


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1999/0012(COD) Procedure lapsed or withdrawn
Free movement of workers: posting of third-country nationals for the provision of cross-border services	
Subject 2.30 Free movement of workers 7.10 Free movement and integration of third-country nationals	

Key players			
European Parliament			
Council of the European Union			
Council configuration	Meeting	Date	
Competitiveness (Internal Market, Industry, Research and Space)	2163	25/02/1999	
European Commission			
Commission DG	Commissioner		
Financial Stability, Financial Services and Capital Markets Union			

Key events			
26/01/1999	Legislative proposal published	COM(1999)0003	Summary
24/02/1999	Committee referral announced in Parliament, 1st reading		
25/02/1999	Debate in Council	2163	
23/07/1999	Additional information		Summary
11/01/2000	Vote in committee, 1st reading		Summary
10/01/2000	Committee report tabled for plenary, 1st reading	A5-0007/2000	
02/02/2000	Debate in Parliament		
03/02/2000	Decision by Parliament, 1st reading	T5-0037/2000	Summary
07/05/2000	Modified legislative proposal published	COM(2000)0271	Summary
06/08/2004	Additional information		Summary

Technical information	
Procedure reference	1999/0012(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 055; EC Treaty (after Amsterdam) EC 047-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/4/10772

Documentation gateway

Legislative proposal	COM(1999)0003	27/01/1999	EC	Summary
Economic and Social Committee: opinion, report	CES0551/1999 OJ C 209 22.07.1999, p. 0005	26/05/1999	ESC	
Document attached to the procedure	SEC(1999)1879	12/11/1999	EC	
Committee report tabled for plenary, 1st reading/single reading	A5-0007/2000 OJ C 309 27.10.2000, p. 0003	11/01/2000	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0037/2000 OJ C 309 27.10.2000, p. 0014-0070	03/02/2000	EP	Summary
Modified legislative proposal	COM(2000)0271	08/05/2000	EC	Summary

Additional information

European Commission	EUR-Lex
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Free movement of workers: posting of third-country nationals for the provision of cross-border services

PURPOSE : to legislate for the posting of workers who are third country nationals for the provision of cross-border services by means of the introduction of an 'EC service provision card'. CONTENT : This proposal for a Directive concerns the introduction of an 'EC service provision card' - a document to be issued by the Member State in which a service provider is established and from which he intends to post workers who are nationals of a third country to provide services. Any other Member State in which this service is provided must recognise this document and cease to apply its own requirements regarding visa, residence and access to employment to the worker and service provider concerned (a proposal to extend the freedom to provide cross-border services to third-country nationals has been proposed in parallel to this text : CNS 0013/99/EC). To ensure that such postings do not result in unrestricted movements of third-country workers, the declaration system incorporates guarantees by the country in which the service provider is established by means of the introduction of "the EC service provision card". The principle of this Proposal would be that the Member State, in which the service provider is established and in which the employee resides, issues the "EC service provision card". The card is not issued each time a service is provided but rather for a certain period of time during which the service provider has the guarantee that the employee concerned can be posted 'at any time' within the single market. The period of validity of the card can be 6 to 12 months depending on the application made by the service provider concerned and on the duration of the regular and actual work done by the worker on the territory of the Member State that issues the card. The card is issued to the service provider at his request; it can only cover one specific worker and not several. It will be renewable only if the conditions for its issue and for the requested period of validity are still met. Information is given in the proposal relating to the specification of the information on the card (information on the service provider, the worker, the validity and duration of the card, the issuer and the issuing country). A subsequent proposal will specify the format of the card according to a uniform Community model. In order to obtain a card, the worker concerned should be legally admitted to a Member State and affiliated to the social security scheme in the Member State responsible for the risk of sickness or industrial accident. The State issuing the card would take prime responsibility for the presence of the worker on the territory of the Community. This Member State must re-admit the person to its territory under all circumstances. Member States are obliged to recognise the "EC service provision card" and, hence, the entry, residence and secondment of the persons concerned on their territory for the sole purpose of providing a service. This recognition naturally covers the entire stay needed during and at the time of the secondment to a Member State. The Member State where the services will be carried out will no longer be able to impose various authorisation procedures needed before each secondment (visa, residence permit, work permit). It will be otherwise able to impose that any Member State in which a service is provided may require the service provider to declare, before the worker enters the territory, the intended presence of the posted worker, the period of presence provided for and the service provision or provisions for which he is to be posted. If the total period required for the service provision or provisions in question exceeds 6 months then a temporary residence permit is required. Lastly, as far as professional qualifications are concerned, the proposal lays down that any Member State in which a service is carried out shall ensure the equality of treatment between third-country nationals and citizens of the Union posted as workers for the purpose of provision of services as regards the recognition of diplomas, certificates and other qualifications acquired within the Community. The Member State would designate the authorities responsible for issuing the EC service provision card. Member States shall provide for cooperation between the public administrations responsible. The Directive would come into force no later than 30.06.2002.?

Free movement of workers: posting of third-country nationals for the provision of cross-border services

This proposal, which in accordance with Article 185 of the European Parliament's Rules of Procedure was deemed to have lapsed will be subject to consideration by the new Parliament (5th legislature).?

Free movement of workers: posting of third-country nationals for the provision of cross-border services

The committee adopted the report (codecision procedure, first reading) by Maria BERGER (PES, D) approving the Commission proposal subject to a number of amendments designed to improve the drafting of the Directive (for example, by inserting a definition of 'posting') and hence to tighten and clarify the rules in order to prevent abuse. Other amendments were aimed at simplifying administrative procedures, for example by requiring Member States to designate only one authority responsible for issuing Service Provision Cards.

Free movement of workers: posting of third-country nationals for the provision of cross-border services

The Parliament adopted its legislative resolution, drafted by Ms. Maria BERGER (PES, A), on the posting of workers who are third-country nationals for the provision of cross-border services. Parliament approved the Commission's proposal subject to a number of amendments: - when a provider of services proposes to make a posting to one or more other Member States, the member State in which the service provider is established shall be obliged to issue to him, at his request, an EU service provision card under the conditions laid down in this Directive; - more stringent criteria before the issue of the EU service provision card: for example, the service provider needs to furnish proof that during the requested period of the validity of the card and for at least 3 months after its expiry, in accordance with the legislation applying in the Member State in which the service provider is established the worker (a) normally resides in that Member State; (b) is not obliged for reasons to do with the right of residence to leave the territory of that Member State and is lawfully employed there; (c) is insured against sickness and occupational accident (need proof from social insurance institution or a private insurance policy). - the period of validity of the service provision card may not exceed the period during which the worker has already been on lawful and actual employment in the Member State in which the service provider is established, and may in no case exceed twelve months. The minimum requirement for the issue of the EU service provision card shall be three months of proven lawful and actual employment. - a worker shall be regarded as lawfully employed if he is permitted to be in paid employment by virtue of a provision of Community law or of laws, regulations or administrative provisions in the Member State in which the service provider is established. - the service provider shall put the EU service provision card at the disposal of the worker named on the card. The card shall contain details of the service provider, his field of business and the posted worker; the period of validity; the issuing authority and issuing Member State; and the Member States for which the card is valid. - the Commission will be assisted by an advisory committee in drawing up a specimen of the document to be issued and the technical specifications designed to prevent falsification, and the Parliament will be kept informed by the Commission of the committee's proceedings. - should the contract between the service provider and the posted worker come to an end, the service provider shall immediately inform the authorities of the Member State in which the services are being provided. - Member States shall make use of a common system for the purpose of exchanging information on matters connected with the implementation of this Directive.?

Free movement of workers: posting of third-country nationals for the provision of cross-border services

The amendments proposed by the European Parliament are partly technical and partly aimed at supplementing the system for issuing the "EC service provision card". The Commission has accepted half the amendments, some of them subject to changes in the wording. The amendments rejected by the Commission include: - the card is a document based on Community law and cannot be called the "EU service provision card". - some conditions for the issue of the card. These conditions include normal residence for at least three months longer than the card validity; an automatic public order check; and a right of objection by other Member States against any condition for issuing the card. The Commission proposes instead: - a lawful status of the third-country national in the Member State in which the service provider is established whose duration need not exceed the period of validity of the card. - that the Member State in which the service provider is established and the worker to be posted is resident provide proof of the lawful nature of the worker's situation on its territory; this check would be carried out subject to even more detailed conditions in this amended proposal; - the Member State in which the service is provided recognises the card but may require the service provider to inform its authorities, before a posting, of the details of the service provision and the person to be posted; the purpose of this is so that the Member State can check the movement of persons on its territory. Other European Parliament amendments that the Commission cannot accept include: - limiting the scope a host Member State has to require the service provider to notify the posting of an employee who is a third-country national before his entry where the worker does not have a valid card. The Commission emphasises that the role of the responsible authorities in the Member State in which the service is provided is fundamental to the proper application of this directive.?

Free movement of workers: posting of third-country nationals for the provision of cross-border services

As this proposal is no longer of topical interest, it has been withdrawn by the Commission.

