




Basic information	
<b>2013/0202(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Enhanced cooperation between Public Employment Services (PES)  Amended by <a href="#">2019/0188(COD)</a>  <b>Subject</b>  2.40.02 Public services, of general interest, universal service 4.15.02 Employment: guidelines, actions, Funds	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>EMPL</b> Employment and Social Affairs		DAERDEN Frédéric (S&D)	12/06/2013
			Shadow rapporteur BECKER Heinz K. (PPE) LAMBERT Jean (Verts/ALE) TOMAŠIĆ Ruža (ECR) ZUBER Inês Cristina (GUE/NGL)	
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>BUDG</b> Budgets		The committee decided not to give an opinion.	
	<b>Committee for opinion on the legal basis</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b> Legal Affairs		REGNER Evelyn (S&D)	07/01/2014
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Foreign Affairs		3311	2014-05-08
	Employment, Social Policy, Health and Consumer Affairs		3280	2013-12-09
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	

European Economic and Social Committee

European Committee of the Regions

**Key events**

Date	Event	Reference	Summary
17/06/2013	Legislative proposal published	COM(2013)0430 	Summary
01/07/2013	Committee referral announced in Parliament, 1st reading		
09/12/2013	Debate in Council		Summary
09/12/2013	Vote in committee, 1st reading		
03/03/2014	Committee report tabled for plenary, 1st reading	A7-0072/2014	Summary
15/04/2014	Debate in Parliament		
16/04/2014	Decision by Parliament, 1st reading	T7-0435/2014	Summary
16/04/2014	Results of vote in Parliament		
08/05/2014	Act adopted by Council after Parliament's 1st reading		
15/05/2014	Final act signed		
15/05/2014	End of procedure in Parliament		
28/05/2014	Final act published in Official Journal		

**Technical information**

<b>Procedure reference</b>	2013/0202(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Decision
<b>Amendments and repeals</b>	Amended by <a href="#">2019/0188(COD)</a>
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 149
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Mandatory consultation of other institutions</b>	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	EMPL/7/13051



**Documentation gateway****European Parliament**

Document type	Committee	Reference	Date	Summary
Committee draft report		PE519.577	24/09/2013	
Amendments tabled in committee		PE522.804	05/11/2013	
Specific opinion	JURI	PE528.018	27/01/2014	
Committee report tabled for plenary, 1st reading/single reading		A7-0072/2014	03/03/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0435/2014	16/04/2014	Summary

#### Council of the EU

Document type	Reference	Date	Summary
Draft final act	00032/2014/LEX	15/05/2014	

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0430 	17/06/2013	Summary
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	
Follow-up document	COM(2017)0287 	06/06/2017	Summary

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2013)0430	20/08/2013	
Contribution	PT_PARLIAMENT	COM(2013)0430	11/09/2013	
Contribution	ES_PARLIAMENT	COM(2013)0430	15/09/2013	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5207/2013	17/10/2013	
CofR	Committee of the Regions: opinion	CDR5278/2013	28/11/2013	

#### Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

## Enhanced cooperation between Public Employment Services (PES)

2013/0202(COD) - 06/06/2017 - Follow-up document

The Commission presented a report on the application of Decision 573/2014/EU on enhanced cooperation between public employment services (PES).

As a reminder, in May 2014, Decision No 573/2014/EU established the **European network of public employment services** as a platform for closer cooperation between these organisations. The network includes PES from all EU Member States, Norway and Iceland, as well as the European Commission.

This report assessed the extent to which the network has contributed to the achievement of the stated objectives of the decision and has accomplished its tasks to date. It also examined how the network has implemented the process of connecting performance comparisons with mutual learning. The PES benchlearning system aims to improve PES performance in addressing European labour market challenges.

**Implementation of the decision:** the report noted that the Decision has been **successfully implemented** to date. In its formalised structure, the network has proven to be effective in supporting national PES in the various challenges they face. At the same time, it encourages **cooperation** in order to tackle common issues together to further the aims of the Europe 2020 strategy.

The network focused its activities on the eight objectives set out in the Decision. In particular, it has contributed to the measures taken by the Union to implement policies that **help people furthest from the labour market find work**, especially young people and the long-term unemployed and people with disabilities.

The network has also tackled new challenges, such as the **refugee crisis**. In 2016, it highlighted four aspects that are of particular importance for the integration of refugees and asylum seekers: language, skills and qualifications, partnerships and institutions, and employers.

The network has also worked to:

- ensure that initiatives to **create decent and sustainable work** are effective by contributing to the consultation on the European Pillar of Social Rights;
- establish specific technical assistance to help PES improve their ability to match jobseekers to job offers. The network has been involved in a number of initiatives, including the Partnerships between Employment Services (PARES);
- take part in several initiatives to promote the exchange of information between PES on **skills shortages** and to learn from innovative practices;
- propose **closer coordination with the European Employment Services Network** (EURES) in order to address the issue of supporting the increased voluntary geographical and occupational mobility of workers;
- contribute to the initiative on the **European Solidarity Corps**, which aims to offer young people from all over Europe the opportunity to volunteer or engage in work experience, for example in the form of employment or in the field of solidarity, in their own country or in another Member State.

**Benchlearning:** this innovative method that PES was the first to introduce into the network aims to help each PES to improve its performance through comparisons and peer-based institutional learning.

The report stated that benchlearning has proved to be a **positive innovation**. The exercise highlighted a number of inspiring practices in some Member States as well as areas where PES can focus their business development.

The **willingness of its members to collaborate**, share good practice and participate in learning events demonstrates their shared desire to constantly improve and ultimately provide a better and more effective service for all people across Europe.

As the cycles of benchlearning develop, PES will be able to continually improve their organisation and the services they provide to the public.

In accordance with the Decision, the network is to run until 31 December 2020. A further report will be published before the Decision expires. Looking ahead, the 2017 work programme has a full schedule of activities to further the objectives and needs of PES. Such activities will continue throughout the network's existence.

## Enhanced cooperation between Public Employment Services (PES)

**PURPOSE:** to improve co-operation between Public Employment Services (PES) of the Member States.

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** shrinking public budgets and the need for increased PES cost-effectiveness have prompted several Member States to undertake PES reforms in the shape of mergers with unemployment benefit providers, outsourcing of services to private providers, regionalisation and municipalisation of employment services, and enhancing service delivery through ICTs and self-service tools.

Due to national diversity in terms of PES business models, instruments, labour market conditions and legal context PES have different levels of effectiveness when **delivering labour market programmes**.

While Member States remain responsible for organising, staffing and running their PES, this legislative proposal establishes a **European Network of Public Employment Services** providing a platform for **comparing their performance at European level**, identifying good practices and fostering mutual learning in order to strengthen service capacity and efficiency.

**Skills:** this legislative proposal aims to expand, reinforce and consolidate on-going initiatives for the benefit of all PES. A European network of PES established on solid legal ground would be able to increase comprehensively coordinated activities among PES and provide the network with legitimacy to act. A formalised structure is the pre-condition to increase the network's potential to contribute to the development of innovative, evidence-based policy implementation measures in line with the Europe 2020 objectives. The proposed initiative could contribute to improved cost-efficiency.

**IMPACT ASSESSMENT:** given that the legislative proposal will mostly have indirect impacts and that the main technical elements of the benchmarking and mutual learning initiative will be defined in a delegated act, an **impact assessment was considered not to be proportionate**.

**LEGAL BASIS:** Article 149 of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** under this proposal, an EU wide network of Public Employment Services (PES) is established for the period expanding from 1 January 2014 to 31 December 2020.

The Network shall comprise:

- the Public Employment Services as nominated by the Member States, and,
- the Commission.

Member States with regional autonomous Public Employment Services shall ensure adequate representation in the specific initiatives of the Network.

**Objectives:** through this Network the incentive measure herewith foreseen shall contribute to:

- the implementation of the Europe 2020 strategy for jobs and smart, sustainable and inclusive growth, and its headline targets especially those dealing with employment;
- the better functioning of the labour markets in the EU;
- the better integration of labour markets;
- increased geographical and occupational mobility;
- combatting of social exclusion and integration of persons excluded from the labour market.

**Initiatives of the Network:** the Network shall in particular:

- develop and implement European wide evidence-based benchmarking systems among public employment services based on the use of quantitative and qualitative indicators to assess PES performances and to gather evidence with a view to establishing an appropriate mutual learning vehicle. It shall also participate actively in the implementation of these activities by sharing data, knowledge and practices;
- provide mutual assistance, either in the form of peer-to-peer or group activities, through cooperation, exchanges of information, experience and staff between its members including support for the implementation of PES-related country-specific recommendations issued by the Council;
- adopt and implement a concept for modernising and strengthening PES in key areas;
- prepare reports in the employment field, at the request of either the Council, or the Commission or on its own initiative;
- contribute to the implementation of policy initiatives in the employment field;
- adopt and implement an annual programme that spells out its working methods, deliverables and additional details related to the implementation of the benchmarking systems.

A reporting mechanism shall be established as well as an annual report from the network members.

**Cooperation:** the Network shall cooperate with labour market stakeholders including other providers of employment services by involving them in relevant activities and meetings of the Network and by exchanging information and data.

**Financial Support for this incentive measure:** the global resources for the implementation of this Decision shall be established within the framework of the Programme for Social Change and Innovation, the annual appropriations of which shall be authorised by the budgetary authority.

Measures are also set out to define the functioning of the Network and its composition.

**General framework:** the Commission shall be empowered to adopt delegated acts concerning a general framework for the delivery of the benchmarking and mutual learning initiatives including the methodology, the basic quantitative and qualitative indicators to assess PES performance, the learning instruments of the integrated mutual learning programme and the terms for participation in these initiatives.

**Review:** four years after its entry into force, the Commission shall submit a report on the application of this Decision to the European Parliament. It shall assess to what extent the network has contributed to the achievement of the objectives and whether it fulfilled its tasks.

**BUDGETARY IMPLICATION:** the Commission's proposal for a Multi-Annual Financial Framework includes a proposal of a EUR 958.19 million on a [European Union Programme for Social Change and Innovation](#) (PSCI) for the period 2014-2020. Funding for the enhanced cooperation between PES will come from the PSCI/PROGRESS/Employment section. An indicative annual amount of EUR 4 million is foreseen for the above described incentive measure.

The legislative proposal is budget-neutral and does not require additional staff resources.

**DELEGATED ACTS:** this proposal includes a provision to grant the Commission the power to adopt delegated acts. This will mainly concern a delegated act for putting in place the general framework for the implementation of the benchmarking and mutual learning initiatives.

The choice of using the legal instrument of delegated acts is justified as this will complement the basic act with more detailed non-essential elements (in this case the general framework).

## Enhanced cooperation between Public Employment Services (PES)

2013/0202(COD) - 09/12/2013

The Council reached a **general approach** on a decision on enhanced cooperation between public employment services (PES). The present agreement will allow for the trilogue negotiations to begin early 2014.

A broad agreement was found on the main objectives of the proposal and on all the elements, except one: the voluntary or mandatory nature of the participation in the PES Network.

The Presidency concluded that the solution to this open issue would be the expression of the political will of the Member States. A written procedure was initiated to reach an agreement on this outstanding issue.

Taking into account the result of the written procedure, the Presidency proposed a new compromise text for Coreper. Coreper, confirming an agreement on this compromise text, agreed to forward it to the Council with a view to reaching a general approach.

In terms of the general approach, this Decision should aim to encourage cooperation between Member States within the areas of PES responsibility. Member States are competent to decide whether to participate in the Network.

## Enhanced cooperation between Public Employment Services (PES)

2013/0202(COD) - 03/03/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Frédéric DAERDEN (S&D, BE) on the proposal for a decision of the European Parliament and of the Council on enhanced co-operation between Public Employment Services (PES).

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

**Legal base:** Members proposed adding a second legal basis, Article 14 TFEU to Article 149 of the TFEU, to the proposal.

**Objectives and initiatives of the PES:** Members suggested adding a number of objectives aiming to: (i) **modernise the Public Employment Service;** (ii) **support the most vulnerable social groups with high unemployment rates**, especially older workers and young NEETs; (iii) promote decent and sustainable work; (iv) promote the link between abilities and the needs of employees and employers; (v) identify best practices and the **better integration of labour markets;** (vi) **increase voluntary geographical** and occupational mobility, without social dumping, in compliance with the relevant Union law; (vii) **identify skill gaps;** (viii) **development of initiatives** to ensure that these young people gain the skills necessary to enter and remain in the labour market.

Amongst the other issues to be dealt with by the Network, Members noted the following:

- development and implementation of Union-wide **evidence-based bench learning systems among public employment services**. It should also participate actively in the implementation of these activities by sharing data, knowledge and best practices. The objective shall on no account be to rank PES performances, but rather to facilitate learning on the basis of a common methodology;
- preparation of reports in the employment field, at the request of the Council, the Commission or the **European Parliament** or on its own initiative.

**Network actors:** Members stated that the Network should cooperate, exclusively on its initiative, with **labour market stakeholders** including other providers of employment services, such as, where appropriate, social partners, organisations representing unemployed persons or vulnerable groups, NGOs working in the field of employment, and **national labour inspectorates** by involving them in relevant activities and meetings of the Network and by exchanging information and data.

**Report:** Members stipulated that **two years** after its entry into force, the Commission should submit a report on the application of this Decision to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. Where necessary, the Commission should submit a proposal for a review of this Decision.

**Entry into force:** lastly, Members amended the date of entry into force of the initiative as adoption will not be possible in time for the instrument to be implemented properly by 1 January 2014 but they are committed to its adoption as soon as possible.

## Enhanced cooperation between Public Employment Services (PES)

2013/0202(COD) - 15/05/2014 - Final act

**PURPOSE:** to improve co-operation between Public Employment Services (PES) of the Member States.

**LEGISLATIVE ACT:** Decision No 573/2014/EU of the European Parliament and of the Council on enhanced cooperation between Public Employment Services (PES).

**CONTENT:** this Decision establishes a Union-wide network of Public Employment Services (PES) for the period from 17 June 2014 to 31 December 2020.

The Network shall be composed of:

- the PES as nominated by the Member States;
- the Commission.

The Employment Committee (EMCO) shall have an observer status.

Member States with **subnational autonomous PES** shall ensure their adequate representation in the specific initiatives of the Network.

**Benchlearning:** the Decision defines 'benchlearning' as the process of creating a systematic and integrated link between benchmarking and mutual learning activities, that consists of identifying good performances through **indicator-based benchmarking systems**, including data collection, data validation, data consolidation and assessments, with appropriate methodology, and of using findings for tangible and evidence-informed mutual learning activities, including good or best practice models.

**Cooperation objectives between Member States:** the aim of this Decision is to encourage cooperation between Member States through the Network in the field of employment, within the areas of PES responsibility, in order to contribute to 'Europe 2020' and to the implementation of relevant Union policies, thereby supporting:

- the most vulnerable social groups with high unemployment rates, especially older workers and young persons not in employment, education or training ('NEETs');
- decent and sustainable work;
- the better functioning of the labour markets in the EU;
- the identification of skills shortages and the provision of information on their extent and location, as well as the better matching of the skills of job-seekers with the needs of employers;
- the better integration of labour markets;
- increased voluntary geographical and occupational mobility on a fair basis to meet specific labour market needs;
- the integration of persons excluded from the labour market as part of the combat against social exclusion;
- the evaluation and assessment of active labour market initiatives and their effective and efficient implementation.

**Initiatives of the Network:** the Network shall in particular, carry out the following initiatives:

- the development and implementation of **Union-wide, evidence-based benchlearning** among PES to compare, with appropriate methodology, the performance of their activities in the following areas: (i) contribution to reducing unemployment for all age groups and for vulnerable groups; (ii) contribution to reducing the duration of unemployment and reducing inactivity, so as to address long-term and structural unemployment, as well as social exclusion; (iii) filling of vacancies (including through voluntary labour mobility); (iv) customer satisfaction with PES services;
- the provision of mutual assistance, either in the form of peer-to-peer or group activities, through cooperation, exchanges of information, experiences and staff between the members of the Network, including support for the implementation of PES-related country-specific recommendations issued by the Council upon request by the Member State or the PES concerned; contribute to modernising and strengthening PES in key areas, in line with the employment and social objectives of Europe 2020;
- prepare reports at the request of the European Parliament, the Council or the Commission, or on its own initiative;
- contribute to the implementation of relevant policy initiatives;
- adopt and implement its annual work programme setting out its working methods, deliverables and the details related to the implementation of benchlearning;

- promote and share best practices on the identification of NEETs and on the development of initiatives to ensure those young people gain the skills necessary to enter and remain in the labour market.

Member States shall remain competent to decide whether to engage on a voluntary basis in additional benchmarking exercises in areas other than those listed above.

**Cooperation:** the Network shall initiate cooperation with relevant labour market stakeholders including other providers of employment services, and, where appropriate, social partners, organisations representing unemployed persons or vulnerable groups, NGOs working in the field of employment, regional and local authorities, the European Lifelong Guidance Policy Network and private employment services, by involving them in relevant activities and meetings of the Network and by exchanging information and data with them.

**Functioning of the Network:** the Network shall be governed by a Board. The Decision sets the general framework for the functioning and composition of the network (full and alternate members) as well as the decision-making arrangements within the network to adopt the Network's annual work programme or other relevant decisions.

**Financial support:** the global resources for the implementation of this Decision shall be established within the PROGRESS/employment section of EaSI, the annual appropriations of which shall be authorised by the European Parliament and by the Council within the limits of the financial framework.

**Review:** by 18 June 2017, the Commission shall submit a report on the application of this Decision to the European Parliament and the Council. It shall assess how benchmarking has been developed and implemented by the Network.

**Annex:** an Annex sets out the **benchmarking indicators**.

ENTRY INTO FORCE: 17.06.2014.

**DELEGATED ACTS:** the Commission shall be empowered to adopt delegated acts in accordance with Article 9 to amend the Annex laying down the benchmarking indicators. The delegation of power shall be conferred on the Commission from **17 June 2014 until 31 December 2020**.

The European Parliament or the Council may raise objections with regard to a delegated act within two months of the date of notification (which may be extended by two months). If Parliament or Council raise objections, the delegated act will not enter into force.

## Enhanced cooperation between Public Employment Services (PES)

2013/0202(COD) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 509 votes to 21 with 43 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on enhanced co-operation between Public Employment Services (PES).

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commission's proposal as follows:

**Formalise and strengthen existing informal cooperation:** the Decision should aim to encourage cooperation between Member States within the areas of PES responsibility. It formalised and strengthened the informal cooperation between the PES via the current European Network of Heads of PES, in which all Member States had agreed to participate. The full potential value of the Network resided in the **continued participation of all Member States**.

**Establishment of the Network:** the decision established a Union-wide network of Public Employment Services (PES) to 31 December 2020 composed of:

- the PES as nominated by the Member States;
- the Commission.

EMCO should have an observer status.

Member States with sub-national autonomous PES should ensure their adequate representation in the specific initiatives of the Network.

**Bench learning:** for the purposes of the activities of the Network, 'bench learning' meant the process of creating a systematic and integrated link between benchmarking and mutual learning activities, that consisted of **identifying good performances through indicator-based benchmarking systems**, including data collection, data validation, data consolidation and assessments, with appropriate methodology, and of using findings for tangible and evidence-informed **mutual learning activities**, including good or best practice models.

**Objectives of cooperation between Member States:** through the Network in the field of employment, Member States should cooperate in the following areas:

- the most vulnerable social groups with high unemployment rates, especially older workers and young persons not in employment, education or training ('NEETs');
- decent and sustainable work;
- the better functioning of the labour markets in the EU;
- the identification of skills shortages and the provision of information on their extent and location, as well as the better matching of the skills of job-seekers with the needs of employers;
- the better integration of labour markets;

- increased voluntary geographical and occupational mobility on a fair basis to meet specific labour market needs;
- the integration of persons excluded from the labour market as part of the combat against social exclusion;
- the evaluation and assessment of active labour market initiatives and their effective and efficient implementation.

**Cooperation with social partners:** the Network should initiate cooperation with relevant labour market stakeholders including other providers of employment services, and, where appropriate, social partners, organisations representing unemployed persons or vulnerable groups, NGOs working in the field of employment, regional and local authorities, the European Lifelong Guidance Policy Network and private employment services, by involving them in relevant activities and meetings of the Network.

**Initiatives of the Network:** the Network shall, in particular, carry out the following initiatives:

- the development and implementation of Union-wide, evidence-based bench learning among PES to compare the performance of their activities in the following areas: (i) contribution to reducing unemployment for all age groups and for vulnerable groups; (ii) contribution to reducing the duration of unemployment and reducing inactivity; (iii) filling of vacancies (including through voluntary labour mobility); (iv) customer satisfaction with PES services.
- the provision of mutual assistance, either in the form of peer-to-peer or group activities, through cooperation, exchanges of information, experiences and staff between the members of the Network ;
- adopt and implement its annual work programme setting out its working methods, deliverables and the details related to the implementation of bench learning;
- promote and share best practices on the identification of NEETs and on the development of initiatives to ensure those young people gain the skills necessary to enter and remain in the labour market.

Member States shall remain competent to decide whether to engage on a voluntary basis in additional bench learning exercises in areas other than those listed.

**Functioning of the Network:** the Network should be governed by a Board. The text made provision for the management and composition of the Network.

**Financing:** the global resources for the implementation of this Decision should be established within the PROGRESS/employment section of EaSI, the annual appropriations of which should be authorised by the European Parliament and by the Council within the limits of the financial framework.

**Annual report:** the Network should set out the technical framework for the **delivery of the benchmarking and mutual learning activities**, as part of the annual work programme of the Network, including the bench learning methodology on the basis of the benchmarking indicators as set out in the Annex to this Decision to compare PES performance, the context variables, the data delivery requirements, and the learning instruments of the integrated mutual learning programme.

**Review:** three years after entry into force of the Decision, the Commission should submit a report on the application of the Decision to assess to what extent the Network had contributed to the achievement of the objectives and whether it has fulfilled its tasks.

**Annex:** an Annex set out the indicators for evaluating bench learning.

**Delegated acts:** the Commission should be empowered to adopt delegated acts regarding the amendment of the Annex on indicators for bench learning.

**Unilateral declaration by the European Parliament:** whilst welcoming the creation of the Network, Members recalled that Article 149 TFEU provided that the **European Parliament and the Council may adopt incentive measures designed to encourage cooperation between Member States in the field of employment**. Such acts were legislative acts and may provide for legally binding obligations, however, without harmonising laws and regulations of Member States. Parliament considered that that setting up the network of cooperation between PES was an incentive measure falling within the scope of Article 149 TFEU. Therefore, **all Member States should participate in the Network**, as the non-participation of a Member State in a Union policy could not be justified by the mere wish of Member States.