

## POSITION PAPER

# Fair labour mobility in the Single Market

Brussels, 15 July 2026

The European Commission has announced the launch of a “Fair Labour Mobility Package” (hereafter: FLMP) for the end of 2026. With this position paper, Ceemet wishes to contribute to the preparation of the FLMP and to outline more generally its position regarding labour mobility in the EU.

This paper first sets out why labour mobility (especially posting) matters for the MET industries, then describes the administrative obstacles companies face on the ground, and finally puts forward concrete, practical solutions to remove them while preserving the protection of workers.

## Executive summary

### 1. Promote a positive narrative of labour mobility and legal migration

Labour mobility can support competitiveness, innovation, industrial investment and the successful delivery of strategic projects across Europe. The reduction of administrative burden, a holistic approach to allow better alignment and merging of procedures, and embracing digital tools and procedures, can **boost the competitiveness of MET companies**. This is why a positive narrative of labour mobility and migration is important. It will also make Europe a prosperous and popular place to work for skilled workers. The Talent Pool can be an important steppingstone to attract third country nationals (TCN).

### 2. Better enforcement of existing rules rather than additional legislation

We do not need new legislation, but a clear explanation of the existing rules. **Priority must be given to access of clear and easy to understand information on rules**. The Single National Website (SNW) of all member states should follow the same structure. A remuneration calculator will help employers, employees and inspectors. A helpdesk at ELA would help questions on posting by employers.

We need better enforcement of existing rules, to tackle illegal and – even criminal – situations, rather than additional legislation.

### 3. Alignment of exemptions under social security and labour law

As a first step, Ceemet calls on the Commission to urge Member States to **optimise the use of legal possibilities in the relevant current European** legislation on labour mobility. Proper transposition of the POWD in national legislation is crucial. The exemption foreseen in Art. 3, 2 of POWD is not transposed in all MSs.

In addition, Ceemet calls to **align the exemption of prior notifications** foreseen in social security regulations also in employment legislation. Indeed, Ceemet welcomes the exemption of prior notification (A1 document) for business trips and for short postings of three days in a period of 30 days, in the revised Regulations<sup>1</sup>, 883/2004 and 987/2009 on the coordination of social security systems and suggests aligning this exemption of prior notification for social security also in the prior posting notification in labour law.

### 4. Simplify procedures, especially for short-term postings

A second step is to avoid overlaps of the procedures that companies must go through. Indeed, not only the **result** but also **the administrative procedures** should be scrutinised, digitalised and simplified. There is room for improvement in simplifying, aligning and even merging different procedures regarding labour mobility in the current social acquis. Simplification is not about lowering worker protection but about improving compliance and allowing authorities to focus on genuine cases of abuse.

### 5. Develop the digitalisation agenda as part of a broader vision for a streamlined and fully digital labour mobility framework.

**Digital tools such as ESSPASS** and digital wallet should already allow future expansion in their architecture.

Ceemet welcomes the **eDeclaration** and calls on member states to use it. For member states that want to keep their own posting notification system, the number of datapoints must be proportional. The requirements are not proportionate in some countries.

Ceemet suggests therefore that it should be possible to keep social documents of posted workers in the home country, that companies should have a delay of one calendar week to transmit the requested documentation and should not be obliged to translate documentation prior to the posting.

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<sup>1</sup> We await the formal adoption in the EP and Council of the Provisional Agreement on Regulations 883/2004 and 987/2009 regarding the coordination of social security systems.

## 6. Apply the “once-only” principle

A holistic approach for labour mobility that aligns and merges procedures, relies on enforcing the digital maturity of MS. The **OOTS principle** should be embraced, regardless of the context (social security, labour law or immigration law) where information is first given. Therefore, various national administrations must better work together within their own country and between countries.

## What is at stake for the MET industries

For companies in the Metal, Engineering and Technology-based (MET) industries in Europe that Ceemet represents, labour mobility and especially the posting of workers is crucial. Concerning the latter, the industry uses different types of postings, depending on the duration and the specificities of the task or project. The duration of a posting can be for only one to a handful of days, up to several months or even years, corresponding to different needs. Labour mobility can indeed take many forms.

### Freedom to provide services

Companies established in the EU have the “**freedom to provide services**”<sup>2</sup> in another EU country with their own employees who are legally working for them. This right to send their own employees temporarily to work in another EU country is better known as the **posting of workers**<sup>3</sup>. Considering that about 95% of the companies in the MET sector are SMEs, the administrative burden due to legal requirements for short postings is a severe hurdle to access the single market.

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**An example for a short-duration posting in the framework to provide a service is a MET company that sells a machine to a client in another country and sends their specialised technicians for a couple of days to install the machine at the client’s premises. In case of a breakdown, they also need to be able to send their technicians to repair the machine.**

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Longer duration postings also occur frequently in the MET sector for bigger projects, such as for the installation of a new production line in a factory or for specialised welders who will be working in a shipyard abroad. The duration of the posting could be for a couple of weeks, months or even years. In addition, large companies also post workers to sister or mother companies, either from within or from outside the EU. For intra-company transferees, the duration of mobility can last for a couple of months up to several years. In general, there are two main reasons for long-time

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<sup>2</sup> Article 56 of the Treaty on the Functioning of the EU (TFEU).

<sup>3</sup> Directive 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services, amended by Directive (EU) 2018/957 of 28 June 2018.

postings: when the expertise in a certain niche field is necessary for a big project such as working on the prototype of a new machine, for workers to gain international experience or to manage a local site. Most large companies have their own mobility policy, where the legal implications and administrative steps are described.

For MET companies, labour mobility is therefore a crucial element to provide services in the single market. This in turn, can support growth, innovation and competitiveness.

## Free movement of persons

Lastly, labour mobility in the form of “**free movement of persons**”<sup>4</sup> is increasingly important for MET companies in Europe due to skills and talent shortages. In these cases, there will be a local employment contract between the company and the European citizen. Studies show that there is a direct link between the competitiveness of companies and skill shortages<sup>5</sup>. Talent shortages are hindering the development and growth of companies. Indeed, even though MET companies offer good working conditions, notably via collective agreements, this doesn’t suffice, and labour mobility could help alleviate this problem.

## Legal migration from outside the EU

In addition to free movement within the EU, attracting talent from non-EU countries is necessary as well. Moreover, cross-border supply and value chains do not stop at the external borders of the Union.

People with a nationality from a non-EU country, so-called third country nationals (hereafter TCN) do not enjoy free movement within the EU. For **labour migration**<sup>6</sup>, in general, they need to obtain a work permit and work visa before they can travel to an EU country to temporarily work and reside there. These immigration procedures are in principle initiated by the European (guest) company where they will work.

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Regardless of the reason or duration, when sending a worker to another Member State, the employer must **always check legal consequences and required administrative actions** relating to multiple topics:

1. does the worker need a work permit to work in the host country?
  2. does the worker need a visa and/or respect residence legislation in the host country?
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4 Articles 21 and 45 of the Treaty on the Functioning of the EU (TFEU) describe the “free movement of persons”, which gives EU citizens the right to take the initiative to find a job in another EU members state to work and live there.

5 Axioglou, C. and P. Wozniak, 2022, The impact of shortages on manufacturing in the European Union: Evidence from the business and consumer Surveys. VoxEU, 18 January.

6 Single Permit Directive; Blue Card Directive.

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3. what are the applicable working conditions, such as the working time in the host country? What is the impact on the salary and remuneration while working abroad? Where to find this information?
  4. does the employer need to do a prior posting notification? Which social documents need to be kept in case of questions from the host country's administration? Do they need to be kept in the host country? Must documents be translated prior to the posting?
  5. does the employer need to inform their social security administration and obtain a PDA1 document?
  6. what are the consequences regarding taxation of the salary?
  7. is it necessary to bring diplomas or certificates related to the education and training of the posted worker?

For each of these topics, there will be a different answer depending on the type of activity performed, the nationality of the posted worker, the duration of the posting, the destination country, and the place of residence of the worker.

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## Labyrinth of legal consequences and administrative actions

To navigate this **labyrinth of social legislation and administrative procedures**, Ceemet would welcome a **holistic approach** on labour mobility bringing simplification in practice and a drastic reduction of administrative burden, while keeping the high level of social protection for workers. Simplification should indeed be seen as a strategic enabler to cross-border growth and labour mobility and should not be confused with deregulation / lowering of worker's rights; this distinction is fundamental.

In its Communication "A strategy for making the Single Market simple, seamless and strong"<sup>7</sup>, the European Commission rightfully describes the diverse and burdensome procedures for **temporary posting of workers** as one of the "**terrible ten**" **hurdles that hinder the completion of the Single Market**, which the Commission vows to tackle with priority. Ceemet calls on the Commission to embrace opportunities within the single market by reducing the administrative burden for companies when they send a worker to another Member State to work.

Indeed, for activities that do not pose risks of illegal and criminal situations, the administrative burden is unnecessary, unjustified and disproportional.

In this respect, Ceemet also advocates for a **change of the narrative on labour mobility**, starting with trusting employers. Indeed, most companies want to respect the rules. Clarity about so-called

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<sup>7</sup> COM(2025) 500 final, 21/05/2025

“social dumping” will help to balance the debate. When respecting the EU social acquis, national social legislation and collective agreements, the MET companies offer quality jobs and fair working conditions. **There is no social dumping if the core national rules and legislation of the host Member State (MS) are respected.** On the other hand, abuses and illegal – even criminal – situations must be tackled through robust enforcement instead of via additional legislative initiatives.

A holistic approach could cater for better implementation of the social acquis relating to labour mobility, a pragmatic approach of administrative requirements by aligning exemptions, aligning and even merging of various administrative procedures using the technical principle that information should be given once only (OOTS principle), embracing digital solutions, in combination with better alignment and improved communication of different administrations within the same country, as well as between countries, are all key for the completion of the single market. Clear rules require clear communication and dedicated information. In addition, the recognition of diplomas for education completed in one country, as well as skills portability, would allow easier access for citizens to search and take up work in other countries. Given the current geopolitical context, the latter could also contribute for Europe to make a positive choice to step up and become an attractive and welcoming place for third country nationals to study and work in the Union.

If reducing the administrative burden and reporting obligations is indeed the intention of the Commission, Ceemet is committed to support this intention by offering concrete suggestions and solutions to simplify procedures for labour mobility, without damaging the protection of workers.

## I. Make the rules clear and easy to find

Rules in the social field have become increasingly complex. 95% of the MET companies in Europe are SMEs. However, SMEs are less able to profit from the Single Market due to their lack of legal resources: without significant legal support it is nearly impossible to comply with all the rules. Access to “clear, transparent, comprehensive and easily accessible information<sup>8</sup>” on the working conditions and remuneration of other Member States when posting workers is crucial. The Enforcement Directive sets this obligation on Member States, who should provide information on their **Single National Website** (hereafter SNW).

### a. Standardise the national websites

**Clear information** about the social security and labour law rights and obligations is a **prerequisite to ensure legal clarity** for companies who post their workers to another Member State. It is equally important for citizens and workers to understand what their **rights and obligations** are. Besides,

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<sup>8</sup> Article 5, 1 of Directive 2014/67 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (the IMI Regulation).

clear information can increase awareness and encourage EU citizens to use their right to work, study or live in another Member State.

**Finding the SNW** of an EU Member State is already a challenge. Ceemet is therefore pleased that the **European Labour Authority (ELA) website** now functions as **a signpost to all Single National Websites** of every Member State. A campaign to spread this message would be welcome; unfortunately, the ELA website is known only to specialists, but not to practitioners in the business world. The ELA website could be better indexed by major search engines and AI conversational agents, so that it appears among the top results when certain keywords are entered.

However, finding the SNW is only the beginning. The **next step** for the user is to navigate and find the **right parts in the maze of information**. Article 3, paragraph 1 of the POWD gives a list of the working conditions that form the core employment rights that must be respected in the host country. This information must be made available, at least *“in a detailed and user-friendly manner and in an accessible format”*. Unfortunately, every Member State has built their SNW without any common standards or structure. For employers and employees without a legal background and who are unfamiliar with the host country’s national legal system, it is an onerous and time-consuming exercise to try and find the information on working conditions they must respect on a Single National Website. Yet employers are liable if they don’t apply the correct rules. Therefore, to enhance the user-friendliness of their SNW, it would be extremely helpful if **every SNW had the same structure** to find information on the mandatory working conditions and rules to respect.

In addition, the information must be **easy to understand**, also for persons (employers and workers) who do not have Master of Law and are not familiar with the national legal system of the host country. We reiterate that 95% of MET companies are SMEs, which means that the CEO will also be the CFO, COO and HR.

The best way to ensure the user-friendliness of a SNW, could be for **users to evaluate the content of a SNW**. The reviews and feedback from users can be a pragmatic source to further improve clear and understandable information on working conditions.

Finally, every SNW should have contact details of a **Liaison Office**, that should help with individual questions. However, our members report that the email addresses may no longer exist, and that it can take weeks or months before an answer is given (if at all).

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## Pragmatic suggestions to find information on the different Single National Websites

If every SNW would follow the same structure, employers and workers will **more easily find information related to the same topic for another country**. As a **quick win**, Member States could be encouraged to include all the core topics on the landing page of their SNW with a hyperlink to the exact place on their own SNW where this information can be found: Article 3, 1 a) to i) of the POWD lists the core national legislation:

1. Working time: maximum work periods and minimum rest periods
2. Minimum paid annual leave
3. Remuneration including overtime rates
4. Conditions of hiring-out of workers, in particular the supply of workers by temporary employment undertakings
5. Health, safety and hygiene at work
6. Protective measures for young people, pregnant women or women who have recently given birth
7. Non-discrimination provisions such as the equality of treatment between men and women
8. Conditions of worker's accommodation
9. Allowances or reimbursement of expenditure to cover travel, board and lodging expenses for workers away from home for professional reasons.

Every Member State should be able to do this very easily.

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### b. Build a wage calculator and an ELA helpdesk

Access to information is one of the key activities of the European Labour Authority (ELA). Since its launch, Ceemet has called for a **helpdesk** at ELA – comparable to the ILO helpdesk for business on international labour standards, offering (human) general information to support and inform employers with their concrete questions when posting a worker. The helpdesk should not only help to find the correct information, but also how to apply it. For Ceemet, there is difference between providing general information and legal advice and we are not expecting from ELA a comprehensive legal consultation on a case but targeted and practical information on some situations (e.g. Sunday work rules in Italy for maintenance workers).

In addition, a **remuneration calculator** for those Member States who want to participate, would be a triple win for employees, employers and social inspectors throughout Europe. Ceemet therefore follows the ELA pilot project to develop a wage tool in the transport sector with great interest. It shows the immense complexity that hides behind the political credo of “the same wage for the

same job in the same place”. The POSTING STAT report of HIVA - KU Leuven<sup>9</sup> provides an overview relating to the relative national minimum wages in the EU. The report describes the scale, characteristics and impact of intra-EU posting, the impact on the economic actors involved, as well as the scale and characteristics of infringements. Also, Switzerland<sup>10</sup> has a useful system: the website of the Federal Administration shows whether the activity you perform falls within the scope of a generally binding collective labour agreement or a standard employment contract with mandatory minimum wages. If this is the case, you can calculate the minimum wage relevant to your specific case. In case there is no collective agreement, a wage range can be found.

**Strengthen the role of ELA:** Although ELA provides relevant information, it is a quite new agency, and it is only known by EU specialists and MS, not by companies, nor posted workers. Ceemet suggests that ELA could raise its visibility (beyond the Brussels bubble) and ensure that the practical documentation is better indexed in search engines and AI conversational agents. Ceemet sees a role for ELA to **promote a positive narrative of labour mobility**, also regarding **labour migration** from persons outside the EU, **especially when it is linked to labour market needs**.

**ELA should keep facilitating concerted and joint inspections (CJI).** Enforcement of the rules via (social) inspections are a national competence, and it should therefore remain voluntary for a country to participate in a CJI. If ELA notices a problematic situation, they can flag this via the National Liaison Officer (NLO). For Ceemet, ELA should remain a facilitator, not an initiator of CJIs.

**This is why we see the added value for ELA to have access to national databases on labour mobility, e.g. regarding the posting notifications.** If ELA becomes a data processor, the respective GDPR rules must be respected. However, granting ELA access to purely national databases is different. The added value for ELA is through its network of NLOs, all located in Bratislava, and who can urge their national administration to respond to information requests by other administrations. In addition, giving another country access to a national database should remain voluntary at bilateral level, as is already the case now.

**Regarding Third-Country Nationals,** ELA is working on a handbook with country fiches providing an overview of a member states’ rules on work permits, visa and residence permits. Ceemet encourages ELA to publish this on their website asap.

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<sup>9</sup> De Wispelaere F., De Smedt L. & Pacolet, J. (2022), Posted workers in the European Union. Facts and figures. Leuven: POSTING.STAT project VS/2020/0499.

<sup>10</sup> Posting - Which wage applies?



## II. Ensure correct transposition of the Posting of Workers Directive in national law

The Posting of Workers directive 96/71 sets the rules, rights and obligations when an employer posts a worker to an EU Member State. Article 3 (1) gives a list of the working conditions that form the core employment rights that must be respected in the host country (see above – box).

**Article 3 (2) POWD<sup>11</sup>** sets a **mandatory exemption** in the case of **initial assembly and/or** first installation of goods. If the period of posting does not exceed eight days, there is an exemption regarding minimum paid annual leave and the remuneration including overtime rates. This exemption cannot be used for construction activities.

However, many Member States have not transposed the mandatory exemption for initial installation and/or reparation of goods.

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**Ceemet calls on the Commission to ensure the correct transposition of the exemption for the initial installation and/or reparation of goods in all the Member States. Especially for MET companies this exemption would instantly and dramatically lessen the administrative burden. In the annex of this position paper, an example is given on how the same situation is regarded and treated differently by MSs.**

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## III. Align the exemption for business trips and short postings in both social security and employment legislation

On a positive note, Ceemet **welcomes** the (future) exemption of prior notification regarding social security (PDA1 document) for business trips and short postings of three consecutive days in a period of 30 days. The Provisional Agreement on the social security regulations, has copied the Annex of the Posting of Workers Directive 96/71.

Exempting the request for a PD A1 is a huge step in avoiding unnecessary administrative burden, especially for activities that have proven that they do not pose a risk of illegal employment. Ceemet calls to align the exemption for social security also for employment legislation.

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<sup>11</sup> Art. 3 (2) of POWD: “In the case of initial assembly and/or first installation of goods where this is an integral part of a contract for the supply of goods and necessary for taking the goods supplied into use and carried out by the skilled and/or specialist workers of the supplying undertaking, the first subparagraph of paragraph 1 (b) and (c) shall not apply, if the period of posting does not exceed eight days. This provision shall not apply to activities in the field of building work listed in the Annex.” This exemption cannot be used for construction activities.

It would only be logical that Member States align the exemption foreseen for social security with employment law. Therefore, **an exemption for an A1 should automatically lead to an exemption for a posting notification.**

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Ceemet calls on the Commission to encourage MSs to use the possibility for an exemption foreseen in Article 3 (5) of the POWD for negligible activities. Short postings and business trips fall perfectly in the description of negligible activities. However, not every MS has implemented this exemption yet.

Parallel to the exemption of PDA1 for business trips and short postings, also an exemption for the prior posting notification should be foreseen in these cases.

These alignments would provide legal clarity throughout the entire single market and represent an immediate and effective lessening of administrative burden on companies.

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Exactly how much the administrative burden will be lowered, can be measured after the new rules come into effect<sup>12</sup>. Some Member States had obliged in their posting notification system that a PDA1 regarding social security was uploaded prior to the start of the posting, under penalty of heavy administrative fines. This resulted in companies throughout the EU, to flood their national social security administration with requests for a PDA1 for each and every posted worker under article 12 of Regulation 883/2004. The administrative burden is reflected in the reporting data on PDA1<sup>13</sup> and can also explain the increase of multi-state employment PDA1. When the exemption to request an A1 document for business trips and short postings comes into force, its effect should be noted in the statistics (in a couple of years).

In addition, Ceemet would like to highlight the **possibility for additional sectoral exemptions through social partners agreements**, following **articles 3 (3) and 3 (4) POWD**. Since social partners are crucial in these procedures, a balanced approach would certainly be ensured to protect the rights for posted workers.

#### IV. Exempt high earners from prior declarations

Another way to look at posting is to **evaluate the risk that not the correct regulations** with regard to **working conditions are applied** to certain **categories of workers**. Introducing a wage threshold above which there is a strongly reduced risk, would represent a reduction of administrative burden. Indeed, when wages are high, there is a decidedly low risk of non-compliance of the host Member State remuneration. Inspiration can be found in the Blue Card Directive, which is already transposed

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<sup>12</sup> According to Report on Posting of Workers based on prior notification tools, HIVA KU Leuven, 2024, p. 28, 12% of all postings in 2022 and 16% of all posted workers worked in manufacturing industries.

<sup>13</sup> Posting of workers. Report on A1 Portable Documents issued in 2024.pdf

in national legislation. The national thresholds reflect the national system and are updated on a regular base.

## V. Keep posting declarations simple and proportionate

**Article 9** of the **Enforcement Directive 2014/67/EC** on the enforcement of POWD 96/71 gives the possibility to Member States to ask for a “simple declaration”<sup>14</sup>. The “posting notification” gives the opportunity to the social inspection bodies of the host country to verify if the core employment conditions are respected, thus offering protection of the rights of posted workers.

Unfortunately for companies, every Member State has its own posting notification system; some MSs even had regional systems. Moreover, some posting notifications are still not a simple declaration.

Ceemet welcomes the general approach of the **eDeclaration** (IMI Regulation), which could replace all the national posting notification systems to only one system. Based on the information in press releases, there is a maximum number of 50 datapoints that a member state can ask on which a company should report in the eDeclaration. However, Ceemet **remains cautious with regard to the possibility to upload social documents via the IMI platform**.

Furthermore, the eDeclaration will only constitute a genuine step forward in terms of simplification **if it is implemented by all Member States**. To achieve this, the system must be both reliable, trustworthy and user-friendly for companies, and offer the possibility to extract data and reports as a solid base for risk assessments for inspectors in the Member States’.

Therefore, as the eDeclaration will be a voluntary tool, and not all MSs will use it, the **currently existing national notification systems should still be scrutinised**.

The Commission as guardian of the Treaties, is responsible to ensure correct, proportional transposition of EU legislation. Following **infringement procedures** initiated by the Commission regarding the posting declarations systems of several Member States, most Member States have changed their legislation and simplified the administrative requirements. If need be, decisive action must be taken by the Commission to tackle the national notification systems that are still disproportional and thereby institutionalising hurdles for the free movement of services and non-completion of the single market.

Information required by a posting notification tool, must be proportionate and should be kept to a minimum. For every data point of information, the question should be asked if it is ‘nice to have’ rather than ‘need to have’. Also, information that is not used should not be asked. Quantitative and qualitative reporting on the data used by inspection bodies at national level will likely demonstrate

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<sup>14</sup> Art. 9, 1, a of Directive 2014/67/EU of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) N° 1024/2012 on administrative co-operation through the Internal Information System (‘the IMI Regulation’).

that requiring information in all circumstances for all posted workers is disproportional. Ceemet has been an associated partner in the POSTING STAT and POSTING STAT 2.0 projects and would welcome further research in this field.

In addition, some Member States require that a contact person must be appointed who is staying in their (host) MS, and that this person should keep social documents for all posted workers.

**Especially for no-risk situations**, Ceemet is of the opinion that it is **disproportionate**, unnecessary and therefore an unacceptable administrative burden to require that a contact person is staying in the host MS during the total posting, nor that this person should keep social documents of all the posted workers – not in the least because the worker's privacy is at stake. These provisions are outdated in a digitised world.

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Ceemet suggests that it should suffice to have a contact person in the home MS. Companies should also have a delay of one calendar week to transmit the requested documentation. Ceemet read with interest the initiative about the AI based automatic translation in the framework of the 28th regime. A similar provision for labour mobility would significantly reduce costs, delays and administrative burden of companies.

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It goes without saying that after an inspection takes place, any social inspector can indeed ask social documents. We refer to consistent case law of the European Court of Justice, prohibiting requiring similar documents that already exist in the home MS (starting with Case C-376/96, *Arblade & Leloup*<sup>15</sup>). However, it would be useful to reflect on the necessity to translate the original employment contract of an employee (who could indeed have started many years ago) which could be considered as an unnecessary administrative burden. The necessary information is more easily – and more up to date – found in other documents such as salary slips.

## VI. Merge labour mobility procedures: ask once, reuse everywhere

Based on the revised 883 Regulation rules, for other situations than business trips and short time postings, a PDA1 will still have to be requested from the competent social security administration. In addition, also a prior posting notification will still have to be done in the **host** MS.

Ceemet sees an opportunity for further alignment of these procedures. In fact, when a company requests an A1 document, **the social security administration that delivers the A1**, must also **send a copy of the A1** document to the national **social security administration of the receiving (host) Member State**<sup>16</sup>. This sharing of information is done via the Electronic Exchange of Social Security Information (EESSI) system, even though in practice this does not always seems to be the case.

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<sup>15</sup> Case C-376/96 of 23 November 1999, *Arblade and Leloup*, points 56-80; EUR-Lex - 61996CJ0369 - EN - EUR-Lex

<sup>16</sup> Article 15, 1 (in fine) of Implementing Regulation 987/2009: “[...] That institution shall issue the attestation referred to in Article 19(2) of the implementing Regulation to the person concerned and shall without delay make information concerning the legislation applicable to that

The social security administrations exchange information via the **EESSI system**. The labour law administrations exchange information via the **IMI system**. This means that an authority of the host Member State already receives information on a situation of posting.

The question is what the national social security authorities do with this information. Is it shared with the national authorities of other departments in their country, such as those responsible for employment legislation? At European level, the question can be raised **how EESSI and IMI can be linked**? These points are worth exploring in greater depth, as the exchange of information between administrations and between countries could resolve a number of issues identified in connection with mobility of workers. Tools already exist, and they should be used to the greatest extent possible before new rules are introduced. **Alternatively**, under the condition that it is user-friendly and secure, can one of these systems be used as a **unique channel of notification for both social security and labour law**?

Ceemet is of the opinion that the information contained in the A1, and that is already forwarded to the social security administration of the host Member State, should be used or re-used within that Member State for the posting notification.

If a machine-readable solution (such as a QR code) could be put on the A1, it would be interesting to include in the architecture of the code the technical possibility to decompose the individual data points that were originally used for the A1 request. These datapoints can then be re-used towards the posting declaration in the host MS. **This would in fact give the required information for a simple notification<sup>17</sup> prior to the posting.**

Where possible, the procedures for requesting a portable document A1 and the EHIC should be interconnected with the procedures for completing the posting declaration.

Implementing the **Once-Only Technical System** (OOTS) approach should be encouraged in every Member State. This would drastically reduce the administrative burden of companies by not having to duplicate the same procedures and the same documentation if businesses and employees will only need to submit the same information once. Moreover, the validity of the A1 could be extended without increasing the risk of abuse, as national authorities would be able to verify and revoke documents immediately. This would also reduce the administrative burden associated with renewing A1 certificates for both companies and national authorities.

Until OOTS is in place, the Member States should only be allowed to **ask a posteriori** the relevant monthly salary slips. Indeed, the **monthly salary slip** of a worker provides at a glance all information that is needed (such as: the start date of employment, applicable collective agreement,

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person, pursuant to Article 11(3)(b) or Article 12 of the basic Regulation, available to the institution designated by the competent authority of the Member State in which the activity is pursued.”

<sup>17</sup> Article 9, 1, a of Directive 2014/67/EU of 15 May 2014 on the Enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administration co-operation through the Internal Market System (“the IMI Regulation).

social security number, information of the employer, monthly gross salary, hours worked and social security contributions<sup>18</sup>). This would represent a drastic reduction of administrative burden for companies, while maintaining the high level of protection of the posted worker.

## VII. Attracting talent from outside the EU

Labour mobility supports competitiveness, innovation, industrial investment and the successful delivery of strategic projects across Europe. Intra-EU mobility alone, however, cannot solve the **skills and talent shortages of MET companies**. Attracting talent from outside the EU is also necessary.

Ceemet welcomes the Talent Pool<sup>19</sup> that offers a platform to match CVs of potential employees from third countries with job vacancies in a European company. Even though it is voluntary for EU member states, it could be interesting for companies, especially SMEs to find the right foreign talents. As legal migration is a shared competence between the EU and the member states, **Ceemet calls upon the Commission to encourage member states to let their companies use it.**

Legal migration is in principle an area of shared competence<sup>20</sup> between the EU and the Member States. But due to the subsidiarity principle, it is and remains the sole competence of each individual Member State to decide on the access of TCN to their labour market and onto their territory, according to their national legislation.

Before a TCN can start working in a company, a work permit and work visa must be obtained abroad, following the national rules and procedures of the member state where they will work and reside. Within the **Schengen area**, member states must respect the **Schengen acquis**.

Once a **TCN** has obtained a Single Permit and is thus legally residing in a MS, they can be **posted to another member state for three months without further need for an additional work permit<sup>21</sup> or a visa<sup>22</sup>**. However, not all member states apply the CJEU case law and the Schengen acquis in the same way and require a so-called “Vander Elst visa”. This creates legal uncertainty for companies and for the concerned workers. Ceemet would therefore welcome a **clear explanation of CJEU caselaw, and the Schengen acquis rules** in an explanatory paper by the Commission. In addition, the Commission should ensure the application of the rules by all members states in the same way, and if necessary, start infringement procedures. However, if the posting would surpass three months, a residence permit in the host MS may be required.

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18 A simplification of the Transparent and Predictable Working Conditions Directive and the Pay Transparency Directive is needed to lighten the disproportional administrative burden of companies.

19 Regulation (EU) 2026/1047 of the European Parliament and of the Council of 29 April 2026 establishing an EU Talent Pool.

20 In accordance with Article 4 TFEU. Article 79 of the TFEU explicitly empowers the EU to develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of TCNs residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings. The Treaty also reserves explicitly to the Member States the right to set volumes of admission for labour migrants they admit.

21 Case C-43/93 Vander Elst Case [EUR-Lex - 61993CJ0043 - EN - EUR-Lex](#)

22 Article 21, 1 of the Schengen Convention [EUR-Lex - 42000A0922\(02\) - EN - EUR-Lex](#)

## VIII. Embrace digital tools: ESSPASS and the EU wallet

Ceemet responded<sup>23</sup> to the call for evidence on ESSPASS. In its pilot version, ESSPASS only contains social security documents, notably the PDA1 and European Health Insurance Card (EHIC). ESSPASS would in practice be a digital wallet application on the smartphone of a person. The Commission intends the use of ESSPASS for additional aims, other than related to social security, in particular issues related to the posting notification (labour law) in cross-border situations.

The Commission rightfully aims to step **beyond** social security alone, and to **also take labour law aspects on board**, such as the posting declaration. Ceemet applauds the holistic approach of labour mobility by the Commission.

With regard to **the posting of third country nationals** (TCN), it would be interesting to foresee the possibility for immigration documents such as the Single Permit in the digital wallet/ESSPASS. The possibility to upload a copy of the Single Permit in their digital wallet, will allow acknowledgment of the legality of the posting of TCNs who are legally employed and residing in another Member State of the EU. In addition, Ceemet invites the Commission to clarify the Case law of the CJEU through an interpretative communication. Ceemet does not see the need for new legislation in this field.

In this regard, we firmly believe that the **digitisation of qualifications and skills credentials** will facilitate the recognition of skills and qualifications across Member States. Hence, we welcome the Commission's approach to leverage the EU Identity Wallet. Indeed, the EU digital wallet has the potential to serve as a practical tool to support intra-EU mobility for employers and workers alike, notably by facilitating access to skills- and qualifications-related documentation, including diplomas, equivalence certificates, and related supplements in digital format.

**International careers.** For workers who have exercised their right of freedom to work across Europe, and who have worked for companies throughout the EU, the procedure to apply for their pension is very easy. They only have to apply for their pension in the city where they reside. However, if they have been subject to the social security scheme of different Member States and thus contributed to the social security schemes of several Member States throughout their career, the current procedure in each Member State can take a long time (more than 1 year). A **standardised and digitalised procedure throughout the EU would help individuals to make use of their rights** to receive a pension for all the years they have worked in the EU, and it would shorten the administrative process considerably.

MISSOC provides for a wealth of information on the social security system, the rights and obligations, of a Member State. It is a brilliant tool, but unfortunately not very user friendly. Ceemet

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23 Response to the Call for Evidence for an Impact Assessment: European Social Security Pass - ESSPASS - Ceemet.

calls on the Commission and ELA to see how they can **turn MISSOC into a more accessible and easier to understand tool.**

As a general note, awareness campaigns on new tools, and **on** where information can be found, should be an integral part of a comprehensive communication campaign.

## **IX. Close the enforcement gap, instead of legislating more**

The EU social acquis on labour mobility is abundant. Respecting the rules requires that European legislation is properly implemented but also that it is strictly enforced. Having a level playing field for companies goes hand in hand with the protection of workers. Only better implementation and decisive enforcement can tackle illegal and criminal activities. **There is no legislative gap, but there is an enforcement gap.**

Risk assessments and data mining can help social inspectors to target inspections to where they are most effective and necessary. Tackling illegal – even criminal – situations is a prerequisite for fair and effective labour mobility. In the meantime, **MS cannot “outsource” enforcement and push back the inspection of posted workers to (host) companies.** Companies should not perform controls on posted workers; it is not their task. There cannot be an administrative burden on companies to e.g. check the validity of an A1 document. In addition, it is unwise to create new (unnecessary) legislation if MSs will not be able to enforce them.

To tackle illegal situations, information exchange between administrations and cooperation between countries should be strengthened. This would undoubtedly make it easier to identify problematic situations.

Parallel to ESSPASS/Digital Wallet for persons, Ceemet follows with interest the development of the **EU Business Wallet.**

## **Make skills portable and tackle the real barriers**

Another major barrier to labour mobility is the lack of skills recognition between Member States. Therefore, Ceemet welcomes in principle any initiative aimed at removing barriers that hamper the portability of skills<sup>24</sup> and qualifications of workers across borders, as it can contribute meaningfully to addressing persistent skills shortages. In doing so, it can support productivity, innovation and the long-term competitiveness of Europe's MET industries.

In this regard, we reiterate that the **digitisation of qualifications and skills credentials will facilitate the recognition of skills and qualifications across Member States.** The EU digital wallet / ESSPASS has the potential to serve as a practical tool to support intra-EU mobility for employers and workers alike, notably by facilitating access to skills- and qualifications-related

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24 [Position paper] Skills portability: A step closer to the single labour market - Ceemet.

documentation, including diplomas, equivalence certificates, and related supplements in digital format.

In connection with this, we would like to mention that when it comes to the recognition of skills and qualifications within non-regulated professions, which represent the vast majority in the MET industries, we favour a trust-based approach, allowing employers to hire professionals and workers in a more simplified manner within the EU.

As for TCNs, MET employers fully support efforts to simplify the **recognition of skills and qualifications obtained in non-EU countries** as part of the future skills portability initiative. For Ceemet, any scheme designed to simplify recognition, and portability processes must be unbureaucratic and easy to use both for workers and companies – in particular SMEs – as this is the only way to ensure widespread uptake.

It is for these reasons that Ceemet welcomes the Commission Recommendation on the recognition of qualifications of TCNs, as it provides guidance to Member States on how to best simplify and accelerate the recognition of qualifications gained in non-EU countries, including by reducing processing times, facilitating access to electronic procedures, and reducing the burden for applicants. For the same reason, Ceemet has, from the outset, been supportive of the Talent Pool.

That said, Ceemet would like to point out that it is of the view **that** the main obstacle to reduced intra EU mobility is not linked to the portability of skills and qualifications but rather lies in other factors such as administrative burden, language barriers, differences in regulatory frameworks, reluctance to move to other EU countries. **In the case of TCNs, the immigration rules and procedures are the main difficulty for the recruitment of foreign talent.**

However, in a nutshell, and referring back to the SPIs objectives, for companies in the MET industries any initiative that modernises and simplifies access to the labour market and supports companies in finding the skilled workforce they need can only be welcomed by Ceemet.

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**Europe needs simpler procedures, better implementation and stronger enforcement of existing rules, rather than additional legislation.**

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The annex below illustrates, with a single concrete case, how differently Member States still treat the very same short posting.

## Annex: the same posting, three different countries

For employers, a practical checklist is helpful. But it is only the starting point. The following example shows the differences of a similar situation: a German company has sold a machine to a client in Belgium and to a client in France. Two technicians are sent for three days to install the machine at the premises of the client.

| EMPLOYER IN GERMANY            | CLIENT IN BELGIUM                                                                                                     | CLIENT IN FRANCE                                                                                                                                              |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PD A1 <sup>25</sup>            | YES<br>"if possible, prior to posting"                                                                                | YES                                                                                                                                                           |
| Posting declaration            | NO<br>exemption of Limosa                                                                                             | YES<br>no exemption of SIPSi                                                                                                                                  |
| Employment legislation         | Continued application of German labour law, while ensuring compliance with the core provisions of Belgian labour law. | Continued application of German labour law, while ensuring compliance with the core provisions of French labour law.                                          |
| - minimum paid annual holidays | NO<br>exemption (art. 3,1 POWD)                                                                                       | French law applies                                                                                                                                            |
| - remuneration                 | NO<br>exemption (art. 3, 2 POWD)                                                                                      | French remuneration ( <i>see footnote under table</i> ): documents translated into French: ‘- any document giving proof of payment of FR minimum remuneration |

<sup>25</sup> This will change in future, following Provisional Agreement on social security Regulations 883/2004 and 987/2009.

|                                                                            |                          |                                                                                                                                                                                   |
|----------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                            |                          | '- any document giving proof that the remuneration has been paid                                                                                                                  |
| - copy of salary slips                                                     | NO                       | see above under remuneration about any documents translated into French                                                                                                           |
| - working time                                                             | Belgian law applies      | French law applies<br>'- a statement of the beginning, end and duration of the working time per day must be kept                                                                  |
| - copy of employment contract                                              | NO                       | Where a written document exists, the employment contract or any equivalent document, in particular attesting to the place where the employee was recruited translated into French |
| - copy of medical certificate                                              | NO                       | YES<br>translated into French                                                                                                                                                     |
| - designation of representative in the host country                        | NO                       | YES, the representative can be a posted worker who is staying in France; must have accepted to be representative; must keep the social documents of all employees                 |
| - proof that employer has real and substantial activities in their country | NO                       | NO                                                                                                                                                                                |
| Work permit                                                                | NO<br>for posted TCN: NO | NO<br>for posted TCN: NO                                                                                                                                                          |

|                  |                                                                                                                    |                                                                                                                    |
|------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Residence permit | NO<br>for posted TCN: NO (but person must have single permit in DE)                                                | NO<br>for posted TCN: NO (but person must have single permit in DE)                                                |
| Taxable          | NO (in principle, but this should be checked for each posted worker with a tax expert in international employment) | NO (in principle, but this should be checked for each posted worker with a tax expert in international employment) |

Footnote regarding social documents in France:

There is no requirement of uploading any document in SIPSI. But according to article R1263-1 LC:

**I.** — The employer established outside France shall keep, at the workplace of the employee posted to the national territory or, where this is materially impossible, at any other location accessible to its representative designated and shall present without delay, upon request by the labour inspectorate of the place where the service is performed, the documents referred to below.

**II.** — The documents required for the purpose of verifying information relating to posted workers are as follows:

1° Where a written document exists, the employment contract or any equivalent document, in particular attesting to the place where the employee was recruited;

2° Where applicable, the work permit authorizing a national of a third country to engage in salaried employment;

3° Where applicable, a document certifying that a medical examination has been carried out in the country of origin, equivalent to that provided for in Article R. 1262-13;

4° Where the duration of the posting is **equal to or exceeds one month**, payslips for each posted employee or any equivalent document evidencing remuneration and including the following information:

a) Gross remuneration ;

b) The period and working hours to which the salary relates, distinguishing between hours paid at the normal rate and those subject to an increased rate;

c) Leave and public holidays, and the corresponding elements of remuneration;

d) Where applicable, the conditions of affiliation to paid leave and bad weather funds;

e) Where relevant, the title of the sectoral collective agreement applicable to the employee;

5° **Where the duration of the posting is less than one month**, any document proving compliance with the minimum remuneration requirements;

6° Any document attesting to the actual payment of remuneration (1);

7° A record of hours indicating the start, end and duration of each employee's daily working time.

**III.** — **Where the undertaking is established outside the European Union**, the employer shall make available to the labour inspectorate a document certifying the regularity of its social security status under an international social security agreement or, failing that, a certificate of submission of social declarations issued by the French social protection body responsible for the collection of the social security contributions due, dated within the last six months.

## List of abbreviations

- **TCN:** third country national, a person having a nationality of a country outside the European Union
- **EESSI:** Electronic Exchange of Social Security Information. A communication system between social security bodies within Europe
- **ELA:** European Labour Authority
- **ESSPASS:** European Social Security Pass, a digital wallet (application for smartphone) on which social security documents can be digitally kept
- **FLMP:** Fair Labour Mobility Package
- **IMI:** Internal Market Information System. A communication system between employment bodies within Europe (Regulation 1024/2012)
- **MET Industries:** Metal, Engineering and Technology-based Industries
- **MS:** Member State
- **POWD:** Posting of Workers Directive 96/71/EC
- **OOTS:** Once-Only Technical System
- **SNW:** Single National Website
- **TFEU:** Treaty on the Functioning of the EU