

**KU LEUVEN**

**HIVA**

RESEARCH INSTITUTE FOR  
WORK AND SOCIETY

# Posting of third-country nationals within the EU

## Facts & figures

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**LABOUR-INT III seminar “Supporting Migrants’ integration  
into the Labour Market”**

22 October 2025

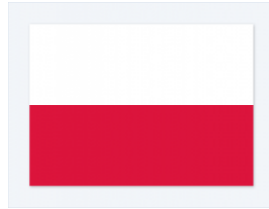
In 2023,  
third-country nationals (TCNs)  
accounted for, on average,  
**20%** of incoming posted  
workers within the EU.

\* Excl. Germany

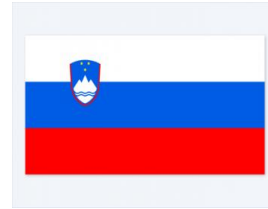
**Source:** Posting of workers - Collection of data from the prior declaration tools - reference year 2023

# A strong concentration within a number of ...

## Sending Member States



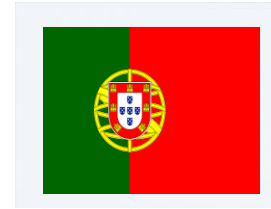
Poland



Slovenia



Lithuania



Portugal

## Receiving Member States



Austria



Belgium

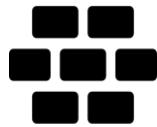


France



Germany ?

## Sectors of activity



Construction



Road freight  
transport

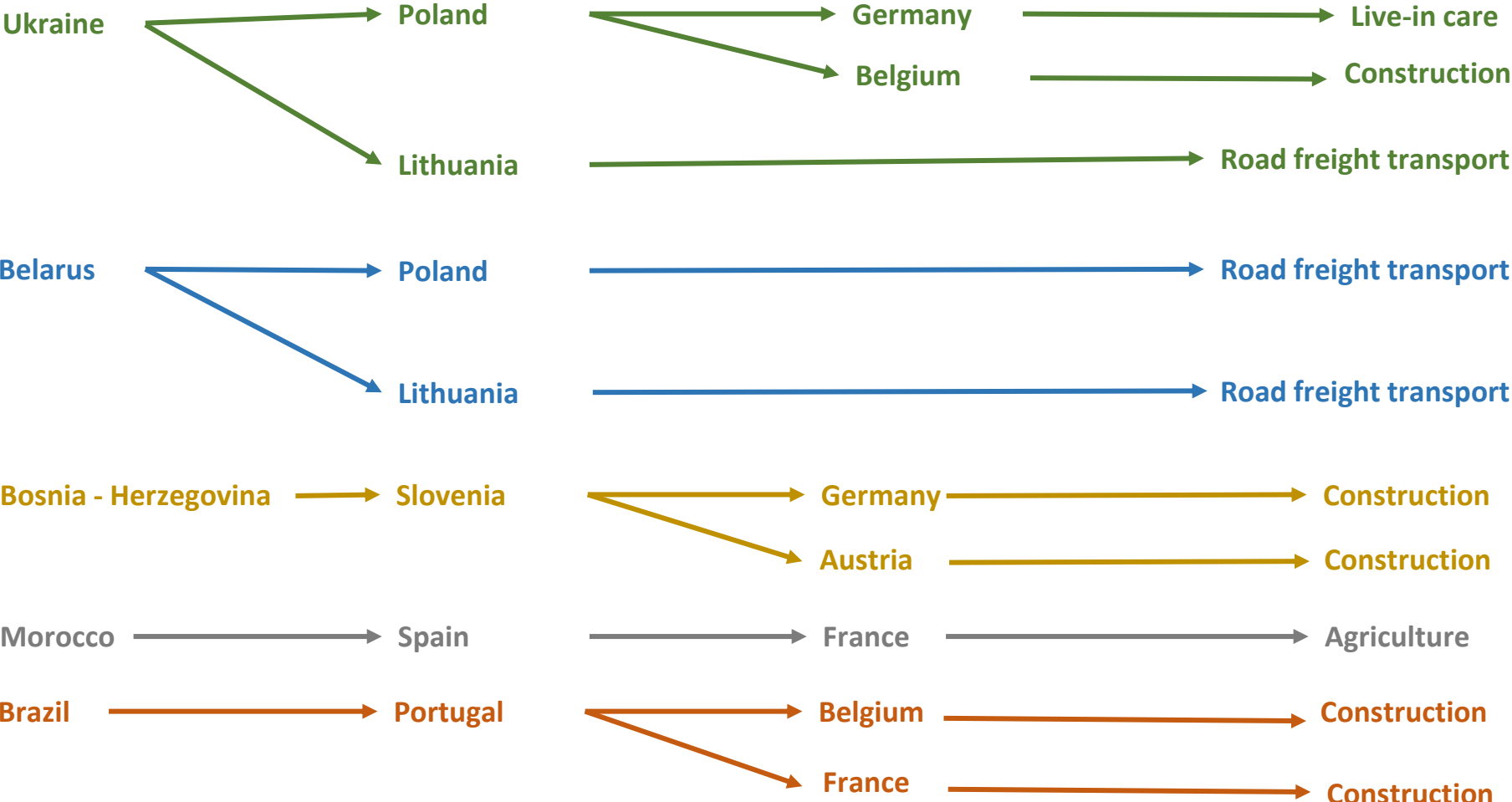


Live-in care



Agriculture

# Overview of some main routes ...



# Posting of TCNs to Belgium

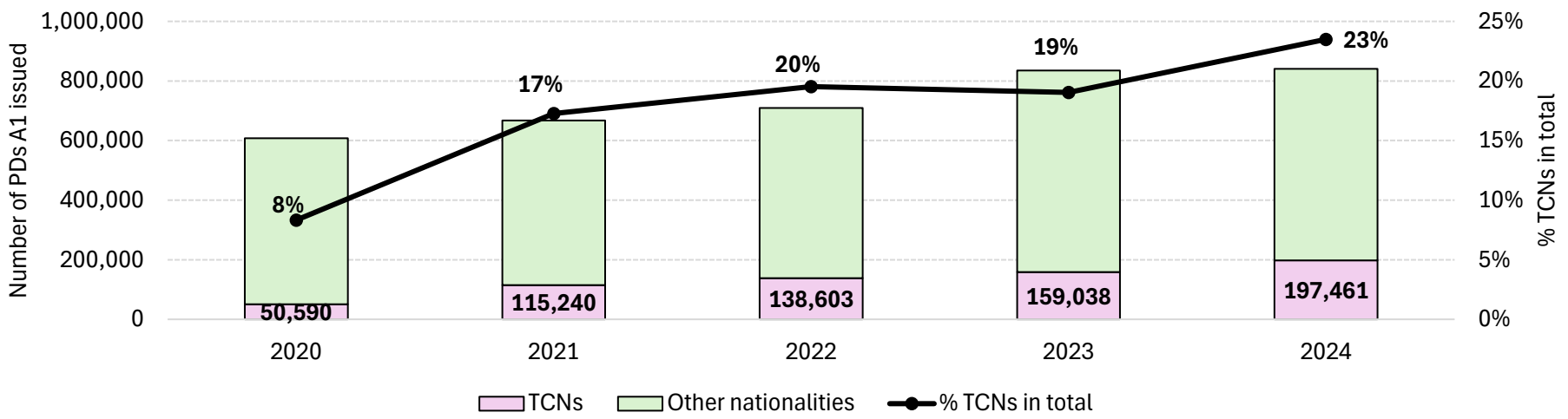
- *'Indirect posting of TCNs'* (from other MS to BE): one in five posted workers to Belgium;
- *'Direct 'posting' of TCNs'* (from a third country to BE): is less significant ( $\pm 4\%$ );
- The number of TCNs posted to BE increased in 2024 by 6% compared to 2023, despite a general decline in the total number of reported posted workers in LIMOSA (-2%);
- The number has quadrupled compared to 2016;
- A strong concentration in the construction sector;
- Posted workers from Slovenia, Lithuania, and Portugal are, to a very large extent, TCNs.

# How do TCNs enter the EU?

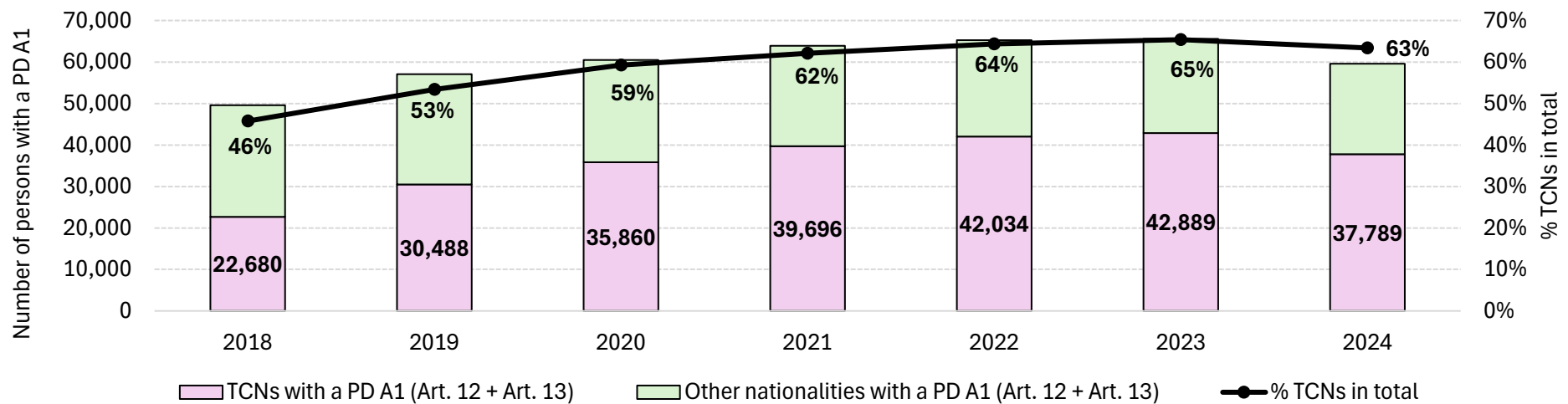
- **Poland:**
  - *First permit for employment reasons:*
    - 2021: 790 070
    - 2022: 447 225
    - 2023: 427 162
    - 2024: 337 874
  - *Declaration on entrusting work to a foreigner*
    - 2021: 1 979 886, of which 1 635 104 issued to UA
    - 2022: 1 040 338
    - 2023: 508 577
    - 2024: 428 188, of which 136 207 issued to UA
  - *Notification of entrusting work to a citizen of Ukraine*
    - 2024: 1 007 872 (in circulation)
- **Slovenia:** e.g.,
  - *Bilateral agreement on the Employment of Citizens of Bosnia and Herzegovina*
  - *Bilateral agreement on the Employment of Citizens of Serbia*

# Posting of TCNs: Is it a 'business model'?

Number of PDs A1 issued by Poland under Art. 12 & Art. 13, 2020 - 2024

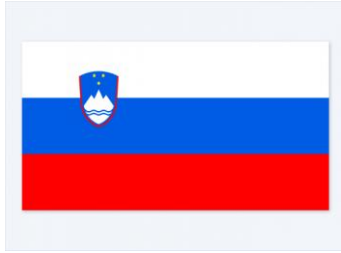


Number of persons with a PD A1 (Art. 12 & Art. 13) issued by Slovenia, 2018 - 2024



# Posting of TCNs: Is it a 'business model'?

## Sending perspective



**Slovenia**

### Overrepresentation

Overrepresentation of posted TCNs in total outgoing posted workers (**63%**) compared to the share of TCNs in the Slovenian labour market (**14%**)

**App. 4 out of 10 TCNs are posted**

Particularly in the **construction sector**



**Lithuania**

### Overrepresentation

109 899 driver attestations in circulation at the end of 2023. More than **70 %** of employed persons in road freight transport in LT.

Particularly in **road freight transport**

# Infringements?

- Letta report ‘Much more than a market’: *“Posted TCNs are a vulnerable group who run a higher risk of unfair, unhealthy and unsafe working conditions.”*
- In 2023, Belgian social inspection services conducted 7 759 investigations related to social dumping, identifying infringements of the posting rules in 3 429 cases, which corresponds to an overall infringement rate of 44.2%. The proportion was even higher in relation to posted TCNs, where **violations were found in roughly 60% of inspections.**
- Risks of double segmentation and dependence;
- Severe underpayments, OSH-risks, accommodation etc.
- Posting undertakings from Slovenia: a lack of substantial activities in Slovenia?
  - **‘Red flags’:**
    - 75% of all analysed Slovenian posting companies, earned almost all turnover from providing services abroad (99–100%);
    - 7% of the applications for a PD A1 under Art. 12 refused (reason: in 30% of the cases because of no substantial activities);
    - Shift from Art. 12 to Art. 13?

# Posted self-employed TCNs: the elephant in the room?

## Posted self-employed third-country nationals to Belgium in 2023



Posted self-employed reported in Limosa by nationality



From  
PL & SK  
→

From PT  
→

Top 10 nationalities	Number	% in column total
Poland	19 480	50.1%
The Netherlands	5 178	13.3%
Slovakia	2 937	7.6%
<i>Ukraine</i>	<i>2 010</i>	<i>5.2%</i>
Romania	1 007	2.6%
Czechia	977	2.5%
France	922	2.4%
Spain	572	1.5%
<i>Brazil</i>	<i>505</i>	<i>1.3%</i>
Bulgaria	447	1.1%
Other nationalities	4 840	12.5%
Total	38 875	100%

Why important? PWD not applicable -> risks of bogus self-employment

## Posted self-employed TCNs: the elephant in the room?

### **Are self-employed persons with third-country nationality allowed to post themselves?**

No, they are not. Self-employed persons without a valid passport from the EU, the EEA or Switzerland are not entitled to the free movement of services. Self-employed persons are not employed by an employer that has the right to post workers. It is therefore not possible for self-employed persons to post themselves, even if they are established in the EU, the EEA or Switzerland.

Source: <https://english.postedworkers.nl/employer/third-country-nationals>

See also *Commission Staff Working Document – Fitness check on EU legislation on legal migration (SWD(2019) 1055 final)*

# Posted self-employed TCNs: the elephant in the room?

## The policy on this appears to be more flexible in Flanders

### Dienstverrichting als zelfstandige in een andere lidstaat

Unieburgers of derdelanders die legaal in een andere EU-lidstaat verblijven, en die als zelfstandige dienstverrichter (= “iedere natuurlijke persoon, onderdaan van een lidstaat of rechtspersoon die gevestigd is in een lidstaat, mag zijn diensten aanbieden of verrichten in een andere Europese lidstaat.”) een dienst komen uitvoeren in België, zijn vrijgesteld van beroepskaart om die dienstverrichting in België uit te voeren.

Een vrijstelling van beroepskaart betekent niet dat je je verblijfsrecht in België niet in orde moet brengen.

### Dienstverrichting als zelfstandige Unieburger

Als de detachering als zelfstandige Unieburger minder dan 90 dagen duurt, val je onder [kort verblijf voor Unieburgers](#).

Als de detachering meer dan 90 dagen duurt, vraag je een [EU kaart](#) aan.

### Dienstverrichting als zelfstandige derdelander

#### Verblijfsrecht van minder dan 90 dagen

Als de detachering als zelfstandige derdelander minder dan 90 dagen duurt, val je onder kort verblijf. Je vraagt een [aankomstverklaring \(bijlage 3\) bij de gemeente, tenzij je hiervan bent vrijgesteld](#) (bv. bij verblijf in een hotel).

# Possible measures?

- Measures at European, national, regional and sectoral level;
- Content of *‘fair labour mobility package’*?
  - Posting of TCNs as ‘business model’: addressing the reality of *‘hired to be posted’*?
  - Limitation of subcontracting chains (in public procurement)?
    - The lower in the subcontracting chain, the greater the share of foreign companies;
    - The lower in the subcontracting chain, the greater the risk of infringements.
  - Define a minimum level of labour inspectors deployed in the fight against cross-border social fraud (including administrative tasks such as issuing the PD A1);
  - Access for national public administrations and the ELA to data that should support enforcement (e.g., Orbis);
  - Collection of data to facilitate monitoring (e.g., subcontracting (e.g., BE: ‘declaration of works’; enforcement data (e.g., BE)).



**Facts and figures on  
EU social security  
coordination**



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