

# Ordinance Amending the Minimum Wage Reporting Ordinance

of 31 October 2016

On the basis of section 16 subsection (5) number 1 of the Minimum Wage Act (*Mindestlohngesetz*) of 11 August 2014 (Federal Law Gazette I, p. 1348), section 18 subsection (5) number 1 of the Posted Workers Act (*Arbeitnehmer-Entsendegesetz*) of 20 April 2009 (Federal Law Gazette I, p. 799) and section 17b subsection (3) number 1 of the Provision of Temporary Workers Act (*Arbeitnehmerüberlassungsgesetz*), as inserted by Article 1 number 3 of the Act of 20 July 2011 (Federal Law Gazette I, p. 1506), the Federal Ministry of Finance, in agreement with the Federal Ministry of Labour and Social Affairs, orders as follows:

## Article 1

### Amendment to the Minimum Wage Reporting Ordinance (*Mindestlohnmeldeverordnung*)

The Minimum Wage Reporting Ordinance of 26 November 2014 (Federal Law Gazette I, p. 1825) shall be amended as follows:

1. Section 1 shall be worded as follows:

“Section 1

Notifications

(1) Employers domiciled abroad shall submit electronically notifications pursuant to section 16 subsection (1) of the Minimum Wage Act and section 18 subsection (1) of the Posted Workers Act as well as declarations pursuant to section 16 subsection (2) of the Minimum Wage Act and section 18 subsection (2) of the Posted Workers Act. Electronic submissions are to be made using the website provided by the customs administration for this purpose.

(2) Subsection (1) above shall apply *mutatis mutandis* to users of labour

1. with regard to notifications
  - a) pursuant to section 16 subsection (3) of the Minimum Wage Act,
  - b) pursuant to section 18 subsection (3) of the Posted Workers Act, and
  - c) pursuant to section 17b subsection (1) of the Provision of Temporary Workers Act as well as
2. with regard to declarations
  - a) pursuant to section 16 subsection (4) of the Minimum Wage Act,
  - b) pursuant to section 18 subsection (4) of the Posted Workers Act and
  - c) pursuant to section 17b subsection (2) of the Provision of Temporary Workers Act.

(3) With regard to electronic submissions pursuant to subsections (1) and (2) above, the customs administration must use systems that are state-of-the-art and that guarantee the confidentiality and integrity of the data. Where publicly accessible networks are used, the data submitted via the website must be encrypted end-to-end. Each notification as well as the data sets contained within are to be given a unique identifier by the system.”

2. The following section 4 shall be inserted after section 3:

“Section 4

Transitional arrangement

By way of derogation from section 1 subsections (1) and (2) above, the printed forms that were previously provided by the customs administration may be used for notifications and submitted to the competent authority of the customs administration until 30 June 2017.”

3. The previous section 4 shall become section 5.

## **Article 2**

### **Additional amendment to the Minimum Wage Reporting Ordinance**

The Minimum Wage Reporting Ordinance of 26 November 2014 (Federal Law Gazette I, p. 1825), which was most recently amended by Article 1 of this Ordinance, shall be amended as follows:

1. Section 4 shall be repealed.
2. Section 5 shall become section 4.

## **Article 3**

### **Entry into force**

(1) Subject to the provisions of paragraph 2 below, this Ordinance shall enter into force on 1 January 2017.

- (2) Article 2 shall enter into force on 1 July 2017.