

**Priority question for written answer P-001075/2020
to the Commission**
Rule 138
Cindy Franssen (PPE)

Subject: Monitoring of posted workers from countries outside the European Union

A new report by the Centre for Social Policy at the University of Antwerp shows that the increase in the total number of posted workers in Belgium (236 000) over the past three years is entirely due to the increasing number of posted workers from countries outside the EU (26 000 in 2019).

Workers from outside the EU who have valid work and residence permits in one Member State can be posted freely to other EU Member States. According to the case-law of the European Court of Justice ('Van der Elst' judgment of 1994, 'Essent' judgment of 2014 and 'Danieli' judgment of 2018), a requirement for posted third-country nationals to have a work permit is contrary to freedom of movement. Alternative measures such as prior notification could, however, be justified.

1. Does the Commission have figures on the number of posted workers from third countries broken down by country of origin, country of work permit, country of posting and employment sector?
2. Does the Commission apply the obligation concerning Form A1 (Regulation (EC) No 883/2004) and the principle of equal pay for equal work at the same workplace laid down in the revised Posting of Workers Directive (Directive (EU) 2018/957) to posted workers from third countries?
3. What concrete measures, such as imposing a prior notification obligation, is the Commission planning as a way of monitoring posted third-country nationals?