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ACT

of 11 November, 2015

on cross-border co-operation in the posting of workers for the performance of works in the provision of services and on the amendment of certain acts.

The National Council of the Slovak Republic has adopted the following Act:

Article I

Section 1

Subject of the Act

(1) This Act shall govern

- a) the competence of National Labour Inspectorate and labour inspectorate inspectorates in cross border cooperation with the relevant authority of another Member State of the European Union or in a State that is a party to the Agreement on the European Economic Area (hereinafter referred to as "another Member State"), monitoring observance of the rules for posting of workers at the provision of services of services¹⁾ (hereinafter referred to as "posting"), the identification of the posting and the enforcement of penalties, and
- b) obligations of a host employer and home employer.²⁾

(2) This Act shall not apply to the enforcement of penalties subject to special regulations.³⁾

Section 2

Definition of Terms

For the purposes of this Act:

- a) the competent authority of another Member State shall be deemed an authority authorised pursuant to law of another Member State to provide cross-border cooperation or to request cross-border cooperation in monitoring the observance of the rules of posting, the identification of posting or in the enforcement of penalties,
- b) the rules of the posting shall be deemed working conditions and terms and conditions of employment pursuant to a special regulation⁴⁾ and the obligations of the host employer and the home employer pursuant to this Act and pursuant to a special regulation,⁵⁾
- c) the penalty shall be administrative sanction including its accessories, for violation of posting rules imposed on the home employer in another Member State or imposed on to the host

employer in the Slovak Republic.

Section 3

Identification of posting

(1) An overall assessment of the facts considered to be necessary shall be made in order to identify the posting in monitoring the observance of the posting rules, based in particular on the facts pursuant to paragraphs 2 and 3. The facts referred to in paragraphs 2 and 3 shall not be considered separately, but in mutual relation to each other and taking into account the particularities of the situation under consideration.

(2) For the purposes of determining whether an employer in another Member State performs other essential activities except internal management and administrative activities, an overall assessment of the facts characterizing the activities performed by the employer in another Member State and in the Slovak Republic shall be performed while taking into account a longer period of time. The assessment under the first sentence may primarily include the following:

- a) the place where the employer has his registered office, administration and administrative premises,
- b) the place where the employer pays taxes and contributions to the social security system,
- c) the place where the employer is authorized to perform an activity or where is registered in a trade chamber or a professional organization,
- d) the place where the employer performs the main object of the business and employs employees who perform administrative work,
- e) the place where the employer accepts the employees to the employment relationship and the place from which they are posted,
- f) the applicable law relating to employment contracts and other contracts concluded by the employer,
- g) the number of contracts executed in the context of the essential activities performed by the employer and the sum of turnover in another Member State, taking into account whether it is a newly created employer.

(3) For the purposes of determining whether an employee is performing work in the Slovak Republic for a certain period of time and is normally employed in another Member State, an overall assessment of the facts characterizing the job and the situation of the employee is made. The assessment under the first sentence may primarily include the following:

- a) whether the employee performs work in the Slovak republic for a fixed period,
- b) place, where the employee normally works,
- c) date of the commencement of posting
- d) whether after leaving the post the employee shall return to another Member State from which they have been posted or shall continue to work in that another Member State,
- e) the nature of the activities performed,
- f) whether the employer provides the employee with reimbursement of travel costs, subsistence expenses and how they shall be provided by the employer
- g) previous periods during which the post was repeatedly occupied by the same employee or other employee.

Section 4

Obligations of host employer and home employer

(1) The host employer shall be obliged to notify the National Labour Inspectorate at the latest on the day of posting in a documentary or in electronic form on

- a) their business name and registered office if being a legal entity and their business name, forename and surname and the place of business if being a natural person,
- b) their identification number, if assigned, and the register in which it is registered,
- c) estimated number of posted employees,
- d) the name, surname, date of birth, place of residence, travel document number or identity document number and citizenship of the posted employee,
- e) the day of commencement and termination of posting,
- f) the place of work and the type of work performed by the posted worker in the course of posting,
- g) the name of the service or services that the host employer shall be providing through a posted employee in the Slovak Republic,
- h) name, surname, electronic address and address of the person authorized to serve documents and provide information to the National Labour Inspectorate and labour inspectorate who will be located in the territory of the Slovak Republic during the posting (hereinafter referred to as "home contact person"),
- i) whether the posted employee substitutes for another posted employee and if they do, also the data under letter (d) of the posted employee being substituted.

(2) The host employer is obliged to immediately inform the National Labour inspectorate on each and every change in the data under paragraph 1 either in the paper or electronic form.

(3) The host employer shall be obliged, during the posting at the place of performance of work, pursuant to paragraph 1 letter f)

- a) to retain an employment contract or other document confirming the employment relationship with the posted employee,
- b) to maintain and keep records of the posted employee's working time to the extent specified in a special regulation,⁶⁾
- c) to keep records of the wage paid to the posted worker for the work performed during the posting.

(4) The host employer shall be obliged to the labour inspectorate at their request

- a) to submit documents pursuant to paragraph 3,
- b) to deliver the documents referred to in paragraph 3 even after the termination of posting,
- c) to submit a translation of documents referred to in paragraph 3 or parts thereof into the Slovak language within a reasonable period specified by the labour inspectorate.

(5) The host employer shall file a notice form under paragraphs 1 and 2 and justified notice form under a special regulation^{6a)} the specimen of which shall be determined by the National Labour Inspectorate or shall do so through a registration portal accessible on the National Labour Inspectorate's web site.

(6) The home employer shall be obliged to provide all the source documents and information to the National Labour Inspectorate or the labour inspectorate on the basis of their request for the purposes of Sec. 5 par. 1 letter a).

(7) The provisions of paragraphs 1 to 5 shall not apply to the host employer if the posted employee is a road transport driver.

Section 4a

Obligations of the host employer in the posting of employees in the field of road transport

- (1) If the posted employee is a road transport driver, the host employer is obliged to notify the National Labour Inspectorate via a unified form at the latest on the date of posting using the mechanism under special regulation of
- a) its business name and registered office, in the case of a legal entity , and its business name, name and surname and place of business in the case of a natural person,
 - b) its identification number, if assigned, the register in which it is registered and the Community licence number,
 - c) the name, surname, electronic address and address of the person responsible for serving documents and providing information to the National Labour Inspectorate and labour inspectorate who, during the posting, will be located in the territory of another Member State in which the host employer is established (hereinafter referred to as the 'foreign contact person'),
 - d) name, surname, date of birth, place of residence, nationality and driving licence number of the posted employee,
 - e) the date of employment of the posted employee and the applicable law of their employment contract,
 - f) the date of commencement and termination of the posting,
 - g) the number plate of the motor vehicle used in the posting,
 - h) an indication of whether the transport services are carried out as the carriage of goods or the transport of persons and whether it is international transport or cabotage services.
- (2) The host employer shall notify the National Labour Inspectorate without delay through a unified form via the mechanism under special regulation of any change in the data referred to in paragraph 1.
- (3) The host employer is obliged to ensure that the posted employee who is a road transport driver keeps with them during the posting
- a) a copy of the notice referred to in paragraph 1,
 - b) a document proving that transport services take place in the Slovak Republic, in particular an electronic waybill or document according to a special regulation,7b)
 - c) records of the tachograph, including an indication of the other Member States in which the

posted employee was present when performing transport services, in accordance with the requirements for records and record-keeping under specific rules.

- (4) After the end of the posting and at the request of the National Labour Inspectorate, the host employer is obliged to submit, on a unified form via a mechanism under special regulation⁷⁾ and no later than eight weeks from the date of receipt of the request:
- a) copies of the documents referred to in paragraph 3(b) and (c) hereof,
 - b) a copy of the employment contract or other document proving the employment relationship with the posted employee who is a road transport driver,
 - c) evidence of the salary paid to the posted employee who is a road transport driver for work carried out during the posting,
 - d) a record of the working time of the posted employee who is a road transport driver to the extent laid down in a special regulation.

Section 5

Provision of information and other forms of cooperation

(1) The National Labour Inspectorate in cooperation with the Labour Inspectorate, on the basis of a justified request from the competent authority of another Member State, submitted on a uniform form through a mechanism pursuant to a special regulation⁷⁾ concerning the home employer

- a) provide the competent authority of another Member State with information for the purpose of identifying the posting and checking compliance with the posting rules and other information related to the posting, including the documents referred to in Section 4a par. 4 (hereinafter as 'posting-related facts'),
- b) shall examine "posting-related facts"),
- c) shall deliver writings related to posting.

(2) The National Labour Inspectorate shall provide the information referred to in paragraph 1 letter a)

- a) in justified emergency cases, no later than two working days from the date of receipt of the request, provided it is sufficient to provide the information with the inspection of a relevant register,
- b) in other cases within 25 working days from the date of receipt of the application, unless agrees with the competent authority of another Member State for a shorter period of time.

(3) If it is not possible to process a request under paragraph 1 or if it is not possible to comply with the time limit pursuant to paragraph 2, the National Labour Inspectorate shall immediately inform the competent authority of another Member State.

(4) The National Labour Inspectorate shall, even without request pursuant to paragraph 1, inform the competent authority of another Member State of the facts of posting without undue delay if there are doubts about the observance of the rules of posting by the home employer.

(5) The National Labour Inspectorate may request the competent authority of another Member State to provide cross-border cooperation to the extent referred to in paragraph 1 with regard to the host employer.

(6) Information provided by the competent authority of another Member State may, upon request pursuant to paragraph 5, be used by the National Labour Inspectorate and the labour inspectorate only for the purpose for which they have been provided.

Section 6

Service of decision on penalty imposition and enforcement of imposed penalty on the host employer

(1) The decision to impose a fine and the related document is served by the Labour Inspectorate to the host employer through the home contact person or the foreign contact person. If the host employer has not identified a home contact person or a foreign contact person, or if it has not been possible to serve to the home contact person or to a foreign contact person the decision imposing the fine and the related document, the Labour Inspectorate may deliver the decision imposing the fine and the related document to the host employer's address notified pursuant to Section 4 par. 1(a) or Section 4a par. 1(a). Where it has not been possible to serve a decision imposing a fine and a related document pursuant to the first sentence or the second sentence, the National Labour Inspectorate shall request the competent authority of another Member State to serve on the host employer a decision imposing a fine and the related document. If the competent authority of another Member State is unable to serve the decision imposing the fine and the related document on the host employer, the decision imposing the fine and the related document shall be deemed to have been served on the date of notification of that fact by the competent authorities of another Member State to the National Labour Inspectorate. The provisions of the first through fourth sentence apply equally to the service of the decision of the National Labour Inspectorate on the imposition of a fine and the related document.

(2) If a penalty imposed in the Slovak Republic to the host employer is not enforced within six months from the day of commencement of its enforcement, the labour inspectorate shall waive the execution of the decision or file an action for the suspension of execution if the execution of the decision was performed pursuant to a special regulation; National Labour Inspectorate shall submit the request for the enforcement to the competent authority of another Member State. The claim of the Slovak Republic ceases to exist upon the acceptance of the request of the National Labour Inspectorate for the enforcement of the decision to the competent authorities of another Member State.

(3) If the decision on the imposition of a penalty, which the National Labour Inspectorate requested pursuant to paragraph 2, has been challenged in the observance of the legislation of the Slovak Republic, the National Labour Inspectorate shall notify this fact without delay to the competent authority of another Member State. The National Labour Inspectorate shall also notify the competent authority of another Member State of other relevant facts concerning the enforcement request.

Section 7

Service of decision on the penalty imposition and enforcement of penalty imposed on the home employer

(1) The National Labour Inspectorate on the basis of a request from the competent authority of another Member State, submitted on a uniform form through a mechanism pursuant to a special

regulation⁷⁾

- a) shall deliver to the home employer a decision on the imposition of a penalty rendered in another Member State; or
- b) shall ensure the enforcement of the penalty imposed by a lawful and enforceable judgement rendered in another Member State.

(2) National Labour Inspectorate shall, without undue delay, no later than one month following the receipt of request pursuant to

- a) paragraph 1 letter a), deliver to the home employer a decision on the imposition of a penalty,
- b) paragraph 1 letter b), serve a request for the enforcement of the penalty to the home employer.

(3) The National Labour Inspectorate shall refuse the request pursuant to paragraph 1 if the request is incomplete or if it is apparently inadequate to the decision in question. The National Labour Inspectorate may refuse a request pursuant to paragraph 1 letter b) if it is clear that the enforcement of the penalty would be uneconomic.

(4) If the procedure referred to in paragraph 3 shall not applied, the National Labour Inspectorate shall forward the request pursuant to paragraph 1 letter b) to the labour inspectorate; a penalty imposed in another Member State is considered to be a claim of the Slovak Republic administered and enforced⁹⁾ by the labour inspectorate. Lawful and enforceable decision attached to a request pursuant to paragraph 1 letter b) shall be an enforceable title¹⁰⁾ and is not subject to recognition pursuant to a special regulation.¹¹⁾

(5) A legal remedy against a decision on the imposition of a penalty shall be submitted to the authority designated in such decision or to the authority designated by the law of another Member State in which the penalty has been imposed.

(6) The National Labour Inspectorate shall without undue delay inform the competent authority of another Member State of the

- a) the acts performed at their request pursuant to paragraph 1 and the date of service of a decision,
- b) reasons for the refusal of the request.

(7) If upon receipt of the request pursuant to paragraph 1 letter b) there has been a challenge to the decision in the observance of the law of another Member State in which the penalty has been imposed, the labour inspectorate shall defer the execution of the decision or initiate a suspension of the execution if the enforcement of the decision has been made under a special regulation.⁸⁾

(8) A penalty imposed in a currency other than the Euro shall be exchanged by the labour inspectorate to the Euro at the reference exchange rate determined and declared by the European Central Bank or by the National Bank of Slovakia¹²⁾ in force on the date of the penalty imposition.

(9) The penalty enforced pursuant to paragraph 4 shall be the revenue of the state budget.

Section 8

Tasks of the National Labour Inspectorate and the labour inspectorate

(1) National Labour Inspectorate

- a) keeps records of information pursuant to Section 4 par. 1 and Section 4a par. 1 and makes them

available to labour inspectorates and the Central Office of Labour, Social Affairs and Family,

- b) shall submit requests pursuant to Sec. 5 par. 5 and Sec. 6 par. 1 and 2 on the uniform form by means of a mechanism pursuant to a special regulation,⁷⁾
- c) shall inform European Commission of the persistent problems of exchanging information with other Member States,
- d) shall adopt measures to promote cross-border exchange employees performing the tasks of cross-border cooperation with the assistance of European Commission,
- e) publishes the specimen of the form under Section 4, par. 5 on their web site.

(2) The labour inspectorate shall file to the National Labour Inspectorate an action for

- a) submitting a request to the competent authority of another Member State on
 - 1. the provision of cross-border cooperation pursuant to Sec. 5 par. 5
 - 2. the delivery of the decision on the imposition of a penalty and related documents pursuant to Sec. 6 par. 1
 - 3. enforcement of the decision pursuant to Sec. 6 par. 2
- b) informing the competent authority of another Member State of the facts relating to the posting pursuant to Sec. 5 par. 4, if it has doubts about the observance of the rules of posting by home employers.

Section 9

Common provisions

(1) The National Labour Inspectorate and the labour inspectorate for the purposes of this Act shall process personal data to the extent stipulated by a special regulation¹³⁾ without the consent of the persons concerned.

(2) The labour inspectorate competent for the purposes of Sec. 4 par. 6, Sec. 5 par. 1 and Sec. 7 par. 4 is the one in whose territorial jurisdiction the home employer has its registered office in the case of a legal person or place of business in the case of a natural person.

(3) The service of documents pursuant to Sec. 5 par. 1 letter c), Sec. 6 and 7 is subject to the general regulation on administrative proceedings,¹⁴⁾ unless otherwise stipulated by this Act.

(4) Public administration bodies, public institutions and other legal entities are obliged, within the scope of their competence, to provide, upon request, the National Labour Inspectorate and the labour inspectorate with assistance for the purposes of Section 5 par. 1(a)

Section 10

Transitional provision

The provisions of Sec. 6 and 7 shall not apply to decisions which entered into force before 18 June 2016.

Section 11

Final provision

This Act takes over the legal binding acts of the European Union listed in Annex.

Article II

Act no. 311/2001 Coll. The Labour Code, as amended by Act No. 165/2002 Coll., Act No. 408/2002 Coll. Act No. 210/2003 Coll., Act No. 461/2003 Coll. and Act No. 5/2004 Coll., Act No. 365/2004 Coll., Act No. 82/2005 Coll. and Act No. 131/2005 Coll., Act No. 244/2005 Coll., Act No. 570/2005 Coll., Act No. 124/2006 Coll., Act No. 231/2006 Coll. Act No. 348/2007 Coll., Act No. 200/2008 Coll. Act No. 460/2008 Coll., Act No. 49/2009 Coll., Act No. 184/2009 Coll., Act No. 574/2009 Coll., Act No. 543/2010 Coll., Act No. 48/2011 Coll., Act No. 257/2011 Coll., Act No. 406/2011 Coll., Act No. 512/2011 Coll., Act No. 251/2012 Coll., Act No. 252/2012 Coll., Act No. 345/2012 Coll., Act No. 361/2012 Coll., Finding of the Constitutional Court of the Slovak Republic No. 233/2013 Coll., Act No. 58/2014 Coll., Act No. 103/2014 Coll., Act No. 183/2014 Coll., Act No. 307/2014 Coll. Act No. 14/2015 Coll. and Act No. 61/2015 Coll. is amended as follows:

1. In Sec. 5 par. 2 the words "to be posted for the performance of work from the territory" shall be replaced by the words "established in another Member State of the European Union or a State which is a Contracting Party to the Agreement on the European Economic Area (hereinafter referred to as "another Member State of the European Union") shall post for the performance of works at the provision of services from another territory".

2. In Section 5, new paragraphs 4 and 5 shall be inserted after paragraph 3, which read as follows:

“(4) Sending an employee to perform works at the provision of services shall be deemed to be a cross-border

- a) posting under the direction and to the responsibility of the sending employer pursuant to a contract between the sending employer as a cross-border service provider and the recipient of the service if there is an employment relationship between the sending employer and the employee during the period of posting,
- b) posting between the controlling person and the controlled person or among the controlled person persons provided there is an employment relationship between the sending employer and the employee during the period of posting, or
- c) temporary assignment to a user employer provided there is an employment relationship between the sending employer and the employee during the period of posting.

(5) The sending employer is

- a) a host employer, who is an employer established in another Member State of the European Union who posts an employee to perform work at the provision of services from the territory of another Member State of the European Union to the territory of the Slovak Republic,
- b) a home employer, who is an employer established in the Slovak Republic who posts an employee for the performance of work at the provision of services in the territory of the Slovak Republic to the territory of another Member State of the European Union”.

Hitherto paragraphs 4 to 6 are referred to as paragraphs 6 to 8.

3. In Sec. 5 par.6 reads as follows:

„(6) The posted employee shall be

- a) a host employee who is an employee who, for a certain period of time, performs work in the Slovak Republic at the provision of services while normally working in another Member State of the European Union,
- b) a home employee who is an employee who, for a certain period of time, performs work in another Member State of the European Union at the provision of services, while normally

working in the Slovak Republic.”

4. In Section 5, new paragraphs 8 to 10 are inserted after paragraph 7, which are as follows:

“(8) A host employee who considers that their rights or legitimate interests are affected by the non-observance of the conditions of posting to the territory of the Slovak Republic may file a complaint directly or through employee representatives to the competent Labour Inspection Authority or may apply to court and seek legal protection.”

“(9) Host employee whom a host employer upon posting pursuant to Sec. 4 letter a) or b) has not provided the wage payable under paragraph 2 letter c) or part thereof, has the right to claim their payment to a natural person or a legal person who is a service supplier in the territory of the Slovak Republic (hereinafter referred to as the "supplier of services"), the direct subcontractor of which is the host employer. The supplier of services is obliged to provide the host employee with a payable wage or part thereof in the outstanding amount within 15 days of receipt of the host employee’s application after deductions to be paid from the wage by the host employer provided he paid the payable wage; the supplier of services shall not be liable for the execution and payment of these deductions. The supplier of services is obliged to inform the host employer of the wage payment pursuant to the second sentence. In case of posting pursuant to paragraph 4 letter c), it shall be acted upon pursuant to Sec. 58 par. 10 and Sec. 58a par. 4”.

“(10) The host employer is obliged, upon request, to provide the supplier of services without undue delay with the necessary information to enable the supplier of services to control whether the host employer has provided the wage payable to the host employee under paragraph 2 letter c) or part thereof and for the supplier of services to be able to fulfil the obligation pursuant to paragraph 9 of the second sentence. The host employer shall provide the supplier of services with the personal data of the host employees in the extent necessary for achieving the purpose pursuant the first sentence”.

Hitherto paragraph 8 is referred to as paragraph 11.

5. In Sec. 5 par.11 reads as follows:

“(11) The working conditions and conditions of employment of a home employee are governed by the law of the country to the territory of which the home employee is posted. The home employer shall inform the home employee prior to the posting of the terms and conditions of employment under the first sentence; information on working time and holiday entitlement shall be communicated in writing “.

6. Sec. 5 is supplemented by paragraphs 12 and 13, which read as follows:

“(12) The home employer may post a home employee for the performance of works at the provision of services from the territory of the Slovak Republic to the territory of another Member State of the European Union on the basis of a written agreement. The agreement under the first sentence shall include in particular

- a) the day of commencement and termination of posting,
- b) type of work during posting
- c) place of work during posting,
- d) wage conditions during posting,

(13) In case of posting pursuant to paragraph 4 letter c), the agreement on temporary posting

pursuant to Sec. 58 par.5 shall include the requirements pursuant to par. 12.

7. Annex No. 2 is supplemented by the twenty-first point, which reads as follows:

“21. Directive 2014/67 / EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71 / EC on the posting of workers in the framework of the provision of services, amending Regulation (EU) 1024/2012 on administrative cooperation through the Internal Market Information System ("IMI Regulation") (OJ L 159, 28. 5. 2014)“.

Article III

Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Amendments to Certain Acts, as amended by Act No. 125/2006 Coll., Act No. 52/2010 Coll., Act No. 223/2011 Coll., Act No. 308/2013 Z. z. and Act No. 495/2013 Coll. is amended as follows:

1. In Sec. 7 par.3 reads as follows:

“(3) The procedure pursuant paragraph 2 shall apply only if it is proved that the statutory body of a legal person pursuant to paragraph 2 letter a) or b) or a natural person as referred to in paragraph 2 a) or b) or their executive employee knew that the legal person or natural person from whom the obligation to pay the penalty or additional payments pursuant to paragraph 2 shall be transferred, breached by the prohibition of illegal employment“.

2. Sec. 7 is supplemented by paragraphs 4 and 10, which read as follows:

“(4) The procedure pursuant to paragraph 2 shall not apply to a legal person and a natural person who is an entrepreneur subject to a prohibition on accepting a work or service pursuant to paragraph 5.

(5) A legal person or a natural person who is an entrepreneur may not accept a work or a service provided or supplied by a legal person or natural person (hereinafter referred to as a "service provider") through a natural person who is illegally employed where it is

- a) A cross-border provision of the service for a period exceeding five days during a period of 12 months from the date on which the service is provided; or
- b) o national labour supply or cross-border supply of labour.

(6) The service provider shall be obliged, at the request of the legal person or the natural person who is the entrepreneur, to whom they deliver the work or provide the service pursuant to paragraph 5, to provide to the necessary extent the documents and personal data of natural persons through whom they deliver the work or provide the service to ensure that a legal person or a natural person who is an entrepreneur may control that the service provider does not breach the prohibition of illegal employment.

(7) The inspection authority shall impose a penalty of between EUR 2 000 and EUR 200 000 on a legal person or on a natural person who is an entrepreneur, for the violation of the prohibition on accepting a work or service pursuant to paragraph 5 and, where two or more natural persons are present at the same time, at least EUR 5 000.

(8) A penalty pursuant to par. 1 and 7 may be imposed within two years from the day of the discussion over the protocol on labour inspection outcome and at the latest within three years from the day of violation of prohibition.

(9) The penalty referred to in paragraph 7 cannot be imposed on a legal person or a natural

person, who is an entrepreneur, who have already been imposed the penalty for the same violation by another inspection authority.

(10) The penalty is the revenue of the state budget”.

Article IV

Act No. 125/2006 Coll., on labour inspection and on amendment of the Act. No. 82/2005 Coll., on illegal work and illegal employment and on amendment of certain acts as amended by the Act. No. 309/2007 Coll., Act No. 462/2007 Coll. Act No. 555/2007 Coll. Act No. 400/2009 Coll., Act No. 52/2010 Coll. Act No. 67/2010 Coll. Act No. 182/2011 Coll., Act No. 223/2011 Coll., and Act No. 254/2011 Coll. Act No. 257/2011 Coll. Act No. 469/2011 Coll., Act No. 512/2011 Coll., Act No. 361/2012 Coll., Act No. 154/2013 Coll., Act No. 308/2013 Coll., Act No. 307/2014 Coll., and Act No. 128/2015 Coll., is amended as follows:

1. In Sec. 2 par. 1, letter a) is supplemented by the eighth point, which reads as follows:

“8. of a special regulation^{3d}) an employer who determines obligations for the posting of employees to perform work at the provision of services,”.

Note related to reference 3d reads as follows:

“3d) Section 4 of Act No. 351/2015 Coll. on cross-border co-operation in the posting of workers for the performance of works and on the amendment of certain laws.”.

2. In Sec. 6 par. 1, the following letter m) is inserted after letter l), which reads as follows:

“m) publishes at its website information about the working conditions pursuant to a special regulation¹⁴⁾ and information on the employer's obligations pursuant to a special regulation,^{14a)}”.

The hitherto letters m) to v) are referred to as letters n) to w).

Note related to reference 14 and 14a reads as follows:

“14) Sec. 5 par. 2 to 10 of Labour Code.

14a) Sec. 5 par. 10 of Labour Code.

Sec 4 par. 1 to 3 of Act No. 351/2015 Coll.”.

3. In Sec. 6 par. 1 letter o), the words of the “letter m)” are replaced by words of the “letter n)”.

4. Note related to reference 15aa is supplemented by the following citation:

“Act No. 351/2015 Coll.”.

5. Note related to reference 18ad is supplemented by the following citation:

“Act No. 351/2015 Coll.”.

6. In Sec. 14 par. 4 the words “to express or to sign” shall be replaced by “does not express or sign it”.

7. In Sec. 17 par. 1, after the words “paragraph 2” and the words “the physical appearance of the natural person” a comma shall be inserted.

8. In Sec. 19 par. 1 letter a) after the words “third point”, the conjunction “a” is replaced by a comma and after the words “sixth point” the words “and eighth point” shall be inserted.

Article V

This Act enters into force on 18 June, 2016.

Andrej Kiska undersigned
Peter Pellegrini undersigned
Robert Fico undersigned

THE LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION

Directive 2014/67 / EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71 / EC on the posting of workers in the framework of the provision of services, amending Regulation (EU) 1024/2012 on administrative cooperation through the Internal Market Information System ("IMI Regulation") (OJ L 159, 28. 5.2014).

Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31 July 2020).

- 1) Sec. 5 par. 6 of the Labour Code.
- 2) Sec. 5 par. 7 of the Labour Code.
- 3) Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (Official Journal of the European Union, Chapter 19 / Vol. 4; OJ. in. EC L 12, 16. 1. 2001), as amended.

Council Decision of 27 April 2006 on the conclusion of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (2006/325 / EC) (OJ L 120, 5. 2006).

Act No. 183/2011 Coll. on the recognition and enforcement of decisions on the financial penalty in the European Union and on amendments to certain acts.

- 4) Sec. 5 par. 2, 3, 5 and 9 of the Labour Code.
- 5) Sec. 5 par. 12 of the Labour Code.
- 6) Section 99 of the Labour Code.
- 6a) Sec. 5 par. 3 of the Labour Code.
- 7) Directive of the European Parliament and of the Council (EU) 1024/2012 of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49 / EC ("the IMI Regulation") (OJ L 316, 14. 11. 2012), as amended.
- 8) Act of the National Council of the Slovak Republic No. 233/1995 Coll. On Judicial Executors and Executing Activities (the Code of Execution) and on the amendment of other acts as amended.
- 9) Sec. 14 par. 4 letter a) of the Act No. 374/2014 Coll., on state receivables and on amendments to certain laws.
- 10) Sec. 41 par. 2 letter i) of the Act of the National Council of the Slovak Republic No. 233/1995 Coll., in the wording of Act no. 341/2005 Coll.
- 11) Sec 420 to 429 of the Administrative Code of Procedure.
- 12) Article 12. Par. 12.1 The Protocol on the Statute of the European System of Central Banks and of the European Central Bank (OJ C 326, 26. 10. 2012), as amended.
Sec. 28 par. 2 of the Act of the National Council of the Slovak Republic no. 566/1992 Coll. on the National Bank of Slovakia, as amended.
- 13) Section 17 of Act No. 125/2006 Coll., on labour inspection and on the amendment of the Act No. 82/2005 Coll. on illegal labour and illegal employment and on amendments of certain acts, as amended.
- 14) Act No. 71/1967 Coll. on administrative procedure (Administrative Procedure), as amended.