

Courtesy translation

OPINION
of the Foreign and European Union Affairs Committee
of the Senate of the Republic of Poland

on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004

COM(2016)815

adopted at the meeting of 15 February 2017.

1. The Foreign and European Union Affairs Committee (FEUAC) is aware of the necessity of amending the regulations on the coordination of social security systems in order to update the measures applied and facilitate the exercise of citizens' rights while ensuring a fair distribution of the burden among the EU Member States.
2. The FEUAC is opposed the introduction of the terms “posted worker” and “sent worker” and the extension of the term “replacement”. The amendments proposed by the European Commission in that respect are not conducive to legal clarity and may lead to limiting the possibility of service provision in Member States other than the State where the registered office of the service provider is situated.
3. The FEUAC is opposed to the proposed amendments concerning equal treatment and access to non-contributory social security benefits for economically inactive persons, as these amendments restrict the rights of EU citizens.
4. The FEUAC is opposed to the introduction of the criterion of “centre of interest of activities of the undertaking” for the purpose of establishing the registered office or place of business, as such a measure may lead to changing the legislation applicable to workers if the employer carries out the major part of its activity in an EU Member State other than the State whose legislation is currently applicable to workers.