

Posting in France: new developments

Specific obligations have to be fulfilled when Luxembourgish employees are posted in France. An **electronic posting declaration** (SIPSI) in particular is required before starting to work. A number of flexibility measures have been introduced since 1 July 2019:

- The posting company must designate a representative in France to liaise with the inspectors. As of 1 July 2019, this **designation** is no longer subject to a specific formality and can be **included directly in the prior declaration of posting** (SIPSI).
- Employers of 4 categories of workers are now **exempted from the obligation of an SIPSI and of designating a representative in France**:
 - **Artists**: maximum period of activity limited to 90 days/12 consecutive months;
 - **Participants in colloquia, seminars and scientific events, as well as professors and researchers** invited to engage in teaching activities on an occasional basis: maximum period of activity limited to 12 consecutive months;
 - **Apprentices** on short-term mobility in a company in France under their theoretical or practical training, in pursuance of a tripartite agreement: maximum period of activity limited to 12 consecutive months;
 - **Athletes and referees**: maximum period of activity limited to 90 days/12 consecutive months.

Please note that the employer has **15 days to provide the required documents** to the French inspection services.

- **Foreign employers** who post workers in France **for their own account** and without an agreement with a French principal are also exempted **from the obligation of an SIPSI and from having to designate a representative in France**.

As regards penalties, employers who do not fulfil their obligations may be subject to a temporary prohibition of activity for 2 months. The time limitation for the collection of fines is now 5 years.



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