



APPROVED

International Process Guidelines

Legislation Applicable Sector

LA_BUC_04 - Notification of Posting

Date: 01/09/2019

Version of guidelines document: 4.2.0

Based on: LA_BUC_04 version 4.2.0

Common Data Model version 4.2.0

TABLE OF CONTENTS

LA_BUC_04 – Notification of Posting	4
How to start this BUC?.....	5
What is my role in the social security exchange of information I have to complete?.....	5
CO.1 Who do I need to notify?	5
CO.2 How do I identify the correct institution(s) to exchange information with?	5
CO.3 How do I send a ‘Notification of posting’ SED A009?.....	6
CO.4 How do I issue a Portable Document PD A1 (formal attestation) to a citizen on the applicable social security legislation that shows the legislation of my state is applicable to the citizen and that there is no obligation to pay social contributions in another Member State?	6
CO.5 How do I proceed after sending all notifications?	6
CP.1 What should I do if I have received the SED A009?.....	7
BPMN diagram for LA_BUC_04	8
Structured Electronic Documents (SEDs) used in the process	8
Portable Documents.....	8
Administrative sub-processes	8

Document history:

Revision	Date	Created by	Short Description of Changes
V0.1	07/04/2017	Secretariat	First draft of the document submitted for review to the Legislation Applicable Ad Hoc group
V0.2	12/05/2017	Secretariat	Implement changes and updates following the AHG comments. Version submitted for AC review.
V0.99	14/06/2017	Secretariat	Implement changes and updates following the AC comments. Version submitted for AC approval
V1.0	13/07/2017	Secretariat	AC approved version With minor formatting and clarification corrections
V1.1.0	18/09/2017	Secretariat	Change determined by the change in LA_BUC_04 version 1.1.0, corresponding to change request EESSI-1788 (Remove the ADD PARTICIPANT and make BUC bilateral).
V4.1.0	01/10/2018	Secretariat	Performed patch changes to reference the new CDM version 4.1.0.
V4.2.0	01/09/2019	Secretariat	Performed patch changes to reference the new CDM version 4.2.0

LA_BUC_04 – Notification of Posting

Description: The role of LA_BUC_04 is to allow an institution from one Member State to inform the Competent Institutions in another Member State that a person was posted i.e. sent to the territory of their Member State or that a self-employed person is pursuing activity there in accordance with Art. 12 of Regulation (EC) No 883/2004.

Example: The most simple and common scenario is where the Case Owner has issued a PD A1 and sends a 'Notification of Posting' SED A009 to the identified Counterparty. After the waiting period of 30 days, the Case Owner has not received any comments and thus closes the case using the Administrative sub-process AD_BUC_01 'Close Case'. In general, you do not receive a specific reply to SED A009.

Legal base: LA_BUC_04 is based on Regulation No 883/2004 and Implementing Regulation No 987/2009. The following table specifies SEDs used in this BUC and documents the articles that provide the legal basis for each SED:

	Basic Regulation No 883/2004	Implementing Regulation No 987/2009
SED	12	15
A009 – Notification of Posting	✓	✓

Glossary of relevant terms used in LA_BUC_04:

Term used	Description
<i>Case Owner</i>	In this BUC the Case Owner is a Competent Institution who notifies other Competent Institution about the posting.
<i>Counterparty</i>	In this BUC the Counterparty is a Competent Institution who is being notified about a posting.
<i>Citizen</i>	In this BUC the citizen (or alternatively also Employer in accordance with Art.19(2) of Implementing Regulation No 987/2009) is the beneficiary of the Portable Document PD A1, which is a formal statement on the applicable social security legislation. It shows the legislation of a certain state is applicable to the citizen and that there is no obligation to pay social contributions in another Member State.

How to start this BUC?

In order to help you understand the LA_BUC_04 we have created a set of questions that will guide you through the main scenario of the process as well as possible sub-scenarios or options available at each step along the way. Ask yourself each question and click on one of the hyperlinks that will guide you to the answer in the next step within this document or to another separate file. You will notice that in some of the steps, where it is allowed to use the additional horizontal and administrative sub-processes. They will be listed under the step description.

What is my role in the social security exchange of information I have to complete?

If you are the Competent Institution of a Member State that notifies a Competent Institution in other Member State that an employee /a self-employed person is carrying out activities on the territory of the respective other Member State, your role will be defined as the **Case Owner**.

[I am the Case Owner.](#) (step CO.1)

If you are the Competent Institution that receives an A009 SED from a Competent Institution of another Member State in order to be informed about the posting situation, your role will be defined as the **Counterparty**.

[I am the Counterparty.](#) (step CP.1)

CO.1 Who do I need to notify?

As the Case Owner, your first step will be to identify the responsible Member State that you need to notify about the posting. The second step is to identify the relevant institution in the Member State that is responsible for the information you require. In this Business Use Case, the institution can be chosen only among the institutions responsible for the applicable legislation and Article 12 of Basic Regulation. This activity will define the Counterparty you will be working with.

[I need to identify the Counterparty or Counterparties.](#) (step CO.2)

[I have identified the Counterparty or Counterparties I need to contact.](#)(step CO.3)

CO.2 How do I identify the correct institution(s) to exchange information with?

In order to determine the relevant Competent Institution from other Member State you will need to consult the Institution Repository (IR). The IR provides an electronic record of all current and previous Competent Institutions and Liaison Bodies that have been responsible for the cross border coordination of social security information for each of the relevant Member States.

Please note that the Liaison Body should be chosen only if it is impossible to identify the correct Competent Institution in the respective Member State or if the case is handled by the Liaison Body.

To access the IR please use the following [link](#).

[I have now identified the Competent Institution\(s\) from the Member State\(s\) I need to contact.](#) (step CO.3)

CO.3 How do I send a 'Notification of posting' SED A009?

Fill out the 'Notification of Posting' [SED A009](#) by entering all the required information. Afterwards, you send the SED A009 to the identified Counterparty.

In general, you do not receive a specific reply to A009. You can send an individual SED A009 to each Counterparty. The step of sending A009 is repeatable.

[I do not wish to send further 'Notifications of Posting' or issue Portable Documents.](#)(step CO.5)

[I want to issue a Portable Document PD A1 \(formal attestation\) to a citizen on the applicable social security legislation proving the citizen is a posted worker from my Member State and does not have to pay social contributions in another Member State.](#)(step CO.4)

Sub-process steps available to the Case Owner at this stage:

[I want to forward the case to another Competent Institution in my Member State because I am no longer competent to treat it \(AD_BUC_05\).](#)

[I want to invalidate the sent SED \(AD_BUC_06\).](#)

[I want to update the information contained in the sent SED \(AD_BUC_10\).](#)

CO.4 How do I issue a Portable Document PD A1 (formal attestation) to a citizen on the applicable social security legislation that shows the legislation of my state is applicable to the citizen and that there is no obligation to pay social contributions in another Member State?

In order to issue a formal attestation to the citizen on the applicable social security laws that shows the legislation of a certain state is applicable to the citizen and that there is no obligation to pay social contributions in another Member State, you need to issue a Portable Document [PD A1](#) to the citizen. The step of issuing PD A1 can be repeated.

[I want to send notification of posting \(SED A009\) to other Counterparty.](#)(step CO.3)

[I finished sending notification of posting \(SED A009\) to Counterparty and do not want to issue further Portable Documents \(A1\).](#)(step CO.5)

Sub-process steps available to the Case Owner at this stage:

[I want to forward the case to another Competent Institution in my Member State because I am no longer competent to treat it \(AD_BUC_05\).](#)

[I want to invalidate the sent SED \(AD_BUC_06\).](#)

[I want to update the information contained in the sent SED \(AD_BUC_10\).](#)

CO.5 How do I proceed after sending all notifications?

After you sent the notification of posting (SED A009) you now wait for a period of 30 calendar days for the Counterparty to review the 'Notification of Posting' [SED A009](#), after which you have to close the case using the [Administrative sub-process AD_BUC_01 – Close Case](#).

Sub-process steps available to the Case Owner before closing the case with AD_BUC_01:

[I want to forward the case to another Competent Institution in my Member State because I am no longer competent to treat it \(AD_BUC_05\).](#)

[I want to invalidate the sent SED \(AD_BUC_06\).](#)

[I want to update the information contained in the sent SED \(AD_BUC_10\).](#)

Sub-process steps available to the Case Owner after closing the case with AD_BUC_01:

[I want to reopen this case after it has been closed \(AD_BUC_02\).](#)

CP.1 What should I do if I have received the SED A009?

If you have received a 'Notification of Posting' [SED A009](#) from the Case Owner, you may now review it within a period of 30 calendar days. Afterwards, the case will be closed by the Case Owner, and the case ends here.

Sub-process steps available to the Counterparty before the case has been closed by the Case Owner:

[I want to forward the case to another Competent Institution in my Member State because I am no longer competent to treat it \(AD_BUC_05\).](#)

Sub-process steps available to the Counterparty after the case has been closed by the Case Owner:

[I want to reopen this case after it has been closed \(AD_BUC_02\).](#)

BPMN diagram for LA_BUC_04

Click [here](#) to open the BPMN diagram(s) for LA_BUC_04.

Structured Electronic Documents (SEDs) used in the process

The following SED is used in LA_BUC_04:

- [SED A009 – Notification of Posting](#)

Portable Documents

The following Portable Document is used in LA_BUC_04:

- [PD A1](#)

Administrative sub-processes

The following administrative sub-processes are used in LA_BUC_04:

- [AD_BUC_01 Sub-process – Close Case](#)
- [AD_BUC_02 Sub-process – Reopen Case](#)
- [AD_BUC_05 Sub-process – Forward Case](#)
- [AD_BUC_06 Sub-process – Invalidate SED](#)
- [AD_BUC_10 Sub-process – Update SED](#)

The following technical administrative sub-processes can be used at any point in the process:

- [AD_BUC_11 Sub-process – Business Exception](#)
- [AD_BUC_12 Subprocess – Change of Participant](#)