

SOCIAL PARTNERS HEARING ON THE FAIR LABOUR MOBILITY PACKAGE

Employers input

24 November 2025

Introduction

This note outlines employers' views on the upcoming Fair Labour Mobility Package. It is important that this Package is a strategic enabler of mobility in Europe and that it constitutes a genuine approach to simplification of the rules and procedures with the aim of promoting and facilitating mobility. This is particularly important in terms of the role that mobility can play in helping to overcome persistent labour and skills shortages, while preserving fair competition.

European Labour Authority

Employers have continuously expressed the view that **ELA can make further strides forward in its stated aim of supporting fair and effective mobility within its current mandate**. As such, we continue to believe that it is **premature for the Commission to initiate a revision of ELA's founding regulation**. Instead, the focus should be on maximising the potential of the existing mandate, rather than negotiating a new mandate.

This approach is endorsed by the recent evaluation of ELA, which was conducted by the European Commission, and that points out that there is room to improve ELA's performance based on its current mandate and objectives. It also notes that **"despite calls for the strengthening of ELA's mandate, the evaluation does not point to a pressing need for the revision of the mandate"**. The action plan that ELA is now working on to further develop its work within the current mandate is an important element that needs to reflect not only the outcomes of the evaluation, but also the priorities that cross-industry and sectoral social partners and Member States have for the Authority in the coming years and that these priorities are sufficiently taken into account.

Among these priorities, it is essential that any potential revision of the mandate **must not interfere with the voluntary nature of inspections** that ELA supports. ELA's role in this respect should be one of facilitator and not initiator. It is critical that ELA's role regarding inspections respect national labour market models and comply with legal standards in Member States. Employers cannot support any revision, where the voluntary nature of inspections is not upheld.

Another key priority for employers is the creation of an ELA helpdesk, following on from the feasibility study that has been undertaken. Such a helpdesk should provide practical, trusted and on-demand advice and support to employers and mobile workers via written and web-based information and through direct exchange online and/or by phone.

The helpdesk should form part of a broader strengthening of ELA's information provision. This includes ensuring that Article 5 of the mandate remains focused, neutral and balanced,

improving the accessibility, multilingual availability and accuracy of national information portals. ELA should develop common templates, minimum information standards and support Member States in making posting, remuneration and A1 information clearer and more user-friendly.

Closely associated with ELA's work on inspections, if there were a targeted revision of ELA's mandate, the issue of facilitating ELA's access to relevant data is one that we might consider as being relevant.

ELA should have a bigger focus on promoting the free movement of labour. This could be done by assessing barriers to freedom of movement, such as best practices in the national implementations of the Enforcement Directive and the requirements for obtaining PD A1s.

Lastly, as concerns the possibility of broadening ELA's mandate in relation to **third country nationals**, this should focus on the use of bilateral agreements with third countries to provide information to third country nationals about their rights and responsibilities before entering the EU.

Digitalisation and social security coordination

Cooperation between Member States in social security matters should be facilitated through better utilising digitalised processes, including the use of the Electronic Exchange of Social Security Information (EESSI) system and the further development of the European Social Security Pass (ESSPASS). It is now time for the ESSPASS to move beyond a pilot and to a fully-fledged proposal. The Mutual Information System on Social Protection (MISSOC) contains a wealth of information that could feed into the development of the ESSPASS. Employers recommend ensuring that digital tools are interoperable and based on the principle of 'once only'. This is specifically key for SMEs and to overcome the fragmentation of documentation, be it in paper or digital form.

Digitalisation can also support efforts to facilitate the processes outlined in Regulation 883/04 on the coordination of social security. In this respect, the discussion around the Package can support the case for concluding the revision of this Regulation. In the context of the discussions on this Regulation, it is time to bring this lengthy negotiation process to a close under the Cyprus Presidency. This includes exemptions from prior notification for business trips and short-term postings, with a further exemption from this approach for the construction sector. It also entails agreeing on the approach to facilitating the prior recognition of worker mobility or posting, when needed, through a simple, automatically generated acknowledgment of receipt that follows the online submission of an A1 form. This would be a welcome step forward in simplifying the notification process.

The ongoing process towards concluding the negotiations on a common posting eDeclaration are also very important as part of the simplification agenda in the area of mobility. It is essential that this initiative brings clarity and legal certainty within a simplified approach. In this respect, we are worried about recent developments in the trilogues as they seem to go towards overcomplication of this universal digital tool rather than keeping it lean and simple as proposed by the Commission in November 2024 and confirmed - with relatively limited additions - by the Council in its General Approach in May 2025. It is vital for the European Commission to avoid during trilogues that there will be too many datapoints. In addition, as the eDeclaration is a voluntary tool for Member States, the Commission should still evaluate and keep monitoring the proportionality of the existing notification systems.

Digital tools are a valid support for increasing compliance. We would also envisage a single process to merge the approaches related to issuing A1 forms, ESSPASS and the eDeclaration.

Such an integrated process would substantially reduce duplication and repeated data submissions, provide a single, predictable point of interaction for employers, and ensure that social security confirmation and posting declarations are aligned. It would also enhance legal certainty for companies and mobile workers, facilitate checks for authorities, and support a more efficient digital environment—particularly when combined with the rollout of the ESSPASS and the European Digital Identity Wallet.

ELA should also continue its preliminary work on a voluntary remuneration calculator, which should be developed in cooperation with employers, and consider including a gross and net wages calculator as part of this initiative in order to give a complete picture of the information.

Skills portability and recognition of skills and qualifications

In the context of labour and skills shortages, mobility is one element that can help to alleviate shortages through improved skills matching. Therefore, a better understanding (and recognition, where needed) of qualifications within the EU and from people arriving from third countries can further support job and skills matching. In this respect, the proposal that is to come in the upcoming Package can broadly be considered a welcome initiative, whilst ensuring that the levels of quality of services remains high.

We can welcome the commitment to enhancing skills portability and recognition (where necessary) across the Single Market. It is important to ensure seamless integration within existing national qualification systems, avoiding duplication or administrative burdens, especially for SMEs. Regardless of how or where skills are acquired, they should be transparent and easily understandable across borders. The potential broadening of an approach around digital credentials, which could be stored in the EU digital wallet, could also help to foster skills portability by displaying the qualifications and training that people have undertaken in an easily accessible way. In this respect, there could be the potential for synergies with the ESSPASS, as above.

We will comment further on this issue as part of the dedicated social partners hearing on skills portability that is to follow in January.

Circular mobility

The Fair Labour Mobility Package should also promote circular mobility and return mobility, enabling workers to move, gain experience, and return without administrative barriers. Facilitating recognition of experience gained abroad and smooth re-entry procedures would make mobility more sustainable and beneficial for both workers and employers.

Cross-border supply chains – subcontracting

Subcontracting is an important strategic tool for optimising resources. Employers are concerned that introducing new legislation in this area could undermine enterprises' competitiveness and productivity and endanger the freedom to conduct business.

The existing EU rules are sufficient, and the Commission should therefore focus on enforcement rather than creating new legislation. In particular, proposals to cap subcontracting tiers or extend direct liability would be especially problematic, as they would harm the competitiveness of law-abiding companies without tackling the root causes of non-compliance.

In relation to mobility specifically, when problems occur involving workers in subcontracting chains, these do not relate to a lack of EU legislation, but to an insufficient enforcement of the applicable rules on the ground by Member States and their authorities. It may be more

appropriate to strengthen the implementation of existing regulations in the EU and promote transparency with clear contractual obligations. It is also worth recalling that Article 12 of the 2014 Enforcement Directive on posting of workers includes specific provision on subcontracting liability.

The European Employers Institute has recently published a study on subcontracting: <https://eei-institute.eu/publications/restricting-subcontracting-practices-a-legal-perspective/>

Third country nationals

Employers stress that legal economic migration is very important to manage labour force shortages in the EU. We make a clear difference between the aspects related to legally entering the EU territory by the third country nationals and those related to their employment/mobility/posting within Europe. Employers shall not be made responsible for checking administrative compliance nor held responsible in case of incomplete admission procedures. Posting of third country nationals should be governed by the same rules as posting of the EU nationals – the assumption is that the admitted third country nationals reside at the EU territory legally. Employers do not support the idea of a separate directive for the posted third country nationals. However, it is important that as many legally staying migrants as possible are entitled and encouraged to work. In this respect, we call for a targeted revision of the Family Reunification Directive to strengthen and facilitate the labour market participation of family reunification migrants. This would support the labour market activation of a key group of currently inactive workers as well as widen a pool of people that contribute to national social security systems and make them more sustainable.

The same concerns undeclared work: all abuses shall be eliminated, and the same efforts should be made to eradicate undeclared work among third country nationals as are made in relation to the EU nationals. Employers believes that sectoral initiatives (e.g. implemented in the construction or transport sector) addressed to the third country migrant workers are very appropriate as they take into consideration specificities of a given sector.

An additional element is the setting up of the **EU Talent Pool**. With the trilogue negotiations recently concluded, we welcome this initiative and hope it can realise its potential in supporting the skills and job matching of third country nationals coming to the EU. We advise a prudent national implementation of the regulation, which minimizes barriers and administrative burdens for companies using the platform.
