



## **MoveS Webinar “Highly Mobile Workers in the EU”**

26 November 2021

*Funded by the*





## Prof. dr. Filip Van Overmeiren

Filip Van Overmeiren is a Professor at Ghent University and at Brussels University and Director within Deloitte Belgium. He is a lawyer and academic with about 20 years of experience in national and international social law, with a specialization in cross-border employment and international social security law and a specific interest for international coordination of social security, free movement of workers, posted workers and the social status of individuals. He has a broad network in both academia as well as within national and supranational institutions. He is a regular speaker at conferences with several publications regarding international employment.

# Agenda



Content	Timeslot	Presenter
Introduction	11:30 – 11:40	Prof. dr. Filip Van Overmeiren
Highly mobile workers vs free movement rules, incl. general social security and labour law aspects	11:40 – 12:00	Prof. dr. Jean-Philippe Lhernould
Social security coordination for highly mobile workers	12:00 – 12:20	Mr. Bernhard Spiegel
Results of the MOBILIVE study on highly mobile workers in the live performance sector	12:20 – 12:40	Prof. dr. Marco Rocca
Questions and Answers	12:40 – 13:00	Prof. dr. Filip Van Overmeiren

# Housekeeping rules



- Use the **Questions and Answers (Q&A) engagement** tool on the right side of your screen to submit your questions to our speakers.
- You can **upvote questions** that you find relevant.
- An **On Demand version** of the webcast will be available immediately after the webcast and can be accessed using the **same audience link** that was sent to you earlier.
- You can **download the presentation** by clicking on the download icon in the top-right corner of the screen.



# Introduction to MoveS

EU-wide network  
of independent legal experts  
in the fields of  
free movement of workers (FMW) &  
social security coordination (SSC)

# Key facts about MoveS



- Funded by the European Commission (DG EMPL units D1 'FMW' and D2 'SSC')
- 32 countries covered (EU/EEA/CH/UK)
- Implemented by Eftheia, Deloitte Advisory & Consulting, University of Ljubljana, University of Poitiers
- Four-year project (2018-2021)

# Objectives of MoveS



## Objective 1

- To provide high-quality legal expertise in the areas of FMW and SSC
  - by means of **Legal Reports**
  - by means of monthly **Flash Reports**
  - by means of **replies to ad hoc requests**

## Objective 2

- To disseminate expertise and increase experts' and practitioners' knowledge
  - by organizing **seminars**
  - by sharing **information**
  - by building **networks between stakeholders**

## Seminars and Webinars

- Ca. 10 one-day seminars a year
- Audience: Representatives of competent authorities and institutions, social partners, NGOs, judges, lawyers and academics
- Ca. 2 webinars a year

## Cooperation and networking

- MoveS webpage (EUROPA)

<http://ec.europa.eu/social/main.jsp?langId=en&catId=1098>

- MoveS LinkedIn group:

<https://www.linkedin.com/groups/4291726>





# Highly mobile workers in the EU

# Our speakers today



## Prof. dr. Jean-Philippe Lhernould

Jean-Philippe Lhernould is a Law professor at the University of Poitiers. He is a board member of French and European social law journals. He works as an external expert for the European Commission (DG EMPL).



## Mr. Bernhard Spiegel

Bernhard Spiegel is is Head of Division in the Austrian Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, where he is responsible for international social security. He is also a honorary professor at University of Salzburg.



## Prof. dr. Marco Rocca

Marco Rocca is a researcher at the French National Centre for Scientific Research (CNRS) with research interests in temporary labour mobility in Europe and labour law and social rights in EU economic governance. He has worked on various projects including MOBILIVE, which focuses on labour and social rights of mobile workers in the live performance sector.



# Highly mobile workers vs free movement rules, incl. general social security and labour law aspects

Prof. dr. Jean-Philippe Lhernould,  
University of Poitiers

# Who are they?



## Professional activities

- ✓ International road transport drivers
- ✓ Artists
- ✓ Researchers
- ✓ Consultants...

## Work patterns

- ✓ Activity performed simultaneously in several countries (e.g. road transport)
- ✓ or successively (e.g. artists)
- ✓ or alternately: border is crossed every day (frontier workers)

## Status

- ✓ Seasonal workers
  - ✓ Posted workers
  - ✓ Interim workers
  - ✓ Frontier workers
  - ✓ Platform workers
  - ✓ Employees / self-employed persons / both
  - ✓ multiple contracts or one single contract
  - ✓ One / several employers
- EU citizens or third country nationals

# Who are they?



“What differentiates such highly mobile workers from other mobile workers is that **their place of work is, in reality, immaterial**. It does not matter whether the means of transport on which they carry out their duties happens, at a specific point in time, to be in Hungary, Austria or Germany.” (case C-16/18, AG opinion, para 58”

“workers (and self-employed persons) **who, during the year, are active in several Member States** and whose employment in each of these Member States is **usually of (very) short duration**” (F. de Wispelaere and al., cross-border employment in the live performance sector”)

“They either **regularly cross borders** due to the nature of their work, work in multiple Member States, or **cross a border every day** in order to work in a Member State other than the one where they permanently reside”

**Common denominator: HMW have no legal existence as such**

# Typical issues: the workers' perspective (1)



What are my social rights (and duties)?

**Am I posted or not posted? The work pattern (several countries involved, many borders crossed...) makes it difficult to know**

- + difference between labour/social security posting...

**Which law governs my case?**

- Habitual place of work? Actual place of work? Substantial part of activity? Company's law? Law chosen by parties? Etc.

**Why is the law different for social security, labour (and tax)?**

**Are we sure rules applicable are respected? (are highly mobile workers outlaws?)**

## Typical issues: the workers' perspective (2)



What are my social rights (and duties)?

### **Will (and when) the applicable law change?**

- Additional administrative chores

### **Do I enjoy equality of treatment with « local workers »?**

- wages, working conditions, social security...

### **Are there negative consequences due to short periods of work in one country?**

- entitlement (social security)
- enforcement (equality of remuneration)

### **Problem of awareness?**

# Typical issues: the workers' perspective



Highly mobile workers and Covid-19

## **Restricted access to Member States: compliance with free movement of workers / free movement of services principles?**

- No border crossing without updated negative tests
- Luckily, many of them were “essential workers”

## **Social rights: the great ambiguity?**

- Working conditions
  - health & safety measure?
- Remuneration
  - Salary maintained? Back payments?
- Social security rights
  - Access to short-time work?
  - Access to healthcare? Access to free tests / vaccination?
  - That’s when issues arise that the identification of the legislation applicable becomes key!
- Living conditions (e.g. decent housing)?



# Typical issues: the employers' perspective



Complexity / ill-adaptation of cross-border mobility rules

## Identifying applicable EU rules

- posting? Interim? Free movement of workers/services? Specific rules for some activities (e.g. road transport, seasonal work, interim)? Labour/social security? Immigration requirements?

## Excessive administrative burden?

- E.g. PD A1s

## Gap between rules applicable and rules applied in practice?

- Natural attraction of the law of the country where company is established?
- Law “chosen” by the parties?

# Practical issues: the example of lorry drivers (1)



## How to calculate the remuneration due to a driver crossing the border ?

Several drivers concluded a contract for employment as international lorry drivers with a company established in Hungary. Owing to the rules on **cabotage**, those drivers crossed borders on several occasions

Under Hungarian law, workers are entitled to a **daily allowance (€34/€44 per diem)** for work carried out abroad

At the beginning of each period of “posting”, employer provided the drivers with a **declaration** certified by a Hungarian notary and a posting certificate from the French Ministry of Labour stating that **their hourly wages amounted to €10.40 per hour** (more than the French minimum hourly wage applicable to the road transport sector, €9.76 per hour)

**Drivers argued that they actually received only a monthly wage of €545 gross (€3.24 per hour).**

**As regards the difference of €6.52 per hour between the French minimum wage and the hourly wage received by those drivers, Rapidsped submits that it was covered by the amount of the daily allowance, because they were part of their wage**

## Practical issues: the example of lorry drivers (2)



**Must a daily allowance intended to cover expenditure incurred during the posting of workers abroad regarded as part of the minimum wage?**

**even though the daily allowance is intended to cover the costs incurred abroad by the posted workers, the lump-sum and progressive nature of that allowance seems to indicate that the purpose of that daily allowance is not so much to cover the costs incurred abroad by the workers, but rather to provide compensation for the disadvantages entailed by the posting, as a result of the workers being removed from their usual environment**

**+ it is not apparent that that daily allowance is paid in reimbursement of expenditure actually incurred, such as expenditure on travel, board or lodging**

= “a daily allowance, the amount of which varies according to the duration of the worker’s posting, constitutes an allowance specific to the posting and is part of the minimum wage, unless it is paid in reimbursement of expenditure actually incurred on account of the posting” (CJEU, 8 July 2021, Rapidsped)

**What about social security?**

# Concluding remarks



## What are stakeholders looking for?

**Predictable and uniform solutions / processes**

**Rules guaranteeing free movement**

- Free movement of workers, free movement of services

**Well-fitted rules for various cross-border work patterns**

- Coherent solutions with various work pattern(s)
- Continuity of legislation applicable

**Smooth (and light) administrative procedures**

**Thank you for your attention!**

# Our speakers today



## Prof. dr. Jean-Philippe Lhernould

Jean-Philippe Lhernould is a Law professor at the University of Poitiers. He is a board member of French and European social law journals. He works as an external expert for the European Commission (DG EMPL).



## Mr. Bernhard Spiegel

Bernhard Spiegel is is Head of Division in the Austrian Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, where he is responsible for international social security. He is also a honorary professor at University of Salzburg.



## Prof. dr. Marco Rocca

Marco Rocca is a researcher at the French National Centre for Scientific Research (CNRS) with research interests in temporary labour mobility in Europe and labour law and social rights in EU economic governance. He has worked on various projects including MOBILIVE, which focuses on labour and social rights of mobile workers in the live performance sector.



# Social security coordination for highly mobile workers

Mr. Bernhard Spiegel

Head of Division, Federal Ministry of Labour, Social Affairs, Health and  
Consumer Protection, Vienna

# Content



- Competence for highly mobile workers could be under general *lex loci laboris* rule, posting rule or rule for work habitually (normally) carried out in more than one MS (let us call that “pluri-activity”)
- Focus on employed activities; similar situation for self-employed persons
- Legal framework for posting or pluri-activities
- Cases decided by the CJEU
- Attempt to draw the borderlines
- Remaining problems



# Legal framework – Employed persons

# Posting of employed persons



A posted employed person remains subject to the legislation of the posting MS (Article 12 (1) of Reg. 883/2004) under the following conditions:

**One employer (who normally carries out his/her activities in the MS of establishment)**

**posts his/her employee who has been subject to the legislation of the posting state for at least one month**

**to work on his/her behalf in another MS**

**for not longer than 24 months**

**and who does not replace another previously posted person.**

# “Pluri- employed activities” – principles



A person who habitually pursues an employed activity in more than one MS ... (Article 13 (1) Reg. 883/2004) ....

**simultaneously or in alternation**

**for one employer or for various employers**

**is subject to the legislation of only one MS for as long as these activities continue**

**pays contributions there for the income gained in all MS**

**the competence has to be fixed by the MS of residence (also if no activity is exercised there) – based on presumed situation in the next 12 months**

**marginal activities (smaller than 5 %) do not count**

## “Pluri- employed activities” – competence



MS of residence of the employee if at least 25 % of the overall activities are exercised there (working time and/or remuneration), if this is not fulfilled

**MS in which the registered office or place of business of the sole employer is situated**

**MS in which all the (more than one) employers are situated**

**MS other than the MS of residence of the employee if more than one employer are involved and they are situated in the MS of residence of the employee and one MS outside the MS of residence of the employee**

**MS of residence of the employee if more than one employer are involved which are situated in more than one MS outside the MS of residence of the employee**

# Elements for drawing the borderline

# Borderline posting vs. “pluri- activities”



If the duration of the activity is

**permanent** → **“pluri-activity”**

**of an ad-hoc or temporary nature** → **posting**

overall assessment is necessary

**all relevant facts**

**place of work as defined in the employment contract**

# What is the exercise of an employed activity?



Employed activity depends on legislation where it is exercised

for employed persons: physical presence is required

**Home office: place where the work is exercised (could switch the competence)**

**lorry drivers: Seat in the lorry is place where the work is exercised**

**pilots and flight crew: fiction of the home-base (Article 11 (5) of Reg. 883/2004)**

**any presence? e.g. an Austrian employer seated in Salzburg (AT) gets a contract to build a house in the Tirol (AT); the building team is driven every day from the seat of the employer to the building site by using the motorway over the so-called “Deutsches Eck” (DE) – is this an activity habitually exercised in more than one MS? Has the ruling in C-16/18, *Dobersberger*, 96/71/EC an importance (no posting of the service personnel on international trains)?**

# Clarifications by the CJEU



## Cases decided by the CJEU which concern “pluri-activities” – (1)



### YES

A person acting as a trade representative of one employer and working each year 3 months at the place of the employer and 9 months in another MS (13/73, *Hakenberg*)

### YES

A person taking up a second employment for a short time in addition to the “standard” employment (musicians playing at an event in another MS) – “habitually” does not apply in case of a second activity (8/75, *Foot-Ball Club d'Andlau*)

### YES

A person employed by an employer established in a MS and working there but also some hours per week in another MS (supermarkets of the employer) (C-425/93, *Calle Grenzshop*)

### NO

The labour law contract states that the place of work is in various MS, but in reality work has always been exercised in only one MS (C-115/11, *Format I*) - ?retroactively or only pro futuro?

### YES/NO

A person acting as a skiing instructor in one MS while he/she is on leave in the other MS, is a “pluri-activity” if the legislation treats the period of leave as the exercise of an activity (C-569/15, X)

## Cases decided by the CJE which concern “pluri-activities” – (2)



### NO

When a person works also at home for the employer established in another MS (the rest in this other MS) and this work at home is not mentioned in the labour law contract and amounts only to 6,5 % of the overall working time it is no “pluri-activity” – MS in which the employer is established is competent (C-570/15, X)

### YES

Lorry drivers working in cross-border transport – registered office or place of business has to be determined not *via* the formal labour law contract but *via* the economic realities (C-610/18, AFMB)

### NO

When a person (resident in MS 1 where also the employer is established) works predominantly in MS 2 (longer than the posting period) and only to a small extend in MS 3 as it is only a punctual activity in MS 3 – MS 2 and MS 3 competent for the period worked there (?) (C-879/19, *Format II*)

### YES

A person self-employed in MS 1 and employed in MS 2 only to a marginal extend is subject to the legislation of MS 1 (C-89/16, *Szoja*)

# Solutions and remaining problems

# Problems solved (?)



Aim of rules on applicable legislation:

**keeping the competence in the MS which is the most stable one and avoiding short interruptions of careers in one MS**

**transparency and predictable developments**

Acceptable situations from the point of view of the persons concerned:

**posting**

**stable “pluri-employed activities” for one employer in more than one MS**

**simultaneous “pluri-employed activities” for different employers (e.g. during holidays or leave recognized as equivalent to the exercise of an activity)**

## (some) remaining problems



Consecutive “pluri-employed activities” for different employers in different MS which do not fall under Article 13 of Reg. 883/2004 but under the *lex loci laboris* rule (e.g. seasonal workers travelling from one harvesting job to the other)

Consecutive “pluri-employed activities” for different employers in different MS which could fall under Article 13 of Reg. 883/2004 (e.g. opera-singers, actors, artists), but where MS (or employers) ignore that possibility

Self-employed persons who take up temporarily an employed activity in another MS which is not marginal and not punctual (no posting)

Problems concerning contributions, benefits as e.g. sickness coverage or family benefits

# Possible solutions ?



New rules on competence? – which ones?

**e.g. raising the level of marginality?**

**e.g. raising the 25 % threshold (especially in case of home-office work)?**

**clarifying marginality for consecutive activities**

**e.g. for benefits linked to the local situation always the MS of residence is competent (sickness benefits, LTC-benefits, family benefits)?**

**would be dramatic change and could endanger free movement?**

Better guidance for persons concerned and institutions?

**explain the existing legal framework and the legal framework deductible from the rulings of the CJEU**

**achieving a common understanding of the notions used**

**e.g. extend the Practical Guide**

**Thank you for your attention!**

# Our speakers today



## Prof. dr. Jean-Philippe Lhernould

Jean-Philippe Lhernould is a Law professor at the University of Poitiers. He is a board member of French and European social law journals. He works as an external expert for the European Commission (DG EMPL).



## Mr. Bernhard Spiegel

Bernhard Spiegel is is Head of Division in the Austrian Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, where he is responsible for international social security. He is also a honorary professor at University of Salzburg.



## Prof. dr. Marco Rocca

Marco Rocca is a researcher at the French National Centre for Scientific Research (CNRS) with research interests in temporary labour mobility in Europe and labour law and social rights in EU economic governance. He has worked on various projects including MOBILIVE, which focuses on labour and social rights of mobile workers in the live performance sector.





# Results of the MOBILIVE study on highly mobile workers in the live performance sector

Prof. dr. Marco Rocca  
University of Strasbourg

MOBILIVE → **Cross-border Employment in the Live Performance Sector** - exploring the social security and employment status of highly mobile workers (2020-2021)

...and the Four Mobilivers:

- HIVA - KU Leuven (Frederic De Wispelaere & Wouter Schepers)
- Ghent University (Yves Jorens & Evert Nerinckx)
- CNRS - University of Strasbourg (Marco Rocca & Leila Duchateau)
- PEARLE\* (Anita Debaere)

+ collaboration and focus group with 5 national employers' organisations (BE, CZ, FR, PT, SE)

<https://hiva.kuleuven.be/en/news/newsitems/Cross-border-employment-in-the-live-performance-sector>

- The **Report**
- **Step by Step approach** to identifying the remuneration and working conditions for posted workers
- **Listing** prior notification tools, official national websites & competent institutions for A1 certificates
- Example of application of the European Labour Authority's **Template** to present collective agreements

# MOBILIVE: Why?



## The sector

- Under researched
- Large number of SMEs
- Historically international
- **Short term mobility**
- **Multiple Member States** in a short period (touring)

Is this a highly mobile worker?

## The workers

- Multiple contracts
- Multiple employers
- Different legal framework / **qualification of the employment relation**

- A dancer on tour for several weeks in different MS and rehearsing in the MS of establishment of his employer
- A musician playing in several orchestras in different Member States as a freelancer and working as music teacher in the state of residence

# MOBILIVE: Findings



- ~800 000 companies and 1.3 million persons in EU-EFTA-UK
  - Mostly concentrated in Germany and France
  - ~460 000 companies excluding “Artistic creation” (likely not live performance)
  - **98%** small companies
  - 0.5% of total workforce but likely underestimation (second jobs)
- Very large proportion of **one-person companies** (i.e. self-employed) ~**70%**
  - Exception for “Operation of facilities” (only 29% one-person)
- A large share of companies (data from EE, FR, HR, HU, SL) does not export services, but a relevant part (~20%) does so almost exclusively
  - **78%** of performances take place in the Member State of establishment
  - BUT booking and management agencies → **41%** of performances abroad
  - **8%** of companies report 85% or more performances abroad

- Awareness of posting rules (let alone updated ones)

**Table 7.1 Share of organisations aware of the amendment of the Posting of Workers Directive by type of organisation (in %)**

	Music, performing arts and related activities	Booking and management activities	Operation of venues	Total organisations
<b>Yes</b>	28.0%	15.6%	22.5%	25.5%
<b>No</b>	72.0%	84.4%	77.5%	74.5%
<b>Total</b>	100.0%	100.0%	100.0%	100.0%

\* N Music & Performing arts = 207 / N Booking and management agencies = 32 / N Operation of venues = 71 / N Total = 310  
 Source own calculations based on online questionnaire (2020)

- Win-win situations / interest in self-exploitation for artists

# MOBILIVE: Specific Challenges



- A **forgotten sector** of posting & co.
  - Few controls, few clarifications
  - Lack of coherence between official guidance and case law
- A sector often dependent on **public funding**
  - Increasing remuneration of civil servants
  - Fixed public subsidies
- A sector of **SMEs**
  - No legal department, no access to consultants & co.
  - Do-it-yourself approach

- Article 13(3) Coordination Regulation: Employment in multiple countries → “attraction” to the Member States where the artist has an **employment relationship**
  - Artists active in multiple MS, including their MS of residence, and then are hired as employees (potentially with for a very limited amount of work) in a different MS
- Requirement of prior affiliation of 1 month (Decision A2 of the Administrative Commission)
  - Artists (and specifically, **replacements**) are often hired shortly before a performance
- If competent MS is based on special status for artists which requires **employment relation**, working in another MS as self employed (which might be the norm there) can make it impossible to pay contributions in the special regime



- Main challenge (though not-so-specific): **accessing information...**
  - Identifying correct sources
  - Language barriers
- ... and this is particularly true for **remuneration** after the implementation of the revPWD
  - The practice of the sector often involves a number of different element, bonuses etc.
- Interaction with **employment in the public sector** (civil servants)
  - Sometimes legally impossible to increase the remuneration (and *per diems* are conceived as reimbursement for expenses)
- **Multiple prior notifications** in case of one single tour through multiple MSs

- Improving **access to information** (i.e. national websites)
  - NB: also self-interest (Article 5 revPWD)
- Standardising (and digitalising where necessary) procedures for obtaining **A1** document
- Consider **exceptions** at national level from prior notifications (and possibly other obligations) for the live performance sector
  - Can be limited to a certain duration
- Facilitate the (electronic) **exchange of information** concerning social security between national administration
  - Towards the hollowing out of the A1?

**Table 8.4** Share of information channels used to get information concerning applicable wages and working conditions when sending artists to another EU/EFTA country by type of exporting organisation (%)

	Music, performing arts and related activities	Booking and management activities	Total
National official website of the country where the performance will take place	29.7%	14.7%	27.7%
Public authorities and/or institutions of the country where the performance will take place	28.7%	16.2%	27.0%
Other companies/colleagues in the own country with an experience in sending artists and supporting staff to the country where the performance will take place	37.3%	20.6%	35.1%
The organiser and/or venue in the country where the performance will take place	64.1%	35.3%	60.3%
Employers' organisations	12.4%	2.9%	11.2%
Workers' organisations	4.3%	0.0%	3.7%
Websites	7.7%	7.4%	7.6%
Other channels	8.1%	2.9%	7.4%
<b>N Organisations</b>	<b>209</b>	<b>32</b>	<b>241</b>

Source Own calculations based on online questionnaire (2020)

## National collective agreement for private companies in the live performane sector of 3 February 2012

### -Information on terms and conditions of employment

Item (related provision in the collective agreement)	Informations	Example
Maximum work periods and minimum rest periods (article VI.6)	<ul style="list-style-type: none"> <li>• Maximum working time</li> <li>• Minimum rest times</li> <li>• Overtime</li> <li>• Night work</li> <li>• Break time</li> <li>• Interruption of Activities</li> </ul>	<p>The actual daily working time of each employee may not exceed 10 hours. The actual daily working time may be increased to 12 hours in the following cases:</p> <ul style="list-style-type: none"> <li>• <i>For employees who are on tour or on festival activity,</i></li> <li>• <i>For employees participating in the production (creation or reprise) of a show: in this case, this derogation can only be effective for the 15 days preceding the first performane</i></li> <li>• <i>For employees who take part in setting up and dismantling the show.</i></li> </ul>

# MOBILIVE: Recommendations- Using the ELA Template



Allowances or reimbursement of expenditure (annexes)	- Allowance for captain replacement for artists - performers	Venues with a maximum capacity of 300 seats: <ul style="list-style-type: none"> <li>- Level I: one performance, €15; two performances, €21;</li> <li>- Level II: one performance, €7.50; two performances, €10.50</li> </ul>
--	--	--

N° of performances		1 to 7	8 to 15	16 and more	Monthly remuneration
Remuneration per performance	1st solo singer / 1st role	€ 157.74	€ 142.07	€ 127.97	€ 2,559.33
	Solo singer / 2nd role	€ 126.4	€ 112.82	€ 100.81	€ 2,017.17
	Chorister	€ 90.48	€ 80.32	€ 71.74	€ 1,521.22
	1st solo dancer / 1st role	€ 157.74	€ 142.07	€ 127.97	€ 2,559.33
	Solo dancer / 2nd role	€ 147.29	€ 129.53	€ 114.39	€ 2,283.55
	Ensemble choreographer	€ 126.40	€ 112.82	€ 100.81	€ 2,017.17

# MOBILIVE: Final Thoughts



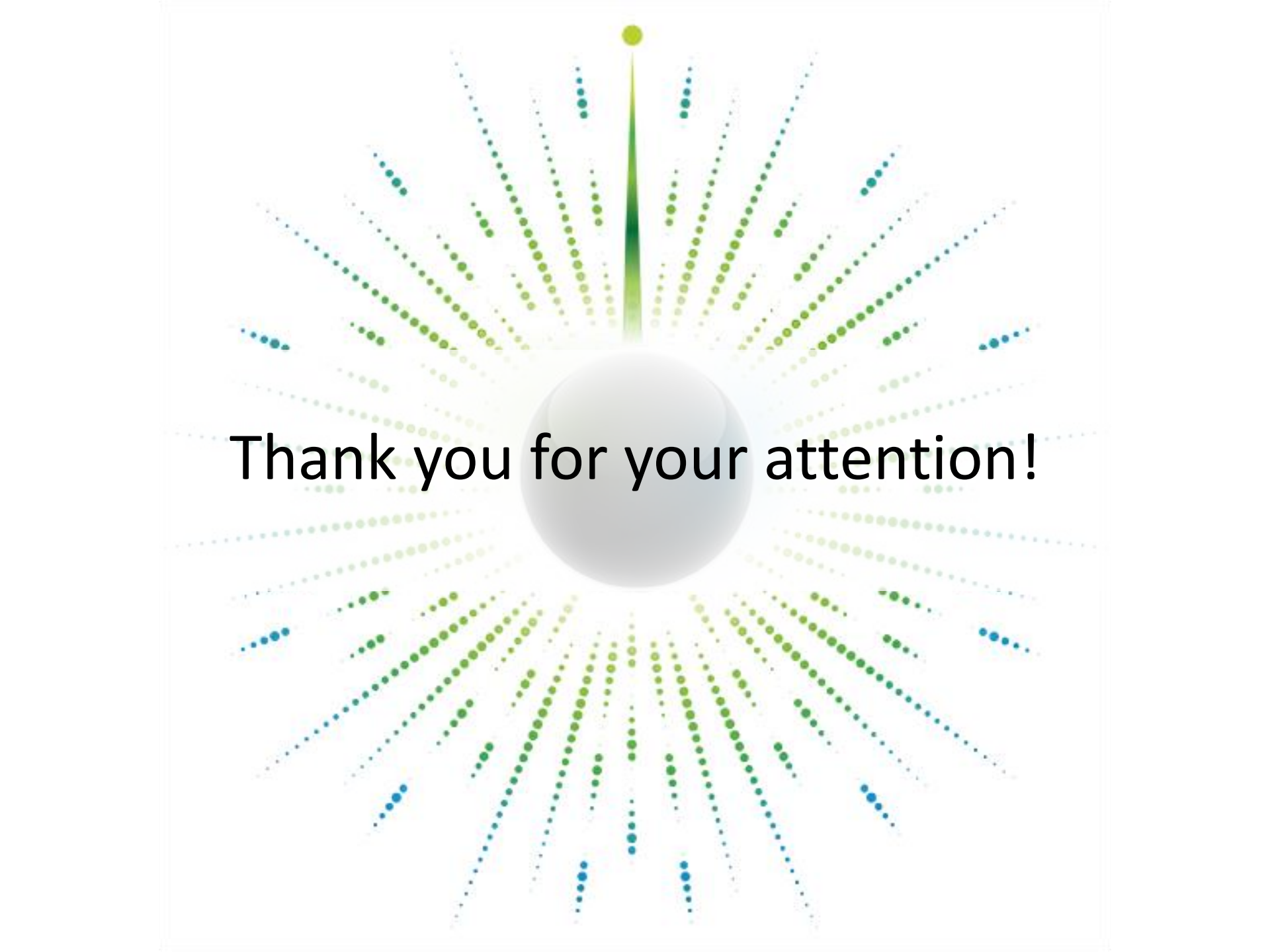
- Is the **sectoral approach** a dead end for posting? (at EU level)
- Improving **access to information** (i.e. national websites)
  - Proactive involvement of EU Institutions
  - Avoiding future litigations with upsetting results (Article 5 revPWD)
  - But: how much can be requested of Member States?
- Is the **ELA Template** the way forward?
- Defining the **highly mobile worker**
  - The link with ALL Member States is not sufficiently strong (vs *Dobersberger*)
  - Why are we doing this?
  - The question of concentration and business models

**Thank you for your attention!**



# Questions and Answers





Thank you for your attention!



## **MoveS Webinar “Highly Mobile Workers in the EU”**

26 November 2021

*Funded by the*





Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) for a more detailed description of DTTL and its member firms.

Deloitte provides audit, tax and legal, consulting, and financial advisory services to public and private clients spanning multiple industries. With a globally connected network of member firms in more than 150 countries, Deloitte brings world-class capabilities and high-quality service to clients, delivering the insights they need to address their most complex business challenges. Deloitte has in the region of 225,000 professionals, all committed to becoming the standard of excellence.

This publication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this publication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this publication.