













Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2018/0064(COD) Procedure completed
European Labour Authority Amending Regulation (EC) No 883/2004 1998/0360(COD) Amending Regulation (EC) No 987/2009 2006/0006(COD) Amending Regulation (EU) No 492/2011 2010/0110(COD) Amending Regulation (EU) 2016/589 2014/0002(COD) Repealing Decision (EU) 2016/344 2014/0124(COD)	
Subject 2.80 Cooperation between administrations 4.10.10 Social protection, social security 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.12 Workers protection and rights, labour law 8.40.08 Agencies and bodies of the EU	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs	 LENAERS Jeroen	28/03/2018
		Shadow rapporteur	
		 PIRINSKI Georgi	
		 TREBESIUS Ulrike	
		 HARKIN Marian	
		 MÉLIN Joëlle	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets	 GEIER Jens	21/03/2018
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
TRAN Transport and Tourism		18/06/2018	
	 DELLI Karima		
JURI Legal Affairs		15/05/2018	
	 DZHAMBASKI Angel		
LIBE Civil Liberties, Justice and Home Affairs		20/06/2018	
	 PAVEL Emilian		

	FEMM Women's Rights and Gender Equality		08/06/2018
		 SOLÉ Jordi	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	JURI Legal Affairs		13/02/2019
		 LEBRETON Gilles	
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs3698		13/06/2019
	Employment, Social Policy, Health and Consumer Affairs3660		06/12/2018
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion	THYSSEN Marianne	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
13/03/2018	Legislative proposal published	COM(2018)0131	Summary
16/04/2018	Committee referral announced in Parliament, 1st reading		
20/11/2018	Vote in committee, 1st reading		
20/11/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
26/11/2018	Committee report tabled for plenary, 1st reading	A8-0391/2018	Summary
28/11/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
11/12/2018	Results of vote in Parliament		
11/12/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
26/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE636.129 GEDA/A/(2019)001640	
16/04/2019	Debate in Parliament		
16/04/2019	Decision by Parliament, 1st reading	T8-0380/2019	Summary
13/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
11/07/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0064(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	<p>Amending Regulation (EC) No 883/2004 1998/0360(COD)</p> <p>Amending Regulation (EC) No 987/2009 2006/0006(COD)</p> <p>Amending Regulation (EU) No 492/2011 2010/0110(COD)</p> <p>Amending Regulation (EU) 2016/589 2014/0002(COD)</p> <p>Repealing Decision (EU) 2016/344 2014/0124(COD)</p>
Legal basis	Treaty on the Functioning of the EU TFEU 046; Treaty on the Functioning of the EU TFEU 062; Treaty on the Functioning of the EU TFEU 091-p1; Treaty on the Functioning of the EU TFEU 048; Treaty on the Functioning of the EU TFEU 053-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/12523

Documentation gateway

Legislative proposal		COM(2018)0131	13/03/2018	EC	Summary
Document attached to the procedure		SWD(2018)0068	14/03/2018	EC	
Document attached to the procedure		SWD(2018)0069	14/03/2018	EC	
Document attached to the procedure		SWD(2018)0080	14/03/2018	EC	
Reasoned opinion	SE_PARLIAMENT	PE622.189	13/06/2018	NP	
Committee draft report		PE623.718	22/06/2018	EP	
Amendments tabled in committee		PE623.723	19/07/2018	EP	
Amendments tabled in committee		PE625.478	19/07/2018	EP	
Amendments tabled in committee		PE625.485	19/07/2018	EP	
Amendments tabled in committee		PE625.557	19/07/2018	EP	
Economic and Social Committee: opinion, report		CES1490/2018	19/09/2018	ESC	
Committee opinion	BUDG	PE623.836	26/09/2018	EP	
Committee opinion	FEMM	PE623.716	03/10/2018	EP	
Committee of the Regions: opinion		CDR2670/2018	09/10/2018	CofR	
Committee opinion	TRAN	PE623.885	11/10/2018	EP	
Committee opinion	LIBE	PE623.868	23/10/2018	EP	

Committee opinion	JURI	PE625.406	06/11/2018	EP	
Amendments tabled in committee		PE630.408	07/11/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0391/2018	26/11/2018	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2019)001640	20/02/2019	CSL	
Specific opinion	JURI	PE636.294	07/03/2019	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0380/2019	16/04/2019	EP	Summary
Draft final act		00049/2019/LEX	20/06/2019	CSL	
Commission response to text adopted in plenary		SP(2019)440	08/08/2019	EC	

Additional information

Research document

[Briefing](#)

Final act

[Regulation 2019/1149](#)

[OJ L 186 11.07.2019, p. 0021](#) Summary

European Labour Authority

PURPOSE: to establish a European Labour Authority to support the free movement of workers and services and to contribute to ensuring fairness in the internal market.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: cross-border labour mobility has notably increased in recent years. In 2017, 17 million European citizens lived or worked in a Member State other than that of their nationality. This figure almost doubled compared to a decade ago.

Postings have increased by 68% from 2010 to 2.3 million in 2016. There are 1.4 million EU citizens commuting to work in another Member State. There are also over 2 million workers in the road transport sector who cross intra-EU borders on a daily basis to transport goods or passengers.

The European Pillar of Social Rights proclaimed jointly by the European Parliament, the Council and the Commission at the Social Summit in Gothenburg on 17 November 2017 - sets out a number of key principles and rights to support fair and well-functioning labour markets and welfare systems. Ensuring fair labour mobility in Europe is central to this objective.

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.

In this context, the Commission proposes the creation of a "European Labour Authority" to ensure that EU rules on worker mobility are observed in a fair, simple and effective manner.

This initiative will complement and facilitate the implementation of ongoing initiatives aimed at ensuring fair mobility, including through the [revision of the Posting of Workers Directive](#) and of the [lex specialis on the posting of workers in international road transport operations](#) and the modernisation of EU provisions on the [coordination of social security systems](#).

IMPACT ASSESSMENT: three policy options were considered for the proposed Authority, these being a support option, an operational option, and a supervisory option.

The operational option to be performed through a new Authority that builds on existing EU level mobility bodies turned out to be the most effective way to meet the objectives of the initiative.

CONTENT: the proposal for a regulation aims at setting up a European Labour Authority, in the form of a decentralised EU agency, to help

individuals, businesses and national administrations to make the most of the opportunities offered by free movement and to ensure a level playing field for workers' mobility.

The Authority has three objectives:

1. facilitate access for individuals and employers to information on their rights and obligations as well as to relevant services. The Authority will provide information on employment, learning, mobility, recruitment and training opportunities, as well as guidance on the rights and obligations of those who live, work or are engaged in cross-border activities in another EU Member State;
2. support operational cooperation between authorities to ensure cross-border compliance with the relevant Union law, including facilitating the organisation of joint inspections. For example, the Authority will help to improve the exchange of information, support capacity building in national administrations, and assist them in carrying out joint inspections. The objectives are to enhance mutual trust between the actors, to improve day-to-day cooperation and to prevent possible fraud and abuse;
3. propose mediation and facilitate the search for solutions in the event of disputes between national authorities and cross-border disruptions of the labour market such as restructuring of companies affecting several Member States.

The new Authority will pool technical and operational tasks of existing EU bodies into a permanent structure with a view to achieving improved and more efficient output. In this context, the Authority will take over the management of the EURES European Coordination Office and replace: (i) the Technical Committee on the Free Movement of Workers; (ii) the Committee of Experts on Posting of Workers; (iii) the Technical Commission, the Audit Board, and the Conciliation Board of the Administrative Commission for the Coordination of Social Security Systems; (iv) replace the European Platform on tackling undeclared work.

The Authority will benefit all those subject to Union rules in the field of cross-border mobility of labour and the coordination of social security, specifically, workers, whether employed or not, or any other citizen of the Union or a third-country national legally residing in the Union and in a cross-border situation.

BUDGETARY IMPLICATIONS: the total budgetary cost for the EU of the Authority is estimated at EUR 50.9 million per year at cruising speed (which should be reached by 2023). As regards staff numbers, the Authority would need 69 establishment plan posts, 60 seconded national experts and 15 contract agents.

European Labour Authority

The Committee on Employment and Social Affairs adopted the report by Jeroen LENAERS (EPP, NL) on the proposal for a regulation of the European Parliament and of the Council establishing a European Labour Authority.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Objective and tasks: Members proposed to clearly define the Authority's objective by focusing 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 this end, the Authority shall assist the 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 the free movement of workers and the freedom to provide services in the internal market. It shall strengthen access to information, compliance and cooperation between Member States in order to ensure effective and consistent application and enforcement of Union law in this area and mediate and facilitate a solution in case of disputes between Member States concerning this law.

The Authority shall carry out 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 shall 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.

The Authority shall, inter alia:

- 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;
- 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.

This Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level. Nor does it affect the right to negotiate, to conclude and enforce collective agreements.

Coordination of concerted and joint inspections: 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.

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, 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.

The Authority may ask any Member State not participating in a concerted or joint inspection to carry out its own inspection on a voluntary basis, in order to detect any irregularities and report its findings to the Authority.

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.

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.

Organisation: in addition to a high-level representative from each Member State and two representatives of the Commission, the Management Board shall include six representatives of the social partners at Union level, equally representing employers' organisations and trade unions, as well as three independent experts appointed by the European Parliament after having verified that there is no conflict of interest.

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 employers organisations, including recognised Union sectoral social partners representing sectors particularly concerned by labour mobility issues.

European Labour Authority

The European Parliament adopted by 472 votes to 142 with 39 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a European Labour Authority.

Parliaments position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Purpose and tasks

The Authority shall contribute to ensuring fair labour mobility across the Union and assist Member States and the Commission in the coordination of social security systems within the Union. To that end, the Authority shall:

- facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services;
- facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections;
- mediate and facilitate a solution in cases of cross-border disputes between Member States; and
- support cooperation between Member States in tackling undeclared work.

The Authority must carry out its activities in the areas of labour mobility across the Union and social security coordination, including the freedom of movement for workers, the posting of workers, and highly mobile services.

The scope of activities of the Authority covers specific Union legal acts listed in the Regulation, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority.

The Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right or freedom to strike, the right to negotiate, conclude and enforce collective agreements, or to take collective action in accordance with national law or practice.

Coordination of EURES

The Authority shall manage the European Coordination Office of EURES in order to support Member States in providing services to individuals and employers through EURES, such as cross-border matching of job, traineeship, and apprenticeship vacancies with CVs, thus facilitating labour mobility across the Union.

Coordination and support of concerted and joint inspections

At the request of one or more Member States, the Authority shall coordinate and support concerted or joint inspections in the areas within the Authority's competence. It may also, on its own initiative, suggest to the authorities of the Member States concerned that they carry out a concerted or joint inspection.

Concerted and joint inspections shall be subject to the agreement of the Member States concerned. Social partner organisations at national level may bring cases to the attention of the Authority.

In accordance with the principle of sincere cooperation, Member States shall endeavour to participate in concerted or joint inspections. In the event that one or more Member States decide not to participate in the concerted or joint inspection, the national authorities of the other Member States shall carry out such an inspection only in the participating Member States. Member States that decide not to participate shall keep information about such an inspection confidential.

European Platform to enhance cooperation in tackling undeclared work

The Authority shall also enhance cooperation between Member States in tackling undeclared work, and other situations that put at risk the proper functioning of the internal market, such as letterbox entities and bogus self-employment, without prejudice to the competence of Member States to decide on national measures. The Platform established by the Authority shall encourage cooperation between Member States through: (i) exchanging best practices and information; (ii) developing expertise and analysis; (iii) encouraging and facilitating innovative approaches to effective cross-border cooperation; (iv) contributing to a horizontal understanding of matters relating to undeclared work.

Mediation between Member States

The Authority may facilitate a solution in the case of a dispute between two or more Member States regarding individual cases of application of Union law in areas covered by the Regulation, without prejudice to the powers of the Court of Justice. The purpose shall be to reconcile divergent points of view between the Member States that are party to the dispute and to adopt a non-binding opinion.

The Authority shall launch a mediation procedure upon request of one or more of the Member States concerned and may also suggest launching a mediation procedure on its own initiative. Mediation shall be conducted only with the agreement of all Member States that are party to the dispute.

Organisation

The Management Board shall be composed of: (i) one member from each Member State; (ii) two members representing the Commission; (iii) one independent expert appointed by the European Parliament; (iv) four members, representing cross-industry social partner organisations at Union level, with an equal representation of trade union and employer organisations.

A representative of Eurofound, a representative of EU-OSHA, a representative of Cedefop and a representative of the European Training Foundation may be invited to participate as observers in the meetings of the Management Board in order to enhance the efficiency of the agencies and the synergies between them.

European Labour Authority

PURPOSE: to establish the European Labour Authority.

LEGISLATIVE ACT: Regulation (EU) 2019/1149 of the European Parliament and of the Council establishing the European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011 and (EU) 2016/589, and repealing Decision (EU) 2016/344.

CONTENT: this Regulation establishes the European Labour Authority and shall assist Member States and the Commission in their effective application and enforcement of Union law related to labour mobility across the Union and the coordination of social security systems within the Union.

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 right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States in accordance with national law or practice.

Objectives and tasks

The new Authority shall:

- facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services;
- facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections;
- mediate and facilitate a solution in cases of cross-border disputes between Member States or other situations jeopardising the proper functioning of the internal market, such as letterbox companies and bogus self-employment; and
- support cooperation between Member States in tackling undeclared work;

The European Labour Authority shall also bring together the technical and operational tasks of several existing EU bodies (the EURES European Coordination Office, the Technical Committee on the Free Movement of Workers, the Committee of Experts on the Posting of Workers and the European Platform to Combat Undeclared Work).

Mediation between Member States

The Authority may facilitate a solution in the case of a dispute between two or more Member States regarding individual cases of application of Union law in areas covered by this Regulation, without prejudice to the powers of the Court of Justice. The purpose of such mediation shall be to reconcile divergent points of view between the Member States that are party to the dispute and to adopt a non-binding opinion.

The Authority may also suggest launching a mediation procedure on its own initiative. Mediation shall be conducted only with the agreement of all Member States that are party to the dispute.

The first stage of mediation shall be conducted between the Member States that are party to the dispute and a mediator, who shall adopt a non-binding opinion by common agreement. If no solution is found in the first stage of mediation, the Authority shall launch a second stage of mediation before its Mediation Board, subject to the agreement of all Member States that are party to the dispute.

When a dispute concerns social security coordination, any Member State concerned may request that it be referred to the Administrative Commission for the Coordination of Social Security Systems established by [Regulation \(EC\) No 883/2004](#) of the European Parliament and of the Council. The Administrative Commission, in agreement with the Member States concerned, may submit the same request.

Organisation

The administrative and management structure of the Authority consists of: (a) a Management Board; (b) an Executive Director; and (c) a Stakeholder Group.

The Management Board shall be composed of: (a) one member from each Member State; (b) two members representing the Commission; (c) one independent expert appointed by the European Parliament (without voting rights); (d) four members representing cross-industry social partner organisations at Union level (without voting rights), with an equal representation of trade unions and employer organisations.

A representative of Eurofound, a representative of EU-OSHA, a representative of Cedefop and a representative of the European Training Foundation may be invited to participate as observers in the meetings of the Management Board in order to enhance the efficiency of the agencies and the synergies between them.

ENTRY INTO FORCE: 31.7.2019.