



# POSTED WORKERS FROM AND TO SLOVENIA

FACTS AND FIGURES

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# Contents

<b>List of tables</b>	<b>4</b>
<b>List of figures</b>	<b>5</b>
<b>Abbreviations</b>	<b>6</b>
<b>Executive summary</b>	<b>7</b>
<b>Povzetek</b>	<b>13</b>
<b>1. Introduction</b>	<b>19</b>
1.1 Research questions	20
1.2 Research methodology	20
<b>2. Scale, characteristics and impact of intra-EU posting</b>	<b>22</b>
2.1. Measuring the flow of persons posted from Slovenia	22
2.1.1. By issued PDs A1	22
2.1.2. By posted persons	26
2.1.3. By receiving country	27
2.1.4. By sector of activity	28
2.1.5. Posted persons by nationality	29
2.1.6. By importance in the total number of the employed population	29
2.1.7. By importance in the total number of Slovenian employers	30
2.2. Measuring the flow of persons posted to Slovenia	31
2.2.1. By the number of prior notifications submitted and persons posted	32
2.2.2. By sending country	32
2.2.3. By sector of activity	34
2.2.4. By duration	35
2.2.5. By location of posting	35
2.2.6. By nationality	35
2.3. Infringements related to intra-EU posting as reported by the Labour Inspectorate of the Republic of Slovenia	35
2.4. The impact of the new Transnational Provision of Services Act on intra-EU posting from and to Slovenia	37
<b>3. Scale and characteristics of immigration, employment and posting of third-country nationals</b>	<b>41</b>
3.1. Labour migration to Slovenia	41
3.1.1. Intra-EU labour mobility	42
3.1.2. Labour migration to Slovenia from the third countries	43
3.2. Posting of TCNs from and to Slovenia	45
3.2.1. Posting of TCNs from Slovenia	45
3.2.2. Posting of TCNs to Slovenia	48
3.3. The overlap of migration, employment and intra-EU mobility regimes in Slovenia	49
<b>4. Concluding remarks: the importance of data-driven nonpartisan approach to researching migration and intra-EU mobility</b>	<b>54</b>
<b>5. References</b>	<b>56</b>

## List of tables

Table 1: Total number of PDs A1 issued by Slovenia, 2024	22
Table 2: Reasons for rejection of an application for a PD A1 under Art. 12 BR, 2024	25
Table 3: Reasons for rejection of an application for a PD A1 under Art. 12 BR, 2024	25
Table 4: Number of outgoing posted workers from Slovenia and PDs A1 issued under Art. 12 and Art. 13,	26
Table 5: Breakdown by sector of activity for the number of PDs A1 issued by Slovenia according to Article 12 BR and Article 13 BR, 2024	28
Table 6: Number of PDs A1 acquired, number of persons posted and destination countries of top ten Slovenian posting companies, 2024	30
Table 7: Number of prior notifications submitted by country and number of persons posted, 2022 – 2024	33
Table 8: Duration of services provided by posted workers in Slovenia, 2022-2024	35
Table 9: Number of employed TCNs in Slovenia, by nationality, 2024	43
Table 10: Number of outgoing posted TCNs from Slovenia, by nationality, top 10, 2024	46
Table 11: Number of citizens of Bosnia and Herzegovina, Serbia, and Kosovo employed in Slovenia and posted from Slovenia, 2018-2024	50
Table 12: Number of nationals of India, Bangladesh, and the Philippines employed in Slovenia and posted from Slovenia, 2018 -2024	51

## List of figures

Figure 1: Evolution of the total number of PDs A1 issued by Slovenia, 2014-2024	23
Figure 2: Evolution of PDs A1 issued by Slovenia according to Article 12 BR and Article 13 BR, 2014 – 2024	24
Figure 3: Share of PDs A1 issued by Slovenia according to Article 12 BR versus Article 13 BR, 2014 – 2024	24
Figure 4: Evolution of the total number of outgoing posted workers from Slovenia, 2018 - 2024	26
Figure 5: Number of outgoing posted workers from Slovenia by Art. 12 and Art. 13 BR, 2018 – 2024	27
Figure 6: Main receiving Member States of posted persons from Slovenia under Article 12 BR, 2024	27
Figure 7: Number of prior notifications submitted to the Employment Service of Slovenia and number of persons posted to Slovenia, 2022-2024	32
Figure 8: Share of persons posted from top three sending countries to Slovenia, 2022-2024	33
Figure 9: Persons posted to Slovenia, by sector, share in total, 2024	34
Figure 10: Evolution of the number of foreigners employed in Slovenia, 2012 - 2024	41
Figure 11: Number of employed EU nationals in Slovenia by nationality, 2024	42
Figure 12: Evolution of the number of employed nationals of BiH, Serbia, Kosovo and North Macedonia in Slovenia, 2015-2024	44
Figure 13: Evolution of the number of employed nationals of India, Nepal, China, Bangladesh, and Philippines in Slovenia, 2015-2024	44
Figure 14: Evolution of employed EU citizens compared to employed third-country nationals and total employed in Slovenia (without farmers), 2015 - 2024	45
Figure 16: Number of outgoing posted TCNs by nationality (ex-Yugoslavian countries, other third countries), 2018 - 2024	46
Figure 17: Evolution of the number of PDs A1 issued to the self-employed third-country nationals, 2018 – 2024	47
Figure 18: Evolution of outgoing posted TCNs compared to posted Slovenian nationals, 2018 – 2024	48
Figure 19: Top ten third-country nationalities posted to Slovenia, 2024	48
Figure 20: Evolution of employment and posting of Bosnian citizens from Slovenia, 2018 - 2024	51
Figure 21: Number of employed Indian nationals in Slovenia and number of posted Indian nationals from Slovenia, 2018 - 2024	52

## Abbreviations

BiH	Bosnia and Herzegovina
BR	Basic Regulation (EC) No. 883/2004 on the coordination of social security systems
EC	European Commission
CJEU	Court of Justice of the European Union
EFTA	European Free Trade Association
EU	European Union
EURES	European Employment Services
GZS	Chamber of Commerce and Industry in Slovenia
IMI	Internal Market Information System
IRSD	Labour Inspectorate of the Republic of Slovenia
MoU	Memorandum of Understanding
PD A1	Portable Document A1
SPOT	Slovenian Business Point
SURS	Statistical Office of the Republic of Slovenia
TCN	Third-country national
TFEU	Treaty on the Functioning of the European Union
ZZRS	Employment Service of Slovenia
ZZZS	Health Insurance Institute of Slovenia

## Executive summary

Slovenia has been one of the main sending Member States of posted workers in the EU. The number of issued PDs A1 and the share of persons in total national employment posted from Slovenia has been on a continuous increase, reaching peak in 2023 when a total of 176.363 PDs A1 were issued and 65.590 persons (7 % of all persons in employment) were posted abroad. In 2024, however, an unprecedented decrease was observed in the number of PDs A1 issued, as well as persons posted. One of the reasons for the decrease could be the adoption of the new Transnational Provision of Services Act that transposes Directive (EU) 2018/957, and the amendment to the Pension and Disability Insurance Act that eliminates a provision that previously allowed employers to calculate social security contributions for posted workers based on the Slovenian minimum wage or the comparable salary that would be earned in Slovenia. The important characteristic of the posting of workers from Slovenia continues to be posting of third country nationals (TCNs), most of whom are the nationals of the Western Balkan countries that were once part of the Yugoslav Federation, i.e., Bosnia and Herzegovina (BiH), Serbia, Kosovo, North Macedonia, and Montenegro. Among those countries, the nationals of BiH are most significantly represented among all posted TCNs, as well as among all persons posted from Slovenia.

The report first provides a descriptive analysis of the administrative data on intra-EU posting from and to Slovenia for the most recent years, focusing on 2024. It does not merely deliver an update of the data on the outward posting collected for the POSTING.STAT 1.0 project, but introduce new data sources, including data on inward postings and the characteristics of the posting companies. Second, it zooms in on the posting of third country nationals by taking into account the latest available administrative data, and exploring the overlaps of the migration and posting regimes observed in Slovenia. The necessity to focus on the third country nationals is undisputed given the fact that the numbers of migrant workers and posted workers who are third country nationals have been rising consistently and significantly throughout the past years. In addition, the report throws light on a new trend of diversification of recruitment that has been facilitated in the past couple of years. While the traditional, go-to destinations in the Western Balkans, i.e. the countries of the former Yugoslavia, are still the most popular and convenient sources of new labour, the employers also started to recruit and post from the Asian countries. The report will look into possible correlations between these new recruitment patterns and the intra-EU posting of third country nationals. Therefore, in this report for Slovenia prepared in the frame of the POSTING.STAT 2.0 project, the two main research questions are:

1. *What are the characteristics, the scale, and the impact of intra-EU posting from and to Slovenia? (Chapter 2)*
2. *What are the characteristics and the scale of recruiting, employing and posting of third country nationals from Slovenia? (Chapter 3)*

To answer the research questions, data from the competent public authorities are used. To analyse the scale, characteristics and impact of intra-EU posting from Slovenia, we use the data provided by the Health Insurance Institute of Slovenia (Zavod za zdravstveno zavarovanje Slovenije – ZZZS). Their database contains elaborate data on PDs A1, which they are in charge of issuing. It provides data on: the number of issued PDs A1 by article of the Basic Regulation, sector, country of posting, nationality, company; the number of posted workers by nationality, sector and country of posting; the number and the reasons for rejection of requests for a PD A1. ZZZS database also includes data on the posting companies and therefore provides the necessary evidence base for the research concerning the service provider. This is profoundly important and necessary as the current research tends to focus mainly on the posted worker and much less on the posting company. However, since the posting of workers concerns an employer-driven form of intra-EU mobility, whereby the companies send their workers to other Member States to provide services, it is

essential to turn the research focus on the companies as well. In addition to quantifiable data, ZZZS also produces written yearly reports on the posting of workers.

To analyse the scale, characteristics and impact of posting of workers to Slovenia, the data on the prior notification tools is used. Article 9(1)(a) of the Enforcement Directive states that Member States may impose an obligation on a service provider established in another Member State to make a simple declaration to the responsible national competent authorities containing the relevant information necessary to allow factual checks at the workplace. The competent authority that receives the notifications in Slovenia is the Employment Service of Slovenia (Zavod za zaposlovanje Republike Slovenije – ZZRS). Their database includes data on the number of notifications, the number and citizenship of persons posted, the sectors of activity, duration of posting and geographical location (all by number of notifications and persons posted). The database on the employment of foreign nationals is provided by the Statistical Office of the Republic of Slovenia (Statistični urad Republike Slovenije – SURS) and includes the number of foreign nationals employed in Slovenia by nationality and sector of activity. This data is included in the report because it reveals the trend of continuous recruitment of third country nationals and, in addition, a notable shift in the efforts to not only recruit workers from the traditional sending countries, i.e. the countries of the former Yugoslavia, but also from the countries of Southeast Asia. This diversification of recruitment was prompted by the changing demographic and economic landscape in Slovenia and the growing demand for certain professions, particularly in the sectors of construction, hospitality, health and care, and transport.

In order to analyse the administrative data regarding labour migration and intra-EU posting, several relevant legislative sources will be used, including the new Transnational provision of Services Act (Zakon o čezmejnem izvajanju storitev - ZČmIS-1), the Employment, Self-employment and Work of Foreigners Act (Zakon o zaposlovanju, samozaposlovanju in delu tujcev - ZZSDT-UPB4) and bilateral agreements on labour recruitment concluded with Bosnia and Herzegovina, Serbia and the Philippines. Other sources include the data on the infringements related to intra-EU posting that was obtained from the Labour Inspectorate (Inšpektorat Republike Slovenije za delo – IRSD). These data provide a view on the number of inspections and the nature of infringements of posting rules detected by IRSD.

**The total number of PDs A1 issued in 2024 amounts to 146.321, which is a 17% decrease compared to 2023. However, a breakdown by Article shows that the number of PDs A1 issued under Article 13 BR has been on a continuous rise ever since the adoption of the Transnational Provision of Services Act in 2018 that regulates posting under Article 12 BR.**

The decline observed in 2024 can be attributed primarily to a substantial reduction in the number of PDs A1 issued pursuant to Article 12 BR, which fell from 98,469 in 2023 to 66,118 in 2024, representing a decrease of 33%. By contrast, the number of PDs A1 issued under Article 13 BR increased modestly over the same period, rising from 76,679 in 2023 to 78,926 in 2024 (an increase of 3%). As a result, in 2024 the number of PDs A1 issued under Article 13 BR exceeded those issued under Article 12 BR for the first time. The issuance of PDs A1 under Article 13 BR has followed a sustained upward trend, nearly doubling since 2018, when the Transnational Provision of Services Act - regulating posting under Article 12 BR - entered into force. Correspondingly, the share of PDs A1 issued under Article 13 BR increased from 32% in 2018 to 54% in 2024. In contrast, posting under Article 12 BR declined sharply following the adoption of the Act. As posting under Article 13 BR is not subject to the Act's more stringent regulatory requirements, it also involves a lower administrative burden. Moreover, PDs A1 issued under Article 13 BR are typically valid for an entire calendar year, whereas PDs A1 issued under Article 12 BR must be obtained separately for each individual posting assignment. These regulatory and administrative differences have incentivised many undertakings to apply for PDs A1 under Article 13 BR.

**The total number of PDs A1 issued to the self-employed remains low.**

The number of PDs A1 issued to self-employed under Article 12 BR was 2.009, which is 3% of all PDs A1 issued under Article 12. This is lower than the EU-average, which was 5%. Under Article 13 BR, the number of issued PDs A1 to self-employed was 3.101, which is around 4% of all PDs A1 issued under Article 13 BR.

**Slovenia continues to collect statistics on the reasons for the rejection of applications for a PD A1 issued under Art.12 BR and Art. 13 BR. The refusal rate was 7% for the applications under Art. 12 BR and nearly 12 % for applications under Article 13 BR.**

In 2024, the number of applications for a PD A1 under Art. 12 BR was 72.691. ZZZS rejected 5.156 applications (7,1%) and sent 737 (1%) applications to the applicants for completion. 278 applications were discarded and 19.976 (27,5%) cases were handled for a requested change in the period of validity. Compared to 2023, when there were 8.128 rejected applications, the number decreased by 29,5%. However, if we calculate the refusal ratio (i.e., share refusals in the number of applications), it remains similar (7,9% in 2024, 7,5% in 2023). The most common reasons for a rejection of issuing a PD A1 under Art. 12 BR are tax related, such as the applicant having unsettled tax liabilities or a blocked bank account (36%), and non-compliance with legal requirements for posting of persons to other Member States under the conditions stated in the Transnational Provision of Services Act (30,2%). Namely, for Article 12 BR to apply, the worker must be pursuing an activity as an employed person in their home Member State, and the employer must normally carry out its activities there.

In 2024, the number of applications for a PD A1 under Art. 13 BR issued via the electronic submission platform SPOT was 89.087. PD A1 was issued in 76.289 cases (86%). 1.006 applications were rejected, 374 were discarded (refusal rate of 11,6%) and 10.924 applications were handled for a requested change in the period of validity. 1.358 cases were returned to the applicants for completion. By far the most common reason for rejection of a PD A1 under Art. 13 BR was due to tax-related issues (nearly 60%), followed by failure to submit the required documentation (24%). In general, the applicants for a PD A1 under Art. 13 BR were rejected more often than the applicants for a PD A1 under Art. 12 BR.

**After years of rising, the number of persons posted has decreased by 9% compared to 2023.**

In 2024, the number of persons posted under Article 12 BR was 18.836 and the number of persons posted under Article 13 BR was 46.394. The number of self-employed persons posted under Article 12 BR was 1.174 and the number of self-employed persons posted under Article 13 was 2.426. The total number of persons posted was 59.588. Breakdown by the article shows that, again, more persons were posted under Article 13 BR than Article 12 BR. The share of persons posted under Article 12 was around 30%, which is consistent with the previous years.

**Slovenian employers posted persons to 29 EU Member States, mostly to Germany and mostly in the construction sector.**

51% (33.637) of all PDs A1 issued under Article 12 BR were for postings to Germany. The second receiving state was Austria with 11.182 PDs A1 issued (16,9%), followed by Croatia with 6.242 PDs A1 issued (9,4%). Compared to the previous year, the number of PDs A1 issued for construction activities has increased by over 40% (from 39.945 to 56.412), while the number of PDs A1 issued for international road freight transport has decreased slightly, by 6%. The activity 'Installation, repair and maintenance' has been omitted in the statistical data for 2024 and is likely included under the category of 'other activities'. However, it should be noted that this has been the activity with the most significant growth since 2018. The number of

issued PDs A1 in this sector has increased by 10.315% (from 481 in 2018 to 50.094 in 2023). Nearly 70% of all posted persons were posted to provide services in the sectors of construction (42%; 25.451) and international road freight transport (27%; 16.459). This is significantly different from 2023, when most persons were posted in the sectors of 'installation, repair and maintenance' (27.814; 37%), followed by 'international road freight transport' (17.477; 23%) and construction following in the third place (13.592; 18%).

**The share of persons in employment posted abroad has decreased since 2023, but remains high at over 6%. Moreover, in the construction sector, the share of persons posted was 30%. The share of companies posting persons abroad remains low at 1,4% (data for 2023).**

Despite the fact that the share of companies providing services abroad is low compared to all registered Slovenian companies, their contribution to GDP is substantial. In 2024, Slovenia exported € 9,1 billion worth of services to the EU Member States.

**It is no longer allowed to calculate social security contributions for posted workers based on the Slovenian minimum wage or the comparable salary that would be earned in Slovenia.**

The new Transnational Provision of Services Act (ZČmIS-1) came into force in April 2023, with certain provisions effective from January 2024. The provision that raised most attention and created most resistance refers to the changes in social security contributions (ZČmIS-1, Art. 35). The Act eliminates a provision that previously allowed employers to calculate social security contributions for posted workers based on the Slovenian minimum wage or the comparable salary that would be earned in Slovenia. This practice lowered employers' costs but reduced pension and insurance entitlements for workers and created unfair competition with local companies in host countries. With the adoption of the amendment, employers are no longer allowed to base social security contributions on the minimum wage or hypothetical Slovenian salaries and they must use the actual salary paid to the worker - including supplements, bonuses, and allowances - as the base for social security contributions. This change therefore aims to ensure fair competition and adequate pension contributions, aligning with the host country's standards. The employers' associations voiced their stark opposition to the adoption of the provision. The Chamber of Commerce and Industry in Slovenia (Gospodarska zbornica Slovenije) argued that the specific insurance base for posted workers has been established under the Pension and Disability Insurance Act for several decades, well before Slovenia's accession to the European Union, reflecting a long-standing national policy approach. They claimed that Slovenia will suffer € 145 million loss in public revenue due to legislative changes concerning the posting of workers. A survey they conducted among their members revealed that a high percentage of companies have already relocated or plan to relocate their businesses abroad. They reported that, as of January 1, 2024, the labour cost for Slovenian workers posted abroad is more than 20% higher (for the same net wage) than that of workers employed by Austrian or Croatian companies—countries that directly compete with Slovenia. This means that companies would benefit significantly from shifting their operations to the neighbouring countries (GZS, 2024).

**The posting of third-country nationals continues to rise, prompting an analysis that considers the intersections of migration, employment, and posting regimes. In 2024, the share of all employed TCNs posted abroad was 30%.**

In 2024, foreign citizens accounted for 15.9% of all persons in employment (excluding farmers), which is the highest share to date. The number of employed foreigners was 144.835, out of which 18.442 (13%) were EU nationals and 87% were TCNs. Slovenia has continuously been recruiting and employing third country nationals, particularly from the countries of the former Yugoslavia. Due to persistent shortages in over a

hundred sectors, labour migration from the Asian countries has also been on the rise, particularly from India, Nepal, China, Bangladesh and Philippines. In 2025, Slovenia introduced several amendments to the Foreigners Act, including simplified procedure to obtain residence and work permits, extending permit validity, recognising professional experience, and facilitating mobility. In 2024, the number of TCNs employed in Slovenia was 126.393, which is nearly 14% of the total employed persons and is the highest share to date. Most TCNs are nationals of Bosnia and Herzegovina (56 %), followed by the nationals of Serbia, Kosovo and North Macedonia. Labour migrants from these four countries accounted for nearly 90% of all TCNs in employment in Slovenia.

**Three out of ten persons posted abroad are Slovenian nationals and six out of ten are TCNs. Bosnian nationals accounted to over 60% of all posted TCNs and nearly 40% of all persons posted from Slovenia.**

Over the years, posting of workers from Slovenia has been driven by a substantial increase in the number of posted TCNs, mostly citizens from the former Yugoslavian republics, i.e. Bosnia and Herzegovina, Serbia, Kosovo and North Macedonia. The share of these nationals among all posted TCNs is continuously above 96%. In 2024, the share was 96,6%. The nationals of BiH accounted to over 60% of all posted TCNs and 39% of all persons posted from Slovenia. More than 18% of all posted TCNs were Serbian nationals (nearly 12% of all persons posted) and 13% were Kosovars (8% of all persons posted).

**The share of Bosnian, Serbian and Kosovar nationals in total employment has been on the increase, but their posting has decreased by 13% compared to the previous year.**

A significant share of employed Bosnian nationals has been posted abroad throughout the years. The share was the highest in 2020, when nearly half of the employed Bosnian nationals (44%) were posted. Since then, the share has been on a continuous decrease. In 2024, the share of posted BiH nationals was 39%. The number of persons with Bosnian and Serbian citizenship employed in Slovenia has been on a consistent rise and the number of employed persons with Kosovar citizenship has dropped slightly only in 2024. The number of persons posted from these three countries, however, has dropped significantly in 2024. Compared to 2023, the decrease was 13% (5.234 less persons posted).

**Both labour immigration from Asian countries to Slovenia and the posting of Indian, Bangladeshi, Nepali, and Filipino nationals from Slovenia to other Member States have shown an upward trend.**

Although the absolute numbers remain relatively low, the rate of increase is significant. In 2018, Slovenian employers did not post any workers from the Philippines or India, and only five from Bangladesh. By 2024, however, the number of posted workers had risen to 13 from the Philippines, 110 from Bangladesh, and 385 from India. The year-on-year increase in 2024 was particularly pronounced among Indian nationals, whose number grew by nearly 170% compared to 2023.

**The number of prior notifications received by the Employment Service of Slovenia was 5.245, which is a 25% increase compared to 2023.**

Top three countries sending persons to provide services in Slovenia in 2024 were Croatia (1.857 notifications/5.077 persons posted), Germany (1.352 notifications/1.693 persons posted) and Austria (766 notifications/1.093 persons posted). Together, they amounted for 76% of all prior notifications submitted and 73% of all persons posted to Slovenia. Compared to 2023, the most notable increase of the number of persons posted to Slovenia was from Croatia (115% increase). The increase of the number of persons posted to Slovenia from Austria was 16%. The number of persons posted from Germany decreased by 8%. 34%

of all posted workers in Slovenia provided services in the construction sector, 13% provided manufacturing services and 7% provided professional, scientific and technical services. Persons posted to Slovenia were the nationals of 69 countries, out of which 32% (22) were EU countries and 68% (47) were third countries. Top three nationalities posted to Slovenia were Croatian (2.544; 24%), German (1.435; 13%) and Austrian (808; 7%). Top three TCNs were the nationals of Northern Macedonia (564; 5%), Uzbekistan (496; 4,6%) and BiH (479; 4,5%). The number of Croatian nationals posted to Slovenia has increased by 66% compared to 2023.

## Povzetek

Slovenija je ena izmed glavnih držav članic pošiljateljic napotениh delavcev v Evropski uniji. Število izdanih potrdil PD A1 ter delež oseb, napotениh iz Slovenije, v skupni nacionalni zaposlenosti se je stalno povečeval in dosegel vrh leta 2023, ko je bilo izdanih skupno 176.363 potrdil PD A1, v tujino pa je bilo napotениh 65.590 oseb (7 % vseh zaposlenih). V letu 2024 pa je bil zabeležen občuten upad tako v številu izdanih potrdil PD A1 kot tudi v številu napotениh oseb. Eden izmed razlogov za upad bi lahko bil sprejem novega Zakona o čezmejnem opravljanju storitev, ki prenaša določbe Direktive (EU) 2018/957, ter sprememba Zakona o pokojninskem in invalidskem zavarovanju, ki je odpravila določbo, ki je delodajalcem predhodno omogočala obračun prispevkov za socialno varnost napotениh delavcev na podlagi slovenske minimalne plače ali primerljive plače, ki bi jo delavec prejemal v Sloveniji. Pomembna značilnost napotovanja delavcev iz Slovenije ostaja napotovanje državljanov tretjih držav (DTČ), med katerimi večino predstavljajo državljani držav Zahodnega Balkana, ki so bile nekoč del Jugoslovanske federacije, tj. Bosne in Hercegovine (BiH), Srbije, Kosova, Severne Makedonije in Črne gore. Med navedenimi državami so državljani BiH najmočnejše zastopani tako med vsemi napotениmi državljani tretjih držav kot tudi med vsemi napotениmi osebami iz Slovenije.

Poročilo najprej podaja opisno analizo upravnih podatkov o čezmejnem napotovanju delavcev znotraj EU iz in v Slovenijo za zadnja leta, s posebnim poudarkom na letu 2024. Pri tem ne gre zgolj za posodobitev podatkov o odhodnem napotovanju, zbranih v okviru projekta POSTING.STAT 1.0, temveč za predstavitev novih virov podatkov, vključno s podatki o prihodnem napotovanju in značilnostih podjetij, ki napotujejo delavce. V drugem delu se poročilo osredotoča na napotovanje državljanov tretjih držav, pri čemer upošteva najnovejše razpoložljive upravne podatke ter analizira preplet migracijskega in napotitvenega režima, opaženega v Sloveniji. Potreba po osredotočenosti na državljane tretjih držav je nesporna, saj se število migrantov in napotениh delavcev, ki so državljani tretjih držav, v zadnjih letih stalno in izrazito povečuje. Poleg tega poročilo osvetljuje nov trend diverzifikacije zaposlovanja, ki se je okreпил v zadnjih nekaj letih. Medtem ko tradicionalne, uveljavljene destinacije na Zahodnem Balkanu, tj. države nekdanje Jugoslavije, še vedno predstavljajo najpogostejši in najprimernejši vir nove delovne sile, so delodajalci začeli zaposlovati in napotovati tudi iz azijskih držav. Poročilo bo preučilo morebitne povezave med temi novimi vzorci zaposlovanja in čezmejnem napotovanjem državljanov tretjih držav znotraj EU. Zato sta v tem poročilu za Slovenijo, pripravljenem v okviru projekta POSTING.STAT 2.0, zastavljeni dve glavni raziskovalni vprašanji:

1. *Kakšne so značilnosti, obseg in vpliv čezmejnega napotovanja delavcev znotraj EU iz in v Slovenijo? (poglavje 2)*
2. *Kakšne so značilnosti in obseg zaposlovanja, zaposlitve ter napotovanja državljanov tretjih držav iz Slovenije? (poglavje 3)*

Za odgovor na raziskovalni vprašanji so uporabljeni podatki pristojnih javnih organov. Za analizo obsega, značilnosti in vpliva čezmejnega napotovanja delavcev iz Slovenije se uporabljajo podatki, ki jih zagotavlja Zavod za zdravstveno zavarovanje Slovenije (ZZZS). Njihova zbirka podatkov vsebuje podrobne informacije o potrdilih PD A1, katerih izdajo vodi ZZZS. Baza zagotavlja podatke o: številu izdanih potrdil PD A1 po členu osnovne uredbe, dejavnosti, državi napotitve, državljanstvu in podjetju; številu napotениh delavcev po državljanstvu, dejavnosti in državi napotitve; številu zavrnjenih zahtevkov za izdajo potrdila PD A1 ter razlogih za zavrnitev. Zbirka podatkov ZZZS vključuje tudi podatke o podjetjih, ki napotujejo delavce, in tako predstavlja ključno empirično osnovo za raziskave, ki se nanašajo na ponudnike storitev. To je izjemno pomembno in potrebno, saj se obstoječe raziskave večinoma osredotočajo predvsem na napotene delavce, precej manj pa na podjetja, ki jih napotujejo. Ker pa gre pri napotovanju delavcev za obliko mobilnosti znotraj EU, ki jo spodbuja delodajalec, pri čemer podjetja svoje delavce pošiljajo v druge

države članice za opravljanje storitev, je bistveno, da se raziskovalni poudarek usmeri tudi na podjetja. Poleg kvantitativnih podatkov ZZS pripravlja tudi vsakoletna pisna poročila o napotovanju delavcev.

Za analizo obsega, značilnosti in vpliva napotovanja delavcev v Slovenijo se uporabljajo podatki iz orodij za predhodno prijavo napotitve. Člen 9(1)(a) Izvedbene direktive določa, da lahko države članice ponudniku storitev s sedežem v drugi državi članici naložijo obveznost predložitve enostavne prijave pristojnim nacionalnim organom, ki vsebuje ustrezne podatke, potrebne za izvedbo dejanskih preverjanj na delovnem mestu. Pristojni organ za sprejem teh prijav v Sloveniji je Zavod Republike Slovenije za zaposlovanje (ZZRS). Njegova zbirka podatkov vključuje podatke o: številu prejetih prijav, številu in državljanstvu napotenih oseb, dejavnostih, v katerih so napotitve izvedene, trajanju napotitev in geografskem območju opravljanja storitev (vse po številu prijav in napotenih oseb).

Zbirko podatkov o zaposlovanju tujih državljanov zagotavlja Statistični urad Republike Slovenije (SURS). Ta vsebuje podatke o številu tujih državljanov, zaposlenih v Sloveniji, razvrščene po državljanstvu in dejavnosti. Ti podatki so vključeni v poročilo, ker prikazujejo trend stalnega zaposlovanja državljanov tretjih držav, pa tudi opazen premik v prizadevanjih delodajalcev, ki ne zaposlujejo več le delavcev iz tradicionalnih držav pošiljateljic (tj. držav nekdanje Jugoslavije), temveč vse pogosteje tudi iz držav Jugovzhodne Azije. Do te diverzifikacije zaposlovanja je prišlo zaradi spremenjenih demografskih in gospodarskih razmer v Sloveniji ter naraščajočega povpraševanja po določenih poklicih, zlasti v gradbeništvu, gostinstvu, zdravstvu, oskrbi ter prevozništvu.

Za analizo upravnih podatkov o delovni migraciji in čezmejnem napotovanju delavcev znotraj EU bodo uporabljeni številni relevantni zakonodajni viri, med njimi: Zakon o čezmejnem izvajanju storitev (ZČmIS-1), Zakon o zaposlovanju, samozaposlovanju in delu tujcev (ZZSDT-UPB4) ter dvostranski sporazumi o zaposlovanju delavcev, sklenjeni z Bosno in Hercegovino, Srbijo in Filipini. Drugi viri vključujejo podatke o kršitvah v zvezi z napotovanjem delavcev znotraj EU, ki jih zagotavlja Inšpektorat Republike Slovenije za delo (IRSD). Ti podatki omogočajo vpogled v število opravljenih inšpekcijskih nadzorov ter naravo ugotovljenih kršitev pravil o napotovanju delavcev.

**Skupno število izdanih obrazcev A1 je leta 2024 znašalo 146.321, kar predstavlja 17-odstotni upad v primerjavi z letom 2023. Vendar pa razčlenitev po posameznih členih kaže, da število obrazcev A1, izdanih na podlagi člena 13 BR, neprekinjeno narašča vse od sprejetja Zakona o čezmejnem izvajanju storitev leta 2018, ki ureja napotitve po členu 12 BR.**

Upad v letu 2024 je mogoče pripisati predvsem znatnemu zmanjšanju števila izdanih obrazcev A1 na podlagi 12. člena Osnovne uredbe (OU), ki se je z 98.469 v letu 2023 zmanjšalo na 66.118 v letu 2024, kar predstavlja 33-odstotni upad. Nasprotno pa se je število obrazcev A1, izdanih na podlagi 13. člena OU, v istem obdobju zmerno povečalo, in sicer s 76.679 v letu 2023 na 78.926 v letu 2024 (povečanje za 3 %). Posledično je leta 2024 število obrazcev A1, izdanih na podlagi 13. člena OU, prvič preseglo število obrazcev A1, izdanih na podlagi 12. člena OU. Izdajanje obrazcev A1 na podlagi 13. člena OU že vse od leta 2018 izkazuje vztrajno naraščajoč trend in se je od takrat skoraj podvojilo, in sicer od uveljavitve Zakona o čezmejnem izvajanju storitev, ki ureja napotitve po 12. členu OU. Skladno s tem se je delež obrazcev A1, izdanih na podlagi 13. člena OU, povečal z 32 % v letu 2018 na 54 % v letu 2024. Nasprotno pa se je obseg napotitev po 12. členu OU po sprejetju navedenega zakona močno zmanjšal. Ker napotitve po 13. členu OU niso podvržene strožjim regulativnim zahtevam iz zakona, zanje velja tudi nižje administrativno breme. Poleg tega so obrazci A1, izdani na podlagi 13. člena OU, praviloma veljavni za celotno koledarsko leto, medtem ko je treba obrazce A1 na podlagi 12. člena OU pridobiti ločeno za vsako posamezno napotitev. Te regulativne in administrativne razlike so številne delodajalce spodbudile, da zaprosijo za izdajo obrazcev A1 na podlagi 13. člena OU.

**Skupno število izdanih potrdil PD A1 za samozaposlene osebe ostaja nizko.**

Število obrazcev A1, izdanih samozaposlenim osebam na podlagi 12. člena OU, je znašalo 2.009, kar predstavlja 3 % vseh obrazcev A1, izdanih na podlagi 12. člena OU. Ta delež je nižji od povprečja EU, ki je znašalo 5 %. Na podlagi 13. člena OU je bilo samozaposlenim osebam izdanih 3.101 obrazcev A1, kar predstavlja približno 4 % vseh obrazcev A1, izdanih na podlagi 13. člena OU..

**Slovenija še naprej zbira statistične podatke o razlogih za zavrnitev vlog za izdajo potrdil PD A1, izdanih na podlagi 12. in 13. člena Osnovne uredbe (OU). Stopnja zavrnitev je pri vlogah na podlagi 12. člena OU znašala 7 %, pri vlogah na podlagi 13. člena OU pa 12 %.**

V letu 2024 je bilo vloženih 72.691 vlog za izdajo potrdila PD A1 po 12. členu Osnovne uredbe. ZZZS je zavrnila 5.156 vlog (7,1 %), 737 vlog (1 %) pa je bilo vrnjenih vlagateljem v dopolnitev. 278 vlog je bilo zavrženo, medtem ko je bilo 19.976 primerov (27,5 %) obravnavanih kot zahteve za spremembo obdobja veljavnosti. V primerjavi z letom 2023, ko je bilo zabeleženih 8.128 pomanjkljivosti, se je njihov delež zmanjšal za 29,5 %. Če pa delež izračunamo glede na skupno število vloženih vlog, ostaja razmeroma nespremenjen (7,9 % v letu 2024 v primerjavi s 7,5 % v letu 2023). Najpogostejši razlogi za zavrnitev izdaje potrdila PD A1 po 12. členu OU so davčne narave, in sicer neporavnane davčne obveznosti ali blokiran transakcijski račun vlagatelja (36 %), ter neskladnost s pogoji za napotitev oseb v druge države članice, določenimi v Zakonu o čezmejnem izvajanju storitev (30,2 %). Za uporabo 12. člena OU mora namreč delavec opravljati dejavnost kot zaposlena oseba v matični državi članici, delodajalec pa mora dejansko opravljati svojo dejavnost v tej državi.

V letu 2024 je bilo na podlagi 13. člena Osnovne uredbe prek elektronske platforme SPOT vloženih 89.087 vlog za izdajo potrdila PD A1. Potrdilo je bilo izdano v 76.289 primerih (86 %). Zavrnenih je bilo 1.006 vlog, 374 vlog je bilo zavrženih (stopnja zavrnitev 11,6 %), poleg tega pa je bilo obravnavanih 10.924 vlog za spremembo zaprosenega obdobja veljavnosti. 10.924 vlog je bilo obravnavanih zaradi prošnje po spremembi obdobja veljavnosti, 1.358 primerov pa je bilo vrnjenih vlagateljem v dopolnitev. Najpogostejši razlog za zavrnitev izdaje potrdila PD A1 po 13. členu OU so davčne nepravilnosti (skoraj 60 %), sledi nepopolno predložena dokumentacija oziroma manjkajoči podatki (24 %). Na splošno so vloge za izdajo potrdila PD A1 po 13. členu pogosteje zavrnjene kot vloge za izdajo potrdila po 12. členu OU.

**Po večletnem nenehnem porastu se je število napotenih oseb leta 2024 v primerjavi z letom 2023 zmanjšalo za 9 %.**

V letu 2024 je bilo po 12. členu OU napotenih 18.836 oseb, po 13. členu OU pa 46.394 oseb. Število samozaposlenih oseb, napotenih po 12. členu OU, je znašalo 1.174, po 13. členu OU pa 2.426. Skupno število napotenih oseb je tako znašalo 59.588. Razčlenitev po členih kaže, da je bilo tudi tokrat več oseb napotenih po 13. členu OU kot po 12. členu. Delež napotenih oseb po 12. členu je znašal približno 30 %, kar je v skladu s preteklimi leti.

**Slovenski delodajalci so delavce napotovali v 29 držav članic EU, največ v Nemčijo in pretežno v gradbeni sektor.**

51 % (oz. 33.637) vseh potrdil PD A1, izdanih po 12. členu OU, se je nanašalo na napotitve v Nemčijo. Druga najpomembnejša država prejemnica je bila Avstrija z 11.182 potrdili PD A1 (16,9 %), sledila pa je Hrvaška s 6.242 potrdili (9,4 %). V primerjavi s preteklim letom se je število potrdil PD A1, izdanih za dejavnosti v gradbeništvu, povečalo za več kot 40 % (z 39.945 na 56.412), medtem ko se je število potrdil za dejavnost mednarodnega cestnega prevoza blaga rahlo zmanjšalo za 6 %. Dejavnost »Montaža, popravila in vzdrževanje« je bila v statističnih podatkih za leto 2024 izpuščena in je verjetno vključena v kategorijo

»druge dejavnosti«. Kljub temu je treba poudariti, da je bila prav ta dejavnost tista, ki je od leta 2018 beležila največjo rast – število izdanih potrdil PD A1 v tem sektorju se je povečalo za kar 10.315 % (s 481 v letu 2018 na 50.094 v letu 2023). Skoraj 70 % vseh napoteni oseb je bilo napoteni za opravljanje storitev v gradbeništvu (42 %; 25.451) ter v mednarodnem cestnem prevozu blaga (27 %; 16.459). To predstavlja bistveno spremembo glede na leto 2023, ko je bilo največ napoteni oseb v sektorju »montaže, popravil in vzdrževanja« (27.814; 37 %), sledil je mednarodni cestni prevoz (17.477; 23 %), medtem ko je bilo gradbeništvu šele na tretjem mestu (13.592; 18 %).

**Delež zaposlenih oseb, napoteni na delo v tujino, se je v primerjavi z letom 2023 zmanjšal, vendar ostaja visok – nad 6 %. Poleg tega je bil v gradbenem sektorju delež napoteni oseb 30 %. Delež podjetij, ki napotujejo osebe na delo v tujino, ostaja nizek in znaša 1,4 % (podatki za leto 2023).**

Kljub temu, da je delež podjetij, ki opravljajo storitve v tujini, v primerjavi z vsemi registriranimi slovenskimi podjetji majhen, je njihov prispevek k BDP občuten. V letu 2024 je Slovenija v države članice EU izvozila storitve v vrednosti 9,1 milijarde evrov.

**Ni več dovoljeno obračunavati prispevkov za socialno varnost napoteni delavcev na podlagi slovenske minimalne plače ali primerljive plače, ki bi jo delavec prejemal v Sloveniji.**

Novi Zakon o čezmejnem izvajanju storitev (ZČmIS-1) je začel veljati aprila 2023, pri čemer so določeni členi začeli veljati januarja 2024. Največ pozornosti in odpora je sprožila določba o spremembah pri obračunu prispevkov za socialno varnost (ZČmIS-1, 35. člen). Zakon odpravlja določbo, ki je delodajalcem pred tem omogočala, da so prispevke za napotene delavce obračunavali na podlagi slovenske minimalne plače ali primerljive plače v Sloveniji. Ta praksa je znižala stroške delodajalcev, vendar zmanjšala pravice do pokojnin in zavarovanja za delavce ter ustvarjala nepošteno konkurenco z lokalnimi podjetji v državah gostiteljicah. Z uveljavitvijo nove določbe delodajalcem ni več dovoljeno osnovati prispevkov za socialno varnost na minimalni ali hipotetični slovenski plači, temveč morajo uporabiti dejansko plačilo delavcu, vključno z dodatki, nagradami in nadomestili. Ta sprememba je namenjena zagotovitvi pošteno konkurence in ustreznih pokojninskih prispevkov, skladno s standardi države gostiteljice. Zavodi delodajalcev so izrazili ostro nasprotovanje tej spremembi. Gospodarska zbornica Slovenije (GZS) je izpostavila, da je posebna osnova za zavarovanje napoteni delavcev določena že več desetletij v okviru Zakona o pokojninskem in invalidskem zavarovanju, torej še pred vstopom Slovenije v Evropsko unijo, kar odraža dolgoletno nacionalno politiko. Zbornica je ocenila, da bo Slovenija zaradi teh zakonodajnih sprememb prišla do 145 milijonov evrov izgube javnih prihodkov. Po anketi med člani GZS naj bi velik delež podjetij že preselil ali načrtuje preselitev poslovanja v tujino. GZS je poročala, da je od 1. januarja 2024 strošek dela za slovenske napotene delavce za enako neto plačo več kot 20 % višji kot pri delavcih, zaposlenih pri avstrijskih ali hrvaških podjetjih – državah, ki neposredno konkurirajo Sloveniji. To pomeni, da bi podjetja znatno pridobila s selitvijo poslovanja v sosednje države (GZS, 2024).

**Napotovanje državljanov tretjih držav še naprej narašča, kar zahteva analizo, ki upošteva preplet migracijskega, zaposlitvenega in napotitvenega režima. V letu 2024 je delež vseh zaposlenih državljanov tretjih držav, napoteni na delo v tujino, znašal 30 %.**

V letu 2024 so tujci predstavljali 15,9 % vseh zaposlenih oseb (brez kmetovalcev), kar je najvišji delež doslej. Število zaposlenih tujcev je bilo 144.835, od tega je bilo 18.442 (13 %) državljanov EU, medtem ko je 87 % predstavljalo državljanke tretjih držav (DTČ). Slovenija stalno zaposluje državljanke tretjih držav, zlasti iz držav nekdanje Jugoslavije. Zaradi vztrajajočih pomanjkljivosti v več kot sto dejavnostih se povečuje tudi delovna migracija iz azijskih držav, zlasti iz Indije, Nepala, Kitajske, Bangladeša in Filipinov. V letu 2025 je Slovenija uvedla več sprememb Zakona o tujcih, vključno s: poenostavitvijo postopka pridobitve dovoljenja za

prebivanje in delo, podaljšanjem veljavnosti dovoljenj, priznavanjem strokovnih izkušenj, olajšanjem mobilnosti. V letu 2024 je bilo 126.393 državljanov tretjih držav zaposlenih v Sloveniji, kar predstavlja približno 14 % vseh zaposlenih oseb in je najvišji delež doslej. Večina DTČ so državljani Bosne in Hercegovine (56 %), sledijo državljani Srbije, Kosova in Severne Makedonije. Delovni migranti iz teh štirih držav so predstavljali skoraj 90 % vseh državljanov tretjih držav, zaposlenih v Sloveniji.

**Trije od desetih oseb, napoteni na delo v tujino, so slovenski državljani, šest od desetih pa državljani tretjih držav. Štiri od desetih napoteni oseb so državljani Bosne in Hercegovine. Državljan Bosne in Hercegovine so predstavljali več kot 60 % vseh napoteni državljanov tretjih držav ter skoraj 40 % vseh oseb, napoteni iz Slovenije.**

V zadnjih letih je bil obseg napotovanja delavcev iz Slovenije v veliki meri povezan z izrazitim povečanjem števila napoteni državljanov tretjih držav, predvsem državljanov nekdanjih jugoslovanskih republik – Bosne in Hercegovine, Srbije, Kosova in Severne Makedonije. Delež državljanov teh držav med vsemi napoteni državljanov tretjih držav je dosledno presegal 96 %, leta 2024 pa je znašal 96,6 %. Državljan Bosne in Hercegovine so predstavljali več kot 60 % vseh napoteni državljanov tretjih držav ter 39 % vseh oseb, napoteni iz Slovenije. Državljan Srbije so predstavljali več kot 18 % vseh napoteni državljanov tretjih držav (skoraj 12 % vseh napoteni oseb), državljani Kosova pa 13 % (8 % vseh napoteni oseb).

**Delež državljanov Bosne in Hercegovine, Srbije in Kosova v skupni zaposlenosti v Sloveniji se postopno povečuje, medtem ko se je njihovo napotovanje v primerjavi s prejšnjim letom zmanjšalo za 13 %.**

Pomemben delež zaposlenih državljanov Bosne in Hercegovine je bil v preteklih letih napoten na delo v tujino. Najvišji delež je bil zabeležen leta 2020, ko je bilo napoteni skoraj 44 % vseh zaposlenih državljanov BiH. Od tedaj delež postopoma upada. Leta 2024 je znašal 39 %. Število zaposlenih državljanov Bosne in Hercegovine in Srbije v Sloveniji se stalno povečuje, medtem ko se je število zaposlenih državljanov Kosova rahlo zmanjšalo zgolj v letu 2024. Število oseb, napoteni iz teh treh držav, se je leta 2024 občutno zmanjšalo; v primerjavi z letom 2023 je bilo napoteni 13 % oziroma 5.234 oseb manj.

**Pri priseljevanju delavcev iz azijskih držav v Slovenijo ter pri napotovanju indijskih, bangladeških, nepalskih in filipinskih državljanov iz Slovenije v druge države članice je zaznati naraščajoč trend.**

Čeprav absolutne številke ostajajo razmeroma nizke, je stopnja rasti izrazita. Leta 2018 slovenski delodajalci niso napotili nobenega delavca s Filipinov ali iz Indije, le pet pa iz Bangladeša. Do leta 2024 se je število napoteni delavcev povečalo na 13 s Filipinov, 110 iz Bangladeša in 385 iz Indije. Medletna rast je bila leta 2024 posebej izrazita pri državljanov Indije, saj se je njihovo število v primerjavi z letom 2023 povečalo za skoraj 170 %

**Zavod Republike Slovenije za zaposlovanje (ZZRS) je v letu 2024 prejel 5.245 predhodnih prijav napotitev, kar predstavlja 25-odstotno povečanje v primerjavi z letom 2023.**

Tri najpogostejše države pošiljateljice oseb za opravljanje storitev v Sloveniji v letu 2024 so bile: Hrvaška – 1.857 prijav / 5.077 napoteni oseb, Nemčija – 1.352 prijav / 1.693 napoteni oseb, Avstrija – 766 prijav / 1.093 napoteni oseb. Skupaj te tri države predstavljajo 76 % vseh predhodnih prijav in 73 % vseh oseb, napoteni na delo v Slovenijo. V primerjavi z letom 2023 je bil najizrazitejši porast števila napoteni oseb iz Hrvaške, in sicer za 115 %. Število napoteni oseb iz Avstrije se je povečalo za 16 %, medtem ko se je število napoteni oseb iz Nemčije zmanjšalo za 8 %. 34 % vseh napoteni delavcev v Sloveniji je opravljal

storitve v gradbeništvu, 13 % v predelovalnih dejavnostih, in 7 % v strokovnih, znanstvenih in tehničnih dejavnostih. V Slovenijo so bile napotene osebe iz 69 držav, od katerih jih je 32 % (22) iz držav članic EU, 68 % (47) pa iz tretjih držav. Med napotenimi osebami v Sloveniji so bile tri najpogostejše narodnosti: hrvaška (2.544 oseb; 24 %), nemška (1.435 oseb; 13 %), avstrijska (808 oseb; 7 %). Tri najpogostejše narodnosti iz tretjih držav (DTČ) pa so bile: državljani Severne Makedonije (564 oseb; 5 %), državljani Uzbekistana (496 oseb; 4,6 %), državljani Bosne in Hercegovine (479 oseb; 4,5 %). Število hrvaških državljanov, napotenih na delo v Slovenijo, se je v primerjavi z letom 2023 povečalo za 66 %.

# 1. Introduction

Posting of workers is a cross-border form of service provision introduced to respond to demands for labour supply among European Union (EU) Member States. It concerns the activity of sending workers employed in one Member State to provide a service in another Member State on a temporary basis. Posting of workers is regulated by Directive 96/71/EC, recently amended by Directive (EU) 2018/957, which is commonly referred to as the Posting of Workers Directive. Relevant national laws and regulations concerning the posting of workers apply in addition to the Directive. Which national social security system is applicable to the posted worker and where social security contributions need to be paid, is regulated by the Regulation (EC) No 883/2004 (referred to as the Basic Regulation) on the coordination of social security systems and its implementing Regulation (EC) No 987/2009. Workers can be posted on the basis of Articles 12 and 13 of the Basic Regulation, which define posted workers as the persons who are employed by an employer that normally carries out its activities in a Member State and who are posted by that employer to another Member State to perform work on its behalf (Article 12.1); the persons who normally pursue an activity as a self-employed person in a Member State who go to pursue a similar activity in another Member State (Article 12.2); and such persons who pursue an activity as an employed/self-employed person in two or more Member States (Article 13). While workers posted under Article 13 are not posted workers by definition, they might also fall under the conditions of the Posting of Workers Directive. Posted workers are issued an administrative document A1 (PD A1) that indicates that they are covered by the social security system of the Member State from which the posting takes place.

The provision of services through posting has become one of the most important cross-border labour mobility forms. In 2023, the total number of postings in the EU and EFTA rose to 5.5 million (+19.5 % relative to 2022), distributed among an estimated 3.5 million individual persons (+13 % compared to 2022) (European Commission 2024). The countries who have been issuing the most PDs A1 in the past years are Germany and Poland. The combined share of issued PDs A1 by those two countries in 2023 is over 50% of the total PDs A1 issued in 2023 (Ibid.). In relative terms, i.e. compared to the total number of employed persons in the issuing Member State, Slovenia and Luxembourg stand out with a share of 16% of the employed population each. This is a significant number considering the fact that a PD A1 was issued to an equivalent of 2.1 % of the employed population on the EU level (De Wispelaere et al. 2024).

Slovenia has been one of the main sending Member States of posted workers in the EU. The number of issued PDs A1 and the share of persons in total national employment posted from Slovenia has been on a continuous increase, reaching peak in 2023 when a total of 176.363 PDs A1 were issued and 65.590 persons (7 % of all persons in employment) were posted abroad. In 2024, however, an unprecedented decrease was observed in the number of PDs A1 issued, as well as persons posted. One of the reasons for the decrease could be the adoption of the new Transnational Provision of Services Act that transposes Directive (EU) 2018/957, and the amendment to the Pension and Disability Insurance Act that eliminates a provision that previously allowed employers to calculate social security contributions for posted workers based on the Slovenian minimum wage or the comparable salary that would be earned in Slovenia.

The important characteristic of the posting of workers from Slovenia continues to be posting of third country nationals (TCNs), most of whom are the nationals of the Western Balkan countries that were once part of the Yugoslav Federation, i.e., Bosnia and Herzegovina (BiH), Serbia, Kosovo, North Macedonia, and Montenegro. Among those countries, the nationals of BiH are most significantly represented among all posted TCNs, as well as among all persons posted from Slovenia. Namely, the number of posted BiH nationals has in the past few years surpassed the number of Slovenian nationals posted abroad (Vah Jevšnik et al., 2022).

Efforts should be made to map out the most current trends of both outbound posting (i.e. from Slovenia to other Member States), which has mostly been in the focus until now, as well as inbound posting

(i.e. to Slovenia from other Member States). Inbound posting has been less notable in the past years, but administrative data shows that it is on the increase (De Wispelaere et al. 2024a). Furthermore, the mapping needs to pay special attention to the trend of posting of TCNs. For the purpose of the analysis of the trend, the overlaps between recruitment policies, migration regimes and intra-EU cross-border provision of services need to be discussed.

## 1.1 Research questions

The POSTING.STAT 2.0 project aims to increase the level of empirical evidence on intra-EU posting through the collection and analysis of national administrative data. The first main objective is to collect data from the competent public authorities to obtain updated information on the scale, characteristics, and impact of intra-EU posting, both in the main receiving and sending Member States. The second objective is to detect relevant data sources on previously un(der)explored topics, such as e.g. temporary agency posting, posting in the case of subcontracting, enforcement of the posting rules, or posting of third country nationals.

Both objectives are reflected in the Slovenian country report. More specifically, the report will first provide a descriptive analysis of the administrative data on intra-EU posting from and to Slovenia for the most recent years, focusing on 2024. It will not merely deliver an update of the data on the outward posting collected for the POSTING.STAT 1.0 project, but will introduce new data sources, including data on inward postings and the characteristics of the posting companies. Second, it will zoom in on the posting of third country nationals by taking into account the latest available administrative data, and exploring the overlaps of the migration and posting regimes observed in Slovenia. The necessity to focus on the third country nationals is undisputed given the fact that the numbers of migrant workers and posted workers who are third country nationals have been rising consistently and significantly throughout the several past years.

In addition, the new trend of diversification of recruitment has been facilitated in the past couple of years. While the traditional, go-to destinations in the Western Balkans, i.e. the countries of the former Yugoslavia, are still the most popular and convenient sources of new labour, the employers also started to recruit from the countries of Southeast Asia. The report will look into possible correlations between these new recruitment patterns and the intra-EU posting of third country nationals.

The two main research questions are:

1. What are the characteristics, the scale, and the impact of intra-EU posting from and to Slovenia? (*Chapter 2*)
2. What are the characteristics and the scale of recruiting, employing and posting of third country nationals from Slovenia? (*Chapter 3*)

## 1.2 Research methodology

To answer the research questions, data from the competent public authorities are used. To analyse the scale, characteristic and impact of intra-EU posting *from* Slovenia, we use the data provided by the Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije – ZZZS*). Their database contains elaborate data on PDs A1, which they are in charge of issuing. It provides data on:

- the number of issued PDs A1 by article of the Basic Regulation, sector, country of posting, nationality, company;
- the number of posted workers by nationality, sector and country of posting;
- the number and the reasons for rejection of requests for a PD A1.

The ZZZS database includes data on the posting companies and therefore provides the necessary evidence base for the research concerning the service provider. This is profoundly important and necessary as the current research tends to focus mainly on the posted worker and much less on the posting company. However, since the posting of workers concerns an *employer-driven* form of intra-EU mobility, whereby the *companies* send their workers to other Member States to provide services, it is essential to turn the research focus on the companies as well. In addition to quantifiable data, ZZZS also produces written yearly reports on the posting of workers.

To analyse the scale, characteristics and impact of posting of workers to Slovenia, the data on the prior notification tools is used. Article 9(1)(a) of the Enforcement Directive states that Member States may impose an obligation on a service provider established in another Member State to make a simple declaration to the responsible national competent authorities containing the relevant information necessary to allow factual checks at the workplace. The competent authority that receives the notifications in Slovenia is the Employment Service of Slovenia (*Zavod za zaposlovanje Republike Slovenije – ZZRS*). Their database includes data on the number of notifications, the number and citizenship of persons posted, the sectors of activity, duration of posting and geographical location (all by number of notifications and persons posted).

The database on the employment of foreign nationals is provided by the Statistical Office of the Republic of Slovenia (*Statistični urad Republike Slovenije – SURS*) and includes the number of foreign nationals employed in Slovenia by nationality and sector of activity. This data is included in the report because it reveals the trend of continuous recruitment of third country nationals and, in addition, a notable shift in the efforts to not only recruit workers from the traditional sending countries, i.e. the countries of the former Yugoslavia, but also from the countries of Southeast Asia. This diversification of recruitment was prompted by the changing demographic and economic landscape in Slovenia and the growing demand for certain professions, particularly in the sectors of construction, hospitality, health and care, and transport.

In order to analyse the administrative data regarding labour migration and intra-EU posting, several relevant legislative sources will be used, including the new Transnational provision of Services Act (*Zakon o čezmejnem izvajanju storitev - ZČmIS-1*), the Employment, Self-employment and Work of Foreigners Act (*Zakon o zaposlovanju, samozaposlovanju in delu tujcev - ZZSDT-UPB4*) and bilateral agreements on labour recruitment concluded with Bosnia and Herzegovina, Serbia and the Philippines. Other sources include the data on the infringements related to intra-EU posting that was obtained from the Labour Inspectorate (*Inšpektorat Republike Slovenije za delo – IRSD*). These data provide a view on the number of inspections and the nature of infringements of posting rules detected by IRSD.

## 2. Scale, characteristics and impact of intra-EU posting

The chapter reports data on posting from Slovenia (section 2.1) and posting to Slovenia (section 2. 2). The focus on both perspectives is essential in order to produce a comprehensive overview of the posting of workers trends concerning Slovenia. All available data on the issued PDs A1, workers posted from/to Slovenia, sectors of activity, and companies involved will be presented. Data for 2024 will be supplemented with data from the previous years in order to establish the dynamics, trends and evolution of the posting of workers from/to Slovenia. In order to outline the impact of intra-EU posting, the chapter also provides data on the share of persons posted in total employment, the scope and importance of the export of services for Slovenian economy, and important changes in relevant legislation affecting the posting of persons with a possible far-reaching impact

### 2.1. Measuring the flow of persons posted from Slovenia

This section presents data provided by ZZZS on the characteristics of posting of workers from Slovenia. The statistics drawn from the PDs A1 are a good source of information on the number, extent, and duration of posting of persons, the sectors of economic activity where they perform work and the receiving countries. They also provide an important evidence base for understanding the extent of the provision of services abroad and the importance of such activities for the Slovenian economy, as well as for evaluating the impact of most recent policy stipulations addressing transnational provision of services.

#### 2.1.1. By issued PDs A1

Posting of workers from Slovenia has consistently been an important and impactful phenomenon. In relative terms, Slovenia consistently ranks as one of the main sending states. Moreover, the rising numbers of postings, the rising percentage of employees posted to another Member State to provide services, and high turnover generated by providing services abroad, has prompted speculations that posting from Slovenia has evolved into a business model (De Wispelaere & De Smedt, 2025).

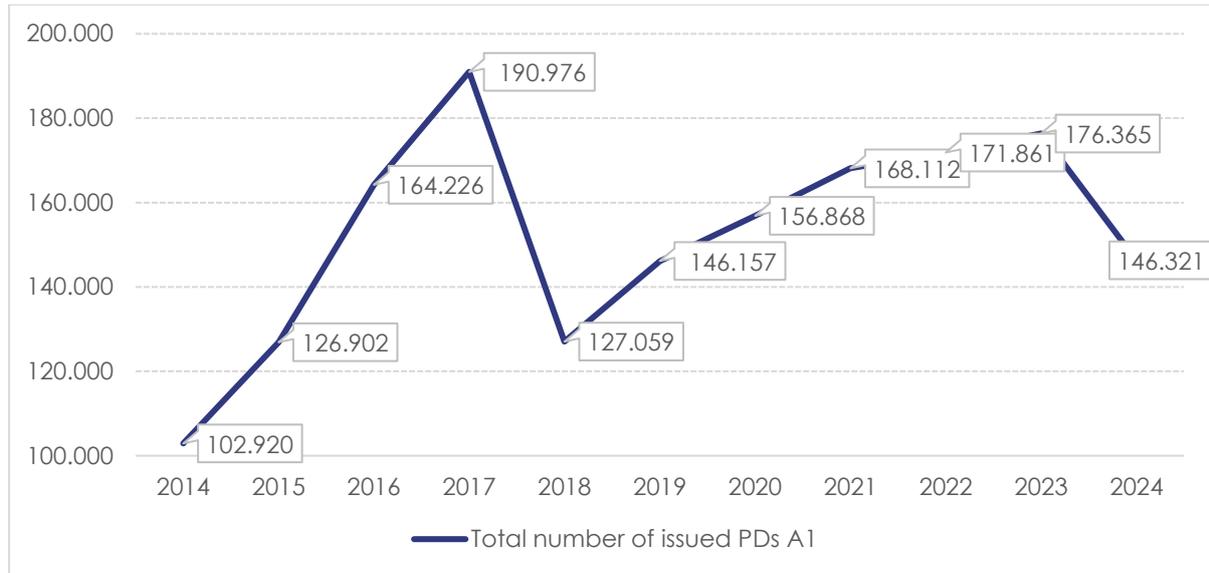
**Table 1: Total number of PDs A1 issued by Slovenia, 2024**

	Number of PDs A1 issued	Percentage in total
<b>Article 12 BR – posting</b>	66.118	45%
<b>Article 13 BR – working in two or more states</b>	78.926	54%
Other categories	1.277	1%
<b>Total</b>	<b>146.321</b>	100

Source: Data provided by ZZZS

However, the upward trend that persisted since 2018 (even during the COVID-19 pandemic), has been reversed in 2024. The total number of PDs A1 issued in 2024 amounts to 146,321, which represents a 17% decrease compared to 2023. The decrease is due to a significantly lower number of PDs A1 issued under Article 12 BR (from 98.469 in 2023 to 66.118 in 2024, which amounts to a decrease of 33%), while the number of PDs A1 issued under Article 13 BR has slightly increased (from 76.679 in 2023 to 78.926 in 2024, which is an increase of 3%) (Table 1, Figure 1).

**Figure 1: Evolution of the total number of PDs A1 issued by Slovenia, 2014-2024**

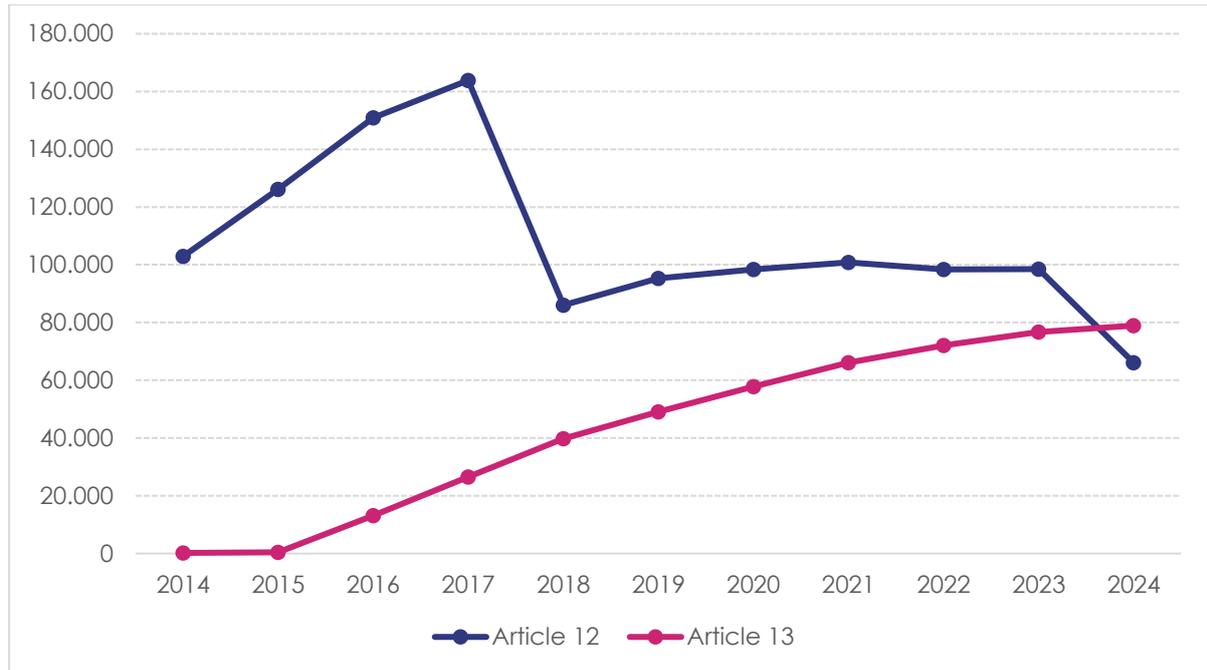


Source: Data provided by ZZZS

In 2024, the number of PDs A1 issued under Article 13 BR has surpassed the number of PDs A1 issued under Article 12 BR. The number of PDs A1 issued under Article 13 has been on a continuous rise and has increased by nearly 100% since 2018 (Figure 2). The share of PDs A1 issued under Article 13 BR was 32% in 2023 and 54% in 2024 (Figure 3). Posting under Article 13 BR does not fall under the Transnational Provision of Services Act, is regulated less and requires less bureaucracy. In addition, PD A1 certificates issued under Article 13 are generally valid for the entire calendar year, whereas those under Article 12 require a new PD A1 for each individual posting assignment.

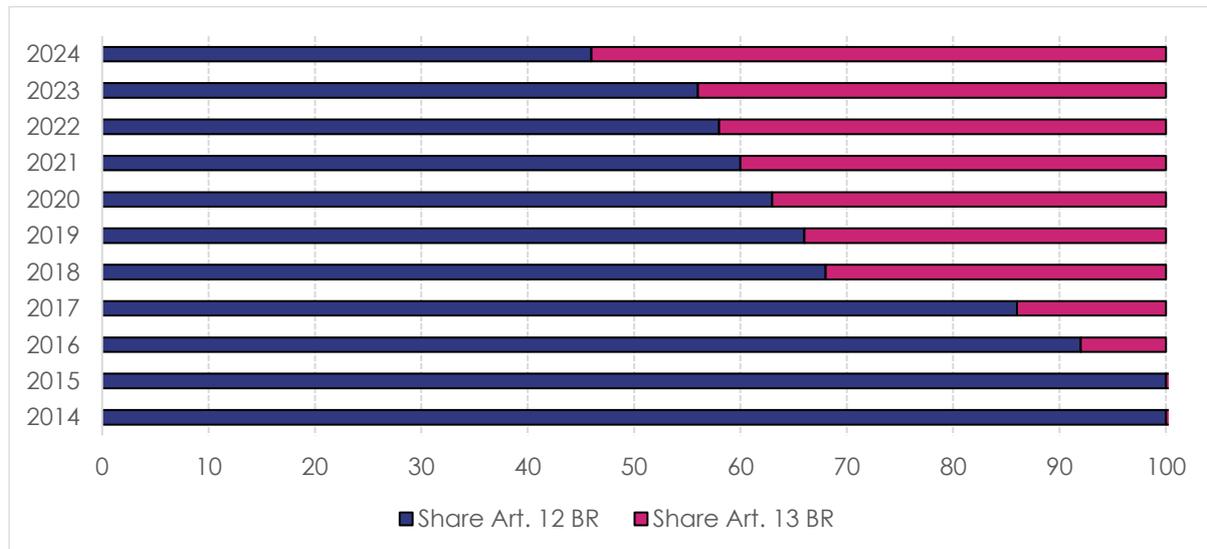
The self-employed posted persons are included in the statistics on the posting of workers, although they do not fall within the scope of the Posting of Workers Directive. Nevertheless, they can be posted under Articles 12 and 13 BR. In 2024, the number of PDs A1 issued under Article 12 BR was 2.009, which is 3% of all PDs A1 issued under Article 12 and 1,4% of all issued PDs A1. Under Article 13 BR, the number of issued PDs A1 was 3.101, which is around 4% of all PDs A1 issued under Article 13 BR and around 2 % of all issued PDs A1.

**Figure 2: Evolution of PDs A1 issued by Slovenia according to Article 12 BR and Article 13 BR, 2014 – 2024**



Source: Data provided by ZZZS

**Figure 3: Share of PDs A1 issued by Slovenia according to Article 12 BR versus Article 13 BR, 2014 – 2024**



Source: Data from ZZZS

ZZZS also keeps data on the number of applications for PDs A1 that were rejected and the reasons for rejection<sup>1</sup>. In 2024, the number of applications for a PD A1 under Art. 12 BR was 72.691. ZZZS rejected 5.156 applications (7,1%) and sent 737 (1%) applications to the applicants for completion. 278 applications were discarded and 19.976 (27,5%) cases were handled for a requested change in the period of validity. Compared to 2023, when there were 8,128 insufficiencies, their share decreased by 29,5%. However, if we calculate the share based on the number of applications, it remains similar (7,9% in 2004, 7,5% in 2023).

<sup>1</sup> Methodological note: applications may be rejected for more than one reason and applications with multiple entries may be rejected for the same reason for each entry. That is why the total number of rejections does not align with the sum of rejected and discarded applications, and applications returned to applicants for completion.

The most common reasons for a rejection of issuing a PD A1 under Art. 12 BR are tax related, such as the applicant having unsettled tax liabilities or a blocked bank account (36%), and non-compliance with legal requirements for posting of persons to other Member States under the conditions stated in the Transnational Provision of Services Act (30,2%). Namely, for Article 12 BR to apply, the worker must be pursuing an activity as an employed person in their home Member State, and the employer must normally carry out its activities there.

**Table 2: Reasons for rejection of an application for a PD A1 under Art. 12 BR, 2024**

Reasons for rejection	Number of cases	Share (%)
Tax related (unsettled tax liabilities, non-submission of REK forms, no open/blocked transaction account)	2.064	36,0
Employer/self-employed or employee does not normally carry out its activities in Slovenia (e.g. no appropriate prior insurance in Slovenia, not enough employed persons for the company to be eligible for posting)	1.733	30,2
Inadequate documentation (employment contract missing)	1.207	21,1
Procedural (e.g. PD A1 already issued for the same period, application not resubmitted with amendments on time)	490	8,6
Labour-law related (e.g. fines for violations, no single permit issued)	233	4,1
Other	3	0,1
<b>Total</b>	<b>5.730</b>	<b>100</b>

Source: Data provided by ZZZS

In 2024, the number of applications for a PD A1 under Art. 13 BR issued via the electronic submission platform SPOT was 89.087.<sup>2</sup> PD A1 was issued in 76.289 cases (86%). 374 applications were discarded and 10.924 applications were handled for a requested change in the period of validity. 1.358 cases were returned to the applicants for completion.

**Table 3: Reasons for rejection of an application for a PD A1 under Art. 12 BR, 2024**

Reasons for rejection	Number of cases	Share (%)
Tax related (unsettled tax liabilities, non-submission of REK forms, no open/blocked transaction account)	6.517	58,2
Inadequate documentation (employment contract missing)	2.743	24,5
Procedural (e.g. PD A1 already issued for the same period, application not resubmitted with amendments on time)	898	8,0
Labour-law related (e.g. fines for violations, no single permit issued)	868	7,8
Other	164	1,5
<b>Total</b>	<b>11.190</b>	<b>100</b>

Source: Data provided by ZZZS

<sup>2</sup> The number does not include PDs A1 issued manually (2.637 cases).

By far the most common reason for rejection of a PD A1 under Art. 13 BR is due to tax-related issues (nearly 60%), followed by failure to submit the required documentation (24%). In general, the applicants for a PD A1 under Art. 13 BR were rejected more often than the applicants for a PD A1 under Art. 12 BR.

**2.1.2. By posted persons**

In 2024, the number of persons posted under Article 12 BR was 18.836 and the number of persons posted under Article 13 BR was 46.394. The number of self-employed persons posted under Article 12 BR was 1.174 and the number of self-employed persons posted under Article 13 was 2.426. The total number of persons posted was 59.588. The total number is not a simple sum of a number of persons posted under Art. 12 BR and Article 13 BR, as individual person can be posted under Article 12 and Article 13 in the same year. The same goes for the number of issued PDs A1 (Table 4).

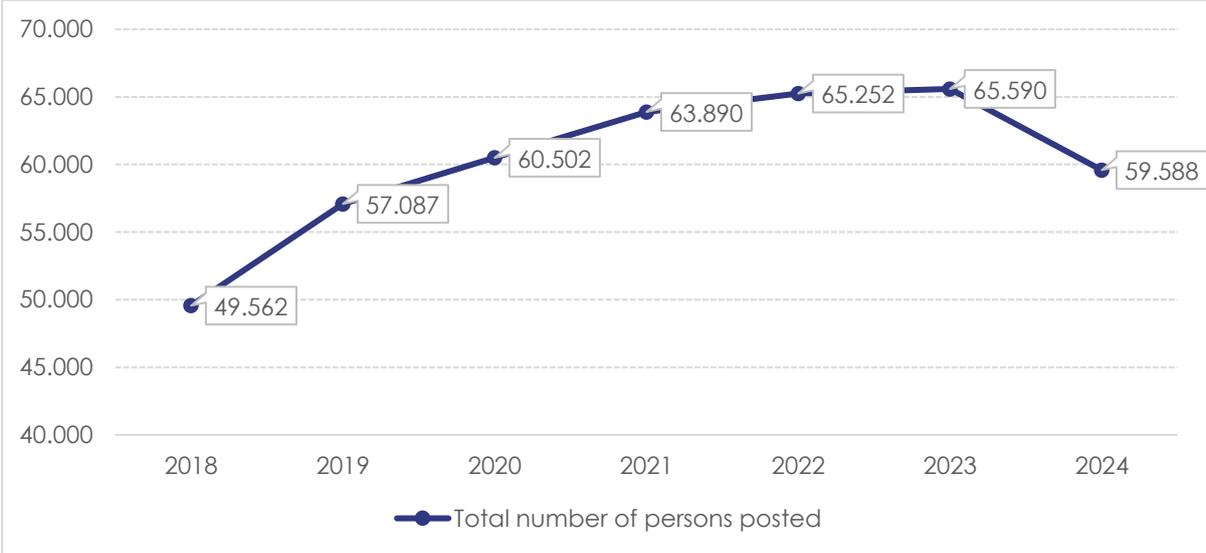
**Table 4: Number of outgoing posted workers from Slovenia and PDs A1 issued under Art. 12 and Art. 13, BR, total number of workers posted and PDs A1 issued, 2024**

	Art. 12	Art. 13	Total (Art.12 and Art.13)	Total
Number of persons posted	18.836	46.394	65.273	59.588
Number of PDs A1 issued	66.118	78.926	145.044	146.321

Source: Data provided by ZZS

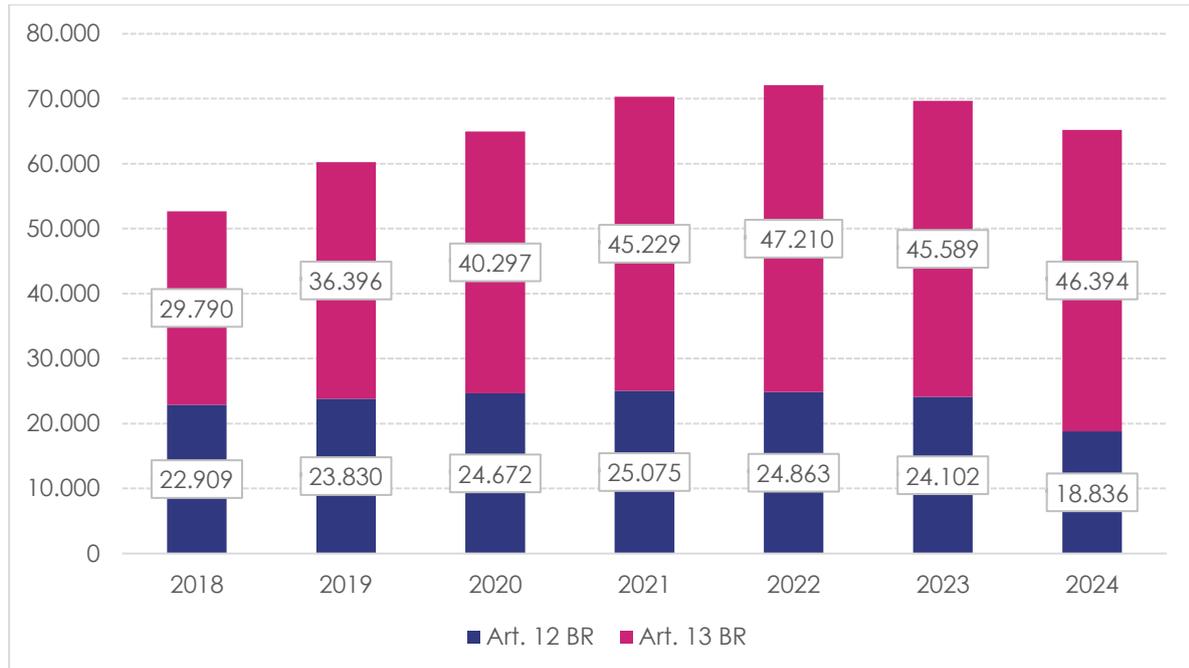
Persistent trend of posting to other Member States in the previous years has been disrupted in 2024, when there was a significant decrease in the number of persons posted. Namely, after years of rising, the number of persons posted has decreased by 9% compared to 2023 (from 65.590 to 59.588) (Figure 4). Breakdown by the article shows that, again, more persons were posted under Article 13 BR than Article 12 BR. The share of persons posted under Article 12 was around 30%, which is consistent with the previous years (Figure 5).

**Figure 4: Evolution of the total number of outgoing posted workers from Slovenia, 2018 - 2024**



Source: Data provided by ZZS

**Figure 5: Number of outgoing posted workers from Slovenia by Art. 12 and Art. 13 BR, 2018 – 2024**

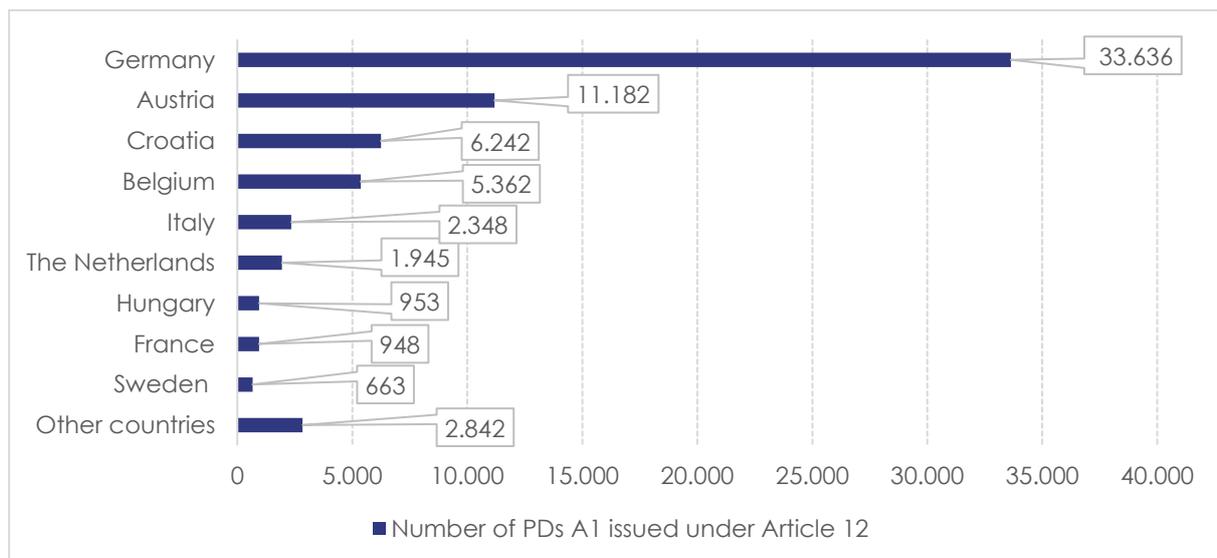


Note: Data for workers posted under Art. 12 according to the number of PD A1 applications submitted via SPOOT  
 Source: Data provided by ZZZS

### 2.1.3. By receiving country

In 2024, Slovenian employers posted persons to 29 EU Member States. The main receiving Member State was Germany. More specifically, in 2024, 51% (33.637) of all PDs A1 issued under Article 12 BR were for postings to Germany. The second receiving state was Austria with 11.182 PDs A1 issued (16,9%), followed by Croatia with 6.242 (9,4%) PDs A1 issued (Figure 6).

**Figure 6: Main receiving Member States of posted persons from Slovenia under Article 12 BR, 2024**



Source: Data provided by ZZZS

The country receiving the highest number of persons posted from Slovenia was also Germany. 9.505 persons (42% of all persons posted under Article 12 BR) were posted to Germany, followed by Austria (3.741; 16,5%) and Croatia (2.409; 10,6%).

#### 2.1.4. By sector of activity

Most PDs A1 according to Articles 12 and 13 of the BR were issued for construction (38%). The share of PDs A1 issued for unspecified activities was 39%, followed by international road freight transport (14%). Most PDs A1 issued under Article 12 BR were issued for unspecified activities (45%), followed by construction (44%), various business activities (4%) and activities of providing work of persons to user undertakings; i.e. temporary work agencies (4%). Most PDs A1 under Article 13 BR were issued for construction (34%), unspecified other activities (30%) and international road freight transport (26%).

**Table 5: Breakdown by sector of activity for the number of PDs A1 issued by Slovenia according to Article 12 BR and Article 13 BR, 2024**

Sector of activity	PDs A1 issued under Art. 12	PDs A1 issued under Art. 13	Total PDs A1 issued
Activities of households as employers of domestic personnel	16	11	27
Other activities	29.643	23.934	53.577
Other business support service activities (Other)	2.676	1.194	3.870
Other business support service activities (Temporary employment agency activities)	750	479	1.229
Finance and insurance	13	3	16
Hospitality	361	198	559
Construction	29.434	26.978	56.412
Industry	4	1	5
Information and communication	144	130	274
Education	60	18	78
Agriculture	/	5	5
Agriculture and hunting, forestry, fishing	78	112	190
Culture, entertainment and recreation	206	144	350
International road freight transport	/	20.604	20.604
Electricity, gas, steam and air conditioning supply	651	583	1.234
Water supply; sewerage, waste management, and environmental remediation	14	8	22
Other	4	2.626	3.980
Real estate	3	14	17
Manufacturing; fishing	1.005	477	1.482
Transportation and storage (Road freight transport and removal services)	33	/	33
Transportation and storage (Other)	35	/	35
Mining	54	2	56
Professional, scientific and technical activities	785	1.175	1.960
Transport	/	1	1

Sector of activity	PDs A1 issued under Art. 12	PDs A1 issued under Art. 13	Total PDs A1 issued
Wholesale and retail trade; maintenance and repair of motor vehicles	137	223	360
Tourism	/	/	2
Health and social care	11	4	15
<b>Total</b>	66.117	78.926	146.321

Source: Data provided by ZZZS

Compared to the previous year, the number of PDs A1 issued for construction activities has increased by over 40% (from 39.945 to 56.412), while the number of PDs A1 issued for international road freight transport has decreased slightly, by 6%. The activity 'Installation, repair and maintenance' has been omitted in the statistical data for 2024 and is likely included under the category of 'other activities'. This has been the activity with the most significant growth since 2018. The number of issued PDs A1 in this sector has increased by 10.315% (from 481 in 2018 to 50.094 in 2023).

Nearly 70% of all posted persons were posted to provide services in the sectors of construction (42%; 25.451) and international road freight transport (27%; 16.459). This is significantly different from 2023, when most persons were posted in the sectors of 'installation, repair and maintenance' (27.814; 37%), followed by 'international road freight transport' (17.477; 23%) and construction following in the third place (13.592; 18%).

#### 2.1.5. Posted persons by nationality

*See Chapter 3.*

#### 2.1.6. By importance in the total number of the employed population

From 2018 to 2024, Slovenia experienced a consistent increase in employment, with the number of employed persons rising by approximately 80,000. In 2020, there was a slight decrease in employment, likely due to the economic impacts of the COVID-19 pandemic. Following the dip in 2020, employment numbers rebounded and continued to grow, reaching a peak of 998.000 in 2024 (SiStat).<sup>3</sup>

In 2024, 6 % of the total employed persons in Slovenia were posted to other Member States to provide services (6,5% when taking into consideration registered-based data). This is a decrease from 2023, when the share was 6,6 % (7,1% when taking into consideration registered-based data). A breakdown by sectors shows that the share of the persons posted is especially prominent in the construction sector. As of December 2024, approximately 85.760 individuals were employed in Slovenia's construction sector (Trading economics). That means that the share of persons posted in the construction sector was 30%.

Compared to other countries (reference year 2023 and posting under Art. 12 BR only), only Luxembourg ranked higher than Slovenia in their proportion of the working population sent abroad. The share was 4,7% in Luxembourg and 3,1% in Slovenia. Slovakia ranked third with a share of 2,5%, followed by Germany (2,4%), Croatia (1,7%) and Poland (1,4%). On the EU level, an equivalent of 1% of EU employment could be related to the employment of persons covered by Article 12 (De Wispelaere et al. 2025).

<sup>3</sup> According to the registered-based data on persons in employment (without farmers) in 2024 kept by SURS, the number was 919.438 (SiStat, Persons in employment).

### 2.1.7. By importance in the total number of Slovenian employers

In addition to looking at the number of PDs A1 issued to posted workers, it is possible to have a look at the number of Slovenian employers that applied for a PD A1 under Art. 12 BR. It was reported that there were 3.288 Slovenian employers in 2024 which posted workers abroad to other Member States. The number of issued PDs A1 according to Art. 12 BR was 66.116 and the number of persons they posted under Art. 12 was 23.768. The company that applied for most PDs A1 among all posting companies (1.714 PDs A1) and posted most persons (536), provided services in 17 Member States (Table 6). One third of all posting companies applied for only one PD A1 (therefore posted only one person).

Compared to 2023, the number of posting companies increased by 3% in 2024 (3.191 companies posted workers in 2023). In 2022, however, the number of posting companies was slightly lower than in 2023 - about 3.200 companies received a PD A1 in 2022.

In 2023, the share of companies posting persons abroad was 1,4%, which is a 0,3% decrease compared to 2022, when the percentage was 1,7% (own calculation based on SiStat database and data provided by ZZZS).

**Table 6: Number of PDs A1 acquired, number of persons posted and destination countries of top ten Slovenian posting companies, 2024**

Posting company	Number of PDs A1	Number of persons posted	Number of destination countries
1	1.714	536	17
2	1.197	425	10
3	955	363	2
4	814	354	8
5	808	237	6
6	776	209	9
7	760	193	8
8	689	189	1
9	650	169	4
10	628	161	2

Source: Data provided by ZZZS

Despite the fact that the share of companies providing services abroad is low compared to all Slovenian companies, their contribution to GDP is substantial. In 2024, Slovenia exported € 9,1 billion worth of services to the EU Member States. The main category of services exported to the EU was transportation (€ 2,9 billion, 7% increase compared to 2023). The export of construction services amounted to € 729 million (9% decrease compared to 2023) (Podatkovne serije Banke Slovenije).

Research conducted by De Wispelaere and De Smedt (2025) on Slovenian companies that received one or more PDs A1 in 2022 produced interesting results. The aim of the research was to establish to what extent the provision of services abroad is a “business model” for the posting companies established in Slovenia. In order to check this, they calculated the percentage of employees posted to another Member State and the percentage of turnover generated abroad by providing services. Their analysis of Slovenian companies that received one or more PDs A1 in 2022 shows that 8% of construction and 4% of manufacturing companies provided services abroad, compared to less than 2% of all Slovenian companies. For some of these companies, they argue, posting employees abroad has indeed become a business model.

They analysed 926 Slovenian posting companies and established that, on average, the posting companies

posted 61% of their employees to provide services abroad. Moreover, they found that almost four in ten posting companies (36%) posted virtually all their employees abroad (99% or more). The second indicator that they analysed is the turnover generated abroad by the posting companies. They found that, on average, 93.5% of the turnover was created abroad and the large majority of the posting companies, namely 75% of all Slovenian posting companies, earned almost all turnover from providing services abroad (99–100%).

## 2.2. Measuring the flow of persons posted to Slovenia

The flow of persons posted to Slovenia is observed and monitored by the data obtained with the prior notification tools.<sup>4</sup> The requirement for prior notification of posted workers by employers is grounded in both EU law and Slovenian law (ZČmIS-1) and is aimed at ensuring compliance with labour standards and preventing abuse.

Employers posting workers to Slovenia to submit a prior declaration (notification) to the Employment Service of Slovenia (ZRSZ) via an electronic submission system. This must be done before the start of the service provision. The declaration must include the following information:

- The company name and registered office or address of the employer,
- The full name and date of birth of the responsible person at the employer,
- The full names, dates of birth, nationalities of the posted workers, and their addresses of residence in Slovenia,
- The type of service,
- The location and duration of the service provision,
- The full name and date of birth of the designated posted worker who will serve as the liaison between the foreign employer and the competent supervisory authorities, and
- The information about the contractor.

Non-compliance with notification requirements can result in significant penalties (up to € 60,000 for legal entities) and denial of the posting.

According to the Labour Market Regulation Act, the foreign company seeking to post persons to Slovenia must be registered in the register of foreign legal entities providing work of persons to another employer. The register is kept by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

Foreign employers must submit a written notification to the Labour Inspectorate of the Republic of Slovenia (IRSD) if they intend to extend a posting beyond 12 months (as per Directive 2018/957/EU, Article 1). This must be done before the end of the 12-month period and the notification must be justified, i.e. it should be explained why the posting is extended (e.g., contract extension, project delay).

Employers (legal entities or individuals) established and operating in an EU Member State, Norway, Iceland, Liechtenstein, or Switzerland may provide services in Slovenia with posted workers regardless of their nationality. However, when posting workers to Slovenia who are not EU citizens, they must obtain a single permit for them at the competent administrative office. Moreover, third country nationals must meet specific employment duration requirements to be eligible for posting to Slovenia. The required length of prior employment varies based on the purpose of the posting. For cross-border service the conditions are as follows<sup>5</sup>:

- The TCN must have been continuously employed for at least 9 months by the foreign employer (or its affiliated company based in a third country) before being posted to Slovenia.

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<sup>4</sup> These data have some important limitations. They only reflect the intention to provide services in the receiving Member State, i.e. it is not known whether these services have actually been provided.

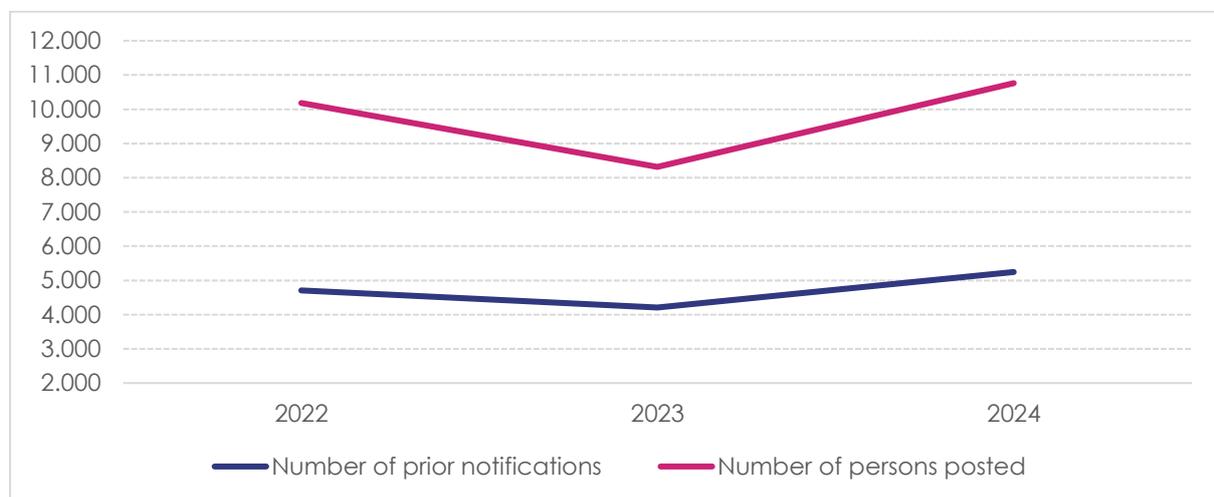
<sup>5</sup> For TCNs transferred for career development or training within affiliated companies, they must have been employed by the sending company for at least 6 months. Additionally, the employee should possess at least a higher education qualification. If the posting is solely for training purposes in associated companies, there is no prior employment duration requirement.

- This requirement applies when the posting is for providing services under a contract between the foreign employer and a client in Slovenia.
- The consent for such postings is typically granted for a maximum of 90 days within a calendar year.

### 2.2.1. By the number of prior notifications submitted and persons posted

Statistical data on the number of prior notifications is collected by the Employment Service of Slovenia. Following our request for any available data relating to the posting of persons in the context of provision of services, we received statistics on the number of notifications by country and sector, the number of persons posted to Slovenia by country, sector and nationality (for the latter see Chapter 2), the duration of services provided in Slovenia and data on the region of posting. Information about the Article of BR under which persons are posted to Slovenia is not included in the dataset.

**Figure 7: Number of prior notifications submitted to the Employment Service of Slovenia and number of persons posted to Slovenia, 2022-2024**



Source: Data provided by the Employment Service of Slovenia

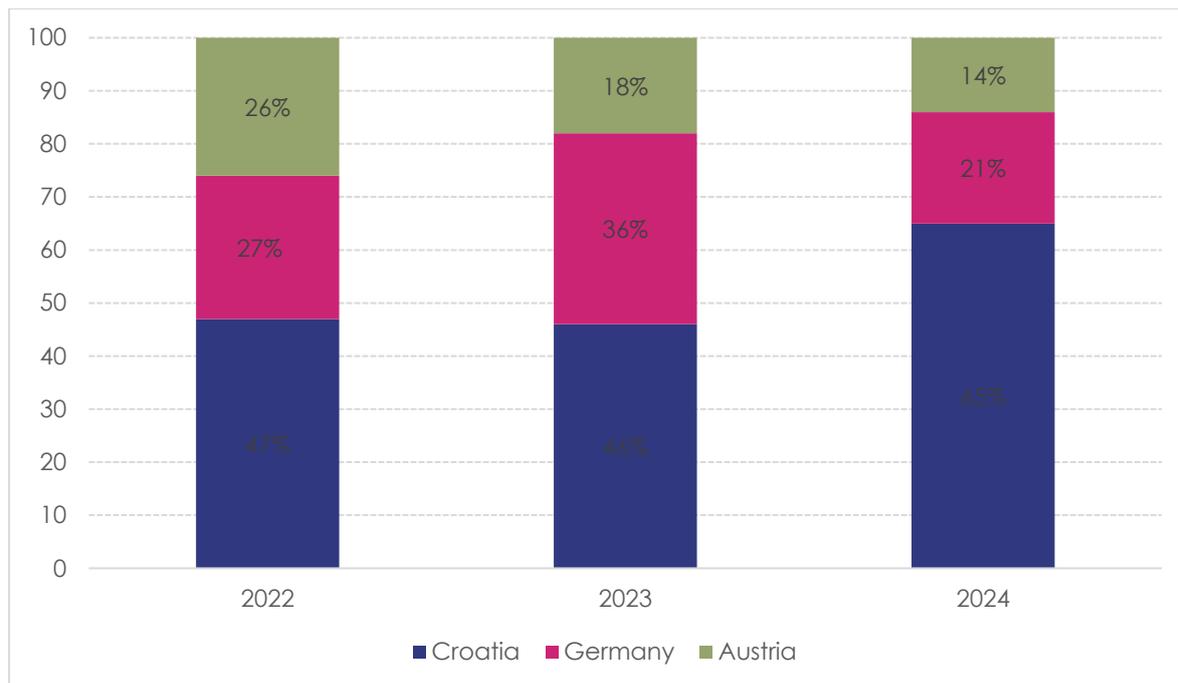
Data shows that in 2024, the number of prior notifications received by the Employment Service of Slovenia was 5,245. This is a 25% increase compared to 2023, when the number of prior notifications was 4,208. The upward trend seems to continue, as 2,113 notifications were received in the first four months of 2025. The share of incoming posted workers in total employment of Slovenia was at a very low level, i.e. around 1%.

### 2.2.2. By sending country

Top three countries sending persons to provide services in Slovenia in 2024 were Croatia (1,857 notifications/5,077 persons posted), Germany (1,352 notifications/1,693 persons posted) and Austria (766 notifications/1,093 persons posted). Together, they amounted for 76% of all prior notifications submitted and 73% of all persons posted to Slovenia (Figure 8).

Compared to 2023, the most notable increase of the number of persons posted to Slovenia was from Croatia (115% increase). The increase of the number of persons posted to Slovenia from Austria was 16%. The number of persons posted from Germany decreased by 8% (Table 7).

**Figure 8: Share of persons posted from top three sending countries to Slovenia, 2022-2024**



Source: Data provided by the Employment Service of Slovenia

**Table 7: Number of prior notifications submitted by country and number of persons posted, 2022 – 2024**

Sending country	Number of prior notifications			Number of persons posted		
	2022	2023	2024	2022	2023	2024
Austria	703	704	766	1.789	941	1.093
Belgium	9	1	13	10	1	33
Bulgaria	3	17	3	10	26	11
Bosnia and Hercegovina		20	1		24	1
Croatia	1.040	813	1.857	3.291	2.363	5.077
Cyprus	13	11	1	24	25	7
Czech Republic	52	57	45	121	132	170
Denmark	1	3	9	1	4	9
Estonia			1			1
Finland	14	53	20	14	53	20
France	6	10	11	7	14	11
Germany	1.551	1.358	1.352	1.865	1.846	1.693
Greece	77	33	21	398	76	41
Hungary	176	204	203	668	923	498
Ireland	1	4		1	4	
Italy	411	472	459	626	791	764
Latvia			1			1
Lithuania			3			4
Luxembourg	1	5	6	1	6	7
Malta						

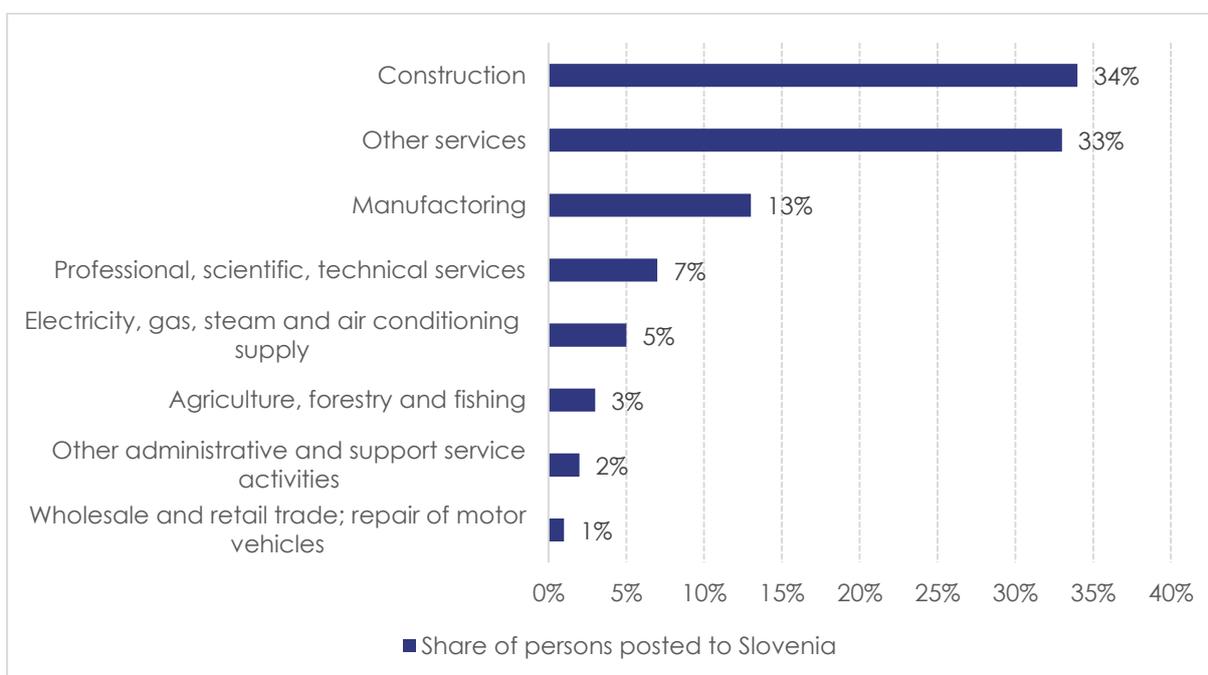
The Netherlands	9	12	15	12	15	29
Poland	61	118	123	125	473	419
Portugal	13	31	30	47	65	62
Romania	46	75	148	200	175	511
Slovakia	382	119	57	780	243	175
Serbia	1		1	1		4
Spain	41	23	34	73	37	49
Sweden	36	41	48	49	52	55
Switzerland	55	24	17	65	27	17
<b>Total</b>	<b>4.703</b>	<b>4.208</b>	<b>5.245</b>	<b>10.179</b>	<b>8.316</b>	<b>10.762</b>

Source: Data provided by the Employment Service of Slovenia

### 2.2.3. By sector of activity

The top sector of employment of posted persons to Slovenia was the construction sector (Figure 9). Data for 2024 indicate that 34% of all posted workers in Slovenia provided services in the construction sector. Furthermore, 13% provided manufacturing services and 7% provided professional, scientific and technical services. However, the reliability of the figures by sector of activity is questionable as 33% of workers are reported under the category 'other activities'. Moreover, the highest share of prior notifications also does not state the sector of activity but states merely 'Other services' (30%). Construction is stated as the sector of activity in 26% of the submitted notifications and manufacturing follows with 15% of the submitted notifications.

**Figure 9: Persons posted to Slovenia, by sector, share in total, 2024**



Source: Data obtained from the Employment Service of Slovenia

#### 2.2.4. By duration

A breakdown by duration shows that in 2024, 65% of foreign companies provided services in Slovenia for the duration of up to 7 days. This is an increase compared to 2023 and 2022, when the shares were 58% and 57%, respectively. Posting lasting up to 30 days seems to have the lowest share across the three observed years.

**Table 8: Duration of services provided by posted workers in Slovenia, 2022-2024**

Duration	Number of prior notifications by year			Number of persons posted by year		
	2022	2023	2024	2022	2023	2024
Up to 7 days	2.676	2.468	3.420	4.033	3.627	5.573
Up to 30 days	860	877	931	1.886	2.137	2.424
30 days +	1.167	863	894	4.260	2.552	2.765

Source: Data provided by the Employment Service of Slovenia

The share of persons posted to Slovenia in 2024 for up to 7 days was 52%, which is a slight increase compared to 2023, when the share was 48%. In 2022, however, the share of workers posted to Slovenia for up to 7 days was only 40%, while the share of workers posted for more than 30 days was 42%.

#### 2.2.5. By location of posting

Most prior notification for the provision of services were submitted for the region of Ljubljana (1.373; 26%), Maribor (648; 12%) and Celje (606; 11%).

#### 2.2.6. By nationality

Top three nationalities posted to Slovenia were Croatian (2.544; 24%), German (1.435; 13%) and Austrian (808; 7%). Top three TCNs were the nationals of Northern Macedonia (564; 5%), Uzbekistan (496; 4,6%) and BiH (479; 4,5%). In the previous year, the three nationalities posted to Slovenia in the highest numbers were Croatian, German and Hungarian. The number of Croatian nationals posted to Slovenia has increased by 66% compared to 2023.

### 2.3. Infringements related to intra-EU posting as reported by the Labour Inspectorate of the Republic of Slovenia

In 2023, Labour inspectorate of the Republic of Slovenia (Inštitut Republike Slovenije za delo - IRSD) identified a total of 68 violations of ZČmIS and ZČImS-1, which is nearly 10 times more than in 2022, when only 7 such violations were found (IRSD, 2024).

As many as 39 of the identified violations of the ZČmIS related to the first paragraph of Article 12 of the ZČmIS, in connection with the second, third, and sixth paragraphs of the cited article. Namely, foreign employers were providing cross-border services despite not meeting the required conditions. Inspectors also found 15 violations of the first paragraph of Article 14 of the ZČmIS, as foreign employers either failed to submit a prior notification from before starting the service, or they did not carry out the service in accordance with the submitted declaration.

Two identified violations related to the third paragraph of Article 14 of the ZČmIS, as the foreign employer either did not keep the required documentation or failed to present it when requested by the competent supervisory authority. After the entry into force of the new ZČmIS-1, four violations of point 1 of the first paragraph of Article 14 of the ZČmIS-1 were identified, because foreign employers were providing cross-border services despite not meeting the required conditions—specifically, they did not possess a valid PD A1 for the posted worker. Furthermore, three violations of the first paragraph of Article 16 of the ZČmIS-1 were found, as foreign employers either failed to submit a service declaration before starting the service, submitted an incomplete declaration, or did not provide the service in accordance with the submitted declaration. Inspectors also identified five violations of the eighth paragraph of Article 16 of the ZČmIS-1, as foreign employers failed to keep the required documentation, failed to submit it upon the inspector's request, or failed to provide a translation when requested by the inspector.

IRSD yearly report also states that, in general, foreign employers are not familiar with the obligations set out in the ZČmIS-1. It is further stated that the issue of illegal provision of cross-border services by foreign employers must also be viewed from the perspective of unfair competition and social dumping, and not only as a violation of labour law.

IRSD is usually informed about violations, especially on construction sites, by the police, since foreign posted workers rarely file complaints against their employers.

When dealing with foreign workers, IRIS encounters difficulties in identifying the responsible person representing the foreign employer, which highlights the need for establishing effective direct cooperation with foreign supervisory authorities. They note that increased supervision and cooperation between EU Member States will contribute substantially to improving the rights of posted workers. Inspectors who, within the framework of ZČmIS oversight, request legal assistance from foreign inspection bodies report positive experiences with cooperation through the IMI (Internal Market Information) system.

In 2023, inspectors also identified violations of the rights of workers (both Slovenian citizens and foreign nationals) who are posted to EU Member States by employers registered in the Republic of Slovenia. Specifically, they found 64 violations of the revised Article 209 of the Employment Relationships Act (ZDR-1) (compared to 115 such violations in 2022). The revised article specifies, in the form of bullet points, the mandatory elements that must be included in employment contracts for workers being posted abroad. Such a contract must include provisions regarding:

- the duration of the work abroad, holidays, and public non-working days;
- the minimum annual leave;
- the wage the worker is entitled to under the regulations of the country where the work is carried out, and the currency in which the wage is paid;
- additional health insurance coverage for services abroad;
- other monetary or in-kind benefits the worker is entitled to while working abroad;
- the method of ensuring and exercising rights related to pay and other entitlements that are regulated differently in the host country, but at least to the extent provided by Slovenian law or more favourably;
- the conditions for returning to Slovenia;
- a link to the single official national website on the posting of workers

Eight violations of the second paragraph of Article 210 of the Employment Relationships Act (ZDR-1) were also identified concerning the status of posted workers who are sent by a foreign employer to perform temporary work in the Republic of Slovenia under an employment contract governed by foreign law. These workers perform temporary work in Slovenia under the conditions defined by the regulations governing the employment of foreign nationals and the cross-border provision of services. The violations occurred when the foreign employer failed to guarantee the posted worker rights in accordance with Slovenian legislation and the provisions of the sector-level collective agreement concerning: working time, breaks and rest periods, night work, minimum annual leave, remuneration, employment contracts between the worker and

the employer engaged in providing labour to another user, occupational safety and health, special protection of workers, and the assurance of equal treatment—if these are more favourable for the posted worker.<sup>6</sup>

IRSD noted that many violations may be due to the unawareness of the employers about specific regulations in place concerning the posting of workers. The problem of access to relevant country-specific information is recognised in the cases of both inward and outward posting. Indeed, access to reliable information, i.e., comprehensive, trusted, and updated information, and the capacity to correctly process the supplied information is crucial for making informed decisions. That is why it is essential that posting companies are provided with clear, unambiguous instructions on how to proceed when posting workers to provide services abroad, in a language they are proficient in. Language barriers pose a significant challenge especially for smaller companies, which may find it more difficult to access information provided in languages other than their own and are financially less capable of outsourcing services that provide assistance in the language they are proficient in. Third country nationals who are either employers who post workers abroad or posted workers themselves, are especially vulnerable in this respect. Lack of awareness of their rights and obligations often stems from language barriers in accessing the relevant information. The inability to use channels of information in languages used in either their country of immigration and employment or posting, makes it difficult to navigate the complex legal and bureaucratic systems of different Member States (see Vah Jevšnik and Toplak, 2023).<sup>7</sup>

In 2023, IRSD handled 416 new requests through the IMI (Internal Market Information) system, of which IRSD submitted 13 requests. In 397 cases, authorities from EU Member States contacted them. Specifically, they requested information in 81 cases and submitted a total of 310 requests for the service of documents—194 for the service of decisions and 116 for the service of other documents. Within the IMI module related to road transport, IRSD received 6 requests for the transmission of documentation. In the IMI module related to the posting of workers, they also submitted 1 notification (i.e., information about potential irregularities) and received 5 notifications.

Labour inspectors noted that processing IMI requests represents a substantial workload, which is becoming increasingly complex and places additional strain on both inspectors and administrative staff.

## **2.4. The impact of the new Transnational Provision of Services Act on intra-EU posting from and to Slovenia**

The new Transnational Provision of Services Act (ZČmIS-1) came into force in April 2023, with certain provisions effective from January 2024. The adoption of the Act has elicited a range of reactions from employers, particularly those in sectors reliant on posted workers, such as construction. They raised concerns that the new regulations place Slovenian companies at a competitive disadvantage compared to companies from countries with less stringent posting requirements.

The key changes concerning the posting of workers stipulated in the new Act concern social security contributions, new PD A1 requirements, enhanced supervision and enforcement, and mandatory

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<sup>6</sup> Sanctions for employers who are in violation of the applicable legislation relating to cross-border provision of services are summed up in the Practical guide on legislation concerning cross-border postings issued by the Ministry of labour, family, social affairs and equal opportunities (2024).

<sup>7</sup> De Smedt and De Wispelaere (2023) note that the lack of knowledge about the fact that certain terms and conditions of employment should be respected when sending workers to another Member State might be a prior reason for non-compliance. They note that if one is not aware of this, a service provider will not look for information about it either. In that regard, they argue, it is important that as many posting and receiving companies as possible know there are specific employment and social security rules when workers are posted to another Member State. On the other hand, some companies may be aware that there are specific rules in place, but either weigh out that it is too difficult to obtain information on how to proceed with the posting and they carry on without fully informing themselves, or they may decide not to comply with the rules for various reasons. The workers may turn a blind eye to the regulations as well. For workers coming from countries with lower wages, the cost of losing their jobs is higher than for those workers who can return home to comparable jobs, which can inhibit workers' willingness to exercise their rights. For these reasons, workers may also seek to maximise their income in the short term by agreeing to work long hours, thereby increasing their risk of injury, illness or disablement (Richardson et al. cited in Sargeant and Tucker, 2009: 3). Due to significant wage disparities in the European Union Member States, workers from lower-income countries sometimes tend to intentionally ignore or downplay irregularities despite being sufficiently informed about their rights. They are reluctant to report violations for fear of losing their jobs. The problem is exacerbated further when workers are recruited to the EU from third countries with lower salaries and poorer working conditions (Cukuš Krilić & Vah Jevšnik, 2023)

registration for foreign employers. The Act also transposes Directive (EU) 2020/10578, which sets out specific rules for posting drivers in the road transport sector. This includes defining various types of transport operations as per EU regulations and establishing conditions for cross-border service provision in international road transport.

### Changes in Social Security Contributions

The provision that raised most attention and created most resistance refers to the changes in social security contributions (ZČmIS-1, Art. 35). The Act eliminates a provision that previously allowed employers to calculate social security contributions for posted workers based on the Slovenian minimum wage or the comparable salary that would be earned in Slovenia. This practice lowered employers' costs but reduced pension and insurance entitlements for workers and created unfair competition with local companies in host countries. With the adoption of the amendment, employers are no longer allowed to base social security contributions on the minimum wage or hypothetical Slovenian salaries and they must use the actual salary paid to the worker - including supplements, bonuses, and allowances - as the base for social security contributions. This change therefore aims to ensure fair competition and adequate pension contributions, aligning with the host country's standards.

Before the adoption of the Act, the employers' associations voiced their stark opposition to the adoption of the provision. The Chamber of Commerce and Industry in Slovenia (*Gospodarska zbornica Slovenije*) argued that the specific insurance base for posted workers has been established under the Pension and Disability Insurance Act for several decades, well before Slovenia's accession to the European Union, reflecting a long-standing national policy approach. They argued that the export of services is of exceptional importance for the Slovenian economy. They emphasised that the majority of cross-border services are carried out in construction, transport, and technical services, and that although exporters of construction, technical, and transport services represent a relatively small group of companies, they have a very significant impact on the Slovenian economy. The data they provided shows that in 2021, exporters of construction, technical, and transport services generated an export surplus of EUR 1.93 billion. In the same year, all Slovenian goods exporters together generated an export surplus of EUR 0.5 billion. Despite the challenges related to the posting of workers due to epidemic-related restrictions, in 2021, exporters of construction, technical, and transport services—who account for only 10.7% of total exports—contributed 65% of the total export surplus. In 2020 and 2021, due to restrictions caused by the pandemic, the operations of service exporters were significantly hampered. Nevertheless, in 2021, companies providing services abroad through posted workers contributed 8.9% to Slovenia's GDP. They appealed to the policymakers that the export of services is one of the vital interests of Slovenia's export-oriented economy and may suffer substantial negative effects if there are unfavourable changes in regulation (GZS, 2022).

After the adoption of the Act, the Chamber of Commerce and Industry of Slovenia released a statement claiming that Slovenia will suffer € 145 million loss in public revenue due to legislative changes concerning the posting of workers. A survey they conducted among their members revealed that a high percentage of companies have already relocated or plan to relocate their businesses abroad. They reported that, as of January 1, 2024, the labour cost for Slovenian workers posted abroad is more than 20% higher (for the same net wage) than that of workers employed by Austrian or Croatian companies—countries that directly compete with Slovenia. This means that companies would benefit significantly from shifting their operations to the neighbouring countries (GZS, 2024)

They further claim that based on the share of companies and employees already relocated or planning relocation, the annual loss of social contributions, income tax, and corporate income tax (CIT) has been estimated. These would result in an aggregate shortfall in the consolidated public finance budget (which includes the state budget, pension fund (ZPIZ), health insurance fund (ZZZS), and municipal budgets). The

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<sup>8</sup> Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012.

estimated annual loss in social contributions for around 14,900 posted workers is € 100 million, with an additional € 30 million in lost personal income tax. The loss in CIT revenue, calculated based on the 2023 distribution of collected social contributions, income tax, and CIT across the economy, is estimated at € 15 million.

They further argue that as companies shift operations abroad, they will also allocate parts of their shared services and administrative functions to other countries. This secondary effect was not included in the survey's valuation, but should not be overlooked, they warn, as it represents a negative externality. In total, they claim, the loss of revenue for the consolidated public finance budget is estimated at € 145 million annually, which represents 0.6% of total tax revenues. As a result, Slovenia is projected to lose approximately € 100 million in social contributions, €30 million in personal income tax, and € 15 million in corporate income tax (CIT). Additionally, they argue, relocation of businesses abroad could result in the loss of up to 15,000 jobs (GZS, 2024).

### PD A1 requirements

Employers and self-employed individuals must now inform the Health Insurance Institute of the Republic of Slovenia (ZZZS) of any changes related to the posted worker within 5 days of occurrence. This includes updates on the start or end dates of postings, or if the posting did not take place as planned. The notification period for delays or cancellations is extended. Applicants can notify the ZZZS within 6 months after obtaining the PD A1 if the actual start of posting was later than the certificate's validity date, or if the posting was terminated prematurely or did not occur at all. Applications for PDs A1 must be submitted electronically via the SPOT submission portal. The portal serves as the central platform for all notifications and applications related to cross-border service provisions.

Also, for workers to be posted to at least two EU member states (Art. 13 BR), employers and self-employed individuals must provide a declaration under criminal and material liability. This declaration affirms that the worker is expected to habitually carry out their work in at least two EU Member States (one of the states can be Slovenia).

### Mandatory registration for foreign employers

Foreign employers intending to provide services in Slovenia must register each posted worker with the Employment Service of Slovenia before commencing any work. This registration requires detailed information, including the employer's identity, the employee's details, job title, posting period, and work location. Failure to comply can result in fines ranging from € 2,000 to € 60,000 for the employer and € 200 to € 6,000 for responsible individuals. A range of fines for employers and the self-employed is specified in Chapter VII of ZČmIS-1.

### Enhanced supervision and enforcement

The ZČmIS-1 outlines procedures for obtaining and verifying A1 certificates, which confirm the applicable social security legislation for posted workers. Employers must ensure that these certificates are valid and correspond to the actual work performed in Slovenia. In cases of doubt, the Health Insurance Institute of Slovenia (ZZZS) may initiate a verification process. A Commission for Assessing the Justification of Requests for the Revocation or Annulment of A1 Certificates has been established. ZZZS may refer cases to this commission when additional clarification is needed regarding the proper application of EU regulations or national laws concerning cross-border services. The commission's opinion is final and binding.

The ZČmIS-1 establishes a comprehensive supervisory system involving multiple authorities: Labour Inspectorate of the Republic of Slovenia (IRSD, oversees compliance with labour laws concerning posted workers; Financial Administration of the Republic of Slovenia (FURS, monitors adherence to tax and social

security obligations; Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ, conducts risk assessments to identify sectors and circumstances with higher incidences of violations, directing targeted inspections accordingly).

Comprehensive policy analysis assessing the full impact of Slovenia's Transnational Provision of Services Act (ZČmIS-1) and other applicable legal stipulations on posting companies and the broader Slovenian economy remains pending. However, business owners and employers' associations have provided some data and voiced concerns about companies moving their operations to the neighbouring countries. They warned that in 2023, Slovenian companies in the construction and technical sectors generated € 2.3 billion in service exports, which was € 860 million more than Slovenia imported in comparable services. The president of the Styrian Chambers of Commerce argued that exporters of construction and technical services contribute twice as much to GDP as all goods exporters combined and that moving their operations abroad would be detrimental to Slovenian economy. He noted that several companies already moved their headquarters to Austria and many are said to follow. In 2023, Slovenian exports of construction, technical, and transport services fell by 4,2% compared to the previous year, and in the first quarter of 2024, they declined by an additional 6.5%. Economic analysis provided by one of the prominent Slovenian economists indicates that the legislative changes will lead to a reduction in healthcare and pension contributions amounting to between € 240 million and € 500 million (Damijan in Klipšteter, 2024).

Representative employer organizations continue to advocate for amendments to the law. Some of their proposals include introduction of a special income tax relief for posted workers, similar to those in Austria and Italy, and introduction of a fieldwork allowance for posted workers, which would be treated like a per diem for business travel within Slovenia - exempt from tax and social contributions. However, the Ministry of Finance has assessed employer concerns as unfounded, arguing that the negative impact on competitiveness would be minimal. The ministry cited an analysis estimating that labour costs would increase by only € 18 million, or approximately € 7,700 per employer per year. They have reiterated that the primary goal of the legislation is to build competitiveness based on the quality of services, rather than through social dumping (Klipšteter, 2024). Nevertheless, a broader trend of technology and other companies relocating their headquarters or operational units from Slovenia to other countries (especially Croatia and former Yugoslavian countries) has indeed been observed. These moves are commonly attributed to factors such as more favourable business environments and tax conditions in the destination countries, as well as lower labour costs (Kapitanovič and Gole, 2025).

By contrast, trade union representatives welcomed the revisions to the Transnational Provision of Services Act, in particular the strengthening of protections for posted workers and the introduction of more robust compliance requirements. At the same time, they emphasised that the effectiveness of the revised framework ultimately depends on its enforcement, which requires adequate monitoring mechanisms and effective sanctioning powers (ZSSS, 2023)

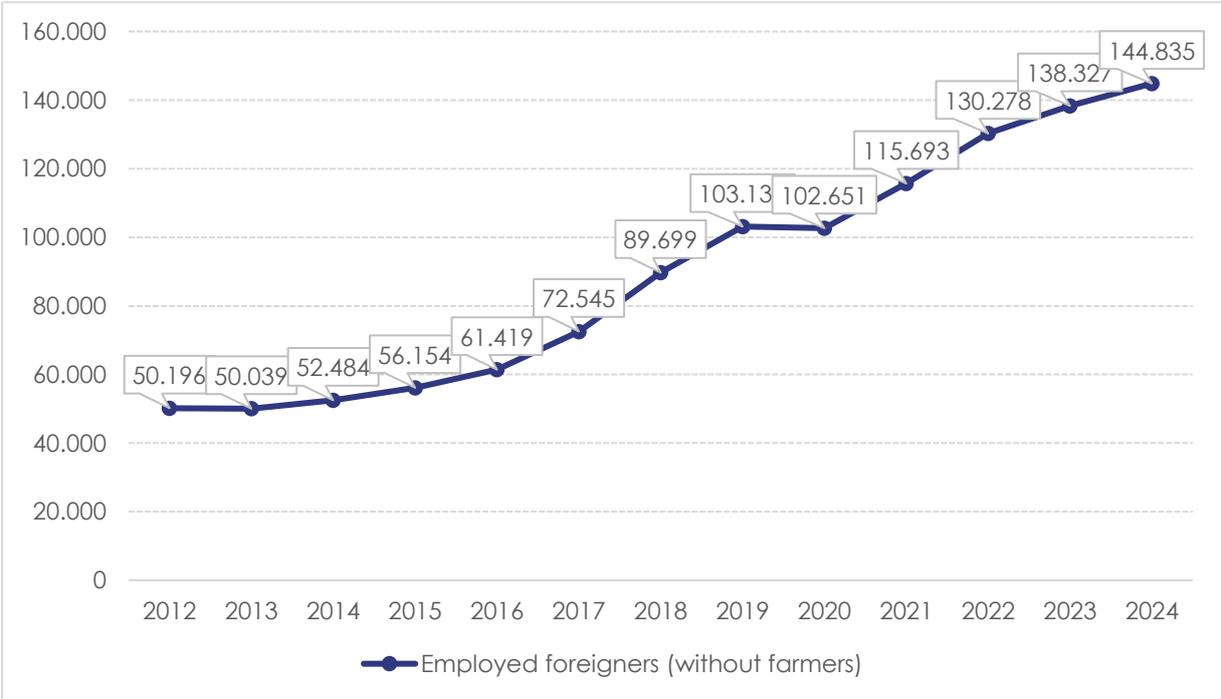
### 3. Scale and characteristics of immigration, employment and posting of third-country nationals

The analysis of posting of TCNs from Slovenia needs to be accompanied by the analysis of recruitment and employment of TCNs by Slovenian companies in order to grasp the complexities stemming from the overlap of migration, employment and posting regimes. The chapter first presents the scale and characteristics of labour immigration to Slovenia, followed by the analysis of TCN postings from and to Slovenia. Finally, some theoretical insights are outlined, highlighting the overlaps and controversies surrounding labour immigration and mobility of TCNs within the EU.

#### 3.1. Labour migration to Slovenia

In 2024, foreign citizens accounted for 15.9% of persons in employment (excluding farmers), which is the highest share to date (Zidar, 2025). Moreover, it is anticipated that the growth will continue in 2025. According to SURS, the number of foreign citizens in employment in June 2025 increased again, by almost 700 (0,4%) to around 148.900. This is the highest number since they started monitoring register-based data on persons in employment (Zidar, 2025a). In 2024, the number of employed foreigners was 144.835, out of which 18.442 (13%) were EU nationals and 87% were TCNs. Almost half of all foreigners employed in Slovenia were the nationals of BiH.

Figure 10: Evolution of the number of foreigners employed in Slovenia, 2012 - 2024



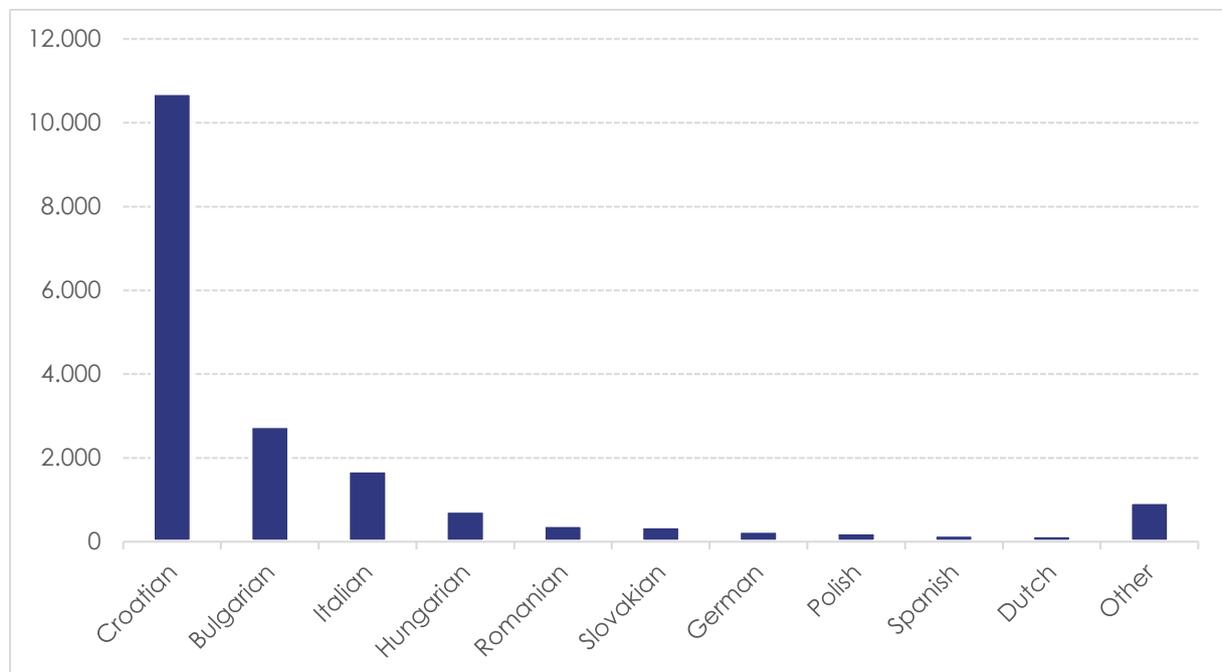
Source: Data provided by SURS.

### 3.1.1. Intra-EU labour mobility<sup>9</sup>

The principle of free movement of workers is protected by Article 45 of the Treaty on the Functioning of the European Union (TFEU). Until 1993, the Treaty applied only to economically active persons, i.e. employed persons or jobseekers, but the rules on free movement of persons were expanded with the Maastricht treaty, which gave the right to all EU citizens and their family members the right (in principle) to move and reside freely within the EU. The free movement of persons also applies to EFTA countries,<sup>10</sup> which is stipulated in the Agreement creating the European Economic Area (EEA) and the Agreement on the Free Movement of Persons with the Swiss Federation.

The percentage of EU citizens residing in Slovenia in 2023 was 1% of the total population, which is the same as in 2022 (Skok, 2025). The majority among them, almost half, were Croatian citizens, 15% were Bulgarian, and 14% Italian (Klasinc Rozman, 2022). The statistics on the employed foreign persons (without farmers) in 2024 shows that a total of 18.442, or 13% were EU nationals. 6 out of 10 (10.708; 58%) were Croatian nationals, followed by Bulgarian nationals (2.763; 15%), and Italian nationals (1.699; 9%).

**Figure 11: Number of employed EU nationals in Slovenia by nationality, 2024**



Source: Data provided by SURS

Since 2015, the number of EU nationals employed in Slovenia increased by 57% (from 11.765 to 18.442). The increase in the final few years was gradual. In 2021, the percentage of EU citizens employed in Slovenia was 1,8 % (16.488) of the total employed workforce, in 2022 the percentage rose slightly to 1,9% (17.666) and in 2023 and 2024 the percentage was 2% (18.457 and 18.442, respectively). Most of them work in manufacturing, construction, wholesale and retail trade (Employment Service of Slovenia, Klasinc Rozman, 2022).

<sup>9</sup> Intra-EU labour mobility encompasses different forms of labour mobility: long-term labour mobility (often referred to as migration), cross-border mobility, posting of workers and return mobility. Long-term labour mobility refers to the situation where persons move their residence to a country of which they are not a citizen, for at least one year, to seek or take up work. Cross-border mobility refers to situations where a person resides in one country but is employed or self-employed in another and moves across borders regularly for this purpose. Cross-border workers may include seasonal workers and frontier workers, and may also include some posted workers (European Commission, 2025).

<sup>10</sup> EFTA countries are Iceland, Norway, Switzerland and Liechtenstein.

### 3.1.2. Labour migration to Slovenia from the third countries

Slovenia has continuously been recruiting and employing third country nationals, particularly from the countries of the former Yugoslavia. Due to persistent shortages in over a hundred sectors, labour migration from the Asian countries has also been on the rise, particularly from India, Nepal, China, Bangladesh and Philippines (see Chapter 3.3.). In 2025, Slovenia introduced several amendments to the Foreigners Act, including simplified procedure to obtain residence and work permits, extending permit validity, recognising professional experience, and facilitating mobility (Gov.si, 2025).<sup>11</sup>

In 2024, the number of TCNs employed in Slovenia was 126.393, which is nearly 14% of the total employed persons and is the highest share to date. Most TCNs are nationals of Bosnia and Herzegovina (56%), followed by the nationals of Serbia, Kosovo and North Macedonia. Labour migrants from these four countries accounted for nearly 90% of all TCNs in employment in Slovenia.

**Table 9: Number of employed TCNs in Slovenia, by nationality, 2024**

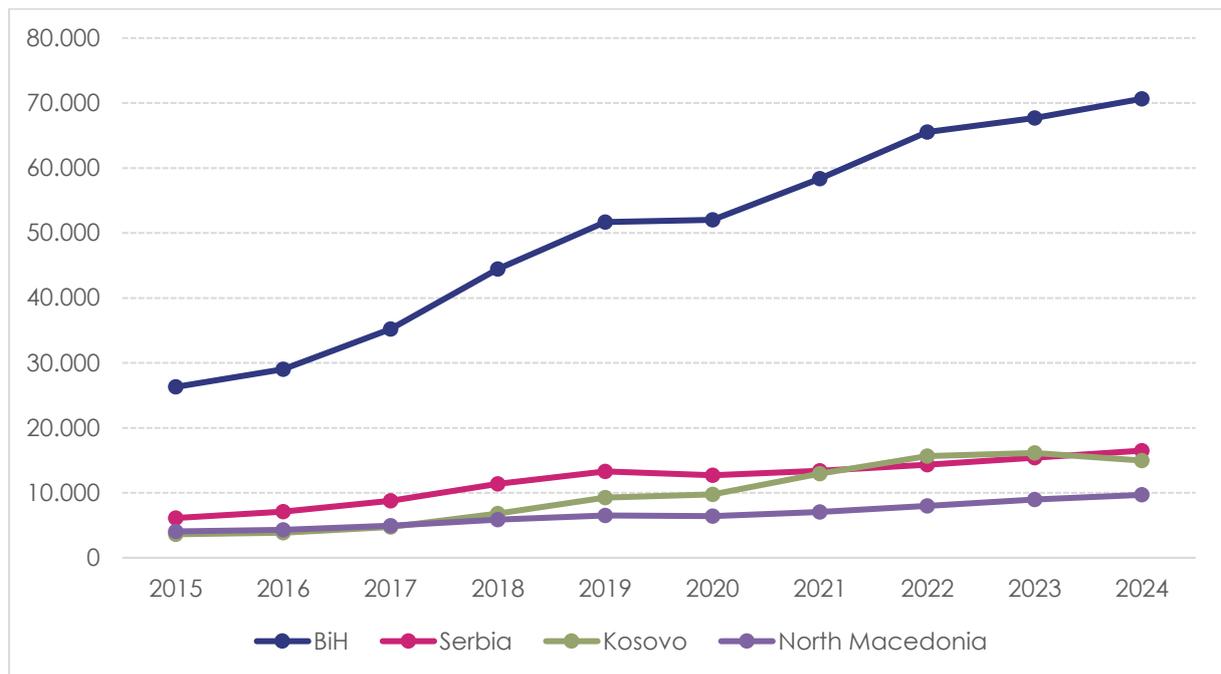
Country	Number	% share in total employed TCNs
Bosnia and Herzegovina	70.657	56%
Serbia	16.494	13%
Kosovo	14.964	12%
North Macedonia	9.685	8%
Russian Federation	2.710	2%
Ukraine	2.267	2%
India	1.462	1%
Turkey	1.048	<1
China	1.002	<1
Nepal	810	<1
Other	5.294	4%
<b>Total</b>	<b>126.393</b>	<b>100%</b>

Source: Own calculations based on data provided by ZZZS

The increase by nationality has been most notable in the case of the nationals of Bosnia and Herzegovina. Since 2015, the increase was 170% (Figure 12). In the case of the employment of persons from the Asian countries, the absolute numbers remain low compared to the employment of BiH nationals, but the increase is substantial. For example, from 2015 to 2024, the number of employed Indian nationals increased by over 1,660%. The sharp increase in the employment of the nationals of India, Nepal, Bangladesh, Philippines and China is observed since around 2022 onwards (Figure 13).

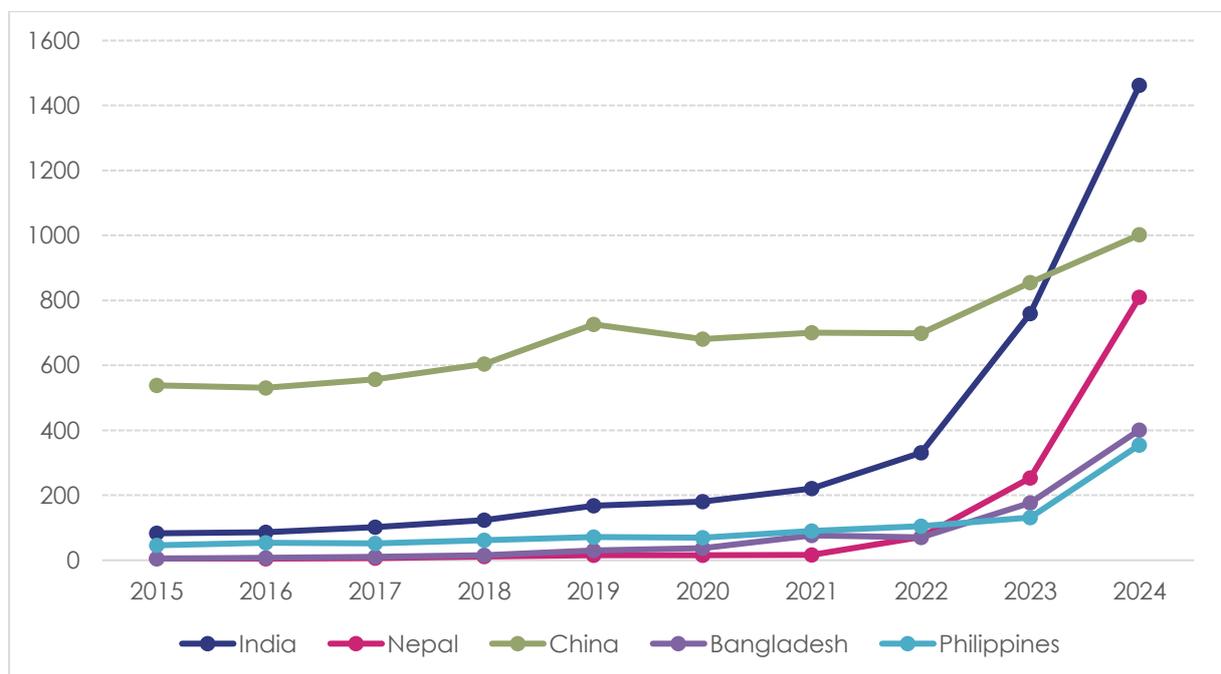
<sup>11</sup>The law also transposes the EU Blue Card Directive (EU 2021/1883) and introduces a temporary residence permit for digital nomads. The law reflects a policy shift toward more streamlined, EU-aligned, and labour market responsive immigration procedures — reducing bureaucratic hurdles and expanding legal pathways for third-country nationals, especially in the context of skilled, seasonal, and remote work categories. Economically, the reforms are expected to support labour market needs, address population aging and labour shortages, and enhance Slovenia's attractiveness as a destination for foreign workers.

**Figure 12: Evolution of the number of employed nationals of BiH, Serbia, Kosovo and North Macedonia in Slovenia, 2015-2024**



Source: Data provided by SURS

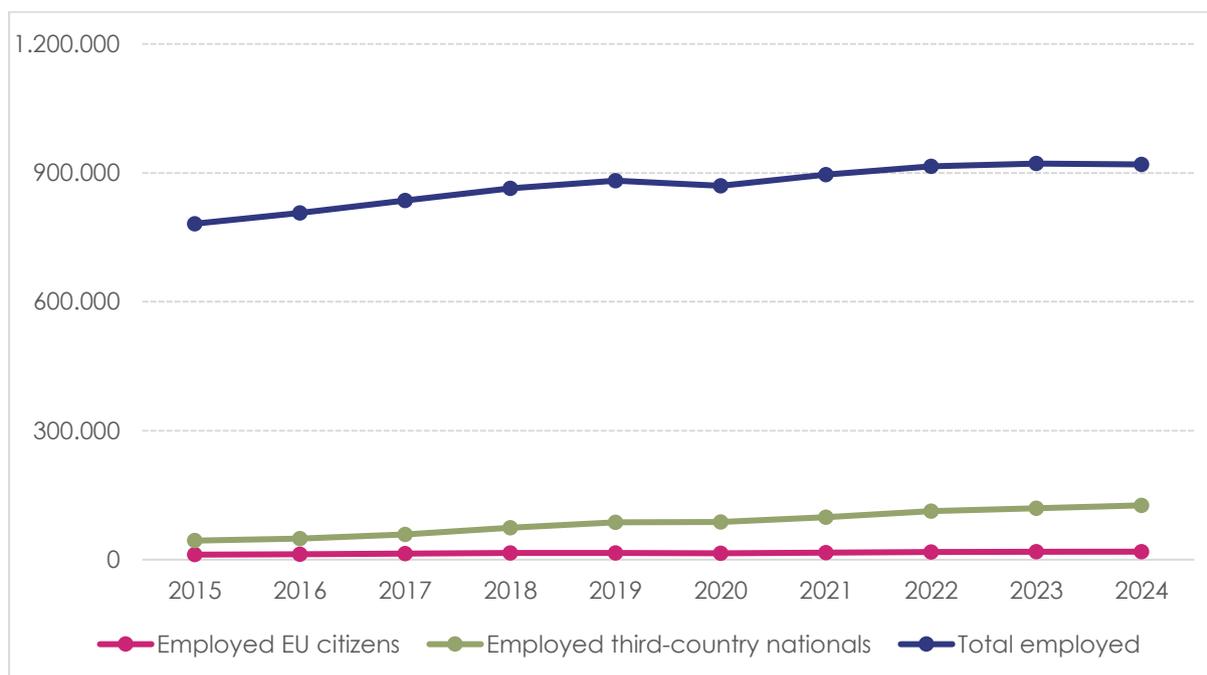
**Figure 13: Evolution of the number of employed nationals of India, Nepal, China, Bangladesh, and Philippines in Slovenia, 2015-2024**



Source: Data provided by SURS

Compared to the number of employed EU citizens, which is increasing relatively slowly, the number of employed TCNs throughout the years has been significantly more pronounced. Since 2015, the number of employed EU citizens increased by 57% (from 11.765 in 2015 to 18.442 in 2024), whereas the number of employed TCNs increased by 185% (from 44.389 in 2015 to 126.393 in 2024).

**Figure 14: Evolution of employed EU citizens compared to employed third-country nationals and total employed in Slovenia (without farmers), 2015 - 2024**



Source: Data provided by SURS

Sectors of economic activity with the highest number of foreign nationals are manufacturing, 39.683; 37%), construction (37.811; 26%) and transport and storage (19.344; 13%). The highest increase since 2010 is observed in the human health and social work sector. In 2010, the number of foreign nationals in this sector was 685 and in 2024 the number rose to 4.018, which is an increase of 486%. In all four sectors, nationals of Bosnia and Herzegovina represent the largest group among employed foreigners.

### 3.2. Posting of TCNs from and to Slovenia

#### 3.2.1. Posting of TCNs from Slovenia

Over the years, posting of workers from Slovenia has been driven by a substantial increase in the number of posted TCNs, mostly citizens from the former Yugoslavian republics, i.e. Bosnia and Herzegovina, Serbia, Kosovo and North Macedonia. The share of these nationals among all posted TCNs is continuously above 96%. In 2024, the share was 96,6%. Other nationalities of posted TCNs were Indian, Albanian, Ukrainian, Belarus, Montenegrin and Bangladeshi.

In 2024, the nationals of BiH accounted to over 60% of all posted TCNs and 39% of all persons posted from Slovenia. More than 18% of all posted TCNs were Serbian nationals (nearly 12% of all persons posted) and 13% were Kosovars (8% of all persons posted). The share of posted Slovenian nationals was 30%. The column “% share of posted TCNs in the total number of employed TCNs” reveals how intensively each nationality is used for posting, not just how many are posted: Albania (59.7%), Serbia (42.2%), and Belarus (44.6%) show very high posting rates, meaning that a large share of nationals from these countries employed in Slovenia are posted abroad. Bosnia and Herzegovina (32.9%) and Kosovo (31.7%) are close to the overall average (29.9%).

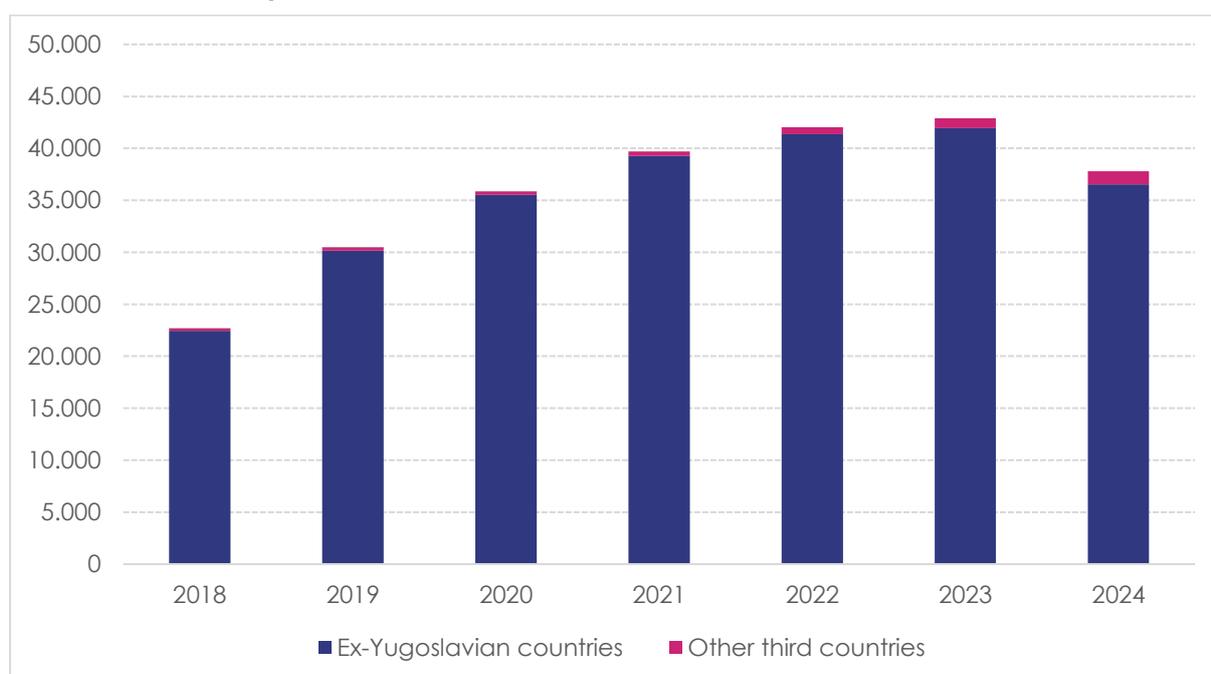
**Table 10: Number of outgoing posted TCNs from Slovenia, by nationality, top 10, 2024**

Country	Number	% share in all TCNs	% share in all posted persons	% share of posted TCNs in the total number of employed TCNs
Bosnia and Herzegovina	23.256	61,5%	39,0 %	32,9%
Serbia	6.959	18,4%	11,7%	42,2%
Kosovo	4.745	12,6%	8,0%	31,7%
North Macedonia	1.449	3,8%	2,4%	15%
India	385	1,0%	0,6%	26,3%
Albania	160	0,4%	0,3%	59,7%
Ukraine	154	0,4%	0,3%	6,8%
Belarus	132	0,3%	0,2%	44,6%
Montenegro	126	0,3%	0,2%	17%
Bangladesh	110	0,3%	0,2%	27,4%
Other third country	313	0,8%	0,5%	/
<b>Total</b>	<b>37.789</b>	<b>100%</b>	<b>63%</b>	<b>29,9%</b>

Source: Own calculations based on data provided by ZZZS

By contrast, Ukraine (6.8%) and North Macedonia (15%) show low posting intensity, suggesting that workers from these countries are more often employed for domestic labour market needs rather than cross-border service provision. TCNs from countries such as India, Bangladesh, and Belarus appear in much smaller absolute numbers, but their posting shares are still notable. India (26.3%) and Bangladesh (27.4%) have posting rates close to the overall average, indicating growing integration into posting chains, despite their relatively recent presence in the Slovenian labour market. This suggests a gradual diversification of source countries, even though Western Balkan nationals remain dominant. Overall, three out of ten TCNs employed in Slovenia are also posted abroad to other Member States.

**Figure 15: Number of outgoing posted TCNs by nationality (ex-Yugoslavian countries, other third countries), 2018 - 2024**

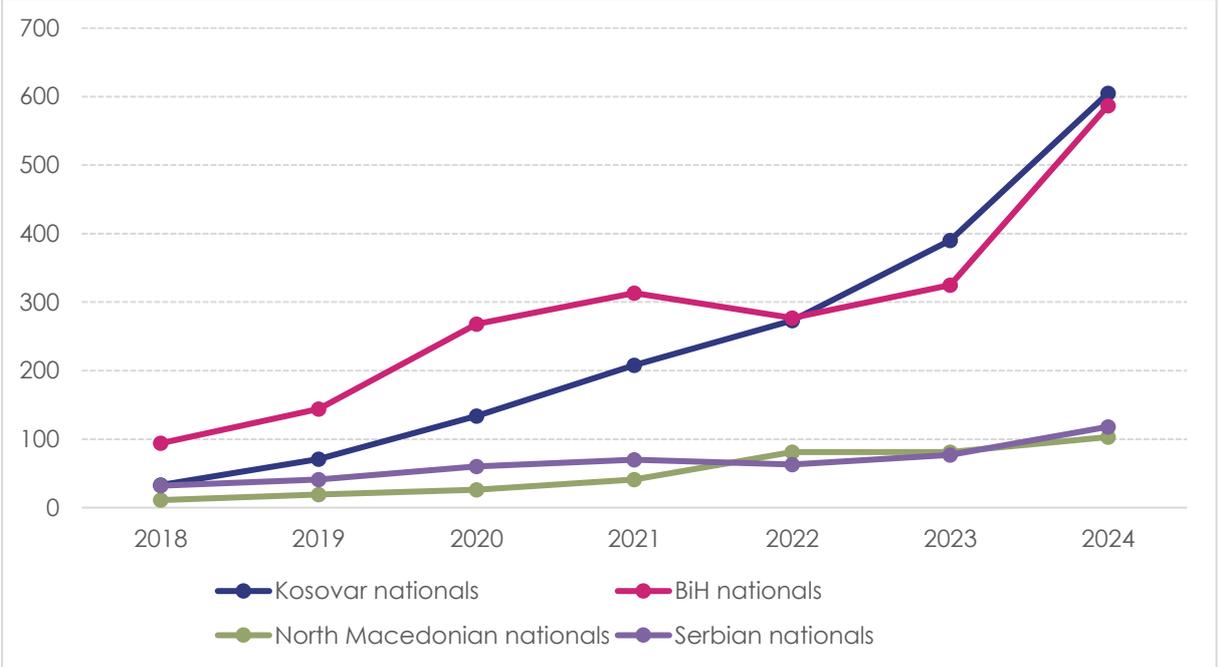


Source: own calculations based on data provided by ZZZS

Data on PDs A1 by nationality shows that almost half of all PDs A1 were issued to the nationals of

Bosnia and Herzegovina (48%), followed by Slovenian nationals (23%), Serbian nationals (11%) and Kosovars (7%). PDs A1 were issued to the self-employed TCNs as well, most notably to Kosovar nationals. In 2024, the number of issued PDs A1 under articles 12 BR and 13 BR to the self-employed Kosovar nationals was 605, which is 6% of all PDs A1 issued to Kosovars. The next highest share of the self-employed TCNs posted were the North Macedonian nationals (103 PDs A1; 3,1% of all PDs A1 issued to Macedonians), followed by the Bosnian nationals (587 PDs A1; 0,8% of all PDs A1 issued to Bosnians). Throughout the years, the number of PDs A1 issued to the self-employed TCNs has been on the increase.

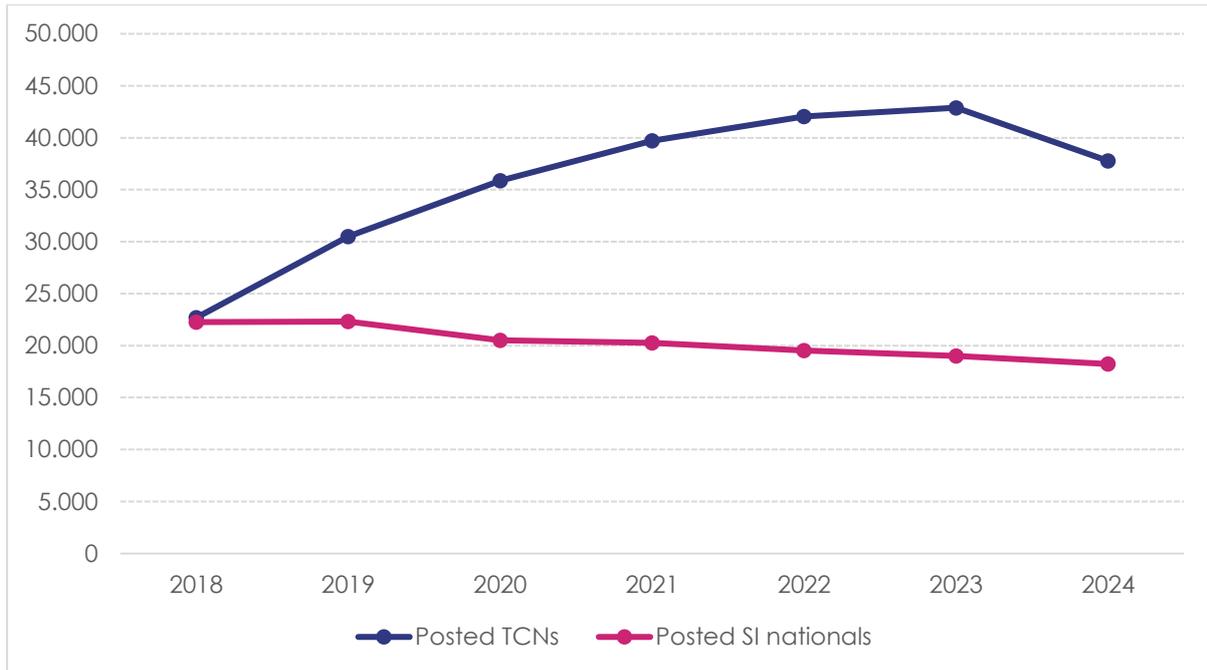
**Figure 16: Evolution of the number of PDs A1 issued to the self-employed third-country nationals, 2018 – 2024**



Source: own calculations based on data provided by ZZZS

The replacement of posted Slovenian nationals with posted TCNs has been on the increase since 2018, but it has decreased slightly in 2024. The share of posted TCNs compared to posted Slovenian nationals was the highest in 2023 (70%). In 2024, the share was 67% (Figure 18).

**Figure 17: Evolution of outgoing posted TCNs compared to posted Slovenian nationals, 2018 – 2024**

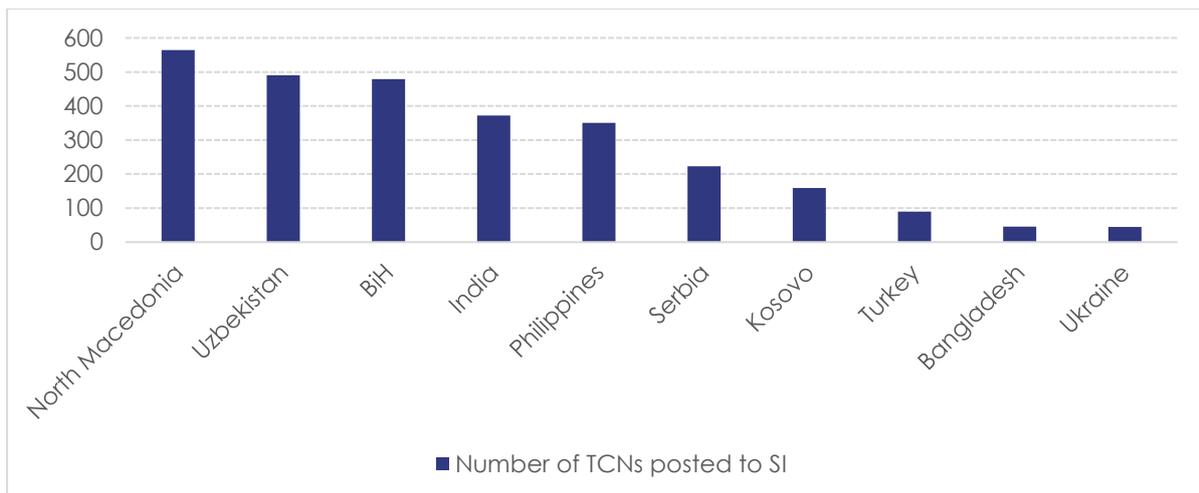


Source: own calculations based on data provided by ZZZS

### 3.2.2. Posting of TCNs to Slovenia

In 2024, the nationals of 44 third countries<sup>12</sup> were posted to Slovenia. Among all persons posted to Slovenia, their share was 32% (3.474 of a total of 10.762). Detailed data on the sector of activities, duration of work in Slovenia and countries of employment are not available by nationality.

**Figure 18: Top ten third-country nationalities posted to Slovenia, 2024**



Source: Data provided by the Employment Service of Slovenia

<sup>12</sup> Albania, Australia, Azerbaijan, Bangladesh, Belarus, BiH, Brazil, Cameroon, Cape Verde, Chad, China, Colombia, Egypt, Ecuador, Gambia, Ghana, India, Kazakhstan, Kirgizstan, Kosovo, Madagascar, Morocco, Mauritania, Moldavia, Nepal, Nigeria, North Macedonia, Pakistan, Philippines, Russia, Senegal, South Africa, South Korea, Serbia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United States of America, United Kingdom.

The nationals of North Macedonia were posted to Slovenia most often (564 posted workers), followed by the nationals of Uzbekistan (490), Bosnia and Herzegovina (479), India (372), the Philippines (350), Serbia (223), Kosovo (159), Turkey (90), Bangladesh (46) and Ukraine (45).

### 3.3. The overlap of migration, employment and intra-EU mobility regimes in Slovenia

In Slovenia, the overlap of migration and posting regimes is significant. The growth in posting in the recent years is driven by a substantial increase in the number of posted TCNs from the republics of the former Yugoslavian Federation, although immigration to Slovenia from those countries has been continuous ever since the Second World War and has always been facilitated with the aim of meeting demands in the labour market.<sup>13</sup> Currently, Slovenia's labor market is characterized by a high employment rate, low unemployment, and significant reliance on foreign workers to address labour shortages across various sectors. The shortages are due to structural mismatches in the labour market and unfavourable demographic trends. In 2024, Slovenia experienced labour shortages in 105 occupations, most notably in the sectors of healthcare, construction, manufacturing, hospitality, and transport and logistics (EURES). In the same year, Slovenia experienced a notable increase in the employment of foreign workers. By November 2024, the number of foreign citizens in employment (excluding farmers) had risen to approximately 148.000, accounting for 15.9% of all employed individuals in Slovenia (Zidar, 2025).

In 2024, most labour migrants employed in Slovenia, around 85 percent (123.248), arrived in Slovenia from Bosnia and Herzegovina (BiH), Serbia, Kosovo, Croatia (EU MS), North Macedonia and Montenegro.<sup>14</sup> These are the countries that share strong historical ties and familiarity with their languages and are in close geographical proximity. The highest percentage of labour migrants who are continuously issued work permits in Slovenia are by far the nationals of BiH. Since 2015, the number of employed BiH nationals has increased by 162%. Migration trends between Slovenia and BiH are shaped by a combination of push and pull factors. The labour market in BiH has suffered from political and economic instability, the collapse of key industries, and skills and demand mismatches. It is also characterised by low wages and a large informal sector, which contributes to workers' vulnerability in terms of income irregularity and lack of social security. This has resulted in a significant outflow of workers and consequent persistent labour shortages. Discouraging economic and political conditions in BiH are contrasted by high labour demand in Slovenia. Slovenia is an appealing option for Bosnian workers due to significantly higher wages, better labour market prospects, familiarity with the language, historical ties, geographical proximity and, importantly, facilitated immigration procedures (Danaj et al. 2023, 2020). Namely, Slovenia and BiH signed the Agreement on the Employment of Citizens of Bosnia and Herzegovina in Slovenia in 2012 (in force since 2013). According to the Agreement, Slovenian employers must first post vacancies via the Employment Service of Slovenia and if no suitable candidate is found, the vacancy is forwarded to Bosnia's Employment Service to initiate recruitment. Workers must be employed by the designated employer for at least one year, or risk permit cancellation—except in cases of termination beyond their control. After one year, they gain free access to the labour market in Slovenia. Work permits are issued for three years and renewable for another three years under qualifying conditions.<sup>15</sup> Another bilateral agreement in place is the Agreement on the Employment of Citizens of Serbia in Slovenia, adopted in 2018.<sup>16</sup> Both labour agreements follow a

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<sup>13</sup> The Socialist Federal Republic of Yugoslavia was established following the aftermath of World War II and was made up of six republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia) and two autonomous provinces (Kosovo and Vojvodina). Immigration to Slovenia from these republics and provinces gradually increased throughout the years, ranging from initial dispersed settlement to chain migration that led to the formation of strong and extensive migration networks. See D. Josipovič, Učinki priseljevanja v Slovenijo po drugi svetovni vojni (Založba ZRC, ZRC SAZU 2006).

<sup>14</sup> Statistical Office of the Republic of Slovenia, E-mail correspondence, March 14, 2021.

<sup>15</sup> The full text of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia: [https://www.uradni-list.si/\\_pdf/2012/Mp/m2012092.pdf](https://www.uradni-list.si/_pdf/2012/Mp/m2012092.pdf) (pp. 359 - 369).

<sup>16</sup> The full text of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Serbia on the Employment of Citizens of the Republic of Serbia in the Republic of Slovenia: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2019->

shared design: coordinated recruitment through employment services, multi-year permits, one-year tethering, and post-one-year labour-market freedom. Both also include streamlined permit processes.<sup>17</sup>

The overlap of the migration and posting regimes when it comes to employment and posting of TCNs from the Western Balkans is evident. BiH nationals are most often posted persons from Slovenia to other EU MS. In the past few years, the number of posted BiH nationals from Slovenia has exceeded the number of posted Slovenian nationals. Slovenian companies have become very active in the European markets providing services through posting by relying on recruitment and employment from BiH. In this sense, Slovenia does serve as a potential gate-opener for intra-EU labour mobility, although it should also be noted that immigration does not tend to be temporary or circular, as a large percentage of the employed BiH nationals decide to settle in Slovenia.<sup>18</sup> The second most often posted TCNs are Serbian citizens, followed by Kosovar citizens. These are also the countries from which labour immigration to Slovenia is most extensive. It should again be noted that the number of persons with BiH and Serbian citizenship employed in Slovenia has been on a consistent rise and the number of employed persons with Kosovar citizenship has dropped slightly only in 2024. The number of persons posted from these three countries, however, has dropped significantly in 2024. Compared to 2023, the decrease was 13% (5.234 less persons posted) (Table 11, Figure 19). A significant share of employed BiH nationals has been posted abroad throughout the years. The share was the highest in 2020, when nearly half of the employed BiH nationals (44%) were posted. Since then, the share has been on a continuous decrease. In 2024, the share of posted BiH nationals was 39%.

**Table 11: Number of citizens of Bosnia and Herzegovina, Serbia, and Kosovo employed in Slovenia and posted from Slovenia, 2018-2024**

	Bosnian citizens		Serbian citizens		Kosovar citizens	
	Employed	Posted	Immigrated	Posted	Immigrated	Posted
<b>2018</b>	44.475	14.646	11.399	5.960	6.792	1.351
<b>2019</b>	51.700	19.057	13.303	7.701	9.242	2.409
<b>2020</b>	52.034	23.138	12.726	7.727	9.750	3.374
<b>2021</b>	58.369	24.947	13.388	7.921	12.970	4.859
<b>2022</b>	65.529	25.498	14.302	7.783	15.671	6.341
<b>2023</b>	67.677	25.803	15.414	7.725	16.131	6.666
<b>2024</b>	70.657	23.256	16.494	6.959	14.964	4.745

Source: SURS and ZZZS database

The most recent development in Slovenian recruitment strategy has been a diversification of recruitment from the Western Balkans to the Asian countries amidst fears of the so-called ‘Western Balkans pool’ being emptied by other EU countries with more competitive advantage compared to Slovenia. In March 2025, the Slovenia-Philippines bilateral Memorandum of Understanding (MoU)<sup>19</sup> on labour mobility was signed. The core aim of the MoU is to facilitate safe, ethical and transparent deployment of Filipino workers to Slovenia under a government to government agreement, starting primarily with care workers who are in

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<sup>17</sup> Employers who violate labour legislation, as well as legislation governing the prohibition of undeclared work and employment and the employment and work of foreign nationals, are prohibited from employing foreign nationals for the established violations, with the prohibition being imposed for a period of one to five years, depending on the severity of the violation. Nevertheless, violations persist, one of the pressing ones being fictitious residence registrations. Recently, the police uncovered several new cases of employers registering high numbers of foreigners at the same address and handled related charges of non-payment of social security contributions, tax evasion, and other abuses tied to these practices (RTV SLO, 2025).

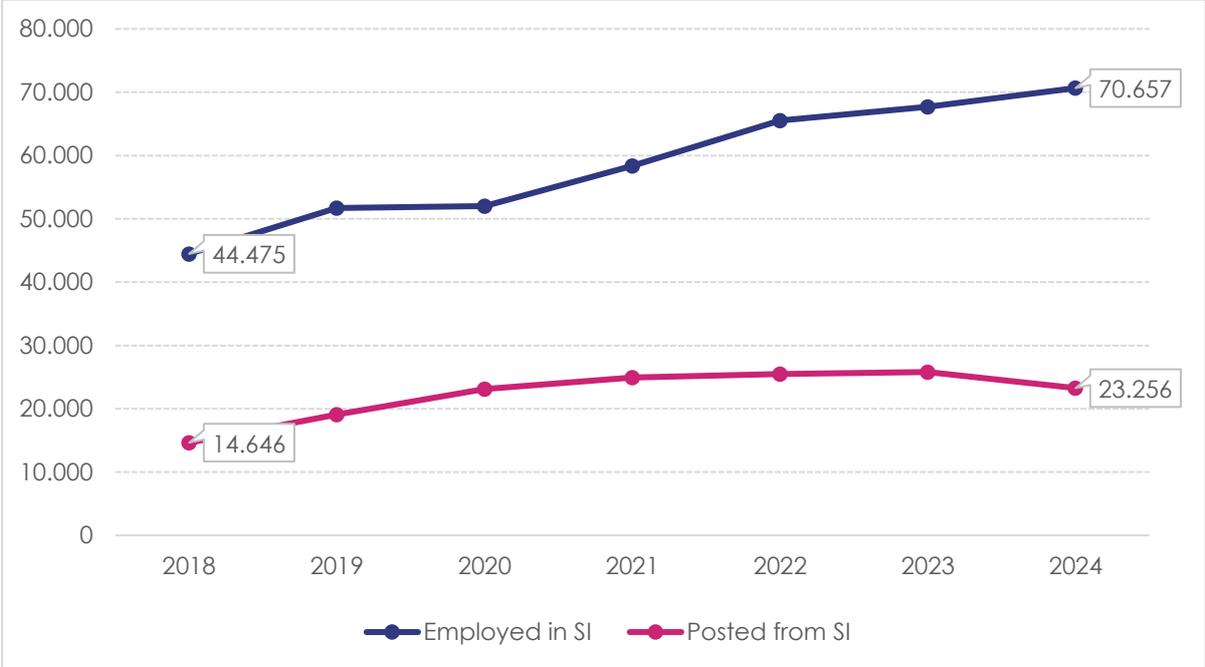
<sup>18</sup>In 2020, the share of Bosnian employed nationals who emigrated from Slovenia was 7 percent and in 2019 the share was below 5 percent (Danaj et al. 2023).

<sup>19</sup> The full text of the MoU between the Republic of Slovenia and the Phillipines on cooperation in the field of employment:

<https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2025-02-0019/uredba-o-ratifikaciji-memoranduma-o-soglasju-med-vlado-republike-slovenije-in-vlado-republike-filipini-o-sodelovanju-na-podrocju-dela>

great demand in Slovenia. The signing took place in Manila, concurrently with the opening of Slovenia’s first and only embassy in Southeast Asia, marking an important turn in Slovenian bilateral relations (Gov.si, 2025). Even prior to the signing of the MoU there was a significant increase in immigration and employment of the Filipinos (170% increase from 2023 to 2024). The increase was noted also in the recruitment and employment of Bangladeshis (126%) and Indians (92%).

**Figure 19: Evolution of employment and posting of Bosnian citizens from Slovenia, 2018 - 2024**



Source: SURS and ZZS database

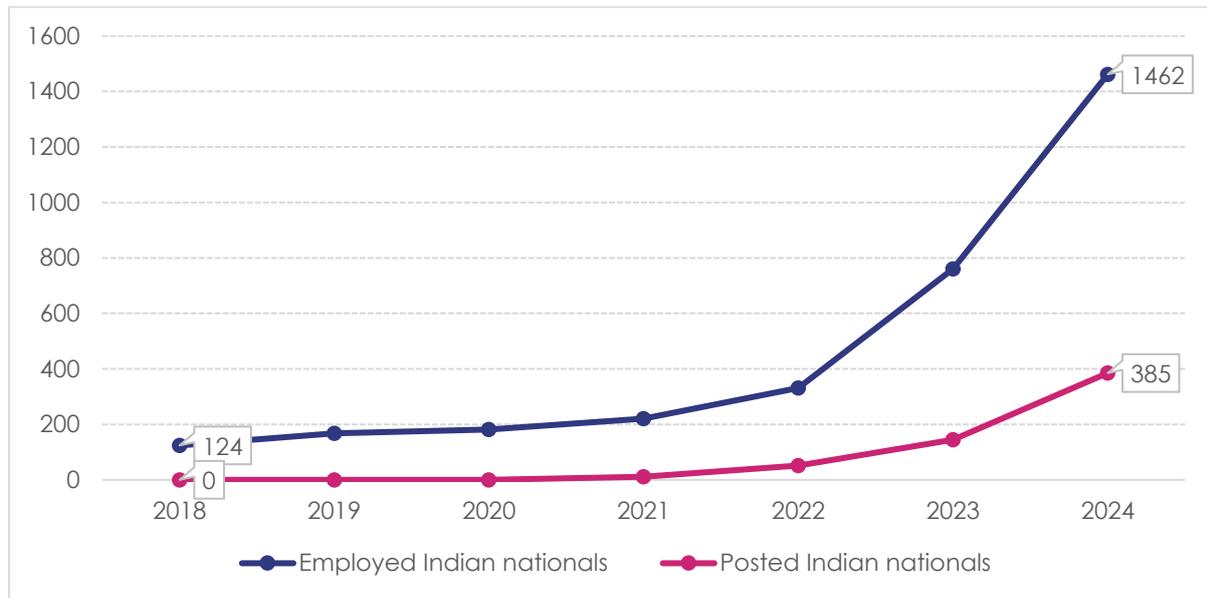
Increased Labour immigration of persons from these three countries is observed also in data on the posting of workers, albeit the absolute numbers remain relatively low. In 2018, Slovenian employers did not post any citizens from the Philippines or India, and only 5 from Bangladesh. In 2024, however, the number of Filipino citizens posted was 13, Bangladeshi 110 and Indian 385. The increase in 2024 compared to 2023 was notable especially in the case of posted Indian citizens (nearly 170% increase) (Table 12).

**Table 12: Number of nationals of India, Bangladesh, and the Philippines employed in Slovenia and posted from Slovenia, 2018 -2024**

	Indian nationals		Bangladeshi nationals		Filipino nationals	
	Employed	Posted	Immigrated	Posted	Immigrated	Posted
2018	124	/	15	5	62	/
2019	168	/	30	11	72	/
2020	181	/	37	25	70	/
2021	221	11	76	55	90	1
2022	331	51	71	76	105	5
2023	760	144	177	97	131	3
2024	1462	385	401	110	355	13

Source: Data provided by SURS and ZZS

**Figure 20: Number of employed Indian nationals in Slovenia and number of posted Indian nationals from Slovenia, 2018 - 2024**



Source: Data provided by SURS and ZZZS

The practice of posting of TCNs has been observed across the entire EU. Member States usually tend to post TCNs from the countries in their neighbourhood and/or those they have historical ties with.<sup>20</sup> The trend has been viewed as problematic for a variety of reasons and was addressed by a series of cases of the Court of Justice of the EU (CJEU) (e.g., the Vander Elst case, C-91/13 Essent, C-18/17 Danieli, C-477/17 Balandin, or the recent C-540/22 SN). Already in the first court case, Vander Elst, the CJEU enabled TCN workers to be posted freely across the EU as long as they reside legally in the EU country where they are posted from. And despite some variation in the rules, a review of the implementation of the Vander Elst judgment across the EU indicates that most Member States allow TCNs to be posted from other EU countries. This ruling has been criticized for contributing to lessen the national sovereignty of Member States on one hand, and praised for the furthering of EU integration on the other. However, even though entry requirements and entitlements are designed at the EU level, national legislations provide the details and procedures of admission, as well as criteria for access to rights, often by introducing limitations, which have produced a myriad of TCN statuses within and across EU countries and subsequent confusion about the conditions under which TCNs can be posted (Danaj et al. 2023; see also Verschueren, 2024).

In the cases of posting of TCNs to Germany, for example, a visa system is in place regardless of the CJEU's ruling that this is a discriminatory action. Germany continues to require TCNs to obtain the so-called Vander Elst visa from German embassies before they are posted to Germany.<sup>21</sup> Vander Elst visa can be a lengthy procedure that takes several months. The application needs to be submitted in person at the German Embassy and waiting times for an appointment vary according to the number of applications

<sup>20</sup> For example, Slovenia posts the nationals of BiH, Poland and the nationals of Ukraine (Danaj et al., 2023), Italy the nationals of Morocco and Tunisia (Cillo, 2020).

<sup>21</sup> The posting of TCNs in Germany is regulated inter alia by the Law on Aliens (Ausländergesetz) of 9 January 2002 and its implementing regulation and a circular of 15 May 1999 addressed by the Ministry of Foreign Affairs to all German diplomatic and consular representations. The law stipulates that TCNs must obtain a visa to enter and live in Germany and those pursuing paid activity above three months must obtain a specific residence visa. The circular details the criteria for the issuing of the visa for TCNs to be posted to Germany (the so-called Vander Elst visa), among which are the period of posting, proof of residence/work permit and social or private security that covers activities in Germany obtained in the sending country, and that the worker must have been employed for at least a year by the undertaking posting the worker. The Commission brought the issue to Court arguing that Germany's requirement for a visa for TCNs to be posted to Germany from other Member States and the one-year prior employment criteria are discriminatory and impede the freedom to provide services within the EU. The Court decided that "by not confining itself to making the posting of workers who are nationals of non-member States for the purpose of the provision of services in Germany subject to a simple prior declaration by the undertaking established in another Member State which intends to post such workers (...) the Federal Republic of Germany has failed to fulfil its obligations under Article 49 EC" (now Article 56 TFEU) (Danaj et al., 2023).

submitted at a certain period, which creates uncertainty as to when the processing will start. Several other countries have introduced their own restrictive regulations concerning posting of TCNs.

In its recent 2024 judgement in the case *SN and Others v Staatssecretaris van Justitie en Veiligheid*, the CJEU stated that the host Member State may require a residence permit from posted TCNs in cases of posting lasting more than 90 days.

The overlap of migration and employment regimes as well as the cross-border provision of services, is not only a political battlefield and a substantial policy challenge of concern to the employers' associations, trade unions and government agencies, but must also be considered from the point of view of TCNs – in terms of the provision of valuable opportunities for employment on one hand and possible emergence of additional vulnerabilities.<sup>22</sup>

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<sup>22</sup> In some Member States, employment criteria for temporary residence permits bind TCNs to their employer in their first year of host country residence, a dependence that might make them quite vulnerable to exploitation and willing to accept below minimum wages. In some cases, TCN statuses, as already discussed, can be quite complex and when combined with particularly precarious forms of employment, such as via shady intermediaries, might produce legal uncertainty, which some scholars have argued foster unfree labour relations. Furthermore, posted TCNs are reportedly undemanding of their labour and social rights when posted from their sending EU countries to other EU countries (Danaj et al., 2023)

## 4. Concluding remarks: the importance of data-driven nonpartisan approach to researching migration and intra-EU mobility

Migration to the EU from the third countries and labour mobility within the EU for the purpose of work has been subject to two opposing sets of opinions. On the one hand, there is a belief that migration from the third countries and mobility within the EU, especially from the states that joined the EU post-2004 to the old MS, contribute to social dumping and are therefore detrimental to the existing industrial compromises fought for by the trade unions and workers' movements. Namely, the main consequences of such mobility are considered to be: i) lowering of wages and employment standards due to worker willingness to work for lower salaries and in worse working conditions, which can cause job displacement and an increase in unemployment among the local workforce; ii) weakening of trade unions and pressure on the existing collective agreements, resulting in a proliferation of temporary and flexible jobs that are difficult to unionise; and iii) strengthening of employers' power by enabling them to relocate production to areas where, among other benefits, a qualified labour force is less costly (see Andrijasevic and Sacchetto, 2016). The trade unions also throw light on the employment-related irregularities and various workers' rights violations that lead to precariousness and vulnerabilities of the recruited migrant/mobile workers and call for tightening of regulations and better monitoring of the free intra-EU movement of workers.

In the case of the posted workers, the initial concerns about workers from low-wage MS entering the labour markets of high-wage MS were raised following the accession of Spain and Portugal in 1986 and, even more so, after the 2004 accession of Eastern European states. The phenomenon became subject to heated political debates on the freedom to provide services vs the right to preserve labour standards and workers' rights in the receiving MS. Further concern was raised by a series of decisions of the Court of Justice of the EU (CJEU) that companies who employ third-country nationals (TCNs) can also send these workers to provide services temporarily to EU countries other than the one in which they are established (e.g. the Vander Elst case, C-91/13 Essent, C-18/17 Danieli, C-477/17 Balandin, or the recent C-540/22 SN). Therefore, not only EU citizens can be posted abroad to provide services, but all workers employed by EU companies, as long as they reside legally in the EU country where they are posted from (Danaj et al. 2023). This decision has been considered controversial as current integration procedures require TCNs to have permanent residence status (usually obtained after 5 years of economic activity and residence) in a particular Member State to benefit from intra-EU labour mobility rights. Therefore, some scholars argue that by enabling a mobility regime for TCNs based on the provision of services regardless of whether their residence status is temporary or permanent, the CJEU has allowed some sort of circumvention of national labour migration policy and procedures (Mussche and Lens, 2019). Concerns were also raised that the intersections of migration, employment and mobility regimes might contribute to creating additional vulnerabilities for TCNs as their residency permit binds them to employers. In addition, countries might offer some TCNs jobs with the sole intention of posting them to other MS. While this is not necessarily in opposition to current regulations, it has raised concerns about the development of a specific business model that profits from the employment and posting of TCNs (De Wispelaere and De Smedt, 2025).

On the other hand, there is an integrationist approach that emphasises business opportunities and benefits migration and intra-EU mobility brings not only to the receiving states but also to the sending states and migrants themselves. The benefits for the sending state are, they argue, the reduction of unemployment and an increase in wages and remittances channelled into the development of new and existing businesses. Receiving states benefit from the inclusion of new workers that fill in the gaps in the labour market. Benefits for migrants are the opportunities to migration and employment, higher wages compared with their countries of origin, and the development of new skills (see Andrijasevic and Sacchetto, 2016). The policy of

posting of workers to balance the imbalances in national labour market thus has significant merit, they argue, and can be considered beneficial for all parties involved. However, the benefits of posting seemed to have been obscured by “the almost exclusive focus by both scholars and politicians on risks of “social dumping” in labour intensive sectors” (De Wispelaere, 2022: 3). Focus on the negative may have influenced public perception and acceptance of the posting of workers, which had an impact on European and national policymaking, “which today are mainly directed toward enforcement rather than promoting free movement of services by limiting legal and administrative barriers.” (Ibid.) The perception of posting has also been tainted by cases of violations of posted workers’ rights, which cast a negative light on the posting altogether. According to our observations as active researchers of the posting trends in Slovenia, the public perception of posting at some point became associated with fraudulent employer practices and using cheap labour to create profit and wealth for the employer, i.e. posting companies. This perception was reinforced after the share of posted workers who are third-country nationals started increasing. The public opinion and reasoning often seems to be linear: recruiting and posting of TCNs is considered to be shady and exploitative regardless of whether i) the recruitment procedure is legal, ethical and conducted in cooperation with public employment services in the countries of origin, ii) worker in question has voluntarily entered the employment due to lack of employment opportunities in his country of origin or with the intention of receiving a higher wage and has not reported any mistreatment; iii) the recruited worker is in high demand due to his particular skills and is in a position of negotiating the salary and working conditions; and iv) the companies are in full compliance with increasingly stricter rules of posting.

A balanced, nonpartisan approach is essential when researching polarizing topics such as migration and intra-EU mobility. Research needs to be guided by methodological rigour and evidence gathered from multiple data sources. The value of an analytical approach lies in seeking understanding rather than advancing individual ideologies.

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