

**Question for written answer E-005458/2018
to the Commission**
Rule 130
Richard Sulík (ECR)

Subject: The revised Posted Workers Directive and the Rome I Regulation

The Rome I Regulation regulates posted workers' choice of applicable law. Under Article 3 and Article 8 of the Rome I Regulation, a contract shall be governed by the law chosen by the parties. A derogation from the free choice of law in favour of the law of the host State is admissible only on the basis of public policy and mandatory provisions.

If a worker is temporarily employed in another country, the country where work is habitually carried out shall not be deemed to have changed. The Rome I Regulation defines 'temporary' not on the basis of time limits, but based on an intention to return to work in the country of origin after carrying out tasks abroad. The posting of workers is always time limited.

In 2016, the Commission stated that long postings led to the creation of a 'link' between the posted worker and the labour market of the host Member State. This is supposed to justify making such workers subject to the labour law of the host Member State after a certain time. EU lawmakers thus compared workers posted for long periods of time to migrant workers.

However, EU lawmakers introduced an additional provision extending the time limits not just to one worker, but cumulatively to all the workers carrying out the same task in one and the same place.

What public interest reasons can justify applying almost all the labour law regulations of the host State to a 'replacement' worker posted for just a few days?