STUDY

Requested by the EMPL committee

European Parliament

Skilled labour mobility in the EU

Pathways, challenges, and strategies for attraction and retention



Policy Department for Transport, Employment and Social Affairs
Directorate-General for Cohesion, Agriculture and Social Policies (CASP)
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Abstract

This study examines EU labour shortages, skilled labour mobility and training investment, highlighting structural pressures and regional inequalities. It reviews how regions and SMEs respond, then analyses the fragmented labour, social security and migration rules governing the posting of third-country nationals (TCNs). A comparison across six Member States identifies five interpretative grey zones and substantial differences in enforcement capacity for TCNs posting. Recommendations address shortage causes, job quality, training and targeted regional support, alongside greater transparency in subcontracting chains and stronger enforcement of posting rules.

This document was requested by the European Parliament's Committee on Employment and Social Affairs.

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LIST OF ABBREVIATIONS

A1 (PD A1)	Portable Document A1, the certificate issued under Regulation (EC) No 987/2009 confirming which Member State's social security legislation applies to a posted worker
ACT	Authority for Working Conditions (Portugal)
AES	Adult Education Survey
APE	Anzianità Professionale Edile, Italy's construction-sector seniority benefit
ARILM	Annual Report on Intra-EU Labour Mobility (European Commission, DG EMPL)
AÜG	Arbeitnehmerüberlassungsgesetz, Germany's Temporary Agency Work Act
BNS	National Trade Union Bloc (Romania)
BUAK	Bauarbeiter-Urlaubs- und Abfertigungskasse, Austria's construction workers' holiday-pay and severance fund
CCNL	Contratto Collettivo Nazionale di Lavoro, Italy's national collective labour agreement
Cedefop	European Centre for the Development of Vocational Training
CEC	European Confederation of the Footwear Industry
CELEX	Identifier system for EU legal acts in EUR-Lex
CIBTP	Caisse Interprofessionnelle du Bâtiment et des Travaux Publics, France's construction-sector paid-leave fund
CITUB/KNSB	Confederation of Independent Trade Unions of Bulgaria
CJEU	Court of Justice of the European Union
CNCE	Italy's national coordinating body for the Cassa Edile bilateral construction-sector welfare funds
COTANCE	Confederation of National Associations of Tanners and Dressers of the European Community
COVID-19	Coronavirus disease 2019
CPLP	Comunidade dos Países de Língua Portuguesa (Community of Portuguese Language Countries)

CUC	Unique construction-worksite identification code (Italy)
CVTS	Continuing Vocational Training Survey
DG	Directorate-General (European Commission)
DG ECFIN	Directorate-General for Economic and Financial Affairs
DG EMPL / EMPL	Directorate-General for Employment, Social Affairs and Inclusion; also the European Parliament's Committee on Employment and Social Affairs
DGB	Deutscher Gewerkschaftsbund, German Trade Union Confederation
DGT	Direction Générale du Travail, France's Directorate-General for Labour
DRV	Deutsche Rentenversicherung, Germany's Pension Insurance
DURC	Documento Unico di Regolarità Contributiva, Italy's single certificate of social-security and tax compliance
EC	European Commission; also "European Community" in legal citations (e.g. Regulation (EC) No 987/2009)
ECB	European Central Bank
EEA	European Economic Area
EESSI	Electronic Exchange of Social Security Information
EFFAT	European Federation of Food, Agriculture and Tourism Trade Unions
EFTA	European Free Trade Association
EIB	European Investment Bank
ELA	European Labour Authority
EMWU	European Migrant Workers Union
ERDF	European Regional Development Fund
ESF+	European Social Fund Plus
ESPON	European Spatial Planning Observation Network
ESSPASS	European Social Security Pass
ETUI	European Trade Union Institute

EU	European Union
EU13	Member States that joined the EU in or after 2004
EU15	Member States of the EU prior to the 2004 enlargement
EU-LFS (LFS)	(EU) Labour Force Survey
EURATEX	European Apparel and Textile Confederation
Eurofound	European Foundation for the Improvement of Living and Working Conditions
EURES	European Employment Services network
Eurostat	Statistical Office of the European Union
EWCS	European Working Conditions Survey
FKS	Finanzkontrolle Schwarzarbeit, Germany's Financial Control of Undeclared Work unit
FNAPE	Italian fund financing the construction-sector seniority benefit (APE)
FPS	Federal Public Service (Belgium)
FTE	Full-Time Equivalent
GDP	Gross Domestic Product
GFC	Global Financial Crisis
GSA Fleisch (Act)	Gesetz zur Sicherung von Arbeitnehmerrechten in der Fleischwirtschaft, Germany's Meat Industry Workers' Rights Act
HTP	Harnessing Talent Platform (European Commission)
ICT	Information and Communication Technology
ILO	International Labour Organization
IMF	International Monetary Fund
INAIL	Istituto Nazionale Assicurazione Infortuni sul Lavoro, Italy's National Institute for Insurance against Accidents at Work
INASTI/RSVZ	National Institute for the Social Security of the Self-Employed (Belgium)
INL	Ispettorato Nazionale del Lavoro, Italy's National Labour Inspectorate

INPS	Istituto Nazionale della Previdenza Sociale, Italy's National Social Security Institute
IRU	International Road Transport Union
ISCO	International Standard Classification of Occupations
JRC	Joint Research Centre (European Commission)
JVR	Job Vacancy Rate
JVS	Job Vacancy Statistics (Eurostat)
LIMOSA	Belgium's online prior-declaration system for posted and self-employed workers
LSSI	Labour and Skills Shortage Index (Cedefop)
LTR	Long-Term Resident (Directive 2003/109/EC)
MS	Member State(s)
NACE	Statistical classification of economic activities in the European Union
NEET	Not in Employment, Education or Training
NUTS	Nomenclature of Territorial Units for Statistics
OECD	Organisation for Economic Co-operation and Development
ÖGB	Österreichischer Gewerkschaftsbund, Austrian Trade Union Federation
OJ	Official Journal of the European Union
ONSS/RSZ	National Social Security Office (Belgium)
OPZZ	All-Poland Alliance of Trade Unions
OSIRIS	Belgium's platform for administrative dialogue and conciliation on cross-border social-security disputes
PIP	Państwowa Inspekcja Pracy, Poland's State Labour Inspection
PISA	Programme for International Student Assessment
PWD	Posting of Workers Directive (96/71/EC, as revised by Directive (EU) 2018/957)

RRF	Recovery and Resilience Facility
SANDEM	JRC's Supply and Demand model for the EU health workforce
SIRS/SIOD	Social Intelligence and Investigation Service (Belgium)
SME	Small and Medium-sized Enterprise
SMUG	Secure Mobility: Uncovering Gaps in the Social Protection of Posted Workers
SOKA-BAU	Sozialkasse der Bauwirtschaft, Germany's construction-industry mutual social fund
SSSS	Alliance of Independent Trade Unions of Serbia
STEM	Science, Technology, Engineering and Mathematics
TBM	Talent Booster Mechanism (European Commission)
TCLF	Textiles, Clothing, Leather and Footwear (Skills Alliance)
TCN	Third-Country National
TFEU	Treaty on the Functioning of the European Union
TWA	Temporary Work Agency
VASAS	Vasas Trade Union Federation (Hungary)
VET	Vocational Education and Training
WHO	World Health Organization
ZAV	Zentrale Auslands- und Fachvermittlung, the international/specialist placement arm of Germany's Federal Employment Agency
ZSSS	Association of Free Trade Unions of Slovenia
ZUS	Zakład Ubezpieczeń Społecznych, Poland's Social Insurance Institution

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EXECUTIVE SUMMARY

Introduction

Labour shortages in the European Union are widespread and persistent. They touch upon different strategic sectors, such as information and communication technology (ICT) and artificial intelligence (AI), construction, healthcare, transport and logistics, green-transition related jobs, and occupations that span across different skill levels. Three factors sustain this pressure: a decreasing working-age population; the green and digital transitions, which add demand in occupations already difficult to staff; and occupations where recruitment difficulties reflect poor working conditions rather than missing skills. Most hiring up to 2035 will replace retiring workers, so vacancies are foreseen to persist even where employment is stable.

Aim of the study

This study, commissioned by the European Parliament's Committee on Employment and Social Affairs (EMPL), examines skilled labour mobility in the EU and its implications for territorial cohesion. It analyses labour shortages, the mobility of EU workers, and policy responses. It also examines the posting of third-country nationals (TCNs), whereby non-EU workers are temporarily sent by an employer in one Member State to work in another. The analysis aims to inform the European Parliament's work on the Commission's Fair Labour Mobility Package and the broader EU skills and talent agenda.

Key findings

Skilled labour mobility, regional disparities and territorial cohesion

Labour shortages in the EU are persistent, varied in cause, and present at every skill level. They outlasted the cooling of the economy after 2022, and the same occupations have topped shortage lists for a decade. Three factors sustain them: (i) the working-age population is shrinking, from 272 million in 2009 to 263 million in 2023; (ii) the green and digital transitions add demand in jobs already in shortage; and (iii) many shortage jobs offer lower poor working conditions. Shortage is not a single phenomenon. In some occupations the workers do not exist; in others they exist but are in another country; in others again they exist but will not accept the pay and conditions on offer. Because most future recruitment will only replace workers who retire or leave rather than fill new posts, shortages will persist even where employment is stable.

Mobility redistributes existing skills across the EU, but cannot compensate for skills that are not available in the first place. Intra-EU mobility is broadly stable. The potential for cross-border matching is considerable, as 422 of the 430 occupations in shortage in at least one Member State are in surplus in another, with healthcare being the exception. The forms of mobility that respond most directly to shortages are also the least visible in the statistics, so the contribution of posting, seasonal work and cross-border commuting to filling vacancies is difficult to be appropriately measured.

Mobility alone cannot solve Europe's labour shortages: education and training are needed to develop new skills and update existing ones. In 2022 participation in adult learning stood at 39.5%, well below the EU target of 60% by 2030, and is lowest among low-skilled adults, people outside employment and residents of economically weaker regions. Small and Medium-sized Enterprises (SMEs) face acute recruitment difficulties but often lack the capacity to train; sectoral and regional partnerships can share provision, although evidence on their results remains limited. Training and skills portability need to be supported together: wider recognition raises the value of skills to workers, but can also heighten employers' concern about losing those they have trained, which strengthens

the case for sharing training costs. Training retains people only where local jobs use the new skills and offer good benefits; otherwise better-trained workers have incentives to leave.

The costs and benefits of mobility are unevenly spread across regions. The Commission's 9th Cohesion Report identifies 46 regions, home to over 70 million people, in a 'talent development trap'. The study's classification of NUTS-3 regions reveals that talent losses also occur within larger NUTS-2 regions, where overall averages can mask internal dynamics at NUT-3 level, and some regions, such as parts of eastern Germany, shrink mainly because older generations retire rather than because people leave. Regions that attract talent face different pressures: knowledge hubs such as Dublin and Vienna draw the most young people but face strong housing pressure. This has important implications for territorial cohesion policies.

Posting of third-country nationals

No single EU law governs the posting of TCNs. Instead, the applicable rules span three areas: labour law; social security coordination; and migration law, creating areas of legal uncertainty. These make enforceability of TCN's posting even more challenging. TCN's posting is mostly concentrated in a few sectors and often at the bottom of subcontracting chains. While lower labour costs remain a driver, interviews also point to skills shortages that can only be addressed through TCNs recruitment. The scale of the phenomenon, however, remains difficult to assess at EU level because statistics record the country providing social security coverage, but not the workers nationalities. Moreover, while the legal framework is largely common, its enforcement is not. The six Member States examined in this study (Belgium, Germany, France, Poland, Portugal and Italy) apply the same EU rules but differ significantly in inspection capacity and in their ability to challenge social security certificates issued abroad. Posted TCNs can also be particularly vulnerable to abuse because of their dependence on employers for their right to remain in the EU. Nevertheless, effective practices show that stronger enforcement is possible: Belgium's OSIRIS platform resolves most disputes over social security certificates at an early stage, while LIMOSA provides daily information on workers present at worksites; Poland allows authorities to verify certificates online; and, across borders, joint inspections coordinated by the European Labour Authority (ELA) help detect fraud, while the Fair European Labour Mobility (FELM) network provides advice to posted workers throughout their posting.

Conclusions and recommendations

Findings from both parts of the study converge on the same sectors. Construction, transport, agriculture and long-term care combine persistent shortages with a high share of posted TCNs, as these sectors increasingly use posting to fill vacancies. Three shortcomings stand out in the analysis. The forms of mobility that respond most to shortages are the least measured and monitored; poor working conditions both cause shortages and expose workers to abuse; and good practices exist at the national level, but lack harmonisation across Europe.

Tailor the response to the cause of each shortage and put job quality at its centre. The Commission should classify shortage occupations by their main cause and steer EU instruments accordingly: support for mobility and faster recognition of qualifications where workers exist elsewhere, investment in training and retention where too few are trained, and better pay and conditions where jobs are unattractive. EU co-funding for training and recruitment, for example under the European Social Fund Plus, should be linked to commitments on decent working conditions, and the forthcoming Quality Jobs Act and European Care Deal should address the most persistent shortages.

Target regional and training policies at the places and people most in need. In the 2028–2034 programming period, cohesion policy should use local indicators alongside regional ones, reserve part of its funding for the most affected local areas and adapt support to each type of region: training

combined with local job creation and return programmes where young people leave, the continuity of essential services where populations age, and affordable housing and skills recognition in knowledge hubs. The Pact for Skills should adopt common standards for supporting small firms, independent monitoring and dedicated funding for its regional partnerships. The proposed Skills Portability Act should make recognition faster and cheaper.

Clarify the rules on posting third-country nationals. The Commission should issue guidance on what makes the posting of a TCN genuine, consistent with the planned requirement of three months' prior social security affiliation, and on the proportionate limits of host-state residence checks, building on the *SN and Others* judgment. Building on positive national initiatives, the digital certificate planned under the European Social Security Pass (ESSPASS) should allow real-time checks and faster resolution of disputes.

Strengthen enforcement and worker protection. Posting declarations should disclose all contractors in a subcontracting chain, liability for unpaid wages should extend beyond the direct contractor in high-risk sectors, and limits on chain length should be considered. Member States should increase inspection capacity and set fines that outweigh the gains from non-compliance, while the revised mandate of the European Labour Authority should make joint cross-border inspections regular. Posted workers need multilingual counselling, with stable funding for cross-border networks. Posting statistics broken down by nationality would allow these measures to be targeted and evaluated.

INTRODUCTION

Labour shortages, ageing population and changing skill needs are placing growing pressure on the European Union's labour markets with employers across sector increasingly struggling to recruit workers with the skills they need. These pressures differ across regions: some attract workers, but face housing shortages and pressure on services; others lose young people or struggle to replace retiring workers. Addressing labour and skill shortages therefore requires attention to both the skills available across the EU and the conditions in the places where people live and work.

Labour mobility can help connect workers with opportunities and employers with the skills they need. However, recruitment from elsewhere cannot replace investment in training across the EU or make bad jobs good ones. The benefits of labour mobility are also unevenly distributed: receiving regions gain workers, while regions of origin may lose skills needed for their own development, though return migration, links with workers abroad and local employment opportunities can help offset these losses. The policy challenge is to support mobility while protecting workers and strengthening territorial cohesion.

This study, at the request of the European Parliament's Committee on Employment and Social Affairs (EMPL), examines two connected dimensions of this challenge: (i) skilled labour mobility and regional development; and (ii) the posting of third-country nationals within the internal market. In addressing these issues, it draws on EU statistics, research literature, regional analysis, a comparative legal review, case studies, and expert interviews. It is structured in three sections, as described below.

Chapter 1 examines labour shortages, mobility, training and regional responses. It begins by mapping the scale and persistence of labour and skill shortages and the sectors, occupations and skill levels most affected. It then examines intra-EU mobility and migration including temporary forms of work, the main routes between countries and movers' employment outcomes. The analysis of training, as a possible response to labour shortages, considers participation, investment and unequal access, with particular attention to the constraints facing small and medium-sized enterprises. A classification of 1 166 NUTS-3 regions into four clusters shows how demographic and economic pressures combine locally. The chapter then reviews eight types of place-based talent policy, covering attraction, retention, local skills development and coordination between levels of government.

Chapter 2 examines the posting of third-country nationals: non-EU workers sent temporarily by an employer in one Member State to work in another. It maps the interaction between labour law, social security coordination, and migration law, and identifies five areas of legal uncertainty. It then examines the sectors, geographical routes and subcontracting arrangements in which posting occurs. A comparison of Belgium, Germany, France, Poland, Portugal and Italy explores how national authorities interpret and enforce rules. Documented practices illustrate ways to improve worker protection, transparency and cooperation across borders.

Chapter 3 brings the findings together and presents policy recommendations for the EU, Member States and regions. Both parts of the study address a common question: how can labour mobility help meet recruitment needs while supporting fair working conditions and the development of sending and receiving regions? The recommendations connect measures on skills, job quality, and regional investment with clearer posting rules and stronger enforcement, informing Parliament's work on fair labour mobility and the wider EU skills and talent agenda.

1. SKILLED LABOUR MOBILITY IN THE EUROPEAN UNION: STRATEGIES TO PROMOTE SKILLED EMPLOYMENT AND TERRITORIAL COHESION

KEY FINDINGS

Labour shortages in the EU are persistent and affect the entire skills spectrum. In some occupations, workers are unavailable because of demographic decline and the new skill needs created by the twin transitions; in others, they are available but located in another country; and in others, they exist but will not accept the pay and working conditions on offer. Each case calls for a different policy response.

Intra-EU mobility remains relatively stable. Some forms of mobility are poorly captured in the statistics, which limits the measurement of how posting, seasonal work and cross-border commuting help fill vacancies. There is nonetheless considerable potential to match workers with shortages across countries: many occupations in shortage in one country are in surplus elsewhere, although healthcare is a notable exception.

Adult learning participation is unlikely to achieve the EU target for 2030. Access to training is weakest for those who would benefit most: low-skilled adults, people outside employment, employees of small firms and residents of economically weaker regions. SMEs face severe recruitment difficulties but have limited capacity to train. Finally, skills portability and training investment must be addressed together: wider recognition of skills raises employers' concern about losing trained staff, which strengthens the case for sharing training costs.

Labour market shortages have different underlying causes across EU regions, even where they appear similar. The clustering exercise shows that some regions lose young workers, others face demographic contraction and difficulties replacing retirees, while economically dynamic regions attract talent but struggle with housing costs and underutilised skills. This is very important for designing adequate territorial cohesion policies as these need to address the specific pressures facing each territory.

1.1. Labour shortages: a sectoral and occupational map

This section provides an overview of labour shortages, their causes and how they are spread across occupations and sectors. It first examines the overall **scale and trajectory of EU labour shortages** and the underlying mega trends. It then considers the **sectors** in which shortages are persistent and strategically important for the EU economy, such as healthcare, ICT, construction, and transport. Finally, it examines which **occupations and skill levels** are most affected and how future recruitment needs might evolve.

1.1.1. Scale and trajectory

Between 2014 and the mid-2020s the EU labour market recorded a substantial and sustained expansion. Employment rose from approximately 182 million persons in 2014 to over 199 million in 2023, while the EU unemployment rate fell from 10.5% in 2014 to 5.9% in 2024, the lowest annual value

in the available series, before edging up to 6.0% in 2025[1]. At the same time, employer-reported recruitment difficulties have intensified. The two developments are not in tension. Employment growth of this magnitude, set against a working-age population that has ceased to grow, necessarily reduces the stock of readily available labour: as unemployment falls, the reserve from which additional hires can be drawn narrows, and further expansion depends increasingly on activating inactive groups, migration, or reallocating workers already in employment.

Box 1: Understanding labour shortages: indicators and concepts

Vacancy statistics measure unfilled posts for which employers are actively recruiting outside their organisation. They show unmet demand for workers, but do not establish a shortage on their own, nor they reveal why vacancies exist or are difficult to fill. The **job vacancy rate (JVR)** is the share of all posts, filled and vacant, that employers are actively seeking to fill. Employer surveys capture employers' perceptions regarding labour shortages and provide an indication of the extent to which these are a constraint on their activity but cannot always distinguish between a lack of suitable workers, unattractive wages and conditions, and unrealistic recruitment expectations. Occupational assessments such as those provided by EURES reports on labour shortages and surpluses prepared by the European Labour Authority since 2016, identify shortages/surpluses by occupations self-reported by national Public Employment Services. Cedefop's Skills Forecast, Labour and Skills Shortage Index (LSSI) and TalentGap Index complement this evidence with projections on recruitment and replacement-demand estimates.

As it can be seen from the above, different sources provide complementary evidence. Vacancy statistics offer a harmonised measure of unfilled posts, while employer surveys capture firms' experience of recruitment constraints. Occupational assessments add information on where A **labour shortage** occurs when employers need more workers than are available and willing to accept the wages and working conditions offered. A **skill shortage** occurs when vacancies are difficult to fill because too few people have the required skills. A **mismatch** occurs when the workers available do not match employers' needs in terms of occupation, sector, location or skill level. This distinction is significant as different causes call for different responses: improve education and training; improvements in job quality or wages; or better matching and mobility.

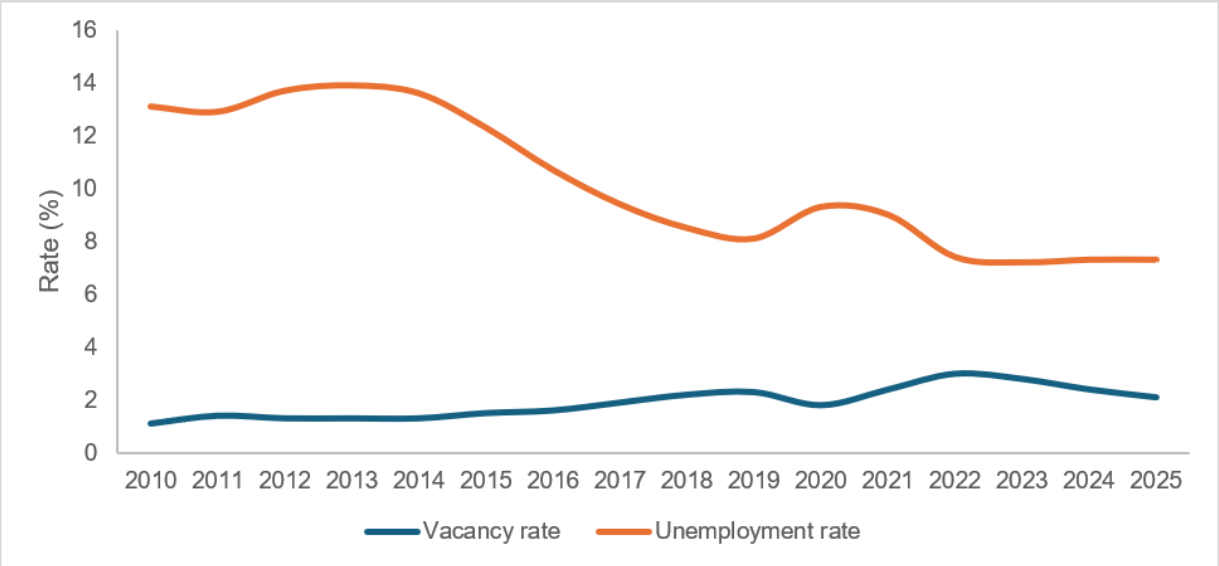
Source: Authors' own elaboration.

The most widely used aggregate indicator for labour market tightening is ratio between the job vacancy rate (JVR) - the number of unfilled posts expressed as a share of all posts, occupied and vacant – and unemployment. In Q2 2026, the EU JVR stood at 2%, down substantially from its 2022 peak of 3%, but still above the pre-pandemic average of 1.7% for 2013–2019[2]. Over the same period unemployment also fell substantially (see Figure 1).

[1] Eurostat, n.d., Unemployment statistics, Statistics Explained.

[2] Eurostat, n.d., *Job vacancy statistics (jvs_q_r21)*, online database.

Figure 1: Vacancy and unemployment rates in the EU, 2010 to 2025



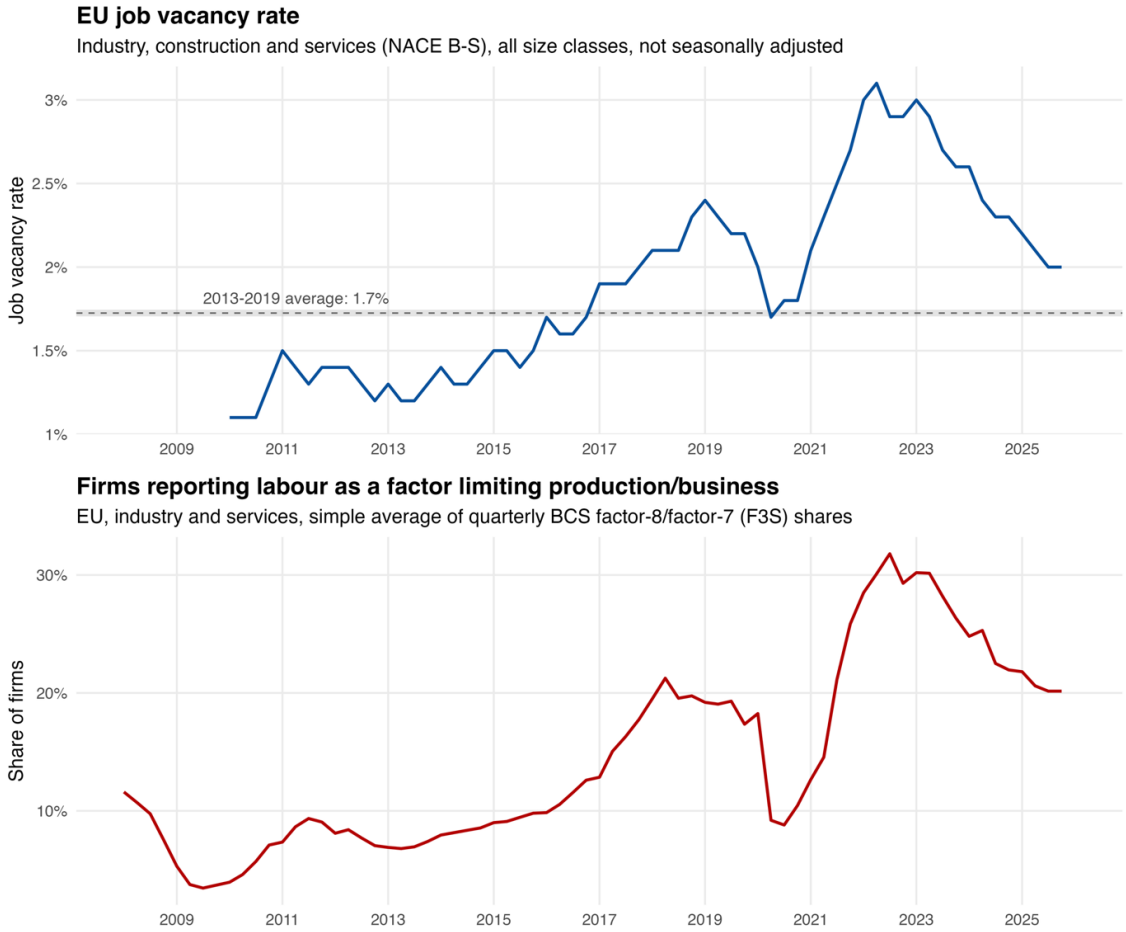
Source: Eurostat Job Vacancy Statistics and EU Labour Force Survey

Changes over the past decade help explain this trend. The vacancy rate rose steadily from around 1.5% in 2014 as the economy recovered from the financial crisis. It fell sharply during the pandemic in 2020 but soon began to rise again. The JVR peaked at around 3.0% in Q2 2022 before falling as economic growth slowed, reaching 2.8% in 2023, 2.4% in Q2 2024 and 2.2% in early 2025. Despite this decline, the vacancy rate remained almost twice as high as a decade earlier[3].

Employer surveys tell a story consistent with this. By the end of 2021, around 25% of firms reported that labour shortages were limiting production, a record high at the time (Kiss et al., 2025). This share rose to more than one third in 2022. Flash Eurobarometer 537 (fieldwork September–October 2023, published November 2023) found that 68% of medium-sized companies (50–249 employees) ranked difficulties in finding employees with the right skills among their three most serious problems, compared with 54% of SMEs overall and 72% of large companies (European Commission, 2023g); the *EIB Investment Survey* 2024 (European Investment Bank, 2024) found 77% of companies citing skills shortages as a barrier to long-term investment. Flash Eurobarometer 529 (European Commission, 2023f) showed that nearly four in five SMEs finding it difficult to recruit workers with the right skills, with more than half also struggling to retain them. The Commission's 2024 Action Plan on labour and skills shortages (European Commission, 2024d) documented that 63% of SMEs were unable to find the talent they required. The *Joint Employment Report* 2025 notes how labour shortages continued to limit production for 18% of firms in October 2024 (European Commission and Council of the European Union, 2025). Taken together, vacancy statistics and employer surveys point to a tightening labour market. Although they capture different dimensions of labour demand, both show a sharp fall in 2020, a peak in recruitment pressures in 2022 (capturing the expansion of the economy following the pandemic), and subsequent easing. By 2025, labour demand had returned to around its 2018–2019 level, while remaining above the levels observed in the early 2010s (see Figure 2 below).

[3] Eurostat, n.d., *job vacancy statistics (jvs_q_nace2)*, online database.

Figure 2: EU job vacancy rate and firm-reported labour shortages, 2008-2025



Source: Eurostat, dataset jvs_q_nace2 (top panel). Available at: https://ec.europa.eu/eurostat/databrowser/view/jvs_q_nace2/default/table?lang=en; European Commission, Directorate-General for Economic and Financial Affairs, Business and Consumer Surveys (bottom panel). Available at: https://economy-finance.ec.europa.eu/economic-forecast-and-surveys/business-and-consumer-surveys_en.

This degree of labour market tightness is associated to three structural drivers, which recur across the literature and are central to the European Commission's Action Plan on Labour and Skills Shortages (European Commission, 2024d).

1) The first is **demographic contraction**. Between 2009 and 2023, the EU working-age population declined from 272 million to 263 million, and it is projected to fall to 236 million by 2050. Ageing both shrinks the pool of available workers while increasing the demand for labour-intensive services (above all health and long-term care) that an older population needs. Unlike shortages related to economic growth, demographic decline has no short-term self-correcting mechanism: no amount of economic cooling restores a missing cohort in the population.

2) The second is the **green and digital transitions**, which are increasing demand for specialist occupations as well as for new combinations of skills. Current education systems are not yet training enough people with these combinations of skills. This has a direct impact on firms most affected by the twin transition, such as ICT, construction, energy, and manufacturing. Section 1.1.2 looks at shortages in strategic sectors in more detail.

3) The third driver is **poor working conditions**. Recruitment difficulties arise in some occupation not because of a shortage of skills but because the terms and conditions of employment are

relatively poor compared to other jobs to which individuals have access (Cedefop, 2024c). The European Trade Union Institute (Zwysen, 2023) finds that shortages are more severe, and have increased the most, in jobs with lower wages and poorer conditions. Sectors with persistently high shortages include healthcare, transport and storage, accommodation and food services, and construction (OECD, 2025; Causa et al., 2025). These sectors often have more shift work and greater exposure to physical and mental health risks. Women and migrants are also relatively over-represented in these sectors. Wage trends provide further evidence. When workers are scarce, wages would usually be expected to rise and attract more people into the jobs available, but they may do so too slowly to offset shortages or there may be other factors which prevent wages responding to signals about shortages (Causa et al., 2025).

Together, these drivers help explain why significant labour shortages remain and are likely to persist, despite demand conditions weakening since 2022. Their relative importance, however, differs markedly across sectors. The next section examines which sectors face the most severe and persistent shortages, and why these sectors matter for the EU's economy and essential services.

1.1.2. Persistent shortages in strategic sectors

The *Employment and Social Developments in Europe* (ESDE) 2023 report (European Commission, 2023b) used Business and Consumer Survey (BCS) data to identify subsectors with persistent labour shortages across the EU between 2012 and 2021, i.e. that were reported in at least one-third of quarters in more than ten Member States. The table below reproduces the nine subsectors (at NACE 2-digit level) with the largest number of Member States affected, together with the number, as reported in Table 2.2 of the ESDE 2023. The employment columns are our own update: employment levels refer to 2025 and the change is measured since 2021, both calculated from Eurostat EU-LFS data.

Table 1: Employment from EU labour force survey 2025

Subsector (NACE 2-digit)	Member States with persistent shortage	Employment (EU-27, 2025)	Empl. change since 2021
43: Specialised construction activities	19 MS	8.2m (4.1%)	+7%
62: Computer programming / consultancy	17 MS	5.0m (2.5%)	+23%
41: Construction of buildings	17 MS	4.3m (2.1%)	+9%
33: Repair and installation of machinery	16 MS	1.2m (0.6%)	+5%
49: Land transport (incl. pipeline)	15 MS	5.6m (2.8%)	+3%
25: Fabricated metal products (excl. machinery)	14 MS	3.5m (1.8%)	+2%
31: Manufacture of furniture	13 MS	1.1m (0.5%)	-2%
81: Services to buildings / landscape activities	13 MS	3.8m (1.9%)	+8%
71: Architectural and engineering activities / testing	12 MS	3.0m (1.5%)	+9%

Source: European Commission, 2023b, *Employment and Social Developments in Europe 2023*. Available at: https://op.europa.eu/webpub/empl/esde-2023/. Subsectors and number of Member States: ESDE 2023, Table 2.2 (BCS-based, persistence assessed over 2012–2021). Employment and change since 2021: Eurostat EU-LFS [lfsa_egan22d].
Note: healthcare is not covered by the Business and Consumer Surveys data, which exclude public services.

Three different patterns of labour shortages emerge:

- **the first is that shortages driven by demand are growing faster than supply.** ICT illustrates this pattern: employment in computer programming and consultancy rose by 23% since 2021, yet shortages persisted in 17 Member States;
- **shortages linked to a shrinking workforce**. Construction illustrates this pattern with widespread shortages despite relatively weak longer term employment growth but with significant replacement needs;
- **shortages concentrated in a specific occupation within a moderately growing sector**. Land transport shows a third pattern: it employs 5.6 million people and has recorded moderate growth, but shortages persist in 15 Member States, largely because of the shortage of truck drivers discussed below.

These different patterns show that shortages merit attention which goes beyond their scale. The following subsections examine shortages in some strategic sectors for the EU's competitiveness, twin transitions, essential services and functioning of the single market.

ICT digital technologies and AI

In ICT, demand for workers has grown faster than supply. Employment rose by 23% since 2021, yet shortages persisted in 17 Member States. The constraint lies mainly on the supply side. Education and training systems in most **Member States are not producing ICT specialists at the rate the labour market requires, and shortages are most acute in senior and highly specialised roles, including cybersecurity, AI and cloud computing** (Eurofound, 2026). Among enterprises that recruited or tried to recruit ICT specialists in 2023, 57.5% reported difficulties in filling vacancies, citing a lack of applicants, insufficient qualifications and experience, and high salary expectations (Eurostat, 2024). Unlike in transport or care, poor job quality is not the main cause, as ICT jobs already offer above-average pay and working conditions. Responses therefore lie in expanding the domestic supply of digital skills and facilitating mobility (Eurofound, 2026). These pressures are reinforced by the digital transition and the concomitant growth in demand for specialist skills. The EU aims to employ 20 million ICT specialists by 2030, roughly double the 10.3 million employed in 2024, but on current trends it will fall around five million short of this target (Eurofound, 2026b). The EU is also estimated to need between 6.2 and 7 million AI-related workers by 2027, while a gap of some 300 000 cybersecurity specialists has been identified and close to 100 000 new semiconductor professionals will be needed under current trends (Council of the European Union, 2026). AI is also expected to increase demand for science and engineering professionals in around a third of Member States, and digitalisation will change the skills required within existing occupations.

Shortages in ICT are particularly significant because the sector conditions the adoption of AI and other digital technologies across the economy. The productivity gap between the EU and the United States is largely attributed to the tech sector, and skills shortages risk further constraining innovation (Draghi, 2024). Competition for the most specialised profiles is also international: Europe has historically lost top AI researchers to the United States, although recent data suggest this outflow has slowed (Interface, 2024; 2025). Shortages in ICT therefore bear directly on innovation and on the EU's wider competitiveness.

Construction

In construction, shortages affect the largest number of Member States, including 19 for specialised construction activities (European Labour Authority, 2026). According to Eurofound (2025), employment in the sector fell by around 230 000 between 2010 and 2023, yet shortages remain above the EU average. This suggests that shortages reflect a shrinking workforce, consistent with older workers retiring faster than younger workers enter the sector. These pressures are likely to grow: by 2035, building renovation requirements under the EU's energy-efficiency agenda are expected to generate high demand in construction (Cedefop, 2023). **Shortages in construction-related occupations may therefore also constrain the implementation of the green-transition and the recent policies responding to the housing crisis.** These dynamics are explored further in the construction case study presented in Volume 2.

Healthcare

Healthcare is not included in the BCS-based table above (Table 1) because the survey excludes public services. Other sources, however, show that it faces some of the EU's most widespread and severe shortages, with direct consequences for access to care. The *Health at a Glance: Europe* 2024 report (OECD and European Commission, 2024) estimates that the EU lacked around 1.2 million doctors, nurses and midwives in 2022, based on minimum staffing levels for universal health coverage. Data provided in the EURES reports on labour shortages and surpluses show a similar picture: nursing professionals and specialist doctors are among the occupations most widely reported in shortage,

and **healthcare has consistently ranked among the sectors with the most widespread and severe shortages** across successive EURES report between 2016 and 2024.

Population ageing adds to these pressures by **increasing demand for care** while many healthcare workers themselves approach retirement. More than a third of EU doctors and a quarter of nurses are over 55 years of age, meaning many are likely to retire within the next decade. Healthcare workers who move between EU countries are also ageing increasing replacements needs in **countries that rely on mobility to fill staffing gaps**.

Longer-term projections point in the same direction. The Joint Research Centre's (JRC) SANDEM model projects that if current patterns of entry into and exit from the professions continue, increases in the number of doctors and nurses would still fall short of projected demand under an ageing-population scenario. The model also considers that if age-related disease continues to decline in line with past trends, this could more than offset the additional demand caused by population ageing.

These dynamics are explored further in the long-term care case study presented in Volume 2 (Section 3.1).

Transport and logistics

Transportation and storage has some of the **highest job vacancy rates after construction and healthcare**. Its recruitment difficulties reflect demanding working conditions, an ageing workforce, and barriers to entering the profession. These shortages have consequences beyond transport: road freight supports the movement of goods across the single market, so a lack of drivers can disrupt supplies and deliveries across other sectors.

According to the 2026 EURES report (European Labour Authority, 2026), land transport alone employs 5.4 million people. **Working conditions are a particular concern**. In 2024, 28% of heavy truck and lorry drivers worked more than 40 hours a week; more than 75% reported regularly working in tiring physical positions, and over 70% reported feeling emotionally exhausted by their work. Among heavy truck and lorry drivers, 43% are over 50 years of age and 9% are aged 15–29; for bus and tram drivers, these shares are 54% and 5%, respectively. EU truck drivers also have the highest average age worldwide. Licensing requirements, linked to age and costs, make it harder to attract young workers. The revised EU Driving Licence Directive seeks to reduce these barriers by lowering the minimum age for truck licences from 21 to 18 and for bus licences from 24 to 21 years of age. As a consequence of these shortages and not attractive working conditions, **road freight transport is one of the sectors with the most posting of third country nationals (TCNs)** (see section 2.2).

Green-transition shortages

Green-transition pressures cut across sectors; they are particularly visible in construction, engineering, installation and maintenance activities, energy-related activities, and skilled trades. The Commission's 2025 proposal for a Council Recommendation on human capital identifies 24 occupations linked to the green transition that face shortages across several Member States, including insulation workers, refrigeration mechanics, civil engineering technicians and roofers. Meeting European Green Deal targets for wind and solar deployment alone is expected to require an additional 130 000–145 000 skilled workers by 2030, around 90% of them in construction and services (European Commission, 2024c).

The transition will also change the skills required by existing occupations. The OECD's *Employment Outlook 2024* (OECD, 2024b) expects the net-zero transition to have a limited effect on total employment by 2030, but to require substantial movement between jobs and sectors, alongside retraining. Cedefop's analysis of green jobs similarly highlights changes in the tasks and skills required

within existing roles. Addressing future shortages will therefore **require training for people already in work**, as well as recruiting and preparing new entrants (Cedefop, 2024b).

Persistent shortages in ICT, construction, healthcare, transport and the clean energy sector reflect different combinations of growing demand, ageing workforces, and difficulties attracting and retaining workers. Their consequences extend beyond individual sectors, affecting access to care, the movement of goods, the green and digital transitions, and the wider functioning of the EU economy and its competitiveness.

1.1.3. Occupational shortages and skill levels most affected

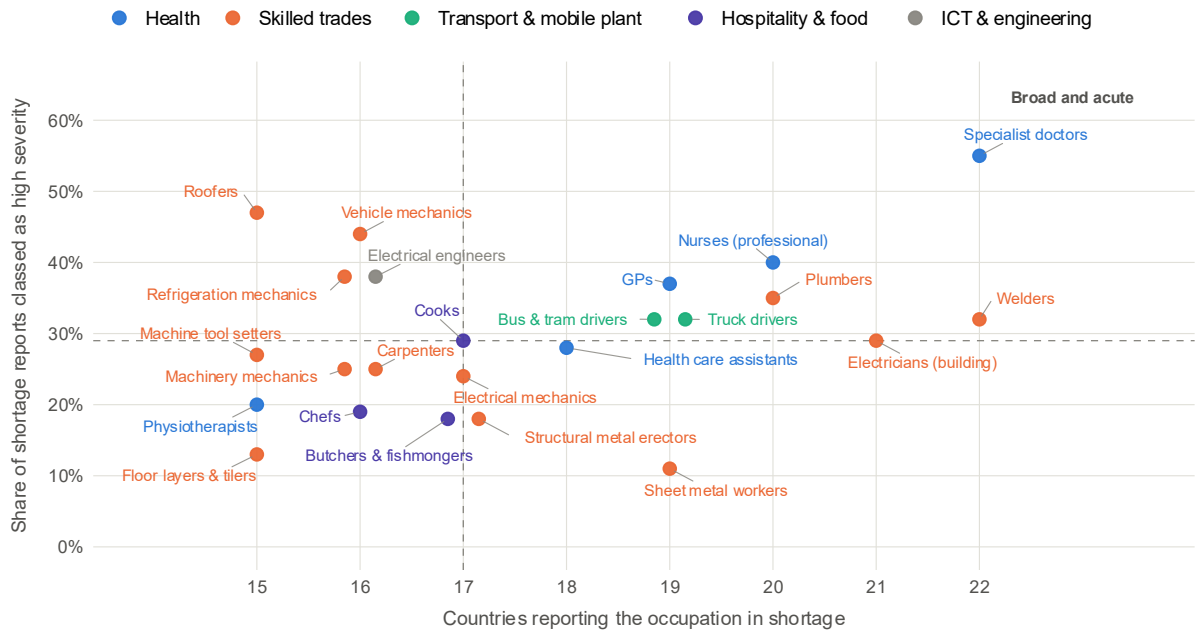
The previous section examined labour shortages from a sectoral perspective, identifying the sectors in which shortages are most persistent and strategically significant. This section shifts the focus from sectors to occupations and skill levels. It examines which **specific occupations are most widely affected across countries**, how severe those shortages are, and where they fall on the skills spectrum.

As already mentioned, EURES reports provide a comprehensive EU-level overview of shortages by occupation. In Q3 2025, National Coordination Offices in 28 EURES countries submitted shortage data covering all 436 occupations in the ISCO 4-digit classification. Of these occupations, 421 (97%) were in shortage in at least one country, with 2 617 shortage reports recorded across countries. Around 52.6 million workers, or 24% of the 215.2 million people employed in EURES countries, worked in occupations classified as having widespread shortages or surpluses. Overall, 21.3% of shortages were rated as severe and 35.4% as moderate (European Labour Authority, 2026)[4].

Figure 3 shows that shortages are concentrated in skilled manual trades, healthcare, hospitality, and transport. Affected occupations include: welders, electricians, plumbers, carpenters and mechanics; nurses, doctors and other healthcare workers; and cooks, chefs and waiters. Taking both the spread and severity of shortages into account, specialist doctors face the most acute shortages, followed by nursing professionals and welders and flame cutters. These occupations show that severe shortages affect jobs requiring both vocational and university qualifications. This pattern has remained stable over time. A comparison across all eight EURES report editions from 2016 to 2025 shows that healthcare, construction and metal trades, and heavy transport consistently feature among the occupations with the most widespread shortages (European Labour Authority, 2026, Annex 5, Tables 14 and 15).

[4] The exercise is an expert-assessment instrument rather than a statistical survey. In Q3 2025, EURES National Coordination Offices (NCOs) were asked to assign each of the 436 ISCO-08 occupations a status (shortage, surplus, balance, both, or no information). Data were submitted by 30 NCOs covering 28 countries (Belgium reports through three regional NCOs); Iceland, Liechtenstein and Switzerland did not participate, and Ireland, Italy and Poland did not report on surpluses. NCOs relied predominantly on PES administrative records (cited by 23 of 30 NCOs), so coverage depends on national rules on employer notification of vacancies and jobseeker registration and nowhere spans the whole labour market. The indicators applied are not harmonised: NCOs could select up to three sources and three indicators from a list ranging from the jobseeker-to-vacancy ratio to time-to-fill and purely qualitative PES, employer or expert judgement, with reference years 2024–2025. Severity is self-assessed against each NCO's national context, with no common threshold. The collection method has been unchanged since the 2024 edition, which began requesting a status for every occupation instead of an open list; the report notes that this change partly explains differences in the number of mismatches compared with earlier editions, which limits comparisons before 2024. In the 2025 edition, Spain, Italy, Malta, Portugal, Slovakia and Finland also reported changes to their national methods, so their results are not directly comparable with the previous year. The EURES data are used here for what they show well, namely the breadth and persistence of shortage across occupations and countries, and are triangulated throughout with vacancy statistics, employer surveys and forecast-based sources.

Figure 3: Countries reporting: EURES National Coordination Offices



Source: European Labour Authority, 2026, *EURES report on labour shortages and surpluses 2025*. Available at: https://www.ela.europa.eu/en/publications/labour-shortages-and-surpluses-europe-2025.

Note: the axis starts at 15 because EURES lists only occupations reported by more than half of the 28 reporting countries. Dashed lines mark this set's medians. Occupations sharing identical values are spread horizontally around their true count so that none is hidden; severity is never moved. Occupation groups are our own.

As shown by EURES data (above) and further confirmed by Cedefop's Labour and Skills Shortage Index (LSSI), **shortages affect occupations at all skill levels**. Future job openings arise from two main sources: expansion demand, where the economy grows (or contracts) and new jobs are created (or lost), and replacement demand, where workers who retire or leave an occupation need to be replaced. A sector or occupation may therefore need to fill job openings even if overall employment is in decline. Replacement demands are nearly always much larger than expansion demand.

In **high-skilled occupations** (ISCO groups 1–3: managers, professionals and technicians), shortages mainly reflect growing demand and the need to replace workers who leave, **particularly in healthcare, ICT and engineering**. Nearly a third of workers in occupations with widespread shortages have tertiary qualifications, compared with around 20% in occupations with labour surpluses (European Labour Authority, 2025a).

In **medium-skilled occupations** (ISCO groups 4–8), shortages are concentrated in **construction and manufacturing**. Plant and machine operators had the highest share of severe shortage reports in EURES 2024. Skills mismatches are also common: employers frequently fill vacancies with workers whose qualifications are below those required, which can reduce productivity (Cedefop, 2025a).

In **low-skilled occupations** (ISCO group 9: elementary occupations), limited employment growth means shortages stem mainly from replacement needs and from a supply–demand imbalance: the pool of workers is increasingly higher-educated, and attracting and retaining staff is difficult under existing wages and working conditions. Personal care occupations face similar pressures. Formal qualification requirements are lower, but interpersonal skills and difficult working conditions remain important – furthermore, in these occupations, employment growth is expected as the population ages (Cedefop, 2025a; European Commission, 2023b). Shortages up to 2035 will be most pronounced in high-skilled, non-manual occupations, driven by retirements and changing skill needs (Cedefop,

2023). That said, the continuing demand for **skilled trades, care workers and drivers** shows that recruitment and training responses will remain necessary across skill levels.

1.2. Labour mobility: scale, flows, and occupational profile

The scale and persistence of shortages described in Section 1.1 raises the question of **how far labour mobility can help meet recruitment needs**. This Section examines talent mobility in three steps. It begins with scale and forms of mobility, distinguishing EU citizens living in another Member State from residents from outside the EU. It also examines cross-border commuting, posted work, and seasonal and circular mobility. It also addresses gaps in the available statistics. It then turns to origins, destinations, and the main mobility routes, tracing the established patterns between countries, the role of return migration and the effects of sustained outward migration on regions of origin. It closes with the occupational and skill profiles of movers, examining their qualifications, their jobs and labour market outcomes, and how far their skills match shortages in destination countries.

1.2.1. The scale and forms of labour mobility

Free movement of workers is one of the single market's four freedoms, allowing EU citizens to live and work in another Member State. Measuring its scale is not straightforward as published figures differ depending on the population covered and whether they are based on administrative data or surveys. Box 2 below explains key concepts and main differences across sources.

Box 2: Concept in brief: stocks, flows, and differences between data sources

In line with the Annual Report on Intra-EU Labour Mobility, an **EU mover** refers to a EU citizen living in a Member State other than their country of citizenship. The report distinguishes between long-term mobility, involving a change of residence for at least 12 months, and short-term mobility, involving stays of less than 12 months.

The **stock of movers** is the number of people living in another country at a given point in time while **flows** measure how many move over a given period. A stable stock can hide large movements in both directions, with arrivals offset by people returning home or moving elsewhere.

Population **registers** count officially registered residents but may miss changes when people do not register or deregister promptly. The Labour Force Survey (LFS) estimates numbers from a sample of households, but is less likely to capture highly mobile people, recent arrivals, and those living outside private households. Register-based estimates count 10.1 million working-age EU movers, compared with 8.6 million in the LFS, a difference of around 1.5 million. This does not mean that either figure is incorrect because the sources differ in their methods and coverage.

Source: Authors' own elaboration.

The ARILM provides the main annual overview of intra-EU labour mobility, drawing together harmonised statistics on stocks and flows of movers, cross-border workers, posting and return mobility. The 2025 edition, covering mainly 2023–2024 data, is used here as the principal reference for the scale and forms of mobility (European Commission, 2025a). The table below summarises its headline indicators. Table 2 below summarises its principal headline indicators.

Table 2: Headline indicators – ARILM 2025

Indicator	Value / estimate	Source & reference year
EU movers of all ages (Eurostat pop. statistics [migr_pop1ctz])	14 million (Jan 2024)	ARILM 2025; +1.9% from 13.7m in Jan 2023
Working-age EU movers (20–64), register basis	10.1 million (Jan 2024)	ARILM 2025; +1.8% from 9.9m in Jan 2023
Working-age EU movers, EU-LFS basis	~8.8 million	ARILM 2025; differently sampled
Working-age movers as % of total EU working-age pop. (262m)	3.9%	ARILM 2025; +0.1 pp vs 2023
Annual inflows of working-age EU movers	957 000 (2023)	ARILM 2025; –2% from 977 000 in 2022
Cross-border workers (live in one country, work in another)	1.87 million	ARILM 2025; +2% vs 2023; annual avg 2024
Postings (PDs A1 issued, all ages)	5.6 million documents	ARILM 2025; +0.8% vs 2023
Estimated persons posted	3.64 million	ARILM 2025; +1.3% vs 2023
Annual return movers (EU nationals moving back to country of citizenship)	759 000 (2023)	ARILM 2025 / Eurostat [migr_imm1ctz]; +6.5% vs 2022
Ratio of returnees to nationals leaving origin country	85% (2023)	ARILM 2025; up from 75% in 2022
Employment rate of EU movers	77.5%	ARILM 2025; vs 76.7% citizens, 63.8% TCNs; annual avg 2024
Labour force participation rate of EU movers	83.4%	ARILM 2025; annual avg 2024
TCN immigration (new arrivals)	~3 million (2023)	ARILM 2025; –12% from 3.4m in 2022
TCNs resident in the EU/EFTA	20.8 million (Jan 2024)	ARILM 2025; +7% a year on average since 2019

Source: European Commission, 2026a, *Annual Report on Intra-EU Labour Mobility 2025*. Available at: https://employment-social-affairs.ec.europa.eu/annual-report-intra-eu-labour-mobility_en.

The table shows that the stock of working-age EU movers has remained close to 10 million, or 3.9% of the EU working-age population, for around five years, apart from a temporary fall during the pandemic. Using country of birth rather than citizenship, the share of the population born in one Member State and living in another rose modestly from around 4% in 2014 to 4.4% in 2024. The larger change has been in the population born outside the EU, the share of which increased from around 8% to more than 12% over the same period. This increase accelerated after 2022 and is partly explained by the arrival of people fleeing Russia's war against Ukraine. Intra-EU mobility has therefore remained relatively stable, while immigration from outside the EU has accounted for most of the growth.

The post-pandemic recovery in mobility flows has slowed. Arrivals of working-age EU movers fell from 977 000 in 2022 to 957 000 in 2023 (-2%). Growth in cross-border work and posting weakened in 2024: between 2023 and 2024, the number of cross-border workers rose by 2% (from 1.8 to 1.9 million) and the number of posting documents (portable documents A1) rose by 0.8% (from 5.5 to 5.6 million), whereas posting documents had increased by 19.5% between 2022 and 2023. Return migration, however, continued to grow. In 2023, 759 000 working-age EU citizens returned to their home country, 6.5% more than in 2022. In countries with available data, the number of returnees in 2023 was equivalent to 85% of the number of EU citizens leaving their country of origin, up from 75% in 2022. Countries of origin therefore still record a net outflow of their citizens, but a declining one. Overall, intra-EU mobility shows little net growth (the stock of working-age EU movers rose by only 1.8% between 2023 and 2024, to 10.1 million), but substantial movement continues in both directions, and the net outflow of EU citizens narrowed from 163 000 in 2022 to 80 000 in 2023.

Short-term, temporary and circular mobility: gaps in the data

Long-term movers capture only part of European labour mobility, as they are counted more consistently in residence-based statistics, while short-term movers, including different forms of mobile workers (see Box 3), are measured through different sources and with varying degrees of completeness as explained below, based on Akgüç and Zwysen (2025)[5].

Box 3: Different forms of labour mobility

Cross-border workers: people living in one country and working in another, usually commuting between them.

Posted workers: employees temporarily sent by their employer to work in another Member State while remaining covered by the sending country's social security system.

Seasonal workers: workers employed for activities tied to a particular season; EU-level measurement is limited and there is no harmonised EU-wide statistical definition in the sources used here.

Circular movers: people moving repeatedly between countries rather than making a single permanent move.

Return movers: people returning to their country of citizenship after a period abroad.

Multi-state workers / digital nomads: forms of work involving activity across several countries, which are only partially captured in existing statistics.

Source: Authors' own elaboration.

[5] Akgüç and Zwysen (2025) draw on the POSTING.STAT database, compiled by HIVA-KU Leuven from Portable Document A1 (PD A1) data (De Wispelaere et al., 2022). They restrict the analysis to Article 12 postings for 2012–2020 and combine them with Eurostat and OECD migration flow data and country-level indicators from the EU-LFS, ILO EPLEX and OECD.

Posted workers are covered by their home country's social security system. Portable Document A1 (PD A1) provides one of the main sources of data: 5.5 million documents were issued in 2023, up 19.5% from 2022, corresponding to an estimated 3.5 million people. The figures differ because a worker can be posted more than once a year. Germany recorded the largest increase in documents issued, while construction, manufacturing and personal services accounted for much of the activity. However, POSTING.STAT identifies several limitations: labour law and social security law define posted workers differently, documents are not always requested, and document counts do not represent individual workers. The increase in 2023 may reflect both growing demand and the completion of administrative procedures delayed during the pandemic.

Cross-border workers numbered around 1.83 million in 2023 and were concentrated in neighbouring border regions (see Section 1.2.2). These figures should be read with caution. The category is broad: it covers mainly frontier workers but can also include seasonal workers and people who telework for an employer in another country, and the data are not harmonised enough to separate them (European Commission, 2025a). The estimates come from EU Labour Force Survey extractions, which are less reliable for small populations, and regional analyses draw on national administrative sources with slightly different definitions of cross-border work (European Commission, 2023a).

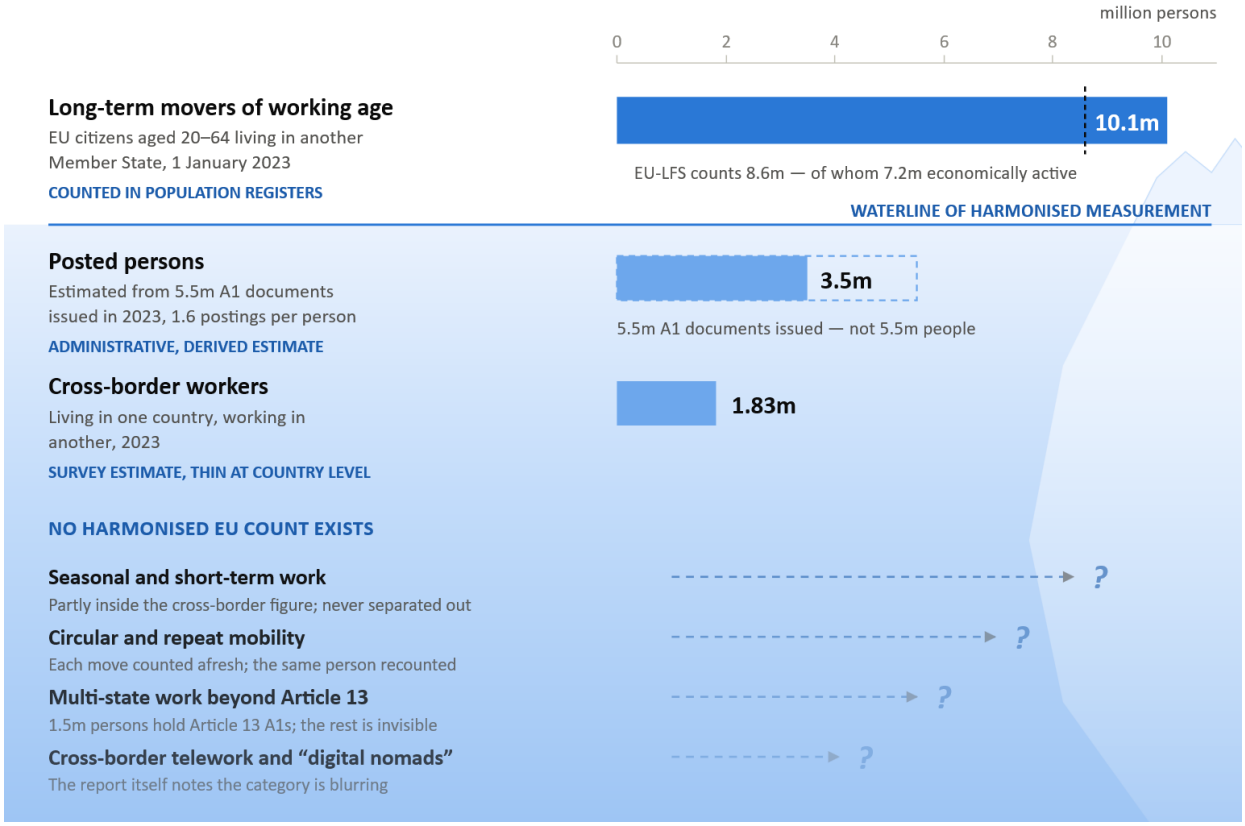
Seasonal workers are mostly concentrated in agriculture, tourism and food processing. This type of worker is difficult to measure due to lack of harmonised EU-wide data collection. Seasonal workers are of major economic importance in the above-mentioned sectors as shown by Carrascosa Bermejo and Contreras Hernández (2025) on their research on Spain.

Around 738 000 **circular and return mobile workers** are estimated to have returned home in 2022. Return migration has increased since the pandemic. Possible reasons include improving economic conditions in countries of origin, opportunities to use skills gained abroad, and family ties.

People working in several countries, including some intra-company transferees, are partly captured in PD A1 statistics under Article 13, but are difficult to identify separately. Digital nomads are another emerging group for which no official statistics are available.

These gaps limit the overall picture of labour mobility (Figure 4). Residence-based statistics do not fully capture moves lasting less than a year, while PD A1 data cover only workers within the relevant social security arrangements. Seasonal and informal circular mobility can therefore be missed by both sources. The ARILM regularly acknowledges these limitations (European Commission, 2026a), and *Moving under the radar* (Akgüç and Zwysen, 2025) identifies them as a major obstacle to informed policymaking. For this study, the implication is that long-term mover figures alone cannot capture mobility's full contribution to filling vacancies, particularly where employers rely on temporary or repeated movements of workers.

Figure 4: What can be counted of intra-EU labour mobility, 2023



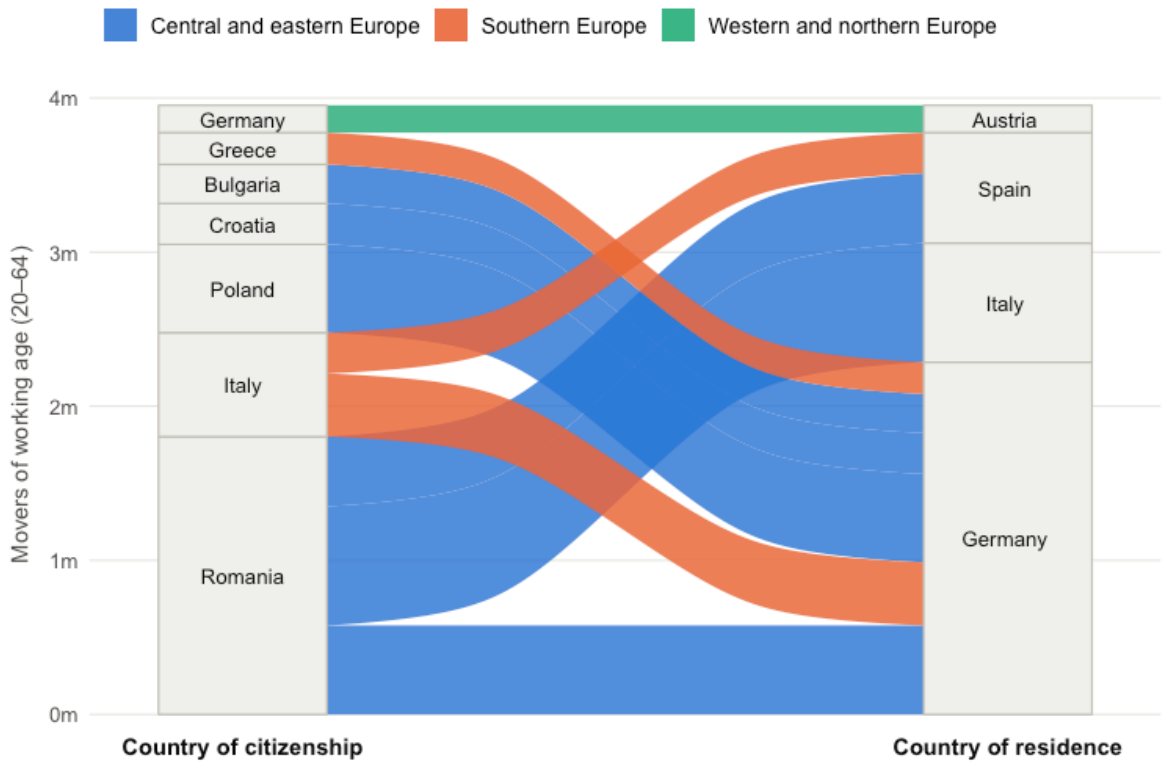
Source: European Commission, 2026a, *Annual report on intra-EU labour mobility – 2025 edition*, Table 1 (p. 13) and Sections 1.4.1–1.4.2 (pp. 46–49). Available at: https://employment-social-affairs.ec.europa.eu/annual-report-intra-eu-labour-mobility_en.

Note: Bar lengths show the number of people in millions. The three measured groups overlap and must not be added together. The figure for long-term movers comes from population registers as of 1 January 2023; the EU Labour Force Survey estimates 8.6 million, of whom 7.2 million are economically active. The number of posted persons is estimated from 5.5 million PD A1 documents, assuming 1.6 postings per person, based on data from 19 Member States and excluding the United Kingdom. These documents do not count individual posted workers. No harmonised EU statistics are available for the categories below the waterline, so no bars are shown and the dashed arrow lengths do not represent quantities. These categories are grouped by the authors.

1.2.2. Main countries of origin and destination

The **main routes of intra-EU mobility have remained stable over the past decade** (Figure 5). Germany hosts 3.4 million working-age EU movers, or 34% of the total, despite accounting for less than a fifth of the EU's population. It also recorded the largest increase in posting documents issued. Luxembourg has the highest share of EU movers relative to its population, at around 40%. Its role as a financial and institutional centre and its much higher wages than neighbouring regions in Belgium, France and Germany help explain this concentration. Austria, Belgium and the Netherlands also attract substantial numbers of workers while recording consistently high vacancy rates. Outside the EU, Switzerland is a major destination, particularly for cross-border workers. Romania is by far the largest country of origin, accounting for 25% of EU movers, followed by Poland at 12%, and Italy at 9%. Bulgaria and Croatia also have large outward flows relative to their populations.

Figure 5: The largest intra-EU mobility corridors, 1 January 2025



Source: Eurostat, Population on 1 January by age group, sex and citizenship (migr_pop1ctz), data extracted on [28 Aug 2026]; own calculations.

Note: Ribbon widths show the number of working-age people (20–64) who hold citizenship of the country on the left and live in the country on the right. Colours indicate the broad region of origin, following the source report's definition of "eastern European countries". The figures count residents on 1 January 2025, regardless of when they arrived. They therefore show stocks, not migration flows. The data are based on citizenship rather than country of birth. People who acquire destination-country citizenship are no longer counted as movers from their original country. This particularly affects long-established communities and explains why Portugal–France, estimated at 283,000 in the EU Labour Force Survey (EU-LFS), is not shown here. The working-age total is calculated by adding the five-year age groups from 20–24 to 60–64, as the source provides no combined figure for ages 20–64. EFTA destinations are excluded, so Portugal–Switzerland and Italy–Switzerland are not shown. Register-based citizenship counts and EU-LFS estimates in the Annual Report on Intra-EU Labour Mobility use different methods and coverage. They should not be used interchangeably or presented as directly comparable figures for individual country pairs.

Romania's position as the largest country of origin raises an important question: **how does large-scale emigration affect the country people leave?** An IMF study by Atoyan et al. (2016) found that emigration from eastern EU Member States, particularly Romania, Bulgaria and the Baltic countries, slowed GDP growth and the development of skills and knowledge in sending countries. Remittances partly offset these effects. More recent evidence shows the scale of Romania's outward migration. According to OECD (2025), Romania was the third-largest country of origin for migration to OECD countries in 2023, with 244 000 new arrivals, equivalent to 13 per 1 000 inhabitants. The loss of healthcare workers is particularly significant: 28% of Romanian-trained doctors and 24% of Romanian-trained nurses work abroad. Other EU countries with high shares of nurses abroad include Poland and Latvia, both at 23%, and Slovakia at 21%. Romanian universities have increased medical student admissions since the early 2010s partly to compensate for these departures.

Box 4: Concept in brief: brain drain and brain gain

For decades, "brain drain" was understood as the loss of a country's investment in educating people who then moved abroad. Research reviewed by Docquier and Rapoport (2012) presents a more complex picture. The prospect of working abroad can encourage more people to pursue education, including some who ultimately stay. Diaspora networks can support trade, investment and knowledge exchange, as illustrated by the Indian diaspora's contribution to India's IT sector. Return and circular migration can also bring skills home, although the benefits depend partly on whether people planned to move temporarily or permanently (Dustmann and Görlach, 2016).

High-skilled emigration therefore does not necessarily reduce the skills and knowledge available in the country of origin. Its effects depend on how many people leave, how long they stay abroad, and how effectively their home country maintains links with them. These effects also vary between regions. Sardadvar and Vakulenko (2021) found that net outward migration slowed the development of skills and knowledge in central and eastern European regions, while these resources became more concentrated in capital-city regions. At the national level, Atoyan et al. (2016) found that the costs of emigration had outweighed its benefits in the eastern EU Member States studied.

Source: Authors' own elaboration.

The regional dimension: how outward mobility can deepen local challenges

The effects of emigration also differ within countries. Sardadvar and Vakulenko (2021), studying 51 NUTS-2 regions in seven central and eastern EU Member States, found that regions losing more people than they gained through migration experienced slower growth in their stock of skills and knowledge. At the same time, these **resources became more concentrated in capital-city regions**. The costs of emigration are therefore unevenly distributed both between and within countries. However, theoretical research cautions against treating every departure as a loss.

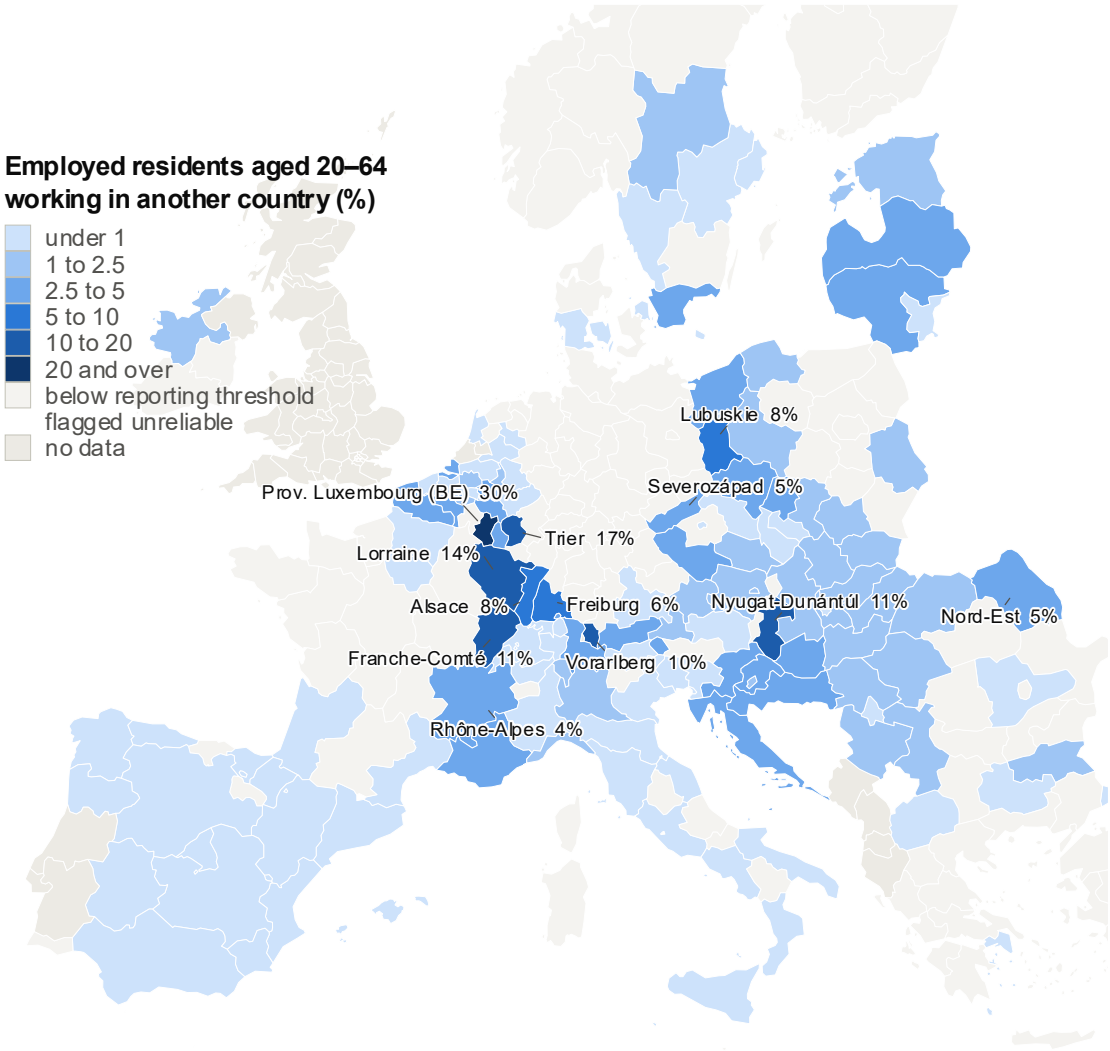
As shown above, labour mobility can help fill vacancies across the EU, but it can also create difficulties for the countries and regions workers leave. The European Commission's Communication *Harnessing Talent in Europe's Regions* describes a "**talent development trap**": an ageing and shrinking working-age population, combined with limited economic opportunities and lack of good quality jobs, makes it harder for regions to retain young and highly skilled workers. Their departure can further weaken innovation, public services and trust in institutions. The Communication identifies 46 EU regions[6], home to more than 70 million people, already in a talent development trap. Other regions are at risk because large numbers of people aged 15–39 are leaving. In regions already affected, 19% of young people are neither in employment nor in education or training (NEET), compared with 13% across the EU. Adult participation in learning is also lower in these regions compared with an EU average (European Commission, 2023c).

The regional effects of mobility are not limited to permanent or long-term moves. In border areas, cross-border commuting creates a more localised form of labour mobility, linking neighbouring labour markets without requiring workers to change their country of residence. Around 1.83 million people lived in one country and worked in another in 2023, up 2.8% from 2022 and equivalent to roughly 1% of employed EU citizens. France, Germany and Poland are the main countries of residence, while Germany and Switzerland are the main destinations for work. Cross-border commuting is

[6] See European Commission, 2023, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Harnessing talent in Europe's regions*, COM(2023) 32 final, p.4. Available at: https://ec.europa.eu/regional_policy/sources/communication/harnessing-talents/harnessing-talents-regions_en.pdf.

concentrated in neighbouring border regions (Figure 6). The EURES 2024 case study of the Meuse region, spanning Belgium, Germany and the Netherlands, illustrates this pattern. The region accounts for around 8% of EU cross-border workers. Among people commuting from Belgium to Germany, 75% live in Belgian NUTS-2 regions directly bordering Germany. Wage differences and employment opportunities help explain these movements. The study finds that a one percentage-point increase in the real wage gap between border regions is associated with a 13 percentage-point increase in commuting flows. A one percentage-point rise in unemployment in the region of residence is associated with a 0.6 percentage-point increase in commuting. These findings show that **cross-border commuting responds strongly to differences in wages and job opportunities**. Language barriers, difficulties relating to qualification recognition, and problems transferring social security rights all act to limit cross-border mobility even where workers live close to the border.

Figure 6: Employed residents working in another country, by NUTS-2 region of residence, 2025



Source: Authors' own elaboration based on Eurostat, 2025, *Employed persons commuting to work by country of work and NUTS 2 region* (lfst_r_lfe2ecomm). Available at: https://ec.europa.eu/eurostat/databrowser/view/lfst_r_lfe2ecomm/default/table; boundaries: Eurostat/GISCO, NUTS 2021.

Note: The map shows employed residents aged 20–64 who work in another country as a share of all employed residents in their region. It therefore shows where these workers live, rather than where they work. Regions around Luxembourg and Switzerland have high shares, including the Belgian province of Luxembourg (30%), Trier (17%), Lorraine (14%), Franche-

Comté (11%) and Alsace (8%). Switzerland does not report data for this map, but commuting to it is reflected in neighbouring French, German and Austrian regions. The measure includes all employment abroad, covering both nearby cross-border commuting and longer-distance seasonal and posted work. In North-East Romania (4.9%) and Lubuskie in Poland (7.9%), the figures mainly reflect seasonal and posted work farther abroad, rather than commuting across a nearby border. Values are available for 139 regions. Regions with insufficient survey data or no coverage are shown separately. Estimates flagged as unreliable are also marked separately because EU-LFS samples at NUTS 2 level are small for this group. Outermost regions are omitted.

1.2.3. Occupational and skill profiles of movers

Who moves: the demographic profile

EU movers tend to be young, and men make up a majority. Among incoming EU/EFTA movers in 2022, 56% were men and 53% were aged 20–34. The share of young movers was particularly high in the Netherlands (70%), Denmark (68%) and Estonia (64%). Men accounted for a larger share in central and eastern European destinations, particularly Latvia and Poland (European Commission, 2026a). This pattern is consistent with mobility theory. People early in their careers have more years to benefit from the cost of moving and often fewer family or other commitments tying them to one place. They may move in search of higher wages or career opportunities unavailable at home. **Mobility therefore brings younger workers into receiving labour markets but can deepen demographic pressures in the regions they leave.**

What movers do: occupational and sectoral profile

In 2023, professionals became the largest occupational group among EU movers, narrowly overtaking occupations involving routine or manual tasks. By 2024, more than 1.3 million movers worked as professionals, followed by technicians and associate professionals[7]. Meanwhile, employment in routine or manual occupations and craft trades continued to decline (European Commission, 2026a). These changes challenge the view that intra-EU movers mainly work in low-skilled jobs. In fact, **movers' educational qualifications remain concentrated at both ends of the range: 32% have high qualifications and 29% have low qualifications**. The growing share of professionals therefore sits alongside a substantial group with lower qualifications. Manufacturing remains the largest employer of EU movers, accounting for 16%. Construction, accommodation and food services, and transport and storage also employ substantial shares. Since 2019, however, the strongest growth has been in professional services and information and communication.

How movers fare: employment, pay and job quality

EU movers have relatively high rates of labour market participation and employment. In 2023, 83% were economically active, compared with around 79% of destination-country nationals and 69% of third-country nationals. Their employment rate was 78%, compared with 76% and 63%, respectively (European Commission, 2026a). Free movement helps explain their stronger position relative to third-country nationals by providing direct access to employment and reducing barriers linked to residence status and recognition of qualifications. These averages, however, hide **substantial differences between movers from different countries**. The ETUI's *Moving under the radar* (Akgüç and Zwysen, 2025) finds that, after accounting for differences in personal and demographic characteristics, **movers from western and Nordic Member States hold jobs of similar or higher**

[7] Occupations follow the International Standard Classification of Occupations (ISCO-08). Professionals (major group 2) are workers whose tasks require advanced theoretical and specialised knowledge, typically at university level, such as engineers, doctors, teachers and ICT specialists. Technicians and associate professionals (major group 3) perform technical and supporting tasks that apply the concepts and methods developed by professionals, typically requiring post-secondary or short-cycle tertiary education or equivalent experience, such as engineering and ICT technicians and business, health and legal associate professionals.

occupational status than comparable destination-country nationals. They also face no wage disadvantage, with Nordic movers earning around 10% more.

Movers from eastern, Baltic and central-eastern Member States have less favourable outcomes. They **often work in jobs below their skill level** and earn close to 20% less than similarly qualified workers in the destination-country majority population. Movers from southern Member States fall between these groups, earning around 10% less. Eastern European movers also have employment rates around 5 percentage points below those of destination-country nationals, with the gap approaching 7 points in western destinations. **Disadvantages in occupational status and earnings are greatest in the destinations receiving the largest flows**. Equal legal access to employment has therefore not ensured equal outcomes. Movers from the EU13 countries generally fare worse than those from the EU15, but better than third-country nationals[8].

Gender and length of stay also matter. Female EU movers have an employment rate 14 percentage points below that of male movers, a larger gender gap than among either destination-country nationals or third-country nationals (European Commission, 2025a). Short-term movers also have lower employment rates, occupational status and incomes, even after accounting for differences in their characteristics. Because they are less visible in the statistics, they can also be harder for enforcement bodies and support services to reach (Akgüç and Zwysen, 2025).

Matching workers across countries: shortages and surpluses

As shown in Section 1.1.2, the EURES 2024 report provides a systematic overview of occupations facing shortages in some countries and surpluses in others. Of the 430 occupations reported as being in shortage in at least one country, 422 (98%) were also in surplus elsewhere. This suggests **considerable scope for cross-country recruitment**, although it does not show whether the number of available workers would be enough to fill the vacancies. The largest surplus pools are in Spain, Austria, Latvia, Portugal and Finland. Potential matches include accountants, with shortages in 12 countries and surpluses in six; air-conditioning and refrigeration mechanics, with shortages in 14 and surpluses in three; and agricultural and industrial machinery mechanics, with shortages in 16 and surpluses in five.

Healthcare is an important **exception**: healthcare occupations do not appear on the surplus lists. This suggests that moving workers between European countries cannot, on its own, resolve healthcare shortages. Expanding training, retaining existing staff and recruiting ethically from outside the EU are therefore particularly important. For other occupations, a potential match does not guarantee successful recruitment. Information gaps, difficulties recognising qualifications, problems transferring social security rights and language barriers can prevent workers from taking up vacancies abroad. Reducing these barriers could help turn potential matches into actual employment.

Healthcare workers: mobility and ethical recruitment

Healthcare worker mobility raises particular policy concerns because recruitment in one country can affect access to care in another. AIRLM (European Commission, 2025a), examines this workforce in a dedicated chapter. Women account for 90–94% of EU movers working in healthcare, compared with 79–80% of destination-country nationals in the sector. Among these movers, 96% have permanent contracts, compared with 86% of nationals. The mobile healthcare workforce is also ageing: the share aged 45 and over rose from 51% in 2017 to 62% in 2023. Return migration contributes

[8] EU15 refers to the 15 Member States that belonged to the EU before the 2004 enlargement, while EU13 refers to the 13 Member States that joined the EU between 2004 and 2013.

to healthcare staffing in countries of origin, with returned movers accounting for 3% of national healthcare workers in Spain and 8% in Sweden.

International recruitment is also significant across the OECD countries. Foreign-born doctors account for 28% of doctors, up from 21% in 2000/01, while foreign-born nurses account for around 16% of nurses. In total, around 830 000 foreign-born doctors and 1.75 million foreign-born nurses work in OECD countries. Around one in five foreign-born health professionals comes from an EEA country. The main countries of origin are India, Germany and China for doctors, and the Philippines, India and Poland for nurses. Of these workers, 89 000 doctors and 257 000 nurses come from countries on the WHO Health Workforce Support and Safeguards List, which identifies countries with particularly vulnerable health systems and critical staffing shortages. Recruitment from these countries raises concerns about further weakening their healthcare services. These concerns are central to discussions about **ethical recruitment of healthcare workers** from outside the EU.

1.3. Investment in training: developing the skills Europe needs

The previous Sections show that **mobility alone cannot resolve Europe's labour shortages**. Alongside better matching of workers and vacancies, education and training are needed to develop new skills and update existing ones. This Section examines **investment in training in three steps**. It begins with **participation, investment and access**, assessing how much adult training takes place, why employers and workers may invest too little, and which groups and regions face the greatest barriers. It then turns to the **training challenges facing SMEs**, examining their limited resources and capacity, and how the Pact for Skills, sectoral and regional partnerships, and Erasmus+ Blueprint alliances seek to support them. Examples from textiles, clothing, leather and footwear and the EURADRIA partnership illustrate how this support reaches firms in practice. It closes with the **benefits of training investment and its connection to skills portability**, reviewing evidence on employment and economic gains, funding needs in key sectors, and how recognition of qualifications can help workers use their skills across employers and countries.

1.3.1. Adult training: participation, unequal access and investment

The participation gap: how many adults and who receive training?

The scale of Europe's skills gaps helps explain the growing policy focus on education and training. European Pillar of Social Rights Action Plan sets a **target for at least 60% of adults to participate in training each year by 2030**. Participation **remains well below this level**, although estimates differ substantially between surveys. The 2022 Adult Education Survey (AES) found that **39.5%** of adults had participated in learning during the previous twelve months, excluding guided on-the-job training. Including this training raises the figure to 46.6%. The Labour Force Survey estimate is lower, at around 25% (as reported in Cedefop, 2025c). The Draghi report estimates that reaching the 60% target would require around 50 million more workers to receive training each year compared with the 2016 participation rate of 37%, which had barely increased since then.

Almost half of European adults are estimated to have low or outdated skills (Cedefop, 2025c); one in five adults struggles with reading and writing (European Commission, 2025f); only 55.6% of adults possess at least basic digital skills against the Digital Decade target of 80%; and school-level performance is deteriorating. The EU turns out around 850 STEM graduates per million inhabitants annually against more than 1 100 in the United States (Draghi, 2024), and the declining basic-skills trend carries a quantifiable macroeconomic price: falling basic skills among young people could reduce long-term multifactor productivity growth by around 3% across OECD countries (European Commission, 2025f).

The type of training and who provides it also matter. **Most adult learning takes place outside formal education and is closely linked to employment**. In 2022, four out of five adult learners took part in job-related training. **Employer-sponsored non-formal training accounts for around 80%** of total participation, and employers finance nearly 90% of all job-related adult learning (Cedefop, 2025c; European Commission, 2025f). This reliance on employers leaves significant gaps. Adults with lower skills, unemployed people, **employees of small firms and residents of economically weaker regions often have less access to employer-supported training**. Without other routes into learning, these groups risk being left behind by the wider training system.

Cedefop identifies substantial differences in adult learning participation by age, education, employment status, vocational background, occupation, sector, firm size and location. These inequalities often affect the groups and regions already facing the greatest labour market challenges. **Adults with low skills participate in learning at a rate of just 11.3%**, compared with an overall average of 39.5%. Participation is also particularly low among people who are not employed or lack employer support. This limits opportunities for the very groups that policies seek to bring into employment to help address shortages.

Access also varies by location. Participation is lower in less developed and economically stagnant regions, including rural and remote areas. The 46 regions identified by the Commission as being in a talent development trap are home to 16% of the EU population and have an average GDP per person of just 64% of the EU average. Adult learning participation in these regions is also lower that the EU average, while 19% of young people are neither in employment nor in education or training, compared with 13% across the EU (European Commission, 2023c).

Within workplaces, the European Working Conditions Survey 2024 (Eurofound, 2026a) shows that access to training and opportunities to use skills have improved over the past 15 years. Yet 30% of EU workers report being overqualified for their job, while 13% need more training to do their job well.

Barriers to investment in training: the employers' and workers' perspectives

Employers play a central role in adult training, but substantial barriers limit investment. One in three EU companies provides no courses or other training to its staff. Employers cite **cost, workload and lack of staff time among the main obstacles**. Between 2015 and 2020, the share of companies providing training fell in every Member State except Italy and Portugal, according to the Continuing Vocational Training Survey (CVTS). Research on the pandemic also finds that COVID-19 disrupted training investment and widened existing inequalities in access, even as skills shortages increased. Given when CVTS 2020 was undertaken – at the start of the pandemic – there is danger that the pandemic temporarily affected training participation rates, so caution should be taken in inferring too much to the observed change in participation rates between 2015 and 2020.

Even when employers identify skills gaps, training existing staff is not always their preferred response. According to Flash Eurobarometer 529, 42% of SMEs sought to make better use of talent within the company in 2023, 33% to invest more in training and 32% to make jobs more attractive through financial or non-financial benefits (Eurofound, 2024). Fewer than one in ten (9%) recruited workers from outside the EU, and more than half of those that did found the process difficult.

There are also economic reasons why firms may invest less in training than would benefit the wider economy. A firm that trains an employee cannot be sure it will retain the benefits. If the skills are transferable, another employer can recruit the worker by offering higher pay without having paid for the training. This risk, known as the **poaching externality**, can discourage firms from investing, even though employers collectively benefit from a better-trained workforce. Cedefop also highlights

practical barriers: firms face uncertainty about future skill needs, and micro and small enterprises often lack the resources to assess and address these needs alone.

Workers face a different set of barriers. They may lack access to finance, be unsure which skills will improve their prospects, or struggle to demonstrate skills that are not formally certified. These barriers, combined with those faced by employers, can result in less training than would benefit the wider economy.

1.3.2. Public investment in training and the EU policy response

Public support can help employers and workers access training that would otherwise not take place, but also faces problems of effectiveness and priorities. The Draghi report identifies around EUR 64 billion for skills investment in the current EU budget but finds limited results. It points to four weaknesses: Member States' reluctance to move beyond voluntary coordination, insufficient industry involvement in developing job-specific skills, a lack of systematic evaluation, and limited use of evidence on skills needs to guide spending. Cedefop also finds that **European policy continues to prioritise initial education for young people over adult learning**, despite population ageing and smaller younger generations. Its European Skills Index shows clear progress in helping people enter the labour market and matching workers with jobs, but only modest improvement in adult skills development.

These challenges have prompted a stronger EU policy response. The **Union of Skills**, the Commission's overarching skills strategy, includes large-scale partnerships to upskill and retrain workers in key industries. It also includes a Skills Portability Initiative, which will explore possible common rules to simplify the recognition and validation of qualifications and skills, including those acquired outside the EU.

The **distribution of the costs and benefits of training also provides a case for public co-financing and collective agreements that share training costs across employers**. Qualifications recognised across employers and countries give workers more opportunities and help the economy make better use of their skills. However, they can also increase employers' concerns that trained workers will leave. Some of the benefits of training therefore go to workers and future employers, while the original employer bears the cost.

These gaps in participation, access and investment have prompted a stronger EU policy response, combining **sectoral and regional partnerships, support for SMEs and measures to improve the portability and recognition of skills.**

The Pact for Skills

Launched by the European Commission in November 2020 as the flagship action of the European Skills Agenda, the **Pact for Skills** is a voluntary governance framework that **brings companies, sectoral organisations, education and training providers, social partners, and public authorities together** around commitments to upskill and reskill Europe's workforce. It is not a legislative instrument: organisations join by signing the Pact for Skills Charter, **gaining access to EU support** services without assuming legally binding obligations or facing sanctions for non-delivery. Since the launch of the Union of Skills strategy in March 2025, however, the Commission has positioned the Pact as the overarching framework for EU skills initiatives and funding, potentially giving greater weight to commitments that are currently voluntary.

The Pact has expanded from around 1 000 members in 2022 to approximately 4 000 organisations in 2025, organised across 20 Large-Scale Skills Partnerships (LSPs), 22 Regional Skills Partnerships (RSPs), 65 other sub-national or cross-border partnerships, and roughly 3 300 individual members.

LSPs constitute the Pact's sectoral backbone, bringing together companies, sector associations, public authorities and SMEs around workforce-development commitments. By 2025, the 20 LSPs had collectively committed to train 30 million adults by 2030, equivalent to around 27% of their combined workforce, with members training an average of 26% of their workforce in 2025 and cumulative investment reaching EUR 2.6 billion in 2024.

The SME dimension is embedded within this sectoral architecture, but its implementation varies by ecosystem. The Aerospace and Defence partnership, for example, committed to reskill 300 000 people and upskill 200 000 existing workers, backed by an estimated EUR 1 billion investment over ten years across a supply chain containing thousands of SMEs. The TCLF Skills Alliance (Textiles, Clothing, Leather and Footwear) committed to annual upskilling or reskilling of 300 000 workers, 20% of the sector's workforce, by 2030, alongside tailored mentorship to help SMEs access EU and national or regional funding, upskilling vouchers and support for production digitalisation.

Regional Skills Partnerships provide the territorial delivery layer, connecting the Pact's sectoral commitments to local labour markets and funding ecosystems. Their number has grown to 22 formal RSPs, supplemented by 65 other partnerships, including ten new TCLF regional partnerships established in 2026 across regions such as Catalonia, Nouvelle-Aquitaine, Emilia-Romagna and Valencia. Unlike a centralised funding programme, the Pact itself does not allocate RSP funding: regional partnerships must combine European, national and regional instruments, with the Guidance Hub helping them identify relevant funding opportunities and synergies. This makes effective delivery dependent on the capacity of regional coordinators to navigate and combine fragmented funding sources.

The **Erasmus+ Blueprint Alliances for Sectoral Cooperation on Skills** form an integrated development path. Established before the Pact and funded since 2021 through Erasmus+ "Alliances for Innovation — Lot 2", they develop sector-specific curricula, training models and skills strategies intended to be rolled out through LSPs and at national and regional level. Each Alliance can receive up to EUR 4 million over four years, must involve at least eight Member or associated states and 12 full partners, and is restricted to Pact LSP partners, embedding the Blueprint mechanism directly within the Pact's institutional architecture.

The Pact's Support Services provide the governance and coordination layer: the **Networking Hub** facilitates partnerships and links with policymakers; the **Guidance Hub** helps organisations define commitments and identify funding; and the Knowledge Hub provides webinars, best-practice dissemination and a database of funding opportunities. Together, these mechanisms create a **multi-level architecture** in which the Pact establishes the voluntary framework, LSPs organise sectoral commitments, Blueprint Alliances develop the skills infrastructure, RSPs connect it to regional ecosystems, and the Support Services enable organisations to navigate partnerships and funding.

The Commission's **Skills Portability Act**, proposed in September 2026 as part of the Fair Labour Mobility package, may also **matter for SMEs**. The Commission's own evidence suggests SMEs are particularly affected: shortages in strategic sectors are "most acutely felt by SMEs", and an SME survey (159 responses, February–March 2026) found that they struggle to assess foreign qualifications because of unfamiliarity with other education systems, difficulty verifying authenticity and language barriers (European Commission, 2026a). The proposal responds with standardised digital qualification attestations and a verification tool, and the accompanying Directive amending Directive 2005/36/EC is expected to benefit SMEs proportionately more without imposing new obligations on businesses (European Commission, 2026b).

How SMEs enter the Pact for Skills architecture

SMEs can join the Pact directly as individual signatories, but the dominant path is through LSP and RSP action lines, and through Blueprint Alliance outputs, that are designed and coordinated by larger firms, sectoral associations or public authorities rather than by SMEs themselves. In practice, this means an **SME's access to training, funding guidance or skills intelligence runs through the organisation that coordinates its LSP or RSP**.

Two cases below show this process in practice, alongside its limitations.

I. Textiles, Clothing, Leather and Footwear (TCLF): SME engagement as built infrastructure

The TCLF sector has developed one of the most concrete SME-support frameworks under the Pact for Skills. Its Large-Scale Skills Partnership, the TCLF Skills Alliance, is jointly coordinated by European Apparel and Textile Confederation (EURATEX) for textiles and clothing, the Confederation of National Associations of Tanners and Dressers of the European Community (COTANCE) for leather, and the European Confederation of the Footwear Industry (CEC) for footwear. It has attracted more than 170 signatories since the adoption of its charter in December 2021. The charter sets an annual target of upskilling or reskilling 20% of the sector's approximately 1.5 million workers (around 300 000 people) through 2030. It also places a strong emphasis on SMEs, aiming to support 10 000 companies in their digitalisation efforts and increase apprenticeship opportunities by 20%. To reach these enterprises, the Alliance relies on tailored mentorship to facilitate access to EU, national and regional public funding, complemented by an upskilling-voucher scheme.

The mentorship commitment is being implemented through three EU-funded projects, each addressing a different stage of the support chain.

1) **AEQUALIS4TCLF**, a four-year project running from 2024 to 2027 and led by EURATEX alongside COTANCE, CEC, seven national industry federations and four universities, is developing eight micro-credential curricula covering circular economy, sustainability assessment, eco-design, colour management, innovative clothing production, upcycling, footwear accessories, and digital and creative fashion design. These short, modular qualifications are designed to allow SMEs to upskill workers without taking them away from the business for extended periods.
2) **METASKILLS4TCLF** operates further upstream, developing six curricula focused on circular economy and fashion digitalisation, alongside immersive and virtual-reality training tools and a European Virtual Fashion Campus through which regional partnerships can access and share training content.
3) **TCLF SkillBridge** forms the delivery layer, translating this training infrastructure into direct support for SMEs. Launched in July 2024 and targeting up to 25 regions with a strong TCLF presence, the project funds regional organisations to develop action plans tailored to local needs and help SMEs identify and plan their own reskilling pathways. Since October 2025, this support has been channelled through a formal open call for services, with EUR 500 000 available across at least ten contracts of up to EUR 50 000 each. Organisations in Regional Skills Partnership regions across Belgium, Germany, Greece, Italy, Poland, Portugal and Spain can compete to deliver training, mentorship, intergenerational knowledge transfer and SME sustainability plans on the ground.

The model adopted by the TCLF Skills Alliance is designed to connect a common sectoral framework with locally delivered SME support: EURATEX and its sector partners establish the priorities, tools and infrastructure, while Regional Skills Partnerships (RSPs) provide the territorial interface through

which these commitments reach individual firms. This regional layer expanded significantly in July 2026, when ten RSPs joined the TCLF Alliance: each RSP serves as the point at which a sectoral commitment made at EU level is translated into a local SME-facing service, the function that the SkillBridge funding is designed to enable.

II. EURADRIA: SME population as partnership rationale

The EURADRIA Regional Skills Partnership (RSP) connects Italy's Friuli Venezia Giulia with Slovenia's Goriška, Obalno-kraška and Notranjsko-kraška regions, where SMEs account for 98% of companies. Its partnership model emerged directly from a shared constraint reported by local businesses: difficulty recruiting workers with the skills they need. Its action plan responds through two complementary mechanisms: first, by raising SME awareness of existing support services while involving businesses directly in identifying and planning upskilling and reskilling needs; and second, by engaging employers in the design and validation of new cross-border skills classifications in priority sectors including agriculture, tourism, construction and maritime industries. A similar logic operates in the European Chemical Regions Network RSP, but at sector level: its "dedicated one-stop shop" is designed to help SMEs navigate and access R&I and Cohesion funding for the chemical sector's green and digital transition.

The two cases also help answer a question central to this study: can the Pact's architecture take hold in regions where the local business population is itself shrinking? The evidence reviewed gives only a partial answer. There is a documented overlap between where the Pact for Skills is expanding and where emigration pressure is highest. The ten Regional Skills Partnerships that joined the TCLF Skills Alliance in July 2026 include partnerships in Poland, Portugal and Greece, three of the Member States concentrated in this study's Talent Drain Periphery cluster (Section 1.4). However, the evidence available on both cases says more about how the partnerships are governed than about their measured outcomes, and that is where a transferable principle emerges. EURADRIA was built around the local SME population and the recruitment difficulties that businesses themselves reported. This model starts from the SME skills-shortage constraint itself, and is thus, suited for replication by design.

Skills portability: linking training and mobility

The **Skills Portability Initiative** connects the mobility issues and training gaps related to difficulties in recognising qualifications as a barrier to cross-border employment. These difficulties can prevent workers from filling vacancies abroad, even where wages are attractive and their occupation is in demand. They also contribute to qualified workers from outside the EU taking jobs below their skill level. For training, **qualifications that are recognised across employers and countries can increase the benefits of investment by giving workers more opportunities to use their skills**. However, easier movement can also increase employers' concerns about losing staff they have trained. Skills portability therefore needs to be considered alongside arrangements that share training costs.

Several policy approaches seek to make skills easier to recognise. Two of them act on how qualifications are designed: describing them through learning outcomes, which makes them comparable across education systems, and allowing smaller credentials to be combined into larger qualifications. A third acts on how training is certified. The Professional Qualifications Directive already provides automatic recognition for certain professions, although gaps remain. The Skills Portability Initiative will **recast the Professional Qualifications Directive** with a view to facilitate and **speed up cross-border recognition processes**, including a proposal for a Directive on the **recognition of qualifications of non-EU nationals**. National experience suggests that simpler procedures can make a difference. For example, Spain's 2022 reform of foreign university degree

recognition reduced processing times from up to two years to an average of four months and accelerated recognition by 40% in 2023 (European Commission, 2025c).

1.3.3. What investment in training can achieve

The evidence provides an initial picture of the benefits of training investment, the funding needed in key sectors, and the costs of failing to invest. At the economy-wide level, simulations using DG EMPL's Labour Market Model, reported in ESDE 2024, estimate the effects of increased training investment for unemployed people aged 15–24 in the six Member States with the highest youth unemployment. **A well-designed increase of around 0.1 percentage points in investment could raise youth employment by 1.4% and total employment by 0.25% in the long run**. The simulations also project GDP gains, benefits for older age groups and narrower employment gaps between Member States.

For the green transition, estimated training needs are substantial but small compared with wider investment programmes. Training for wind and solar deployment would require EUR 1.1–1.4 billion by 2030. Retraining and upskilling for net-zero manufacturing would require a further EUR 3.1–4.1 billion, or around EUR 8,750 per worker. These amounts are much smaller than the Just Transition Mechanism's EUR 55 billion, the Social Climate Fund's EUR 86.7 billion or the EUR 275 billion climate-related component of the Recovery and Resilience Facility. Yet skills development remains underfunded relative to the investment in equipment and infrastructure it needs to support. In healthcare, the OECD estimates that strengthening the workforce would require additional investment averaging around 0.6% of GDP. This would support workforce development and retention, helping to address shortages whose economic and social costs the OECD considers much greater. The costs of insufficient education are also significant: the global annual social costs of early school leaving are projected to reach USD 6 trillion by 2030. The financing question is therefore about both how much to invest and who should pay. **Employers already finance around 90% of job-related adult learning**, while public budgets are constrained and barriers to private investment remain. The **Council Recommendation on human capital** recognises that public spending alone cannot meet upskilling and retraining needs. It calls for **incentives for effective private investment and public–private partnerships to mobilise additional funding**.

1.4. Regional talent pressures taxonomy (NUTS-3)

As shown in previous sections, labour and skill shortages in the EU are unevenly distributed across sectors and occupations. National and regional averages may hide important differences within countries, including between central (i.e. close to main metropolitan hubs) and peripheral or internal areas. Examining these dynamics at a lower territorial level (NUTS-3) helps understand how they evolve and interact and if similar labour-market pressures have different causes. It thus provides useful evidence for territorial cohesion policies, since **measures to attract and retain talent need to consider the specific conditions faced by the different territories**.

Building on the preceding analysis, this section groups 1 166 NUTS-3 regions across the 27 Member States into four clusters (Figure 7). The classification is based on seven demographic and economic indicators (see Box 5). Its purpose is to identify recurring regional patterns (clusters) in how demographic, labour market and skills-related pressures interact across the EU. This helps show how **shortages, mobility and skills challenges** combine locally, thus providing a basis for the place-based policy discussion in Section 1.5.

Box 5: Taxonomy rationale and limitations

The classification groups 1 166 NUTS-3 regions across the 27 Member States into **four categories with similar labour market and demographic profiles**.

The classification captures **two demographic dimensions** through changes in the **working-age share of the population (1)** and **net migration (2)** among people aged 15–39. No harmonised NUTS-3 series is available for **tertiary education attainment**. Instead, the classification uses the **employment shares of knowledge-intensive activities (3) and agriculture (4)** to describe aspects of regional labour demand. These do not directly measure workers' qualifications. Tertiary attainment data at NUTS-2 level are used afterwards to help assess the results. Three further indicators complete the set. **GDP per person (5) and compensation per employee (6)** capture economic resources and pay levels, which influence regions' ability to attract and retain workers. **Hours worked per employee (7)** provide a limited indicator of working conditions, although they cannot capture job quality. All seven indicators come from the Commission's ARDECO database, are available at NUTS-3 level, and are averaged over 2018–2022 to reduce annual fluctuations. The selection keeps the classification focused, limits overlap between indicators and adds information on labour demand and working conditions to the demographic profile.

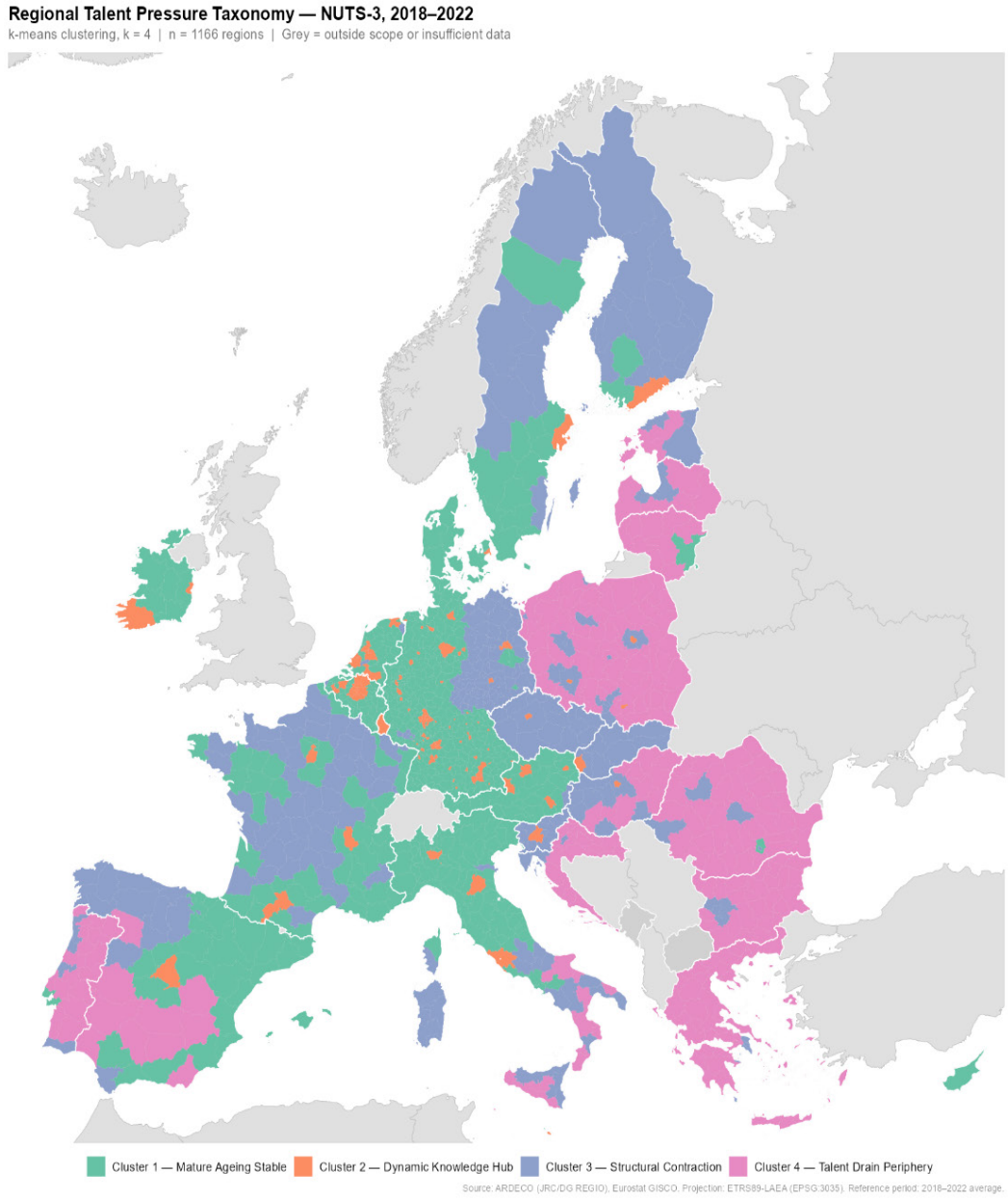
The selection of indicators draws on the Commission's framework for identifying regions in a talent development trap (COM(2023)32). That framework uses **three criteria at NUTS-2 level**: i) an accelerating **decline in the working-age population**, ii) **low and stagnant tertiary education attainment**, and iii) **net outward migration among people aged 15–39**. The Commission acknowledges that this geographic scale can conceal similar challenges in smaller areas. Using NUTS-3 regions provides a more detailed picture, although fewer comparable indicators are available.

The seven indicators are standardised so that differences in their units and scales do not determine the results. A k-means algorithm then groups regions into four clusters based on similarities in their profiles. Geographic location and national borders are not used. Each cluster is described by its average indicator values, known as its centroid, and named according to the resulting profile. The groups overlap rather than having clear boundaries. The average silhouette score, which measures how clearly the clusters are separated, is 0.263, indicating considerable overlap. Regions close to cluster boundaries may change groups if the indicators or reference period change. This is particularly relevant to the boundary between the Mature Ageing Stable and Structural Contraction groups. Such regions warrant closer examination, but their position alone does not demonstrate that they are moving from one profile to another. Claims about the stability of the groups require testing alternative specifications.

Two further limitations matter. First, cluster profiles do not directly measure labour shortages or identify the occupations and sectors affected in an individual region. Statements about shortages therefore combine the regional indicators with the EU-level evidence presented earlier. Second, net migration figures do not identify where people come from or where they go.

Source: Authors' own elaboration.

Figure 7: Regional talent pressure taxonomy – NUTS-3, 2018-2022



Source: Authors' own elaboration based on European Commission, *Annual Regional Database of the European Commission (ARDECO)*. Available at: https://territorial.ec.europa.eu/ardeco?lng=en; boundaries: Eurostat/GISCO.
Note: Reference period: 2018–2022 average. Projection: ETRS89-extended / LAEA Europe (EPSG:3035).

Table 3 presents the four regional profiles identified by the clustering (cluster numbers should be interpreted as labels, not a ranking). The following analysis interprets each profile using the EU-level evidence presented earlier. As noted in the box, the indicators describe demographic and economic conditions rather than directly measuring labour market problems. The analysis therefore suggests the pressures regions may face, rather than establishing them. This distinction matters because similar shortages can have different causes: two regions may have comparable vacancy rates or shortages in the same occupations but face different underlying pressures. Their regional profiles help identify these differences.

Table 3: The four regional clusters

	1. Mature Ageing Stable	2. Dynamic Knowledge Hub	3. Structural Contraction	4. Talent Drain Periphery
Regions (share)	543 (47%)	108 (9%)	265 (23%)	250 (21%)
Change in working-age share (5 yr)	−0.007 pp	−0.005 pp	−0.024 pp	−0.014 pp
Net migration, ages 15–39 (‰, 5-yr avg)	+7.7	+16.7	+1.2	−9.5
GDP per head (PPS)	31,639	59,303	26,217	17,536
Compensation per employee (PPS)	41,825	44,512	34,034	24,965
Hours worked per employee (per year)	1,455	1,448	1,585	1,866
Knowledge-intensive employment	15.5%	25.4%	13.5%	7.0%
Agricultural employment	3.0%	0.7%	4.4%	17.5%
Meeting the Commission's trap criteria	4.6%	0.9%	34.3%	82.4%
Tertiary attainment (NUTS-2 median)	35.3%	38.7%	32.2%	29.8%

Source: Authors' own elaboration based on European Commission, *Annual Regional Database of the European Commission (ARDECO)*. Available at: https://territorial.ec.europa.eu/ardeco?lng=en; boundaries: Eurostat/GISCO.

Cluster 1: Mature ageing stable

This cluster covers **much of non-metropolitan western Europe**. Its regions have above-average pay, relatively short working hours, a gradually declining working-age population share and modest inward migration of young people. Their age structure suggests that replacing retiring workers is a central challenge, particularly in healthcare, long-term care, construction and road transport, where workforces are ageing. Youth inflows appear insufficient to offset these departures. ARILM also shows that young movers tend to favour urban destinations over the rural areas that make up much of this cluster. These regions receive moderate inflows of workers. Their recruitment needs are likely to include tradespeople, drivers, machine operators and care workers, alongside the professionals more strongly attracted to major urban centres. Retirement-related vacancies are easier to anticipate than changes in demand caused by the economic cycle. Established training provision could therefore help these regions prepare replacements before shortages become more severe.

Cluster 2: Dynamic knowledge hub

This cluster includes **Luxembourg, the Dublin regions, Malta, the Randstad, Vienna and metropolitan Copenhagen**. Output per person is around three times that of the Talent Drain Periphery, youth inflows are the strongest of the four clusters, and knowledge-intensive activities account for roughly a quarter of employment. These characteristics suggest that growing demand for workers is a major source of shortages. The Dublin case study presented in the second Volume of this study shows how housing pressures can limit further recruitment. Rents for new tenancies reached

EUR 2,232 a month in Dublin, compared with EUR 1,385 outside the wider Dublin area. Nationally, rents for new tenancies were 16.8% higher than those for existing tenancies, placing newcomers at a disadvantage. The OECD also reports that employers see housing costs as a barrier to international recruitment. Dublin's education and training system is strongly focused on higher education, with the country's lowest regional share of further-education qualifications. Yet addressing its housing shortage requires construction trades. The region therefore faces a practical difficulty: it needs more construction workers but struggles to provide housing they can afford. These regions also do not fully use the skills of workers already present. Around half of Dublin's foreign-born workforce is recorded as having more skills than their job requires. Better recognition and validation could help some of these workers move into more suitable roles, reducing the need for additional recruitment from abroad. Skills policies must therefore be supported by investment in housing and essential services.

Cluster 3: Structural contraction

This cluster has the fastest decline in the working-age population share, around three times the rate in Cluster 1, alongside an international migration balance close to zero. **Typical regions include eastern Germany, rural France, non-metropolitan Nordic areas and parts of central Europe**. Demographic change explains much of the pressure: large older generations are retiring, while smaller younger generations cannot fully replace them. Conventional vacancy measures may miss some of the resulting difficulties. When a business or service closes because no successor can be found, the loss may not appear as an unfilled vacancy. A medical practice that closes following a doctor's retirement is one example. Low vacancy numbers may therefore conceal significant staffing constraints. Recruitment can help address immediate gaps, while retaining workers and encouraging return migration can support the workforce over time. Some regions in this cluster sit close to the boundaries with neighbouring groups, making their classification sensitive to changes in the indicators or reference period. This warrants closer monitoring but does not by itself establish that they will move into another cluster.

Cluster 4: Talent drain periphery

This cluster combines the lowest pay and output per person with the **highest agricultural employment share, the strongest youth outflow** and the longest working hours. Annual hours worked are 29% higher than in the Dynamic Knowledge Hubs. The Nord-Est region of Romania illustrates these challenges, as detailed in the case study in Volume 2. Its activity rate is ten percentage points below the Romanian average, and its labour force has been shrinking for two decades. It has only around 5,000 registered vacancies for a population of 3.2 million. Around a third of employment is in subsistence agriculture, and just 12% of employed people have a tertiary qualification. In this context, low vacancy numbers need to be read alongside low participation and limited demand for qualified workers. Romania is also the only country reporting a surplus of nursing professionals, compared with 22 countries reporting shortages, despite having one of the EU's lowest densities of doctors. The case study suggests that an apparent local surplus may include qualified workers who could subsequently leave. The data, however, do not establish this explanation. Low pay and long working hours connect this regional profile to the job-quality issues discussed earlier. The indicators cannot show whether these conditions cause outward migration or simply occur alongside it. Training alone may also have limited local benefits if suitable jobs are unavailable: newly qualified workers may use their skills elsewhere. Retaining the benefits of education therefore requires local employment opportunities, links with workers abroad and support for return migration. Effective recognition of qualifications and skills acquired abroad can help returnees use their experience at home.

Taken together, the four clusters show how labour mobility connects EU regions. Workers mainly move from peripheral regions towards stronger economic centres, while posting and cross-border commuting add movements that residence-based statistics do not fully capture. Healthcare illustrates the limits of this redistribution, as widespread shortages leave little scope to recruit elsewhere in the EU without adding pressure to another health system. Immigration from outside the EU helps fill some of the remaining gaps.

1.5. Policies and Best Practices for Place-Based Talent Development

Sections 1.1 to 1.4 established where the talent problem this study addresses is concentrated, and why it persists. This Section turns from the problem identification to a catalogue of existing empirical solutions across the EU, in the form of a systematic review of the **good practices** assembled by the **Harnessing Talent Platform (HTP)**, the knowledge-sharing infrastructure established under Pillar 7 of the Commission's Talent Booster Mechanism (TBM) and coordinated by DG REGIO.

The Commission's Communication on Harnessing Talent in Europe's Regions introduced the concept of a talent development trap: a self-reinforcing cycle in which an ageing, shrinking working-age population combines with weak economic dynamism to drive away exactly the young and skilled workers a region would need to escape it. The *9th Cohesion Report* counts 46 such regions, home to more than 70 million people, with further regions at risk because of sustained outward movement of people aged 15–39 (European Commission, 2024e). The HTP knowledge hub classifies cases by policy domain, using seven cross-cutting themes: Quality of Life and Equal Access to Services; Jobs and Skills; Demographic Dynamics and Migration; Competitiveness and Innovation; Digital and Physical Connectivity; Better Governance; and Green and Just Transition. For the purposes of this study, the underlying case material has additionally been assessed against a second, policy-design-oriented lens, resulting in a typology of **eight distinct categories of place-based talent policy**, presented below. The categorisation of policies is linked to elements presented earlier in the chapter: shortage drivers and sectoral intensity, mobility corridors and profiles, and the territorial typology of talent pressures.

The eight types of place-based talent policy

The typology is organised around the three objectives a place-based talent policy can pursue: **attracting talent** from elsewhere, **retaining talent** already present, and **developing the skills of a territory's own population**; with an additional transversal category acting as an **enabler through governance**. Eight types of instruments are distributed across the three objectives and briefly introduced generally and through one example of each.

Table 4: The eight types of place-based talent policy of the Harnessing Talent Platform

#	Type	Primary objective	Mechanism	Illustrative case
1	Talent Attraction Incentives & Relocation Support	Attract	Financial + administrative	Talent Boost Programme (Finland)
2	Diaspora Return & Re-attraction Programmes	Attract (return)	Financial + matching	Aragón Retorno Joven (Spain)
3	Regional Branding & Place-Based Attraction Campaigns	Attract	Reputational	THE LÄND (Baden-Württemberg)
4	Entrepreneurship & Innovation Ecosystem Instruments	Retain / Develop	Infrastructure + networks	SASA Incubator (Slovenia)
5	Quality of Life & Retention Instruments	Retain	Services + infrastructure	Apartments for Graduates (Poznań)
6	Sectoral Workforce Strategies	Attract / Retain	Sector-specific	Recruit and Retain (Northern Periphery)
7	VET, Skills Formation & Labour Market Intelligence	Develop	Training + data	Skillnet Ireland
8	Multi-level Governance & Systemic Coordination Frameworks	Enabling	Institutional + strategic	Copenhagen Talent Strategy (Denmark)

Source: Authors' own elaboration based on European Commission, Harnessing Talent Platform, *Good practices*. Available at: https://ec.europa.eu/regional_policy/policy/communities-and-networks/harnessing-talent-platform/knowledge-repository/good-practices_en.

1.5.1. Attraction-oriented instruments

Three of the eight types aim at **making a place more attractive, or more reachable,** to individuals not currently there, and map fairly closely onto the mobility corridors described in Section 2.2: East-to-West flows led by Romania, Poland and Italy as senders and Germany as the leading receiver, and a non-EU-born share of the working-age population that has risen from 8% in 2014 to 12.6% in 2024 and correlates more strongly with sectoral shortage intensity than intra-EU mobility does.

Type 1: Talent Attraction Incentives and Relocation Support lowers the direct cost and risk of relocating, through fellowships, relocation grants, trial-residency schemes and fast-tracked visas.

Box 6: Example: SOMOPRO (South Moravian Programme for Distinguished Researchers)

Czech Republic, EU co-financed (Marie Skłodowska-Curie Actions / Cofund)

The SOMOPRO programme is a grant initiative designed to attract skilled researchers, both from abroad and within the Czech Republic, to the region of South Moravia. The programme supports qualified researchers who have previously worked in the region or wish to return, offering financial assistance through grants lasting 1 to 3 years. Eligibility criteria include holding a doctoral degree or having at least 4 years of research experience, with a requirement of spending at least 2 out of the last 3 years outside the Czech Republic. Three successive rounds of researcher fellowships co-financed with Marie Skłodowska-Curie Actions attracted 71 researchers from 27 countries and produced 237 publications. Thirteen of the first cohort of 27 fellows remained in the region after the programme ended.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good%20Practice_SOMOPRO.pdf.

Type 2: Diaspora Return and Re-attraction Programmes pursue the same attraction logic but target a territory's own emigrants, leveraging pre-existing cultural and linguistic ties that make reintegration more durable than for newcomers with no prior connection to the region. These programmes sit within the wider phenomenon of migration circularity that this chapter's mobility atlas documents at the level of flows and corridors.

Box 7: Example: Aragón Retorno Joven

Spain, Regional government funds, no EU co-financing

The programme "Aragón Retorno Joven" is a multi-annual initiative aimed at facilitating the return of young Aragonese who have left the territory due to the lack of jobs. It multiplies the efforts of the different institutional and private actors to create jobs and avoid this forced professional exodus. The programme supports young people in their search for jobs, connects them with local businesses and facilitates their settlement in the region, offers a comprehensive support, including help to find suitable accommodation. Thanks to various calls, 156 companies have joined the programme, covering various sectors from health to education, computing, tourism, architecture, chemistry or automotive. The programme managed to return 361 young people on a budget of EUR 2.5 million carried entirely by the regional government.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good_Practice_Aragon_Retorno_Joven.pdf.

Type 3: Regional Branding and Place-Based Attraction Campaigns work on perception rather than direct incentive, and function best as the top of a funnel that other instruments must complete downstream, through a settlement or job-matching mechanism.

Box 8: Example: THE LÄND

Baden-Württemberg, Germany, EUR 21 million, state budget

A state-level umbrella brand campaign initiated by major private companies (Daimler, Bosch, SAP), using the self-deprecating slogan 'We can do everything. Except speak Standard German' to position the region as innovative yet authentic. The brand campaign is intended to be an invitation to business and all advertisers to make Baden-Württemberg's strong and innovative location visible and to use it according to their needs. It is aimed at both skilled workers and future skilled workers whom we train at our universities and in our companies, or who are looking for the right environment here as founders to realise their ideas. The impetus for a new, internationally oriented advertising campaign was brought to the state government by commercial enterprises, among others.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://stm.baden-wuerttemberg.de/de/service/presse/pressemitteilung/pid/baden-wuerttemberg-ist-the-laend/.

1.5.2. Retention-oriented instruments

Three further instruments address retention directly: **keeping talent already present in a territory** from leaving, whether for economic, quality-of-life, or sector-specific working-condition reasons. The distinction matters because it maps onto this chapter's territorial typology of talent pressures (Section 1.4): some regions lose population despite strong economic performance, pointing to quality-of-life and working-condition drivers rather than economic ones, while others face compounding weaknesses across several dimensions at once, closer to the self-reinforcing talent development trap described in Section 1.2. Retention is therefore not a single lever but three distinct ones, each targeted at a different point along that spectrum.

Type 4: Entrepreneurship and Innovation Ecosystem Instruments retain talent from the demand side, by making staying economically attractive, a response to the same transition-driven demand surge underlying Type 3.

Box 9**:** Example: SAŠA Incubator

Slovenia, City Municipality of Velenje

SAŠA incubator, which is an associate member of the Savinjsko-šaleška Chamber of Commerce, was established in 2007 by Velenje Coal Mine investment company. In the Savinjsko-šaleška region, the entire economy is highly dependent on three large industrial entities, Gorenje company, Velenje Coal Mine and Šoštanj Thermal Power Plant. The project was therefore built as an explicit just-transition, to raise the level of importance of entrepreneurial development in the environment and support good business ideas and project related to the sustainable future. The SAŠA incubator has now become a meeting place for young entrepreneurial talents, freelancers, start-ups, fast-growing companies, managers, and corporations. Activities include hackathons, a six-week Business Trampoline school, an industry–start-up matchmaking conference and an Investors Academy. It serves as a model for regions facing structural employment loss without large EU budgets.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://sasainkubator.si/.

Type 5: Quality of Life and Retention Instruments address the non-economic reasons people leave (housing, belonging, civic participation, rural connectivity) rather than wage or job-creation instruments, which sit instead under Types 4 and 7. Some regions lose population despite strong

economic performance while others face compounding weaknesses across several dimensions, these instruments are best read alongside wage dynamics rather than as a substitute for them.

Box 10: Example: Apartments for Graduates

Poznań, Poland, Municipal funds, no EU

The Apartments for Graduates project, initiated by the City of Poznań together with its Social Housing Association, addresses the challenge of affordable housing for young university graduates working in the city. The programme offers rental housing to graduates under 36 who meet specific eligibility criteria, combining affordable pricing with favourable terms, a repayable participation in development costs, rent, and a deposit, that made the offer attractive enough to draw around 250 applications in its initial round and over 130 in later rounds. The residential estate comprises 143 apartments, conveniently located with good infrastructure and green space nearby. Beyond housing as such, the initiative was designed explicitly as a talent-retention tool: by meeting graduates' housing needs, it aims to prevent talent drain from the city and contribute to Poznań's economic and social development by keeping skilled young professionals available to local employers.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good_practice_Apartments_for_graduates_PL.pdf.

Type 6: Sectoral Workforce Strategies target shortages that are acute and place-specific at once: six of the eight documented cases concern healthcare, consistent with this study's own finding that persistently poor working conditions, alongside demographic ageing and transition-driven demand, sustain shortage pressure beyond the business cycle. On the evidence gathered here, sectoral workforce strategies are the policy family most directly aimed at that driver, with an emerging application to the green-energy workforce as just-transition agendas create demand for new specialist profiles.

Box 11: Example: Recruit and Retain / Making it Work

Multi-country, Northern Peripher, ERDF / Northern Periphery and Arctic Programme

Recruit and Retain is a Northern Periphery Programme (NPP) project supported by matched funding and the European Regional Development Fund, set up to find solutions to the persistent difficulty of recruiting and retaining high-quality professionals to work in the public sector of remote rural areas of Northern Europe. Eight partners from eight countries (Canada, Greenland, Iceland, Ireland, Northern Ireland, Norway, Scotland and Sweden) worked together, with NHS Western Isles in Scotland acting as Lead Partner. The project began with baseline research into the factors that influence recruitment and retention, and went on to pilot and evaluate a number of interventions designed to support recruitment and retention in these areas. This work produced a set of practical fact sheets (Recruit and Retain Solutions, Hall, 2014), a new evidence base, and a framework of 29 solutions from which any remote or rural organisation or community could select and implement measures suited to its own context. Building on these pilots, the partners developed an integrated model for workforce sustainability, tested through a second phase of collaboration (Recruit & Retain: Making It Work) funded through the EU's Northern Periphery and Arctic (NPA) Programme, in which partners in five countries implemented and evaluated a suite of interventions as case studies and fine-tuned the Making It Work: Framework for Remote Rural Workforce Stability.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good%20Practice_Recruit%20and%20Retain.pdf.

1.5.3. Develop own talent

The third objective is to **develop the skills base of the population already living in a territory**. It focuses on **upskilling local residents**, rather than attracting or retaining people. The EU job vacancy rate reached 2.2% in Q1 2025, above the pre-pandemic baseline of 1.7%. At the same time, 68% of medium-sized companies reported serious skills shortages. These shortages are linked to demographic decline and growing demand for green and digital skills. Poor working conditions in key sectors also remain a persistent challenge.

Type 7: VET, Skills Formation and Labour Market Intelligence is the largest thematic-delivery category and the most foundational: a territory that cannot develop and deploy the human capital it already has will face persistent brain drain regardless of how much is spent on attraction.

The two examples below show how Type 7 plays out in opposite territorial settings. Skillnet Ireland (Box 12) operates at national scale in a receiving economy with strong labour demand. It is an enterprise-led system that keeps a growing workforce's skills aligned with what employers need. The Ostrava programme (Box 13) works on the same principle in a sending region: a former coal and steel centre that is losing its qualified young people. There, skills formation acts directly against out-migration, building a local talent pipeline from early education onwards so that young people have reasons and prospects to stay. Read together, the two cases show that the same type of instrument responds to shortage pressure in receiving regions and to brain drain in sending ones.

Box 12. Example: Skillnet Ireland

Ireland, National Training Fund + ESF+ (EUR 83.4 million in 2023)

An enterprise-led workforce-development model operating through more than 70 sectoral and regional networks, co-funded by employers (EUR 31.4 million) and government (EUR 52 million). It delivered 748 434 training days to 97 776 individuals in 2023 alone and is recognised by the OECD, the EU and the ILO as a reference model. Skillnet Ireland's goal is to ensure that Irish businesses can compete globally by providing relevant, high-quality training. Its innovative approach includes working directly with businesses to identify future skills gaps and then co-designing training programs tailored to industry needs, particularly focusing on digital and green economy skills. Recent initiatives include the Ireland's Talent Landscape Report and Skills to Advance, a program that offers upskilling for workers at risk of displacement.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good_practice_Skillnet_Ireland.pdf.

Box 13: Example: Education and Talent Management Support Programme (Ostrava)

Ostrava, Czechia, Municipal funds (CZK 33.6 million)

The Education and Talent Management Support Programme was launched by the City of Ostrava in 2018 in response to sustained brain drain. Skilled professionals and graduates were leaving for Prague, Brno and other European destinations as coal mining and steel production declined. The Moravian-Silesian region (CZ08) is classified as being in a talent development trap, with a shrinking working-age population and net out-migration of young people. Funded entirely from the city budget, the programme supports talent development across the whole education cycle. Its activities range from talent coordinators and teacher training in nursery, primary and secondary schools, to talent centres at the Technical University of Ostrava and a secondary chemistry school. It has also supported new study programmes that address local shortages, such as orthotic-prosthetic technician training. The programme is part of the city's strategic plan and reported results include outputs such as new centres, programmes and student projects.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ostrava.cz/cs/o-meste/talent-management.

1.5.4. The transversal enabler: multi-level governance

Type 8: Multi-level Governance and Systemic Coordination Frameworks is meta-instrument type that builds the institutional architecture, data foundations and **inter-governmental coordination the other seven types depend on to function coherently**, rather than delivering a service directly. Governance capacity is treated in the underlying review as the least visible but most foundational category: the absence of coordination is repeatedly what makes individually promising practices unsustainable or unscalable.

Box 14: Example: Copenhagen Talent Strategy

Denmark, ESF + Growth Forum, Capital Region

The Copenhagen Talent Strategy was launched by Copenhagen Capacity in 2014, as part of the wider Copenhagen Talent Bridge project, with the aim of maintaining the region's status as a leading metropolis in northern Europe by attracting and retaining international young talent. It brought together a group of 12 members (mayors, university representatives and businesses from across the region) around ten coordinated initiatives: among them, guiding international talents to job openings; empowering careers through digital Cluster Campaigns aimed at potential jobseekers; expanding opportunities for regional SMEs through a referral programme; offering fast-track information packages to ease relocation and accommodation; etc. The strategy created 1 459 jobs in 2017 (200 talents attracted or retained), with each year's direct job creation also credited with a larger number of additional indirect jobs through local businesses and collaborators.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://circabc.europa.eu/ui/group/c6e126de-5b8c-4cd7-8d36-a1978a2a63de/library/6c2c9ae1-9607-4791-b8f8-2028ce6f3463/details?download=true.

Two more recent cases show how the same coordinating logic has been institutionalised at other levels and in different territorial contexts. In Lower Saxony (Box 15), the state government has made regional skilled-labour alliances a permanent part of its skills policy. These alliances give the actors in each regional labour market a shared structure and their own budget to respond to shortages.

Box 15: Example: Regional Skilled-Labour Alliances

Lower Saxony, Germany, State funds + ESF+ (EUR 12.9 million, 2024–2027)

Under the programme "*Land unterstützt Regionale Fachkräftebündnisse*", the state of Lower Saxony supports eight Regional Skilled-Labour Alliances. Each alliance brings together counties and cities, chambers, employer organisations, trade unions, employment services and education providers to coordinate responses to local shortages in sectors such as healthcare, crafts, logistics, tourism and green industries. Within the current ESF+ programming period, each alliance receives a virtual budget to launch projects under three funding pillars: structural projects that design and test skills-security measures; qualification and support for jobseekers, including international professionals; continuing vocational training for competences that are useful across companies.

By 2024, the alliances had implemented more than 100 regional projects. The model shifts responsibility for labour-market development from central authorities to regional coalitions, within an overarching state skilled-labour strategy.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good_Practice_SkilledLabourAlliance_DE.pdf.

In Spain (Box 16), the national government took a whole-of-government approach to territories losing population. Together, the three cases show that governance frameworks can operate at metropolitan, regional, and national levels. They also show that such frameworks serve both regions competing for talent and regions trying to stop losing it.

Box 16: Example: Plan of 130 Measures for the Demographic Challenge

Spain, National government + Recovery and Resilience Facility (EUR 13 billion, 2021–2023)

In 2021, the Spanish government adopted a plan of 130 measures, organised in ten lines of action, to address depopulation and territorial imbalance. It was managed by the General Secretariat for the Demographic Challenge within the Ministry for the Ecological Transition and the Demographic Challenge. The aim was to ensure that small municipalities and rural areas share in the green, digital and inclusive recovery. Its main governance innovation was to build the demographic perspective into government decision-making and to use objective criteria in general funding calls that favour areas in demographic decline. It also has a gender dimension, targeting the shortage of opportunities for women in rural areas. Reported results include local clean-energy projects in nearly 1,800 municipalities facing demographic challenges; broadband extension to about 728,000 homes; professional qualification through the "*Aulas Mentor*" programme, and expanded housing support for young people in depopulated areas.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://ec.europa.eu/regional_policy/sources/policy/communities-and-networks/harnessing-talent-platform/HTP_Good_Practice_Plan130.pdf.

Skills Mobility Partnerships

Skills Mobility Partnerships (SMPs) are a targeted operational subtype of Multi-level Governance and Systemic Coordination Frameworks. They establish a formal, continuing **cooperation arrangement** among public authorities, public employment services, employers, social partners, training providers and, where relevant, competent recognition bodies across two or more labour markets. Their distinctive contribution is **to organise the full mobility-and-skills chain**: joint identification of shortages and skills supply; training or upskilling; transparent recruitment and matching; language and workplace preparation; recognition of qualifications; and support for labour-market integration.

Box 17: Example: Triple Win nurse recruitment

Germany and partners, Federal Employment Agency (ZAV), GIZ and participating employers

A government-to-government programme matching qualified nurses from partner countries (including Bosnia and Herzegovina, the Philippines, Tunisia, Indonesia, Jordan, Viet Nam and Indian states) with verified vacancies in German health and care institutions. It combines public-employment-service recruitment, employer-funded placement, German-language and technical preparation, pre-departure counselling, relocation and integration support, and assistance with recognition of professional qualifications.

Triple Win illustrates an SMP because it brings together labour-market need, training, ethical recruitment, skills recognition and mobility within one sustained cross-border governance arrangement. By 2024, the programme had placed more than 4 700 nurses; a 2021 participant evaluation found that 95.4% of feedback was mostly positive and 84.4% of respondents remained with their original German employer after at least six months. While it is a TCN-to-EU model rather than an intra-EU free-movement scheme, its transferable elements include public oversight, zero-fee recruitment, joint skills preparation, recognition support, employer accountability and monitoring of integration outcomes.

Source: Authors' own elaboration based on Harnessing Talent Platform, Good practices. Available at: https://www.arbeitsagentur.de/vor-ort/zav/projects-programs/health-and-care/triple-win.

2. POSTING OF THIRD-COUNTRY NATIONALS

KEY FINDINGS

There is no single set of rules for posting third-country nationals. The rules come from three separate areas of EU law: labour law, social security coordination and migration law. The fragmentation resulting from this has been addressed through case law rulings from the CJEU, but several interpretative uncertainties persist.

TCN posting is growing and is concentrated in manual work at the bottom of subcontracting chains. It clusters in construction, road freight, agriculture and live-in care. It is used by undertakings to arbitrage costs and to fill labour scarcity gaps, but its full scale is unknown because EU posting statistics do not record nationality.

Posted TCNs are more exposed to abuse, yet enforcement resources remain limited. In Belgium, inspections targeting TCNs found infringements in about 59% of cases, against 44% for posting inspections overall. Meanwhile, Poland assigns only 121 of its 1,517 labour inspectors to posting.

Effective national tools exist and could be scaled EU-wide. Examples include Belgium's OSIRIS platform for A1 disputes resolution, its Declaration of Works, which discloses the full subcontracting chain, and Poland's online service verifies A1 certificates in real time.

Chapter 1 showed that labour shortages in the EU are no longer a temporary feature of the economic cycle, but a structural condition affecting many sectors and regions. It also showed that labour mobility is one of the main ways of addressing these shortages, alongside training and place-based talent policies. Yet the composition of labour mobility is changing. While intra-EU mobility has remained broadly stable, the population of third-country nationals has grown steadily, and the share of non-EU-born workers appears to respond more closely to sectoral shortages than intra-EU mobility does. At the same time, the temporary forms of mobility most directly used to fill vacancies, including posting, remain among the least visible in available statistics. **This Chapter focuses on a specific form of mobility, where many of these developments converge: the posting of third-country nationals (TCNs).**

Unlike EU citizens, TCNs do not move based on a right to free movement. Instead, they can be posted across borders through their employer's freedom to provide services. As labour markets tighten, this channel allows undertakings to recruit workers from outside the EU and temporarily deploy them to the Member State where the work is carried out. The focus of the study therefore shifts from the overall scale and direction of labour mobility to the **legal and practical conditions governing this specific and increasingly important form of mobility, and to the implications they have on workers protection and their job quality.**

The Chapter examines this issue from four complementary perspectives. First, Section 2.1 maps the EU legal framework, which spans labour law, social security coordination and migration law. It examines how Court of Justice case law has addressed gaps between these areas and identifies five grey zones where important questions remain unsettled. Second, Section 2.2 looks at how TCN posting operates in practice, examining the sectors, worker categories, geographical routes and subcontracting chains involved, while also highlighting the limitations of the available data to study the phenomenon. Third, Section 2.3 examines how these legal uncertainties are addressed at national level, comparing the interpretation and enforcement of the rules in three mainly receiving Member States—Belgium, Germany and France—and three mainly sending Member States—Poland, Portugal

and Italy. Finally, Section 2.4 considers practices that can mitigate the risks identified, focusing on worker protection and access to remedy, data-driven transparency and cross-border administrative cooperation. Taken together, these findings provide the basis for the conclusions and recommendations presented in Chapter 3.

2.1. EU legal landscape and regulatory framework

Posting of workers constitutes a form of cross-border labour mobility within the EU Single Market whereby **an employee is temporarily sent by an employer to perform work in another Member State, while remaining employed by the undertaking established in the sending country**. In legal terms, posting occurs within the framework of cross-border service provision and is therefore closely linked to the EU's internal market freedoms. The practice presents several attention points due to the temporary nature of the process and its **implications on the labour and social contribution jurisdictions**.

When the worker involved is a **third-country national** (i.e. a non-EU citizen), the regulatory situation becomes even more complex. In such cases, the worker is typically legally employed in one Member State but temporarily sent to another Member State to perform work while remaining attached to the sending undertaking. However, since non-Europeans do not benefit from freedom of movement across the EU, **the possibility of being temporarily posted comes from their employer's right to provide services cross-border within the EU**, also referred to free movement of services under Article 56 TFEU.As a result, the posting of TCNs is not itself clearly regulated as normal posting is, and **operates at the intersection of** several regulatory domains, including **labour law, social security coordination and migration policy**.

The phenomenon of TCNs posting has gained momentum across Member States in the latest years. In the main receiving countries, such as the Netherlands, Austria or Belgium, non-EU workers make up more than 20% of all posted workers. The practice presents several legal complexities, both from the employer side, as the exceptional labour and social security rules allows undertakings to exploit the differences across Member States, as well as from the worker's side, who is typically particularly vulnerable in its labour migrant position, being fully dependant, bureaucratically, on its undertaking to maintain their right to stay in the EU.

The practice is driven by several factors. Historically, one has been the flexibility and cost advantages available to undertakings: by posting workers, including third-country nationals, from a lower-cost Member State, an employer can remain subject to the sending state's more favourable social security contribution rates for the duration of the assignment, a form of regulatory arbitrage widely documented in the posting literature. More recently, however, expert interviews conducted for this study point to an additional and increasingly prominent driver: labour shortages in the sending states themselves. Near-full employment and ageing workforces mean that undertakings in several Member States can no longer staff their cross-border contracts from their domestic labour market. They therefore recruit workers from outside the EU with the skills required and post them to the Member State where the work is carried out[9]. This evolving driver mix does not displace the cost-arbitrage rationale documented elsewhere in this study, which is consistent with the driver-based typology of competition-, specialisation- and expert-driven posting developed later in this chapter.

[9] Kiełbasa, M., 2026, Interview; Kiełbasa, M., Szaraniec, M. and Mędrala, M., 2026, Posted workers from and to Poland: Facts and figures, POSTING.STAT 2.0 project, HIVA-KU Leuven, Leuven. Available at: https://hiva.kuleuven.be/nl/onderzoeksmap/thema/verzorgingsstaat/p/Docs/posting-stat-country-report-poland-final.pdf.

2.1.1. Legislative mapping

There is no single dedicated EU legal instrument governing the posting of third-country nationals (TCNs). The phenomenon sits at the intersection of three distinct regulatory domains (labour law, social security coordination, and migration law) and the applicable rules must be assembled from instruments that were not designed to work together.

The Section presents the **key Directives of each domain**, describing the legislative landscape individually, with the aim of adding all pieces to the regulatory puzzle, and consequently identify the gaps left unresolved. The fragmentation between the pillars is the root cause of the grey zones identified in Section 2.1.3.

The Labour Law Pillar

The **Posting of Workers Directive (PWD)** (Directive 96/71/EC, OJ L 18, 21.1.1997, as amended by Directive (EU) 2018/957, OJ L 173, 9.7.2018) is the core labour law instrument for posted workers. Under Article 3(1), these undertakings must guarantee posted workers, on the basis of equality of treatment, the host Member State's terms and conditions of employment on a defined list of matters. These include maximum work periods and minimum rest periods, minimum paid annual leave, remuneration, and health, safety and hygiene at work. The 2018 revision replaced "minimum rates of pay" with "remuneration" and added workers' accommodation and allowances for travel, board and lodging. Where the effective duration of a posting exceeds 12 months (18 months following a motivated notification), all applicable terms and conditions of employment of the host Member State apply, with limited exceptions (Article 3(1a)). The Directive's scope depends on where the undertaking is established, not on the worker's nationality, so it covers posted TCNs. It expressly leaves their entry, residence and access to employment to national law (Recital 20).

The PWD is complemented by the **Enforcement Directive** (Directive 2014/67/EU, OJ L 159, 28.5.2014, p. 11), which aims at better and more uniform implementation, application and enforcement of the PWD in practice. Two provisions are central for TCN posting. Article 4 requires competent authorities to make an overall assessment of all factual elements to identify a genuine posting, using an indicative, non-exhaustive list. It includes "the place where posted workers are recruited and from which they are posted" but refers neither to the worker's nationality or residence status nor to any minimum period of prior employment. Article 9 allows Member States to impose only those administrative requirements and control measures that are necessary for effective monitoring of compliance and are justified and proportionate. Among them are a simple declaration at the latest at the start of the service provision, the keeping of employment documents, and the designation of a liaison person. Residence or work authorisations are neither listed nor excluded, and the list is not exhaustive (Article 9(2)). Whether a host Member State may require them has therefore been left to the case law discussed below.

The **labour law framework** also contains a sector-specific regime **for road transport**. Directive (EU) 2020/1057 (OJ L 249, 31.7.2020) sets out how the posting rules apply to drivers. It excludes bilateral transport operations and transit from the posting rules, while cabotage and cross-trade operations fall within them. It also introduces a simplified posting declaration through the Internal Market Information System (IMI). The Directive applies to all drivers regardless of nationality, including the growing share of TCN drivers employed by EU hauliers.

The Social Security Coordination Pillar

The second pillar determines which Member State's social security legislation applies to the posted worker. The central instrument is **Regulation (EC) No 883/2004 on the coordination of social security systems** (OJ L 166, 30.4.2004, p. 1, as amended). Persons covered "shall be subject to the

legislation of a single Member State only" (Article 11(1)). As a rule, this is the legislation of the Member State where the activity is pursued (Article 11(3)(a)). Posting is an exception. Under Article 12(1), a person employed in a Member State by an employer "which normally carries out its activities there", and posted by that employer to another Member State, "shall continue to be subject to the legislation of the first Member State". This applies provided that "the anticipated duration of such work does not exceed twenty-four months" and that the person "is not sent to replace another posted person". If these conditions are not met, the general rule applies and the worker falls under the legislation of the host Member State.

The replacement condition prevents employers from rotating workers through the same post to keep the whole activity under the sending state's legislation indefinitely. If the condition is not met, the exception does not apply and the worker falls under the host state's social security system. The Court has confirmed that the prohibition applies even where the replaced worker was posted by a different employer (*Alpenrind*, C-527/16, 2018).

These rules are currently being revised. In April 2026 the Council and the European Parliament reached a provisional agreement **amending Regulations 883/2004 and 987/2009**, and which is likely to become EU legislation by end of 2026 if endorsed by the co-legislators. The changes most relevant to posting are these:

- postings must be notified before they take place, except for business trips and short-term activities of up to three consecutive working days within 30 days; construction workers are excluded from the short-term exemption.
- workers must be affiliated to the sending state's social security system for at least three months before being posted.
- after 24 months of posting, a break of at least two months is required before a new posting.

The agreement also extends the period during which jobseekers can export unemployment benefits to six months, and clarifies the rules for long-term care benefits and for persons working in two or more Member States.

The social security concept of posting does not coincide with the labour law concept. The PWD asks whether a worker, for a limited period, works in a Member State other than the one where they normally work. Regulations (EC) No 883/2004 and 987/2009 add further conditions, including that the employer normally carries out substantial activities in the sending state (Article 14(2) of Regulation (EC) No 987/2009, OJ L 284, 30.10.2009, p. 1). A person "recruited with a view to being posted" is covered only if, "immediately before the start of his employment", they were "already subject to the legislation of the Member State in which his employer is established" (Article 14(1)). This matters particularly for TCNs recruited from outside the EU in order to be posted. Such a worker can be a posted worker under the PWD, entitled to the host state's terms and conditions of employment, while not meeting the conditions for remaining under the sending state's legislation. In that case, under Article 11(3)(a) of Regulation 883/2004, the host state's legislation should apply.

The applicable legislation is certified by an attestation provided "at the request of the person concerned or of the employer" by the competent institution of the Member State whose legislation applies (Article 19(2) of Regulation 987/2009). In practice this is the **Portable Document A1** (A1 certificate). Under Article 5(1), such documents "shall be accepted by the institutions of the other Member States for as long as they have not been withdrawn or declared to be invalid" by the issuing Member State. A host institution that doubts a certificate must ask the issuing institution for clarification and, where appropriate, its withdrawal. If no agreement is reached, the matter may be

referred to the Administrative Commission, which "shall endeavour to reconcile the points of view within six months" (Article 5(2) to (4)). The Court has held that the certificate also binds the host state's courts, even where the conditions for posting are manifestly not met (*A-Rosa Flussschiff*, C-620/15, 2017). A host-state court may disregard it only in cases of fraud, where the issuing institution has failed to review it within a reasonable time after being presented with evidence of fraud (*Altun*, C-359/16, 2018). Both judgments concerned the E 101 certificate that preceded the A1.

Regulation (EU) No 1231/2010 (OJ L 344, 29.12.2010, p. 1) **extends Regulations 883/2004 and 987/2009 to "nationals of third countries who are not already covered by those Regulations solely on the ground of their nationality"**. Stateless persons and refugees residing in a Member State are already covered by Regulation 883/2004 (Article 2(1)). The extension applies only where TCNs are "legally resident in the territory of a Member State" and "in a situation which is not confined in all respects within a single Member State" (Article 1). Posting to another Member State meets the second condition. The Court has confirmed that TCNs legally staying and working in the Member States fall within this scope, even if their residence in a given Member State is temporary (*Balandin*, C-477/17, 2019). Legal residence is "a prerequisite" (Recital 11), but the Regulation does not define it, and it gives no entitlement "to enter, to stay or to reside in a Member State or to have access to its labour market" (Recital 10). Social security coordination for posted TCNs therefore depends on migration status determined under other rules. Where a TCN was never legally resident in the sending state, Regulation 1231/2010 does not apply. Yet an A1 certificate issued for that worker remains binding on the host state's institutions until the issuing state withdraws it.

The Migration Law Pillar

The third pillar concerns migration law. **EU migration directives** determine whether and on what terms a TCN may reside and work in the Member State that admitted them, which in turn is the precondition for being posted from there. The right to post workers belongs to the undertaking, not the worker: the freedom to provide services under Article 56 TFEU "includes the right of undertakings to provide services in the territory of another Member State and to post their own workers temporarily to the territory of that Member State for that purpose" (Recital 2, Directive (EU) 2018/957). Since ***Vander Elst* (C-43/93, 1994)**, this has meant that a host state may not require work permits for TCNs lawfully and habitually employed by an undertaking established in another Member State. *Vander Elst*, however, protects only TCNs who are already lawfully employed in the sending state, and it is the migration directives that determine who has that status and on what terms. Four directives are relevant, each covering a different category of TCN and each dealing with posting differently.

The **Single Permit Directive** (Directive 2011/98/EU, OJ L 343, 23.12.2011, p. 1) establishes a single application procedure for a combined residence and work permit, and a common set of rights for third-country workers. The permit authorises its holder to "enter and reside in the territory of the Member State issuing the single permit" and to "exercise the specific employment activity authorised under the single permit" (Article 11). It gives no right to work in another Member State. The Directive does not apply to TCNs "who are posted, for as long as they are posted" (Article 3(2)(c)). Recital 7 adds that a TCN legally residing and working in one Member State and posted to another continues to enjoy equal treatment with nationals of the Member State of origin, for the terms and conditions not covered by the PWD. The single permit is thus the typical basis for lawful employment in the sending state, but not for the posting itself.

TCNs with **long-term resident status** under Directive 2003/109/EC (OJ L 16, 23.1.2004, p. 44) are in a stronger position in the sending state. The status is acquired after five years of legal and continuous residence (Article 4(1)) and is "permanent" (Article 8(1)). It is lost after an absence from the territory of the Union, not of the Member State, of 12 consecutive months (Article 9(1)(c)), so a posting within

the EU does not put it at risk. Member States may even count periods of absence "relating to secondment for employment purposes, including the provision of cross-border services" towards the five years (Article 4(3)). The Directive's own mobility rights, however, do not extend to posting. Chapter III, which allows long-term residents to reside in a second Member State, "does not concern" their residence "as employed workers posted by a service provider" (Article 14(5)(a)). Long-term residence therefore gives a stable legal basis in the sending state.

The **EU Blue Card Directive** (Directive (EU) 2021/1883, OJ L 382, 28.10.2021, p. 1, which repealed Directive 2009/50/EC from 19 November 2023) covers highly qualified TCNs. It creates its own intra-EU mobility channels, which are separate from posting:

- Short-term mobility: Blue Card holders may carry out "business activities" in other Member States for up to 90 days in any 180-day period without any other authorisation (Article 20). The Directive defines these narrowly (Article 2(13)), as activities such as meetings, conferences, negotiations or training.
- Long-term mobility: after 12 months, holders may move to a second Member State, but only on the basis of a work contract there (Article 21).

The Directive does not apply to TCNs "who are covered by Directive 96/71/EC for the duration of their posting" (Article 3(2)(g)), and it is without prejudice to the PWD and the Enforcement Directive (Recital 54). A Blue Card holder can be posted by their employer, but under the general posting rules, not under the Directive's mobility provisions. This category is relevant to the highly qualified end of the typology developed in Section 2.2.2.

The **Seasonal Workers Directive** (Directive 2014/36/EU, OJ L 94, 28.3.2014, p. 375) raises a more fundamental difficulty. A seasonal worker is defined as a TCN who "retains his or her principal place of residence in a third country" and works under "fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State" (Article 3(b)). Their stay is limited to between five and nine months in any 12-month period (Article 14(1)). The authorisation entitles them only to "exercise the concrete employment activity authorised" in the issuing Member State (Article 22(c)). The Directive excludes posted TCNs from its scope (Article 2(3)(a)) and says nothing about posting seasonal workers onwards. It does not expressly prohibit such posting, but the combination of a principal residence outside the EU, a short fixed-term contract tied to a specific activity in one Member State, and the *Vander Elst* requirement of lawful and habitual employment in the sending state makes lawful posting of seasonal workers very difficult to establish in practice. This remains an open question in EU law.

Two further points qualify this picture. First, the EU directives sit alongside national migration law rather than replacing it:

- The Single Permit Directive is without prejudice to Member States' powers over "the admission of third-country nationals to their labour markets" (Article 1(2)).
- National permits for highly qualified employment (Article 3(3), Directive 2021/1883) and national permanent residence permits (Article 13, Directive 2003/109/EC) remain possible, but do not carry the Directives' mobility rights.
- Member States keep the right to set volumes of admission (Article 7, Directive 2014/36/EU).

Denmark is bound by none of these directives, and Ireland by none except the Long-Term Residents Directive.

Second, beneficiaries of international protection, applicants for international protection and beneficiaries of temporary protection are excluded from the Single Permit Directive (Article 3(2)(f)–(h)), and asylum seekers and beneficiaries of temporary protection from the Blue Card Directive (Article 3(2)(a)–(b)). Their access to work is governed by the separate EU asylum framework. Refugees and stateless persons residing in a Member State are, however, directly covered by Regulation (EC) No 883/2004 (Article 2(1)).

Taken together, the three pillars rest on different legal bases:

- The PWD applies by reference to where the employer is established and leaves entry and residence to national law (Recital 20).
- Social security coordination depends on legal residence (Regulation 1231/2010) and is certified by an A1 certificate that binds the host state until withdrawn.
- The migration directives define residence and work rights that are confined to the issuing Member State, and exclude posting from their own mobility rules.

No instrument links these conditions. Whether a TCN may lawfully be posted is therefore not answered by any single legal text. It must be reconstructed from all three pillars and from the case law discussed next.

2.1.2. CJEU case law

In the absence of TCN-specific legislative provisions in the area of posting, the **Court of Justice** of the European Union (CJEU) has been filling the gap by **interpreting and clarifying the rules**.

Stage 1: Establishing the Basic Right (1994)

The starting point is ***Vander Elst*** (Case C-43/93, EU:C:1994:310). A Belgian company sent Moroccan employees, who were legally resident, insured and employed in Belgium and held French short-stay visas, to carry out a one-month contract in France. The French authorities fined the company because the workers lacked French work permits. The Court held that Articles 59 and 60 EEC (now Articles 56 and 57 TFEU) preclude a Member State from requiring undertakings established in another Member State, which "lawfully and habitually employ" TCNs, to obtain work permits for them and pay the attendant costs. Such requirements "go beyond what may be laid down as a precondition for the provision of services" (paragraph 22). The reason is that posted workers "do not in any way seek access to the labour market" of the host state if they return after completing their work (paragraph 21). Host states may still apply their minimum wage rules (paragraph 23). *Vander Elst* thus established that posting TCNs lawfully employed in the sending state is part of the employer's freedom to provide services, not access to the host labour market, but left undefined what "lawfully and habitually" employed requires.

Stage 2: Defining Permissible Host-State Controls (2004–2006)

Three infringement judgments then confirmed *Vander Elst* and rejected national attempts to read "lawfully and habitually" employed as allowing minimum periods of prior employment:

- In ***Commission v Luxembourg*** (Case C-445/03, EU:C:2004:655), the Court rejected work permits subject to labour-market considerations, and collective permits requiring a contract of indefinite duration held for at least six months.
- In ***Commission v Germany*** (Case C-244/04, EU:C:2006:49), it rejected prior consular checks and a one-year prior employment requirement, stating that it had not coupled "lawful and habitual

employment" with any "requirement of residence or employment for a certain period" (paragraph 55).

- In ***Commission v Austria*** (Case C-168/04, EU:C:2006:595), it rejected a "posting confirmation" requiring one year's employment or a contract of indefinite duration, and the automatic refusal of residence permits to lawfully posted workers who had entered without a visa.

In each case the Court pointed to the same less restrictive alternative: a simple prior declaration by the service provider on the posted workers, the duration of the services, and the lawfulness of the workers' residence, work authorisation and social security cover in the sending state. Host states may verify, but may not require authorisation. The judgments, however, left undefined what "lawful and habitual" employment actually requires.

Stage 3: Complex Configurations: Agency Work and the Labour Market Access Boundary (2011–2018)

The case law subsequently addressed the hiring-out of workers through temporary work agencies. In ***Vicoplus*** (Joined Cases C-307/09 to C-309/09, EU:C:2011:64), which concerned Polish workers during the post-2004 transitional period, the Court defined hiring-out under Article 1(3)(c) of the PWD. It applies where the worker remains employed by the agency, their movement "constitutes the very purpose of the provision of services", and they work "under the control and direction of the user undertaking". Because hired workers typically fill posts that the user's own employees would otherwise occupy, the Court treated hiring-out as closely connected to access to the host labour market, and accepted transitional work-permit requirements for such workers. In ***Essent Energie Productie*** (Case C-91/13, EU:C:2014:2206), the Court applied these principles to TCNs made available by a German undertaking to a Dutch user. It held that the workers' nationality was "irrelevant" and that permanently requiring work permits for hired-out TCNs "exceeds what is necessary". As for ordinary posting, a prior declaration on the workers' lawful residence, work authorisation and social security in the sending state was sufficient. The labour-market-access reasoning of *Vicoplus* therefore did not translate into different conditions for posted TCNs.

In ***Danieli*** (Case C-18/17, EU:C:2018:904), the Court applied the same approach to a more complex chain. An Italian company carrying out a construction contract in Austria used Russian and Belarusian workers hired out to it by another Italian company in the same group. The Court held that such hiring-out falls within Articles 56 and 57 TFEU even though both undertakings are established in the same Member State, since the service is provided in another Member State (paragraph 42). It also held that the workers' nationality is "irrelevant" (paragraph 43). Austria was therefore "not entitled to require" work permits for these TCNs; a prior declaration on their lawful residence, work authorisation and social security cover sufficed. Work permits could, however, be required for the Croatian workers in the same operation, because Croatia's post-accession transitional period still applied. Across *Essent* and *Danieli*, the Court thus extended the *Vander Elst* standard to agency work and multi-party chains. Neither judgment, however, addressed what makes a TCN's employment relationship with the sending undertaking sufficiently genuine.

Stage 4: Social Security Coordination and TCN Coverage (2019)

The social security dimension was addressed in ***Balandin and Others*** (Case C-477/17, EU:C:2019:60). The case concerned Russian and Ukrainian ice skaters employed by a Dutch company, who lived outside the EU but stayed and worked temporarily in the Netherlands and other Member States during the touring season. The Dutch social security institution refused to issue them A1 certificates confirming that Dutch social security legislation applied to them. It argued that they did not reside in any Member State and therefore fell outside Regulation 1231/2010, which extends the

EU social security coordination rules to TCNs "legally resident in the territory of a Member State". The Court rejected that reading. It held that "legal residence" in Regulation 1231/2010 differs from habitual "residence" under Regulation 883/2004. Neither the duration of the TCNs' presence in the EU nor the fact that their centre of interest remains in a third country is relevant (paragraph 41). TCNs who are "legally staying and working in the territory of the Member States" for an employer established in a Member State may therefore rely on the coordination rules to determine which single Member State's social security legislation applies to them, and to obtain an A1 certificate. The judgment made the social security position of mobile TCNs depend on the lawfulness of their stay under national migration law.

Stage 5: Host-State Verification Rights for Longer Postings (2024)

The most recent development is ***SN and Others*** (Case C-540/22, EU:C:2024:530, judgment of 20 June 2024). The case concerned Ukrainian nationals who held temporary residence permits issued by the Slovak authorities. Their Slovak employer posted them to the Netherlands to work in the port of Rotterdam, first from December 2019 to March 2020, then extended until the end of 2021. The Dutch authorities required them to obtain Dutch residence permits and limited the validity of those permits to that of their Slovak permits. The applicants were in the ordinary legal migration channel. The case did not involve asylum seekers, beneficiaries of international protection, or beneficiaries of temporary protection under Directive 2001/55/EC, which are governed by separate frameworks.

The Court made three main preliminary rulings:

- No derived right of residence. Article 56 TFEU does not give posted TCNs a right of residence in the host Member State.
- A residence permit may be required. Requiring one where the provision of services lasts more than three months is not contrary to Article 56 TFEU. The Court accepted two justifications: legal certainty for the posted workers, and public policy where checks cannot reliably be carried out through the posting declaration. It rejected two others. Protecting the labour market does not apply, because these workers do not seek access to it. Preventing abuse is already covered by the declaration.
- Conditions on the permit. The host state may limit the permit's validity to that of the sending-state work and residence permit, and may charge higher fees. This is allowed only if three conditions are met:
    - the initial validity period is not manifestly too short for most undertakings;
    - renewal involves no excessive formal requirements;
    - the fees roughly correspond to administrative costs.

The Court presented the ruling as consistent with its earlier case law. It recalled that ***Commission v Austria*** had not found a residence permit requirement contrary to EU law in itself, and that stays beyond 90 days in any 180-day period remain a national competence. Even so, the judgment recognises a clearer role for host-state migration law in longer postings than the *Vander Elst* line alone suggested. The Court set the proportionality conditions, but it left their application to national courts. What counts as a validity period that is "manifestly too short", for example, remains to be decided case by case.

2.1.3. Identification and mapping of grey zones

The legislative landscape and the case law show clearly that the EU framework for TCN posting is incomplete. The gaps that legislative instruments left open have been partially filled by judicial interpretation and the judicial interventions have themselves introduced new ambiguities.

A categorization of these **grey zones by pillar and legal reference** is presented below. The grey zones will be further addressed in an enforcement lens in the six countries analysed in Section 2.3.

Grey Zone 1: The Notion of Genuine Posting

Neither the PWD nor the Enforcement Directive contains criteria specific to TCNs. Article 4 of the Enforcement Directive lists indicative factual elements for two assessments. The first is whether the employer "genuinely performs substantial activities" in the Member State of establishment (Article 4(2)), including "the place where posted workers are recruited and from which they are posted". The second is whether the worker "temporarily carries out his or her work in a Member State other than the one in which he or she normally works" (Article 4(3)). None of these elements refers to the **worker's residence or work authorisation in the sending state**, or to how long the worker was employed there before the posting. These are the questions that decide whether a TCN can be posted at all.

Vander Elst made lawful and habitual employment in the sending state the basis for posting TCNs. Later judgments (*Commission v Luxembourg*, *Commission v Germany*, *Commission v Austria*) ruled out fixed minimum periods of prior employment, such as six months or one year. The Court has therefore rejected explicit duration requirements without defining in positive terms what "lawful and habitual" employment requires. In practice, TCNs may be recruited with posting already in view. The European Labour Authority (2025b) reports that in Slovenia, TCNs, particularly from Bosnia and Herzegovina, were often recruited both for the Slovenian labour market and, in some cases, with the intention of posting them abroad. EU law does not prohibit this as such. The place of recruitment is one of the indicative elements in Article 4(2)(b), and no single element is decisive (Article 4(4)).

National rules fill the gap in different ways. Slovenia, for example, requires TCN workers to have been continuously covered by compulsory Slovenian social insurance for at least 30 days before a PD A1 can be issued for their posting (European Labour Authority, 2025b; De Wispelaere et al., 2025). Other Member States have no comparable requirement. This produces **uneven enforcement and potentially unequal conditions across the internal market**.

Grey Zone 2: Conditions for Host-State Migration Checks and Residence Verification

SN and Others (C-540/22) accepted that a host state may require a residence permit where the provision of services lasts more than three months. The permit must meet three conditions: its initial validity must not be manifestly too short, renewal must not involve excessive formalities, and fees must roughly correspond to administrative costs. How these conditions apply in individual cases is left to national courts.

Below the 90-day threshold, the position is less clear. A TCN holding a residence permit issued by one Member State may move within the Schengen area for up to 90 days in any 180-day period (Article 21(1) CISA). The Court has also held that making a posting subject to a prior visa check restricts the freedom to provide services (*Commission v Germany*, C-244/04, paras 33–35). Nevertheless, the European Labour Authority (2025b: 15) reports that the majority of receiving Member States, including Germany, require a temporary residence permit or a so-called "Vander Elst visa", in some cases even for postings shorter than 90 days. The German regime is currently being challenged, both in the national courts and by the Commission through infringement proceedings.

The limits on refusing entry or residence are only partly settled. A host state may not automatically refuse a residence permit to a posted TCN who entered without a visa (*Commission v Austria*, C-168/04). Under *SN*, a refusal on public-policy grounds requires a genuine and sufficiently serious threat. No common standard governs how these limits are applied, and national practices diverge.

Grey Zone 3: PD A1 Issuance, Contestation, and Regulatory Arbitrage

Under Regulation 883/2004, **a posted worker remains subject to the sending state's legislation for up to 24 months (Article 12**). A person normally working in two or more Member States is subject to the legislation of the state of residence if a substantial part of the activity is pursued there, and otherwise **to that of the employer's registered office (Article 13). The PD A1 that certifies this binds host-state institutions until the issuing state withdraws it** (Regulation 987/2009, Article 5). A host state can only ask for reconsideration and, if no agreement is reached, refer the case to the Administrative Commission. In Belgium, over 80% of cases are settled at the first stage and almost none reach the Commission (De Wispelaere et al., 2025). A national court may disregard a PD A1 only where the issuing institution has failed to take evidence of fraud into account (*Altun*, C-359/16).

Two problems follow. The first is that **Article 13, which has no time limit, can be used instead of Article 12**. After Slovenia's 2017 Transnational Provision of Services Act tightened the Article 12 conditions, Slovenian Article 12 PDs A1 fell sharply while Article 13 ones rose. In Poland, Article 13's share of construction PDs A1 grew from 41% in 2019 to 62% in 2024 (De Wispelaere et al., 2025). The second problem is **fraud: falsified PDs A1 and letterbox companies** (ibid.). For TCNs, Regulation 1231/2010 requires legal residence and a cross-border situation. The Court read the legal residence condition broadly in *Balandin* (C-477/17), a reading criticised for making postings on short-term visas easier (Houwerzijl and van Gardingen, 2025).

Grey Zone 4: The Single Permit Gap and Labour Immigration for the Purpose of Posting

A single permit under Directive 2011/98/EU allows a TCN "to reside legally in [the issuing Member State's] territory for the purpose of work" (Article 2(c)). The Directive does not apply to TCNs "who are posted for as long as they are posted" (Article 3(2)(c)), and residence permits are valid only in the Member State that issued them (Regulation No 1030/2002, Article 1(2)). **The possibility of posting a single-permit holder therefore comes not from migration law but from the employer's freedom to provide services** under Article 56 TFEU, as interpreted in the *Vander Elst* case law. That case law prevents the host state from requiring a work permit. It does not prevent the host state from verifying the worker's status in the sending state or, for postings of more than three months, requiring a residence permit (*SN and Others*).

Each Member State decides how many TCNs it admits to its labour market (Article 79(5) TFEU). As a result, **TCNs can be admitted in a Member State with more accessible migration channels and then posted to Member States with stricter rules**. The literature calls this "labour immigration for the purpose of posting" (Houwerzijl and van Gardingen, 2025), in which the **sending state becomes an "intermediate station"** (Verschueren, 2024). TCNs are posted mainly from Slovenia, Poland, Spain and Lithuania, often on work permits granted under bilateral agreements with the countries of origin (Verschueren, 2024). Because the host state cannot apply its own labour-migration rules to posted workers, its only lever is to check whether the posting is genuine (see Grey Zone 1).

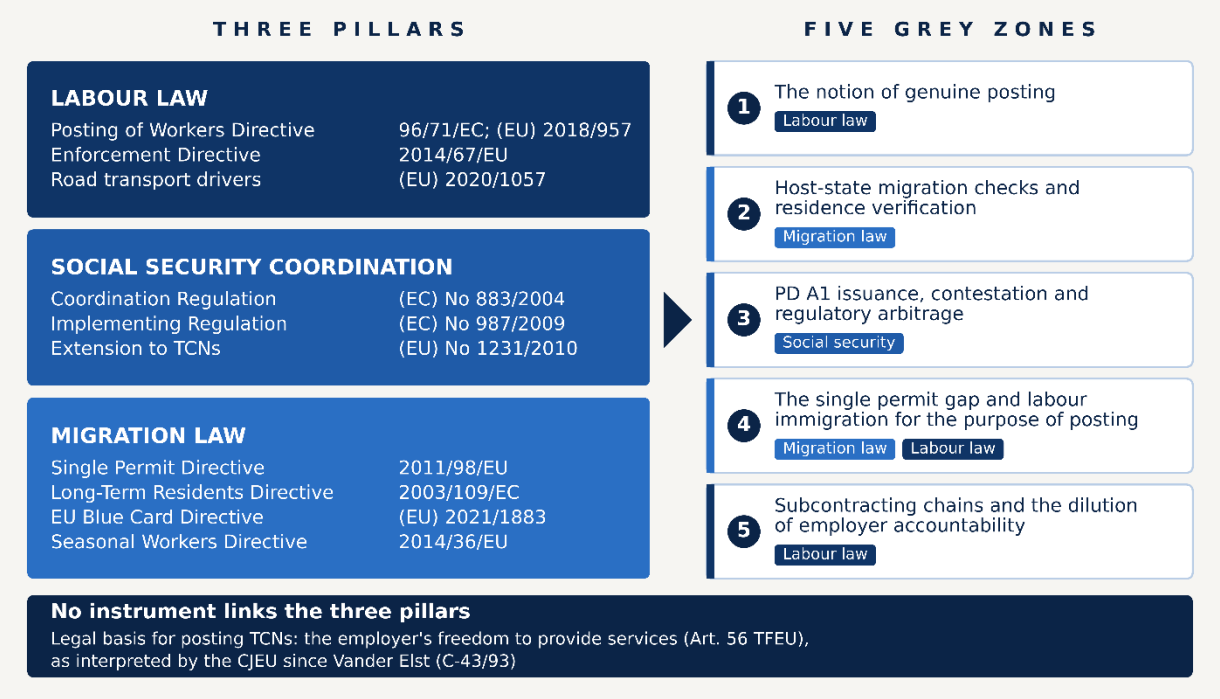
Grey Zone 5: Subcontracting Chains and the Dilution of Employer Accountability

The **Enforcement Directive does not establish joint and several liability across subcontracting chains**. Article 12 allows Member States to make the contractor liable, "in addition to or in place of the employer", for posted workers' outstanding net remuneration at minimum rates of pay and for contributions due to social partners' funds. This liability is **mandatory only for construction activities**, and it **covers only the contractor of which the employer is a direct subcontractor** (Article 12(1)–(2)). Member States may also exempt contractors that have carried out due diligence, or replace liability with other sanctions (Article 12(5)–(6)). As a result, **liability rarely reaches the top of longer chains involving temporary work agencies, subcontractors and intermediaries.**

The European Labour Authority (2025b) documents three-tier structures in which TCNs may be formally employed by lower-tier entities with limited assets and regulatory presence, while the user company at the top of the chain ultimately benefits from their labour. Responsibility can therefore be displaced towards the weakest entity in the chain. The enforcement consequence is a structural accountability gap: inspection findings are difficult to translate into effective penalties, while cross-border cooperation mechanisms may be too slow to provide effective redress.

The pillars and five grey zones have been summarised in the figure below.

Figure 8: The EU legal framework for TCN posting



Source: Authors' own elaboration.

2.2. Sectoral and occupational mapping of TCN posting

The distribution of third-country national (TCN) posting across the European Union is highly uneven (European Labour Authority, 2023c; European Commission, 2024g). Rather than being spread evenly across sectors and occupations, it concentrates in specific industries and labour market segments, reflecting a recurring combination of structural labour shortages and intermediary contracting arrangements. This combination frames the analysis that follows: **TCN posting is a concentrated phenomenon, clustered in lower-skilled work and at the lower tiers of subcontracting chains, that remains only partially visible because administrative data are, in most Member States, not disaggregated by nationality.**

The evidence base is uneven. EU-level **PD A1 statistics** provide the most comprehensive baseline for the scale, direction and sectoral distribution of posting, but they are **not disaggregated by worker nationality** (European Commission, 2024f; European Commission, 2026c). **National and enforcement data close this gap only in fragmentary form**, and only in Member States that record citizenship or third-country status. Identifying TCN posting therefore requires triangulation across administrative data, enforcement records and qualitative evidence. A substantial body of sources has been reviewed, with a general preference for publications from the last five years. Case study and qualitative research carry much of the TCN-specific detail, and the findings should be read as indicative rather than conclusive.

The analysis proceeds through **three perspectives: sectoral, occupational and geographical**. Cutting across these three perspectives, subcontracting chains and the vulnerability of TCN posted workers are addressed as a recurring structural dimension.

2.2.1. Sectoral Concentration

TCN posting is concentrated in a narrower and more labour-intensive subset of industries than intra-EU posting overall. The literature converges on a recurring set of sectors in which TCN posting is documented, most consistently **construction, road freight transport, agriculture and live-in care, with logistics**, meat processing, cleaning and low-to-medium-skilled manufacturing also frequently identified (European Commission, 2024g; De Wispelaere et al., 2022; European Labour Authority, 2023c). The relative weight of each sector in the overall TCN posting phenomenon cannot be precisely established, as the underlying quantitative series are not disaggregated by nationality and case-study evidence is uneven across sectors. From an enforcement standpoint, this same sectoral cluster concentrates the majority of posting infringements documented in national inspection data (De Wispelaere et al., 2024). Across these sectors, TCN posting is linked to persistent labour supply shortfalls and to multi-layered contracting structures in which subcontracting and Temporary Work Agencies (TWAs) are deeply embedded (European Commission, 2024g; European Labour Authority, 2023c).

Construction is one of the most extensively documented sectors in TCN posting research. In 2024, around 16% of Article 12 postings related to construction, though construction's share varies considerably across sending Member States and is diluted in the EU-wide figure by Germany, which alone issues nearly 40% of all posting documents (European Commission, 2025e; European Commission, 2026c). In Belgium, where TCNs make up 26% of all incoming posted workers, around 53% of those posted TCNs work in construction (European Commission, 2024g). In Slovenia, TCNs accounted for 81% of outgoing construction postings in 2020 (latest available), against only 39% of the sector's domestic workforce (European Commission, 2024g). The pattern has persisted: in 2024, TCNs still accounted for around 60% of all workers posted from Slovenia, and construction remained the single largest posting sector, at 44% of Article 12 postings (Vah Jevšnik and Toplak, 2025). Enforcement data mirror this pattern: 61% of Polish outbound inspections targeted construction (De Wispelaere et al., 2024), a sector in which around 11% of outgoing posted workers from Poland were TCNs as of 2020 (latest available) (European Commission, 2024g).

The concentration of TCNs in the construction sector is sustained by two structural drivers. First, **the sector's acute and persistent labour and skill shortages** are increasingly met through non-EU recruitment (European Commission, 2024g). Second, **construction is a prime site of a broader subcontracting dynamic** in which fraudulent TCN posting concentrates at the lower tiers of the subcontracting chain (European Labour Authority, 2025b); this cross-sectoral pattern is developed in the subcontracting section below.

Road freight transport is another recurring locus of TCN posting, though the direct evidence base is thinner than for construction. **39.2% of all PDs A1** were issued for road freight transport in 2023, a share confirmed at 39% in the 2024 annual data (De Smedt et al., 2025; European Commission, 2026c). The sending flows are **heavily concentrated: Poland** alone accounts for 66.1% and **Lithuania** for 18.4% of all Article 13 road-freight PDs A1 in 2023, with Germany, France, Belgium, the Netherlands and Austria as the main receiving Member States (De Smedt et al., 2025). TCN presence is measurable at the level of drivers: the share of drivers holding non-EU driver attestations relative to sectoral employment reaches 6.2% in the EU-27, rising to 15.0% in the EU-13 and peaking at 58.2% in Lithuania and 42.7% in Slovenia (De Wispelaere et al., 2022). Driver attestations are heavily concentrated in the

same sending states: in 2022 Poland issued 106 599 and Lithuania 44 988, compared with only 1 567 in Germany (Schöneberg et al., 2025).

Agriculture and live-in care are two further sectoral concentrations. Both are harder to capture in posting statistics than construction or road freight, and in both, posting is the exception rather than the rule: TCN presence typically registers through seasonal and other temporary cross-border arrangements rather than through formal posting (European Commission, 2024g).

In agriculture, the domestic workforce is shrinking while the foreign workforce grows, with TCNs increasing faster than EU movers. The European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) estimates that around 40% of the sector's workforce are migrants, of whom roughly one fifth are TCNs (European Commission, 2024g). Where TCN posting is documented rather than inferred, it runs primarily through the **temporary work agency channel**. Spanish agencies post workers to France, largely for agricultural work, with a significant share of TCNs from Senegal, Morocco, Ecuador, Mali, Algeria and Bolivia (Danaj et al., 2025); the pattern is consistent with French seasonal worker origin data, where Morocco, Mali, Guinea, Tunisia and Ivory Coast dominated in 2018 (European Commission, 2024g). The Terra Fecundis case is the emblematic illustration: a Spanish agency posted mainly Ecuadorian and other South American TCNs to hundreds of French agricultural user undertakings under precarious conditions (Danaj et al., 2025).

Live-in care displays a comparably high migrant and third-country share but remains a **poorly quantified sector**. It is drawn mainly from central and eastern Europe, with a rising TCN component that is likely underestimated **because much of the sector operates undeclared**. Of the 74 876 PDs A1 that Poland issued in the health and social work sector in 2020, 2 025 (2.7%) went to TCNs, of whom 1 836 (90.6%) were Ukrainian; the monitoring study notes that the TCN share has been rising in recent years and is expected to continue to do so (European Commission, 2024g). Unlike agriculture, live-in care runs through a hybrid channel of specialised placement agencies, TWAs and in-formal brokers, often operating in a legal grey zone: Germany alone counted more than 250 such placement agencies in 2017, working predominantly with Polish TWAs (European Commission, 2024g). In Austria, 99% of 24-hour caregivers are self-employed, a structural feature that keeps most cross-border care work outside the PWD framework entirely (European Commission, 2024g).

Beyond these four core sectors, meat processing, is a further well-documented site of TCN posting, with low-to-medium-skilled **manufacturing** and, to a lesser extent, cleaning also appearing in the enforcement and posting-statistics literature (Danaj et al., 2025; European Labour Authority, 2023c). The underlying mechanisms overlap substantially with those documented above: labour and skill shortages met through non-EU recruitment, subcontracting and heavy reliance on TWAs or, in cleaning and hospitality, service outsourcing. This illustrates a broader dynamic: sectoral concentration of TCN posting is closely tied to how national labour markets regulate atypical employment, and restricting one legal channel typically redirects rather than reduces TCN presence.

2.2.2. Worker categories

The available evidence suggests a close link between skill level and nationality: **posted third-country nationals are concentrated in lower-skilled tiers**, while the **higher-skilled tiers**, which form a **substantial share of posting overall, are occupied predominantly by EU nationals**. This is not an artefact of thin data on TCNs at the top: higher-skilled posting is itself a sizeable and well-documented phenomenon, but one in which third-country nationals are largely absent. This Section develops two claims: that posted TCNs cluster in blue-collar, competition-driven posting; and that the upper white-collar and senior-specialist tiers are empirically dominated by EU nationals. The near absence of TCNs at those levels reflects a real pattern, not simply a lack of data.

The **dominant profile of posted TCNs is that of blue-collar workers** in sectors characterised by manual labour and project-based service provision, notably construction, international road transport, agriculture and live-in care. This pattern is corroborated across multiple sources: the Commission's monitoring study identifies TCN posting as concentrated in low- and medium-skilled work (European Commission, 2024g, drawing on Cörvers et al., 2021 and Lens et al., 2022), and the POSTING.STAT comparative analysis places posted TCNs squarely in labour-intensive sectors (De Wispelaere et al., 2022). The profile is equally visible in TCN-heavy sending hubs: 63% of Slovenian outgoing posted workers are TCNs, and this outgoing flow is around 97% male, typically employed as welders, masons and electricians (Vah Jevšnik and Toplak, 2025; De Wispelaere et al., 2022). Qualitative evidence converges from the SMUG (Secure Mobility: Uncovering Gaps in the Social Protection of Posted Workers) interviews shows that TCN participants consistently appear in manual roles, and posting is found to impede rather than reinforce blue-collar upward mobility: workers are frequently recruited specifically for onward posting rather than posted from an existing job, leaving them without the home-country employment relationship the PWD presupposes (Ndomo and Lillie, 2022). Agency-mediated agricultural TCNs, exemplified by the Terra Fecundis case, sit within the same tier.

This profile fits the driver-based typology distinguishing competition, specialisation and expert posting, in which the driver is respectively labour-cost differentials, specialised services or scarce expertise (Lens et al., 2022, reproduced in De Wispelaere et al., 2022). **Posted TCNs correspond predominantly to the competition logic, driven by sectoral shortages rather than by scarce expertise**, and are frequently engaged through temporary work agencies, gangmasters and letterbox companies on short-duration assignments (European Commission, 2024g; European Labour Authority, 2023c). This exposure is category-specific: enforcement evidence shows posted **TCNs are more exposed than posted EU citizens to fraudulent posting, precarious conditions and remuneration below the applicable level** (European Commission, 2024g; European Labour Authority, 2025b). Vulnerability is therefore not simply distributed across sectors but concentrated on the TCN segment within each sector.

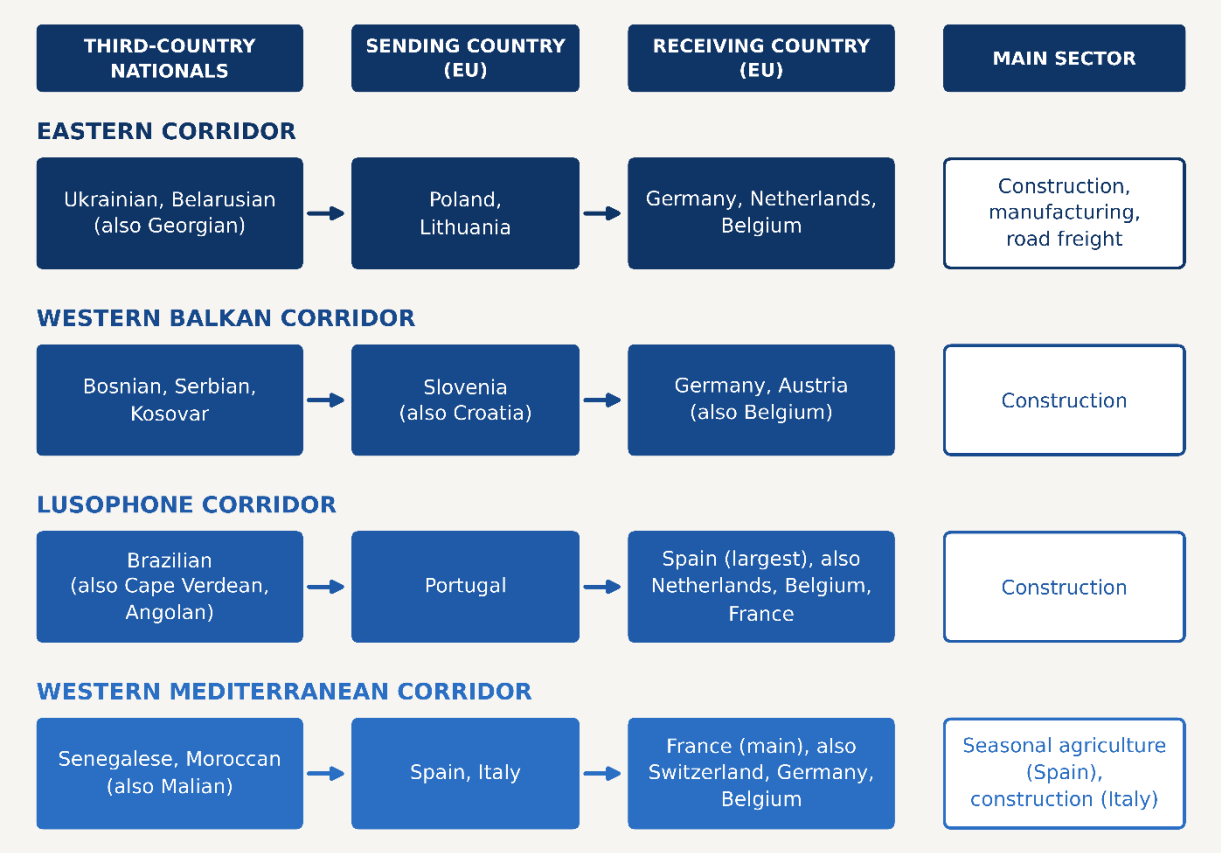
The upper end of the gradient looks markedly different once nationality is considered. **White-collar posting in engineering, technical services and information technology corresponds to specialisation- and expert-posting rationales in which the driver is qualification rather than cost** (De Wispelaere et al., 2022). The 2024 annual data confirm the aggregate weight of these tiers, with financial, insurance, real estate and professional, scientific and technical activities accounting for around 19% of Article 12 postings, ahead of construction at 16%, though these figures are nationality-blind (European Commission, 2026c). The available evidence assigns these tiers to intra-EU, and frequently EU-national, posting: the SMUG study documents intra-company posting as career advancement for management and high-skill participants, but the higher-skilled figures in its sample are EU nationals while the third-country nationals occupy manual roles (Ndomo and Lillie, 2022). **High-skilled TCN mobility typically runs through other legal channels**, chiefly the Intra-Corporate Transfer and Blue Card Directives and national high-skilled permits, which lie outside the posting literature reviewed here. A significant TCN presence among senior specialists, managers and highly qualified professionals in advanced manufacturing, finance and specialised business services would therefore require dedicated empirical evidence to establish rather than being assumed.

Together, these findings support treating TCN posting as a category-specific labour-market phenomenon: a lower-tier, competition-driven, subcontracted and enforcement-exposed subset of intra-EU posting, structurally distinct from the qualification-driven, EU-national dynamic of the upper tiers.

2.2.3. Geographical patterns

The geography of TCN posting is best understood through **a set of mobility corridors** rather than as a static distribution of posted workers. A corridor refers to a recurring flow shaped by route, nationality, sector and posting mechanism. It is not confined to a fixed country pair and **may involve several sending and receiving Member States**. The analysis focuses on four corridors: Eastern, Western Balkan, Lusophone and Western Mediterranean. These are the routes for which evidence is most consistent, although they do not capture the full range of TCN posting. Other forms of posting are more dispersed, mechanism-based or only visible in selected national datasets. They are discussed separately at the end of this Section.

Figure 9: The four main corridors of TCNs posting



Source: Authors' own elaboration

The Eastern Corridor

The Eastern corridor is **mainly anchored in Poland and Lithuania, with Romania and Bulgaria** also present in specific sectoral routes. Where national data record citizenship, the corridor is primarily associated with Ukrainian and Belarusian nationals. Dutch data show that TCNs posted by Polish firms are mainly Ukrainian (51%) and Belarusian (31%) nationals. The Ukrainian share has declined, as temporary protection allows many Ukrainians to work without being posted, while the Belarusian share has increased in the absence of a comparable provision (Bussink et al., 2025). Belgian data point in the same pattern: in 2023, Ukrainians posted from Poland represented the largest TCN route to Belgium, and 79% of all Ukrainians posted there were sent by Polish firms (De Smedt and De Wispelaere, 2024a). German data extend the pattern: in 2021, 42% of the Article 12 PDs A1 that Poland issued to TCNs went to Germany, predominantly to Ukrainian nationals in construction and road freight transport (Schöneberg et al., 2025).

Sending-side data point to the same pattern. Lithuania's posting model is strongly transport-oriented and relies heavily on TCN drivers, particularly from Belarus and Ukraine (Guobaitė and Blažienė, 2026). Poland records the TCN component directly: in 2024, 197 461 PDs A1 were issued to TCNs under Articles 12 and 13, corresponding to 23.5% of all Polish certificates under these legal bases. Ukrainian, Belarusian and Georgian nationals were the main groups, and TCNs were overrepresented among posted workers compared with their share in the Polish labour market (Kiełbasa et al., 2026).

Taken together, the corridor links **Polish and Lithuanian sending hubs to several Western European receiving states, with Germany, the Netherlands and Belgium as the main destinations**, and channels predominantly Ukrainian and Belarusian TCNs into a range of sectors, most prominently construction, manufacturing and road freight transport. Two limitations qualify this corridor's interpretation: letterbox arrangements may distort the apparent origin of postings, and road transport has become harder to track since the EU road transport posting declaration portal was introduced. These issues affect how the corridor is recorded, without necessarily indicating a change in the underlying flow (Bussink et al., 2025; Cillo and Perocco, 2025; Guobaitė and Blažienė, 2026).

The Western Balkan Corridor

The Western Balkan corridor concerns workers **from Bosnia and Herzegovina, Serbia and Kosovo who are posted through Slovenia and, to a lesser extent, Croatia**. In many data sources, they appear under the posting Member State rather than by nationality.

Slovenian data record this flow directly. In 2024, Slovenia recorded 37 789 outgoing posted TCNs. Bosnian nationals accounted for 23 256 persons, or 39% of all persons posted from Slovenia. Serbian and Kosovar nationals accounted for 6 959 and 4 745 persons respectively. Together, ex-Yugoslav nationalities made up 96.6% of posted TCNs from Slovenia in 2024 (Vah Jevšnik and Toplak, 2025). This reflects the overlap between migration, employment and posting regimes. Workers from Bosnia and Herzegovina and Serbia may enter Slovenia through bilateral labour agreements and then be posted onward to other Member States (Vah Jevšnik and Toplak, 2025).

Receiving-state data confirm the same route. Austrian data record Bosnian nationals as the third-largest TCN group posted to Austria, mainly from Slovenia and, to a lesser extent, from Croatia (Geyer et al., 2025). Belgian data show that only 10% of persons posted from Slovenia are Slovenian nationals; the remaining workers are mainly Bosnian, Kosovar and Serbian (De Smedt and De Wispelaere, 2024a). Germany has become the leading destination for Slovenia's outgoing postings, absorbing around 51% of its Article 12 certificates and ranking ahead of Austria (Vah Jevšnik and Toplak, 2025); Slovenia in turn is the second-largest sending country of posted workers to Germany (Schöneberg et al., 2025).

Taken together, the corridor links Slovenian and, to a lesser extent, Croatian sending hubs **to several Western European receiving states, with Germany and Austria as the main destinations** and Belgium also present, and channels predominantly Bosnian, Serbian and Kosovar TCNs into blue-collar sectors, most prominently construction.

The Lusophone corridor

The Lusophone corridor is anchored in Portugal and reaches several receiving states. Its largest single leg is the **Portugal to Spain axis**. In 2023, companies established in Portugal accounted for up to 55% of postings to Spain, and Portuguese firms also represented around half of all foreign construction companies registered there (Carrascosa Bermejo et al., 2026). This route is mainly linked to construction and geographical proximity. Beyond Spain, **the corridor extends to the Netherlands,**

Belgium and France, where Portugal appears among the leading TCN sending hubs (Bussink et al., 2025; De Smedt and De Wispelaere, 2024a; Lesuisse and Rocca, 2026).

The TCN dimension is less visible in the Spanish data. It concerns the onward posting of Brazilian, Cape Verdean and Angolan nationals through Portugal, but appears mainly in enforcement data (Carrascosa Bermejo et al., 2026). Dutch, Belgian and French data identify this dimension more directly. In the Dutch data, 43% of TCNs posted by Portuguese firms are Brazilian (Bussink et al., 2025). In Belgium, 96% of Brazilians are posted from Portugal, and Brazilians account for 35% of all persons posted from Portugal (De Smedt and De Wispelaere, 2024a). In France, 27% of workers posted from Portugal are Brazilian nationals (Lesuisse and Rocca, 2026).

The sectoral profile is only partly documented but points consistently to construction where the data allow disaggregation. Construction is clear for the Portugal to Spain route (Carrascosa Bermejo et al., 2026) and for the Brazilian stream to Belgium, where De Smedt and De Wispelaere (2024a) identify construction as the main sector of activity for Brazilians posted from Portugal. For the Brazilian stream to France, the Portuguese-established sending base is concentrated in construction and seasonal activities in the Nouvelle-Aquitaine, Occitanie and Corsica regions (Lesuisse and Rocca, 2026). The Dutch data do not disaggregate the Brazilian stream by sector.

Taken together, the corridor links Portugal as the main sending hub to several Western European receiving states, with Spain as the single largest destination and the Netherlands, Belgium and France also present, and channels **predominantly Brazilian TCNs, alongside Cape Verdean and Angolan nationals**, into construction-related activities. Portugal also carries other third-country flows, including Indian and Pakistani nationals, which are discussed below.

The Western Mediterranean corridor

The Western Mediterranean corridor has **two sending anchors: Spain and Italy**. The Spanish route concerns postings from Spain to French agriculture through temporary work agencies. In the Spanish data, around 90% of agricultural PDs A1 are agency-issued, and almost all client undertakings are located in France. Around 51% of the workers are African TCNs, mainly Senegalese and Moroccan nationals, with Malian and Ecuadorian nationals also present. The certificates are short, with an average duration of 65.7 days (Carrascosa Bermejo et al., 2026).

The Spanish data show both absolute and relative concentration. Moroccan nationals account for the largest number of TCN postings from Spain. Senegalese and Malian nationals are more strongly represented among posted workers than in the Spanish labour market (Carrascosa Bermejo et al., 2026). French data record the same route from the receiving side. Among workers posted from Spain in 2023, 23% were Senegalese and 9% Moroccan. Spain also accounted for more than 79% of agricultural posting missions declared in France in 2023 (Lesuisse and Rocca, 2026).

Italy forms a second and growing Mediterranean route. Outgoing postings from Italy rose from 59 114 PDs A1 in 2013 to 361 315 in 2023, a growth of more than fivefold, positioning Italy as the third-largest sending country in Europe. France is Italy's leading destination, followed by Switzerland and Germany, and construction is the main sectoral specialisation (Cillo and Perocco, 2025). On the receiving side, Italy is one of the seven core sending countries that together account for over 70% of postings to France, with a strong regional concentration in Provence-Alpes-Côte d'Azur, where 36% of posted workers originate from Italy (Lesuisse and Rocca, 2026). The TCN dimension of this route is less directly measured, because the Italian data do not record worker nationality. Qualitative evidence documents Moroccan and Tunisian workers moving within and through Italy towards other European labour markets, including Belgium (Cillo and Perocco, 2025; Cillo, 2020).

The corridor is concentrated in **seasonal agricultural work and temporary agency intermediation on the Spanish route**, and in **construction on the Italian route**. The Terra Fecundis case illustrates the Spanish route (Carrascosa Bermejo et al., 2026). Since 20 May 2025, Royal Decree 1155/2024 prohibits temporary employment agencies from applying for seasonal work authorisations for third-country nationals who are not already resident in Spain. The report notes that the TCN workers posted through this route in 2023 did not hold the type of seasonal permits now excluded, which raises a question about the legal basis used for the postings (Carrascosa Bermejo et al., 2026).

Taken together, **the corridor links Spain and Italy as sending anchors to France as the main destination, with Belgium** also present through the Italian route, and channels **predominantly Senegalese, Moroccan and Malian** TCNs into seasonal agriculture on the Spanish side, and Italian nationals, alongside a less-measured Moroccan and Tunisian TCN stream, into construction on the Italian side.

Flows outside the corridor structure

The four corridors do not cover all forms of TCN posting. Some flows are dispersed, defined by legal status rather than geography, or only visible in selected national data.

Portugal illustrates origin diversification within a sending hub: **Portuguese** firms post not only Brazilian workers (43%) but also Indian (29%) and Pakistani (7%) TCNs, a **South Asian flow** that does not follow the Lusophone pattern (Bussink et al., 2025). Slovakia illustrates a status-based flow. Over half of Slovak PDs A1 are issued to self-employed persons, and around 30% of the self-employed are estimated to be bogus self-employed, a pattern that also affects posted workers (Holičková et al., 2026; De Smedt and De Wispelaere, 2024a). Germany illustrates a recurrent TCN flow outside the corridor structure: in 2023, 4 915 **Turkish nationals were posted from Germany to Austria**, the largest TCN group on that route, and Germany also sends **Turkish, Bosnian and Serbian nationals to France and the Netherlands** (Geyer et al., 2025; Schöneberg et al., 2025).

2.2.4. Subcontracting chains and vulnerability

Across sectors, occupations and corridors, **TCN posting concentrates at the lower tiers of subcontracting chains**, where distance from the main contractor and the density of intermediaries shape both exposure and enforcement outcomes.

In Belgian construction, payments to subcontractors have risen from around one fifth to more than one quarter of sector turnover over the past decade, and the share of non-Belgian subcontractors grows with each tier, from around 9% at tier 2 to 41% at tier 5, with Polish, Slovak and Slovenian firms concentrated at the bottom (De Smedt and De Wispelaere, 2024b). Fraudulent TCN posting is identified mainly at these lower tiers and through branches or subsidiaries of third-country firms, linked to intermediaries, gangmasters and letterbox companies that recruit TCNs without genuine activity in the country of establishment (European Commission, 2024g; European Labour Authority, 2023c). Regulatory design can channel rather than curb this pattern: where temporary agency work is legally restricted, as in German construction under Section 1b of the *Arbeitnehmerüberlassungsgesetz* (AÜG, Germany's Temporary Agency Work Act) and in meat processing under the GSA Fleisch Act, subcontracting becomes the main route through which TCNs enter the sector (Danaj et al., 2025). Before the 2021 GSA Fleisch reform, around 70% of the workforce in the four largest German meat companies were posted workers; the subsequent ban on temporary agency work in slaughtering and cutting effectively closed this channel, but employment continued through direct hiring and sub-contractors based in Germany (European Commission, 2024g).

The **vulnerability effect is visible in enforcement outcomes**. Belgian inspection data show infringement rates of 59.1% in TCN-focused controls against 44.2% in general posting controls, and 77.8% in inspections of the Brazilian filière, the Lusophone corridor's TCN component operating through Portugal-based subcontractors (De Wispelaere et al., 2024). Case evidence from Finland, a receiving state outside the four corridors, documents letterbox subcontractors, shell companies and multi-country routing that make it difficult to identify the actual employer, and injured posted TCNs receiving a one-off payment from the main contractor before being sent away (Kall et al., 2020).

2.2.5. Data limitations and knowledge gaps

The evidence reviewed in this chapter points to a structural data problem rather than a simple lack of information. EU-level PD A1 statistics provide the most comprehensive baseline for the scale, direction and sectoral distribution of posting, but they are not disaggregated by worker nationality and therefore cannot directly identify TCN posting (European Commission, 2024f). National and enforcement data partly close this gap where they record citizenship or third-country status, as in the Belgian, Dutch, Polish, Slovenian, Austrian, Lithuanian and French sources drawn on here, but coverage is uneven and definitions are not harmonised across Member States (De Wispelaere et al., 2024). Several patterns therefore remain only indirectly visible: the distinction between posting, seasonal work and other temporary migration; the role of temporary agency work and subcontracting chains; the scale of road transport posting after the Mobility Package (Bussink et al., 2025; Geyer et al., 2025); and dispersed or status-based flows such as self-employed TCNs and South Asian workers posted through Portugal.

Because of these constraints, the analysis has relied on triangulation across administrative data, enforcement records and qualitative evidence. The four corridors and the flows outside them should therefore be read as robust patterns of concentration and vulnerability rather than as a complete statistical mapping. **Closing the remaining gaps** would require **nationality-sensitive PD A1 reporting**, **harmonised definitions of TCN posting in enforcement statistics**, and **complementary sectoral and corridor-specific research** able to trace recruitment routes, intermediaries and onward posting mechanisms.

2.3. Comparative national implementation and enforcement

The beginning of this Chapter identified interpretative grey zones left open by EU legislation and CJEU case law: the undefined notion of genuine posting, the unresolved boundary between host-state migration verification and the freedom to provide services, the practical limits on challenging A1 certificates, the use of more accessible national migration channels to admit TCNs for onward posting, and the diffusion of enforcement responsibility across subcontracting chains. This Section examines how these issues are addressed in practice in six Member States: **Belgium, Germany and France as mainly receiving states, and Poland, Portugal and Italy as mainly sending states**. The analysis follows the same four questions for each country, drawing on national legislation, case law, administrative and enforcement data, the country reports of the POSTING.STAT 2.0 project (which cover all selected countries except Portugal) and the evidence base of the European Labour Authority. A synthesis table concludes the Section.

2.3.1. How national authorities interpret "genuine posting"

Neither the PWD nor the Enforcement Directive provides a decisive test for genuine posting. Article 4 of the Enforcement Directive sets out indicative criteria, while *Vander Elst* and *Danieli* presuppose lawful employment in the sending state without establishing a minimum duration or contractual form. Most of the six Member States have transposed the Article 4 indicators into national law; they differ

less in the wording of their tests than in how those tests are applied. It should be noted that these national tests govern postings into each country, including in the three countries examined here primarily as sending states.

Belgium applies a statutory test: under Article 2 of the Law of 5 March 2002, as amended by the Law of 11 December 2016, a posting employer must genuinely carry out substantial activities, other than purely internal management or administrative activities, in its country of establishment, assessed through an overall evaluation of all factual elements over an extended period. France has codified a comparable test in Article L1262-3 of the Labour Code: an employer cannot rely on the posting rules where it carries out only internal or administrative activities in its state of establishment, or where its activity in France is habitual, stable and continuous, in particular where it prospects for clients or recruits workers in **France**. No leading TCN-specific French ruling was identified in the sources reviewed. **Germany** has not transposed the Article 4 indicators as a separate statutory list; it distinguishes genuine posting from disguised temporary-agency work by examining the actual organisation of work rather than contractual labels, including whether worker-rotation arrangements remain genuinely temporary.

Italy, Portugal and Poland have each transposed the Article 4 indicators and expressly provide that no single indicator is decisive: Article 3 of Legislative Decree No. 136/2016 in Italy, Article 4 of Law No. 29/2017 in Portugal, and Article 14 of the Act of 10 June 2016 on the posting of workers in Poland. In Italy, where a posting is found not to be genuine the worker is deemed to be employed by the user undertaking. The Milan Court of Appeal (judgment No. 347/2022 of 3 June 2022) confirmed that neither the worker's registered residence nor the absence of social-security registration in the country of origin at least one month before the posting is decisive in the absence of further evidence of abuse, and that the A1 certificate remained binding because the inspectorate had not challenged it. In Poland, the more contested question lies upstream of posting itself: since 2025, work permits may be refused where the foreign worker will not actually perform work in Poland (Act of 20 March 2025 on the conditions for entrusting work to foreigners, Article 13(1)(9); Act on Foreigners, Article 65(1)(9)), a rule aimed at onward-posting arrangements that has been criticised as incompatible with the CJEU case law.

The six countries therefore share a broadly common legal basis: five of them **apply a statutory test modelled on Article 4 of the Enforcement Directive**, with Germany **relying on case law**. None of these tests, however, addresses the TCN-specific question of how long a worker must have been employed in the sending state before being posted.

2.3.2. A1 certificate contestability

Under Regulations 883/2004 and 987/2009, an A1 certificate binds host-state institutions and courts until withdrawn or invalidated by the issuing state, with disputes handled through the dialogue and conciliation procedure; Regulation 1231/2010 extends this framework to TCNs within its personal scope.

Belgium's OSIRIS platform, in operation since 2015, had processed around 2 600 files by July 2024, eight in ten of which were settled in the first phase; PDs A1 issued by Poland accounted for 32% of files. **Germany**, where the German Pension Insurance is responsible for PDs A1, contested 1 952 PDs A1 as a receiving state in 2021 and requested the withdrawal of 655 as a sanction in 2023, while identifying 1 454 cases of fraud or error among PDs A1 it issued in 2022. It conducts approximately 40 000 verification queries annually. In **Poland**, withdrawals by the Social Insurance Institution (ZUS) rose from 325 in 2023 to 951 in 2024 and 1 154 in 2025, predominantly following its own investigations.

This coincided with ZUS Oddział w Toruniu (C-422/22, November 2023), which confirmed that an issuing institution may withdraw a certificate of its own motion.

Italy relies on risk-based investigation, with INPS's SI.B.I.L.L.A. system cross-matching A1 data with compliance information; a joint Italy–Belgium investigation of a temporary-work agency identified 1 112 non-compliant A1 certificates among 690 workers. In **Portugal**, the Institute for Social Security issues PDs A1 to holders of CPLP visas, although these are valid only in Portugal. No contestation data were identified for **France**, and Portuguese data are limited. Interviewees nevertheless agreed that A1 challenges remain rare, because receiving states must build a case against another Member State's certificate and successful challenges can trigger complex retrospective liability.

2.3.3. Migration rules and host-state checks

The case law has evolved from *Vander Elst*, which limits host-state work-permit requirements, to SN and Others (C-540/22, 2024), which held that posted TCNs have no automatic right of residence under Article 56 TFEU and that a residence permit may be required for postings beyond three months, justified by legal certainty and public policy but not by labour-market protection.

Germany requires a "*Vander Elst* visa", issued without Federal Employment Agency approval; 1 192 were issued in 2022, 1 428 in 2023 and 1 129 in the first half of 2024. The regime is contested: in March 2025 the Hessian Higher Administrative Court upheld it in principle while doubting its compatibility where visa appointments are unavailable, and on 30 January 2026 the Commission sent Germany a letter of formal notice (INFR(2025)4025), objecting in particular to the visa requirement for TCNs already resident in another Member State. **Belgium** requires a prior LIMOSA declaration and a liaison person, alongside visa and registration formalities where applicable. **France** generally exempts TCNs posted by employers established in another Member State from a French work permit where the relevant conditions are met.

Among sending states, **Poland** is a significant entry point for TCNs, notably in construction, transport and care, and its labour inspectorate has documented TCNs formally employed in Poland who never worked there, posting serving only as a route into other Member States. **Portugal** does not generally require a separate residence permit for posted TCNs lawfully resident in another Member State. **Italy** applies the general EU framework, with no distinct national dispute identified. The boundary between permissible verification and impermissible restriction of service provision is therefore drawn very differently across countries.

2.3.4. Sanctions and enforcement mechanisms

Enforcement is the most significant practical weakness across the six countries. **Responsibility is fragmented between labour inspectorates, social-security institutions, migration authorities and, in some cases, customs or financial-police bodies**. Dedicated posting-enforcement units exist in some Member States, but most rely on general inspection structures, which makes staffing and enforcement capacity difficult to compare.

Belgium carried out 7 759 investigations on compliance with the posting rules in 2023, finding infringements in 3 429 (44%). Of the 672 investigations concerning posted TCNs, almost six in ten identified an infringement. Some 80.7 full-time equivalents were involved in enforcing the posting rules, and around EUR 7.4 million in unpaid social-security contributions was reported for recovery. Belgium also operates a dedicated coordination structure, the Social Information and Investigation Service (SIOD/SIRS).

Germany's Financial Control of Undeclared Work (FKS) has approximately 9 200 officers, but posting enforcement represents only a minor part of its wider mandate. Employers who illegally employ TCNs face fines of up to EUR 500 000, and the same ceiling applies to principals who use contractors or subcontractors employing foreign workers unlawfully (Section 404 of Book III of the Social Code).

France carried out between approximately 12 000 and 15 500 posting-related inspections annually between 2020 and 2022. Recovery rates also differ significantly between French and foreign companies: 85% of amounts claimed from French companies were recovered, compared with 54% from foreign companies.

Among sending states, **Poland** had 1 517 labour inspectors in 2023, of whom only 121 were specifically assigned to posting. **Italy** has no posting-specific inspectorate: its 4 585 inspectors at the end of 2024 (from the National Labour Inspectorate, INPS, INAIL and the Carabinieri) are generally competent for posting-related controls, alongside all other labour and social-security inspections, which totalled 158 069 inspection visits in 2024. Recorded violations of posting declaration obligations increased from 343 in 2022 to 702 in 2024. **Portugal** relies on risk-based and joint inspections conducted by the Authority for Working Conditions (ACT), supported by cross-border cooperation through the Internal Market Information System; the sources reviewed do not provide comparable figures for inspector numbers, posting-specific inspections, or sanctions and recoveries.

The expert interviews highlighted further **patterns of non-compliance**. Some companies factor fines into their costs because paying them is cheaper than complying. Where no dedicated posting inspection unit exists and inspectors are few relative to the number of companies to be monitored, **the likelihood of being inspected can be low enough to make non-compliance a calculated risk**.

Solutions advocated include capping subcontracting chains at two levels, banning labour-only intermediaries outright, and building enforcement functions into the European Social Security Pass (ESSPASS) and the proposed EU e-declaration for posting. A practical example is Belgium's declaration of works, which is distinct from the LIMOSA notification: it is a genuine transparency tool because it requires disclosure of the full subcontracting chain, not only the immediate posting employer.

Synthesis

Across the four dimensions, the legal framework is broadly common, and five of the six countries have even transposed the same Article 4 indicators of genuine posting, but its national application is not. **Belgium** and **Germany** have relatively developed mechanisms for A1 verification and enforcement, although Germany's migration regime is under direct EU-level challenge. **France** applies a codified genuine-posting test but has comparatively limited TCN-specific case law. **Poland** and **Italy** rely primarily on general inspection structures, and Poland has moved to restrict onward posting at the stage of work authorisation. **Portugal** has a detailed legal framework but less publicly available enforcement data, and its A1 practice for CPLP visa holders illustrates how issuing-state choices shape posting routes.

The comparison therefore confirms the central finding of this study: **the main divergence lies less in the formal rules than in how national authorities interpret, verify and enforce them**. The **grey zones** identified at EU level consequently translate into materially different compliance conditions across Member States

Table 5: National frameworks at a glance

Country	Genuine posting test	A1 contestability	Migration checks	Enforcement capacity
Belgium	**Case law:** "stable place of business" + continuing subordination link to sending employer	**OSIRIS platform** of the Federal Public Service Social Security runs the three-stage dialogue and conciliation procedure; 725 cases opened in 2024, more than 80 % settled at the first stage	**LIMOSA online prior declaration** and a designated liaison person; visa and municipal registration for third-country nationals subject to a visa obligation	**Social Information and Investigation Service** as coordination body; 80.7 full-time-equivalent inspectors; 7 759 investigations, 3 429 with an infringement (44 %); around €7.4 million claimed for recovery (all 2023)
Germany	**Case law:** actual organisation of work prevails over contractual label; long-term rotation not "temporary"	Central certificate database of the German Pension Insurance, linked to the Electronic Exchange of Social Security Information system; around 40 000 checks a year. 1 952 certificates contested (2021); withdrawal of 655 requested as a sanction (2023) [1]	**"Vander Elst visa"** required; European Commission infringement procedure opened in January 2026	**Financial Control of Undeclared Work unit** of the customs administration: 9 200 officers, not posting-specific; fines of up to €500 000 for illegally employing a third-country national
France	**EU "substantial activities" test** applied to postings of third-country nationals; no leading national ruling specific to them identified	Harmonised European Union procedure; the social security contributions collection agency favours early bilateral exchange of information; 73 certificates withdrawn at its request (2024)	**No French work permit** for third-country nationals lawfully posted from another Member State; otherwise a separate "temporary worker" route (maximum 12 months, renewable)	**Regional units against illegal work** (full-time equivalents): 112.7 → 99.3 → 103.5 (2020–2023); posting inspections: 12 258 → 15 544 → 14 156 (2020–2022)
Poland	**No codified test**; the question is live in a 2025–2026 dispute over work permits refused for suspected onward posting	**Social Insurance Institution** withdrawals of certificates: 325 → 951 → 1 154 (2023–2025), mostly on its own initiative; linked to Court of Justice ruling C-422/22	**Entry point** for third-country nationals; around 80 % of those posted from Poland were Ukrainian (2021); documented cases without a genuine Polish work history	**State Labour Inspectorate**: 121 of 1 517 inspectors assigned to posting (2023); Social Insurance Institution: 1 121–1 142 inspectors (2023–2025), no dedicated unit
Portugal	**Statutory test** (Law 29/2017, Article 4); no single indicator is	Issues certificates to holders of a **Community of**	No separate residence permit if the worker is lawfully	**Authority for Working Conditions**: risk-based and joint

Country	Genuine posting test	A1 contestability	Migration checks	Enforcement capacity
	decisive (Article 4(3))	**Portuguese Language Countries visa**, even though the visa is valid only in Portugal	resident in the sending state; entry declaration within three working days (fine of €60–160)	inspections; cross-border fine recovery through the Internal Market Information System. *No posting-specific statistics identified*
Italy	**Statutory test** (Legislative Decree 136/2016, Article 3); Milan Court of Appeal, judgment 347/2022	No annual count of withdrawals published; the **National Social Security Institute** flags high-risk certificates on its fraud-risk platform (for example, a joint Italy–Belgium case found 1 112 certificates non-compliant)	General European Union framework; no distinct national dispute identified	**National Labour Inspectorate**: 4 585 inspectors, none dedicated to posting (end of 2024); 158 069 controls (2024); declaration violations 343 → 702 (2022–2024)

Source: Authors' own elaboration based on POSTING.STAT 2.0 reports and national legislation.

2.4. Best practice case studies

Building on the preceding analysis, this Section identifies practical approaches that can help **address** the specific **risks associated with the posting of third-country nationals**. It groups them thematically around the main vulnerabilities and governance challenges identified in the literature and interviews with academics and experts on the topic. They are also thematically mapped onto the five grey zones identified at the beginning of the Chapter, for structural coherence.

2.4.1. Worker protection and access to remedy

Posted third-country nationals (TCNs) often face significant barriers in understanding and exercising their labour and social rights. Language barriers, limited knowledge of national regulations, complex subcontracting arrangements and the temporary nature of posting can make them particularly vulnerable to exploitation and non-compliance. Member States and EU institutions should therefore **strengthen worker-centred information and advisory structures** that provide accessible, multilingual, and cross-border support throughout the posting process.

Such structures should combine independent counselling, targeted outreach to high-risk sectors, cooperation between organisations in sending and receiving countries, and practical assistance when workers seek to enforce their rights. Attention should be paid to sectors where posted TCNs are concentrated and where subcontracting chains increase the risk that employer responsibility becomes difficult to trace.

Initiatives like the Fair European Labour Mobility network (FELM) respond to this problem by connecting counselling services in sending and receiving countries, allowing cases to be followed beyond national boundaries. This type of initiative can be linked to grey zone 5, *Subcontracting Chains and the Dilution of Employer Accountability,* as it addresses cross-border case management when the direct employer is unreachable.

Table 6: Fair European Labour Mobility

TRANSNATIONAL	Fair European Labour Mobility (FELM): Cross-Border Counselling Network
Key takeaway	FELM shows how a transnational network of trade-union counselling centres can protect posted workers, including posted TCNs, by combining multilingual advice, cross-border case management and cooperation between organisations in sending and receiving countries. It helps workers understand, exercise and enforce their labour and social security rights across borders.
Policy area	Access to information and legal counselling for posted workers, including TCNs
Organisation(s) Responsible	The network currently connects counselling structures across **8 European countries**, incorporating both sending and receiving states as well as third countries (e.g., an existing counselling centre in Serbia, with an expansion to North Macedonia planned for 2027). • Lead coordination: IQ Consult GmbH (Germany) • Core network partners: Austrian Trade Union Federation (ÖGB) • Confederation of Independent Trade Unions of Bulgaria (CITUB/KNSB) • All-Poland Alliance of Trade Unions (OPZZ) • National Trade Union Bloc (BNS, Romania) • Alliance of Independent Trade Unions of Serbia (SSSS) • Association of Free Trade Unions of Slovenia (ZSSS) • VASAS Trade Union Federation (Hungary) • Fair Mobility (*Faire Mobilität*, Germany) • European Centre for Social Welfare Policy and Research (research partner) • Associated partners: German Trade Union Confederation (DGB), *Berufsfortbildungswerk Gemeinnützige Bildungseinrichtung* (bfw), European Migrant Workers Union (EMWU), Friedrich-Ebert-Stiftung, Industrial Union of Metalworkers, (IG Metall), TPI Györ Nonprofit Kft.
Target Group	Mobile and migrant workers within the EU, including TCNs who are engaged in cross-border employment and mobility constellations
How it works	FELM is a network of trade-union and trade-union-related counselling centres operating across key countries of origin and destination for posted workers. Advisors provide free, multilingual labour-law and social-security counselling at three stages of a posting: pre-departure consultation in the worker's native language before leaving the sending country; on-site assistance while the worker is posted in the receiving country, including checks on salary adequacy and verification of working conditions against national standards; and post-return support once the worker is back home, including help pursuing unpaid-wage claims and contract-violation disputes. Workers can contact a counselling centre in either the sending or receiving country. Where problems arise, advisors coordinate across borders to exchange information, verify employment situations and support workers in asserting claims – including through mediation or court proceeding where necessary. A key strength of the network is its ability to handle cases that span multiple jurisdictions. Through cooperation between advisors in different countries, FELM can reconstruct employment relationships and subcontracting chains across

	borders, identify responsible actors and continue supporting workers even when they have already returned to their home country. According to the network, this cross-border cooperation is often essential where several legal systems, employers or intermediaries are involved. The network also runs training workshops, case documentation, awareness-raising campaigns and knowledge exchange among advisors. In its current phase, FELM additionally contributes to research and policy development by mapping existing counselling services across the EU, identifying gaps and developing recommendations for a more permanent EU-wide support infrastructure for mobile and migrant workers.
Legal Base/Source	FELM is funded via a Pilot Project and Preparatory Action (PPPA) of the European Union, designed to practically test and develop new policy approaches. The current project phase runs until the end of 2026, with the approval process for the second year (2027) currently underway.
What challenges are addressed?	• Lack of accessible information for posted workers and posted TCNs • Limited knowledge of labour and social-security rights • Language barriers and cross-border administrative complexity • Difficulties enforcing claims after returning to the sending country • Labour exploitation in sectors with extensive subcontracting • Fragmented support structures across Member States • Protection gaps affecting posted TCNs in particular
What Makes FELM Effective?	• Cross-border cooperation between sending and receiving-country organisations • Multilingual counselling delivered at three stages of a posting: pre-departure, on-site and post-return • Trusted trade-union-based advisory structures, built on a network operating in some form since 2015 • Practical assistance with wage claims and labour-rights enforcement, including mediation and support through court proceedings where necessary • Knowledge transfer through workshops, traineeships and case documentation • Particular attention to vulnerable groups, including posted TCNs
Added value	FELM fills a critical gap that traditional inspections cannot cover by providing **structured, case-based cross-border cooperation** between advisory centres. Its core value extends beyond mere information provision. By linking counselling organisations across multiple jurisdictions, FELM enables joint case management, information exchange and support for workers whose employment situations extend beyond a single national legal framework. The network's added value is therefore not only that workers receive advice, but that counsellors in different countries can jointly investigate employment situations, follow subcontracting chains, clarify applicable rights and pursue claims across borders. This is particularly important in sectors characterised by complex transnational business structures and labour-intermediation arrangements. During the 2024-2025 funding period, the network recorded 1 757 counselling cases involving 2 969 workers. Furthermore, 65% of counselling contacts involved support on specific employment-related problems, while only 35% focused exclusively on general information regarding posting and labour mobility. The network also reports that 98% of respondents considered the counselling helpful.

	The network further serves as a source of practical knowledge on cross-border labour mobility. Counselling cases generate evidence on recurring forms of labour exploitation, abusive subcontracting arrangements and emerging mobility-related challenges. This allows structural problems to be identified that may remain invisible from a purely national perspective and contributes to policy discussions on worker protection, posting and labour mobility.
Transferability conditions	The practice adapts to different sending countries and employment sectors. Replication elsewhere would require: an established trade-union counselling infrastructure, or willingness to build one, in both sending and receiving states; multilingual advisory capacity; a transnational coordination body able to link advisors across jurisdictions on shared cases; and continued external funding, since the model runs on project-based EU funding rather than a permanent institutional mandate.
Limitations	FELM is primarily an advisory and support mechanism and does not have enforcement powers. Its effectiveness depends on worker awareness, continued funding, cooperation between national organisations, and the willingness of employers and authorities to comply with legal obligations. Counselling alone cannot replace labour inspections, sanctions or administrative monitoring systems. Network partners therefore emphasise the need for a more reliable European funding framework that supports cooperation among existing national counselling structures while preserving their independence and worker-centred approach. A stronger structural link with European actors, including the ELA, could further strengthen cooperation and knowledge exchange, provided that the confidentiality and independence of counselling services remain fully protected.
Sources	Fair Labour Mobility. Available at: https://www.fair-labour-mobility.eu. European Labour Authority, Good practice directory entry. Available at: https://www.ela.europa.eu/en/media/1607. European Centre for Social Welfare Policy and Research, Fair Labour Mobility news item. Available at: https://www.euro.centre.org/news/detail/5386. IQ Consult: FELM2 – Statistics 2024-2025 (Presentation)

Source: Authors' own elaboration based on the cited sources.

Multi-tiered subcontracting chains are among the most persistent structural drivers of TCN vulnerability identified in this study: as intermediaries multiply between the main contractor and the worker actually performing the work, employer accountability becomes diluted, and liability is displaced to the weakest link in the chain. The Posting of Workers Directive and Enforcement Directive provide for joint and several liability in principle, but its scope and depth vary across Member States and have not been harmonised for TCN-specific configurations, leaving workers with only a remote cross-border claim against a sending employer that may be unreachable. The following practice addresses further challenges connected to Grey zone 5, *Subcontracting Chains and the Dilution of Employer Accountability*, and shows how Italy's *Casse Edili/Edilcasse*, territorial bilateral construction funds, convert collectively agreed remuneration into a **contribution-based, fund-administered entitlement**, giving posted workers, a structural and financial remedy, independent from a single employer's behaviour.

Table 7: The Territorial Bilateral Funds for Posted Construction Workers (Casse Edili/Edilcasse)

ITALY	Casse Edili/Edilcasse: Territorial Bilateral Funds for Posted Construction Workers
Key takeaway	Italy's Casse Edili/Edilcasse are territorially organised, employer-union bilateral construction funds coordinated nationally by CNCE. Registration with the fund competent for the actual worksite is generally required for foreign undertakings posting blue-collar construction workers to Italy, regardless of posting length. This converts what would otherwise be a remote employer's payroll promise into a contribution-based, territorially administered (and, since November 2021, congruity-checked) entitlement, giving posted workers, including TCNs, a traceable link between employer, site, hours and collectively agreed pay.
Policy area	Sectoral wage administration, site-level labour-cost verification and subcontracting-chain accountability for posted construction workers, including TCNs: the structural/financial remedy dimension of subcontracting-chain accountability (Grey Zone 5).
Organisation(s) Responsible	• CNCE (*Commissione Nazionale Paritetica per le Casse Edili*): national coordination, standard forms, the Edilconnect/congruity architecture and international fund cooperation • 112 local *Casse Edili/Edilcassa*: territorial registration and benefit administration for the fund competent at the worksite • Main contractor/client: worksite registration in Edilconnect; exposure to joint liability and congruity consequences • INL, INPS, INAIL: labour inspection and public social-security/accident-insurance enforcement; recipients of posting-notification data • Formedil and local training bodies: vocational training, safety support and site consultancy • *Prefecture / Sportello Unico per l'Immigrazione*: TCN immigration authorisation, including the nulla osta and simplified M2 procedures • Construction-sector unions and employer associations: joint governance of the funds and the collective-agreement architecture underpinning them
Target Group	Posted blue-collar construction workers, including TCNs, for whom Cassa intermediation is especially central; foreign employers posting workers to Italian construction sites; main contractors, clients and subcontractors across the chain. White-collar posted workers remain subject to applicable Italian employment terms, but fall outside the Cassa mechanism described here.
How it works	Registration is required with the *Cassa Edile/Edilcassa* competent for the geographical area where the worksite is actually located, for all blue-collar construction workers, regardless of posting duration. CNCE provides standardised multilingual registration forms (Italian, English, Albanian, Polish, Romanian, Slovenian, Spanish): an enterprise form covering the foreign employer and posting facts, and a worker form collecting the personal and bank-account details needed to administer benefits. For blue-collar workers, current CNCE guidance describes an 18.5% levy on relevant remuneration, 8.5% for holiday pay and 10% for the thirteenth-month payment, while the construction seniority benefit (Anzianità Professionale Edile, APE) is funded separately through employer contributions to FNAPE, with entitlement generally conditioned on at least 2 100 sectoral hours over the prior two years. The employer, normally through a labour consultant and the local Cassa's designated software, files a monthly declaration identifying the workers at the site along with remuneration, working time and paid-absence data.

	The foreign employer's compliance workflow runs as parallel streams: assessing whether the work falls within Italian construction CCNL coverage; filing the electronic UNI_DISTACCO_UE prior posting notification (due by midnight the day before posting begins, with changes notified within five days, and the data made available to INL, INPS and INAIL); securing or verifying the A1 route under Regulation 883/2004 where applicable; registering with the territorially competent Cassa and submitting employer and worker data; filing monthly Cassa declarations and paying dues; and coordinating with the main contractor's site-level registration in CNCE_Edilconnect, which assigns a CUC worksite code and pulls workforce data from new-site and monthly Cassa declarations. Since November 2021 (Ministerial Decree No. 143 of 25 June 2021), CNCE_Edilconnect runs the "congruità della manodopera test": it checks declared labour costs against work-category-specific minimum labour-cost percentages. A site that fails is notified and normally has 15 days to provide supporting material; an unresolved shortfall can be paid as a lump sum, and if it remains unresolved the firm is flagged against its DURC Online position, potentially blocking that document's renewal. The labour cost of a worker registered at an Italian Cassa is automatically included in this calculation.
Legal Base/Source	The legal basis is layered rather than contained in a single *Cassa Edile* statute: Directive 96/71/EC as amended by Directive (EU) 2018/957 (the host-state "hard core" of employment protections, including remuneration, paid leave, working time and health and safety); Directive 2014/67/EU (enforcement, administrative requirements, access to information and remedies); Regulation (EC) No 883/2004 (social-security coordination (a genuinely posted worker commonly stays insured in the sending state under Article 12, normally for no longer than 24 months and without replacement arrangements); Legislative Decree No. 136/2016, as amended including by Legislative Decree No. 122/2020) CNCE identifies Article 4 (application of Italian terms and conditions, including collective-agreement remuneration) as the domestic route by which the Cassa obligation reaches foreign construction employers; and the relevant national and territorial construction CCNLs (Italy has separate principal frameworks for industry/cooperatives, craft, and small industry). The congruity system rests on Ministerial Decree No. 143 of 25 June 2021.
What challenges are addressed?	• Subcontracting chains that leave a posted worker with only a remote cross-border claim against a sending employer that may be unreachable or under-resourced • Under-declaration of workers, hours or labour cost at a construction site • Dilution of employer accountability across subcontracting chains • Limited traceability of a mobile, fragmented construction workforce • Weak practical protection of collectively agreed remuneration elements (holiday pay, thirteenth-month pay, seniority benefit) for workers moving between employers or postings • For TCNs specifically: the immigration-authorisation layer
What Makes Casse Edili/Edilcasse Effective?	• Payroll becomes a contribution-based, fund-administered entitlement, reducing reliance on a single sending employer • Site-level traceability links employer, worker, hours, pay data and construction site through territorial reporting • The congruity system adds a production-to-labour plausibility test beyond a conventional contribution-compliance check: DURC Online verifies payment

	regularity but cannot itself establish whether everyone working at a site was declared • Main-contractor visibility and joint-liability exposure gives lead contractors a practical incentive to demand Cassa evidence from foreign subcontractors • A digital worksite code (CUC, via Edilconnect) connects declarations across subcontracting tiers • Standardised multilingual employer and worker registration forms, available in seven languages • Reciprocity agreements with equivalent foreign funds (Austria's BUAK, France's CIBTP, Germany's SOKA-BAU, San Marino's *Cassa Edile Sammarinese*) avoid duplicate affiliation while aiming to preserve comparable protection
Added value	The system's clearest worker-protection value is where a mobile worker could otherwise be left with only a cross-border claim against a remote sending employer: Cassa-managed accruals turn part of the applicable Italian collective remuneration into a contribution-based, territorially administered entitlement. Combined with the congruity system, it gives the lead contractor visibility over declared posted labour and reinforces downstream chain responsibility.
Transferability conditions	Highly transferable in principle, but not a standalone software product: effectiveness depends on a combination of sectoral collective bargaining, employer-union governance, enforceable contribution duties, identifiable worksites and usable data connections. Transferable components: mandatory territorial/site-linked registration for covered construction labour; worker-level reporting connecting identity, employer, pay, hours and site; portable, contribution-financed remuneration elements that follow fragmented construction employment; main-contractor visibility and joint-liability leverage; a digital worksite code connecting declarations across subcontracting tiers; labour-cost congruity thresholds tied to project type and value; standardised multilingual employer and worker forms; and reciprocity agreements with foreign funds that genuinely provide comparable protection.
Limitations	Access to most benefits administered through the bilateral construction system requires an Italian fiscal code, a significant practical barrier for short-term, multilingual and third-country-national workers. In addition to this, it remains an open, empirically unresolved question whether posted workers covered by a reciprocal exemption (BUAK, CIBTP, SOKA-BAU, *Cassa Edile Sammarinese*) have their labour costs made visible in Edilconnect's congruity calculations at all; if equivalent foreign-fund data are not interoperable with Edilconnect at site level, this could be an enforcement gap.
Sources	CNCE, Guide on Posting in the Construction Sector – Italy (English). Available at: https://www.cnce.it/wp-content/uploads/2026/03/Italy_eng.pdf. CNCE, 2024, Posting in the Construction Sector: Useful Information for Workers and Companies. Available at: https://www.cnce.it/wp-content/uploads/2025/01/Guide_Posting_CNCE_EN_1.1.pdf. Ministry of Labour and Social Policies, Procedures to Be Followed When Posting Employees to Italy. Available at: https://www.lavoro.gov.it/en/single-digital-gateway/employment-workers-italy/procedures-be-followed-postings-employees-italy. Ministry of Labour and Social Policies, Posting of Employees in Italy. Available at: https://www.lavoro.gov.it/en/single-digital-gateway/employment-workers-italy/posting-employees-italy.

	Ministry of Labour and Social Policies, Ministerial Decree of 10 August 2016. Available at: https://www.lavoro.gov.it/documenti-e-norme/normative/Documents/2016/Decreto-Ministeriale-10082016. Ministry of Labour, Transnational Posting Documentation Portal. Available at: https://distaccoue.lavoro.gov.it/en-gb/Documentation. European Labour Authority, Congruity Indexes for Construction Works: Italy. Available at: https://www.ela.europa.eu/sites/default/files/2024-04/IT_good-practice_congruity-indexes.pdf. Cassa Edile della Provincia di Venezia, Information on Transnational Posting of Workers (English). Available at: https://www.ceiv.eu/wp-content/uploads/2025/01/Information-on-transnational-posting-of-workers-%E2%80%93-IngleseEnglish.pdf.

Source: Authors' own elaboration based on the cited sources.

Another approach worth noting is the role of grievance mechanisms established under **corporate due diligence frameworks**. While these mechanisms are only mandatory for a limited group of larger companies, they can provide an additional channel through which posted workers, trade unions and worker representatives can raise concerns about labour-rights violations occurring within complex subcontracting chains. In Germany, for example, trade unions and worker-support organisations have used **complaint mechanisms** established under the Supply Chain Due Diligence Act (LkSG) to draw attention to labour-rights violations and seek remedial action from companies covered by the legislation[10].

While due diligence legislation does not replace labour inspections, it creates an additional accountability channel by leveraging the economic influence of lead firms. As a result, labour-rights abuses that occur several tiers below the principal contractor may become more visible and subject to corrective action, helping to address enforcement gaps in complex subcontracting chains. Despite the scaling back of parts of the **Corporate Sustainability Due Diligence Directive (CSDDD, Directive (EU) 2024/1760)** by the **Omnibus I amendments (Directive (EU) 2026/470)**, complaint mechanisms remain an important avenue for raising concerns about labour-rights violations in such settings. For posted third-country nationals in particular, these procedures may help overcome some of the practical barriers to reporting abuse where the direct employer is difficult to reach, responsibility is dispersed across multiple actors, or workers are reluctant to engage with public authorities. This approach relates to Grey Zone 5, *Subcontracting Chains and the Dilution of Employer Accountability*, by creating an additional pathway through which labour-rights risks can be identified and escalated beyond the immediate employment relationship.

2.4.2. Data-driven transparency of posting

Opaque subcontracting chains and fragmented administrative oversight create significant enforcement challenges in the posting of third-country nationals (TCNs) in the EU. Paper-based or poorly integrated inspection systems often make it difficult for labour and migration authorities to verify in real time whether posted workers are lawfully employed, properly declared and effectively protected on site. This is particularly relevant where service provision, migration status and social security coordination intersect, as **enforcement depends on the ability to connect information across administrative systems** and across stages of the posting process.

Member States therefore need more integrated, data-driven compliance systems that link prior notification, risk assessment and on-site inspection. By combining electronic pre-declaration with

[10] Germany, n.d., Lieferkettensorgfaltspflichtengesetz (LkSG); see also Faire Mobilität, 'Das LkSG wirkt'.

targeted verification and follow-up controls, such systems can improve transparency in subcontracting chains, support earlier detection of irregularities and strengthen the protection of posted TCNs. The following practice, Belgium's LIMOSA system, illustrates how an advanced digital enforcement architecture can address challenges linked to Grey Zone 2, *host-state migration checks and residence verification*, by making prior notification a central entry point for compliance monitoring.

Table 8: The LIMOSA and Checkinatwork Tools

BELGIUM	LIMOSA Pre-Notification and Checkinatwork On-Site Verification
Key takeaway	Belgium's LIMOSA pre-notification and Checkinatwork on-site verification form a two-layer control chain, linked by the Limosa-1 QR code, that establishes who is being posted before work begins and verifies who is physically present on covered worksites every working day, closing the gap between a declared posting and the actual workforce on the ground, across the full subcontracting chain.
Policy area	Pre-arrival notification and daily on-site verification of posted workers, including TCNs, as a data-driven transparency mechanism within Belgium's wider posting-enforcement architecture.
Organisation(s) Responsible	Belgian Federal Public Service (FPS) Social Security / National Social Security Office (RSZ/ONSS) – operates the LIMOSA declaration portal and the Checkinatwork electronic presence-registration system. FPS Employment, Labour and Social Dialogue – issues posting-formalities guidance. Foreign employer or authorised representative: primary LIMOSA declarant Belgian client/principal: Limosa-1 verification-gate duty-holder before work may start. Declaring contractor: Declaration of Works, where the applicable rules require it.
Target Group	Posted workers, including TCNs, and posted self-employed persons; foreign employers and their authorised representatives; Belgian clients/principals; contractors, subcontractors and self-employed subcontractors across the full chain on covered sites.
How it works	Belgium operates a two-layer, QR-code-linked compliance chain. **LIMOSA** is the pre-posting layer: before work begins, a foreign employer (or authorised representative) must file a declaration covering the employer's identity, every posted worker, the Belgian client, the specific workplace, planned dates, activity and sector, work schedule, pay classification, liaison-person details, and, held as a separate but linked record, A1/social-security status. The portal issues a Limosa-1 receipt with a QR code, which the worker must be able to present to the Belgian client before work starts; if no valid receipt is produced, the client/principal has a notification duty to the Belgian authorities. **Checkinatwork** is the on-site layer: an electronic presence-registration system that must be completed every working day, before work starts, for workers and self-employed persons at covered sites. It applies to certain immovable-property/construction works (excluding cleaning), ready-mixed concrete delivery, and defined meat-sector activities. The obligation runs down the full subcontracting chain: employers and contractors must register their own workers and all subcontractors and self-employed subcontractors, not only direct employees.

	The Limosa-1 QR code or L1 reference is the operational bridge between the two systems: it links a worker's on-site check-in back to their pre-posting declaration within seconds, letting inspectors verify legal presence and TCN work authorisation on the spot. For construction projects, this two-layer chain is reconciled against the project-level Declaration of Works, which requires the main contractor to disclose the full subcontractor list, giving Checkinatwork's daily presence data a chain-level reference point rather than only a single-employer one. The registration duty formally ends at defined project milestones (provisional acceptance of works, end of the contractual relationship, or final acceptance for warranty works), supporting traceability across the full project lifecycle.
Legal Base/Source	LIMOSA and Checkinatwork sit within the same statutory family cited for Belgium's wider enforcement architecture: the Act of 5 March 2002 transposing the Posting of Workers Directive, together with its implementing royal decrees.
What challenges are addressed?	• Limited visibility of posted TCNs and their work authorisation before work begins • The gap between a declared pre-notification and the actual workforce present on-site day to day • Subcontracting chains that obscure who is actually working on a site • Absence of a fast, on-site-verifiable link between a posted worker and their notification record • Weak inspection readiness where compliance documentation is not organised for on-demand production
What Makes LIMOSA and Checkinatwork effective?	• Two-layer design: pre-notification and daily on-site verification • QR-code/L1 reference gives inspectors an instant, on-site verifiable link between a worker and their notification record • Coverage extends down the full subcontracting chain, including self-employed subcontractors • Client/principal-level gating duty shifts compliance responsibility upstream to the party best placed • Narrowly defined, fact-specific exemptions (e.g. limited transport, urgent repairs, qualifying installation work) limit informal work-arounds • Defined end-of-obligation triggers (provisional acceptance, contract end, warranty-works final acceptance) support full project-lifecycle traceability
Added value	Together, LIMOSA and Checkinatwork convert Belgium's posting formalities into a continuous, traceable control chain running from pre-arrival declaration through daily on-site presence to project close-out. Because Checkinatwork's registration duty follows the subcontracting chain rather than stopping at the top-tier contractor, it gives inspectors a presence-based cross-check against the population LIMOSA declares, directly narrowing the visibility gap that leaves TCNs in lower subcontracting tiers hardest to trace.
Transferability conditions	Requires a digital pre-notification system; a mechanism linking that pre-notification to an on-site verification system; a legal duty placed on the client/principal, not only the employer, to verify before granting site access; and sector-specific presence-registration thresholds calibrated to where risk concentrates. Belgium currently applies Checkinatwork to construction, ready-mixed concrete delivery and defined meat-sector activities only.

Limitations	LIMOSA is explicitly a notification obligation, on its own it establishes presence and notification, not migration-status legality. Checkinatwork's mandatory presence-registration threshold (EUR 500 000 of works value for immovable-property projects) leaves smaller construction projects outside the mandatory on-site layer. Coverage is limited to construction-related activities, ready-mixed concrete delivery and defined meat-sector activities. TCN posting in other high-risk sectors identified elsewhere in this study, agriculture and live-in care in particular, falls outside Checkinatwork's scope.
Sources	LIMOSA portal. Available at: https://www.limosa.be/en/home.html. LIMOSA – scope, data fields, exemptions, Limosa-1. Available at: https://www.limosa.be/en/limosa.html. FPS Employment, Posting formalities. Available at: https://employment.belgium.be/en/themes/international/posting/concept-and-formalities/formalities. FPS Employment, Construction-specific posting formalities. Available at: https://employment.belgium.be/en/themes/international/posting/concept-and-formalities/formalities/specific-formalities-case. Checkinatwork overview. Available at: https://www.socialsecurity.be/site_fr/employer/applics/checkinatwork/index.htm. Checkinatwork, construction/immovable-property works. Available at: https://www.socialsecurity.be/site_fr/employer/applics/checkinatwork/general/construction-works.htm. Declaration of Works. Available at: https://www.socialsecurity.be/site_fr/employer/applics/ddt/general/declaration_bis.htm.

Source: Authors' own elaboration based on the cited sources.

2.4.3. Cross-border administrative cooperation

Cross-border posting exposes the limits of nationally organised enforcement. Posting arrangements often involve companies, intermediaries and workplaces located in different Member States, making it difficult for any single authority to verify whether an undertaking is genuine, whether social security obligations are fulfilled, or whether the employment and residence status of posted TCNs is lawful.

Administrative cooperation has improved through digital tools such as the Internal Market Information System (IMI), but information exchange alone is often insufficient where fraud schemes rely on subcontracting chains, shell companies or rapid cross-border movements. Effective enforcement therefore requires **operational forms of transnational cooperation** that bring labour inspectorates, social security institutions, tax authorities and migration bodies together.

At EU level, this role is increasingly performed by the **European Labour Authority (ELA)**, which supports joint and concerted inspections and provides the institutional framework for multi-agency enforcement across borders. This practice is particularly relevant to Grey Zone 4, *The Single Permit Gap and Labour Immigration for the Purpose of Posting*, because it can help detect shell companies and posting structures established in intermediate Member States to facilitate onward posting of TCNs.

Table 9: European Labour Authority-Coordinated Joint and Concerted Inspections

EU	ELA-Coordinated Joint and Concerted Inspections
Key takeaway	ELA-coordinated joint and concerted inspections provide a practical mechanism for overcoming the jurisdictional limitations of national enforcement authorities. By enabling real-time cooperation between sending and receiving countries, they strengthen the detection of cross-border posting fraud, including complex cases involving TCNs.
Policy area	Transnational enforcement coordination and cross-border labour inspections.
Organisation(s) responsible	European Labour Authority (ELA) in close cooperation with national labour inspectorates, social security institutions, tax authorities, and law enforcement agencies of the participating Member States.
Target Group	Posted workers including TCNs, foreign service providers, subcontractors, and high-risk transnational operating sectors.
How it works	Joint and concerted inspections are coordinated and financially supported by the European Labour Authority (ELA). They bring together labour inspectorates and other competent authorities from at least two Member States, typically the Member State of establishment and the host Member State, to conduct simultaneous or coordinated inspections. Before an inspection takes place, participating authorities exchange information, risk assessments, and available intelligence through existing cooperation channels, including the Internal Market Information System (IMI). During the inspection, host-country inspectors carry out workplace checks while inspectors from the sending country and ELA representatives provide expertise on employment contracts, social security affiliation, posting documentation, and the legal status of the undertaking in the country of establishment. This coordinated approach allows authorities to verify in real time whether posting arrangements comply with EU rules, whether companies carry out genuine economic activities in their home Member State, and whether TCNs possess the required residence and work authorisations.
Legal Base/Source	Regulation (EU) 2019/1149 establishing the European Labour Authority (ELA), which mandates ELA to support Member States in carrying out concerted and joint inspections and ELA's updated Guidelines for Concerted and Joint Inspections.
What challenges are addressed?	• Limited ability of national inspectorates to investigate companies established in another Member State. • Delays and information gaps in cross-border administrative cooperation. • Fraudulent posting arrangements involving letterbox companies and complex subcontracting chains. • Difficulties in verifying the employment and residence status of posted TCNs • Fragmented enforcement responsibilities across labour, social security, tax, and migration authorities.

What makes ELA' joint inspections effective?	• Direct cooperation between authorities in sending and receiving Member States. • Real-time verification of foreign documentation and social security status. • Access to expertise that would not normally be available during national inspections. • Strong coordination and logistical support provided by ELA. • Mutual learning and capacity-building among participating inspectorates.
Added value	ELA joint and concerted inspections transform cross-border cooperation from an administrative exchange of information into a coordinated enforcement activity. They enable authorities to investigate labour law, social security, and migration-related compliance issues simultaneously and across borders. The approach is particularly valuable in cases involving posted TCNs, where enforcement authorities often face difficulties in verifying employment relationships, residence permits, or the authenticity of posting arrangements. By combining the expertise of both sending and receiving countries, inspections can uncover irregular practices that would be difficult to detect through national controls alone, such as letterbox companies, fraudulent temporary work arrangements, or misuse of posting rules. Beyond individual enforcement outcomes, joint inspections contribute to stronger institutional cooperation, trust-building between authorities, and a more consistent application of EU labour mobility rules across Member States.
Transferability conditions	Transferable across all EU Member States, provided there is political willingness to participate in joint operations, administrative capacity to deploy staff abroad or host foreign inspectors, and active utilization of ELA coordination frameworks.
Limitations	Despite their impact, ELA joint inspections face key limitations: they lack an independent right of initiative without Member State agreement, remain episodic rather than continuous interventions, and depend on rigorous follow-up by origin-country authorities.
Sources	European Labour Authority (ELA) Official Portal & Newsroom. Available at: https://www.ela.europa.eu. Blauberger, M; Heindlmaier, A; 2023, *The European Labour Authority in Practice*, WSI, Institute of Economic and Social Research. Available at: https://www.wsi.de/fpdf/HBS-008523/p_wsi_studies_32e_2023.pdf European Commission, 2025, *Study supporting the evaluation of the European Labour Authority*, Publications Office of the European Union. Available at: https://op.europa.eu/en/publication-detail/-/publication/97730a13-3aac-11f0-8a44-01aa75ed71a1/language-en.

Source: Authors' own elaboration based on the cited sources.

Complementing ELA's on-the-ground inspections, Belgium's OSIRIS platform addresses the same cross-border blind spot from the institutional side: a dedicated case-management system to make formal dialogue-and-conciliation procedure for contesting disputed A1 certificates trackable and time-bound. This practice maps onto Grey zone 3, *A1 Certificate Issuance, Contestation, and Regulatory Arbitrage*, targeting the practical difficulty host states face in effectively challenging a certificate issued by another Member State.

Table 10: The OSIRIS Platform

BELGIUM	OSIRIS: Dedicated Contestation and Case-Management Platform for A1 Certificates
Key takeaway	OSIRIS is Belgium's dedicated digital case-management, monitoring and reporting platform for contesting disputed PD A1 certificates and handling EU dialogue-and-conciliation cases on applicable social-security legislation. It is not a public complaint portal and does not itself invalidate A1 certificates: it makes the legally prescribed institutional dispute process operational: connecting Belgian competent institutions and FPS Social Security, tracking deadlines and evidence, standardising case handling, supporting risk-based prioritisation, and turning individual disputes into aggregate intelligence for inspection strategy and evidence-based policy.
Policy area	Cross-border social-security coordination and anti-fraud enforcement (the A1-certificate contestation and regulatory-arbitrage dimension (Grey Zone 3)) focused on posting of workers, mobile workers, and disputed determinations of the applicable social-security legislation. Operational since January 2015 per FPS Social Security (the ELA good-practice fiche records the initiative as running from 1 July 2015 and ongoing). Geographic scope: Belgium's competent institutions and foreign competent authorities across EU/EEA social-security coordination arrangements.
Organisation(s) Responsible	• Belgian Federal Public Service (FPS) Social Security: owner/developer of OSIRIS; its DG Policy Coordination & International Relations / DG Strategy and Research is the Belgian competent authority at the second (conciliation) stage. • Belgian National Social Security Office (ONSS/RSZ): social-inspection and competent-institution participant in disputes and controls involving social-security affiliation. • National Institute for the Social Security of the Self-Employed (INASTI/RSVZ): participant for self-employed social-security cases. • Social Intelligence and Investigation Service (SIRS/SIOD): receives monitoring and reporting outputs and supports broader coordination of social-fraud enforcement. • Relevant ministerial cabinets: receive quarterly statistics and policy-relevant reporting. • Foreign competent institutions/authorities: counterparts in the dialogue-and-conciliation procedure; their engagement is indispensable to resolving cases.
Target Group	Direct users: Belgian competent social-security institutions, social inspectorates and FPS Social Security case handlers; SIRS/SIOD and ministerial strategic units needing consolidated intelligence on cross-border social fraud; foreign competent authorities involved in A1/applicable-legislation disputes. Indirectly affected: posted workers and other cross-border workers whose applicable social-security law is disputed; foreign employers, temporary-work agencies and self-employed persons operating cross-border; Belgian principals/clients, compliant undertakings and domestic social-security systems. OSIRIS is an authority-facing interoperability and governance tool, not an employer- or worker-facing filing interface.
How it works	OSIRIS addresses a later and more specialised question than Belgium's other posting-compliance tools: while LIMOSA provides ex ante notification and

	traceability, and Checkinatwork provides worksite attendance registration, OSIRIS handles whether an A1/social-security affiliation asserted for a cross-border worker should be challenged through the EU dialogue-and-conciliation route. The trigger is a contestable A1/social-security case: a Belgian institution develops doubts about the validity of a PD A1 certificate, its factual basis, or the applicable social-security legislation, typically arising from inspection, document review or intelligence-led controls. Under EU coordination rules, a receiving Member State cannot simply disregard an A1: the issuing institution must first be approached for clarification and, where appropriate, withdrawal or invalidation. Stage 1 is institutional dialogue: the competent Belgian institution records and manages the file through OSIRIS and initiates dialogue with the foreign issuing institution, using shared guidance and a common English instruction/reporting format for consistent documentation. Stage 2 is conciliation by competent authorities: if institutional dialogue does not resolve the disagreement, the file moves to the competent-authority level, where FPS Social Security's relevant directorate uses OSIRIS to coordinate and monitor the process under Administrative Commission Decision No A1's dialogue-and-conciliation framework. OSIRIS is designed to make the deadlines prescribed by Decision No A1 visible and manageable; a 2023 enhancement cycle reportedly streamlined workflow around expected delays and added a case-closure function reflecting whether requested information was supplied in time. The platform also records quantitative and qualitative information on disputed A1 cases, producing statistics and evidence-based reports, including quarterly reporting to relevant ministerial cabinets and SIRS/SIOD: reported enhancements include fields for worker nationality, economic sector and third-country nationals posted to Belgium, plus more refined monitoring of later-stage cases. Finally, FPS Social Security and participating institutions use this data for intelligence-led prioritisation, focusing investigative capacity on higher-risk categories rather than treating all cases as equally likely to involve incorrect A1 use.
Legal Base/Source	OSIRIS operationalises the EU's A1-contestation framework: Regulation (EC) No 883/2004, Article 76(6) (duty to cooperate), Regulation (EC) No 987/2009, Articles 5–6 (A1 certificates bind the receiving state until withdrawn by the issuer), and Administrative Commission Decision No A1 of 12 June 2009 (OJ C 106, 24.4.2010), which sets out the dialogue-and-conciliation procedure.
What challenges are addressed?	• The binding character of A1 certificates: creates a disciplined process for challenging a disputed A1 through the issuing institution rather than attempting unilateral disapplication. • Fragmented national handling: gives Belgian institutions and the competent authority one shared platform, workflow, guidance and reporting approach. • Cross-border information asymmetry: structures requests, exchanges and follow-up with foreign authorities, and records whether information arrives and whether it is timely. • Missed procedural deadlines: builds deadline tracking into the workflow and flags anticipated delay situations. • Weak aggregate evidence: converts dispersed files into statistics and qualitative reporting for SIRS/SIOD and ministerial decision-makers. • Poor risk targeting: supports analysis by sector, nationality and other data categories so inspection activity can focus on higher-risk patterns.

	• Social dumping and unfair competition: supports challenges to arrangements that may enable contribution avoidance or use of lower-cost affiliation regimes, while preserving the EU's lawful mobility framework. • The third-country-national dimension: recent functionality specifically improves monitoring of TCNs posted to Belgium.
What Makes OSIRIS Effective?	• Procedural discipline: makes a legally necessary but administratively demanding EU dispute route usable at scale. • One national picture: reduces institutional silos among Belgian social-security bodies and the competent authority. • Quality control: common guidance and English reporting templates improve consistency in requests sent to foreign authorities. • Case-to-pattern conversion: aggregate data makes it possible to identify recurring origin-country, sectoral or worker-profile risks. • Stronger external cooperation: repeated, structured cases can generate more durable working relationships with particular Member States. • Compatible with free movement: it protects workers and compliant businesses by contesting potentially abusive affiliation arrangements without treating cross-border posting itself as illegitimate, operating through the EU coordination rules rather than bypassing them.
Added value	For policy and governance: quarterly statistics and qualitative information substantiate national anti-fraud policy and Belgium's positions in EU-level debates, with the platform recording volumes, timelines, handling and outcomes rather than relying on anecdotal accounts of cross-border cooperation. ELA describes the tool as cost-effective because it was developed and is maintained internally within FPS Social Security's ICT/resources budget, with no external resources used for development or management. Set alongside LIMOSA and Checkinatwork, OSIRIS completes a layered model (advance declaration, presence data, then structured cross-border contestation) giving authorities the ability to compare declared arrangements, worksite presence and the social-security documentation asserted for a worker across the full compliance chain.
Transferability conditions	The transferable asset is a combined legal-operational-data-governance model. Replication would entail mapping the national A1 challenge process against Articles 5–6 of Regulation 987/2009 and Decision No A1; establishing an inter-agency steering group and a single authoritative case owner; deploying a secure workflow register with compulsory deadline, evidence, correspondence and outcome fields; piloting with a limited set of high-volume sending states or high-risk sectors; adding dashboards, common templates and feedback loops from inspectorates; and finally considering integration with notification, worksite-presence or labour-inspection datasets.
Limitations	Dependent on counterpart cooperation: resolution depends on timely, substantive engagement by foreign institutions and authorities; a well-designed platform cannot by itself cure delayed replies, divergent interpretations or capacity constraints abroad. Potential operational burden: common instructions and case fields improve consistency but require training and sustained compliance by participating agencies.

	Narrow procedural scope: ELA itself notes a principal transferability limit: the tool was created to facilitate dialogue and conciliation and cannot simply be transplanted as a general anti-fraud platform without adaptation. Outcome metrics need care: counts of cases opened, requests sent or A1s contested do not by themselves show fraud, legal error or policy success; evaluation should distinguish procedural timeliness, cooperation quality, withdrawals/corrections, confirmed compliance, deterrence and worker-protection outcomes.
Sources	European Labour Authority, Cross-border social fraud and abuse in social security: the OSIRIS Platform (Belgium good-practice fiche, PDF). Available at: https://www.ela.europa.eu/sites/default/files/2024-04/BE_good-practice_osiris-platform.pdf. Belgian FPS Social Security, OSIRIS: fighting social dumping and cross-border social fraud. Available at: https://socialsecurity.belgium.be/fr/activites-internationales/osiris-pour-mieux-lutter-contre-le-dumping-social-et-la-fraude-sociale. EUR-Lex, Administrative Commission Decision No A1 of 12 June 2009 (CELEX 32010D0424(01)). Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010D0424(01). EUR-Lex, Regulation (EC) No 987/2009, Article 5, discussed in CJEU Case C-421/23. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62023CJ0421. Working in Belgium, LIMOSA. Available at: https://www.workinginbelgium.be/en/limosa.html. Working in Belgium, Checkinatwork. Available at: https://www.workinginbelgium.be/en/checkinatwork.html. European Commission, Belgian LIMOSA legal-basis reference: Programme Law of 27 December 2006, Articles 137 et seq. Available at: https://ec.europa.eu/social/ajax/BlobServlet?docId=2328&langId=en. European Labour Authority, Call for good practices 2023, listing Belgium's OSIRIS platform. Available at: https://www.ela.europa.eu/en/call-good-practices-2023.

Source: Authors' own elaboration based on the cited sources.

Another best practice to highlight is Poland's A1 Certificate Authenticity Confirmation Service, an online tool operated by the Social Insurance Institution (ZUS, *Zakład Ubezpieczeń Społecznych*) that lets any user (a host-state authority, an entrepreneur, or another interested party) verify directly whether an A1 certificate issued for a named worker was lawfully issued and remains valid. Available in English, the service requires the user to enter the worker's identifying details together with the certificate's reference data, and it returns a confirmation of the certificate's authenticity and of the social security legislation it certifies. By turning verification into a public, real-time query rather than a formal cross-institutional dialogue, the tool offers a lighter-weight complement to the Article 76(6) dialogue-and-conciliation procedure discussed above: it does not alter the binding force of a validly issued A1 certificate, but it substantially lowers the practical barrier a host-state authority or business faces in first establishing whether a certificate is genuine before deciding whether to pursue formal contestation. This practice maps onto Grey Zone 3, *A1 Certificate Issuance, Contestation, and Regulatory Arbitrage*, addressing the same underlying verification gap as Belgium's OSIRIS platform, but from the issuing, sending-state side rather than the host-state side.

3. CONCLUSIONS AND POLICY RECOMMENDATIONS

This Chapter brings together the evidence of the study on skilled labour mobility, territorial cohesion and the posting of third-country nationals. It first sets out the main conclusions of the analysis, and then proposes targeted recommendations, each linked to one or more conclusions and addressed to the level of government that would need to act: the European Union (or the European Parliament itself), the Member States and their regions. The recommendations build on instruments that already exist or are now under negotiation, in particular, the Fair Labour Mobility Package proposed by the Commission in September 2026.

3.1. Conclusions

3.1.1. Skilled labour mobility, regional disparities and territorial cohesion

Conclusion 1. Labour shortages in the EU are structural and affect all skill levels. Shortages have eased since their 2022 peak, but they have not gone away. In the second quarter of 2026 the EU job vacancy rate stood at 2%, still above its pre-pandemic average of 1.7%. The same occupations have been among the hardest to fill in all eight EURES shortage reports since 2016. These are: doctors and nurses, construction and metal trades such as welders, electricians and plumbers, and truck and bus drivers. In 2025, 421 of the 436 occupations assessed (97%) were reported in shortage in at least one country. **Three causes** drive these **shortages**. The **working-age population is shrinking**, from 272 million in 2009 to 263 million in 2023, and is projected to fall to 236 million by 2050. The **green and digital transitions add demand in jobs** that were already hard to fill, most of them skilled manual trades such as installers, electricians and roofers. And **many shortage jobs offer relatively poor working conditions**: workers in these occupations report **poorer job quality**. Looking ahead, most job openings over the period to 2035 will come from the need to replace workers who retire or leave an occupation, not from new jobs. This is why shortages persist even in sectors where employment is flat or falling, such as building construction.

Conclusion 2. Shortages have different causes, and each calls for a different response. When employers report a shortage, they can mean three different things. In some occupations, the workers exist but in another country: accountants, for example, are in shortage in 12 countries and in surplus in 6. Here, **mobility and faster recognition of qualifications** can offer part of the answer, but only part. A surplus in one country does not translate directly into available workers elsewhere: language requirements, differences in national qualifications, and personal and family circumstances all limit how far workers move. The EURES lists also record only whether a country reports a shortage or a surplus, not how many workers are involved, so they show where matching is possible rather than how large it could be. In other occupations, too few people are trained anywhere in the EU. Healthcare is the clearest case, as health occupations appear on almost no surplus list. Here, **training more people** and **retaining those already trained** are the only lasting answers. In a third group of occupations, people with the right skills are available but do not take the jobs on offer because pay and conditions are relatively poor compared to other jobs to which they have access. This applies to many jobs in road transport, hospitality and personal care. More training will not necessarily fill these vacancies; **better jobs** will. A single response to all shortages, such as more training or more **recruitment abroad**, will provide at best a partial solution.

Conclusion 3. Mobility brings real gains, but it moves skills rather than creating them. About 10.1 million EU citizens of working age, 3.9% of the EU working-age population, live in another Member State, a number that has been stable for about five years. Intra-EU mobility helps the European economy adjust: **people move towards regions with more jobs and higher pay**, and this response

to economic conditions has become stronger over the last decade. **Mobility is also increasingly circular**: in 2023, for every 100 people leaving their home country, 85 returned, up from 75% a year earlier, and **returning workers bring back skills, savings, and knowledge networks**. Growth in labour supply now comes mainly from outside the EU. The share of the working-age population born outside the EU rose from about 8% in 2014 to over 12% in 2024, and about 3 million third-country nationals arrived in 2023. Outcomes, however, are unequal. Third-country nationals have an employment rate of 64%, against 78% for EU movers, and movers from eastern and central Member States earn close to 20% less than similarly qualified workers in the country where they live. Finally, the forms of mobility that respond most directly to shortages, such as posting, seasonal work and live-in care, are the least monitored by statistics, so official figures understate how much mobility helps to fill vacancies.

Conclusion 4. Healthcare is the EU's most serious shortage, and mobility between Member States cannot solve it. The OECD and the Commission estimate that the EU lacked about 1.2 million doctors, nurses and midwives in 2022. Over one third of doctors and a quarter of nurses are over 55 and will retire within the next decade. **Moving health workers between Member States only shifts the gap**: 28% of Romanian-trained doctors and 24% of Romanian-trained nurses now work abroad, while Romania itself has fewer doctors per inhabitant than the EU average and acute shortages in primary care and poorer regions, which the OECD and European Observatory attribute largely to emigration (OECD/European Observatory, 2025). The Commission's Joint Research Centre projects that, with unchanged inflows and outflows, the number of doctors would grow by 16% and nurses by 8% by 2071, while demand would require increases of 30% and 33% if today's disease rates applied to an older population (Supply and Demand model for the EU health workforce, SANDEM; Bernini et al., 2024). However, the gap would be smaller if improvements in the health of older people continue at the pace seen in the past. **Recruiting health workers from outside the EU** can **help address shortages, but also raises ethical concerns**: around 89,000 doctors and 257,000 nurses working in OECD countries come from countries that the WHO identifies as having insufficient health-worker capacity of their own.

Conclusion 5. The gains and costs of mobility are unevenly spread across regions. The Commission's 9th Cohesion Report identifies 46 regions, home to over 70 million people, in a **"talent development trap"**: their working-age population is shrinking, participation in tertiary education is relatively low, and young people leave to live elsewhere. These regions also train least, with adult learning participation lower than the EU average. This study classified 1 166 local (NUTS-3) regions in the 27 Member States into four clusters with similar demographic and economic profiles. Of the regions in the group most exposed to talent loss, 82% also meet the Commission's criteria for the talent development trap. The four clusters face different problems:

- **Talent Drain Regions** (21% of local regions), including many in Romania, Poland, Portugal and Greece, have the lowest pay, the longest working hours, and the largest outflow of young people. Training people there without creating local jobs risks financing their departure;
- **Structural Contraction Regions** (23%), such as eastern Germany, rural France and non-metropolitan Nordic areas, are shrinking mainly because large older generations retire and smaller younger ones replace them, not because people leave. The problem often shows up not as vacancies but as services and businesses closing because no successor can be found, so standard shortage statistics easily miss it;
- **Knowledge Hubs** (9%), such as Dublin, Vienna and Copenhagen, attract the most young people. They face a different pressure: housing costs that deter newcomers, and the higher likelihood that

movers do jobs below their qualifications. In Dublin, roughly half of foreign-born workers are over-qualified for their jobs;

- **Mature Ageing Regions** (47%), covering much of non-metropolitan western Europe, have a slowly shrinking workforce and modest inflows of newcomers, and will need to replace many retiring workers in health, construction and transport.

Losses are also concentrated within countries: across central and eastern Europe capital-city regions have gained skilled people while other regions have lost them. Mobility therefore shifts pressure from one place to another rather than removing it.

Conclusion 6. Training is the weakest link between shortages and mobility. Only 39.5% of adults took part in learning in 2022, **far from the EU target of 60% by 2030**. **Employers provide and pay for most adult training**: they finance nearly 90% of job-related adult learning. As a result, people who do not work for an employer that trains them are largely left out. Participation is 11.3% among low-skilled adults and lower still among the unemployed. **SMEs train least**, because they lack time, staff and money, and fear losing newly trained workers to competitors. Between 2015 and 2020 the share of companies offering training fell in every Member State except Italy and Portugal. **Public spending has not filled the gap**: according to the Draghi report, around EUR 64 billion of the current EU budget goes to skills with limited results. Even if participation rates were higher, there is no guarantee that this would retain people in lagging regions. **Without local jobs that use their new skills, better-trained workers have more reason to leave.**

Conclusion 7. Regions and the EU already have useful tools, but they do not always reach those most in need. This study reviewed place-based talent policies documented by the Commission's Harnessing Talent Platform and created a typology of eight groups based on them. They aim to attract people from elsewhere or to keep residents from leaving, through relocation support, return programmes, regional branding, or better services and housing, and one type focuses mainly on developing the skills of the local population. Coordination between levels of government is what makes individual measures last and grow, as shown by Lower Saxony's regional skilled-labour alliances, and Spain's national approach to regions losing population. At EU level, the Pact for Skills brings together about 4 000 organisations. Its 20 large-scale partnerships have committed to training 30 million adults by 2030, and its 22 Regional Skills Partnerships link these commitments to local labour markets. Some partnerships have built effective support for small firms, such as the textile, clothing, leather and footwear partnership, which funds regional organisations to mentor SMEs and help them plan training. SME engagement, however, depends on each partnership, commitments are voluntary and self-reported, and Regional Skills Partnerships have no dedicated funding. They must combine European, national and regional funds, which requires administrative capacity that the regions most in need often lack.

3.1.2. Posting of third-country nationals

Conclusion 8. No single EU law governs the posting of third-country nationals, and the Court has filled the gaps case by case. Posting means that an employer sends a worker to another Member State for a limited time to provide a service. Third-country nationals have no right to move freely within the EU; they can be posted only because their employer has the right to provide services across borders. The applicable rules come from three areas of law that were not designed to work together. **Labour law** (the Posting of Workers Directive and the Enforcement Directive) guarantees posted workers the basis of equality of treatment, on the host country's terms and conditions of employment, whatever their nationality. **Social security coordination** (Regulations 883/2004 and 987/2009, extended to third-country nationals by Regulation 1231/2010) decides which country's social security

system covers them: in most cases, the sending one. This is certified by a Portable Document A1 (A1 certificate), which binds the host country until the issuing country withdraws it. **Migration law** (such as the Single Permit, Long-Term Residents, Blue Card and Seasonal Workers Directives) decides who may live and work in a Member State, but gives no right to be posted to another. Across these Directives and Regulations, definitions of posting vary. As a result, a worker can count as posted under labour law but not under social security rules. The **areas of interpretative uncertainties** have been addressed by court rulings from the CJEU. Since the Vander Elst judgment of 1994, the Court of Justice of the EU has established that host countries may not require work permits for third-country nationals lawfully employed in another Member State: they may check, but not block, postings. In SN and Others (2024), the Court added that host countries may require a residence permit for postings longer than three months, under proportionate conditions. Each question, however, is settled only when a case reaches the Court, which leaves room for legal uncertainty and complexity. The study groups the questions that remain open into **five grey zones**:

- what makes a posting genuine, including how long a worker must first be employed in the sending country;
- when host-country migration checks are proportionate;
- how an A1 certificate can be checked and challenged;
- how third-country nationals admitted in one Member State are posted onward to others with stricter rules;
- who is responsible for workers in long subcontracting chains.

Conclusion 9. The posting of third-country nationals is concentrated in a few sectors, on a few routes and at the bottom of subcontracting chains. Third-country nationals make up more than 20% of posted workers in receiving countries such as the Netherlands, Austria and Belgium. They work mostly in manual jobs in construction, road freight, agriculture, and live-in care, while highly qualified posted workers are mainly EU citizens. They **move along identifiable routes**: Ukrainian and Belarusian workers through Poland and Lithuania; Bosnian, Serbian and Kosovar workers through Slovenia; Brazilian workers through Portugal; and African workers through Spanish temporary work agencies to French agriculture. In Poland, third-country nationals received 197 461 A1 certificates in 2024, 23.5% of the total; in Slovenia, they were around 60% of posted workers. Two forces drive this. **Lower social security contributions in the sending country remain an incentive**, as well as sending-state's own labour shortages that can only be filled by TCNs. **Third-country nationals are more exposed to abuse than EU posted workers**: in Belgium, 59% of inspections targeting them found infringements, against 44% of posting inspections overall. Because their right to stay in the EU depends on their employer, they are also less likely to report violations.

Conclusion 10. The scale of third-country national posting cannot be measured at EU level. EU statistics on A1 certificates do not record the worker's nationality, and they count certificates rather than people. Only some Member States, such as Belgium, Poland and Slovenia, publish data on the nationality of posted workers, and they use different definitions. The EU therefore cannot say how many third-country nationals are posted each year, and cannot easily separate posting from seasonal work or other temporary migration.

Conclusion 11. Member States apply the same EU rules very differently, and enforcement is the weakest point. The study compared Belgium, Germany and France, which mainly receive posted workers, with Poland, Portugal and Italy, which mainly send them. The main differences lie less in the rules than in how authorities interpret, check and enforce them.

- **Genuine posting:** Italy and Portugal set out detailed criteria in law, Belgium and Germany rely on court rulings, and Poland has no written test.
- **A1 certificates:** challenges are rare, because the host country must build a case against another country's document and the issuing country may lack the capacity to check it. Where dedicated tools exist, they work: Belgium settled 82.3% of 2 599 disputes at the first stage between 2015 and mid-2024, and Poland's social insurance institution withdrew 1 154 certificates in 2025, up from 325 in 2023.
- **Migration checks:** practices diverge. Germany requires a special "*Vander Elst* visa", now the subject of infringement proceedings opened by the Commission in January 2026.
- **Inspections:** responsibility is split between labour inspectorates, social security bodies and migration authorities, and few countries have teams dedicated to posting. Poland assigns 121 of its 1 517 inspectors to posting; Italy's 4 585 inspectors have no posting unit; and posting is only one of many tasks for the 9 200 officers of Germany's unit against undeclared work. Interviewees reported that where inspections are rare, some companies treat fines as cheaper than complying.
- **Sanctions:** fines are harder to collect across borders. France recovers 85% of amounts claimed from French companies but only 54% from foreign ones.
- **Subcontracting:** EU law makes a contractor liable for posted workers' unpaid wages only in construction, and only for its direct subcontractor. In longer chains, responsibility shifts to the weakest firm at the bottom, which often has few assets.

Conclusion 12. Effective practices exist, at the national level. The study identified several practices that address the grey zones.

- Belgium's OSIRIS platform manages disputes with other countries over A1 certificates and settles most of them early.
- Poland's online service lets any authority or company check whether an A1 certificate is genuine and valid.
- In Belgium, the LIMOSA prior notification and the *Checkinatwork* daily registration show who is being posted and who is actually present on covered worksites, across the whole subcontracting chain, and the Declaration of Works requires the full chain to be disclosed.
- Italy's construction funds (*Casse Edili*) require foreign employers posting construction workers to register where the work takes place, linking each worker's pay, hours and site.
- Joint inspections coordinated by the European Labour Authority (ELA) bring inspectors from sending and receiving countries together to check companies, social security and residence status at the same time. They require the agreement of the Member States concerned, however, and remain occasional.
- The Fair European Labour Mobility (FELM) network of trade-union counselling centres advises posted workers before departure, during the posting and after their return, and follows cases across borders. It depends on project funding and has no enforcement powers.

3.1.3. What the two parts of the study have in common

Conclusion 13. Findings from both parts of the study converge in the same sectors and gaps. Construction, road transport, agriculture and long-term care have some of the EU's most persistent shortages, and they are also where the posting of third-country nationals concentrates. In these sectors, **posting is increasingly a way of meeting shortages**, including shortages in the sending countries themselves. Both parts of the study show the **same three gaps**: (i) the **forms of mobility that matter most for shortages are poorly measured**; (ii) **poor working conditions cause shortages and expose workers to abuse**; and (iii) **good practices stay local**. The responsibility is shared among institutions. The EU sets common rules for posting and social security coordination, co-funds training and regional development, and supports cooperation between national authorities through ELA. Member States decide how many third-country nationals to admit, organise training and inspections, and enforce the rules. Regions design place-based policies. **Effective action depends on each level and the coordination among them**.

3.2. Policy recommendations

The recommendations below respond to the conclusions above. The EU's role is mainly to set common rules where it has competence (posting, social security coordination and the recognition of qualifications), to co-fund training and regional development, and to coordinate and support national authorities, notably through ELA. Most enforcement, including inspections, remains a national responsibility. The European Parliament can act as co-legislator on the proposals now under negotiation, as part of the budgetary authority in the negotiations on the 2028–2034 Multiannual Financial Framework, and through its scrutiny of the Commission.

3.2.1. Skilled labour mobility, regional disparities and territorial cohesion

Recommendation 1. Match the response to the type of shortage (Conclusions 1, 2 and 4). The Commission should classify EU shortage occupations by cause, building on the EURES reports and on the 42 EU-wide shortage occupations it has identified for the EU Talent Pool. Three groups should be distinguished: occupations where workers exist in other countries, occupations where too few people are trained, and occupations where poor conditions deter applicants. EU instruments should then be used accordingly: support for mobility and faster recognition of qualifications for the first group (for example accountants or refrigeration mechanics); investment in training capacity and retention for the second (for example nurses and doctors), with recruitment from third countries only under ethical recruitment principles; and measures on job quality for the third (Recommendation 2). Member States should apply the same distinction in their national shortage lists and public employment services.

Recommendation 2. Include job quality as a key component of EU labour shortage strategies (Conclusions 1 and 2). Where poor conditions are the main cause of shortages, more training and recruitment will not be enough. EU co-funding for training and recruitment in these sectors, for example under the European Social Fund Plus (ESF+), should require participating employers to commit to decent working conditions: pay in line with applicable collective agreements, predictable working hours, and stable contracts. The EU should also make full use of the tools it already has on job quality, such as the Adequate Minimum Wages Directive, its support for collective bargaining, and the Work-Life Balance Directive. The Quality Jobs Act, announced by the Commission for the end of 2026, and the European Care Deal, announced in the 2026 State of the Union address, offer an opportunity to improve pay and conditions and to support investment in the care sector, where shortages are among the most severe. Wages and working conditions remain the responsibility of Member States and social partners through national law and collective bargaining.

Recommendation 3. Target cohesion policy at local level and at the type of pressure each region faces (Conclusion 5). Cohesion funding is allocated mainly on the basis of larger (NUTS-2) regions, therefore, **local areas that are losing population and young talent can go unnoticed when they sit inside a region that looks prosperous overall**. In the 2028–2034 programming period, the EU should use local (NUTS-3) indicators, such as those used in this study, alongside regional ones, and reserve part of the funding for the most affected local areas within a region. Support should differ by type of pressure:

- in **talent drain regions**, combine training with local job creation, return programmes and the recognition of skills acquired abroad;
- in **structural contraction regions**, focus on keeping essential services running, helping businesses find successors and recruiting workers;
- in **knowledge hubs**, invest in affordable housing and in recognising the skills of workers who have already arrived.

The EU should also fund the administrative capacity of the regions most in need, since the capacity to secure EU co-financing is weakest where the need is greatest. This matters all the more under the **proposed National and Regional Partnership Plans for 2028–2034**, which would channel funding through national plans and risk concentrating resources in capitals and stronger regions, while smaller local authorities have less say over how the money is used. National and regional authorities should design these measures together, building on existing coordination models such as Lower Saxony's regional skilled-labour alliances.

Recommendation 4. Direct public training funds to people and firms that employers do not reach, and put the Pact for Skills on a firmer footing (Conclusions 6 and 7). Because employers fund most adult training, public money makes the most difference where they do not train. EU funds, in particular ESF+, and national **budgets should prioritise low-skilled adults, unemployed people, workers in small firms, and residents of lagging regions**, together with guidance services. EU skills spending should be evaluated systematically. The Pact for Skills can build on its growth if the Commission: (i) sets a minimum standard for **SME support in all partnerships**, drawing on models such as the textile, clothing, leather and footwear partnership; (ii) measure results with independently verified indicators broken down by firm size and region; and (iii) creates a **dedicated funding line for Regional Skills Partnerships**. In lagging regions, training should go together with local job creation (Recommendation 3).

Recommendation 5. Make skills portable, including those of third-country nationals (Conclusions 2, 3 and 5). Difficulties in recognising qualifications limit cross-border matching, lead many third-country nationals and movers to work below their skill level, and make returning home harder. The Skills Portability Act and the directive on the recognition of third-country nationals' qualifications, both proposed in the Fair Labour Mobility Package, should make recognition faster and cheaper, and should also cover skills gained through work and non-formal training, not only formal diplomas. National experience shows that this is possible: Spain's 2022 reform cut recognition times for foreign university degrees from up to two years to about four months.

Recommendation 6. Measure the mobility that matters for shortages (Conclusions 3 and 10). The EU should close the main statistical gaps: a harmonised definition of seasonal work, an occupational definition of live-in care, statistics that count posted persons rather than certificates, and A1 data broken down by nationality. The digital A1 certificate planned under the European Social Security Pass (ESSPASS), proposed in the Fair Labour Mobility Package, offers a practical way to collect these data.

Monitoring of the EU Talent Pool and of the EU's Talent Partnerships with third countries should also track outcomes by country of origin.

3.2.2. Posting of third-country nationals

Recommendation 7. Define what makes the posting of a third-country national genuine (Conclusion 8, grey zone 1). The Commission should issue guidance on the employment relationship in the sending country that is required before a third-country national can be posted. The guidance should build on the Italian and Portuguese legal criteria and on the overall assessment already required by the Enforcement Directive, without fixed minimum periods, which the Court has rejected. It should be consistent with the revision of the social security coordination rules, which will require at least three months of affiliation to the sending country's social security system before a posting. The European Parliament approved this revision at first reading in July 2026; once formally adopted, it will give authorities a first common benchmark.

Recommendation 8. Make A1 certificates easy to check and to challenge (Conclusions 11 and 12, grey zone 3). The digital A1 certificate under ESSPASS should let authorities in all Member States check in real time whether a certificate is genuine and valid, as Poland's online service already does. Member States should set up dedicated systems, like for example modelled on Belgium's OSIRIS platform, to manage disputes with other countries, and issuing countries should have enough staff to review contested certificates quickly. ELA and the Administrative Commission for the Coordination of Social Security Systems should support this and monitor how quickly disputes are resolved.

Recommendation 9. Set clear limits for host-country migration checks (Conclusions 8 and 11, grey zone 2). Today the limits on host-country checks are clarified only through court cases and infringement proceedings, which can take years. The Commission should issue guidance, based on the *SN and Others* judgment, on the conditions for residence permits in postings of more than three months: minimum validity, simple renewal, fees that match administrative costs, and maximum processing times. It should also clarify which checks are acceptable for shorter postings. Member States should align their practice with this guidance.

Recommendation 10. Prevent Member States from becoming entry points for onward posting (Conclusions 8 and 9, grey zone 4). Third-country nationals admitted in one Member State under more accessible rules are often posted onward to others with stricter rules. The Commission and ELA should monitor this through data on work permits and A1 certificates, and ELA-coordinated joint inspections should target companies that recruit mainly for onward posting. Member States that admit third-country workers, including under bilateral agreements, should check that the employers recruiting them carry out genuine activities on their territory.

Recommendation 11. Make subcontracting chains transparent and make responsibility follow the chain (Conclusions 9, 11 and 12, grey zone 5). Transparency alone is not enough: knowing who is in a chain helps inspectors, but it does not make the companies at the top responsible. Three measures should go together:

- **Disclosure:** posting declarations and ESSPASS should show the full chain of contractors, as Belgium's Declaration of Works does. In high-risk sectors, workers' daily presence on site should be registered, as under Belgium's Checkinatwork or Italy's construction funds.
- **Liability:** the EU should extend the liability rules of the Enforcement Directive, which today are mandatory only in construction and only for the direct contractor, so that main contractors and user companies in high-risk sectors are liable for unpaid wages and contributions throughout the chain.

- **Limits:** the EU and Member States should consider limiting the number of subcontracting levels in high-risk sectors and banning intermediaries that only supply labour, as proposed by experts interviewed for this study.

These rules should set a common minimum and should not reduce the information that Member States with more advanced systems already collect.

Recommendation 12. Increase the number and effectiveness of inspections (Conclusion 11). Insufficient inspections is one of the reasons why posting rules are not respected. Member States should set up teams or train inspectors dedicated to posting, and increase inspection capacity in high-risk sectors; target inspections using risk analysis based on posting declarations, A1 data and worksite registration; set fines high enough to exceed what companies save by not complying, and use EU mutual assistance rules to collect fines from foreign companies.

The EU can support this through:

- the Commission and ELA agreeing with Member States on minimum benchmarks for posting inspection capacity and report on them regularly;
- the revision of ELA's mandate in the Fair Labour Mobility Package such that it strengthens ELA's ability to initiate joint inspections, so that they do not depend entirely on Member States' agreement, and make them regular rather than occasional, with EU funding;
- ELA helping employers comply, for example with a tool showing the pay that applies to a posted worker in each Member State, since many breaches come from the complexity of the rules rather than deliberate fraud.

Recommendation 13. Help posted workers claim their rights (Conclusions 9 and 12). Many posted third-country nationals do not report abuses because of language barriers, lack of information, and dependence on their employer. Member States should enable labour inspectorates to help workers document violations and support wage claims, particularly where employers hold the records. Counselling services should be available in countries of origin, transit and destination, in the workers' languages. Networks such as FELM show that cross-border counselling works, but they depend on short-term project funding. The EU should give such networks stable funding, for example through ESF+, and ELA should link them with labour inspectorates and social security bodies. Figure 10 shows how the conclusions set out above are linked to the recommendations.

Figure 10: How the recommendations map onto the conclusions



Source: Authors' own elaboration.

3.2.3. The role of the European Parliament

The European Parliament can advance most of these recommendations through decisions it will take in the coming months as indicated below.

- **As co-legislator on the Fair Labour Mobility Package**, it can strengthen ELA's powers on joint inspections (Recommendation 12), require that ESSPASS carries data on nationality and subcontracting chains and allows real-time checks of A1 certificates (Recommendations 6, 8 and 11), and make sure that the Skills Portability Act and the directive on third-country nationals' qualifications speed up recognition (Recommendation 5).
- **In the negotiations on the 2028–2034 Multiannual Financial Framework and the related funding rules**, it can press for local targeting of cohesion funding, support for administrative capacity, a dedicated funding line for Regional Skills Partnerships, training priorities for groups that employers do not reach, and stable funding for worker counselling (Recommendations 3, 4 and 13).
- **On the forthcoming Quality Jobs Act and European Care Deal**, it can make sure that they address the occupations where poor conditions cause shortages (Recommendation 2).
- **Through its scrutiny and right to request legislation**, it can ask the Commission to issue guidance on genuine posting and on host-country migration checks (Recommendations 7 and 9),

to follow up the infringement proceedings on migration checks, and to propose a revision of the liability rules in the Enforcement Directive (Recommendation 11).

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This study examines EU labour shortages, skilled labour mobility and training investment, highlighting structural pressures and regional inequalities. It reviews how regions and SMEs respond, then analyses the fragmented labour, social security and migration rules governing the posting of third-country nationals. A comparison across six Member States identifies five interpretative grey zones and substantial differences in enforcement capacity. Recommendations address shortage causes, job quality, training and targeted regional support, alongside greater transparency in subcontracting chains and stronger enforcement of posting rules.

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