

European Labour Authority

comparison with EBA
role of the social partners

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June 2018



ELA

ARTICLE 5 TASKS OF THE AUTHORITY

- (a) **facilitate access to information by individuals and employers** on rights and obligations in cross-border situations as well as access to cross-border labour mobility services,
- (b) **facilitate cooperation and the exchange of information between national authorities** with a view to the effective enforcement of relevant Union law,
- (c) **coordinate and support concerted and joint inspections,**
- (d) **carry out analyses and risk assessments** on issues of cross-border labour mobility,
- (e) **support Member States with capacity-building** regarding the effective enforcement of relevant Union law,
- (f) **mediate in disputes between Member States'** authorities on the application of relevant Union law,
- (g) facilitate cooperation between relevant stakeholders in the event of **cross-border labour market disruptions.**



EUROPEAN BANKING AUTHORITY (EBA)

COMPETENCES (ABSTRACT)

develop draft regulatory or implementing **technical standards** in specific cases

issue **guidelines and recommendation** in specific cases

take individual **decisions** addressed to competent authorities in specific cases (settlement of disagreement)

in cases concerning directly applicable Union law, take individual decisions addressed to financial institutions, in specific cases

issue **opinions** to the European Parliament, the Council, or the Commission

collect the necessary **information** concerning financial institutions

develop common methodologies for assessing the effect of product characteristics and distribution processes on the financial position of institutions and on consumer protection;

provide a centrally accessible **database** of registered financial institutions



COMPARISON

ELA

facilitate access to information

facilitate cooperation and the exchange of information

coordinate and **support** concerted and joint inspections,

carry out **analyses** and risk assessments

support Member States with capacity-building

mediate in disputes

→ supportive

EBA

develop **technical standards**

issue **guidelines and recommendation**

take individual **decisions**

issue **opinions**

collect the necessary **information**

develop common methodologies

provide a **database**

→ Setting standards,
supervising and supportive

ELA

not just supportive?

- issue **recommendation or/and standards**
 - regarding cooperation and the exchange of information between national authorities
 - regarding provisions of mobility-related services to citizens and companies (Impact assessment, Option 3)

ELA, Art 12 “develop common guidelines”

- Possibility to take individual **decisions** in connection with the settlement of disagreements between competent authorities (see also next slide) ?
 - Support MS with capacity building, but no possibility to settle disagreements in a binding way?
- In depth assessment of the MS capacities (impact assessment, option 3)
- issue **opinions** on EU-law regarding cross-border situations

EBA

Settlement of disagreements, Art 19

At the request of one or more of the competent authorities concerned

1. **assist** the authorities in reaching an agreement
2. shall **set a time limit** taking into account the complexity and urgency (EBA as a mediator)
3. if the competent authorities fail to reach an agreement the EBA may **take a decision** with binding effects for the competent authority concerned
4. where a competent authority does not comply with the decision the EBA may adopt an individual **decision addressed to a financial institution** requiring the necessary action
5. decisions adopted under paragraph 4 shall prevail any previous decision adopted by the competent authorities on the same matter
6. The settlement shall be part of a report to the European Parliament when requested

ELA and social partners

- Proposal (Art 24)
 - part of the Stakeholder Group
 - meet twice a year, chaired by the Executive Director
 - may submit opinions and advice
- possible role
 - chair the Stakeholder Group (two years workers side, two years employers side)
 - right to get information at the meeting
 - right to get information on inquiry apart of the meeting
 - right to get information apart of the meeting in special cases (e.g. work program of the Management Board, analyses, mediation procedure, cross-border market disruptions)
 - hearing of the nominated Executive Director before appointment
 - Management Board has to coordinate the work program with the Stakeholder Group
 - two social partners (one of each side) being members of the Management Board
 - right to take part in working groups, expert panels or the Mediation Board