



2018/0064(COD)

23.10.2018

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Employment and Social Affairs

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

Rapporteur for opinion: Emilian Pavel

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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

Amendment

(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

Amendment

(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

Amendment

(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 systems³⁶, by protecting workers from health risks in the workplace³⁷, by ensuring fair treatment for all in the Union labour market through modernised rules on posting of workers³⁸, and by further improving cross-border enforcement of the Union law.

³⁶ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (COM (2016) 815 final).

³⁷ Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

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 systems³⁶, by protecting **all** workers from health risks in the workplace³⁷, by ensuring fair treatment for all in the Union labour market through modernised rules on posting of workers³⁸, and by further improving cross-border enforcement of the Union law.

³⁶ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (COM (2016) 815 final).

³⁷ Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

(COM(2017) 11 final).

³⁸ Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (COM (2016) 128 final).

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 10

Proposal for a regulation

Recital 6

(COM(2017) 11 final).

³⁸ Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (COM (2016) 128 final).

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.

Text proposed by the Commission

(6) The Authority should perform its activities in the areas of cross-border labour mobility and social security coordination, including free movement of workers, posting of workers and highly mobile services. It should also enhance cooperation between Member States in tackling undeclared work. In cases where the Authority, in the course of the performance of its activities, becomes aware of suspected irregularities, including in areas of Union law beyond its scope, such as violations of working conditions, health and safety rules, ***or the employment of illegally staying third-country nationals***, it should be able to report them and cooperate on these matters with the Commission, competent Union bodies, and national authorities where appropriate.

Amendment

(6) The Authority should perform its activities in the areas of cross-border labour mobility and social security coordination, including free movement of workers, posting of workers and highly mobile services. It should also enhance cooperation between Member States in tackling undeclared work. 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, it should be able to report them and cooperate ***efficiently and without delay*** 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

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 Council³⁹, Directive 2014/54/EU of the European Parliament and the Council⁴⁰ and Regulation (EU) 2016/589 of the European Parliament and the Council⁴¹. It should facilitate the posting of workers governed by Directive 96/71/EC of the European Parliament and the Council⁴² and Directive 2014/67/EU of the European Parliament and the Council⁴³, including by supporting the enforcement of those provisions implemented through universally applicable collective agreements in line with the practices of Member States. It should also help the coordination of social security systems governed by Regulation (EC) No 883/2004 of the European Parliament and the Council⁴⁴, Regulation (EC) No 987/2009 of the European Parliament and the Council⁴⁵, Regulation (EU) No 1231/2010 of the European Parliament and the Council⁴⁶; as well as Council Regulation (EC) No 1408/71⁴⁷ and Council Regulation (EC) No 574/72⁴⁸.

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

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

⁴¹ Regulation (EU) 2016/589 of the European Parliament and the Council of 13

Amendment

(7) The Authority should contribute to facilitating the free movement of workers governed by Regulation (EU) No 492/2011 of the European Parliament and of the Council³⁹, Directive 2014/54/EU of the European Parliament and the Council⁴⁰ and Regulation (EU) 2016/589 of the European Parliament and the Council⁴¹. It should facilitate the posting of workers governed by Directive 96/71/EC of the European Parliament and the Council⁴² and Directive 2014/67/EU of the European Parliament and the Council⁴³, including by supporting the enforcement of those provisions implemented through universally applicable collective agreements in line with the practices of Member States. It should also help the *efficient* coordination of social security systems governed by Regulation (EC) No 883/2004 of the European Parliament and the Council⁴⁴, Regulation (EC) No 987/2009 of the European Parliament and the Council⁴⁵, Regulation (EU) No 1231/2010 of the European Parliament and the Council⁴⁶; as well as Council Regulation (EC) No 1408/71⁴⁷ and Council Regulation (EC) No 574/72⁴⁸.

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

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

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 integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.04.2016, p. 1).

⁴² Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

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

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

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

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

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

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

⁴² Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

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

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

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

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

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).

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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 14

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

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.**

(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/EC^{1a}, intra-corporate transferees pursuant to Directive 2014/66/EU of the European Parliament and of the Council^{1b} or long-term residents pursuant to Council Directive 2003/109/EC^{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^{1d}. The cross-border aspects of the application of such legislation should be included in the scope of the activities of the Authority..

^{1a} Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p. 17).

^{1b} Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).

^{1c} Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44).

^{1d} Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

Amendment 15

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The establishment of the Authority

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Amendment

(10) The establishment of the Authority

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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.

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

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.

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, ***while respecting data protection rules and taking into account cybersecurity risks***. 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 States⁶⁰ and their importance is recognised by the Court of Justice⁶¹. 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

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 States⁶⁰ and their importance is recognised by the Court of Justice⁶¹. 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

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.

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.

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

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

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 EU:C:2018:63, paragraphs 44-45.

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 EU:C:2018:63, paragraphs 44-45.

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

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

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.

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, **and the ILO** 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

Amendment

(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 European Parliament and of the Council⁶⁴, **or Regulation (EC) No 45/2001** of the European Parliament and of the Council⁶⁵, **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.

(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) 2018/...of the European Parliament and of the Council^{1a}. 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^{1b}. **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^{1c}. 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 Data Protection Regulation) (OJ L 119 of 4.5.2016, p. 1).

^{1c} Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

⁶⁴ 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 Data Protection Regulation) (OJ L 119 of 4.5.2016, p. 1).

⁶⁵ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L8, 12.1.2001, p. 1), currently under revision by COM(2017) 8 final.

Amendment 23

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Within the framework of their

Amendment

(30) Within the framework of their

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

respective competences, the Authority should cooperate with other agencies of the Union, in particular those established in the area of employment and social policy, building on their expertise and maximising synergies: the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Centre for the Development of Vocational Training (Cedefop), the European Agency for Safety and Health at Work (EU-OSHA), and the European Training Foundation (ETF).

Amendment 24

Proposal for a regulation Recital 30 a (new)

Text proposed by the Commission

Amendment

(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 Centre for Drugs and Drug Addiction (EMCDDA), the European Institute for Gender Equality (EIGE), the European Border and Coast Guard Agency (Frontex), the EU Agency for Law Enforcement Training (CEPOL) and the EU Anti-Trafficking Coordinator.

Amendment 25

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 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.

Amendment 26

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) This Regulation respects the fundamental rights and observes the

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,

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

Amendment

(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

Amendment

(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

Amendment

(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) 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

Article 5 of Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, 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

Text proposed by the Commission

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

Amendment

(d) carry out analyses and risk assessments on issues of cross-border labour mobility **and barriers to the free movement of workers and services**, in accordance with Article 11;

Amendment 31

Proposal for a regulation

Article 5 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) provide capacity building support to Member States with regard to making targeted inspections to identify and sanction severe labour exploitation practices;

Amendment 32

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

The Authority shall improve the

Amendment

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:

availability, quality and accessibility of information offered to individuals, **social partners** 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:

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

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

Text proposed by the Commission

(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;

Amendment

(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

Text proposed by the Commission

(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

(f) support Member States in streamlining the provision of information and services to individuals, **social partners** 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

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. **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:

Amendment 38

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Authority shall manage the EURES European Coordination Office and ensure that it fulfils its responsibilities in accordance with Article 8 of Regulation (EU) 2016/589, except for the technical operation and development of the EURES portal and related IT services, which shall continue to be managed by the Commission. The Authority ***and the Commission shall be considered to be joint controllers pursuant to Article 28 of Regulation (EU) 2018/...*** They 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 Systems with handling financial matters related to social security coordination, in accordance with Article 74 of Regulation (EC) No 883/2004 and Articles 65, 67 and 69 of Regulation (EC) No 987/2009.

Amendment

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

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**.

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;***

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 Framework⁷⁰ and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council⁷¹.

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 Framework⁷⁰ and by the European Interoperability Reference Architecture referred to in Decision (EU) 2015/2240 of the European Parliament and of the Council⁷¹. ***They shall respect the Union's data protection rules, in particular the principle of purpose limitation and the limitations to access rights.***

⁷⁰ Communication from the Commission to the European Parliament, the Council, the

⁷⁰ Communication from the Commission to the European Parliament, the Council, the

European Economic Social Committee and the Committee of the Regions: European Interoperability Framework – Implementation Strategy - COM(2017) 134 final.

⁷¹ Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector (OJ L 318, 4.12.2015, p. 1).

European Economic Social Committee and the Committee of the Regions: European Interoperability Framework – Implementation Strategy - COM(2017) 134 final.

⁷¹ Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector (OJ L 318, 4.12.2015, p. 1).

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 48

Proposal for a regulation Article 18 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Members of the Management Board

PE623.868v03-00

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.

Members of the Management Board

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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.

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-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 **eight** representatives of 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

Amendment 54

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, 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

Title	Establishing a European Labour Authority		
References	COM(2018)0131 – C8-0118/2018 – 2018/0064(COD)		
Committee responsible Date announced in plenary	EMPL 16.4.2018		
Opinion by Date announced in plenary	LIBE 16.4.2018		
Rapporteur Date appointed	Emilian Pavel 20.6.2018		
Discussed in committee	9.7.2018	30.8.2018	10.10.2018
Date adopted	10.10.2018		
Result of final vote	+: –: 0:	39 7 4	
Members present for the final vote	Asim Ademov, Martina Anderson, Heinz K. Becker, Monika Beňová, Malin Björk, Michał Boni, Caterina Chinnici, Daniel Dalton, Frank Engel, Laura Ferrara, Romeo Franz, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Claude Moraes, József Nagy, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Traian Ungureanu, Bodil Valero, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra		
Substitutes present for the final vote	Kostas Chrysogonos, Carlos Coelho, Gérard Deprez, Teresa Jiménez-Becerril Barrio, Marek Jurek, Jean Lambert, Innocenzo Leontini, Angelika Mlinar, Barbara Spinelli, Daniele Viotti, Axel Voss		
Substitutes under Rule 200(2) present for the final vote	John Stuart Agnew, Jude Kirton-Darling		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

39	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld, Angelika Mlinar
GUE/NGL	Malin Björk, Kostas Chrysogonos, Barbara Spinelli
PPE	Asim Ademov, Michał Boni, Carlos Coelho, Frank Engel, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Innocenzo Leontini, József Nagy, Csaba Sógor, Traian Ungureanu, Axel Voss, Tomáš Zdechovský
S&D	Monika Beňová, Caterina Chinnici, Sylvie Guillaume, Jude Kirton-Darling, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Sergei Stanishev, Daniele Viotti, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Jean Lambert, Bodil Valero

7	-
ECR	Daniel Dalton, Marek Jurek, Monica Macovei, Branislav Škripek, Kristina Winberg
EFDD	John Stuart Agnew
ENF	Auke Zijlstra

4	0
EFDD	Laura Ferrara
GUE/NGL	Martina Anderson
PPE	Heinz K. Becker, Monika Hohlmeier

Key to symbols:

+ : in favour

- : against

0 : abstention