

CONSULTATION ON THE FAIR LABOUR MOBILITY PACKAGE

CEI-Bois contribution

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Introduction

Initiatives that facilitate labour mobility are in principle welcome. At the same time, we also recognise the challenges associated with this issue, including the potential for exploitation. Reducing bureaucracy at the EU level or in the way EU legislation impacts national legislation is desirable. Procedures should avoid excessive administrative requirements and should not impose unnecessary burdens on employers or hinder mobility.

Skills Portability Initiative

Efforts to enhance worker mobility through improved skills portability, transparency, and faster recognition of qualifications, both within the EU and from third countries, are welcomed. For non-regulated professions, a trust-based recognition approach is preferred, with formal recognition only when necessary. For regulated professions, the EU should further develop voluntary common training principles to facilitate mobility and address skills shortages.

Recognition of non-regulated academic and VET qualifications in one Member State does not guarantee recognition in another; thus, procedures should avoid excessive administrative requirements. Traineeships and aptitude tests should be regulated nationally but coordinated at the EU level to prevent undue burdens on workers, trainees, and employers. The European Commission, together with Member States and social partners, should prioritise regulated professions where common training principles can best support mobility.

Cross-Border Subcontracting

At the EU level, there is an emphasis on the requirement to limit the length of contractor chains. This requirement has been articulated in several initiatives within the European Parliament, where a report is currently being drafted on the subject. The issue is being examined in the context of several ongoing debates within the EU, among others within the framework of the upcoming revision of the public procurement directives. Such restrictions would contradict the principle of freedom to conduct a business, which is fundamental according to the EU Charter of Fundamental Rights. Any limitation or restriction to this right must be proportionate, necessary, and genuinely meet objectives of general interest.

Limiting cross-border subcontracting within the EU challenges the fundamental right to provide services as enshrined in the EU Treaties. Subcontracting is a common and essential business practice, enabling especially small and medium-sized enterprises, which form the backbone of our economy, to participate in complex projects across borders. Imposing restrictions, such as limiting the number of tiers or introducing blanket bans, would constitute a significant obstacle to the free movement of



services. A restriction on the length of the contractor chain would for many companies essentially mean a prohibition from conducting business, making it impossible for them to operate. Such measures risk undermining competition, disproportionately favouring larger companies, and reducing flexibility for businesses to respond to market fluctuations or labour shortages.

While concerns about labour exploitation and fair competition are legitimate, broad limitations on cross-border subcontracting are likely to conflict with EU legal principles. Any such restrictions must be carefully justified, proportionate, and designed to avoid unnecessary barriers. Instead of introducing restrictions that hinder companies' ability to grow and specialise, the focus should be on making it more difficult for companies that cheat, benefiting all market players.

ESSPASS

Regarding the ESSPASS, it would be helpful to get a more reliable system in place and more difficult to counterfeit.

Strengthening the Mandate of ELA

The European Labour Authority (ELA) is still a young institution, and its current mandate is in the early stages of implementation. Its effectiveness and efficiency must be improved before any extension of its mandate is considered. While ELA has made progress in supporting labour mobility, facilitating cooperation between Member States, and conducting joint inspections, its operational capacity and impact remain limited.

Prematurely expanding ELA's mandate risks overextending its resources and creating overlaps with existing national and EU bodies. The focus should be on maximising the potential of the current mandate, enhancing information provision, supporting national authorities, and improving cross-border enforcement where necessary. Strengthening ELA within its existing framework will allow it to build credibility, demonstrate added value, and address identified inefficiencies.

The priority should therefore be to consolidate and optimise ELA's operations, ensuring it can fulfil its present responsibilities efficiently and transparently.

Conclusion

In conclusion, CEI-Bois emphasises that fair labour mobility is best supported through proportionate and well-targeted measures that strengthen the proper use of existing instruments, reduce unnecessary administrative burdens, and respect the freedom to conduct business. Such an approach will help ensure a competitive and fair internal market for both workers and employers.