



**Decision No 6/2021
of 25 May 2021
of the Management Board
adopting the rules of procedure of the Working Group “European Platform to
enhance cooperation in tackling undeclared work”**

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 (hereinafter “the founding Regulation” and “the Authority”), and in particular Articles 16 and 18 thereof,

Having regard to Decision No 2/2021 of 9 March 2021 of the Management Board setting up the Working Group “European Platform to enhance cooperation in tackling undeclared work”, in particular Article 6 thereof,

Whereas:

1. According to Article 16(2) of the founding Regulation, the Authority may set up working groups or expert panels comprising representatives from Member States 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. It shall set up the European Platform to enhance cooperation in tackling undeclared work referred to in Article 12 as a permanent working group.
2. According to Article 18(1)(j) of the founding Regulation, the Management Board shall, in particular, set up working groups and expert panels pursuant to Article 16(2) of the founding Regulation and adopt their rules of procedure.
3. According to Article 18(1)(f) of the founding Regulation, the Management Board shall adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts, as well as the members of the Stakeholder Group and of the working groups and panels of the Authority referred to in Article 16(2) of the founding Regulation, and shall publish annually on its website the declarations of interests of the Management Board members.

¹ OJ L 186, 11.7.2019, p.21.

4. ELA uses Commission Decision C(2016) 3301 final of 30.5.2016 establishing the horizontal rules on the creation and operation of Commission expert groups² as reference for establishing its working groups.
5. During its meeting of 15 December 2020, the Management Board adopted the work programme and budget of the Authority for 2021, with a list of objectives, including ensuring the smooth integration of the “European Platform to enhance cooperation in tackling undeclared work” in the Authority.
6. According to Article 2(d) of the founding Regulation, the Authority shall support cooperation between Member States in tackling undeclared work, as one of its four objectives.
7. Pursuant Article 12 of the founding Regulation, the Platform shall support the activities of the Authority in tackling undeclared work.
8. On 6 October 2020, the Plenary of the Platform adopted its Work Programme for 2021-2022 that was endorsed by the ELA Management Board on 15 December 2020.
9. On 25 March 2021, the Plenary of the Platform endorsed the report “Enhancing synergies with the ELA Work Programme and working methods”, which puts forward recommendations regarding the rules of procedure of the Platform as a permanent working group under ELA.
10. Following these recommendations, the Working Group “European Platform to enhance cooperation in tackling undeclared work” should, inter alia, agree on a pragmatic approach to the management of its deliverables. This will concern the review, endorsement, adoption, sharing, and publication of the documents produced, including contributions to the ELA programming, reports, strategic documents, toolkits, studies, executive summaries, learning resources, and other outputs of mutual learning activities.
11. For the purpose of the present Rules of Procedure, “meetings of the Working Group” (as per Article 4 of the annex to this Decision) refer to activities designed as “plenary meetings” in the Platform Work Programme 2021-2022 and “subgroups” (as per Article 9 of the annex to this Decision) to activities designed as “working groups”.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

The Management Board shall adopt the rules of procedure of the Working Group in annex to this Decision.

² To be read in conjunction with the Commission Communication C(2016) 3300

Brussels, 25 May 2021

For the Management Board

(e-signed)

Tom BEVERS

Chairperson of the Management Board

ANNEX 1

RULES OF PROCEDURE

Article 1

Operation of the Working Group

The permanent Working Group, named the European Platform to enhance cooperation in tackling undeclared work (“the Platform”), shall support the activities of the Authority in tackling undeclared work.

Article 2

The Secretariat

The Authority shall provide the Secretariat, which shall support the Bureau, the Platform and the Subgroups.

Article 3

Co-chairs and the Bureau

1. The Platform shall appoint two Co-chairs from among the senior representatives. A written call for candidates among senior representatives with a deadline of at least five working days shall be launched by the Secretariat. Candidates can propose themselves or can be proposed by other senior representatives. Candidates are elected with simple majority of votes, in accordance with Article 5.
2. The term of office of the two Co-chairs shall be 2 years. Exceptionally, the initial term of one of the Co-chairs should be 3 years.
3. Should a Co-chair withdraw from his or her national position, the Platform will elect a new Co-chair that will end the term of the replaced Co-chair.
4. The Chair and the two Co-chairs shall form the Bureau.
5. The Bureau shall prepare and organise the work of the Platform in conjunction with the Secretariat. In particular, the Bureau shall provide strategic steering with regard to:
 - a. monitoring the implementation of the work programme;
 - b. formulating proposals for consideration as part of the work programme;
 - c. Forecasting and assessing resource needs for the Platform within the allocated budget;

6. The Bureau, with the assistance of the Secretariat, shall identify proposals for the meetings of the Platform and prepare them.
7. Meetings of the Bureau shall be held as necessary to enable the Bureau to carry out its function. The Secretariat shall take part in the meetings of the Bureau.
8. The Bureau takes decisions by the consensus.

Article 4

Convening a meeting

1. Meetings of the Working Group “European Platform to enhance cooperation in tackling undeclared work” are convened periodically by the Chair after agreement within the Bureau. The Platform shall meet at least twice a year.
2. Joint meetings of the Platform with other groups may be convened to discuss matters falling within their respective areas of responsibility.

Article 5

Voting rules

1. The Platform shall strive to adopt its documents by the consensus of its members. If consensus cannot be reached, the Chair will summarise the proceedings and, where appropriate, propose to take a decision with the simple majority of votes.
2. The members nominated by the Member States and the representative of the European Commission have each one vote. Where appropriate, decisions are taken by simple majority.
3. A simple majority is reached if at least half of the members with voting rights present, plus one, vote in favour, provided that at least two thirds of the members of the Platform with voting rights are represented.
4. A reference to minority positions can be annexed in the relevant documents.

Article 6

Participation in the meetings and activities

1. An alternate member or observer can only participate in the meeting of the Platform in case of absence of the member or observer, or if agreed by the Chair of the Platform.
2. The provisions concerning participation in other activities of the Platform will be determined separately for each activity, considering its type and purpose.

Article 7
Agenda

1. The Secretariat shall draw up the agenda under the responsibility of the Bureau and send it to the members and observers of the Platform
2. The agenda shall be adopted by the Platform at the start of the meeting.

Article 8
Documentation to be sent to Platform members and observers

1. The Secretariat shall send the invitation to the meeting and the draft agenda to the Platform members and observers no later than 21 calendar days before the date of the meeting.
2. The Secretariat shall send the documents on which the Platform is consulted to the members and observers of the Platform no later than 14 calendar days before the date of the meeting.
3. In urgent or exceptional cases, the Chair may authorise derogations from the deadlines referred to in paragraphs 1 and 2.

Article 9
Subgroups

1. The Platform may set up Subgroups for the purpose of examining specific issues. The mandate, practical arrangements, duration, and composition of these Subgroups shall be determined by the Platform. Subgroups shall be dissolved as soon as their mandate is fulfilled.
2. The Platform will decide on the publication of documents produced by a Subgroup.
3. Participants in the Subgroups are designated by the members and observers of the Platform. In order to keep Subgroup meetings efficient and effective, Subgroups should indicatively not have more than twelve members, with a majority of Member States' representatives.
4. Each Subgroup shall have a leader appointed by the Platform on the basis of proposals by the Platform members. The leaders shall chair the meetings of the Subgroups as well as report to the Bureau and to the Platform on the progress of their work.
5. Subgroups shall be supported by the Secretariat.

Article 10
Invited experts

The Chair may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the Platform or Subgroups on an ad hoc basis. Invited experts may be allowed by the Chair to take part in the discussions and provide their expertise; however, they shall not participate in the formulation of recommendations or advice.

Article 11
Written procedure

1. If necessary, the Platform's documents may be delivered via a written procedure. To this end, the Secretariat sends the Platform members and observers the document(s) on which the Platform is being consulted. The Platform members and observers shall reply within 21 calendar days. The outcome of the procedure is communicated to the Platform members and observers within 14 calendar days from the deadline for receiving replies.
2. In case of taking a decision by a vote, by derogation to Article 5, abstentions or non-replies shall not prevent the adoption of documents. They are adopted if a simple majority of yes- or no-replies is positive.
3. However, if a simple majority of Platform members asks for the question to be examined at a meeting of the Platform, the written procedure shall be terminated without result and the Chair shall convene a meeting of the Platform as soon as possible.

Article 12
Summary of the deliberations

The summary of the deliberations shall be drafted by the Secretariat under the responsibility of the Chair and submitted to the Platform via written procedure within 21 calendar days. The Platform members and observers shall provide their comments, if any, to the Secretariat within 21 calendar days after receiving the Summary.

Article 13
Attendance list

At each meeting, the Secretariat shall draw up, under the responsibility of the Chair, an attendance list also specifying, where appropriate, the affiliation of the members and observers of the Platform.

Article 14
Conflicts of interest

1. Each member and observer of the Platform shall sign a written statement at the time of his or her appointment 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. The Chair of the Platform shall, at the first meeting of each calendar year, remind all members and observers of their obligation to promptly inform the Management Board of the Authority of any relevant change in the information previously provided with regard to their conflicts of interest, including upcoming activities. In this case, they must immediately submit a newly completed declaration of interests describing the change, in order to enable the Management Board of the Authority to assess it in due course, and take any appropriate measure in order to ensure the independence and impartiality of the deliberations of the Platform.

Article 15
Programming

1. The work programme of the Platform shall be fully integrated in the annual and multi-annual programming cycle of the Authority as set outlined in the ELA Single Programming Document and Consolidated Annual Activity Report.
2. The Platform shall agree on a proposal for its annual and multi-annual work programme to be adopted by the Management Board.
3. The work programme shall set out the Platform's thematic priorities and a concrete description of the activities referred to in Article 12 of the founding Regulation. It shall include the deliverables of the Platform and the working methods.
4. The Chair shall advise the Platform on the financial sustainability of the activities included in the work programme.
5. Changes to the work programme may be suggested by the Platform. Members and observers may submit to the Bureau proposals related to the work programme.

Article 16
Correspondence

Correspondence relating to the Platform shall be addressed to the European Labour Authority, for the attention of the Chair of the Platform.

Article 17
Access to documents

Applications for access to documents held by the Platform shall be handled in accordance with Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents.



ANNEX 2 Declaration of Absence of Conflict of Interest

DECLARATION OF ABSENCE OF CONFLICT OF INTEREST

As required by Article 18(1)(f) of Regulation (EU) 2019/1149, I the undersigned in my capacity of **Member or Observer of the Working Group** of the European Labour Authority **named the European Platform to enhance cooperation in tackling undeclared work** (hereinafter referred to as the “Platform”), hereby declare that I have no actual or potential conflict of interest that may negatively affect the performance of the duties that I have committed to duly and appropriately serve as a member or observer of the Platform.

A conflict of interest is a situation whereby my private interests and affiliations could actually or potentially be perceived to negatively influence my independence or loyalty towards the European Labour Authority, and includes:

- **Direct interests** (financial benefits arising from, for example, employment contracted work investments, fees etc.);
- **Indirect financial interests** (e.g. grants, sponsorships, or any other kind of benefit);
- Interests **deriving from my professional activities** or that of my family members;
- Any **membership role or affiliation** that I may have in an organisations, bodies, clubs with a vested interest in the work of the European Labour Authority;
- Any **other interests** or facts that I the undersigned consider pertinent.

I hereby further undertake to inform the Management Board of the European Labour Authority in writing, as soon as any situation of conflict of interest arises during the performance of my duties, by submitting without undue delay a written declaration describing the particular situation of the actual or potential conflict of interest. If such a situation arises, I understand that the Management Board shall assess my perceived situation of conflict of interest and shall take any appropriate measure in order to ensure the independence and impartiality of the deliberations of the Platform. The Management Board shall thus reach a duly reasoned decision with respect to my perceived situation of conflict of interest and the performance of my duties. I undertake to abide by the decision of the Management Board.

I declare on my word of honour that the information provided is true and complete.

ELA/MB/2021/031

Signed at on/...../.....

Name

Signature