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Answer given by Executive Vice-President Mînzatu  
on behalf of the European Commission  
(29.7.2025)

Directive 96/71/EC includes health, safety and hygiene at work in the terms and conditions of employment to be guaranteed to posted workers, regardless of whether they are third country nationals or EU citizens, in accordance with the host Member State rules. According to Directive 89/391/EEC<sup>1</sup>, to ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, Member States must introduce measures in accordance with national law and/or practices.

As regards the obligation in Member States to keep or make available certain work-related documents in the host Member State (i.e. medical certificate), differences of form or content cannot justify keeping two sets of documents, one conforming to the rules of the sending and the other of the receiving Member State, if the information provided, as a whole, by the documents required under the rules of the Member State of establishment is adequate to enable the controls needed in the host Member State<sup>2</sup>. The obligation to provide health documents could be considered an obstacle to the freedom to provide services if they have already been required in the sending Member State, including for third country nationals. However, the duty to provide additional documents may be justified, if it is necessary to safeguard, effectively and by appropriate and proportionate means, the overriding public interest of the protection of the workers<sup>3</sup>.

Member States should recognise the medical certificate issued by another Member State, but on a case-by-case basis, and depending on the content of the certificate. There are currently no planned measures to harmonise and recognise the equivalence of Member States' national occupational health certificates.

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<sup>1</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.6.1989, p. 1. - <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31989L0391>.

<sup>2</sup> Judgement of 23 November 1999, *Arblade*, joined cases C-369/96 and C-376/96, ECLI:EU:C:1999:575 paragraph 64. - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=ecli:ECLI%3AEU%3AC%3A1999%3A575>.

<sup>3</sup> Judgement of 25 October 2001, *Finalarte*, C-49/98 and others, ECLI:EU:C:2001:564, paragraph 72. - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61998CJ0049>.