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September 2026

Protection of Mobile Migrant Labour in the European Single Market

*Facilitating a counselling and support network
for mobile migrant labour*

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Executive summary

Mobile migrant labour – here defined as EU citizens and third-country nationals (hereafter TCN workers) who take up work in another Member State for a limited period – constitutes not a marginal phenomenon, but a structural and economically significant segment of the single market workforce. In 2024 alone, close to 6 million PD A1 certificates were issued for posted and multi-state workers, and a further 650,000 to 850,000 intra-EU seasonal workers were active across the EU (European Commission 2025d, 2026b). Posting transactions alone have been valued at some 280 billion euros (Muñoz 2023), and the sectors in which mobile migrant labour is concentrated – construction, road transport, agriculture and long-term care – are of strategic importance to the European economy.

This economic weight stands in stark contrast to the (sparse) practical protection these workers enjoy. Decades of research shows that a significant proportion of mobile migrant labour experience conditions below the standards formally guaranteed by EU and national law. Moreover, structural barriers – such as language, unfamiliarity with host-country systems, economic dependence on the employer and, for TCN workers, the coupling of work and residence status – prevent them from asserting the rights they nominally hold. While the EU has built a dense, well-funded architecture of support for individual businesses navigating the internal market – the Enterprise Europe Network alone commands an annual budget of some 50 million euros – no comparable structure exists for workers seeking to exercise their fundamental freedoms. When it comes to practical, individual-facing support and direct assistance, free movement of workers remains – this paper argues – the weakest served of the four freedoms.

The current institutional landscape does not close this gap. EURES is oriented towards job placement rather than support with rights compliance and the equality bodies under Directive 2014/54/EU do not provide individual legal counselling and only assist EU workers exercising their right to free movement, no other categories of mobile workers. Your Europe Advice is generalist, remote and not embedded in sectors and regions where mobile migrant workers are concentrated. A working model does exist, however. The German project *Faire Mobilität* and its European counterpart the Fair European Labour Mobility Network (FELM) deliver low-threshold, multilingual and trade union-anchored counselling. FELM annually reaches some 1,400 workers across eight

countries, although reliance on successive rounds of project-based funding has kept it geographically and financially constrained.

This paper argues that the European Labour Authority (ELA) could become the natural institutional anchor for consolidating and scaling this model of low-threshold counselling for mobile migrant labour into a permanent, EU-wide counselling and support network. It examines the ELA's current mandate under Regulation (EU) 2019/1149 and finds that direct, individual-facing counselling forms part of neither its scope nor its core activities.

Three institutional options for closing this gap are assessed: direct provision by the ELA itself (model A); the funding of fully external networks (model B); and a hybrid model in which the ELA facilitates and finances a network of locally embedded counselling points through an intermediate organising tier (model C). Weighed against the principle of conferral, the requirement of *effet utile* and the Meroni doctrine, model A would require far-reaching amendments to the founding Regulation and sits uneasily with the ELA's design as a supporting and coordinating body assisting Member States. Model B could plausibly proceed under a teleological reading of the existing mandate, but risks fragmentation without a coordinating third actor. Finally, model C offers the most balanced combination of durability, quality assurance and legal proportionality, and is the option this paper recommends.

None of the three models requires a thorough legal rewriting of the ELA's founding Regulation. Targeted amendments to Articles 2(a), 4(a) and 5, together with clarifying recitals and, for third-country-national and seasonal workers, the extension of personal scope, would suffice to situate the ELA's supporting role in this field beyond legal doubt. The Commission's Fair Labour Mobility Package, expected in the second half of 2026, provides a concrete vehicle for such amendments.

Our recommendations are based on the notion that tailor-made and autonomous forms of protection of the interests of the «weakest party» are required. They are intended to feed directly into the process of drafting this package, with the caveat that legislative clarity alone will not suffice. The corresponding financial, organisational and staffing commitments must follow in step if the envisaged network is to become operational.

1. Introduction

This paper examines how the European Union can close a gap in the protection of mobile migrant labour, namely, the absence of a structure by means of which mobile migrant workers can obtain low-threshold, trustworthy, cross-border counselling and support in the enforcement of labour standards and workers' rights. It is to be fed into the debate surrounding the Commission's Fair Labour Mobility Package, expected in the second half of 2026, which is set to include a proposal for strengthening the European Labour Authority (ELA) and reviewing its founding mandate (European Commission 2025b).

The point of departure of the analysis is a closer look at mobile migrant labour, defined as persons who take up work for a limited period in a Member State other than the one they normally reside in, whether as posted workers, intra-EU mobile or seasonal workers, or cross-border mobile or posted TCN workers. Section 3 establishes the scale and economic significance of mobile migrant labour in the single market; traces the asymmetry between the depth of EU market integration and the comparatively underdeveloped protection afforded to the workers who sustain it; and documents why the resulting compliance gap constitutes not only a rights deficit but a threat to the fair functioning of the internal market.

Section 4 turns to the practical response: it identifies the information and counselling needs of mobile migrant labour; sets out the design principles a European counselling and support structure would need to meet; surveys the existing institutional landscape – EURES, the national equality bodies, and Your Europe Advice – and shows why none of these instruments meets those needs. It then examines the Fair European Labour Mobility Network (FELM) as a successful approach to the kind of trusted, low-threshold counselling that is required, while identifying the structural funding constraints that presently limit its reach.

Section 5 argues that the ELA could become an appropriate institutional anchor for consolidating this model at EU level, based on the substantive affinity between the ELA's mandate and the objectives such a network would serve, while also directly confronting the limits of the ELA's current mandate. Section 6 examines, in turn, three institutional models for facilitating such a network through the Authority: direct provision by the ELA, external funding and a coordinated hybrid model. In Section 7 we review the models from a legal perspective against the framework

governing the ELA's mandate, followed in Section 8 by basic notions of the legislative amendments each model would require. Section 9 synthesises the analysis and situates the resulting recommendations within the legislative timeline of the planned Fair Labour Mobility Package.

The analysis draws on primary EU law – in particular, Regulation (EU) 2019/1149 establishing the ELA – together with Commission evaluations, studies, institutional position papers and academic literature on labour mobility and EU agency design. Throughout, the paper adopts the interpretive method of EU law – wording, context, purpose and, where relevant, drafting history – applied consistently to the question of how far the ELA's existing mandate can support the network proposed, and where that mandate would need to be strengthened if the Authority was to facilitate such a European Counselling Network for Mobile Migrant Labour.

2. Mobile migrant labour and the single market

Mobile migrant labour in the EU

Mobile migrant labour may be regarded, in many respects, as embodying the European ideal: these workers cross internal borders, transcend cultural and linguistic barriers, and, despite all the obstacles, contribute to intercultural exchange, the mobility sought within the EU and economic growth. One could therefore argue that they give tangible form to the original European idea of a single market without borders, characterised by cooperation and economic integration. By doing so they are key to the European economy, with a strategic importance stressed by the European Commission (European Commission 2026a).

While a reliable quantification of workers falling within the scope of mobile migrant labour is rendered structurally difficult by the absence of a single, harmonised data source and a lack of uniform legal or statistical definitions (De Wispelaere 2025: 28; Fenwick 2022), available fragmented data show the significance of this group, which has increased greatly over recent decades (De Wispelaere 2025: 19–20; European Commission 2026b: 83–109). According to the European Commission, intra-EU labour mobility is larger than often perceived (European Commission 2026b: 16). Around 10 million working-age EU movers and 20.8 million working-age TCN workers resided in EU/EFTA countries in 2024 (ibid.: 36).

Short-term EU mobility is an increasingly important form of intra-EU mobility that involves a large proportion of mobile migrant labour. While exact data remain scarce, trends show a continuous rise in such short-term mobility (ibid.: 99–101). At the same time, research indicates that short-term mobile workers have an increased risk of working on temporary contracts and in low-skill occupations (ILO 2025; IRES 2024; Zwysen and Akgüç 2023). While there are no exact figures on free movement-based short-term mobility, research suggests that this mobility type makes up a sizeable proportion of the 1.5 million people moving from one EU Member State to another each year (Zwysen and Akgüç 2025: 50–51).

Looking at the Commission's report on Portable Document A1 (PD A1) for reference year 2024 – an important data source with regard to posted mobile migrant labour

available at EU level – close to 6 million PD A1 certificates were issued by the competent institutions of the EU/EFTA Member States and the United Kingdom (European Commission 2025d: 18–22).¹ The report estimates that approximately 2.25 million people were posted under Article 12 and a further 1.43 million carried out work in two or more Member States under Article 13 of Regulation (EC) No 883/2004 in 2024 (ibid.: 35, 44). This includes TCN workers posted from one EU country to another (ibid.: 37, 45). It is important to underline that the PD A1 procedure captures only those mobile workers whose situation was formally notified, and the report acknowledges that the actual number of workers involved is likely to be significantly higher (ibid.: 17, 30).

To these figures can be added an estimated 650,000 to 850,000 (some sources count up to 4 million) intra-EU seasonal workers active in the Union, a category for which no harmonised legal definition exists at EU level and who constitute one of the least identifiable groups of short-term mobile workers in the EU (European Commission

Mobile migrant labour

*For the purposes of the present analysis, **mobile migrant labour** is defined as persons seeking and carrying out work for a limited period in a Member State other than the one they normally reside in. This category encompasses posted EU citizens, intra-EU mobile and seasonal workers, as well as posted and cross-border mobile TCN workers, often working under precarious conditions. Not included in this definition are frontier workers with permanent residence in one Member State who regularly commute for their work to another, and EU citizens who emigrate, seeking permanent residence and a career abroad, thus becoming completely embedded in the labour market of the host state. This distinction is of considerable practical importance because mobile migrant labour faces structural difficulties that arise specifically from the temporary character of their presence in another Member State and the regulatory framework that applies to their employment situation.*

¹ A revision of the rules governing the PD A1, concluded in 2026, introduces mandatory prior notification and at the same time an exemption to the notification obligation for very short postings (up to three days) for most categories of worker.

2026b: 105–107; Carrascosa Bermejo and Contreras Hernández 2025: 137–138).

Although its absolute weight in the EU labour market remains modest, taken as *pars pro toto*, posting under Article 12 of Regulation (EC) No 883/2004 amounts to the equivalent to approximately 0.2 per cent of total employment when expressed in full-time equivalents (European Commission 2025d: 38). At macro level, posting transactions were estimated to amount to approximately 280 billion euros in 2017, equivalent to some 27 per cent of overall intra-EU trade in services and roughly 10 per cent of intra-EU manufacturing trade (Muñoz 2023: 247). The Commission explicitly recognised the importance of temporary posting of workers within the EU in its Single Market Strategy of 21 May 2025 (European Commission 2025a: 14).

The economic significance of mobile migrant labour considerably exceeds what its numerical weight in employment statistics alone would suggest. Moreover, as the data show, the impact is much higher in some key sectors. The sectoral contribution of mobile migrant labour is concentrated in industries of strategic importance for the EU economy, namely, the construction sector, road freight transport and the long-term care sector. The construction sector alone, for example, accounts for approximately 9 per cent of EU GDP and provides some 18 million direct jobs (European Commission n.d.).

Mobile migrant labour operates at the very interface of the free movement of workers, freedom of establishment and freedom to provide services (Cremers 2016). As such, the rights for (mobile) workers and their effective protection enshrined in the EU *acquis* and the Charter of Fundamental Rights of the EU are of fundamental importance for and inseparable from the proper functioning of the single market. Against this background, the European Commission has announced the launch of a Fair Labour Mobility Package in 2026, which will include, among other things, a *»proposal for strengthening of the European Labour Authority (ELA) including reviewing its mandate«* (European Commission 2025b: 15–16). The present analysis is intended to feed the debates that will lay the foundations for that package.

Protection of mobile migrant labour in the single market

The situation of mobile migrant labour in the EU reflects an asymmetry between market integration and social protection, which have not advanced in step. The free movement of workers belongs to the founding architecture of European integration: Article 48 EEC (now Article 45 TFEU) conferred on Member State nationals the right to take up employment in other Member States, coupled with a prohibition of discrimination on grounds of nationality (Cremers 2016: 150). This embodies a choice understood not merely in economic terms but as a vehicle of political integration (European Parliament 2025).

But while the Delors-era drive to dismantle barriers to economic activity (European Commission 1985) gave the social *acquis* a temporary boost, by the late 1990s priority had shifted decisively to *»competitiveness«* and *»free trade«*, leaving common protective standards to lag behind the market-opening agenda (Cremers 2016: 151; Scharpf 2010). The consequences are most visible in terms of labour mobility: successive enlargements brought together markedly divergent wage levels (Darvas 2024); the Court's reasoning in *Laval* (C-341/05) and *Viking* (C-438/05) subordinated the protective dimension of the European Social Model to market logic; and posting under Directive 96/71/EC became an avenue for exploiting wage differentials, giving rise to the phenomenon referred to as *»social dumping«* (Bernaciak 2015; Cremers 2016: 153, 156–157; Van Nuffel and Afanasjeva 2018).

Labour market frictions led in September 2017 to a clear statement by Jean-Claude Juncker, then acting President of the European Commission: *»It is absurd to have a Banking Authority to police banking standards, but no common Labour Authority for ensuring fairness in our single market«* (Juncker 2017).

The broader constitutional framework established by the Treaty of Lisbon, in particular the horizontal social clause of Article 9 TFEU and the binding force of the Charter of Fundamental Rights of the European Union, provided a foundation on which the European Parliament, the Council and the Commission jointly proclaimed the European Pillar of Social Rights (EPSR) at the Gothenburg Social Summit on 17 November 2017. The Pillar sets out twenty principles and rights as a compass for a more social Europe, in which the provision of fair working conditions for mobile labour in the EU occupies a central place.

The subsequent creation of the European Labour Authority (ELA) in 2019 by Regulation (EU) 2019/1149 marked a decisive institutional step towards strengthening workers' rights in cross-border situations and giving operational substance to the Pillar in the field of labour mobility (Cremers 2020). Most recently, the Von der Leyen Commission, together with 25 Member States, the European Parliament and the European social partners, renewed this commitment in the Declaration on *the Future of the European Pillar of Social Rights*, adopted at La Hulpe on 16 April 2024 (the *»La Hulpe Declaration«*). The Declaration reaffirms the Pillar as the guiding compass for EU employment and social policy and announces, among other things, a revision of the Action Plan and measures to foster fair and effective labour mobility across the European Union.

It can be concluded that the EU is aware of the need to take concrete steps towards rebalancing the relationship between market integration and social protection. Compliance control and enforcement were enhanced through joint inspections and other forms of cross-border cooperation of national institutions (Blauberger and Heindlmaier 2025). However, an accompanying social policy that would pro-

vide practical and direct support against the risks that the opening of labour markets generates for those most directly exposed is missing.

The extent of this gap becomes apparent against the background of the support the EU extends to enterprises with transnational ambitions. Firms, and small and medium-sized enterprises in particular, do not navigate the internal market unaided: through the Enterprise Europe Network (EEN) and additional instruments funded under the Single Market Programme (SMP) (Regulation (EU) 2021/690), the Union provides them with structured, cross-border information, advice and assistance, backed by substantial and stable budgets. The EEN, launched in 2008, helps SMEs reach other Member States and navigate EU legislation, rules and formalities through local contact points across the Union, with an annual budget of approximately 50 million euros and additional funding for networking and capacity building.² Labour exercising free movement rights, by contrast, enjoys no comparable, individual-facing support structure at Union level.

This imbalance is evident in the very architecture of the relevant funding instrument. The SMP, the first integrated financial instrument dedicated to the functioning of the internal market, with an overall envelope of approximately 4.2 billion euros for 2021–2027, contains substantial budget lines for single-market-oriented provisions. They include the Enterprise Europe Network and the operation and development of the internal market in goods, services and financial services.

Conspicuous by its absence, however, is a budget line designed to support mobile migrant workers and guide them through critical situations they might encounter while exercising this mobility. Measured against the stated purpose of the programme – whose general objective encompasses protecting and empowering not only businesses but also the public and consumers – the omission is difficult to justify. It also characterises the Commission's proposal for the successor Single Market and Customs Programme (SMCP), foreseen with a financial envelope of 6.24 billion euros (European Commission 2025e). In terms of practical, individual-facing support, the free movement of workers thus remains the weakest component of the continuous implementation of the four freedoms.

This has serious consequences. Mobile migrant labour remains, by virtue of its temporary and cross-border nature, particularly vulnerable, constituting a risk not only to the individuals involved, but also to the functioning of the single market.

The need for action: mistreatment of mobile migrant labour as a threat to the single market

Precarious conditions, rights violations and exploitation are neither anecdotal nor marginal for mobile migrant labour in the EU. More than two decades of empirical and academic research show that a significant proportion of cross-border workers experience conditions below the standards formally guaranteed by EU and national law (BMFI 2026; Cases et al. 2026; FRA 2019; Gottlieb and Niediek 2026). Recent scholarship frames this precarity as institutionalised, shaped by the legal architecture of cross-border employment itself (Bogoski and Costamagna 2022; Bruzelius and Seeleib-Kaiser 2023) and by demand-driven recruitment pathways externalised to a largely unregulated intermediary industry that seeks systematically to undermine compliance and enforcement (Cremers 2026).

The risks are unevenly distributed, concentrated in sectors with structural features – such as labour intensity, reliance on subcontracting, seasonality and low union density – that favour abusive practices, notably construction, agriculture, forestry, food processing, hospitality, cleaning and domestic work (European Parliamentary Research Service 2025). The temporary, cross-border character of the hiring arrangements leaves such workers »under the radar« of national enforcement (Akgüç and Zwysen 2025; Heindlmaier and Kobler 2023).

Individual and arrangement-level factors deepen this exposure, including unjustified employment placement costs, language barriers, unfamiliarity with the host-country legal system, economic dependence on the employer – often reinforced by employer-provided accommodation – and, for irregular workers, fear of detection and deportation (European Parliament 2022; FRA 2019). For TCN workers, the coupling of work and residence permits adds a structural dependence on a single employer that sharply curtails any realistic option of exit (ELA 2025a), while posting, subcontracting chains, labour market intermediaries and bogus self-employment further obscure liability and compliance obligations.

The cumulative evidence thus permits a robust conclusion, namely, that the structural vulnerability of mobile migrant labour in the EU is well documented. It is distributed across multiple sectors and categories of workers, rather than being confined to exceptional or isolated cases. It too often leads to precarious working and living conditions as a result of non-compliance, circumvention or violation of labour

² The overall budget for the period 2025–2028 is 182.5 million euros; see: <https://een.ec.europa.eu/system/files/documents/2024-05/Info%20session%202024%20EEN%20call.pdf>. The reporting of the EEN is not transparent with regard to the total number of individual SMEs assisted in cross-border work; see: <https://een.ec.europa.eu/news/enterprise-europe-network-impact-report-2022-2025-out>.

Another, related initiative is the European Cluster Collaboration Platform, which supports the organisation of cross-border matchmaking events bringing together SMEs. The Platform is funded under the SMP with an annual budget of 2.5 million euros. Some 30 Euroclusters were launched – with a budget line of 42 million euros from the SMP – to support, among other things, the internationalisation of SMEs (see European Commission 2024b). In addition, the multi-annual work programme for 2026–2027 includes a budget line (03.0202) for »Improving the competitiveness of enterprises, particularly SMEs, and supporting their access to markets« in the amount of 137,739,923 euros (C(2025) 8895 final).

standards and the exploitation of mobile migrant labour.

The rights infringements and abusive practices are not only of social but also of economic concern. They generate substantial costs for the proper functioning of the internal market itself: social dumping and abusive practices distort competition between undertakings established in different Member States, undermine the financial sustainability of national social security systems, and trigger downward pressure on labour standards across the internal market (European Parliament 2016; Cremers 2016; European Commission 2025a).

Undertakings that comply with the relevant labour, social-security and posting rules are put at a systematic disadvantage by operators that lower their costs by circumventing the rules; underpayment, evasion of contributions and abuse of posting and subcontracting arrangements translate directly into (abnormally) low tender offers. Where such practices remain unsanctioned, the advantage accrues to the non-compliant, while law-abiding actors are progressively undercut and, in the longer run, may be driven from the market altogether. Effective enforcement of the rights of mobile migrant labour therefore not only serves the interests of individual protection but also those of compliant undertakings. A level playing field depends on observance of the rules by competitors. This is also underlined in the mandate of ELA (see, for example, Recitals 5 and 8 of Regulation (EU) 2019/1149).

Moreover, persistent substandard treatment of mobile migrant labour erodes trust in free movement as a foundational principle of the internal market. This may fuel political contestation in which labour mobility based on free movement as such, rather than its abuse, is presented as the problem (Ferrera and Pellegata 2018).

Effective enforcement of labour mobility rules is therefore fundamental, and not merely supplementary to the proper functioning of the internal market itself. Failure to enforce the rules on cross-border labour mobility not only infringes workers' rights but also undermines the single market itself. While the Commission's Single Market Strategy is clearly leading the way to a further deepening, focusing on deregulation and removing barriers, it should do more to underline the importance of creating fair labour mobility with sufficient protection for the workers involved (European Commission 2025a). This strategy must therefore include action to improve compliance with workers' rights and practical support for particularly vulnerable mobile migrant workers.

3. Supporting mobile migrant labour through individual counselling

Information needs of mobile migrant labour

The EU Treaties contain a number of general principles that are incorporated in the EU Charter as fundamental rights. In particular, the aim is to ensure a minimum level of social justice and to overcome asymmetries in contractual relations between individuals, for example, in employment contracts, with regard to which intervention is required in order to guarantee equality and social justice to the weaker party. EU social policy is partly premised on the understanding that workers – as complainants – are the weaker party on the labour market, owing to the power imbalance vis-à-vis employers.³ Specific and robust protection is needed in proceedings in which the weaker party's autonomy might be infringed by the stronger party. The *acquis* addresses this through enforcement of rights, transparency of information and controls on unfair behaviour and practices, alongside longstanding concerns about compliance with labour standards.

As already described, mobile migrant workers are, regardless of the basic protection afforded by the current legal framework, too often deprived of such rights in practice. A key factor underlying this gap between theory and practice is the failure adequately to enforce compliance with the rules already in place (Belgian Presidency 2024; Cremers 2018). In response, the EC has increasingly prioritised the promotion of enforcement in the area of EU labour mobility (European Commission 2021).

To date, the Commission has concentrated its efforts on improving public enforcement, mainly by facilitating the cooperation of state inspectorates and assisting controls with a cross-border dimension. Its principal instrument has been the creation of the European Labour Authority (ELA) in 2019, whose statutory objective, under Article 2 of Regulation (EU) 2019/1149, is to help to ensure fair labour mobility across the Union (Belgian Presidency 2024: 13-17). The dimension of *individual* enforcement – that is, the capacity of workers themselves to assert and vindicate their rights through complaints, claims and legal proceedings – has, by contrast, remained largely untouched by the Commission.

As already mentioned, the relevant research is unequivocal in its findings that mobile migrant labour faces profound

obstacles to the individual enforcement of rights. This is compounded by language barriers, unfamiliarity with host-country legal systems, ignorance of or difficult accessing options for redress, economic dependence on the employer – frequently aggravated by employer-provided lodgings or recruitment debt – fear of deportation in cases in which TCN workers are recruited on false pretences, and a deep-seated distrust of state institutions. The result is a serious enforcement gap that persists even where formal legal protection exists (European Parliament 2022; FRA 2024).

Consequently, both a feasibility study commissioned by the ELA on an EU-level labour mobility helpdesk and the European Commission's evaluation of the ELA have underlined that many mobile workers are demanding more – and trustworthy – support in the form of tailored individual counselling and direct help with critical issues connected to their rights and legal situation (ELA 2025b, Annex 1: 14–15; European Commission 2024a: 77–78). An assessment report published by the Belgian Presidency of the EU Council on ELA shortcomings confirmed this (Belgian Presidency 2024: 51–54).

As for the type of assistance sought, areas of concern include housing conditions, administrative formalities, taxation, social security, health-care entitlements, working conditions, remuneration and access to legal counselling on rights derived from EU and host-country law (ELA 2025b, Annex 1). In light of the need expressed by mobile migrant workers to tackle potential risks with regard to workers' rights, the European Commission should aim to facilitate more effective support for the workers concerned.

Towards a European counselling and support structure for mobile migrant labour

The task is thus to identify good practices that might meet the need for support identified above. The question is how can the Commission reach its objective of establishing a dedicated European framework for first-line counselling and support for mobile migrant labour, especially in relation to their labour and social rights (European Commission 2024a: 77–78)? One measure already mentioned to overcome the prevailing enforcement gap would be the

³ Employment contracts are subject to special jurisdiction rules in the Brussels I bis Regulation. The Regulation states that in relation to employment contracts, the weaker party (the employees) should be protected; see Recital 18, <https://eur-lex.europa.eu/eli/reg/2012/1215/oj/eng>.

creation of an operational infrastructure capable of facilitating workers' access to the legal protections nominally available to them (ELA 2025b: 12; and Annex 1: 14–18).

Such a framework must, first and foremost, operate in close proximity to the workers concerned and through actors whom they recognise as trustworthy. Research has consistently shown that mobile migrant labour, given their mistrust of government institutions identified by various studies and their precarious dependence on employers, will seek advice only where a relationship of confidence has been established (European Parliament 2022; FRA 2024; ELA 2025b: 12). Such confidence presupposes that counselling is oriented towards the addressees' own interests and operates independently of state control and enforcement structures. This condition is of particular weight for TCN workers with insecure residence status, who must be able to seek advice without fear that it might be bound up with inspection or sanctioning functions. Trade unions and equivalent intermediary bodies with an established presence in the relevant sectors and regions are therefore the natural carriers of such counselling.

Local counselling hubs should offer low-threshold, individual and multilingual counselling and support for mobile migrant workers, providing information and unencumbered advice in an individualised format, paying particular attention to persons in precarious employment and working in the sectors most exposed to abuse. To carry this out reliably, counselling points require genuine labour and social law expertise and acquaintance with the sectors, mobility patterns and legal frameworks relevant to their target groups, as well as a level of staffing that permits professional exchange on each point. Given the specific procedural requirements and liability risks attached to the provision of formal legal advice and to representation before court, the counselling should not operate as a substitute for formal legal representation.

The objective is to lower the entry barrier to the enforcement of individual rights, to enable workers to identify, intelligibly and in accessible language, whether their situation involves a violation of rights, what their options are, what low-threshold action can be taken and where qualified out-of-court or, if needed, legal support may be obtained. In this sense, the necessary arrangements would address precisely those obstacles to individual enforcement – informational, linguistic and relational – that current provisions have neglected, thereby giving practical effect to the rights already guaranteed – at least formally – to mobile migrant labour.

Moreover, the proposed arrangements must combine local embedding with European networking and coordination. Local embedding is indispensable to ensure that counselling services are accessible in sectors and regions in which mobile migrant workers are concentrated. European net-

working, for its part, is required to address the inherently transnational character of the questions arising: posted workers' entitlements, seasonal workers' social security affiliation or third-country nationals' residence status cannot be assessed without reference to the applicable EU law and the legal order of all the Member States involved. Solely national counselling will in most cases fail to capture the multilateral dimensions of the issues at stake.

For the same reason, the arrangements should be coordinated centrally. Such coordination is what makes a network more than merely a loose set of funded counselling points: it supports joint transnational casework, the continuous building and professionalisation of counselling capacity, and the integration and development of new partners. Two other functions in particular cannot be discharged at the local level. First, central coordination is necessary to guarantee a common standard of quality across counselling points, through shared methodologies, training and supervisory mechanisms. Second, a central architecture is a precondition for an upward flow of anonymised case information from individual counselling action to the EU level. Such a flow would, in turn, materially contribute to closing the identified data gaps, providing EU institutions with a stronger basis for evidence-based policymaking, and for the monitoring and risk analysis that current investigations do not yet provide.

Existing institutional support landscape in the EU (and its limits)

Several (government) institutions provide mobile migrant labour with information in one way or another in relation to intra-EU labour mobility.⁴

→ The European Employment Services network EURES, established under Regulation (EU) 2016/589, functions to facilitate cooperation between the Commission, the ELA and Member State public employment services. Its core mandate is the matching of jobseekers with vacancies across the EU and the provision of information on living and working conditions in host Member States, as well as helping undertakings or workers to tackle issues of job placement abroad (Belgian Presidency 2024: 21–23). While EURES performs a valuable function in matching labour supply and demand across the EU and in disseminating general information on living and working conditions, its design renders it structurally unsuited to meeting the counselling needs we have identified. Its mandate is oriented towards job placement and the provision of generic, pre-mobility information, not towards individual counselling on rights violations arising in the course of an actual employment relationship. Moreover, posted workers are explicitly excluded from the scope of the EURES network. Besides, its institu-

⁴ Exclusive support activities to help cross-border firms are not treated here.

tional embedding in Member State public employment services situates it within precisely that framework of state institutions that mobile migrant workers – and thus TCN workers in precarious situations – tend to approach with some reservations.

→ The equality bodies active in the field of free movement of workers, established under Article 4 of Directive 2014/54/EU, are allocated the task at Member State level of providing independent legal and other information to EU workers and their family members in the exercise of the rights conferred by Article 45 TFEU and Regulation (EU) 492/2011. These bodies are dispersed across various ministries and government institutions, which sometimes makes it hard to find the right one. Most such bodies provide only an email address.⁵ Their putative clientele are EU citizens exercising free movement, and their activities are designedly embedded within the institutional landscape of the host Member States. Besides the difficulties involved in accessing them, their limitations are fourfold. First, under the terms of Article 4 of Directive 2014/54/EU, personal scope is confined to EU workers and their family members exercising their rights under Article 45 TFEU. Posted workers and TCN workers, who constitute a significant share of mobile migrant labour, fall outside their remit.⁶ Second, they only provide general information and referral services – no individual legal counselling. Third, implementation across Member States is markedly uneven, with substantial variation in terms of institutional form, mandate and resourcing. In several Member States, indeed, the equality bodies lack a clear legal mandate to perform the full range of tasks foreseen by the Directive or operate without dedicated funding for the freedom-of-movement remit (Equinet 2021: 10–12, 26). Finally, the equality bodies' proximity to or integration in national state structures can diminish mobile migrant workers' willingness to trust them, as explained above.

→ Your Europe Advice is a service operating on behalf of the European Commission and delivered by an external network of legal experts. It provides individualised but fairly generic written responses to questions concerning EU rights from citizens and businesses across the EU, spanning the full breadth of internal market law and without a sectoral focus on mobile labour. The capacity of Your Europe Advice to meet the needs of mobile migrant workers is limited in several respects. Besides being rather generalist in scope, the service attempts to cover the full breadth of internal market law, and is neither specialised in labour mobility nor anchored in the sectoral and regional contexts in which mobile migrant labour is concentrated. It operates remotely, through written enquiries submitted via the Your Europe portal,

and presupposes on the part of the user a degree of digital literacy, linguistic competence in one of the supported languages, and familiarity with the relevant legal categories that workers in precarious situations tend not to possess. It is, moreover, not embedded in trusted intermediary actors at the local level, and is therefore unlikely to reach workers whose distrust of formal institutions has been identified as a central obstacle to individual enforcement.

Notwithstanding the value of these structures – within their respective remits – none of them combines the proximity to the worker, trustworthiness through intermediary actors, cross-border legal scope, and centralised feedback mechanisms that the counselling architecture envisaged in the preceding section would require.

An example of long-term counselling structures

Services more tailor-made to mobile migrant labour are provided by the German project Faire Mobilität and its European counterpart the Fair European Labour Mobility Network, FELM (Belgian Presidency 2024: 49–50). FELM is a network of counselling centres operating in eight European countries – Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovenia and Serbia – the latter participating as a sending and EU candidate country. FELM is a consortium with an apparent trade union affinity. It provides individual, multilingual counselling for mobile migrant labour. The network counsels approximately 1,400 workers per year, with sectoral backgrounds that broadly mirror those identified at EU level as risk sectors for labour exploitation: construction, road transport, agriculture, the metal and electrical industries, and domestic care (DGB 2025a: 3; DGB 2025b).

The services delivered through FELM range from day-to-day informational support to first-line counselling, case accompaniment and structured cross-border action between counselling centres in sending and receiving Member States. The core of the counselling network is transnational case management, which requires the simultaneous involvement of counselling centres in sending and receiving states, the harmonised application of substantive standards across jurisdictions and the coordinated assembly of evidence under conflicting procedural deadlines. Counselling is provided mainly in the worker's native tongue, free of charge and independent of the public authorities. A key feature of FELM that distinguishes it from existing EU-level information services is its flexible, low-threshold character: counselling is delivered by trusted counsellors located within the sphere of work who, by virtue of their affinity

⁵ https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/working-another-eu-country/free-movement-eu-nationals/how-enforce-your-rights/bodies-promoting-equal-treatment-and-supporting-workers-european-union-and-their-family-members_en

⁶ Not treated here are the national websites dealing with posting of workers. Assisted by the ELA, these sites were reviewed and the information provided updated in recent years.

with trade unions and with the representation of workers' interests, are perceived as independent and trustworthy by workers in vulnerable situations (DGB 2025a: 1–3).

Proximity is not incidental but functionally indispensable. The bulk of counselling can be characterised as what this analysis terms barrier-free, zero-level counselling; in other words, well before any legal claim has arisen, in the form of basic outreach and information, contract reviews or initial enquiries about working conditions. Such early-stage intervention with the aim to reaching an out-of-court settlement enables the identification and rectification of breaches and irregularities before they escalate into complicated and protracted legal proceedings. This spares workers the burden of a contentious procedure, employers the costs of remedial action, and enforcement authorities the resources that would otherwise be expended on individual cases.

The network is structured around a two-tiered system. National counselling centres, hosted by trade unions or trade union-affiliated organisations in each participating Member State, provide the substantive counselling work and maintain the local presence required to reach mobile migrant workers. A central coordinating office connects these national centres through transnational workshops, professional exchanges, joint training and the development and safeguarding of common quality standards. The indispensability of central coordination is borne out by the operational logic of the cases referred to. Without a central coordinating function, the network would devolve into a loose constellation of bilaterally cooperating bodies, tackling isolated cases. The necessary coherence that constitutes its analytical and practical added value would be lost.

FELM as a transnational network is filling a gap. The coordination brings together first-hand knowledge from counselling centres about labour market developments, new strategies for circumventing regulations and structural problems in separate sectors. It is able to bundle, structure and visualise this knowledge.

The support is inherently labour-intensive and resource-dependent, presupposing multilingual capacity, the ability to cope with a high turnover of workers, and sustained outreach to a workforce that is often invisible and hard to reach. The traditional instruments of trade union work are ill-equipped to cope with these demands once a transnational dimension enters the employment relationship (Cremers 2023: 27). Financial considerations limit FELM's operating range. A lack of more structural funds (comparable to the German Faire Mobilität project that is guaranteed by the government for more than 10 years) obstructs consolidation into an EU-wide network. Since its inception, FELM has been financed through successive project-based funding cycles, most recently under the Fair European Labour Mobility framework and, from 2026, under the Fair Labour Mobility EU pilot project.

Project-based funding, by its nature, precludes structural investment in staff, training, infrastructure and continuity. Counselling centres operate under permanent resource uncertainty, recruit and train staff for time-limited engagements, and cannot build the long-term institutional expertise and memory that is constitutive of effective casework in a field characterised by complex subcontracting chains and recurring abusive practices. As the documented experience of project-based support structures across the EU confirms, only structural funding can secure the stable arrangements on which continuous, transnational casework depends; initiatives confined to a temporary project basis lack the fundamentals needed to sustain long-term activities (Cremers 2023: 14, 27, 29–30).

The European Commission has funded FELM over several project terms, facilitating its development and establishment. This reflects its recognition of the need for a transnational, EU-wide counselling network for mobile migrant labour. The structural analysis of cases handled by FELM counsellors generates detailed empirical evidence on emerging patterns of abuse, including letterbox structures, an understanding of complex subcontracting chains and sector-specific risk profiles. This data are, in principle, of considerable value to the EU and to national enforcement bodies for evidence-based policymaking. Based on the analysis conducted so far, it seems that the FELM concept can serve as a tailor-made model for meeting the support needs of mobile migrant labour. In its current configuration, which is still project-based, the network lacks the institutional infrastructure it needs to transmit this analysis systematically. It also lacks the funding resources to cover everything.

The Faire Mobilität model, financed by the German Federal Ministry of Labour and Social Affairs and the German Trade Union Confederation (DGB 2025a: 3), demonstrates that, with adequate and sustainable resources, counselling can function structurally and effectively.

4. Towards fair labour mobility in the single market – supporting mobile migrant labour through the ELA

We have seen that mobile migrant labour is not a marginal or transient feature of the single market but a structural segment of the EU's workforce, active in essential jobs. A significant proportion of these workers are exposed to precarious conditions, rights violations and exploitation, which the existing, fragmented and chronically underfunded support landscape is unable to address. As shown above, the free movement of workers, in terms of direct, practical and individual-facing support, is the most poorly served among the four freedoms. This affects the functioning of the single market for both workers and businesses.

The analysis based on extensive research on precarious mobile labour in the EU has confirmed the need to coordinate assistance on the ground with a flexible network. Assistance should be delivered by directly involved trade-union initiatives, chambers of labour, and migrants' own organisations. Such assistance is manifold, including tailor-made direct support and advice, capacity-building and empowerment. Supporting the establishment and consolidation of a European counselling and support network for mobile migrant labour, building on existing structures such as FELM, would be a major step towards addressing the most acute needs.

The institutional debate under way in the run up to the Commission's Fair Labour Mobility Package offers the European legislator an opportunity to correct the identified omission. One actor that could play an important role in this regard is the ELA.

The mandate of the ELA and its limits

The ELA was established in 2019 with the objective, set out in Article 2, of ensuring fair labour mobility across the EU. Its substantive tasks, conferred by Article 4 and detailed in Articles 5 to 13, include facilitating access to information on rights and obligations regarding labour mobility, supporting cooperation and information exchange between Member States, coordinating concerted and joint inspections, and conducting analyses and risk assessments on cross-border labour mobility.

The authority does not (and cannot) provide, or arrange for the provision of, individual-facing counselling. Its main addressees are the Member States, with the social partners as stakeholders. Direct contact between the ELA and individual victims of infringements and work-related breaches of

their rights is not explicitly foreseen in the mandate. Even in situations in which joint inspections and controls lead to the discovery of serious breaches, the consequences of signalled abuses for individual workers are not tackled directly. For instance, in case of underpayment individual workers must seek compensation or retroactive payment on their own.

The mandate designs the Authority as a supporting and coordinating body directed principally at the Member States and the Commission. The ELA's key function is to assist, facilitate and promote the cooperation of governmental, national enforcement institutions and other governmental bodies in the area of labour law and labour standards, social security and employment-related taxes, as well as to improve access to related information. The work of the ELA working groups (on information, inspections, mediation and undeclared work) reflects this. Thus, direct support of mobile migrant labour confronted with breaches and abuses of their working conditions is not a core activity in the current design and functioning.

The Commission-mandated assessment of ELA functioning concludes that the Authority has been moderately effective in improving access to information on rights and obligations, and that there remains a need for more tailored and practical guidance addressing workers' specific circumstances (European Commission 2024a: 77–78). In addition, research conducted by the Belgian Presidency of the Council of the EU on the shortcomings of the ELA and a feasibility study commissioned by the Authority itself on an EU-level labour mobility helpdesk identify, in convergent terms, the absence of individual-facing counselling for mobile workers as a key gap in the present architecture (Belgian Presidency 2024: 51–54; ELA 2025b, Annexe 1: 14–15).

Anchoring the counselling network at the ELA

Two considerations in particular can be adduced to argue for connecting the network to the ELA.

First, the ELA's mandate and the envisaged counselling structure share a substantive affinity: both are directed towards fair labour mobility and compliance with labour standards and legislation, including through providing and improving access to information, and address actors involved in labour mobility. A network of this kind would

strengthen the compliance control and enforcement of the rights conferred on mobile workers in the EU, therefore supporting the Authority's purpose.

Second, the proposed network could serve as the vehicle through which the need for more tailored, practical guidance is met, complementing EURES along a different axis of the mobility cycle. Where EURES supports recruitment, the network would support the worker once mobility has been realised and critical rights-based questions arise in practice.

The political mandate is equally well established: the La Hulpe Declaration of 16 April 2024, signed by the EU institutions, the European social partners and civil society representatives, expressly calls for »counselling and support for mobile workers« to be supported and identifies the forthcoming evaluation of the ELA as an opportunity to reflect on its development in this regard (La Hulpe Declaration 2024, para. 19). The Fair Labour Mobility Package thus provides a concrete legislative vehicle for structural facilitation of a counselling network for mobile migrant labour.

Following on from this, Section 5 examines how such an anchoring could be designed, and which of the available institutional models is to be preferred.

5. Institutional models to facilitate a counselling and support network at the ELA

As already mentioned, the ELA could be a suitable institutional anchor for facilitating a European counselling and support network for mobile migrant labour. This analysis now turns to the question of how such a network could best be facilitated. Three models can be distinguished: provision by the ELA itself (model A); the funding of a fully independent external network (model B); and a hybrid solution, a network of local and national counselling structures, organised in subregional clusters, with the Authority acting as facilitator and providing the common European framework (model C). This section describes the three models and weighs their operational advantages and disadvantages. In the next section their compatibility with the legal framework that governs the ELA will be assessed.

Model A: direct provision by the ELA

Under the first model, the counselling structure would be integrated directly into the Authority as a workers' help-desk. Its staff would form part of the ELA organigram and provide first-line counselling to individuals. Mobile migrant workers would thus approach the ELA directly to seek advice on their individual situations.

At first glance, this approach seems appealing. Funding would be established on a permanent footing as part of the Authority's regular budget; expertise on labour mobility, social security coordination and the cross-border dimension of employment law would be concentrated within a single institutional setting. The upward flow of case intelligence to the Union level would take place within a single institutional perimeter, without the need for inter-organisational data-sharing arrangements.

The disadvantages, however, are equally significant. The internalising of a counselling network with the requisite geographic and linguistic coverage would, foreseeably, exceed what the Member States and the budgetary authority are prepared to accommodate. The arrangement would sit uneasily with the ELA's institutional design, which deliberately situates the Authority as a coordinating body operating vis-à-vis Member State authorities rather than in direct contact with individual citizens. Also of operational concern is mobile migrant workers' characteristic lack of trust in state institutions.

The ELA in its current form is, moreover, rather distant from individual workers; considerable effort would be re-

quired to bridge the gap between service and addressee. Tailormade activities by staff possessing the necessary combination of legal expertise, language skills and local experience would be difficult to direct from a single location. And the ELA still has no decentralised structure, apart from a liaison officer in Brussels. Direct service provision would, finally, deprive the network of the adaptability that the heterogeneity of national legal contexts requires and would expose the Authority to liability arising from individual counselling encounters.

Model B: ELA funding of a fully external network

Under the second model, the Authority would not deliver counselling itself but would confine its role to financing delivery by independent actors, building on the experience of pilot structures such as FELM. The defining feature of this model is distance: substantive counselling work and the organisation of its delivery would rest entirely with external actors, while the Authority's involvement would be limited to financial support and, at most, light-touch coordination.

The Authority could support the structure through the Member States, with national authorities or designated bodies acting as intermediaries in the disbursement and accountability chain. This approach, however, carries significant practical drawbacks: it would not ensure the uniform governance needed to maintain a consistently high standard of counselling services, nor would it secure the independence of the services from public authorities. Alternatively, the Authority could provide the funding while entrusting responsibility for the establishment and further development of the networks to external operators or coordinating consortia. Under this model, the actual provision of counselling, the operational coordination of the network, its further development, the training and capacity-building of participating organisations, and the support of transnational casework would all be organised and delivered entirely outside the ELA, thereby avoiding the shortcomings identified above.

This model could establish the funding of more networks such as FELM on a structural, multi-annual footing, significantly softening the permanent resource uncertainty that project-based financing entails, while keeping the Authority at arm's length from the actual counselling. Proximity to workers and the relationship of trust that established inter-

mediaries command would be preserved because delivery would remain with actors already embedded in the relevant sectors and regions. The Authority's own exposure would essentially be confined to its contractual and monitoring relationship. Of the three models, this is the least demanding in terms of structures and ELA staff. Where a capable consortium takes on the coordination and binding function, a funded external network can therefore come close to delivering what the situation requires, at comparatively low institutional cost.

The corresponding weakness is the mirror image of that distance. Depending on the actual implementation of this model, central oversight, common quality management and the upward flow of case-based analysis may be difficult to secure, and the network could risk remaining fragmented; the added value over existing advisory structures, such as the equality bodies, could then prove modest. This risk materialises most clearly in the looser variant flagged above, in which funding is relayed through the Member States. This adds further complexity. This risks giving rise to a constellation of separately financed counselling points, each operating to its own standards, with the likelihood that the cross-border coherence that constitutes the added value of transnational casework would be lost. Furthermore, actors funded through the Member States, segmented by national interests and separate funding streams, would lack the institutional incentive to align in cross-border cooperation.

This problem would be further exacerbated by the fact that, under such a scenario, no coordinating entity would be established to ensure not only effective cooperation but also consistency, common quality standards and comparable requirements across the network. Based on the experiences of networks such as FELM, such cooperation is a prerequisite for successfully handling transnational case constellations. The dependence of individual advisory centres on national funding decisions would deepen the problem: their continued existence would hinge on the interests of the respective Member States, confirming the independence deficit already identified above, which weighs particularly heavily given the mistrust mobile migrant workers frequently harbour toward public authorities.

Accordingly, we argue that model B could succeed only if it includes a third actor ensuring cooperation and coordination between independent counselling centres.

Model C: hybrid solution – ELA coordination and funding for an autonomous network

The third model joins locally embedded counselling to European coordination through an intermediate, organising tier between the local counselling points and the Authority. Delivery would rest with external, locally embedded actors, with the Authority shaping a common European framework and facilitating cooperation between the networks. The in-

termediate tier can be configured in more than one way. It might take the form of a single external network organised at European level, which would carry out the network's organising and quality functions and work in close cooperation with a coordination team within the ELA.

Alternatively, it might comprise a cluster of several supra-regional networks, each organised along the mobility corridors and migration routes on which mobile migrant labour actually concentrates, rather than trying to fulfil the ambition of full geographic coverage. On this latter model, an established structure such as FELM could serve as the nucleus of a first supra-regional network, with further supra-regional networks developing over time around other mobility patterns. What matters for the model is not the precise format of the intermediate tier but the fact that an organising layer exists between delivery and the Authority, capable of holding the network together while keeping it close to practice.

Governance would then be organised across three levels with distinct roles. The local counselling points would deliver the substantive counselling work and maintain the presence required to reach mobile migrant labour. The intermediate tier, whether a single European network or clustered supra-regional ones, would carry out the tasks that depend on proximity and local experience: the integration of new counselling points, network development, support and supervision of the counselling points, coordination of transnational casework and quality assurance on the ground.

At European level, the ELA provides a common framework for cooperation by managing funding, developing common quality standards, facilitating exchange, capacity building and mutual learning, and supporting knowledge management. Operational coordination and network development remain with the supra-regional networks. The guiding principle is that the intermediate tier retains the necessary room for manoeuvre in order to respond to divergent mobility realities and national frameworks, while the Authority ensures a common European frame. The organising actors might, for instance, apply as (supra-regional) consortia – including coordination plus counselling centres – for tenders issued at the European level.

By tying locally embedded counselling to an intermediate organising tier and a European coordinating level, the model combines durability with flexibility: a structural, multi-annual footing and centrally secured quality assurance, on one hand, and room for the network to grow incrementally and adapt to divergent mobility realities on the other. Coordination, common standards and the upward flow of analyses based on case intelligence are built into the architecture. This ensures that the growing network remains coherent and feeds the empirical knowledge generated in counselling back to the EU level. An associated overall advisory group would anchor European actors – such as the ETUC, sectoral trade union federations and counselling

networks – in the structure, drawing on their expertise and embedding it in existing institutions.

These advantages come with certain trade-offs, however. The coordinating role calls for dedicated capacity, and the intermediate tier introduces an additional layer that would need to be resourced and made operational, potentially through new supra-regional clusters to be added over time. This architecture naturally takes more time to establish than a simple funding relationship: the tiers need to be built up, partners integrated and common standards developed for the network to reach its full effect. However, FELM's experience indicates that this approach is key to building a sustainable network.

6. Legal assessment of the models in terms of the ELA mandate

To assess the options properly, the three models treated in Section 5 must be measured against the framework that governs the Authority's mandate. This comprises, principally, Regulation (EU) 2019/1149, read together with the principle of conferral (Article 5(1) and (2) TEU), under which the Authority may act only within the competences the Regulation confers and may not arrogate new ones to itself, and the principle of *effet utile* (Article 4(3) TEU), under which secondary law is to be construed so as to render effective the Treaty rights it serves, here especially the free movement of workers (Article 45 TFEU) and the rights protected by the Charter of Fundamental Rights. To these must be added the Meroni limits on the powers that may be entrusted to an EU body, which permit the conferral of clearly defined executive and administrative functions but not wide discretionary powers affecting the rights of third parties, and other general legal concepts, including the liability and accountability of EU agencies.

The legal yardstick and the interpretive baseline

Three features of the current mandate establish the baseline for further assessment.

First, the Authority is conceived as a supporting and coordinating body: Article 1(2) provides that it «shall assist Member States and the Commission» in the application and enforcement of EU law on labour mobility and social security coordination. This formulation situates it in the architecture of public enforcement rather than that of individual advisory services. A distinction implicit in this formulation deserves to be made explicit. The supporting role the Regulation confers is, in its statutory core, directed toward the Member States and the Commission; Article 1(2), the Member-State-facing information tasks in Article 5(b)–(e), and the capacity-building tasks in Article 11 are all governmental in orientation.

Nevertheless, the individual-facing axis is not absent from the operative text: Article 5(a) directs the Authority to «contribute to the provision of relevant information on the rights and obligations of individuals» without the limitation to the Member States contained in the following points. While not at the centre of the Authority's mandate, a supporting role oriented toward non-state actors is embedded in the Regulation, namely in Article 5(a), the «relevant services» objective in Article 2(a), the cooperation with rele-

vant networks contemplated in Recital 16, and the bodies providing guidance and assistance to individuals laid down in Article 5(f). Which model incorporates this axis and to what extent it expands upon it will determine subsequent evaluation of the individual models.

Second, to the extent that the current mandate does touch on information intended for individuals, it limits its scope. The introductory sentence of Article 5 restricts the Authority to improving the availability, quality and accessibility of «information of a general nature». This therefore precludes individualised legal advice applying the law to a particular worker's circumstances. On the other hand, a line cannot always be drawn clearly between general information relevant to a case and individual advice, and Articles 5(e) and 5(f) indicate that the Regulation is amenable to information sources and services with which the Authority cooperates providing deeper guidance and assistance.

Third, the mandate is scope-bound in two further respects, examined below, covering a closed list of EU acts (Article 1(4)) and the persons subject to them (Recital 13). And rests constitutionally on Articles 46 and 48 TFEU.

In what follows the models are examined against the legal background in order then to assess whether there might be any need for amendments in the legal framework if the models were to be implemented.

Model A: direct provision by the Authority

Model A is the most exposed, because it tasks the Authority with providing direct counselling of individuals. This puts the assisting-and-coordinating role laid down in Article 1(2) under strain. The Feasibility study on establishing a help desk for labour mobility at EU level, commissioned by the ELA in 2025, states that «nowhere in ELA's founding Regulation can be found an explicit and indisputable mandate for ELA to directly, and especially not on its own, establish a front-line service» (ELA 2025b, Annex 2: 12). More decisively, the limit on scope in the introductory sentence of Article 5 means that counselling delivered by the Authority itself would have to confine itself to general information, which is not compatible with low-threshold, case-oriented counselling.

Under the current Regulation, model A is thus caught in a dilemma between being legally compliant but functionally

inadequate or being functionally adequate but legally exposed. It also increases the legal exposure of the ELA; the Authority would itself be the user-facing actor bearing liability risks and responsible for counselling data.

In terms of the distinction drawn above, model A thus does not represent a supporting role for the Authority but rather its replacement by direct provision, which is why it alone resists a teleological solution. Establishing model A on a secure footing would accordingly require the most far-reaching, categorical amendments, impinging on the very architecture of the Regulation by confirming that the Authority may itself provide information directly to individuals, beyond information of a general nature, while preserving the boundary with formal legal advice and representation. Such extensive intervention sits uneasily with the kind of revision envisaged.

Model B: funding of a fully external network

Model B is to be found at the opposite end of the spectrum and could – depending on the structure chosen – plausibly be implemented under the current mandate within the framework of a broad teleological interpretation. Under this model the Authority would provide neither counselling nor substantive coordination; rather it would finance provision by independent actors. The concerns regarding the supporting role of ELA that can be raised against model A do not arise equally because the register is made available to provide advice and support to bodies acting independently and on their own responsibility. In other words, this is exactly the configuration Article 5(f) already contemplates in respect of the Directive 2014/54/EU bodies. This applies in particular where support is routed through the Member States. For the reasons set out in Section 5, however, this option is not considered a viable means of achieving the intended objectives.

Where the Authority directly funds a network that advises individuals, the limit imposed on the nature of the information (“general information”) also has a limiting effect on which services may be funded.

Any concerns about institutional role are likewise attenuated because funding an external network is merely facilitative rather than direct engagement with individuals. The positive basis for this lies in Article 5, read together with Article 2(a).

Article 5(a) directs the Authority to «contribute to the provision of relevant information on the rights and obligations of individuals» and imposes no limitation on the support that Member States may provide. Read together with the objective laid down in Article 2(a) of facilitating access «to relevant services», which is not confined to signposting a service that already exists, and given that no adequate first-line counselling service for this population presently exists at EU level, this supports a reading of the mandate as permitting the provision of support and funding for an external network sufficient to establish and sustain it. Oth-

erwise, the objective of fair labour mobility is frustrated precisely where the need is greatest.

This reading is reinforced by Recital 16, directing the Authority to «cooperate in other relevant Union initiatives and networks», and by the text overall, as long as the substantive limits of the mandate are observed. The principle of conferral is respected because the Authority assumes no new competences, and Meroni is satisfied because grant-making against defined criteria entrusts no wide discretionary power affecting individual rights. This teleological reading should be advanced with some caution, however.

As can be seen from an examination of the legislative history, the mandate has deliberately been kept narrow, in the sense of an «operational» rather than a supervisory Authority, established without any transfer of competence from the national level, and with a majority of Member States favouring the very designation «agency» to signal that the role of the Authority would be confined to supporting them (Blauberger and Heindlmaier 2023). But while this history confirms the supporting-and-coordinating conception on which models B and C rest, it also indicates that the text should not be construed too expansively.

The one genuine constraint applies to the more direct funding variants and follows from the anti-circumvention rule stated plainly in the feasibility study: the Authority «cannot outsource more than it is authorised to do on its own» (ELA 2025b, Annex 4: 14). Procurement and grants may not be used to make the Authority the de facto provider of advice it could not itself give; this would amount to an indirect extension of its mandate contrary to the principle of conferral. A legitimate funded network is a genuinely independent intermediary to which the Authority facilitates access, rather than an instrument of the Authority. Furthermore, the substance of what is funded must remain within the limits of the mandate.

Even so, model B would benefit from careful clarification within the Authority’s mandate to enhance legal certainty. The most cost-effective approach to this would be a recital confirming this interpretation and expressly focused on the support and financing of such a network. Beyond that, and depending on the design of the network, the clarifications discussed for the other models apply correspondingly.

Model C: a coordinated network

Model C sits between models A and B. Like model B it keeps delivery – and thus the scope of advice – with independent intermediaries, but it deviates from it in adding an active coordinating and quality-assuring role for the Authority, which brings it somewhat closer – albeit only moderately – to the substance of the work and therefore raises the question of compliance with the mandate. Like the directly funded variant of model B, it builds on the individual-facing axis embedded in the

Regulation. However, it goes further than any of the external models, in that the Authority not only finances the network but actively ensures its operations. This is why a targeted operational change, rather than merely a clarifying recital, would be the right way of ensuring that this falls within the scope of what is supposed to be the Authority's supporting role.

The decisive feature, both legally and operationally, is that the Authority's role can be confined to financing and facilitating the network, with its supporting function at the centre, so that there need be no direct contact between the Authority and individual workers.

Such a limitation matters on three counts: (i) it keeps the model within the assisting-and-coordinating conception of Article 1(2); (ii) it reduces exposure in terms of data protection because the personal data generated in the course of counselling remains with counselling structures, while the Authority handles only the anonymised, aggregated case intelligence that lies at the margins of its analytical remit under Article 10; and (iii) it aligns with the interests of the Member States and with the Authority's conceptual design as a supporting institution, a body that, in its practice to date, has operated chiefly to coordinate and connect national actors rather than by acting upon individuals directly (Blauberger and Heindlmaier 2023).

There is one qualification, however. Because the Authority is not permitted to fund a network whose purpose is to do more than it could itself, the »of a general nature« restriction laid down in the introductory sentence of Article 5 also applies to model C, in so far as the aim of the network is to advise individuals. This brings it a little closer to model A, though the difference remains decisive – the Authority itself does not advise individuals directly. Model C would nonetheless benefit from a specific amendment establishing that the Authority may take on the task of establishing and coordinating such a network in a supporting capacity.

The cross-cutting questions of scope

A number of questions arise in similar terms in relation to all three models and concern the breadth rather than the depth of what the network may do.

Regarding personal scope, the closed list of EU acts in Article 1(4), underlined by Recital 13, extends the Authority's activities to third-country-national workers only in so far as they are »legally resident in the Union«; workers under other arrangements, such as TCN workers in an irregular situation or seasonal workers under Directive 2014/36/EU (which Article 1(4) does not list) fall outside it. These categories of mobile migrant labour are often extremely vulnerable and in need of low-threshold counselling. A tar-

geted extension of personal scope is advisable, so that support reaches all affected mobile migrant workers, irrespective of residence status in so far as their situation raises labour or social-security law issues. This is already on the institutional agenda.

The Commission's evaluation of the Authority of 26 May 2025 expressly lists the Authority's role vis-à-vis TCN workers among the targeted modifications that could strengthen it, noting that activities to support the recruitment or labour-market matching of non-EU nationals to companies within the EU are not presently covered by the Founding Regulation (European Commission 2025c). The European Parliament already went further in its Resolution of 18 January 2024, calling for an expansion of the mandate to cover labour mobility for TCN workers, with a particular focus on ending bogus posting and bogus self-employment, on the ground that the Authority is recurrently confronted with the working conditions of TCN workers to whom the relevant labour legislation applies (European Parliament 2024). The ETUC, too, in its position on the review of the mandate, argues that the increasing intertwining of EU labour-mobility and labour-migration rules calls for an extension of the Authority's scope to include, in particular, the Seasonal Workers Directive 2014/36/EU (ETUC 2023). Such an extension would both serve the network's work and respect the constitutional division of competences, because it would apply to these workers only in so far as their situation raises labour or social security law questions and would not draw migration law into its remit.

A cautious approach is warranted with regard to the substantive scope of application. The Authority's remit covers labour mobility and social security coordination; migration law is the significant exception as none of the legal acts laid down in Article 1(4) apply to it. The limitation is in part constitutional rather than merely statutory: the Regulation rests on Articles 46 and 48 TFEU, whereas national migration arrangements fall under Article 79 TFEU and remain a Member State competence. A broad extension into migration law would thus overburden the intended revision and conflict with the Regulation's legal basis.

Two refinements nonetheless matter for the network.

First, the Authority's remit already extends to relevant national implementing law, where a listed EU act is implemented nationally. This is significant because the counselling needs of mobile migrant workers typically involve concrete questions of national implementation rather than abstract questions of EU law.

Second, it would be sensible to keep the network's thematic focus on labour and social security law issues and the ancillary matters connected with them. This is because a moderate expansion of the closed list in Article 1,

para 4, to include such ancillary matters is the maximum that the proposed revision allows, and because this focus best aligns with the substantive scope of the Authority.

Result: the need for amendment as a function of design

It follows that whether, and to what extent, the founding Regulation must be amended is not a single question with a single answer, but dependent on the concrete design of the chosen solution. For model B, solutions without changes to the legal basis are conceivable, based on a broad teleological reading of the mandate, the individual-facing formulation of Article 5(a), the opening up of Article 2(a) towards »relevant services«, Recital 16, and *effet utile*, with the proviso that the substantive limits of the mandate are respected in the design of possible grants. Even here, legal certainty would be strengthened through tailored adjustments to the mandate. Model A requires the most extensive and categorical amending, for the reasons set out above. Model C, as the middle path, would benefit from targeted amendments that are less far-reaching than model A would require, confirming the Authority's task of establishing and supporting the network in a supportive capacity, without entailing direct contact with workers. Across all three, questions of personal and substantive scope arise and point towards the same measured adjustments, for which the institutional groundwork has already been laid.

7. Possible targeted amendments

The legal assessment outlined that the necessity and scope of amendment are a function of the chosen design. In this section we identify the provisions that would be affected and the nature of the intervention each would require.

Provisions related to individual counselling

Two provisions form the core of this strand: the tasks laid down in Article 4(a), which channels the Authority to »facilitate access to information«, and the information mandate laid down in Article 5, whose introductory sentence confines such activity to information »of a general nature« and whose point (a) frames the Authority's contribution as »the provision of relevant information«. The objective in Article 2(a) – facilitating access [also] »to relevant services« – and the cooperation aspect in Article 5(f) complete the relevant regulatory framework.

Under model A the relevant intervention is operational in nature and affects three provisions. In Article 4(a) and the introductory sentence of Article 5 the provision governing the Authority's information role would be broadened beyond mere »facilitation of access«, for instance, by having the Authority »provide counselling and facilitate access to« information rather than merely facilitating access to it. In the introductory sentence of Article 5 the scope could be broadened: the words »of a general nature« might be supplemented with a provision allowing for guidance tailored to individual situations, combined with an explicit reservation that formal legal advice and judicial or extrajudicial representation remain the responsibility of the relevant authorities. Article 5(a) would be strengthened in the same way, so that the Authority's role would essentially consist of providing individuals with information and guidance, in addition to its existing contribution to the provision of relevant information. A new recital would set out the rationale – the *effet utile* of Article 45 TFEU and the obstacles to individual enforcement – so that the expansion of the scope is understood in light of its limited purpose.

In contrast, under model B, models without operational changes are conceivable, and the more streamlined the design, the less intrusive the intervention needs to be. What would be advisable is a recital that basically confirms that, in order to achieve fair labour mobility, the Authority may support and finance the provision of information and counselling to individuals through independent networks, with-

out itself entering into direct counselling relationships. This reading could be anchored in the individual-facing formulation of Article 5(a), the »relevant services« objective of Article 2(a) and the networks contemplated in Recital 16. If greater clarity is desired, a brief clause could be added to Article 5(a) confirming that the support may also include the promotion and funding of individual counselling provided by independent entities; here, too, the restriction »of a general nature« would need to be adjusted for the reason stated under model C.

Under model C, the intervention would be targeted and lies somewhere between models A and B. The baseline route is the more streamlined. It would work through the provision already directed at individuals, Article 5(a), which would be adjusted to incorporate the Authority's support for the provision on information and, because the network is supposed to advise individuals concerning their own situation, the qualifier »of a general nature« in the introductory sentence of Article 5 would be adjusted in line with it, by deleting or qualifying those words while preserving the reservation for formal legal advice and representation. In addition, Article 5(a) could be amended to include support for a counselling network for mobile migrant workers. To further enhance legal certainty Article 4(a) could be amended to explicitly include the promotion of such a network among the Authority's tasks, for instance by having the Authority »facilitate the provision of counselling and access to information« rather than only »facilitate access to« it.

These operational adjustments would be accompanied by a recital that essentially describes the Authority's coordination of and support for an external counselling and support network for mobile migrant workers, so that the preamble explicitly states its supporting role and the permissible scope of its activities. Another variant would, in addition, introduce a dedicated provision in the body of the Regulation – a new point in Article 4 or a clause in Article 5 – naming the task of establishing, financing and ensuring the operation of such a network in a supporting capacity, without the Authority itself entering into direct contact with individuals.

There are two additional aspects to this model. If the upward flow of analyses based on case information is to be a designed-in feature rather than an incidental byproduct, a clause or recital attached to Article 10 – whose analytical mandate is otherwise focused on statistical data collected in collaboration with Member States and the

social partners, with only the reference in Recital 20 to contributions from SOLVIT and »similar services« extending beyond this framework – would confirm that the Authority may receive and process aggregated, anonymised information generated by the network for risk analysis. Such a change lies at the margins of the existing mandate and would not create any new investigative competences. If an associated steering or advisory body is established, it could be regulated either through a governance clause in Article 16ff or as a non-statutory advisory agreement. This is a matter of formalisation rather than competence.

For models B and C, Recital 16 is the obvious place for a further interpretive step. The list of initiatives and networks set out there should specifically be expanded to include a counselling and support network for mobile migrant labour, so that the interpretation regarding »cooperation and coordination« is based on an explicit recital rather than on a conclusion. Recital 7, which deals with improving access to information for individuals, is another starting point where the rationale should be set forth at the level of the preamble.

Provisions bearing on scope

For all models, two questions arise regarding scope of application, both of which concern the same provisions: the exhaustive list of EU legal acts in Article 1, para 4, and the personal scope of application defined by this list in conjunction with Recital 13.

With regard to personal scope, the limiting element is the qualifier in Recital 13 restricting the coverage of TCN workers to those »legally resident in the Union«, reinforced by the closed character of Article 1(4). Two possible approaches are available that ideally should be combined. In Article 1(4), the gap with regard to seasonal workers would be closed by including Directive 2014/36/EU in the list of legal acts. For the broader category of third-country-national workers, extension cannot be achieved by adding a single legal act but would instead require a clarifying provision or recital specifying that the Authority's activities concern all workers in cross-border situations, irrespective of residence status, provided that their situation raises questions of labour or social security law.

As far as substantive scope is concerned, the decisive point is the closed formulation opening Article 1(4), »the following Union acts«, which, read strictly, excludes matters ancillary to but connected with the listed legal acts. The recommended intervention is not to expand the list to include adjacent areas but rather to convert the closed list into a non-exhaustive one, so that ancillary labour and social-security related matters are not excluded. This adjustment is subject to constitutional limitations. Because the Regulation is based on Articles 46 and 48 TFEU and national migration arrangements fall

under Article 79 TFEU, any expansion must remain confined to labour and social security law and ancillary matters. A recital could both clarify changes to the scope and state that the extended scope shall be without prejudice to the competences of the Member States.

The chosen design

According to our findings, any changes would depend heavily on the design of the network ultimately chosen; that is, on how far the Authority's role extends towards the individual, the institutional framework within which the services are to be delivered, and what is politically attainable with regard to the envisaged revision.

In addition, the legislature must decide whether it would prefer to reaffirm an interpretation that the existing text already permits or to explicitly enshrine the Authority's activities regarding such a support network in a final legislative text. The former would ensure a restrained approach and aligns with the spirit of a mandate deliberately formulated in supportive terms; the latter would provide more legal certainty by defining the task in such a way that it cannot be challenged. That is the approach this article would recommend.

Whichever technique is adopted, a final point must not be overlooked. An amendment, however carefully drafted, would obtain the support of a counselling network only on paper. For it to take effect in practice, corresponding financial, staffing and organisational conditions must be created.

8. Conclusion

The point of departure for this paper is an observation with far-reaching consequences. Although mobile migrant labour constitutes a structural and economically significant segment of the single market workforce, it still lacks adequate individual-facing direct support comparable to the assistance the EU has long provided to businesses in the same market. This gap does not lie at the margins of an otherwise complete system of protection; rather, as this paper has shown, it is a persistent and well documented deficit that leaves formally guaranteed rights disregarded and unenforceable in practice for a significant share of the workers to whom they apply, with consequences that extend beyond the individuals concerned. These include the undercutting of compliant undertakings by rogue competitors and the undermining of the legitimacy of free movement and the single market itself.

- The existing institutional landscape – which includes EURES, the equality bodies under Directive 2014/54/EU and the portal Your Europe Advice – was not designed to be able to close this gap, and this paper has shown why each element falls short in a different respect.
- The experience of the FELM project demonstrates that there is an alternative that is neither theoretical nor untested, namely a trusted, low-threshold, trade union-anchored counselling model, which can and does work, reaching workers precisely where the traditional instruments of compliance control and enforcement cannot. What is missing is a sustained structural, institutional footing and long-term funding.

If such a counselling network is to be set up or facilitated through the European Union, the European Labour Authority could offer the necessary footing.

This would not be done, as this paper argues, by taking on individual counselling itself. Such a role would sit uneasily with its design as a supporting and facilitating body and would require the most far-reaching amendments to its founding Regulation. Instead, it would finance and enable a network of locally embedded, independent counselling structures, with networks such as FELM able to serve as its nucleus.

This hybrid model, assessed in detail in terms of the principle of conferral, the requirement of *effet utile* and the Meroni doctrine, combines stable, multi-annual funding with

the local flexibility and trust that only genuinely independent, sector-embedded actors can command. And it does so within a legal architecture that calls for sophisticated amendments, not wholesale reform.

The Commission's forthcoming Fair Labour Mobility Package offers a concrete legislative vehicle for such amendments. The straightforward changes identified in this paper – namely, to Articles 2(a), 4(a) and 5 of Regulation (EU) 2019/1149, accompanied by clarifying recitals and a targeted extension of personal scope to cover seasonal workers and TCN workers, irrespective of residence status – are modest in terms of legal drafting, but would be decisive in effect. They would put the Authority's supporting role in this area beyond legal doubt, at a moment when the mandate review already under way would make such clarification both timely and politically attainable.

The Fair Labour Mobility Package provides an exceptional opportunity to reinforce fair mobility and to strengthen the observance and enforcement of individual rights and labour standards for mobile migrant labour, for the benefit of the single market and all its participants.

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Friedrich Ernst is a lawyer in Berlin specialising in employment law, works councils and worker representation. He studied law in Heidelberg, Istanbul, Rotterdam and Berlin, holding a First and Second State Examination in Law as well as an LL.M. in International and European Law. His academic and professional background bridges national, European and international perspectives on human rights, (labour) mobility and social policy. He has served as a political advisor to the European Parliament in Brussels, notably for the Committee on Employment and Social Affairs (EMPL) with a particular focus on fair labour mobility, the coordination of social security systems and related legislative initiatives. This work involved sustained engagement with trade union organisations and their affiliates and with initiatives addressing the rights of mobile migrant labour.

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Protection of mobile migrant labour in the European single market

Mobile migrant labour constitutes an economically key segment of the EU workforce. However, decades of research show that such labour is often subject to conditions that are below the standards enshrined in EU and national law. Structural barriers, language, unfamiliarity with host-country systems, economic dependence on the employer and, for third-country-national workers, the coupling of work and residence status, hinder their assertion of these rights. While the EU has well-funded support facilities for individual businesses trying to navigate the internal market, no comparable structure of individual-facing direct support exists for workers who encounter rights violations and abuses. This paper argues that the European Labour Authority (ELA) could become the institutional anchor to turn the necessary low-threshold counselling into a permanent, EU-wide support network. As things stand, direct, individual-facing counselling does not form part of the ELA's scope or its core activities as set out in its mandate, under Regulation (EU) 2019/1149. Three institutional options could make good this shortcoming: direct provision by the ELA; funding of a fully external network; and a hybrid model with the ELA facilitating a network of locally embedded counselling through an intermediate organising tier. None of these models requires a thorough rewriting of the relevant Regulation. Targeted amendments with clarifying recitals might suffice to place the ELA's supporting role beyond legal doubt. The EU's Fair Labour Mobility Package provides an opportunity to bring this about.

Further information on the topic can be found here:

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