

## INSTRUCTIONS

compliance with the notification obligation relating to the posting of workers in the framework of the provision of services

On the basis of the indications, questions and comments received, we would like to draw your attention to the following concerning the obligation of notification:

- The notification must be done on this portal also in case of **posting from another EEA Member State to Hungary** [i.e. a company resident in an EEA Member State who sends a worker to Hungary in the framework of its service provision activities].
- In case of posting to the opposite direction, i.e. **from Hungary to another EEA Member State, the notification must be made through an electronic portal operated by the host Member State**. For further information on the rules applicable in this case, please find more information of the National Health Insurance Fund of Hungary (former OEP):  
[Http://www.neak.gov.hu/felso\\_menu/lakossagnak/ellatas\\_kulfoldon/biztositasi\\_kotelezetts\\_eg\\_eu\\_szerint/a\\_kikuldetes\\_szabalya\\_az\\_eu\\_ban](http://www.neak.gov.hu/felso_menu/lakossagnak/ellatas_kulfoldon/biztositasi_kotelezetts_eg_eu_szerint/a_kikuldetes_szabalya_az_eu_ban)
- The notification through the portal is limited to Article 9 of Directive 2014/67/EU 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') and Article 8/D of Act LXXV of 1996 on labour inspection, and the A1 **certificate** can NOT be replaced
- In case of a posting from a **non-EEA Member State**, a third country to Hungary, the notification requirement is not based on Article 8/D of Act LXXV of 1996 on labour inspection, but on Section 297 Subsection 4 of the Act I of 2012 on the Labour Code, with the data specified therein. In this case, the notification can be sent without registration to [foglalkoztatas.felugyeleti-foo@itm.gov.hu](mailto:foglalkoztatas.felugyeleti-foo@itm.gov.hu)
- Notification on posting to Hungary can be made after registration. You can access the registration portal by clicking on the 'Register' button. Registration can be done without any disruption, but a number of people have indicated that they are unable to register using older versions of Internet Explorer. This problem can be solved by using other browsers (e.g. Mozilla Firefox, Google Chrome) or by updating Internet Explorer.
- If a problem occurs while registration, the password should be retyped, distinguishing between upper and lower case letters. If this is unsuccessful, it is advisable to try

another registration, as the notification can be made by any person, essentially with any e-mail address.

Once you have completed the registration at [www.ommf.gov.hu](http://www.ommf.gov.hu), you will receive an automatic confirmation- to the email address you provided during registration- after the data procession. However, the notifier does not receive any specific electronic feedback on the notification after the registration. The notifications and related records can be checked any time with the previously registered username and password at the bottom of the reporting page, under the heading 'Previous notifications' by clicking on the notification identifier. Notifications are controlled by the Ministry for Innovation and Technology's Department of Labour Inspections on a weekly basis. If the verification of the information reveals a serious deficiency or error, it shall be indicated by the Department of Labour Inspections to the notifier.

- The website also allows for problem notifications or requests for information in English. The English version of the page can be accessed by clicking on the English flag/English button, where you can click on the 'Information' button to find out more about posting and you can ask questions on this subject by clicking on the 'Questions' button.
- The employer may not be registered again with the same e-mail address, since only one e-mail address can be associated with a registration.
- Changes in the information given in the notification, or changes in the posting shall be notified through the system. A modification of the notification and, where appropriate, the deletion of such notification, due to the failure of posting, may be made before the start of the posting. It is also possible to amend and delete the notification through the electronic portal set up for providing the information. It is possible to take the necessary action with your previously registered username and password, after clicking on the name of the application.

### **ON COMPLETION**

- Under the heading "**Identification name of the notification (optional)**" any identifier freely chosen may be entered. The function of this box is that the notifier may subsequently retrieve, repair or delete their notification. It is proposed to select an identifier by means of which the notification in question may be easily identified at a later stage and may be separated from the other notifications (e.g. identifier with serial numbers or dates).

### **Service provider details**

- Under the heading **‘Service Provider’**, the name of the foreign company providing services in Hungary and posting the worker in Hungary is required.
- In the box **‘Name of the service provider, name of the EEA State in which the nationality of another EEA State is registered or, in the case of an organisation without legal personality, the registration of the EEA State of nationality and the registration number of the provider’** a registration number issued by a public authority shall be required that uniquely identifies the company (e.g. a tax number, company registration number).

### **Information on the activity**

- Under the heading “designation of the service activity intended to be carried out” specify the economic activity (sector, scope of activity) covered by the service contract for which the worker(s) is(are) posted to Hungary.
- If the pursuit of the service activity which is intended to be performed by a foreign employer in Hungary is subject to conditions of specific legislation (such as the existence of special permits or qualifications), the information required by the relevant legislation shall be indicated under the heading **“Information laid down by specific legislation on the right to take up and pursue the given service activity”**. Completion of this box is, therefore, mandatory only if there is information which is required by law for the performance of a service activity.
- **‘The authority responsible for authorising or maintaining the register’** is to be understood as the authority referred to in the separate legislation governing the right to carry out a service activity, as described in the previous point, and the name of that authority must therefore be indicated in the box in question. This box should also be filled in only if there is information the notification of which is required by law.
- Under the heading **‘Operator’s licence number or registration number (if the service activity of the service provider is subject to authorisation or registration in the EEA State where the service provider is established)’**, it is necessary to fill in the information relating to the foreign company posting the worker.

### **Information relating to the performance of work**

- In the **calendar for indicating the start and end of the posting** on the reporting portal, it is not possible to mark a date before the date of notification. In case the posting started prior to the date of notification, or, missions concluded prior to the date of notification, a manual indication of the dates is appropriate.

- In the box “**Description of the nature of the service giving rise to the posting**” it is necessary to specify the nature of the work concerned, such as the description of the duties performed by the posted worker.
- After the notifications, the saved forms are available at the bottom of the reporting portal under the heading ‘**Previous notifications**’. It is possible to **modify** the given data and to save the notification again by clicking on the notification identifier.
- All fields **marked with an asterisk are required to be completed** in the notification document. The notification cannot be sent without filling a field marked with an asterisk.
- **For each posting** an application form must be completed. Therefore, where a number of workers are to be declared with the same place of employment and with the same posting period, it is not necessary to provide individual data, it is sufficient to list the workers to be employed in a single notification, according to the place of work.
- The notification of a **posting** can be made by any person (both the foreign employer and the person mandated by it or the Hungarian company), and it is not relevant who completed the notification in case of a possible labour inspection at the employer. (It is not possible on the notification portal to upload the electronic version of the mandatam, or not required to send it by e-mail, it is enough if it is presented at the authority’s request in the event of a possible labour inspection.)

From the point of view of social security obligations, the **maximum authorised duration of a posting in respect of the place where it is established is 24 months** pursuant to Article 12 Paragraph 1 of Regulation (EC) No 883/2004 on the coordination of social security systems. Subsequently, posted workers are subject to declaration by the employer to the social security system of the Member State where the service is provided.