MOBILE
FACILITATING INTRA EU LABOUR MOBILITY OF THIRD COUNTRY NATIONALS IN THE EU

NEWSLETTER #2

Mobility of TNC workers within the EU - problem, challenge, or development

An increasing number

of third-country nationals are mobile within Europe as posted workers. Posting of workers has become one of the dominant, or at least the most discussed, forms of temporary cross-border labor mobility in the European labor market. The mobility of TCN workers within the EU is identified in some discussions as a problem and in others as a challenge, but it is also simply emphasized that it is a thing of development.

The legal management of labor mobility of third-country nationals within the EU is characterized by a fundamental structural asymmetry grounded in EU primary law. On the one hand, the free movement of workers according to Article 45 TFEU and the right to business residence according to Article 49 TFEU are expressly reserved for EU citizens. On the other hand, the freedom to provide services according to Articles 56 and 57 TFEU is not limited by the nationality of the workers employed by the service provider. This difference has far-reaching implications for the position of third-country nationals in the internal market.

This duality - liberalization of service mobility combined with national control over admission - creates a structural tension that pervades the entire field of labor mobility of third-country nationals.

As part of the Social dialogue for facilitation Intra EU Labour Mobility of Third Country Nationals in the EU MOBILE project, the national legal and political frameworks that regulate labor mobility and access to employment were examined, with a special focus on the position of third-country nationals and cross-border mechanisms that enable temporary labor supply. The analysis included six EU member states (Germany, Italy, Malta, the Netherlands and Poland, Spain) and one country in the enlargement process (Serbia). Country reports consistently show that labor mobility is governed by layered regulatory systems that include, at a minimum: immigration legislation (entry, residence, work permit), labor law (employment standards and protection), and social security rules.

Labor mobility of third-country nationals in the EU regulated by a legally sophisticated but operationally fragmented framework. EU law provides enabling principles, notably through the freedom to provide services and the coordination of social security. However, national admission regimes, labor law restrictions and administrative practices often prevent their effective implementation.

Although the surveyed MOBILE partner countries occupy various positions within the European labor mobility system, they share common structural challenges. In all cases, there is a constant mismatch between the formal channels of admission and the real needs of the labor market. Where legal avenues are unavailable, slow, or economically impractical, employers and households resort to alternative arrangements, including escrow, self-employment, hybrid contractual forms, or informal work.



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The selected countries adopt different legal models, but face common governance challenges related to administrative complexity, fragmented jurisdictions, and enforcement constraints.

This comparative analysis points to the need for reforms that strengthen coordination, align recruitment pathways with labor market needs, and ensure that worker deployment regimes are both functional for employers and protective for workers. At the same time, it identifies potential areas for political dialogue and reform, including:

- improvement of digital and centralized administrative systems.
- clarification and harmonization of the treatment of deployed third-country nationals in accordance with EU law; - improving worker information and access to complaint mechanisms

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