

**Question for written answer E-000434/2019
to the Commission**

Rule 130

Danuta Jazłowiecka (PPE)

Subject: Retroactive application of the rules on the posting of workers

With reference to Question E-003808/2018, I would like to ask the Commission for additional clarification concerning the retroactive application of the rules on long-term posting.

In its answer of 21 August 2018, the Commission stated that '[w]hen it comes to the calculation of the period of long term posting i.e. the 12 months, this will also apply to contracts in progress and the starting time would be the beginning of the posting assignment i.e. retrospectively'. I am extremely concerned and indeed have serious doubts about the intention to apply the new rules retroactively.

Member States have until 30 July 2020 to bring in national provisions. If a Member State did not publish national provisions until 30 July, businesses would need to start to apply them that same day, and as a result there would not be time for them to obtain the relevant information, e.g. on the procedures for extending the posting period from 12 to 18 months. How is the Commission going to deal with that?

In the case of long-term postings, the requirement to apply the host country's labour law could result in employers having financial obligations to employees, or employees having certain rights that they will no longer enjoy after 30 July 2020. How can this be enforced retroactively?

Does the Commission take the view that applying the law retroactively is consistent with EU law (e.g. Article 6(3) of the Treaty on European Union) and with generally accepted practice?