

# ***Enabling EU labour mobility – competitive, digital, flexible***

## **Position paper on the European Commission's planned Package for Fair Labour Mobility**

*This document has been machine-translated from German. The original German version is available [here](#).*

February 2026

### **Summary**


The goal of competitiveness and reducing bureaucracy must finally be consistently pursued in the area of EU labour mobility. The European Commission's proposals to date fall short. A targeted omnibus labour market policy package is needed to reduce existing burdens and strengthen the framework conditions for cross-border mobility in the internal market. In many cases, the measures planned by the Commission in the Package for Fair Labour Mobility create further burdens instead of providing relief.

Labour mobility and the provision of services are among the fundamental freedoms of the internal market that cannot be fully realised. Time is pressing – European burdens on businesses continue to grow. No ambitious steps have yet been taken to achieve the 25% bureaucracy reduction target, particularly for employers. This is where an omnibus labour market package must come in: it has the potential to specifically reduce unnecessary reporting requirements and crippling administrative hurdles without jeopardising high EU-wide protection standards.

The following points in the package for fair labour mobility have the potential to ease the burden on businesses and must be specifically promoted:

- **Social security coordination** – in particular the issuance, carrying and checking of the A1 certificate – must be rapidly digitised and significantly simplified through the European Social Security Pass (ESSPass) and the European Digital Identity Wallet (EUDI Wallet).
- A uniform digital EU posting form ("**eDeclaration**") is finally needed to strengthen the freedom to provide services and enable legally compliant posting. In the medium term, the ESSPass and eDeclaration must be merged.
- **Recognition procedures for professional qualifications** must be made faster, more transparent and fully digitised across Europe. This requires simplifications in the certification of qualifications.
- The labour, social security and tax law framework for **cross-border mobile work** for employers and employees must be clear, practicable and more uniform across the EU.

However, the Commission's plans below threaten to place new burdens on businesses and must be avoided at all costs:

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- Flexible, cross-border **subcontracting** must continue to be possible without any artificially limited subcontracting chains or additional disproportionate liability or registration obligations. Legal restrictions on subcontracting sever value chains and contradict freedom of contract.
  - The **European Labour Authority** (ELA) should focus on its core task as a central information point and provide reliable, practical guidance to businesses and employees. It is not fulfilling this duty adequately, and expanding its responsibilities is not the right approach.
  - The Commission must ensure legal certainty when **third-country nationals are posted** within the internal market. However, it must not impose further restrictive requirements that hinder third-country nationals employed by EU companies in their cross-border activities.

### *In detail*

#### **Advancing digital social security coordination**

Less paperwork, faster procedures, stronger companies: the ESSPass must be rolled out in all Member States as soon as possible. It is a key component of digital, uniform and transparent procedures under Regulation [\(EC\) No 883/2004](#). It enables the cross-border real-time verification of key social security documents such as the A1 certificate and thus makes an important contribution to the digital coordination of social security in the EU.

An ambitious timetable, a robust IT infrastructure and sufficient funding are crucial to ensure that the ESSPass can be used in practice before the end of this decade. In parallel with digitalisation, bureaucracy must be completely eliminated for short assignments: business trips and all short-term and last-minute assignments and emergency assignments within the internal market should generally be exempt from the A1 requirement, except for the construction industry. The current requirement is disproportionate and hinders mobility and competitiveness, both for SMEs and for internationally active corporations.

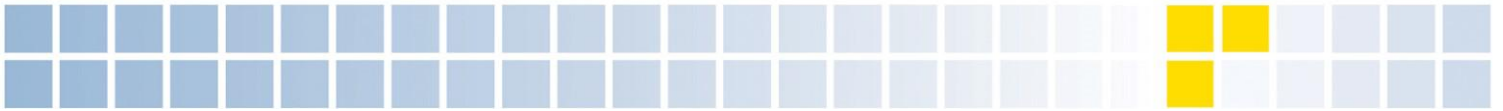
The ESSPass can also make abuse more difficult without placing a burden on law-abiding companies. Data protection, national competences and clear responsibilities must be guaranteed at all times.

The EUDI wallet is the key to the complete digitisation of employment and social security documents. It should be linked to the ESSPass in the near future to make documents efficient, secure and usable across borders. As a digital infrastructure, the EUDI wallet can bundle A1 certificates, posting notifications, health insurance cards, work permits, professional qualifications and the ESSPass, thus greatly facilitating mobile activities.

The European Business Wallet can be used as a voluntary tool to support companies with secure digital identification, authentication and signatures, and to significantly simplify exchanges with public authorities, for example in the case of A1 certificates.

The procedures already digitised under the Single Digital Gateway Regulation must also be further harmonised so that companies can fully exploit their benefits. Although the A1 certificate can now be applied for online, in practice companies have to deal with a patchwork of national portals, different form logics and varying access and authentication procedures. A uniform, multilingual one-stop-shop procedure across the EU would significantly reduce the administrative burden on companies.

#### **Standardise posting requirements**



The standardised digital EU posting form ("eDeclaration") is long overdue. It must be introduced quickly, easily and in all 27 Member States. In the medium term, a concrete implementation plan is needed to integrate the A1 certificate and eDeclaration into a single digital process – double reporting is unreasonable for both companies and authorities. If full technical integration delays implementation, short-term simplifications within the existing procedures must also be pursued. For companies, rapid and tangible relief is more important than waiting years for the perfect overall solution while the problems continue to worsen.

The eDeclaration can effectively replace the more than 300 different reporting requirements and 27 reporting portals in the EU. In addition, the reporting requirement for short-term postings needs to be abolished completely, especially in non-risk sectors. Disproportionate bureaucracy with a low risk of abuse must be eliminated. Against this background, a practical EU-wide solution should be established in a timely manner without unnecessarily complicating the approach of the proposed regulation ([COM \(2024\) 531 final](#)).

### **Simplifying the recognition of professional qualifications across Europe**

International mobility of skilled workers must not be hindered by bureaucratic obstacles. Simplified recognition of professional qualifications in the internal market is a key competitive factor. Applicants from both the EU and third countries need easily accessible information and clear advisory structures in the Member States. The Commission is right to want to speed up and digitise recognition procedures across Europe. All countries must focus more on professional practice rather than insisting on formal qualifications. A more mobile and competitive labour market in the EU can only be achieved if the recognition of qualifications – where necessary or desired – is simple and straightforward in all Member States.

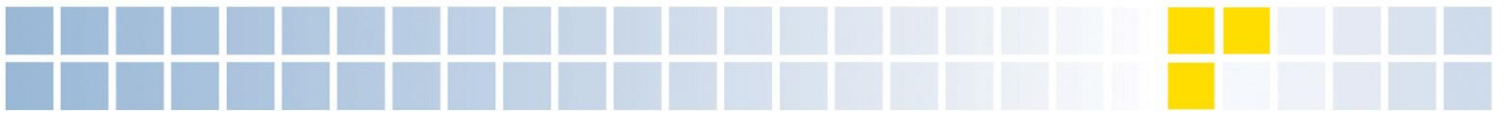
Skills must be transparent and easily verifiable, regardless of where they were acquired. The European Qualifications Framework (EQF) must be used consistently as a transparency tool in all Member States. Digital certificates in the EUDI wallet can make qualifications and further training more easily accessible. Synergies with the ESSPass are also conceivable here. In order to improve the effectiveness and scalability of various EU transparency instruments, an impact assessment is first required, as recommended in [the Draghi report](#).

### **Facilitating cross-border mobile work**

Mobile working has become an integral part of modern working environments. In order to enable flexible working models without additional bureaucracy, mobile working requires clear labour, social security and tax regulations. However, there is a growing need for regulation, particularly in a cross-border context, in order to enable flexible working models in a legally secure manner. Employees value location-flexible working across national borders, and companies support this demand where practicable – not least in order to attract and retain workers and skilled personnel.

The ongoing revision of Regulation (EC) No 883/2004 must clearly regulate mobile working throughout the EU in terms of social security law and accompany it with uniform processes. Currently, differing interpretations by Member States are leading to a lack of legal certainty. In terms of labour law, it must be made clear that mobile working at the request of employees does not constitute posting. In terms of tax law, uniform criteria for the delimitation of permanent establishments are required across the EU.

### **Ensuring flexible subcontracting**



Subcontracting is central to competitiveness and efficient value chains. It enables flexible, specialised cooperation and is indispensable, especially in cross-border projects. As a central element of functioning value chains, it must remain possible without restrictive measures.

Limiting subcontracting chains – for example, by imposing a maximum number of companies – unnecessarily interferes with proven business structures. It restricts the entrepreneurial freedom of highly specialised SMEs in particular and prevents efficient, economically sensible division of labour, which is indispensable especially in large-scale projects. In order to effectively prevent abuse, the use of additional workers through temporary employment agencies is largely prohibited in the construction industry in Germany. Limiting subcontracting chains would deprive construction companies of almost all flexibility to draw on external personnel when needed.

Joint and several liability along the subcontracting chain is also disproportionate and creates additional bureaucracy without any discernible added value. New registration requirements, as discussed by parts of the European Parliament, create additional bureaucracy. Instead, violations of labour and social law must be specifically prevented through the consistent application and enforcement of existing national regulations.

### **Focus ELA on its core mission**

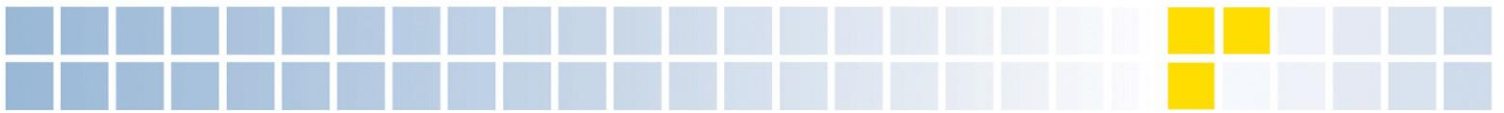
ELA must finally fulfil its existing mandate as a central information point. Companies and employees need reliable, clear and easily accessible information on posting notifications, wage regulations and A1 certificates. Instead of expanding responsibilities, minimum standards should be established for national information services, ensuring multilingual, consistent content that provides real practical value.

ELA should establish itself as a central point of contact for employees and companies and offer reliable guidance in the complex EU regulatory landscape of labour mobility. For companies, it is crucial that information is presented in a comprehensible, uniform and practical manner. Digitalisation and reducing bureaucracy must be part of ELA's core mission – as a hub for simplification, not control. It must also actively simplify procedures and reduce bureaucracy through digital, interoperable solutions. The agency must digitise cross-border processes and make this one of its core tasks. Overall, ELA should focus on promoting practical solutions across all sectors, thereby strengthening a fair, functional and business-friendly framework for EU labour mobility.

### **Posting third-country nationals in a legally secure manner and strengthening the freedom to provide services**

For companies, the posting of third-country nationals within the EU must be legally secure and practicable without restricting the freedom to provide services. The widely diverging requirements of the Member States currently prevent companies from offering and performing services across the EU.

Key terms should be interpreted uniformly and guidelines for proportionate national requirements should be developed. The Van der Elst interpretation of the law must be clarified and clear standards for reporting requirements, necessary evidence and processing times must be introduced. Employers should not be liable for errors made by authorities. National authorities must be obliged to check within a short period of time whether a service may be provided in the destination Member State – even if a visa procedure is required in Germany beforehand.



New restrictive requirements imposed by the Commission are counterproductive for companies that employ third-country nationals and hamper their cross-border activities. Cases of fraud must be addressed in the individual Member States by labour inspectorates and authorities. Isolated problems are caused by inadequate enforcement of the law, not by a lack of legislation.

If individual Member States continue to exclude third-country nationals from the application of Regulation (EC) No 883/2004, they are effectively blocking the free movement of services. The rules must be harmonised immediately so that services can be provided everywhere without being slowed down by national special measures.

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