



**2018/0064(COD)**

13.7.2018

# **AMENDMENTS**

## **19 - 84**

**Draft opinion**

**Jordi Solé**

(PE623.716v02-00)

Establishing a European Labour Authority

Proposal for a regulation

(COM(2018)0131 – C8-0118/2018 – 2018/0064(COD))



**Amendment 19**  
**Mylène Troszczynski**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

*(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).*

*Amendment*

*deleted*

Or. fr

**Amendment 20**  
**Kostadinka Kuneva**

**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) 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, ***letterbox companies, fraudulent companies, bogus self-employment and companies 'fronting' human trafficking and slave labour networks, to which female workers are particularly vulnerable***. 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.

Or. el

**Amendment 21**  
**Kostadinka Kuneva**

**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) 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 **and precarious work, as well as, forced labour and exploitation**. 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.

Or. en

**Amendment 22**  
**Kostadinka Kuneva**

**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 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>.

### *Amendment*

(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 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>. ***The Authority should also contribute in combatting human trafficking, whether for sexual exploitation, labour, organs or domestic servitude and protect workers from forced labour in Europe. Given that trafficking in human beings is a complex transnational phenomenon that can be tackled effectively only if the EU institutions and Member States coordinate their work in order to prevent ‘forum shopping’ by criminal groups and individuals, but with the focus being placed on identifying and protecting potential and actual victims with an integrated intersectional perspective. Therefore, the Authority could play an important role in combatting trafficking***

***by putting in motion and/or by facilitating checks and cross boarder inspections, and by mainstreaming gender into labour inspections, yet with no replacement of national inspections and national enforcement activities.***

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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 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

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<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 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).

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).

Or. en

### *Justification*

*The Authority could and should contribute to the fight against human trafficking. According to Article 2 of Directive 2011/36/EU trafficking in human beings is defined as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; whereas exploitation includes, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the*

removal of organs. Victims of trafficking are found in different legal and illegal activities, among others including , but not limited to, agriculture, food processing, the sex industry, domestic work, manufacturing, care, cleaning, other industries (particularly the service industries). The majority of identified human trafficking victims are from an EU country. According to the "First Commission Report on the progress made in the fight against Trafficking in human beings (2016)" two out of three (67%) registered victims in EU were trafficked for sexual exploitation; 21% for other types of forced labour.

## **Amendment 23**

### **Kostadinka Kuneva**

#### **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 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

###### *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 European Trade Union Confederation (ETUC)**, 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



excluding the IT provision, and the operation and development of the IT infrastructure, which will continue to be ensured by the Commission.

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).

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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>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>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>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>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.

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

Or. el

## **Amendment 24**

### **Kostadinka Kuneva**

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

#### **Recital 14**

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

(14) To increase Member States' capacity to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority

##### *Amendment*

(14) To increase Member States' capacity to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority

should support the national authorities in carrying out concerted and joint inspections, including by facilitating the implementation of the inspections in accordance with Article 10 of Directive 2014/67/EU. These should take place at the request of Member States or upon their agreement to the Authority's suggestion. The Authority should provide strategic, logistical, and technical support to Member States participating in the concerted or joint inspections in full respect of confidentiality requirements. Inspections should be carried out in agreement with the Member States concerned and take place fully within the legal framework of national law of Member States concerned, which should follow up on the outcomes of the concerted and joint inspections according to national law.

should support the national authorities in carrying out concerted and joint **gender responsive** 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.

Or. en

**Amendment 25**  
**Kostadinka Kuneva**

**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 assessment referred to in Article 10 of Directive 2014/67/EU. The Authority

*Amendment*

(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, **always mainstreaming gender and using gender related indicators when doing so**. The authority should monitor potential imbalances in terms of skills and cross-border, **and gender** labour flows, including their possible impact on territorial **and social**

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.

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.

Or. en

**Amendment 26**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

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

*Amendment*

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

uptake of good practices.

Or. en

## **Amendment 27**

**Kostadinka Kuneva**

### **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 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.

##### *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 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 ***and the bodies representing them*** 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 refer to the Authority for its consideration cases in which the problem cannot be solved due to differences between national administrations. ***However, in the event of referral to national or EU courts of a dispute regarding implementation of Union law, individuals and employers and/or the bodies representing them must have the option of seeking an expert opinion from the Authority and calling on***

*it to attend the relevant proceedings in this capacity. Finally, the Authority should be able to recommend that the Commission initiate infringement proceedings in the case of systematic and serious infringement of EU law regarding cross-border mobility.*

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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.

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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.

Or. el

## **Amendment 28** **Anna Záborská**

### **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

#### *Amendment*

(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 experience and qualification, *with the strive for balanced representation of women and men*. In view of the effective

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.

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.

Or. en

**Amendment 29**  
**Mylène Troszczyński**

**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

*Amendment*

(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 *equity*, 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.

applying the Union rules within the scope of the Authority, may participate in the meetings of the Management Board as observers.

Or. fr

**Amendment 30**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

***(30a) By definition, the objective of fair mobility includes respect for gender equality and the elimination of inequalities between men and women in line with Article 157(3) TFEU, enabling the Union to adopt legislation to ensure equal opportunities and equal treatment in terms of employment and working conditions.***

Or. el

**Amendment 31**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Recital 30 b (new)**

*Text proposed by the Commission*

*Amendment*

***(30b) While gender equality is an established principle at EU level with regard to mobile and cross-border workers, massive differences and inequalities between the Member States are leaving female employees increasingly vulnerable to a widening pay and pensions gap and loss of entitlements in the course of transfer, posting or cross-***

*border employment.*

Or. el

**Amendment 32**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Recital 30 c (new)**

*Text proposed by the Commission*

*Amendment*

*(30c) In view of increasing non-compliance with regard to cross-border employment, which is primarily the domain of women working as home help and healthcare providers and in tourism, it is essential to ensure ongoing cooperation between the Authority and the European Institute for Gender Equality (EIGE), as well as gender mainstreaming in all analyses, cross-border mobility risk assessments reports and evaluations by the Authority.*

Or. el

**Amendment 33**  
**Vilija Blinkevičiūtė**

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

*Text proposed by the Commission*

*Amendment*

(a) facilitate access for individuals and employers to information on their rights and obligations as well as to relevant services;

(a) facilitate access for individuals and employers to information on their rights and obligations as well as to relevant services, *including maternity, paternity, parental and carers' leave;*

Or. en



**Amendment 34**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

(a) facilitate access for individuals and employers to information on their rights and obligations as well as to relevant services;

*Amendment*

(a) facilitate access for individuals and employers, ***together with the bodies representing them***, to information on their rights and obligations as well as to relevant services;

Or. el

**Amendment 35**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 36**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

(ca) ***advise and give expert opinion at proceedings before national or European courts on matters regarding implementation of Union law with regard to cross-border mobility at the request of***

*the parties, that is to say the individuals, and employers concerned and/or the bodies representing them;*

Or. el

**Amendment 37**  
**Kostadinka Kuneva**

**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 access to information by individuals and employers, ***together with the bodies representing them***, 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;

Or. el

**Amendment 38**  
**Kostadinka Kuneva**

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

Or. en

**Amendment 39**

**Kostadinka Kuneva**

**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) coordinate and support concerted and joint ***gender responsive*** inspections, in accordance with Articles 9 and 10;

Or. en

**Amendment 40**

**Vilija Blinkevičiūtė**

**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 assessment by making full use or request research by other relevant EU agencies, particularly EIGE and Eurofound*** on issues of cross-border labour mobility, in accordance with Article 11;

Or. en

**Amendment 41**

**Kostadinka Kuneva**

**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) carry out analyses and risk assessments on issues of cross-border labour mobility, ***taking into consideration gender related indicators***, in accordance with Article 11;

**Amendment 42**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

*Amendment*

*(ga) give expert opinion at proceedings before national or European courts between workers and employers and/or the bodies representing them regarding implementation of Union law applicable to cross-border mobility at the request of the parties concerned;*

Or. el

**Amendment 43**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

*Amendment*

*(ga) support Member States in combatting human trafficking in Europe*

Or. en

**Amendment 44**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

*Amendment*

*(gb) investigate petitions addressed to it by private individuals or groups of*

*individuals or the bodies representing them concerning serious infringements Union law with regard to cross-border employment.*

Or. el

**Amendment 45**

**Jordi Solé**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) provide relevant information on the rights and obligations of individuals in cross-border labour mobility situations;

*Amendment*

(a) provide relevant information on the rights and obligations of individuals in cross-border labour mobility situations, *including on pension rights and maternity, paternity, parental and carers' leave;*

Or. en

**Amendment 46**

**Anna Záborská**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) promote opportunities to support the labour mobility of individuals, including through guidance on access to learning and language training;

*Amendment*

(b) promote opportunities to support the labour mobility of individuals *and families*, including through guidance on access to learning and language training;

Or. en

**Amendment 47**

**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) promote opportunities to support the labour mobility of individuals, including through guidance on access to learning and language training;

*Amendment*

(b) promote **equal** opportunities to support the labour mobility of individuals, including through guidance on access to learning and language training;

Or. en

**Amendment 48**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) establish and regularly update a register of enterprises engaged in cross-border activity, including cross-border recruitment; the register should contain information regarding the countries in which each business operates, the type of activity, the number and breakdown of staff by country and legal form of employment, turnover by country, and possible serious infringements of common legislation, particularly with regard to labour rights, protection and equality of women, undeclared work, bogus self-employment, social security and taxation.***

Or. el

**Amendment 49**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) establish an accessible web portal that shall be used for disseminating labour mobility related information, support initiatives to seek convergence of fiscal policies and price of labour at the EU level. ELA website shall also serve as "one-stop-shop" for workers, employers and their representatives, where the affected individuals or stakeholders could register a complaint, report labour related disparities or breaches violation of European labour law and seek for advice and support.*

Or. en

**Amendment 50**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The Authority shall provide services to individuals and employers to facilitate labour mobility across the Union. To that end, the Authority shall:

1. The Authority shall provide services to individuals and employers **and the bodies representing them** to facilitate labour mobility across the Union **with full respect for the rights enshrined in the Treaties and the Charter of Fundamental Rights of the EU and codified in the European Social Rights Pillar, for the autonomy of the social partners and for national collective bargaining systems**. To that end, the Authority shall:

Or. el

**Amendment 51**  
**Kostadinka Kuneva**

**Proposal for a regulation**

## Article 7 – paragraph 1 – point a

*Text proposed by the Commission*

(a) promote the development of initiatives supporting the cross-border mobility of individuals, including targeted mobility schemes;

*Amendment*

(a) promote the development of initiatives supporting the cross-border mobility of individuals, including targeted mobility schemes **and gender-sensitive approaches**;

Or. en

## Amendment 52

**Kostadinka Kuneva**

### Proposal for a regulation

#### Article 7 – paragraph 1 – point c

*Text proposed by the Commission*

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

*Amendment*

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

Or. el

## Amendment 53

**Kostadinka Kuneva**

### Proposal for a regulation

#### Article 7 – paragraph 1 – point c

*Text proposed by the Commission*

(c) cooperate with other Union initiatives and networks, such as the European Network of Public Employment Services, the European Enterprise Network **and** the Border Focal Point, in particular to

*Amendment*

(c) cooperate with other Union initiatives and networks, such as the European Network of Public Employment Services, the European Enterprise Network, the Border Focal Point, **and**



identify and overcome cross-border obstacles to labour mobility;

**EIGE** in particular to identify and overcome cross-border obstacles to labour mobility;

Or. en

**Amendment 54**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. The Authority shall manage the EURES European Coordination Office and ensure that it fulfils its responsibilities in accordance with Article 8 of Regulation (EU) 2016/589, except for the technical operation and development of the EURES portal and related IT services, which shall continue to be managed by the Commission. The Authority, under the responsibility of the Executive Director as set out in Article 23(4)(k), shall ensure that this activity fully complies with requirements *of the* applicable data protection legislation, including the requirement to appoint a Data Protection Officer, in accordance with Article 37.

*Amendment*

2. The Authority shall manage the EURES European Coordination Office and ensure that it fulfils its responsibilities in accordance with Article 8 of Regulation (EU) 2016/589, except for the technical operation and development of the EURES portal and related IT services, which shall continue to be managed by the Commission. The Authority, under the responsibility of the Executive Director as set out in Article 23(4)(k), shall ensure that this activity fully complies with requirements **and** applicable data protection **and accessibility** legislation, including the requirement to appoint a Data Protection Officer, in accordance with Article 37.

Or. en

**Amendment 55**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 2 – point c**

*Text proposed by the Commission*

(c) promote and share best practices;

*Amendment*

(c) promote and share best practices **in the implementation of Union law in areas**

*such as parental leave and maternity entitlements, work-life balance, reduction of the earnings and pension gap between men and women and maximum working hours;*

Or. el

**Amendment 56**  
**Anna Záborská**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) promote and share best practices;

(c) promote and share best practices,  
*including the work-family balance;*

Or. en

**Amendment 57**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 9 – title**

*Text proposed by the Commission*

*Amendment*

Coordination of concerted and joint inspections

Coordination of concerted and joint *gender responsive* inspections

Or. en

**Amendment 58**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

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, *especially in cases where it receives reports from private individuals or groups of individuals or bodies representing them concerning serious infringements of Union law with regard to the cross-border mobility of workers.*

Or. el

**Amendment 59**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

1. At the request of one or several Member States, the Authority shall coordinate concerted or joint *gender responsive* 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 *gender responsive* inspection.

Or. en

**Amendment 60**  
**Kostadinka Kuneva**

**Proposal for a regulation**

## Article 9 – paragraph 2

*Text proposed by the Commission*

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 national authorities concerned.

*Amendment*

2. Where the authority of a Member State decides not to participate in or carry out the concerted or joint **gender responsive** 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 national authorities concerned.

Or. en

## Amendment 61 Kostadinka Kuneva

### Proposal for a regulation Article 9 – paragraph 3

*Text proposed by the Commission*

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*

3. The organisation of a concerted or joint **gender responsive** 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.

Or. en

## Amendment 62 Kostadinka Kuneva

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

1. An agreement for setting up a joint inspection, **that shall be gender responsive**, ('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 **shall** include provisions which enable joint inspections, once agreed and planned, to take place at short notice. The Authority shall establish a model agreement.

Or. en

**Amendment 63**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 10 – paragraph 5**

*Text proposed by the Commission*

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.

*Amendment*

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, **including any gender disaggregated data from the respected inspections**.

Or. en

**Amendment 64**  
**Vilija Blinkevičiūtė**

**Proposal for a regulation**  
**Article 10 – paragraph 6**

*Text proposed by the Commission*

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.

*Amendment*

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. ***A yearly report on the inspections supported by the Authority should be gender mainstreamed and include a separate chapter on gender equality*** shall be included in the Authority's annual activity report.

Or. en

**Amendment 65**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 10 – paragraph 6**

*Text proposed by the Commission*

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.

*Amendment*

6. Information on concerted and joint inspections, ***containing gender-disaggregated data***, 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 ***and shall be publicly disseminated on ELA website***.

Or. en

**Amendment 66**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 10 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. In the event that a combined or joint investigation of serious infringements of Union legislation meets with a total refusal of all Member States involved, the Authority may apply to the Commission to carry out an independent inspection and, subject to Commission authorisation, carry out the inspection, informing in due time the authorities of the Member States in which it will take place.**

Or. el

**Amendment 67**  
**Vilija Blinkevičiūtė**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. The Authority shall assess risks and carry out analyses regarding cross-border labour flows, such as labour market imbalances, sector-specific threats and recurring problems encountered by individuals and employers in relation to 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. ***Those analyses and studies shall be gender mainstreamed and include separate chapters on gender equality.***

Or. en

**Amendment 68**

**Kostadinka Kuneva**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 69**

**Vilija Blinkevičiūtė**

**Proposal for a regulation**

**Article 11 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. The Authority shall regularly report its findings to the Commission, as well as directly to the Member States concerned, outlining possible measures to address identified weaknesses. ***The report shall be gender mainstreamed and include a gender dimension.***

Or. en



**Amendment 70**  
**Vilija Blinkevičiūtė**

**Proposal for a regulation**  
**Article 12 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities;

*Amendment*

(c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities, ***also in the fields of work-life balance and gender pay and pension gap***;

Or. en

**Amendment 71**  
**Maria Gabriela Zoană**

**Proposal for a regulation**  
**Article 12 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities;

*Amendment*

(c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities ***and efforts in closing the gender pay and pension gaps***;

Or. en

**Amendment 72**  
**Kostadinka Kuneva**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Upon request of one of the Member States concerned by a dispute, the Authority shall launch a mediation

*Amendment*

2. Upon request of one of the Member States concerned by a dispute, the Authority shall launch a mediation

procedure before its Mediation Board set up for this purpose in accordance with Article 17(2). 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.

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.

***In exceptional cases, particularly when investigating serious infringements of EU and international law on combating human trafficking, the prohibition of slave labour, tax and business fraud (e.g. letterbox companies) or infringements of fundamental rights stemming from the Treaties and the Charter of Fundamental Rights, the Authority may proceed to mediation even in the absence of consensus between the Member States involved.***

Or. el

**Amendment 73**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

*Amendment*

***Article 14a***

***Commissioning of an expert report:***

***In the event of a dispute between private individuals and employers and/or the bodies representing them being heard before a national or European court, the Authority may, at the request of one or all of the parties concerned, produce an expert report concerning possible infringement of Union law regarding cross-border employment and appear before the court. The opinion delivered by experts commissioned by the Authority shall be of a purely advisory***

*nature and shall not be binding on the courts for the purposes of delivering judgement.*

Or. el

**Amendment 74**  
**Mylène Troszczynski**

**Proposal for a regulation**  
**Article 18 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

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.

*Amendment*

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 ***an equitable gender representation*** on the Management Board.

Or. fr

**Amendment 75**  
**Maria Gabriela Zoană**

**Proposal for a regulation**  
**Article 18 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

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.

*Amendment*

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 ***ensure*** balanced representation between men and women on the Management Board.

Or. en

**Amendment 76**  
**Vilija Blinkevičiūtė**

**Proposal for a regulation**  
**Article 18 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. A representative of EIGE, a representative of Eurofound, a representative of Cedefop, a representative of EU-OSHA and a representative of the European Training Foundation shall have the right to participate as observers at the meetings of the Management Board in order to enhance the efficiency of the agencies and the synergies between them.**

Or. en

**Amendment 77**  
**Anna Záborská**

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

*Text proposed by the Commission*

*Amendment*

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.

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

Or. en

**Amendment 78**

**Mylène Troszczynski**

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

Or. fr

**Amendment 79**

**Vilija Blinkevičiūtė**

**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 **ensure** 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.

Or. en

**Amendment 80**

**Maria Gabriela Zoană**

**Proposal for a regulation**

**Article 23 – paragraph 4 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(ka) Implementing gender mainstreaming in all relevant activities, policies and programmes of the Authority;*

Or. en

**Amendment 81**  
**Kostadinka Kuneva**

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

*Text proposed by the Commission*

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

*Amendment*

4. The Stakeholder Group shall be composed of six representatives of Union-level social partners equally representing trade unions and employer's organisations, and two representatives of the Commission, *as well as by representatives of women's organisations and other sectoral organisations of the Union forming part of the Platform against Undeclared Work and the Committee of Experts on Posting of Workers.*

Or. el

**Amendment 82**  
**Anna Záborská**

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

*Text proposed by the Commission*

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

*Amendment*

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

are absent or indisposed. To the extent possible, an appropriate balance *between women and men* shall be respected, as well as adequate representation of SMEs.

Or. en

**Amendment 83**  
**Vilija Blinkevičiūtė**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 84**  
**Vilija Blinkevičiūtė**

**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

1. No later than five years after the date referred to in Article 51, and every five years thereafter, the Commission shall assess the Authority's performance in relation to its objectives, mandate and tasks. The evaluation shall, in particular,

*Amendment*

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address the possible need to modify the mandate of the Authority, and the financial implications of any such modification, including by further synergies and streamlining with Agencies active in the area of employment and social policy.

address the possible need to modify the mandate of the Authority, and the financial implications of any such modification, including by further synergies and streamlining with Agencies active in the area of employment and social policy. ***The evaluation shall be gender mainstreamed and include a chapter on gender equality.***

Or. en