

European Labour Authority

2018/0064(COD) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 472 votes to 142 with 39 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a European Labour Authority.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Purpose and tasks

The Authority shall contribute to ensuring fair labour mobility across the Union and assist Member States and the Commission in the coordination of social security systems within the Union. To that end, the Authority shall:

- facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services;
- facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union , including facilitating concerted and joint inspections;
- mediate and facilitate a solution in cases of cross-border disputes between Member States; and
- support cooperation between Member States in tackling undeclared work.

The Authority must carry out its activities in the areas of labour mobility across the Union and social security coordination, including the freedom of movement for workers, the posting of workers, and highly mobile services.

The scope of activities of the Authority covers specific Union legal acts listed in the Regulation, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority.

The Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right or freedom to strike, the right to negotiate, conclude and enforce collective agreements, or to take collective action in accordance with national law or practice.

Coordination of EURES

The Authority shall manage the European Coordination Office of EURES in order to support Member States in providing services to individuals and employers through EURES, such as cross-border matching of job, traineeship, and apprenticeship vacancies with CVs, thus facilitating labour mobility across the Union.

Coordination and support of concerted and joint inspections

At the request of one or more Member States, the Authority shall coordinate and support concerted or joint inspections in the areas within the Authority's competence. It may also, on its own initiative, suggest to the authorities of the Member States concerned that they carry out a concerted or joint inspection.

Concerted and joint inspections shall be subject to the agreement of the Member States concerned. Social partner organisations at national level may bring cases to the attention of the Authority.

In accordance with the principle of sincere cooperation, Member States shall endeavour to participate in concerted or joint inspections. In the event that one or more Member States decide not to participate in the concerted or joint inspection, the national authorities of the other Member States shall carry out such an inspection only in the participating Member States. Member States that decide not to participate shall keep information about such an inspection confidential.

European Platform to enhance cooperation in tackling undeclared work

The Authority shall also enhance cooperation between Member States in tackling undeclared work, and other situations that put at risk the proper functioning of the internal market, such as letterbox entities and bogus self-employment, without prejudice to the competence of Member States to decide on national measures. The Platform established by the Authority shall encourage cooperation between Member States through: (i) exchanging best practices and information; (ii) developing expertise and analysis; (iii) encouraging and facilitating innovative approaches to effective cross-border cooperation; (iv) contributing to a horizontal understanding of matters relating to undeclared work.

Mediation between Member States

The Authority may facilitate a solution in the case of a dispute between two or more Member States regarding individual cases of application of Union law in areas covered by the Regulation, without prejudice to the powers of the Court of Justice. The purpose shall be to reconcile divergent points of view between the Member States that are party to the dispute and to adopt a non-binding opinion.

The Authority shall launch a mediation procedure upon request of one or more of the Member States concerned and may also suggest launching a mediation procedure on its own initiative. Mediation shall be conducted only with the agreement of all Member States that are party to the dispute.

Organisation

The Management Board shall be composed of: (i) one member from each Member State; (ii) two members representing the Commission; (iii) one independent expert appointed by the European Parliament; (iv) four members, representing cross-industry social partner organisations at Union level, with an equal representation of trade union and employer organisations.

A representative of Eurofound, a representative of EU-OSHA, a representative of Cedefop and a representative of the European Training Foundation may be invited to participate as observers in the meetings of the Management Board in order to enhance the efficiency of the agencies and the synergies between them.