Article 9(1) (b), (c) and (d) of Directive 2014/67/EU, upon a request by the responsible national competent authority, by submitting these documents within a reasonable period of time in</u> the public interface, that declaration shall replace any pre-existing one required under national law.</p> <p>Updated COM suggestions above: Use of "submitting" is proposed following discussion on the difference between uploading and submitting at the ITM of 10/11/2025.</p>
Article 1(3a)				
40a			<p>3a. Without prejudice to Article 9 of Directive 2014/67/EU, where a Member State decides to impose the obligation to make the</p>	<p>3a. Member States deciding to make use of the public interface in accordance with paragraphs 1 and 2 of this Article, shall replace any</p>

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						<p><i>declaration of posting of workers pursuant to Article 9(1)(a) and to make available relevant documents pursuant to Article 9(1) (b), (c) and (d) of Directive 2014/67/EU and where that Member State decides to make use of the public interface referred to in paragraph 1 of this Article, the declaration and the making available of documents referred to in paragraph 3 of this Article shall replace any pre-existing posting declaration required under national law and requirements to make or keep available documents if these documents have been requested and obtained in IMI through the public interface.</i></p>		<p><u>pre-existing posting declaration required under national law and requirements to make or keep available documents if these documents have been requested and obtained in IMI through the public interface.</u></p> <p>EP to check</p> <p>COM: More detailed indication that e-Declaration shall replace existing ones required under national law, to avoid a parallel system, also in line with EP. Reference to documents would avoid that service providers would submit documents twice (less administrative burden). Thus, CNL text is ok.</p> <p>COM suggestion in Article 3(3), but also in row 54 (no additional obligations to keep documents?).</p> <p>CNL: Article 3(3) is about additional requirements, while here it is about replacing any pre-existing posting declaration.</p> <p>COM suggestion above</p>
Article 1(3b)								
		40b						<i>deleted</i>
Article 2								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
41	Article 2 Functionalities of the public interface	Article 2 Functionalities of the public interface	Article 2 Functionalities of the public interface	Article 2 Functionalities of the public interface Text Origin: Commission Proposal
Article 2(1)				
42	1.The public interface shall provide functionality for:	1.The public interface <u>shall be free of charge and available in all the official languages of the Union institutions. It</u> shall provide functionality for:	1.The public interface shall provide functionality <u>functionalities</u> for:	1.The public interface shall <u>be available in all the official languages of the Union and shall provide functionality <u>functionalities for:</u></u> EP: Wants that the public interface is in every language of the EU and free of charge. CNL: Free of charge could be in Art. 1, as it is not a functionality of the system. COM: EP text ok, but needs to be clarified that it is free for the service provider. EP: Ok to place "free of charge" in Art. 1, and add official languages here Text Origin: EP Mandate
Article 2(1), point (a)				
43	(a) creating an account for secure access to the service provider's reserved area;	(a) creating an account for secure access to the service provider's reserved area, <u>allowing the service providers to also save relevant data for future posting declarations;</u>	(a) creating an account for secure access to the service provider's reserved area;	(a) creating an account for secure access to the service provider's reserved area, <u>including storing of data for reuse;</u>

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				COM proposal above
Article 2(1), point (b)				
44	(b) ensuring appropriate logging of user activity;	(b) ensuring appropriate logging of user activity, <u>including the transparency of changes made to posting declarations</u> ;	(b) ensuring appropriate logging of user activity;	(b) ensuring appropriate <u>and transparent</u> logging of <u>any</u> user activity, <u>including modifications made to posting declarations</u> ; COM proposal above
Article 2(1), point (c)				
45	(c) creating, submitting and managing declarations of posted workers;	(c) creating, submitting and managing declarations of posted workers, <u>including, where possible, validating data technically through relevant Union and national public registers</u> ;	(c) creating, submitting and managing <u>posting</u> declarations, <u>including the technical validation of the data</u> of posted workers;	(c) creating, submitting and managing <u>posting</u> declarations, <u>including the technical validation of the data, as well as the storing of the data for reuse</u> of posted workers; Updated COM suggestion above: COM agrees to further clarify this in the recitals, proposes however to do so when recitals 10 to 11 are discussed. EP: To keep this open until recitals are discussed. COM: To check, EP and CNL already agreed the text
Article 2(1), point (d)				
46	(d) transmitting a copy of the posting declaration to the posted worker;	(d) transmitting <u>electronically a retainable extract</u> a copy of the posting declaration to the posted worker <u>together with a link to the single official national website</u>	(d) transmitting a copy <u>electronically an extract</u> of the posting declaration <u>with relevant data</u> to the posted worker;	(d) transmitting a copy <u>electronically an extract</u> of the posting declaration <u>in a retainable and permanent format</u> to the posted worker <u>containing data that is only relevant for that worker together</u>

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		<u>referred to in Article 5(2), point (a), of Directive 2014/67/EU;</u>		<u>with a link to the single official national website referred to in Article 5(2), point (a), of Directive 2014/67/EU;</u> COM: Retainable is more appropriate wording, see also COM suggestion for recital Text Origin: EP Mandate
Article 2(1), point (da)				
46a		<u>(da) transmitting electronically a copy of the posting declaration to the service recipient;</u>	<i>(da) allowing for uploading of relevant documents listed in Article 9 (1) (b) of Directive 2014/67/EU, after the posting period has started and provided that the related posting declaration has been submitted in the public interface;</i>	<u>(da) transmitting electronically an extract of the posting declaration to the service recipient, in case this is an undertaking, containing data on the service provider and the posting assignment;</u> COM suggestion
Article 2(1), point (db)				
46b		<u>(db) submitting relevant supporting documents in connection with a posting declaration and making submitted documents available in IMI to the responsible national competent authorities of the host Member State;</u>		<u>(db) allowing for uploading and submission of relevant documents listed in Article 9 (1) (b) of Directive 2014/67/EU, provided that the related posting declaration has been submitted in the public interface;</u> COM suggestion above, accompanying recital moved New recital to clarify further, based on CNL remark to remove "after the posting period has started"

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				COM to propose wording for recital
Article 2(1), point (e)				
6	47	(e) making submitted information available in IMI to the responsible national competent authorities of the host Member State for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.	(e) making submitted information available in IMI to the responsible national competent authorities of the host Member State, <u>the Member State of establishment and, following a reasoned request, to the responsible national competent authorities of another Member State</u> , for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012-;	(e) making submitted information available in IMI to the responsible national competent authorities of <u>both</u> the host Member State <u>and the Member State of establishment of the service provider, for monitoring the compliance with EU legislation aimed at ensuring the protection of posted workers' rights, and</u> for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012-;
				COM: Not sure why these additions would be needed, also on reasoned request. Already IMI System gives the option to exchange information between MS. Will explain more in detail how it works with IMI. COM to propose wording in recital on what is already possible in IMI Text Origin: Council Mandate
Article 2(1), point (ea)				
6	47a		(ea) making uploaded documents available in IMI to the responsible national competent authorities of the host Member State for monitoring the compliance with EU legislation aimed at ensuring	(ea) making uploaded documents available in IMI to the responsible national competent authorities of the host Member State for monitoring the compliance with EU legislation aimed at ensuring

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<i>the protection of posted workers' rights, and for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.</i>	<u>the protection of posted workers' rights, and for administrative cooperation pursuant to points 6 and 7 of the Annex to Regulation (EU) No 1024/2012.</u> <small>Text Origin: Council Mandate</small>
Article 2(1), point (f)				
48	(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State.	(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations directly in the national back-end system upon the request of that Member State.;	(f) allowing one or more national authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU, to additionally receive posting declarations, and all subsequent changes thereof , directly in the national back-end system upon the request of that Member State; and allowing one or more national authorities of the Member State of establishment of the service provider that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU to receive submitted information directly in their national back-end system upon the request of that Member State.	(f) allowing one or more national competent authorities of the host Member State that are competent authorities within the meaning of Article 3 of Directive 2014/67/EU , to additionally receive posting declarations, and all subsequent changes thereof, and submitted documents directly in the national back-end system upon the request of that Member State.;
Article 2(1), point (fa)				
48a				<u>(fa) allowing one or more competent authorities of the Member State of establishment of the service provider to receive submitted information, and all</u>

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				<p><u>subsequent changes thereof, directly in their national back-end system upon the request of that Member State;</u></p> <p>CNL: to be checked if home MS should also receive submitted documents</p>
Article 2(1), point (fb)				
6	48b	<p><u>(fa) ensuring, in line with Article 5(2), point (a), of Directive 2014/67/EU, that service providers have access to the website which provides information on to the national applicable labour, social and fiscal law to be applied for posting workers, including the relevant exemptions to declare a posting, in all the Member States;</u></p>	<p>(fa) allowing for the exchange of messages between the competent authorities in the host Member State and the service providers, as long as this is relevant for the content of the posting declaration and/or for the request of uploading relevant documents.</p>	<p><u>(fb) allowing for the exchange of messages between the competent authorities in the host Member State and the service providers, as long as this is relevant for the content of the posting declaration and/or for the request of uploading relevant documents.</u></p> <p>CNL: Exchange of message would be useful between MS and service providers.</p> <p>COM: EP text would be problematic as Art. 5(2) point a makes a reference to MS, so the responsibility would be on the eDeclaration portal instead of MS. The system cannot ensure that (See "ensuring"). CNL text is ok.</p> <p>Text Origin: Council Mandate</p>
Article 2(1), point (fc)				
6	48c			<p><u>(fc) making available a link to the single official national website, which Member States have to set up in accordance with Article 5(2)</u></p>

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
				<p><u>of Directive 2014/67/EU, and which provides information on the applicable terms and conditions of employment and/or which parts of their national and/or regional law are to be applied to workers posted to their territory, including the information related to the posting declaration and any relevant exemptions;</u></p> <p>Updated COM suggestion above on (fb): Deletion of “posting” is proposed to align with the wording of Article 5(2) of Directive 2014/67/EU.</p> <p>DLA to check "and/or"</p>
Article 2(1), point (fd)				
G	48d			<p><u>(fd) creating, submitting and managing of motivated notifications in accordance with Article 3 (1a) of Directive 96/71/EC; including the technical validation of the data, as well as the storing of the data for reuse.</u></p> <p>COM suggestion</p>
Article 2(1), point (fe)				
R	48e	<p><u>(fb) where applicable, under Member States’ national law, allowing service providers established in third countries and self-employed persons to submit declarations for the purpose of</u></p>		<p>Third country service providers covered in COM suggestion in row 52a</p> <p>EP: Outstanding is self-employed persons and should stay political</p>

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		<u>fulfilling national posting declaration requirements that do not fall within the scope of Directive 2014/67/EU;</u>		To be rediscussed at a later stage and on political level; COM to explore possible technical solutions; CNL to check on national solutions COM: Working on provision and recital on possible use of posting of workers directive as legal basis. Optional for MS, making sure to not treat better third country companies. But without administrative cooperation with a third country.
Article 2(2)				
49	2.The Commission shall be responsible for the development, maintenance and operation of the public interface.	2.The Commission shall be responsible for the development, maintenance and operation of the public interface <u>and provide technical support to Member States, including requested necessary functionalities by Member States in accordance with Article 2(1), point (f).</u>	2.The Commission shall be responsible for the development, maintenance and operation of the public interface.	2.The Commission shall be responsible for the development, maintenance and operation of the public interface. COM suggestion on new Recital 10a (see row 21a) COM: Could not come up with another use case (for technical support to MS). Fine to add cooperation. COM to propose updated wording for recital 10a Text Origin: Commission Proposal
Article 2(3)				
50	3.The Commission shall ensure accessibility for persons with	3.The Commission shall ensure accessibility for persons with disabilities of <u>that</u> the public	3.The Commission shall ensure accessibility for persons with	3.The Commission shall ensure accessibility for persons with

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	disabilities of the public interface and its content..	interface and its content: <u>are user friendly as well as accessible for persons with disabilities in accordance with Directive (EU) 2016/2102.</u>	disabilities of the public interface and its content.-	disabilities of the public interface and its content.- COM suggestions on Recitals 10 and 13: See rows 21 and 24 COM did not suggest to cover the user-friendliness in an article, because it is already covered in the recital 10. Text Origin: Commission Proposal
Article 3				
G	51 Article 3 Making use of the public interface by the Member States	Article 3 Making use of the public interface by the Member States	Article 3 Making use of the public interface by the Member States	Article 3 Making use of the public interface by the Member States Text Origin: Commission Proposal
Article 3(1)				
G	52 1.A Member State that opts to make use of the public interface shall inform the Commission six months before the date from which it intends to use the public interface.	1.A Member State that opts to make use of the public interface shall inform the Commission <u>no later than</u> six months before the date from which it intends to use the public interface.	1.A Member State that opts <u>decides</u> to make use of the public interface shall inform the Commission <u>at least</u> six months before the date from which it intends to use the public interface.	1.A Member State that opts <u>decides</u> to make use of the public interface shall inform the Commission <u>at least</u> six months before the date from which it intends to use the public interface. Text Origin: Council Mandate
Article 3(1a)				
R	52a			<u>1a. For the purpose of preventing more favourable treatment to undertakings established in a non-Member State, ensuring adequate working conditions for workers,</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<p><u><i>promoting fair competition between service providers and facilitating mutual assistance between Member States' national competent authorities, the use of the public interface may additionally include declarations by service providers established in a non-member State and sending workers to a Member State to provide services, when such declarations are required by the legislation of the Member State to whose territory the worker is sent. A Member State that decides to make such additional use of the public interface shall inform the Commission in accordance with paragraph 1.</i></u></p> <p>COM suggestion</p>
Article 3(2)				
53	2.A Member State opting to make use of the public interface shall adopt the laws, regulations and administrative provisions necessary to allow for the use of the public interface by service providers posting workers to that Member State and to comply with the requirements of the public interface and of the standard form of the declaration of posting of workers in due time before such use.	2.A Member State opting to make use of the public interface shall adopt the laws, regulations and administrative provisions necessary to allow for the use of the public interface by service providers posting workers to that Member State and to comply with the requirements of the public interface and of the standard form of the declaration of posting of workers in due time before such use.	2.A Member State opting deciding to make use of the public interface shall adopt the laws, regulations and administrative provisions necessary to allow for the use of the public interface by service providers posting workers to that Member State and to comply with the requirements of the public interface and of the standard form of the declaration of posting of workers and, where relevant, for the	2.A Member State opting deciding to make use of the public interface shall adopt the laws, regulations and administrative provisions necessary to allow for the use of the public interface by service providers posting workers to that Member State and to comply with the requirements of the public interface and of the standard form of the declaration of posting of workers <u>and, where relevant, for the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<i>uploading of documents</i> in due time before such use.	<u>uploading of documents</u> in due time before such use. Text Origin: Council Mandate
Article 3(3)				
54	3.Member States making use of the public interface shall not impose any additional declaration or information requirements on the service providers submitting the posting declaration through the public interface.	3.Member States making use of the public interface shall not impose any additional <u>parallel</u> declaration or information requirements <u>for posting declarations or uploading documents related to Article 9(1) of Directive 2014/67/EU</u> on the service providers submitting the posting declaration, <u>or for making documents available</u> through the public interface. <u>This is without prejudice to the possibility for enforcement authorities or other bodies to impose other administrative requirements and to request additional information where appropriate when exercising control, compliance and enforcement functions in accordance with national law and practice.</u>	3.Member States making use of the public interface shall not impose any additional <i>posting</i> declaration or information requirements <i>within the meaning of Article 9(1)(a) of Directive 2014/67/EU</i> on the service providers submitting the posting declaration through the public interface. <i>Member States shall not impose any additional requirements regarding keeping or making documents available during or after the posting period within the meaning of Article 9(1) (b), (c) and (d) of Directive 2014/67/EU on the service providers where these documents have been already made available in IMI through the public interface.</i>	3.Member States making use of the public interface shall not impose any additional <u>posting</u> declaration or information requirements <u>within the meaning of Article 9(1)(a) of Directive 2014/67/EU</u> on the service providers submitting the posting declaration through the public interface. <u>Member States shall not impose any additional requirements regarding keeping or making documents available during or after the posting period within the meaning of Article 9(1) (b), (c) and (d) of Directive 2014/67/EU on the service providers where these documents have been already made available in IMI through the public interface.</u> COM suggestion above, addition suggested for recital 17 (row 28)
Article 3(4)				
55	4.The list of Member States making use of the public interface as referred to in paragraph 3 shall be made publicly available by the Commission on the public interface.	4. <u>The Commission shall make available on the public interface</u> the list of Member States making use of the public interface <u>it</u> as referred to in paragraph 3 shall be	4.The list of Member States making use of the public interface as referred to in paragraph 3 shall be made publicly available by the Commission on the public interface.	4. <u>The Commission shall make available on the public interface</u> the list of Member States making use of the public interface as referred to in paragraph 3 shall be

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		made publicly available by the Commission on. <u>When a Member State decides not to make use of the public interface pursuant to paragraph 1, the public interface shall make available the link to that Member State's posting declaration website, if applicable, which shall be interoperable with the IMI.</u>	<i>When a Member State decides not to make use of the public interface, the public interface shall make available the link to that Member State's posting declaration website, if applicable.</i>	made publicly available by the Commission on. <u>When a Member State decides not to make use of the public interface, the public interface shall make available, where provided by that Member State, the link to that Member State's posting declaration website.</u> COM suggestion above "If applicable" from COM suggestion at the end is removed
Article 3(5)				
56	5.A Member State may discontinue making use of the public interface. That Member State shall inform the Commission thereof six months before the intended end date of the use of the public interface.	5.A Member State may discontinue making use of the public interface. That Member State shall inform the Commission thereof six months before the intended end date of the use of the public interface.	5.A Member State may discontinue making use of the public interface. That Member State shall inform the Commission thereof six <u>at least two</u> months before the intended end date of the use of the public interface.	5.A Member State may discontinue making use of the public interface. That Member State shall inform the Commission thereof six <u>at least three</u> months before the intended end date of the use of the public interface. <u>The Commission shall make available on the public interface the information about the discontinued use of the public interface by the concerned Member State.</u> CNL: 3 months could be a compromise. Recital 12 has more language on a timely manner.
Article 4				
57	Article 4 Standard form	Article 4 Standard form	Article 4 Standard form	Article 4 Standard form

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				Text Origin: Commission Proposal
Article 4(1)				
58	<p>1. Without prejudice to paragraph 5 the standard form shall consist of information related to:</p>	<p>1. Without prejudice to paragraph 5 <u>In accordance with Article 9(1), point (a), of Directive 2014/67/EU and based on national laws implementing that Directive,</u> the standard form shall consist of <u>the information related set out in Annex I. That information shall relate</u> to:</p>	<p>1. Without prejudice to paragraph 5 <u>In accordance with Article 9(1) a of Directive 2014/67/EU and based on national laws implementing that Directive,</u> the standard form shall consist <u>in a list</u> of information <u>that is necessary to allow factual controls at the workplace within the meaning of Article 9(1) of Directive 2014/67/EU</u> and related to:</p>	<p>1. Without prejudice to paragraph 5 <u>Council proposal:</u> <u>In accordance with Article 9(1) a of Directive 2014/67/EU and based on national laws implementing that Directive,</u> the standard form shall consist <u>in a list</u> of information <u>set out in the Annex that is necessary to allow factual controls at the workplace within the meaning of Article 9(1) of Directive 2014/67/EU</u> and related to:</p> <p>EP: Key EP addition is the annex on the standard form. It should be a closed list, but MS can suggest changes for consideration of COM.</p> <p>CNL: Not considering how it is legally done, sees convergence on what both EP and CNL want to achieve (to cover information requirements).</p> <p>COM: Proposed a two-step approach on information requirements for standard form (Art. 4 + IA)</p> <p>CNL and EP to prepare comparative table on Art. 4</p>
Article 4(1), point (a)				

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59	(a) the service provider;	(a) the service provider;	(a) the service provider, <i>including the legal representative or other person representing the service provider in administrative and legal proceedings, and the information referred to in Article 5(3)(a);</i>	(a) <u>Council proposal:</u> the service provider, <u>including the legal representative or other person representing the service provider in administrative and legal proceedings;</u>
Article 4(1), point (b)				
60	(b) the posted worker;	(b) the posted worker;	(b) the posted worker workers, <i>including the anticipated number of clearly identifiable posted workers, the description of the work performed, and the information referred to in Article 5(3) (b) and (c);</i>	(b) <u>Council proposal:</u> the posted worker; workers, <u>including the anticipated number of clearly identifiable posted workers, the description of the work performed and an indicative level of the hourly rate of pay;</u>
Article 4(1), point (c)				
61	(c) the posting assignment;	(c) the posting assignment;	(c) the posting assignment, <i>including the anticipated duration, envisaged beginning and end date of the posting, the nature of the services justifying the posting, collective accommodation and working conditions, and the information referred to in Article 5(3)(d);</i>	(c) <u>Council proposal:</u> the posting assignment, <u>including the anticipated duration, envisaged beginning and end date of the posting, the nature of the services justifying the posting, collective accommodation, if applicable, and working conditions;</u> CNL: After collective accommodation, "if applicable" added. This reflects the recital
Article 4(1), point (d)				
62	(d) the contact person to liaise with the competent authorities;	(d) the contact person to liaise with the competent authorities <u>persons</u>	(d) the contact person to liaise with the competent authorities <u>persons</u>	(d) <u>Council proposal:</u>

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		<u>designated pursuant to Article 9(1), points (e) and (f), of Directive 2014/67/EU;</u>	<i>referred to in Article 9(1) points e and f of Directive 2014/67/EU, including the information referred to in Article 5(3)(e);</i>	the contact person <u>persons</u> to liaise with the competent authorities <u>in the host Member State and with social partners</u> ;
Article 4(1), point (e)				
63	(e) the service recipient.	(e) the service recipient.	(e) the service recipient, <i>including the identity of the service recipient and its contact details.</i>	(e) <u>Council proposal:</u> the service recipient, <u>including the legal representative or other person representing the service recipient in administrative and legal proceedings</u> .
Article 4(1a)				
63a			<i>1a. For postings by a temporary employment undertaking or placement agency, in case of a double or chain posting as described in subparagraphs 1 and 2 of Article 1(3) of Directive 96/71/EC, the standard form shall also consist of information related to the user undertaking, including the identity of the user undertaking and the legal representative or other person representing the user undertaking in administrative and legal proceedings.</i>	<u>1a. Council proposal:</u> <u>For postings by a temporary employment undertaking or placement agency, in case of a double or chain posting as described in subparagraphs 1 and 2 of Article 1(3) of Directive 96/71/EC, the standard form shall also consist of information related to each undertaking, and the legal representative or other person representing the undertaking in administrative and legal proceedings.</u> <u>For postings of third-country nationals, the standard form shall also consist of information related to the residence and work permit or other arrangement of lawful residence or employment, and of</u>

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				<u>the starting, and, if applicable, the end date of their employment relationship.</u>
Article 4(1b)				
63b				<p><u>1b. Council proposal:</u></p> <p><u>The provisions set out in paragraphs 1 and 1a of this Article and the information in the Annex shall be without prejudice to Union law, in particular to Article 9(5), second subparagraph, of Directive 2014/67/EU.</u></p> <p>EP LS: The text is unclear (how can "information" prejudice the Commission's power/duty to control the implementation of EU law by MS?). And even if we suppose that the existence of a standardized declaration (rather than the information provided therein) is what the CNL meant, then the text remains unnecessary, as it in no way impinges on Commission's powers.</p>
Article 4(2)				
64	2.The Commission shall establish the standard form referred to in paragraph 1 of this Article by way of implementing acts. Those implementing acts shall be adopted	2.The Commission shall establish <u>is empowered to adopt delegated acts in accordance with Article 7a in order to amend</u> the standard form referred to in paragraph 1 of this Article by way of implementing	2.The Commission shall establish the standard form referred to in paragraph 1 of this Article by way of implementing acts. Those implementing acts shall be adopted	2.The Commission shall establish <u>adopt implementing acts to set out</u> the standard form referred to in <u>reflecting the list of information set out in the Annex, taking into account</u> paragraph 1 of this Article

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	in accordance with the procedure referred to in Article 8(2).	acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).	in accordance with the procedure referred to in Article 8(2).	by way of implementing acts ³ , <u>as appropriate</u> . Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2). EP: It is meant to have possibility to amend the list (in line of Art. 9 of Enforcement Directive). CNL: Question is how much leeway there would be for COM to change the standard form. COM: Business Wallet could make some points redundant as they would be covered.
Article 4(3)				
65	3.A Member State opting to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly.	3.A Member State opting to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly.	3.A Member State opting ^{deciding} to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly. <i>On the basis of this information, the Commission shall amend the standard form for the relevant Member State in accordance with the procedure referred to in Article 8(2).</i>	3.A Member State opting ^{deciding} to make use of the public interface may decide not to request all the information contained in the standard form and shall inform the Commission accordingly. <u><i>On the basis of this information, the Commission shall amend the standard form for the relevant Member State in accordance with the procedure referred to in Article 8(2).</i></u> <u><i>Council proposal:</i></u> <u><i>A Member State deciding to make use of the public interface may decide not to request all the</i></u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
				information contained in the standard form and shall inform the Commission accordingly Text Origin: Council Mandate	
Article 4(4)					
R	66	4. Member States may submit to the Commission suggestions for amendment(s) of the standard form. The Commission shall examine such suggestions with the view to amending, where appropriate, the standard form.	4. Any Member States <u>State</u> may submit to the Commission suggestions <u>requests</u> for amendment(s) of the standard form <u>as established in Annex I, explaining the reasons for those request</u> . The Commission shall examine, <u>within a reasonable time, such requests</u> such suggestions with the view to amending <u>the standard form</u> , where appropriate <u>and provided that those requests are justified and proportionate in accordance with Article 9(1), point (a), of Directive 2014/67/EU</u> the standard form .	4. Any Member States <u>State</u> may submit to the Commission suggestions for amendment(s) of the standard form, <u>explaining the reasons for the suggestion</u> . The Commission shall examine, <u>in a reasonable time</u> , such suggestions with the view to amending, where appropriate, the standard form.	4. Member States may submit to the Commission suggestions for amendment(s) of the standard form. The Commission shall examine such suggestions with the view to amending, where appropriate, the standard form. <u>Council proposal: deleted</u> CNL: Does not prefer "requests are justified and proportionate" from EP text. EP: This is in accordance to Enforcement Directive too. It should be the actual change that is justified and proportionate. CNL to propose wording
Article 4(5)					
R	67	5. The Commission may, based on a suggestion by a Member State or on its own initiative, propose an amendment of the standard form, in accordance with the procedure referred to in paragraph 2 of this Article.	5. The Commission may, based on a suggestion <u>request</u> by a Member State or on its own initiative, propose an amendment <u>adopt a delegated act to amend</u> of the standard form, in accordance with the procedure referred to in paragraph 2 of this Article .	5. The Commission may, based on a suggestion by a Member State or on its own initiative, propose an amendment <u>submit a draft implementing act to amend</u> of the standard form, in accordance with the procedure referred to in paragraph 2 of this Article.	5. The Commission may, based on a suggestion by a Member State or on its own initiative, propose an amendment of the standard form, in accordance with the procedure referred to in paragraph 2 of this Article. <u>Council proposal: deleted</u>

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				<p>EP: Needs to be involved if things are added by MS.</p> <p>Question of DA / IA</p> <p>CNL: Would be open if amendments to the standard form can only be done via a co-decision (legislative proposal by COM)</p>
Article 4(5a)				
R	67a	<u>5a. Where the Commission decides not to adopt a delegated act for an amendment requested by a Member State, including if it considers it to be unjustified or disproportionate, the Commission shall explain, in a reasonable time, the reasons for its decision.</u>	5a. Where the Commission decides not to submit a draft implementing act for an amendment suggested by a Member State, including if it considers it to be unjustified or disproportionate, the Commission shall explain, in a reasonable time, the reasons for its decision.	<u>5a. Council proposal: deleted</u>
Article 5				
G	68	Article 5 Processing and retention of personal data	Article 5 Processing and retention of personal data	Article 5 Processing and retention of personal data Text Origin: Commission Proposal
Article 5(1)				
Y	69	1.For the purpose of achieving the objectives set out in Article 1, personal data referred to in paragraphs 2 and 3 may be processed by the public interface.	1.For the purpose of achieving the objectives set out in Article 1, personal data referred to in paragraphs 2 and 3 may be processed by the public interface.	1.For the purpose of achieving the objectives set out in Article 1 <u>and in Article 3(1a)</u> , personal data referred to in paragraphs 2 and 3 may be processed <u>byin</u> the public interface.

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				COM suggestion (Article 3(1a) is on third country service providers) Text Origin: Council Mandate
Article 5(2)				
70	2.The Commission is to be considered as controller in accordance with Article 3(8) of Regulation (EU) 2018/1725 in relation to:	2.The Commission is to be considered as controller in accordance with Article 3(8) of Regulation (EU) 2018/1725 in relation to:	2.The Commission is to be considered as controller in accordance with Article 3(8) of Regulation (EU) 2018/1725 in relation to:	2.The Commission is to be considered as controller in accordance with Article 3(8) of Regulation (EU) 2018/1725 in relation to: Text Origin: Commission Proposal
Article 5(2), point (a)				
71	(a) Ensuring the security and availability of the public interface;	(a) Ensuring the security and availability of the public interface;	(a) Ensuring the security and availability of the public interface;	(a) Ensuring the security and availability of the public interface; Text Origin: Commission Proposal
Article 5(2), point (b)				
72	(b) Processing the identification and contact details of the person submitting the declaration of posting of workers,	(b) Processing the identification and contact details of the person submitting the declaration of posting of workers,	(b) Processing the identification and contact details of the person submitting the declaration of posting of workers,	(b) Processing the identification and contact details of the person submitting the declaration of posting of workers, Text Origin: Commission Proposal
Article 5(3)				
73	3.The service provider is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 for processing:	3.The service provider is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 for processing:	3.The service provider is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 for processing:	3.The service provider is to be considered as controller in accordance with <u>within the meaning of</u> Article 4(7) of Regulation (EU) 2016/679 for processing:

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				CNL LS suggestion to add "as mentioned in Art. 4 and Annex" and delete rows 74-78b. This is safer than listing all Text Origin: Commission Proposal
Article 5(3), point (a)				
74	(a) the identity and contact details of the service provider;	(a) the identity and contact details of the service provider;	(a) the identity and contact details of the service provider and the service recipient ;	(a) the identity and contact details of the service provider and the service recipient ; Text Origin: Council Mandate
Article 5(3), point (b)				
75	(b) the identity of a posted worker;	(b) the identity of a <u>posted worker</u> workers ;	(b) the identity of a posted worker workers ;	(b) the identity of a <u>posted worker</u> workers ; Text Origin: EP Mandate
Article 5(3), point (c)				
76	(c) an electronic notification address, such as a mail address, of a posted worker to inform the posted worker that a declaration has been submitted for that worker;	(c) an electronic notification address, such as a mail <u>an e-mail</u> address, of a posted worker to inform the posted worker that a declaration has been submitted for that worker;	(c) an electronic notification address, such as a mail <u>an e-mail</u> address, of a posted worker to inform the posted worker that a posting declaration has been submitted for that worker;	(c) an electronic notification address, such as a mail <u>an e-mail</u> address, of a posted worker to inform the posted worker that a posting declaration has been submitted for that worker; Text Origin: Council Mandate
Article 5(3), point (d)				
77	(d) the address of the workplace of the posted worker;	(d) the address of the workplace of the posted worker;	(d) the address of the workplace of the posted worker;	(d) the address of the workplace of the posted worker; Text Origin: Commission Proposal
Article 5(3), point (da)				

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6	77a			<i>deleted</i>	6
Article 5(3), point (db)					
6	77b			<u>(db) the starting date and the end date, of the employment relationship between the third country national and the service provider;</u> CNL suggestion	6
Article 5(3), point (dc)					
6	77c			<u>(dc) indicative level of hourly rate of pay of the posted worker;</u> CNL suggestion EP: Fine to have it.	6
Article 5(3), point (e)					
6	78	(e) the identity and contact details of the contact person of the service provider.	(e) the identity and contact details of the contact person of the service provider. <u>persons designated pursuant to Article 9(1), points (e) and (f), of Directive 2014/67/EU;</u>	(e) the identity and contact details of the contact person of the service provider. <u>persons or the relevant representative;</u> CNL suggestion Text Origin: Council Mandate	6
Article 5(3), point (ea)					
6	78a			<u>(ea) the identity and contact details of the legal representatives</u>	6

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				<p><u>or other persons representing the service provider or the service recipient or the user undertaking in administrative and legal proceedings;</u></p> <p>CNL suggestion</p>
Article 5(3), point (eb)				
78b		<p><u>(ea) any other personal data contained in documents that are submitted to the public interface by that service provider.</u></p>	<p>(ea) personal data contained in documents that are uploaded to the public interface.</p>	<p><u>(eb) personal data contained in documents that are uploaded and submitted to the public interface.</u></p> <p>EP: "by that service provider" is already in row 73 and can be deleted.</p> <p>CNL: "Any other" does not need to be mentioned</p> <p>Text Origin: Council Mandate</p>
Article 5(4)				
79	<p>4. Where a Member State receives posting declarations additionally through the public interface in its national back-end system, the competent national authority is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 in respect of the processing of personal data contained in these posting declarations.</p>	<p>4. Where a Member State receives posting declarations additionally through the public interface in its national back-end system, <u>including information received directly in the national back-end system as part of the function referred to in Article 2(1), point (f b) of this Regulation,</u> the competent national authority is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 in respect of the processing of personal</p>	<p>4. Where a Member State receives posting declarations additionally through the public interface in its national back-end system, the competent national authority is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 in respect of the processing of personal data contained in these posting declarations.</p>	<p>4. Where a Member State receives posting declarations <u>or information, and where applicable documents,</u> additionally through the public interface in its national back-end system, the competent national authority is to be considered as controller in accordance with Article 4(7) of Regulation (EU) 2016/679 in respect of the processing of personal data contained in these posting declarations, <u>information or documents.</u></p>

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		data contained in these posting declarations.		Updated COM proposal Text Origin: Commission Proposal
Article 5(5)				
80	5.The public interface shall ensure the automatic deletion of the information related to a posting which has been submitted through that public interface 36 months after the end date of the posting period.	5.The public interface shall <u>provide for ensure</u> the automatic deletion of the information related to a posting which has been submitted through that public interface 36 months <u>10 years</u> after the end date of the posting period. <u>It shall also provide for the automatic deletion of information related to the service provider's reserved area 36 months after the latest submitted posted declaration.</u>	5.The public interface shall ensure the automatic deletion of the information <u>and documents</u> related to a posting which has <u>have</u> been submitted through that public interface 36 months after the end date of the posting period.	5.The public interface shall ensure the automatic deletion of the information <u>and documents</u> related to a posting which has <u>have</u> been submitted through that public interface 36 months after the end date of the posting period. Text Origin: Council Mandate
Article 5(6)				
81	6.The public interface shall allow for the deletion of all personal data stored in there and in the service providers' accounts when those data are no longer needed for the purposes for which they were collected and processed.	6.The public interface shall allow for the deletion of all personal data stored in there and in the service providers' accounts when those data are no longer needed for the purposes for which they were collected and processed.	6.The public interface shall allow for the deletion of all personal data stored in there and in the service providers' accounts when those data are no longer needed for the purposes for which they were collected and processed.	6.The public interface shall allow for the deletion of all personal data stored in there and in the service providers' accounts when those data are no longer needed for the purposes for which they were collected and processed. Text Origin: Commission Proposal
Article 5(7)				
82	7.The public interface shall allow for the sending of a reminder to the service provider to review and delete, when necessary, any	7.The public interface shall allow for the sending of a reminder to the service provider to review and delete, when necessary, any	7.The public interface shall allow for the sending of a reminder to the service provider to review and delete, when necessary, any	7.The public interface shall allow for the sending of a reminder to the service provider to review and delete, when necessary, any

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	personal data in accordance with paragraph 6.	personal data in accordance with paragraph 6.	personal data in accordance with paragraph 6.	personal data in accordance with paragraph 6. Text Origin: Commission Proposal
Article 5(8)				
83	8.A Member State may allow the competent national authority to provide national social partners by other means than IMI with relevant information available in IMI to the extent necessary and exclusively for the purpose of checking compliance with posting rules and in accordance with national law and practices, provided that the information relates to a posting to the territory of the Member State concerned.	8. <u>In accordance with national law and practice</u> , a Member State may allow the <u>national</u> competent national authority to provide <u>authorities to make available to</u> national social partners <u>and bodies acting on their behalf, as well as to</u> by other means than IMI with <u>actors with an enforcement function, including local, regional and national authorities, relevant information which has been shared via IMI.</u> The relevant information available in IMI to the extent necessary and exclusively <u>shall be provided to these actors by means other than IMI</u> for the purpose of checking compliance with <u>the</u> posting rules and in accordance with national law and practices, provided that the information relates to a posting to the territory of the Member State concerned, including with <u>applicable collective agreements.</u>	8.A Member State may allow the competent national authority to provide national social partners by other means than IMI with relevant information available in IMI to the extent necessary and exclusively for the purpose of checking compliance with posting rules and in accordance with national law and practices, provided that the information relates to a posting to the territory of the Member State concerned.	8. <u>In accordance with national law and practice</u> , a Member State may allow the competent <u>national competent</u> authority to provide national social partners, <u>and other bodies acting on their behalf, as well as other actors with an enforcement function</u> , by other means than IMI with relevant information available in IMI to the extent necessary and exclusively for the purpose of checking compliance with posting rules and in accordance with national law and practices , provided that the information relates to a posting to the territory of the Member State concerned. COM suggestion above
Article 6				
84	Article 6	Article 6	Article 6	Article 6

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
	Processing of submitted information by means of IMI	Processing of submitted information <u>and of documents submitted</u> by means of IMI	Processing of submitted information <u>and uploaded documents</u> by means of IMI	Processing of submitted information <u>and documents</u> by means of IMI COM: For documents, we need to distinguish. Documents should only be available in IMI if the service providers submits them. Text Origin: Council Mandate
Article 6, first paragraph				
85	Information submitted via the public interface shall be made available in IMI to the responsible competent authorities of the host Member State to achieve the objectives set out in Article 1.	<u>1.</u> Information submitted <u>and documents made available</u> , via the public interface shall be made available in IMI to the responsible competent authorities of the host Member State <u>as well as to the responsible competent authorities of the Member State of establishment</u> to achieve the objectives set out in Article 1.	Information submitted <u>and documents uploaded</u> via the public interface shall be made available in IMI to the responsible competent authorities of the host Member State to achieve the objectives set out in Article 1. <u>Information submitted via the public interface shall also be made available in IMI to the responsible competent authorities of the Member State of establishment of the service provider.</u>	<u>1.</u> Information <u>and documents</u> submitted via the public interface shall be made available in IMI to the responsible competent authorities of the host Member State to achieve the objectives set out in Article 1. <u>Information submitted via the public interface shall also be made available in IMI to the responsible competent authorities of the Member State of establishment of the service provider.</u> COM: Second sentence as it stands does not ensure sharing documents between MS. Sharing documents with MS of establishment may go too far. EP: Prefers "Information and documents". The information and documents should be shared with both the host and and MS of establishment. CNL: It was intentional to not mention documents.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Article 6, first paragraph a				
85a		<u>1a. For the purposes of, and to the extent necessary for, exercising its tasks to coordinate and support concerted and joint inspections and to carry out analyses and risk assessments, information in submitted posting declarations in the public interface shall be made available to the European Labour Authority.</u>		<u>1a. The European Labour Authority shall receive statistical data based on posting declarations in the public interface.</u> COM: Doubts whether this is the place and moment whether to add that information should be made available with ELA. EP: Not the intention to give ELA any new tasks. ELA should just be allowed to do what is within its mandate.
Article 7				
86	Article 7 Amendment to Regulation (EU) No 1024/2012	Article 7 Amendment to Regulation (EU) No 1024/2012	Article 7 Amendment to Regulation (EU) No 1024/2012	Article 7 Amendment to Regulation (EU) No 1024/2012 Text Origin: Commission Proposal
Article 7, first paragraph				
87	In the Annex to Regulation (EU) No 1024/2012, the following new point (17) is added:	In the Annex to Regulation (EU) No 1024/2012, the following new point (17) is added:	In the Annex to Regulation (EU) No 1024/2012, the following new point (17) is added:	In the Annex to Regulation (EU) No 1024/2012, the following new point (17) is added: Text Origin: Commission Proposal
Article 7, first paragraph, amending provision, numbered paragraph (17)				
88	17. Regulation (EU) .../... of the European Parliament and of the	17. Regulation (EU) .../... of the European Parliament and of the	17. Regulation (EU) .../... of the European Parliament and of the	17. Regulation (EU) .../... of the European Parliament and of the

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Council of ... on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012.	Council of ... on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012.	Council of ... on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012.	Council of ... on a public interface connected to the Internal Market Information System for the declaration of posting of workers and amending Regulation (EU) No 1024/2012. Text Origin: Commission Proposal
Article 7a				
Y	88a	Article 7a Exercise of delegation		Depends what is agreed (DA or IA)
Article 7a(1)				
Y	88b	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		
Article 7a(2)				
Y	88c	2. The power to adopt delegated acts referred to in Article 4(2) shall be conferred on the Commission for a period of 5 years from ... [date of entry into force of the basic legislative act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the		

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				<u>European Parliament or the Council opposes such extension not later than three months before the end of each.</u>				
Article 7a(3)								
Y		88d		<u>3. The delegation of power referred to in Article 4(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</u>				
Article 7a(1)								
Y		88c		<u>4. Before adopting a delegated act, the Commission shall consult the social partners and experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</u>				<p>CNL: IIA does not mention social partners.</p> <p>EP: In legislation on disability card, there was flexibility.</p> <p>To be checked with LS</p>
Article 7a(5)								
Y		88f		<u>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u>				

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Article 7a(6)				
88g		<u>6.A delegated act adopted pursuant to Article 4(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.</u>		
Article 8				
89	Article 8 Committee procedure	Article 8 Committee procedure	Article 8 Committee procedure	Article 8 Committee procedure Depends on the agreement on having DA (Art. 8) or IA Text Origin: Commission Proposal
Article 8(1)				
90	1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Text Origin: Council Mandate
Article 8(2)				

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
R	91	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 5 of Regulation (EU) No 182/2011 shall apply. CNL: Technical question, linked to IA on standard form. Examination procedure COM: This is a change from advisory to examination procedure. COM implementing powers are now clearly framed because of the introduction of the annex. This is why it could be an advisory procedure. Text Origin: Council Mandate	
Article 9					
G	92	Evaluation Article 9	Evaluation Article 9	Evaluation Article 9 Text Origin: Commission Proposal	
Article 9, first paragraph					
R	93	The Commission shall report on the experience gained in the application of this Regulation by [five years after entry into force of the Regulation]. In particular the report shall examine to what extent this Regulation has been successful in reducing administrative barriers to the freedom to provide services, in facilitating the effective monitoring by Member States of compliance with EU legislation aimed at ensuring the protection of posted	<u>1.</u> The Commission shall report on the experience gained in the application of this Regulation by [five <u>three</u> years after entry into force of the Regulation <u>the public interface is fully operational</u>]. In particular the report shall examine to what extent this Regulation has been successful in reducing <u>streamlining and simplifying the</u> administrative barriers to <u>requirements that have an impact on</u> the freedom to	The Commission shall report on the experience gained in the application of this Regulation by [five years after entry into force of the Regulation]. In particular the report shall examine to what extent this Regulation has been successful in reducing administrative barriers <u>obstacles</u> to the freedom to provide services, <u>in effectively reducing fragmentation of the Internal Market</u> , in facilitating the effective monitoring by Member	The Commission shall report on the experience gained in the application of this Regulation by f five years after entry into force of the Regulation . In particular, <u>the</u> report shall examine to what extent this Regulation has been successful in reducing administrative barriers <u>obstacles</u> to the freedom to provide services, in facilitating <u>contributing to the proper functioning of the internal market, by simplifying</u>

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CLEAN	Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
	<p>workers and in supporting the related administrative cooperation between the national competent authorities in the Member States.</p>	<p>provide services, in facilitating the effective <u>improving the functioning of the internal market, in encouraging Member States to make use of the public interface including the possibility for making the use of the public interface mandatory for Member States, in strengthening the enforcement and</u> monitoring, including data analysis, by Member States of compliance with EU legislation <u>Union law</u> aimed at ensuring <u>improving</u> the protection of posted workers and in supporting <u>reinforcing</u> the related administrative cooperation between the national competent authorities in the Member States.</p>	<p>States of compliance with EU legislation aimed at ensuring the protection of posted workers and in supporting the related administrative cooperation between the national competent authorities in the Member States. <i>It shall moreover examine the potential future use of the public interface for declarations by service providers established outside the Union and sending workers to a Member State to provide services as well as the possibility for the posting declaration and the application for a portable document A1 to be brought closer together technically. The Commission shall take into account the opinion of the relevant stakeholders.</i></p>	<p><u>administrative requirements,, in improving</u> the effective monitoring by Member States of compliance with EU legislation and <u>enforcement of Union law</u> aimed at ensuring the protection of posted workers and in supporting <u>strengthening</u> the related administrative cooperation between the national competent authorities. <u>It shall moreover examine [the potential future mandatory use of the public interface, and] the possibility for the posting declaration and the application for a portable document A1 to be brought closer together technically in the Member States. The Commission shall take into account the opinion of the relevant stakeholders, including national enforcement authorities, social partners and service providers, in particular SMEs.</u></p> <p>CNL: On mandatory public interface, this is problematic for CNL as it is not even now an obligation for MS.</p> <p>COM: 3 years seems to be too short for the evaluation. 5 years is sufficient time to have meaningful data to report on.</p> <p>EP and CNL: Added from EP text at the end: "including national enforcement</p>

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<p>authorities, social partners and service providers, in particular SMEs." + and by simplifying administrative requirements added in 2nd sentence. 5 years agreed. To come back on "improving functioning of internal market". Agreed to use Union law instead EU legislation. Strengthening agreed instead of supporting (also in Art. 1)</p> <p>EP to check on improving/ensuring.</p> <p>COM suggestion above, with alignment with Art. 1</p> <p>Political: only part on potential mandatory use</p>
Article 9, first paragraph a				
6	93a	<p><u>1a. For the purposes of that report, the Commission shall take into account the opinions of the users of the public interface, in particular of SMEs, and of the relevant stakeholders, including the social partners and, of the national enforcement authorities. Since the national enforcement authorities are responsible for ensuring the correct application of this Regulation, their opinions shall be given particular weight in the Commission's evaluation.</u></p>		<p>deleted</p> <p>EP: Important to consult social partners and SMEs.</p> <p>COM: Better regulation rules give guidance on inclusive approach of consultation for an evaluation. The EP text could maybe be added in a recital, i.e. that these stakeholders are particularly important.</p>
Article 9, first paragraph b				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
93b		<u><i>1b. The report shall also explore the possibility of extending data reusability and the use of the public interface to portable document A1 to technically merge them into a single interface.</i></u>		<i>deleted</i>
Article 10				
94	Article 10 Entry into force	Article 10 Entry into force	Article 10 Entry into force	Article 10 Entry into force Text Origin: Commission Proposal
Article 10, first paragraph				
95	This Regulation shall enter into force three months following the date of its publication in the Official Journal of the European Union.	This Regulation shall enter into force three months following the date of its publication in the Official Journal of the European Union.	This Regulation shall enter into force three months following the date of its publication in the Official Journal of the European Union.	This Regulation shall enter into force three months following the date of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 10, second paragraph				
96	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Commission Proposal
Formula				
97	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	98 For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament <i>Text Origin: Commission Proposal</i>	G
Formula					
G	99 The President	The President	The President	The President <i>Text Origin: Commission Proposal</i>	G
Formula					
G	100 For the Council	For the Council	For the Council	For the Council <i>Text Origin: Commission Proposal</i>	G
Formula					
G	101 The President	The President	The President	The President <i>Text Origin: Commission Proposal</i>	G
Annex 1					
R	101a	<u>Annex I Standard Form</u>		<u>Annex I List of information requirements to be included in the standard form</u> CNL suggestions, discussed at ITMs of 2 and 8 June 2026 <i>Text Origin: EP Mandate</i>	R
Annex 1, point A.					
R	101b	<u>A. A. INFORMATION RELATED TO THE SERVICE PROVIDER</u>		<u>A. Information related to the service provider</u>	R

CLEAN	Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>1. Identity of the person submitting the declaration (name, telephone, e-mail)</u></p> <p><u>2. Type of posting</u></p> <p><u>(a) Posting under a contract for service,</u></p> <p><u>(b) Intra-group posting, or</u></p> <p><u>(c) Posting by a temporary work agency</u></p> <p><u>2a. For each type of posting, whether posting is:</u></p> <p><u>(a) as a subcontractor [yes] [no]</u></p> <p><u>(b) if the answer to point (a) is 'yes': the business registration number of the main contractor</u></p> <p><u>(c) a chain/double posting [yes] [no]</u></p> <p><u>3. Name of the posting company</u></p> <p><u>4. Country of establishment of the posting company</u></p> <p><u>5. Full postal address of the posting company (street, house number, town, postal code, country)</u></p> <p><u>6. Contact details of the posting company (phone, e-mail) [General phone and email, not contact person]</u></p> <p><u>7. Field of business (According to applicable national classification scheme or, if no applicable scheme, NACE classification with free text to identify NACE classification)</u></p>		<p><u>1. Identity of the person submitting the declaration (name, phone, e-mail)</u></p> <p><u>2. Type of the posting</u></p> <p><u>(a) Posting under a contract for service, or</u></p> <p><u>(b) Intra-group posting, or</u></p> <p><u>(c) Posting by a temporary work agency</u></p> <p><u>3. Indication of chain/double posting</u></p> <p><u>4. For posting as a subcontractor, name of the main contractor, the EU VAT identification number of the main contractor, or if EU VAT identification number is not available: business registration number of the undertaking in the country of establishment</u></p> <p><u>5. Name of the posting undertaking¹</u></p> <p><u>6. Country of establishment of the posting undertaking</u></p> <p><u>7. Full postal address of the posting undertaking (street, house number, town, postal code, country)</u></p> <p><u>8. Contact details of the posting undertaking (phone, e-mail)</u></p>

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		<p><u>8. [If applicable] EU VAT identification number</u></p> <p><u>9. Business registration number of posting company in the Member State of establishment</u></p> <p><u>10. [If applicable] Number of the authorisation to carry out temporary employment agency activities</u></p>		<p><u>9. Field of business (NACE classification with free text to identify NACE classification, voluntary free text field for additional comments)</u></p> <p><u>10. EU VAT identification number</u></p> <p><u>If not available: Business registration number of posting undertaking in the country of establishment</u></p> <p><u>11. Identity of the legal representative or other person representing the undertaking in administrative and legal proceedings (first name and surname; address, including street, house number, town, postal code, country)</u></p> <p><u>12. If applicable, the justification for the use of a temporary employment undertaking or placement agency and the number of the authorisation to carry out temporary employment undertaking or placement agency activities in the country of establishment</u></p> <p><u>1. The purpose is to cover all economic operators.</u></p>

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	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								CNL suggestion, modified at ITM of 8 June 2026 Text Origin: EP Mandate
Annex 1, point B								
101c				<p><u>B. INFORMATION RELATED TO THE POSTED WORKER</u></p> <p><u>1. First name and surname</u></p> <p><u>2. Job title or description of the job required to perform during the posting</u></p> <p><u>3. Professional qualifications</u></p> <p><u>4. Date of birth</u></p> <p><u>5. Passport number or National Identity Card number (must correspond to the form of identification used by the individual during their stay in the receiving Member State)</u></p> <p><u>6. Personal identification number, such as a tax or social security number</u></p> <p><u>7. Third country national [yes] [no]</u> – <u>If yes: Nationality</u></p> <p><u>8. Starting date of the employment relationship in the Member State of habitual work</u></p> <p><u>9. Member State of affiliation for social security purposes</u></p> <p><u>10. Phone number & Email address of posted worker</u></p>				<p><u>B. Information related to the posted worker¹</u></p> <p><u>1. First name and surname</u></p> <p><u>2. Job title or description of the activity to be performed during the posting</u></p> <p><u>3. Birth date</u></p> <p><u>4. Passport number or National Identity Card number (must correspond to the form of identification used by the individual during their stay in the host Member State)</u></p> <p><u>5. Nationality (EU and third country nationals)</u></p> <p><u>6. Email address, where the public interface transmits an extract of the posting declaration to the posted worker</u></p> <p><u>7. For third country nationals: confirmation of a valid residence and work permit or other arrangement of lawful residence</u></p>

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	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<p><u>and employment in the Member State of establishment of the service provider; starting date of the employment relationship with the service provider and, if applicable, end date</u></p> <p><u>8. Country of affiliation for social security purposes</u></p> <p><u>9. An indicative level of hourly rate of pay of the posted worker</u></p> <p><u>1. Individually per posted worker.</u></p> <p>CNL suggestions, modified at ITM of 8 June 2026</p>
Annex 1, point C.								
	101d			<p><u>C. INFORMATION RELATED TO THE POSTING</u></p> <p><u>1. Beginning and end date of the posting OR Beginning date and anticipated duration of posting (automatic calculation of the other)</u></p> <p><u>2. The nature of the service provided / nature of the activity (According to applicable national classification scheme or, if no applicable scheme, NACE classification with free text to identify NACE classification)</u></p> <p><u>3. Address(es) of the workplace:</u></p>				<p><u>C. Information related to the posting¹</u></p> <p><u>1. Anticipated beginning and end date of the posting</u></p> <p><u>2. Indication if the posting is a replacement of a posted worker by another posted worker performing the same task at the same place</u></p> <p><u>3. The nature of the service provided / nature of the activity (NACE classification with free text to identify NACE classification, voluntary free text field for additional comments)</u></p>

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>(a) address of the service recipient as workplace and/or</u> <u>(b) other workplace(s) (street, house number, postal code, town or geographical coordinates)</u> <u>To be filled in for all workers or individually for each worker</u> <u>4. Anticipated work hours:</u> – <u>Usual start and end time of work</u> – <u>Days off per week</u> <u>5. Rate of pay or bonus</u> <u>6. Travel expenses paid (yes) (no)</u> <u>7. Meals expenses paid (yes) (no)</u> <u>8. Accommodation expenses paid (yes) (no)</u> <u>9. Collective lodgings (Yes) (No)</u> – <u>If yes: Address (street, house number, postal code, town or geographical coordinates)</u> <u>10. Availability of documents:</u> <u>(a) from the person to liaise with the competent national authorities,</u> <u>or</u> <u>(b) at the workplace, or</u> <u>(c) other location (street, house number, postal code, town), or</u> <u>(d) electronically</u></p>		<p><u>4. For services provided in the construction sector: Indication of registration in relevant national registers</u></p> <p><u>5. Address(es) of the workplace:</u> <u>(a) address of the service recipient as workplace and/or</u> <u>(b) other workplace(s) (street, house number, postal code, town, geographical coordinates or licence plate and phone number)</u></p> <p><u>6. Availability of documents:</u> <u>(a) from the person to liaise with the competent national authorities,</u> <u>or</u> <u>(b) at the workplace, or</u> <u>(c) other location (street, house number, postal code, town), or</u> <u>(d) electronically, or</u> <u>(e) submitted through the public interface</u></p> <p><u>7. Full postal address of collective accommodation provided by employer (if applicable) (street, house number, postal code, town or geographical coordinates)</u></p> <p><u>1. Individually per posted worker</u></p> <p>CNL suggestions, modified at ITM of 8 June 2026</p>

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	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<p>with "indication" instead of confirmation</p> <p>EP: Anticipated work hours should be added</p>
Annex 1, point D				
101e		<p><u>D. INFORMATION RELATED TO THE PERSON(S) TO LIAISE WITH THE COMPETENT AUTHORITIES IN THE HOST MEMBER STATE (ART. 9 (1) (E) AND/OR (F) OF DIRECTIVE 2014/67/EU)</u></p> <p><u>1. Indication if contact person is either:</u></p> <p><u>(a) other person, or</u></p> <p><u>(b) company</u></p> <p><u>2. If (a) - First name and surname and personal identification number, such as a tax or social security number, Passport number or Identity card number</u></p> <p><u> If (b) - Company name and business registration number</u></p> <p><u>3. Phone and E-mail</u></p> <p><u>4. Address (street, house number, town, postal code, country)</u></p>		<p><u>D. Information related to the persons to liaise with the competent authorities in the host Member State and with social partners¹</u></p> <p><u>1. Indication if contact person is either:</u></p> <p><u>(a) one of the posted workers, or</u></p> <p><u>(b) other person, or</u></p> <p><u>(c) undertaking</u></p> <p><u>2. First name and surname or name of the undertaking</u></p> <p><u>3. Phone</u></p> <p><u>4. Email</u></p> <p><u>5. Address (street, house number, town, postal code, country) (only in case of option (b) or (c) above)</u></p> <p><u>6. If applicable, EU VAT identification number or if EU VAT identification number is not available: business registration number of the undertaking in the country of establishment) (only in case of option (c) above)</u></p>

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	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<p><u>1. In case there are two different contact persons, information in points 1 to 6 has to be filled in for both persons.</u></p> <p>CNL suggestions, modified at ITM of 8 June 2026</p>
Annex 1, point E.								
101f				<p><u>E. INFORMATION RELATED TO THE SERVICE RECIPIENT</u> <u>If in Section A, point 2 one of the following types of posting has been indicated:</u></p> <p><u>– posting under a contract for service</u> <u>– intra-group posting</u></p> <p><u>1. Type of the service recipient:</u> <u>(a) company, or</u> <u>(b) private person</u></p> <p><u>2. Name of the service recipient (if company)</u> <u>3. Address and contact details of the service recipient (if company) (street, house number, postal code, town, e-mail and phone number)</u> <u>4. Business identification number of the service recipient in the host Member State (if company)</u> <u>If in Section A, point 2 the following type of posting has been indicated:</u></p>				<p><u>E. Information related to the service recipient</u></p> <p><u>If in Section A, point 2 one of the following types of posting has been indicated: posting under a contract for service, intra-group posting:</u></p> <p><u>1. Type of the service recipient:</u> <u>(a) undertaking, or</u> <u>(b) private person</u></p> <p><u>2. Indication if the service recipient is an undertaking:</u></p> <p><u>a) Name</u> <u>b) Address (street, house number, postal code, town, country)</u> <u>c) E-mail, phone</u> <u>d) If applicable, EU VAT identification number of if EU VAT identification number is not available: business registration number of the undertaking in the Member State of establishment;</u> <u>(e) Legal representative or other person representing the company</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>– posting by a temporary work agency</u></p> <ol style="list-style-type: none"> 1. <u>Name of the user undertaking</u> 2. <u>Address and contact details of the user undertaking (street, house number, postal code, town, e-mail and phone number)</u> 3. <u>Business identification number of the user undertaking in the host Member State</u> <p><u>– in case of a double or chain posting</u></p> <ol style="list-style-type: none"> 4. <u>Name of the user undertaking and identity of the legal representative or other person representing the service recipient in administrative and legal proceedings (Full name, date and place of birth, identity card number)</u> 		<p><u>in administrative and legal proceedings (first name and surname, address, including street, house number, town, postal code, country)]</u></p> <p><u>If in Section A, point 2 the following type of posting has been indicated: posting by a temporary work agency¹:</u></p> <ol style="list-style-type: none"> a) <u>Name of the user undertaking</u> b) <u>Address of the user undertaking (street, house number, postal code, town)</u> c) <u>E-mail, phone</u> d) <u>If applicable, EU VAT identification number or if EU VAT identification number is not available: business registration number of the user undertaking in the Member State of establishment)</u> e) <u>Legal representative or other person representing the user undertaking in administrative and legal proceedings (first name and surname, address, including street, house number, town, postal code, country)]</u> <p><u>1. If in section A, point 3, a chain/double posting is indicated, the information in points 1 to 5 of this sub-section, for each undertaking.</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<p>CNL suggestions, modified at ITM of 8 June 2026</p> <p>COM modifications above</p> <p>CNL: Asks to remove "private person", but kept for now.</p> <p>CNL: Also not sure about "Legal representative [of the user undertaking]". To be discussed further at lawyer-linguistic revision</p> <p>EP: Needs to be solved now, it is a policy choice</p> <p>For finalisation: to look at this point further.</p> <p>EP: Questions whether legal representative is needed as an information point for service recipient. Can be received via IMI.</p>