EUROPEAN
COMMISSION

Brussels, 8.5.2026
COM(2026) 261 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

in accordance with Article 27 of Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

I. INTRODUCTION

The EU's seasonal economy is an important, high-volume driver of growth in different sectors of strategic importance for the overall EU economy and competitiveness. The main seasonal sectors in the EU are agriculture and horticulture, tourism, and the hotel, restaurant and catering (HORECA) sector, and to a lesser extent food processing and construction. In 2024, the EU's agricultural sector generated EUR 228.6 billion in gross value added (about 1.2% of EU GDP) and EUR 531.9 billion in agricultural output, while agri-food exports reached EUR 235.4 billion[1]. Tourism industries, including accommodation and food services, are estimated to account for around 5% of the EU's gross value added[2]. Many of these sectors rely structurally on seasonal work, where labour demand peaks at specific times of the year.

Although seasonal sectors and the size of seasonal work vary across the EU, all Member States have a structural need for seasonal workers. Rough estimates suggest that between 2.5[3] and 4[4] million seasonal workers are needed annually across the EU. Nationals from the countries themselves represent the largest group of seasonal workers, but their number has been steadily declining.

Demographic changes, rural depopulation and persistent labour shortages increasingly require the contribution of mobile EU seasonal workers (who move from one EU country to another for seasonal jobs) and workers from non-EU countries to sustain production and services in seasonal sectors. According to estimates from 2021, over 420 000 third-country nationals take up seasonal work in agriculture alone in the EU each year[5]. In 2023, 9% of the labour force in tourism industries was made up of third-country nationals[6].

Seasonal work presents specific challenges associated with heightened vulnerability and enforcement risks. This is due to the combination of temporary and physically demanding tasks, long working hours during peak periods, comparatively low pay, limited job security and remote workplaces. Workers' limited bargaining power, the difficulty of conducting inspections in remote rural areas, and fierce competition that may result in the cutting of labour costs further contribute to seasonal workers' vulnerability and risks of exploitation. Third-country nationals employed in seasonal sectors are at greater risk than EU nationals, facing challenges in access to decent housing,

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1 Eurostat, Performance of the agricultural sector – Statistics Explained – Eurostat.

2 Eurostat, Tourism statistics – expenditure – Statistics Explained – Eurostat (4.5% in 2019); Money-maker or scourge? Tourism across the EU flourishes | European Newsroom (5.1%).

3 European Economic and Social Committee (EESC), *Collecting data on the situation of social protection of seasonal workers in the agriculture and food sectors in EU Member States after COVID-19*, 2023.

4 European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT), *Working conditions in EU Agriculture, The Figures of Precarity, Exploitation, and Inequality*, 2024.

5 EESC, footnote 3, p. 18.

6 In accommodation services, which employed 2.1 million workers in 2021, third-country nationals accounted for 11% of the workforce in 2023, Tourism industries – employment – Statistics Explained – Eurostat. In 2022, they constituted approximately 12.6% of the workforce in the HORECA sector in the EU, European Labour Authority (ELA), *Accommodation and food service activities: issues and challenges related to labour mobility*, p. 37. However, the number of seasonal workers from non-EU countries in this sector is not known.

health care, as well as certain parts of social security. Intersectional discrimination can increase those risks. Short contracts, dependence on a single employer, limited access to information and support, and fear of adverse consequences if they report abuses[7] affect their ability to assert their rights and seek redress. Seasonal workers are also more at risk of falling victim to trafficking in human beings for labour exploitation, which has increased significantly in recent years[8], particularly in high-risk sectors such as agriculture, food processing, hospitality, transport and logistics and construction.

Before the adoption of the Seasonal Workers Directive[9] (the Directive), national rules and protection standards were fragmented, with definitions, admission criteria, length of stay, procedures and rights varying widely from one country to another. In several Member States, seasonal sectors were associated with illegal employment, overstaying and poor working and living conditions.

Adopted in 2014 and to be transposed by 30 September 2016, the Directive seeks to reconcile two objectives: more accessible and transparent labour mobility pathways to help employers meet seasonal labour demand, thereby incentivising a reduction in illegal migration and illegal employment; and promoting decent working and living conditions for seasonal workers, strong safeguards against exploitation, as well as measures to ensure enforcement, such as monitoring, assessment and inspections.

In accordance with Article 27 of the Directive, this report focuses on the transposition and application of the Directive in the Member States, covering mainly the period between 2019 and 2024[10]. It also outlines the measures taken to support the correct transposition and application of the Directive, identifies remaining challenges, and presents the steps that the Commission intends to take to address them.

The report is based on information received through the monitoring and support measures described in sections II and III, on statistical data reported by Member States to Eurostat, and on contributions from a broad range of stakeholders, including Member States' authorities, trade unions, employers' and business associations, non-governmental organisations, migrant representatives, academia and publicly available sources.

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7 Commission, 'Targeted study on the need and potential policy options to better protect third-country nationals under the Seasonal Workers Directive', by Milieu Ltd and Ramboll Consulting, 2024, hereafter referred to as Targeted study; Oxfam, *Essential but invisible and exploited*, 2024, p. 5; *Employment Equality Bulletin, Portraits of Precariousness: Seasonal Workers Picking Strawberries and Other Berries in Huelva (Boletín de Igualdad en el Empleo, Retratos de la Precariedad*: *Temporeras de la fresa y otros frutos rojos en Huelva)*, 2023.

8 Increase of 70% in trafficking for labour exploitation between 2019 and 2023, as can be gleaned from the Eurostat report on 10 years (2013-2023) of EU data on trafficking in human beings, published in October 2025.

9 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94, 28.3.2014, p. 375. The Directive is not applicable to Denmark and Ireland.

10 The extended reporting period is largely due to gradual and differentiated transposition of the Directive by EU countries, gaps in comparable data and the disruption caused by the COVID-19 pandemic.

As outlined in the European Asylum and Migration Management Strategy of 29 January 2026[11], it is key to attract workforce from non-EU countries that the European economy needs, including seasonal workers, while ensuring protection against exploitation and preventing illegal employment. Promoting and ensuring effective access to labour mobility pathways for the purpose of seasonal work, as viable alternatives to illegal migration, is also part of the Global Alliance to counter migrant smuggling[12].

This report, together with the report on the implementation of the Employers Sanctions Directive[13], aims to promote a better enforcement of EU rules to counter illegal employment and exploitation of migrant workers. It will also feed into the upcoming strategy on combating trafficking in human beings in 2026 and contribute to the EU's broader approach under the Quality Jobs Roadmap[14] to ensure decent working conditions for every worker.

II. MONITORING AND MEASURES TO SUPPORT IMPLEMENTATION

Since 2016, the Commission has taken a range of legal and operational steps to ensure the Directive's correct implementation. In 2016, it opened infringement procedures for failure to notify transposition measures against 20 Member States bound by the Directive. By 2019, all Member States had notified complete transposition, leading to the closure of those infringement cases. Most provisions were correctly transposed in each Member State, though some gaps persisted in areas such as admission and withdrawal conditions, the issuance and renewal of authorisations, information obligations, the facilitation of re-entry, accommodation, sanctions, compensation and procedural safeguards. In 2023 and 2024, the Commission therefore launched infringement procedures for incorrect transposition of the Directive against all Member States bound by the Directive. As a result, all Member States concerned have taken or are taking additional measures to align their national law with the Directive. To date, nine infringement procedures have been closed, while the others remain under assessment.

To support the effective application of transposed provisions, the Commission has complemented legal enforcement with analytical[15] and operational[16] measures. EU funding has financed targeted

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11 Commission Communication to the European Parliament and the Council, *European Asylum and Migration Management Strategy*, 29 January 2026, COM(2026) 45 final, p. 21.

12 See Joint Declaration on the Global Alliance to Counter Migrant Smuggling, 10 December 2025.

13 Report from the Commission to the European Parliament and the Council on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals COM(2026)260.

14 Communication from the Commission, *Quality Jobs Roadmap*, 4 December 2025, COM(2025) 944 final.

15 European Migration Network (2020), *Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom – Synthesis Report*, 2020, and related country reports; Ad Hoc Query on 2023.18 Seasonal Workers Directive, requested by EMN Luxembourg on 5 May 2023; Targeted study, footnote 7; Commission, *Study on the working conditions of farm employees in the EU agriculture sector*, by Milieu, Law & Policy Consulting, 2025.

16 For example, Communication from the Commission, *Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak*, 2020/C 235 I/01, OJ C 235I, 17.7.2020, p. 1; ELA, Campaign information note third-country national seasonal workers (2021), Information note on seasonal workers.pdf.

projects, for example, in Italy, Greece, Spain and France, to support the practical implementation of the Directive for third-country seasonal workers in agriculture[17].

The Commission has discussed the remaining challenges and potential next steps to improve the Directive's application with Member States, social partners and stakeholders in various fora and consultations[18]. Commission departments have participated in further exchanges organised by third parties and related to EU-(co)-funded projects[19]. These exchanges highlighted the need to better operationalise admission channels to deliver the required seasonal workforce in time, increase awareness among third-country seasonal workers of their rights and of how to enforce them, and to support the use of complaint and redress mechanisms. Stakeholders also frequently drew attention to insufficient monitoring, enforcement, inspections and sanctioning in seasonal sectors, alongside recurrent problems of inadequate accommodation and labour law infringements.

III. COMPLIANCE OF TRANSPOSITION AND APPLICATION

While Member States have correctly transposed most provisions of the Directive, some gaps remain, as shown in the following sections.

1. Streamlined and easily accessible labour mobility pathways for seasonal workers

a. Scope of the Directive – Article 2

The Directive applies to third-country nationals who reside outside the territory of the Member States and who apply to be admitted, or who have been admitted to the territory of a Member State for the purpose of employment as seasonal workers. It does not apply to third-country nationals who at the time of application reside in the territory of a Member State, with the exception of third country nationals who intend to extend or renew their stay (Article 2). The Directive defines 'seasonal worker' a third-country national who retains the principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded

[17] For example, the Commission allocated EUR 30.2 million in 2019 to SU.PR.EME. Italia and EUR 30 million in 2023-24 to SU.PR.EME. 2 in Italy to prevent and fight against undeclared work and unlawful recruitment activities; EUR 3.25 million, 95% of which came from the Asylum Migration and Integration Fund (AMIF), to the Women as Financially Independent Rural Actors (WAFIRA) project (2021-2025) and WAFIRA II (2025-2028) in Spain; and EUR 5.23 million, with 95% from AMIF, to France. It also funded the INTEGRALITY project, to fight against the labour exploitation of migrants in agriculture and work to ensure they are locally integrated, in Greece.

[18] For example, at meetings of the Labour Migration Platform in October 2023 and October 2025, a meeting of the Expert Group on the Views of Migrants in October 2025, a meeting of the European Migration Forum in November 2024, and an ad hoc meeting with social partners in December 2025.

[19] For example, Solidar, Realising Fair and Just Working Conditions for Migrant Workers in Europe (October 2025); Organisation for Economic Co-operation and Development (OECD)/Government of the Netherlands, Hybrid Workshop on Labour Migration in Agriculture (December 2025); Seasonal and fair employment blueprints (SaFE)/International Centre for Migration Policy Development (ICMPD)/Migration Partnership Facility (MPF), Workshop, Building functional pathways for seasonal work in agriculture and tourism (January 2026); European Policy Centre (EPC)/Dignity for migrant workers in farm to fork labour markets (DignityFirm), Roundtable, Migrant workers in farm to fork sectors: What way forward for effective EU policies ensuring dignity? (January 2026).

directly between that third-country national and the employer established in that Member State (Article 3 (b)). Within these parameters, Member States must list the seasonal sectors (Article 2(2)) and set the maximum cumulative stay for seasonal work between five and nine months in any 12-month period (Article 14). All Member States have listed agriculture as a seasonal sector. Many mention horticulture[20], forestry[21], including the gathering of wild non-wood products[22], or fishing and marine aquaculture[23]. Most, but not all, have also designated accommodation, food services and/or tourism and related leisure services as seasonal sectors[24]. Some include one or more additional sectors[25].

Admissions of third-country seasonal workers under the scope of the Directive have increased steadily in the past years. Eurostat data[26] show that authorisations for seasonal work in the EU rose from 115 726 in 2019 to 273 897[27] in 2024, with a particularly strong increase between 2021 and 2024 (from 154 915[28] to 273 897; over +77%), reflecting post-COVID recovery, higher demand for seasonal labour from non-EU countries, and more complete reporting by some Member States[29]. In several Member States, streamlined procedures[30] and higher quotas of admission for third-country seasonal workers[31] have made mobility pathways more attractive and accessible. Intensified labour inspections and higher detection of irregularities[32] in the same period suggest that growth in legal employment may have been triggered in some Member States by the taking of more decisive action against undeclared work and illegal employment.

In 2024, six Member States accounted for over 90% of authorisations under the scope of the Directive: Italy (146 099; 53%), France (41 700; 15%), Spain (20 810; 8%), Croatia (16 555; 6%), Greece (15 206; 6%) and Bulgaria (9 542; 3%). Almost 70% of authorisations were issued to people from the following non-EU countries: Morocco (76 579; 28%), Bangladesh (53 567; 20%),

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20 Austria, Belgium, Germany, France, Lithuania, Latvia, the Netherlands and Romania.

21 Austria, Bulgaria, Czechia, France, Germany, Estonia, Greece, Finland, Croatia, Hungary, Lithuania, Sweden, Slovenia and Slovakia.

22 Finland and Lithuania.

23 Bulgaria, Estonia, Greece, Hungary, Latvia, Malta, Portugal and Slovakia.

24 Austria, Belgium, Bulgaria, Czechia, Germany, Estonia, Greece, Finland, France, Croatia, Italy, Lithuania, Luxembourg, Latvia, Malta, Poland, Portugal, Romania, Sweden, Slovenia and Slovakia.

25 Czechia, Germany, Estonia, Finland, France, Lithuania, Luxembourg, Portugal, Sweden and Slovakia listed one or more of the following sectors, for example: hunting, food/tobacco/beverage production, sawmills, construction, film/television production, passenger water transport, wholesale/retail trade, industrial activities, services supporting the performing arts or civil engineering.

26 Unless otherwise stated, the figures mentioned are Eurostat figures. For the 2019 figure, data is missing for Belgium and France, see: Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship [migr_ressw1_1].

27 Plus 22 079 'renewed' decisions, mainly in Austria (19 805), France (1 183) and Croatia (863). Austria clarified vis-à-vis the Commission services that the 19 805 renewals included 15 397 seasonal permits issued for up to six months for the first time for a specific season but not for the first time to a specific worker, and 4 408 renewals for the extension of a stay for a total stay of up to nine months within the 12-month period.

28 Data for Belgium is missing.

29 For example, by Belgium, Cyprus and France.

30 For example, in Greece, Spain, France.

31 Austria, Spain, Italy and Romania.

32 See Section III.2.b. below and, for more detail, the Implementation Report on the Employers Sanctions Directive.

India (39 137; 14%), Tunisia (12 675; 5%) and Ukraine (7 524; 3%). Except for Ukrainian workers, largely concentrated in Poland, other above-mentioned nationalities were predominantly employed in southern Europe, particularly Italy, France and Spain.

In 2024, most third-country seasonal workers admitted under the Directive were men (at least 216 954), while women accounted for almost one fifth (at least 53 895, or 20%)[33]. Although men predominated in most Member States, women represented more than 88% of seasonal workers under the Directive in Poland (4 516) and more than 80% in Spain (16 677)[34].

Eurostat data for 2024 show that authorisations are concentrated in agriculture, forestry and fishing (196 650; 72%) and accommodation and food service activities (47 203; 17%). Several Member States rely on parallel admission routes not governed by the Directive to meet seasonal labour needs. They also use students[35], applicants for, or beneficiaries of, international protection[36] from non-EU countries, and national seasonal work permits for people already present on their territory. Other third-country nationals with the right to work or perform a remunerated activity also work in seasonal sectors. The share of illegally employed workers from non-EU countries remains high in seasonal sectors in many Member States[37].

Divergent national definitions of seasonal sectors, which are due to the wide discretion of Member States left by the Directive and parallel admission pathways for seasonal work, can result in uneven protection for workers and make monitoring, inspection planning and data comparability across the EU difficult.

b. Authorisations for seasonal work, admission criteria, procedures and fees

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33 The aggregates were calculated based on available data. There are missing data by sex for Germany and Portugal in 2024.

34 Women also accounted for sizeable shares in Finland (2 714, 58%) of first issued authorisations, Croatia (45%, 7 530), Austria (35%, 2 023), Bulgaria (2 730, 29%), Greece (3 804, 25%). Italy issued 9 142 authorisations for seasonal work to women, yet this represented only 6% of the country's total.

35 Germany, which applies the Directive for seasonal workers only by means of bilateral schemes with Moldova and Georgia for stays of up to 90 days administered through the public employment service. Ferienbeschäftigung für. Studierende – Auswärtiges Amt; Expert Council for Integration and Migration (*Sachverständigenrat für Integration und Migration (SVR)*), precarious work (*prekäre Beschäftigung*), precarious participation (*prekäre Teilhabe*), Bericht, 2023.

36 Italy and Greece. Sources: Eurispes, Agromafie, Eighth report on agri-food crimes in Italy (8° *rapporto sui crimini agroalimentari in Italia*), 2025; Hoque, Migration Policy Institute, *Trapped by Italy's Policy Paradox, Asylum Seekers and Other Migrants Can Fall into Exploitative Farm Labor*, August 2024; Guidi/Berti, 'Labor exploitation in the Italian agricultural sector: the case of vulnerable migrants in Tuscany', Front Sociol. 2023 Oct 4; Piovesan, Della Puppa, 'Da richiedenti asilo a lavoratori essenziali' ('From asylum seekers to essential workers'), Anno XIV, no. 1/2024, *Rivista quadrimestrale dell'INAPP (Istituto Nazionale per l'Analisi delle Politiche Pubbliche)* (Quarterly Review of the National Institute for Public Policy Analysis). Blouchoutzi/Zaples/Manou/Papathanasiou, 'Refugees' Settlement in Greece: Employment in Agriculture as a Criterion for an Alternative Dispersal Plan', Growth and Change 2025, Volume 56, Issue 2, p. 1; Generation 2.0 RED, SolidarityNow, *Revealing the Unseen Migrant Workers*, Joint Research Study, 2025.

37 See Report from the Commission to the European Parliament and the Council on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

Article 12 of the Directive requires Member States to issue an authorisation for seasonal work if the admission conditions are met and there are no grounds for rejection, subject, where relevant, to the availability of quotas. Almost all Member States have transposed this obligation correctly.

According to Eurostat data, in 2024, most seasonal work authorisations concerned stays exceeding 90 days. Only 11% (30 843) were issued for stays not exceeding 90 days. Such short-stay authorisations were mainly issued by Bulgaria and Finland, where they accounted for 81% (7 744) and 74% (3 463) of their totals respectively[38].

Authorisations not exceeding 90 days – Article 5 and Article 12(1)

For short-stay seasonal work, not exceeding 90 days, Member States apply one or more of the three authorisation models set out in Article 12(1) of the Directive: a dedicated short-stay visa for seasonal work[39], a combination of a short-stay visa and a work permit[40], or a stand-alone work permit for people who don't require a visa[41]. Procedures for obtaining an authorisation typically involve two steps, with employers often first seeking approval/a work permit from the competent labour authorities, and then, if required, a worker applying for a visa.

Documentation requirements for obtaining an authorisation have largely been streamlined and harmonised in line with the exhaustive list in Article 5 of the Directive. However, the conformity assessment found that the national legislation of 16 Member States was initially not compliant with the Directive. Six Member States required additional documents, such as health insurance covering the whole stay (instead of requiring it only for periods during which the seasonal worker is not covered by the social security of the Member State), proof of professional qualifications, or financial guarantees for their return. Nine Member States did not require some of the mandatory documents, such as a work contract or binding job offer, evidence of sickness insurance or evidence of adequate accommodation. Subsequent transposition measures have addressed these shortcomings, but evidentiary requirements still vary from one Member State to another: for example, some require declarations from employers[42], whereas others require formalised contractual evidence[43]. Adequate pre-admission checks by the relevant national authorities remain essential to ensure decent working and living conditions, protect workers and prevent abuse and fraud, as demonstrated by more stringent pre-admission checks in some Member States, which have led to higher application rejection rates[44].

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38 Significant numbers of short-stay titles were also issued in Croatia (7 597, 46%), Poland (1 729, 34%), Austria (1 944, 34%) and Italy (6 199, although this is only 4% of Italy's total).

39 For example, Bulgaria, Cyprus, Greece, Finland, Italy, Luxembourg, Latvia and Portugal.

40 For example, Austria, Belgium, Czechia, Spain, Hungary, Lithuania, Malta, the Netherlands, Poland, Romania and Slovakia.

41 For example, Cyprus, Germany, Estonia, Finland, Croatia, Sweden and Slovenia.

42 For example, Austria, Germany, Latvia, Malta and the Netherlands.

43 For example, Bulgaria, Cyprus, Czechia, Spain, Finland, France, Croatia, Lithuania, Luxembourg and Slovenia.

44 Sweden (What does the Swedish Migration Agency do to counteract abuse and crime? – The Swedish Migration Agency); France reported an application rejection rate of around 40% for seasonal workers from Morocco due to fraud or inadequacy for the job profiles for 2024 during the OECD workshop, footnote 19.

Authorisations exceeding 90 days – Article 6 and Article 12(2)

In 2024, Member States issued 240 104 seasonal work authorisations for stays exceeding 90 days, including 65 942 for stays of 91 days to five months and 174 162 for stays of 91 days to nine months. For this kind of authorisation, Member States have chosen the option under Article 12(2) of the Directive that best fits their existing national migration arrangements and labour market management: some use long-stay visas[45], some single residence and work permits[46], requiring a visa only as an entry formality, if at all, and most combine long-stay visas with residence permits[47]. This has meant that procedures have continued to vary greatly across the EU. At the same time, documentation requirements for these long-stay authorisations are also streamlined and harmonised in line with the exhaustive list in Article 6. Member States have largely aligned their legislation with Article 6 of the Directive, following the correction of initial instances of incorrect transposition.

Obligation to notify the decision on an application within 90 days – Article 18(1)

To provide more legal certainty and enable employers and workers to plan within the short and time-sensitive seasonal window, Article 18(1) of the Directive requires Member States to notify applicants in writing of a decision regarding their application as soon as possible and, at the latest, within 90 days of the date of submission of a complete application. Transposition of this provision is largely compliant across the EU, with initially some instances of incorrect transposition in six Member States, such as: the start of the deadline for the adoption of a decision on the application only after notification of the completeness of the application to the applicant, a requirement for timely adoption of the decision instead of timely notification to the applicant, the possibility of unjustified extensions, and no obligation to notify a refusal in writing.

In practice, processing times still vary significantly amongst Member States, reflecting different administrative set-ups, the number of authorities involved, the use of labour market tests or quotas[48], regionalised procedures, levels of digitalisation and available resources. Streamlined online application models, especially for stays not exceeding 90 days, tend to deliver the fastest outcomes[49], while quota-bound, multi-authority permit procedures, often managed at least partly locally or regionally, are more time-consuming[50]. Employers and Member States' representatives noted that in some Member States complex or lengthy procedures still in place can hinder the legal

45 For example, Austria, Estonia and Lithuania (all with prior authorisation to work), Czechia, Greece, Latvia and Portugal.

46 For example, Cyprus, Finland (no additional visa required), Sweden, Slovakia and Slovenia.

47 For example, Belgium, Bulgaria, Germany, Spain, France, Croatia, Italy, Luxembourg, Malta, Poland and Romania.

48 For example, Austria, Belgium, Czechia, Spain, Hungary, Italy, Luxembourg, Malta, Poland, Romania, Slovenia and Slovakia. Also, FI for single permits exceeding six months.

49 For example, Estonia, Finland and Croatia.

50 For example, Greece and Italy.

recruitment of third-country seasonal workers[51]. The forthcoming Commission/OECD study "Making Migration Work: Admitting Labour Migrants" is expected to provide further insight into composition and current length of admission procedures in the Member States.

Grounds for rejection and withdrawal – Articles 8 and 9

Member States have had to bring national rules on rejection and withdrawal into line with the exhaustive grounds set out in Articles 8 and 9 of the Directive. Initially, 11 Member States added or kept grounds not provided for in the Directive or failed to transpose certain mandatory grounds, including grounds linked to business inactivity or prior sanctions for undeclared work or breaches of the Directive. Most of these instances of incorrect transposition have since been corrected.

Eurostat records 11 101 seasonal work authorisations withdrawn in 2024. Only 10 Member States reported withdrawals, with nearly 90% of the overall withdrawals in the EU concentrated in two countries: Greece (7 917, 71% of all withdrawals, equivalent to 52% of permits issued by Greece) and Croatia (2 015, 18% of withdrawals, equivalent to 12% of permits issued by Croatia[52]). Greece also reported the withdrawal of 84% of permits in 2023. Italy (440) and Lithuania (346) also reported significant numbers of withdrawals in 2024, while they remained low or non-existent in most other Member States, despite the high-risk nature of seasonal sectors. This divergence may reflect incomplete reporting to Eurostat, the short duration of authorisations, more often expiring rather than being withdrawn, and, in some cases, limited inspection activity, with correspondingly low detection, sanctioning and withdrawal rates.

Proportionate fees – Article 19

Article 19 of the Directive allows Member States to charge fees for processing seasonal work applications, provided they are not disproportionate or excessive. Fees generally appear proportionate, but three Member States[53] charge comparatively high fees for authorisations exceeding 90 days. Several Member States allocate part of the costs to employers[54]. Licensed intermediaries operating in Member States are often prohibited from charging workers. However, documented abuses persist, primarily, though not exclusively, in countries of origin, by unlicensed intermediaries during recruitment and admission, sometimes also during employment[55], underscoring the need to strengthen cooperation with those countries and to step up oversight.

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51 Small and Medium-sized Enterprises (SME) United, Business Europe, Services of General Interest (SGI) Europe, Employers' Input following the social partner hearing on the Seasonal Workers and Employers Sanctions Directives, 19 December 2025; Targeted study, footnote 7.

52 Croatia reported that withdrawals occurred where Articles 5 and 6 of the Directive were no longer being complied with.

53 Finland, Malta and the Netherlands.

54 For example, Greece and Lithuania.

55 See for example Hooper et al., *Best Practices for Designing and Managing Labour Migration Corridors to Europe*, 2025; ELIAMEP, Policy paper164/2024, 'Looking for seasonal workers: Greece's search for migrant labour', p. 19; Solidar, *Realising Fair and Just Working Conditions for Migrant Workers in Europe*, 2025, p. 23. The problem of intermediaries charging seasonal workers high fees for assistance during recruitment was also reported by France during the OECD/NL workshop, footnote 19.

c. Extension of stay, change of employer and facilitation of circular migration

Extension of stay with the same or a different employer – Article 15

Article 15 of the Directive requires Member States to ensure that third-country seasonal workers can, within the maximum period of five to nine months laid down in Article 14, extend their stay with the same employer at least once, and change employer at least once. Member States may permit multiple extensions. The provision aims to secure labour supply and make workers less vulnerable by limiting their dependency on a single employer.

All Member States allow at least one extension of a stay with the same employer and, in most cases, multiple extensions[56]. Initial compliance issues in the case of six Member States, such as limiting extensions to stays above or below 90 days, treating extensions as optional, or adding conditions not provided for in Article 15(1) of the Directive, have largely been rectified.

All Member States also allow at least one change of employer, and most[57] allow multiple changes within the maximum period. Similar initial non-compliance issues were detected in the national law of eight Member States as the ones reported for extensions with the same employer, and these have been addressed.

In many systems, each change of employer requires a new authorisation. Only a limited number of Member States[58] permit changes under the same authorisation, sometimes by means of a simplified application to add an employer[59] or a take-over notification procedure[60]. Digitalisation, tighter decision deadlines and, in some cases, the removal of quota checks, have facilitated renewals in several Member States[61].

Under Article 18(2) of the Directive, Member States shall take all reasonable steps to ensure that seasonal workers can continue working with the same or a different employer while an application for extension or renewal is being processed. Three Member States initially felt short of ensuring full compliance, but they have now addressed the matter.

Renewals and employer changes appear nevertheless to remain exceptional in practice. In 2024, 11 Member States reported 6 682 renewed seasonal work authorisations, mainly in Austria (4 408)[62]. This limited uptake suggests that, to date, the right to change employer has not yet reached its full potential for the retention of experienced seasonal workers, pointing to the need to

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56 For example, Belgium, Cyprus, Czechia, Germany, Estonia, Spain, Finland, France, Hungary, Italy, Luxembourg, Latvia, Malta, the Netherlands, Poland, Portugal, Romania, Sweden and Slovakia.

57 For example, Austria, Belgium, Cyprus, Czechia, Germany, Estonia, Spain, Finland, France, Hungary, Italy, Latvia, Malta, the Netherlands, Poland, Portugal, Romania, Sweden and Slovenia.

58 For example, Belgium, Finland and Italy.

59 Finland.

60 Belgium.

61 For example, Austria, Spain, France and Portugal.

62 While Austria reported 19 805 issued authorisations as renewed ones to ESTAT, it clarified that 15 397 of these authorisations were for a repeated stay of the same person during a new maximum period/season, which does not qualify as an extension. France (1 183) and Croatia (863) also reported issuing significant numbers of renewed authorisations.

address practical barriers, such as unawareness of the possibility of changing employer and renewal procedures for short seasons that are too complex.

Supporting circular migration – Article 16

Under Article 16 of the Directive, Member States shall facilitate the re-entry of bona fide seasonal workers who have been admitted at least once within the previous five years and complied with the obligations of their stay. The compliance assessment showed that seven Member States did not provide for any facilitation or limited it to specific subcategories (notably stays exceeding 90 days or repeat employment with the same employer). In this context, facilitation typically takes the form of faster processing[63], priority handling[64], documentation facilitations[65] and, in a limited number of cases, multi-season authorisations[66]. By rewarding compliance, these arrangements can increase the number of orderly returns and promote predictable legal re-entry. There is good practice in this regard in France, combining a multi-season authorisation with the obligation to register the return to the country of origin within 15 days of the work contract's expiring, to prevent overstaying[67].

Some Member States[68] have also established bilateral seasonal worker schemes with specific non-EU countries. Such schemes can provide safer and more reliable circular pathways by setting quotas, standardising recruitment, supporting circular migration and embedding safeguards through model contracts, housing commitments and social security arrangements. Talent partnerships with Tunisia, Morocco, Egypt, Bangladesh and Pakistan[69] also provide circular seasonal labour mobility in agriculture and tourism and help to operationalise fair and sustainable circular migration in line with the Directive. The EU-India Memorandum of Understanding (MoU) on a comprehensive framework of cooperation for mobility[70] seeks to facilitate the circular mobility of seasonal workers from India to the EU in line with the Directive. The Commission supports the development and operationalisation of such circular mobility schemes for seasonal work through targeted funding[71], including under the Migration Partnership Facility. Two EU-

63 Austria (for visa procedures), Belgium, Bulgaria, Cyprus, Hungary, Italy, Latvia, Malta, Portugal, Sweden, Slovenia and Slovakia.

64 Austria (for visa procedures), Cyprus, Czechia, Germany, Italy, Malta, Poland and Portugal.

65 Finland, Croatia, Luxembourg, Malta, the Netherlands, Portugal and Romania.

66 Austria, Cyprus, France, Greece, Spain, Italy and Poland for specific countries of origin.

67 France reported this during the OECD/The Netherlands workshop, footnote 19.

68 For example, Spain with Morocco (the GECCO programme for migrant employment and circular migration), as well as new MoUs (2024) with Mauritania, Gambia and Senegal; France with Morocco and Tunisia; Germany with Georgia and Moldova; Greece with Egypt and Bangladesh, and, currently under negotiation, MoUs on labour mobility, including in tourism and agriculture, with Armenia, Georgia, Moldova, India, the Philippines and Vietnam; Portugal has general labour mobility agreements with India, Morocco and the community of Portuguese-speaking countries that include seasonal workers; Italy with Morocco.

69 See Talent Partnerships - Migration and Home Affairs - European Commission.

70 See Towards 2030: A Joint European Union-India Comprehensive Strategic Agenda.

71 For example, the EU-funded WAFIRA (2021-2025) and WAFIRA II (2025-2028, extended to France) projects co-funded under AMIF scale up ethical recruitment, the protection of workers' rights, return and circularity through reintegration support for Moroccan female seasonal workers.

funded sector-specific SaFE (Seasonal and Fair Employment) blueprints are currently being developed for agriculture and tourism to give Member States practical guidance on this[72].

2. Better protection of third-country seasonal workers

The Directive establishes a comprehensive framework for ensuring fair working and adequate living conditions for third-country seasonal workers. By making it mandatory for Member States to provide accessible information on rights, obligations and complaint mechanisms, and by strengthening monitoring, inspections and sanctions, the Directive also seeks to empower workers to enforce their rights and to ensure that employers comply with the Directive, while deterring abusive practices.

For third-country seasonal workers who fall within the scope of the Directive, its transposition and application have increased the level of legal protection compared with the pre-Directive situation. Nevertheless, significant shortcomings persist across Member States in relation to labour exploitation, workers' rights and adequate accommodation, as well as to accessing social security and continue to be reported in seasonal sectors.

The scope of the Directive and the lack of disaggregated and comparable data[73] make it difficult to precisely quantify shortcomings affecting seasonal workers the Directive covers. Inspection and statistical data are rarely disaggregated based on the specific legal statuses of the affected workers. Given the documented prevalence of risks in seasonal work and the indications consistently given by Member States and stakeholders, it is reasonable to conclude that workers under the Directive's scope are also affected by such risks, even though they might not often be the most affected due to the Directive's protective framework[74]. In this context, the Commission has identified the following four priority areas where more needs to be done to ensure fair working and decent living conditions in line with the Directive's objectives.

a. Enabling third-country seasonal workers to enforce their rights

Provision of information – Article 11

Article 11(1) of the Directive requires Member States to make easily accessible to applicants all information on the documentation required and the conditions of entry and stay, including rights, obligations and procedural safeguards. Article 11(2) of the Directive requires that, when an authorisation is issued, Member States give this information on rights and obligations, including complaint procedures, to workers in writing. Most Member States fulfil these obligations, although several have not transposed Article 11(1) explicitly and 16 of them originally failed to transpose it correctly. As a result of enforcement efforts, the situation has improved in many Member States. In practice, all Member States provide online information for applicants, but its completeness and

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72 To be delivered in 2026, Seasonal and fair employment blueprints – ICMPD.

73 SafeHabitus, 'Seasonal and migrant workers in agri-food value chains', Policy briefing, 2025, pp. 1-2; Targeted study, footnote 7.

74 See López-Sala/Molinero-Gerbeau, 'Coming out of the shadows? Housing conditions of irregular migrant workers in Spanish agricultural enclaves', *Revista Calitatea Vieții* 33(2), p. 1 and following.

accessibility vary. Procedural aspects are usually well documented, but information on the following key rights often remain absent: the right to change employer (Article 15(3)), the facilitation of re-entry (Article 16), the safeguard against the interruption of work if a decision on an extension is pending or while awaiting a decision on an application to change employer (Article 18(2)), detailed housing safeguards (Article 20), the overview of all equal treatment rights (Article 23), and the right to compensation (Article 17(2)). Many Member States and stakeholders have identified better information provision for seasonal workers as a priority[75].

In terms of good practices, a few Member States provide a single, multilingual, user-friendly portal consolidating information on all rights and explaining complaint and redress mechanisms[76].

With regard to the obligation set out in Article 11(2) of the Directive, some Member States require that a written notice on rights and complaint procedures accompany decisions and be delivered at the same time that a visa and/or residence permit is issued and directly handed out to third-country seasonal workers[77]. Employer-driven models that rely on employers to inform workers of their rights without systematic verification or sanctions can have difficulties ensuring that the information actually reaches the worker.

Effective mechanisms for lodging complaints and seeking legal redress – Article 25

Article 25 of the Directive requires Member States to ensure that third-country seasonal workers can lodge complaints and seek legal redress effectively. All Member States formally provide complaint and redress mechanisms, allow representation by third parties, which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, and offer safeguards against retaliation equal to those for nationals. However, these systems' practical accessibility and effectiveness vary from one country to another.

In several Member States[78], complaint and redress mechanisms remain difficult to use due to language and digital barriers, the limited visibility of available redress options and of support to access them, and/or the absence of clear complaint channels in case of inadequate accommodation. By contrast, other Member States[79] have introduced user-friendly portals, multilingual helplines, simplified mandates for representation, anonymous reporting options, explicit accommodation-

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75 During the consultation activities listed in footnotes 18and 19. See also SME United, Business Europe, SGI Europe, footnote 51; Council of Europe, Parliamentary Assembly, Resolution 2536 (2024), Precarious and irregular work situations of migrant seasonal and domestic workers, point 24.6; Generation 2.0 RED, SolidarityNow, footnote 36, p. 37; ELIAMEP, footnote 55, p. 25; Finnish Government, Accommodation of Foreign Workers and its Supervision, 2022, Section 4.4; Targeted study, footnote 7; ELA, footnote 6, p. 103; EFFAT, Written Input to Social Partner Hearing on Employers Sanctions and Seasonal Workers Directive, December 2025.

76 For example, Luxembourg, Latvia, Malta, the Netherlands, Portugal and Sweden.

77 For example, France, Luxembourg, Latvia, Malta, Romania and Sweden.

78 For example, Austria, Bulgaria, Czechia, Cyprus, Greece, Croatia, Hungary, Poland, Slovakia, Slovenia and Romania.

79 For example, Belgium, German, Estonia, Spain, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands and Portugal.

related complaint mechanisms and/or expedited, low-cost dispute mechanisms, to improve access to complaint and redress mechanisms.

Despite these arrangements, the violation of seasonal workers' rights is likely to remain underreported. Seasonal workers' short stay, limited awareness of their rights, their perceived dependence on employers, cultural and linguistic barriers, and the perceived risks associated with contacting enforcement bodies may often deter workers from making complaints. The difficulty of conducting legal proceedings from their country of origin, of proving violations, of getting compensation or backpay, and the time it takes to do so, as well as the costs of doing so, are further deterrents[80]. Trade unions and non-governmental organisations provide essential information, mediation and representation, but their outreach to third-country seasonal workers is uneven and union membership among this group remains low[81]. Where workers refrain from reporting abuses, inspectorates lose an important source of intelligence. This undermines early detection and shifts enforcement to proactive and risk-based inspections and alternative data sources. Better enabling and supporting third-country seasonal workers to lodge complaints and seek legal redress has also been identified as essential by Member States and stakeholders[82].

b. Strengthening monitoring, inspections and sanctions

Monitoring, assessment and inspections – Article 24

Article 24 of the Directive requires Member States to adopt measures to prevent and detect abuses and to sanction violations of the Directive, including through monitoring, assessment and, where appropriate, inspections with effective access to workplaces and, with the consent of workers, to accommodation.

All Member States formally make provision for such measures, but their practical effectiveness varies considerably. According to various Member States and stakeholders, labour inspections in seasonal sectors often remain insufficient in terms of coverage and frequency, particularly during peak seasons[83]. Effectiveness is determined by the available resources, the targeting of and the balance struck between complaint-driven and proactive risk-based inspections, cooperation between agencies, and the involvement of interpreters, cultural mediators and trade unions. Access

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80 ELA, footnote 6, p. 82 and following; SVR, footnote 35; Targeted study, footnote 7; Solidar, footnote 55, p. 30 and following.

81 ELA, footnote 6, p. 82; Solidar, footnote 55, p. 43 and following; The Finnish Trade Union PAM offers a special seasonal worker membership, Seasonal worker – PAM.

82 Council of Europe, footnote 75, point 24.6; Generation 2.0 RED, SolidarityNow, footnote 36, p. 37; Finnish Government, footnote 75, Section 4.4; EFFAT, footnote 75; Solidar, footnote 55, p. 30 and following, Oxfam, footnote 7, p. 44; *Employment Equality Bulletin*, footnote 7.

83 ELA, footnote 6, p. 102 and following; The European Federation of Public Service Unions (EPSU), representing labour inspectors, pointed out that labour inspectors across the EU were under-funded, under-staffed and under-trained, with the result that workers' rights are not respected. According to EPSU, EU countries did not fulfil common minimum obligations of International Labour Organization (ILO) Convention No. 81, Contribution to the strategic consultation on the implementation of the Employers Sanctions Directive and Seasonal Workers Directive, December 2025; EFFAT, footnote 75; Targeted study, footnote 7. This was also mentioned by a large number of stakeholders during the consultation activities mentioned in footnotes 18 and 19.

to back-pay, compensation and support to find alternative employment can also affect workers' willingness to make complaints about employers.

Some Member States have strengthened their approach through strict general monitoring[84], risk-based systems, unannounced inspections, multi-agency operations and regular seasonal inspection campaigns[85], but others continue to be hampered by resource constraints, fragmented mandates, insufficient risk-related targeting of inspections and uneven coverage across seasonal sectors. To better detect and address the exploitation of workers, including legally employed third-country seasonal workers, and provide support, the EU Fundamental Rights Agency (FRA) and the European Labour Authority (ELA) have developed practical guidance for labour inspectorates[86]. The guidance provides concrete tools for implementing worker-centred inspection practices.

By contrast, the monitoring and inspection of the seasonal worker's accommodation and of employers' fulfilment of their obligations under Article 20(2) of the Directive remain weaker and more fragmented. Housing checks are frequently divided among several authorities[87], sometimes without formalised cooperation. Routine proactive inspections are rare, with enforcement sometimes triggered only by complaints[88] (that seasonal workers are unlikely to make). Ambiguous adequacy standards further undermine effective enforcement in some Member States. Some countries have good practices in place, such as integrating housing checks into workplace inspections, doing systematic inspections on arrival or using innovative tools to detect suspicious housing arrangements, but accommodation-related controls seem to generally lag behind workplace inspections.

Stepping up effective risk-based monitoring and inspections has been acknowledged as one of the main ways of preventing and fighting exploitation and inadequate accommodation in seasonal sectors by Member States and stakeholders[89]. The European Federation of Food, Agriculture and

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84 In the case of Latvia, this has taken the form of checking each worker's tax and social security data to detect anomalies, when an application to extend a seasonal work permit is submitted to the Employment Service. The State Labour Inspectorate also analyses, evaluates, and uses information provided by the Employment Service on work permits issued to seasonal workers for targeted inspections.

85 For example, the Italian Labour Inspectorate reported 8 847 inspections in agriculture in 2024, with non-compliance detected in 68.4% of cases. The Inspectorate also intensified anti-*caporalato* (gangmaster system, in which unscrupulous intermediaries exploit vulnerable workers) operations, including 763 inspections by multi-agency task forces under the A.L.T. Caporalato D.U.E. – Actions for Legality and Protection of Labour: Dignity, Equality and Equity (*Azioni per la Legalità e la Tutela del lavoro – Dignità, Uguaglianza ed Equità* (A.L.T. Caporalato D.U.E.)) project which led to the identification of 73 victims of gang mastering and labour exploitation. The National Labour Inspectorate also issued 962 business suspension orders in agriculture, 83% of which were revoked following regularisation and payment of the amounts due. For the same period Spain reported 1 615 actions, with 255 infringements in hospitality detected, complemented by regional campaigns in agriculture. Bulgaria recorded almost 4 000 inspections per year in agriculture in 2023 and in 2024.

86 FRA, How workplace inspectors can protect third-country workers' rights, Training Manual, 2024; ELA/FRA, Detecting and addressing labour exploitation, A guide for labour inspectors, 2025.

87 For example, in Belgium, Czechia, Germany, Finland, Malta and Poland.

88 For example, in Cyprus and Slovenia.

89 EPSU urges EU countries to ensure adequate funding, resources and training for effective labour inspections, footnote 83; ELA, footnote 6, p. 102 and following; Targeted study, footnote 7; Council of Europe, footnote 75,

Tourism Trade Unions (EFFAT) and Solidar call for the strengthening of the ELA's mandate in this regard[90].

Effective, proportionate and dissuasive sanctions, including compensation – Article 17

The sanction frameworks legally established by Member States broadly meet the requirements set out in Article 17(1) of the Directive to ensure effective, proportionate and dissuasive sanctions for the non-fulfilment by the employers of their obligations, including the possibility to refuse or withdraw the authorisation for the purpose of seasonal work or, in serious cases, exclusion of employers from employing seasonal workers. However, according to some stakeholders the deterrent effect of sanctions appears to remain limited in some Member States[91]. All Member States have administrative or criminal sanctions for employers infringing their obligations under the Directive in place, which are often scaled for each worker affected by the infringements, and supplemented by ancillary measures such as the closure of unsafe premises or delisting from certification schemes. However, their deterrent effect may vary due to divergent levels of fines, the uneven visibility of applicable rules[92], the complexity and length of procedures taking into account short seasonal periods, and the targeting and frequency of fines. Initially, eight Member States did not have sanctions in place for inadequate employer-arranged accommodation but have transposed this obligation under the Directive in the meantime. In some Member States[93], specific fines for breaches of housing obligations remain relatively low and therefore risk not having a deterrent effect.

Article 17(2) of the Directive makes provision for the right to compensation for third-country seasonal workers in situations in which an authorisation is withdrawn for certain employer-related reasons. In these situations, the employer must compensate the worker for any outstanding amount that would still have been owed if the authorisation had not been withdrawn. Member States have transposed this right in different ways, with some making provision for an explicit right[94] and others using general labour and/or civil law provisions[95]. The right's practical relevance remains low in most Member States, given the short stays of seasonal workers and the infrequency of authorisation withdrawals[96].

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point 24.3; Generation 2.0 RED, SolidarityNow, footnote 36, p. 36; EFFAT, footnote. 4; EFFAT, footnote 75, Oxfam, footnote 7, p. 44; *Boletín de Igualdad en el Empleo*, footnote 7.

90 EFFAT, footnote 75; Solidar, footnote 55, pp. 19 and 50.

91 EFFAT calls for hefty sanctions for employers who infringe the Directive, footnote 75.

92 Some EU countries – for example, Greece, Finland, Croatia, Hungary, the Netherlands, Portugal and Slovakia – explicitly link employers' obligations under the Directive to specific sanction clauses, including fines for each worker exploited, rent caps or thresholds and direct references to permit refusal or withdrawal, thereby improving clarity and increasing deterrence.

93 For example, Lithuania, Poland and Romania.

94 For example, Austria, Belgium (Wallonia), Czechia, Estonia, Greece, Italy, Latvia, Luxembourg, Portugal, Romania and Sweden.

95 For example, Cyprus, Germany, Spain, Finland, France, Croatia, Hungary, Lithuania, Malta, the Netherlands, Poland, Slovakia and Slovenia.

96 Except for Greece and Croatia.

Across the EU, the limited availability of disaggregated and comparable data on inspections, sanctions and outcomes concerning third-country seasonal workers impedes thorough national risk analysis and the assessment of the effectiveness and efficiency of the Directive. Disaggregated data collection was mentioned by some Member States and stakeholders as being crucial for better assessing the situation of third-country seasonal workers[97].

c. Ensuring adequate accommodation – Article 20

Article 20 of the Directive establishes a specific right to adequate accommodation for seasonal workers, strengthened by pre-admission checks by the competent authorities to verify that such accommodation will in practice be available (see Articles 5(1)(c) and 6(1)(c) and Recital 41). Accommodation that guarantees an adequate standard of living must be available for the entire duration of a stay, in line with national law and general health and safety standards. All Member States have transposed this requirement. Many have defined adequate accommodation in national law, but with significantly varying precision: some set binding standards with specifics regarding space, sanitation, utilities, equipment and, in certain cases, transport accessibility and requirements for separate facilities for men and women[98], whereas others use general housing or occupational safety legislation for this purpose[99].

Pre-admission checks are predominantly done by means of documentary controls[100], although some Member States have adopted more rigorous practices, including systematic database verification, interviews and routine inspections[101]. Evidence required ranges from rental contracts[102] to simple employers' attestations[103]. Seven Member States initially did not require any proof of adequate accommodation, but subsequent amendments have improved formal compliance.

Despite these legal frameworks, there are still significant shortcomings, particularly during seasonal peaks in agriculture and tourism when inflows intensify and local housing capacity is insufficient[104]. Inadequate accommodation is often linked to forms of labour exploitation, with Member States and stakeholders regularly calling for improvements[105]. Certain Member States have begun to address these issues more structurally. For example, Italy's multi-year plan against

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97 Council of Europe, footnote 75, point 24.7; Targeted study, footnote 7.

98 For example, Austria, Belgium, Bulgaria, Cyprus, Czechia, Germany, Estonia, Spain, Finland, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovenia, Slovakia and Sweden.

99 For example, Greece, Hungary and Poland.

100 For example, Bulgaria, Germany, Greece, the Netherlands and Slovenia; Hellenic Foundation for European and Foreign Policy (ELIAMEP), footnote 55, p. 19.

101 For example, Belgium, Czechia, Finland, Croatia and Malta.

102 For example, Belgium and Malta.

103 For example, Austria, Germany.

104 For example in Cyprus, Greece, Italy, Portugal and Spain. 10 000 migrant workers were counted as living in informal settlements in Italy: Ministry of Labour and Social Policies and National Association of Italian Municipalities, *Le condizioni abitative dei migranti che lavorano nel settore agro-alimentare* (The living conditions of migrants working in the agri-food sector), 2022.

105 For example, the Finnish Government, footnote 75; ELIAMEP, footnote 55, pages 19 and 25, Eurispes, footnote 36.

caporalato (exploitative intermediation (gangmastering)), supported by AMIF[106], includes measures to develop decent housing for agricultural workers by re-using confiscated assets and through integrated reception systems and coordinated territorial governance. Furthermore, the Italian National Programme for Inclusion and the Fight against Poverty 2021-2027[107] and the European Regional Development Fund (ERDF) support the integration of third-country workers and access to quality housing for them. The Recovery and Resilience Facility (RRF) co-funds, with EUR 200 million under the Italian national recovery and resilience plan, initiatives to counter illegal settlements and combat the exploitation of agricultural workers in 37 affected municipalities[108].

The specific housing obligations under Article 20 for employers who arrange accommodation, namely the rules requiring non-excessive rent, prohibiting automatic wage deductions, and making written rental contracts mandatory, were initially either not transposed, or only partially transposed, by eight Member States. Some Member States transposed these obligations in a clearly visible manner[109], and some[110] have introduced concrete thresholds, such as capping rent at about one third of wages or establishing maximum permissible deductions, thereby increasing both clarity and enforceability. Stakeholders nonetheless continue to report frequent breaches and link them to a lack of information and insufficient monitoring, inspections and sanctions. Concern was also raised about rental contracts often being provided in a language workers do not understand. Stakeholders regularly stress that more needs to be done by national, regional and local authorities to ensure adequate accommodation for third-country seasonal workers, in particular by expanding accommodation capacity (including the construction of new facilities and the refurbishment of existing buildings) and by strengthening monitoring[111].

d. Equal access to certain branches of social security – Article 23

All Member States have formally transposed the obligation under Article 23(1)(d) of the Directive to ensure that third-country seasonal workers get the same treatment as EU nationals in the types of social security listed in Article 3 of Regulation (EC) No 883/2004[112], to the extent that those branches exist in national law, while excluding social assistance. Many Member States have

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106 See footnote 17 and Programmazione pluriennale in tema di politiche del lavoro, integrazione e inclusione 2021-2027.

107 National programme for inclusion and fight against poverty 2021 - 2027, Priorities | MLPS - PN.

108 PNRR, 200 million to 37 municipalities to overcome informal settlements.

109 For example, Bulgaria, Croatia, Italy, Lithuania, Luxembourg, Malta, Poland, Portugal and Romania. Others, such as Austria, Belgium, Cyprus, Czechia, Germany, Estonia, Greece, Spain, Finland, France, Hungary, Latvia, the Netherlands, Sweden, Slovakia and Slovenia transposed them in a more fragmented way.

110 For example, Germany, Italy, Lithuania and Malta.

111 *Cour des Comptes*, *Le logement des travailleurs saisonniers* (Seasonal workers' accommodation), rapport, 2025; SME United, Business Europe, SGI Europe, footnote 51; Generation 2.0 RED, SolidarityNow, footnote 36, p. 38; ELIAMEP, footnote 55, p. 25; Targeted study, footnote 7; IG Bau, *Saisonarbeit in der Landwirtschaft* (Seasonal work in agriculture), Bericht 2024; Oxfam, footnote 7), p. 45; *Boletín de Igualdad en el Empleo*, footnote 7.

112 Sickness, maternity and paternity, invalidity, old-age and survivors' benefits, benefits for accidents at work and occupational diseases, death grants.

activated the optional derogations for unemployment[113] and/or family benefits[114] (Article 23(2)). However, in some Member States, effective access remains constrained by requirements linked to periods of social security contributions, residence and labour market availability that third-country seasonal workers usually cannot meet.

Access to public health insurance also varies. Most Member States provide direct affiliation when a worker registers or is registered with social security[115], but others impose income thresholds, minimum contributions, enrolment steps or minimum residency requirements that can be difficult to meet at least immediately on arrival[116]. Several Member States use simplified short-term hiring schemes that do not confer full health insurance status[117].

Accidents at work and occupational diseases are generally covered from the first day of work. However, qualifying periods for maternity and paternity, invalidity and cash sickness benefits often exceed the length of a seasonal work stay and are sometimes even coupled with residence conditions, limiting the practical usability of these entitlements.

Old-age and survivors' pensions[118] are, in principle, granted on the same terms as for people from the EU country in question, including the possibility of aggregation and export. However, effective access depends on the existence of bilateral agreements with countries of origin, as well as on systems for recording contributions, aggregating insurance or contribution periods, and paying out pensions to seasonal workers who have returned to their countries of origin or to their survivors. In several Member States, the absence or partial coverage of such agreements, high minimum contribution thresholds, burdensome certification in terms of paperwork, and cumbersome payment procedures hinder practical access for seasonal workers and their survivors after return[119]. Some Member States have good practices, and they export and aggregate entitlements smoothly by having clear websites explaining the applicable social security agreements between the Member State and the country of origin and digital 'proof of life' possibilities. A forthcoming study conducted by the International Centre for Migration Policy Development (ICMPD) and funded under the Migration Partnership Facility (MPF) will provide further insights into the remaining challenges related to accessing pensions.

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113 For example, Austria, Belgium, Bulgaria, Czechia, Germany, Estonia, Greece, Spain, Finland, France, Croatia, Hungary, Italy, Luxembourg, Malta and Poland.

114 For example, Austria, Belgium, Bulgaria, Czechia, Germany, Estonia, Greece, Finland, France, Hungary, Italy, Lithuania, Luxembourg and Poland.

115 For example, Belgium, Cyprus, Czechia, Greece, Spain, France, Croatia, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia and Slovakia.

116 For example, Austria, Finland, the Netherlands and Sweden.

117 For example, Germany and Hungary (for seasonal workers in agriculture for stays not exceeding 210 days); for Germany, see SVR, footnote 35; IG Bau, footnote 111, 2024, S. 8.

118 Survivors of seasonal workers residing in a non-EU country deriving rights from the seasonal worker.

119 Austria, Spain, France, Croatia, Italy and Poland ensure export of pensions and aggregation of insurance and contribution periods through bilateral agreements with the most common or all countries of origin of their third-country seasonal workers. In Bulgaria, Cyprus, Finland, Sweden, Portugal, Latvia, Luxembourg and Romania such bilateral agreements exist only for a part of the common countries of origin.

IV. CONCLUSIONS AND NEXT STEPS

Taking into account the relevance of third-country seasonal labour in important economic sectors, and in the context of persistent labour shortages and demographic change, the Directive remains a key instrument for ensuring both an orderly admission framework and effective safeguards in sectors exposed to vulnerability, exploitation and enforcement risks. The report's findings indicate that effective labour attraction and enforcement are mutually reinforcing. Labour mobility pathways can help address structural shortages if they are sufficiently swift, predictable and credible for both employers and workers. Credibility also comes from visible enforcement by the national authorities that prevents non-compliant employers from gaining an advantage through illegal employment, under-declared work, or substandard working and living conditions.

Compared with the fragmented pre-2014 situation, the Directive and its implementation have led to more streamlined labour mobility pathways, helping to reduce incentives for illegal employment and undeclared work. The Directive has also strengthened the legal position of seasonal workers through, among other things, the right to change employer, provisions on equal treatment, accommodation safeguards, information obligations, complaint and redress mechanisms, better oversight and stricter sanctions.

While Member States have overall brought their national legislation in line with the Directive following the opening of the infringement procedures, persistent practical implementation gaps in several of them risk undermining both labour pathways and the effective protection of workers. Shortcomings are most evident in the practical difficulties of changing employer quickly before a season ends, the quality and accessibility of information, the effectiveness of inspections and sanctions, access to complaint and redress mechanisms (including from the country of origin), the availability and adequacy of accommodation, compensation mechanisms, access to certain types of social security as well as the portability of rights.

Overall, this report's findings indicate that the current legal framework is fit for purpose and that, at this stage, the Directive does not need to be amended. The priority for the Commission is to ensure the full, consistent and effective application and enforcement of existing obligations, supported by better governance, operational capacity and comparable data.

To use the full potential of the Direrective, efforts should be twofold: (i) to make seasonal labour pathways more attractive, by ensuring timely, predictable and fair recruitment and admission procedures, including for peak season needs, the provision of clear multilingual information, that workers have the possibility of changing employer, that they have adequate accommodation and that their rights are respected; and (ii) to step up the fight against illegal employment and undeclared work, through more effective, risk-based inspections and sanctions, closer cooperation among competent authorities (including across borders and along subcontracting chains), and better access to complaint and redress mechanisms. Alongside the implementation of the Employers Sanctions Directive, this combined approach is essential for meeting seasonal labour needs in key sectors while removing incentives for employers not to comply with the Directive, preventing exploitation, and contributing to the EU's priorities on competitiveness and migration

management. For this purpose, the Commission will implement the following actions in the coming years:

- Follow up on ongoing infringement procedures to ensure the Directive is correctly and fully transposed by all Member States bound by it;
- Promote the development and implementation of seasonal work mobility schemes as part of cooperation with non-EU countries, including under Talent Partnerships and the EU-India Comprehensive Framework for Cooperation on Mobility;
- Support Member States to develop and operationalise bilateral cooperation with countries of origin on circular seasonal work, notably through the SaFE – Seasonal and Fair Employment blueprints, the provision of technical assistance and financial support;
- Support the exchange of good practices among Member States on how to ensure effective admission procedures for seasonal workers, based on the findings of the forthcoming OECD/Commission study 'Making Migration Work: Admitting Labour Migrants';
- Support Member States, including with the ELA and dedicated AMIF funding, in designing targeted information provision and awareness raising activities, as well as accessible complaint and redress mechanisms;
- Support Member States, including with the ELA and dedicated AMIF funding, in establishing effective monitoring, assessment and sanctioning mechanisms to prevent, detect and sanction infringements by employers, especially by supporting inspection campaigns. This should also include strengthening the systematic collection and reporting of disaggregated and comparable data on inspections, sanctions and outcomes;
- As part of the revision of the ELA mandate in 2026, review how the Authority could better address the challenges related to abuses of the working conditions of third-country nationals, including seasonal workers.