



**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”**

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,

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, and the Mediation Board referred to in Article 13.
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, as well as of seconded national experts and other staff not employed by the Authority as referred to in Article 33 of the founding Regulation, and shall publish annually on its website the declarations of interests of the Management Board members.
4. Commission Decision C(2016) 3301 final of 30.5.2016 establishes the horizontal rules on the creation and operation of Commission expert groups².

¹ OJ L 186, 11.7.2019, p.21.

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

5. In its meeting of 15 December 2020 the Management Board has 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. Pursuant Article 48 of the funding Regulation, Decision (EU) 2016/344 establishing the Platform remains in force until ELA becomes operational with the capacity to implement its own budget. Until then the governance of the European Platform to enhance cooperation in tackling undeclared work remains unchanged.
9. 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.
10. To ensure a smooth transition of the existing activities of the Platform established by Decision (EU) 2016/344 to the Working Group within the Authority, current members and observers of the Platform shall be considered initially as members and observers of the Working Group within ELA. This should be without prejudice to the competence of members of the Management Board of the Authority to appoint representatives.
11. The Management Board of the Authority shall adopt the rules of procedure of the Working Group within the Authority in a separate decision. This two-step approach aims at facilitating business continuity.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

The permanent Working Group, named the European Platform to enhance cooperation in tackling undeclared work (hereinafter referred to as the “Platform”), of the European Labour Authority, is set up on the date when the Authority becomes operational in accordance with Article 44(1) of the founding Regulation.

Article 2

Scope

The Platform shall advise and assist the Authority in the implementation of the founding Regulation concerning enhancing cooperation in tackling undeclared work.

In particular, the Platform shall support the activities of the Authority in tackling undeclared work by:

- a) enhancing cooperation between Member States' relevant authorities and other actors involved in order to tackle more efficiently and effectively undeclared work in its various forms and falsely declared work associated with it, including bogus self-employment;
- b) improving the capacity of Member States' different relevant authorities and actors to tackle undeclared work with regard to its cross-border aspects; and in this way contributing to a level playing field;
- c) increasing public awareness of issues relating to undeclared work and of the urgent need for appropriate action as well as encouraging Member States to step up their efforts to tackle undeclared work;
- d) carrying out the activities listed in Annex 1 of the present Decision.

The Platform shall encourage cooperation between Member States through:

- a) exchanging best practices and information;
- b) developing expertise and analysis, while avoiding any duplication;
- c) encouraging and facilitating innovative approaches to effective and efficient cross-border cooperation and evaluating experiences;
- d) contributing to a horizontal understanding of matters relating to undeclared work.

The Chair of the Platform referred to in Article 5 of the present Decision shall regularly report to the Management Board on the activities of the Platform.

Article 3 **Membership**

1. The Platform shall be composed of:
 - a) a senior representative appointed by each Member State;
 - b) a representative of the Commission;
 - c) a maximum of four representatives of cross-industry social partner organisations at Union level, appointed by those organisations, with an equal representation of trade union and employer organisations.
2. Each member of the Platform should also have an alternate.
3. Members of the Management Board shall be responsible for ensuring that the members of the Platform and their alternates provide a high level of expertise, in line with Article 2 of this Decision.
4. Members and alternates shall be appointed by members of the Management Board of the Authority through a written communication to the Authority, for the attention of the Chair of the Platform.

5. Following the establishment of the Platform, current members and alternates of the European Platform to enhance cooperation in tackling undeclared work established by Decision (EU) 2016/344 shall be considered as members and alternates of the Platform.
6. By 9 May 2021, through a written communication to the Authority for the attention of the Chair of the Platform, Members of the Management Board of the Authority shall confirm the appointment of current members and alternates or appoint other members and alternates.

Article 4
Observers

1. The following stakeholders may attend the meetings of the Platform as observers and their contributions shall be taken into due consideration:
 - a) a maximum of 14 representatives of social partner organisations in sectors with a high incidence of undeclared work, appointed by those organisations, with an equal representation of trade union and employer organisations. Members of the Management Board representing cross-industry social partner organisations at Union level shall identify relevant sectors and organisations;
 - b) one representative of each of Eurofound, EU-OSHA and the ILO;
 - c) one representative of each of the third countries in the European Economic Area.
2. Each observer of the Platform should also have an alternate.
3. Observers other than those referred to in the first subparagraph may be invited by the Chair to attend the meetings of the Platform and their contributions shall be taken into due consideration. Their participation is limited in time and shall be finished after the end of the work.
4. Observers and alternates shall be appointed by stakeholders referred to in the first subparagraph through a written communication to the Authority, for the attention of the Chair of the Platform.
5. Following the establishment of the Platform, current observers of the European Platform to enhance cooperation in tackling undeclared work established by Decision (EU) 2016/344 shall be considered as observers of the Platform.
6. By 9 May 2021, through a written communication to the Authority for the attention of the Chair of the Platform, stakeholders referred to in the first subparagraph shall confirm the appointment of current observers or appoint other observers.

Article 5
Chair and Co-Chairs

The Platform shall be chaired by the Executive Director of the Authority or a person appointed by the Executive Director.

The Chair shall be assisted by two Co-Chairs chosen from among the senior representatives.

The Chair and the Co-Chairs shall constitute the Bureau.

Article 6
Rules of procedure

The Management Board shall adopt the rules of procedure of the Platform in a separate decision.

Article 7
Transparency

The following data shall be published on the Authority's website:

1. The members and observers of the Platform;
2. All the relevant documents, including the plenary meeting's agenda and summary of the deliberations of the Platform.
3. Exceptions to publication shall be foreseen where it is deemed that disclosure of a document would undermine the protection of any public or private interest as defined in Decision 8/2020 of the Management Board of the Authority and Article 4 of Regulation (EC) 1049/2001.

Article 8
Meeting expenses

1. Participants in the activities of the Platform shall not be remunerated for the services they offer.
2. Travel expenses incurred by participants in the activities of the Platform shall be reimbursed by the Authority in accordance with the provisions of Decision 1/2019 on the Rules for reimbursement of travel, subsistence allowances and other expenses for participants in the meetings organised by the European Labour Authority, and within the limits of the available budget of the Authority.

ANNEX 1

ACTIVITIES OF THE PLATFORM ESTABLISHED IN ACCORDANCE WITH ARTICLE 16(2) OF ELA FUNDING REGULATION

In supporting the objectives of the Authority in tackling undeclared work, the Platform shall in particular seek to:

- (1) improve the knowledge of undeclared work, including causes, regional differences and cross-border aspects thereof, by means of shared definitions and common concepts, evidence-based measurement tools and promotion of comparative analysis; develop mutual understanding of different systems and practices to tackle undeclared work and analysing the effectiveness of policy measures, including preventive measures and penalties;
- (2) facilitate and evaluate different forms of cooperation between Member States, and where relevant third countries, such as the exchange of staff, use of databases, joint activities and joint trainings, and set up a system of information exchange for administrative cooperation using a specific module on undeclared work under the IMI system;
- (3) establish tools, for instance a knowledge bank, for efficient sharing of information and experiences, and developing guidelines for enforcement, handbooks of good practices, shared principles of inspections to tackle undeclared work and common activities such as European campaigns; evaluate experiences of such tools;
- (4) develop a peer learning programme for the identification of good practices in all areas relevant for tackling undeclared work and organising peer reviews to follow progress in tackling undeclared work in Member States choosing to participate in such reviews;
- (5) exchange national authorities' experiences in applying Union law relevant to tackling undeclared work.