

Five questions and answers about Form A1

Whereas Luxembourg recently introduced a bill to simplify the procedure for short-term posting to the Grand Duchy, the formalities for posting employees abroad from Luxembourg remain unchanged. This is an opportunity for us to post some questions and answers about the indispensable Form A1.

For whom is Form A1 required?

A1 is a document that has to be requested from the competent authority in the event of:

=> simultaneous employment in several Member States in the European Economic Area; or

=> posting.

Example of simultaneous employment: A worker residing in Luxembourg works 50% in Luxembourg and 50% in Belgium for a Luxembourgish employer. In such a case, the Luxembourgish social security system applies and Form A1 is required. More specifically, salaried employees who carry out a substantial part of their occupational activity in their country of residence will be affiliated in that country. The substantial activity in the country of residence is defined as representing more than 25% of the working time and/or the remuneration in said country.

Example of posting: a worker who is usually employed in Luxembourg is sent to a host company in France for a period of 12 months. As this is a posting (temporary assignment abroad), the worker continues to fall under the Luxembourgish social security system, on condition that the foreseeable period of this assignment does not exceed 24 months and that the person is not sent to replace another posted person. Form A1 is required. It is worth noting that the immediate posting is moreover subject to an additional condition: the recruited person to be posted must have been affiliated for at least one month with the Luxembourgish social security before his or her posting.

Example of posting (business trip): a worker who is usually employed in Luxembourg goes to France for one day under the performance of his or her contract of employment. As this is a posting (temporary assignment abroad), the employee continues to fall under the Luxembourgish social security system. Even if the assignment is of a very short period, Form A1 is required. The same applies to workers who will undergo training abroad in connection with their work.

What is the purpose of Form A1?

Form A1 attests to the social security system applicable in the event of international employment. The worker uses this form to show to the competent authorities of the country or countries where he works that he is already affiliated (and pays contributions) in another country.

The worker concerned must therefore be in possession of this document during the entire period of his or her employment. The employer must keep a copy thereof.

Example: A posted worker is subject to the Luxembourgish social security system. Form A1, issued by the Luxembourgish authorities, provides proof thereof.

Example: A worker employed in several Member States simultaneously falls under the Belgian social security system. Form A1, issued by the Belgian authority, provides proof thereof.

What is the period of validity of Form A1?

In the event of posting, the form is issued for the period of said posting, with a maximum of 24 months. The posting can nonetheless be extended up to 5 years by way of exemption.

In the event of simultaneous employment the form is used for the period of such simultaneous employment with a maximum of one year as of the date of application. It may be renewed, each time for 12 months.

The application for an extension is to be filed before the expiry of the initial Form A1.

When should the application for Form A1 be filed? Are you penalized if you apply late?

Form A1 must in theory be requested before the start of international employment. It may, however, be applied for with retroactive effect.

Some countries apply substantial fines. In France, for instance, you risk having to pay a fine of €3,269 if your worker is not in possession of his or her Form A1!

Where and how can Form A1 be requested?

You must request the form from the social security authorities of the country in which your worker will be affiliated.

In Luxembourg, the competent authority is the *Centre Commun de la Sécurité Sociale* (CCSS) [Joint Social Security Centre]. The request for certification in the event of employment abroad (posting or simultaneous employment) can be downloaded from the CCSS website, under the heading “employee,” then under “posting.”

If the Luxembourgish social security system is applicable, the CCSS will send Form A1 to the residence of the worker concerned by post.

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