

EU service performance / Check list Rendering of trade-related services in Germany

1. Obligation borne by the EU service provider to register with the Chamber of Crafts (Handwerkskammer)

a. EU service provider with a place of business

If the EU service provider has a place of business in Germany, this must be registered with the Chamber of Crafts (Handwerkskammer).

b. Temporary activity of the EU service provider

Pursuant to Section 8 of the EU / EEA Trade Ordinance (EU-/EWR-Handwerk-Verordnung [HwV]), a temporary trade activity rendered by an EU service provider, which is subject to authorisation (Appendix A of the HwO]) necessitates a prior registration with the Chamber of Crafts (Handwerkskammer). The EU service provider must also include the following information with this registration pertaining to the rendering of temporary services:

- Copy of passport / ID card
- Copy of the qualification certificate pertaining to the profession in question
- EU certification originating from the country of the business' permanent establishment

For further information, please consult our "Data Sheet - Section 8 of the EU / EEA Trade Ordinance (EU-/EWR-Handwerk-Verordnung [HwV])" and the registration form pertaining to Section 8 of the EU / EEA Trade Ordinance (EU-/EWR-Handwerk-Verordnung [HwV]) which can be found here <http://www.hwk-karlsruhe.de/handwerksrolle>.

Please note: In health trade professions and in the chimney sweep trade, an examination covering technical knowledge can be mandated.

2. Deployment of members of staff

Pursuant to German laws pertaining to the deployment of members of staff (in short: AEntG) the EU service provider must register all members of staff employed in Germany with the customs authorities in the city of Cologne, before commencing with the execution of professional activities. Customs authorities frequently conduct inspections on construction sites!

Registrations are to be submitted electronically via the portal <http://www.meldeportal-mindestlohn.de>.

Please note: This provision shall not apply to self-employed "one-man bands".

3. Validity of German minimum working conditions and wages

Pursuant to German laws pertaining to the deployment of members of staff (AEntG) the EU service provider is obligated to comply without exception with the valid laws governing minimum working conditions and wages in Germany, for the members of staff it deploys. Since January 1, 2020, a minimum of € 9.35 gross per hour has been provided. In particular, higher industry-wide minimum wages must be acknowledged for commercial trades including construction, painting and decorating, roofing and building cleaning.

Further information can be found here www.der-mindestlohn-wirkt.de.

4. Fiscal reporting obligations

Pursuant to the German Ordinance on Sales Tax Jurisdiction (Umsatzsteuer-zuständigkeitsverordnung) special jurisdiction exists for individual tax authorities at state level for the sales tax of individual foreign entrepreneurs. These tax authorities disclose information pertaining to the necessity of a registration and the associated procedure.

Further information regarding the state jurisdiction of individual tax authorities can be found here <http://www.bzst.de>.

5. Obligation to register and contribute borne by the EU service provider pertaining to the SOKA-Bau (Annual Leave and Wage Equalisation Fund)

EU service providers, whose members of staff are deployed to Germany and employed within the construction trade, are liable to pay contributions. If the company participates in a comparable annual leave fund located in the deploying country, an application may be submitted for payment relief. Further information can be obtained here www.soka-bau.de (Category "Europe").

6. Social security and health insurance for deployed members of staff

Members of staff deployed within all EU / EEA member states continue to hold social security and health insurance within the deploying country. Social security insurance for those deployed members of staff is verified by the European-wide recognised A1 form (formally E-101). Information regarding the EU liaison offices for social security insurance can be obtained from the Chamber of Crafts (Handwerkskammer).

Disclaimer

This check list was compiled with the greatest level of care. No liability can, however, be accepted for its correctness or integrity.

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