



**Decision No 15/2024
of 28 November 2024
of the Management Board**

Amending Decision No 8/2019 of 3 December 2019 of the Management Board setting up the ELA Working Group on Inspections; Decision No 2/2021 of the Management Board setting up the Working Group ‘European Platform Tackling Undeclared Work’; Decision No 6/2021 of the Management Board adopting the Rules of Procedure of the Working Group European Platform Tackling Undeclared Work and Decision 19/2022 of the Management Board on the European Labour Authority’s Conflict of Interest Policy

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;
- (2) Based on Article 16(2) the Management Board has decided to set up the Working Group on Information; Working Group on Inspections; Working Group on Mediation, Working Group ‘European Platform tackling undeclared work’;
- (3) The experience with the work of the Working Groups identified several practical aspects to be amended which may facilitate the functioning of the Working

¹ OJ L 186, 11.7.2019, p.21 .

- Groups and increase compliance, while avoiding unnecessary administrative burden for the Authority and for the Member States;
- (4) The Chairing of the Working Groups should be more flexible. It should be explicitly allowed for the Executive Director to appoint another staff member of the Authority to chair the Working Group meetings and thus aligning the practice with the respective decisions of the Management Board;
 - (5) Furthermore, the mode of appointment of the members and alternates of the Working Groups should be amended to avoid unnecessary burden following from the current requirement that Management Board members appoint Members of the Working Group. This requirement should be amended to allow Member States, social partners organisations represented at the Management Board and European Commission to formally appoint experts in the Working Groups;
 - (6) It should be also possible to allow simultaneous participation of the members and alternates in the Working Group meetings, either through remote participation, if the meeting is organised online or in hybrid form, or if the simultaneous participation is justified by the agenda item.
 - (7) The participation of external experts, including experts accompanying Members and Alternates, should be harmonised across working groups.
 - (8) The regime for submission of the declaration of absence of conflict of interest by observers should be harmonised across all ELA Working Groups. The observers of the Working Groups should not be under the obligation to submit the declaration on the absence of conflict of interests.
 - (9) The provisions on the appointment of observers in the Working Group Platform Tackling Undeclared Work should be further streamlined to allow simplified appointment of the observers.
 - (10) In light of the advisory functions of the Working Groups, the Management Board should approve results of the work of the Working Groups which are to be used by external stakeholders, such as Member States or social partners. This includes reports for publication or guidelines. This change should not apply to the Working Group Platform Tackling Undeclared Work ('Platform'), as the proposed changes in relation to Platform are only those of procedural nature.
 - (11) The rules for written procedure should be simplified and provide that absence of reply should not be an obstacle to agree on a result of the Working Groups.
 - (12) The Management Board decisions Decision No 7/2019 of 3 December 2019 of the Management Board setting up the ELA Working Group on Information and Decision No 20/2020 of the Management Board setting up the ELA Working Group on mediation will be replaced by the new decisions; therefore, the horizontal changes contained in this decision will be part of the new decisions.
 - (13) The decisions of the Management Board 8/2019; 2/2021, 6/2021 and 8/2022 should be amended accordingly.

HAS ADOPTED THIS DECISION:

Article 1

Amendments of the Management Board decision 8/2019

1. In Article 2 'Scope' the sentence 'Management Board shall be responsible for approving the results of any tasks performed by the Working Group' shall be replaced by following sentence:

'The Management Board shall approve the results of the Working Group which are intended to be used by external stakeholders.'

2. Article 3 'Membership' shall read as follows:

*'Article 3
Membership*

1. *The Working Group shall be composed of experts appointed by the Member States, European Commission, Union-level social partner organisations which are members of the Management Board and the independent expert appointed by the European Parliament who is member of the Management Board.*
 2. *Member States and Union level social partners and the independent expert of the European Parliament referred to in paragraph 1 may appoint one member and up to two alternates. The European Commission may appoint up to two members and two alternates.*
 3. *Observers may be appointed by the countries or EU-agencies which have observer status to the Management Board.*
3. Article 4 'Chair' shall read as follows: *'The Working Group shall be chaired by the Executive Director or an ELA staff member appointed by the Executive Director.'*

4. Article 7: 'Meeting expenses' shall be replaced by following text:

'Article 7

Meeting organisation

1. *The Working Group meetings shall be attended by members and observers. If a member cannot participate onsite, they shall be replaced by their respective alternates.*
 2. *If it is justified by the agenda of the meeting, the Authority may allow simultaneous participation of the Member and Alternate.*
 3. *If the meeting is organised online or in hybrid form, the participation online shall be open for all Working Group members, alternates and observers.*
 4. *If members, alternates or observers wish to be accompanied by experts for a specific agenda item, the Authority may allow such participation.*
 5. *External experts may be invited by the Authority to take part in a Working Group or Subgroup meeting and provide their expertise on specific agenda item priorly agreed upon.*
 6. *Participants in the activities of the Working Group shall not be remunerated for the services they offer.*
 7. *Travel and accommodation expenses incurred by participants in meetings of the Working Group shall be reimbursed by the Authority in accordance with the provisions of Decision 22/2021 and subsequent decisions 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.*
5. In the Annex to the Decision 7/2019 Rules of procedure, Article 7 is deleted. The subsequent Articles are renumbered.
6. In the Annex to the Decision 7/2019 Rules of procedure, Article 7, paragraph 2 is replaced by the following text:

'2. The absence of reply within the deadline of 21 calendar days shall be considered as an agreement with the document.'

Article 2

Amendments of the Management Board decision 2/2021

1. In Article 3 'Membership' paragraph 4 is replaced by the following:

'4. Member States, the European Commission and Union-level social partners represented at the Management Board shall appoint members of the Platform as referred to in paragraph 1 through a written communication addressed to the Authority.'
2. In Article 3 'Membership' Paragraphs 5 and 6 are deleted.

3. *In Article 4 'Observers' paragraph 3 shall read as follows: 'Observers other than those referred to paragraph 1 may be appointed by the Chair of the Platform, considering their expertise. The appointment can be renewed or withdrawn by the Chair.'*
4. *In Article 4 'Observers' paragraph 5 and 6 are deleted.*
5. *Article 8: 'Meeting expenses' shall be replaced by following text:*

'Article 8

Meeting organisation

1. *The Platform meetings shall be attended by members and observers. If a member or observer cannot participate onsite, they shall be replaced by their respective alternates.*
2. *If it is justified by the agenda of the meeting, the Authority may allow simultaneous participation of the member and alternate.*
3. *If the meeting is organised online or in hybrid form, participation online shall be open for all Platform members, alternates and observers.*
4. *If the Member and alternate are simultaneously attending the Working Group meeting, the right to vote shall be exercised only by the member.*
5. *If members, alternates or observers wish to be accompanied by experts for a specific agenda item, the Authority may allow such participation.*
6. *External experts may invited by the Authority to take part in a Platform or Subgroups meeting and provide their expertise on specific agenda item priorly agreed upon.*
7. *Participants in the activities of the Platform shall not be remunerated for the services they offer.*
8. *Travel and accommodation expenses incurred by participants in meetings of the Platform shall be reimbursed by the Authority in accordance with the provisions of Decision 22/2021 and subsequent decisions 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.'*

Article 3

Amendments of the Management Board decision 6/2021

1. Text of Article 6 ‘Participation at meetings and activities’ is replaced by the following:

‘Article 6

Participation in the activities

The provisions concerning the participation in the activities of the Platform will be determined separately for each activity considering its type and purpose.’

2. Article 10 is deleted. The subsequent Articles are renumbered.
3. In the text of the Article 13, paragraph 1 and 2, the words ‘and observers’ are deleted.

Article 4

Amendment of the decision 19/2022

1. In Article 2 ‘Scope’, fourth indent the words ‘*and observers*’ are deleted.
2. In Article 8 ‘Procedure for ELA Working Groups and panels’ paragraph 1, the following text is deleted: ‘*For the “European Platform to enhance cooperation in tackling undeclared work, this obligation shall also apply to observers.”*’

Article 5

Entry into force

This Decision shall enter into force the day following its adoption.

Bratislava, 28 November 2024

For the Management Board

Tom Bevers
Chair of the Management Board