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E-004892/2025

Answer given by Executive Vice-President Minzatu

On behalf of the European Commission

(26.1.2026)

The deadline for transposing Directive (EU) 2022/2041¹ elapsed on 15 November 2024, and the Netherlands has not yet notified its transposition. My services have contacted the Dutch authorities in this regard and are closely monitoring the state of play. If and to the extent needed, the Commission can start an infringement procedure against any Member State that has not yet transposed this Directive.

Directive 2008/104/EC² establishes the principle of equal treatment for agency workers in user companies from the first day of their assignment. Equal treatment applies to basic working and employment conditions, notably pay and working time.

As concerns the deduction of the cost of housing from the minimum wage, Article 6 of Directive (EU) 2022/2041 requires Member States to ensure that such deductions respect the principles of non-discrimination and proportionality, the latter including the pursuit of a legitimate aim³. The Commission will carefully examine this deduction in the context of its assessment of the transposition of this Directive.

On 4 December 2025, the Commission launched the first phase consultation of social partners on a potential Quality Jobs Act, to gather their views on the need for and possible direction of EU action⁴. This consultation covers inter alia issues relating to subcontracting.

Prevention of labour exploitation of mobile and migrant workers is also being considered in the context of the future Fair Labour Mobility Package⁵. The Package will address the challenges emerging from the increasing posting of third country nationals and from cross-border provision of services by temporary work agencies and recruitment intermediaries, including in long and complex sub-contracting chains.

¹ OJ L 275, 25.10.2022, pp. 33–47 - <https://eur-lex.europa.eu/eli/dir/2022/2041/oj/eng>.

² OJ L 327, 5.12.2008, pp. 9–14 - <https://eur-lex.europa.eu/eli/dir/2008/104/oj/eng>.

³ For the interpretation of this provision by the Court of Justice, see also

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=294192&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=9552564>, Denmark v Parliament, paragraphs 102 and 103.

⁴ https://employment-social-affairs.ec.europa.eu/document/download/059a1e18-2508-4520-9b15-5831c50e0f91_en?filename=Consultation_Quality-Jobs-Act_2025.pdf.

⁵ The Fair labour mobility package is included in the <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025DC0870&qid=1761126156157>.