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Answer given by Mr Breton
on behalf of the European Commission
(21.9.2020)

The free provision of services on the EU single market is a fundamental freedom guaranteed by EU law. Member States can only impose restrictions if these are non-discriminatory, justified by an overriding reason of public interest and proportionate. Such restrictions may include appropriate controls carried out by national authorities to combat fraud.

SOLVIT, the problem-solving network between Member States aimed at fostering and promoting better compliance with Union law, handles, among other issues, cases relating to the free provision of services. The Commission is aware that the Polish and French SOLVIT centres received complaints on the matter raised by the Honourable Members and are dealing with them in accordance with the principles set out in the SOLVIT Recommendation¹.

In its recent Communication to the Council and the European Parliament, the Commission identified the most pressing single market obstacles². These include barriers faced by businesses when posting workers. In parallel, the Commission adopted an action plan for a better implementation and enforcement of EU single market rules³.

The Enforcement Directive on posting of workers⁴ provides that Member States should ensure effective checks and monitoring mechanisms for posting of workers. National administrative requirements and control measures should be justified and proportionate. The Commission continuously monitors the situation in the Member States, and works with them to ensure that the Directive is correctly transposed and applied⁵.

Finally, the recently established European Labour Authority will help Member States in the enforcement of the rules concerning labour mobility, including the posting of workers.

¹ Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT, OJ L 249, 19.9.2013, p. 10

² Commission Staff Working Document Business Journey on the Single Market: Practical Obstacles and Barriers Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee of the Regions Identifying and addressing barriers to the Single Market - SWD(2020) 54 final

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Long term action plan for better implementation and enforcement of single market rules - COM(2020) 94 final

⁴ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') OJ L 159, 28.5.2014, p. 11–31

⁵ Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application and implementation of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) 1024/2012 on administrative co-operation through the Internal Market Information System ('the IMI Regulation'). COM/2019/426 final