**Applying exceptions pursuant to Article 16 of Regulation (EC) No 883/2004**

In accordance with the Regulations, the duration of posting may not exceed 24 months, but competent authorities of Member States may agree on exceptions from the provisions of the Regulation in the interest of certain persons. The agreement means that the person is subject to the legislation of a Member State, even though the social security legislation of another EU Member State applies to them according to provisions of the Regulation. The agreement must be based on the interests and benefits of workers.

For example, if it is known that the expected duration of posting will exceed 24 months, the employer or the person in question must submit a request to the VSAA in a timely manner. The exception must be agreed by the VSAA with the competent authority of the country of employment. If a positive decision is made, the VSAA issues the A1 certificate; the maximum validity of the A1 certificate when an exception is applied is 5 years.

The agreement referred to in Article 16 is also applicable in order to permit **posting for a retrospective** **period** that affects the employee’s interests, for example where the legislation of an incorrect Member State were applied. However, such consideration of a past situation is only permissible as an exception.

If no request to extend the period of posting beyond 24 months is submitted or if, following submission of a request, the countries involved do not reach an agreement on extending the application of the legislation of the posting country pursuant to Article 16 of the Regulation, then immediately after the expiry of the posting period, the person becomes subject to the legislation of the Member State where they in fact work.



VSAA izmanto Eiropas Darba iestādes atbalstu

tulkojumu nodrošināšanā