



## European Labour Authority

### Work Programme 2019

#### 1. INTRODUCTION

Regulation (EU) 2019/1149 establishing the European Labour Authority (“the Regulation”) entered into force on 31 July 2019.

The objectives of the Authority are to contribute to ensuring fair labour mobility in the European Union and assist the Member States and the Commission in the coordination of social security systems within the Union. More specifically, the scope of the Authority covers:

- Free movement of workers (Regulation (EU) No 492/2011; Directive 2014/54/EU);
- EURES (Regulation (EU) No 2016/589);
- Posting of workers (Directive 96/71/EC (as amended by Directive 2018/957/EU) and Directive 2014/67/EU);
- Social security coordination (Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009);
- Social aspects of international road transport rules (Regulation (EC) No 561/2006; Directive 2006/22/EU; Regulation (EC) No 1071/2009).

On 13 June 2019 the Member States decided that the Authority shall have its seat in Bratislava. The Authority is coordinating with the Slovak authorities in order to define the timing and organisation of the transfer to the seat. In the meantime, the Commission is hosting the offices of the Authority in Brussels.

The Authority is a new landmark in the field of labour mobility in the European Union. It will work towards improving cooperation and the implementation of EU rules in this field, and will bring together experts from Member States to support the enforcement of EU rules on labour mobility in a fair, simple and effective way.

The Authority will deliver essential tasks for a well-functioning and fair European labour market, notably by contributing to the provision of information and services to the public, as well as by supporting cooperation between national administrations by providing a forum and a platform for exchange of information, organisation of joint and concerted inspections, capacity building, analyses and risk assessment, tackling undeclared work, and mediation in case of disputes.

The Authority will begin preparing the necessary arrangements for the rollout of the operational tasks established by the Regulation. In 2019, the key objective is therefore to ensure that the fundamentals of the Authority’s administrative and management structure are in place in order to enable adequate steer for the year 2020. This should be done by setting work priorities in accordance with the time and resources available for the year 2019.

The Management Board will be invited to identify the priority actions on which the Authority should focus its efforts. In doing so, the Management Board will be able to draw from the recommendations formulated by the Advisory Group for the European Labour Authority<sup>1</sup> in its Final Report, which will be presented to the

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<sup>1</sup> Commission Decision (EU) 2018/402 of 13 March 2018 setting up the European Advisory Group for the European Labour Authority (OJ L 72, 15.3.2018, p. 20). The European Advisory Group for the European Labour Authority was established

Management Board for consideration when defining the first operational priorities of the Authority in the year 2020.

## 2. TASKS OF THE AUTHORITY

The Regulation sets out that the European Labour Authority shall carry out the following seven tasks:

### Task 1: Information and the coordination of EURES

Under this task, the Authority is set to improve the availability, quality and accessibility of information offered to individuals, employers and social partner organisations regarding the rights and obligations stemming from EU legislation on labour mobility and social security coordination, and to coordinate EURES.

First, Article 5 of the Regulation mandates the Authority to contribute to the provision of information on the rights and obligations of individuals in cross-border labour mobility situations, including through a single portal for accessing information, as established through the single digital gateway<sup>2</sup>. The Authority also supports Member States in complying with the obligations on access to and dissemination of information laid down by EU legislation on labour mobility.

Secondly, Article 6 assigns to the Authority the management of the European Coordination Office (ECO) of EURES, which provides services to individuals and employers, such as cross-border matching of job, traineeship and apprenticeship vacancies with CVs, with the objective to facilitate labour mobility across the Union. ECO formulates the strategic framework and provides support activities with respect to the operation and development of the EURES portal, the information and communication activities of the EURES network, the common training programme for the staff of EURES members and partners, and the helpdesk in support of the local EURES staff. ECO is also tasked with the analysis of geographical and occupational mobility and with the development of cooperation for apprenticeships and traineeships.

### Task 2: Cooperation and exchange of information between Member States

Article 7 of the Regulation assigns to the Authority the task to facilitate the cooperation and acceleration of exchange of information between Member States. It specifies five main areas where the Authority is expected to provide support: - with the identification of relevant contact points in other Member States; - providing logistical and technical support (including translation and interpretation); - promoting and disseminating best practices; - facilitating the enforcement of penalties and fines; and - reporting to the Commission about unresolved requests.

### Task 3: Concerted and joint inspections

The European Labour Authority will coordinate and support concerted and joint inspections, as set out in Articles 8 and 9 of the Regulation. Subject to the prior agreement of the participating Member States, the Authority will facilitate the conclusion of an inspection agreement specifying the terms and conditions of the inspection, and will provide support to carrying out such inspections.

Article 9 of the Regulation specifies a number of arrangements relating to the role of the Authority in the preparatory, execution and follow-up phases of a concerted or joint inspection, including the support which can be provided by the staff of the Authority, and reporting arrangements following inspections.

### Task 4: Analyses and risk assessment

The European Labour Authority will carry out analyses and assess risks concerning labour mobility and social security coordination across the Union, covering topics such as labour market imbalances, sector-specific challenges and recurring problems, and ad-hoc analyses and studies, according to Article 10 of the Regulation.

Under the framework of this task, the Authority will organise peer reviews among Member States concerning implementation of EU law, the provision of services to individuals and businesses, the

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by the European Commission to discuss, in parallel to the legislative process leading to the adoption of the Regulation, the proposed tasks assigned to the Authority.

<sup>2</sup> See Regulation (EU) 2018/1724.

improvement of mutual understanding of policies and practices; it will report regularly on its findings; and work on data collection and streamlining of such activities, also through cooperation with the Commission (Eurostat).

#### Task 5: Capacity Building

The European Labour Authority will support capacity building in the Member States with respect to the application of EU legislation under its scope.

In line with Article 11 of the Regulation, the Authority should will work on developing guidelines, promoting mutual assistance and staff exchanges, promoting the exchange of good practices, develop training programmes, and promote awareness-raising campaigns.

#### Task 6: Support cooperation in tackling undeclared work

The European Labour Authority will manage the activities of the European Platform to enhance cooperation in tackling undeclared work ('the Platform'), according to Article 12 of the Regulation.

The Platform will enhance cooperation between national competent authorities and other relevant actors, improving the capacities of such authorities, increase public awareness of issues and appropriate actions relating to undeclared work.

#### Task 7: Mediation between Member States

The European Labour Authority will facilitate finding a solution in cases of disputes between Member States through its mediation task, according to Article 13 of the Regulation.

The Management Board will adopt the rules of procedure for mediation, including working arrangements and the appointment of mediators, the applicable deadlines, the involvement of experts from the Member States, the Commission, and the Authority, and the working arrangements of a Mediation Board to be set up for this purpose. For matters relating to social security coordination, the European Labour Authority will establish a cooperation agreement with the Administrative Commission for the Coordination of Social Security Systems.

### 3. ADMINISTRATIVE AND MANAGEMENT STRUCTURE

The start-up phase of the Authority, and notably the initial steps during 2019, will concentrate on setting up the Authority's essential administrative structures and on starting the recruitment and training of staff. The Authority will start building its administrative and management structure, notably by convening the Management Board and launching the selection process for the Executive Director.

The Authority's administrative and management structure includes a Management Board, an Executive Director and a Stakeholder Group. Additionally, the Authority will set up working groups to support the fulfilment of its specific tasks, for instance on tackling undeclared work.

The Management Board will be set up to allow the start of decision making by the Authority. According to Article 18 of the Regulation, the functions of the Management Board will include providing the strategic orientation of the Authority's activities, adopting the annual budget and the annual activity report, as well as setting up working groups and expert panels according to need.

Two meetings of the Management Board will be organised in 2019, in October and December.

The recruitment procedure for the Executive Director will start following the decision by the Management Board on the vacancy notice.

According to Article 23 of the Regulation, a Stakeholder Group will be established with advisory functions to the Authority. The Stakeholder Group will be chaired by the Executive Director and composed of two representatives of the Commission and of ten representatives of Union level social partners, with equal representation of trade union and employers organisations.

The social partners will be invited to designate their respective members and alternate members to the Stakeholder Group with a view to their appointment by the Management Board. The first meeting of the

Stakeholder Group should be convened as soon as possible following the appointment of its members.

The staff of the Authority will comprise temporary and contract staff recruited by the Authority and experts seconded by Member States, including a National Liaison Officer (NLO) from each country, who will contribute to the tasks of the Authority and act as a contact point with the competent authorities of their sending Member State. The Management Board will adopt rules for the secondment of national experts, and discuss the role and responsibilities of NLOs.

#### 4. PREPARATORY ACTIONS IN 2019

The Authority will begin its work in 2019 by setting its administrative structure to be able to incrementally start its activities on all its tasks in the coming year(s), aiming for a gradual transfer of the activities currently carried out by the Commission or other bodies to be transferred to the Authority, and ensuring business continuity.

Concerning the preparatory actions aimed at the execution of the core tasks; those include the development of a communication and dissemination plan, the set-up of working groups, the participation in communication campaigns and the launch of the organisation of a conference on the initial results of the work of the Authority after the first year of its activities.

In the context of the transition towards the integration of the European Platform to enhance cooperation in tackling undeclared work ('the Platform'), the Authority will actively participate in the preparation of the campaign to *declare work* organised by the Platform, starting in March 2020.

As regards the overall preparations for welcoming the staff of the Authority, preparatory actions already started for the creation of suitable office space, dedicated IT infrastructure to exchange file and store documents, conclusion of Service Level Agreements with the services of the Commission, and for the recruitment of staff of the Authority in line with the Establishment Plan.

#### 5. TRANSITIONAL ARRANGEMENTS

The Regulation mandates the Commission to ensure the establishment and initial operations of the Authority until the latter has the operational capacity to implement its own budget. The position of Executive Director of the European Labour Authority is exercised at interim by a Commission official designated by the Commission in accordance with Article 44 of the Regulation, until the Executive Director takes up his or her duties.

## Annex

## List of preparatory activities for Q4 2019 under Title 3 - operational expenditure

Category	Activity	Implementing mode	Estimated amount
External Communication	Develop communication and dissemination plans of the Authority to be adopted by the Management Board as set out in Article 36(3) of the Regulation.	Specific contract with external consultant	30.000 EUR
	Organise a conference on the results of the first year of activities of the Authority.	Specific contract with external provider	150.000 EUR
	Contribute to the preparation of the campaign to declare work organised by the Platform tackling undeclared work starting in March 2020, e.g. by participating in the social media campaign with content specific to the Authority (informing about rights of workers, raising awareness among companies).	Specific contract with external provider	250.000 EUR
Working Groups	Set-up of working groups and expert panels (as set out in Article 16(2) of the Regulation) for the fulfilment of specific tasks or for specific policy areas.	Reimbursement of travel and accommodation costs	40.000 EUR
External consulting	Consultancy services to support the Authority in the fulfilment of preparatory actions.	Specific contract with external consultant	100.000 EUR