



Decision No 2/2025
of 11 February 2025
of the Management Board
authorising the establishment of the working arrangement between the
European Labour Authority and the Ministry of Labour and Social
Protection of the Republic of Moldova

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) 2016/344 (“the founding Regulation” and “the Authority”), and in particular Article 42,

Whereas:

- (1) The Authority may establish working arrangements with the competent authorities of the third countries to achieve the objectives set out in the Founding Regulation.
- (2) The Executive Director presented to the Management Board on the 16 May 2024 the Authority’s intention to establish working arrangements with the competent Authorities of the third countries, particularly those granted candidate status to the European Union. The Executive Director also informed the Management Board about launching the negotiations with the Ministry of Labour and Social Protection of the Republic of Moldova (‘working arrangement with the Republic of Moldova’) and the state of play of the negotiations, including the draft working arrangement.
- (3) The establishment of the working arrangement with Moldova should be subject to the authorisation of the Management Board and approval of the Commission.
- (4) The negotiations of the working arrangement with the Republic of Moldova have progressed significantly; therefore, it is appropriate to ask the authorisation of the Management Board.
- (5) The Management Board will be informed of the final text of the working arrangement with the Republic of Moldova after its approval by the Commission and after its signature by the Executive Director and representatives of the Republic of Moldova.
- (6) The final text of the working arrangement with the Republic of Moldova should be published on the Authority’s website.

HAS DECIDED AS FOLLOWS:

Article 1

Authorisation

- (1) The Management Board authorizes the establishment of the working arrangement with the Republic of Moldova.
- (2) The Authority shall inform the Management Board about the approval of the working arrangement with the Republic of Moldova by the Commission and about its signature by the Executive Director and the representatives of the Republic of Moldova.
- (3) The Authority shall publish the final text of the Working Arrangement with the Republic of Moldova on its website after its signature.

Article 2

Entry into force

This Decision shall take effect on the day following that of its adoption.

Done by written procedure, 11 February 2025.

For the Management Board

Tom BEVERS
Chair of the Management Board

DRAFT

**Working Arrangement
between
the European Labour Authority
and
the Ministry of Labour and Social
Protection of the Republic of Moldova**

The Ministry of Labour and Social Protection of the Republic of Moldova

and

the European Labour Authority (hereafter 'the Authority' or 'ELA'),

Considering that the Authority assists EU Member States and the Commission in their effective application and enforcement of Union law related to labour mobility across the Union and the coordination of social security systems within the Union in line with 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) 2016/34 ('founding Regulation')

Considering that ELA may cooperate with the competent authorities of third countries in order to achieve the objectives set out in founding Regulation as outlined in Article 42,

Considering that the Republic of Moldova has been granted status of candidate country to the EU,

Considering the importance for Moldova to enhance the cooperation between the Authority and the Republic of Moldova within ELA's mandate in order to ensure the successful preparation in Moldova of the legislative areas under ELA's remit,

Considering that ELA is mandated to:

- facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services;
- facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections;
- mediate and facilitate a solution in cases of cross-border disputes between Member States; and
- support cooperation between Member States in tackling undeclared work.

Considering that ELA's mandate covers labour mobility across the European Union, such as posting of workers, free movement of workers, coordination of social security systems, social aspects of road transport and cooperation in the field of undeclared work, these are central aspects of the *acquis* assessed in accession process.

Considering that ELA's activities also cover individuals who are subject to European Union law within the scope of ELA's mandate, including third-country nationals who are legally resident in the Union, such as posted workers, intra-corporate transferees or long-term residents, as well as their family members, in accordance with Union law regulating their mobility within the Union,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The purpose of this Working Arrangement (hereafter: 'Arrangement') is to establish cooperative relations between ELA and the competent authorities of the Republic of Moldova (hereafter: 'the Participants') in different areas covered by ELA's mandate to contribute to ensuring fair labour mobility and coordination of social security within the Union and to support the preparations of the Republic of Moldova for the membership in the Union.

Article 2

Definitions

For the purpose of this Arrangement:

a) '*ELA founding Regulation*' means Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344;

b) '*Personal data*' means, according to Regulation (EU) 2018/1725 and Regulation (EC) 2016/679, any information relating to an identified or identifiable natural person, an identifiable person being a person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;

c) '*information*' means any information or data, excluding personal data or EU classified information.

Article 3

Scope of cooperation

1. The cooperation as established in this Arrangement relates to all areas of activities within ELA's remit, where such cooperation is in line with the purpose of the Arrangement referred to Article 1, will lead to an added value to such activities and is based on mutual agreement.
2. Participants will explore the possibilities to enhance their cooperation, in particular relating to:
 - c) Capacity building activities;
 - c) Exchange of expertise, information and practices, identification of activities of mutual interest, including in relation to enforcement, tackling undeclared work, analysis and risk assessment or awareness rising campaigns, where relevant for both participants;

- c) Mutual participation at meetings, where relevant, in light of Article 1 of the Arrangement.

Article 4

Relation to other EU and international instruments

This Arrangement is without prejudice to any Union legislation applicable to ELA and to any international agreements applicable to either Participant.

Article 5

Appointment of contact points

1. Both Participants will appoint respective contact points for the implementation of this Arrangement and communicate the respective contact details to the other Party.
2. From ELA, one central contact point for all communication relating to the implementation of this Arrangement will be provided.
3. From the Republic of Moldova, one central contact point at the Ministry of Labour and Social Protection of the Republic of Moldova will be provided.

Article 6

Competent national authorities

1. The operational cooperation under the scope of the present Arrangement will take place between ELA and the competent authorities for labour and social policy or for other policy relevant for the implementation of the Arrangement ('competent authorities').
2. Annex I of this Arrangement includes a list of the national authorities competent under the national law of the Republic of Moldova to cooperate with ELA in the implementation of the present Arrangement.
3. Any transmission of information under the scope of this Arrangement will be restricted to the national authorities listed in Annex I.

Article 7

Consultations

1. The Participants agree that to further the cooperation and to enhance and to monitor the implementation of the provisions of this Arrangement, regular consultations, as appropriate, will take place.
2. Such consultations will take place specifically in the form of:

- a. An annual High-level meeting between ELA's Executive Director and the high-level representative of the competent authority will be organised to discuss strategic issues relating to this Arrangement and the ongoing cooperation in general.
 - b. Regular exchanges between the contact points appointed in line with Article 5 on policy and practical issues and matters of common interest for the purpose of realising the objectives under this Arrangement.
3. When appropriate, further regular consultations will be arranged at the appropriate level between representatives of the competent authorities and ELA, to agree upon the most effective way in which to organise their particular activities.

Article 8

Information exchange

1. Exchange of information between the Participants will only take place in accordance with their respective legal framework and for the purpose of and in accordance with the provisions of this Arrangement.
2. Any onward transmission of information received by ELA will be restricted to the competent national authorities of the Member States or other Union institutions, bodies and agencies, in accordance with and within the limits of the relevant provisions of the ELA Founding Regulation.
3. Any onward transmission of information received by the Ministry of Labour and Social Protection of the Republic of Moldova to third parties other than the competent national authorities as defined in Annex 1 requires explicit prior approval by ELA.
4. Requests for public access to documents or information transmitted on the basis of the present Arrangement will be submitted to the transmitting Participant for their advice as soon as possible.

Article 9

Exchange of personal data

No personal data will be transmitted from ELA to the Ministry of Labour and Social Protection of the Republic of Moldova under this arrangement.

Article 10

Exchange of classified information

No EU classified information shall be exchanged in the implementation of this Arrangement.

Article 11

Liability

The Participants are liable, in accordance with their respective legal frameworks, for any damage caused in the implementation of this Arrangement.

Article 12

Settlement of disagreements

All disagreements which may emerge in connection with the interpretation or application of the present Arrangement will be settled by means of consultations and negotiations between the Participants.

Article 13

Expenses

The Participants will bear their own expenses which arise in the course of implementation of the present Arrangement unless otherwise agreed and in line with their respective legal framework.

Article 14

Amendments and supplements

1. This Arrangement may be amended in writing, at any time by mutual consent between the Participants. Any amendments will come into effect after the Participants have received the latest written notification to each other after the completion of their respective legal requirement and applicable procedures.
2. The Annex to this Arrangement may be amended through an Exchange of Notes between the Participants.
3. The Participants will enter into consultations with respect to the amendment of this Arrangement or its Annex at the request of either of them.

Article 15

Entry into effect

This Arrangement will enter into effect on the date after the Participants have received the latest written notification to each other on the completion of their respective legal requirements.

This Arrangement will remain valid for an undetermined period from its entry into effect, unless terminated by either Participant in accordance with Article 16.

Article 16

Termination

1. This Arrangement may be terminated in writing by either of the Participants with three months' notice.
2. In case of termination, the Participants will reach agreement on the continued use and storage of the information that has already been communicated between them. If no agreement is reached, either Participant is entitled to require that the information which it has communicated be destroyed or returned to the transmitting Participant.

Done at Bratislava on _____ in duplicate in the English language, with English being the solely authentic version.

Annex I – List of national authorities as mentioned under Article 6(2)

The national authorities in the Republic of Moldova responsible under national law for the activities listed in Article 3 of this Arrangement are:

1. State Labour Inspectorate (www.ism.gov.md)
2. National Employment Agency (www.anofm.md)