



# EU Posted Workers Directive Quarterly Review

2023-02 Summer



PWD Registration  
/Notifications -Top  
Tips

Case Law  
and Legislation

Administration  
News

Key Contacts



## PWD Registration / Notifications -Top Tips

### European Union

#### Signature of PWD forms

A small number of jurisdictions require that the PWD registration is signed, including Croatia, Czechia, Romania, Slovakia and some Spanish regions. A proxy can be appointed by the employer for such signatures.

### European Union

#### Late registrations

PWD registrations must be made prior to the commencement of the posting. Although it is possible to submit late registrations via most country portals, it should be recognized that doing so may result in penalties and/or inspections. Certain country portals, however, do not permit a past date to be entered as the posting start date, such as Hungary, Italy, Slovenia and Sweden.

### European Union

#### Notifying multiple postings

Almost all country portals facilitate the notification of multiple postings per submission. This functionality is not available, however, for Austria, Czechia, Malta and some Spanish regions.



### European Union

#### ELA's Framework for Action on Road Transport: outcomes and way forward

**May 25, 2023:** In one year of work under the Framework for Action on Road Transport 2022 by the European Labour Authority (ELA), training sessions and workshops attracting over 1,400 participants, three weeks of actions and 26 Joint inspections were conducted. Additionally, the Road2Fair Transport Campaign generated over 125 million impressions, raising awareness and promoting fair practices in the road transport sector.

[Read More](#)

### European Union

#### First action week in the construction sector supported by ELA

**May 17, 2023:** The ELA organized and supported the first action week in the construction sector, which took place from April 24, 2023, to April 30, 2023. 10 cross-border inspections took place involving 15 Member states and 10 observer countries. The inspections focused on construction sites, resulting in examination of 23 sites and over 83 companies. More than 760 workers were affected, and 144 potential infringements were detected. A total of 154 control officers, including observers from other Member States and ELA staff members, participated in the activities.

[Read More](#)

### European Union

#### Annual report on intra-EU labour mobility 2022 published

**May 4, 2023:** The European Commission (EC) published the annual report for intra-EU mobility based on data 2020-21 for movement of workers and their family members. The effect of the pandemic is not seen on the number of EU citizens living in another member that remained stable on 10.2 million in 2020. However, the number of mobile workers dipped in 2020.

[Read More](#)

### European Union

#### ELA releases a new report on Posting of Third Country Nationals

**April 25, 2023:** The ELA has released a new report discussing EU regulations, obstacles faced in implementing laws, and increased collaboration across borders pertaining to the posting of third-country nationals. The report concludes, among other things, that the number of posted third country nationals within the EU and to the EU is on a steep increase.

[Read More](#)

## European Union

The ELA supported a joint inspection of road passenger transport organized by the Slovenian supervisory authorities with the German and Croatian enforcement authorities

**April 14, 2023:** On April 13, 2023, the ELA provided support for a focused joint inspection of road passengers, which was coordinated by the supervisory authorities of Slovenia, in conjunction with the enforcement authorities of Germany and Croatia. Supervision was carried out on companies located in Croatia, Bosnia and Herzegovina, Serbia, Bulgaria, and Slovenia. Several infringements were determined, including undeclared work, working/resting time, provision of required information and documentation etc.

[Read More](#)

## European Union

ELA launches the Posting 360 Programme

**March 13, 2023:** The ELA, together with the EC launched the “Posting 360 Programme” which aims to bring national authorities across the EU together to increase knowledge and expertise about the implementation of rules in Regulation for social security and Directive for posting of workers. National authorities from labour law and social security coordination, social partners and independent experts will continue to meet regularly under this programme, discuss and implement initiatives in the field of social security and posting of workers.

[Read More](#)



## Case Law and Legislation

### European Union

The EC refers [The Netherlands and Portugal to the CJEU for failure to transpose rules on the posting of drivers in the road transport sector](#)

**April 19, 2023:** The European Commission (EC) has made the decision to bring the Netherlands and Portugal to the Court of Justice of the European Union (CJEU) for neglecting to implement regulations on the posting of drivers in the road transport industry into their national laws.

[Read More](#)

### Austria

[Recipient of sick note in case of temporary agency work](#)

**March 2023:** The Austrian Supreme Court ruled that when an employee provided a sick note to a user undertaking after the employment relationship with the temporary work agency had been terminated by mutual consent, it was sufficient to inform the user undertaking and not the temporary work agency. The ruling aligns with the principle of equal treatment for temporary agency workers under the Temporary Agency Work Directive.

[Read More](#)

## Czech Republic

### [Bill amending labour code for temporary agency workers](#)

**March 2023:** The Ministry of Labour and Social Affairs has submitted a Bill to remove compulsory insurance for temporary work agencies during insolvency, to increase compulsory deposits, and to provide equal protection for temporary agency workers under the law. The amendment also includes changes to the requirements for responsible persons at employment agencies, and introduces measures to protect agency workers from abuse. The amendment is currently in an inter-ministerial comment procedure.

[Read More](#)

## Denmark

### [Ruling on enforcement of claims on underpayment of posted workers](#)

**April 2023:** The case revolves around the Lithuanian posting entity, UAB Vixero, who failed to pay its non-unionized posted workers according to the collective agreements of Dansk Industri. The trade union sought to claim outstanding remuneration based on Danish case law. Disagreements arose over the calculation of working hours and wages. The industrial arbitrator found that UAB Vixero had breached the collective agreement, resulting in cost savings of DKK304,000 (approx. EUR40,800). The arbitrator ordered UAB Vixero to pay this amount as penalties for the breach.

[Read More](#)

## France

### [Amendments to Labour Law for fixed term employees and temporary workers](#)

**March 2023:** The French labor law has undergone amendments that bring changes to several provisions such as parental leave and temporary employment contracts. These amendments introduce provisions for parental leave related to caring for a sick child and for educational purposes. Additionally, the amendments oblige employers (including user undertakings in the case of temporary workers) to inform fixed-term employees or temporary workers who have served for at least 6 months about any available permanent positions in the company.

[Read More](#)

## Germany

### [Draft law on the posting of workers in the road transport sector presented](#)

**April 2023:** The law on the posting of workers will be extended to the road transport sector in future, through a draft law (20/6496) proposed by the Federal Government. This draft law aims to transpose the corresponding EU Directive ((EU) 2020/1057) into national legislation. The primary objective of the new law is to address and eliminate discrepancies in the interpretation, application, and enforcement of rules related to the posting of workers in the road transport sector.

[Read More](#)

## Italy

### [Transposition of a Directive for posting workers in the road transport sector and amendments in rules on posting of drivers](#)

**March 2023:** A legislative decree was published on March 20, 2023, in the Italian law journal, outlining specific regulations for the posting of drivers. Under the new rules, undertakers are required to submit a posting declaration to the Italian authority, including detailed information about the drivers and the transport services performed. The information must be updated within 5 days in case of any changes. Further, the undertakers must ensure that the drivers have access to the declaration in either paper or electronic form.

[Read More](#)

## Liechtenstein

### [Draft law concerning posting of drivers in the road transport sector](#)

**March 2023:** The authorities have proposed a draft law aimed at implementation of the EU Directive 2020/1057, which pertains to the posting of drivers in the road transport sector.

[Read More](#)

## Lithuania

### [Ruling on damages suffered by a posted worker at construction site](#)

**April 2023:** The Supreme Court of Lithuania ruled on a case involving a posted Lithuanian worker's accident on a German construction site. The worker filed claims against both a Lithuanian and a German company, but the court dismissed the liability of the German company. Despite written contracts and registration as a temporary work agency, the court considered the absence of a signed agreement, and direct supervision by a Lithuanian manager, as evidence against a temporary work agreement.

[Read More](#)

## Romania

### [Update to posting of workers rules to comply with EU Directive](#)

**March 2023:** Government Decision No. 302/2023 amended the methodological norms for posting workers in Romania. The change was prompted by the European Commission's finding that the previous national measures did not comply with Directive 2014/67/EU on the enforcement of the directive on posting of workers. The requirement to designate a contact person is now expanded to include any person, rather than just the legal representative or posted worker. Failure to cooperate with authorities and provide necessary documents can result in fines.

[Read More](#)

## Slovenia

### Transposition of Directive on posted worker into legislation

**April 2023:** The authorities in Slovenia has enacted the Transnational Provision of Services Act, which incorporates several EU Directives and regulations. The new law transposes the Directive on posted drivers and it introduces exemptions for cabotage and international transport under certain conditions. It also addresses social security contributions for posted workers, revoking provision that allowed reduced rates. The Act clarifies that rest, leave, or short absences due to sickness do not interrupt cross-border service provision. Additionally, it outlines provisions for third-country nationals providing services in the EU based on valid permits and necessary approvals.

[Read More](#)



## Key Contacts



### Thomas Wolf

Head of KPMG's Global  
Immigration Network  
T: +49 30 530 199-300  
E: [twolf@kpmg-law.com](mailto:twolf@kpmg-law.com)



### Michelle Berners-Price

EMA Head of Business  
Travel Services for Global Mobility  
T: +44 79 205 908 36, +44 20 731 121 10  
E: [Michelle.Berners-Price@KPMG.co.uk](mailto:Michelle.Berners-Price@KPMG.co.uk)



### Dan Foster

Head of Posted Worker Directive  
Services for Global Mobility  
T: +41 79 452 60 15, +41 58 249 68 75  
E: [danielfoster@kpmg.com](mailto:danielfoster@kpmg.com)



### Daida Hadzic

EMA Head of Quality for Global Mobility  
T: +31 65 324 45 99, +31 88 909 18 54  
E: [hadzic.daida@kpmg.com](mailto:hadzic.daida@kpmg.com)

[social.kpmg](#)



[Privacy](#) | [Legal](#)

© 2023 Copyright owned by one or more of the KPMG International entities. KPMG International entities provide no services to clients. All rights reserved.

KPMG refers to the global organization or to one or more of the member firms of KPMG International Limited ("KPMG International"), each of which is a separate legal entity. KPMG International Limited is a private English company limited by guarantee and does not provide services to clients. For more detail about our structure please visit <https://kpmg.com/governance>.

Member firms of the KPMG network of independent firms are affiliated with KPMG International. KPMG International provides no client services. No member firm has any authority to obligate or bind KPMG International or any other member firm vis-à-vis third parties, nor does KPMG International have any such authority to obligate or bind any member firm.