



**2018/0064(COD)**

6.11.2018

# **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

##### Title 1

*Text proposed by the Commission*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
establishing a European Labour Authority

(text with relevance for the EEA and for  
Switzerland)

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
establishing a European Labour *and Social  
Security* Authority

(text with relevance for the EEA and for  
Switzerland)

### Amendment 2

#### Proposal for a regulation

##### Citation 2 a (new)

*Text proposed by the Commission*

*Amendment*

*Having regard to the European Pillar of  
Social Rights,*

### Amendment 3

#### Proposal for a regulation

##### Recital 1

*Text proposed by the Commission*

*Amendment*

(1) The free movement of workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market of the Union, enshrined in the Treaty on the Functioning of the European Union (TFEU).

(1) *The protection of social and labour rights*, the free movement of workers, freedom of establishment and freedom to provide services are fundamental principles of the internal market of the Union, enshrined in the Treaty on the Functioning of the European

Union (TFEU) *and in the Charter of Fundamental Rights of the European Union.*

#### **Amendment 4**

##### **Proposal for a regulation Recital 2**

*Text proposed by the Commission*

(2) Pursuant to Article 3 TEU, the Union is to work for a highly competitive social market economy, aiming at full employment and social progress and promote social justice and protection. In accordance with Article 9 TFEU, the Union, in defining and implementing its policies and activities, is to take into account requirements linked to, inter alia, the promotion of a high level of employment, the guarantee of an adequate social protection, the fight against social exclusion, and the promotion of a high level of education, training and the protection of human health.

*Amendment*

(2) Pursuant to Article 3 TEU, the Union is to work for a highly competitive social market economy, aiming at full employment and social progress, *to promote social justice and protection, combat social exclusion and discrimination,* and *to* promote social justice and protection, *equality between women and men, solidarity between generations and protection of the rights of the child, as well as to promote economic, social and territorial cohesion, and solidarity among Member States.* In accordance with Article 9 TFEU, the Union, in defining and implementing its policies and activities, is to take into account requirements linked to, inter alia, the promotion of a high level of employment, the guarantee of an adequate social protection, the fight against social exclusion, and the promotion of a high level of education, training and the protection of human health.

#### **Amendment 5**

##### **Proposal for a regulation Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*(3 a) The European Pillar of Social Rights highlights that everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects. Stresses that*

*everyone has the right to transfer social protection and training entitlements during professional transitions. Underlines that young people have the right to continued education, apprenticeship, traineeship or a job offer of good standing. Underlines that people unemployed have the right to personalised, continuous and consistent support.*

## Amendment 6

### 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) *However, in view of the many challenges to the effective application of Union rules regarding cross-border labour mobility and social security coordination, together with concerns about improving cooperation at Union level in those sectors*, a European Labour *and Social Security* Authority (the ‘Authority’) should be established in order to help strengthen trust in the Single Market *and enhance mobility, in particular labour mobility and the cross-border provision of services*. 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 *and cross-border provision of services*, as well as access to relevant services, support compliance and cooperation between the Member States to ensure the effective *and efficient* application *and enforcement* of the Union law in these areas, *assist tackling unemployment* and mediate and facilitate a solution in case of cross-border disputes or labour market disruptions.

## Amendment 7

### 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 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**.

*Amendment*

(6) **To ensure the efficient functioning of the Authority, it is necessary for its objective, together with its tasks and responsibilities, to be clearly defined, so as to ensure complementarity of its tasks with those of existing entities.** 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 **cross-border provision of services, such as the transport sector**. It should also enhance cooperation between Member States in tackling undeclared work. In cases where the Authority, in the course of the 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, **undeclared work and restrictions on rights and benefits**, or the employment of illegally staying third-country nationals, it should report them **efficiently and without undue delay and** cooperate on these matters with the Commission, competent Union bodies, and national authorities.

## Amendment 8

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

(7) The Authority should contribute to facilitating the free movement of workers governed by Regulation (EU) No 492/2011 of the European Parliament and of the Council<sup>39</sup>, Directive 2014/54/EU of the European Parliament and the Council<sup>40</sup> and

*Amendment*

(7) The Authority should contribute **to combatting social dumping and** to facilitating the free movement of workers governed by Regulation (EU) No 492/2011 of the European Parliament and of the Council<sup>39</sup>, Directive 2014/54/EU of the

Regulation (EU) 2016/589 of the European Parliament and the Council<sup>41</sup>. It should facilitate the posting of workers governed by Directive 96/71/EC of the European Parliament and the Council<sup>42</sup> and Directive 2014/67/EU of the European Parliament and the Council<sup>43</sup>, including by supporting the enforcement of those provisions implemented through universally applicable collective agreements in line with the practices of Member States. It should also help the coordination of social security systems governed by Regulation (EC) No 883/2004 of the European Parliament and the Council<sup>44</sup>, Regulation (EC) No 987/2009 of the European Parliament and the Council<sup>45</sup>, Regulation (EU) No 1231/2010 of the European Parliament and the Council<sup>46</sup>; as well as Council Regulation (EC) No 1408/71<sup>47</sup> and Council Regulation (EC) No 574/72<sup>48</sup>.

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<sup>39</sup> Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1).

<sup>40</sup> Directive 2014/54/EU of the European Parliament and the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (OJ L 128, 30.4.2014, p. 8).

<sup>41</sup> Regulation (EU) 2016/589 of the European Parliament and the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.04.2016, p. 1).

<sup>42</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision

European Parliament and the Council<sup>40</sup> and Regulation (EU) 2016/589 of the European Parliament and the Council<sup>41</sup>. It should facilitate the posting of workers governed by Directive 96/71/EC of the European Parliament and the Council<sup>42</sup> and Directive 2014/67/EU of the European Parliament and the Council<sup>43</sup>, including by supporting the enforcement of those provisions implemented through universally applicable collective agreements in line with the practices of Member States. It should also help the coordination of social security systems governed by Regulation (EC) No 883/2004 of the European Parliament and the Council<sup>44</sup>, Regulation (EC) No 987/2009 of the European Parliament and the Council<sup>45</sup>, Regulation (EU) No 1231/2010 of the European Parliament and the Council<sup>46</sup>; as well as Council Regulation (EC) No 1408/71<sup>47</sup> and Council Regulation (EC) No 574/72<sup>48</sup>.

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<sup>39</sup> Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1).

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<sup>41</sup> Regulation (EU) 2016/589 of the European Parliament and the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.04.2016, p. 1).

<sup>42</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision

of services (OJ L 18, 21.1.1997, p. 1).

<sup>43</sup> Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.05.2014, p. 11).

<sup>44</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, (OJ L 166, 30.4.2004, p.1, corrigendum OJ L 200, 7.6.2004, p. 1).

<sup>45</sup> Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, (OJ L 284, 30.10.2009, p. 1).

<sup>46</sup> Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ L 344, 29.12.2010, p. 1).

<sup>47</sup> Council Regulation (EC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 149, 5.7.1971 p. 2).

<sup>48</sup> Council Regulation (EC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons, and to their families moving within the Community (OJ L 74, 27.3.1972, p. 1).

of services (OJ L 18, 21.1.1997, p. 1).

<sup>43</sup> Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.05.2014, p. 11).

<sup>44</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, (OJ L 166, 30.4.2004, p.1, corrigendum OJ L 200, 7.6.2004, p. 1).

<sup>45</sup> Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, (OJ L 284, 30.10.2009, p. 1).

<sup>46</sup> Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ L 344, 29.12.2010, p. 1).

<sup>47</sup> Council Regulation (EC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 149, 5.7.1971 p. 2).

<sup>48</sup> Council Regulation (EC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons, and to their families moving within the Community (OJ L 74, 27.3.1972, p. 1).



## Amendment 9

### Proposal for a regulation Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8 a) In this regard, the Authority should notably contribute to the better implementation and to an increased effectiveness of the Union legislation related to the transport sector. Companies operating in the transport sector should be able to request and receive appropriate information about their rights and obligations. Moreover, a strengthened cooperation between Member States within this field will result in higher legal certainty and consequently promote the European labour mobility.***

## Amendment 10

### Proposal for a regulation Recital 10

*Text proposed by the Commission*

*Amendment*

(10) The establishment of the Authority should not create new rights and obligations for individuals or employers, including economic operators or non-profit organisations, as the activities of the Authority should cover them to the extent to which they are covered by the Union law within the scope of this Regulation.

(10) The establishment of the Authority should not create new rights and obligations for individuals or employers, ***particularly SMEs***, including economic operators or non-profit organisations, as the activities of the Authority should cover them to the extent to which they are covered by the Union law within the scope of this Regulation. ***However, workers' rights should be improved significantly.***

## Amendment 11

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

*Amendment*

(11) To ensure they can benefit from a

(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>.

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

## Amendment 12

### Proposal for a regulation

#### Recital 12

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

(12) For these purposes, the Authority should cooperate with other relevant Union initiatives and networks, in particular the European Network of Public Employment Services (PES)<sup>54</sup>, the European Enterprise Network<sup>55</sup>, the Border Focal Point<sup>56</sup> and

*socially just* 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 or special needs**. 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, **internships** and apprenticeships, **by promoting the use of the Europass-framework and also** by promoting mobility schemes such as 'Your first EURES job' or 'ErasmusPRO' **as well as by facilitating access to all other relevant services in the Member State of residence or stay, such as healthcare**. 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]

##### *Amendment*

(12) For these purposes, the Authority should cooperate with other relevant Union initiatives and networks, in particular the European Network of Public Employment Services (PES)<sup>54</sup>, the European Enterprise Network<sup>55</sup>, the Border Focal Point<sup>56</sup> and

SOLVIT<sup>57</sup>, as well as with relevant national services such as the bodies to promote equal treatment and to support Union workers and members of their family, designated by Member States under Directive 2014/54/EU, and national contact points designated under Directive 2011/24/EU of the European Parliament and of the Council<sup>58</sup> to provide information on healthcare. ***The Authority should also explore synergies with the proposed European services e-card<sup>59</sup>, notably with regard to those cases in which Member States opt for the submission of declarations regarding posted workers through the e-card platform. The Authority should replace the Commission in managing the European network of employment services ('EURES') European Coordination Office established pursuant to Regulation (EU) No 2016/589, including the definition of user needs and business requirements for the effectiveness of the EURES portal and related IT services, but excluding the IT provision, and the operation and development of the IT infrastructure, which will continue to be ensured by the Commission.***

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<sup>54</sup> Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) (OJ L 159, 28.5.2014, p. 32).

<sup>55</sup> European Enterprise Network, <https://een.ec.europa.eu/>

<sup>56</sup> Communication from the Commission to the Council and the European Parliament, Boosting growth and cohesion in EU border regions, COM(2017) 534.

<sup>57</sup> Commission Recommendation of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2011, p. 10).

<sup>58</sup> Directive 2011/24/EU of the European

SOLVIT<sup>57</sup>, as well as with relevant national services such as the bodies to promote equal treatment and to support Union workers and members of their family, designated by Member States under Directive 2014/54/EU, and national contact points designated under Directive 2011/24/EU of the European Parliament and of the Council<sup>58</sup> to provide information on healthcare.

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<sup>54</sup> Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) (OJ L 159, 28.5.2014, p. 32).

<sup>55</sup> European Enterprise Network, <https://een.ec.europa.eu/>

<sup>56</sup> Communication from the Commission to the Council and the European Parliament, Boosting growth and cohesion in EU border regions, COM(2017) 534.

<sup>57</sup> Commission Recommendation of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2011, p. 10).

<sup>58</sup> Directive 2011/24/EU of the European

Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

<sup>59</sup> *COM(2016) 824 final and COM(2016) 823 final.*

## Amendment 13

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) In view of the *fair*, simple and effective application of Union law, the Authority should *support* cooperation and timely exchange of information between Member States. Together with other staff, National Liaison Officers working within the Authority should support Member States' compliance with cooperation obligations, speed up exchanges between them through procedures dedicated to reducing delays, and ensure links with other national liaison offices, bodies, and contact points established under Union law. The Authority should encourage the use of innovative approaches to effective and efficient cross-border cooperation, including electronic data exchange tools such as the Electronic Exchange of Social Security Information (EESSI) system and the Internal Market Information (IMI) system, and should contribute to further digitalising procedures and improving IT tools used for message exchange between national authorities.

## Amendment 14

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

(14) To increase Member States'

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Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

#### *Amendment*

(13) In view of the *just*, simple and effective application of Union law, the Authority should *improve* cooperation and timely exchange of information between Member States. Together with other staff, National Liaison Officers working within the Authority should support Member States' compliance with cooperation obligations, speed up exchanges between them through procedures dedicated to reducing delays, and ensure links with other national liaison offices, bodies, and contact points established under Union law. The Authority should encourage *in particular* the use of innovative approaches to effective and efficient cross-border cooperation, including electronic data exchange tools such as the Electronic Exchange of Social Security Information (EESSI) system and the Internal Market Information (IMI) system, and should contribute to further digitalising procedures and improving IT tools used for message exchange between national authorities.

(14) To increase Member States'

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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.

capacity *to support the protection of social and employment rights of persons exercising their free movement rights and* to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority should support the national authorities *and social partners* in carrying out *national*, 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 *one or more* Member States *and* upon their agreement. The Authority should provide strategic, logistical, and technical support Member States participating in the concerted or joint inspections in full respect of confidentiality *and data protection* requirements. Inspections *shall* be carried out in agreement with the Member *State* concerned and take place fully within the legal framework of national law of *the* Member States *on which territory the inspection is being carried out*, which should follow up on the outcomes of the concerted and joint inspections according to *that Member State's* national law.

## Amendment 15

### Proposal for a regulation Recital 15

#### *Text proposed by the Commission*

(15) In order to keep track of emerging trends, challenges, or loopholes in the areas of labour mobility and social security coordination, the Authority should develop an analytical and risk assessment capacity. This should involve carrying out labour market analyses and studies, as well as peer reviews. The authority should monitor potential imbalances in terms of skills and cross-border labour flows, including their possible impact on territorial cohesion. The Authority should also support the risk

#### *Amendment*

(15) In order to keep track of emerging trends, challenges, or loopholes, *gaps and inconsistencies* in the areas of labour mobility and social security coordination *as well as other related areas*, the Authority should develop an analytical and risk assessment capacity. This should involve carrying out labour market analyses and studies, as well as peer reviews. The authority should monitor potential imbalances in terms of skills and cross-border labour flows, including their

assessment referred to in Article 10 of Directive 2014/67/EU. The Authority should ensure synergies and complementarity with other Union Agencies or services or networks. This should include seeking input from SOLVIT and similar services on recurring problems encountered by individuals and businesses in the exercise of their rights in the areas under the scope of the Authority. The Authority should also facilitate and streamline data collection activities provided for by the relevant Union laws within its scope. This does not entail the creation of new reporting obligations for Member States.

possible impact on territorial cohesion. The Authority should also support the risk assessment referred to in Article 10 of Directive 2014/67/EU. The Authority should ensure synergies and complementarity with other Union Agencies or services or networks. This should include seeking input from SOLVIT and similar services on recurring problems encountered by individuals and businesses in the exercise of their rights in the areas under the scope of the Authority. The Authority should also facilitate and streamline data collection activities provided for by the relevant Union laws within its scope. This does not entail the creation of new reporting obligations for Member States.

## Amendment 16

### Proposal for a regulation

#### Recital 17

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

(17) The Authority should provide a platform for resolving disputes between Member States in relation to the application of Union law that falls within its scope. It should build on dialogue and conciliation mechanisms that are currently in place in the area of social security coordination, which are valued by Member States<sup>60</sup> and their importance is recognised by the Court of Justice<sup>61</sup>. Member States should be able to refer cases to the Authority for ***mediation according to standard procedures put in place for this purpose***. The Authority should only deal with disputes between Member States, while individuals and employers facing difficulties with exercising their Union rights should continue to have at their disposal the national and Union services dedicated to dealing with such cases, such as the SOLVIT network to which the Authority should refer such cases. The

##### *Amendment*

(17) The Authority should provide a platform for resolving disputes between Member States in relation to the application of Union law that falls within its scope. It should build on ***democratic*** dialogue and conciliation mechanisms that are currently in place in the area of social security coordination, which are valued by Member States<sup>60</sup> and their importance is recognised by the Court of Justice<sup>61</sup>. Member States should be able to refer cases to the Authority for ***dispute settlement***. The Authority should only deal with disputes between Member States, while individuals and employers facing difficulties with exercising their Union rights should continue to have at their disposal the national and Union services dedicated to dealing with such cases, such as the SOLVIT network to which the Authority should refer such cases. The SOLVIT network should also be able to

SOLVIT network should also be able to refer to the Authority for its consideration cases in which the problem cannot be solved due to differences between national administrations.

refer to the Authority for its consideration cases in which the problem cannot be solved due to differences between national administrations.

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<sup>60</sup> Council, Partial general approach of 26 October 2017 on the proposal for a Regulation amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 13645/1/17.

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<sup>60</sup> Council, Partial general approach of 26 October 2017 on the proposal for a Regulation amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 13645/1/17.

<sup>61</sup> Case C-236/88 EU:C:1990:303, paragraph 17; Case C-202/97 EU:C:2000:75, paragraphs 57-58; Case C-178/97 EU:C:2000:169, paragraphs 44-45; Case C-2/05 EU:C:2006:69, paragraphs 28-29; Case C-12/14 EU:C:2016:135, paragraphs 39-41; Case C-359/16 EU:C:2018:63, paragraphs 44-45.

<sup>61</sup> Case C-236/88 EU:C:1990:303, paragraph 17; Case C-202/97 EU:C:2000:75, paragraphs 57-58; Case C-178/97 EU:C:2000:169, paragraphs 44-45; Case C-2/05 EU:C:2006:69, paragraphs 28-29; Case C-12/14 EU:C:2016:135, paragraphs 39-41; Case C-359/16 EU:C:2018:63, paragraphs 44-45.

## Amendment 17

### Proposal for a regulation Recital 18

#### *Text proposed by the Commission*

(18) To facilitate the management of labour market adjustments, the Authority should facilitate cooperation among relevant stakeholders in order to address labour market disruptions affecting more than one Member State, such as cases of restructuring or major projects impacting employment in border regions.

#### *Amendment*

(18) To facilitate the management of labour market adjustments, the Authority should facilitate cooperation among relevant stakeholders in order to address labour market disruptions affecting more than one Member State, such as cases of restructuring or major projects impacting employment in border regions. ***The Authority should also facilitate such cooperation to address structural problems in access to labour and social rights due to inconsistencies between national schemes, such as differences in pension age, access to benefits for self-employed persons or in assessing to what extent a person with a disability is fit for***

*work.*

## **Amendment 18**

### **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, 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.

*Amendment*

(21) The Member States, ***the social partners, experts nominated by the European Parliament***, 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 ***Chairs***, 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, 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.

## **Amendment 19**

### **Proposal for a regulation**

#### **Recital 23**

*Text proposed by the Commission*

(23) The Authority should directly rely on the expertise of relevant stakeholders in the areas under its scope through a dedicated Stakeholder Group. The

*Amendment*

(23) The Authority should directly rely on the expertise of relevant stakeholders in the areas under its scope through a dedicated Stakeholder Group. The



members should be representatives of Union-level social partners. In carrying out its activities, the Stakeholder Group will take due account of the opinions and draw on the expertise of the Advisory Committee for the Coordination of Social Security Systems established by Regulation (EC) No 883/2004 and the Advisory Committee on the Free Movement of Workers established pursuant to Regulation (EU) No 492/2011.

members should be representatives of Union-level *and Member State-level* social partners *and civil society organisations as part of the transparent and regular dialogue with representative associations and civil society in accordance with Article 11(1) and (2) TFEU*. In carrying out its activities, the Stakeholder Group will take due account of the opinions and draw on the expertise of the Advisory Committee for the Coordination of Social Security Systems established by Regulation (EC) No 883/2004 and the Advisory Committee on the Free Movement of Workers established pursuant to Regulation (EU) No 492/2011.

## Amendment 20

### 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, any voluntary financial contribution from the Member States and any contribution from third countries participating in the work of the Authority. ***The Authority's budget has to be focused on results.*** 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 21

### Proposal for a regulation

#### Recital 30

*Text proposed by the Commission*

(30) Within the framework of their

*Amendment*

(30) Within the framework of their

respective competences, the Authority should cooperate with other agencies of the Union, in particular those established in the area of employment and social policy, building on their expertise and maximising synergies: the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Centre for the Development of Vocational Training (Cedefop), the European Agency for Safety and Health at Work (EU-OSHA), and the European Training Foundation (ETF), as well as, as regards the fight against organised crime and trafficking in human beings, with the European Union Agency for Law Enforcement Cooperation (Europol) and European Union Agency for Criminal Justice Cooperation (Eurojust).

respective competences, the Authority should cooperate with other agencies of the Union, in particular those established in the area of employment and social policy, building on their expertise and maximising synergies: the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Centre for the Development of Vocational Training (Cedefop), the European Agency for Safety and Health at Work (EU-OSHA), and the European Training Foundation (ETF), as well as, as regards the fight against organised crime, ***corruption*** and trafficking in human beings, with the European Union Agency for Law Enforcement Cooperation (Europol) and European Union Agency for Criminal Justice Cooperation (Eurojust), ***as well as with the other EU agencies active in the area of justice and home affairs, such as the European Union Agency for Fundamental Rights (FRA), the European Asylum Support Office (EASO), the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Institute for Gender Equality (EIGE), the EU Agency for Law Enforcement Training (CEPOL) and the EU Anti-Trafficking Coordinator. Cooperation does not mean duplication of the activities of the Authority and those of other Union agencies.***

## **Amendment 22**

### **Proposal for a regulation Recital 31**

*Text proposed by the Commission*

(31) In order to bring an operational dimension to the activities of existing bodies in the areas of cross-border labour

*Amendment*

(31) In order to bring an operational dimension to the activities of existing bodies in the areas of cross-border labour

mobility, the Authority should take over the performance of tasks carried out by the Technical Committee on the Free Movement of Workers established pursuant to Regulation (EU) No 492/2011, the Committee of Experts on Posting of Workers set up by Commission Decision 2009/17/EC<sup>68</sup> and the European Platform to enhance cooperation in tackling undeclared work set up by Decision (EU) 2016/344 of the European Parliament and the Council<sup>69</sup>. With the establishment of the Authority, those bodies should *cease to exist*.

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<sup>68</sup> Commission Decision 2009/17/EC of 19 December 2008 setting up the Committee of Experts on Posting of Workers (OJ L 8, 13.1.2009, p. 26).

<sup>69</sup> Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work (OJ L 65, 11.3.2016, p. 12).

mobility, the Authority should take over the performance of tasks carried out by the Technical Committee on the Free Movement of Workers established pursuant to Regulation (EU) No 492/2011, the Committee of Experts on Posting of Workers set up by Commission Decision 2009/17/EC<sup>68</sup> and the European Platform to enhance cooperation in tackling undeclared work set up by Decision (EU) 2016/344 of the European Parliament and the Council<sup>69</sup>. With the establishment of the Authority, those bodies should *be taken over by and merged with it*.

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<sup>68</sup> Commission Decision 2009/17/EC of 19 December 2008 setting up the Committee of Experts on Posting of Workers (OJ L 8, 13.1.2009, p. 26).

<sup>69</sup> Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work (OJ L 65, 11.3.2016, p. 12).

## Amendment 23

### Proposal for a regulation

#### Recital 32

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

(32) The Authority should *complement the activities of* the Administrative Commission for the Coordination of Social Security Systems created by Regulation (EC) No 883/2004 ('the Administrative Commission') *in so far as it exercises regulatory tasks related to the application of Regulations (EC) No 883/2004 and (EC) No 987/2009. The Authority should however take over operational tasks currently carried out under the framework* of the Administrative Commission, *such as providing a mediation function between Member*

##### *Amendment*

(32) The Authority should *cooperate with* the Administrative Commission for the Coordination of Social Security Systems created by Regulation (EC) No 883/2004 ('the Administrative Commission') *and be permitted to attend meetings* of the Administrative Commission *and its committees*.

*States, ensuring a forum for handling financial matters related to the application of Regulations (EC) No 883/2004 and (EC) No 987/2009, replacing the function of the Audit Board set up by those Regulations, as well as matters related to electronic data exchange and IT tools to facilitate the application of those Regulations, replacing the function of the Technical Commission for Data Processing set up by those Regulations.*

## **Amendment 24**

### **Proposal for a regulation Recital 34**

*Text proposed by the Commission*

(34) In order to reflect this new institutional set-up, Regulations (EC) No 883/2004, **(EC) No 987/2009**, (EU) No 492/2011, and (EU) 2016/589 should be amended, and Decision 2009/17/EC and Decision (EU) 2016/344 should be repealed.

*Amendment*

(34) In order to reflect this new institutional set-up, Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 should be amended, and Decision 2009/17/EC and Decision (EU) 2016/344 should be repealed.

## **Amendment 25**

### **Proposal for a regulation Recital 37**

*Text proposed by the Commission*

(37) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, as referred to in Article 6 of the Treaty on European Union,

*Amendment*

(37) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, as referred to in Article 6 of the Treaty on European Union, ***as well as in full respect of applicable international labour and human rights law. It also takes into account the European Pillar of Social Rights,***

## Amendment 26

### Proposal for a regulation Recital 37 a (new)

*Text proposed by the Commission*

*Amendment*

***(37 a) The Parliament should be systematically and on equal terms with the Commission and Council involved in defining and weighting the criteria for the location of the Authority;***

## Amendment 27

### Proposal for a regulation Article 1 – title

*Text proposed by the Commission*

*Amendment*

***Subject matter*** and scope

***Establishment*** and scope of action

## Amendment 28

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

*Text proposed by the Commission*

*Amendment*

1. This Regulation establishes the European Labour Authority ('the Authority').

1. This Regulation establishes the European Labour ***and Social Security*** Authority ('the Authority').

## Amendment 29

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

*Text proposed by the Commission*

*Amendment*

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.

2. ***The Authority shall contribute to the consistent, efficient and effective application of European labour and social legislation as well as equal access to social security and adequate social protection for all persons using their free***

*movement rights.* 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 30

### Proposal for a regulation Article 1 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2 a. The Authority shall facilitate and support a reinforced cooperation between Member States, social partners, other stakeholders and the Commission in all labour and social matters with across-border dimension. Taking part in the activities of the Authority is without prejudice to the Member States' competences, obligations and responsibilities under, inter alia, relevant and applicable International Labour Organization (ILO) conventions, such as Convention No 81 concerning Labour Inspection in Industry and Commerce, and shall in no way affect the exercise of fundamental rights as recognised in the Member States and at Union level regarding the collective bargaining rights in accordance with national law and practice, nor the Member States' powers to regulate, mediate or monitor national industrial relations, in particular on the exercise of the right to collective bargaining and to take collective action.***

## Amendment 31

### Proposal for a regulation Article 1 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***2 b. This regulation is without prejudice to the diversity of national***

*industrial relations systems as well as the autonomy of social partners as explicitly recognised by the TFEU. The Authority shall contribute to the enforcement and improvement of Union and national law in line with the EU Charter of Fundamental Rights and internationally applicable labour standards by:*

*(a) ensuring free movement of people, freedom of establishment and freedom to provide services;*

*(b) ensuring equal treatment amongst people and fair cross-border competition;*

*(c) preventing, detecting and prosecuting cross-border social fraud, wrong-doing and error;*

*(d) preventing, deterring and combating undeclared work as well as promoting the declaration of undeclared work while ensuring the respect for applicable workers' rights;*

*(e) supporting cross-border prosecution and execution of fines and sanctions in labour and social matters;*

*(f) facilitating the coordination of social security systems within the Union.*

## Amendment 32

### Proposal for a regulation Article 2

*Text proposed by the Commission*

Article 2

Objectives

The *objective* of the Authority shall be to contribute to *ensuring fair labour* mobility in the internal market. To this end, the Authority shall:

(a) facilitate access for individuals *and* employers to information on their rights

*Amendment*

Article 2

Objectives

The *purpose* of the Authority shall be to contribute to *promoting non-precarious and socially just* mobility, *in particular labour mobility and cross-border provision of services* in the internal market. To this end, the Authority shall:

(a) facilitate access for individuals, employers *and social partners* to

and obligations as well as to relevant services;

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

(c) mediate *and facilitate a solution in cases of cross-border disputes* between national authorities *or* labour market disruptions.

information on their rights and obligations as well as to relevant services;

(b) *promote, improve and* support cooperation between Member States in *their endeavours to inspire better cooperation and the consistent, efficient and effective* cross-border enforcement of relevant Union law, including *providing technical, logistical assistance and training aiming to facilitate* joint inspections;

*(b a) oversee the application of Union law in the area of labour mobility, as well as examine breaches of this law such as various forms of social fraud, infringements and abuse of labour mobility rights of mobile workers, including seasonal, frontier and posted workers, discrimination, fraudulent work contracts and trafficking for labour exploitation;*

(c) *at the request of the Member States*, mediate between national authorities *and help to resolve* labour market disruptions, *or cross-border enforcement problems, without prejudice to the diversity of national relations systems as well as the autonomy of social partners and the right to collective bargaining;*

*(ca) advise the Commission and the Member States on tackling unemployment;*

## Amendment 33

### 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.



## Amendment 34

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a

*Text proposed by the Commission*

(a) facilitate access to information by individuals **and** employers on rights and obligations in cross-border situations as well as access to cross-border labour mobility services, in accordance with Articles 6 and 7;

*Amendment*

(a) facilitate **and improve** access to information by individuals, employers **and social partners** on rights and obligations in cross-border situations **related to free movement** as well as access to **relevant services, including social services, in particular health care and** cross-border labour mobility services, in accordance with Articles 6 and 7;

## Amendment 35

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) facilitate cooperation and the exchange of information between national authorities with a view to the effective enforcement of relevant Union law, in accordance with Article 8;

*Amendment*

(b) **encourage**, facilitate **and support** cooperation and the exchange of information between national authorities with a view to the effective enforcement of relevant Union law, in accordance with Article 8, **and the effective tackling of unemployment**;

## Amendment 36

### Proposal for a regulation

#### Article 5 – paragraph 1 – point c

*Text proposed by the Commission*

(c) coordinate and support concerted and joint inspections, in accordance with Articles 9 and 10;

*Amendment*

(c) **propose**, coordinate and support concerted and joint inspections, in accordance with Articles 9 and 10;

## Amendment 37

### Proposal for a regulation

## Article 5 – paragraph 1 – point d

*Text proposed by the Commission*

(d) **carry out** analyses and risk assessments on issues **of cross-border** labour mobility, in accordance with Article 11;

*Amendment*

(d) **initiate** analyses and **carry out** risk assessments on issues **related to** labour mobility **within the internal market and issue opinions and recommendations**, in accordance with Article 11

## Amendment 38

### Proposal for a regulation

#### Article 5 – paragraph 1 – point e

*Text proposed by the Commission*

(e) support Member States with capacity-building regarding the effective enforcement of relevant Union law, in accordance with Article 12;

*Amendment*

(e) **issue guidelines and interpretative opinions on relevant Union law and** support Member States **and all relevant social partners and stakeholders** with capacity-building regarding the effective **compliance, implementation and** enforcement of relevant Union law, in accordance with Article 12;

## Amendment 39

### Proposal for a regulation

#### Article 5 – paragraph 1 – point f

*Text proposed by the Commission*

(f) mediate in disputes between Member States' authorities on the application of relevant Union law, in accordance with Article 13;

*Amendment*

(f) mediate in disputes between Member States' authorities on the application of relevant Union law, **and, where necessary, help to settle disputes by means of decisions**, in accordance with Article 13;

## Amendment 40

### Proposal for a regulation

#### Article 5 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

***(f a) mediate in disputes between persons and Member States' authorities on the application of relevant Union law, in accordance with Article 13a;***

#### **Amendment 41**

##### **Proposal for a regulation Article 5 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) facilitate cooperation between relevant stakeholders in the event of cross-border labour market disruptions, in accordance with Article 14.

(g) facilitate cooperation between relevant stakeholders in the event of cross-border labour market disruptions, in accordance with Article 14 ***and facilitate the support of employees in precarious cross-border working conditions;***

#### **Amendment 42**

##### **Proposal for a regulation Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) facilitate cooperation between relevant stakeholders in the event of structural problems in access to labour and social rights due to gaps or inconsistencies between Member States' systems, in accordance with Article 14a;***

#### **Amendment 43**

##### **Proposal for a regulation Article 5 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(g b) advise the European Parliament, the Council and the Commission on any initiative which it considers to be appropriate to encourage the effective***

## Amendment 44

### Proposal for a regulation Article 6

*Text proposed by the Commission*

#### Article 6

Information on cross-border labour mobility

The Authority shall improve the availability, quality and accessibility of information offered to individuals *and* employers to facilitate labour mobility across the Union, in accordance with Regulation (EU) 589/2016 on EURES and Regulation [Single Digital Gateway – COM(2017)256]. To that end, the Authority shall:

- (a) provide relevant information on *the* rights and obligations of individuals in cross-border *labour* mobility situations;
- (b) *promote opportunities* to support the labour mobility of individuals, *including through guidance on access to learning and language training*;
- (c) provide relevant information to employers on labour rules, and *the living and working conditions* applicable to workers in cross-border labour mobility situations, including posted workers;

*Amendment*

#### Article 6

Information on cross-border labour mobility

The Authority shall improve the availability, quality and accessibility of information offered to individuals, employers *and social partners* to facilitate *fair* labour mobility across the Union, in accordance with Regulation (EU) 589/2016 on EURES and Regulation [Single Digital Gateway – COM(2017)256]. To that end, the Authority shall:

- (a) *in cooperation with the relevant national authorities* provide *in particular employers and social partners, workers and job-seekers with* relevant information on *all* rights and obligations of individuals in cross-border mobility situations, *in particular labour mobility and with regard to social security rights and social protection and cross-border provision of services*;
- (b) *finance, provide and organise guidance and consultancy and training, including sector-specific language courses*, to support the labour mobility of individuals;
- (c) *in cooperation with the relevant national authorities*, provide relevant information to employers *and employees, social partners and relevant stakeholders* on *current* labour rules, and *other socio-economic indicators affecting levels of pay* applicable to workers in cross-border

(d) *support* Member States *in complying* with the obligations on the dissemination of and access to information relating to the free movement of workers as laid down in Article 6 of Directive 2014/54/EU, and to the posting of workers as laid down in Article 5 of Directive 2014/67/EU;

(e) support Member States in improving the accuracy, completeness and user-friendliness of relevant national information services, in accordance with the quality criteria laid down in Regulation [Single Digital Gateway – COM(2017)256];

(f) support Member States in streamlining the provision of information and services to individuals and employers pertaining to cross-border mobility on a voluntary basis, while fully respecting Member States' competences.

labour mobility situations, including posted workers; *in all official languages of the Union; provide an indicative wage comparison calculator showing the wage levels of the posted worker in the host Member State during the posting period;*

(d) *cooperate closely with the* Member States *and relevant national authorities to ensure compliance* with the obligations on the dissemination of and access to information relating to the free movement of workers as laid down in Article 6 of Directive 2014/54/EU, and to the posting of workers as laid down in Article 5 of Directive 2014/67/EU; *to this end, the Authority shall set up and manage a single European website, serving as a one-stop-shop, containing all relevant information from each of the official national websites referred to in Article 5 of Directive 2014/67/EU;*

(e) support Member States in improving the accuracy, completeness and user-friendliness of relevant national information services, in accordance with the quality criteria laid down in Regulation [Single Digital Gateway – COM(2017)256];

(f) support Member States in streamlining *and improving* the provision of information and services to individuals and employers pertaining to cross-border mobility on a voluntary basis, while fully respecting Member States' competences *and the fundamental rights.*

## Amendment 45

### Proposal for a regulation Article 7 – title

*Text proposed by the Commission*

Access to cross-border labour mobility services

*Amendment*

Access to cross-border labour mobility services *and other relevant services*

## Amendment 46

### Proposal for a regulation

#### Article 8

*Text proposed by the Commission*

##### Article 8

Cooperation and exchange of information between Member States

1. The Authority shall facilitate cooperation between Member States **and support their effective compliance with cooperation obligations**, including on information exchange, as defined in Union law within the scope of the Authority's competences.

To that end, the Authority shall, upon request **of** national authorities, and in order to speed up exchanges between them, in particular:

- (a) support national authorities in identifying the relevant contact points of national authorities in other Member States;
- (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 exchanges on the status of cases;
- (c) promote and share best practices;
- (d) **facilitate** cross-border enforcement procedures of penalties and fines;
- (e) report to the Commission on a quarterly basis about unresolved requests

*Amendment*

##### Article 8

Cooperation and exchange of information between Member States

1. The Authority shall facilitate cooperation between Member States, **social partners and relevant stakeholders and help to ensure** compliance, including on information exchange, as defined in Union law within the scope of the Authority's competences, **in accordance with relevant Union legislation on data protection and fundamental rights**.

To that end, the Authority shall, upon request **or at its own initiative and in close cooperation with** national authorities, and in order to speed up exchanges between them, in particular:

- (a) support national authorities in identifying the relevant contact points of national authorities in other Member States;
- (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 status of cases **depending on the specificities of the individual case**;
- (c) promote and share best practices, **taking to account the specific collective bargaining rights in the Member States**;
- (d) **help to ensure, upon request by the concerned Member State, that coordination of** cross-border enforcement procedures of penalties and fines **work efficiently**;
- (e) report to the Commission, **the European Parliament and the Member**

between Member States, and if considered necessary, refer those to mediation in accordance with Article 13.

2. The Authority shall support the work of the Administrative Commission for the Coordination of Social Security Systems with handling financial matters related to social security coordination, in accordance with Article 74 of Regulation (EC) No 883/2004 and Articles 65, 67 and 69 of Regulation (EC) No 987/2009.

3. The Authority shall promote the use of electronic tools and procedures for message exchange between national authorities, including the Internal Market Information (IMI) system and the Electronic Exchange of Social Security Information (EESSI) system.

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

*States* on a quarterly basis about unresolved requests between Member States, and if considered necessary, refer those to mediation in accordance with Article 13 *and Article 13a*.

***1 a At the request of the Authority, the competent national authorities shall provide the Authority with all the necessary information, in specified formats, to carry out the tasks conferred on it by this Regulation, provided that they have legal access to the relevant information. The information shall be accurate, coherent and complete The competent national authority shall provide the information within two months and in urgent cases two working days, without prejudice to the discretion of Member States dealing with special cases.***

***1.b Upon a duly justified request from a national authority, the Authority shall provide any information that is necessary to enable the national authority to carry out its tasks, within the scope of the Authority's competences***

2. The Authority shall support the work of the Administrative Commission for the Coordination of Social Security Systems with handling financial matters related to social security coordination, in accordance with Article 74 of Regulation (EC) No 883/2004 and Articles 65, 67 and 69 of Regulation (EC) No 987/2009.

3. The Authority shall promote ***and monitor*** the ***proper*** use of electronic tools and procedures for message exchange between national authorities, including the Internal Market Information (IMI) system and the Electronic Exchange of Social Security Information (EESSI) system ***and provide technical assistance and expertise***.

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.

fraud, providing reports to the Commission *and the Member States in question* with a view to their further development *and in accordance with relevant Union legislation on data protection and fundamental rights*.

*4 a. The Authority shall maintain a Union list of enterprises that do not meet the relevant legal requirements with regard to ensuring fair and non-precarious labour mobility. This Union list shall be made public in order to ensure the greatest transparency. It shall be based on common criteria and reviewed regularly. The first list shall be established within the first 12 months of operation of the Authority. Enterprises appearing on the Union list shall be subject to an operating ban. The operating prohibitions on the Union list shall apply throughout the territory of the Member States. In exceptional cases, Member States may take unilateral measures. In an emergency, and when faced with an unforeseen security problem, Member States shall have the possibility of immediately issuing an operating ban for their own territory. The Authority shall facilitate cooperation between Member States in the event of cross-border market disruptions and support their fight against social dumping.*

#### **Amendment 47**

#### **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.*

#### *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 48**

### **Proposal for a regulation**

#### **Article 9**

*Text proposed by the Commission*

#### Article 9

Coordination of concerted and joint inspections

1. At the request of one or several Member States, the Authority shall coordinate concerted or joint inspections in the areas under the scope of the Authority's competences. The request may be submitted by one or several Member States. The Authority may also suggest to the authorities of the Member States concerned that they perform a concerted or joint inspection.

2. Where the authority of a Member State decides not to participate in or carry out the concerted or joint inspection referred to paragraph 1, it shall inform the Authority in writing of the reasons for its decision *duly in advance*. In such cases, the Authority shall inform the other

*Amendment*

#### Article 9

Coordination of concerted and joint inspections

1. At the request of one or several Member States, the Authority shall *work towards concluding an agreement between them and* coordinate concerted or joint inspections in the areas under the scope of the Authority's competences. The request may be submitted by one or several Member States. The Authority may also suggest to the authorities of the Member States concerned that they perform a concerted or joint inspection, *which will be carried out in coordination with the Member State*.

2. Where the authority of a Member State decides not to participate in or carry out the concerted or joint inspection referred to *in* paragraph 1, it shall inform the Authority in writing of the reasons for its decision *before the beginning of the planned inspection*. In such cases, the Authority shall inform the other national

national authorities concerned.

3. The organisation of a concerted or joint inspection shall be subject to the prior agreement of all participating Member States via their National Liaison Officers. In the event that one or more Member States refuse to take part in the concerted or joint inspection, the other national authorities may, where appropriate, only carry out the envisaged concerted or joint inspection in the participating Member States. The Member States that declined to participate in the inspection shall keep information about the envisaged inspection confidential.

## Amendment 49

### Proposal for a regulation

#### Article 10

*Text proposed by the Commission*

#### Article 10

#### Arrangements for concerted and joint inspections

1. An agreement for setting up a joint inspection ('the joint inspection agreement') between the participating Member States and the Authority shall set out the conditions for carrying out such an exercise. The joint inspection agreement may include provisions which enable joint inspections, once agreed and planned, to take place at short notice. The Authority shall establish a model agreement.

2. Concerted and joint inspections and their follow-up shall be carried out in accordance with the national law of the Member States concerned.

authorities concerned.

3. The organisation of a concerted or joint inspection shall be subject to the prior agreement of all participating Member States via their National Liaison Officers. In the event that one or more Member States refuse to take part in the concerted or joint inspection, the other national authorities may, where appropriate, only carry out the envisaged concerted or joint inspection in the participating Member States. The Member States that declined to participate in the inspection shall keep information about the envisaged inspection confidential.

*Amendment*

#### Article 10

#### Arrangements for concerted and joint inspections

1. An agreement for setting up a joint inspection ('the joint inspection agreement') between the participating Member States, ***and/or social partners and relevant stakeholders*** and the Authority shall set out the conditions for carrying out such an exercise, ***especially the scope of the inspection and the applicable law***. The joint inspection agreement may include provisions which enable joint inspections, once agreed and planned, to take place at short notice. The Authority shall establish ***guidelines for concerted and joint inspections and*** a model agreement ***after consulting all Member States***.

2. Concerted and joint inspections and their follow-up shall be carried out in accordance with the national law of the Member States concerned. ***National authorities shall also be fully associated***

3. The Authority shall provide logistical and technical support, which may include translation and interpretation services, to Member States carrying out concerted or joint inspections.

4. Staff of the Authority may *participate in* a concerted or joint inspection with the prior agreement of the Member State on whose territory they will be providing their assistance to the inspection.

5. National authorities carrying out a concerted or joint inspection shall report back to the Authority on the outcomes within their respective Member States and on the overall operational running of the concerted or joint inspection.

6. Information on concerted and joint inspections shall be included in quarterly reports to be submitted to the Management

*in the process and have full and autonomous authority. Where social partners are themselves in charge of inspections at national level, joint and concerted inspections should only take place if the social partners concerned so agree and under supervision of the Member State concerned.*

3. The Authority shall provide logistical and technical support *if requested by the Member States concerned*, which may include translation and interpretation services *and legal assistance*, to Member States *and social partners* carrying out concerted or joint inspections.

4. Staff of the Authority may *attend* a concerted or joint inspection with the prior agreement of the Member State on whose territory they will be providing their assistance to the inspection.

5. National authorities *or social partners* carrying out a concerted or joint inspection shall report back to the Authority on the outcomes within their respective Member States and on the overall operational running of the concerted or joint inspection. *The Authority shall establish a template for their reports, taking into account the necessity to avoid unnecessary administrative burden. The results of joint inspections may be used as evidence in the Member State with the same legal value of information collected within their own territory.*

*5 a. Parties being subject of the inspection shall receive the post-inspection report and shall have the right to refer to it and challenge findings following national law of the Member State, on which territory the inspection has been carried out.*

6. Information on concerted and joint inspections shall be included in quarterly reports to be submitted to the Management

Board. A yearly report on the inspections supported by the Authority shall be included in the Authority's annual activity report.

7. In the event that the Authority, in the course of concerted or joint inspections, or in the course of any of its activities, becomes aware of suspected irregularities in the application of Union law, including beyond the scope of its competences, it shall report those suspected irregularities to the Commission and authorities in the Member State concerned, where appropriate.

Board *and to the Stakeholder Group*. A yearly report on the inspections supported by the Authority shall be included in the Authority's annual activity report. ***This report shall include a list of cases in which Member States refused to participate in a joint inspection.***

***6 a. Joint inspections as well as their legal consequences, decisions on administrative fines and penalties as well as rights and obligations of the parties being subject of the inspection shall be with no prejudice to the law applicable on the territory of a Member State where the inspection is taking place.***

7. In the event that the Authority, in the course of concerted or joint inspections, or in the course of any of its activities, becomes aware of suspected irregularities in the application of Union law, including beyond the scope of its competences, it shall report those suspected irregularities to the Commission and authorities in the Member State concerned, where appropriate.

***7 a. Concerted and joint actions and inspections also cover the activities in the frame of the cooperation, in the fight against fraudulent service providers, as referred to in Chapter VI of the Services Directive 2006/123/EC.***

## Amendment 50

### Proposal for a regulation Article 11

*Text proposed by the Commission*

#### Article 11

Cross-border labour mobility analyses and risk assessment

1. The Authority shall assess risks and carry out analyses regarding cross-border labour flows, such as labour market imbalances, sector-specific threats and

*Amendment*

#### Article 11

Cross-border labour mobility analyses and risk assessment

1. The Authority shall assess risks and carry out analyses, ***keeping in mind regional and national specificities***, regarding cross-border labour flows, such

recurring problems 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.

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

- (a) examine any questions, difficulties and specific issues which might arise concerning the implementation and practical application of Union law within the scope of the Authority's competences, as well as its enforcement in practice;
- (b) strengthen consistency in the provision of services to individuals and businesses;
- (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.

as labour market imbalances, sector-specific threats and recurring problems 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.

***1 a Upon request also of a Member State, the Authority may carry out additional analysis and studies. 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.***

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

- (a) examine any questions, difficulties and specific issues which might arise concerning the implementation and practical application of Union law within the scope of the Authority's competences, as well as its enforcement in practice;
- (b) strengthen consistency in the provision of services to individuals and businesses;
- (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.

***(c a) formulate recommendations addressed to both the Commission and the***

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.

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.

***Member States to ensure the effective enforcement of Union law in relation to the work of the Authority, including in relation to fighting undeclared work, ensuring fair decent working conditions, fighting tax evasion and ensuring proper social protection for all.***

3. The Authority shall **quarterly** report its findings to the Commission, **the European Parliament**, as well as directly to the Member States concerned, outlining possible measures to address identified weaknesses **and strengths. The outcomes shall be published within a year following and taken into account in all Union actions, when relevant.**

4. The Authority shall collect statistical data, compiled **in clear structures, disaggregated by gender, age, income level, occupation and labour market status** 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 legislation 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.

## Amendment 51

### Proposal for a regulation

#### Article 12

*Text proposed by the Commission*

#### Article 12

Support to capacity building

The Authority shall support Member States with capacity building aimed at promoting the consistent enforcement of the Union law in all areas covered by this Regulation.

*Amendment*

#### Article 12

Support to capacity building

The Authority shall support Member States, **social partners and civil society organisations** with capacity building aimed at promoting the consistent

The Authority shall, in particular, carry out the following activities:

- (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;
- (b) promote and support mutual assistance, either in the form of peer-to-peer or group activities, as well as staff exchanges and secondment schemes between national authorities;
- (c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities;
- (d) develop sectoral and cross-sectoral training programmes and dedicated training material;
- (e) promote awareness-raising campaigns, including campaigns to inform individuals and employers, especially small and medium-sized enterprises ('SMEs'), of their rights and obligations and the opportunities available to them.

enforcement of the Union law in all areas covered by this Regulation. The Authority shall, in particular, carry out the following activities:

- (a) develop guidelines, *which way be applied* by Member States *and social partners*, 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;
- (b) promote and support mutual assistance, either in the form of peer-to-peer or group activities, as well as staff exchanges and secondment schemes between national authorities;
- (c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities, *social partners and civil society organisations*;
- (d) develop sectoral and cross-sectoral training programmes and dedicated training material;
- (e) promote awareness-raising campaigns, including campaigns to inform individuals and employers, especially small and medium-sized enterprises ('SMEs'), of their rights and obligations and the opportunities available to them.
  - (e a) *increase the capacity of enforcement bodies to better tackle cross-border aspects including sufficient staff resources, training and financial resources.*
  - (e b) *improve the knowledge and mutual understanding of the different national systems and practices related to free movement of persons, within the scope of this Regulation and access to adequate social protection and the methods and legal framework for action;*

## Amendment 52

### Proposal for a regulation Article 13

*Text proposed by the Commission*

#### Article 13

##### Mediation between Member States

1. In the event of disputes between Member States regarding the application or interpretation of Union law in areas covered by this Regulation, the Authority may perform a mediation role.

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*

#### Article 13

##### Mediation between Member States

1. In the event of disputes between Member States regarding the application or interpretation of Union law in areas covered by this Regulation, the Authority may perform a mediation role, ***without prejudice to the procedures envisaged by the decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Regulation No 883/2004 of the European parliament and the Council.***

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 ***if Member States have not been able to resolve the dispute within a reasonable time after its emergence, taking into consideration the nature and specific requirements of each case. Member States concerned take actively part in the mentioned procedure and make at disposal any relevant and/or requested information.***

***2 a The Member States shall inform the persons concerned, such as employers, employees, self-employed persons, about the dispute and about the case being brought to the Authority. They shall also be consulted and involved throughout the procedure.***



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.

4. Cases in which there are ongoing court proceedings at national or Union level shall not be admissible for mediation by the Authority.

5. Within three months of the conclusion of *the* mediation by the Authority, the Member States concerned shall report to the Authority on measures they have taken in order to follow-up on it or on the reasons for not taking action in the event that they did not follow-up.

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

3. ***For the purposes of the mediation procedure, the Member States concerned shall make available all requested and relevant information.*** When presenting a case for mediation by the Authority, Member States ***and all other parties that are heard by the Authority or involved in the case*** shall ensure that all personal data related to that case is anonymised, ***in accordance with relevant Union legislation 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 afterwards***.

4. Cases in which there are ongoing court proceedings at national or Union level shall not be admissible for mediation by the Authority.

5. Within three months of the conclusion of ***successful*** mediation by the Authority, the Member States concerned shall report to the Authority on measures they have taken in order to follow-up on it or on the reasons for not taking action in the event that they did not follow-up.

***5 a. Within three months of a decision by the Dispute Settlement Board, the Member States concerned shall notify the Authority of the measures they have taken in response to the decision or which they have refrained from taking on the basis of the decision.***

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.

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

***6b. At any stage throughout the mediation process, the Member States concerned may agree with each other to having the Mediation Board act as an***

*arbitrator and to be bound by its decision.  
This agreement shall be formally  
registered and made public.*

## **Amendment 53**

### **Proposal for a regulation Article 14**

*Text proposed by the Commission*

#### Article 14

Cooperation in case of cross-border labour  
market disruptions

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.*

*Amendment*

#### Article 14

Cooperation in case of cross-border labour  
market disruptions

At the request of the national authorities,  
the Authority *shall* facilitate cooperation  
between relevant stakeholders in order to  
address labour market disruptions affecting  
more than one Member State, such as  
large-scale restructuring events *with cross-  
border implications. The Authority shall  
adequately involve the respective social  
partners, without prejudice to their  
autonomy.*

## **Amendment 54**

### **Proposal for a regulation Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 14 a*

*Cooperation in case of structural  
problems in access to labour and social  
rights*

*The Authority shall facilitate cooperation  
between relevant stakeholders in order to  
provide solutions for people experiencing  
problems in accessing labour and social  
rights in cross-border situations,  
including social security benefits, as a  
result of structural differences between  
the systems of different Member States  
concerned.*

## Amendment 55

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

The Authority shall coordinate, develop and apply interoperability frameworks to guarantee the exchange of information between Member States and also with the Authority. Those interoperability frameworks shall be based on and supported by the European Interoperability Framework<sup>70</sup> and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council<sup>71</sup>.

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<sup>70</sup> Communication from the Commission to the European Parliament, the Council, the European Economic Social Committee and the Committee of the Regions: European Interoperability Framework – Implementation Strategy - COM(2017) 134 final.

<sup>71</sup> Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA<sup>2</sup> programme) as a means for modernising the public sector (OJ L 318, 4.12.2015, p. 1).

*Amendment*

The Authority shall coordinate, develop and apply interoperability frameworks to guarantee the exchange of information between Member States and also with the Authority. Those interoperability frameworks shall be based on and supported by the European Interoperability Framework<sup>70</sup> and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council<sup>71</sup>. ***At the request of the Authority, national authorities shall provide the Authority with all the necessary information, in specified formats, to carry out the tasks conferred on it by this Regulation, provided that they have legal access to the relevant information. The information shall be accurate, coherent, complete and timely.***

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<sup>70</sup> Communication from the Commission to the European Parliament, the Council, the European Economic Social Committee and the Committee of the Regions: European Interoperability Framework – Implementation Strategy - COM(2017) 134 final.

<sup>71</sup> Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA<sup>2</sup> programme) as a means for modernising the public sector (OJ L 318, 4.12.2015, p. 1).

## Amendment 56

### 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 ***or social partners*** 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 57

### Proposal for a regulation

#### Article 17 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2 a. The Dispute Settlement Board shall comprise the national liaison officers referred to in Article 33, a representative of the Commission, the Executive Director and three independent experts nominated by the Management Board. In case of dispute settlement procedures under Article 13, the National Liaison Officers of the Member States concerned, the Executive Director, the Commission representative and the three independent experts shall participate. The Executive Director shall act as chair. Decisions shall be taken by a two-thirds majority of the votes cast; the Commission representative shall not vote.***

## Amendment 58

### Proposal for a regulation

#### Article 18

*Text proposed by the Commission*

#### Article 18

##### Composition of the Management Board

1. The Management Board shall be composed of one senior representative from each Member State **and two representatives** of the Commission, all of whom have voting rights.

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

3. 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*

#### Article 18

##### Composition of the Management Board

1. The Management Board shall be composed of

*(a)* one senior representative from each Member State

*(b) one* representative of the Commission,

*(c) six social partner representatives and*

*(d) three independent experts appointed by the European Parliament*, all of whom have voting rights.

***The senior representatives of each Member State and their substitutes shall present professional competences in both labour law and social security regulations.***

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.***

3. 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), **and on the basis of merit, taking into account relevant experience and skills. All parties shall aim to achieve balanced representation between men and women on the Management Board.**

***Union level social partners shall appoint***

The Commission shall appoint the members who are to represent it.

The Member States and the Commission shall make efforts to limit the turnover of their representatives on the Management Board in order to ensure continuity of the Board's work. All parties shall aim to achieve balanced representation between men and women on the Management Board.

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

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.

***all social partner representatives.***

The Commission shall appoint the members who are to represent it.

The Member State, ***the social partners*** and the Commission shall make efforts to limit the turnover of their representatives on the Management Board in order to ensure continuity of the Board's work. All parties shall aim to achieve balanced representation between men and women on the Management Board.

4. The term of office for members and their alternates shall be four years. ***Members may be allowed office for two consecutive terms, provided that such members are not holding the same designation.***

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. Each member and alternate member shall sign a written declaration of interests when taking office and shall update it when there is a change of circumstances in that regard.***

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 19 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) adopt, by a two-thirds majority of its members entitled to vote, the annual budget of the Authority and exercise other functions in respect of the Authority's budget pursuant to Chapter IV;

*Amendment*

(b) adopt, by a two-thirds majority of its members entitled to vote, the annual budget of the Authority, ***after the budget has been submitted to the Stakeholders Group for an opinion***, and exercise other functions in respect of the Authority's budget pursuant to Chapter IV;

## **Amendment 60**

**Proposal for a regulation**  
**Article 19 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) adopt an anti-fraud strategy, proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented;

*Amendment*

(e) adopt an anti-fraud strategy, proportionate to the risk of fraud, taking into account the costs and benefits of the measures to be implemented, ***after the strategy has been submitted to the Stakeholders Group for an opinion;***

**Amendment 61**

**Proposal for a regulation**  
**Article 19 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as the members of the Stakeholder Group and the working groups and panels of the Authority set up in accordance with Article 17(2), and shall publish annually on its website the declaration of interests of the Management Board members;

*Amendment*

(f) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as the members of the Stakeholder Group and the working groups and panels of the Authority set up in accordance with Article 17(2) ***as well as seconded national experts in accordance with Article 34***, and shall publish annually on its website the declaration of interests of the Management Board members;

**Amendment 62**

**Proposal for a regulation**  
**Article 19 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(h a) discuss proposals and recommendations by the Stakeholder Group and provide a reasoned answer;***

**Amendment 63**

**Proposal for a regulation**  
**Article 19 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) adopt the rules of **procedures** of the working groups and panels of the Authority set up in accordance with Article 17(2);

*Amendment*

(i) adopt the rules of **procedure** of the working groups and panels of the Authority set up in accordance with Article 17(2) **and (3) and appoint three independent experts pursuant to Article 17(3) and two substitutes for each expert for a term of 10 years;**

## **Amendment 64**

### **Proposal for a regulation Article 20 – title**

*Text proposed by the Commission*

*Chairperson* of the Management Board

*Amendment*

*Chairpersons* of the Management Board

## **Amendment 65**

### **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, and shall strive for gender **and geographical** 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 66**

### **Proposal for a regulation Article 20 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

In the event that a first vote does not reach the two-thirds majority, a second vote shall

*Amendment*

In the event that a first vote does not reach the two-thirds majority, a second vote shall



be organised whereby the **Chairperson and Deputy Chairperson** shall be elected by a simple majority of the members of the Management Board with voting rights.

be organised whereby the **Chairpersons** shall be elected by a simple majority of the members of the Management Board with voting rights.

#### **Amendment 67**

##### **Proposal for a regulation Article 20 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

**The Deputy** Chairperson shall automatically replace the **Chairperson** if he or she is prevented from attending to his or her duties.

*Amendment*

**One** Chairperson shall automatically replace the **other** if he or she is prevented from attending to his or her duties.

#### **Amendment 68**

##### **Proposal for a regulation Article 20 – paragraph 2**

*Text proposed by the Commission*

2. The term of office of the **Chairperson and the Deputy Chairperson** shall be four years. Their term of office may be renewed once. Where, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.

*Amendment*

2. The term of office of the **Chairpersons** shall be four years. Their term of office may be renewed once. Where, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.

#### **Amendment 69**

##### **Proposal for a regulation Article 21 – paragraph 4**

*Text proposed by the Commission*

4. The Management Board shall convene meetings with the Stakeholder Group at least **once** a year.

*Amendment*

4. The Management Board shall convene meetings with the Stakeholder Group at least **twice** a year.

#### **Amendment 70**

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

*Text proposed by the Commission*

*Amendment*

**7 a. The minutes of the meetings of the Management Board shall be published on the Authority’s website. The agenda of the meetings of the Management Board shall be provided in advance to the Stakeholder Group.**

**Amendment 71**

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

*Text proposed by the Commission*

*Amendment*

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

*Justification*

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

**Amendment 72**

**Proposal for a regulation**  
**Article 23**

*Text proposed by the Commission*

*Amendment*

Article 23

Article 23

Responsibilities of the Executive Director

Responsibilities of the Executive Director

1. The Executive Director shall manage the Authority. The Executive Director shall be accountable to the Management Board.

1. The Executive Director shall manage the Authority. The Executive Director shall be accountable to the Management Board.

2. The Executive Director shall report to the European Parliament on the performance of his or her duties when

2. The Executive Director shall report to the European Parliament **and the Commission** on the performance of his or

invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.

3. The Executive Director shall be the legal representative of the Authority.

4. The Executive Director shall be responsible for the implementation of the tasks assigned to the Authority by this Regulation. In particular, the Executive Director shall be responsible for:

- (a) the day-to-day administration of the Authority;
- (b) implementing decisions adopted by the Management Board;
- (c) preparing the draft single programming document and submitting it to the Management Board for approval;
- (d) implementing the single programming document and reporting to the Management Board on its implementation;
- (e) preparing the consolidated annual report on the Authority's activities and presenting it to the Management Board for assessment and adoption;
- (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;
- (g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative, including financial penalties;

her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.

3. The Executive Director shall be the legal representative of the Authority.

4. The Executive Director shall be responsible for the implementation of the tasks assigned to the Authority by this Regulation. In particular, the Executive Director shall be responsible for:

- (a) the day-to-day administration of the Authority;
- (b) implementing decisions adopted by the Management Board;
- (c) preparing the draft single programming document and submitting it to the Management Board for approval;
- (d) implementing the single programming document and reporting to the Management Board on its implementation;
- (e) preparing the consolidated annual report on the Authority's activities and presenting it to the Management Board for assessment and adoption;
- (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, *the European Parliament* and regularly to the Management Board;
- (g) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative, including financial penalties;

- (h) preparing an anti-fraud strategy for the Authority and presenting it to the Management Board for approval;
- (i) preparing the financial rules applicable to the Authority and presenting them to the Management Board;
- (j) preparing the Authority's draft statement of estimates of revenue and expenditure and implementing its budget;
- (k) implementing measures established by the Management Board to comply with obligations on data protection imposed by Regulation (EC) No 45/2001.

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.

- (h) preparing an anti-fraud strategy for the Authority and presenting it to the Management Board for approval;
- (i) preparing the financial rules applicable to the Authority and presenting them to the Management Board;
- (j) preparing the Authority's draft statement of estimates of revenue and expenditure and implementing its budget;
- (k) implementing measures established by the Management Board to comply with obligations on data protection imposed by Regulation (EC) No 45/2001;

*(ka) preside over dispute settlement proceedings.*

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 ***primary*** 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.

***5 a The staff located in one or more Member States, either on a temporary or permanent basis, shall cooperate with the local authorities of the member states accordingly, however the staff shall always be under the direction of the Authority.***

## **Amendment 73**

### **Proposal for a regulation Article 24**

Article 24

Creation and composition of the Stakeholder Group

1. To facilitate consultation with relevant stakeholders and to benefit from their expertise in areas covered by this Regulation, a Stakeholder Group with advisory functions attached to the Authority shall be established.
2. The Stakeholder Group may, in particular, submit opinions and advice to the Authority on issues related to the application and enforcement of Union law in the areas covered by this Regulation.
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.
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.
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.***
6. The Authority shall provide the secretariat for the Stakeholder Group. The Stakeholder Group shall adopt its rules of

Article 24

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2. The Stakeholder Group may, in particular, submit opinions and advice to the Authority on issues related to the application and enforcement of Union law in the areas covered by this Regulation.
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, ***the European Parliament, or in special urgency cases at the request of a Member State or at least 20% of its members.***
4. The Stakeholder Group shall be composed of ***eight*** representatives of Union-level social partners equally representing trade unions and employer's organisations, two representatives of the Commission ***and two representatives of the European Parliament.***
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.
6. The Authority shall provide the secretariat for the Stakeholder Group. The Stakeholder Group shall adopt its rules of

procedure by a two-thirds majority of its members entitled to vote. The rules of procedure shall be subject to approval by the Management Board.

7. The Authority shall make public the opinions and advice of the Stakeholder Group and the results of its consultations, except in case of confidentiality requirements.

procedure by a two-thirds majority of its members entitled to vote. The rules of procedure shall be subject to approval by the Management Board.

7. The Authority shall make public the opinions and advice of the Stakeholder Group and the results of its consultations, except in case of confidentiality requirements.

## **Amendment 74**

### **Proposal for a regulation Article 25 – paragraph 1**

*Text proposed by the Commission*

1. Each year, the Executive Director shall draw up a draft single programming document containing in particular multi-annual and annual programming in accordance with Commission Delegated Regulation (EU) No 1271/2013<sup>73</sup> and taking into account guidelines set by the Commission.

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<sup>73</sup> Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

## **Amendment 75**

### **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

*Amendment*

1. Each year, the Executive Director shall draw up a draft single programming document containing in particular multi-annual and annual programming in accordance with Commission Delegated Regulation (EU) No 1271/2013<sup>73</sup> and taking into account guidelines set by the Commission, ***after the document has been submitted to the Stakeholder Group for an opinion.***

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<sup>73</sup> Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

*Amendment*

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

the Union.

the Union, *clearly indicating the Authorities' budget line. The Commission shall also inform the European Parliament of the draft estimate.*

*Justification*

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

**Amendment 76**

**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.**

**Amendment 77**

**Proposal for a regulation**

**Article 32**

*Text proposed by the Commission*

*Amendment*

Article 32

Article 32

Executive Director

Executive Director

1. The Executive Director shall be engaged as a temporary agent of the Authority in accordance with Article 2(a) of the Conditions of Employment of Other Servants.

1. The Executive Director shall be engaged as a temporary agent of the Authority in accordance with Article 2(a) of the Conditions of Employment of Other Servants.

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. **When there are two candidates of equal merit, the Management Board shall give preference to the under represented gender.**

3. For the purpose of concluding the

3. For the purpose of concluding the

contract with the Executive Director, the Authority shall be represented by the Chairperson of the Management Board.

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.

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.

6. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the cumulative period.

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

8. The Management Board shall reach decisions on the appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members entitled to vote.

contract with the Executive Director, the Authority shall be represented by the Chairperson of the Management Board.

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.

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.

6. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the cumulative period.

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

8. The Management Board shall reach decisions on the appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members entitled to vote.

## **Amendment 78**

### **Proposal for a regulation Article 37 – paragraph 1**

#### *Text proposed by the Commission*

1. Regulation (EC) No 1049/2001 shall apply to documents held by the Authority. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.

#### *Amendment*

1. Regulation(EC) No 1049/2001 shall apply to documents held by the Authority. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.  
***Regulation (EC) No 45/2001 shall apply***



*to the processing of personal data by the Authority.*

## **Amendment 79**

### **Proposal for a regulation Article 38 – paragraph 4**

*Text proposed by the Commission*

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Authority shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

*Amendment*

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Authority shall contain provisions expressly empowering the **EPPO**, European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

## **Amendment 80**

### **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 obligation, which shall not be resolved otherwise.***

## **Amendment 81**

### **Proposal for a regulation Article 42 – paragraph 1**

*Text proposed by the Commission*

The activities of the Authority shall be subject to the inquiries of the European Ombudsman in accordance with Article

*Amendment*

The activities ***of the Authority as well as activities, national, concerted or joint inspections carried out with the***

228 TFEU.

*involvement of staff* of the Authority shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 TFEU.

## **Amendment 82**

### **Proposal for a regulation Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 42 a**

##### ***Whistleblower protection***

***Persons bringing cases to the Authority, including on labour or social security fraud, either directly or via national enforcement authorities, shall be protected against any unfavourable treatment by their employer.***

## **Amendment 83**

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

*Text proposed by the Commission*

*Amendment*

To that end, the Authority may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries. Those arrangements shall not create legal obligations incumbent on the Union and its Member States.

To that end, the Authority may, subject to prior approval by the Commission ***and the Management Board***, establish working arrangements with the authorities of third countries. Those arrangements shall not create legal obligations incumbent on the Union and its Member States.

#### *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 84**

### **Proposal for a regulation**

**Article 46 – paragraph 1 – point 1**

Regulation (EC) No 883/2004

Article 1 – point na

*Text proposed by the Commission*

(na) ‘European Labour Authority’ means the body established by [Regulation Establishing the Authority] **and referred to in Article 74;**

*Amendment*

(na) ‘European Labour **and Social Security** Authority’ means the body established by [Regulation Establishing the Authority];

**Amendment 85**

**Proposal for a regulation**

**Article 46 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) *in Article 72, point (g) is replaced by the following:*

**“(g) establish the factors to be taken into account for drawing up accounts relating to the costs to be borne by the institutions of the Member States under this Regulation and to adopt the annual accounts between those institutions, based on the report of the European Labour Authority referred to in Article 74.”;**

*Amendment*

*deleted*

**Amendment 86**

**Proposal for a regulation**

**Article 46 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) in Article 72, the following point (ga) is inserted:**

**“(ga) provide the European Labour and Social Security Authority with technical input and expertise when required.”**

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Establishing a European Labour Authority
<b>References</b>	COM(2018)0131 – C8-0118/2018 – 2018/0064(COD)
<b>Committee responsible</b> Date announced in plenary	EMPL 16.4.2018
<b>Opinion by</b> Date announced in plenary	JURI 16.4.2018
<b>Rapporteur</b> Date appointed	Angel Dzhabazki 15.5.2018
<b>Discussed in committee</b>	3.9.2018
<b>Date adopted</b>	22.10.2018
<b>Result of final vote</b>	+: 15 –: 3 0: 0
<b>Members present for the final vote</b>	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Mady Delvaux, Laura Ferrara, Heidi Hautala, Mary Honeyball, Sylvia-Yvonne Kaufmann, Gilles Lebreton, Evelyn Regner, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
<b>Substitutes present for the final vote</b>	Geoffroy Didier, Pascal Durand, Angel Dzhabazki, Tiemo Wölken
<b>Substitutes under Rule 200(2) present for the final vote</b>	Olle Ludvigsson

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>15</b>	<b>+</b>
ECR	Angel Dzhambazki
PPE	Geoffroy Didier, Pavel Svoboda, Axel Voss, Francis Zammit Dimech; Tadeusz Zwiefka
S&D	Mady Delvaux, Mary Honeyball, Sylvia-Yvonne Kaufmann, Olle Ludvigsson, Evelyn Regner, Tiemo Wölken
VERTS/ALE	Max Andersson, Pascal Durand

<b>3</b>	<b>-</b>
EFDD	Joëlle Bergeron
ENF	Marie-Christine Boutonnet, Gilles Lebreton

<b>0</b>	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention