European Labour Authority

2018/0064(COD) - 11/07/2019 - Final act

PURPOSE: to establish the European Labour Authority.

LEGISLATIVE ACT: Regulation (EU) 2019/1149 of the European Parliament and of the Council establishing the European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492 /2011 and (EU) 2016/589, and repealing Decision (EU) 2016/344.

CONTENT: this Regulation establishes the European Labour Authority and shall assist Member States and the Commission in their effective application and enforcement of Union law related to labour mobility across the Union and the coordination of social security systems within the Union.

This 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 or to take other action covered by the specific industrial relations systems in Member States in accordance with national law or practice.

Objectives and tasks

The new 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 or other situations jeopardising the proper functioning of the internal market, such as letterbox companies and bogus self-employment; and

- support cooperation between Member States in tackling undeclared work;

The European Labour Authority shall also bring together the technical and operational tasks of several existing EU bodies (the EURES European Coordination Office, the Technical Committee on the Free Movement of Workers, the Committee of Experts on the Posting of Workers and the European Platform to Combat 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 this Regulation, without prejudice to the powers of the Court of Justice. The purpose of such mediation 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 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.

The first stage of mediation shall be conducted between the Member States that are party to the dispute and a mediator, who shall adopt a non-binding opinion by common agreement. If no solution is found in the first stage of mediation, the Authority shall launch a second stage of mediation before its Mediation Board, subject to the agreement of all Member States that are party to the dispute.

When a dispute concerns social security coordination, any Member State concerned may request that it be referred to the Administrative Commission for the Coordination of Social Security Systems established by Regulation (EC) No 883/2004 of the European Parliament and of the Council. The Administrative Commission, in agreement with the Member States concerned, may submit the same request.

Organisation

The administrative and management structure of the Authority consists of: (a) a Management Board; (b) an Executive Director; and (c) a Stakeholder Group.

The Management Board shall be composed of: (a) one member from each Member State; (b) two members representing the Commission; (c) one independent expert appointed by the European Parliament (without voting rights); (d) four members representing cross-industry social partner organisations at Union level (without voting rights), with an equal representation of trade unions 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.

ENTRY INTO FORCE: 31.7.2019.