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6987/16: Proposal for a Directive amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

I am writing to provide an update on the above file following the EPSCO Council meeting on 21 June.

The revisions to the Posting of Workers Directive were adopted by Council as an A Point, without a full debate being required. The UK, Croatia, Latvia and Lithuania abstained on the proposal. Hungary and Poland opposed. Croatia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Portugal and Slovakia highlighted their desire to complete the road transport lex specialis which had been a key part of the compromise on this file. This is being taken forward as part of the Mobility Package, led for the UK by my colleague the Secretary of State for Transport.

As my predecessor has previously set out to the Committee, the UK abstained due to our concerns about the balance of the text and legal uncertainty. The UK had consistently sought a text that had legal clarity and provides an appropriate balance between protections for posted workers and limits on the burdens placed on businesses providing services between Member States. The UK acknowledged that there had been some positive changes, including the statement from the Commission on the scope of the Directive and the removal of subcontracting provisions. However, we were unable to support the final proposal.

Following adoption, the Directive was published in the Official Journal on 9 July and Member States have until 30 July 2020 to implement the Directive. We are analysing the final text of the Directive to determine what changes are required in order to implement the Directive in the UK. In particular we are considering whether legislative changes are required. As previously indicated to the Committee, if legislative change is required, we anticipate that it will not have a high impact on UK law.

I am copying this letter to the Chair of the House of Lords EU Select Committee, Lord Boswell, Les Saunders, DExEU, and to Jenny Steinitz, Departmental Scrutiny Coordinator for BEIS.

Yours sincerely

yours ever



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Minister for Small Business, Consumers & Corporate Responsibility