



Decision No 1/2019
of 17 October 2019
of the Management Board
on the Rules of Procedure of the Management Board of the European Labour Authority

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

Having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344¹ (“the Founding Regulation” and “the Authority”), and in particular Article 18(1)(h) thereof,

Whereas:

- 1) According to Article 18(1)(h) of the Founding Regulation, the Management Board is required to adopt its rules of procedure (“rules of procedure”).
- 2) Pursuant to Article 21(4) of the Founding Regulation, the rules of procedure should establish detailed voting arrangements for the Management Board, in particular specify the circumstances in which a member may act on behalf of another member and the circumstances in which written procedures are to be used for voting.
- 3) Pursuant to Article 20(2) of the Founding Regulation, the members referred to in points (c) and (d) of the first subparagraph of Article 17(1) of the Founding regulation shall not participate in deliberations on items related to sensitive information regarding individual cases, as specified in the rules of procedure of the Management Board.
- 4) Pursuant to Article 20(7) of the Founding Regulation, the members of the Management Board and their alternates may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.
- 5) The rules of procedure of the Management Board should provide for more detailed and specific procedures than those provided by the Founding Regulation, whenever more detailed rules are necessary,

HAS ADOPTED THESE RULES OF PROCEDURE:

¹ OJ L 186, 11.7.2019, p.21.



RULES OF PROCEDURE OF THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY

Article 1

Definitions

1. For the purposes of these rules of procedure, the following definitions apply:
 - (1) “*members*” means members of the Management Board referred to in Article 17(1)(a) to (d) of the Founding Regulation;
 - (2) “*members with voting rights*” means members of the Management Board referred to in Article 17(1)(a) and (b) of the Founding Regulation;
 - (3) “*alternates*” means the alternates to members of the Management Board referred to in Article 17 (2) of the Founding Regulation;
 - (4) “*observers*” means the observers referred to in Article 17(6) and 17(7) of the Founding Regulation;
 - (5) “*Secretariat*” means the secretariat provided by the Authority, under the responsibility of the Executive Director, to the Management Board in accordance with Article 20(8) of the Founding Regulation.
2. Members and their alternates shall be appointed by an agreement of the Member State, institution, or organisations they are representing, on the basis of their knowledge in the fields covered by the Authority and taking into account their relevant managerial, administrative, and budgetary skills.

Article 2

Functions of the Management Board

1. The Management Board fulfils the functions specified in the Founding Regulation and in particular the functions listed in Article 18 thereof.
2. Unless otherwise provided in the Founding Regulation, the Management Board may in justified cases delegate matters under its responsibility to the Executive Director by majority of the Management Board members with voting rights.

Article 3

Chairperson and Deputy Chairperson of the Management Board

1. The Management Board shall elect a Chairperson and a Deputy Chairperson from amongst its members with voting rights, and shall strive for gender and geographical balance.
2. The Chairperson and Deputy Chairperson shall be elected by two-thirds majority of Management Board members with voting rights, and by secret ballot.
3. In the event that a first vote does not reach the two-thirds majority, a second vote shall be organised whereby the Chairperson and Deputy Chairperson shall be elected by a simple majority of the members with voting rights, by secret ballot.
4. The Deputy Chairperson shall deputise for the Chairperson when the latter is unable to chair either all or part of a meeting.

5. In the event of the termination of office of the Chairperson before the end of their term, the Deputy Chairperson shall assume the functions of the Chairperson until the new Chairperson is elected.
6. If the office of Chairperson or Deputy Chairperson falls vacant before the end of their term of office, the Management Board shall elect a successor at the next meeting.

Article 4

Convening Management Board meetings

1. In accordance with Article 20(4) of the Founding Regulation, the Management Board should hold at least two ordinary meetings per year. In addition, it shall meet at the request of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.
2. The meetings of the Management Board shall be convened by the Chairperson, in consultation with the Deputy Chairperson and the Executive Director.
3. In December of each year, the Chairperson shall inform the members and observers of the provisional dates of meetings which will take place the following year.
4. The Management Board shall convene meetings with the Stakeholder Group at least once a year.
5. As a general rule, the meetings of the Management Board shall be held at the seat of the Authority.

Article 5

Attendance of Management Board meetings

1. All members with voting rights shall inform the Secretariat at the latest seven calendar days prior to the meeting whether they do not plan to attend a meeting in person and whether they will be represented by their alternates.
2. When a member with voting rights and their alternate are both unable to attend a meeting, they may authorise any other member with voting rights to vote on their behalf. Members with voting rights doing so must inform the Secretariat in writing before the start of the meeting.
3. The Chairperson, in consultation with the Executive Director, may invite on a case by case basis any person or organisation whose opinion may be of interest to attend meetings as an observer.
4. The Chairperson, in consultation with the Executive Director, may invite experts in the matters to be discussed under certain items of the agenda for which their expertise is relevant.
5. The members of the Management Board and their alternates who wish to be assisted at the meetings by advisers or experts shall inform the Chairperson and the Deputy Chairperson of their names and justify the need for their presence maximum 7 calendar days after receiving the agenda of the meeting.
6. The Executive Director shall take part in the Management Board meetings.
7. Members of the staff of the Authority may attend meetings of the Management Board at the invitation of the Executive Director, in consultation with the Chairperson.

Article 6

Agenda and draft decisions of the Management Board

1. The Executive Director shall send, in consultation with the Chairperson, the draft agenda and all relevant documents for decision making of the Management Board, at least 14 calendar days before the meeting.
2. Members and observers may submit in writing proposals for amendments to the draft agenda, at the latest 3 calendar days after receiving the agenda of the meeting. Members and observers will

strive to submit written comments on meeting documents at the latest 5 calendar days before the meeting.

3. In exceptional cases, the Chairperson, in consultation with the Deputy Chairperson, may authorise derogations from the deadlines referred to in paragraph 1 and 2.
4. The Management Board shall adopt the agenda, referred to in paragraph 1, at the beginning of its meeting, including, where applicable, the amendments referred to in paragraph 2. Where applicable, the proposed changes to the agenda referred to in paragraph 2 shall be voted separately for each change.
5. During the meetings of the Management Board, any member or observer may propose the inclusion of an item on the agenda for the subsequent meeting.

Article 7

Deliberations and voting of the Management Board

1. Pursuant to Article 20(2) of the Founding Regulation, the Chairperson is responsible for the organisation of the deliberations of the Management Board according to the items on the agenda.
2. Pursuant to Article 21(1) of the Founding Regulation decisions of the Management Board are taken by the majority of its members with the right to vote, with the exception of specific rules provided for in Article 18(1) (b) and (t), Article 19(1) and Article 31(8) of the Founding Regulation.
3. Voting shall be by show of hands.
4. The result of the vote shall be recorded for each decision adopted by the Management Board. Where applicable, the decision shall be accompanied by a written statement of the minority view, where the member(s) with voting rights concerned so request.

Article 8

Deliberations on sensitive issues

1. Upon a duly justified request by a member, in exceptional cases and where necessary to maintain the maximum level of confidentiality, the Management Board deciding by two-thirds majority, , may request that the members referred to in Article 17(1)(c) and (d) of the Founding Regulation do not participate in the deliberations on items related to sensitive information regarding individual cases, depending on the agenda items concerned.
2. The deliberations of the Management Board referred to in paragraph 1 shall be considered confidential. This constraint shall apply to any person participating in the deliberations.

Article 9

Minutes of the meetings

1. Minutes of each meeting shall as a general rule indicate in respect of each item on the agenda:
 - a) a record of the proceedings;
 - b) the final decisions taken by the Management Board;
 - c) the list of attendees.

At the request of members, the minutes can include further details of the discussion of any dissenting views.

2. The record of the proceedings shall be prepared by the Secretariat and, following review by the Chairperson and the Deputy Chairperson, shall be made available to the members and observers within 21 calendar days of the meeting.

3. Members and observers shall send written comments to the minutes, if any, to the Secretariat during a period of 15 calendar days.
4. The Secretariat, in agreement with the Chairperson and the Deputy Chairperson, shall prepare the consolidated minutes.
5. The final text of the minutes shall be forwarded to the members and observers for adoption at the next meeting of the Management Board.

Article 10

Written Procedure

1. The Management Board may adopt decisions by written procedure in urgent or duly justified cases.
2. A written procedure shall be initiated by the Executive Director, in agreement with the Chairperson. Draft decisions shall be sent to members and, for information, to observers. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
3. Members with voting rights shall inform the Secretariat within 14 calendar days whether they vote in favour or against the draft decision, or abstain from voting. The absence of reply within 14 calendar days shall be considered as a vote in favour.
4. The voting rules as set out in Article 7 of the present rules shall be applicable to decisions taken by written procedure.
5. The Executive Director in agreement with the Chairperson and the Deputy Chairperson may decide to launch a written procedure with a shorter time limit than the one specified in paragraph 3 due to the urgency of the matter. In such cases, only written agreement to the draft decision will count as a vote in favour.
6. A report on the outcome of the written procedure shall be made at the following meeting of the Management Board.
7. When a written procedure did not lead to the adoption of a decision, the Executive Director, in consultation with the Chairperson and the Deputy Chairperson may propose the item for adoption by the Management Board at the following meeting, in accordance with Article 6 of the present rules.

Article 11

Subgroups of members of the Management Board

1. The Management Board may create subgroups to assist in its decision making in specific areas of its responsibility such as planning and reporting, or to provide advice on strategic areas within the remit of the Management Board.
2. The mandate, duration, and composition of these subgroups shall be determined by the Management Board.
3. The Chairpersons of these groups shall be appointed by the Management Board.

Article 12

Working Groups and Expert Panels

1. Pursuant to Article 16(2) of the Founding Regulation the Authority may set up working groups or expert panels comprising representatives from Member States, social partners organisations or from the Commission, or external experts following a selection procedure, or a combination thereof, for the fulfilment of its specific tasks or for specific policy areas.
2. According to Article 18(1)(j) of the Founding Regulation, the Management Board is responsible for setting up the working groups and expert panels referred to in paragraph 1, and to adopt their rules of procedure.
3. The Management Board shall set up the European Platform to enhance cooperation in tackling undeclared work referred to in Article 12 of the Founding Regulation as a permanent working group.
4. The Management Board shall set up the Mediation Board referred to in Article 13 of the Founding Regulation.
5. The Chairpersons of these working groups and expert panels shall be appointed by the Management Board.

Article 13

Conflicts of interest

1. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interests and shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests.
2. Members and their alternates shall avoid any situation liable to give rise to potential conflicts of interest.
3. At each meeting, members with voting rights shall declare any interest, which could be considered prejudicial to their independence with respect to any point on the agenda. Anyone declaring such interests shall not participate in any voting on the relevant point.
4. Conflicts of interest referred to in paragraph 3 shall be reported in writing in the minutes of the Management Board's meetings.
5. Should a conflict of interest arise, the Management Board at the request of the Chairperson shall take all appropriate measures, including the suspension of the concerned member.
6. The Authority shall publish the statements and updates on its website.

Article 14

Transparency and access to information

1. The names and the short biographies of the members and their alternates shall be published on the Authority's website.
2. The record of the proceedings and adopted decisions shall be published on the Authority's website.
3. By derogation from paragraph 2, the Chairperson, after consulting the Deputy Chairperson and the Management Board, may decide in duly justified and exceptional cases, that a document shall be treated as confidential and shall not be accessible to the public. This decision may cover in particular the deliberations considered confidential pursuant to Article 20(2) of the Founding Regulation or any document the disclosure of which, could cause harm to the interests of the public, the Union, the Authority. With regard to the cases referred to Article 20(2), the Management Board may decide to provide the document to the members referred to in Article 17(1)(c) and (d) of the founding Regulation after the deliberation took place.

4. Where applicable, the exception provided by paragraph 3, shall only cover the parts of the document directly concerned by this exception.

Article 15

Data protection

Personal data should be processed in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council².

Article 16

Entry into force

These rules of procedure shall enter into force on the day of their adoption by the Management Board.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 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 295, 21.11.2018, p. 39–98).