



12.7.2018

# **DRAFT OPINION**

of the Committee on Legal Affairs

for the Committee on Employment and Social Affairs

on the proposal for a regulation of the European Parliament and of the Council  
establishing a European Labour Authority  
(COM(2018)0131 – C8-0118/2018 – 2018/0064(COD))

Rapporteur for opinion: Angel Dzhambazki



## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 5

*Text proposed by the Commission*

(5) A European Labour Authority (the ‘Authority’) should be established in order to help strengthen fairness and trust in the Single Market. To that effect, the Authority should support the Member States and the Commission in strengthening access to information for individuals and employers about their rights and obligations in cross-border labour mobility situations as well as access to relevant services, support compliance and cooperation between the Member States to ensure the effective application of the Union law in these areas, and mediate and facilitate a solution in case of cross-border disputes or labour market disruptions.

*Amendment*

(5) A European Labour Authority (the ‘Authority’) should be established in order to help strengthen fairness and trust in the Single Market. To that effect, the Authority should ***have as its exclusive purpose, to*** support the Member States and the Commission in strengthening access to information for individuals and employers about their rights and obligations in cross-border labour mobility situations as well as access to relevant services, support compliance and cooperation between the Member States to ensure the effective application of the Union law in these areas, and mediate and facilitate a solution in case of cross-border disputes or labour market disruptions.

Or. en

### Amendment 2

#### Proposal for a regulation

##### Recital 6

*Text proposed by the Commission*

(6) The Authority should perform its activities in the areas of cross-border labour mobility and social security coordination, including free movement of workers, posting of workers and highly mobile services. It should also ***enhance*** cooperation between Member States in tackling undeclared work. ***In cases where the Authority, in the course of the***

*Amendment*

(6) The Authority should ***solely*** perform its activities in the areas of cross-border labour mobility and social security coordination, including free movement of workers, posting of workers and highly mobile services. It should also ***promote good*** cooperation between Member States in tackling undeclared work.

*performance of its activities, becomes aware of suspected irregularities, including in areas of Union law beyond its scope, such as violations of working conditions, health and safety rules, or the employment of illegally staying third-country nationals, it should be able to report them and cooperate on these matters with the Commission, competent Union bodies, and national authorities where appropriate.*

Or. en

### Amendment 3

#### Proposal for a regulation

#### Recital 11

##### *Text proposed by the Commission*

(11) To ensure they can benefit from a fair and effective internal market, the Authority should promote opportunities for individuals and employers to be mobile or provide services and recruit anywhere within the Union. This includes supporting the cross-border mobility of individuals by facilitating access to cross-border mobility services, such as the cross-border matching of jobs, traineeships and apprenticeships **and** by promoting mobility schemes such as 'Your first EURES job' or 'ErasmusPRO'. The Authority should also contribute to improving transparency of information, including on rights and obligations stemming from Union law, and access to services to individuals and employers, in cooperation with other Union information services, such as Your Europe Advice, and taking full advantage and ensuring consistency with the Your Europe portal, which will form the backbone of the future single digital gateway<sup>53</sup>.

##### *Amendment*

(11) To ensure they can benefit from a fair and effective internal market, the Authority should promote opportunities for individuals and employers to be mobile or provide services and recruit anywhere within the Union, **in particular by ensuring ways of access for people with disabilities**. This includes supporting the cross-border mobility of individuals by facilitating access to cross-border mobility services, such as the cross-border matching of jobs, traineeships and apprenticeships, **by promoting the use of the Europass-framework and also** by promoting mobility schemes such as 'Your first EURES job' or 'ErasmusPRO'. The Authority should also contribute to improving transparency of information, including on rights and obligations stemming from Union law, and access to services to individuals and employers, in cooperation with other Union information services, such as Your Europe Advice, and taking full advantage and ensuring consistency with the Your Europe portal, which will form the backbone of the future

single digital gateway<sup>53</sup>.

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<sup>53</sup> Regulation [Single Digital Gateway – COM(2017)256]

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<sup>53</sup> Regulation [Single Digital Gateway – COM(2017)256]

Or. en

## Amendment 4

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) To **increase** Member States' **capacity** to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority should support the national authorities in carrying out concerted and joint inspections, including by facilitating the implementation of the inspections in accordance with Article 10 of Directive 2014/67/EU. These should take place at the request of Member States or upon their agreement to the Authority's suggestion. The Authority should provide strategic, logistical, and technical support to Member States participating in the concerted or joint inspections in full respect of confidentiality requirements. Inspections should be carried out in agreement with the Member States concerned and take place fully within the legal framework of national law of Member States concerned, which should follow up on the outcomes of the concerted and joint inspections according to national law.

##### *Amendment*

(14) To **support** Member States' **initiatives** to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority should support the national authorities in carrying out concerted and joint inspections, including by facilitating the implementation of the inspections in accordance with Article 10 of Directive 2014/67/EU. These should **solely** take place at the request of Member States or upon their **mutual** agreement to the Authority's suggestion. The Authority should provide strategic, logistical, and technical support to Member States participating in the concerted or joint inspections in full respect of confidentiality **and data protection** requirements. Inspections should be carried out in agreement with the Member States concerned and take place fully within the legal framework of national law of Member States concerned, which should follow up on the outcomes of the concerted and joint inspections according to national law.

Or. en

## Amendment 5

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) To strengthen the capacity of national authorities and improve consistency in the application of Union law within its scope, the Authority should provide operational assistance to national authorities, ***including by developing*** practical guidelines, establishing training and peer learning programmes, promoting mutual assistance projects, facilitating staff exchanges such as those referred to in Article 8 of Directive 2014/67/EU, and supporting Member States in organising awareness-raising campaigns informing individuals and employers of their rights and obligations. The Authority should promote the exchange, dissemination and uptake of good practices.

*Amendment*

(16) To strengthen the capacity of national authorities and improve consistency in the application of Union law within its scope, the Authority should provide operational assistance to national authorities, ***such as through the development of*** practical guidelines, establishing training and peer learning programmes, promoting mutual assistance projects, facilitating staff exchanges such as those referred to in Article 8 of Directive 2014/67/EU, and supporting Member States in organising awareness-raising campaigns informing individuals and employers of their rights and obligations. The Authority should promote the exchange, dissemination and uptake of good practices.

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

(21) The Member States and the Commission should be represented on a Management Board, in order to ensure the effective functioning of the Authority. ***The composition of the Management Board, including the selection of its Chair and Deputy-Chair, should respect the principles of gender balance, experience and qualification.*** In view of the effective and efficient functioning of the Authority, the Management Board, in particular, should adopt an annual work programme,

*Amendment*

(21) The Member States, ***the European Parliament*** and the Commission should be represented on a Management Board, in order to ensure the effective functioning of the Authority. In view of the effective and efficient functioning of the Authority, the Management Board, in particular, should adopt an annual work programme, carry out its functions relating to the Authority's budget, adopt the financial rules applicable to the Authority, appoint an Executive Director, and establish procedures for

carry out its functions relating to the Authority's budget, adopt the financial rules applicable to the Authority, appoint an Executive Director, and establish procedures for taking decisions relating to the operational tasks of the Authority by the Executive Director. Representatives from countries other than Union Member States, which are applying the Union rules within the scope of the Authority, may participate in the meetings of the Management Board as observers.

taking decisions relating to the operational tasks of the Authority by the Executive Director. Representatives from countries other than Union Member States, which are applying the Union rules within the scope of the Authority, may participate in the meetings of the Management Board as observers, ***solely following a unanimous decision by the Management Board.***

Or. en

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 24**

*Text proposed by the Commission*

(24) To guarantee its full autonomy and independence, the Authority should be granted an autonomous budget, with revenue coming from the general budget of the Union, any voluntary financial contribution from the Member States ***and any contribution from third countries*** participating in the work of the Authority. In exceptional and duly justified cases it should also be in the position to receive delegation agreements or ad hoc grants, and to charge for publications and any service provided by the Authority.

*Amendment*

(24) To guarantee its full autonomy and independence, the Authority should be granted an autonomous budget, with revenue coming from the general budget of the Union ***and*** any voluntary financial contribution from the Member States participating in the work of the Authority. In exceptional and duly justified cases it should also be in the position to receive delegation agreements or ad hoc grants, and to charge for publications and any service provided by the Authority.

Or. en

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 36**

*Text proposed by the Commission*

(36) Since the objectives of this Regulation to support the free movement of workers and services and to contribute to strengthening fairness in the internal market cannot be **sufficiently** achieved by the Member States **acting in an uncoordinated manner**, but can rather, **by reason of the cross-border nature of those activities and the need for increased cooperation between Member States**, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, this Regulation does not go beyond what is necessary in order to achieve those objectives.

*Amendment*

(36) The objectives **and scope** of this Regulation to support the free movement of workers and services and to contribute to strengthening fairness in the internal market cannot be **fully** achieved by the Member States, by reason of the cross-border nature of those activities and **may** be better achieved at Union level **for the purpose of this Regulation only**. The Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, this Regulation does not go beyond what is necessary in order to achieve **solely** those objectives.

Or. en

**Amendment 9**

**Proposal for a regulation  
Article 1 – paragraph 2**

*Text proposed by the Commission*

2. The Authority shall assist Member States and the Commission in matters relating to cross-border labour mobility and the coordination of social security systems within the Union.

*Amendment*

2. The Authority shall assist Member States and the Commission **exclusively** in matters relating to cross-border labour mobility and the coordination of social security systems within the Union.

Or. en

*Justification*

*The amendment seeks to clarify, that the proposal for a Regulation shall not undermine Member State authority in the subject-matter.*



## Amendment 10

### Proposal for a regulation

#### Article 2 – paragraph 1 – point b

*Text proposed by the Commission*

(b) support *cooperation between* Member States in the cross-border enforcement of relevant Union law, including facilitating joint inspections;

*Amendment*

(b) support Member States *in their efforts to foster better cooperation* in the cross-border enforcement of relevant Union law, including *providing technical and logistical assistance and* facilitating joint inspections;

Or. en

*Justification*

*The amendment seeks to specific the role of the Authority, clearly differentiating between its competences and those of Member States.*

## Amendment 11

### Proposal for a regulation

#### Article 3 – paragraph 1

*Text proposed by the Commission*

1. The Authority shall be a body of the Union with legal personality.

*Amendment*

1. The Authority shall be a *decentralised* body of the Union with legal personality.

Or. en

## Amendment 12

### Proposal for a regulation

#### Article 7 – paragraph 1 – point b

*Text proposed by the Commission*

(b) enable the cross-border matching of job, traineeship, and apprenticeship vacancies with CVs and applications for the benefit of individuals and employers,

*Amendment*

(b) enable the cross-border matching of job, traineeship, and apprenticeship vacancies with CVs and applications for the benefit of individuals and employers, particularly via EURES *and the Europass*

particularly via EURES;

*framework;*

Or. en

*Justification*

*The Europass framework is an important tool for improving better skills matching, assisting citizens with the creation of their CV's and making the best possible use of their diplomas and other types of qualifications.*

**Amendment 13**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) cooperate with other Union initiatives and networks, such as the European Network of Public Employment Services, the European Enterprise Network and the Border Focal Point, in particular to identify ***and overcome*** cross-border obstacles to labour mobility;

*Amendment*

(c) cooperate with other Union initiatives and networks, such as the European Network of Public Employment Services, the European Enterprise Network and the Border Focal Point, in particular to identify cross-border obstacles to labour mobility ***and present possible solutions to the competent Member States;***

Or. en

*Justification*

*In particular cross-border obstacles have a regional-specific character and Member States, particularly affected, ought to be sought out specifically.*

**Amendment 14**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

(b) facilitate the follow-up to requests and information exchanges between national authorities by providing logistical and technical support, including translation and interpretation services, and through

*Amendment*

(b) facilitate the follow-up to requests and information exchanges between national authorities by providing logistical and technical support, including translation and interpretation services, and through ***formal and informal*** exchanges on the

exchanges on the status of cases;

status of cases;

Or. en

*Justification*

*In order not to burden the Authority with an excessive amount of administration and stringent procedures, the opportunity should be given for informal exchanges, notwithstanding the need to have the minimum formal exchanges required.*

**Amendment 15**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2 – point d**

*Text proposed by the Commission*

(d) *facilitate* cross-border enforcement procedures of penalties and fines;

*Amendment*

(d) *coordinate* cross-border enforcement procedures of penalties and fines;

Or. en

**Amendment 16**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2 – point e**

*Text proposed by the Commission*

(e) report to the Commission on a quarterly basis about unresolved requests between Member States, and if considered necessary, refer those to mediation in accordance with Article 13.

*Amendment*

(e) report to the Commission, *the European Parliament and the Member States* on a quarterly basis about unresolved requests between Member States, and if considered necessary, refer those to mediation in accordance with Article 13.

Or. en

*Justification*

*With regard to the importance of unresolved cases, nearly always being of a highly sensitive nature, the Member States and the European Parliament ought to be informed regularly.*

## Amendment 17

### Proposal for a regulation

#### Article 8 – paragraph 4

*Text proposed by the Commission*

4. The Authority shall encourage the use of innovative approaches to effective and efficient cross-border cooperation, and explore the potential use of electronic exchange mechanisms between the Member States to facilitate the detection of fraud, providing reports to the Commission with a view to their further development.

*Amendment*

4. The Authority shall encourage the use of innovative approaches to effective and efficient cross-border cooperation, and explore the potential use of electronic exchange mechanisms between the Member States to facilitate the detection of fraud, providing reports to the Commission **and the Member States in question** with a view to their further development.

Or. en

*Justification*

*Member States shall be affected in different ways by new or improved exchange mechanisms. It is therefore imperative, that they be duly informed.*

## Amendment 18

### Proposal for a regulation

#### Article 8 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 8 a**

**Data Protection**

**1. In accordance with this Directive, the Authority shall protect the fundamental rights and freedoms of natural persons, and in particular their right to privacy with respect to the processing of personal data.**

**2. The application of all relevant Union law on data protection shall be mandatory for all activities carried out by the Authority.**

Or. en

### *Justification*

*This new article seeks to clarify, that under all circumstances, the measures according to the GDPR shall apply. The Authority will be tasked to deal with large amounts sensitive data affecting all Member States and it is of the highest importance, that it is made explicitly clear, that data protection legislation applies at all times.*

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Where, in a case of urgency or due to time constraints, the authority of a Member State is not in a position to inform the Authority well in advance, it is expected to do so without undue delay. In such circumstances, the Authority is also expected to seek out the Member State concerned in order to obtain clarity on its decision.***

Or. en

### *Justification*

*Member States may, in exceptional cases or for internal procedural reasons, not be able to make an informed final decision well ahead of a planned joint inspection. The amendment seeks to clarify, that such a scenario is taken into account and should not be to the detriment of the Member State.*

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Authority shall assess risks and carry out analyses regarding cross-border labour flows, such as labour market imbalances, sector-specific threats and recurring problems encountered by individuals and employers in relation to

1. The Authority shall assess risks and carry out analyses, ***keeping in mind regional and national specificities***, regarding cross-border labour flows, such as labour market imbalances, sector-specific threats and recurring problems

cross-border mobility. For that purpose, the Authority shall ensure complementarity with, and draw on the expertise of, other Union agencies or services, including in the areas of skills forecasting and health and safety at work. Upon a request by the Commission, the Authority may carry out focused in-depth analyses and studies to investigate specific labour mobility issues.

encountered by individuals and employers in relation to cross-border mobility. For that purpose, the Authority shall ensure complementarity with, and draw on the expertise of, other Union agencies or services, including in the areas of skills forecasting and health and safety at work. Upon a request by the Commission, the Authority may carry out focused in-depth analyses and studies to investigate specific labour mobility issues.

Or. en

#### *Justification*

*The amendment seeks to underline the importance of keeping in mind sectorial and regional specificities, when carrying out analyses, as Member States or different regional markets are not always affected in the same manner.*

### **Amendment 21**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The Authority may also carry out additional analysis and studies at the request of a Member State. Such a request shall be subject to assessment, in order to avoid duplication or repetition. In such cases, the Authority shall assess the validity of the available data, compare it to existing data and if necessary modify it according to the most recent and available information and supplement it with any relevant additional data, if required for the purpose of the analysis or study.***

Or. en

#### *Justification*

*A Member State may find itself in need of a specific type of analysis and study, for which it may require the assistance of the Authority. In order to not burden the Authority in a disproportionate manner, such a request is required to be well-constructed and well-*

*argumented.*

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 11 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Authority shall organise peer reviews amongst national authorities and services in order to:

*Amendment*

2. The Authority shall organise peer reviews, ***subject to prior authorisation by the Member States in question***, amongst national authorities and services in order to:

Or. en

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 11 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) improve the knowledge and mutual understanding of different systems and practices, as well as to assess the effectiveness of different policy measures, including prevention and deterrence measures.

*Amendment*

(c) improve the knowledge and mutual understanding of different systems and practices, as well as to assess the effectiveness ***and implementation methodology*** of different policy measures, including prevention and deterrence measures.

Or. en

*Justification*

*Different Member States may implement the systems and practices differently and a better understanding of the different methodologies and advantages or shortcomings may be of importance with cooperation initiatives and the the development of good practices.*

## **Amendment 24**

### **Proposal for a regulation**

#### **Article 11 – paragraph 3**

*Text proposed by the Commission*

3. The Authority shall regularly report its findings to the Commission, as well as directly to the Member States concerned, outlining possible measures to address identified weaknesses.

*Amendment*

3. The Authority shall regularly report its findings to the Commission **and the European Parliament**, as well as directly to the Member States concerned, outlining possible measures to address identified weaknesses.

Or. en

*Justification*

*With the direct link between Member States and the European Parliament and its involvement in certain types of cross-border aspects of labour mobility, digital skills, etc. , it is important, that the European Parliament be informed of the findings by the Authority.*

**Amendment 25**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. The Authority shall collect statistical data compiled and provided by Member States in the areas of Union law within the scope of the Authority's competences. In doing so, the Authority shall seek to streamline current data collection activities in those areas. Where relevant, Article 16 shall apply. The Authority shall liaise with the Commission (Eurostat) and share the results of its data collection activities, where appropriate.

*Amendment*

4. The Authority shall collect statistical data compiled and provided by Member States in the areas of Union law within the scope of the Authority's competences **and in compliance with relevant Union law on data protection**. In doing so, the Authority shall seek to streamline current data collection activities in those areas. Where relevant, Article 16 shall apply. The Authority shall liaise with the Commission (Eurostat) and share the results of its data collection activities, where appropriate.

Or. en

*Justification*

*Whilst this Regulation proposes a measure specifically on the application of relevant data protection, it is important to highlight the importance and sensitivity of personal data being handled for the purpose of collecting statistical data.*



## Amendment 26

### Proposal for a regulation

#### Article 12 – paragraph 1 – point a

*Text proposed by the Commission*

(a) develop **common** guidelines for use by Member States, including guidance for inspections in cases with a cross-border dimension, as well as shared definitions and common concepts, building on relevant work at the Union level;

*Amendment*

(a) develop guidelines for use by Member States, including guidance for inspections in cases with a cross-border dimension, as well as shared definitions and common concepts, building on relevant work at the Union level;

Or. en

## Amendment 27

### Proposal for a regulation

#### Article 13 – paragraph 2

*Text proposed by the Commission*

2. Upon request of one of the Member States concerned by a dispute, the Authority shall launch a mediation procedure before its Mediation Board set up for this purpose in accordance with Article 17(2). ***The Authority may also launch a mediation procedure on its own initiative before the Mediation Board, including on the basis of a referral from SOLVIT, subject to the agreement of all Member States concerned by that dispute.***

*Amendment*

2. Upon request of one of the Member States concerned by a dispute, the Authority shall launch a mediation procedure before its Mediation Board set up for this purpose in accordance with Article 17(2).

Or. en

*Justification*

*The Authority is not a political authority and ought not be given the competences to launch a procedure on its own. A procedure may be launched only at the request of either one or all of the Member States in question.*

## Amendment 28

### Proposal for a regulation

#### Article 13 – paragraph 3

*Text proposed by the Commission*

3. When presenting a case for mediation by the Authority, Member States shall ensure that all personal data related to that case is anonymised and the Authority shall not process the personal data of individuals concerned by the case at any point in the course of the mediation procedure.

*Amendment*

3. When presenting a case for mediation by the Authority, Member States shall ensure that all personal data related to that case is anonymised, ***in accordance with relevant Union law on data protection*** and the Authority shall not process the personal data of individuals concerned by the case at any point in the course of the mediation procedure.

Or. en

*Justification*

*In light of the subject-matters sensitivity of mediation procedures, it is imperative, that the need for appropriate data protection is ensured.*

## Amendment 29

### Proposal for a regulation

#### Article 13 – paragraph 6

*Text proposed by the Commission*

6. The Authority shall report to the Commission on a quarterly basis about the outcomes of the mediation cases it handles.

*Amendment*

6. The Authority shall report to the Commission, ***the European Parliament and the Member States*** on a quarterly basis about the outcomes of the mediation cases it handles.

Or. en

## Amendment 30

### Proposal for a regulation

#### Article 13 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. Should a mediation procedure not have a positive outcome, the Authority shall refer the parties in question to the relevant judicial authorities.**

Or. en

*Justification*

*It may oftentimes be unclear, as to what the relevant national judicial authority may be. The Authority, in its capacity as overarching actor with the purpose of supporting Member States in their activities, is expected to have the relevant knowledge and may in this way further fulfil its role as set out by this Regulation.*

### **Amendment 31**

#### **Proposal for a regulation Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

At the request of the national authorities, the Authority may facilitate cooperation between relevant stakeholders in order to address labour market disruptions affecting more than one Member State, such as large-scale restructuring events or major projects impacting employment in border regions.

At the request of the national authorities, the Authority may facilitate cooperation between relevant stakeholders in order to address labour market disruptions affecting more than one Member State **and with the prior agreement of the Member States affected**, such as large-scale restructuring events or major projects impacting employment in border regions.

Or. en

*Justification*

*Such large-scale activities ought to always be in cooperation and subject to authority by the Member States affected.*

### **Amendment 32**

#### **Proposal for a regulation Article 17 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Authority may set up working groups or expert panels with representatives from Member States and/or from the Commission, or external experts following selection procedures, for the fulfilment of its specific tasks or for specific policy areas, including **a** Mediation Board in order to fulfil its tasks in accordance with Article 13 of this Regulation, and a dedicated group for the purpose of handling financial matters related to the application of Regulations (EC) No 883/2004 and (EC) No 987/2009, as referred to in Article 8(2) of this Regulation.

*Amendment*

The Authority may set up working groups or expert panels with representatives from Member States and/or from the Commission, or external experts following selection procedures, for the fulfilment of its specific tasks or for specific policy areas, including **an ad hoc** Mediation Board in order to fulfil its tasks in accordance with Article 13 of this Regulation, and a dedicated group for the purpose of handling financial matters related to the application of Regulations (EC) No 883/2004 and (EC) No 987/2009, as referred to in Article 8(2) of this Regulation.

Or. en

*Justification*

*There is no argued reason for the establishment of a permanent structure.*

**Amendment 33**

**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

2. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.

*Amendment*

2. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence. ***Whilst both representatives may exercise their right to attend meetings simultaneously, only one vote per Member State is allowed.***

Or. en

*Justification*

*The amendment seeks to clarify, that whilst the representatives should be allowed to assist meetings simultaneously, voting rights shall not be extended to both, if present but voting rights remain only with the senior representative.*

## Amendment 34

### Proposal for a regulation

#### Article 18 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

Members of the Management Board representing their Member States and their alternates shall be appointed by their respective Member States in light of their knowledge in the fields referred to in Article 1(2), ***taking into account relevant managerial, administrative and budgetary skills.***

*Amendment*

Members of the Management Board representing their Member States and their alternates shall be appointed by their respective Member States in light of their knowledge in the fields referred to in Article 1(2).

Or. en

*Justification*

*Appointment of the representatives of Member States is and remains a prerogative of each Member State.*

## Amendment 35

### Proposal for a regulation

#### Article 18 – paragraph 4

*Text proposed by the Commission*

4. The term of office for members and their alternates shall be four years. That term shall be extendable.

*Amendment*

4. The term of office for members and their alternates shall be four years. That term shall be extendable ***for a period of two consecutive terms.***

Or. en

*Justification*

*For the purpose of avoiding monopolisation, the term of office shall be subject to specific conditions.*

## Amendment 36

### Proposal for a regulation

#### Article 18 – paragraph 5

*Text proposed by the Commission*

5. Representatives from third countries, which are applying the Union law in areas covered by this Regulation, may participate in the meetings of the Management Board as observers.

*Amendment*

5. Representatives from third countries, which are applying the Union law in areas covered by this Regulation, may participate in the meetings of the Management Board as observers, ***subject to prior unanimous authorisation by Member States.***

Or. en

*Justification*

*In light of the sensitivity of data handled and issues discussed, the prerogative of whether or not representatives from third countries are to be allowed to participate as observers ought to remain with Member States and a unanimous decision is necessary.*

## Amendment 37

### Proposal for a regulation

#### Article 20 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The Management Board shall elect a Chairperson and a Deputy Chairperson from among the members with voting rights, ***and shall strive for gender balance.*** The Chairperson and the Deputy Chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.

*Amendment*

The Management Board shall elect a Chairperson and a Deputy Chairperson from among the members with voting rights. The Chairperson and the Deputy Chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.

Or. en

*Justification*

*The election of members should primarily be merit-based. The decision lies with the Management Board.*

## Amendment 38

### Proposal for a regulation Article 21 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. A Member State may request a meeting of the Management Board in urgent cases. That request shall be accompanied by a well-reasoned statement.**

Or. en

*Justification*

*In specific cases, there ought to be a possibility for launching an urgency-procedure.*

## Amendment 39

### Proposal for a regulation Article 22 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Without prejudice to point (b) of Article 19(1) and to Article 32(8), the Management Board shall take decisions by **the** majority of members with voting rights.

1. Without prejudice to point (b) of Article 19(1) and to Article 32(8), the Management Board shall take decisions by **a two-thirds** majority of **the** members with voting rights.

Or. en

## Amendment 40

### Proposal for a regulation Article 23 – paragraph 4 – point f

*Text proposed by the Commission*

*Amendment*

(f) preparing an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF and reporting on progress twice a year to the

(f) preparing an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF and reporting on progress twice a year to the

Commission and regularly to the Management Board;

Commission and *the European Parliament* and regularly to the Management Board;

Or. en

## Amendment 41

### Proposal for a regulation Article 23 – paragraph 5

#### *Text proposed by the Commission*

5. The Executive Director shall decide whether it is necessary to locate one or more staff in one or more Member States. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State(s) concerned. The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and the duplication of administrative functions of the Authority. A headquarters agreement with the Member State(s) concerned *may* be required.

#### *Amendment*

5. The Executive Director shall decide whether it is necessary to locate one or more staff in one or more Member States, *either on a temporary or permanent basis*. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State(s) concerned. The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and the duplication of administrative functions of the Authority. A headquarters agreement with the Member State(s) concerned *shall* be required.

Or. en

## Amendment 42

### Proposal for a regulation Article 24 – paragraph 3

#### *Text proposed by the Commission*

3. The Stakeholder Group shall be chaired by the Executive Director and shall meet at least twice a year on the initiative of the Executive Director *or* at the request of the Commission.

#### *Amendment*

3. The Stakeholder Group shall be chaired by the Executive Director and shall meet at least twice a year on the initiative of the Executive Director, at the request of the Commission, *or in cases of special urgency at the request of a Member State*.



### Amendment 43

#### Proposal for a regulation Article 24 – paragraph 4

*Text proposed by the Commission*

4. The Stakeholder Group shall be composed of six representatives of Union-level social partners equally representing trade unions and employer's organisations, **and** two representatives of the Commission.

*Amendment*

4. The Stakeholder Group shall be composed of six representatives of Union-level social partners equally representing trade unions and employer's organisations, two representatives of the Commission **and one representative of the European Parliament.**

Or. en

### Amendment 44

#### Proposal for a regulation Article 24 – paragraph 5

*Text proposed by the Commission*

5. The members of the Stakeholder Group shall be nominated by their respective organisations and appointed by the Management Board. The Management Board shall also appoint alternate members, in accordance with the same conditions as members, **who shall automatically replace any members who are absent or indisposed. To the extent possible, an appropriate gender balance shall be respected, as well as adequate representation of SMEs.**

*Amendment*

5. The members of the Stakeholder Group shall be nominated by their respective organisations and appointed by the Management Board. The Management Board shall also appoint alternate members, in accordance with the same conditions as members.

Or. en

## Amendment 45

### Proposal for a regulation

#### Article 26 – paragraph 4

*Text proposed by the Commission*

4. The Commission shall send the draft estimate to the budgetary authority together with the draft general budget of the Union.

*Amendment*

4. The Commission shall send the draft estimate to the budgetary authority together with the draft general budget of the Union, ***clearly indicating the Authorities' budget line. The Commission shall also inform the European Parliament of the draft estimate.***

Or. en

*Justification*

*With increasingly stringent timelines, the procedural work of other institutions would be improved, if budgetary estimates were communicated at this earlier stage.*

## Amendment 46

### Proposal for a regulation

#### Article 27 – paragraph 3 – point c

*Text proposed by the Commission*

(c) ***any contribution from third countries participating in the work of the Authority, pursuant to Article 43;***

*Amendment*

***deleted***

Or. en

*Justification*

*Any monetary or other contributions from third countries would give rise to suspicions of favouritism and ought to be avoided. Furthermore, the Authority is to support Member States in their work and not third countries.*

## Amendment 47

### Proposal for a regulation

#### Article 28 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The principle of sound financial management shall apply in all circumstances.**

Or. en

## **Amendment 48**

### **Proposal for a regulation Article 32 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Management Board shall appoint the Executive Director from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

2. The Management Board shall appoint the Executive Director from a list of candidates proposed by the Commission **and Member States**, following an open and transparent selection procedure.

Or. en

### *Justification*

*Member State, which comprise the Authority, ought to be allowed the right to suggest a candidate as well.*

## **Amendment 49**

### **Proposal for a regulation Article 32 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The term of office of the Executive Director shall be **five** years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Authority's future tasks and challenges.

4. The term of office of the Executive Director shall be **four** years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Authority's future tasks and challenges.

Or. en

## Amendment 50

### Proposal for a regulation Article 32 – paragraph 5

*Text proposed by the Commission*

5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once, for no more than **five** years.

*Amendment*

5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once, for no more than **four** years.

Or. en

## Amendment 51

### Proposal for a regulation Article 32 – paragraph 7

*Text proposed by the Commission*

7. The Executive Director may be removed from office only upon a decision of the Management Board **acting on a proposal from the Commission**.

*Amendment*

7. The Executive Director may be removed from office only upon a decision of the Management Board.

Or. en

*Justification*

*The decision to remove the Executive Director from office should follow a decision of the Management Board.*

## Amendment 52

### Proposal for a regulation Article 37 – paragraph 3

*Text proposed by the Commission*

3. The Authority may engage in communication activities on its own

*Amendment*

3. The Authority may engage in communication activities on its own

initiative within its field of competence. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks referred to in Article 5. Communication activities shall be carried out in accordance with the relevant and communication and dissemination plans adopted by the Management Board.

initiative within its field of competence **and subject to prior authorisation by the relevant Member States concerned**. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks referred to in Article 5. Communication activities shall be carried out in accordance with the relevant and communication and dissemination plans adopted by the Management Board.

Or. en

## Amendment 53

### Proposal for a regulation Article 40 – paragraph 2

#### *Text proposed by the Commission*

2. The Court of Justice of the European Union shall have jurisdiction to give judgement pursuant to any arbitration clause contained in a contract concluded by the Authority.

#### *Amendment*

2. The Court of Justice of the European Union shall have jurisdiction to give judgement pursuant to any arbitration clause contained in a contract concluded by the Authority, **or on any non-contractual matter, which may not be solved otherwise**.

Or. en

#### *Justification*

*The amendment seeks to clarify, that in all cases, the ECJ is the governing judicial authority for the Authority.*

## Amendment 54

### Proposal for a regulation Article 43 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

To that end, the Authority may, subject to prior approval by the Commission, establish working arrangements with the

#### *Amendment*

To that end, the Authority may, subject to prior approval by the Commission **and the Management Board**, establish working

authorities of third countries. Those arrangements shall not create legal obligations incumbent on the Union and its Member States.

arrangements with the authorities of third countries. Those arrangements shall not create legal obligations incumbent on the Union and its Member States.

Or. en

*Justification*

*Such an important decision, impacting the overall activity of the Authority may not be decided solely by the Commission. Authorisation must be given by the Member States, as well.*

**Amendment 55**

**Proposal for a regulation**

**Article 43 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Authority *shall* be open to the participation of third countries that have entered into agreements with the Union to this effect.

*Amendment*

The Authority *may* be open to the participation of third countries that have entered into agreements with the Union to this effect, *subject to prior unanimous authorisation by the Management Board.*

Or. en