Basic information

2023/2866(RSP) RSP - Resolutions on topical subjects Resolution on the revision of the European Labour Authority mandate **Subject** 2.80 Cooperation between administrations 4.10.10 Social protection, social security 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.12 Workers protection and rights, labour law 8.40.08 Agencies and bodies of the EU	Procedure completed

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	EMPL Employment and Social Affairs	RADTKE Dennis (EPP) JONGERIUS Agnes (S&D)	19/09/2023 19/09/2023
		Shadow rapporteur MIHÁL Jozef (Renew) SATOURI Mounir (Greens /EFA) RAFALSKA Elżbieta (ECR) DEMIREL Özlem (The Left)	

Key events

Date	Event	Reference	Summary
15/01/2024	Debate in Parliament	💬	
18/01/2024	Decision by Parliament	T9-0052/2024	Summary
18/01/2024	Results of vote in Parliament		

Technical information

Procedure reference	2023/2866(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement

Legal basis	Rules of Procedure EP 136-p2
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/9/13040

Documentation gateway				
European Parliament				
Document type	**Committee**	**Reference**	**Date**	**Summary**
Amendments tabled in committee		PE754.935	27/10/2023	
Motion for a resolution		B9-0059/2024	12/01/2024	
Text adopted by Parliament, single reading		T9-0052/2024	18/01/2024	Summary
European Commission				
Document type		**Reference**	**Date**	**Summary**
Commission response to text adopted in plenary		SP(2024)145	21/05/2024	

Resolution on the revision of the European Labour Authority mandate

2023/2866(RSP) - 18/01/2024 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the revision of the European Labour Authority mandate.

According to the resolution, the European Labour Mandate (ELA) has not yet reached its full operational potential. Its activities and impact are restricted owing to the voluntary nature of the cooperation and participation of Member States and to its limited competences to request and process data from affected workers and companies. ELA's legal framework prevents it from carrying out investigations on its own initiative and addressing issues related to labour mobility from third countries.

The Commission is called on to present a proposal for a targeted revision of ELA's founding regulation, with a view to strengthening its mandate and added value for national authorities to allow it to fully achieve its mission of ensuring fair labour mobility.

Reinforced mandate

Parliament called for ELA's mandate to be substantially strengthened to ensure its added value to national enforcement authorities, by allowing it to investigate alleged breaches or the non-application of EU law and to initiate and conduct inquiries into and inspections of cross-border cases on its own initiative, after notifying the relevant national competent authorities, in particular in cases involving breaches of EU law or where competent national authorities have not followed up on alleged breaches or the non-application of EU law.

Recalling that the scope of ELA is limited to the Union acts mentioned in its founding regulation, Parliament noted that the authority is often confronted with problems relating to the working conditions of third-country nationals to whom the relevant labour legislation applies. Therefore, it called for an expansion of the scope of ELA's mandate to **cover labour mobility for third-country nationals**, with a special focus on putting an **end to bogus posting and bogus self-employment**. It stressed the need to better support Member States in the application of relevant EU law and to explicitly include sector specific legislation pertaining to labour law in the context of labour mobility in its mandate, for example, in the transport sector, the construction sector and the agriculture sector, as well as for temporary agency work.

The resolution underlined that effective enforcement, including deterrent **financial sanctions**, is needed to bring an end to non-compliance with labour legislation, the circumvention of social security payments and tax evasion in cross-border activities. It urged ELA therefore to prioritise, under its mandate, cross-border law enforcement and controls, and to cooperate with other relevant EU agencies. ELA should keep a record of cases in which EU and national law in the area of labour mobility were violated, in line with the applicable EU data protection rules.

Parliament regretted that the Commission has not followed up on its call for the introduction of a **European social security pass** for improving the digital enforcement of social security rights and fair mobility or on its repeated call for a legislative proposal on the creation of a **European social security number**.

It therefore called on the Commission to present such a proposal without delay in order to facilitate enforcement activities by ELA and national authorities and to enable social security coordination and to safeguard fair labour mobility.

The resolution also highlighted the important role that **EURES** can play in addressing labour shortages and skills mismatches across the EU, as well as in providing general information about national labour markets and social security systems and real time information about available jobs. It stressed the importance of a more user-friendly EURES portal for mobile jobseekers and potential employers.

Improved cooperation

The resolution called for improved coordination and cooperation among Member States, social partners and ELA on providing information regarding labour mobility and workers' rights to workers and employers. Expanded cooperation on the exchange of information is also called with **Europol and Eurojust** in instances of crimes, in particular when organised crime is involved.

Sufficient resources

Parliament stressed that ELA needs sufficient resources, including its **own staff**, to carry out its tasks, in particular field inspections to detect breaches of labour law.