

Reply to Call for Evidence on the Fair Mobility Package

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Pearle* – Live Performance Europe, the European federation representing performing arts organisations, and a recognised sectoral social partner, welcomes the opportunity to provide input on the future Fair Labour Mobility Package through this Call for Evidence. As an international sector, the live performance is one of the most mobile cultural sectors in Europe, characterised by frequent, short-term, cross-border engagements that involve a wide variety of employment statuses, contracts, and legal regimes. Recent Eurostat figures estimated about 2.03 million cultural enterprises active in the ‘creative, arts and entertainment’ sector, whereas 78% of EU workers were employed by micro-enterprises with fewer than 10 employees.

Its experience offers a concrete test case for identifying obstacles to labour mobility in practice. Despite the European Union’s core principle of free movement of workers and services, despite the strategy for a single market published last May 2025, and despite its efforts to harmonise and coordinate rules, mobility is still hindered by diverging national interpretations, fragmented implementation, disproportionate administrative burdens, and high compliance costs. If mobility remains restricted, this not only undermines the free movement of workers and services but also weakens the cultural and economic vibrancy of Europe as a whole and its economic and social potential. For the live performance sector, mobility involves a wide range of challenges when employing people, often to be addressed at the same time, including social security, posting of workers, cross-border artist taxation, visas and work permits, as well as business-related cross-border issues.

These challenges are further evidenced by an internal survey of Pearle* members conducted between September and November 2025 on cross-border mobility. While identifying the applicable rules already requires navigating several layers of complexity, 27% of respondents indicated that the main burden of labour mobility lies in having to complete the entire chain of administrative requirements. A further 20% pointed to the time spent by internal staff or costly external service providers. Lengthy procedures involving multiple authorities across different countries ranked third, followed by managing final payments (or tax credits, where applicable).

Below are our further comments on this Call for Evidence.

1) Fair Labour Mobility Package

Pearle* considers that the Fair Labour Mobility Package must be built on simplification, proportionality and realistic implementation. Rules should be designed so that compliance is straightforward for workers and employers alike, including those engaged in very short-term cross-border work.

In the live performance sector, mobility often involves repeated movements across borders, very short stays of only a few days or even hours, work in several Member States within the same year, and changing or mixed employment statuses, such as a combination of salaried and self-employed work or multiple employers. **According to a 2021 study on Cross-border employment in the live performance sector¹, around six out of ten postings in our sector last between one and eight days, compared to the general average posting duration of three months.**

However, the existing legal and administrative framework has largely been designed around long-term and traditional mobility patterns. As a result, organisations must request an A1 for each short posting, since touring groups frequently change depending on artistic needs, making this requirement impractical in practice, and delays or the absence of the document may lead to penalties in some Member States. There are no tailored solutions for workers undertaking multiple short postings throughout the year, particularly when touring schedules are not known far in advance. In practice, the same administrative requirements apply to long stays and to a two-day performance, even when such obligations are disproportionate.

Pearle* therefore considers that the Package should:

- **introduce a clear proportionality approach for very short-term and highly mobile work**, without reducing workers' protection;
- **explore simplifications or thresholds for A1 and prior notification requirements**, building on existing good practices such as limited exemptions for artists in some Member States;
- **ensure that new digital initiatives**, including ESSPASS and eDeclaration (for posted workers), **genuinely reduce administrative steps rather than duplicate them**, for example, by avoiding parallel systems such as the continued paper issuance of portable documents without a clear phasing-out deadline.

Improved coordination and predictability of social security rules are equally important. **Pearle* encourages the EU to complete the revision of Regulation 883/2004 in a way that reflects highly mobile, project-based work, to develop clarifications that provide more stability regarding applicable legislation, and to promote proportionate approaches to A1 procedures depending on duration and risk.**

Finally, improving access to practical and sector-relevant information remains essential. **Clear, multilingual material that includes guidance tailored to the cultural and live performance sector is needed to ensure that workers and employers fully understand their rights and obligations under EU labour mobility rules.**

The Package should explicitly recognise circular and highly mobile work patterns, including repeated short trips, non-linear mobility paths and touring-based activity. Measures on social security coordination, posting, information provision and digitalisation must therefore be tested against real-life working arrangements in sectors such as ours.

2. Proposal for a European Social Security Pass (ESSPASS)

Employers and workers in the live performance sector face recurring and disproportionate administrative burdens when dealing with cross-border social security procedures. Applying

¹ Cross-border employment in the live performance sector – Exploring the social security and employment status of highly mobile workers (2021) (HIVA - KU Leuven, Ghent University, CNRS - University of Strasbourg)

for an A1 for each short posting is time-consuming and burdensome, whether it concerns micro and small organisations without specialised staff or larger institutions that have to deal with large touring groups at once. Due to the complexity, delays are bound to occur, which may result in significant penalties in some Member States.

In addition, the need to process several applications simultaneously for different workers and countries increases the risk of error. Systems are fragmented, often requiring the same information to be entered repeatedly across different national platforms, with limited interoperability between national systems, EESSI and other digital tools.

Finally, there is also uncertainty in determining applicable legislation, particularly when workers combine employee and self-employed activities or work in several countries in the same year, making it difficult to understand whether they are correctly affiliated. Workers themselves often lack access to a clear and consolidated overview of their coverage and entitlements.

Digitalisation could add value if it enables a genuine once-only data approach, integrates procedures into systems already used by employers, and gives workers direct access to authoritative information on their affiliation and rights.

Pearle* supports the further development of ESSPASS, provided that its design focuses on simplification, interoperability and user-friendliness. ESSPASS could bring added value if it offers a secure, standardised digital format for key social security attestations, including the A1 and European Health Insurance Card and other portable documents (such as on unemployment), and allows real-time or near real-time verification by authorities, service suppliers and service receivers in host countries. Full interoperability with EESSI and national systems would avoid repeated data entry and reduce administrative burdens.

ESSPASS could also help workers maintain an accessible history of their cross-border coverage and contribute to reducing both unintentional errors and fraud. **To be effective, ESSPASS must streamline, not duplicate, administrative processes and should be accompanied by simplification measures tailored to very short-term and highly mobile work as part of the broader Fair Labour Mobility Package.**

In addition, Pearle* supports expanding the EUDI-wallet to other relevant documents, such as qualifications, digital credentials and confirmations of posting notifications, and, where appropriate, elements related to residence and work-permit procedures. This could help reduce the number of physical documents required during cross-border engagements and ensure more efficient checks.

3) Strengthening the European Labour Authority (ELA)

Pearle* sees strong potential within ELA's existing mandate to improve fair labour mobility, particularly through clearer and more accessible information on posting, social security coordination and mobility, tailored to sectors dominated by micro-employers such as live performance. ELA can also support Member States in improving the usability of official information websites and promoting best practice presentation models.

Greater consistency in the interpretation and application of EU rules is needed, and ELA could facilitate the exchange of approaches between Member States and provide clearer guidance for cross-border activities in practice.

Targeted mandate reinforcement could focus on improving transparency of applicable terms and conditions through sector-specific tools. Any reflection on ELA's role regarding third-country nationals should remain centred on information and coordination. The voluntary nature of inspections must be preserved, and any reinforcement must be matched with adequate resources.

Conclusion

The live performance sector illustrates how cross-border work can be dynamic, project-based and highly mobile, yet still faces disproportionate administrative and legal challenges arising from frameworks designed for longer-term and more traditional mobility patterns. To preserve the principle of free movement and ensure fair and secure working conditions, mobility rules must reflect the practical realities of workers and employers who operate across several Member States within short timeframes and under mixed employment arrangements. **Simplification and proportionality are therefore not only administrative objectives but necessary conditions to maintain compliance, legal certainty and equal treatment across the Single Market.**

A successful Fair Labour Mobility Package should aim to make compliance feasible without requiring specialist legal or administrative expertise, both for micro and small organisations, which make up the majority of the sector and lack dedicated mobility staff, as well as for larger cultural institutions or organisations.

Digital tools such as ESSPASS have strong potential to reduce administrative burden, provided that they are linked to procedural simplification, interoperability and user-friendly implementation rather than a digital replication of existing complexity. At the same time, improving access to clear, multilingual and sector-relevant information will be crucial to enabling workers and employers to understand and apply rules correctly.

Finally, a more effective and visible role for the European Labour Authority can support better implementation by improving guidance, consistency and cooperation between Member States.

Pearle* encourages the European Commission to ensure that future initiatives under the Fair Labour Mobility Package are designed and evaluated against real mobility patterns, including repeated short stays and touring-based work. By doing so, the EU can promote a system that supports compliance with employers, balanced with protection of workers, and as a result enables cultural exchange and sustains the creative and economic contribution of the live performance sector to Europe.