

Rethinking EU enlargement and options for accelerating access to the labour market of the Member States

Working Paper WP4

Authors:

Sandra Mantu

Elizabet Kakabadze

Beyza Kartal

Tesseltje de Lange

(corresponding author tesseltje.delange@ru.nl)



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Abstract

This working paper, prepared as part of the DignityFIRM project, examines the implications of EU enlargement with a focus on labour market access for nationals of EU candidate countries (CCs). It considers historical lessons, current challenges, and potential legal and policy frameworks for accelerating integration. The study starts by recalling the EU's previous enlargements, particularly the 2004 and 2007 ones, which were accompanied by transitional measures restricting free movement of workers from the accession states. While such measures were intended to protect existing Member States' labour markets, evidence showed limited negative economic impacts for the labour markets of the 'old' Member States. However, political concerns, including anti-immigration sentiment, played a significant role, as seen in Brexit. Loopholes, such as posting of workers and bogus self-employment, also emerged under transitional measures. Today, enlargement is back on the EU agenda due to geopolitical shifts, notably Russia's invasion of Ukraine. Current candidate countries include six Western Balkan states, Ukraine, Moldova, Georgia (suspended), and Turkey (stalled). The European Commission now proposes "staged accession," allowing gradual integration into parts of the Single Market before full membership. In practice, this has focused on mutual recognition of qualifications and services rather than on immediate worker mobility.

The paper highlights structural challenges: visa and border policy alignment, high emigration from CCs (causing labour shortages at home), weak recognition of qualifications, and insufficient institutional capacity in labour market governance. Labour exploitation—both within the EU and in candidate countries—remains a concern, particularly in sectors like agriculture, construction, and hospitality. Three policy scenarios are outlined: (1) expanding pre-enlargement rights for service providers and the self-employed; (2) bilateral agreements or skills partnerships between Member States and CCs; and (3) introducing pre-accession free movement of workers with full rights. Each option presents strengths, risks, and political feasibility challenges. The authors conclude that balanced approaches combining gradual mobility, stronger protections, and institutional preparation could help ensure dignified labour conditions while supporting both EU and CC labour markets.

Key Words: European Union enlargement, Free movement of workers, Labour market integration, Transitional arrangements, Migrant labour exploitation.

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Introduction

The DignityFIRM project aims to deepen the understanding of and improve policies related to dignified labour in sectors vital to the European food supply chain. Migrant workers play a pivotal role in food production and distribution but are not always provided with safe and dignified working conditions. In the past, pre-accession association agreements and post-accession measures were used by 'old' Member States to delay access to the labour market for nationals of countries joining the EU. These measures can be understood as marking a shift from soft, informal labour relations for third-country national workers to the legal framework of free movement of EU workers. While there is plenty to critique concerning the protection of EU citizens under the free movement of workers framework¹, this paper focusses on the potential of improving the legal position of workers from candidate countries (hereafter referred to as CCs) by providing them legal access to the labour market through free movement rights, possibly pre- and surely post-accession.

The starting point for this paper is the EU 8th enlargement process, which, upon completion, would see the expansion of the European Union (EU) further East to include ten new countries. The candidate countries have distinct profiles and are at different stages of economic, political, and social development. They include six Western Balkan countries surrounded by existing EU Member States – Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia. Next are the 'eastern trio': three countries that applied for EU membership in the aftermath of the Russian invasion of Ukraine in 2022, namely Ukraine, Moldova, and Georgia. Following political turmoil, Georgia's accession

¹ Sandra Mantu, Lisa Berntsen, Tesseltje de Lange, Anita Böcker & Nathalia Skowronek, 'EU migrant workers and the right to health in the Netherlands during and beyond the COVID-19 pandemic' (2025) 31 Transfer 105; Nora Gottlieb et al., 'Immigrant workers in the meat industry during COVID-19: comparing governmental protection in Germany, the Netherlands, and the USA' (2025) Global Health 21, 10.

process is suspended, whereas Ukraine remains a country at war.² Finally, Turkey's candidacy remains suspended despite being seen as a strategic partner, including on migration issues.³

The Treaty on European Union (TEU) sets out the conditions (Article 49) and principles (Article 6(1)) to which any country wishing to become a member of the European Union (EU) must conform. These are also known as the "Copenhagen criteria". In a nutshell, these criteria are the EU rules that define whether a country is eligible to join the European Union. The criteria require that a state has the institutions to preserve democratic governance and human rights, has a functioning market economy, and accepts the obligations and intent of the European Union. To be more successful, future enlargements can draw lessons from the designs of earlier Accession Agreements and transitional measures as well as learn from the limitations and challenges of earlier experiences. The opening up of EU labour markets to workers and service providers from candidate countries is a topic worth exploring due to its relevance for the EU internal market, its sensitivity as exhibited in previous enlargements and its implications for the main beneficiaries of the EU integration project, namely the nationals of EU states and future EU citizens seeking to exercise the fundamental freedom to move for labour purposes. Our comparative angle is thus a historical one, presenting past enlargements for potential future use.

From the DignityFIRM research we have learned that citizens from said CCs are among the workers employed (irregularly) in the EU Farm2Fork sectors and beyond.⁴ Moreover, third-country nationals present in said CCs will be entitled to work in the EU post-accession, for example through intra-EU posting of services. Both developments have raised concerns especially within Western EU Member States, such as the Netherlands, over the impact of further enlargement for, among others, their labour markets.⁵ Furthermore, the EU finds itself in a novel situation as nationals of Ukraine who enjoy temporary protection status under

² The accession process was 'de facto' halted according to the European Council on 27 June 2024 as a consequence of democratic backsliding. Likewise, the Commission's 2024 report on Georgia casts doubt as to the opening of negotiations with Georgia unless key reforms are implemented. In December 2024, the Georgian government has suspended the accession until 2028. More info available at, <https://eu4georgia.eu/eu-enlargement/> [accessed 25 February 2025].

³ Amandine Hess, European Parliament: Turkey's accession on hold, no progress since 2018, <https://www.euronews.com/my-europe/2025/05/07/european-parliament-turkeys-accession-on-hold-no-progress-since-2018> [accessed 8 May 2025].

⁴ The Farm to Fork sector in the DignityFIRM project covers agriculture, food processing, restaurants and delivery; the DignityFIRM WP5 Country reports (internal) for Germany, the Netherlands, Poland, and Italy report on CCs nationals.

⁵ Tesseltje De Lange, Speaking notes on the topic, Round Table 6 November 2024 Dutch Parliament, 2024–2025, 21 501-02, nr. 3083.

the Temporary Protection Directive⁶ already enjoy, albeit with uncertainties, access to the EU states' labour markets.⁷

In this paper we thus seek to understand the following issues:

- 1. What can be learned concerning labour migration from the EU's experience with past enlargements and the use of transitional measures?*
- 2. Where do we stand in the negotiation process concerning free movement of (future) EU citizens and migration from third-countries into the EU through candidate countries? What are the main issues identified by the country reports in relation to migration, broadly defined, and labour migration, more specifically?*
- 3. What are the legal issues linked to the opening of EU states' labour markets to CC nationals pre-accession considering the Commission's proposed accelerated integration?*

The paper evolves as follows. First, we draw lessons from previous enlargements and sketch the ongoing debate (Section 1). Next, we map the European Commission's new approach to enlargement and the potential use of accelerated integration and free movement of persons (Section 2). Next we discuss migration convergence in the current enlargement process (Section 3). We especially draw attention to the concern of labour exploitation (Section 4) and how it interplays with arguments for or against opening-up free movement of workers, services and self-employed. Based on the findings, we present legal mechanisms that could be set into motion to allow for free movement for nationals from candidate countries, offering three potential scenarios. Moreover, we have performed a SWOT-inspired analysis, looking at Strengths, Weaknesses, Opportunities and Threats concerning the opening of national labour markets to CC nationals, presented in our discussion (Section 5).

⁶ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001, p. 12–23.

⁷ Sandra Mantu, Intervention during the workshop “Free Movement of Workers: Expert Support for Ukraine's Integration into the EU Labour Market”, hosted by Ukrainian Think Tank and DignityFIRM partner *Europe Without Barriers*, ADD date 2025.

1. Lessons from previous enlargements and the ongoing debate

Figure 1: Timeline of previous enlargements and the Brexit



The EU's previous enlargements offer several lessons concerning the relationship between labour migration and the enlargement process itself. In past enlargements, labour migration was a difficult theme because of Member States' administrations' fears of labour market deregulation and the downgrading of social standards.⁸ These fears were addressed by measures targeting two periods: first, measures applicable before enlargement, that is, measures applicable during the accession process, and second, measures adopted to govern labour migration after enlargement, namely transitional measures. Transitional measures concerning workers and service providers in some sectors have accompanied the EU's last enlargements, despite criticism of their legitimacy and usefulness.⁹

1.1 The 'Europe Agreements': free movement in the Association Agreements between candidate countries and the EU

In the accession phase of the 2004 and 2007 enlargements towards countries situated in Central and Eastern Europe, the so-called 'Europe Agreements' (EA) were adopted. These were Association Agreements between the EU and candidate countries (CCs) that introduced political dialogue, provided for the gradual establishment of bilateral free trade areas, and formed the basis for economic, cultural, and financial cooperation. The Europe Agreements contained provisions on movement of persons, establishment, supply of services, payments,

⁸ Anita Böcker and Elspeth Guild, *Implementation of the Europe Agreements in France, Germany, the Netherlands and the UK: Movement of Persons* (London: Platinum Publishing) 2002.

⁹ Iris Goldner Lang, *Transitional arrangements in the Enlarged European Union: How Free is the Free Movement of Workers*, CYELP 3 (2007): 241- 271.

capital, competition, and approximation of laws.¹⁰ The agreements gave a right of establishment to companies, branches and agencies, and to self-employed persons from the 2004 and 2007 candidate countries. Considering the fear of labour market disturbances, the agreements did not give a right to free movement to workers from these countries. Equally important, the right of establishment was not complemented by the elimination of border controls in the Schengen area for CCs nationals. This led to discussions on whether the right of establishment under the Europe Agreements included a right to enter an EU state for the purpose of establishment and a right to reside there for that same purpose.¹¹ Alternatively, both the right to enter and to reside would remain regulated by national law, which for example, could require possession of a long-term visa for establishment.

Eventually, the content of the right to establishment under the Europe Agreements was judicially constructed by the CJEU. In a series of decisions, the CJEU recognised the concerns of the EU states about the opening of their labour markets by ruling that where a person had not entered legally a host EU state, national immigration law would still be relevant to the possibility to reside and exercise services. Böcker and Guild have identified five characteristics of the agreements based on CJEU jurisprudence: (1) they have direct effect and can be relied upon directly by individuals wishing to establish themselves in a Member State; (2) the right of establishment presupposes a right of entry which can be made subject to a visa requirement but which must permit an application to be made at the border; (3) they give rise to a directly effective right to be engaged in self-employed activities; (4) they presuppose a right to reside for persons fulfilling the criterion; (5) the substantive meaning of the right of establishment is the same in the Europe agreements as in the TFEU.¹²

While the substantive content of the right made clear inroads into state sovereignty over national labour markets and reduced EU states' margin of appreciation in relation to CC nationals covered by the Europe Agreements, the practical implementation of the right of establishment proved far more disappointing.¹³ Member States treated CC nationals as foreigners and not as future EU citizens, national administrators were not always familiar with the rights under the Europe Agreements, they required excessive documentation concerning self-employed persons and relied on visa requirements to limit and control the number of CC nationals coming to their states to exercise self-employed activities.¹⁴ The visa

¹⁰ Peter van Elsuwege and Merijn Chamon, 'The meaning of 'association' under EU law: A study on the law and practice of EU association agreements' (2019) European Parliament, PE 608.861, February 2019.

¹¹ Böcker and Guild (n 8).

¹² Böcker and Guild (n 8) 93.

¹³ Böcker and Guild (n 8) 95-98.

¹⁴ Böcker and Guild (n 8) 96.

requirement before being able to engage in self-employed activities appears as the most problematic issue, as does the lack of a framework for the recognition of qualifications. The current proposals for the accelerated integration of the Western Balkan countries into the EU Single Market pick up on this issue when they identify the recognition of qualifications as a priority area but fail to provide for concrete steps.¹⁵

1.2 The implementation of the Europe Agreements: bilateralism as governance tool

As discussed above, the Europe Agreements were association agreements aimed at integrating candidate countries into the EU's internal market. Among their provisions was the right of establishment for CC nationals, particularly around self-employment. This offered a limited form of early mobility within the EU framework, even before full accession. Below we discuss the example of Germany to illustrate how national policy options were realized via the bilateralism encouraged by and embedded in the Europe Agreements.

Germany implemented these provisions with restraint. Concerned about the possible impact on domestic employment, especially in the medical sector, Germany delayed ratification and introduced measures that limited the establishment rights of foreign medical professionals. Doctors from candidate countries were allowed to practice only in regions facing workforce shortages, with the policy justified on public health grounds. Implementation also varied at the federate level, with some *Länder* requiring individuals to already be lawfully residing in the country to benefit from the agreement. These measures illustrate how sector-specific restrictions and regional discretion were used to manage mobility in a way that balanced treaty obligations with domestic policy considerations.¹⁶

Beyond the framework of the Europe Agreements, bilateral labour agreements between EU Member States and candidate countries became an additional tool to regulate mobility while safeguarding national labour markets. This approach was explicitly encouraged under the Europe Agreements, which called for the preservation—and, where possible, improvement—of access to employment for CC nationals through such bilateral arrangements. These agreements typically covered

¹⁵ European Commission, New growth plan for the Western Balkans, Com(2023) 691 final, p 5.

Reference is made to the agreements reached among Western Balkan states in the context of the Common Regional Market on recognition of professional qualifications in medical fields and to the Commission Recommendation on the recognition of qualifications of third-country nationals, Commission Recommendation EU 2023/7700 of 15 November 2023 on the recognition of qualifications of third-country nationals, C(2023) 7700 final.

¹⁶Anita Böcker, *The Establishment Provisions of the Europe Agreements: Implementation and Mobilisation in Germany and the Netherlands* (Zentrum für Europäische Rechtspolitik, Universität Bremen 2002).

categories such as trainees, seasonal workers, and contract-based employees, setting quotas, time limits, and eligibility conditions to balance labour market needs with domestic protections. For example, Germany, France, and Belgium signed agreements with Poland allowing temporary traineeships, seasonal agricultural work, and project-based contracts. Similar arrangements existed with Romania, Bulgaria, and Slovakia, yet many of these schemes remained underused due to strict eligibility requirements, low wages, and administrative burdens.¹⁷ While these agreements were designed to ease mobility in a controlled manner, they often proved impractical in practice, sometimes leading to exploitation or failing to deliver on their intended goals of skill development and reciprocal exchange.

We note that similar agreements are in place with some of the current candidate countries.¹⁸ We have, however, not come across any serious use of these association agreements as a legal basis for mobility of service providers. Although the negotiations between Turkey and the EU are on hold, the EC-Turkey Association Agreement is another example of a legal instrument offering stepwise integration into the EU for entrepreneurs and service providers from Turkey including a standstill-clause dating back to the early 1970s; the rules for Turkish workers and the standstill-clause applicable to workers date to 1980.

1.3 Transitional measures post-enlargement: results & loopholes

Transitional measures are exceptions from the general rule of the free movement of workers and they may apply to workers from new EU Member States for a transitional period of up to 7 years after they join the EU. The EU state whose nationals face restrictions may impose equivalent restrictions on workers from the EU states imposing the restrictions. From the 10 candidate countries that joined in 2004, transitional measures concerning the free movement of workers were imposed in relation to 8 countries, namely Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia. These are known as the EU8 or A8 countries. Similar measures were imposed for nationals from countries that joined in 2007 (Bulgaria and Romania, the so-called EU2 or A2 countries). The general formula agreed at the EU level was the “2+3+2-year rule” with a view to limit the discretion of EU states to rely on such measures indefinitely and to allow for a gradual adjustment to free

¹⁷ Philippe Garnier ‘Foreign Workers from Central and Eastern European Countries in Some OECD European Countries: Status and Social Protection’ in OECD (ed), *Migration Policies and EU Enlargement: The Case of Central and Eastern Europe* (OECD 2001) 131–154.

¹⁸ Albania (2009), Bosnia and Herzegovina (2016), Georgia (2016), Kosovo (2016), Moldova (2016, amended 2023), Montenegro (2010), North Macedonia (2004), Serbia (2013), Ukraine (2016, provisionally applied), See for updated list: https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/negotiations-and-agreements_en (last accessed 12-8-2025). The Association Agreement with Turkey is of a different nature.

movement. ‘Old’ EU states could restrict free movement initially for 2 years, followed by a possible extension of 3 years. A further 2-year extension was allowed only if there was proof that workers from new Member States were causing serious disruptions in the receiving state’s labour market. What is restricted via Transitional Arrangements (TAs) is only access to the labour market because once legally employed in another EU country, workers are entitled to equal treatment with national workers of the country where they are working.

Ulcelse and Kahanec concluded that there “was significant variation in terms of which countries chose to implement TAs in each enlargement round, and the degree of restrictiveness of those TAs when implemented.”¹⁹ Furthermore, EU states enjoyed sufficient leeway to decide on the length and scope of the restrictions, despite the requirement that only exceptional circumstances can motivate the extension of restrictions beyond the first 2 years. In theory, restrictions concern only the right to work as a ‘worker’ as for example stated in the Annex XII of the Act of Accession 2003 of Poland which stipulates that Member States may limit the free movement of workers from new Member States, *but not of services*. However, Germany and Austria had negotiated that they could restrict the free movement of services and impose national restrictions on the temporary movement of workers in the context of service provision by companies from new Member States. They could only do so in case of serious disturbances of the labour market in certain sectors or regions and after notifying the Commission.²⁰

The variation in the use of TAs was accompanied by numerous exemptions relied upon by EU states that had introduced TAs to allow workers from new Member States to enter their labour markets. Overall, there was no coherent nor common approach to the free movement of workers beyond the existence of the general formula. This may explain why the effects of the post-enlargement transitional measures following the 2004 and 2007 enlargements are contentious. EU states took different approaches, some opting for no transitional measures, while others, insisted on maintaining such measures for the full 7 years. The variable geometry of TAs had implications for the use of self-employment as a route into partially restricted labour markets and the development of TA avoidance strategies, especially in the context of posting of services. Economic analyses suggest the overall limited negative impact of opening national labour markets. For example, a 2009 European Commission report and other empirical evidence show that fears over post-enlargement migration—such as wage suppression, rising unemployment, and welfare strain—were largely unfounded. While

¹⁹ Magdalena Ulceluse and Martin Kahanec, ‘Eastward enlargements of the European Union, transitional arrangements and self-employment’ (2023) 36 J Popul Econ 719, <https://doi.org/10.1007/s00148-022-00904-2>

²⁰ Article 13 Annex XII Act of Accession Poland.

short-term pressure emerged in low-skilled sectors and public services, aggregate unemployment did not increase, fiscal effects were minimal, and intra-EU migration showed no significant correlation with welfare dependency. A study covering 19 European countries from 1993 to 2008 further concluded that unemployment benefits correlated only slightly with migration by non-EU nationals and showed no relationship for intra-EU migration, undermining the notion of “welfare tourism”.²¹

On the one hand, these findings cast doubt on the proportionality of transitional arrangements implemented during enlargement. On the other hand, negative attitudes towards immigration and EU enlargement are correlated with voting for Brexit, researchers found.²² This suggests that the political costs of opening national labour markets are different from the economic consequences of these measures.

An important lesson drawn from the differentiated impact of transitional arrangements on self-employment among EU2 nationals—citizens of Bulgaria and Romania—is the instrumental use of self-employment as a means of labour market access in the presence of restrictive legal frameworks. The removal of TAs had a strong and negative effect on self-employment rates in liberal, Nordic, and Continental regime countries. In the UK and Ireland, the introduction of stricter labour market restrictions for EU2 nationals—possibly in response to the significant and unexpected inflow of EU8 workers after the 2004 enlargement—appears to have led to an increase in bogus self-employment. This form of employment was used strategically to circumvent legal barriers during periods when access to the labour market was restricted for EU2 workers but free for EU2 self-employed persons. Bogus self-employment in Ireland and the UK declined once EU2 workers had free access to the labour market following the expiry of TAs.²³ As a result, such practices failed to meet, what Amelie Constant refers to as “the spirit of the Lisbon Agenda to promote a more entrepreneurial culture and a supportive environment for small and medium size enterprises.”²⁴ In the Nordic regime, the decline in self-employment was primarily driven by Denmark, the only country in the group that applied relatively restrictive TAs, due to concerns

²¹ Corrado Giulietti, Klaus F Zimmermann and Martin Kahanec, ‘Unemployment Benefits and Immigration: Evidence from the EU’ (2013) 34(1) *International Journal of Manpower* 24–38.

²² Agust Arnorsson and Gylfi Zoega, ‘On the causes of Brexit’ (2018) 55 *European Journal of Political Economy*, 301. <https://doi.org/10.1016/j.ejpoleco.2018.02.001>

²³ Ulceluse and Kahanec (n 19) 719.

²⁴ Amelie F Constant, ‘Sizing it Up: Labor Migration Lessons of the EU Enlargement to 27’ (2011) IZA Discussion Papers No 6119, Institute for the Study of Labor (IZA), Bonn, 6 <<https://nbn-resolving.de/urn:nbn:de:101:1-201111303517>> accessed [28 April, 2025].

over the potential misuse of social benefits and wage suppression.²⁵ In Continental countries such as Germany, Austria, and the Netherlands, the removal of TAs also corresponded with a significant decrease in self employment rates, though of lesser magnitude. This may be linked to a combination of strict enforcement and the presence of exemptions under their respective TA regimes.²⁶

Moreover, bogus self-employment was not the only legal loophole instrumentalised in the context of post-enlargement labour migration. In Sweden, companies were reported to have used dual wage contracts for third-country nationals: one contract submitted to the Migration Authority to meet the legal requirements for a work permit, and another—offering significantly lower remuneration—representing the actual terms of employment. In response, the Minister of Immigration announced in February 2013 a proposal to expand the Migration Authority's resources and mandate, leading to legislative changes that granted it extended powers to monitor and enforce compliance, aiming to close regulatory gaps in labour migration governance.²⁷

Similarly, the use of intra-EU posting was often seen as a loophole. In *Vicoplus* the CJEU ruled that workers who are nationals from the new member states and subject to the obtaining of a work permit during the transitional period could nevertheless work in the old member states on the basis of Articles 56 TFEU and 57 TFEU. The CJEU clarified that during the TA no derogations apply to the posting of workers but may apply to hired-out workers. The hiring-out of workers, within the meaning of Article 1(3)(c) of Directive 96/71, is a service provided for remuneration in respect of which the worker who has been hired out remains in the employ of the undertaking providing the service, no contract of employment being entered into with the user undertaking. It is characterised by the fact that the movement of the worker to the host Member State constitutes the very purpose of the provision of services effected by the undertaking providing the services and that that worker carries out his tasks under the control and direction of the user undertaking. If such is the case, the transitional measures apply, and a work permit was required. Since the TA ended, posting of workers has remained a popular route to work around other restrictive labour migration policies. It has

²⁵ Christopher F. Wright, 'Policy Legacies, Institutional Layering and the Accidental Activation of Employer Interests: Business and the Development of Labour Immigration Policy in the UK' (2010) 12(3) *British Journal of Politics and International Relations* 161, 157.

²⁶ *Ulceluse and Kahanec* (n 19).

²⁷ Christoph Gerdes and Eva Wadensjö, 'Post-enlargement Migration and Adjustment in a Receiving Country: The Case of Sweden' in Martin Kahanec and Klaus F Zimmermann (eds), *Labor Migration, EU Enlargement, and the Great Recession* (Springer 2016) 123-138.

been assumed – at least in the Dutch context – that transitional measures have opened loopholes this Member State is still trying to deal with.²⁸

Ultimately, the key concern of old EU states is the wage disparity between workers from the new EU Member States and native workers, with the former earning significantly less than natives, particularly in higher-skilled occupations. This raises potential discrimination concerns, particularly in relation to the failure of highly skilled immigrants to access comparable job opportunities.²⁹ While some studies suggest that this wage gap is not solely due to exploitation or overt discrimination, Barrett et al. (2012) suggest that the wage disadvantage may result more from a failure to achieve comparable rates of return on human capital for higher-skilled immigrants, rather than direct discrimination.³⁰ Additionally, the occupational gap for immigrants, despite their relatively high education levels, indicates a failure of labour market integration, which could be seen as a violation of principles of equality of opportunity under EU law.³¹ Moreover, in the case of Ireland, the residency requirement for welfare eligibility during the EU enlargement period, which restricted access to social benefits for immigrants who had been resident in the country for less than two years, has been viewed as indirectly discriminating against migrants. This policy placed conditions on their entitlement to social benefits despite their contributions to the economy. These legal issues point to the challenges of integrating immigrants effectively into the labour market and ensuring that immigration policies comply with principles of equality and non-discrimination.³²

In sum, the 2004 and 2007 enlargements did not give rise to large scale welfare abuse or labour market distortion while the transitional measures were put in place out of fear for such. The enlargement was however one of the factors blamed for the Brexit vote. Furthermore, the use of transitional measures on workers led to the increased use of the construct of posting of workers. The transitional measures saw the rise of the use of other

²⁸ Mijke Houwerzijl, Tesseltje de Lange and Cathelijne Pool, “De ‘status aparte’ van werknemers uit de nieuwe EU-lidstaten” (2005) 20(5) *Migrantenrecht* 156-158; Tesseltje de Lange, ‘Arbeidsmigratie van buiten de EU als oplossing voor personeelstekorten. Europese en nationale regulering en perspectieven’ (2023) 15(1) *Tijdschrift Recht en Arbeid* 15-22; Helen Oostrom-Staples, ‘De keerzijde van intra-EU arbeidsmobiliteit’ (2025) 16(5/6) *Asiel & Migrantenrecht* 226.

²⁹ Alan Barrett, Adele Bergin, Elish Kelly and Seamus McGuinness, ‘Ireland’s Recession and the Immigrant-Native Earnings Gap’ in Martin Kahanec and Klaus F Zimmermann (eds), *Labor Migration, EU Enlargement, and the Great Recession* (Springer 2016) 103-122.

³⁰ Alan Barrett, Yvonne McCarthy and Michael McGetrick, ‘The Wage Gap Between Immigrants and Natives in Ireland’ (2012) 43(1) *The Economic and Social Review* 33-59.

³¹ Alan Barrett and David Duffy, ‘Immigrants and Occupational Outcomes in Ireland: Evidence from the National Labour Force Survey’ (2008) 39(4) *The Economic and Social Review* 507-530.

³² Alan Barrett, Adele Bergin, Elish Kelly and Seamus McGuinness, ‘Ireland’s Recession and the Immigrant-Native Earnings Gap’ in Martin Kahanec and Klaus F Zimmermann (eds), *Labor Migration, EU Enlargement, and the Great Recession* (Springer 2016) 103-122.

channels and loopholes, which diminished when the TA expired. In short, there appears to have been little understanding of the impact of the TA in preparation of earlier enlargements.

2. The Commission's new approach to enlargement: Accelerated integration and free movement of persons

The new geopolitical reality following the Russian invasion of Ukraine in 2022 and the reorientation of US foreign policy after 2024 resulted in unblocking the 'enlargement fatigue' that had settled in the EU.³³ The EU institutions sent a clear political message about the importance of enlargement: the Council opened negotiations with Ukraine and Moldova³⁴ while a new approach to enlargement – 'staged accession' – was proposed by the Commission.³⁵

The positive effects of EU accession on the countries that joined during the 2004, 2007, and 2013 enlargements to the East encouraged the European Commission to advocate for accelerated integration of candidate countries into specific parts of the EU Single Market³⁶ upon sufficient adoption of the EU's *acquis communautaire* regarding the free movement of people, goods, services and capital. The aim of accelerated integration is to gradually integrate candidate countries already during the enlargement process itself, in a reversible and merit-based manner.³⁷ The underlying philosophy is that the benefits of EU membership, which is expected to bring far-reaching socio-economic benefits and democratic reforms, should reach candidate countries already during the accession process. Steven Blockmans has referred to the Commission's new strategy for enlargement as 'staged accession' since it would involve giving candidate countries 'minimum, intermediate and full access levels to parts of the EU Single Market'.³⁸

³³ Anna Szolucha, 'The EU and Enlargement Fatigue: Why has the European Union not Been Able to Counter Enlargement Fatigue' (2010) 6(1) *Journal of Contemporary European Research* 6; John O' Brennan, "On the Slow Train to Nowhere?" *The European Union, "Enlargement Fatigue" and the Western Balkans* (2014) 19(2) *European Foreign Affairs Review* 221; Oliver Röpke, *EU Enlargement: A Path to Stability, Prosperity, and Democratic Resilience*, EURACTIV 28 November 2024 <https://www.euractiv.com/section/global-europe/opinion/eu-enlargement-a-path-to-stability-prosperity-and-democratic-resilience/>.

³⁴ European Council Meeting (14 and 15 December 2023) – Conclusions, EUCO20/23, Brussels 15 December 2023; Lucas Schramm 'Navigating widening and deepening: the European Council, geopolitical motives, and Union enlargement' (2025) *Journal of European Integration* 1 DOI: 10.1080/07036337.2025.2457007.

³⁵ Pierre Mirel, 'In support of a new approach with the Western Balkans: Staged accession with a consolidation phase' (2022) *Foundation Robert Schuman Policy Paper European Issues* no 633 <<https://old.robert-schuman.eu/en/doc/questions-d-europe/qe-633-en.pdf>> accessed 24 September 2025.

³⁶ European Commission, *EU Enlargement Policy*, COM(2024) 690 final (30 Oct 2024).

³⁷ Steven Blockmans, Editorial 'Fast and Furious? A Quick Digest of a Plan for the Accelerated Integration of Candidate Countries into the EU' (2024) 29(1) *European Foreign Affairs Review* 1-6.

³⁸ Blockmans (n 37) 2; Maryna Rabinovych, 'Internal Market Membership as a Stage in Ukraine's EU Accession Process. The Case of the Free Movement of Persons', *Vox Ukraine*, 9 December 2024

The full details of if and how ‘staged accession’ will be operationalised are unclear at the moment of writing.³⁹ In its 2024 communication on EU enlargement, the Commission describes socio-economic convergence as slow, linked to the much lower GDP per capita of the candidate countries (with the exception of Turkey). Furthermore, economic convergence is described as interlinked with social convergence in areas such as social security systems, labour market structures and institutions, effective social protection systems and social dialogues. The same communication mentions that economic convergence needs to address issues such as the gender gap in labour participation, informal and undeclared work, skills mismatch, and weak social partners.⁴⁰

Out of the candidate countries, accession talks are most advanced with the Western Balkan countries, which are also candidates for ‘accelerated integration’.⁴¹ In 2023, the Commission introduced as part of the enlargement package the ‘New Growth Plan for the Western Balkans’ which is the mechanism through which accelerated integration convergence is to be achieved.⁴² The Growth Plan identifies seven priority areas of the EU Single Market which could be opened to Western Balkan countries already during the accession process to ensure economic and social convergence. The priority areas reflect the four fundamental freedoms upon which the EU Single Market is built, and one priority area is linked to the free movement of services and workers. However, upon closer inspection it is not about the opening of EU Member States’ labour markets to citizens of Western Balkan countries in their capacity as workers and self-employed persons.⁴³ Rather, what it proposed is the free movement of e-commerce services and mutual recognition of professional skills and qualifications for workers.

Furthermore, the Commission conditions access to the EU’s Single Market to the Western Balkan states implementing the Common Regional Market (CRM), a regional economic cooperation process that mimics the EU’s Single Market and is based on the EU acquis.⁴⁴ Blockmans describes the CRM as ‘an external laboratory and a way-station for access to *some* sectors of the Single Market.’⁴⁵ Peter Becker and Barbara Lippert argue that one should not lose sight of the fact that the accession process is about candidate countries adopting the

<https://voxukraine.org/en/internal-market-membership-as-a-stage-in-ukraine-s-eu-accession-process-free-movement-of-people> accessed 9 May 2025.

³⁹ Blockmans (n 37) 2.

⁴⁰ European Commission, *EU Enlargement Policy*, COM (2024) 690 final (30 Oct 2024).

⁴¹ Blockmans (n 37).

⁴² European Commission, *New Growth Plan for the Western Balkans*, COM(2023) 691 final (8 Nov 2023).

⁴³ European Commission, *New Growth Plan for the Western Balkans*, COM(2023) 691 final (8 Nov 2023), p 4.

⁴⁴ European Commission, *EU Enlargement Policy*, COM (2024) 690 final (30 Oct 2024), p. 12.

⁴⁵ Blockmans (n 37) 4.

acquis communautaire concerning the four freedoms of the internal market and as such the essential aspect is ‘that candidates adopt the EU’s body of law, rights and obligations without restriction. Under no circumstances should they be able to choose their EU à la carte.’⁴⁶ Gradual integration may be seen as a viable manner to breathe life into the negotiation process, but its success remains linked to ‘how both sides weigh expected costs and benefits, and whether it is possible to develop concrete measures and timetables for implementation.’⁴⁷

The Commission’s novel approach to enlargement raises questions about what accelerated integration can mean in the context of the free movement of workers, not least because of the political contestation surrounding the previous enlargements’ effects on national labour markets and the rejection of free movement during Brexit.⁴⁸ Throughout the different enlargement processes experienced by the EU, the issue of labour migration from the candidate countries to the EU – both during the pre-accession phase and after accession – has caused great trepidation among the ‘old’ EU states. In the previous enlargements, these concerns have been managed via the Association Agreements and the imposition of transitional measures on labour following accession. Thus, if gradual integration on its own is not new and has been traditionally part of the accession process, the question is what it means in the context of free movement of persons besides or alongside the classic tools mentioned above.

3. Migration convergence in the current enlargement process

The main concern linked to free movement of persons is that enlargement will bring large influx of new workers which will seriously disturb the labour markets of ‘old’ EU states. From this perspective, the current enlargement is not dissimilar, in the sense that labour migration remains a politically sensitive issue in the EU, especially in the context of several EU states’ adoption of restrictive immigration policies. At the same time, the Commission’s proposition of accelerated integration and of opening parts of the EU single market already during the

⁴⁶ Peter Beckert and Barbara Lippert, *Acceding Countries’ Gradual Integration into the EU Single Market. Prerequisites, Opportunities and Hurdles*, SWP Comment 2024/C 42, 16.09.2024, doi:10.18449/2024C42.

⁴⁷ Ibid.

⁴⁸ Lukáš Macek, *Advocating gradual accession to the European Union*, Policy paper no 290, Institute Jacques Delors <https://institutdelors.eu/wp-content/uploads/2023/05/PP290_Adhesion-graduelle_Macek_EN.pdf> accessed 9 May 2025.

accession period comes at a time of labour market shortages in the EU and demographic challenges in the EU and CCs.⁴⁹

Moreover, the EU finds itself in a novel situation in as much as nationals of Ukraine who enjoy temporary protection status under the Temporary Protection Directive⁵⁰ already enjoy access to the EU states' labour markets, although their country is still in the candidacy phase of the integration process. Estimates are that more than 4 million persons enjoy TP status in the EU and the Council has extended the application of the TP regime until March 2026.⁵¹ The interaction between the (Ukraine's) accession process and the TP regime raises several questions concerning the end of the TP regime and the legal status of former TP status holders, including their access to EU states' labour markets. The Association Agreement (AA)⁵² between Ukraine and the EU does not envisage free movement of persons since the AA follows the classic model of previous agreements between candidate countries and the EU, thus only catering to self-employment and establishment. If free movement and access to the labour market post-TP regime continues for TP status holders, the lack of free movement in the AA will create difference between different categories of Ukrainian citizens depending on their previous inclusion in the TP regime. Moreover, questions remain about the possibility and feasibility to introduce transitional measures concerning the free movement of persons post-accession considering Ukrainians' unprecedented access to the labour markets of EU states.⁵³ However, there is also the Ukraine perspective, where the government hopes its citizens will eventually be able to return and help rebuild the country after the war.

The remainder of the paper investigates the potential impact of pre-accession accelerated integration. The discussion excludes Ukraine in light of the current legal system applicable to Ukrainians in the EU and the uncertainty linked to the termination of the temporary

⁴⁹ Pascal Beckers, Mahdi Ghodsi, Ksenija Ivanović, Sandra Leitner, Friedrich Poeschel and Ayse Sabouniha, 'Skills-oriented migration in the Western Balkans: Linking workers' migration aspirations to skill shortages in destination and origin countries'. Global Strategy for Skills, Migration and Development (GS4S 2024) <https://doi.org/10.5281/zenodo.14163620> [accessed October 2025].

⁵⁰ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001, p. 12–23.

⁵¹ Ukrainian refugees: Council extends temporary protection until March 2026, 25 June 2024, <https://www.consilium.europa.eu/en/press/press-releases/2024/06/25/ukrainian-refugees-council-extends-temporary-protection-until-march-2026/>.

⁵² Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 161, 29.5.2014, pp. 3–2137).

⁵³ Maryna Rabinovych, 'Internal Market Membership as a Stage in Ukraine's EU Accession Process. The Case of the Free Movement of Persons', Vox Ukraine, 9 December 2024 <<https://voxukraine.org/en/internal-market-membership-as-a-stage-in-ukraine-s-eu-accession-process-free-movement-of-people>> accessed 9 May 2025. Zolt Darvas et al., The impact on the European Union of Ukraine's potential future accession (Bruegel Report 02/24, April 2024) <<https://www.bruegel.org/system/files/2024-04/Report%2002.pdf>> accessed 9 May 2025.

protection regime.⁵⁴ We consider the following topics, all related to the labour market of the old member states as well as the CCs: (1) migration, visa and border policies, with a focus on the entry of third-country nationals into the labour markets of CC; (2) the traditionally important protection of national labour markets; (3) the recognition of qualifications and lastly; and (4) we also look into the integrating of institutions with relevance to the labour market. The analysis is based on the progress reports published by the European Commission in 2024.⁵⁵

3.1. Migration, visa and border policies

The alignment of migration, visa, and border policies with EU standards remains a key requirement for the accession of the current candidate countries. While progress has been made in some areas, the Commission finds that inconsistencies in legal frameworks, visa regimes, and enforcement capacities continue to present security risks for the EU, particularly with regard to irregular migration, secondary movements, and weak external border control. These aspects are relevant if accelerated integration concerning free movement of persons is to be achieved, including the free movement of service providers and the posting or hiring out of nationals as well as legally residing third-country nationals. Progress on these issues, which from the perspective of the EU amounts to alignment with the EU acquis, may be linked to the accelerated access to the Internal Market.

Visa policy remains only partially aligned in most countries. Albania, Montenegro, Serbia, and Bosnia and Herzegovina continue to allow visa-free travel from countries that are on the EU visa list and whom the EU considers high-risk for irregular migration into the bloc. Georgia, Moldova, and Turkey also maintain such regimes, with Turkey showing no progress on its visa liberalization roadmap.⁵⁶ These gaps allow for irregular entry routes and complicate return and asylum procedures, increasing the burden on EU Member States.

⁵⁴ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, pp. 1-6; European Council, EU member states agree to extend temporary protection for refugees from Ukraine, Press release, 13 June 2025, <https://www.consilium.europa.eu/en/press/press-releases/2025/06/13/eu-member-states-agree-to-extend-temporary-protection-for-refugees-from-ukraine/>; European Commission, Proposal for a COUNCIL RECOMMENDATION on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine, COM/2025/651 final, Brussels, 4 June 2025.

⁵⁵ Enlargement reports 2024: Commission outlines progress and priorities for candidate countries, https://commission.europa.eu/news-and-media/news/enlargement-reports-2024-commission-outlines-progress-and-priorities-candidate-countries-2024-10-30_en, 30 October 2024, last accessed 28 August 2025.

⁵⁶ Directorate-General for Neighbourhood and Enlargement Negotiations, Turkey report 2024 https://enlargement.ec.europa.eu/turkiye-report-2024_en accessed 25 September 2025.

On border management, legal and operational alignment is uneven. Kosovo, Montenegro, and North Macedonia show relatively strong cooperation with Frontex and alignment with EU rules. However, Bosnia and Herzegovina, Albania, and Turkey lack essential systems such as border passenger data collection and functioning national coordination centres. In many cases, border police remain understaffed, and infrastructure is inadequate. Ukraine, though aligned in some areas, faces severe capacity limitations due to the ongoing war.⁵⁷

The country reports present the security implications of these gaps as important because they allow for continued irregular transit, weaken the EU's ability to manage its external borders, and increase the risk of trafficking and organized crime. Countries with poor data sharing practices and fragmented border governance are considered more vulnerable to hybrid threats and political manipulation through migration. Consequently, full alignment is advocated to ensure that candidate countries do not risk undermining the EU's border security framework and the credibility of the Schengen expansion.

Below is a table of the visa policy and Schengen/external border alignment status of EU candidate countries, based on the European Commission's 2024 country reports.

⁵⁷ Directorate-General for Neighbourhood and Enlargement Negotiations, Country reports 2024, <https://commission.europa.eu/news-and-media/news/enlargement-reports-2024-commission-outlines-progress-and-priorities-candidate-countries-2024-10-30_en> last accessed 28 August 2025.

Table 1: Visa Policy and Schengen/External Border Alignment of EU Candidate Countries

Country	Visa Policy Alignment Summary	Schengen & External Borders Summary
Albania	Partially aligned. Maintains visa-free regimes with 13 countries on the EU visa-required list, including 6 seasonal visa waivers, which are incompatible with EU acquis. Committed to further alignment under the Growth Plan. Asylum requests decreased by 30% in 2023.	Not aligned. Border law not fully compatible with EU standards. Passenger data rules not compliant. Frontex operations active, but national data system has security issues.
Bosnia and Herzegovina	Not aligned; visa-free with multiple non-compliant states including Türkiye, Russia, China, and Gulf countries. Seasonal exemptions are not in line with EU acquis. Visa application and issuing procedures are harmonized. Lacks a fully functional central visa information system. Additional security measures recommended post-alignment.	Not aligned. Needs new border control law, border strategy, and airline passenger data system. Border police are understaffed. Illegal crossings remain open. Frontex cooperation has started but is incomplete.
Georgia	Partially aligned. Visa legislation generally conforms with EU acquis, but Georgia maintains visa-free regimes with 25 countries on the EU visa-required list, including China. No progress made on revising national Visa Code. Asylum applications to the EU remain high despite a 13% drop from 2022.	Largely aligned. Border law and strategy in place, but coordination across agencies is weak. Infrastructure is limited and many border sections lack proper surveillance.
Kosovo	Not fully aligned. Visa-free regime granted to 110 countries, 16 of which are not aligned with the EU list. Visa liberalization with the EU effective since January 2024. Kosovo is gradually terminating non-compliant regimes. Visa-free access to the EU led to a 68% increase in asylum applications in early 2024. Authorities have responded with information campaigns and increased departure screenings.	Largely aligned. Legal framework mostly in place. Needs better equipment and long-term planning. Frontex cooperation is strong, but border staffing gaps remain.
Moldova	Not aligned. Maintains visa-free access for 11 countries not on the EU visa-free list, including Russia. Still meets visa liberalization benchmarks under the EU framework.	Moderately aligned. New border law adopted but not yet implemented. Frontex access expanded. More work needed on strategy, training, and consistent law enforcement.
Montenegro	Not aligned. Visa-free regime with 11 countries on the EU list of visa-required states. Seasonal waivers persist and not in line with EU acquis.	Largely aligned. Good cooperation with Frontex and regional neighbours. Still dependent on EU support for equipment. Border police need stronger capacity to manage purchases and planning.
North Macedonia	Broadly aligned. Only significant deviation is visa-free access for Turkish nationals, who require a visa for Schengen Area.	Broadly aligned. Frontex cooperation ongoing. Border policy meets EU standards. Work continues on updating travel documents and strategy implementation.
Serbia	Not aligned. Maintains visa-free regimes with 16 countries not on the EU visa-free list. No policy alignment steps were taken in the reporting period. Reform agenda includes a commitment to end at least three such regimes by December 2024. Some visa issuance tightening observed in 2023.	Largely aligned. Needs more investment in infrastructure and a central coordination center. Frontex cooperation growing, but illegal crossings with Kosovo remain an issue.
Türkiye	Not aligned. No progress on the six unfulfilled visa liberalization benchmarks. Visa policy remains highly divergent, including continued use of border and electronic visas, and a discriminatory regime against Cyprus. No harmonization with the EU Visa Code procedures.	Not aligned. National coordination body not fully functional. No updated border strategy. Good investment in surveillance, but poor data sharing and international database access.
Ukraine	Largely aligned. Visa legislation meets EU acquis on processing and protection criteria. Ongoing gaps in the list of third countries with visa-free access. Suspension of border-issued visas since 2022. Phasing out of non-biometric passports expected by 2026. Visa-free regime with EU continues to operate.	Partly aligned. Strategy improved, but lacks EU-specific planning. Border infrastructure damaged by war. Still needs staff, equipment, and a system for crisis management.

Source: Authors' summary of European Commission 2024 country reports⁵⁸

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Country reports are available at https://commission.europa.eu/news-and-media/news/enlargement-reports-2024-commission-outlines-progress-and-priorities-candidate-countries-2024-10-30_en last accessed 28 August 2025.



3.2 Protecting national labour markets: labour market access

Historically, throughout the various enlargement processes the EU Member States expressed a concern for the well-being of their national labour markets. Yet, such concern is not restricted to EU Member States. Enlargement countries themselves can face serious challenges, including high emigration rates and the risk of being left without sufficient domestic workers.⁵⁹ Within the current enlargement process, a striking example is North Macedonia, which in recent decades has experienced a strong wave of emigration, particularly among young people and skilled workers, in search of better wages abroad. As a result, many companies across sectors such as construction, manufacturing, textiles, and hospitality now struggle to fill vacancies, and the country faces a persistent annual shortfall of around 10,000 workers. While the government has proposed importing workers from non-European countries and improving domestic training and retraining systems, experts warn that these measures may only offer short-term relief. Importing foreign workers entails significant costs and regulatory challenges, and many may use North Macedonia merely as a transit country to reach higher-wage EU destinations. At the same time, unions and labour rights groups argue that the real solution lies in improving wages and working conditions to retain local workers. This example highlights how mobility pressures can create vulnerabilities on both sides of the enlargement process, not only in receiving countries but also in sending countries that risk hollowing out their labour force.⁶⁰

According to the Association Agreements in place, for example the AA with Albania, access to the EU Member States' labour market is subject to the conditions and modalities applicable in each Member State.⁶¹ The agreements include a non-discrimination obligation: treatment accorded to workers who are Albanian nationals and who are legally employed in the territory of a Member State shall be free of any discrimination based on nationality, as regards working conditions, remuneration or dismissal, compared to its own nationals. This does not go beyond obligations imposed on the Member States in the Single Permit Directive

⁵⁹ See for example discussions in Martin Kahanec, Anzelika Zaiceva and Klaus F Zimmermann, 'Lessons from Migration after EU Enlargement' in Martin Kahanec and Klaus Zimmermann (eds) *EU Labor Markets After Post-Enlargement Migration* (Springer 2009) 3-45, DOI 10.1007/978-3-642-02242-5_1.

⁶⁰ Aleksandar Samardjiev, 'North Macedonia: Low wages and labour shortage' (13 April 2024) <<https://www.balkanicaucaso.org/eng/Areas/North-Macedonia/North-Macedonia-low-wages-and-labour-shortage-e-224532>> accessed 24 September 2025.

⁶¹ Art. 46 Stabilisation and Association Agreement EU - Albania, Titel V MOVEMENT OF WORKERS, ESTABLISHMENT, SUPPLY OF SERVICES, CURRENT PAYMENTS AND MOVEMENT OF CAPITAL.

2011/98 (and its recast 2024/1233) towards TCN workers more generally. While taking into account the labour market situation in the Member States, ‘the existing facilities of access to employment for Albanian workers accorded by Member States under bilateral Agreements should be preserved and if possible improved.’⁶² We read this as a stand-still clause. Were Member States restricting their labour migration policies, such restrictions might not apply to citizens from the CC if such a clause is inserted in the Association Agreements. Also interesting is that the legally resident spouse and children of a worker legally employed in the territory of a Member State shall have access to the labour market of that Member State during the period of that worker’s authorized stay of employment. This is a diversion from the Family Reunification Directive, which permits the Member States to apply twelve months waiting period.⁶³ However, this does not include spouses of seasonal workers and of workers coming under bilateral Agreements within the meaning of the agreement.

3.3 Recognition of qualifications

The recognition of professional qualifications is essential for the realization of the right to free movement for EU citizens who seek to carry out professional activities in either a self-employed or employed capacity in a different Member State than the state that issued their qualifications. The EU has long had competences (currently Article 53 TFEU) to adopt legislation allowing for the mutual recognition of ‘diplomas, certificates and other evidence of formal qualifications’ required in each member state for access to regulated professions. The Directive on the recognition of professional qualification (Directive 2005/36/EC) is the main piece of secondary legislation applicable in this context.⁶⁴ In line with the principle of mutual recognition, it ensures that qualifications obtained according to laws and regulations in one Member State are recognized as such in another Member State. Across the EU, there are several professions that are regulated in all EU states – doctors, general care nurses, dentists, veterinarians, midwives, pharmacists, and architects – and in respect of whom automatic recognition applies, if the conditions set out in the Directive are met. For other regulated professions or in case the conditions for automatic recognition are not met, recognition is possible via the General System set out in the 2005 Directive. This system allows for the host state to impose compensation measures (adaptation period or an aptitude test) if the qualifications of the applicant are not similar to those requested by the host state. Where the

⁶² Article 47 Stabilisation and Association Agreement EU – Albania, Titel V MOVEMENT OF WORKERS etc.

⁶³ Article 14(2) Family Reunification Directive 2003/86/EC.

⁶⁴ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255, pp 22-142; Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’), OJ L 354, pp 32-170.

differences between qualifications in the two states are too big, the question of partial access to a regulated profession arises. Some professions that fall outside the scope of Directive 2005/36 are governed by specific legislation (for example, lawyers).

No similar legal framework exists for third country nationals (TCNs). The recognition of qualifications is an important issue because it can be a barrier to accessing the labour market. However, there are no institutional initiatives to bring CC nationals into the EU recognition framework. For Ukrainians there was a separate solution with Commission Recommendation (EU) 2022/554.⁶⁵ This recommendation sets out guidelines to support Member States in facilitating the recognition of professional qualifications of persons fleeing Russia's war of aggression against Ukraine. Moreover, the European Commission launched a recent recommendation urging the EU Member States to improve the recognition of third-country equalizations.⁶⁶ Also noteworthy is that the EU Association Agreements with candidate countries stipulate that "In order to make it easier for Community nationals and Albanian nationals to take up and pursue regulated professional activities in Albania and the Community respectively, the Stabilisation and Association Council shall examine which steps are necessary for the mutual recognition of qualifications. It may take all necessary measures to that end."⁶⁷ Thus, there are intentions towards facilitating the recognition of qualifications, also as part of the pre-accession process. In recognition of the fact that it could act as a step in the direction of free movement we mention this, but – to our knowledge – nothing more was published on any specific progress made in this respect.⁶⁸ As mentioned in Section 2.1, the

⁶⁵ Commission Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing Russia's invasion of Ukraine, C/2022/2319, OJ L 1071, 6.4.2022, pp. 1–8.

⁶⁶ European Commission, Recommendation EU 2023/7700 of 15 November 2023 on the recognition of qualifications of third-country nationals, <https://single-market-economy.ec.europa.eu/publications/commission-recommendation-recognition-qualifications-third-country-nationals_en> accessed 24 September 2025.

⁶⁷ See for instance the Stabilisation and Association Agreement with Albania, Titel V MOVEMENT OF WORKERS, ESTABLISHMENT, SUPPLY OF SERVICES, CURRENT PAYMENTS AND MOVEMENT OF CAPITAL, Article 54.

⁶⁸ On the progress made with Ukraine see, European Commission, Assessment of Commission Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing Russia's invasion of Ukraine (European Union, 2023) https://single-market-economy.ec.europa.eu/publications/assessment-commission-recommendation-eu-2022554-5-april-2022-recognition-qualifications-people_en accessed 24 September 2025. The Commission reports on page 13 that "Six Member States (SK, RO, CZ, HU, PL, DE) shared their assessment results for specific professions and presented their conclusions regarding compliance with EU minimum training requirements. This helped to establish a more common understanding of how Ukrainian training relates to European standards and avoid unnecessary duplications. To facilitate information sharing, the Commission also deployed a wiki website specifically for sharing information on Ukrainian qualifications and assessment results among Member States. However, this instrument was not widely accepted. Apart from Member States' presentations uploaded by the Commission Member States made little use of the wiki and did not share any further assessments." The wiki website is not generally accessible, we attempted to gain access on 12 August 2025, see <https://webgate.ec.europa.eu/fpfis/wikis/pages/viewpage.action?pageId=1173685929>.

Growth Plan for Western Balkans identifies this issue as relevant but without going beyond a reference to the 2023 Commission recommendation, which is relevant for all TCN workers.

3.4 Integrating institutions with relevance to the labour market

Finally, we discuss the level of progress on institutional cooperation.⁶⁹ According to the European Commission's 2024 country reports, the enlargement countries have made uneven progress in aligning their labour market institutions and social security systems with EU standards, a crucial step for managing future labour mobility. A key instrument for cross-border labour market integration is the European Employment Services (EURES), which helps match workers and employers across Member States. Albania and Serbia have taken the most concrete preparatory steps toward EURES integration, while Kosovo, North Macedonia, Moldova, and Georgia remain at early or limited stages, with some only beginning preparatory work. Turkey has made no progress toward EURES participation.

In the area of social security coordination, most enlargement countries rely on bilateral agreements with EU Member States. Bosnia and Herzegovina has agreements with 18 Member States, Serbia with 20 EU states, and North Macedonia with 13 EU states. Albania, Montenegro, and Kosovo have been working to expand their agreements, with negotiations ongoing, but progress has been slow. Moldova has made limited progress, while Ukraine and Georgia remain at an early stage, with no significant new agreements reported.

On the institutional side, Montenegro, Albania, and Serbia have taken steps to upgrade their employment agencies and administrative capacity. Serbia has been recommended to start preparations for participation in the European Labour Authority (ELA), while no updates were reported on ELA preparations in the other enlargement countries.

While some enlargement countries have pursued closer contacts with EU institutions, the reports show that legal alignment alone is not sufficient. Progress in national labour market institutions, social security coordination, and enforcement capacity will be important to ensure that mobility functions effectively across borders. The enlargement countries also have areas for improvement in the broader fields of social policy and employment, including labour law, occupational health and safety, social dialogue, social inclusion,

⁶⁹ European Western Balkans, Biking from Novi Sad to Strasbourg: Serbian students want to draw Europe's attention, 5 April 2025, <https://europeanwesternbalkans.com/2025/04/03/biking-from-novi-sad-to-strasbourg-serbian-students-want-to-draw-europes-attention/>.

non-discrimination, and gender equality, as highlighted in the European Commission's country reports.

To conclude, there are yet to be any implications for free movement, the CC have to investment more in getting administrations ready. For example, there is a need for, better support at local level.

4. Labour exploitation as a concern: for or against opening-up free movement of workers, services & self-employed?

Labour exploitation is a concern in EU states like the Netherlands. Pre-enlargement free movement could either be seen as a means to curb exploitation by strengthening workers' status, or as opening the avenue for abuse, which would be a reason to delay free movement. We argue that opening up the labour market for CC workers will provide more clarity over their rights than not doing so.

In assessing whether greater labour mobility should be pursued between the EU and enlargement countries, and to ensure that all workers enjoy decent human rights and fair conditions, it is necessary to examine whether current legal frameworks contribute to the labour exploitation of CC nationals in the EU. Another important factor to consider is whether cases of labour exploitation occur within the enlargement countries themselves, particularly affecting foreign workers. Both issues need to be addressed as part of a responsible approach to expanding mobility and safeguarding workers' rights.

The literature review on labour exploitation in the EU shows that there is no specific danger solely affecting nationals of candidate countries. Instead, labour exploitation appears to be a widespread issue, affecting both EU nationals and third-country nationals (TCNs), including those from non-candidate countries.⁷⁰ However, TCNs are often in the most vulnerable position because their legal status in a country is tied to their employment. Complaints about exploitation could lead to interactions with migration law and the risk of becoming

⁷⁰ Valli Corbanese and Gianni Rosas, *Policies to prevent and tackle labour exploitation and forced labour in Europe* (International Labour Organization 2021) <<https://www.ilo.org/publications/policies-prevent-and-tackle-labour-exploitation-and-forced-labour-europe>> accessed 24 September 2025.

undocumented. TCN workers not only face the possibility of losing their jobs but also their residence permits.

Certain employment schemes and sectors are more prone to labour exploitation. Much of the literature on this issue focuses on posted workers and their vulnerable position. As discussed above, the transitional measures did not apply to those posted workers who were properly hired out. Since, a legal industry has grown assisting the setting up of companies and contracts in such a way that it is not hiring out, so employers can work around the work permit. Through posting, employers send workers to another EU member state for a limited time under the framework of the free movement of services.⁷¹ Posting has turned into an economic strategy, where companies get to forum shop by attaching workers to the least costly legal system.⁷² The posting of workers seems to be especially common in sectors where there are labour shortages and where employers seek to reduce costs. The sectors where posting is most common include construction, agriculture, forestry, manufacturing, catering, care services, domestic work, entertainment, fishing, hospitality, retail, and transportation.⁷³

The posting of workers creates negative effects for both states and workers' rights. The study by Lens, Mussche, and Marx points out that most posted TCN workers in the EU are low- and medium-skilled, who would typically struggle to obtain a work and residence permit in the country where they are posted. National migration laws regulate TCNs' entry into EU member states, but there is no harmonized system. While EU member states should have sovereign control over this issue, intra-EU posting schemes challenge this sovereignty.⁷⁴ Authors consider that posting not only violates the rights of states to decide on the first admission of TCN workers to their labour markets, but also puts workers in a more vulnerable position by reducing their legal certainty. Although posted workers are physically in another EU country, they remain connected to the social security system of their employer's home country.⁷⁵

Often TCNs are unaware of their rights, and for those posted to another EU country, understanding them becomes even more difficult. Even though legal frameworks have been introduced to improve posting, gaps still lead to exploitation. For example, although sending companies must have other activities beyond posting workers, the rules do not specify how

⁷¹ Dries Lens, Ninke Mussche and Ive Marx, 'A hole in the wall of fortress Europe: The trans-European posting of third-country labour migrants' (2022) 60(2) *International Migration* 160-176.

⁷² Sophie Robin-Olivier, 'Posting of workers in the European Union: an exploitative labor system' (2022) 1 *European Law Open*, 679-689.

⁷³ Corbanese and Rosas (n 70).

⁷⁴ Lens, Mussche and Marx (n 71).

⁷⁵ Olivier (n 72).

much activity is required. Another issue is that workers can't be hired solely for posting, but there's no clear indication of how long they must work in the country they are posted from before their posting is considered genuine.

Posted workers are often paid less than local workers, even though EU rules require equal pay. They also have trouble accessing social benefits in the host country, and in case they need support, they may face difficulties in reaching services.⁷⁶ Institutional cooperation between countries regarding posted workers is still limited, and better coordination is needed. Some experts suggest introducing a European social security card to help with this.⁷⁷ As a way to tackle potential labour exploitation, in November 2024, the European Commission proposed a multilingual public interface connected to the Internal Market Information System (IMI) to declare posted workers.⁷⁸

Thus, the above-mentioned literature suggests that rather than candidate country nationals being specifically at risk, it is TCN workers, especially those under ambiguous employment schemes, who face the highest risk of labour exploitation. Articles and policy reports discussing labour exploitation risks for EU candidate countries often seem to be focusing on the posting of workers and the vulnerabilities it creates. Studies on Serbia, North Macedonia, and the Western Balkans showcase that these countries have not fully integrated the Posting of Workers Directive into their national legal systems, and institutional cooperation is insufficient. Even if the legislative act is fully transposed, Western Balkan countries generally lack the institutional capacity to implement it effectively, and doing so would pose a significant financial burden, especially considering that EU membership remains uncertain.⁷⁹

Labour exploitation is a documented challenge not only within the EU but also inside EU enlargement countries themselves, particularly in the Western Balkans. Investigations into Chinese workers at the Zijin copper mine in Serbia revealed serious abuses, including

⁷⁶ Thierry Labro, 'New platform for posted workers aims to tackle social dumping' *Paperjam* (13 November 2024) <<https://en.paperjam.lu/article/new-platform-for-posted-worker>> accessed 24 September 2025.

⁷⁷ Josephine Assmus, Anita Heindlmaier and Susanne Schmidt, 'Between the Cracks: Third-Country Posted Workers: Effective Transnational Co-operation Is Required to Protect Third-Country Posted Workers from Abuses' (2024) *Social Europe* <https://www.socialeurope.eu/between-the-cracks-third-country-posted-workers> accessed 17 October 2025.

⁷⁸ Labro (n 76). The Commission describes the IMI as 'a secure, multilingual online tool that facilitates the exchange of information between public authorities involved in the practical implementation of EU law. It enables them to fulfil cross-border administrative obligations in multiple single market policy areas. See, https://ec.europa.eu/internal_market/imi-net/about/index_en.htm accessed 25 September 2025.

⁷⁹ Sonila Danaj, Eszter Zólyomi, Mojca Vah Jevšnik and Sanja Cukut Krilić, 'Implementing the Posting of Workers Directive in the Western Balkans: An Institutional Perspective' (2019) EEPOW Working Paper, European Centre for Social Welfare Policy and Research <<https://www.euro.centre.org/publications/detail/3628>> accessed 24 September 2025.

restricted movement, confiscated passports, excessive working hours, non-payment or late payment of wages, and unsafe conditions; workers were reportedly made to sign blank contracts, and Serbia's bilateral agreement with China temporarily suspends Serbian labour law, limiting official oversight.⁸⁰ According to the Global Initiative Against Transnational Organized Crime (GI-TOC), the Western Balkans have seen rising cases of labour exploitation affecting both local and migrant workers, particularly in construction, hospitality, and textiles. Common abuses include underpayment, long hours, denial of leave, coercion, confiscation of personal documents, and psychological or even physical abuse. Official data between 2018 and 2023 identified 767 confirmed or potential victims in the region, but civil society estimates suggest the real figure may be 10–20 times higher, due to underreporting, victims' fear of retaliation, and weak institutional responses.⁸¹ While reported cases rose steadily from 2018 to 2021, a temporary decline in 2022 was followed by a renewed increase in 2023, suggesting persistent structural challenges rather than genuine progress.

Labour exploitation in the Western Balkans affects all demographic groups, though their vulnerability and representation often vary by sector and type of exploitation. Individuals experiencing economic hardship remain the most at risk, as financial desperation drives them to accept exploitative working conditions, meagre wages, and precarious job offers. Among the most vulnerable are foreign nationals—primarily economic migrants—who are frequently employed in physically demanding jobs in unfamiliar environments where they lack language proficiency and knowledge of local systems. These barriers significantly limit their ability to access essential services and protection mechanisms. Many are subjected to conditions that starkly contrast the promises made during recruitment, sometimes amounting to forced labour. In Serbia, for example, some migrant workers have reportedly endured extreme conditions akin to modern-day slavery. Notably, in 2021, the Serbian labour inspectorate recorded 7,831 foreign workers, with 1,354 of them lacking valid work permits—underscoring the precarious and often irregular nature of their employment.⁸²

⁸⁰ Sasa Dragoljo, 'Like Prisoners': Chinese Workers in Serbia Complain of Exploitation' *Balkan Insight* (26 January 2021) <<https://balkaninsight.com/2021/01/26/like-prisoners-chinese-workers-in-serbia-complain-of-exploitation>> accessed 24 September 2025.

⁸¹ Global Initiative Against Transnational Organized Crime (GI-TOC). (2024). Forced to Work: Labour Exploitation in the Western Balkans. <https://globalinitiative.net/wp-content/uploads/2024/07/Sasa-Dordevic-Vanja-Petrovic-Forced-to-work-Labour-exploitation-in-the-Western-Balkans-GI-TOC-August-2024.pdf>

⁸² Saša Đorđević and Vanja Petrović, Forced to Work: Labour Exploitation in the Western Balkans (Global Initiative Against Transnational Organized Crime, August 2024) <<https://globalinitiative.net/wp-content/uploads/2024/07/Sasa-Dordevic-Vanja-Petrovic-Forced-to-work-Labour-exploitation-in-the-Western-Balkans-GI-TOC-August-2024.pdf>> accessed 1 May 2025.

The Balkan Insight report highlights the underlying factors enabling exploitation: high youth unemployment, poverty, a large informal economy, limited institutional oversight, and corruption. Although governments in the region have adopted strategies to combat exploitation and trafficking, substantial gaps remain in law enforcement capacity, victim protection, labour inspection, and cross-border cooperation.⁸³

Under-reporting remains a significant concern, exacerbated by corruption, weak institutional responses, and a lack of public awareness. Exploitation often remains hidden, enabled by coercive practices such as document confiscation, psychological abuse, and poor working conditions, with civil society stressing the urgent need for standardized, comprehensive data collection systems to better monitor and address the issue. Inadequate social protection, high youth unemployment, and a large informal economy further compound workers' vulnerability. Tackling these problems requires a multi-pronged approach: policymakers must strengthen legal and institutional frameworks, ensure rigorous labour inspections, and support civil society in raising awareness and promoting workers' rights. Regional cooperation, anti-corruption efforts, and enhanced support for victims—particularly through gender-sensitive approaches—are essential to ending impunity for traffickers and ensuring exploited workers receive the protection and justice they deserve.⁸⁴

5. Discussion and concluding remarks

In this final section, we discuss the implications of accelerated access to the EU labour market for nationals from candidate countries, drawing on past lessons and the latest acquis alignment data from the Commission's country reports. We examine the options available for opening the European Union labour market to nationals of candidate countries prior to their accession. The key question is what legal implications arise from such an opening, and under what legal classification these individuals would fall.

As CC nationals are not yet EU citizens, they are treated under EU law as third-country nationals (TCNs). Their mobility and labour rights pre-accession are therefore not governed

⁸³ Balkan Insight. (2024). Open Secret: The Growing Scourge of Labour Exploitation in the Western Balkans. <https://balkaninsight.com/2024/08/08/open-secret-the-growing-scurge-of-labour-exploitation-in-the-western-balkans/> accessed 25 September 2025,

⁸⁴ Saša Đorđević and Vanja Petrović, 'Forced to Work: Labour Exploitation in the Western Balkans' (Global Initiative Against Transnational Organized Crime, August 2024) <<https://globalinitiative.net/wp-content/uploads/2024/07/Sasa-Dordevic-Vanja-Petrovic-Forced-to-work-Labour-exploitation-in-the-Western-Balkans-GI-TOC-August-2024.pdf>> accessed 1 May 2025.

by the rules on the free movement of EU citizens, but rather by legal provisions specific to TCNs, which may be found in EU directives, association agreements, or national legislation.

Candidate countries can gain from pre-accession free movement in several ways, although the gains for migrants and employers as well as the EU27 Member States are arguably more certain. Skilled emigrants who return after having spent time in the EU labour market may be especially valuable as experts and entrepreneurs – if they return for work and investment, and not simply for retirement. With skilled returnees, the transfer of know-how, and spill-over effects for local workers is an incentive to expedite free movement pre-accession. As with B2B partnerships⁸⁵, candidate countries can otherwise gain from emigrants' remittances and investments, from rising educational ambitions, from slightly reduced unemployment, and from tax revenue from training centres, and stronger economic links with destination countries. There are also risks. For example, the loss of ambitious, sometimes already skilled individuals through free movement into the EU. Because intra-EU mobility through accession is part of a larger package deal, candidate countries are asked to adjust their own migration policies and laws. For example, the obligation to cut ties with non-EU Member States, to aligning their visa free policies with EU policies, is a “political risk” as it will devalue any investments in the relations with these non-EU partners.

From the perspective of the EU27, pre-accession access to their labour markets can have positive effects, especially in those sectors where labour shortages are high. At the same time, a gain for employers in the EU27 is not necessarily the same as a gain for the country as a whole or for its citizens. This may depend on, for instance, skills shortages that are genuinely hard or impossible to fill with local workers and the availability of such skilled workers in the candidate countries or regularizing the already present workers from candidate countries in the EU. Thus, a positive effect in the EU27 could include higher tax returns legalizing informal employment of citizens from the candidate states.

Option 1 is to make use of pre-enlargement arrangements for the free movement of service providers, the self-employed, those establishing businesses, and trainees. Such arrangements can be implemented through association or trade agreements and have precedents in earlier enlargement rounds, such as those applied to the EU8 states in the 2004 enlargement. The main strength of this option lies in its reliance on existing frameworks, which can be expanded and adapted. Historical examples include the

⁸⁵ Friedrich Poeschel, Colleen Boland, Tesseltje de Lange, Martin Ruhs and Ayse Saka-Helmhout, ‘Engaging the private sector in Global Skills Partnerships: exploring the potential of international Business-to-Business approaches’. Global Strategy for Skills, Migration and Development (GS4S 2025), <https://doi.org/10.5281/zenodo.14764638>.

EC–Turkey standstill clause, the 1973 provisions on establishment and services, the 1980 rights for workers with access, and the Europe Agreements that addressed the posting of key personnel, self-employment, and training. This approach can also serve as preparation for entrepreneurship among CC nationals in existing Member States. As a migration agreement the principal weakness of this option is the political requirement for unanimous agreement among all Member States, as mandated by the Treaty on the Functioning of the European Union for treaty-making. Despite this, the model offers opportunities, such as incorporating traineeship schemes under association agreements to develop skills relevant to both the CC and EU labour markets. For this to be effective, a specific Vocational Education and Training (VET) traineeship visa would be needed, since the existing Students and Researchers Directive applies only to highly skilled individuals. The main threat is that such schemes may not target shortage occupations and could instead create loopholes for circumventing restrictions on the free movement of workers prior to accession. Alignment of labour market institutions and recognition of qualification would be necessary to ensure protection and effective rights for CC nationals entering the labour market under such arrangements.

Option 2 involves bilateral agreements or skills partnerships concluded between individual Member States and CCs, which could be mediated or supported by EU law. These agreements could be encouraged through a non-binding Recommendation or regulated by a new Directive.⁸⁶ This option allows Member States to act individually and ensures that those entering under such agreements are covered by the Single Permit Directive, which defines their rights. Some Member States already have such bilateral agreements in place, which could facilitate faster implementation. However, if Member States are unwilling to conclude agreements, no progress would occur, leaving the EU dependent on national political will. This approach presents opportunities for targeted sectoral agreements, for example focusing on shortage occupations or measures to prevent brain drain in CCs. The principal threat is that if an EU Directive were chosen to set common parameters for bilateral agreements, the negotiation process might be lengthy, reducing the attractiveness of the scheme for CCs. Furthermore, employers in EU27 may face obstacles recruiting CC nationals. Like with the B2B partnerships in practice, only a certain selection of employers (in destination and origin countries) might have the capabilities to initiate, successfully operate or merely participate in recruitment in candidate countries. While in B2B partnerships an important fault line lies between small and medium-sized enterprises on the one hand, and large firms on the other this might not be the case for enlargement.

⁸⁶ See for an extensive discussion of skills partnerships Kate Hooper, Tesseltje de Lange and Jasmijn Slootjes, ‘How Can Labor Migration Policies Help Tackle Europe’s Looming Skills Crisis?’ (MPI Policy Report 2025) < https://www.migrationpolicy.org/sites/default/files/publications/mpie-gs4s-europe-skills-2025_final.pdf > accessed 24 September 2025.

Option 3 takes the novel path of introducing pre-enlargement free movement of workers with all the legal benefits that this freedom entails, including equal treatment, recognition of qualifications and social security coordination. This could be particularly relevant for groups such as temporary protection holders from Ukraine, whose status may be in flux. The strength of this option is that it offers a clear and innovative legal pathway for labour mobility. However, the EU's competences in the field of labour migration are more limited than in the area of free movement for EU citizens. Implementing such an arrangement might therefore require the creation of a more general migration management instrument to provide legal clarity and uniformity. The opportunity exists to design the scheme using specific criteria, such as sectoral needs, age limits, or labour market shortages. Yet the main threat is the complexity of its legal organisation: if implemented through a Directive or Regulation, the adoption process would likely be slow and changing geopolitical or economic conditions could lead CCs to lose interest before it is finalised. This option would acknowledge the fact that demand for legal migration opportunities to the EU especially in some sectors and in some EUMS, is high. This option may also have benefits for employers when it comes to recruitment.

On the other hand, the Brexit being the result of miscalculation of the consequences of previous enlargements and (lack of) transitional measures, stakeholders involved in the enlargement might shy away of pre-accession free movement of workers and even plea for lengthy transitional periods. The abuse of intra-EU mobile workers when posted or at work as bogus self-employed could undermine the political support for pre-accession free movement. Therefore, access to the internal market for workers either pre- or post-accession should come with strong arrangements of social conditionality, cross-border enforcement and integrated labour market institutions.

In conclusion, the fastest option for implementation would be the adoption of a Recommendation promoting bilateral agreements, particularly in cases where such agreements already exist. This, however, risks resulting in no substantive change if Member States choose not to act. The most far-reaching option would be the introduction of an EU Regulation granting free movement rights to CC nationals, but this is politically unlikely to succeed in the pre-enlargement stage. A possible middle ground could involve creating incentives for circular mobility and upskilling, combined with improved recognition of professional qualifications in line with EU law. This would encourage participation in pre-accession mobility schemes while ensuring that both CC nationals and the EU labour market are better prepared for eventual accession.

Annex 1 SWOT analysis

A SWOT analysis is a tool for making choices of a strategic nature, very often, but not only, in a business context. For example, firms use SWOT analysis to decide on entering a new market, clarify how they differ from competitors, or manage risks. The matrix of a SWOT analysis (see below) collects and visualises the key findings for every setup considered. Its four panels – strengths, weaknesses, opportunities and threats (hence SWOT) – go some way towards ensuring a holistic assessment of each setup. The fact that findings for every setup are ultimately classified in these four dimensions introduces a certain comparability across setups and therefore facilitates identifying the most promising setups. The dimensions for opportunities and threats can similarly help identify the need and scope for regulation.

Table 2: SWOT analysis scenarios for accelerated access to EU labour market

Scenario	Strengths	Weaknesses	Opportunities	Threats
A. Pre-enlargement Free Movement of Service Providers / Self-Employed / Establishment / Trainees (via Association or Trade Agreements)	- Based on existing legal instruments (e.g., EC-Turkey, Europe Agreements)- Partial systems already in place- Encourages SME entrepreneurship in old MS- Flexible models to choose from	- Requires unanimous political agreement by all EU MS (TFEU treaty-making)- Risk of legal complexity in updating agreements	- Opens avenues for skills development (e.g., VET traineeship visa)- Bridges skills gaps in both CC and EU- Strengthens pre-accession integration	- May be misused as a loophole to bypass restrictions on worker mobility- Might not target actual shortage occupations
B. Bilateral Agreements / Skills Partnerships (National Solution Mediated by EU Law)	- Flexibility for MS to act individually- Covered under Single Permit Directive, ensuring rights- Some MS already have such agreements	- Highly dependent on MS political will- Lack of action if MS opt out- Risk of fragmentation in implementation	- Sector-specific agreements can address labour shortages- Can be tailored to prevent brain drain- Quick implementation possible through recommendations	- If an EU Directive is required, legal process may be too slow- Risk of losing CC interest due to procedural delays
C. Pre-enlargement Free Movement of Workers (Novel Approach)	- Innovative solution for specific situations (e.g., Ukrainian TPs)- Potentially comprehensive mobility rights	- Limited EU competence in labour migration (compared to EU citizenship rights)- Complex legal basis required	- Can be tailored to specific sectors, age groups, or labour market needs- Could become a model for future enlargement processes	- Difficult to legally structure; a Directive or Regulation would take time- CCs may shift alliances or interests before implementation is complete

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