REPORT


Committee on Employment and Social Affairs

Rapporteur: Jeroen Lenaers
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a European Labour Authority

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2018)0131),

– having regard to Article 294(2), and Articles 46 and 48, Article 53(1), Article 62 and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0118/2018),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 20 September 2019,

– having regard to the opinion of the Committee of the Regions of 9 October 2018,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Budgets, the Committee on Transport and Tourism, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A8-0391/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
Amendment 1

Proposal for a regulation
Citation 2 a (new)

Text proposed by the Commission

Having regard to the European Pillar of Social Rights,

Amendment 2

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 3

Proposal for a regulation
Recital 2 a (new)

(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.
In its Special Report No 6/2018 on the Free Movement of Workers entitled ‘Free Movement of Workers – the fundamental freedom ensured but better targeting of EU funds would aid worker mobility’, the European Court of Auditors included recommendations to the Commission to improve awareness about the tools relating to information provision on the freedom of movement of workers and reporting discrimination as well as to make better use of available information in order to identify types of discrimination.

Amendment 4

Proposal for a regulation

Recital 4

As outlined in their Joint Declaration on the legislative priorities for 2018-2019, the European Parliament, the Council and the Commission are committed to taking action to reinforce the social dimension of the Union, by working on improving the coordination of social security systems, by protecting workers from health risks in the workplace, by ensuring fair treatment for all in the Union labour market through modernised rules on posting of workers, and by further improving cross-border enforcement of the Union law.


Amendment 5

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Concerns remain regarding compliance with, and effective and efficient enforcement of, Union law, which risks jeopardising trust and fairness in the internal market. It is therefore crucial to improve the cross-border enforcement of Union law in the area of labour mobility and to tackle abuse in order to protect the rights of mobile workers, to ensure that companies, in particular small and medium-sized enterprises (SMEs) can compete on an equal playing field and to maintain support of the citizens for the internal market and the four freedoms, so that bona fide companies and workers can enjoy their rights and make use of the opportunities of the internal market to the fullest extent.

Amendment 6

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

**Amendment**

(5) A European Labour Authority (the ‘Authority’) should be established in order to **provide added value at Union level to help strengthen fairness and trust in the Single Market. The Authority’s objective should be clearly defined with a strong focus on a limited number of tasks so that the means available are used as efficiently as possible in areas where the Authority can provide the greatest added value.** To that effect, the Authority should **assist** the Member States and the Commission in matters relating to application and enforcement of the Union law in the area of labour mobility in the framework of the freedom of movement for workers and the freedom to provide services in the internal market, by strengthening access to information, support compliance and cooperation between the Member States in the consistent, efficient and effective application and enforcement of the Union law in this area, and mediate and facilitate a solution in case of disputes between Member States concerning this law.

**Amendment 7**

**Proposal for a regulation**

Recital 5 a (new)

**Text proposed by the Commission**

(5a) **Improving access to information by individuals and employers, in particular SMEs, about their rights and obligations in the areas of labour mobility, free movement of services and social security coordination is crucial in order to tap the full potential of the internal market. For reasons of efficiency and effectiveness, such provision of reliable, up-to-date and easy accessible information should not be within the scope of the Authority, but rather at**
national or regional level, where also specific bilateral arrangements between Member States, for instance in the field of fiscal coordination, can be taken into consideration. To that end, the Commission should explore the possibility of creating or facilitating helpdesks or one-stop-shops for companies and workers in cross-border situations.

Amendment 8
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 area of labour mobility in the framework of the freedom of movement for workers and the freedom to provide services in the internal market and social security coordination, including posting of workers and highly mobile services and access to social rights and benefits. It should also enhance cooperation between Member States in tackling undeclared work and in situations where the proper functioning of the internal market is at risk because of, inter alia, letter box companies, fraudulent companies or the phenomenon of bogus self-employment. In cases where the Authority, in the course of the performance of its activities, becomes aware of suspected irregularities in areas of Union law, such as violations of working conditions, health and safety rules, severe labour exploitation, it should be able to report them and cooperate on these matters with the Commission, competent Union bodies, and national authorities where appropriate.
Amendment 9
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

(6a) Undeclared work often has a cross-border dimension and can have serious implications for the workers concerned. Some vulnerable groups, such as third-country nationals, are particularly exposed to undeclared work and the denial of basic workers’ rights connected with it. The Authority should cooperate with the European Platform to enhance cooperation in tackling undeclared work established by Decision (EU) 2016/344 of the European Parliament and the Council and should further strengthen Union-level cooperation in that field.

Amendment 10
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

(6b) The Authority should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with Union institutions, bodies, offices and agencies, and Member States, avoiding any duplication of work, promoting synergy and complementarity and thus achieving coordination and fiscal savings.

Amendment 11
Proposal for a regulation
Recital 7

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41 Regulation (EU) 2016/589 of the European Parliament and the Council of 13 April 2016 on a European network of


47 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


Amendment 12
Proposal for a regulation
Recital 8

Text proposed by the Commission


Amendment

(8) In order to respond to specific needs in particular sectors, such as the area of international transport, temporary agencies work, agriculture, construction, domestic work and hotels and restaurants, the Authority should also perform tasks related to the labour mobility aspects of the application of the relevant sector-specific Union law.


Amendment 13

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The individuals covered by the activities of the Authority should be persons who are subject to the Union law within the scope of this Regulation, including workers, self-employed persons, jobseekers, and economically non-active persons; this should cover both Union citizens and third-country nationals who are legally resident in the Union, such as posted workers, EU Blue Card holders, intra-corporate transferees or long-term residents, as well as their family members.

Amendment

(9) The individuals covered by the activities of the Authority should be persons who are subject to the Union law within the scope of this Regulation, including workers, employers, self-employed persons, jobseekers; this should cover both Union citizens and third-country nationals who are legally resident in the Union, such as posted workers, EU Blue Card holders, intra-corporate transferees or long-term residents, as well as their family members, as provided for by the relevant Union law regulating their mobility within the Union.
Amendment 14
Proposal for a regulation
Recital 10

Text proposed by the Commission

(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.

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. Increased cooperation in the area of enforcement should not place an excessive administrative burden on mobile workers or employers, in particular SMEs, or discourage labour mobility.

Amendment 15
Proposal for a regulation
Recital 11

Text proposed by the Commission

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

Amendment

deleted
and taking full advantage and ensuring consistency with the Your Europe portal, which will form the backbone of the future single digital gateway[^3].


Amendment 16

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[^4]), the European Enterprise Network[^5], the Border Focal Point[^6] and SOLVIT[^7], 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[^8] to provide information on healthcare. The Authority should also explore synergies with the proposed European services e-card[^9], 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

*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[^4]), the European Enterprise Network[^5], the Border Focal Point[^6] and SOLVIT[^7], 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[^8] to provide information on healthcare.
development of the IT infrastructure, which will continue to be ensured by the Commission.


Amendment 17
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) To increase Member States’ capacity to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority should support the national authorities in carrying out concerted and joint inspections, including by facilitating the implementation of the inspections in accordance with Article 10 of Directive 2014/67/EU. These should take place at the request of Member States or upon their

Amendment

(14) To increase Member States' capacity to ensure protection of people exercising their free movement rights and tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Authority should support the competent national authorities in carrying out concerted and joint inspections, including by facilitating the implementation of the inspections in accordance with Article 10 of Directive
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.

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 and practice of the Member States in which the inspections take place. Member States should follow up on the outcomes of the concerted and joint inspections according to national law and practice. Member States should ensure that the information collected during concerted or joint inspections may be used as evidence in legal proceedings in the Member States concerned.

Amendment 18

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Concerted and joint inspections should not replace nor undermine national competences. National authorities should also be fully associated in the process and have full and autonomous authority. Where trade unions are themselves in charge of inspections at national level, joint and concerted inspections should only take place if the trade unions concerned so agree.

Amendment 19

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 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.

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

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, in cooperation with Member States and social partners, 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 should ensure synergies and complementarity with other Union Agencies, or services or networks. This should include seeking input from SOLVIT and similar services on sector-specific challenges and recurring problems concerning labour mobility in the framework of freedom of movement for workers and the freedom to provide services in the internal market, as well as concerning the coordination of social security systems within the Union. 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.
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 and their importance is recognised by the Court of Justice. 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.

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61 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

Union law that falls within its scope, without impinging on the powers of the Court of Justice of the European Union. 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 and their importance is recognised by the Court of Justice. Where Member States voluntarily commit to conciliation the Authority should have the power to settle disputes by adopting decisions. Member States should be able to refer cases to the Authority for conciliation 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. The Authority should also be able to request the Commission to start infringement proceedings in the case of a suspected breach of Union law.

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61 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
Amendment 21

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 22

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.

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 23

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 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.

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, including recognised Union sectoral social partners representing sectors particularly concerned by labour mobility issues, notably those organisations that participate in the Committee of Experts on Posting of Workers and the European Platform to enhance cooperation in tackling undeclared work. The Union level social partners should involve national employers' organisations and trade unions in a regular dialogue in accordance with national law and practice. The Stakeholder Group should receive prior briefing and be able to submit their opinions to the Authority, upon request or on their own initiative, and the members should be regularly consulted. 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 24
Proposal for a regulation
Recital 27a (new)

*Text proposed by the Commission*

(27a) The seat of the Authority should be decided by the ordinary legislative procedure on the basis of objective and substantive criteria. The European Parliament should be involved systematically and on equal terms with the Commission and the Council in defining and weighting such criteria.

Amendment 25
Proposal for a regulation
Recital 30

*Text proposed by the Commission*

(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).

*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). Such cooperation should ensure coordination, promote synergies and avoid duplication in their activities.
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 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 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. With the establishment of the Authority, those bodies should cease to exist.

Amendment

(31) In order to bring an operational dimension to the activities of existing bodies in the area of labour mobility in the framework of freedom of movement for workers and the freedom to provide services in the internal market, 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 and the Committee of Experts on Posting of Workers set up by Commission Decision 2009/17/EC. With the establishment of the Authority, those bodies should cease to exist.


Proposal 27

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

Amendment

deleted
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 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 28

Proposal for a regulation
Recital 34

Text proposed by the Commission


Amendment

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

Amendment 29

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Respect for the diversity of national industrial relations systems as well as the

Amendment

Respect for the diversity of national industrial relations systems as well as the
autonomy of social partners is explicitly recognised by the TFEU. 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 to 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 30
Proposal for a regulation
Recital 36

Text proposed by the Commission

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

Amendment

(36) Since the objective of this Regulation to contribute to strengthening fairness in the internal market, in particular by improving the application and enforcement of Union law in the area of labour mobility, cannot be sufficiently achieved by the Member States acting in an uncoordinated manner, but can rather, by reason of the cross-border nature of those activities and the need for increased cooperation between Member States, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, this Regulation does not go beyond what is necessary in order to achieve that objective.
Amendment 31
Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Authority shall assist Member States and the Commission in matters relating to the application and enforcement of Union law in the area of labour mobility in the framework of freedom of movement for workers and the freedom to provide services in the internal market, as well as the coordination of social security systems within the Union.

Amendment 32
Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

2a. This Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the rights covered by the specific industrial relations systems in Member States, in accordance with national law and/or practice. Nor does it affect the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law and/or practice.

Amendment

2a. The objective of the Authority shall be to contribute to ensuring fair labour mobility

Amendment 33
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

Amendment

Article 2
Objectives
The objective of the Authority shall be to contribute to ensuring fair labour mobility
in the internal market. To that end, the Authority shall:

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

**Amendment 34**

**Proposal for a regulation**

**Article 5**

*Text proposed by the Commission*

Tasks of the Authority

In order to achieve its objectives, the Authority shall carry out the following tasks:

(a) facilitate access *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;

(b) facilitate cooperation and the exchange of information between national authorities with a view to the effective

*Amendment*

**Article 5**

Tasks of the Authority

In order to achieve its objectives, the Authority shall carry out the following tasks:

(a) facilitate access to information in accordance with *Article 6*;

(b) facilitate cooperation and the exchange of information between national authorities *and, where applicable, other*
enforcement of relevant Union law, in accordance with Article 8;

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

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

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

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

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

Amendment 35

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;

(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

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**Amendment**

**Article 6**  
Information on labour mobility in the framework of freedom of movement for workers and the freedom to provide services in the internal market

The Authority shall improve the availability, quality and accessibility of information offered to individuals, employers and social partner organisations to facilitate labour mobility across the Union, To that end, the Authority shall:

(a) provide a single Union-wide website in all official languages of the Union acting as a single portal for the purpose of accessing all relevant Union and national information sources and services on labour mobility in the framework of freedom of movement for workers and the freedom to provide services in the internal market, including references to the single national websites established in accordance with Article 5 of Directive 2014/67/EU and Article 6 of Directive 2014/54/EU, as well as references to official websites at national level, which provide information about social security systems;

(d) support Member States in complying with the obligations on the dissemination of and access to information relating to the free movement of workers,

(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.

(fa) facilitate cooperation between the competent national authorities designated in accordance with Directive 2014/54/EU to provide information, guidance and assistance to individuals and employers in the area of labour mobility within the internal market, and the national contact points designated in accordance with Directive 2011/24/EU to provide information on healthcare.

Amendment 36
Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

Access to cross-border labour mobility services

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

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

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

(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;

(d) facilitate cooperation between competent services at the national level designated in accordance with Directive 2014/54/EU to provide information, guidance and assistance to individuals and employers on cross-border mobility, and the national contact points designated in accordance with Directive 2011/24/EU to provide information on healthcare.

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 37

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1
The Authority shall facilitate cooperation 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.

Amendment

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Text proposed by the Commission

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

Amendment

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

Text proposed by the Commission

(b) facilitate the follow-up to reasoned 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 without prejudice to ongoing legal proceedings;
Text proposed by the Commission

(c) promote and share best practices;

(c) promote, share and contribute to disseminating best practices between Member States;

Amendment 41

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

Text proposed by the Commission

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

(d) facilitate and support cross-border enforcement procedures of penalties and fines if requested by one of the Member States concerned;

Amendment 42

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

Text proposed by the Commission

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

(e) report to the Commission on a quarterly basis about unresolved requests between Member States, and if agreed upon by all Member States concerned, refer those to conciliation in accordance with Article 13.

Amendment 43

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission

(ea) facilitate cooperation between competent services at the national level designated in accordance with Directive 2014/54/EU to provide information, guidance and assistance to individuals and employers in the area of labour
mobility within the internal market, and the national contact points designated in accordance with Directive 2011/24/EU to provide information on healthcare.

Amendment 44

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

1a. 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.

Amendment 45

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission


Amendment

2. The Authority shall establish close cooperation with the Administrative Commission for the Coordination of Social Security Systems, with the Advisory Committee on Free Movement of Workers and with the European Platform to enhance Cooperation in Tackling Undeclared Work.

Amendment 46

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Authority shall promote the use of electronic tools and procedures for message exchange between national authorities, including the Internal Market.

Amendment

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.

Amendment 47

Proposal for a regulation
Article 8 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. The Authority shall encourage the use of innovative approaches to effective and efficient cross-border cooperation, such as the European Platform to enhance Cooperation in Tackling Undeclared Work, and promote the use and the development of electronic exchange mechanisms and databases between the Member States to facilitate the access to data in real time and detection of fraud, and may suggest possible improvements of the use of these mechanisms and databases. The Authority shall provide reports to the Commission with a view to their further development.

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

*Amendment*

Article 9
Coordination of concerted and joint inspections

1. At the request of one or more Member States, the Authority shall coordinate and support concerted or joint inspections in the areas under the scope of
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 national authorities concerned.

2. Pursuant to the principle of sincere cooperation, Member States shall, when requested, aim to reach an agreement to participate in concerted or joint inspections. Where a Member State considers that there are valid reasons for not agreeing to participate it shall, within 1 month of the request referred to in paragraph 1, provide the Authority with reasons for its decision, submit any additional information on the nature of the issue in question to the Authority, and suggest a possible resolution of the case under consideration.

2a. Within 2 months of receipt of the information referred to in paragraph 2, the Authority shall submit a reasoned opinion to the Member States concerned, setting out its recommendations for resolving the case under consideration in one or more of the following ways:

(a) on the basis of the information referred to in paragraph 2;

(b) by means of a concerted or joint inspection in the other participating Member States;

(c) where all the Member States concerned agree, by means of a concerted or joint inspection.

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 Member States, based on an agreement between all Member States concerned and the Authority. The Authority may also, on its own initiative, suggest to the authorities of the Member States concerned that they perform a concerted or joint inspection. Social partner organisations at national level may bring cases to the attention of the Authority.

3. The Authority may request any Member State not participating in a concerted or joint inspection to carry out its own inspection on a voluntary basis, for the purpose of detecting possible irregularities and, within 3 months of the date of the Authority’s request, to report
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.

its findings to the Authority.

3a. Member States and the Authority shall keep information about envisaged inspections confidential with regard to third parties.

Amendment 49

Proposal for a regulation
Article 10 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Concerted and joint inspections shall be in line with ILO Convention number 81.

Amendment 50

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. An agreement for setting up a concerted inspection ("the concerted inspection agreement") or 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.

1. An agreement for setting up a concerted inspection ("the concerted inspection agreement") or a joint inspection ("the joint inspection agreement") between the participating Member States and the Authority shall set out the terms and conditions for carrying out such an exercise, including the scope and purpose of the inspection and, where relevant, any arrangements on the participation of the staff of the Authority in the inspection. The concerted or joint inspection agreement may include provisions which enable concerted or joint inspections, once agreed and planned, to take place at short notice. The Authority shall establish a model agreement in
acCORDANCE WITH UNION LAW, AS WELL AS NATIONAL LAW AND PRACTICE.

Amendment 51
Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 52
Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

2a. Officials from another Member State and from the Authority participating in concerted or joint inspections shall have the same powers as national officials in accordance with the national legislation of the concerned Member State.

Amendment

Amendment 53
Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The Authority shall provide strategic, logistical and technical support and legal guidance, if requested by the Member States concerned, including translation and interpretation services, to Member States carrying out concerted or joint inspections.
Amendment 54
Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Staff of the Authority may attend as an observer and provide logistic support, and 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.

Amendment 55
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 within six months of the date of the inspection.

Amendment 56
Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

5a Member States shall ensure that the information collected during concerted or joint inspections may be used as evidence in legal proceedings in the Member States concerned.

Amendment

5a Member States shall ensure that the information collected during concerted or joint inspections may be used as evidence in legal proceedings in the Member States concerned.
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 coordinated by the Authority, as well as information provided by Member States and by the Authority as referred to in Article 9(2) and (3) shall be included in *biannual* reports to be submitted to the Management 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. *If the evidence obtained in the course of a joint or concerted inspection is used in legal proceedings resulting in the imposition of a criminal or administrative penalty in a Member State, that Member State shall inform the Authority. The Authority shall include that information in its activity report.*

**Amendment 58**

Proposal for a regulation
Article 10 – paragraph 7

*Text proposed by the Commission*

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.

*Amendment*

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, it shall report those to the Commission and authorities in the Member State concerned, where appropriate.

**Amendment 59**

Proposal for a regulation
Article 11 – paragraph 1
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 60
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. Where necessary in order to achieve the objectives of this Regulation, the Authority shall include this information in its annual reports to the Commission and the European Parliament and report its findings directly to the Member States concerned in accordance with applicable data protection rules, outlining possible
measures to address identified weaknesses.

Amendment 61
Proposal for a regulation
Article 12 – paragraph 1 – point a

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

Amendment
(a) develop common guidelines for use 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;

Amendment 62
Proposal for a regulation
Article 12 – paragraph 1 – point a (new)

Text proposed by the Commission
(aa) develop Union-wide training programmes for inspectorates that address challenges such as bogus self-employment and abuses of posting;

Amendment
(aa) develop Union-wide training programmes for inspectorates that address challenges such as bogus self-employment and abuses of posting;

Amendment 63
Proposal for a regulation
Article 12 – paragraph 1 – point e (new)

Text proposed by the Commission
(ea) support exchanges of good practices with regard to the coordination of social security systems, and secondment of staff between national authorities in order to simplify exchanges of experience;

Amendment
(ea) support exchanges of good practices with regard to the coordination of social security systems, and secondment of staff between national authorities in order to simplify exchanges of experience;
Proposal for a regulation
Article 12 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) 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 65

Proposal for a regulation
Article 13

Text proposed by the Commission

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.

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 that 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.

Conciliation 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 conciliation role, without impinging on the powers of the Court of Justice of the European Union.

2. Upon the request of one or more Member States concerned by a dispute which cannot be solved by direct contacts and dialogue between them, the Authority shall launch a conciliation procedure before its Conciliation Board set up for this purpose in accordance with Article 17(2) based upon an agreement by all Member States involved. In the case of a conciliation procedure, the Member States shall actively participate in the mentioned procedure and shall make available any information that is relevant or that has been requested. The parties concerned by the conciliation shall be kept informed by the Member States and may upon their request be consulted and involved.
2a. The Authority may also launch a conciliation procedure on its own initiative before the Conciliation Board, including on the basis of a referral from SOLVIT, subject to the agreement of all Member States concerned by that dispute. Where a Member State concerned decides not to participate in the conciliation procedure, it shall inform the Authority and the other Member States concerned of the reasons of its decision.

2b. The Authority shall, on the date of the launch of the conciliation procedure as referred to in paragraphs 2 and 2a, set a time limit for its completion.

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.

3. When presenting a case for conciliation by the Authority, Member States shall ensure that all personal data related to that case is anonymised in such a manner that the data subject is not or no longer identifiable and the Authority shall not process the personal data of individuals concerned by the case at any point in the course of the conciliation procedure.

Personal data shall be kept only for as long as they are necessary for the purposes for which they are processed.

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

4. Cases in which there are ongoing court proceedings or investigations at national or Union level relating to the dispute concerned shall not be admissible for conciliation by the Authority.

4a. The Conciliation Board shall endeavour to reconcile the points of view of the Member States concerned and shall submit its opinion within six months of the launch of the conciliation procedure as referred to in paragraph 2 or 2a.

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.

5. Within three months of the submission of the opinion by the Conciliation Board, 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.

6. The Authority shall report to the Commission on a *biannual* basis about the outcomes of the *conciliation* cases it handles.


Amendment 66

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 67

Proposal for a regulation
Article 15 – paragraph 1

*Text proposed by the Commission*

The Authority shall establish cooperation arrangements with other decentralised Union agencies *where appropriate.*

The Authority shall, *where appropriate,* establish cooperation arrangements with other decentralised Union agencies, *such*
as Cedefop, Eurofound, EU-OSHA, ETF, Europol and Eurojust, in order to ensure coordination, promote synergies and avoid duplication or conflicts in their activities.

Amendment 68

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. 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.

The rules of procedure of such working groups and panels shall be set out by the Authority following consultation of the Commission. In matters related to social security coordination, the Administrative Commission for the Coordination of Social Security Systems shall also be consulted.

Amendment

2. 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 Conciliation Board in order to fulfil its tasks in accordance with Article 13 of this Regulation. Member States may nominate representatives to all working groups and expert panels.

The rules of procedure of such working groups and panels shall be set out by the Authority following consultation of the Commission.

Amendment 69

Proposal for a regulation
Article 17 – paragraph 2a (new)

Text proposed by the Commission

2. The principle of equality is a fundamental principle of Union law. It

Amendment

2a. The principle of equality is a fundamental principle of Union law. It
requires that equality between women and men must be ensured in all areas, including employment, work and pay. All parties shall aim to achieve a balanced representation between men and women on the Management Board and Stakeholder Group. That aim shall also be pursued by the Management Board with regard to its Chairperson and Deputy Chairperson.

### Amendment 70

**Proposal for a regulation**

**Article 18 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Management Board shall be composed of one senior representative from each Member State <strong>and</strong> two representatives of the Commission, <strong>all of whom</strong> have voting rights.</td>
<td>1. The Management Board shall be composed of:</td>
</tr>
<tr>
<td></td>
<td><em>(a) one senior representative from each Member State;</em></td>
</tr>
<tr>
<td></td>
<td><em>(b) two representatives of the Commission;</em></td>
</tr>
<tr>
<td></td>
<td><em>(c) six representatives of the Union-level social partners, equally representing employers’ organisations and trade unions;</em></td>
</tr>
<tr>
<td></td>
<td><em>(d) three independent experts appointed by the European Parliament.</em></td>
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<tr>
<td></td>
<td><strong>All members referred to in points (a) to (c) shall</strong> have voting rights.</td>
</tr>
</tbody>
</table>

### Amendment 71

**Proposal for a regulation**

**Article 18 – paragraph 3**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Members of the Management Board representing their Member States</td>
<td>3. Members of the Management Board representing their Member States</td>
</tr>
</tbody>
</table>
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.

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.

Amendment 72

Proposal for a regulation
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Each member and alternate member of the Management Board shall sign a written declaration of interests when taking office and shall update it when there is a change of circumstances in that regard.

The members of the Management Board shall ensure that the general interests of the Union and of the Authority are upheld.

Amendment 73
Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Proposal for a regulation
Article 18 – paragraph 5 a (new)

Text proposed by the Commission

5a. A representative of Eurofound, a representative of EU-OSHA, a representative of Cedefop 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.

Amendment

5a. Members of the Stakeholder Group may attend all meetings of the Management Board as observers.

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

Amendment

(f) adopt rules, including measures for detecting potential risks at an early stage,
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; 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 for seconded national experts, and shall publish annually on the Authority's website their declarations of interests and updates;

Amendment 77

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

Text proposed by the Commission

Amendment

(pa) respond to the assessment by the Executive Director on the opinions and the advice of the Stakeholder Group;

Amendment 78

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. The term of office of the Chairperson and the Deputy Chairperson shall be two 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 79

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment
Article 23

Responsibilities of the Executive Directive

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 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;

(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.

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 draft 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 as part of the Agency's single programming document;

(ja) in accordance with the decision referred to in Article 19(2), taking decisions with regard to the management of human resources;

(jb) taking decisions with regard to the Authority’s internal structures including, where necessary, deputising functions which may cover the day-to-day management of the Authority and, where necessary, their amendment, taking into account the needs relating to the Authority’s activities and sound budgetary management;

(jc) cooperating with other Union agencies, and concluding cooperation agreements with them;

(k) implementing measures established by the Management Board in accordance with Regulation (EC) No 45/2001.

(ka) assessing the submissions from the Stakeholder Group and submitting that assessment to the Management Board, in particular stating if this has influenced the draft single programming document;
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.

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

Amendment 80

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The Stakeholder Group shall receive prior briefing and may:

(a) monitor the implementation of the strategy and make recommendations for more effective functioning of the Authority;

(b) upon request by the Authority or on its own initiative, submit opinions and advice to the Authority for the cross-border labour mobility analyses and risk assessments, as referred to in Article 11;

(c) upon request by the Authority or on its own initiative, 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;
(d) give an opinion on the draft consolidated annual activity report on the Authority's activities, as referred to in Article 19, before its submission;

(e) give an opinion on the Authority’s draft single programming document referred to in Article 25 before its submission to the Commission for its opinion;

(f) be consulted with regard to the evaluations of the Executive Director, as referred to in Article 32.

Amendment 81

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Stakeholder Group shall elect a Chair among its members and shall meet at least twice a year at regular intervals and where necessary at the request of the Commission or of a majority of its members.

Amendment 82

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 two representatives of the Commission and ten representatives of Union-level social partners equally representing trade unions and employer’s organisations, including recognised Union sectoral social partners representing sectors particularly concerned by labour mobility issues.
Amendment 83
Proposal for a regulation
Article 24 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Stakeholder Group may invite experts or relevant international organisations to its meetings.

Amendment 84
Proposal for a regulation
Article 24 – paragraph 7

Text proposed by the Commission

Amendment

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 85
Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

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 and taking into account guidelines set by the Commission.

73 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

Amendment 86

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. Each year, the Executive Director shall draw up a provisional draft estimate of the Authority's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.

Amendment

1. Each year, the Executive Director shall draw up a provisional draft estimate of the Authority's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board. Where new tasks are conferred upon the Authority by Union institutions or Union legislation, this shall be taken into account in the resource and financial programming.

Amendment 87

Proposal for a regulation
Article 26 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

The provisional draft estimate shall be based on the detailed objectives and the expected results of the annual work programme referred to in Article 25(3) and shall take into account the financial resources necessary to achieve those objectives and results, in accordance with the principle of performance-based budgeting.

Amendment

The provisional draft estimate shall be based on the detailed objectives and the expected results of the annual work programme referred to in Article 25(3) and shall take into account the financial resources necessary to achieve those objectives and results, in accordance with the principle of performance-based budgeting.

Amendment 88

Proposal for a regulation
Article 26 – paragraph 4
4. The Commission shall send the draft estimate to the budgetary authority together with the draft general budget of the Union.

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

Justification

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

Amendment 89
Proposal for a regulation
Article 28 – paragraph 2 a (new)

Text proposed by the Commission

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

Amendment

Amendment 90
Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

The financial rules applicable to the Authority shall be adopted by the Management Board after consulting the Commission. They shall not depart from Delegated Regulation (EU) 1271/2013 unless such a departure is specifically required for the Authority's operation and the Commission has given its prior consent.

Amendment

The financial rules applicable to the Authority shall be adopted by the Management Board after consulting the Commission. They shall not depart from Delegated Regulation (EU) 1271/2013 unless such a departure is specifically required for the Authority's operation and the Commission has given its prior consent. Every effort shall be made for the application of the rules to be proportionate to the size and budget of the Authority so as not to impose excessive burdens, while still maintaining sound
**Amendment 91**

Proposal for a regulation

**Article 32**

**Text proposed by the Commission**

Article 32

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.

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.

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.

Amendment 92
Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

3. National Liaison Officers shall have competence under their Member States’ national law to request information from the authorities concerned.

Amendment

3. National Liaison Officers shall have competence under their Member States’ national law to request all relevant information from the authorities concerned.

Amendment 93
Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment
Article 36

Language arrangements

1. The provisions laid down in Council Regulation No 1\(^1\) shall apply to the Authority.

2. The translation services required for the functioning of the Authority shall be provided by the Translation Centre of the Bodies of the European Union.

\(^1\) Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

Amendment 94

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, 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.

**Amendment**

1. No later than **four** 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, 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.

Amendment 95

Proposal for a regulation

Article 43 – paragraph 1 – subparagraph 1

**Text proposed by the Commission**

In so far as is necessary to achieve the

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62/243

**Amendment**

In so far as is necessary to achieve the

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objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the institutions of the Union, the Authority may cooperate with the national authorities of third countries to which the relevant Union law on labour mobility and social security coordination applies.

Amendment 96
Proposal for a regulation
Article 43 – paragraph 1 – subparagraph 2

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

Amendment
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 97
Proposal for a regulation
Article 44 – paragraph 1

Text proposed by the Commission
1. The necessary arrangements concerning the accommodation to be provided for the Authority in the host Member State, together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Authority staff and members of their families, shall be laid

Amendment
1. The necessary arrangements concerning the accommodation to be provided for the Authority in the host Member State, together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Authority staff and members of their families, shall be laid
down in a Headquarters agreement between the Authority and the Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than two years after the entry into force of this Regulation.

down in a Headquarters agreement between the Authority and the Member State where the seat is located, to be concluded after obtaining the approval of the Management Board and no later than two years after the entry into force of this Regulation.

Amendment 98
Proposal for a regulation
Article 46

Text proposed by the Commission

[...] deleted

Amendment 99
Proposal for a regulation
Article 47

Text proposed by the Commission

[...] deleted

Amendment 100
Proposal for a regulation
Article 49

Text proposed by the Commission

[...] deleted

Amendment 101
Proposal for a regulation
Article 49 a (new)
Amendments to Decision (EU) 2016/344

Decision (EU) 2016/344 is amended as follows:

(1) in Article 2, paragraph 1, the following point (ca) is added:

“(ca) the Executive Director of the European Labour Authority.”;

(2) in Article 8, paragraph 1, subparagraph 3 is replaced by the following:

“The Bureau shall prepare and organise the work of the Platform in conjunction with a Secretariat, which shall function as a secretariat to the Platform, including the Bureau and working groups. The Secretariat shall be provided by the European Labour Authority.”;

(3) Article 9 is replaced by the following:

“Article 9
Cooperation

1. The Platform shall cooperate effectively and shall avoid duplication of work with other relevant expert groups and committees at Union level whose work has a link with undeclared work, in particular, the Senior Labour Inspectors Committee, the Administrative Commission for Social Security Coordination, the Public Employment Services Network, the Employment Committee (EMCO), the Social Protection Committee (SPC) and the Working Group on Administrative Cooperation in the field of Direct Taxation. The Platform shall invite the representatives of those groups and committees to attend its meetings as observers where appropriate. In the interest of more efficient working and enhanced impact, joint meetings may also
be organised.

2. The Platform shall establish appropriate cooperation with the European Labour Authority, Eurofound and EU-OSHA.”.

Amendment 102

Proposal for a regulation
Article 50 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Decision 2009/17/EC and Decision (EU) 2016/344 are repealed.</td>
<td>Decision 2009/17/EC is repealed.</td>
</tr>
</tbody>
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Amendment 103

Proposal for a regulation
Article 50 – paragraph 2

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>References to Decision 2009/17/EC and Decision (EU) 2016/344 shall be construed as references to this Regulation.</td>
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EXPLANATORY STATEMENT

The general objective of this regulation is to establish a European Labour Authority to help strengthen fairness and trust in the Single Market. The Authority should support the Member States in ensuring effective application of the Union law in the areas of labour mobility and coordination of social security. The proposal comes as a next concrete step to further deliver on the European Pillar of Social Rights.

The rapporteur strongly supports this initiative. According to the European citizens, the freedom to live, work, study and do business anywhere in the EU is the most cherished achievement of the EU. At the same time, Europeans greatly value fairness, social protection and inclusion. Therefore, the EU must deliver on both objectives, and ensure that free mobility also means fair mobility, that workers’ rights are guaranteed and protected throughout the EU, that unfair competition between workers and companies is prevented and that social fraud and the abuse of free movement are tackled.

To achieve this, we firstly need clear, fair and strict rules. This has been an absolute priority in recent years and a lot has been achieved, in particular with regard to the posting of workers directive, the enforcement directive and the platform tackling undeclared work. At the moment, work is still ongoing on the important proposals on the (transport) mobility package and the coordination of social security systems. Improved rules are necessary to ensure a fair labour market. Yet rules are not worth the paper they are printed on if they are not properly enforced. As Europeans become increasingly mobile, with over 17 million citizens working or living in a member state other than that of their nationality, the cross-border dimension of enforcement needs to be strengthened.

In his State of the Union Address 2017, European Commission President Jean-Claude Juncker announced his plans for a European Labour Authority to ensure that EU rules on labour mobility are enforced in a fair, simple and effective way. In his words, “It is absurd to have a Banking Authority to police banking standards, but no common Labour Authority for ensuring fairness in our single market.”

In the rapporteur’s opinion there is need for an Authority that has an operational mandate, a clear focus on enforcement and sufficient competences and power to achieve its goals.

Two specific issues are of major importance. First, the need for an Authority with a clear-defined role and a limited number of tasks. It is crucial that the means available are used as efficiently as possible in areas where the Authority can provide the greatest added value. This added value of the Authority should be mostly in the field of enforcement. Therefore, the rapporteur has doubts about the necessity and desirability of bringing other tasks such as information provision or employment services within the scope of the Authority. It goes without saying that improving access to information by individuals and employers, in particular SMEs, about their rights and obligations in the areas of labour mobility, free movement of services and social security coordination is crucial in order to tap the full potential of the internal market. For reasons of efficiency and effectiveness, however, such provision of reliable, up-to-date and easy accessible information should not be within the scope of the Authority, but rather at national or regional level, where also specific bilateral arrangements between Member States, for instance in the field of fiscal coordination, can be taken fully into consideration. To that end, the Commission should explore the possibility of
creating or facilitating helpdesks or one-stop-shops for companies and workers in cross-border situations, while the Authority should stick to its main task: strengthening the enforcement of the EU law and support the Member States to this end.

Second, the Authority must have the means to make an actual difference in practice. It should not become a toothless tiger; the voluntary nature of Member states’ authorities participation - as proposed by the Commission - is not enough to achieve this. The rapporteur has tabled this report with the aim to strike the right balance between the competences of the Member States and the principle of subsidiarity on the one hand, and the desire for an agency at EU level with genuine capacity to improve enforcement of rules throughout the EU on the other. That means that Member States authorities should participate in proposed concerted or cross-border inspections, and can only decline to participate in exceptional and duly justified situations.

The European Labour Authority should be an efficient answer to concerns regarding the compliance with and effective and efficient enforcement of EU rules, which risks jeopardising trust and fairness in the internal market. It is therefore crucial to improve the cross-border enforcement of Union law in the area of labour mobility and to tackle abuse in order to protect the rights of mobile workers, to ensure that companies, in particular SMEs can compete on an equal playing field and to maintain support from the citizens for the internal market and the four freedoms, so that bona fide companies and workers can enjoy their rights and make use of the opportunities of the internal market to the fullest extent.
MINORITY OPINION

Joëlle Mélin

EUROPEAN LABOUR AUTHORITY

The French delegation in the Group of Nations and Freedom distances itself from the work carried out on this report, for a number of reasons:
- This new text is intended to make up for the inadequacy or inability in a number of areas, which the Commission acknowledges in its explanatory statement, by bringing them together to make them more efficient.
- However, the centralisation of failed tools can no more achieve the objectives that the Agency has set itself than was possible when those tools were independent.
- Consequently, the current text would quickly prove to be inadequate.
- Furthermore, in the form proposed, the Agency would not have the resources to tackle the major challenges it purports to address.
OPINION OF THE COMMITTEE ON BUDGETS

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

Rapporteur for opinion: Jens Geier

SHORT JUSTIFICATION

The Rapporteur welcomes the Commission’s proposal for a European Labour Authority and considers it an important step in achieving the Pillar of Social Rights. While the Commission proposal is a good starting point, the Rapporteur proposes to equip the Authority with more powers in order to successfully implement its role and to be a useful addition to the existing structures.

As a new priority, the Authority should be financed exclusively by fresh resources and not to the detriment of existing programmes. The Commission proposed to finance 70% of the budget of the authority by redeployments from the EU Programme for Employment and Social Innovation (EaSI) under the current MFF. While the authority has indeed similar tasks, the first years of the Authority will be dedicated to building up the organisation. Operational spending on social affairs should not be impeded and consequently, the financial resources for the authority need to be financed by fresh money.

When deciding the seat, the Rapporteur refers at the recommendations agreed by all Union institutions to apply an efficiency oriented and cost-saving approach. He believes that it in order to do so it is vital that Union institutions decide the specific location of the agency rather than just the Member State.

The Rapporteur proposes to mirror the governance structure of the existing agencies in the field of employment and social affairs, i.e. continuing the tripartite governance structure. In order to ensure consistency and to avoid overlapping of tasks, special attention should be put on areas of potential synergies and overlapping tasks among Eurofound, Cedefop, ETF, EU-OSHA and the Authority.

Finally, further amendments aim to continue long-standing positions of the Committee on Budgets, such as the representation of the Parliament in the Management Board and enhanced flexibility when it comes to translation services.
**AMENDMENTS**

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

**Amendment 1**
Proposal for a regulation
Recital 6 a (new)

*Text proposed by the Commission*

(6a) The Agency should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with Union institutions, bodies, offices and agencies, and Member States, avoiding any duplication of work, promoting synergy and complementarity and thus achieving coordination and fiscal savings.

**Amendment 2**
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 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 3

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 should be prepared in accordance with the principle of performance-based budgeting, taking into account the Authority's objectives and the expected results of its tasks. 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. The contribution from the Union budget should not be to the detriment of other Union programmes.

Justification

Given that the first years of the operation of the Authority will be dedicated to building up, the
operational activity of existing programmes such as EURES should not be endangered.

Amendment 4

Proposal for a regulation
Recital 28


text proposed by the Commission

(28) The Authority’s host Member State should provide the best possible conditions to ensure the proper functioning of the Authority.

Amendment

(28) The Authority’s host Member State should provide the best possible conditions to ensure the proper functioning of the Authority. The Authority should cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State, in order to achieve financial savings.

Amendment 5

Proposal for a regulation
Recital 28 a (new)


text proposed by the Commission

(28a) When deciding on the location of the seat of the Authority, the prerogatives of both Parliament and Council as Union legislator should be fully respected and the recommendations of Inter-Institutional Working Group on decentralised agencies’ resources should be taken into account. In line with recent procedures for the location of a Union agency, the Union institutions should not only agree on the Member State where the agency is to have its seat, but also on the specific location within that Member State.

Justification

Lo scopo è quello di evitare quanto successo in occasione della nuova ubicazione della sede dell’Agenzia Europea per i Medicinali, dove la procedura di assegnazione prevedeva la decisione mediante sorteggio - tra le offerte in situazione di parità - al termine della terza tornata di voto. In aggiunta, il Parlamento europeo non è stato coinvolto nel processo decisionale, nonostante le sue prerogative di co-legislatore e di primo garante del rispetto del
principio democratico nell'Unione. La decisione, infatti, è stata presa a margine del Consiglio "Affari generali" e il Parlamento è stato meramente chiamato a confermarne la scelta mediante la procedura legislativa ordinaria.

Amendment 6
Proposal for a regulation
Recital 30

Text proposed by the Commission
(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).

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 and avoiding duplication and thus achieving financial savings: 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).

Justification
In line with the Common Approach, the agencies related to the field of employment and labour market shall make an efficient use of the limited resources available by seeking synergies and avoiding overlaps in their respective activities.

Amendment 7
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

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

Amendment 8
Proposal for a regulation
Article 5 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment
(ga) promote cooperation and coordination at Union level among Member States, Union institutions, agencies and bodies in order to achieve fiscal savings, avoid duplication of work and promote synergy and complementarity as regards their activities.

Amendment 9
Proposal for a regulation
Article 5 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment
(ga) monitor Member States’ voluntary return programmes that support individuals who want to return to their countries of origin after having been engaged in cross-border labour mobility.

Amendment 10
Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment
(a) provide relevant information on the rights and obligations of individuals in cross-border labour mobility situations; (a) provide relevant information on the rights and obligations of individuals in cross-border labour mobility situations, including information on their social rights such as administrative,
Amendment 11

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission
(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
(c) provide relevant information to the social partners on labour rules, and the living and working conditions applicable to workers in cross-border labour mobility situations, including posted workers;

Justification

The Authority should provide the information to both employers and employee organisations.

Amendment 12

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission
(ba) in cooperation with the national authorities, support and fund advisory services for employees that are looking for or are in employment outside their country of origin.

Amendment

Justification

The Authority needs to be empowered to not only inform, but also advise employees.

Amendment 13

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where a national authority does not respond to a request within the deadline set by the Authority, it shall provide the
Authority with the reasons for not doing so.

Amendment 14
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 issue semi-annual reports on its findings to the Commission, as well as directly to the Member States concerned, outlining possible measures to address identified weaknesses. These reports shall be made publicly available.

Amendment 15
Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission
The Authority shall establish cooperation arrangements with other decentralised Union agencies where appropriate.

Amendment
The Authority shall establish cooperation arrangements with other decentralised Union agencies where appropriate, in particular with Eurofound, Cedefop, EU-OSHA and the ETF, in order to achieve coordination, promote synergies and avoid duplications in their activities for the sake of cost efficiency.

Justification
In line with the Common Approach, the agencies related to the field of employment and labour market shall make an efficient use of the limited resources available by seeking synergies and avoiding overlaps in their respective activities.

Amendment 16
Proposal for a regulation
Article 18 – paragraph 1
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.

Amendment

1. The Management Board shall be composed of one senior representative from each Member State, one member from each Member State’s employers’ organisations, one member from each Member State’s employees’ organisations, two representatives of the Commission and one member nominated by the European Parliament, all of whom have voting rights.

Justification

The amendment aims at mirroring the governance structure of the existing agencies with relation to the labour market and enhance the democratic scrutiny by providing for a member appointed by the European Parliament.

Amendment 17

Proposal for a regulation
Article 18 – paragraph 5 a (new)

Text proposed by the Commission

5a. Four representatives, namely one from each of Eurofound, Cedefop, EU-OSHA and the ETF, may participate in the meetings of the Management Board as observers.

Amendment

5a. Four representatives, namely one from each of Eurofound, Cedefop, EU-OSHA and the ETF, may participate in the meetings of the Management Board as observers.

Justification

This amendment aims at increasing coordination between the agencies related to the field of employment and labour market.

Amendment 18

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

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 1271/201373 and taking into account guidelines set by the Commission.


 Justiﬁcation

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when drawing up its single programming document.

Amendment 19

Proposal for a regulation
Article 26 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Provisional draft estimate shall be based on the detailed objectives and the expected results of the annual work programme referred to in Article 25(3) and shall take into account the financial resources necessary to achieve those objectives and results, in accordance with the principle of performance-based budgeting.

Amendment 20

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. The translation services required

Amendment

2. The translation services required
for the functioning of the Authority shall be provided by the Translation Centre of the Bodies of the European Union or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.

Justification

The proposed amendment aims at providing the Agency with some flexibility in terms of translation services.

Amendment 21

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the combating of fraud, corruption and other unlawful activities in accordance with Regulation (EC) No 883/2013, within six months from the day that the Authority becomes operational, it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by OLAF and adopt appropriate provisions applicable to all employees of the Authority using the template set out in the Annex to that Agreement.

Amendment

1. In order to facilitate the combating of fraud, corruption and other unlawful activities in accordance with Regulation (EC) No 883/2013 from the day that the Authority becomes operational, it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by OLAF and adopt appropriate provisions applicable to all employees of the Authority using the template set out in the Annex to that Agreement.

Justification

Six month buffer period not needed in this context

Amendment 22

Proposal for a regulation
Article 44 – paragraph 2 a (new)

Text proposed by the Commission

2a. In order to achieve financial savings, the Authority shall cooperate closely with other Union institutions, agencies and bodies, especially those that
have their seat in the same location.
### PROCEDURE – COMMITTEE ASKED FOR OPINION

<table>
<thead>
<tr>
<th>Title</th>
<th>Establishing a European Labour Authority</th>
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<td>EMPL</td>
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<tr>
<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<tr>
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<tr>
<td><strong>Rapporteur</strong></td>
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<td>Date appointed</td>
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<td><strong>Date adopted</strong></td>
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<td><strong>Members present for the final vote</strong></td>
<td>Nedzhmi Ali, Jean Arthuis, Reimer Böge, Lefteris Christoforou, Gérard Deprez, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Monika Hohlmeier, John Howarth, Zhigniew Kuzmiuk, Siegfried Mureșan, Jan Olbrycht, Răzvan Popa, Paul Rübig, Petri Sarvamaa, Jordi Solé, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Monika Vana, Daniele Viotti, Marco Zanni, Manuel dos Santos, Stanisław Żółtek</td>
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<td><strong>Substitutes present for the final vote</strong></td>
<td>Karine Gloanec Maurin, Giovanni La Via, Ivana Maletić, Andrey Novakov</td>
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<tr>
<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>José Blanco López, Jonathan Bullock, Isabella De Monte, Sofia Ribeiro, Ruža Tomašić</td>
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### FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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Key to symbols:
+ : in favour
- : against
0 : abstention
OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

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

Rapporteur for opinion: Karima Delli

AMENDMENTS

The Committee on Transport and Tourism 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 Agency (text with relevance for the EEA and for Switzerland)

Amendment 2

Proposal for a regulation
Citation 1

PE623.718v02-00
84/243
RR\1170122EN.docx

EN
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46, Article 48, Article 53(1), Article 62 and Article 91(1) thereof,

Amendment 3

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 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. **Pursuant to Article 5 TEU, the exercise of Union competences is subject to rules of subsidiarity and proportionality.**

Justification

It is key to ensure that the rules of proportionality and subsidiarity be respected while defining the tasks of ELA.

Amendment 4

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) A European Labour Authority

Amendment

(5) A European Labour Agency
‘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.

‘Agency’) should be established in order to help strengthen fairness and trust and promote free movement of workers and services within the Single Market, while respecting the principles of proportionality and subsidiarity. To that effect, the Agency should support the Member States and the Commission in strengthening access to relevant and up-to-date information for workers and employers about their rights and obligations in cross-border labour mobility situations within all Member States through an ELA web portal, as well as access to relevant services, and promote 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.

**Justification**

The main aim of establishing European Labour Agency should be to promote the freedom of movement of workers within the Single Market. In order to achieve that it is key to strengthen the access to relevant information on cross-border mobility within all EU Member States. This could be achieved through creating an up-to-date and accessible ELA web portal.

**Amendment 5**

**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

*Amendment*

(6) The Agency should perform its activities in the areas of cross-border labour mobility and social security coordination, including free movement of workers and services. The Agency should also enhance cooperation between Member States in tackling undeclared work and combating the establishment of letterbox companies in the road transport sector, which contributed to distorting the sector’s competitiveness. In cases where the Agency, in the course of the performance of its activities, becomes aware of suspected irregularities, it should
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
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In certain instances, sector-specific
Union law has been adopted in order to
respond to specific needs in that sector,
such as the area of international transport.
The Authority should also deal with the
cross-border aspects of the application of
such sector-specific Union law, in
particular Regulation (EC) No 561/2006 of
the European Parliament and the Council\(^{49}\),
Directive 2006/22/EC of the European
Parliament and the Council\(^{50}\), Regulation
(EC) No 1071/2009 of the European
Parliament and the Council\(^{51}\) and Directive
(Amending Directive 2006/22/EC –
COM(2017)278)\(^{52}\).

Amendment

(8) In certain instances, sector-specific
Union law has been adopted in order to
respond to specific needs in that sector,
such as the area of international transport.
The Agency may also, with the prior
consent of the Member State concerned,
deal with the cross-border aspects of the
application of such sector-specific Union
law, in particular Regulation (EC) No
561/2006 of the European Parliament and
the Council\(^{49}\), Directive 2006/22/EC of the
European Parliament and the Council\(^{50}\),
Regulation (EC) No 1071/2009 of the
European Parliament and the Council\(^{51}\) and
Directive (Amending Directive
2006/22/EC – COM(2017)278)\(^{52}\).

\(^{49}\) Regulation (EC) No 561/2006 of the
European Parliament and of the Council of
15 March 2006 on the harmonisation of
certain social legislation relating to road
transport and amending Council
Regulations (EEC) No 3821/85 and (EC)
No 2135/98 and repealing Council
Regulation (EEC) No 3820/85 (OJ L 102,

\(^{50}\) Directive 2006/22/EC of the European
Parliament and of the Council of 15 March
2006 on minimum conditions for the
implementation of Council Regulations
(EEC) No 3820/85 and (EEC) No 3821/85
and national authorities.
Amendment 7

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The individuals covered by the activities of the Authority should be persons who are subject to the Union law within the scope of this Regulation, including workers, self-employed persons, jobseekers, and economically non-active persons; this should cover both Union citizens and third-country nationals who are legally resident in the Union, such as posted workers, EU Blue Card holders, intra-corporate transferees or long-term residents, as well as their family members.

Amendment

(9) The individuals covered by the activities of the Agency should be persons who are subject to the Union law within the scope of this Regulation, including workers, self-employed persons, jobseekers, and economically non-active persons; this should cover both Union citizens and third-country nationals who are legally resident in the Union, EU Blue Card holders, intra-corporate transferees or long-term residents, as well as their family members as provided by relevant Union legal acts regulating their movement within the Union.
Recital 11

Text proposed by the Commission

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

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\(^{53}\) Regulation [Single Digital Gateway – COM(2017)256]

Amendment

(11) To ensure they can fully benefit from fair and effective internal market, the Agency should promote opportunities for workers and employers to be mobile or provide services and recruit anywhere within the Union. This includes supporting the cross-border mobility of individuals by creating accessible web portal containing up-to-date and comprehensive data on the labour laws and working conditions in all Union Member States, 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 Agency 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.\(^{53}\)

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\(^{53}\) Regulation [Single Digital Gateway – COM(2017)256]

Amendment

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)\(^ {54}\), the European Enterprise

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\(^{54}\) Commission Staff Working Document SWD(2017)162 final

Amendment

(12) For these purposes, the Agency should cooperate with other relevant Union initiatives and networks, in particular the European Network of Public Employment Services (PES)\(^ {54}\), the European Enterprise
Network\textsuperscript{55}, the Border Focal Point\textsuperscript{56} and SOLVIT\textsuperscript{57}, as well as with \textbf{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\textsuperscript{58} to provide information on healthcare. The \textbf{Authority} should also explore synergies with the proposed European services e-card\textsuperscript{59}, 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 \textbf{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.


\textsuperscript{55} European Enterprise Network, https://een.ec.europa.eu/


\textsuperscript{58} Directive 2011/24/EU of the European Network\textsuperscript{55}, the Border Focal Point\textsuperscript{56} and SOLVIT\textsuperscript{57}, as well as with \textbf{competent} 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\textsuperscript{58} to provide information on healthcare. The \textbf{Agency} should also explore synergies with the proposed European services e-card\textsuperscript{59}, 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 \textbf{Agency} 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.


\textsuperscript{55} European Enterprise Network, https://een.ec.europa.eu/


\textsuperscript{58} Directive 2011/24/EU of the European


Amendment 10
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**

(13) In view of the non-discriminatory, proportionate, fair, simple, and effective application of Union law, the Agency should support and improve cooperation and timely exchange of information between Member States. Together with other staff, National Liaison Officers working within the Agency 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 Agency 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.

**Furthermore, the Agency should encourage the use of the following systems for the exchange of information in the transport sector:** (i) the European Register of Road Transport Undertakings (ERRU), established under Regulation (EC) No 1071/2009, in order to exchange information contained in national registers of transport undertakings in an effective and harmonised manner; and (ii)
the Internal Market Information System (IMI), established under Regulation (EU) No 1024/2012, allowing Member States to establish administrative cooperation and exchange data and information with regard to posting declarations. In order to ensure compliance with Union law, national inspectors responsible for roadside checks should have direct, real-time access to both systems, via an electronic application common to all Member States. The Agency should promote this electronic application.

Amendment 11

Proposal for a regulation
Recital 14

Text proposed by the Commission

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

Amendment

(14) To increase Member States' capacity to tackle irregularities with a cross-border dimension in relation to Union law within its scope, the Agency should support the national authorities in carrying out concerted and joint inspections and checks, including by facilitating the implementation of the checks and 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 Agency's suggestion and always upon the agreement of the Member State concerned. The Agency 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 State concerned and take place fully within the legal framework of national law applicable on the territory of the Member State in which the inspection is being carried out, which should follow up on the outcomes of
the concerted and joint inspections according to this national law.

Justification

It is important to specify that the inspections may only take place within the framework of national law applicable on the territory of the Member State where it is being carried out.

Amendment 12

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 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

(15) In order to keep track of emerging trends, challenges, or loopholes in the areas of labour mobility and social security coordination, the Agency should develop, in cooperation with Member States and social partners, an analytical and risk assessment capacity. This should involve carrying out labour market analyses and studies, as well as peer reviews. The Agency should monitor potential imbalances in terms of skills and cross-border labour flows, including their possible impact on territorial cohesion. The Agency should also support the risk assessment referred to in Article 10 of Directive 2014/67/EU. The Agency 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 Agency. The Agency 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 13

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 and enforcement of Union law within its scope, the Agency should provide operational and technical assistance to national authorities, including by developing practical guidelines, establishing training and peer learning programmes, promoting mutual assistance projects and regular peer reviews, 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 Agency should provide assistance in the harmonised implementation of Union law and promote the exchange, dissemination and uptake of good practices, as well as the deployment and use of common digital tools.

Amendment 14

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 and their importance is recognised by the Court of Justice. 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

Amendment

(17) 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 Agency should refer such cases. The SOLVIT network should also be able to refer to the Agency for its consideration cases in which the problem cannot be solved due to differences between national administrations.
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.

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Amendment 15

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

Amendment

(18) To facilitate the management of labour market adjustments, the Agency should facilitate cooperation among stakeholders and the relevant authorities in order to address labour market disruptions affecting more than one
restructuring or major projects impacting employment in border regions.

Member State, such as cases of restructuring or major projects impacting employment in border regions.

Amendment 16
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 and the Commission should be represented on a Management Board, in order to ensure the effective functioning of the Agency. The composition of the Management Board, including the selection of its Chair and Deputy-Chair, should respect the principles of gender balance, experience, qualification and equitable geographical representation. In view of the effective and efficient functioning of the Agency, the Management Board, in particular, should adopt an annual work programme, carry out its functions relating to the Agency’s budget, adopt the financial rules applicable to the Agency, appoint an Executive Director, and establish procedures for taking decisions relating to the operational tasks of the Agency by the Executive Director. Representatives from countries other than Union Member States, which are applying the Union rules within the scope of the Agency may participate in the meetings of the Management Board as observers.

Amendment 17
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

Amendment
(24) To guarantee its full autonomy and independence, the Agency 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 18

Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The seat of the Agency should be determined in full respect of the Joint Statement of 19 July 2012 on decentralised agencies, including the geographical balance criteria.

Justification

It is important to include this provision in order to secure legal clarity of the seat choice procedure.

Amendment 19

Proposal for a regulation
Recital 32

Text proposed by the Commission

Amendment

(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 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.

Justification

These bodies are all related to issues falling within national competence.

Amendment 20
Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

Amendment

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

Amendment 21
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 Agency (‘the Agency’).

Amendment 22
Proposal for a regulation
Article 1 – paragraph 2
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 Agency shall assist Member States and the Commission in matters relating to the effective application and enforcement of the Union labour law in cross-border labour mobility and the coordination of social security systems within the Union.

Amendment 23
Proposal for a regulation
Article 2 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

The objective of the Agency shall be to promote freedom of movement of workers and services, to monitor the application of Union law in order to ensure decent working conditions and protect workers’ rights and to ensure that labour mobility in the internal market fully respects relevant Union legislation. It shall also contribute to tackling the complex problem of undeclared work, while fully respecting national competences and procedures. To this end, the Agency shall:

Amendment 24
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) provide relevant information to workers, employers and relevant authorities on their rights and obligations, labour laws and labour conditions in all Member States through an accessible web portal available in all Union official languages, as well as provide workers and employers, including through social partners, with relevant services related to cross-border labour mobility, including
free of charge advisory services and counselling;

Amendment 25
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) encourage, facilitate and support cooperation between Member States in the cross-border enforcement of relevant Union law, including facilitating concerted and joint inspections and checks;

Amendment 26
Proposal for a regulation
Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

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

*Amendment*

(c) in agreement with the Member State concerned, mediate and facilitate a solution in cases of cross-border disputes, cross border enforcement problems or lack of cooperation between national competent authorities or labour market disruptions.

Amendment 27
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 Agency shall be a body of the Union with legal personality.

Amendment 28
Proposal for a regulation
Article 3 – paragraph 2
2. In each of the Member States, the Authority shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.

Amendment 29
Proposal for a regulation
Chapter 2 – title

Tasks of the Authority
Tasks of the Agency

Amendment 30
Proposal for a regulation
Article 5 – title

Tasks of the Authority
Tasks of the Agency

Amendment 31
Proposal for a regulation
Article 5 – paragraph 1 – point a

(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;

(a) provide information to workers and employers on their rights and obligations in cross-border situations, on labour laws and conditions in all Union Member States through accessible ELA web portal available in all official Union languages, as well as provide cross-border labour mobility services, including advisory services for workers and employers, in accordance with Articles 6 and 7;
Amendment 32
Proposal for a regulation
Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

(ba) collect, process and publish relevant statistics on checks and inspections, as transmitted by Member States in accordance with relevant Union law;

Amendment

Amendment 33
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, assist and support concerted and joint inspections and checks, in accordance with Articles 9 and 10, in cooperation with the Member States concerned

Justification
Inspections in the transport sector are often called checks, see for example Directive 2006/22/EC. Therefore, both legal terms should be mentioned in the text.

Amendment 34
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) in agreement with the Member State concerned, mediate and facilitate a solution in disputes between Member States' authorities on the application of relevant Union law,

Amendment 35
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.

deleted

Amendment 36  
Proposal for a regulation  
Article 6 – paragraph 1 – point a

Text proposed by the Commission  

Amendment

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

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

Text proposed by the Commission  

Amendment

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

Proposal for a regulation  
Article 6 – paragraph 1 – point c

Text proposed by the Commission  

Amendment

(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;

in cooperation with the Member States, provide relevant, comprehensive information and advisory services on the rights and obligations of workers and employers in cross-border labour mobility situations through an accessible web portal available in all official Union languages;
Amendment 39

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

_text proposed by the Commission_  

**Amendment**

(fa) introduce standardised forms for Member States to transmit online and offline information.

Amendment 40

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:

   _Justification_
   
The European Labour Agency should not only provide services but also advise workers and employers on labour mobility issues and provide relevant trainings.

Amendment 41

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1

_text proposed by the Commission_  

**Amendment**

The **Authority** shall facilitate cooperation  
The **Agency** shall facilitate and enhance

EN
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.

Amendment 42

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

Text proposed by the Commission  
Amendment

(c) promote and share best practices between Member States, and between existing cooperation organisations and the Member States’ supervisory authorities;

Amendment 43

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

Text proposed by the Commission  
Amendment

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

Amendment 44

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

Text proposed by the Commission  
Amendment

(e) report to the Commission on a quarterly basis about unresolved requests between Member States, and if considered necessary, refer those to mediation in accordance with Article 13; deleted
Amendment 45
Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The Agency 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. With the objective of verifying the correct application of and compliance with Union law, inspectors responsible for roadside checks shall have direct real-time access, via an electronic application common to all Member States, both to the system interconnecting national registers of transport undertakings and activities, ERRU, and to information on the driver's posting declaration through the IMI. In this context, the Agency shall promote this electronic application that will provide direct real-time access to the ERRU and IMI during roadside checks.

Amendment 46
Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Agency shall encourage the use of digital tools and innovative approaches to effective and efficient cross-border cooperation, and play a central role in developing electronic exchange mechanisms between the Member States to facilitate the detection of fraud, in particular by using electronic application that shall provide direct real-time access to the ERRU, EESSI and IMI during roadside checks through which national authorities can access relevant data in
real time. It shall provide reports to the Commission with a view to their further development.

Amendment 47
Proposal for a regulation
Article 9 – title

Text proposed by the Commission
Coordination of concerted and joint inspections

Amendment
Concerted and joint inspections

Amendment 48
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 Agency shall, upon the agreement of the Member States concerned, coordinate concerted or joint inspections between Member States in the areas under the scope of the Agency’s competences. The request may be submitted by one or several Member States.

Amendment 49
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. The participation of the national authority of the Member State in the concerted or joint inspection is voluntary. If 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 Agency in writing of the reasons for its decision in advance. In such cases, the Agency shall inform the other national authorities concerned.
Amendment 50
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 concerted or joint inspection ('the joint inspection agreement') between the participating Member States and the Agency 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 Agency shall establish a model agreement.

Amendment 51
Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

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.

Amendment

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

Amendment 52
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. Those reports shall be made public and shall contain information about those cases where the authority of a Member State does not participate in or conduct the concerted or joint inspection referred
to in paragraph 1. A yearly report on the inspections supported by the Agency shall be included in the Agency's annual activity report.

Amendment 53
Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

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.

Amendment

7. In the event that the Agency, 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, within the scope of its competences, it shall report those suspected irregularities to the Commission and authorities in the Member State concerned. It can report suspected irregularities to the Commission only with the assessment and opinion provided by the Member State concerned.

Justification

It must be ensured that the Member State has the right and possibility to give its opinion with explanation on the report of suspected irregularities, and only after this assessment by the Member State concerned the report of the Agency could be sent to the Commission.

Amendment 54
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

Amendment

1. The Agency shall, in cooperation with Member States and social partners, assess risks and carry out analyses regarding cross-border labour flows, such as obstacles to the labour mobility of workers, discriminatory provisions in national laws and recurring problems encountered by individuals and employers in relation to cross-border mobility. For that purpose, the Agency shall make use of all available statistical data, ensure
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 55
Proposal for a regulation
Article 11 – paragraph 2 – introductory part

Text proposed by the Commission
2. The Authority shall organise peer reviews amongst national authorities and services in order to:

Amendment
2. The Agency shall, at the request of the Member State concerned, organise peer reviews amongst national authorities and services in order to:

Amendment 56
Proposal for a regulation
Article 11 – paragraph 2 – point c

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

Amendment
(c) improve the knowledge and mutual understanding of different systems and practices, including exchanges on how to transpose Union legal acts, as well as to assess the effectiveness of different policy measures, including prevention and deterrence measures.

Amendment 57
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,

Amendment
3. The Agency 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 58

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 59

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

Text proposed by the Commission

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

Amendment

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

Amendment 60

Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) promote and support mutual assistance, either in the form of peer-to-

Amendment

(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; peer or group activities, as well as staff exchanges and secondment schemes between Member States;

Justification

It should be made clear that the Agency should facilitate cooperation among MS, not between national authorities within one MS, that should remain the competence of the MSs.

Amendment 61

Proposal for a regulation
Article 12 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) promote and support regular peer-reviews of all relevant competent enforcement authorities, ensuring the appropriate rotation of both the reviewing and the reviewed competent enforcement authorities.

Amendment 62

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

Text proposed by the Commission

Amendment

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

(c) promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant Member States and existing cooperation organisations;

Amendment 63

Proposal for a regulation
Article 12 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) develop joint digital tools to strengthen cooperation between national
Justification

The European Labour Authority is expected to contribute to the development of interoperable joint operational digital tools aimed at fostering cooperation between Member States (see proposed amendment to recital 16).

Amendment 64

Proposal for a regulation
Article 13

Text proposed by the Commission  
Amendment  

Article 13  
deleted

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.

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.

Amendment 65
Proposal for a regulation
Article 15 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Authority shall establish cooperation arrangements with other decentralised Union agencies where appropriate.</td>
<td>The Agency shall establish cooperation arrangements with other decentralised Union agencies where appropriate.</td>
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</table>

Amendment 66
Proposal for a regulation
Chapter 3 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>Organisation of the Authority</td>
<td>Organisation of the Agency</td>
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Amendment 67
Proposal for a regulation
Article 17 – paragraph 1 – introductory part

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>1. The Authority's administrative and management structure shall be composed of:</td>
<td>1. The Agency's administrative and management structure shall be composed of:</td>
</tr>
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</table>

Amendment 68
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 Agency may set up working groups or expert panels with representatives from all Member States that wish to participate and/or from the Commission, or external experts following selection procedures, for the fulfilment of its specific tasks or for specific policy areas. The rules of procedure of such working groups and panels shall be set out by the Agency following consultation of the Commission. In matters related to social security coordination, the Administrative Commission for the Coordination of Social Security Systems shall also be consulted.

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 geographical and 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.

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

5. **The Executive Director shall decide whether it is necessary to locate one or more staff in one or more Member**

Amendment

deleted
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.

Justification

It is presently unclear from the text what is the purpose and when would it be necessary to locate one or more staff in one or more Member States. There are many questions: what activities would be done by the staff in that Member States, whether it would be temporary or permanent etc. There is possible duplication with the role of national liaison officers.

Amendment 71
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. The members may be accompanied by experts to meetings of the Stakeholders Group.

Amendment 72
Proposal for a regulation
Article 46

Text proposed by the Commission

[...]

Amendment

deleted
Justification

No amendments are necessary and feasible

Amendment 73

Proposal for a regulation
Article 47

Text proposed by the Commission

[...]

Amendment

deleted

Justification

No amendments are necessary and feasible
**PROCEDURE – COMMITTEE ASKED FOR OPINION**

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>Establishing a European Labour Authority</th>
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<tbody>
<tr>
<td><strong>Committee responsible</strong></td>
<td>EMPL</td>
</tr>
<tr>
<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<tr>
<td><strong>Opinion by</strong></td>
<td>TRAN</td>
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<tr>
<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<tr>
<td><strong>Rapporteur</strong></td>
<td>Michael Detjen</td>
</tr>
<tr>
<td>Date appointed</td>
<td>18.6.2018</td>
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<tr>
<td><strong>Discussed in committee</strong></td>
<td>6.9.2018</td>
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<tr>
<td><strong>Date adopted</strong></td>
<td>9.10.2018</td>
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<tr>
<td><strong>Result of final vote</strong></td>
<td>+: 25</td>
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<tr>
<td></td>
<td>-=: 17</td>
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<td>0: 2</td>
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<td><strong>Members present for the final vote</strong></td>
<td>Daniela Aiuto, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Andor Deli, Ismail Ertug, Jacqueline Foster, Tania González Peñas, Dieter-Lebrecht Koch, Merja Kyllönen, Innocenzo Leontini, Peter Lundgren, Georg Mayer, Gesine Meissner, Markus Pieper, Gabrielle Preuß, Christine Revault d’Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, Claudia Schmidt, Jill Seymour, Keith Taylor, Pavel Telička, Marie-Pierre Vieu, Kosma Złotowski, Luis de Grandes Pascual, Peter van Dalen, Wim van de Camp, Elżbieta Katarzyna Łukacijewska, Claudia Țapardel</td>
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<td><strong>Substitutes present for the final vote</strong></td>
<td>Jill Evans, Stefan Gehrold, Maria Grapini, Karoline Graswander-Hainz, Ryszard Antoni Legutko, Marek Plura, Henna Virkkunen</td>
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<tr>
<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>Nicola Danti, Angel Dzhambazki, John Howarth</td>
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## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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6.11.2018

**OPINION OF THE COMMITTEE ON LEGAL AFFAIRS**

for the Committee on Employment and Social Affairs


Rapporteur for opinion: Angel Dzhambazki

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**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**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>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)</td>
<td>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)</td>
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</tbody>
</table>

**Amendment 2**

Proposal for a regulation

**Citation 2 a (new)**
Having regard to the European Pillar of Social Rights,

Amendment 3

Proposal for a regulation
Recital 1

(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

(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

(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

(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

(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
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 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*


*Amendment*


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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).

47 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).


Amendment 9
Proposal for a regulation
Recital 8 a (new)

**Text proposed by the Commission**

(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

(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.

Amendment

(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

(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.53.

Amendment

(11) To ensure they can benefit from a 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\(^{53}\).

\(^{53}\) 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)\(^{54}\), the European Enterprise Network\(^{55}\), the Border Focal Point\(^{56}\) and SOLVIT\(^{57}\), 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\(^{58}\) to provide information on healthcare. **The Authority should also explore synergies with the proposed European services e-card\(^{59}\), 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,

\(^{53}\) 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)\(^{54}\), the European Enterprise Network\(^{55}\), the Border Focal Point\(^{56}\) and SOLVIT\(^{57}\), 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\(^{58}\) to provide information on healthcare.
which will continue to be ensured by the Commission.


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

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

Amendment

(14) To increase Member States' 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 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

(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 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

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\(^{60}\) and their importance is recognised by the Court of Justice\(^{61}\). 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.

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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

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
the Executive Director. Representatives from countries other than Union Member States, which are applying the Union rules within the scope of the Authority, may participate in the meetings of the Management Board as observers.

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

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 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.

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 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

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. 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 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).

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, 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 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/EC68 and the European Platform to enhance cooperation in tackling undeclared work set up by Decision (EU) 2016/344 of the European Parliament and the Council69. With the establishment of the Authority, those bodies should cease to exist.

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/EC68 and the European Platform to enhance cooperation in tackling undeclared work set up by Decision (EU) 2016/344 of the European Parliament and the Council69. With the establishment of the Authority, those bodies should be taken over by and merged with it.


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 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

(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.

Amendment 24

Proposal for a regulation
Recital 34

Text proposed by the Commission


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

Recital 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

(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

Recital 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

(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

Article 1

Subject matter and scope

Establishment and scope of action

Amendment

Amendment 28

Proposal for a regulation
Article 1 – paragraph 1
1. This Regulation establishes the European Labour Authority (‘the Authority’).

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

Amendment 29

Proposal for a regulation
Article 1 – paragraph 2

1. This Regulation establishes the European Labour and Social Security Authority (‘the Authority’).

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)

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 cross-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

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
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 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.

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 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

*Amendment*

(b) **encourage**, facilitate **and support** cooperation and the exchange of information between national authorities
enforcement of relevant Union law, in accordance with Article 8; 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
(f a) mediate in disputes between persons and Member States' authorities on the application of relevant Union law, in accordance with Article 13a;

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

Amendment
(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)
Amendment 43

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

Text proposed by the Commission

(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

(g b) advise the European Parliament, the Council and the Commission on any initiative which it considers to be appropriate to encourage the effective enforcement of Union law in relation to people exercising their right of free movement;

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

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
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;

(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 –

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 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 –

EN
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.

Amendment 45
Proposal for a regulation
Article 7 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Access to cross-border labour mobility services</td>
<td>Access to cross-border labour mobility services and other relevant services</td>
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Amendment 46
Proposal for a regulation
Article 8

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>Article 8</td>
<td>Article 8</td>
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<tr>
<td>Cooperation and exchange of information between Member States</td>
<td>Cooperation and exchange of information between Member States</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
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<tr>
<td>To that end, the Authority shall, upon request of national authorities, and in order to speed up exchanges between them, in particular:</td>
<td>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:</td>
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<tr>
<td>(a) support national authorities in identifying the relevant contact points of</td>
<td>(a) support national authorities in identifying the relevant contact points of</td>
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(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 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.

1a. 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.

1b. 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.

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 fraud, providing reports to the Commission with a view to their further development.

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

Amendment

Article 9

Coordination of concerted and joint inspections

Coordination of concerted and joint inspections

1. At the request of one or several

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 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

Arrangements for concerted and joint inspections

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 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.

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 inspection.

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 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 inspection.
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.

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
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 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

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 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.

1a 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 of different policy measures, including prevention and deterrence measures.

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.

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 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. 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

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 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.

(ea) increase the capacity of enforcement bodies to better tackle cross-border aspects including sufficient staff resources, training and financial resources.

(eb) 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.

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, including on the basis of a referral from SOLVIT, subject to the agreement of all Member States concerned by that dispute.

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.

2a 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. 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.

5a Within three months of a decision by the Dispute Settlement Board, the
6. The Authority shall report to the Commission on a quarterly basis about the outcomes of the mediation cases it handles.

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 and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council.

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 and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council. 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.


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

2a. 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

Amendment

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.

Amendment

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.

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), taking into account relevant managerial, administrative and budgetary skills.

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 all social partner representatives.

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

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.

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

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.

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

Amendment

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

Amendment 64
Proposal for a regulation
Article 20 – title

Text proposed by the Commission

Amendment

\textit{Chairperson} of the Management Board

\textit{Chairpersons} of the Management Board

Amendment 65
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Management Board shall elect a

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 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 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.

Amendment

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

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
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.

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

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

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**

Article 23

Responsibilities of the Executive Director

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 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

**Amendment**

Article 23

Responsibilities of the Executive Director

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 and the Commission on the performance of his or 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 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

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;

(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
be required.

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

Text proposed by the Commission

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.

Amendment

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, 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
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 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 and taking into account guidelines set by the Commission.

*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 and taking into account guidelines set by the Commission, after the document has been submitted to the Stakeholder Group for an opinion.

73 Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on

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 the Union.

Amendment

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

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

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

Amendment

Article 32

Text proposed by the Commission

Article 32

Amendment

Article 32

PE623.718v02-00 172/243 RR\1170122EN.docx
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.

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.

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

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 228 TFEU.

*Amendment*

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

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

(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**

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>Establishing a European Labour Authority</th>
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<tbody>
<tr>
<td><strong>Committee responsible</strong></td>
<td>EMPL</td>
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<tr>
<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<tr>
<td><strong>Opinion by</strong></td>
<td>JURI</td>
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<tr>
<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<tr>
<td><strong>Rapporteur</strong></td>
<td>Angel Dzhambazki</td>
</tr>
<tr>
<td>Date appointed</td>
<td>15.5.2018</td>
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<tr>
<td><strong>Discussed in committee</strong></td>
<td>3.9.2018</td>
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<tr>
<td><strong>Date adopted</strong></td>
<td>22.10.2018</td>
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<td><strong>Result of final vote</strong></td>
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<td>-: 3</td>
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<td><strong>Members present for the final vote</strong></td>
<td>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</td>
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<tr>
<td><strong>Substitutes present for the final vote</strong></td>
<td>Geoffroy Didier, Pascal Durand, Angel Dzhambazki, Tiemo Wölken</td>
</tr>
<tr>
<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>Olle Ludvigsson</td>
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**FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION**

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Key to symbols:
+ : in favour
- : against
0 : abstention
OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Employment and Social Affairs


Rapporteur for opinion: Emilian Pavel

SHORT JUSTIFICATION

The European Parliament has, on several occasions, underlined the need both to reinforce controls, administrative cooperation and coordination between and by Member States to actively support the exercise of free movement rights, and to develop assistance and information exchanges in the context of fighting fraud related to the posting of workers, while emphasising the importance of clear and transparent information for service providers and all categories of workers, including EU Blue Card holders, intra-corporate transferees, or long-term residents and their family members. In this context, the Commission proposed the establishment of a 'European Labour Authority' ('ELA'), in the form of a decentralised EU agency to address the challenges connected to labour mobility across the Union and to ensure that relevant EU rules are enforced in a fair, simple, and effective way.

Labour mobility in the EU benefits individuals, social partners, economies and societies as a whole. The free movement of workers and the freedom to provide services within the Union depend on clear, fair and effectively enforced rules on cross-border labour mobility with third-country nationals as well.

However, concerns remain regarding compliance with and effective and efficient enforcement of EU rules, which risks jeopardising trust and fairness in the Internal Market. In particular, concerns have been voiced in relation to mobile workers being vulnerable to abuse or being denied their rights, as well as businesses operating in an uncertain or unclear business environment and unequal playing field. Providing high quality and up-to-date information and services to the public about their rights and obligations in cross-border situations needs to be coordinated at Union level in order to ensure a consistent, clear, and efficient approach. In that respect, the ELA will be entrusted with a number of operational tasks, namely to provide relevant information and services to individuals, social partners and employers, as well as support Member States in cooperation, information exchange, concerted and joint inspections - an issue of particular importance for the Rapporteur, to alert the competent authorities in case
of violation of the fundamental rights and trafficking in human beings for labour exploitations. Undoubtedly, migration into the Union, in all its forms, has an effect on the EU’s labour markets.

The Rapporteur strongly supports the Commission’s proposal for the establishment of the ELA.

**Suggested amendments**

As the Authority should contribute to the clear, fair and effective enforcement of Union rules on cross-border labour mobility and social security coordination the Rapporteur supports the protection of fundamental rights ensured by such rules, such as the free movement of persons and workers including EU Blue Card holders, intra-corporate transferees, or long-term residents and their family members. The Rapporteur also supports the exercise of rights across borders in the field of fair and just working conditions, social security and healthcare, non-discrimination and the fight against trafficking in human being for labour exploitations.

Another important aspect for the Rapporteur is the problem of undeclared work. To that end, the Rapporteur has proposed an amendment to provide a clear vision on how to tackle undeclared work, which has often a cross-border dimension and can have serious implications for the workers concerned. Some vulnerable groups, such as third-country nationals, are particularly exposed to undeclared work and the denial of basic workers’ rights connected with it. The ELA should maintain and further develop the European Platform to enhance cooperation in tackling undeclared work created by Decision (EU) 2016/344 and further strengthen Union-level cooperation in this field.

In the opinion of the Rapporteur the provisions on cooperation with other European Agencies are crucial. The Rapporteur encourages the ELA to establish effective cooperation with the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Criminal Justice Cooperation (Eurojust) as regards the fight against organised crime. In order to combat trafficking in human beings, with special focus on trafficking for labour exploitation, the ELA should also work together with the other EU agencies active in the area of justice and home affairs, in particular the FRA and the Anti-trafficking Coordinator.

With regards to the protection of personal data, the provisions of Regulation (EU) No 679/2016 (General Data Protection Regulation) and Regulation (EC) No 45/2001 apply to the processing of personal data under this proposal. The Rapporteur seeks to ensure that in compliance with these rules, any processing of personal data will be limited to what is necessary and proportionate. Data should be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes and the Rapporteur proposes to make it clear that the Authority and the Commission should be considered as joint controllers for the purposes of the data protection rules.

Another very important aspect for the Rapporteur is the fight against fraud and the Rapporteur seeks clear references to the application of the Council Regulation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’) and the involvement of the EPPO, where appropriate, in investigations on combating fraud related to the ELA’s work.
AMENDMENTS

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

Amendment 1

Proposal for a regulation
Recital 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

(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).

Amendment 2

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, promote social justice and protection, combat social exclusion and discrimination, and promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child, as well as 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 3
Proposal for a regulation
Recital 2 a (new)

*Text proposed by the Commission*

**(2a) The Charter of Fundamental Rights of the European Union sets out the right to free movement of persons and workers in Articles 15 and 45, the right of non-discrimination in Article 21, the right of access to a free placement service in Article 29, the freedom to conduct a business in Article 16 and the right to fair and just working conditions, social security and health care in Articles 31, 34 and 35.**

Amendment 4
Proposal for a regulation
Recital 2 b (new)

*Text proposed by the Commission*

**(2b) Concerns remain regarding existing barriers to freedom of movement, access to employment, access to social security, and discrimination based on nationality in the internal market;**

Amendment 5
Proposal for a regulation
Recital 2 c (new)

*Text proposed by the Commission*

**(2c) In its Special Report No 6/2018 on the Free Movement of Workers entitled ‘Free Movement of Workers – the**
fundamental freedom ensured but better targeting of EU funds would aid worker mobility’, the European Court of Auditors included recommendations to the Commission to improve awareness about the tools relating to information provision on the freedom of movement of workers and reporting discrimination as well as to make better use of available information in order to identify types of discrimination.

Amendment 6
Proposal for a regulation
Recital 2 d (new)

Text proposed by the Commission

Amendment

(2d) Severe labour exploitation occurs in many economic sectors in the Union and affects diverse groups of cross-border workers, both Union citizens and third-country nationals. As recommended by the European Union Agency for Fundamental Rights in its report entitled ‘Severe labour exploitation: workers moving within or into the European Union’ from 2015, such practices should be addressed among others through a comprehensive system of targeted inspections of working conditions;

Amendment 7
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) 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 and underlines that unemployed people have the right to personalised, continuous and consistent support.

Amendment 8
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) As outlined in their Joint Declaration on the legislative priorities for 2018-2019, the European Parliament, the Council and the Commission are committed to taking action to reinforce the social dimension of the Union, by working on improving the coordination of social security systems, by protecting workers from health risks in the workplace, by ensuring fair treatment for all in the Union labour market through modernised rules on posting of workers, and by further improving cross-border enforcement of the Union law.

Amendment

(4) As outlined in their Joint Declaration on the legislative priorities for 2018-2019, the European Parliament, the Council and the Commission are committed to taking action to reinforce the social dimension of the Union, by working on improving the coordination of social security systems, by protecting all workers from health risks in the workplace, by ensuring fair treatment for all in the Union labour market through modernised rules on posting of workers, and by further improving cross-border enforcement of the Union law.


**Amendment 9**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

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

*Amendment*

(5) A European Labour Authority (the ‘Authority’) should be established in order to help facilitate cross-border labour mobility, strengthen social justice and trust in the Single Market and ensure equal access to employment and social security for mobile citizens as well as to enhance the protection of labour rights and to assist tackling unemployment, while respecting the principles of proportionality and subsidiarity. 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 10**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) The Authority should perform its

*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. 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 11
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Undeclared work often has a cross-border dimension and can have serious implications for the workers concerned. Some vulnerable groups, such as third-country nationals, are particularly exposed to undeclared work and the denial of basic workers’ rights connected with it. The Authority should maintain and further develop the European Platform to enhance cooperation in tackling undeclared work established by Decision (EU) 2016/344 of the European Parliament and the Council and should further strengthen Union-level cooperation in that field.

Amendment 12
Proposal for a regulation
Recital 7


\(^{41}\) 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


47 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).


47 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).

48 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 13
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The individuals covered by the activities of the Authority should be persons who are subject to the Union law within the scope of this Regulation, including workers, self-employed persons, jobseekers, and economically non-active persons; this should cover both Union citizens and third-country nationals who are legally resident in the Union, such as posted workers, EU Blue Card holders, intra-corporate transferees or long-term residents, as well as their family members.

Amendment

(9) The individuals covered by the activities of the Authority should be both Union citizens and third-country nationals who are subject to the Union law within the scope of this Regulation, including workers, self-employed persons, jobseekers, and economically non-active persons in Union cross-border mobility situations.

Amendment 14
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

(9 a) For the gradual establishment of an area of freedom, security and justice as provided for in the Treaties, Union legal acts have been adopted to regulate the conditions for the entry, residence or employment of certain categories of third country nationals, such as EU Blue Card holders pursuant to Council Directive 2009/50/EC1a, intra-corporate transferees pursuant to Directive 2014/66/EU of the European Parliament and of the
Council\textsuperscript{1b} or long-term residents pursuant to Council Directive 2003/109/EC\textsuperscript{1c}, as well as for their family members and to provide for sanctions and measures against employers of illegally-staying third-country nationals pursuant to Directive 2009/52/EC of the European Parliament and of the Council\textsuperscript{1d}. The cross-border aspects of the application of such legislation should be included in the scope of the activities of the Authority.


Amendment 15
Proposal for a regulation
Recital 10

\textit{Text proposed by the Commission}  \textit{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.

At the same time, it should serve to respect and implement existing rights and obligations in line with Union law and international labour standards.

Amendment 16

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

(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. Data exchange, in particular of social security data, should take into account cyber criminality and security aspects, and should be strictly regulated.

Amendment 17
Proposal for a regulation
Recital 14

**Text proposed by the Commission**

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

**Amendment**

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

Amendment 18

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

**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. 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 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 19

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 and their importance is recognised by the Court of Justice. 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 those provided by SOLVIT and similar services.

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 and their importance is recognised by the Court of Justice. 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 those provided by SOLVIT and similar services.
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 20

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
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

(21) The Member States, social partners, 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 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
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

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 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.

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, the ILO and relevant civil society organisations. 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 22

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Processing of personal data carried out in the context of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the

Amendment

(25) Any processing of personal data carried out by the Authority in the context of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the
European Parliament and of the Council, or Regulation (EC) No 45/2001 of the European Parliament and of the Council, whichever is applicable. This includes putting in place appropriate technical and organisational measures to comply with the obligations imposed by these Regulations, in particular those relating to the lawfulness of the processing, the security of the processing activities, the provision of information and the rights of data subjects.

2018/...of the European Parliament and of the Council. Any processing of personal data carried out by Member States within the framework of this Regulation, in particular in the context of concerted or joint inspections, should be conducted in accordance with Regulation (EU) No 2016/679 of the European Parliament and of the Council. In cases where the processing of personal data is necessary primarily for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, especially in the context of concerted or joint inspections uncovering irregularities of a criminal nature such as labour exploitation or trafficking in human beings, the processing of such personal data should be conducted in accordance with Directive (EU) 2016/680 of the European Parliament and of the Council. Appropriate technical and organisational measures to comply with the obligations imposed by these Regulations, in particular those relating to the lawfulness of the processing, the security of the processing activities, the provision of information and the rights of data subjects, should be put in place by the Authority.

1a Regulation (EC) 2018/... of the European Parliament and of the Council of 24 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L ... of ...) .

1b Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General


Amendment 23

Proposal for a regulation
Recital 30

Text proposed by the Commission

(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,

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).

Amendment 24

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

(30 a) Within the framework of their respective competences, the Authority should also establish effective cooperation with the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Criminal Justice Cooperation (Eurojust) in the fight against organised crime and, in so far as organised crime is linked to fraud against the Union's budget, the European Public Prosecutor's Office (EPPO). In order to combat trafficking in human beings, with special focus on trafficking for labour exploitation, the Authority should also work together, where appropriate, with the other Union 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 Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), the European Monitoring
Amendment 25

Proposal for a regulation
Recital 36

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

Amendment 26

Proposal for a regulation
Recital 37

(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.

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

(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. It also...
takes into account the European Pillar of Social Rights,

Amendment 27
Proposal for a regulation
Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

(Aa) facilitate the identification of barriers to freedom of movement, access to employment and access to social security in the internal market.

Amendment 28
Proposal for a regulation
Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

(Ca) coordinate measures to enhance free movement, a Union-wide fair labour competition market and decent working conditions as well as adequate social protection for all workers and members of their families.

Amendment 29
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, social partners 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;

Justification

2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, provides that “Member States shall promote dialogue with the social partners and with relevant non-governmental organisations which have, in accordance with national law or practice, a legitimate interest in contributing to the fight against unjustified restrictions and obstacles to the right to free movement, and discrimination on grounds of nationality, of Union workers and members of their family with a view to promoting the principle of equal treatment.”. See also Recital 23 of the same directive.

Amendment 30

Proposal for a regulation
Article 5 – paragraph 1 – point d

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) carry out analyses and risk assessments on issues of cross-border labour mobility, in accordance with Article 11;</td>
<td>(d) carry out analyses and risk assessments on issues of cross-border labour mobility and barriers to the free movement of workers and services, in accordance with Article 11;</td>
</tr>
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</table>

Amendment 31

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(ea) provide capacity building support to Member States with regard to making targeted inspections to identify and sanction severe labour exploitation practices;</td>
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Amendment 32

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Authority shall improve the availability, quality and accessibility of information offered to individuals and employers to facilitate labour mobility</td>
<td>The Authority shall improve the availability, quality and accessibility of information offered to individuals, social partners and employers to facilitate labour mobility</td>
</tr>
</tbody>
</table>

EN
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:

**Amendment 33**

Proposal for a regulation
Article 6 – paragraph 1 – point c

*Text proposed by the Commission*

(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*

(c) provide relevant information to **individuals, social partners and** employers on labour rules, and the living and working conditions applicable to workers in cross-border labour mobility situations, including posted workers, **EU Blue Card holders, intra-corporate transferees, long-term residents, and the family members of such workers**;

**Amendment 34**

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

*Text proposed by the Commission*

(c) register complaints of workers and employers with regard to alleged infringements of the right to free movement of workers, freedom of establishment and freedom to provide services in the internal market and issue proposals to competent member State authorities and the Commission to solve such issues;

*Amendment*

(ca) register complaints of workers and employers with regard to alleged infringements of the right to free movement of workers, freedom of establishment and freedom to provide services in the internal market and issue proposals to competent member State authorities and the Commission to solve such issues;

**Amendment 35**

Proposal for a regulation
Article 6 – paragraph 1 – point d
(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; and the relevant provisions of Union law on legal migration;

Amendment 36
Proposal for a regulation
Article 6 – paragraph 1 – point f

(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 and fundamental rights.

Amendment 37
Proposal for a regulation
Article 7 – paragraph 1 – introductory part

1. The Authority shall provide services to individuals and employers to facilitate labour mobility across the Union.

To that end, the Authority shall:

Amendment 38
Proposal for a regulation
Article 7 – paragraph 2

1. Without duplicating already existing mechanisms, the Authority shall, where appropriate, provide services to facilitate labour mobility across the Union.

To that end, the Authority shall:
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 39

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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, whilst respecting in full the protection of personal data and fundamental rights.

Amendment 40

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The Authority shall support the work of the Administrative Commission for the Coordination of Social Security

Amendment

2. The Authority shall support the work of the Administrative Commission for the efficient Coordination of Social Security


Amendment 41

Proposal for a regulation
Article 8 – paragraph 3

_text proposed by the Commission_

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.

Amendment

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, _in accordance with Union data protection law._

Amendment 42

Proposal for a regulation
Article 8 – paragraph 4

_text proposed by the Commission_

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

Amendment

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

Amendment 43

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 developments, barriers to the free movement of workers and services, discrimination in access to employment and other recurring problems encountered by individuals and employers in relation to cross-border mobility. Any data processed to assess risks and carry out analyses shall be fully anonymised. 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 44

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

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

Amendment

3. When presenting a case for mediation by the Authority, Member States shall ensure that all personal data related to that case is anonymised in such a manner that the data subject is not or no longer identifiable. The Authority shall not process, under any circumstances, the personal data of individuals concerned by the case at any point and for any reason in the course of the mediation procedure. Personal data shall be kept for no longer than is necessary for the purposes for which they are processed.

Amendment 45
Proposal for a regulation
Article 15 – paragraph 1

*Text proposed by the Commission*

The Authority shall establish cooperation arrangements with other decentralised Union agencies where appropriate.

*Amendment*

The Authority shall establish cooperation arrangements with other decentralised Union agencies where appropriate, in particular with the agencies established in the area of employment and social policy as well as the agencies dealing with the areas of fight against organised crime and trafficking in human beings and severe labour exploitation;

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Amendment 46

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 and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council. They shall respect the Union’s data protection rules, in particular the principle of purpose limitation and the limitations to access rights.

*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 and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council. They shall respect the Union’s data protection rules, in particular the principle of purpose limitation and the limitations to access rights.

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71 Decision (EU) 2015/2240 of the European Parliament and of the Council of

**Amendment 47**

**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, social partners, relevant international organisations, civil society organisations 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 48**

**Proposal for a regulation**

**Article 18 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 49**

**Proposal for a regulation**

**Article 18 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

5. Representatives from third countries, which are applying the Union law in areas covered by this Regulation, *as well as representatives from the ILO and the European Parliament*, may participate in the meetings of the Management Board as observers.

**Amendment 50**

**Proposal for a regulation**

**Article 23 – paragraph 4 – point k**

*Text proposed by the Commission*

(k) *implementing measures* established by the Management Board *to comply with obligations on data protection imposed by* Regulation (EC) No 45/2001.

*Amendment*

(k) *internal rules* established by the Management Board in accordance with Regulation (EC) No 45/2001.

**Justification**

Terminology of the new Regulation on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001, Art. 25(5) and Recital 18a.

**Amendment 51**

**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-

*Amendment*

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

Union-level social partners equally representing trade unions and employer’s organisations, four representatives of relevant civil society organisations, one representative of the ILO and two representatives of the Commission.

Amendment 52

Proposal for a regulation
Article 37 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Regulation (EU) No 2018/... shall apply to the processing of personal data by the Authority.

Amendment 53

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to facilitate the combating of fraud, corruption and other unlawful activities in accordance with Regulation (EC) No 883/2013, within six months from the day that the Authority becomes operational, it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by OLAF and adopt appropriate provisions applicable to all employees of the Authority using the template set out in the Annex to that Agreement.

1. In order to combat fraud, corruption and other unlawful activities, Regulation (EU, Euratom) No 883/2013 and Council Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') shall apply. To that end within six months from the day that the Authority becomes operational, it shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by OLAF and adopt appropriate provisions applicable to all employees of the Authority using the template set out in the Annex to that Agreement.

Amendment 54

Proposal for a regulation
Article 38 – paragraph 4
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 55

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

Text proposed by the Commission

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

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 and shall not include the possibility of exchanging personal data.
**PROCEDURE – COMMITTEE ASKED FOR OPINION**

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<th>Title</th>
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<td>Committee responsible</td>
<td>EMPL</td>
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<tr>
<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<tr>
<td>Opinion by</td>
<td>LIBE</td>
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<td>Date announced in plenary</td>
<td>16.4.2018</td>
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<td>Committee responsible</td>
<td>Emilian Pavel</td>
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<tr>
<td>Date appointed</td>
<td>20.6.2018</td>
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<td>Discussed in committee</td>
<td>9.7.2018 30.8.2018 10.10.2018</td>
</tr>
<tr>
<td>Date adopted</td>
<td>10.10.2018</td>
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<td>Kostas Chrysogonos, Carlos Coelho, Gérard Deprez, Teresa Jiménez-Becerril Barrio, Marek Jurek, Jean Lambert, Innocenzo Leontini, Angelika Mlinar, Barbara Spinelli, Daniele Viotti, Axel Voss</td>
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<td>Substitutes under Rule 200(2) present for the final vote</td>
<td>John Stuart Agnew, Jude Kirton-Darling</td>
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### FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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Key to symbols:
+ : in favour
- : against
0 : abstention
OPINION OF THE COMMITTEE ON WOMEN’S RIGHTS AND GENDER EQUALITY

for the Committee on Employment and Social Affairs


Rapporteur for opinion: Jordi Solé

SHORT JUSTIFICATION

The European Labour Authority (ELA) will play an important role in the area of cross-border labour mobility. Since women are disproportionately and often involuntarily concentrated in precarious work, it is important to introduce measures to ensure gender equality also in this domain.

This opinion aims at mainstreaming gender in the area of competences of ELA. Firstly, it aims at mainstreaming gender in the implementation of the policy cycle. The proposals include the implementation of gender impact assessments and the inclusion of specific indicators in the annual and multiannual programmes, the implementation of gender budgeting, the inclusion of a gender dimension in the monitoring and reporting, the collection of gender-disaggregated data and the coordination with the European Institute for Gender Equality (EIGE).

Secondly, the opinion focuses on ELA’s tasks. In its capacity to facilitate access to information, ELA should provide specific information on EU policies aimed at improving gender equality in the area of labour policies and, in its role in sharing best practices and identifying possible gaps, ELA should also include an analysis in the area of social security coordination, with a specific chapter on gender.

Finally, it is important that ELA ensures a gender balanced composition in its structure and the representation of women’s rights organisations in the stakeholder group.

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to take into account the following amendments:
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

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

Amendment 2

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

Amendment

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

The Authority should also contribute in combating 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 combating trafficking by putting in motion and/or by facilitating checks and cross borderer inspections, and by mainstreaming gender into labour inspections, yet with no replacement of national inspections and national enforcement activities.

39 Regulation (EU) No 492/2011 of the


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).


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 3

Proposal for a regulation
Recital 12
(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)\(^5\), the European Enterprise Network\(^5\), the Border Focal Point\(^5\), and SOLVIT\(^7\), 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\(^5\) to provide information on healthcare. The Authority should also explore synergies with the proposed European services e-card\(^5\), 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.


\(^{56}\) Communication from the Commission to


Amendment 4

Proposal for a regulation
Recital 14

Text proposed by the Commission

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

Amendment

(14) To 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 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.
Amendment 5
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 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 6
Proposal for a regulation
Recital 16

(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 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.
(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.

Amendment 7

Proposal for a regulation
Recital 30

Text proposed by the Commission

(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

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), the European Training Foundation (ETF), and the European Institute for Gender Equality (EIGE) 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
Justice Cooperation (Eurojust).

European Union Agency for Criminal Justice Cooperation (Eurojust).

Amendment 8
Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

(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.

Amendment 9
Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission

(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.

Amendment 10
Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission

(35 a) Respect for gender equality and
the aim to eliminate inequalities between women and men is recognised in the TFEU, in particular in Article 157(3), which provides for the Union to adopt legislative acts in order to ensure the application of the principle of equal opportunities and equal treatment in matters of employment and occupation, while Article 157(4) TFEU allows Member State to maintain or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

Amendment 11

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, including on pension rights and maternity, paternity, parental and carers’ leave;

Amendment 12

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;

Amendment 13
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 and wages in cross-border situations as well as access to cross-border labour mobility services, in accordance with Articles 6 and 7;

Amendment 14

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;

Amendment 15

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 by making full use of existing or request new research, as well as use of gender-related indicators created by other relevant EU agencies, particularly EIGE and Eurofound on issues of cross-border labour mobility, in accordance with Article 11;

Amendment 16

Proposal for a regulation
Article 5 – paragraph 1 – point g a (new)
Amendment 17

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

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

Amendment 18

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 and families, including through guidance on access to learning and language training;

Amendment 19

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

Text proposed by the Commission

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

Amendment

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:

Amendment 20

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;

Amendment 21

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

Amendment 22

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

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 of the applicable data protection legislation, including the requirement to appoint a Data Protection Officer, in accordance with Article 37.

Amendment 23
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 including in the fields of work-life balance, closing of the gender pay and pension gap and the maximum working hours;

Amendment 24
Proposal for a regulation
Article 9 – title

Text proposed by the Commission
Coordination of concerted and joint inspections

Amendment
Coordination of concerted and joint gender responsive inspections

Amendment 25
Proposal for a regulation
Article 9 – paragraph 1
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

Proposal for a regulation
Article 9 – paragraph 2

Amendment 26

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 27

Proposal for a regulation
Article 9 – paragraph 3

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.

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 gender responsive 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.
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.

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 28

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.

Amendment 29

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.
Amendment 30

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, which shall be gender-mainstreamed and include gender-disaggregated data and a separate chapter on gender equality, shall be included in the Authority's annual activity report and shall be publicly disseminated on ELA website.

Amendment 31

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, taking into consideration gender indicators, 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.
Amendment 32
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 submit regularly a report of 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 separate chapter on gender equality.

Amendment 33
Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Authority shall collect statistical data compiled, disaggregated by gender 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 with the European Institute for Gender Equality (EIGE) and share the results of its data collection activities, where appropriate.

Amendment 34
Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a
Analysis of social security coordination

The Authority shall assess risks and carry out analyses regarding cross-border social security coordination in order to identify possible gaps and areas for improvement. Those analyses shall contain a separate chapter on gender equality.

Amendment 35

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 efforts in closing the gender pay and pension gaps;

Amendment 36

Proposal for a regulation
Article 13 – paragraph 2

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

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

Amendment 37
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 achieve balanced representation between men and women on the Management Board.

Amendment 38
Proposal for a regulation
Article 18 – paragraph 4 a (new)

Text proposed by the Commission
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.

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.
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 that the election respects the 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 40

Proposal for a regulation
Article 23 – paragraph 4 – point k a (new)

Text proposed by the Commission

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

Amendment

Amendment 41

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, *one representative of women’s organisations, one representative of the Platform against Undeclared Work, one representative of the Committee of Experts on Posting of Workers* and two representatives of the Commission.

Amendment 42

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.

Amendment 43

Proposal for a regulation
Article 25 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

The strategic programming shall also be based on gender impact assessments and gender indicators.

Amendment

The strategic programming shall also be based on gender impact assessments and gender indicators.

Amendment 44

Proposal for a regulation
Article 26 – paragraph 9 a (new)

Text proposed by the Commission

9 a. The budget will be established with due regard to the gender budgeting principle.

Amendment

9 a. The budget will be established with due regard to the gender budgeting principle.

Amendment 45

Proposal for a regulation
Article 32 – paragraph 2
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. That list of candidates shall be gender balanced.

Amendment 46
Proposal for a regulation
Article 32 – paragraph 2 – subparagraph 1 a (new)

Where the shortlisted candidates have equal competences and skills for the position, female candidates shall receive the priority.

Amendment 47
Proposal for a regulation
Article 41 – paragraph 1

The evaluation shall be gender mainstreamed and include a chapter on gender equality.
## PROCEDURE – COMMITTEE ASKED FOR OPINION

<table>
<thead>
<tr>
<th>Title</th>
<th>Establishing a European Labour Authority</th>
</tr>
</thead>
<tbody>
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<td>Committee responsible</td>
<td>EMPL 16.4.2018</td>
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<td>FEMM 16.4.2018</td>
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<td>Date announced in plenary</td>
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<td>Rapporteur</td>
<td>Jordi Solé 8.6.2018</td>
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<tr>
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<td>Discussed in committee</td>
<td>9.7.2018</td>
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| Result of final vote | +: 13  
-: 3  
0: 6 |
| Members present for the final vote | Daniela Aiuto, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, André Elissen, Iratxe García Pérez, Mary Honeyball, Angelika Mlinar, Maria Noichl, Marijana Petir, Pina Picierno, Ernest Urtasun, Jadwiga Wiśniewska, Michaela Šojdrová |
| Substitutes present for the final vote | Stefan Eck, José Inácio Faria, Kostadinka Kuneva, Jérôme Lavrilleux, Jordi Solé |
| Substitutes under Rule 200(2) present for the final vote | Marek Plura, Damiano Zoffoli |
### FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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**Key to symbols:**
+ : in favour
- : against
0 : abstention
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<td><strong>Members present for the final vote</strong></td>
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<td><strong>Substitutes present for the final vote</strong></td>
<td>Georges Bach, Rosa D’Amato, Tania González Peñas, Paloma López Bermejo, Edouard Martin, Alex Mayer, Sven Schulze, Helga Stevens, Flavio Zanonato</td>
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## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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