



**The Parliament of Romania  
Senate**

Bucharest, 16<sup>th</sup> May 2018

Courtesy translation

**OPINION of the ROMANIAN SENATE  
on the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL establishing a European Labour Authority – COM (131) final**

The Romanian Senate, pursuant to art. 67, art. 148 (2) and (3) of the Romanian Constitution and the Protocol no. 2 annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty on the Functioning of the European Union, signed in Lisbon in 13<sup>rd</sup> December 2007, has examined **the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Labour Authority – COM (131) final**

Having in view the report of the Committee for European Affairs from 8<sup>th</sup> of May 2018, **the Romanian Senate**, issued on 16<sup>th</sup> of May 2018 an OPINION, as follows:

(1) Notes the following:

a) the proposal for a regulation is based on Articles 46, 48, 53 paragraph (1), 62 and 91 paragraph (1) from TFEU, with an emphasis on the free movement of workers, the coordination of social security systems, the access to self-employed activities and the exercising of such activities, the freedom to provide services and common rules applicable to international transport;

b) the proposal for a regulation complies with the principle of subsidiarity, because the objectives of the proposal cannot be achieved in a satisfactory way by the member states at national, regional or local level and can be better achieved at Union level, for the following reasons:

- providing high-quality and up-to-date information and services to citizens on their own rights and obligations in cross-border situations must be coordinated at Union level to ensure a consistent, clear and effective approach;

- the application of Union law in the field of cross-border labour mobility and the coordination of social security systems is based on cooperation between member states, which means that no member state can act alone;

- to increase synergies and to support cooperation between member states in the implementation of Union legislation on labour mobility and social security coordination - in order to ensure legal certainty for both administrations and individuals, and to reach a common understanding of the needs for law enforcement – the development of a coordinated and common approach at Union level is needed, instead of using a network of bilateral or multilateral agreements that may prove complex.

c) the proposal for a regulation respects the principle of proportionality, because:

- the initiative is a response in proportion to the need for operational support and does not go beyond what is necessary to achieve this objective;

- the initiative does not impose new obligations on member states, individuals or employers, but rather focuses on supporting cross-border mobility and creating new opportunities;

- the proposal is without prejudice to decisions, legislation or enforcement activities at national level, which remain within the competence of the member states;

- the proposal leaves largely to the discretion of member states to make use of the possibilities created by the initiative.

d) the legal form chosen is that of the Regulation, as the Regulation will be based on the common approach regarding the EU decentralized agencies, endorsed in 2012 by the European Parliament, the Council and the Commission. A regulation provides legal certainty for the establishment of the Authority, which could not be achieved by other legal instruments.

(2) Considers:

- that the European Commission's arrangements are welcomed and a European Labour Authority is needed, as a result of strengthening cooperation between labour market authorities at all levels and more efficient management of cross-border situations;

- regrets that the Social Fairness Package, which also includes this proposal for a regulation, contains only palliative, marginal measures to combat inequalities in the context where exists a single European market, but with 27 distinct social systems.

(3) Appreciates:

- the creation of a European Labour Authority as an entity needed to overcome the challenges of improving the cooperation at the EU level in terms of cross-border employment and social security;

- that the establishment of the European Labour Authority could also be an opportunity to host the European agency in a member state that does not currently have an european agency headquarters in its own territory.

(4) Recommends the following:

- clarifying the aspects of how the European Labour Authority ELA will achieve the global objective of the proposal;

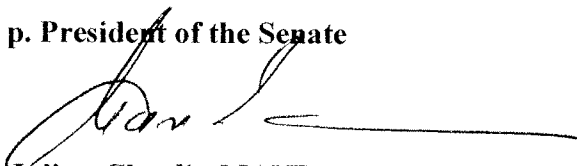
- clarifying the aspects of how the transition from the current organization of work will be made, both at the level of the European institutions and also at the level of the member states;

- clarification of the provisions of Articles 5, 6, 7 of the current proposal for a Regulation which substantially undermines Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European Employment Services (EURES), access for workers to mobility services and better integration of labour markets, and amending Regulations (EU) No. 492/2011 and (EU) No. 1296/2013 (OJ L 107, 22.4.2016, p. 1), which end their transitional period on 13 May 2018, and their provisions enter fully in force from the date referred. The provisions of the articles mentioned do not clarify how the European Labour Authority will provide this information and what are the obligations of the member states in carrying out this initiative;

- clarifying aspects of the entity of which the institution of the member state responsible for service provision will cooperate, as defined by the EURES Regulation No. 589/2016, both with the European Labour Authority and with the European Commission, for the technical functioning and the development of the EURES portal. There is a risk of a multiplication for the responsibilities of a member state;

- that it only includes palliative, marginal measures to combat inequalities, in the context of a single European market, but with 27 distinct social systems.

**p. President of the Senate**



**Iulian-Claudiu MANDA**