

European Labour Authority

2018/0064(COD) - 26/11/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Jeroen LENAERS (EPP, NL) on the proposal for a regulation of the European Parliament and of the Council establishing a European Labour Authority.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Objective and tasks: Members proposed to clearly define the Authority's objective by focusing on a limited number of tasks so that the means available are used as efficiently as possible in areas where the Authority can provide the greatest added value.

To this end, the Authority shall assist the Member States and the Commission in matters relating to the **application and enforcement of Union law in the area of labour mobility** in the framework of the free movement of workers and the freedom to provide services in the internal market. It shall strengthen access to information, compliance and cooperation between Member States in order to ensure effective and consistent application and enforcement of Union law in this area and **mediate** and facilitate a solution in case of disputes between Member States concerning this law.

The Authority shall carry out activities in the area of labour mobility in the framework of the freedom of movement for workers and the freedom to provide services in the internal market and social security coordination, including posting of workers and highly mobile services and access to social rights and benefits. It shall also **enhance cooperation between Member States** in tackling undeclared work and in situations where the proper functioning of the internal market is at risk because of, *inter alia*, letter box companies, fraudulent companies or the phenomenon of bogus self-employment.

The Authority shall, *inter alia*:

- provide a **single Union-wide website** in all official languages of the Union acting as a single portal for the purpose of accessing all relevant Union and national information sources and services on labour mobility;
- **facilitate cooperation between the competent national authorities** designated in accordance with Directive 2014/54/EU to provide information, guidance and assistance to individuals and employers in the area of labour mobility within the internal market, and the national contact points designated in accordance with Directive 2011/24/EU to provide information on healthcare.

This Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level. Nor does it affect the right to negotiate, to conclude and enforce collective agreements.

Coordination of concerted and joint inspections: the Authority may also, on its own initiative, suggest to the authorities of the Member States concerned that they perform a concerted or joint inspection.

Member States shall, when requested, aim to **reach an agreement** to participate in concerted or joint inspections. Where a Member State considers that there are valid reasons for not agreeing to participate it shall, within 1 month of the request, provide the Authority with reasons for its decision, submit any additional information on the nature of the issue in question to the Authority, and suggest a possible resolution of the case under consideration.

The Authority may ask any Member State not participating in a concerted or joint inspection to carry out its own inspection on a voluntary basis, in order to detect any irregularities and report its findings to the Authority.

Officials from another Member State and from the Authority participating in concerted or joint inspections shall have the same powers as national officials in accordance with the national legislation of the concerned Member State.

Member States shall ensure that the information collected during concerted or joint inspections may be used as evidence in legal proceedings in the Member States concerned.

Organisation: in addition to a high-level representative from each Member State and two representatives of the Commission, the Management Board shall include **six representatives** of the social partners at Union level, equally representing employers' organisations and trade unions, as well as **three independent experts appointed by the European Parliament** after having verified that there is no conflict of interest.

The **stakeholder group** shall be composed of two representatives of the Commission and ten representatives of Union-level social partners equally representing trade unions and employer's organisations, including recognised Union sectoral social partners representing sectors particularly concerned by labour mobility issues.