



ZWIĄZEK BANKÓW POLSKICH



Business Centre
Club



Związek
Rzemiosła
Polskiego

Warsaw, 5th May 2020

Mr. David Sassoli
President of the European Parliament

Mrs. Lucia Ďuriš Nicholsonová
Chair of the Committee on Employment and Social Affairs

Mr. Nicolas Schmit
Commissioner for Jobs and Social Rights

Mr. Josip Aladrović
Minister of Labour and Pension System

By 30 July 2020 Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with the Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018; hereinafter referred to as "the **Directive**").

Due to unforeseen and, in the case of many countries being members of the European Community, critical situation caused by the state of pandemic announced by the World Health Organization, we hereby request for extension of the deadline for implementation of the Directive until 30 July 2021.

We would like to underline that in the current situation competent authorities of the EU Member States, guided by the best interest of their citizens, focus all their involvement and resources on health protection and support for their national economies, including saving businesses and jobs.

EU Member States have taken emergency measures to combat the coronavirus COVID-19 pandemic, which result in restrictions on the functioning of offices, the legislature and the performance of social dialogue. These circumstances constitute obstacles to the appropriate implementation of the Directive in national legal systems.

In individual EU Member States, works on draft legislation implementing the Directive have been postponed indefinitely. The priority now is to develop legal solutions to combat the spread of the SARS-CoV-2 virus.

Although there are less than three months left before the entry into force of the Directive, in most EU Member States the legislative works have not been completed. Even if the legislative works are completed within the deadline, there will be no possibility to apply the required and appropriate *vacatio legis* to allow entrepreneurs to adapt business for the new legal environment.

Introduction of Directive before 30 July 2020, will not allow businesses to comply with the regulations and will lead to the deepening of the economic crisis on the Community labor market. **This situation will be in conflict not only with the core principles on which the European Community is founded, such as the rule of law, but also with the spirit of the Directive, whose authors repeatedly stress the need for access to information, legal certainty and transparency.**

The recitals of the Directive emphasize that transparency and access to information are key to legal certainty and enforcement of law. Implementation of these objectives was to be supported by official national websites created by each EU Member State. Such websites have not been created in many EU Member States yet. And even if they are created, the lack of legislation implementing the Directive means that the information contained therein will not be sufficient, clear and comprehensive.

Our voice is not just the voice of business. It is also the voice of our foreign contractors from Germany, Belgium, the Netherlands, and France. The problems we are facing today are not the implementation of the Directive, but what has recently seemed "obvious". Today, the problem is how to cross the border, how to provide employees with safe access and return to their workplace, additional care in the case of illness. The Community labor market is fighting today to maintain jobs. Every day, businesses struggle to follow dynamically changing and diverse regulations and apply restrictions introduced in respective EU countries.

It should be noted that the implementation of the Directive also requires fulfilment of many formalities at the employer – employee level, which is currently very difficult due to the fact that numerous state companies and institutions do not function as usually [e.g. branches of companies where contracts are signed are closed, access to testing and training of employees is hindered].

Entrepreneurs across Europe found themselves in a situation they could not be prepared for. Most of the resources are allocated to activities aimed at finding a way to function in the new reality, and above all to save jobs and maintain profitability. Only a few succeed.

Today, the support package for entrepreneurs is not only loans and co-financing, but every even small step to eliminate legal uncertainty and unnecessary surprises.

Financial liquidity, as well as money resources of the majority of micro- and small companies have already been significantly reduced – there is no doubt that new regulations and procedures related thereto will increase costs. Many businesses and many contractors cannot afford it. And employees cannot afford to lose their job.

In view of the fact that the issue of the pandemic arose at an early stage of adopting national transposition measures [in many countries these are only drafts], additional time should be given to the EU Member States to complete the Directive transposition process and then to entrepreneurs to apply these measures. This will ensure smooth functioning of the internal market, implementation of the free movement of workers as well as it will allow avoiding potential negative consequences for those enterprises already affected by the crisis who will manage to survive.

The need for prompt recovery of the European economy after the pandemic lockdown also constitutes the argument that extending the deadline is necessary. In many countries posted workers still support local labor markets in terms of deficit professions.

The pandemic presents an unprecedented challenge for the EU Member States. At the same time, it is also the best moment for gestures of solidarity undertaken in the interests of saving the Community labor market.

In connection with the foregoing, we request for initiating works on extension of the deadline for implementation of the Directive until 30 July 2021.

Sincerely,





Polnische Wirtschaftskammer in Deutschland e.V.
Polska Izba Gospodarcza w Niemczech

PolChambers

Polish Chambers of Commerce Abroad

SAZ

Stowarzyszenie Agencji Zatrudnienia

